

ORDINANCE 03.2060

**AN ORDINANCE OF THE CITY OF GRAND RIVERS, KENTUCKY ESTABLISHING
PLANNING AND ZONING REGULATIONS PURSUANT TO CHAPTER 100 OF THE
KENTUCKY REVISED STATUTES**

WHEREAS, the City of Grand Rivers needs long range goals and objectives to promote and protect the health, safety, morals and general welfare of the community and,

WHEREAS, the Planning Commission has diligently prepared a comprehensive plan outlining these goals and objectives,

NOW THEREFORE THE CITY OF GRAND RIVERS, KENTUCKY DOES ORDAIN THAT
TITLE 10 IS ADDED TO THE GRAND RIVERS MUNICIPAL CODE TO READ AS FOLLOWS:
THAT THERE SHALL BE INSTITUTED PLANNING AND ZONING REGULATIONS AS
PROVIDED IN CHAPTER 100 OF THE KENTUCKY REVISED STATUTES, SAID
REGULATIONS SHALL BE KNOWN AS THE CITY OF GRAND RIVERS ZONING
ORDINANCE.

ARTICLE I

INTRODUCTION

1.01 **Goals and Objectives:** The long range goals and objectives of this Ordinance are to guide the use of land and the location of buildings in a manner that will carry out the objectives of the Grand Rivers Comprehensive Plan and that will stabilize property values and assist in achieving an orderly, desirable pattern of land uses within the City of Grand Rivers and in the surrounding areas which are covered by the Comprehensive Plan.

1.02 **Purpose:** The zoning regulations and districts set forth herein have been made in accordance with the Comprehensive Plan of the City of Grand Rivers to promote and protect the health, safety, morals and general welfare of the community. They have been designed to lessen congestion in the streets, to secure the citizens safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewage control, schools, parks and other public facilities. They have been set forth with reasonable consideration among other things, as to the character of each district and its peculiar suitability for a particular use or uses.

1.03 **Authority:** Zoning authority is granted to the City of Grand Rivers by Chapter 100 of the Kentucky Revised Statutes.

1.04 **Title:** This Ordinance shall be known and may be cited and referred to as the City of Grand Rivers Zoning Ordinance when adopted by the city's legislative body. The zoning map referred to herein as the Grand Rivers Zoning Map shall become an official part of this Ordinance when adopted by the city's legislative body. Certified copies of the text of this Ordinance and the Zoning Map are on file with the Grand Rivers' City Clerk.

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 shall be imposed or required by other provisions of law or by other rules or regulations or resolutions or ordinances, the provisions of this Ordinance shall govern.

ARTICLE II

DEFINITIONS

Unless the context otherwise requires, the following definitions shall be used in the interpretation of this Ordinance. The words which are defined are those having special or limited meaning in this Ordinance. Words with self-evident meanings are not defined herein. Words defined herein in the present tense include the future. The singular includes plural, and the plural the singular. The word shall is mandatory, not directory, as used throughout this Ordinance.

- 1.01 **Accessory Use:** A use customarily incidental to the principal use of the property.
- 2.02 **Administrative Officer:** The administrative officer is that individual who shall be recommended by the Planning Commission and appointed by the legislative body of Grand Rivers to administer this Ordinance or any other land use control regulation which may be adopted by the city. This officer may be known as the Zoning Administrator or various other titles descriptive of his work.

- 2.63 **Agriculture.** The use of the land only, minus agricultural structures, for the cultivation of crops, vegetables or forestry; the raising of animals or for the preservation of the land in its natural state.
- 2.94 **Agricultural Structure.** Any structure or building accessory to the principal agricultural use of the land on which the building is located.
- 2.95 **Alley.** A minor way used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.
- 2.96 **Alteration.** Any change or addition to the load-bearing members or the foundation of a structure.
- 2.97 **Apartment.** A single family housing unit in a multi-family housing structure.
- 2.98 **Apartment House.** Any building which is designated, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of two or more families living independently of each other.
- 2.99 **Automotive Repair.** Repair of motor vehicles or trailers including, but not limited to the rebuilding or reconditioning of engines and/or transmissions; collision services including body, frame or fender repair; painting; steam cleaning; upholstery or any other activity similar thereto. Auto repair does not include the servicing of motor vehicles with fuel and lubricants nor the washing and/or waxing of motor vehicles.
- 2.10 **Automotive Wrecking.** The dismantling or disassembly of used motor vehicles and/or trailers or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles and/or trailers or their parts.
- 2.11 **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.
- 2.12 **Billboard.** A sign which is attached to the ground by posts or other supporting structure and which exceeds forty-eight (48) square feet in area.
- 2.13 **Boarding or Lodging House.** A dwelling or part thereof occupied by a single housekeeping unit where meals and/or lodging are provided for two (2) or more unrelated persons who are not transient, for compensation by previous arrangement.
- 2.14 **Building.** Any structure enclosing an area and supporting a roof including porches and other structures enclosing an area by posts as a support for a roof.
- 2.15 **Building Height.** The vertical distance from the established average sidewalk or street grade (or finished grade at the building line, if higher) to the highest point of the building.
- 2.16 **Building Line.** The line across a lot generally parallel to the street on which the lot faces and extending from side to side, in front of which no structures are permitted to be built on the lot.
- 2.17 **Building Permit.** Any permit which may be required by the Planning Commission in connection with the construction, alteration, demolition or relocation of structures within the Planning Area. In some instances, the term shall include zoning permits, certificates of occupancy, conditional use permits and other such permits.
- 2.18 **Cellar.** That portion of a building between floor and ceiling partly underground, but having half or more than half of its height below the adjoining finished grade.
- 2.19 **Certificate of Occupancy.** A certificate issued by the Zoning Administrator after construction has taken place wherein he certifies that the building structure, or other project meets the minimum standards for human occupancy and such conditions as may have been required by the Planning Commission.
- 2.20 **Clinic.** A place used for the diagnosis and treatment of sick, ailing, ill-in and injured persons and those who are in need of medical or surgical attention, but limited to outpatients only and not including the sale of drugs or medical supplies.
- 2.21 **Commission, Planning.** The Planning Commission of the City of Grand Rivers, Kentucky. The Planning Commission shall assume all powers and duties in the implementation and enforcement of this Ordinance as provided in K. R. S. Chapter 100 as well as those otherwise exercised by a Board of Adjustment as provided for by K. R. S. 100.203(5) et seq.
- 2.22 **Conditional Use.** A use specifically named in this Ordinance which, when authorized, may be permitted in certain specified zones under certain specified conditions.
- 2.23 **Conditional Use Permit.** Legal authorization to undertake a conditional use, issued by the Planning Commission, consisting of two parts:
- (a) A statement of the factual determination by the Commission, 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.
- 2.24 **Convalescent or Nursing Home.** An establishment which provides full-time convalescent or chronic care of 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. Hospitals and sanatoriums are not included within this definition.
- 2.25 **Courtyard.** An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.
- 2.26 **Council, City.** Legislative body of the City of Grand Rivers, Kentucky.
- 2.27 **Dwelling.** A building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a boarding or rooming house or a hotel or motel.
- 2.28 **Dwelling Group.** A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or courtyard in common.
- 2.29 **Dwelling, Multi-Family.** A building or portion thereof designed for or occupied by two (2) or more families living independently of each other.

- 2.30 Dwelling, Single Family:** A detached building for or occupied exclusively for residence purposes by a single family.
- 2.31 Dwelling Unit:** The dwelling accommodations designed for one individual or family unit maintaining separate and independent housekeeping.
- 2.32 Family:** One or more persons occupying a premises and living as a single housekeeping unit. Three or more unrelated persons occupying a premises shall not constitute a family.
- 2.33 Floor Area Total:** The area of all floors of a building including finished attics, finished basements and covered porches.
- 2.34 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 motor vehicles owned and/or operated by the occupants of the principal building.
- 2.35 Garage, Public:** A building or other structure used for the parking of motor vehicles on a commercial basis.
- 2.36 Height:** The vertical distance measured from the average finished grade at the front building line to the highest point of the structure.
- 2.37 Home Occupation:** An occupation or profession carried on within a dwelling by the occupant which is clearly incidental and secondary to the use of the dwelling for residential purposes.
- 2.38 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 unrelated persons suffering from illness, injury, deformity, or abnormality or from any other condition requiring medical, obstetrical or surgical services.
- 2.39 Industry:** Those enterprises which are engaged in the manufacture of products, the processing of food, hydrocarbon, chemicals or other substances, the mining and/or processing of rock or minerals, the sale, rental or repair of industrial equipment and any other activity which is generally considered an industrial activity. Such activities may or may not result in the emission of atmospheric pollutants, light flashes or glare, odor, noise or vibration which may be heard, seen or felt off of the premises and may or may not constitute a fire or explosion hazard.
- 2.40 Junk Yard:** A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or otherwise handled including motor vehicles and parts, building materials and appliances but not including establishments for the retail sale of used automobiles or the retail sale of furniture and appliances where such activities are carried on primarily within an enclosed building.
- 2.41 Loading Space:** An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of commercial vehicles while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.
- 2.42 Lot:** A parcel of land occupied or intended to be occupied by a principal building or group of buildings and accessory buildings, or utilized for a principal use or variety of uses accessory thereto, and having frontage or other access to a public street.
- 2.43 Lot Area:** The computed area contained within the lot lines of any lot.
- 2.44 Lot, Corner:** A lot abutting and situated at the intersection of two streets.
- 2.45 Lot Depth:** The mean horizontal distance between the front and rear lot lines.
- 2.46 Lot, Interior:** A lot other than a corner lot.
- 2.47 Lot Lines:** The boundary dividing a lot from a right-of-way, adjoining lot or other adjoining tract of land.
- 2.48 Lot Line, Front:** Property line separating the lot from a street or other right-of-way.
- 2.49 Lot Line, Rear:** The lot line opposite and most distant from the front lot line.
- 2.50 Lot Line, Side:** Any lot line other than the front and rear lot lines.
- 2.51 Lot, Through:** Any lot having frontage on two parallel or approximately parallel streets.
- 2.52 Lot Width:** The mean width of the lot measured at right angles to its depth.
- 2.53 Lot of Record:** Recorded lot on file in the Livingston County Court Clerk's office.
- 2.54 Mobile Home or Trailer:** Any vehicle, trailer or similar portable structure, with or without its own motive power, having no integral foundation other than wheels, jacks or skidways, and used, designed or constructed to permit occupancy, either permanent or temporary, for dwelling, sleeping or commercial purposes. A pre-manufactured home measuring not less than twenty-four (24) feet in depth and forty-eight (48) feet in width, when installed on a foundation of concrete or other permanent and suitable material, shall not be considered to be a mobile home.
- 2.55 Mobile Home Park or Trailer Park:** Any parcel of land developed, used or designed to be used for the location, either temporary or permanent, of two or more mobile homes or trailers.
- 2.56 Motel or Motor Hotel:** A series of attached, semi-attached or detached sleeping or living units for the accommodation of transient guests.
- 2.57 Non-conforming Use:** An activity or use of a building, sign, structure or parcel of land which, although lawful at the time of enactment of this Ordinance, does not conform with the permitted use provisions of this Ordinance for the zoning district within which it is located.
- 2.58 Parking Space:** A permanent area not less than one hundred eighty (180) square feet, either within a structure or in the open, exclusive of driveways or access drives, devoted to the parking of a motor vehicle.
- 2.59 Senior Citizen or Retirement Home:** An establishment which provides full-time living accommodations and day-to-day non-medical care for three (3) or more individuals who are not related by blood or marriage to the operator and who by reason of old age or other disability require or desire aid in their day-to-day living. Such establishments are distinguished from a

convalescent or nursing home because they do not provide full-time convalescent or chronic care for the inhabitants.

2.60 Subdivision: The division of a parcel of land into two or more parcels by deed or other conveyance, the smallest of which resulting parcels is one acre or less.

2.61 Street: A way used or intended to be used for vehicular and pedestrian traffic.

2.62 Thoroughfare Plan: Proposals for the most desirable, appropriate, economic and feasible patterns for the general location, character, and extent of the channels, routes and terminals for transportation facilities for persons and goods for specified times as far into the future as is reasonable to foresee.

2.63 Variance, Dimensional: A departure from the terms of the zoning regulations pertaining to height or width of structures or the size of yards and open space where, owing to conditions peculiar to the property because of its size, shape or topography, the literal enforcement of the zoning regulations would result in unnecessary and undue hardship in the appropriate use of the property and the waiver thereof will not adversely affect adjoining property owners.

2.64 Yard: An open space on a lot other than a courtyard, which is unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.

2.65 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.

2.66 Yard, Rear: That portion of the yard extending the full width of the lot and extending between the rear lot line and the nearest part of the principal building.

2.67 Yard, Side: Those portions of the yard extending from the nearest part of the principal building to the side lot lines.

2.68 Zoning Map: The official zoning map adopted by the legislative body of the City of Grand Rivers, Kentucky which indicates the various zoning districts within the planning area.

ARTICLE III

DISTRICTS AND BOUNDARIES

3.01 Zoning Districts Established: For the purpose of this Ordinance, the incorporated territory of Grand Rivers, Kentucky, and the unincorporated territory of Livingston County, Kentucky, which has been included within the planning area, are divided into the following categories of zoning districts:

(AOS) Agricultural and Open Space District: Undeveloped land in a general natural state. Includes woods, hills, shoreline, grassland and agricultural lands. Also includes low density, large lot residential property which is not a part of a formal subdivision.

(SFR) Single Family Residential District: Single-family lots in a more urban setting than AOS. Includes smaller single-family lots located along collector and arterial roads as well as larger lots, all of which may or may not be a part of a formal subdivision.

(MFR) Multi-Family Residential District: Multi-family lots for duplex, apartment and other forms of multi-family living.

(GOV) Governmental District: Government owned property and facilities including locks, dams, bridges, offices and other supporting facilities, and other non-recreational public use areas.

(REC) Recreational District: Parks, resorts and other leisure activity areas. Includes both public and privately owned sites and facilities.

(CC) Central Commercial District: Retail and professional activities oriented toward Grand Rivers central downtown business district.

(HC) Highway Commercial District: Retail and professional activity areas oriented to I-24, U.S. 62 and other primary arterial roads.

(IND) Industrial District: Includes manufacturing, wholesale activities, mining, railroads, commercial shipping and repair, contracting and other similar industrial activity areas.

3.02 Boundaries: The boundaries of the above zoning districts are hereby established as shown on the Zoning Map which is on file in the office of the City Clerk of Grand Rivers, Kentucky.

3.03 Boundary Lines - Interpretation: The boundary lines of zoning districts are lot lines, the center lines of streets and alleys or such lines extended, the center lines of creeks, rivers and lakes or such lines extended, railroad rights-of-way lines and/or the corporate limit lines as they exist at the time of the enactment of this Ordinance.

3.04 Lot Divided - Extension of District: Where a district boundary line, established on the Zoning Map, divides a lot of single ownership which was recorded at the time of enactment of this Ordinance, then the least restricted district requirements under which the lot has been divided shall be applied to the entire lot.

3.05 Vacated Lot or Alley: Whenever any street, alley or other public way is vacated through legal action, the zoning districts shall be extended, depending on the side of sides to which such land reverts.

3.06 Annexed Lands: In every case where land becomes a part of the City through annexation, such newly annexed land shall automatically be zoned as such lands are designated on the Zoning Map and shall remain in effect unless or until the Planning Commission makes recommendations to the City Council for a zoning change.

3.07 Extension of Zoning Authority: Should the legislative body of Livingston County grant to the legislative body of the City of Grand Rivers the authority to zone outside the corporate limits of the city any distance up to five miles as authorized by the Kentucky Revised Statutes, such lands shall be zoned as designated in the Grand Rivers Comprehensive Plan. Such districting shall remain in effect unless and until the Planning Commission makes recommendations to the city legislative body for a zoning change.

ARTICLE IV

GENERAL DISTRICT REGULATIONS

Except as herein specified, the following regulations shall be apply within all zoning districts.

4.01 Activities Affected - Conformance Required: Land which is used solely for agricultural, farming, dairying, stock raising or similar purposes and land which is used solely for mining of rock or other minerals shall have no regulations imposed as to building permits, certificates of occupancy, height, yard or location requirements for agricultural or mining buildings, except that (a) setback lines may be required for the protection of existing and proposed streets and highways, and (b) that all buildings or structures in a designated floodway or flood plain or which tend to increase flood heights or obstruct the flow of flood waters may be fully regulated.

Except as specified above, zoning affects every building, structure and use. No building, structure or land shall hereafter be used and no building, structure or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with these regulations for the district in which it is located.

4.02 Continuance of Non-conforming Use - Exceptions: The lawful use of a building, structure or premises, existing at the time of the enactment or subsequent amendment of this Ordinance, but not in conformity with its provisions, may be continued within the following limitations:

- (1) A non-conforming use shall not be extended, enlarged or moved to occupy any portion of land or structure except in conformity with this Ordinance.
- (2) A non-conforming use shall not be re-established after discontinuation for a period of six (6) months.
- (3) A non-conforming use may be changed only to a conforming use, unless the Planning Commission finds that the new non-conforming use is in the same or a more restrictive classification.

4.03 Access Control: Any lot with less than one hundred (100) feet of frontage shall have no more than one point of access to any single street or highway. There shall be no more than two (2) points of access to any one public street or highway on a lot with more than one hundred (100) feet but less than four hundred (400) feet of frontage on the street or highway. Lots with more than four hundred (400) feet of frontage may have one additional point of access for each additional two hundred (200) feet of frontage.

No point of access shall be permitted within twenty (20) feet of the intersection of the right-of-way lines of intersecting streets and/or highways.

No curbs on city streets or rights-of-way shall be cut or altered without written approval of the Zoning Administrator.

No point of access shall exceed twenty (20) feet in width for one way and/or one-lane ingress and egress. Points of access for two-lane ingress and egress shall not exceed thirty-six (36) feet in width.

4.04 Accessory Buildings: Accessory buildings shall be permitted in rear yards only and must be ten (10) feet from all adjoining property lines.

4.05 Dwellings in Rear of Main Buildings Prohibited - Exceptions: No buildings in the rear of a principal building on the same lot shall be used for residential purposes unless it conforms to all the yard, open space, and off-street parking requirements of this Ordinance. The front yard requirements for a rear dwelling shall be measured for the required rear yard line of the principal building. A Certificate of Occupancy must be obtained before a rear dwelling shall be used for residential purposes.

4.06 Height Limitations - Exceptions: The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, domes, monuments, water towers, observation towers, conveyors, flag poles, masts, antennas, bams, silos and other such structures not intended for human occupancy.

4.07 Lot of Record: Where a lot of official record which at the time of the adoption of this Ordinance does not include sufficient land to conform to the requirements of this Ordinance, the owner thereof may submit an application to the Planning Commission for a variance to use the lot in accordance with the requirements of the zoning district within which the lot is situated. The Commission may permit such lot to be used as a building site provided it conforms to the requirements for the district in which it located as closely as possible in the opinion of the Commission.

4.08 Mobile Home: The placement and/or use of a mobile home as a dwelling unit on any lot other than a lot in a licensed and/or approved mobile home park is prohibited except that a mobile home or trailer may be placed and used as a dwelling in any SFR or MFR residential zone on a lot conforming to the requirements of this Ordinance for a period not to exceed twelve (12) months provided that the occupant of the mobile home is the owner of the lot of record and requires the mobile home as a temporary residence while constructing a permanent dwelling on the lot which conforms with the requirements of this Ordinance. Any lot owner seeking to place or use a mobile home for such purpose shall make application for and obtain a Building Permit from the Zoning Administrator for the construction of the permanent dwelling to be placed upon the lot. The lot owner may thereafter make a written request to the Planning Commission, including proof of intent and financial ability to construct the permanent conforming dwelling. The Planning Commission may direct the Zoning Administrator to issue a permit for the mobile home placement and use for up to twelve (12) months. The Commission may revoke such permit upon thirty (30) days notice to the owner if it determines that the owner does not intend to follow through with the construction of the permanent dwelling within said twelve (12) month period. Upon receipt of such notice, the owner of the mobile home shall remove same from the lot within thirty (30) days.

A mobile home shall be permitted in an AOS District as a dwelling unit provided that the lot or land upon which the mobile home is located is used for agricultural purposes and the occupant is employed by or supervises the agricultural activities thereon.

4.09 Off-Street Parking: Off-street automobile parking or standing space shall be provided on any lot on which any of the following uses are hereafter established and such space shall be provided with vehicular access to a public street or alley. For purposes of computing the number of parking spaces available in a given area, the ratio of two hundred fifty (250) square feet per parking space shall apply. The following are minimum requirements for specific uses:

- (1) **Single Family Dwellings:** Two (2) spaces for each family dwelling unit.
- (2) **Multi-Family Dwellings:** One and one half (1-1/2) spaces for each one bedroom family dwelling unit. Two (2) spaces for each two bedroom family dwelling unit. Two and one half (2-1/2) spaces for each family dwelling unit containing three or more bedrooms.
- (3) **Boarding Houses and Rooming Houses:** One (1) space for each two rooms intended for occupancy by boarders or roomers.
- (4) **Hotels, Motels and Resorts:** One (1) space for each room or family unit offered for accommodations.
- (5) **Restaurants in Highway Commercial Districts:** One (1) space for each five (5) seats of seating capacity and a loading zone capable of parking one tractor/trailer truck.
- (6) **Theaters, auditoriums, churches, stadiums or other places of public assembly:** One space for each ten (10) seats available at full capacity.
- (7) **Industrial Plants:** One (1) space for each five (5) persons employed or intended to be employed on the largest shift of the employment and a loading zone capable of parking one tractor/trailer truck for each fifty (50) persons employed or intended to be employed on the largest shift of employment.
- (8) **Commercial or Business Building in Highway Commercial District:** One (1) space for each five hundred (500) square feet of ground floor space.
- (9) **Mobile Home Park:** One (1) space for each mobile home site.

4.10 Outdoor Advertising Signs and Billboards: Billboards shall be permitted in Agricultural (AOS) and Industrial (I) Districts only. Billboards shall not exceed three hundred (300) square feet in area and shall be set back from the established right-of-way of any street, road or highway at least as far as the required front yard depth for a principal building in such district.

No sign or billboard shall be permitted in any single family or multifamily Residential District other than real estate signs advertising the sale or rental of the premises or signs advertising an income business on the premises. Such signs shall not exceed four (4) square feet in area and shall be located at least ten (10) feet from all lot lines.

No sign or billboard shall be permitted in any Recreational District other than real estate signs advertising the sale or rental of the premises.

No sign shall be permitted in the Central or Highway Commercial District other than signs advertising the business or businesses being conducted on the premises where the sign is located. Signs attached to the ground by posts or other structures shall not exceed thirty-two (32) square

feet in area and shall be located at least ten (10) feet from all side lot lines. Signs on the face of a building shall not exceed in area ten percent (10%) of the total square footage of the face of the building upon which the sign is located.

Advertising signs, structures or lights for illuminating signs, where permitted, shall in no case be placed in or extended over any street, road or highway right-of-way.

4.11 Setback Lines, Exceptions: Front yard minimum setback lines may be varied where the average depth of principal buildings on adjoining properties is less than the depth prescribed in this Ordinance. In such case, the front yard minimum setback line shall not be less than the average setback of the structures on the two (2) lots immediately adjoining.

4.12 Subdivision Coordination Required: In all cases where the ownership of land is divided so as to create a subdivision of such land as defined in Section 2.60 of this Ordinance, the provisions of Article XII through Article XVII, as applicable, shall apply to such division and no plat, deed or other conveyance of property shall be valid without the express written approval of the Planning Commission.

4.13 Water Supply and Sewage Disposal Approved: It shall be unlawful to construct any building or dwelling without public water supply and public sewage disposal facilities where reasonably available to the premises and approved by the County Health Officer. Where the City Manager certifies in writing to the owner that public water supply and/or public sewage disposal facilities are not reasonably available to the premises, the owner of the premises may provide such facilities provided that they are first approved by the County Health Officer.

4.14 Conditionally Permitted Uses - Require Written Approval of the Board of Adjustment: Whenever a conditionally permitted use is permitted in any district as set forth in this Ordinance, the owner of the premises must first obtain written approval of the Planning Commission before beginning the construction of any structure and/or use of the premises for such purposes. The Commission may either approve or deny such request as it deems appropriate in the best interests of the public and may attach such 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. Conditional permitted uses, when approved by the Planning Commission for a district, shall meet all of the conditions for such use as set forth in this Ordinance for the district or districts where such use would constitute a principally permitted use as well as any conditions which may be prescribed by the Commission.

ARTICLE V

AGRICULTURAL AND OPEN SPACE DISTRICT (AOS)

5.01 Principal Permitted Uses: The following activities constitute the principal permitted uses in an Agricultural and Open Space District:

- (A) Agricultural activities including the cultivation of crops, vegetables, and other plants; the raising and feeding of animals; dairying; the operation of feed lots and the preservation of land in its natural state.
- (B) Single family dwellings including mobile homes as defined in this Ordinance, when occupied by the owner or operator of the farm and such additional single-family dwellings including mobile homes as are necessary for occupancy by persons whose principal occupation is the supervision of or working on the farm.
- (C) Sale on the premises of agricultural products produced on the premises.
- (D) Public and private land for permanent open space reserve or for future development in accord with this Ordinance.

5.02 Conditionally Permitted Uses: The following activities shall constitute a conditionally permitted use in an Agricultural and Open Space District:

- (A) Public, private and parochial schools and colleges for academic instruction.
- (B) Country clubs and golf courses; public parks; playgrounds and community centers; churches and other places of worship; public and private recreational areas; public utilities; and city, county, state or federally owned buildings and uses.
- (C) Airports and landing strips; cemeteries; public and private sewage disposal plants; hospitals for human or animal care; hospitals, sanitariums, and nursing homes.
- (D) Planned Mobile Home Parks as permitted by this Ordinance.
- (E) Planned Industrial Parks as permitted by this Ordinance.
- (F) Planned Commercial Recreational Centers as permitted by this Ordinance.
- (G) Planned Retail Shopping Centers as permitted by this Ordinance.
- (H) Planned Residential Development Projects as permitted by this Ordinance.

5.03 Accessory Uses Permitted: Accessory buildings which are used in agricultural operations such as barns, sheds, equipment garages, silos and buildings used for the sale of products produced on the premises shall be permitted.

- 5.04 **Dimensional Regulations:** Residential dwellings, accessory buildings and other permitted structures shall be set back from the right-of-way of any public street or road at least thirty-five (35) feet.

ARTICLE VI

SINGLE FAMILY RESIDENTIAL DISTRICTS (SFR)

- 6.01 **Principal Permitted Uses:** The following activity constitutes the principal permitted use of property in a Single Family Residential District:
- 6.02 **Conditionally Permitted Uses:** The following activities shall constitute a conditionally permitted use in a Single Family Residential District:
- (A) Single family dwellings.
 - (A) Churches, parish houses and other places of worship.
 - (B) Public and private libraries and schools.
 - (C) Public parks and non-commercial recreational facilities.
 - (D) Public utilities

- 6.03 **Accessory Uses:** Accessory buildings and uses such as detached garages shall be permitted only as customarily incidental to any of the permitted and conditionally permitted uses listed above.

Other accessory uses within a Single Family Residential District may include an office or studio in the residence of a professional person or a customary home occupation such as handicrafts and dressmaking provided that (a) not more than one third (1/3) of the area of one floor of the dwelling is devoted to such accessory use; (b) not more than one (1) person not a resident on the premises is employed by the occupant; and (c) no such use shall require exterior structural alterations or involve exterior structural features not customary in single family dwellings. An indirectly lighted name plate, not over four (4) square feet in area, shall be permitted.

- 6.04 **Height Requirements:** No principal or accessory structure shall exceed three (3) stories or thirty-six (36) feet in height.

- 6.05 **Dimensional Requirements:** The following dimensional requirements shall apply to all lots in a Single Family Residential District.

- (A) The minimum required lot area shall be 7,500 square feet.
- (B) The minimum lot width at the front building line shall be 60 feet.
- (C) All buildings shall have a minimum front yard setback of twenty-five (25) feet.
- (D) All buildings except unattached accessory buildings shall have a minimum rear yard setback of twenty (20) feet and a minimum side yard setback of ten (10) feet on each side. The minimum width of side yards along intersecting streets shall be the same as the front yard setback requirement.

ARTICLE VII

MULTI-FAMILY RESIDENTIAL DISTRICTS (MFR)

- 7.01 **Principal Permitted Uses:** The following activities constitute the principal permitted uses of property in a Multi-Family Residential District:

- (A) Single family dwellings and multi-family dwellings and apartment buildings..

- 7.02 **Conditionally Permitted Uses:** The following activities shall constitute a conditionally permitted use in a Multi-Family Residential District:

- (A) All conditionally permitted uses in a Single Family Residential District.
- (B) Funeral Homes and Cemeteries.
- (C) Boarding or Lodging Houses.
- (D) Convalescent and Nursing Homes

- (E) Senior Citizens and Retirement Homes
- (F) Hospitals and Sanitariums

7.03 Accessory Uses: Accessory buildings and uses such as detached garages shall be permitted only as customarily incidental to any of the permitted and conditionally permitted uses listed above.

7.04 Height Requirements: Height requirements for structures in a Multi-Family Residential District shall be the same as those applicable to Single Family Residential Districts.

7.05 Dimensional Requirements: The following dimensional requirements shall apply to all lots in a Multi-Family Residential District:

- (A) The minimum required lot area for a single family dwelling shall be 6,000 square feet.
- (B) The minimum required lot area for a duplex or other dwelling intended for occupancy for two families shall be 10,000 square feet and the lot area shall be increased in size by 3,000 square feet for each family unit beyond two.
- (C) The minimum lot width at the front building line shall be 50 feet for single family dwellings and 70 feet for multi-family dwellings.
- (D) All buildings shall have a minimum front yard setback of twenty-five (25) feet.
- (E) All buildings except unattached accessory buildings shall have a minimum rear yard setback of fifteen (15) feet and a minimum side yard setback of ten (10) feet on each side. The minimum width of side yards along intersecting streets shall be the same as the front yard setback requirement.

ARTICLE VII

GOVERNMENT DISTRICT (GOV)

8.01 Principal Permitted Uses: The following activities constitute the principal permitted uses of property in a Governmental District:

- (A) Locks, dams, power plants, repair facilities, bridges, offices and other supporting structures owned and/or operated by the federal government.
- (B) Public Utilities
- (C) State, County or Municipally Owned Structures and Facilities

8.02 Accessory Uses: Accessory buildings and structures which are necessary or desirable for the use and operation of the principal use shall be permitted.

8.03 Height and Dimensional Regulations: There shall be no height or dimensional regulations pertaining to buildings and other structures owned and/or operated by the federal, state, county or municipal government in a Government District.

ARTICLE IX

RECREATIONAL DISTRICT (REC)

9.01 Principal Permitted Uses: The following activities constitute the principal permitted uses of property in a Recreational District:

- (A) Marinas including wet slips, covered docks, moorings and dry storage racks for boats, boat ramps and other structures for launching and retrieving boats from the water; buildings and other structures and facilities used in the rental, sale and/or repair of boats and other watercraft, fueling stations and fuel docks for the sale and dispensing of petroleum products for boats and buildings for the sale of boating accessories and other merchandise customarily sold to and used by boaters.
- (B) Excursion boat docks and other facilities for taking on and discharging passengers and facilities for the sale of tickets to the public.
- (C) Public and private horseback riding stables and related structures used in providing recreational horseback riding to the public.
- (D) Public restaurants and private dining establishments located in a resort and designed primarily to accommodate patrons of the resort.
- (E) Hotels, motels, condominiums and other residential structures which are available for rent to the public and are a part of a planned resort owned and/or operated by a single person, firm or corporation.

- (F) Single family residences which are located within a resort and are intended to be occupied by the owner, operator and/or employees of the resort.
- (G) Country clubs; golf courses; tennis courts; ball diamonds; public parks; playgrounds; community centers; outdoor amphitheaters and public recreational areas.
- (H) Public utilities and city, county, state or federally owned public buildings, structures and other facilities.
- (I) Public, semi-public and private lands to be permanently reserved for open space and/or natural woodlands.

9.02 Conditionally Permitted Uses: The following activities shall constitute a conditionally permitted use in a Recreational District:

- (A) All conditionally permitted uses in a Single Family or Multi-Family Residential District.

9.03 Accessory Uses: Accessory buildings shall be permitted as are customarily incidental to any of the permitted and conditionally permitted uses listed above.

9.04 Height Requirements: Height requirements for structures in a Recreational District shall be the same as those applicable in a Single Family Residential District.

9.05 Dimensional Requirements: Dimensional requirements for any structure in a Recreational District shall be the same as those applicable in a Single Family Residential Districts.

ARTICLE X

CENTRAL COMMERCIAL DISTRICT (CC)

10.01 Principal Permitted Uses: The following activities constitute the principal permitted uses of property in the Central Commercial District:

- (A) Any retail sales establishment such as drug stores, grocery stores, hardware stores, clothing stores, banks and other financial institutions; hotels, motels, bed and breakfast inns; theatres, restaurants, gift shops, antique stores, variety stores, jewelry stores, computer stores and health care stores.
- (B) Any retail service establishment which provides service to the public such as shoe repair, jewelry repair, barber and beauty shops; art, radio and television studios; computer instruction and repair shops; self service laundries and places of amusement and assembly.
- (C) Postal facilities, office buildings and professional establishments such as legal offices, medical clinics, accounting and engineering firms.
- (D) Any other retail business or service establishment which is determined by the Planning Commission to be of the same general character as the above mentioned uses.

10.02 Conditionally Permitted Uses: The following activities shall constitute a conditionally permitted use in the Central Commercial District:

- (A) All conditionally permitted uses in a Single Family or Multi-Family Residential District.
- (B) Dry cleaning establishments, provided that the premises meets all applicable fire codes, have venting which assures dispersion of fumes and odors at least twenty-five (25) feet above the street level or five (5) feet above the roof level of the highest nearby building; use only non-flammable solvents; receive and disburse clothing for cleaning to the public from the premises; do not provide pick-up or delivery services from the premises and provide a minimum of two (2) off-street parking spaces for customers.

10.03 Prohibited Commercial Uses: In no case shall the following uses be permitted within the Central Commercial District:

- (A) New or used automobile, truck, tractor, farm implement, motorcycle, off road vehicle, trailer or mobile home sales or service.

- (B) Drive-in restaurants, theatres, automobile filling stations, car washes or other drive-in establishments.
- (C) Any other similar use which the Zoning Administrator determines to be detrimental to the Central Commercial District as a pedestrian-oriented, retail consumer-service hub.

10.04 Accessory Uses: Accessory buildings and uses shall be permitted as customarily incidental to any of the permitted and conditionally permitted uses listed above.

10.05 Required Conditions for Use: All permitted and conditionally permitted uses within the Central Commercial District shall be conducted wholly within an enclosed building except for the display of merchandise on the sidewalk immediately in front of the enclosed retail building and except for the sale of automotive fuel at service stations.

10.06 Height Restrictions: No building or structure shall exceed the height limitations applicable to buildings and structures in a Multi-Family Residential District without the express approval of the Planning Commission. Such approval shall only be granted where the height of the proposed structure would, in the judgment of the Commission, blend in with and not detract from the overall appearance of the Central Commercial District.

10.07 Dimensional Requirements: There are no minimum dimensional requirements for the Central Commercial District.

ARTICLE XI

HIGHWAY COMMERCIAL DISTRICT (HC)

11.01 Principal Permitted Uses: The following activities constitute the principal permitted uses of property in a Highway Commercial District:

(A) All permitted and conditionally permitted uses in the Central Commercial District.

(B) All Prohibited Commercial Uses set forth in Section 10.03

11.02 Conditionally Permitted Uses: The following activities shall constitute a Conditionally Permitted Use in a Highway Commercial District:

(A) A retail business or service establishment may engage in the manufacturing of articles to be sold at retail to consumers on the premises, provided that such manufacturing shall be light in nature and incidental to the retail business and not more than five (5) persons are engaged in the manufacturing process.

11.03 Accessory Uses: Accessory buildings and uses shall be permitted as customarily incidental to any of the permitted and conditionally permitted uses listed above.

11.04 Screening: Where a commercial use shares a lot line with an adjoining residential lot, a well-maintained compact hedge, a solid fence or similar solid screen four to six feet in height shall be installed by the business establishment to screen its activities from the adjoining residential lot. The screen shall begin at the front building setback line and extend to the rear property line.

11.05 Height Restrictions: The height restrictions for Highway Commercial Districts shall be the same as those for the Central Commercial District.

11.06 Dimensional Requirements: The dimensional restrictions for a Highway Commercial District shall be the same as those for a Single Family Residential District.

ARTICLE XII

INDUSTRIAL DISTRICT (I)

12.01 Principal Permitted Uses: The following activities constitute the principal permitted uses of property in an Industrial District:

(A) Any industrial, manufacturing, fabrication, mining or other processing which will not result in the emission of pollutant light flashes or glare, odor, noise or vibration which may be heard, seen or felt off the premises, and which may or may not constitute a fire or explosion hazard except those uses set forth in Section 4.09(b) below.

(E) All Prohibited Commercial Uses set forth in Section 10.03 above.

12.02 Conditionally Permitted Uses: The following activities shall constitute a conditionally permitted use in an Industrial District:

(A) The manufacture of acids, acetylene gas, ammonia, charcoal, chemicals, fertilizer, poison, lime, sulfur, sulfuric acid or other hazardous materials or substances.

(B) The processing and/or storing of petroleum products for sale.

(C) The operation of a stockyard or animal processing facility.

(D) Any other industrial, manufacturing, fabrication, mining or processing use which the Planning Commission determines to be detrimental to surrounding properties or to possess other characteristics which would be a nuisance to the surrounding properties or residents of the city.

12.03 Accessory Uses: Accessory buildings and uses shall be permitted as customarily incidental to the permitted and conditionally permitted uses listed above.

12.04 Required Conditions: Junk yards, salvage and scrap iron yards shall be enclosed by a fence, wall or other screening acceptable to the Planning Commission and such screening shall be not less than eight (8) feet in height.

12.05 Height Restrictions: There shall be no height restrictions in an Industrial Use District.

12.06 Dimensional Requirements: Dimensional requirements for any structure in an Industrial District shall be the same as those applicable in a Single Family Residential District.

ARTICLE XIII

PLANNED MOBILE HOME PARK

Except as specifically permitted in Section 4.03 above, mobile homes shall be permitted in a Planned Mobile Home Park located in an Agricultural and Open Space District, provided the following requirements are met:

13.01 Ownership: Mobile home parks shall be owned by a single person, partnership, corporation or other legal entity. No site or lot within the park shall be sold, transferred or otherwise conveyed to any person, partnership, corporation or other entity so as to separate the ownership of the site or lot from the remaining lands constituting the approved mobile home park.

13.02 Area and Density Requirements: No mobile home park shall be permitted on any lot less than two (2) acres in size. The developer may be permitted to develop the park in stages as long as he complies with the overall approved plan for the entire tract and initially has a minimum of eight (8) trailer lots developed for use. The number of mobile homes permitted in the park shall not exceed a density of eight (8) mobile homes per net acre - a net acre being the land to be divided into mobile home sites after streets and other required improvements have been installed.

13.03 Site Requirements: Individual mobile home sites within the mobile home park shall be not less than five thousand (5,000) square feet in area and in no instance shall more than one (1) mobile home be permitted on a single site. The minimum width of any site shall be fifty (50) feet.

13.04 Setbacks: No mobile home or other structure shall be located closer to any street or highway than the minimum front yard setback established by this Ordinance for permanent residential structures in an Multi-Family Residential Zone. No mobile home shall be located closer than fifteen (15) feet to any building within the park or closer than thirty (30) feet to any property line of the park.

13.05 Spacing: No mobile home shall be located within twenty-five (25) feet of another mobile home except that a minimum end-to-end clearance of fifteen (15) feet shall be permitted.

13.06 Streets: All mobile home sites shall abut upon a street. All streets within a mobile home park shall have a right-of-way of not less than twenty-four (24) feet and a pavement of not less than twenty (20) feet. Only one such street shall access a public street or highway for each two (2) acres of the park which are fully developed. All streets within the park shall be hard-surfaced to Kentucky Department of Highway specifications for secondary roads and well lighted.

13.07 Parking: A minimum of one paved automobile parking space shall be provided on every mobile home site. In addition, the park shall provide one public parking space for each four mobile home sites developed within the park. This additional parking may be in a central location within the park.

13.08 Utilities: All mobile home sites within the park shall be provided underground with city water, city sewers if available to the area or otherwise an approved septic system, and underground electrical facilities meeting the standards of all applicable electrical codes. Each mobile home in the park shall be properly connected to all such utilities.

13.09 Accessory Structures: No accessory structure including patios and pads shall be located within ten (10) feet from any side lot line. The maximum floor area of any accessory structure shall be one hundred and fifty (150) square feet and the maximum height shall not exceed the height of the mobile home on the site. All accessory structures shall be built in accordance with applicable code provisions of this Ordinance.

13.10 Foundations: All mobile homes within an approved park shall have their wheels removed and placed on concrete blocks or pilings with approved tie-down as required by applicable code provisions. A skirting material of a permanent nature shall be built between the ground and the bottom outside edge of the mobile home.

13.11 Landscaping: All mobile home parks shall be landscaped so as to provide a landscape barrier between the mobile homes within the park and public streets and highways. Such landscaping may be in the form of a tasteful combination of plantings and decorative fencing.

ARTICLE XIV

PLANNED INDUSTRIAL PARK

Planned Industrial Parks shall be permitted in Industrial Districts (I) and in Agricultural and Open Space Districts, provided that the following requirements are met:

14.01 Ownership: Planned Industrial Parks shall initially be owned and developed by a single person, partnership, corporation or other legal entity. Once construction of the park is complete and the developer has been issued a Certificate of Occupancy, lots for building sites within the park may be sold, leased or otherwise transferred to other persons or firms but the occupants of such lots shall continue to be bound by the provisions of this Ordinance.

14.02 Area and Density Requirements: No Planned Industrial Park shall be permitted on any parcel of land less than five (5) acres in size. No individual lot within the Planned Industrial Park shall be less than one (1) acre in size. The developer may be permitted to develop the park in stages as long as he complies with the overall approved plan for the entire tract and initially has a minimum of five (5) acres developed for use.

14.03 Site Requirements: Individual building sites within a Planned Industrial Park shall be a minimum of one (1) acre in size and the minimum width of any lot at the front building line shall be one hundred fifty (150) feet.

14.04 Setbacks: No building or other structure shall be located closer than fifty (50) to any public street or highway and no closer than thirty (30) feet to any interior street. No building or other structure shall be located closer than fifteen (15) feet to any side or rear property line of the lot.

14.05 Streets: All lots within a Planned Industrial Park shall abut upon a street. All streets within a Planned Industrial Park shall have a dedicated right-of-way of not less than fifty (50) feet and a pavement of not less than twenty-eight feet. Only one interior street shall access a public street or highway for each five acres of the park. All streets within a Planned Industrial Park shall be hard-surfaced in accordance with Kentucky Highway Department specifications for secondary roads.

14.06 Parking: One paved automobile parking space shall be provided on each lot for each five (5) persons employed or intended to be employed on the premises on the largest shift of the employment.

14.07 Utilities: All building sites within a Planned Industrial Park shall be provided with underground city water and city sewers if available to the area. If city sewers are unavailable to the area, each building site shall be provided with an approved septic system or sewage treatment plant. All electrical utilities shall be underground to the maximum extent possible and shall meet the standards of all applicable electrical codes. Each building and other structure within the park shall be properly connected to all such utilities.

14.08 Building Heights: No building or other structure in a Planned Industrial Park shall exceed three (3) stories or thirty-six (36) feet in height.

14.09 Screening and Landscaping: All building sites within a Planned Industrial Park shall be screened and landscaped so as to provide a landscape barrier between the industrial buildings and public streets and highways. Such screening may be in the form of a tasteful combination of plantings and decorative fencing.

14.10 Loading Docks: No loading dock shall front on any public street or highway.

14.11 Fumes and Odors: No noxious or offensive trade or activity shall be carried on, nor shall anything be done on any lot within a Planned Industrial Park which may be or become an annoyance or nuisance to the other lots within the park or to adjoining or surrounding properties by reason of unsightliness or the emission of fumes, odors, dust, smoke or noise.

14.12 Storage Facilities: No materials or supplies shall be stored or permitted to remain on any part of the property outside the buildings thereon without proper screening and adequate distances from adjoining properties.

14.13 Accessory Structures: Accessory buildings and uses shall be permitted as customarily incidental to any of the permitted and conditionally permitted uses in an Industrial District (I).

14.14 Waste Disposal: No waste material or refuse shall be stored upon or permitted to remain upon any part of a Planned Industrial Park.

14.15 Billboards and Signs: No billboards shall be permitted in a Planned Industrial Park except for one (1) billboard advertising the park. No advertising signs other than those identifying the name, business and products of a firm occupying a building in the park shall be permitted. Such signs may be lighted but shall be no greater than thirty-two (32) square feet in area.

ARTICLE XV

PLANNED COMMERCIAL RECREATIONAL CENTERS

Planned Commercial Centers shall be permitted in Recreational Districts (REC) and in Agricultural and Open Space Districts (AOS) for the permitted uses set forth in Section 9.01 of this Ordinance, provided that the following requirements are met:

15.01 Ownership: Planned Commercial Recreational Centers shall owned, developed and operated by a single person, partnership, corporation or other entity. No site within the park shall be sold, transferred or otherwise conveyed to any person, partnership, corporation or other entity so as to separate the ownership of the site or lot from the remaining lands constituting the approved Commercial Recreational Center. Nothing herein contained shall prevent the owner of a Commercial Recreational Center from renting or leasing sites within the center to other persons, partnerships, corporations or other entities so long as the developer continues as the owner of the center and all improvements thereon.

15.02 Area and Density Requirements: No Planned Commercial Recreational Center shall be permitted on any parcel of land less than three (3) acres in size. The developer may be permitted to develop the park in stages so long as he complies with the overall approved development plan for the entire tract and initially has a minimum of two (2) acres developed for use.

15.03 Set Backs: No building or other structure shall be located closer to any street or highway than the minimum front yard setback established by Section 6.05 of this Ordinance for permanent residential structures in a Single Family Residential District. The minimum side and rear yard setback restrictions set forth in Section 6.05 shall also apply.

15.04 Streets: All streets within a Planned Commercial Recreational Center shall have a right-of-way of not less than twenty-four (24) feet and a pavement of not less than twenty (20) feet. Only one such street shall access a public street or highway for each two (2) acres of the park which are fully developed. All streets within the park shall be hard-surfaced and well lighted.

15.05 Parking: One paved parking space shall be provided for each five hundred square feet of building floor space provided in the Planned Commercial Recreational Center.

15.06 Utilities: All structures within the Planned Commercial Recreational Center shall be provided with underground city water, city sewers if available or otherwise an approved septic system, and underground electrical facilities meeting the standards of all applicable electrical codes. Each building or other structure shall be properly connected to all such utilities.

15.07 Building Heights: No building or other structure in a Planned Commercial Recreational Center shall exceed three stories or thirty-six (36) feet in height.

15.08 Screening and Landscaping: All buildings and other structures within a Planned Commercial Recreational Center shall be screened and landscaped so as to provide a landscape barrier between such structures and public streets and highways. Such screening may be in the form of a tasteful combination of plantings and decorative fencing.

15.09 Accessory Structures: Accessory buildings and uses shall be permitted as customarily incidental to any of the permitted uses or conditionally permitted uses in a Recreational and Resort District (REC).

15.10 Waste Disposal: No waste material or refuse shall be stored upon or permitted to remain upon any part of a Planned Commercial Recreational Center.

15.11 Billboards and Signs: No billboards shall be permitted in a Planned Commercial Recreational Center. No advertising signs other than those identifying the names and activities of the business or businesses in the Center shall be permitted. Such signs may be lighted but shall be no greater than thirty-two (32) square feet in area.

ARTICLE XVI

PLANNED RETAIL SHOPPING CENTERS

Planned Retail Shopping Centers shall be permitted in Agricultural and Open Space Districts (AOS) and in Highway Commercial Districts (HC) provided that the following requirements are met:

16.01 Ownership: Planned Retail Shopping Centers shall be owned, developed and operated by a single person, partnership, corporation or other entity. No site within the Center shall be sold, transferred or otherwise conveyed to any person, partnership, corporation other entity so as to separate the ownership of the site or lot from the remaining lands constituting the approved Planned Retail Shopping Center. Nothing herein contained shall prevent the owner of a Planned Retail Shopping Center from renting or leasing spaces or sites within the Center to other persons, partnerships, corporations or other entities so long as the developer continues as the owner of the Center and all improvements thereon.

16.02 Area and Density Requirements: No Planned Retail Shopping Center shall be permitted on any parcel of land less than two (2) acres in size. The developer may be permitted to develop the Center in stages so long as he complies with the overall approved plan for the entire tract and initially has a minimum of one (1) acre developed for use.

16.03 Set Backs: No building or other structure in a Retail Shopping Center shall be located closer to any public street than fifty (50) feet to any public street or highway and no closer than fifteen (15) feet to any property line of the lot.

16.04 Parking: One paved automobile parking space shall be provided for each five hundred (500) square feet of floor space in all buildings located in the Planned Retail Shopping Center.

16.05 Utilities: All buildings within a Planned Retail Shopping Center shall be provided with underground city water and city sewers if available in the area. If city sewers are not available to the area, all buildings shall be provided with an approved sewage treatment plant. All electrical utilities shall be underground and shall meet the standards of all applicable electrical codes. Each building within the Center shall be connected to all such utilities.

16.06 Building Heights: No building or other structure in a Planned Retail Shopping Center shall exceed three (3) stories or thirty-six (36) feet in height.

16.07 Screening and Landscaping: All buildings within a Planned Industrial Park shall be screened and landscaped so as to provide a landscape barrier between the buildings and public streets and highways. Such screening may be in the form of a tasteful combination of plantings and decorative fencing.

16.08 Accessory Structures: Accessory buildings and uses shall be permitted as customarily incidental to any of the permitted uses in a Highway Commercial District (HC).

16.09 Billboards and Signs: No billboards shall be permitted in a Planned Retail Shopping Center. No advertising signs other than those identifying the name, business and products of the firms occupying the building or buildings in the Center shall be permitted. Such signs may be lighted but shall be no greater than thirty-two square feet in area.

ARTICLE XVII

PLANNED RESIDENTIAL DEVELOPMENT PROJECT

Planned Residential Development Projects shall be permitted in Single Family and Multi-Family Residential Districts (SFR) & (MFR) and in Agricultural and Open Space Districts (AOS), provided

that the following requirements are met:

- 17.01 Ownership:** Planned Residential Development Projects shall initially be owned and developed by a single person, partnership, corporation or other legal entity. Once construction of the project is complete and the developer has been issued a Certificate of Occupancy, lots for dwelling sites within the Project may be sold, leased or otherwise transferred to other persons or firms but the occupants of such lots shall continue to be bound by the provisions of this Ordinance.
- 17.02 Area and Density Requirements:** No Planned Residential Development Project shall be permitted on any parcel of land less than five (5) acres in size. The developer may be permitted to develop the project in stages as long as he complies with the overall approved plan for the entire tract and initially develops an minimum of two (2) acres for use.
- 17.03 Site Requirements:** Individual lot owners within a Planned Residential Development Project shall meet all of the lot size and configuration requirements for lots in a Single Family Residential District (SFR) for single family residences or the requirements for lots in a Multi-Family Residential District (MFR) for multi-family residences, as applicable.
- 17.04 Setbacks:** Individual lot owners within a Planned Residential Development Project shall meet all of the minimum setback requirements for dwellings and accessory buildings in a Single Family Residential District (SFR) for single family residences or the requirements for dwellings in a Multi-Family (MFR) for multi-family dwellings, as applicable.
- 17.05 Streets:** All lots within a Planned Residential Development Project shall abut upon a street. All interior streets within the Project shall have a dedicated right-of-way of not less than thirty-two (32) feet and a pavement of not less than twenty (20) feet. Only one interior street shall access a public street or highway for each five acres of the Project. All streets within a Planned Residential Development Project shall be hard-surfaced in accordance with Kentucky Highway Department specifications for secondary roads.
- 17.06 Parking:** Two paved off-street parking spaces shall be provided on each single family lot within a Planned Residential Development Project. Paved off-street parking space shall be provided for each dwelling unit in a Multi-Family Project in accordance with Section 4.09(2) of this Ordinance. Each garage space capable of parking an automobile shall satisfy the requirement for one required parking space.
- 17.07 Utilities:** All lots and dwelling units within a Planned Residential Development Project shall be provided with underground city water and city sewers if available to the area. If city sewers are unavailable to the area, each dwelling unit shall be provided with an approved septic system or sewage treatment plant. All electrical utilities shall be underground and shall meet the standards of all applicable electrical codes. Each dwelling unit within the Project shall be properly connected to all such utilities.
- 17.08 Building Heights:** No single family dwelling or other structure shall exceed the building heights prescribed for dwellings in Single Family Residential Districts (SFR) and no building containing multi-family dwellings shall exceed the building heights prescribed for Multi-Family Residential Districts (MFR).
- 17.09 Screening and Landscaping:** All building sites containing multi-family dwellings in a Planned Residential Development Project shall be screened and landscaped so as to provide a landscape barrier between the buildings and public streets and highways. Such screening may be in the form of a tasteful combination of plantings and decorative fencing.
- 17.10 Accessory Structures:** Accessory buildings and uses shall be permitted as customarily incidental to any of the permitted uses in a High Density Residential District (MFR).
- 17.11 Billboards and Signs:** No billboards shall be permitted in a Planned Residential Development Project. No advertising signs other than one identifying the name of a Project for multi-family dwellings shall be permitted. Such sign may be lighted but shall be no greater than thirty-two square feet in area.

ARTICLE XVII

PLANNED PROJECT APPLICATIONS

- 18.01 Building Permits:** Any person, partnership, corporation or other legal entity desiring to establish a Planned Mobile Home Park under Article XIII, a Planned Industrial Park under Article XIV, a Planned Commercial Recreational Center under Article XV, a Planned Retail Shopping Center under Article XVI or a Planned Residential Development Project under Article XVII of this Ordinance shall submit to the Planning Commission an Application for a Building Permit which shall include an overall plan for

the project, certified by a registered architect, civil engineer or registered land surveyor, containing at least the following information:

- (A) Name, address and telephone number of applicant together with proof of financial ability to complete the construction of the project in accordance with the plan and intent to commence the construction of the project within one (1) year following approval of the application and plan by the Planning Commission.
- (B) Name and location of the project and the person holding legal title to the land.
- (C) Dimensions of the project including the dimensions and locations of all planned site or lot lines, streets, access streets, utility and other easements and off street parking spaces.
- (D) Contour lines to indicate slope and drainage.
- (E) All public facilities such as recreational facilities, off-street and visitor parking, etc.
- (F) Where applicable, a large scale plan of one typical mobile home site, residential or industrial lot showing the intended location of structures thereon, automobile parking space, utilities, etc.
- (G) Location of plantings and design of decorative fencing for landscaping and buffer purposes.

18.02 Permit Approval: The Planning Commission shall approve such application for a Building Permit under the following conditions:

- (A) The plans for the project meet the criteria for such projects under the provisions of this Ordinance.
- (B) The developer of the project has demonstrated the financial ability to carry out the proposed project.
- (C) The Commission is satisfied that construction of the project will be started within one year after approval of the plan and continued thereafter until the project is complete.
- (D) The proposed project will be located in an area where traffic congestion does not exist and where such congestion will not likely be made greater by the proposed project.
- (E) The proposed project will consist of one or more buildings designed to be harmonious with other buildings in the project and in the general area and the building or buildings, together with required streets, parking and landscaping will have no adverse effects upon adjoining or surrounding properties.
- (F) The Planning Commission may attach such further reasonable special conditions to the approval of a project to insure that there shall be no departure from the intent of this Ordinance and to preserve the safety and well-being of the citizens of the community.

18.03 Exception: The Planning Commission may reject any proposed project even though it meets all the above requirements if the Planning Commission reasonably determines that similar existing projects within the planning area are not being fully utilized and that the development of more land to the same use is not in the best interests of the public and welfare of the community.

18.04 Plat Approval and Recording: Once the Planning Commission has approved a project, the developer thereof shall submit a final plat for approval by the Commission. Upon approval, the plat will be signed by the Zoning Administrator and recorded with the Commission and in the Livingston County Court Clerk's office. When the final plat has been approved and properly recorded, the Zoning Administrator shall then issue a Building Permit to the developer.

18.05 Issuance of Building Permits: The Zoning Administrator shall not issue a Building Permit for the project until the approved plat has been recorded. The Building Permit shall incorporate all of the general and special conditions prescribed by this Ordinance and by the Planning Commission which pertain to the project.

18.06 Certificate of Occupancy: No building or other structure shall be occupied and no lot shall be sold in any project until the Zoning Administrator has issued to the developer of the project a Certificate of Occupancy.

18.07 Issuance of Certificate of Occupancy: The Zoning Administrator shall issue a Certificate of Occupancy only after he has determined that the project has been completed in accordance with the plans presented to and approved by the Planning Commission and the applicant has presented to the Administrator valid permits from all governmental agencies having jurisdiction over the construction and/or operation of the project.

18.08 Enforcement: The Zoning Administrator shall insure that all projects developed hereunder maintain valid permits to operate and maintain conformance with all applicable regulations of this Ordinance and all special conditions to the Building Permit and Certificate of Occupancy.

ARTICLE XIX

ADMINISTRATION

19.01 Zoning Administrator: The provisions of this Ordinance shall be administered by a Zoning Administrator who shall be recommended by the Planning Commission, appointed by the Mayor of Grand Rivers and approved by the City Council. The Zoning Administrator shall have such powers and duties as shall be prescribed by the Planning Commission including the power to make inspections of all buildings and property necessary to carry out his duties in the enforcement of this Ordinance.

If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or other structures, removal of illegal buildings, structures or additions, alterations or structural changes thereto, or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violations of its provisions.

ARTICLE XX

BUILDING PERMITS

20.01 Building Permits Required: Except as otherwise provided in Article XVIII of this Ordinance for Planned Projects, it shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory buildings, until the Zoning Administrator has issued a Building Permit for such work. Provided however, that no Building Permit or Certificate of Occupancy shall be required for recurring maintenance work.

20.02 Applications: In applying to the Zoning Administrator for a Building Permit, the applicant shall submit a plan along with the application form, 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 structures relationship to building setback lines and any other information necessary for determining conformance with this Ordinance. The City's certificate approving any water and sewer facilities must also accompany the application.

20.03 Issuance: If the proposed construction or alteration conforms with all applicable provisions of this Ordinance and all other applicable regulations and codes, the Zoning Administrator shall issue a building permit authorizing such construction or alteration. If the proposed construction or alteration fails to conform, the Zoning Administrator shall refuse to issue a building permit and shall deliver written notice to the applicant stating the reason or reasons for the refusal. The Zoning Administrator shall act upon applications for building permits within two (2) weeks from the date of their submission. Any applicant who disagrees with the denial of a building permit by the Zoning Administrator may appeal such decision to the Planning Commission and it shall hear such appeal in the same manner as provided in Article XXI of this Ordinance.

20.04 Validity: The issuance of a building permit by the Zoning Administrator shall not constitute a waiver of any of the provisions of this Ordinance.

20.05 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 by the permit. A building permit may be renewed for good cause upon review by the Zoning Administrator before it becomes void.

20.05 **Permanent File:** The Zoning Administrator shall keep a permanent file of all applications for building permits together with all accompanying plans and all permits and permit denials issued by his office.

ARTICLE XXI

CONDITIONAL USE PERMITS

21.01 **Procedure:** In applying for a Conditional Use Permit, the applicant shall submit a plan stating the intended use, a description of the intended use and its relationship to surrounding uses. Within sixty (60) days after receipt of an application for a Conditional Use Permit, the Planning Commission shall hold a public hearing in accordance with KRS Chapter 424.

21.02 **Action:** The Planning Commission may approve, modify or deny any application for a Conditional Use Permit. If it approves an application it may attach such conditions as it deems to be in the best interests of the citizens of the community including conditions of a continuing nature. Any such conditions shall be recorded in the Commission's minutes and on the Conditional Use Permit. The Commission shall have the right to revoke a Conditional Use Permit for non-compliance with the conditions thereof and shall have the right to bring action to compel offending structures or uses to be removed at the cost of the violator.

21.03 **Compliance With the Law:** If the use, structures or objects on the land violates any federal, state or local law or regulation or code including this Ordinance, the Planning Commission shall within thirty (30) days of being made aware of the violation notify the landowner and user of the land of such violation. If the violation is not corrected within thirty (30) days following such notification, the Conditional Use Permit shall be revoked.

21.04 **Time Limit:** In any case where a Conditional Use Permit has not been exercised within one (1) year from its date of issuance, such use or land shall revert to its original designation and the Conditional Use Permit shall automatically be revoked. "Exercised" as used herein shall mean that binding contracts for the construction of the principal improvements have been executed, or that construction of such improvements is substantially underway, or that prerequisite conditions involving substantial investment by the applicant is under contract, being developed or is complete.

21.05 **Conditional Use as a Permitted Use:** Once the applicant has completed all of the conditions of a Conditional Use Permit, the Zoning Administrator, upon request of the applicant, shall enter the facts which indicate that the conditions have been satisfied with the Permit on file with the Planning Commission and shall enter the conclusions thereof in the margin of the copy of the Conditional Use Permit on file with the County Court Clerk. Thereafter said use, if it continues to meet the other requirements of this Ordinance, shall be treated in all respects as a permitted use in the district where it is located.

ARTICLE XXII

VARIANCES

22.01 **Conditions Which Warrant a Variance:** A dimensional variance may be granted by the Planning Commission where because of unusual shape, smallness of size or other extraordinary physical condition, the property owner of a lot existing prior to the adoption of this Ordinance is deprived of a reasonable capacity to use the land in the same manner as other owners of land in the same zoning district.

22.02 **Granting a Variance:** Before any variance is granted, the Planning Commission must hold all of the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance:

- (a) The specific conditions in detail which are unique to the applicant's land and do not exist on other land in the same zoning district.
- (b) The manner in which the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land in a manner equivalent to the use of other lands in the same zoning district.
- (c) A finding that the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of this Ordinance.
- (d) The reasons why the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood.

22.03 Prohibited Variances: The Planning Commission shall not possess the power to grant a Variance to permit a use, alteration or extension of any land, building or other structure which is not permitted in the zoning district in question or to permit a use not authorized by this Ordinance.

22.04 Additional Conditions: The Planning Commission may attach to a Variance such conditions regarding the location, character and other features of a proposed building, structure or use as it may deem appropriate to maintain the essential character of the neighborhood.

ARTICLE XXIII

VIOLATIONS

When any building or structure is, or is proposed to be erected, constructed, reconstructed, repaired, altered, converted or maintained, or any building, structure or land is, or is proposed to be used in violation of this Ordinance, the Zoning Administrator or any property owner who could be damaged by such violation, in addition to other remedies provided at law, may institute a suit to obtain an injunction, mandamus or other appropriate remedy to prevent the construction, use or occupancy of such building, structure or land in any court of competent jurisdiction.

ARTICLE XXIV

ADMINISTRATIVE JURISDICTION, HEARINGS AND APPEALS

24.01 Zoning Administrator: The Zoning Administrator is responsible for the enforcement of this Zoning Ordinance and to carry out such duties and responsibilities as may from time to time be assigned to him by the Planning Commission. He has no discretionary authority to allow any departure from the literal enforcement of this Ordinance as written.

24.02 Planning Commission: The Grand Rivers Planning Commission is responsible for the development of the Grand Rivers Comprehensive Plan; the periodic review of said Plan; the recommendation to the City Council of any amendments to the Plan and/or the Zoning Map which it may deem necessary or desirable in the future; and for the review and approval or disapproval of applications for Planned Development Projects as provided for in Articles XIII through XVII, inclusive, of this Ordinance.

As prescribed by KRS Chapter 100, the Planning Commission shall also be responsible for hearing all appeals from decisions of the Zoning Administrator and for carrying out any and all duties and responsibilities which would otherwise be administered by a Board of Adjustment including, but not limited to, the authority to decide all issues relating to applications for Conditional Use Permits and Variances under this Ordinance.

24.03 Hearings to be Recorded: In all hearings and other proceedings before the Planning Commission a transcript of the proceedings shall be taken and preserved in the records of the Commission. Such transcript shall be provided at the request of any party to the proceedings at the expense of the requesting party and the transcript shall constitute the record thereof.

24.04 Subpoena Power: The Planning Commission shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before the Board. The sheriff of Livingston County shall serve such subpoenas. The Circuit Court of Livingston County may, upon application by the Commission, compel obedience to such court or such subpoena by contempt proceedings.

24.05 Administration of Oath: The Chairman of the Planning Commission shall have the power to administer an oath to any witness prior to their testifying before the Commission on any issue.

24.06 Filing: All Conditional Use Permits and Variances approved or disapproved by the Planning Commission shall be recorded with the minutes of the Planning Commission and the Livingston County Court Clerk's office at the expense of the applicant.

24.07 City Council: The City Council of Grand Rivers shall hear all appeals from the decisions of the Planning Commission pertaining to amendments to this Ordinance or to the Zoning Map as permitted by the provisions of KRS Chapter 100 and in the manner prescribed therein.

24.08 Circuit Court: The Circuit Court of Livingston County has jurisdiction to determine all questions and issues properly brought before the Court on appeal from the decisions of the Planning Commission pertaining to the granting or denial of Building Permits, the granting or denial of Planned Development Projects, the granting or denial of Conditional Use Permits

and Variances and decisions of the Grand Rivers City Council pertaining to the granting or denial of amendments to this Ordinance and/or the Zoning Map.

ARTICLE XXV

AMENDMENTS

Such regulations, restrictions and boundaries as are provided for in this Ordinance may be amended, supplemented, changed, modified or repealed. A proposal for amendment to any zoning regulation may originate with the Planning Commission or the City Council of the City of Grand Rivers or with an owner of property within the zoning jurisdiction. Regardless of the origin of the proposed amendment, it shall be referred to the Planning Commission for review before adoption. The Planning Commission shall hold at least one public hearing after notice as required by KRS Chapter 424 and shall then make recommendations to the City Council regarding the proposed amendment.

Before any amendment to the Zoning Map is approved, the Planning Commission must first find that the map amendment is in agreement with the City's Comprehensive Plan or, in the absence of such 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 in question was inappropriate or improper; or
- (b) That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the City's Comprehensive Plan and which have materially altered the basic character of the area.

All procedures for public notice and publication as well as for adoption of amendments to this Zoning Ordinance or the Zoning Map shall be the same as for the original enactment of this Zoning Ordinance. It shall take the vote of the majority of all members of the City Council to override the recommendation of the Planning Commission.

ARTICLE XXVI

FEES, CHARGES AND EXPENSES

The Planning Commission shall establish a schedule of fees, charges and expenses and a collection procedure for the submission of applications for Building Permits, Certificates of Occupancy, Planned Projects, Conditional Use Permits, Variances, appeals from the decisions of the Zoning Administrator and other matters before the Planning Commission. Such schedule shall reasonably reimburse the Planning Commission for the cost of processing such matters and shall be approved by the Grand Rivers City Council before enactment. The schedule may provide that no action be taken on any matter presented to the Zoning Administrator and/or the Board of Adjustment until all applicable fees, charges and expenses have been paid in full.

ARTICLE XXVII

LEGAL STATUS, SEVERABILITY AND EFFECTIVE DATE

27.01 Legal Status: The provisions of this Ordinance shall be held as minimum requirements for the promotion of public health, safety, morals, and general welfare of the community.

Whenever the regulations 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 the other ordinances, deed restrictions or covenants are more restrictive than those established by this Ordinance, then those more restrictive requirements shall govern.

27.02 Severability: If any section, clause, provision or portion of this Ordinance is held to be invalid or unconstitutional by any court of competent and final jurisdiction, it shall not affect or prejudice in any way the validity of any other provisions of this Ordinance which are not themselves invalidated.

27.03 Effective Date: This Ordinance shall take effect and be in force immediately following its adoption by the City Council of Grand Rivers, Kentucky.

DATE OF FIRST PUBLIC READING: THIS 8TH DAY OF AUGUST 2000.
DATE OF SECOND READING: THIS 12TH DAY OF SEPTEMBER 2000.
ENACTED THIS 12TH DAY OF SEPTEMBER 2000.
PUBLISHED: LIVINGSTON LEDGER ON THIS 29TH DAY OF SEPTEMBER 2000.
REFERENCE: Minutes Book 1, Page 96


Frank Buchanan, Mayor

ATTEST:


Joe Dry, City Clerk

Certification

I, Joe Dry, do hereby certify that I am the duly appointed clerk of the City of Grand Rivers, Kentucky, that the foregoing Ordinance is a true and correct copy of an ordinance duly adopted at a meeting of the City Council on September 12, 2000 that the Ordinance referred to therein is in the form presented to said meeting and in the form executed, and the said ordinance appears as a matter of public record in the Official City Ordinance Book and is still in full force and effect.

IN TESTIMONY WHEREOF, witness my signature on this 29th day of September, 2000.


Joe Dry, City Clerk