



CITY OF OAK GROVE

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KENTUCKY

ZONING ORDINANCE

TABLE OF CONTENTS

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| Table of Contents | 1 |
| Preamble | 2 |
| Article 1, Introduction | 3 |
| Article 2, Title, Interpretation and Enactment | 4 |
| Article 3, Definitions | 6 |
| Article 4, Enforcement | 33 |
| Article 5, Non-Conformities | 36 |
| Article 6, Administration | 40 |
| Article 6A, Amendment | 49 |
| Article 6B, Plan Review | 53 |
| Article 7, Districts | 56 |
| Article 8, Supplemental Regulations | 105 |
| Article 9, Official Zoning Map | 134 |
| Article 10, Appendix | 137 |
| Appendix A, Schedule of Standards | 138 |

PREAMBLE

WHEREAS, the City of Oak Grove, Kentucky has concluded zoning regulations would increase the health, safety, general welfare and overall benefits of the citizenry of the City, and

WHEREAS, the Kentucky Revised Statutes (KRS), Chapter 100, provides the standards for the City of Oak Grove to enact a zoning ordinance to provide for the administration, amendment and enforcement of the same, and

WHEREAS, the Oak Grove City Council has evaluated all areas of the City and divided it into different land use districts, according to the Comprehensive Plan and has determined suitability and compatibility for particular uses; in all attempting to maintain property values, and

WHEREAS, the Zoning Ordinance has been prepared observing all requirements of the Kentucky Revised Statutes, Chapter 100, as amended,

NOW THEREFORE, be it ordained by the Common Council of the City of Oak Grove, Kentucky:

ARTICLE 1

INTRODUCTION

Oak Grove is a community poised to experience rapid growth and change. Internal and external pressures will dictate the rate of development of the community and if left unchecked, these pressures could force Oak Grove to evolve in directions not anticipated nor desired. The Zoning Ordinance has been designed to take a preemptive approach in allowing for and anticipating growth beneficial to the whole community of Oak Grove. Creative land use planning techniques have been incorporated into this ordinance that maximize the utilization of resources, by adaptation of a Comprehensive Plan, Oak Grove has recognized the potential of its community; and by adoption of this Zoning Ordinance, Oak Grove is taking the necessary steps to encourage prosperous growth and development. The Oak Grove Zoning Ordinance is written to reflect this attitude.

ARTICLE 2

TITLE, INTERPRETATION AND ENACTMENT

2.0 TITLE

This ordinance shall be known and may be cited as the Zoning Ordinance text of the City of Oak Grove.

2.1 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this ordinance shall be minimum requirements, adopted for the promotion of the public health, safety and the general welfare. Wherever the requirements of this ordinance are at variance or in any other way conflict with the requirements of any other lawfully adopted city, state and federal rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern.

2.2 SEVERABILITY CLAUSE

Should any section, subsection, paragraph, subparagraph, clause, word or provision of this ordinance be declared by a court of law to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part hereof other than the part so declared to be unconstitutional or invalid.

2.3 REPEAL OF CONFLICTING ORDINANCE, EFFECTIVE DATE

All ordinances or parts of ordinances in conflict with this zoning ordinance or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective on:

_____, 19____.

Passed by the City Council of Oak Grove, Kentucky this day of

_____, 19____.

1st Reading Past _____
Date

2nd Reading Past _____
Date

Approved _____
Mayor

Attest _____
CAO/ City Clerk

ARTICLE 3

DEFINITIONS

3.0 APPLICATION AND INTERPRETATION

- A. For the purpose of these regulations, certain numbers, abbreviations, terms, words and phrases used herein shall be used, interpreted and defined as set forth in this article.
- B. Whenever any words and phrases used herein are not defined herein but are defined in the state laws regulating the creation and function of a planning agency, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.
- C. For the purpose of these regulations, certain words and phrases used herein shall be interpreted as follows:
 - 1. The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation or any other legal entity.
 - 2. The masculine includes the feminine.
 - 3. The present tense includes the past and future tense, the singular number includes the plural.
 - 4. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement and the word “should” is a preferred requirement.
 - 5. The words “used” or “occupied” include the words “intended, arranged or designed to be used or occupied”.
 - 6. The word “lot” includes the words “plot”, “parcel” and “tract”.

3.1 WORDS AND PHRASES DEFINED

ABANDONMENT – The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property neither to another owner nor of resuming the use of the property.

ABUT – To physically touch or border upon, or to share a common property line. (See **ADJOINING LOT OR LAND** and **CONTIGUOUS**.)

ACCESS – A way or means of approach to provide physical entrance to a property.

ACCESSORY USE OR ACCESSORY STRUCTURE/DEVICE – A use, structure or device detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. Any type of satellite disk, antenna or device shall be considered an accessory device.

ACRE – A measure of land containing 43,560 square feet.

ADDITION – A structure added to the original structure at some time after the completion of the original.

ADJOINING LOT OR LAND – A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land. (See ABUT and CONTIGUOUS.)

AESTHETIC – The perception of artistic elements or elements in the natural or man-made environment which are pleasing to the eye.

AGRICULTURE – The use of land for farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce, provided however, that:

- a. The operation of any such accessory use shall be secondary to that of the normal agricultural activities;
- b. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within one hundred (100) feet of any residential zoning district;
- c. The agricultural use does not include the operation of maintenance of a commercial stockyard or feedlot where large numbers of livestock are fed concentrated feeds particularly for the purpose of fattening for market.

AIRPORT – Any location either on land, water or structure which is designed or used for the landing and take-off of aircraft, including all necessary buildings and facilities of said aircraft operation.

AISLE – The traveled way by which cars enter and depart parking spaces.

ALLEY – A service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

ALTERATION – Any change, addition or modification in construction or any change in the structural members of a building, such as load bearing walls, columns, beams or girders.

AMENITY – A natural or man-made feature which enhances or makes more attractive or satisfying a particular property.

AMUSEMENT AND RECREATION SERVICES – Establishments engaged in providing amusement or entertainment for a fee or admission charge and include, but are not limited to, such activities as dance halls, studios, theatrical production, bands, orchestras and other musical entertainment, bowling alleys and billiard and pool establishments, commercial sports such as arenas, rings, racetracks, public golf courses and coin-operated devices, amusement parks, membership sports and recreation clubs, amusement and bathing beaches, swimming pools, riding academies, carnival operations, expositions, game parlors and horse shows.

ANNEXATION – The incorporation of land area into an existing community with a resulting change in the boundaries of that community.

APARTMENT HOTEL – A building in which lodging is offered for compensation, in which part of said building may be separated into individual units providing cooking facilities.

APARTMENT UNIT – A part of a building consisting of a room or suite of rooms, intended, designed or used as a dwelling unit by any individual or single family.

APPROVED PLAN – A plan which has been granted final approval by the appropriate approving authority.

AUTOMOTIVE, MOBILE HOME, TRAVEL TRAILER, FARM IMPLEMENT AND CONSTRUCTION MACHINERY SALES – The sale or rental of new or used motor vehicles, mobile homes, travel trailers, farm implements and construction machinery, but not including major repair work except warranty and incidental repair of the same, to be displayed and sold on the premises.

BASE FLOOD ELEVATION – The highest elevation, expressed in feet above sea level, of the level of flood waters occurring in the regulatory base flood (100 year flood).

BASE MAP – A map having sufficient points of reference, such as state, county or municipal boundary lines, streets, easements and other selected physical features to allow the plotting of other data.

BASEMENT – A space having one-half (1/2) or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half (6 ½) feet.

BLOCK – A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity of development.

BOARD – The Board of Zoning Adjustment; the officially constituted body whose principal duties are to grant variances from the strict application of the Zoning Ordinance and to grant and approve conditional use permits.

BOARDING HOUSE – A building used for the sheltered care of persons which, in addition to providing food and shelter to three (3) persons unrelated to the proprietor, also provides any personal care or service beyond food, shelter and laundry.

BUFFER STRIP – Land area used to visibly separate one use from another or to shield or block noise, lights or other nuisances.

BUILDING – Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

BUILDING AREA – The area of a lot remaining after the minimum yard and open space requirements of the Zoning Ordinance have been met.

BUILDING COVERAGE – The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

BUILDING, HEIGHT OF – The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs to the deck line of mansard roofs and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

BUILDING PERMIT – Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure, in accordance with the Kentucky Building Code.

BUILDING, PRINCIPAL – A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING SETBACK LINE – The line, established by this Ordinance, beyond which a building shall not extend, unless varied according to the procedures in this Ordinance. Also, called a “building line”.

BUSINESS, CONVENIENCE – Commercial establishments which cater to and can be located in proximity to or within residential districts without creating excessive congestion, noise or other objectionable influences. Convenience uses include, but not be limited to, drug stores, beauty salons, barbers shops, carryouts, dry cleaning and laundry facilities and small grocery stores, if the aggregate total floor area of such facilities does not exceed 10,000 square feet. Uses in this classification tend to serve the day-to-day needs of the neighborhood.

BUSINESS, GENERAL – Commercial uses which generally require locations on or near major arterials and/or their intersections and which tend, in addition to serving day-to-day needs of the neighborhood, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as major supermarkets, stores that sell hardware, apparel, footwear, appliances, furniture and various department and discount stores. Also included here may be drive-in banks.

BUSINESS, HIGHWAY – Commercial uses which generally require locations on or near major arterials and/or their intersection and which tend to serve the motoring public. Highway business uses include, but need not be limited to, such activities as filling stations, automotive sales and service, restaurants, motels and commercial recreation.

BUSINESS, OFFICE TYPE – Quasi-commercial uses which may often be transitional between retail businesses and/or manufacturing and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, clerical and drafting. Institutional offices of a charitable, philanthropic, religious or educational nature are included here.

BUSINESS, SERVICES – Any profit making activity which renders services primarily to other commercial or industrial enterprises or which services and repairs appliances and machines used in businesses and homes.

BUSINESS, WHOLESALE – Business establishments that generally sell commodities and materials in large quantities or by the piece to retailers, jobbers, other wholesale establishments or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product or for use by a business service.

CARPORT – A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three sides.

CELLAR – A portion of the building partly underground, but having half or more of its clear height below the average grade of the adjoining ground.

CEMETERY – Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery for which perpetual care and maintenance is provided.

CENTRAL BUSINESS DISTRICT (CBD) – The major shopping area within a city usually containing, in addition to retail uses; governmental offices, service uses, professional, cultural, recreational and entertainment establishments and uses, residences, hotels and motels, appropriate industrial activities and transportation facilities.

CERTIFICATE OF USE AND OCCUPANCY – The certificate issued by the building official which permits the use of a building in accordance with the approved plans and

specifications and which certifies compliance with the provisions of the this Ordinance for the use and occupancy of the building with any special stipulations or conditions of the building permit.

CERTIFICATION – A written statement by the appropriate offices that required construction, inspections, tests or notices have been preformed and comply with applicable requirements.

CHANGE OF USE – Any use which substantially differs from the previous use of a building or land.

CHANNEL – A natural or artificial water course of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water.

CHARACTERISTICS OF USE – The use which is characteristic of the principal use of any area of land, buildings or structures.

CHILD CARE CENTER

- a. **FAMILY DAY CARE CENTER** – A private establishment enrolling one (1) to seven (7) children.
- b. **GROUP DAY CARE CENTER** – A private establishment enrolling more than seven (7) and less than twelve (12) children.

CIRCULATION – Systems, structures and physical improvements for the movement of people, goods, water, air, sewage, or power by such means as streets, highways, railways, waterways, tower, airways, pipes and conduits and the handling of people and goods by such means as terminals, stations, warehouses and other storage buildings or transshipment points.

CLINIC – A facility for treatment of human ailments, operated by a group of physicians, dentists, chiropractors or other licensed practitioners for the treatment and examination of out-patients.

CLUB – A building or portion thereof or premises owned or operated by a person for a social, literary, political, education or recreational purpose primarily for the exclusive use of members and their guests, but not including any organization, group or association; the principal activity of which is to render a service usually and ordinarily carried on as a business.

CLUSTER – A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive features.

CODE ENFORCEMENT OFFICER – The person designated by the local government entity as being responsible for administering the Zoning Ordinance and compliance with all applicable codes, ordinances and laws.

COHABITATION – Households which contain two (2) unrelated adults of the opposite sex.

COMMERCIAL ENTERTAINMENT FACILITY – Any profit-making activity which is generally related to the entertainment field, such as a motion picture theater, carnival, cocktail lounge, nightclub and similar entertainment activities.

COMMON ELEMENTS – Land amenities, parts of buildings, central services and utilities and any other elements and facilities owned and used by all members of the development and designated in the master deed as common elements.

COMMUNITY CENTER – Buildings and facilities for a social, educational or recreational purpose generally open to the public, but not primarily for profit or to render a service customarily carried on as a business.

COMPREHENSIVE (DEVELOPMENT) PLAN – A plan, or any portion thereof, adopted by the Planning Commission and the legislative authority of the City (Town, County), showing the general location and extent of the present and proposed physical facilities including housing, industrial and commercial uses, parks, schools and transportation and other community facilities. The plan may also include development policy or guidelines for future growth and development.

CONDEMNATION – The exercise by a governmental agency of the right to eminent domain.

CONDITIONAL USE – A special use permitted within a zoning district other than a principally permitted use, requiring a conditional use permit and the approval of the Board of Zoning Adjustment to allow a use other than a principally permitted use to be established within the district.

CONDITIONAL USE PERMIT – A permit issued by the Code Enforcement Officer upon approval by the Board of Zoning Adjustment to allow a use other than a principally permitted use to be established within the district.

CONDOMINIUM – A type of ownership or management in which the building or group of buildings, where the units are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

CONSOLIDATION – The removal of lot lines between continuous parcels.

CONTIGUOUS – Next to, abutting, or touching and having a boundary, or portion thereof, which is conterminous (See Abut and Adjoining Lot or Land).

CONVERSION – A change in the use of land or a structure.

COST-BENEFIT ANALYSIS – An analytic method whereby the actual and hidden costs of a proposed project are measured against the benefits to be received from the project.

COURT – Any open space, unobstructed from ground to sky, other than a yard, that is on the same lot with and bounded on two (2) or more sides by the walls of a building.

CUL-DE-SAC – The turnaround and the end of a dead-end street.

CUTURAL FACILITIES – Establishments such as museums, art galleries, botanical and zoological gardens of an historic, educational or cultural interest which are not operated commercially.

DEDICATION – Gift or donation of a property by the owner to another party.

DEED – A legal document conveying ownership of real property.

DEMOLITION (PERMIT) – A permit issued by a municipality before a building or structure or major part thereof is razed.

DENSITY – A unit of measurement; the number of dwelling units per acre of land, including public rights-of-way.

- a. **GROSS DENSITY** – The number of dwelling units per acre of the total land to be developed, including public rights-of-way
- b. **NET DENSITY** – The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding public right-of-way.

DETENTION BASIN – A storage facility for the temporary storage of storm water runoff.

DETERIORATION – The marked diminishing of the physical condition of structures or buildings.

DEVELOPER – The legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contractor purchase or other persons having enforceable proprietary interests in such land.

DEVELOPMENT REGULATION – Zoning, subdivision, site plan, official map, flood plain regulation or other governmental regulation of the use and development of land.

DILAPIDATION – A deterioration of structures or buildings to the point of being unsafe or unfit for human habitation or use.

DISTRICT – A part of the city wherein restrictions of this Ordinance are uniform, as depicted on the Official Zoning Map adopted in conjunction with this Ordinance.

DOWN ZONE – To increase the intensity of use by increasing density or floor area ratio or otherwise decreasing bulk requirements.

DRAINAGE – (1) Surface water runoff; (2) The removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply and the prevention or alleviation of flooding.

DRAINAGE SYSTEM – Pipes, swales, natural features and man-made improvements designed to carry drainage.

DRIVE-IN RESTAURANT – A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building, often in a motor vehicle on the site.

DUMP – A land site used primarily for the disposal by dumping, burial, burning or other means and for whatever purposes, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, and other waste, scrap or discarded material of any kind.

DWELLING – A structure or portion thereof which is used exclusively for human habitation.

DWELLING, ATTACHED – A one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls.

DWELLING, DETACHED – A dwelling which is not attached to any other dwelling by any means.

DWELLING, MULTI-FAMILY – A dwelling consisting of three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY – A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

DWELLING, TWO-FAMILY – A dwelling consisting of two (2) dwelling units which may be either attached side by side or one (1) above the other, and each unit having a separate or combined entrance or entrances. Includes units sold or rented in the condominium form of ownership or management.

DWELLING UNIT – A room or group of rooms designed and equipped exclusively for the use as living quarters for only one family and its household employees, including provisions for living, sleeping, cooking and eating. The term shall include mobile homes but shall not include house trailers or recreational vehicles.

EASEMENT – An authorization or grant of land by a property owner to specific person(s) or the general public to use said land for a specific/expressed purpose(s).

EASEMENT (DRAINAGE) – An easement required for the installation of storm water sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or water course of other drainage facilities.

EGRESS – An exit; to depart from a building or lot.

EMINENT DOMAIN – The authority of a government to take, or to authorize the taking of, private property for public use.

ENLARGEMENT – To increase in the size of an existing structure or use.

EXCAVATION – Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land or beneath the surface thereof, whether exposed or submerged.

EXISTING GRADE OR ELEVATION – The vertical location of the ground surface prior to excavation or filling.

EXISTING USE – The use of a lot or structure at the time of the enactment of a zoning ordinance.

EXTENSION – An increase in the amount of existing floor area within an existing building.

EXTERIOR WALL – Any wall which defines the exterior boundaries of a building or structure.

FARM – An area used for agricultural operations including truck gardening, forestry, the operation of a tree or plant nursery or the production of livestock and poultry.

FARM STRUCTURE – Any building or structure used for agricultural purposes, but not for commercial retail sale.

FARM VACATION ENTERPRISES (PROFIT OR NON-PROFIT) – Farms adapted for use as vacation farms, picnicking and sports areas, fishing waters, camping, scenery and nature recreational area; hunting areas, hunting preserves and watershed projects.

FAST-FOOD RESTAURANT – An establishment whose principal business is the sale of pre-prepared or rapidly prepared food sold directly to the customer in a ready-to consume state for consumption either within the restaurant building or off the premises.

FENCE – A structure, including entrance and exit gates, designed and constructed for enclosure or screening.

FILL – Sand, gravel, earth or other materials of any composition whatsoever placed or deposited by humans.

FINAL APPROVAL – The last official action of the Planning Commission or Board of Zoning Adjustment taken on a development plan which has been given preliminary approval, after all conditions and requirements have been met and the required improvements have been installed or guarantees properly posted for their installations or approval conditioned upon the posting of such guarantees.

FLEA MARKET – An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

FLOATING ZONE – An unmapped zoning district where all the zone requirements are contained in the ordinance and the zone is fixed on the map only when an application for development, meeting the zone requirements, is approved.

FLOOD (OR FLOODWATER) – An overflow or inundation of normal dry lands from a stream or other body of water; the high stream flow overtopping the banks of a stream; or a high flow as measured by each stage or discharge.

FLOOD CONTROL – The prevention of floods, the control, regulation, diversion or confinement of flood water or flood flow and the protection therefrom, according to sound and accepted engineering practice, to minimize the extent of floods, and the death, damage and destruction caused thereby and all things incidental thereto or connected therewith.

FLOOD HAZARD AREA – A floodplain, or portion thereof, which has not been adequately protected from floodwater by means of dikes, levees or reservoirs.

FLOOD PLAIN – The relatively flat area of low land adjoining the channel of a river or stream which has been or may be covered by flood water. The flood plain includes the channel, floodway and floodway fringe.

FLOOD PLAIN, 100 YEAR – A flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a hundred year period. The 100-year frequency flood is equivalent to a flood having a probability of occurrence of one percent (1%) in any given year (a flood magnitude which has a one percent chance of being equaled or exceeded in any given year).

FLOODWAY – The channel of a river or stream and those portions of the floodplain adjoining the floodwater or flood flow of any river or stream.

FLOODWAY FRINGE – Those portions of the flood hazard area lying outside the floodway.

FLOOR AREA, GROSS – The sum, in square feet, of the floor areas of all roofed portions of a building, as measured from the interior faces of the exterior walls. It includes the total of all space on all floors of a building. It does not include porches, garages or space in a basement or cellar when said basement or cellar space is used for storage or other such incidental uses. The gross floor area is generally applied in residential use.

FLOOR AREA, NET – The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms, etc., in a non-residential building. The net area is used in calculating parking requirements.

FLOOR AREA, USABLE – Same as gross floor area.

FLOOR AREA RATIO – The floor area of the building divided by the area of the lot on which such building is located.

FOOD PROCESSING – The preparation, storage or processing of food products. Examples of these activities include bakeries, dairies, canneries, etc.

FRONTAGE – The side of a lot abutting on a street; the front lot line.

GARAGE, PRIVATE – An accessory building or an accessory portion of the principal building, used for storing or parking of automobiles, recreational vehicles and/or boats of the occupants of the premises and wherein not more than one (1) space is rented for parking to a person not a resident on the premises.

GARAGE, PUBLIC – A principal or accessory building other than a private or storage garage, used for parking or temporary storage of passenger automobiles and in which no service shall be provided for remuneration.

GARAGE, STORAGE – Any building or premises, used for housing only motor-driven vehicles, other than trucks and commercial vehicles.

GRADE – The average level of the finished surface of ground adjacent to the exterior walls of the building.

GRADE, FINISHED – The final elevation of the ground surface after development.

GRADE, NATURAL – The elevation of the ground surface in its natural state before man-made alterations.

GREEN AREA – Land shown on a development plan, master plan or official map for preservation, recreation, landscaping or parks.

GROUP FAMILY HOUSEHOLDS – A group of individuals not related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

HEIGHT – The vertical distance of a structure measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the structure.

HIGHEST AND BEST USE – An appraisal concept that determines the use of a particular property likely to produce the greatest net return in the foreseeable future.

HISTORIC AREA – A district or zone designated by a local authority, state or federal government within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history or because of their unique architectural style and scale, including color, proportion, form and architectural detail or because of their being a part of, or related to, a square, park or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.

HOME OCCUPATION – An occupation conducted in a dwelling unit, provided that:

- a. No more than two (2) persons other than members of the family residing on the premises shall be engaged in such occupation.
- b. The use of the dwelling unit of the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty-five percent (25%) of floor area of the dwelling units shall be used in the conduct of the home occupation.
- c. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one (1) sign not exceeding four (4) square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
- d. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Ordinance and shall not be located in a required front yard.

- e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

HOTEL OR MOTEL – A building in which lodging or boarding are provided and offered to the public for compensation. As such, that it is open to the public, it is not a rooming house, boarding house, lodging house or dormitory which are herein separately defined.

HOUSEHOLD – A family living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

HOUSING UNIT – A room or group of rooms used by one or more individuals living separately from other in the structure, with direct access to the outside or to a public hall and containing separate toilet and kitchen facilities.

IMPROVED LOT – A lot containing an improvement.

IMPROVEMENT – Any man-made, immovable item which becomes part of, placed upon, or is affixed to, real estate.

INDUSTRIAL PARK – A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics and compatibility.

INDUSTRY – Those fields of economic activity including forestry, fishing, hunting and trapping, mining, construction, manufacturing, transportation, communication, electric, gas and sanitary services and wholesale trade.

INFRASTRUCTURE – Facilities and services needed to sustain industry, residential and commercial activities.

INGRESS – Access or entry.

INSTITUTION – Building(s) and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling or other correctional services.

INVERSE CONDEMNATION – The taking of private property as a result of governmental activity without any formal exercise of eminent domain.

JOINT OWNERSHIP – The equal estate interest of two or more persons.

JUNK BUILDINGS, JUNK SHOPS, JUNK YARDS – Any land, property, structure, building or combination of the same, on which junk is stored or processed. Junk shall include wrecked automobiles, scrap iron and other metals, paper, rags, rubber tires, bottles, etc.

KENNEL – Any premises where five (5) or more animals over four (4) months of age are housed, groomed, bred, boarded, trained or sold and which may offer provisions for minor medical treatment.

LAND SURVEYOR – One who is licensed by the Commonwealth as a land surveyor and is qualified to make accurate field measurements and mark, describe and define land boundaries.

LAND USE – A description of how land is occupied or utilized.

LANDSCAPE – (1) An expanse of natural scenery; (2) The addition of lawns, trees, plants and other natural and decorative features to land.

LIGHT INDUSTRY – Industrial uses which meet the performance standards, bulk controls and other requirements established in this Ordinance.

LOADING SPACE, OFF STREET – Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

LOCAL AUTHORITY – Any city or other legally authorized agency charged with administration and enforcement of land use regulations.

LOT – For the purposes of this Ordinance, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, area and to provide such yards and other open spaces are herein required. Such lot shall have frontage on an approved public street, or on an approved private street, and may consist of;

- a. A single lot of record;
- b. A portion of a lot of record;
- c. A combination of complete lots of record, or of complete lots of record and portions of lots of record, or of portions of lots of record

LOT AREA – The area of any lot shall be determined exclusive of street, highway, alley, road or other rights-of-way.

LOT, CORNER – A lot or parcel of land abutting upon two or more streets and their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

LOT COVERAGE – The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

LOT FRONTAGE – The front of a lot shall be construed to be the portion abutting the street.

LOT LINE, FRONT – Lot line(s) bounding a lot as follows:

INTERIOR LOT – The line separating the lot from the street.

CORNER OR THROUGH LOT – The line separating the lot from either street.

LOT LINE, REAR – The boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line. In the case of a triangular or irregular-shaped lot, an imaginary line between the side lot lines parallel to the front lot line, ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

LOT LINE, SIDE – Any boundary of a lot which is not a front lot line or rear lot line.

LOT, MEASUREMENT OF – A lot shall be measured as follows:

- a. DEPTH – The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- b. INTERIOR LOT – A lot with frontage on only one street.
- c. THROUGH LOT – A lot, other than a corner lot, with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
- d. REVERSED FRONTAGE LOT – A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

LOT WIDTH – The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

MAINTENANCE AND STORAGE FACILITIES – Land, buildings and structures devoted primarily to the maintenance and storage of construction equipment and material.

MANUFACTURING, EXTRACTIVE – Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of any mineral natural resource.

MANUFACTURING, HEAVY – Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character, require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation, and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution and water pollution, but not beyond the district boundary.

MANUFACTURING, LIGHT – Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operation and storing within enclosed structures; and generate little industrial traffic and not nuisances.

MASTER DEED COVENANT – A legal instrument under which title to real estate is conveyed and whatever other provisions may be desired such as restrictions or limitations of use, occupancy, transfer leasing or other disposition of a unit or the limitations on the use of common elements or building materials (See Restrictive Covenant).

NET AREA OF LOT – The area of the lot excluding those features or areas which the development ordinance excludes from the calculations.

NONCONFORMING LOT – A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

NONCONFORMING SIGN – Any sign lawfully existing on the effective date of an ordinance, or an amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

NONCONFORMING USE – A building, structure or use of land existing at the time of enactment of this Ordinance and which does not conform to the regulations of the district in which it is situated.

NUISANCE – An interference with the enjoyment and use of property.

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

NUSERY, PLANT MATERIALS – Land, buildings, structures or combination thereof for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening and landscaping.

OCCUPANCY PERMIT – A required permit allowing occupancy of a building or structure after it has been determined that the building meets all the requirements of applicable codes and ordinances.

OCCUPANCY – the individual or individuals in actual possession of a premises.

OFFICE BUILDING – A building used primarily for conducting the affairs of a business, professional, service, industry, government or like activity that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

OFF-SITE – Located outside the lot lines of the lot in question but within the property (of which the lot is a part) that is the subject of a development application or within a contiguous portion of a street or other right-of-way.

OFF-STREET PARKING SPACE – A temporary storage area for a motor vehicle that is directly accessible to an access aisle and which is not located on a dedicated street right-of-way.

ON-SITE – Located on the lot that is the subject of an application for development.

OPEN SPACE – A public or private outdoor area expressly set aside for the use and benefit of many unrelated people. The area may include, along with the natural environmental features; water areas, swimming pools, tennis courts and other recreational facilities that the Planning Commission deems permissive. Streets, parking areas, structures for habitation and the like shall not be included in open space area calculations.

ORDINANCE – Any legislative action, however denominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.

PARKING SPACE, OFF-STREET – For the purpose of this Ordinance, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally off the public right-of-way. Included, but not limited to, parking spaces, off-street garages, carports and parking pads.

PARKING STALL – The area required for parking one automobile, with its attendant maneuvering room. The area required for a parked car is to be ten (10) feet wide and eighteen (18) feet long, or nine (9) feet wide and twenty (20) feet long.

PARTY WALL – A wall starting from the foundation and extending continuously through all stories to or above the roof which separates one building from another and is in joint use by each building.

PEDESTRIAN – An individual who travels on foot.

PERFORMANCE BOND OR SURETY BOND – An agreement by a subdivider or developer of the city for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

PERFORMANCE STANDARDS – A set of criteria or limits relating to nuisance elements which a particular use or process may not exceed.

PERMIT – Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.

PERSONAL SERVICES – Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors and similar activities.

PHILANTHROPIC ORGANIZATION – An organization not for profit which engages in charitable actions or efforts to promote the well-being of mankind in general.

PLANNED UNIT DEVELOPMENT – An area of land in which a variety of residential, commercial and industrial uses are planned and developed as a whole according to comprehensive and detailed plans with more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations.

PLAT – (1) A map representing a tract of land, showing the boundaries and location of individual properties and streets; (2) A map of a subdivision or site plan.

PREMISES – One (1) or more lots which are in the same ownership and are contiguous or separated only by a road or water body, including all buildings, structures and improvements.

PRINCIPAL BUILDING – The building in which the principal use of the lot is conducted.

PRINCIPAL USE – The primary use to which the premises are devoted and the main purpose of which the premises exist.

PROFESSIONAL ACTIVITIES – The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers and similar professions.

PROHIBITED USE – The use marked as prohibited for a certain district in the Schedule of Uses is not to be allowed to locate in said district except as specified under non-conformities.

PUBLIC AREAS – Public parks, playgrounds, trails, paths and other recreational areas and other public open spaces; scenic and historic sites; schools and other public buildings/structures; etc.

PUBLIC DOMAIN – All lands owned by government.

PUBLIC HEARING – A meeting announced, advertised in advance and open to the public, with the public given an opportunity to talk and participate.

PUBLIC NOTICE – The advertisement of a public hearing in a paper of general circulation in the area and through other media sources, indicating the time, place and nature of the public hearing.

PUBLIC RIGHT-OF-WAY – A general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to, a transportation facility.

PUBLIC SERVICE FACILITY – The erection, construction, alteration, operation or maintenance of buildings, power plants or sub-stations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures used by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communications, water and sewage services.

PUBLIC USES – Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

QUASI-PUBLIC USE – Churches, Sunday schools, parochial schools, colleges, hospitals and other facilities of an educational, religious, charitable, philanthropic or non-profit nature.

RECREATIONAL EQUIPMENT, MAJOR – Equipment which must be hauled on a trailer with two (2) or more wheels or which has two (2) or more wheels attached, or which is self-propelled with wheels, including boats, trailers and recreational vehicles.

RECREATIONAL FACILITIES – Public or private facilities that may be classified as both “extensive” or “intensive” depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land

and include, but need not be limited to, hunting, fishing and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums and bowling alleys.

RECREATIONAL VEHICLE – A vehicle primarily designed as a temporary living quarter for recreation, camping or travel, either with its own motor power or mounted on or towed by another powered vehicle.

RECREATIONAL CAMPGROUND – An area of land on which two (2) or more recreational vehicles, including campers, tents or other similar temporary recreational structures, are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used, or intended to be used, in connection with providing such accommodations.

REHABILITATION – The upgrading of a building previously in a dilapidated or substandard condition, for human habitation or use.

RELIGIOUS USE – A structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.

RELOCATE – To move an individual, household, use or building from its original place to another location.

REPLACEMENT COST – The sum of money which would be required to rebuild a structure identical to the one in question.

RESEARCH ACTIVITIES – Research, development and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation and engineering. All research, testing and development shall be carried on within entirely enclosed buildings and no noise, smoke, glare, vibration or odor shall be detected outside of said building.

RESIDENCE – A home, adobe or place where an individual is actually living at a specific point in time.

RESIDENTIAL DENSITY – The number of dwelling units per acre of residential land.

RESTORATION – The relocation or reconstruction of a building's original architectural features.

RESTRICTION – A limitation on property which may be created in a property deed, lease, mortgage, through certain zoning or subdivision regulations or as a condition of approval of an application for development.

RESTRICTIVE COVENANT – A restriction on the use of land usually set forth in the deed (see Master Deed Covenant)

RETAIL SERVICES – Establishments providing services or entertainment, as opposed to products, to the general public, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, educational and social services, museums and galleries.

RETAIL TRADE – Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RETAINING WALL – A structure constructed to hold back or support an earthen bank.

RETENTION BASIN – A pond, pool or basin used for the permanent storage of water runoff.

REZONE – To change the zoning classification of particular lots or parcels of land.

RIGHT OF ACCESS – The legal authority to enter or leave a property.

RIGHT-OF-WAY – (1) A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses; (2) Generally, the right of one to pass over the property of another.

ROADSIDE STAND – A temporary structure designed or used for the display or sale of agricultural and related products, or novelties and other items of interest, to the motoring public.

ROOMING HOUSE (BOARDING HOUSE, DORMITORY, LODGING HOUSE) – A dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three (3) or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

SANITARY SEWAGE – Liquid waste containing animal or vegetable matter in suspension or solution or the water-carried waste resulting from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers or any other source of water-carried waste of human origin or containing putrescible material.

SANITARY SEWERS – Pipes that carry only domestic or commercial sewage and into which storm surface and ground waters are not intentionally admitted.

SCREENING – A structure erected or vegetation planted for concealing an area from view.

SEAT – For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews or space for loose chairs.

SEPTIC SYSTEM – An underground system with a septic tank used for the decomposition of domestic wastes.

SERVICE STATION, AUTOMOBILE – Any land, building, structure or premises used for the sale at retail of motor vehicle fuels, oils or accessories or for servicing or lubricating motor vehicles or for the installing or replacing of motors, bodies or fenders of motor vehicles or painting motor vehicles, public garages and the open storage of rental vehicles or trailers.

SETBACK LINE – A line established by the Zoning Ordinance, generally parallel with and measured from the lot line (property line), defining the limits of a yard in which no building, other than accessory buildings or structures may be located above ground, except as may be provided in said Ordinance.

SEWERS, CENTRAL OR GROUP – An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

SEWERS, ON-SITE – A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

SIDEWALK – The portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

SIGN – An identification, description, illustration or device which is affixed to or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, service, person, institution or business.

SIGN, ILLUMINATED – Any sign illuminated by electricity, gas or other artificial light including reflecting or phosphorescent light.

SIGN LIGHTING DEVICE – Any light or group of lights located or arranged so as to cast illumination on a sign.

SIGN, OFF-PREMISES – Any sign unrelated to a business or profession conducted or to a commodity or service sold or offered upon the premises where such sign is located.

SIGN, ON-PREMISES – Any sign related to a business or profession conducted or a commodity or service sold or offered upon the premises where such sign is located.

SIGN, PROJECTING – Any sign which projects from the exterior of a building.

SITE PLAN – The development plan for one or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, floodplains, marshes and waterways, open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting and screening devices; any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

SPOUSE ABUSE CENTER – An organization operated by trained professional counselors for the purpose of providing temporary assistance to those family members who have been physically or emotionally harmed or threatened with physical harm.

STORY – That part of a building between the surface of a floor and the ceiling immediately above or if there is a floor above, the portion of a building between the surface of any floor and the surface of the floor above. The basement shall be counted as a story and a cellar shall not be counted as a story.

STREET – A general term denoting a public way for purposes of vehicular travel, including the entire area within the right-of-way. The term “street” also includes the terms highway, parkway, road, thoroughfare, avenue, boulevard, land, court, place and other such terms.

The recommended usage is:

--highway or street in urban areas

--highway or road in rural areas

- a. **ALLEY** – A street intended to provide access to the rear or side of lots or to buildings in urban areas and not intended for the purpose of through vehicular traffic.
- b. **ARTERIAL** – A system of street and roads which form an integrated network of continuous routes primarily for through traffic. The “arterial” system is stratified into major and minor categories.
 1. **MAJOR** – A street intended to collect and distribute traffic and service areas such as community-commercial areas, primary and secondary educational plants, hospitals, major recreational areas, churches and offices.
 2. **MINOR** – A street intended to move traffic from local roads to major arterials.
- c. **CUL-DE-SAC** – A local street open at one end only and with a special provision for vehicles turning around.

- d. **DEAD-END** – A local street open at one end only and without a special provision for vehicles turning around.
- e. **FRONTAGE** – A local street or road auxiliary to and located on the side of an arterial for service to abutting property and adjacent areas and for control of access.
- f. **HIGHWAY** – A term applied to streets and roads that are under the jurisdiction of the Kentucky Department of Transportation.
- g. **LOCAL** – A system of streets and roads which primarily provides land access service and access to higher order systems.
- h. **LOOP** – A local street with both terminal points on the same street of origin.
- i. **PARTIAL** – A dedicated right-of-way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.
- j. **PERIMETER** – Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.
- k. **PRIVATE** – A local street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.
- l. **PUBLIC** – A street under the control of and kept by the public, established by regular governmental proceedings for the purpose, or dedicated by the owner of the land and accepted by the proper authorities and for the maintenance of which they are responsible.

STRUCTURE – Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Included, but not limited to, structures or buildings, walls, fences, signs, radio towers, TV antennas and satellite TV disks.

SUPPLY YARD – A commercial establishment storing and offering for sale building supplies, steel, coal, heavy equipment, feed and grain and similar goods.

SWIMMING POOL – A pool, pond, lake or open tank containing at least eighteen (18) inches of water at any point and maintained by the owner or manager.

SWIMMING POOL, COMMUNITY – A swimming pool for the benefit of the general public, operated with a charge for admission; a principal use.

SWIMMING POOL, PRIVATE – A swimming pool used exclusively without paying an additional charge for admission, by the residents and guests of a single household, a

multi-family development, a community, the members and guests of a club or the patrons of a motel or hotel; an accessory use.

TEMPORARY USE – The use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

TRANSITION ZONE – A zoning district permitting transitional uses.

TRANSITIONAL AREA – (1) An area in the process of changing from one use to another or changing from one racial or ethnic occupancy to another; (2) An area which acts as a buffer between two land uses of different intensity.

TRANSPORTATION PLAN – The portion of the Comprehensive Plan adopted by the Planning Commission indicating the general location recommended for arterial, collector and local streets and roads within the appropriate jurisdiction.

UPZONE – To reduce the intensity of use by decreasing density or lowering the floor area ratio or otherwise increasing bulk requirements.

USE – The specific purposes for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained.

VACANCY – Any unoccupied land, structure, or part thereof which is available and suitable for occupancy.

VARIANCE – A modification of the strict terms of the relevant regulations of this Ordinance where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of the action of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship.

VETERINARY ANIMAL HOSPITAL OR CLINIC – A place used for the care, diagnosis and treatment of sick, ailing, infirm or injured animals and those who are in need of medical or surgical attention and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the principal activity or use.

VICINITY MAP – A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

WALKWAY – A public way, four (4) feet or more in width, for pedestrian use only whether along the side of a street or not.

WORKING DAY – The normal days of business for the government agency enforcing this Ordinance, i.e., Monday through Friday.

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

YARD, FRONT – A yard across the full width of the lot extending from the front lot line of the principal building to the front of the lot. On corner lots, the front yard shall face the shortest street dimension of the lot, except that if the lot is square or almost square, then the front yard may face either street.

YARD, REAR – A yard extending the full width of the lot between a principal building and the rear lot line or lines.

YARD, SIDE – A yard between the principal building and side lot line, and extending from the front yard line to the rear yard line.

ZERO LOT LINE – The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

ZONING – The division of an area into districts and the public regulation of the character and intensity of the use of the land and of the buildings and structures which may be located thereon, in accordance with a comprehensive plan.

ZONING ORDINANCE – A legal tool for accomplishing the objectives of a land use plan. It is an effective regulatory measure designed to encourage high standards of development and to foster the most efficient use of land.

ZONING PERMIT – A document issued by the Zoning Inspector, authorizing the use of lots, structures, uses of land and buildings and the characteristics of the use.

ARTICLE 4
ENFORCEMENT

4.0 ZONING PERMITS REQUIRED

Zoning permits shall be issued only in conformity with the provisions of this ordinance.

4.1 CONTENTS OF APPLICATION FOR ZONING PERMIT

The application for a zoning permit shall be signed by the owner of the property attesting to the truth and exactness of all information supplied by the applicant. The following information is the minimum required:

1. Name, address and phone number(s) of applicant(s)
2. Legal description of the property
3. Existing and proposed use
4. Zoning District
 - a. Current Zoning
 - b. Proposed Zoning
5. Plans showing dimensions:
 - a. Building Site Area
 - b. Building Site Width
 - c. Building Site Coverage
 - d. Building Height
 - e. Building Setback Line
6. Number of off-street parking spaces or loading berths
7. Number of dwelling units
8. Any other matters which may be necessary to determine conformance with and provide for the information of this ordinance.

4.2 APPROVAL OF ZONING PERMIT

Within five (5) working days after the receipt of the application, the zoning inspector shall either approve or disapprove the application.

4.3 ZONING PERMIT – BUILDING PERMIT

The zoning permit shall be integrated with the building permit. The zoning/building permit shall be issued based on compliance with zoning regulations and building codes.

4.4 RECORD OF ZONING/BUILDING PERMITS

The zoning inspector shall maintain a complete record of all zoning/building permits and copies shall be furnished or presented for review to any person making a request.

4.5 FAILURE TO OBTAIN A ZONING/BUILDING PERMIT

Failure to obtain a zoning/building permit shall be a violation of this Ordinance and will be punishable under the provisions set forth in “Penalties for Violation” of this Article. (See Section 4.8) The violator shall obtain a zoning/building permit by the end of the next working day after receipt of a notice of violation. This period shall be considered the warning period.

4.6 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION, PLANS AND PERMITS

Zoning/Building permits issued on the basis of plans and applications approved by the zoning inspector authorized only the use of arrangement set forth in such approved plans and applications. Any use, arrangement or construction contrary to that authorized shall be deemed a violation of this Ordinance and be punishable under the provision set forth in “Penalties for Violations” of this Article (See Section 4.8)

4.7 COMPLAINTS REGARDING VIOLATIONS

Any person may file a written complaint whenever a violation of this Ordinance occurs or is alleged to have occurred. The complaint shall state fully and accurately the causes and basis thereof, and be filed with and recorded by the zoning inspector. The zoning inspector shall immediately investigate and take action upon such complaint as provided in this Ordinance. (See Section 4.8)

4.8 PENALTIES FOR VIOLATION

Violations of the provisions of this ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances, conditional uses and special use permits, shall constitute a common nuisance or misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) nor less than fifty dollars (\$50.00). The violator shall

obtain a zoning permit by the end of the next working day after receipt of a notice of violation. This period shall be considered the warning period.

Each day construction continues after the warning period shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

4.9 SCHEDULE OF FEES, CHARGES AND EXPENSES

The City Council shall, by Ordinance, establish a schedule of fees, charges and expenses and a collection procedure for zoning permits, building permits, amendments, appeals, variances, conditional use permits, plan approvals and other matters pertaining to the administration and enforcement of this ordinance requiring investigations, legal, advertising, postage and other expenses. The schedule of fees shall be posted in the office of the zoning inspector and may be altered or amended only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

SCHEDULE OF FEES, CHARGES AND EXPENSES

Zoning Permit/ Building Permit

Special Use Permit

Applications for Appeal
(Board of Zoning Adjustment)

Dimensional Variance

Conditional Use

Plan Review

Petition for Amendment to the Ordinance
(Rezoning)

This ordinance hereby establishes the aforementioned fees, charges and expenses as part of this document.

ARTICLE 5

NON-CONFORMITIES

5.0 INTENT

Within the districts established by this Ordinance or amendments that may later be adopted there exist:

1. Non-conforming lots
2. Non-conforming structures
3. Non-conforming uses of land
4. Non-conforming uses of land and structures in combination
5. Non-conforming characteristics of use
6. Non-conforming signs

which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments thereto. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses which are prohibited elsewhere in the same district.

5.1 INCOMPATIBILITY OF NON-CONFORMITIES

Non-conformities are declared by this Ordinance to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use of a structure, a non-conforming use of land or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

5.2 AVOIDANCE OF UNDUE HARDSHIP

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building or development on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently.

Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently. Actual construction is hereby defined as work done which is beyond the preparation stage and into that stage where the changes or additions are made permanent.

5.3 SINGLE NON-CONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance notwithstanding limitations imposed by other provisions of this Ordinance. Such a lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements of area or width, or both, that are generally applicable in the district provided that yard dimensions and requirements, other than those applying to the area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Articles 7 and 8 of this Ordinance, other than lot area or lot width, shall be obtained only through action of the Board of Zoning Adjustment as set forth in Article 6, ADMINISTRATION.

5.4 NON-CONFORMING LOTS OF RECORD IN COMBINATION

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with an area or width below the requirements stated in this Ordinance.

5.5 NON-CONFORMING USES OF LAND

Where, at the time of adoption of this Ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this Ordinance, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such non-conforming uses shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
2. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date or adoption or amendment of this Ordinance;

3. If any such non-conforming uses of land are discontinued or abandoned for more than one year (except when government action impedes access to premises), any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located;
4. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

5.6 NON-CONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk or other requirements concerning the structure, such structure may be continued so long as it remains otherwise unlawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
2. Should such non-conforming structure or non-conforming portion of a structure be destroyed by any means, by more than 50%, it shall only be reconstructed in conformity with conditions set forth by the Board of Zoning Adjustment.
3. Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

5.7 NON-CONFORMING USES OF STRUCTURES OR STRUCTURES AND LAND IN COMBINATION

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. A non-conforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

3. If no structural alterations are made, any non-conforming use of a structure or structure and land, may, upon appeal to the Board of Zoning Adjustment, be changed to another non-conforming use provided that the Board of Zoning Adjustment shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Adjustment may require appropriate conditions and safeguards in accordance with other provisions of this ordinance.
4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district and the non-conforming use may not thereafter be resumed.
5. When a non-conforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than one year (except when government action impedes access to the premises), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
6. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

5.8 REPAIRS AND MAINTENANCE

Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful by reason or physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

5.9 USES UNDER CONDITONAL USE PROVISIONS ARE NOT NON-CONFORMING USES

Any use which is permitted as a conditional use in a district under the terms of this Ordinance (other than a change through the Board of Adjustment's action from a non-conforming use to another use not generally permitted in the district) shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

5.10 NON-CONFORMING SIGNS

For the purposes of enforcing this Ordinance, non-conforming signs shall be considered as non-conforming structures as provided for in this Article.

ARTICLE 6

ADMINISTRATION

6.0 CREATION OF THE OFFICE OF THE ZONING INSPECTOR

A zoning inspector designated by the City Council shall administer and enforce this Ordinance. He may be provided with the assistance of such other persons as the City Council may direct.

6.1 DUTIES OF THE ZONING INSPECTOR

For the purpose of this Ordinance, the zoning inspector shall have the following duties:

1. Upon finding that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation(s) ordering the action necessary to correct such violation;
2. Order discontinuance of illegal uses of land, buildings or structures;
3. Order removal of illegal buildings or structures or illegal additions or structural alterations;
4. Order discontinuance of any illegal work being done;
5. Take any other action authorized by this Ordinance to ensure compliance with or to prevent violation(s) of this Ordinance. This may include the issuance of an action on zoning and similar administrative duties as are permissible under the law.

6.2 PROCEEDINGS OF THE PLANNING COMMISSION

The Commission shall adopt rules necessary for the conduct of its affairs in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be of public record and be immediately filed in the office of the Commission.

6.3 DUTIES OF THE PLANNING COMMISSION

For the purpose of this Ordinance the Commission shall have the following duties:

1. Initiate proposed amendments to this Ordinance when or where needed;

2. Review all proposed amendments to this Ordinance and make recommendations to the City Council as specified in AMENDMENT in this Article;
3. Review all planned unit developments and make recommendations to the City Council as provided in Article 7, DISTRICTS.

6.4 CREATION OF THE BOARD OF ZONING ADJUSTMENT

A Board of Zoning Adjustment is hereby created as set forth in Kentucky Revised Statutes Chapter 100.217. The membership of the Board of Zoning Adjustment shall consist of five (5) citizen members in staggered terms for initial appointment as set forth in the statutes.

6.5 PROCEDURES OF THE BOARD OF ZONING ADJUSTMENT

The Board shall adopt rules necessary for the conduct of its affairs in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its examination and other official actions, all of which shall be public record and be immediately filed in the office of the Board.

6.6 DUTIES OF THE BOARD OF ZONING ADJUSTMENT

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decisions or determination appealed from and may make such other requirement, decision, or determination as ought to be made, and to that end shall have the powers of the zoning inspector from whom the appeal is taken. For the purpose of this Ordinance the Board has the following specific responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the zoning inspector;
2. To authorize such variance from the terms of this ordinance so as to not be contrary to the public interest, where owing to the special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship and so that the spirit of this Ordinance shall be observed and substantial justice done;
3. To grant conditional use permits as specified in the Official Schedule of Uses and under the conditions specified in Article 7, DISTRICTS, and such additional safeguards as will uphold the intent of this Ordinance.

6.7 DUTIES OF THE ZONING INSPECTOR, BOARD OF ZONING ADJUSTMENT

It is the intent of this Ordinance that all questions or interpretation and enforcement shall be first presented to the zoning inspector and that such question shall be presented to the Board only on appeal from the decision of the zoning inspector and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Ordinance that the duties of the City Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Ordinance. Under this Ordinance, the City Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law and of establishing a schedule of fees and charges as stated in Article 4, ENFORCEMENT, of this Ordinance. Nothing in this Ordinance shall be interpreted to prevent any adversely affected individual or official of the City from appealing a decision of the Board to the courts as provided in Kentucky law. Any such appeal shall be made within thirty (30) days after the Board's written decision.

6.8 PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

Appeals and variances shall conform to the procedure and requirements of this Article inclusive of the Ordinance. As set forth in Duties of the Board of Zoning Adjustment, the Board has appellate jurisdiction relative to appeals and variances.

6.9 APPEALS

Appeals to the Board of Zoning Adjustment concerning interpretation or administration of this Ordinance may be taken by any persons aggrieved or by any officer or bureau of the legislative authority of the City affected by any decision of the zoning inspector. Such appeal shall be taken within thirty (30) days after the decision by filing, with the zoning inspector and with the Board of Zoning Adjustment, a notice of appeal specifying the grounds upon which the appeal is being taken. The zoning inspector shall transmit to the Board of Zoning Adjustment all the papers constituting the record upon which the action appealed from was taken.

6.10 STAY OF PROCEEDINGS

Any appeal stays all proceedings in furtherance of the action appealed from unless the zoning inspector from whom the appeal is taken certifies to the Board of Zoning Adjustment, after the notice of appeal is filed with him, that reason of facts stated in the application, a stay would in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Adjustment or by a court of record on application, on notice to the zoning inspector from whom the appeal is taken or due cause shown.

6.11 VARIANCES

The Board of Zoning Adjustment may authorize upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. No non-conforming use of neighboring lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall be granted only where strict application of the provisions of this Ordinance would result in unnecessary hardship.

6.12 APPLICATION AND STANDARDS FOR VARIANCES

A variance from the terms of this Ordinance shall not be granted by the Board of Zoning Adjustment unless and until a written application for a variance is submitted to the zoning inspector and the Board or Zoning Adjustment containing:

1. Name, address and phone number of the applicant(s);
2. Legal authorized signature of property owner;
3. Legal description of the property;
4. Description of nature of variance requested;
5. A narrative statement demonstrating that the requested variance conforms to the following standards:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district;
 - b. That a literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
 - c. That special conditions and circumstances do not result from the actions of the applicant;
 - d. That granting the variance requested will not confer on the applicant any special privilege that negatively impacts other land structures or buildings in the immediate vicinity.

A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by subsection 5 of this section have been met by the applicant.

6.13 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

Under no circumstances shall the Board of Zoning Adjustment grant an appeal or variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district. In granting any appeal or variance, the Board of Zoning Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Ordinance and be punishable under Article 4, ENFORCEMENT – Penalties for Violation.

6.14 PUBLIC HEARING BY THE BOARD OF ZONING ADJUSTMENT

The Board of Zoning Adjustment shall hold a public hearing within forty-five (45) days after the receipt of an application for an appeal or variance from the zoning inspector or an application. However, the public hearing shall not be held sooner than fifteen (15) days after its receipt.

6.15 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing, required notice of such hearing shall be given in one or more newspapers of general circulation of the City at least fourteen (14) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed appeal or variance.

6.16 NOTIFYING ADJOINING PROPERTY OWNERS

Each adjoining property owner shall be contacted in writing prior to the public hearing. Notice shall be mailed by the Chairman of the Board of Zoning Adjustment, or duly appointed representative, by registered mail, at least fourteen (14) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Notice of Public Hearing in Newspaper (See 6.15).

6.17 ACTION BY BOARD OF ZONING ADJUSTMENT

Within thirty (30) days after the public hearing required in this Article, the Board of Zoning Adjustment shall approve; approve with supplementary conditions as specified in Supplementary Conditions and Safeguards (See 6.23); or disapprove the request for appeal or variance. The Board of Zoning Adjustment shall further made a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. Appeals from the Board's decisions shall be made in the manner specified in Duties of the Zoning Inspector (See 6.7).

6.18 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USE

Conditional uses shall conform to the procedures and requirements of this Article inclusive of this Ordinance.

6.19 GENERAL

It is recognized that an increasing number of new kinds of uses are appearing daily and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article 7, DISTRICTS or Article 10, APPENDIX, Official Schedule of Uses, shall follow the procedures and requirements set forth.

6.20 CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT

An application for conditional use permit shall be filed with the Chairman of the Board of Zoning Adjustment by the owner(s) of the property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

1. Name, address and phone number of applicant(s);
2. Legal authorized signature of land owner;
3. Legal description of the property;
4. Description of existing use;
5. Zoning district;
6. Description of proposed conditional use;
7. A plan of the propose site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open space, landscaping, refuse and service areas, utilities, signs, yard and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this Ordinance;
8. A narrative statement evaluating the effects of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan;

9. Such other information as may be required in Specific Criteria for Conditional Uses (6.22).

6.21 GENERAL STANDARDS APPLICABLE TO ALL CONDITONAL USES

In addition to the specific requirements for conditionally permitted uses as specified in Specific Criteria for Conditional Uses (6.22), the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location;

1. Is in fact a conditional use as established under the provisions of Article 7 and appears on the Official Schedule of Uses in Article 10 for the zoning district involved;
2. Will be harmonious with and in accordance with the general objectives or with any specific objective of the City's Comprehensive Plan and/or the Zoning Ordinance;
3. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
4. Will not be hazardous or disturbing to existing or future neighboring uses;
5. May be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
8. Will have vehicular approaches to the property which shall be designed as not to create an interference with traffic on surrounding public thoroughfares;
9. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

6.22 SPECIFIC CRITERIA FOR CONDITIONAL USES

Following are examples of some specific requirements for conditionally permitted uses as specified in the Official Schedule of Uses that may be used in restricting such conditional uses;

1. Ingress and egress to the property and proposed structures thereon with particular references to the safety and convenience of motorists and pedestrians, traffic flow, traffic control and access in case of fire or catastrophe.
2. Off-street parking and boarding areas where required with particular attention to items mentioned in (1) above, the economic effects, noise, glare or odor caused by conditional use on adjoining properties and properties generally in the district.
3. Refuse and service areas, with particular reference to items mentioned in (1) and (2) above.
4. Utilities, with reference to locations, availability and compatibility.
5. Screening and buffering of adjoining properties with reference to type, dimensions and character.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effects and compatibility and harmony with properties in the district. The sign size shall be limited to four (4) square feet, and can be a free standing sign. All free standing signs shall be within five (5) feet of the structure and shall only have indirect illumination.
7. Required yard and other open space.
8. General compatibility with adjacent properties and other properties in the district.

6.23 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms which the conditional use is granted, shall be deemed a violation of this Ordinance and punishable under Article 4, ENFORCEMENT-Penalties for Violation (4.8).

6.24 NOTICE OF PUBLIC HEARING

Upon receipt of the application for a conditional use permit, the Board shall hold a public hearing, publish notice in newspaper and give written notice to all parties in interest, according to the procedures specified in Sections 6.14, 6.15 and 6.16.

6.25 ACTION BY THE BOARD OF ZONING ADJUSTMENT

Within thirty (30) days after the required public hearing, the Board shall approve, approve with supplementary conditions as specified in Supplementary Conditions and Safeguards (6.23); or disapprove the application as presented. If the application is approved or approved with modification, the Board shall direct the zoning inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval; if the application is disapproved by the Board, the applicant may seek relief through the Circuit Court. Appeals from the Board decisions shall be made in the manner specified in Duties of the Zoning Inspector (6.7).

6.26 EXPIRATION OF CONDITIONAL USE

A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease (to discontinue) for more than one year.

6.27 FILING OF APPROVED CONTIDIONAL USE AND VARIANCE

All conditional use permits and variances shall be filed with the County Court Clerk, as required in KRS 100.3681. Filing shall be the responsibility of the applicant.

A. AMENDMENT

6.0A PROCEDURE FOR AMENDMENT OR DISTRICT CHANGES

This ordinance may be amended utilizing the procedures specified, inclusive, of this Ordinance.

6.1A GENERAL

Whenever the public necessity, convenience, general welfare or zoning practices require, the City Council may, by ordinance after receipt of recommendations thereon from the Planning Commission and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property.

6.2A INITIATION OF ZONING AMENDMENTS

Amendments to the Official Zoning Map may be initiated in one of the following ways:

1. By adoption of a motion by the Planning Commission;
2. By adoption of an order by the City Council;
3. By a property owner filing an application.

Applications for amendments proposing to amend, supplement, change or repeal portions of this Chapter other than the Official Zoning Map may be initiated by either the Planning Commission or City Council following the procedures as outlined in KRS 100.211

6.3A CONTENTS OF APPLICATION

Applications for amendments to the Official Zoning Map adopted as part of this Ordinance by Article 9, Official Zoning Map, shall contain at least the following information:

1. Name, address and phone number of applicant;
2. Legal authorized signature of property owner;
3. Proposed amending ordinance, approved as to form by the City legal advisor;
4. Present use;
5. Present zoning district;
6. Proposed zoning district;

7. A vicinity map at scale approved by the zoning inspector showing property lines, thoroughfares, existing and proposed zoning and such other items as the zoning inspector may require;
8. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case;
9. A statement on how the proposed amendment meets the criteria for amendments as stipulated in KRS Chapter 100.213.
10. Fees for zoning text amendments and zoning map amendments shall be as follows:

| | |
|--|----------|
| 4-5 hour staff review | \$99.00 |
| 1-2 hour director review | 74.25 |
| 1-2 hour staff report preparation | 33.00 |
| 2-3 hour secretarial support | 41.25 |
| 1 hour preparation for Department Head Comments | 22.00 |
| Postage for sending out Department Head Comments | 13.75 |
| Miscellaneous Expenses (phone calls, paper, postage, etc.) | 24.75 |
| 2-3 hour follow up | 57.00 |
| Total | \$365.00 |

A filing fee of \$75.00 plus a processing fee of \$365 shall be paid by the applicant to the Hopkinsville-Christian County Planning Commission upon submittal of an application. Total fees for rezoning/ zoning text amendments shall be \$440.00 and shall be paid in full prior to any review taking place. Upon completion of the Planning Commission's action, a written recommendation shall be forwarded to the Oak Grove City Council.

Applications for amendments proposing to amend, supplement, change or repeal portions of this ordinance other than the Official Zoning Map shall include items (1), (3) and (10) listed above.

The reconsideration of a denied map amendment or consideration of a map amendment identical to a denied map amendment is prohibited for a period of two (2) years.

6.4A TRANSMITTAL TO THE PLANNING COMMISSION

Immediately after the filing of an application, it shall be transmitted to the Commission and heard during a regular or specially called Planning Commission meeting.

6.5A PUBLIC HEARING AND PLANNING COMMISSION

The Planning Commission shall schedule a public hearing after a petition is received. Publication of the public hearing shall be not less than fourteen (14) nor more than twenty-one (21) days from the date of said hearing. Notices shall be in the newspaper as described in Notice of Public Hearing in Newspaper (6.6A).

6.6A NOTICE OF PUBLIC HEARING IN NEWSPAPER

Notice of public hearing shall be given in at least one (1) publication in one (1) or more newspapers of general circulation in the City affected. Said notice shall be published at least fourteen (14) days before nor more than twenty-one (21) days from the date of the required hearing. The published notice shall conform to local procedures setting forth the time and place of the public hearing and a summary of the proposed amendment.

6.7A NOTICE TO PROPERTY OWNERS

Notice of the public hearing shall be given at least fourteen (14) days in advance of, nor more than twenty-one (21) days before the hearing by certified mail, return receipt requested, to the owners of property adjoining the property classification which is proposed to be changed. Neither a natural nor a man-made boundary, e.g. river, street or etcetera, shall exclude any property from adjoining another for the purpose of this Ordinance.

6.8A SIGN ON PROPERTY

A sign shall be placed on the property to be considered for the rezoning at least fourteen (14) days in advance of the hearing. The sign shall conform to the dimensional requirements established in KRS Chapter 100.212.

6.9A RECOMMENDATION BY THE PLANNING COMMISSION

Within sixty (60) days from the receipt of the proposed map or text amendment, the Planning Commission shall transmit its recommendation to the City Council. The Planning Commission may recommend a modification of the amendment requested or it may recommend that the amendment be denied.

6.10A ACTION BY THE CITY COUNCIL

Within ninety (90) days or from the date of a final dispositive vote by the Planning Commission, the City Council shall either adopt or reject the recommendation of the Planning or adopt some modification thereof as provided herein.

1. The City Council shall take one of the following actions on a recommendation from the Planning Commission:
 - a. The City Council may take no action and after ninety (90) days, the Planning Commission's recommendation is adopted by operation of law;

- b. The City Council may accept the Planning Commission's recommendation (finding of fact/ summary of evidence and testimony);
 - c. The City Council may review the transcript of the public hearing held before the Planning Commission and then either adopt, reject or modify the Planning Commission's recommendation based on findings of fact developed from said review; or
 - d. The City Council may hold a public hearing which meets the notice requirements in this Ordinance and, at the conclusion of the public hearing, make a final decision based on findings of fact developed at the hearing.
2. The City Council then can go into deliberations and develop findings of fact which support their decision. The Council may go into closed session to deliberate.
3. It shall take a majority of the entire legislative body to override the recommendation of the Planning Commission.
4. An Ordinance will be adopted to reflect any final action resulting in a map amendment or text amendment.

B. PLAN REVIEW

6.0B NEW DEVELOPMENT

New developments are defined as: multi-family structures, developments using the Planned Unit Development (PUD) or Zero Lot Line (ZLL) provisions found in this Ordinance and industrial or commercial developments of more than one-half (1/2) acre shall be subject to a Plan Review. The Plan Review shall consist of a site plan and other exhibits as deemed necessary by the Planning Commission in order to gain full insight into the developers' intent.

6.1B REQUIRED EXHIBITS

The following exhibits shall be prepared by either non-design professionals or design professionals, such as architects, landscape architects, surveyors or engineers and be submitted to the Planning Commission with the appropriate fee and application forms as established in Article 10, APPENDIX.

A site plan of the proposed project (12 copies) which show the following information:

- a. Map drawn to scale, preferably 1" = 100' or 1" = 50'.
- b. Written legal description.
- c. Vicinity map with existing streets.
- d. Proposed surface water drainage.
- e. Existing and proposed property lines.
- f. Parking and loading areas.
- g. Areas to be dedicated or reserved for parks, playgrounds, etc.
- h. Existing natural features.
- i. Location of existing and proposed utilities, water and sewer line (size), power lines, etc.
- j. Locations of proposed buildings with:
 1. Setback lines
 2. Adequate security lighting
 3. Required number of parking spaces

4. Trash and garbage containment with proposed buffer
5. Gross and net acreage
6. Lot sizes (dimensions and square footage)
7. Building heights and stories
8. Building coverage for each lot
9. Existing and proposed landscaping

6.2B PRELIMINARY REVIEW PROCESS

The preliminary review process is an investigatory period which precedes actual preparation of plans by the developer. The developer shall meet informally with the Planning Commission or its representative and present a general outline of the proposal, included but not limited to the following:

1. Sketch plans and ideas regarding land use, street and lot arrangements, tentative lot sizes.
2. Proposals regarding water supply, sewerage disposal, surface drainage and street improvements.
3. Other information as deemed necessary by the Planning Commission or its representative to determine the feasibility of the project.

6.3B REVIEW PROCESS

Upon receipt of the required exhibits, the Planning Commission shall have thirty (30) days to review the site plan and make one of the following decisions:

1. Approve the plan as submitted,
2. Grant conditional approval and require the applicant to make changes in order to comply with the Ordinance,
3. Deny approval of the site plan as inappropriate with design standards established in this Ordinance.

Deficiencies will be reported and given to the developer to address.

6.4B FILING OF APPROVED SITE PLAN (KRS 100.3681)

Once the site plan is approved, the applicant is responsible for filing the plan and application with the Christian County Court Clerk's Office in the name of the Planning Commission. Failure to file the site plan shall render the plan null and void.

6.5B ISSUANCE OF ZONING/BUILDING PERMITS

The site plan shall be reviewed and approved by the Planning Commission or duly appointed representative before any permit is issued by the zoning inspector. Approval of the site plan shall be based on compliance with the criteria listed above and standards found within this document.

6.6B PROJECT COMPLETION AND COMPLIANCE

Upon completion of the project, the design professional shall certify in writing that the project was built according to the site plan as approved by the Planning Commission. A Certificate of Occupancy will not be issued until certification is received by the Planning Commission. In the situation where a non-design professional drew and developed the plan, the owner of the development must sign a certification accepting all liability and stating the project was constructed according to the plans as approved.

ARTICLE 7
DISTRICTS

7.0 R-1; SINGLE-FAMILY RESIDENTIAL DISTRICT

A. Statement of Purpose

The intent of this district is to provide single-family residential areas with relatively low population densities and to prohibit uses which would destroy the residential character of the neighborhood, i.e. commercial and industrial uses.

B. Permitted Uses

See Article 10, APPENDIX, Schedule of Uses.

C. Conditional Uses

See Article 10, APPENDIX, Schedule of Uses

D. Standards

1. Building Site Area:

Each lot shall have an area not less than 17,500 square feet.

2. Building Site Width:

The minimum site width at the building setback line shall be seventy-five (75) feet.

3. Building Site Coverage:

The total lot coverage for all buildings on the site shall not exceed forty (40) percent of the lot area.

4. Building Height Limit:

The maximum building height limit shall not exceed two (2) stories or thirty-five (35) feet in height.

5. Setback Requirements:

Front yard

One-half the width of the right-of-way (ROW) not to exceed forty (40) feet or be less than twenty-five (25) feet.

| | |
|-----------|------------------|
| Rear yard | Twenty (20) feet |
| Side yard | Ten (10) feet |

The minimum requirement for yards fronting roads under the jurisdiction of the State of Kentucky or Hugh Hunter Road shall not be less than sixty (60) feet.

7.0a R-1A; SINGLE-FAMILY RESIDENTIAL DISTRICT

A. Statement of Purpose

The intent of this district is to provide an alternative to the R-1 single-family residential district. This district provides a medium density as compared to the R-1 district, yet is intended to preserve the single-family residential character and prevent encroachment from incompatible uses which may diminish property values.

B. Permitted Uses

See Article 10, APPENDIX, Schedule of Uses.

C. Conditional Uses

See Article 10, APPENDIX, Schedule of Uses.

D. Standards

1. Building Site Area:

Each lot shall have an area not less than ten-thousand (10,000) square feet.

2. Building Site Width:

The minimum building site width at the building setback line shall be sixty (60) feet.

3. Building Site Coverage:

The total lot coverage for all buildings on the site shall not exceed forty (40) percent of the lot area.

4. Building Height Limit:

The maximum building height limit shall not exceed two (2) stories or thirty-five (35) feet in height.

5. Setback Requirements:

| | |
|------------|---|
| Front yard | One-half the width of the right-of-way (ROW) not to exceed forty (40) feet or be less than twenty-five (25) feet. |
| Rear yard | Twenty (20) feet |
| Side yard | Ten (10) feet |

The minimum requirement for yards fronting roads under the jurisdiction of the State of Kentucky or Hugh Hunter Road shall not be less than sixty (60) feet.

7.1 R-2; ONE AND TWO FAMILY RESIDENTIAL DISTRICT

A. Statement of Purpose

The intent of this district is to provide one and two family residential areas of medium population density. One and two family dwellings are the principal land use for this district. The district is also intended to protect the residential character of the neighborhood by prohibiting commercial activity.

B. Permitted Uses

See Article 10, APPENDIX, Schedule of Uses.

C. Conditional Uses

See Article 10, APPENDIX, Schedule of Uses.

D. Standards

1. Building Site Area:

Each lot shall have an area not less than

| | |
|------------------------|--------------------------------------|
| Single-family detached | 7,500 square feet per unit |
| Two-family (duplexes) | 10,000 square feet per two (2) units |

2. Building Site Width:

The minimum building site width at the building setback line shall be

| | |
|------------------------|---------|
| Single-family detached | 50 feet |
| Two-family (duplexes) | 60 feet |

3. Building Site Coverage:

The total lot coverage permitted for all buildings on the site shall not exceed

| | |
|------------------------|-----|
| Single-family detached | 45% |
| Two-family (duplexes) | 50% |

4. Building Height Limit:

The maximum building height limit shall not exceed two (2) stories or thirty-five (35) feet in height.

5. Setback Requirements:

| | |
|------------|---|
| Front yard | One-half the width of the right-of-way (ROW) not to exceed forty (40) feet or be less than twenty-five (25) feet. |
| Rear yard | Twenty (20) feet |
| Side yard | Seven (7) feet |

The minimum requirement for yards fronting roads under the jurisdiction of the State of Kentucky or Hugh Hunter Road shall not be less than sixty (60) feet.

7.2 R-3; MULTI-FAMILY RESIDENTIAL DISTRICT

A. Statement of Purpose

The intent of this district is to provide for residential areas of high population density. The specific intent of this district is to ensure that only residential uses which may be properly designed and built will be allowed in this district to prevent overcrowding, parking or traffic congestion and to reduce injurious effects on adjacent properties.

B. Permitted Uses

See Article 10, APPENDIX, Schedule of Uses

C. Conditional Uses

See Article 10, APPENDIX, Schedule of Uses

D. Standards

1. Building Site Area:

Each lot shall not have an area not less than

| | |
|------------------------|---|
| Single-family detached | 6,000 square feet per unit |
| Two-family (duplexes) | 7,000 square feet per two (2) units |
| Multi-family | 2,170 square feet per three (3) or more units |

2. Building Site Width:

The minimum site width at the building setback line shall be

| | |
|------------------------|---------|
| Single-family detached | 60 feet |
| Two-family (duplexes) | 50 feet |
| Multi-family | 60 feet |

3. Building Site Coverage:

The total lot coverage permitted for building on the site shall not exceed

| | |
|------------------------|-----|
| Single-family detached | 45% |
| Two-family (duplexes) | 50% |
| Multi-family | 60% |

4. Building Height:

The maximum building height limit shall not exceed two (2) stories or thirty-five (35) feet in height for single-family detached units.

The maximum building height limit shall not exceed two (2) stories or thirty-five (35) feet in height for two-family (duplex) units.

The maximum building height limit shall not exceed fifty (50) feet in height for multi-family units.

5. Setback Requirements:

Single-family detached and two-family (duplexes)

| | |
|------------|---|
| Front yard | One-half the width of the right-of-way (ROW) not to exceed forty (40) feet or be less than twenty-five (25) feet. |
| Rear yard | Ten (10) feet |
| Side yard | Five (5) feet |

Multi-family

| | |
|------------|---|
| Front yard | One-half the width of the right-of-way (ROW) not to exceed forty (40) feet or be less than twenty-five (25) feet. |
| Rear yard | Twenty (20) feet |
| Side yard | Five (5) feet, plus two (2) feet for each story above the second floor |

The minimum requirement for yards fronting roads under the jurisdiction of the State of Kentucky or Hugh Hunter Road shall not be less than sixty (60) feet.

7.3 B-1; PROFESSIONAL COMMERCIAL DISTRICT

A. Statement of Purpose

The intent of this district is to permit areas containing a mixture of light commercial and professional uses and a mixture of residential, public and semi-public uses. These regulations are designed to protect and encourage the transitional character of the district by limiting the permitted uses to those of a commercial and professional service nature and to permit residential dwelling uses as a desirable mix in a transitional district.

B. Permitted Uses

See Article 10, APPENDIX, Schedule of Uses

C. Conditional Uses

See Article 10, APPENDIX, Schedule of Uses

D. Standards

1. Building Site Area:

Each lot shall have an area not less than

| | |
|------------------------|---|
| Single-family detached | 6,000 square feet per unit |
| Two-family (duplexes) | 8,000 square feet per two (2) units |
| Multi-family | 2,170 square feet per three (3) or more units |
| Other permitted uses | 7,000 square feet |

2. Building Site Width:

The minimum building site width at the building setback line shall be

| | |
|------------------------|---------|
| Single-family detached | 50 feet |
| Two-family (duplexes) | 50 feet |
| Multi-family | 60 feet |
| Other permitted uses | 60 feet |

3. Building Site Coverage:

The total lot coverage by all buildings on the site shall not exceed fifty (50) percent of the lot area.

4. Building Height Limit:

The maximum building height shall not exceed thirty-five (35) feet in height.

5. Setback Requirements:

| | |
|------------|-------------------|
| Front yard | Forty (40) feet |
| Rear yard | Fifteen (15) feet |
| Side yard | Seven (7) feet |

The minimum requirement for yards fronting roads under the jurisdiction of the State of Kentucky or Hugh Hunter Road shall not be less than sixty (60) feet.

E. General Requirements

1. No outdoor storage of merchandise or materials and no outdoor processing shall be allowed unless authorized as a conditional use.
2. All lots adjacent to a residentially zoned district shall maintain a minimum setback of twenty (20) feet on the side adjacent to the residential district. The side shall also be buffered in accordance with Article 8.N of this Ordinance.
3. Parking and off-street loading are subject to the provisions established in Article 8, SUPPLEMENTAL REGULATIONS.
4. Signs and portable advertising displays are subject to the provisions established in Article 8, SUPPLEMENTAL REGULATIONS.

5. Traffic Circulation

- a. Points of vehicular ingress and egress to the site shall be limited to the adjacent major or minor arterial only and site plans shall be reviewed by the City of Oak Grove for location and design of curb cuts and driveways and for layout of parking lots.
- b. The maximum width of driveways at the property line shall be twenty-four (24) feet for cross-directional traffic.
- c. The maximum width of driveways at the property line shall be thirty-six (36) feet.
- d. The minimum width of one-directional lanes shall be twelve (12) feet.
- e. The minimum distance of any driveway to the property line shall be seven (7) feet.

- f. The minimum distance between driveways on the site and driveways between adjacent sites shall be sixty-five (65) feet.
- g. The minimum distance a driveway into a site shall be from a street intersection shall be thirty (30) feet measured from the intersection to the street right-of-way to the nearest end of the curb radius.

7.4 B-2; ARTERIAL COMMERCIAL DISTRICT

A. Statement of Purpose

The intent of this district is to provide complementary office, financial, governmental and cultural activity establishments in addition to commercial activities which cater specifically to motor vehicle oriented trade. It is also intended to provide appropriate space, adequate parking, sufficient depth from the street, controlled access points and orderly and concentrated development.

B. Permitted Uses

See Article 10, APPENDIX, Schedule of Uses.

C. Conditional Uses

See Article 10, APPENDIX, Schedule of Uses

D. Standards

1. Building Site Area:

There is no minimum required building site area.

2. Building Site Width:

There is no minimum required building site width.

3. Building Site Coverage:

The total lot coverage by all buildings on the site shall not exceed fifty-five (55) percent of the lot area.

4. Building Height Limit:

The maximum building height limit shall not exceed seventy (70) feet in height.

5. Setback Requirements:

| | |
|------------|------------------|
| Front yard | Forty (40) feet |
| Rear yard | Twenty (20) feet |
| Side yard | Seven (7) feet |

The minimum requirement for yards fronting roads under the jurisdiction of the State of Kentucky or Hugh Hunter Road shall not be less than sixty (60) feet.

E. General Requirements

1. All general requirements that are in effect in the B-1 Professional Commercial District are applicable.

2. Traffic Circulation

a. Points of vehicular ingress and egress to the site shall be limited to the adjacent major or minor arterial only and site plans shall be reviewed by the Planning Commission and/or the City of Oak Grove for location and design of curb cuts and driveways and for layout of parking lots.

b. The minimum width of driveways at the property line shall be twenty-four (24) feet for cross-directional traffic.

c. The maximum width of driveways at the property line shall be thirty-six (36) feet.

d. The minimum width of one-directional lanes shall be twelve (12) feet.

e. The minimum distance of any driveway to the property line shall be seven (7) feet.

f. The minimum distance between driveways on the site and driveways between adjacent sites shall be sixty-five (65) feet.

g. The minimum distance a driveway into a site shall be from a street intersection shall be thirty (30) feet measured from the intersection to the street right-of-way to the nearest end of the curb radius.

F. The entire parking area shall be paved with a permanent surface of concrete, asphaltic cement, cobble stone, brick or grid paving and shall be property graded and drained. Any unpaved area shall be landscaped with lawn or other acceptable landscaping materials, maintained in a neat and orderly fashion at all times.

G. Exterior lighting proposed for use on the site shall be planned, erected and maintained so light is confined to the property and will not cast direct light or

glare upon adjacent properties or public rights-of-way. The light source shall not be visible from adjacent properties or public rights-of-way.

H. Buffering

- b. A permanent landscaped buffer of evergreen plant material or solid wall or fence or other suitable enclosure is required when commercial land abuts a residential district.
- c. All open storage of merchandise, material and equipment shall be screened by adequate ornamental fencing or evergreen planting at the side or rear of the lot abutting a residential district on which said open storage or display occurs; provided, however, that maximum screening shall be eight (8) feet in height.

7.5 B-3; ENHANCED COMMERCIAL DISTRICT

A. Statement of Purpose

The intent of this district is to allow areas containing a mixture of light commercial, professional, public and semi-public uses. These regulations are designed to protect and encourage uses normally associated with pedestrian oriented uses and daily routine uses. The ECD will serve as a buffer between the Central Business District and other zones.

B. Permitted Uses

See Article 10, APPENDIX, Schedule of Uses

C. Conditional Uses

See Article 10, APPENDIX, Schedule of Uses

D. Standards

1. Building Site Area:

There is no minimum required building site area.

2. Building Site Width:

The minimum building site width at the building setback line shall be sixty (60) feet.

3. Building Site Coverage:

The total lot coverage by all buildings on the site shall not exceed fifty (50) percent of the lot area.

4. Building Height Limit:

The maximum building height limit shall not exceed seventy (70) feet in height.

5. Setback Requirements:

| | |
|------------|------------------|
| Front yard | Forty (40) feet |
| Rear yard | Twenty (20) feet |
| Side yard | Seven (7) feet |

The minimum requirement for yards fronting roads under the jurisdiction of the State of Kentucky or Hugh Hunter Road shall not be less than sixty (60) feet.

E. General Requirements

1. Outdoor storage of merchandise or materials and outdoor processing shall be allowed only through the issuance of a Conditional Use Permit by the Board of Zoning Adjustment.
2. Eating or drinking establishments such as cafes, tea rooms, coffee shops, etc., shall be allowed tables or benches outside only through the issuance of a Conditional Use Permit by the Board of Zoning Adjustment.
3. All parking and off-street loading areas are subject to the provisions established in Article 8, SUPPLEMENTAL REGULATIONS.
4. Exterior lighting proposed for use on these sites shall be planned, erected and maintained so light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way. The light source shall not be visible from adjacent properties or public rights-of-way.
5. The entire parking area shall be paved with a permanent surface of concrete, asphaltic cement, cobble stone, brick or grid paving and shall be properly graded and drained. Any unpaved area shall be landscaped with lawn or other acceptable landscaping materials, maintained in a neat and orderly fashion at all times.
6. Signs and portable advertising displays are subject to the provisions established in Article 8, SUPPLEMENTAL REGULATIONS.
7. A permanent landscaped buffer of evergreen plant material or solid wall or fence or other suitable enclosure is required when a proposed commercial development abuts a residential district.
8. All lots adjacent to a residentially zoned district shall maintain a minimum setback of twenty (20) feet on the side adjacent to the residential district. The side shall also be buffered in accordance with Section 8.N and shall be connected via sidewalk to the residential area wherever possible to create a pedestrian friendly environment.
9. Temporary structures, including but not limited to; tents for clearance merchandise, fireworks sales, roadside food stands, etc., shall be prohibited in this district.

10. Sidewalks at least five (5) feet wide shall be used to connect all primary businesses in this zone.

11. Traffic Circulation

- a. The minimum width of driveways at the property line shall be twenty-four (24) feet for cross-directional traffic.
- b. The maximum width of driveways at the property line shall be thirty-six (36) feet.
- c. The minimum width of one-directional lanes shall be twelve (12) feet.
- d. The minimum distance of any driveway to the property line shall be seven (7) feet.
- e. The minimum distance between driveways on the side and driveways between adjacent sites shall be sixty-five (65) feet.
- f. The minimum distance a driveway into a site shall be from a street intersection shall be thirty (30) feet measured from the intersection to the street right-of-way to the nearest end of the curb radius.

7.6 B-4; CENTRAL BUSINESS DISTRICT

A. Statement of Purpose

The intent of this district is to allow areas containing a mixture of professional, public and semi-public uses. Certain uses may be conditionally permitted if proven to related to the intent to this section and be harmonious therein. These regulations are designed to protect and encourage uses normally associated with governmental and pedestrian uses.

B. Permitted Uses

See Article 10, APPENDIX, Schedule of Uses

C. Conditional Uses

See Article 10, APPENDIX, Schedule of Uses

D. Standards

1. Building Site Area:

Each lot shall have an area not less than 7,000 square feet.

2. Building Site Width:

The minimum building site width at the building setback line shall be sixty (60) feet.

3. Building Site Coverage:

The total lot coverage by all buildings on the site shall not exceed fifty (50) percent of the lot area.

4. Building Height Limit:

The maximum building height limit shall not exceed seventy (70) feet in height.

5. Setback Requirements:

| | |
|------------|------------------|
| Front yard | Forty (40) feet |
| Rear yard | Twenty (20) feet |
| Side yard | Seven (7) feet |

The minimum requirement for yards fronting roads under the jurisdiction of the State of Kentucky or Hugh Hunter Road shall not be less than sixty (60) feet.

E. General Requirements

1. Outdoor storage of merchandise or materials and outdoor processing shall be allowed only through the issuance of a Conditional Use Permit by the Board of Zoning Adjustment.
2. Eating or drinking establishments such as cafes, tea rooms, coffee shops, etc., shall be allowed tables or benches outside only through the issuance of a Conditional Use Permit by the Board of Zoning Adjustment.
3. All parking and off-street loading areas are subject to the provisions established in Article 8, SUPPLEMENTAL REGULATIONS.
4. Exterior lighting proposed for use on these sites shall be planned, erected and maintained so light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way. The light source shall not be visible from adjacent properties or public rights-of-way.
5. The entire parking area shall be paved with a permanent surface of concrete, asphaltic cement, cobble stone, brick or grid paving and shall be properly graded and drained. Any unpaved area shall be landscaped with lawn or other acceptable landscaping materials, maintained in a neat and orderly fashion at all times.
6. Signs and portable advertising displays are subject to the provisions established in Article 8, SUPPLEMENTAL REGULATIONS.
7. A permanent landscaped buffer of evergreen plant material or solid wall or fence or other suitable enclosure is required when a proposed commercial development abuts a residential district.
8. All lots adjacent to a residentially zoned district shall maintain a minimum setback of twenty (20) feet on the side adjacent to the residential district. The side shall also be buffered in accordance with Article 8.N and shall be connected via sidewalk to any residential areas wherever possible to create a pedestrian friendly environment.
9. Temporary structures, including but not limited to; tents for clearance merchandise, fireworks sales, roadside food stands, etc., shall be prohibited in this district.

10. Sidewalks at least five (5) feet wide shall be used to connect all primary businesses in this zone.

11. Traffic Circulation

- a. The minimum width of driveways at the property line shall be twenty-four (24) feet for cross-directional traffic.
- b. The maximum width of driveways at the property line shall be thirty-six (36) feet.
- c. The minimum width of one-directional lanes shall be twelve (12) feet.
- d. The minimum distance of any driveway to the property line shall be seven (7) feet.
- e. The minimum distance between driveways on the side and driveways between adjacent sites shall be sixty-five (65) feet.
- f. The minimum distance a driveway into a site shall be from a street intersection shall be thirty (30) feet measured from the intersection to the street right-of-way to the nearest end of the curb radius.

12. All developments are required to install underground utilities at their property lines.

7.7 I-1; INDUSTRIAL DISTRICT

A. Statement of Purpose

The intent of this district is to allow industries of a manufacturing and related character to locate in acceptable areas in the City. The location should be of convenient access to present and future arterial thoroughfares, highways and railway lines. It is further intended that this district be separated from residential areas by business districts as natural barriers to provide a transition between industrial and non-industrial uses.

B. Permitted Uses

See Article 10, APPENDIX, Schedule of Uses

C. Conditional Uses

See Article 10, APPENDIX, Schedule of Uses

D. Standards

1. Building Site Area:

There is no minimum required building site area.

2. Building Site Width:

There is no minimum required building site width.

3. Building Site Coverage:

The total lot coverage by all buildings on the site shall not exceed sixty (60) percent of the lot area.

4. Building Height Limit:

The maximum building height limit shall not exceed sixty (60) feet in height.

5. Setback Requirements:

| | |
|------------|--|
| Front yard | Forty (40) feet |
| Rear yard | Ten (10) feet; shall be provided unless the district abuts a residential district, then the rear yard shall be twenty-five (25) feet not including loading and docking facilities. |

Side yard Ten (10) feet; on each side shall be provided unless the district abuts a residential district, then the side yard shall be twenty (20) feet, not including loading and docking facilities.

The minimum requirement for yards fronting roads under the jurisdiction of the State of Kentucky or Hugh Hunter Road shall not be less than sixty (60) feet.

E. General Requirements

1. All signs and portable advertising displays are subject to the provisions established in Article 8, SUPPLEMENTAL REGULATIONS
2. All parking and loading areas are subject to the provisions established in Article 8, SUPPLEMENTAL REGULATIONS.
3. Plans for building construction, parking area, yards, driveways, entrances and exits shall be approved by the City of Oak Grove and they may require changes therein deemed necessary or desirable to ensure safety, to minimize traffic difficulty and to safeguard adjacent properties.
4. The entire parking area shall be paved with a permanent surface of concrete, asphaltic cement, cobble stone, brick or grid paving and shall be properly graded and drained. Any unpaved area shall be landscaped with lawn or other acceptable landscaping materials, maintained in a neat and orderly fashion at all times.
5. Exterior lighting proposed for use on these sites shall be planned, erected and maintained so light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way.
6. Buffering
 - a. A permanent landscape buffer of evergreen plant material or solid wall or fence or other suitable enclosure is required when a proposed industrial development abuts a residential district.
 - b. All open storage of merchandise, material and equipment shall be screened in accordance with Article 8.N at the side and rear of the lot abutting a residential district on which said open space or display occurs, provided the maximum screening required shall be eight (8) feet in height.

7.8 RMH; RESIDENTIAL QUALIFIED MANUFACTURED OR MANUFACTURED HOUSING DISTRICT

A. Statement of Purpose

These districts are composed of areas containing qualified manufactured or manufactured housing dwelling sites. Such areas shall be well-suited for residential purposes.

B. Definitions

1. Anchoring System – An approved system of straps, cables, turnbuckles, chains, ties or other approved materials used to secure a qualified manufactured or manufactured home.
2. Compatibility Standards – Standards that have been enacted by the City of Oak Grove, Kentucky under the authority of this section for the purpose of protecting and preserving the monetary value of real property located under Oak Grove’s jurisdiction.
3. Design, Residential – A qualified manufactured home or manufactured home which has the same siding materials and pitched shingled roofs as used on conventional homes.
4. Design, Standard – A bowed metal roof and aluminum siding, the traditional “mobile home” look.
5. Foundation Siding/ Skirting – A type of wainscoting constructed of fire and weather resistant material such as aluminum, treated pressed wood or other approved materials, enclosing the entire undercarriage of the qualified manufactured or manufactured home.
6. Manufactured Home – A single-family residential dwelling constructed after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C Section 5401, et. Seq., as amended and designed to be used as a single-family residential dwelling with or without permanent foundation when connected to the required utilities and which includes the plumbing, heating, air conditioning and electrical systems contained therein.
7. Mobile Home – A single-family residential dwelling constructed before June 15, 1976, designed to be used as a single-family residential dwelling with or without permanent foundation when connected to the required utilities and which includes the plumbing, heating, air conditioning and electrical systems contained therein.

8. Qualified Manufactured Home – A manufactured home that meets all the following criteria:
 - a. Is manufactured on or after July 15, 2002;
 - b. Is affixed to a permanent foundation, is connected to the appropriate facilities and is installed in compliance with KRS 227.550;
 - c. Has a width of at least twenty (20) feet at its smallest width measurement or is two (2) stories in height and oriented on the lot or parcel so that its main entrance door faces the street;
 - d. Has a minimum total living area of nine-hundred (900) square feet;
 - e. Is not located in a manufactured home land-lease community
9. Qualified Manufactured/ Manufactured Home Park – A parcel of land under single ownership on which two (2) or more qualified manufactured or manufactured homes are occupied as residences and meeting the requirements of this section.
10. Qualified Manufactured/ Manufactured Home Subdivision – A subdivision designed and intended primarily for the sale of lots for residential occupancy by qualified manufactured or manufactured homes.
11. Permanent Foundation – Any structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

The permanent foundation system shall include a method of transporting loads to the earth and shall provide for a continuous exterior enclosure between the perimeter of the house and the earth. The overall system shall be an engineered system to comply with soil conditions.

Applicable standards would include manufacture's recommendations in compliance with HUD requirements and recognized standards such as A223.1 (ANSI) and Guideline Standards for the Installation of Manufactured Housing. (CABO)

12. Recreational Vehicle (RV) – A vehicular portable structure built on a chassis and not exceeding a gross weight of 4,500 pounds when factory-equipped for the road or an overall length of thirty (30) feet and designed to be used as a temporary dwelling, travel, recreational and vacation uses.
13. Section – A unit of a qualified manufactured or manufactured home at least ten (10) body feet in width and thirty (30) body feet in length.

14. Support System – A pad or combination of footings, piers, caps, plates and shims which, when properly installed, support the qualified manufactured or manufactured home.

C. Permitted Placement

1. The establishment, location and use of a manufactured home as a permanent residence approved individually, by specific materials or by design shall be permitted subject to the requirements of this Ordinance only in RMH zones. The location of a manufactured home shall require a Building/ Zoning permit.
2. The establishment, location and use of a qualified manufactured home as defined in Section B as a permanent residence approved individually, by specific materials or by design shall be permitted in any district permitting a dwelling unit, subject to the requirements applying to residential uses in the district and provided the dwelling shall meet the compatibility standards, as hereinafter set forth in Section D. A Building/ Zoning Permit shall be required for all applications for such use. The approval procedures are set forth in Article 4. Applications for approval shall be submitted to the Building/ Zoning Inspector on such forms as he may require to make his determination.
3. No mobile homes built before June 15, 1976 shall be permitted within the City limits of Oak Grove.
4. An applicant must submit a Zoning Compliance Application for placement of a qualified manufactured home.

D. Compatibility Standards

1. Intent

The purpose of compatibility standards for qualified manufactured housing is to permit the City of Oak Grove to adopt and enforce, as part of its zoning regulations, compatibility standards governing the placement of qualified manufactured homes in residential zones, within the City of Oak Grove's jurisdiction.

2. Guidelines

The qualified manufactured home shall be reviewed for its compatibility with architectural appearance, placement requirements and similarity with:

- a. adjacent development or surrounding developments (i.e. on either side of the proposed site within the same block face and adjacent to the rear);
- b. development within the same zone or general area; and
- c. within a one-eighth (1/8) mile radius from the proposed location of the qualified manufactured home.

3. Compatibility Standards

- a. Exterior Material – The exterior material shall be material customarily used on site-built dwellings, such as board siding, plywood, press wood siding, non-glossy vinyl siding, stucco, brick or non-reflective aluminum.
- b. Roof Pitch and Material – The roofing material shall be made of wood, tile or composition shingles and have an eave projection of not less than six (6) inches. The roof of each proposed unit shall have a pitch at least equal to the average of the two residential buildings in the same block face (residential buildings on either side of the lot or two nearest single-family residences if the adjacent structures are not residential).
- c. Size – The structure must have at least 900 square feet of livable space.
- d. Windows – Front facing windows must have consistent size, spacing and proportion to that of the adjacent single-family residences.
- e. Porches or Decks – Front porches or decks must be included on each structure if more than 50% of the structures in the same block face or within 200 feet of the structure on the subject site, whichever is less, include them. Porches or decks shall equal the average size and must resemble the same architectural style, foundation and building material of the existing porches or decks within the same block face.
- f. Foundation – The structure shall be permanently attached to a permanent foundation system and shall be anchored in accordance with the state standards set forth in KRS 227.550 through KRS 227.590.
- g. Height – The floor elevations of the proposed dwelling shall be no lower than the average floor elevations of the existing adjacent

buildings on either side of the lot or the two nearest single-family residences, if the adjacent structures are non-residential.

- h. Additions/ Alterations – Structural additions or alterations shall be subject to the same building code regulations as apply to additions or alterations to a conventionally built house. Any other alteration or conversions of a manufactured house must be preformed in accordance with KRS 227.550 et seq., 815 KAR 25:050, Section 2 and 42 U.S.C. Chapter 70.
- i. District Requirements – The structure must meet all the requirements for lot, yard, building setback and other requirements of the district in which it is located.
- j. Transportation Devices – The structure must have all wheels, axles and hitch mechanisms removed.
- k. Block Face – The structure shall appear to face the public street.
- l. Disputes involving the Building/ Zoning Inspector and an applicant, concerning the design and construction compatibility of a unit to be located on a particular site, shall be resolved by the Board of Zoning Adjustment prior to the placement of said unit on the site.

4. Restrictions

Nothing in this section shall be construed to affect, modify or abolish restrictions contained in recorded deeds, covenants or developer's subdivision restrictions.

5. Historic Properties

Nothing in this section shall be construed as limiting in any way the authority of the City of Oak Grove to adopt regulations designed to protect historic properties or historic districts.

E. Replacement of Non-conforming Homes

A qualified manufactured/ manufactured/ mobile home placed and maintained on a tract of land and deemed to be a legal non-conforming use prior to the adoption of this Ordinance, shall continue to be a legal, non-conforming use. If the non-conforming use is discontinued or abandoned for more than one (1) year, the land thereafter must be used in conformity with all provisions of this Ordinance.

A qualified manufactured/ manufactured/ mobile home deemed a legal non-conforming use may be replaced by a qualified manufactured or manufactured home, provided the replacement is as follows:

- a. Mobile homes may be replaced with qualified manufactured or manufactured homes;
- b. Manufactured homes may be replaced with qualified manufactured or manufactured homes;
- c. Qualified manufactured homes may be replaced with another qualified manufactured home.

Once a non-conforming qualified manufactured/ manufactured / mobile home is moved off the lot, the lot must be brought up to the requirements and standards in the zone immediately.

F. Approval Procedure

Qualified manufactured or manufactured home parks and qualified manufactured or manufactured home subdivisions shall be located only in a Residential Manufactured Housing District (RMH) and shall be developed according to the general regulations slated and referenced in this Section. The procedure to amend the zoning map shall be as the procedure for amendments specified in ARTICLE 6A.

G. General Regulations

The Planning Commission and City Council shall review the particular fact and circumstance of each proposed qualified manufactured or manufactured home subdivision, in terms of the following standards and shall find adequate evidence showing that the development:

- a. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the character of the vicinity of the proposed qualified manufactured or manufactured home park and/or subdivision and will not change the essential character of the area.
- b. Will not be detrimental to existing or future residential uses.
- c. Will be served adequately by public facilities and services or that the persons responsible for the establishment of the proposed park and/ or subdivision shall be able to provide adequate services.

- d. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets.

H. Qualified Manufactured/ Manufactured Home Park Requirements (RMH-1)

- a. The minimum site shall contain two and one-half (2 ½) acres unless the development is an extension of an existing park. The procedure and design of a qualified manufactured or manufactured home park shall be the same as those provided for in the Subdivision Guidelines. The qualified manufactured or manufactured home park shall meet the requirements of the County Health Department.
- b. Individual qualified manufactured homes located within the qualified manufactured/ manufactured home park shall have a minimum floor area of 900 square feet. Individual manufactured homes located within the qualified manufactured/ manufactured home park shall have a minimum floor area of 600 square feet.
- c. Only qualified manufactured or manufactured housing shall be allowed placement in a qualified manufactured/ manufactured home park (RMH-1).
- d. Placement of a qualified manufactured or manufactured home unit shall require the proper foundation siding and skirting as defined in Section B, 5 DEFINITIONS, set forth in this section. All units must be anchored in accordance with the Kentucky Building Code and the manufacturer's specifications.

I. Qualified Manufactured/ Manufactured Home Subdivision Requirements (RHM-2)

- a. The size of a qualified manufactured/ manufactured home subdivision shall be as provided for a qualified manufactured/ manufactured home park. The procedure and design of a qualified manufactured or manufactured home subdivision shall be the same as those provided for in the Subdivision Guidelines.
- b. Only qualified manufactured or manufactured homes shall be allowed placement in a qualified manufactured or manufactured home subdivisions (RMH-2).
- c. All qualified manufactured or manufactured homes shall require the proper foundation, siding and skirting as defined by part B, 5, DEFINITIONS, set forth in this section.

J. Residential Qualified Manufactured/ Manufactured Home Park Housing Conversion

1. This policy is applicable to areas zoned RMH-1 (Qualified Manufactured/ Manufactured Home Park)
2. Any owner of RMH-1 zoned property can proceed to convert the qualified manufactured or manufactured homes to single-family stick built conventional units or duplexes by:
 - a. The density allowed for single-family stick built conventional units and duplexes will be the same density as allowed for single-family units and duplexes in an R-3 zone (Multi-Family Residential District).
 - b. The owner must first permanently remove the qualified manufactured or manufactured homes to secure enough square footage to meet the R-3 zoning requirement for the conventional stick built replacement unit or duplex.

For example: If an RMH-1 area contains one (1) acre of 43,560 square feet, the developer could only place on this property 7.26 conventional stick built units. The R-3 zone allows one (1) unit on 6,000 square feet. 6,000 square feet divided into 43,560 will allow 7.26 units.

For a two-family (duplex), the R-3 zone allows two (2) units on 7,000 square feet. 7,000 square feet divided into 43,560 will allow 6.22 units. But before these units can be built, all the qualified manufactured or manufactured homes must be removed from the premises.

Another example: In the same situation, if the one (1) acre lot contains ten (10) qualified manufactured or manufactured units, two (2) qualified manufactured or manufactured homes must be removed for every unit located on the site if the project is to be phased in. In any case, there must be the permanent removal of qualified manufactured or manufactured homes at the site.

- c. The determination of buildable space on a given site must also take into account the amount of area taken up by the private drive. The private drive will be contained in a required fifty foot (50') right-of-way.

For example: In the example given above, if the private drive, once contained by a 50 foot right-of-way, took up an area of 10,000

square feet, the 10,000 square feet would be subtracted from the 43,560 to give a buildable area of 33,560, which would allow 5.59 units.

- d. No lots would be subdivided off the private drive contained in the 50 foot right-of-way unless the private drive was brought up to City street standards. If the owner elected not to bring the street up to City standards, the property would contain whatever number of conventional stick built units constructed on one (1) lot, as opposed to one (1) unit per lot in a normal subdivision situation.
 - e. Each unit would be required to meet the R-3 setback requirement, with each unit facing the private drive after the 50 foot right-of-way was designated.
- 3. Each site will have the same type of structures built on that site. Sites will have either two-family (duplexes) or single-family detached structures. A combination of these structures on one (1) site will not be permitted.
 - 4. Each owner wishing to make a conversion of use must first contact the Hopkinsville-Christian County Planning Commission with preliminary plans showing pertinent information, as required by the Hopkinsville-Christian County Planning Commission.
 - 5. The plans must be approved by the Hopkinsville-Christian County Planning Commission and an agreement will be entered by the developer outlining the number and when each unit will be removed.
 - 6. Each conventional stick built unit or duplex will require the issuance of a Building/ Zoning permit.
 - 7. This section pertains to only RMH-1 areas which are serviced by the Oak Grove sewer system. If the RMH-1 district is using a septic system, this section is not applicable.

K. Standards (RMH-1 and RMH-2)

1. Building Site Area:

The minimum building site area shall be

| | |
|------------------------|-------------------------------------|
| Single-family detached | 5,000 square feet per unit |
| Two-family (duplexes) | 7,000 square feet per two (2) units |
| Other permitted uses | 10,000 square feet |

2. Building Site Width:

The minimum building site width shall be

| | |
|------------------------|---------|
| Single-family detached | 50 feet |
| Two-family (duplexes) | 60 feet |
| Other permitted uses | 80 feet |

3. Building Site Coverage:

The total lot coverage for all buildings on the site shall not exceed thirty-five (35) percent of the lot area.

4. Building Height Limit:

The maximum building height limit shall not exceed two (2) stories or thirty-five (35) feet in height.

5. Setback Requirements:

Single-family detached, two-family (duplexes)

| | |
|------------|---|
| Front yard | One-half the width of the right-of-way (ROW) not to exceed forty (40) feet or be less than twenty-five (25) feet. |
| Side yard | Ten (10) feet |
| Rear yard | Twenty (20) feet |

For other permitted uses

| | |
|------------|-----------------------|
| Front yard | Forty (40) feet |
| Side yard | Twenty-five (25) feet |
| Rear yard | Twenty-five (25) feet |

The minimum requirement for yards fronting roads under the jurisdiction of the State of Kentucky or Hugh Hunter Road shall not be less than sixty (60) feet.

7.9 ZLL; ZERO LOT LINE DISTRICT

A. Statement of Purpose

The principal purposes of the Zero Lot Line concept are:

1. the more efficient use of land, as compared with typical single-family development, making available needed housing at a more affordable cost;
2. the design of dwellings that integrate and relate the internal-external living areas resulting in more pleasant and enjoyable living facilities;
3. by placing the dwelling against one of the property lines, permitting the outdoor space to be grouped and utilized to its maximum benefit.

B. Permitted Districts

A Zero Lot Line development for single-family attached and single-family detached dwellings are permitted by right in a R-2 and R-3 residential district, in accordance with the provisions of this section.

A Zero Lot Line development for single-family attached and single-family detached dwellings are permitted in R-1 zones after review and approval of the site plan by the Planning Commission, in accordance with provisions of this section.

C. Permitted Uses

1. Single-family detached and attached dwellings.
2. Two-family (duplexes)
3. Accessory buildings and structures provided no such building or structure shall be designed or used for dwelling purposes.

D. Standards

1. Building Site Area:

Each lot shall have an area not less than 3,500 square feet.

2. Building Site Width:

The minimum building site width at the building setback line shall be twenty (20) feet.

3. Building Site Coverage:

The total lot coverage for all buildings on the site shall not exceed fifty (50) percent of the lot area.

4. Building Height Limit:

The maximum building height shall not exceed two (2) stories or thirty-five (35) feet in height.

5. Setback Requirements:

Interior side yard

A detached dwelling unit shall be placed on one (1) interior side property line with a zero (0) setback and the dwelling unit setback on the other interior side property line shall be a minimum of ten (10) feet, excluding the connection elements such as fences, walls and trellises. Patios, pools, garden features and other similar elements shall be permitted within the ten (10) foot setback area, provided, however, no structure, with the exception of fences or walls, shall be placed within easements required by this section.

All attached dwelling structures shall be placed on the interior side property line with a zero (0) setback and the dwelling structure setback on the other interior side property line can also be placed on the property line with a zero (0) setback.

Exterior side yard

All dwelling structures shall be placed ten (10) feet from all exterior property lines.

Front setback

All dwelling structures shall be setback a minimum of one-half the width of the right-of-way (ROW) not to exceed forty (40) feet or be less than twenty-five (25) feet from the front property line.

Rear setback

All dwelling structures shall be setback a minimum of ten (10) feet from the rear property line.

Side street setback

All dwelling structures shall be setback a minimum of fifteen (15) feet from the side street property line.

The minimum requirement for yards fronting roads under the jurisdiction of the State of Kentucky or Hugh Hunter Road shall not be less than sixty (60) feet.

E. General Requirements

1. Platting Requirements

Each dwelling shall be located on its own individual platted lot. If areas for common use of occupants of the developments are shown on the plat, satisfactory arrangements shall be made for the maintenance of the common open space and facilities as provided in paragraph 8 of this section. The plat shall indicate the zero lot lines and easements appurtenant thereto.

2. Openings Prohibited on the Zero Lot Line Side

The wall of the dwelling located on the lot line shall have no windows, doors, air conditioning units or any other type of openings, provided however, that atriums or courts shall be permitted on the zero lot line side when the court or atrium is enclosed by three (3) walls of the dwelling unit and a solid wall of at least eight (8) feet in height is provided on the zero lot line. Said wall shall be constructed of the same material as exterior walls of the unit.

3. Maintenance and Drainage Easements

A perpetual four (4) foot wall-maintenance easement, for detached dwellings, shall be provided on the lot adjacent to the zero lot line property line, which, with the exception of walls and/or fences, shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment unless otherwise agreed to in writing by the two affected lot owners. Roof overhangs may penetrate the easement on the adjacent lot a maximum of twenty-four (24) inches, but the roof shall be so designed that water runoff from the dwelling placed on the lot lines is limited to the easement area.

4. Separation Between Dwellings on Adjacent Lots

There shall be a separation between dwellings on adjacent lots of not less than ten (10) feet.

5. Off-street Parking

Each dwelling shall have not less than two (2) off-street parking spaces. Enclosed garages or carports are not required, but if carports or garages are built they must be attached. If carports or garages are to be incorporated in the future the site plan must show the placement of such structures prior to approval by the Zoning Inspector or Planning Commission.

6. Trees

Trees shall be provided on the basis of three (3) trees for each platted lot. In addition, street shade trees shall be provided along the side of the roadway(s) at a minimum spacing of twenty (20) feet on center for private roads.

In the case of a development with public roads, the trees may be placed on private lots in lieu of the public right-of-way provided that twenty (20) foot spacing and the rowing of trees are maintained. This shall be in addition to the three (3) trees required for each platted lot.

7. Accessory Buildings and Structures

Accessory buildings and structures shall be subject to the following requirements:

- a. No such building or structure shall be located within a required front or street-abutting side yard.
- b. No such building or structure shall be located within five (5) feet of a dwelling or another accessory building or structure nor within two (2) feet of any interior property line.
- c. No such building or structure shall exceed ten (10) feet in height without a Conditional Use Permit.

8. Common Open Space and Maintenance of Facilities

Common open space is not required but may be permitted. If common open space is provided, provisions satisfactory to the City Council shall be made to assure that non-public areas and facilities for the common use of occupants of Zero Lot Line developments shall be maintained in a satisfactory manner, without expense to the general taxpayers of Oak Grove.

9. Open Space

There shall be an open space on each lot of not less than 300 square feet with no dimension less than fifteen (15) feet. Said open space area shall be exclusive of required front and street-abutting side yards and vehicular driveways and further shall be subject to the following:

- a. The required open space may include side or rear yards.
- b. Pools and paved recreational areas may be developed in the required open space.
- c. The gradient or slope of any required open space shall not exceed twelve (12) percent. The open space may be provided on a deck.
- d. Such open space shall be fully open to the sky.
- e. Any accessory building may not occupy any part of the required open space.

F. Site Plan Review

A site plan is required to encourage communication between the applicant and the Planning Commission staff. A site plan review will promote a greater degree of logic, imagination, innovation and a variety in the design process. The site plan submittal should follow the guidelines as set forth in Article 6, ADMINISTRATION.

7.10 PUD; PLANNED UNIT DEVELOPMENT

A. Statement of Purpose

The intent of the Planned Unit Development (PUD) is to permit greater flexibility and consequently, more creative and imaginative design for development of residential areas than generally is possible under the conventional zoning regulation. It is further intended to promote more economic and efficient use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities and preservation of natural qualities of open space.

B. Permitted Districts

1. Residential Planned Unit Developments are allowed by right in the R-2 and R-3 districts, in accordance with the provisions of this Ordinance.
2. Residential Planning Unit Developments are allowed in R-1 residential districts after review and approval of the site plan by the Planning Commission in accordance with the provisions of this Ordinance.
3. Residential/ Commercial Planned Unit Developments are allowed by right in the B-1 district in accordance with the provisions of this Ordinance.

C. Permitted Uses

1. Detached and attached single-family dwellings.
2. Two-family dwellings (duplexes)
3. Multi-family dwellings.
4. Accessory uses and structures provided that no such buildings or structures shall be designed or used for dwelling purposes.
5. Public uses and buildings including libraries, museums, parks and playgrounds, schools and community buildings, owned and controlled by the City or school district if their location is first approved by the City Council.
6. Any proposal which uses have been reviewed and recommended for approval by the Planning Commission.

D. Standards

1. Building Site Area:

The total minimum size of a PUD shall not be less than one (1) acre.

Single-family detached in R-1, R-1A & R-2 zones 6,500 square feet per unit

(PUDs in R-1 zones shall require Planning Commission Approval)

Single family detached in R-3 and B-1 zones 6,000 square feet per unit

Two-family (duplexes) 7,000 square feet per two (2) units

Multi-family 2,170 square feet per three (3) or more units

Other permitted uses 7,000 square feet

2. Building Site Coverage:

The total lot coverage for all buildings on the site shall not exceed sixty (60) percent of the lot area.

3. Building Height Limit:

The maximum building height limit shall not exceed seventy (70) feet in height.

4. Setback Requirements:

Front yard One-half the width of the right-of-way (ROW) not to exceed forty (40) feet or be less than twenty-five (25) feet.

Side yard Seven (7) feet

Rear yard Twenty (20) feet

The minimum requirement for yards fronting roads under the jurisdiction of the State of Kentucky or Hugh Hunter Road shall not be less than sixty (60) feet.

E. General Requirements

1. Platting Requirements

Each PUD shall be platted. The plat shall contain information as required in the site plan review found in Article 6, ADMINISTRATION. The plat shall

also conform to the requirements set forth in this section. In the event that conflicts occur, this section shall prevail.

2. Density

The density for all approved PUD plans shall not exceed the density requirements found in an R-3 High Density Multi-family Residential district.

3. Open Space

The minimum open space required shall be owned and maintained under one of the alternatives listed in Subsection 4, as approved by the City of Oak Grove. The uses within the open space shall be accessible to the residents of the development. These uses may also be available to the general public providing the proper approvals are received. The required open space shall be undivided and restricted in perpetuity from future development.

- a. Open space shall be designated as part of the development. The minimum required open space is thirty percent (30%) of the gross acreage.
- b. Open Space Conservation Ranking (in order of significance).

The areas to be preserved shall be identified on a case-by-case basis in an effort to conserve and provide the best opportunities to restore and enlarge the best quality natural features of each particular site.

- ❖ First priority will be given to areas providing food, water and shelter for a variety of plant and animal species in a local habitat, rare and endangered species, developments within designated high noise zones adjacent or near to Fort Campbell Military Installation or any United States Avigational Easements, environmental corridors, natural and restored grasslands or forests, flood plain and flood way areas and steep slopes.
 - ❖ Second priority will be given to areas providing some plant and wildlife habitat, open space values and significant historic and archaeological properties.
 - ❖ Third priority will be given to areas providing little habitat but providing viewshed, recreation or a sense of open space.
- c. The following areas or structures may be located within the open space and shall be counted toward the overall open space percentage required:
 - ❖ Parking areas for access to and use of the open space developed at a scale limited to the potential users of the open space.

- ❖ Privately-held buildings or structures provided they are accessory to the use of the open space.
 - ❖ Public utility or drainage easements.
- d. Road right-of-way shall not be counted towards the required minimum open space.
 - e. No more than fifty percent (50%) of the required open space may consist of water bodies, ponds, flood plains, flood way or wetlands.
 - f. The portion of open space designed to provide plant and animal habitat shall be kept as intact as possible. Trails shall be designed to avoid fragmenting these areas.
 - g. A pathway system connecting open space areas accessible to neighborhood residents and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels shall be identified in the plan.
4. Maintenance of Common Open Space

The designated common open space and common facilities may be owned and managed by one or a combination of the following:

- a. A non-profit conservation organization.

If the common open space is to be held by a nonprofit conservation organization, the organization must be acceptable to the City of Oak Grove. The conveyance to the nonprofit conservation organization must contain appropriate provisions for reversion in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.
- b. The City of Oak Grove or another governmental body empowered to hold an interest in real property.

The City of Oak Grove or another governmental body empowered to hold an interest in real property may accept the dedication of fee title or dedication of a conservation easement to the common open space. The City of Oak Grove may accept the common open space provided:

- i. The common open space is publicly accessible; and
- ii. The City of Oak Grove agrees to and has access to maintain the common open space.

- c. An individual who will use the land for open space purposes provided by a conservation easement.

An individual may hold fee title to the land while a nonprofit or other qualified organization holds a conservation easement for the common open space.

- d. The developer of the PUD who will maintain the open space under the provisions contained in this section.

The developer of the PUD may retain the title to the parcel of the open space. The open space shall be contained within a conservation easement.

Every PUD must include a plan that provides evidence of a means to properly manage the common open space in perpetuity and evidence of the long-term means to properly manage and maintain all common facilities, including any storm water facilities. The plan shall be approved by the Oak Grove City Council prior to preliminary plat approval.

- a. The plan shall do the following:
 - 1. Designate ownership of the open space and common facilities.
 - 2. Establish necessary regular and periodic operation and maintenance responsibilities.
 - 3. Estimate staffing needs, insurance requirements and other associated costs and define the means for funding the same on an on-going basis.
 - 4. Include a land stewardship plan specifically focusing on the long-term management of common open space lands. The land stewardship plan shall include a narrative describing:
 - ❖ Existing conditions including all natural, cultural, historic, military-related and scenic elements in the landscape.
 - ❖ The proposed end state for each common open space area and the measures proposed for achieving the end state.
 - ❖ Proposed restoration measures, including measures for correcting increasingly destructive conditions (such as

erosion) and measures for restoring historic features, habitats or ecosystems.

- ❖ The operations needed for maintaining the stability of the resources, including, but not limited to, mowing schedules, weed control, planting schedules, mosquito and other pest control and clearing and clean-up. At the City of Oak Grove's discretion, the applicant may be required to place in escrow sufficient funds for the maintenance and operation costs of common facilities for a maximum of one (1) year.
- b. In the event the organization established to own and maintain the open space and common facilities, or any successor organization, fails to maintain any or all portions of the common facilities in reasonable order and condition, the City of Oak Grove Code Enforcement Officer shall begin the process of notification and abatement, in accordance with Ordinance 2001-13, as amended. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of these guidelines, in which case the bond, if any, may be forfeited and any permits may be revoked or suspended. The City of Oak Grove may enter the premises and take corrective action.
- c. Management plans can be amended by the owner identified under Subsection 4 with the approval of the Oak Grove City Council.

5. Landscaping and Drainage

- a. A landscaping plan shall be required at a time of initial submission, showing the spacing, sizes and specific types of landscaping material.
- b. Existing trees shall be preserved whenever possible. The location of trees should be considered when planning the common open space, location of buildings, underground structures, walks, paved area, playgrounds, parking areas and finished grade levels.
- c. A grading plan which shall confine excavation, earth moving procedures and other changes to the landscape in order to ensure preservation and prevent despoliation of the area to be retained as common open space.
- d. Lots shall be configured to minimize the amount of impervious surface.

- e. The development shall retain or detain the 100-year storm within a drainage easement. Calculations shall be submitted to the Oak Grove City Engineer for compliance assurance.
- f. Natural open drainage systems shall be preserved.
- g. Impacts to prime farmland soils and large tracts of land in agricultural use and interference with normal agricultural practices shall be minimized.
- h. Disturbance to woodlands, wetlands and grasslands shall be minimized.
- i. Impacts to land adjacent or near to Fort Campbell Military Installation and any United States Avigational Easements shall be minimized.
- j. Impacts to flood plains and flood ways as identified by the Federal Emergency Management Agency shall be minimized.
- k. Scenic views of open land from adjacent roads shall be protected. Visual impact should be minimized through the use of landscaping or other features.
- l. A PUD shall protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.

6. Traffic Circulation

Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum health hazards to vehicular and pedestrian traffic.

7. Street Construction

- a. Streets in a PUD shall be dedicated to public use and shall be constructed in accordance with standards required by the City.
- b. Neighborhood streets may take the form of a two-way street, a pair of one-way streets on either side of a landscaped median or a one-way loop street around a small neighborhood green. Streets shall be developed that promote road safety, assure adequate access for fire and rescue vehicles and promote adequate vehicular circulation.
- c. The applicant must demonstrate that access to the development has the capacity to handle traffic generated by the proposed project and will not endanger the safety of the general public. A traffic impact

study will be required if requested by the Kentucky Transportation Cabinet or the City of Oak Grove.

- d. Streets shall have a minimum pavement width of twelve (12) feet per driving lane. A one-way looped street shall have a right-of-way of twenty-five (25) feet. A two-way or median-divided street shall have a right-of-way of fifty (50) feet.
- e. Sidewalks, trails and other walkways shall be a minimum of five (5) feet in width.
- f. Shade trees shall be planted on both sides of the street. The trees shall be out of the Right-of-Way.
- g. Street connections to adjacent parcels shall be provided in logical locations to avoid creating landlocked parcels and providing for connecting street patterns.
- h. The developed areas shall have a sidewalk on at least one side of the street. In the event the required open space is on one side of the street and the built-out area is on the other, the required sidewalk shall be placed on the same side as the developed areas.

8. Parking

- a. For each dwelling unit, there shall be off-street parking spaces consisting of not less than 180 square feet each. A variance from this requirement can be obtained from the Board of Zoning Adjustment.
- b. Parking areas shall be arranged so as to prevent through traffic to other parking areas.
- c. Parking areas shall be screened from adjacent structures, roads and traffic arteries with hedges, dense planting, earth berms, changes in grade or walls.
- d. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
- e. No more than sixty (60) parking spaces shall be accommodated in any single parking area.
- f. All streets and any off-street loading areas shall be paved. All areas shall be marked so as to provide for orderly and safe loading, parking and storage.

- g. Parking for non-residential purposes shall be provided appropriate to the type of non-residential use.
- h. All common parking areas shall be adequately lighted. All such lighting shall be so arranged to direct the light away from adjoining residences.
- i. All parking areas and off-street loading areas shall be graded and drained so as to dispose of all surface water without erosion, flooding and other inconveniences.

9. Buffers

Where a PUD abuts another district of lower intensity, a permanent open space at least twenty-five (25) feet wide shall be provided along the property line and shall be maintained with landscaping. No driveway or off-street parking shall be permitted in this area.

If agricultural uses are being maintained, lots shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with twenty-five (25) foot buffers between agricultural uses and residential or commercial structures.

10. Non-residential Development

- a. Non-residential uses, limited to those specifically recommended for approval by the Planning Commission, are permitted in a Planned Unit Development provided that such uses primarily are for the service and convenience of the residents of the development.
- b. Layout of parking areas, service areas, entrances, exits, yards, courts and landscaping and control of signs, lighting, noise or other potentially adverse influences shall be such as to protect the residential character within the PUD district and desirable character in any adjoining residential district.
- c. No building permit for any non-residential use in a mixed PUD, i.e. residential/ commercial or professional, shall be issued prior to having at least fifty percent (50%) of the residential dwellings under construction.

F. Site Plan Review

A site plan review is required to encourage communication between the applicant, City of Oak Grove and the Planning Commission. A site plan review will also promote a greater degree of logic, imagination, innovation and variety in the

design process. The site plan submittal shall follow the guidelines as set forth in Article 6, ADMINISTRATION.

G. Review Procedure

1. Approval process

The following requirements must be fulfilled prior to approval of a PUD application.

- a. Pre-application conference – The applicant shall meet with the staff to determine the feasibility of the project.
- b. Application and site plan submittal – The applicant should furnish all information required in this section and comply with all the standards set forth in this section (See paragraph 3 of REVIEW PROCESS).
- c. Site plan review – In-house staff function. (See paragraph 4 of REVIEW PROCESS).
- d. Planning Commission action – The Planning Commission will either:
 1. Grant approval – which means the developer may proceed with the project; or
 2. Postpone action – which means action is delayed for reasons which shall be noted by the Commission; or
 3. Deny approval – which means denial of approval for the submitted PUD. Before any further action is taken, the developer must review his plan to conform to the Commission’s recommendations.

2. Special Use Permit

Upon approval by the Planning Commission, the applicant will be issued a special use permit. The special use permit may contain conditions which the applicant must represent on his/her plat before a building permit is issued by the Oak Grove Building Inspector. A special use permit shall be revoked upon any change in conditions upon which the special use permit was issued.

3. Application for PUD

The application, which can be obtained at the Hopkinsville-Christian County Planning Commission offices or the Oak Grove City Hall Offices, along with a filing fee, amount set by City Council, shall be submitted along with the plat.

4. Administrative Review

Upon a receipt of an application, a filing fee and a plan, the staff shall review the plat for compliance with this Ordinance. Within forty-five (45) days after the filing of the application, the Planning Commission shall take action.

After the site plan is review by the staff, the staff findings and recommendations shall be transmitted to the applicant and Planning Commission.

5. Failure to Begin Construction

If no construction has begun or no use established in the Planned Unit Development within two (2) years from the date of approval of the development plan, the special use permit shall lapse and have no further effect. Construction is hereby defined to include the placing of construction materials in a permanent position and fastening them in a permanent manner. In its discretion and for good cause, the Planning Commission may extend for one or more additional years the period for the initiation of construction of the establishment of a use.

6. Amendment or Withdrawal of Special Use Permit

Pursuant to the same procedure and subject to the same limitations and requirements by which the special use permit was approved and registered, any special use permit may be amended or withdrawn, either partially or completely, if all the conditions and limitations of the special use permit and all land and structures withdrawn from such special use permit comply with all regulations established by this Ordinance and unrelated to the special use permit.

7. Waivers

An applicant citing the design or other exceptional characteristics of the proposed development may request the Planning Commission to waive certain requirements for a special use permit. The Planning Commission may permit submission of an application for review in accordance with procedures set out in this section. In permitting waivers, the Planning Commission must find that the application fully meets the intent of this section and of the Zoning Ordinance.

8. Appeal

Any persons aggrieved by a decision of the Planning Commission in approving or disapproving an application for a Planned Unit Development, may, within fifteen (15) days from the date of the decision, file a written

request with the City Council of the City of Oak Grove which shall proceed to review said decision. Any such review shall be conducted pursuant to the same procedure as required for approval in this section.

If the City Council, subsequent to its review, agrees with the Planning Commission's action, it shall do so by Municipal Order. If the City Council disagrees with the Planning Commission action, it shall adopt a Municipal Order directing the Planning Commission to alter its action in accordance with its directions and conditions.

If the Planning Commission fails to comply with the Council's order at its next regularly scheduled meeting, the alterations specified in the Municipal Order shall become effective upon the adjournment of said meeting.

ARTICLE 8

SUPPLEMENTAL REGULATIONS

A. OFF-STREET PARKING STORAGE AND LOADING REQUIREMENTS

8.0A OFF-STREET PARKING REQUIREMENTS

8.1A STANDARDS

In all districts, there shall be provided at such time any building or structure is erected, enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the following requirements.

8.2A TABLE OF PARKING SPACES REQUIRED

| USES | PARKING SPACES REQUIRED |
|---|--|
| Automobile wrecking yards, junk or salvage yards which sell new or used merchandise to the public | One (1) parking space for each two (2) employees, plus one (1) space for each 10,000 square feet of lot area or two (2) spaces for each 1,000 square feet of floor area, whichever is greater. |
| Banks, business or professional offices | One (1) per 300 square feet of usable floor space, plus one (1) per each three (3) employees. |
| Barber or beauty shop | Two (2) per barber or three (3) per beautician. |
| Boarding or rooming house, tourist home | One (1) space for each three (3) boarders not rooming on the premises. One (1) for each two (2) guests providing overnight accommodations. |
| Bowling alleys | Five (5) per alley. |
| Churches | One (1) per four (4) seats or one (1) per thirty (30) square feet of usable floor area of auditorium, whichever is greater. |
| Commercial recreation uses | One (1) per three (3) patrons based on design capacity of the facility. |
| Commercial or trade schools | One (1) per three (3) students plus two (2) |

| | |
|--|---|
| | per three (3) employees. |
| Country Club | One (1) per five (5) members. |
| Dwelling (single and two-family) | One and one-half (1 ½) per dwelling unit. |
| Dwelling (multiple family) | One and one-half (1 ½) per one (1) bedroom dwelling; two (2) per two bedroom dwelling. |
| Gasoline service station | One (1) parking space for each employee, plus three (3) for each service bay. |
| Governmental office buildings | One (1) per 300 feet of usable floor area, plus one (1) per three (3) employees. Every governmental vehicle shall be provided with a reserved off-street parking space. |
| Homes for the aged, sanitariums, convalescent or nursing homes | One (1) space for each four (4) patient beds, plus one (1) per staff doctor, plus one (1) space per three (3) employees. |
| Hospitals | One (1) per three (3) patient beds, exclusive of bassinets, plus one (1) per staff doctor and one (1) per three (3) employees on the maximum work shift. |
| Hotel | One (1) per two (2) rooms or suite, plus two (2) per three (3) employees. |
| Library | One (1) per 400 square feet. |
| Manufacturing or industrial establishment, public utility service building, research or testing laboratory, creamery or bottling plant, wholesale warehouse or similar establishment | One (1) per two (2) employees on the maximum work shift plus space to accommodate all trucks and other vehicles in connection therewith. |
| Medical and dental clinic | Three (3) patients' parking spaces per staff doctor, plus two (2) per three (3) employees, plus (1) per staff doctor. |
| Mortuaries or funeral parlors | Five (5) spaces per parlor or chapel unit or one (1) per four seats, whichever is greater. |

| | |
|---|---|
| Motels and tourist courts | One (1) per guest bedroom. |
| Private clubs, lodge or union hall | One (1) per three (3) members or one (1) for each 100 square feet of non-storage and non-service floor area, whichever is greater. |
| Restaurant, café or establishment serving beverages or refreshments | One (1) per three (3) employees, plus one (1) per 300 square feet of usable floor space or one (1) per three (3) fixed seats, whichever is greater. |
| Retail stores, personal service establishments and similar uses | One (1) per 300 square feet of floor area plus one (1) per two (2) employees. |
| Retail stores such as supermarkets, department stores, furniture and appliance stores, wholesale stores, motor vehicle sales or machinery sales | One (1) space per 600 square feet of floor area plus one (1) per two (2) employees. |
| Elementary, junior high and the equivalent private or parochial | Two (2) spaces per three (3) employees, plus one (1) space per five (5) seats in the auditorium or one (1) space per classroom, whichever is greater. |
| Senior high or equivalent | Two (2) spaces per three (3) teachers and other employees, plus one (1) space per five (5) seats in the auditorium. |
| Kindergartens, day nurseries, and the equivalent, private or parochial | Two (2) spaces per attendant or teacher, plus one (1) off-street loading space per six (6) children enrolled. |
| Stadiums and sports arenas or gymnasiums | One (1) per five (5) seats. |
| Swimming pools | One (1) space per thirty (30) square feet of water area. |
| Theater, indoor | One (1) space for every three (3) seats. |

8.3A APPLICATION OF STANDARDS

In applying the standards set forth above, the following shall apply:

- a. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

- b. Where a fractional space results, any fraction less than one-half (1/2) may be dropped and any fraction of one-half (1/2) or more shall be counted as one (1) parking space.
- c. These standards shall apply fully to all uses and buildings established after the effective date of this Ordinance.
- d. Except for parcels of land devoted to one (1) and two (2) family uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
- e. Where parking is to be provided in the front yard of a multiple family dwelling, there shall be established a setback line of ten (10) feet. The area between the setback line and the front lot line shall be prepared and planted with grass, shrubs or trees.
- f. All parking spaces required herein shall be located on the same lot with the building or use served. However, when an increase in the number of spaces is required by a change of use or enlargement of the building or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located and maintained not to exceed four hundred (400) feet from any other non-residential building served.
- g. No signs of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lot. Only non-intermittent white lighting of signs shall be permitted.

8.4A STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES

Commercial vehicles, buses and trailers of all types, including travel, boat, camping and hauling, shall not be parked or stored on any lot occupied by a dwelling or on any lot in a residential district except in accordance with the following provisions:

- a. Not more than one (1) commercial vehicle or bus, which does not exceed two and one-half (2 ½) tons rated capacity, per family living on the premises, shall be permitted and in no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products be permitted.
- b. A camping or travel trailer, hauling trailer or boat trailer are all permitted to be parked on the premises. A camping or travel trailer shall not be parked or stored for more than seventy-two (72) hours unless it is located behind the front building line, nor shall such trailer be occupied permanently while it is parked or stored in any area except in a manufactured home park as authorized by this or other Ordinances.

8.5A OFF-STREET LOADING AND UNLOADING REQUIREMENTS

The following rules and regulations shall apply to off-street loading and unloading facilities:

- a. A building whose dominant use is handling and selling goods at retail shall provide one (1) off-street loading and unloading space for buildings containing up to and including 10,000 square feet of floor area, plus one (1) additional space per each additional 10,000 square feet of gross floor space.
- b. Manufacturing, repair, wholesale and similar uses shall provide one (1) off-street loading and unloading space for buildings containing 10,000 square feet of floor space plus one (1) space per 40,000 square feet of floor area in the excess of 10,000 square feet.
- c. Where trailer trucks are involved, such loading and unloading space shall be an area twelve (12) by fifty (50) feet with a fourteen (14) foot height clearance and shall be designed with appropriate means of truck access to a street or alley, as well as having adequate maneuvering area.

8.6A CONSTRUCTION AND MAINTENANCE

Except for one and two-family dwellings, off-street parking and truck loading facilities shall be constructed, maintained and operated in accordance with the following specifications:

- a. Drainage and Surfacing – The facility shall be properly graded for drainage, surfaced with concrete, asphaltic concrete or asphalt and maintained in good condition, free of weeds, dust, trash and debris. If on the effective date of this Ordinance there exists a lot on which the parking facilities are not required to be surfaced, they shall be maintained in proper condition as noted above.
- b. Lighting – If the facility contains ten (10) or more cars, lighting shall be provided and maintained during the operation of the facility and shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic on adjoining streets.
- c. Screening and Buffering – A parking facility abutting or adjacent to residential areas shall be buffered.
- d. Prohibition of Other Uses – Required off-street parking areas shall not be used for the sale, repair, dismantling or servicing of any vehicle (excluding personally owned vehicles), equipment, materials or supplies.

- e. Multiple-Level Parking Facilities – Parking facilities on more than one level shall be designed in accordance with the standards set forth herein for grade level parking facilities insofar as they are reasonably applicable. The design of such multiple-level facilities shall be subject to the approval of the City of Oak Grove with respect to layout, circulation, accommodations for pedestrians and ingress/egress affecting safety and convenience.

B. SIGNS AND PORTABLE ADVERTISING DEVICES

8.0B SIGNS AND PORTABLE ADVERTISING DEVICES PERMITTED

Signs and outdoor advertising devices shall be permitted in districts subject to the provisions and regulations contained herein.

Definitions:

- a. Sign – Any advertising display affixed to land or improvements thereof, where it is located and which may be either illuminated or non-illuminated, except where illumination is otherwise specifically prohibited in this Ordinance.
- b. Outdoor Advertising Device – Any advertising device, whether affixed to land or improvements thereof and which is not an accessory use or structure to the premises upon which it is located and which may be either illuminated or non-illuminated, except where illumination is otherwise specifically prohibited in this Ordinance.
- c. Directional Sign – A sign conveying directions to a premises. Directional signs shall not exceed ten (10) square feet in area or four (4) feet in height measured from the ground elevation to the top of the sign. The sign may be either illuminated or non-illuminated, except where illumination is otherwise specifically prohibited in this Ordinance.
- d. Residential Sign – A residential sign is a sign other than a sign granted by the Board of Zoning Adjustment (BZA) and is considered to be a sign erected for the identification of a permanent multi-family residential complex or a residential subdivision. There shall be only one (1) sign permitted for each aforementioned use and shall not exceed twelve (12) feet in area or twelve (12) feet in height measured from the ground elevation to the top of the sign. The sign can be illuminated but non-flashing.
- e. Special Event Sign – Special event signs are temporary signs allowed to be placed on a premise for not more than thirty (30) days. No special event sign shall be placed on a given premise for more than sixty (60) days in a given year. An establishment is limited to two (2) special event sign permits per year.
- f. Wall sign – Wall signs shall be permitted in commercial and industrial zones but shall not exceed forty (40) percent of the façade/ wall the sign is attached to.

8.1B PERMIT REQUIRED

A building/ zoning permit shall be required for all signs, outdoor advertising devices, special event signs, residential signs, directional signs and wall signs to assure proper placement, erection and securing.

8.2B LOCATION

- a. Signs – No sign shall be erected or placed nearer to any street right-of-way upon which said sign faces than the building lines provided in zones where the use is permitted, except one (1) sign advertising the primary nature of the business or industry conducted on the premises may be placed not closer than ten (10) feet to the street right-of-way line, but in no case to be permitted to obstruct the view of traffic.
- b. Outdoor Advertising Devices – Outdoor advertising devices shall only be permitted in commercial or industrial zones. All outdoor advertising devices shall be placed not closer than ten (10) feet from any street right-of-way line upon which said device faces.
- c. Directional Sign – Directional signs shall be permitted in commercial and industrial zones only. Such signs shall not be placed closer than ten (10) feet to any street right-of-way line nor shall it be permitted to obstruct the flow of view of traffic.
- d. Special Event Sign – Special event signs shall be limited to commercial and industrial zones. Such signs shall not be placed any closer than ten (10) feet to any street right-of-way line nor shall it be permitted to obstruct the flow or view of traffic.
- e. Residential Sign – A residential sign shall be used for permanent identification for multi-family dwellings or for permanent identification of residential subdivisions. Such signs shall not be placed closer than ten (10) feet to any street right-of-way line nor shall it be permitted to obstruct the flow or view of traffic.
- f. Wall Sign – Wall signs shall be permitted in commercial and industrial zones but shall not exceed forty (40) percent of the façade/ wall the sign is attached to. No wall sign shall protrude outward from the wall from which it is attached by more than eight (8) inches.

8.3B SIGNAGE LIMIT

- a. There shall be one (1) sign and one (1) outdoor advertising device allowed per lot.
- b. Where there is a corner lot in a commercial or industrial zone, two (2) free standing signs can be erected, one (1) each facing the respected street on

which the lots fronts. The sign location requirements must be met and the signs shall be no closer than thirty (30) feet to one another.

8.4B SIZE – COMMERCIAL/ INDUSTRIAL

A sign shall not exceed 400 square feet in any allowable zone, unless otherwise provided for by this Ordinance.

An outdoor advertising device shall not exceed 150 square feet in any allowable zone.

A special event sign shall not exceed sixty (60) square feet in any allowable zone.

8.5B LIGHTING

Any type of sign which involves lighting or motion resembling traffic or directional signals, warnings (such as “stop” or “danger”) or any other signal signs which are normally associated with highway safety or regulations are prohibited. Additionally, no type of sign constituting a nuisance because of light, glare, focus, animation, flashing or any illuminated signs of such intensity as to unduly disturb the use of residential property or vehicular traffic shall be erected or continue in operation.

8.6B MAINTENANCE AND LANDSCAPING

Any type of sign shall be maintained. Such maintenance shall include proper alignment of structure, continued readability of the structure and preservation of the structure with paint or other preservatives.

Landscaping shall be located around the base of free-standing signs. The landscaping shall be ornamental in nature with shrubs, flowers and other ornamental plant materials. Sign landscaping is not required for free-standing signs permitted before the adoption of this ordinance. The amount of landscape area required shall be one square foot of landscape area per one square foot of sign area. At least 50 percent of the required landscaping area shall be planted with trees and/or shrubs.

8.7B HEIGHT – COMMERCIAL/ INDUSTRIAL

The height of any sign or portable advertising device shall not exceed the height of fifty (50) feet for any sign or portable advertising device in a commercial or industrial zone.

8.8B BILLBOARDS – COMMERCIAL/ INDUSTRIAL

Billboards are allowed by right only in commercial and industrial zones and subject to the standards listed.

The billboard will be considered a sign or advertising device intended to attract the attention of operators of motor vehicles or their passengers on highways and roadways

and shall include a structure erected or used in connection with the display of any device and all lighting or other attachments used in connection therewith.

The size of the billboard shall not exceed shall not exceed the state maximum size. The height of the billboard shall not exceed sixty (60) feet.

- a. No billboard shall be closer than one thousand two hundred (1,200) feet to another billboard.
- b. No billboard shall be closer than 500 feet to a residential zone.
- c. The minimum height of a billboard shall be twenty-five (25) feet measured from ground elevation to the bottom of the sign.
- d. All billboards shall be constructed with one metal fabricated pole and frame. No wood timbers, utility poles, etc., shall be allowed as part of construction.
- e. All billboards erected under this Ordinance shall be maintained by the person or company owning the billboard. If it is determined that the billboard constitutes a public nuisance, health hazard, safety threat or otherwise becomes dilapidated, the billboard may be torn down by the City with the cost being assessed against the owner. The appropriate notice will be sent to the owner in time to request a public hearing before the City Council before any action is taken.

8.9B PORTABLE SIGNS

Portable billboards shall include, but not be limited to, any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs assigned to be transported by a means of wheels, signs converted to A or T frames, menu and sandwich board signs, balloons used as signs, umbrellas used for advertising, any type of temporary banners, and signs attached to or painted in vehicles parked and visible from the public right-of-way unless said vehicle is used in the normal day-to-day operations of the business or unless the vehicle displays a non-commercial message.

- a. Portable signs are prohibited in all areas except the following cases:
 1. Temporary signs not exceeding thirty-two (32) square feet in area are allowed to advertise drives or events of civic, philanthropic, educational or religious organizations, provided that said signs are posted only during said drive or not more than thirty (30) days before said event and are removed no more than five (5) days after an event.
 2. Signs not exceeding thirty-four (34) square feet in area and containing commercial messages are allowed on private property only upon the

issuance of a temporary sign permit, which shall authorize the use of such sign for a specified thirty (30) day period. Once such permit shall be issued to the same business license holder on the same lot once each calendar quarter. The fee for a temporary permit shall be established by the building inspector. Such signs shall not be considered billboards, outdoor advertising devices or off-premises advertising devices.

3. Temporary signs shall not be erected or otherwise fixed to any pole, tree, stone, fence, building or structure or any object within the right-of-way of any street. No temporary sign shall be erected at the intersection of any street in such a manner as to obstruct vision or be confused with any authorized traffic sign, signal, or device. All said signs shall be erected in accordance with provisions of the City of Oak Grove zoning regulations.
4. Except as otherwise provided in this section, all temporary signs are prohibited after a period of thirty (30) days from the effective date of this subsection.

C. HOME OCCUPATIONS

8.0C STATEMENT OF PURPOSE

The standards for home occupations are intended to insure compatibility with permitted residential uses and with the character of the neighborhood, plus a clearly established secondary or incidental status in relation to the residential uses of the main buildings as the criteria for determining whether a proposed accessory use qualifies as a home occupation.

8.1C HOME OCCUPATIONS NOT PERMITTED

- a. Antique shop
- b. Funeral chapel or funeral home
- c. Gift shop
- d. Renting of manufactured homes
- e. Restaurant
- f. Stable or kennel
- g. Tourist home
- h. Veterinary clinic or hospital
- i. Flea markets or perpetual/ permanent yard sales

8.2C STANDARDS

In addition to the limitation applicable in the zoning district in which located, all home occupations shall be subject to the following use limitations:

- a. A home occupation must be conducted within a dwelling which is a bona fide residence of the principal practitioner or in an accessory building thereto, which is normally associated with a residential use.
- b. Except for articles produced on the premises, no stock in trade shall be displayed or sold on the premises.
- c. No alteration to the exterior of the principal residential building shall be made which changes the character thereof as a dwelling.

- d. No outdoor display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.
- e. No more than two (2) persons other than a member of the immediate family occupying such a dwelling shall be employed.
- f. No more than two (2) rooms or twenty-five (25) percent of the gross floor area of one floor of said residence, whichever is less, shall be used for such purposes.
- g. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.

8.3C ISSUANCE OF A CONDITIONAL USE PERMIT

The issuance of a Conditional Use Permit for a home occupation shall conform to the procedures outlined in Article 6, ADMINISTRATION.

8.4C SIGNAGE ON PROPERTY

Home occupations are allowed to display one (1) sign not exceeding two (2) square feet. Such sign will require a permit as outlined in Article 8.1B of the Oak Grove Zoning Ordinance. The sign request shall be made in the application to the Board of Zoning Adjustment and shall be considered in conjunction with the home occupation. If the Board of Zoning Adjustment approves the application for a Conditional Use, including the sign request, the sign shall advertise the home occupation upon the premises it is located only.

8.D OBSTRUCTION TO VISION AT STREET INTERSECTIONS ON CORNER LOTS

Obstruction to vision at street intersections is prohibited. Additionally, lots adjacent to an intersection shall not obstruct vision of the intersection within the thirty (30) foot sight triangle. The thirty (30) foot sight triangle is defined as a triangle consisting of the edge of street pavements intersecting at a point forming the outer boundaries of the lot and an imaginary line drawn thirty (30) feet from the point of intersection and a line drawn thirty (30) feet from the point of intersection in either direction. No obstruction to vision between a height of two and one-half (2 ½) feet and twelve (12) feet above the imaginary plane defined by those three (3) points of intersection is permitted.

8.E AUTOMOBILE WRECKING AND JUNK YARDS (SALVAGE YARDS)

Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards and may adversely affect property values by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as outlined herein, will have properly minimized their objectionable characteristics.

- a. Licensing: All salvage yards must be licensed. An application to establish a salvage yard in Oak Grove shall be filed with the Hopkinsville-Christian County Planning Commission and approved by the Oak Grove Board of Zoning Adjustment. For the purpose of this Ordinance, junk yards, automobile wrecking yards and similar operations shall be known as “salvage yards”.
- b. Location: No salvage yard shall be permitted closer than 500 feet from any established residential district, unless in existence prior to the adoption of this Ordinance. The storage of three (3) or more unlicensed abandoned vehicles or salvaged vehicles must be in an approved and licensed salvage yard. All abandoned and junked motor vehicles and other similar large salvage articles that can be seen from any public right-of-way shall be moved to a licensed salvage yard with one (1) year of the effective date of this Ordinance.
- c. Screening: All outdoor storage in salvage yards shall be conducted entirely within an enclosed fence or wall, except the driveway area. The fence or wall shall be seven (7) feet in height and appropriately screened to prohibit the visibility of the salvage material. Storage outside or above such fence or wall is expressly prohibited. Any fence or wall erected for screening purposes shall comply with requirements of Section 8.G Visibility and 8.I Fences and Walls.

- d. Ingress and Egress: The maximum number of vehicular access driveways for salvage yards having frontage on a State or Federal highway shall be regulated by the State of Kentucky, Department of Transportation. The maximum number of vehicular access driveways for salvage yards having frontage on a city street shall be regulated by the Oak Grove City Council with recommendations from the Hopkinsville-Christian County Planning Commission.

8.F ACCESSORY BUILDING

Except as otherwise permitted in these regulations, accessory buildings shall be subject to the following regulations:

- a. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main or principal buildings. Any accessory building in a zone other than residential shall require a dimensional variance granted by the Board of Zoning Adjustment to encroach closer than the normal setbacks observed for the principal structure of it's zone.
- b. Accessory buildings shall not be erected in any required yard except a rear yard or side yard, providing that in no instance shall such a building be nearer than five (5) feet to any adjoining side lot line or rear lot line.
- c. An accessory building, not exceeding one (1) story or fourteen (14) feet in height, may occupy not more than twenty-five (25) percent of any non-required yard, provided that in no instance shall the accessory building exceed the ground floor of the principal building.
- d. In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages wherever there are any principal buildings fronting on said streets in the same block or adjacent blocks.
- e. When an accessory building is to be located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in rear of such corner lot.
- f. Garages: In any residential zone, no garage shall be erected closer to the side lot line than the permitted distance for the dwelling unless the garage shall be completely to the rear of the dwelling in which event the garage may be erected five (5) feet from the side and rear lot line. No garage or portion thereof shall extend beyond the front building line of the dwelling. Attached garages of fireproof construction may be erected to extend beyond the front line of the house in those areas which are being developed according to a common plan that includes the construction of attached garages extending

beyond the front line of the house, except that such garages shall not encroach in or upon the minimum front yard area as required by these regulations and provided the cornice, eaves or overhang shall not extend more than six (6) inches into the required side yard area.

- g. Carports constructed in residential zoning districts shall comply with the following requirements:
 1. A carport that is placed at the side of an existing residence and which consists of a roof and supporting posts must be five (5) feet from the interior side lot line. The carport may also extend to within ten (10) feet of the side lot line along a public street. The requirements stated in this paragraph refer to the distance between a side property line and the roof line of the carport.
 2. A carport which is structurally part of a residence (i.e. one that is composed of the same building materials as the house of which it is a part and one that has the same roof line as the house of which it is a part) shall not extend into a required side yard.
 3. No carport shall extend into the required front yard of a lot.
 4. A carport that encroaches into the required side yard of a lot as permitted by this section may not later be converted into living area, a storage room, garage or other walled structure without approval of the Board of Zoning Adjustment.

8.G VISIBILITY

No structure, wall, fence, shrubbery or trees shall be erected, maintained or planted on any lot which will obstruct the view of the driver of a vehicle approaching an intersection, excepting that shade trees will be permitted where all branches are not less than eight (8) feet above the street level. In the case of corner lots, this shall also mean that there shall be provided an unobstructed triangular area formed by the street from the intersection of the street lines or in the case of a rounded corner, from the intersection of the extended street property lines.

8.H BUSINESS OR INDUSTRY ON SMALL BUILDING SITE

If a lot located in an industrial district or in a business district contains less than the minimum required building site area for the district and on the effective date of this Ordinance was lawfully existing and of record and held in separate and different ownership from any lot immediately adjoining and having continuous frontage, such lot may be used as the building site for any use permitted in the district.

8.I FENCES AND WALLS

No fence, wall or hedge that obstructs sight shall be erected, altered or placed in any required front yard to exceed a height of three (3) feet above the street grade and no fence, wall or hedge shall be erected, altered or placed in any required side or rear yard to exceed a height of eight (8) feet. The construction of a fence shall not require a building/zoning permit nor observe required setbacks.

8.J CORNER BUILDING SITE

In any district, a corner building site having to its rear a building site facing toward the intersection or side street shall have provided on the intersecting or side street of the corner building site a side yard having a width equal to at least the depth of the front yard required for a structure on the building site to the rear of the corner building site; provided, however, that this regulation shall not be applied to reduce the buildable width of the corner building site to less than thirty (30) feet nor require a side yard of more than twenty (20) feet. No accessory structure on a corner building site having to its rear a building site facing toward the intersecting or side street shall be erected or altered nearer to the intersecting or side street line than the front building line to be observed by any structure on the building site to the rear of the corner building site.

8.K ILLUMINATION OF USES

Lighting facilities used to illuminate signs, parking areas or for other purposes shall be so arranged that the source of light does not shine directly into adjacent residential properties and does not interfere with traffic.

8.L MIXED USES

Commercial and residential uses may be provided in the same structure, however, such uses shall be those commonly allowed in the district housing such a use. A conditional use permit for a home occupation shall be required in such case.

8.M CLASSIFICATION OF NEW AND UNLISTED USES

It is recognized that new types of land uses will develop and that different forms of land uses not anticipated will seek to locate in Oak Grove. In order to provide for such changes, a determination of the appropriate zoning classification of any new or unlisted form of land use shall be made as follows:

- a. All questions concerning the classification of new or unlisted uses shall be referred to the Board of Zoning Adjustment for an interpretation of the Zoning Ordinance. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, storage amount and nature thereof, anticipated employment, types of product, transportation requirements, nature and time of occupancy or operation of the premises, the amount of noise, odor, fumes, dust, toxic material and vibrations likely to be

generated and the requirements for public utilities such as sanitary sewers and water.

- b. The Board of Zoning Adjustment shall consider the nature and described performance of the proposed use and its compatibility with the purpose of the various districts and the uses permitted in the districts and determine the zoning district or districts within which such a use should be permitted.

N. BUFFERING

8.0N STATEMENT OF PURPOSE

The intent of this section is to improve the appearance of properties, to provide standards for buffering between non-compatible land uses and to protect, preserve and promote aesthetic appeal of properties.

8.1N SITES AFFECTED

New developments are defined as; multi-family structures, developments using the Planning Unit Development (PUD) or Zero Lot Line (ZLL) provisions found in this Ordinance and industrial or commercial developments of more than one-half (1/2) acre shall be subject to the provisions of this section.

8.2N WHERE LANDSCAPE MATERIALS REQUIRED

This section describes the minimum requirements that shall be met in regard to perimeter landscaping and vehicular use area (VUA) landscaping. The City of Oak Grove is located within the Plant Hardiness Zone #6B.

8.3N PROPERTY PERIMETER REQUIREMENTS

A landscape easement shall be required as a buffer between non-compatible zones and between non-compatible land uses. Such easement shall be located between the structure and all common boundaries unless otherwise specified. The following situations shall require landscape easements:

- a. When any new development adjoins any R-MH1 or R-MH2 zone.
- b. When any new development adjoins a business or industrial zone.
- c. When any new development adjoins a freeway, expressway or railroad.
- d. When any new development adjoins a utility substation, junk yard, land fill, sewage plant or similar use. For utility substations, the landscape easement may be located adjacent to the enclosure.
- e. When a Planned Unit Development (PUD) or Zero Lot Line (ZLL) development abuts any residential zone containing one (1) or two (2) family dwelling units or abuts any commercial or industrial zone.

8.3.1N AVERAGE WIDTH OF EASEMENT

The minimum average width of a required landscape easement shall be five (5) feet. This easement shall be over and above any Right-Of-Way, drainage easement or utility easement.

8.3.2N TREES

Required landscape easements shall contain a minimum of one (1) tree per forty (40) feet of linear boundary or fraction thereof. Trees shall not be planted under overhead utility lines that may cross the landscape easement.

The following list is of trees that are acceptable and recommended for landscaping requirements in the City of Oak Grove, but are not limited to the following:

SMALL TREES (under 26 feet)

| | |
|-------------------------|------------------------|
| Amur Maple | Acer ginnala |
| Trident Maple | Acer buergeranum |
| Japanese Maple | Acer palmatum |
| American Hornbeam | Carpinus caroliniana |
| Flowering Dogwood | Cornus florida |
| Kousa Dogwood | Cornus kousa |
| Corneliancherry Dogwood | Cornus mas (tree form) |
| Lavalle Hawthorn | Crataegus x lavalley |
| Washington Hawthorn | Crataegus phaenopyrum |
| Serviceberry | Amelanchier sp. |
| Redbud | Cercis canadensis |
| Sweetbay Magnolia | Magnolia virginiana |
| Flowering Cherry | Prunus sp. |

MEDIUM TREES (26 to 50 feet)

| | |
|-------------------|-------------------------------|
| Chinese Elm | Ulmus parvifolia |
| Hedge Maple | Acer campestre |
| European Hornbeam | Carpinus betulus |
| European Hornbeam | Carpinus betulus 'Fastigiata' |

| | |
|------------------------|--|
| Winter King Hawthorn | Crataegus viridis 'Winter King' |
| Thornless Honey Locust | Gleditsia triacanthos var. Inermis |
| Goldenrain Tree | Koelreuteria paniculata |
| Flowering Crabapple | Malus (disease resistant types only) |
| American Hophornbeam | Ostrya virginiana |
| Amur Corktree | Phellodendron amurense |
| Japanese Tree Lilac | Syringa reticulata |
| Littleleaf Linden | Tilia cordata 'Greenspire', 'Chancellor', 'June Bride' |
| Carolina Silverbell | Halesia Carolina |
| Hardy Rubber Tree | Eucomia ulmoides |

LARGE TREES (over 50 feet)

| | |
|-----------------------|---|
| Red Maple | Acer rubrum |
| Ginkgo | Ginkgo biloba (male only) |
| American Sweetgum | Liquidambar styraciflua |
| London Planetree | Platanus x acerifolia |
| Scarlet Oak | Quercus coccinea |
| Red Oak | Quercus rubra |
| Willow Oak | Quercus phellos |
| Pyramidal English Oak | Quercus robur |
| Japanese Zelkova | Zelkova serrata |
| White Ash | Fraxinus americana (seedless var.) |
| Green Ash | Fraxinus pennsylvanica (seedless var.) |
| Japanese Pagoda Tree | Sophora japonica 'Regent' |
| American Elm | Ulmus Americana "Princeton, Valley Forge" |

The following is a list of trees that have undesirable qualities and are not permitted for landscaping requirements in the City of Oak Grove:

| | |
|--------------|-----------------------|
| Black Locust | Robinia pseudo-acacia |
|--------------|-----------------------|

| | |
|-------------------------------|-------------------------------------|
| Black Walnut | Juglans nigra |
| Box elder or Ash leaved maple | Acer negundo |
| Common Horse Chestnut | Aesculus hippocastanum |
| Catalpa | Catalpa speciosa |
| Chinese Chestnut | Castanea mollissima |
| Cockspur Hawthorn | Crataegus crusgalli |
| Cottonwood | Populus deltoids |
| Crabapple | Malus sp. susceptible to disease |
| Hickory | Carya sp. |
| Honey Locust | Gleditsia triacanthos (with thorns) |
| Ginkgo or Maidenhair tree | Ginkgo biloba (female) |
| Mimosa | Albizia julibrissin |
| Mulberry | Morus sp. |
| Osage Orange | Maclura pomifera |
| Siberian Elm | Ulmus pumila |
| Silver (Water) Maple | Acer saccharinum |
| Tree of Heaven | Ailanthus altissima |
| White birch | Betula sp. |
| Willow | Salix sp. |

No public or privately owned tree shall be allowed to obstruct pedestrian traffic on sidewalks or other areas of pedestrian movement. No tree shall be allowed to obstruct visibility on any public or private Right-Of-Way.

Private landowners may plant trees on private property in accordance with the following standards:

1. The tree shall not be an undesirable species as provided herein.
2. No tree shall be planted underneath overhead utility lines.
3. No tree shall be planted between the sidewalk and the street.
4. No tree shall be planted in any Right-Of-Way.

5. No tree shall be planted in any drainage or utility easement or nearer than ten (10) feet to any fire hydrant, power pole, meter box or other utility appurtenance, whichever is greater.

8.3.3N PLANTING, HEDGE, FENCE WALL OR EARTH MOUND

Required landscape easements shall contain a continuous planting, hedge, fence, wall or earth mound four (4) feet in height. Outdoor areas used for storing manufactured products, materials used in manufacturing, wholesale commodities, automobiles and trucks shall required a solid wall or fence with a minimum height of six (6) feet within the landscape easement which shall also be located along common boundaries with any street frontage across from a residential or manufactured housing zone. Junk yards, salvage yards and scrap iron yards shall require a solid wall or fence with a minimum height of seven (7) feet.

8.4N VEHICULAR USE AREA (VUA) REQUIREMENTS

Landscaping shall be provided for new site developments, buildings, structures or VUA's as required by the provisions of this Section in addition to the requirements set forth in Section 8.3.3N.

No building, structure or VUA shall undergo major expansion, remodeling/renovation or be relocated to another parcel in the City limits unless the minimum landscaping required by the provisions of this Article is provided for the property to the extent of it's alteration or expansion.

No use shall be changed to another use for which the City of Oak Grove Zoning Ordinance requires twenty (20) or more parking spaces over the existing parking spaces unless the VUA perimeter landscaping and interior landscaping as required by this Article is provided for. Interior landscaping shall not be required where only the use of the property is changed and no new construction or reconstruction is proposed.

This section shall not apply to areas with Single-Family Residential use nor shall it apply to lots that are used for the sole purpose of selling or renting vehicles.

8.4.1N LAND USE BUFFERS AND EASEMENTS FOR VUAs

Landscaping shall be required as a buffer between non-compatible land uses, pursuant to 8.3N (PROPERTY PERIMETER REQUIREMENTS) of this Section and shall be located adjacent to all common boundaries. The required landscaping easements shall be provided along the property perimeter in approved, designated VUA easements. Such VUA easements shall be located in addition to, and not contained in, any Right-Of-Way, drainage easement or utility easement.

8.4.2N INTERIOR LANDSCAPING FOR VUAs

Any open VUA (excluding loading and unloading areas) containing twenty (20) or more vehicular parking spaces shall provide interior landscaping in addition to the required perimeter landscaping. Interior landscaping shall be peninsular or island types. Trees shall be planted in accordance with the following schedule:

| | |
|--------------------|--|
| 1 to 4 spaces | No trees required |
| 5 to 30 spaces | 1 tree for each 5 spaces or fraction thereof up to 30 spaces |
| 31 to 100 spaces | 5 trees for the first 30 spaces, plus 1 tree for each additional 7 spaces or fraction thereof |
| 101 to 196 spaces | 15 trees for the first 100 spaces, plus 1 tree for each additional 8 spaces or fraction thereof |
| 197 to 304 spaces | 27 trees for the first 196 spaces, plus 1 tree for each additional 9 spaces or fraction thereof |
| 305 to 504 spaces | 39 trees for the first 305 spaces, plus 1 tree for each additional 10 spaces or fraction thereof |
| 505 or more spaces | 59 trees for the first 505 spaces, plus 1 tree for each additional 11 spaces or fraction thereof |

1. Parked vehicles may hang over the interior landscaped area no more than two and one-half (2 ½) feet as long as wheel stops are provided to ensure no greater overhang or penetration of the landscaped area.
2. The planting islands or peninsulas shall be dispersed evenly throughout the VUA.
3. The minimum size of the planting area shall be eighty (80) square feet.
4. Planting islands within the VUA shall be required within every other parking row when parking rows are provided in the interior portions of the parking lot. (See illustration #1). Planting islands may be placed in a staggered or linear design.

8.4.3N LANDSCAPING FOR SERVICE STRUCTURES

A continuous planting, hedge, fence, wall or earth mound shall enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one (1) side is required. The height of the screening material shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed eight (8) feet in height. Whenever a service structure is located next to a building or wall, perimeter landscaping material or VUA landscaping material, such walls or screening material may fulfill the screening requirement for that side of the service structure if that wall or screening material is of a sufficient height to meet the height requirements set forth in this section. Whenever service structures are screened by plant material, such material may count towards the fulfillment of required interior or

perimeter landscaping. No interior landscaping shall be required within an area screened for service structures.

Whenever screening material is placed around any trash disposal unit or waste collection unit, which is emptied or removed mechanically on a regularly occurring basis, a fixed barrier to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The barrier shall be at least eighteen (18) inches from the landscaping material and shall be of sufficient strength to prevent possible damage to the landscaping material when the container is moved or emptied. The minimum front opening of the landscaping material shall be twelve (12) feet with a locking mechanism to allow service vehicles access to the container.

8.5N WHO PROVIDES EASEMENTS

The perimeter landscaping or VUA landscaping easements and material required adjacent to any street shall be provided by the property owner adjoining the street, unless the authority building the street has fully met all requirements on the street Right-Of-Way and has met the minimum standards of Section 8.3.1N (AVERAGE WIDTH OF EASEMENT). When adjacent to other common boundaries, the landscaping easements and materials;

- a. May be placed on either adjoining parcel or astride the boundary if both are owned and being processed by the same owner; or
- b. Generally shall be placed on the activity listed new development in the relationships listed under previous sections; or
- c. May be placed astride the boundary of adjoining parcels having different owners if a written agreement, signed by both owners, is filed with the Building/ Zoning Inspector as a public record; or
- d. Shall be placed on the activity or parcel being processed when adjoining property is already developed.

8.6N EASEMENT CONFLICTS

The required perimeter landscape easement or the required VUA easement may not be combined with any Rights-Of-Way, drainage or utility easements. The perimeter landscape easement or the VUA easement shall be provided in addition to, and separate from any other easement. Vehicles or other objects shall not overhang or otherwise intrude upon any required landscape easement or VUA easement more than two and one-half (2 ½) feet and wheel stops or curbs will be required.

8.7N EXISTING LANDSCAPE MATERIAL

Existing landscape material which is proposed to be used to fulfill perimeter landscape requirements or VUA landscape requirements shall be shown on the required landscape plan and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the public approval authority, such material meets the requirements and achieves the objectives of this Article. Existing trees shall be preserved where possible.

8.8N LANDSCAPING AT DRIVEWAYS AND STREET INTERSECTIONS

To ensure that landscape materials do not constitute a driving hazard, a site triangle shall be observed at all street intersections or intersections of driveways or alleys with streets. Within this sight triangle no landscape material or other fixed object shall obstruct vision between a height of three (3) feet and a height of twelve (12) feet above the average elevation of the existing surfaces at the center line of each street, driveway or alley. Within the sight triangle, trees shall be permitted as long as, except during early growth stages, only the tree trunk (no limbs, leaves, etc.) is visible between the three (3) and twelve (12) feet limitations mentioned above. A similar exemption is allowed utility poles and traffic signs or lights.

8.9N LANDSCAPE MATERIALS

Landscaping materials shall consist of the following:

- a. Walls and fences – Walls shall be constructed of natural stone, brick or other weatherproof materials arranged in a linear, serpentine or other alignment, while fences shall be constructed of wood or other weatherproof, durable materials generally used in the exterior construction of buildings. Chain link fencing alone shall not be used to meet the requirements of this Article. Chain link fencing may be installed in the required landscape easement only if it is in addition to the required continuous planting, hedge, fence, wall or earth mound.

In industrial zones, there shall be no height limitations on walls or fences. In all other zones, however, there shall be a three (3) foot height restriction for walls or fences in front yards and an eight (8) foot height restriction in all other required yards. All walls or fences shall have a minimum opacity of eighty (80) percent.

- b. Earth mounds – Earth mounds shall be physical barriers which block or screen the view similar to a hedge, fence or wall. Earth mounds shall be constructed with proper and adequate plant material to prevent erosion. A difference in elevation between areas requiring screening does not constitute an earth mound.
- c. Plants – All plant material shall be living plants (artificial plants are prohibited) and shall meet the following requirements:

1. Quality – Plant materials used in conformance with the provisions of this Ordinance shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations.
2. Deciduous trees (trees which normally shed their leaves in the fall) – Shall be species having an average mature crown spread of greater than fifteen (15) feet in Christian County and having trunks which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements. A minimum of five (5) feet overall height or a minimum caliper of at least 1 ¾ inches immediately after planting shall be required.
3. Evergreen trees – Evergreen trees shall be a minimum of five (5) feet high with a minimum caliper of one and one-half (1 ½) inches and a minimum spread of three (3) feet immediately after planting.
4. Shrubs and hedges – Shall be at least two (2) feet in height or spread when planted and shall conform to capacity and other requirements within four (4) years after planting.
5. Vines – Shall be at least twelve (12) to fifteen (15) inches high at planting and are generally used in conjunction with walls or fences.
6. Grass or ground cover – Grass (of common mixtures of fescue, bluegrass, and rye) shall be of species normally grown as permanent lawns in Oak Grove and may be sodded, plugged, sprigged or seeded. In swales or other areas subject to erosion, where solid sod, erosion reducing net or suitable mulch shall be used, nurse-grass shall be sown for immediate protection until complete coverage is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Grass shall be planted in such a manner as to present a finished appearance and have 75% coverage after two (2) complete growing seasons. In certain cases; rocks, pebbles, sand or similar approved materials may be used in the place of grass.

8.10N MAINTENANCE AND INSTALLATION

All landscaping materials shall be installed in a sound, workmanship-like manner and according to the accepted good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials and shall keep them in a proper, neat and orderly appearance free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within one (1) year or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three (3) months. Violation of

these installation and maintenance provisions shall be grounds for the Building/ Zoning Inspector to refuse a building permit, Certificate of Occupancy and/or will subject those in violation to established fines and penalties of the Zoning Ordinance.

8.11N PLAN SUBMISSION AND APPROVAL

Whenever any property is affected by these landscaping requirements, the property owner or developer shall prepare a landscape plan for submittal to and approval by, the City of Oak Grove for local site plans or the Hopkinsville-Christian County Planning Commission for Zero Lot Line Developments and Planned Unit Developments. The Building/ Zoning Inspector shall follow the requirements of this Article in approving or disapproving any landscape plan required by this Article. Landscape plans also may be submitted as part of any plan review required by the City of Oak Grove for local site plans or the Hopkinsville-Christian County Planning Commission for Zero Lot Line Developments and Planned Unit Developments. Where a landscaping plan is required, no building permit shall be issued until the required landscaping plan has been submitted and approved and no Certificate of Occupancy shall be issued until the landscaping is completed and certified by an on-site inspection by the Oak Grove Planning Office or the Oak Grove Building Inspector.

8.12N PLAN REVIEW

The contents of the plan shall include the following:

- a. Site plan, drawn to an easily readable scale, showing and labeling by name and dimension, all existing and proposed property lines, easements, buildings and other structures, vehicular use areas (including parking stalls, driveways, service areas, square footage, etc.), storm water appurtenances and landscape material (planting, wall, fence, hedge or earth mound location);
- b. Typical elevations and/or cross sections as may be required;
- c. Title block with the pertinent names and addresses (property owner, person drawing plan and person installing landscape materials), scale, date, north arrow (generally orient plan so that North is to the top of the plan) and zoning classification.

8.13N SURETY INSTRUMENT

Any development requiring a landscaping plan shall have a cost estimate of the installation and materials submitted to the Oak Grove Planning Office for all landscaping improvements. Upon approval by the Planning Office and/or the City Engineer, a surety instrument shall be presented to the Oak Grove City Council for approval. The surety instrument shall be called upon if the required landscaping plan has not been installed by the end of the approved planting period.

8.14N VARIANCE

Any landscape plan submitted to and disapproved by the City of Oak Grove for local site plans or the Hopkinsville-Christian County Planning Commission for Zero Lot Line Developments and Planned Unit Developments because it does not meet the requirements of the Article may be appealed within sixty (60) days of such action to the Oak Grove Board of Zoning Adjustment.

ARTICLE 9

OFFICIAL ZONING MAP

9.0 OFFICIAL ZONING MAP

The City of Oak Grove is hereby divided into zones, or districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance.

9.1 IDENTIFICATION OF THE OFFICIAL ZONING MAP

The Official Zoning Map shall be identified by certification and bear the seal of the City of Oak Grove under the following words: “This is to certify that this is the Official Zoning Map referred to in Article 9 of Ordinance Number _____ of the City of Oak Grove, State of Kentucky” together with the date of adoption of this Ordinance. Certification should be by the signature of the Mayor and attested by the City Clerk.

9.2 MAINTENANCE OF THE OFFICIAL ZONING MAP

If, in accordance with the provisions of this Ordinance and Kentucky Revised Statutes Chapter 100 for cities and other than cities of the first class as changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes will be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council with an entry on the Official Zoning Map as follows: On --(Date)--- by official action of the City Council, the following changes were made on the Official Zoning Map: -----, which entry shall be signed by the Zoning Inspector or head of the Planning Commission and attested by the City Clerk. No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in the Ordinance. Any unauthorized change of any kind by a person or persons shall be considered a violation of this Ordinance and punishable as provided under PENALTIES FOR VIOLATION.

9.3 LOCATION OF OFFICIAL ZONING MAP

Regardless of the existence of purported copies of the Official Zoning Map which from time to time may be published, the Official Zoning Map shall be located in the office of the Building/ Zoning Inspector. It shall be the final authority as to the correct zoning status of land and water areas in the City.

9.4 REPLACEMENT OF THE OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes or additions, the City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior

Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The Official Zoning Map shall be identified by the signature of the Mayor of the City attested by the City Clerk and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted ---(Date)--- as part of Ordinance Number ----- of the City of Oak Grove, Kentucky. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment."

9.5 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- a. Boundaries indicated as approximately following the center line of thoroughfares or highways, street lines, highway right-of-way lines, or alleys shall be construed to follow such center lines.
- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- c. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
- d. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- e. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- f. Boundaries indicated as approximately following flood plain lines shall be construed to follow such contour lines.
- g. Boundaries indicated as parallel to or extensions of features indicated in subsections a through f above shall be so controlled. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- h. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in circumstances not covered by subsections a through f above, the Board of Zoning Adjustment shall interpret the boundaries.

- i. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board of Zoning Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

ARTICLE 10

APPENDIX

Appendix A. Schedule of Standards

Appendix B. Schedule of Uses

SCHEDULE OF STANDARDS

Building Height Limit

- R-1: The maximum building height limit shall not exceed two (2) stories or thirty-five (35) feet in height.
- R-1A: The maximum building height limit shall not exceed two (2) stories or thirty-five (35) feet in height.
- R-2: The maximum building height limit shall not exceed two (2) stories or thirty-five (35) feet in height.
- R-3: The maximum building height limit shall not exceed two (2) stories or thirty-five (35) feet in height for single-family detached units.
- The maximum building height limit shall not exceed two (2) stories or thirty-five (35) feet in height for two-family (duplex) units.
- The maximum building height limit shall not exceed fifty (50) feet in height for multi-family units.
- RMH-1&2: The maximum building height limit shall not exceed two (2) stories or thirty-five (35) feet in height.
- ZLL: The maximum building height limit shall not exceed two (2) stories or thirty-five (35) feet in height.
- PUD: The maximum building height limit shall not exceed seventy (70) feet in height.
- B-1: The maximum building height limit shall not exceed thirty-five (35) feet in height.
- B-2: The maximum building height limit shall not exceed seventy (70) feet in height.
- B-3: The maximum building height limit shall not exceed seventy (70) feet in height.
- B-4: The maximum building height limit shall not exceed seventy (70) feet in height.
- I-1: The maximum building height limit shall not exceed sixty (60) feet in height.

Setback Limits

R-1:

| | |
|------------|---|
| Front yard | One-half the width of the right-of-way (ROW) not to exceed forty (40) feet or be less than twenty-five (25) feet. |
| Rear yard | Twenty (20) feet |
| Side yard | Ten (10) feet |

The minimum requirement for yards fronting roads under the jurisdiction of the State of Kentucky or Hugh Hunter Road shall not be less than sixty (60) feet.

R-1A:

| | |
|------------|---|
| Front yard | One-half the width of the right-of-way (ROW) not to exceed forty (40) feet or be less than twenty-five (25) feet. |
| Rear yard | Twenty (20) feet |
| Side yard | Ten (10) feet |

The minimum requirement for yards fronting roads under the jurisdiction of the State of Kentucky or Hugh Hunter Road shall not be less than sixty (60) feet.

R-2:

| | |
|------------|---|
| Front yard | One-half the width of the right-of-way (ROW) not to exceed forty (40) feet or be less than twenty-five (25) feet. |
| Rear yard | Twenty (20) feet |
| Side yard | Seven (7) feet |

The minimum requirement for yards fronting roads under the jurisdiction of the State of Kentucky or Hugh Hunter Road shall not be less than sixty (60) feet.

R-3:

Single-family detached and two-family (duplexes)

| | |
|------------|---|
| Front yard | One-half the width of the right-of-way (ROW) not to exceed forty (40) feet or be less than twenty-five (25) feet. |
| Rear yard | Ten (10) feet |

| | |
|--------------|---|
| Side yard | Five (5) feet |
| Multi-family | |
| Front yard | One-half the width of the right-of-way (ROW) not to exceed forty (40) feet or be less than twenty-five (25) feet. |
| Rear yard | Twenty (20) feet |
| Side yard | Five (5) feet, plus two (2) feet for each story above the second floor |

The minimum requirement for yards fronting roads under the jurisdiction of the State of Kentucky or Hugh Hunter Road shall not be less than sixty (60) feet.

R-MH1&2:

Single-family detached, two-family (duplexes)

| | |
|------------|---|
| Front yard | One-half the width of the right-of-way (ROW) not to exceed forty (40) feet or be less than twenty-five (25) feet. |
| Side yard | Ten (10) feet |
| Rear yard | Twenty (20) feet |

For other permitted uses

| | |
|------------|-----------------------|
| Front yard | Forty (40) feet |
| Side yard | Twenty-five (25) feet |
| Rear yard | Twenty-five (25) feet |

The minimum requirement for yards fronting roads under the jurisdiction of the State of Kentucky or Hugh Hunter Road shall not be less than sixty (60) feet.

ZLL:

Interior side yard

A detached dwelling unit shall be placed on one (1) interior side property line with a zero (0) setback and the dwelling unit setback on the other interior side property line shall be a minimum of ten (10) feet, excluding the connection elements such as fences, walls and trellises. Patios, pools, garden features and other similar elements shall be permitted within the ten (10) foot setback area, provided, however, no structure, with the exception of fences or walls, shall be placed within easements required by this section.

| | |
|-----------|-------------------|
| Rear yard | Fifteen (15) feet |
| Side yard | Seven (7) feet |

The minimum requirement for yards fronting roads under the jurisdiction of the State of Kentucky or Hugh Hunter Road shall not be less than sixty (60) feet.

B-2:

| | |
|------------|------------------|
| Front yard | Forty (40) feet |
| Rear yard | Twenty (20) feet |
| Side yard | Seven (7) feet |

The minimum requirement for yards fronting roads under the jurisdiction of the State of Kentucky or Hugh Hunter Road shall not be less than sixty (60) feet.

B-3:

| | |
|------------|------------------|
| Front yard | Forty (40) feet |
| Rear yard | Twenty (20) feet |
| Side yard | Seven (7) feet |

The minimum requirement for yards fronting roads under the jurisdiction of the State of Kentucky or Hugh Hunter Road shall not be less than sixty (60) feet.

B-4:

| | |
|------------|------------------|
| Front yard | Forty (40) feet |
| Rear yard | Twenty (20) feet |
| Side yard | Seven (7) feet |

The minimum requirement for yards fronting roads under the jurisdiction of the State of Kentucky or Hugh Hunter Road shall not be less than sixty (60) feet.

I-1:

| | |
|------------|--|
| Front yard | Forty (40) feet |
| Rear yard | Ten (10) feet; shall be provided unless the district abuts a residential district, then the rear yard shall be twenty-five (25) feet not including loading and docking facilities. |

Side yard Ten (10) feet; on each side shall be provided unless the district abuts a residential district, then the side yard shall be twenty (20) feet, not including loading and docking facilities.

The minimum requirement for yards fronting roads under the jurisdiction of the State of Kentucky or Hugh Hunter Road shall not be less than sixty (60) feet.

Building Site Area

- R-1: Each lot shall have an area not less than 17,500 square feet.
- R-1A: Each lot shall have an area not less than 10,000 square feet.
- R-2: Single-family detached 7,500 square feet per unit
Two-family (duplexes) 10,000 square feet per two (2) units
- R-3: Single-family detached 6,000 square feet per unit
Two-family (duplexes) 7,000 square feet per two (2) units
Multi-family 2,170 square feet per three (3) or more units
- R-MH1&2: Single-family detached 5,000 square feet per unit
Two-family (duplexes) 7,000 square feet per two (2) units
Other permitted uses 10,000 square feet
- ZLL: Each lot shall have an area not less than 3,500 square feet.
- PUD: The minimum size of a PUD shall not be less than one (1) acre.
- B-1: Single-family detached 6,000 square feet per unit
Two-family (duplexes) 8,000 square feet per two (2) units
Multi-family 2,170 square feet per three (3) or more units
Other permitted uses 7,000 square feet
- B-2: There is no minimum required building site area.
- B-3: There is no minimum required building site area.
- B-4: Each lot shall have an area not less than 7,000 square feet.
- I-1: There is no minimum required building site area.

Building Site Width

- R-1: The minimum building site width at the building setback line shall be seventy-five (75) feet.
- R-1A: The minimum building site width at the building setback line shall be sixty (60) feet.
- | | | |
|----------|------------------------|---------|
| R-2: | Single-family detached | 50 feet |
| | Two-family (duplexes) | 60 feet |
| R-3: | Single-family detached | 60 feet |
| | Two-family (duplexes) | 50 feet |
| | Multi-family | 60 feet |
| R-MH1&2: | Single-family detached | 50 feet |
| | Two-family (duplexes) | 60 feet |
| | Other permitted uses | 80 feet |
- ZLL: The minimum building site width at the building setback line shall be twenty (20) feet.
- PUD: None.
- | | | |
|------|------------------------|---------|
| B-1: | Single-family detached | 50 feet |
| | Two-family (duplexes) | 50 feet |
| | Multi-family | 60 feet |
| | Other permitted uses | 60 feet |
- B-2: There is no minimum required building site width.
- B-3: The minimum building site width at the building setback line shall be sixty (60) feet.
- B-4: The minimum building site width at the building setback line shall be sixty (60) feet.
- I-1: There is no minimum required building site width.

Building Site Coverage

- R-1: The total lot coverage for all buildings on the site shall not exceed forty (40) percent of the lot area.
- R-1A: The total lot coverage for all buildings on the site shall not exceed forty (40) percent of the lot area.

| | | |
|----------|---|-----|
| R-2: | Single-family detached | 45% |
| | Two-family (duplexes) | 50% |
| R-3: | Single-family detached | 45% |
| | Two-family (duplexes) | 50% |
| | Multi-family | 60% |
| R-MH1&2: | The total lot coverage for all buildings on the site shall not exceed thirty-five (35) percent of the lot area. | |
| ZLL: | The total lot coverage for all buildings on the site shall not exceed fifty (50) percent of the lot area. | |
| PUD: | The total lot coverage for all buildings on the site shall not exceed sixty (60) percent of the lot area. | |
| B-1: | The total lot coverage by all buildings on the site shall not exceed fifty (50) percent of the lot area. | |
| B-2: | The total lot coverage by all buildings on the site shall not exceed fifty-five (55) percent of the lot area. | |
| B-3: | The total lot coverage by all buildings on the site shall not exceed fifty (50) percent of the lot area. | |
| B-4: | The total lot coverage by all buildings on the site shall not exceed fifty (50) percent of the lot area. | |
| I-1: | The total lot coverage by all buildings on the site shall not exceed sixty (60) percent of the lot area. | |