

CITY OF OAK GROVE, KENTUCKY  
ORDINANCE NO. 2021-11

**AN ORDINANCE REPEALING AND REPLACING THE OAK GROVE ZONING  
ORDINANCE NO 1991-04 AND ADOPTING  
THE ZONING ORDINANCE AS RECOMMENDED.**

WHEREAS, the city's preexisting zoning ordinance, Ordinance 1991-04 requires necessary updates due to the city of Oak Grove's changing circumstances;

WHEREAS, all of the legal requirements for for a zoning ordinance and zoning map update have been completed, including all necessary public hearings;

NOW, THEREFORE, be it ordained by the City of Oak Grove as follows:

SECTION 1

The Oak Grove Zoning Text and Map Amendment, attached as exhibit A as the Oak Grove Zoning Ordinance and incorporated as fully as if set out at length herein is hereby adopted in full. The full text of this Ordinance is on file in the office of the City Clerk for the City of Oak Grove at 8505 Pembroke Oak Grove Rd, Oak Grove, KY, where it is available for public inspection without charge between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.

SECTION 2

All previous zoning ordinances, including Ordinance No. 1991-04 and all subsequent amendments are hereby repealed.

This ordinance shall become effective upon passage and publication.

Passed on First Reading this 7th day of September, 2021.

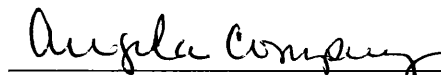
Passed on Second Reading this 21st day of September, 2021.

APPROVED:



Theresa Jarvis, Mayor  
City of Oak Grove, Kentucky

ATTEST:



Angela Comperry, City Clerk  
City of Oak Grove, Kentucky

PUBLISHED: In the Kentucky New Era, the 23 day of October, 2021.





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**OAK GROVE**

KENTUCKY'S *Rising Star* ON THE BORDER

# ZONING ORDINANCE

AS RECOMMENDED FOR ADOPTION  
AUGUST 30, 2021

# **City of Oak Grove**

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## **Mayor**

**Theresa Jarvis**

## **City Council**

**Edward Cook**

**Jean Leavell**

**Janet Edwards**

**Jackie Oliver**

**Kisha Jeffrey-Mische**

**Isaiah Spencer**

## **City Staff**

**Angela Comperry – City Clerk**

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# **ARTICLE 1. INTRODUCTORY PROVISIONS**

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## **SECTION 1.0 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 use of resources. By adoption of a Comprehensive Plan, Oak Grove has recognized the potential of its community. 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.

## **SECTION 1.1 Title and Authority**

This Ordinance shall be known and may be cited as the City of Oak Grove, Kentucky Zoning Ordinance (hereinafter referred to as “this Ordinance”). This Ordinance is adopted pursuant to the statutory authority granted by Chapter 100 of the Kentucky Revised Statutes (KRS).

## **SECTION 1.2 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.

## **SECTION 1.3 Severability Clause**

If any section, subsection, sentence, clause, or phrase of this Ordinance is held unconstitutional or otherwise invalid, such infirmities shall not affect the validity of the remaining portions of this Ordinance.

## **SECTION 1.4 Repeal of Conflicting Ordinances; Effective Date**

All ordinances or parts of ordinances in conflict with this 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 take effect immediately after its passage and publication according to law.

## **SECTIONS 1.5 through 1.99 Reserved**

**ARTICLE 1. INTRODUCTORY PROVISIONS**

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## ARTICLE 2. DEFINITIONS

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### SECTION 2.0 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. Whenever a number of days is specified in this Ordinance, including a permit, condition of approval, or notice provided, the number of days shall mean calendar days unless otherwise specified; and
  - 7. The word “lot” includes the words “plot”, “parcel”, and “tract”.
- D. In the case of any difference of meaning or implication between the text of this Ordinance and any caption, number, illustration, or table, the text shall govern, unless otherwise specifically noted herein.

### SECTION 2.1 Definitions

Certain words or terms used by this Ordinance are defined below and shall have the meaning ascribed to them:

**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.

## ARTICLE 2. DEFINITIONS

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**ACCIDENT POTENTIAL ZONE I (APZ I)** –The APZ I is an area just beyond the Clear Zone, forming an area that is 1,000 feet wide by 2,500 feet long for a Class A runway and 1,000 feet wide by 5,000 feet long for a Class B runway. APZ I is less critical than the Clear Zone but still possesses significant potential for accidents. A wide variety of industrial, manufacturing, transportation, open space, and agricultural uses can exist safely in this zone, though activities that concentrate people are not compatible.

**ACCIDENT POTENTIAL ZONE II (APZ II)** –APZ II is an area 1,000 feet wide and extends 2,500 feet beyond the APZ I for a Class A runway and is 1,000 feet wide by 7,000 feet long for a Class B runway. APZ II is the least critical of the three air safety zones, but still carries some risk of an accident. Compatible land uses include those of APZ I, as well as low density single family residential, and lower intensity commercial activities. High density functions such as multi-story buildings and places of assembly (e.g. theaters, schools, churches and restaurants), however, raise compatibility issues.

**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).

**ADULT DAY CARE CENTER** – Any adult care facility, which provides part-time care, day or night, but less than twenty-four (24) hours, to at least four (4) adults who are not related to the operator by blood, marriage, or adoption. The operator must be certified or licensed by a state public agency and the use may include personal care assistance, the administration and/or assistance with medication, and social recreational activities.

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

**AGRICULTURAL USE** – An agricultural use as defined by KRS 100.111.

**AGRICULTURAL AUCTION** - An outdoor area or building used for the public sale of agricultural products, including animals, produce, and tobacco, to the highest bidder.

**AGRICULTURAL MARKET** – An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public primarily agricultural products such as fresh produce, seasonal fruits, fresh plants or flowers, value-added products, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths and tables located on-site. Agricultural markets shall not include the sale of live animals.

**AGRI-TOURISM** – Activities conducted on an active farm or at an agricultural, horticultural, or agribusiness operation that are offered to the public for the purpose of enjoyment, education, or active involvement in the functions of the active farm or facility. These activities shall be integrated into, directly associated with, and incidental and subordinate to the principal agricultural production on the property. Activities may also include farm and cultural tours and corn mazes.

**AIRCRAFT** – This term includes balloons, airplanes, helicopters, gliders, and every other vehicle used for navigation through the air.

**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.

## ARTICLE 2. DEFINITIONS

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

**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 ARCADE** – A business establishment offering for public use five (5) or more game machines, instruments, or apparatus operated by coin, slug, or similar medium. This definition does not include automatic machines for vending food, soft drinks, or similar products. Amusement arcades do not include gaming machines or other devices prohibited by KRS 528 or gaming devices used in association with a track as permitted under the terms of this Ordinance.

**AMUSEMENT PARK** – A commercially operated park with various devices for entertainment and booths for the sale of food and drink. Outdoor games and activities may include motorized rides, water slides, miniature golf, batting cages, and the like (see also Recreational Facility).

**AMUSEMENT PARK (INDOOR)** – An amusement park in which all related entertainment activities occur within the confines of a building (see also Recreational Facility).

**ANIMAL AND PET GROOMERS** – A facility providing the hygienic care and cleaning of domestic animals. Such facilities may include the incidental sale of related hygienic or cleaning products.

**ANIMAL FEEDING OPERATION** - A lot or facility where 1) more than twenty (20) animals (livestock or poultry) have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period; and 2) crops, vegetation forage growth, or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility.

**ANIMAL POUND** - A facility used to house or contain stray, homeless, abandoned, or unwanted animals that is owned, operated, or maintained by a unit of government, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and human treatment of animals. An animal pound may also be referred to as an “animal shelter”.

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

**ANTENNA** –The transmitting, receiving, or other equipment used to support cellular telecommunications service or personal communications service. This definition does not include towers.

**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.

**APPROVING AUTHORITY** – The individual or entity authorized by this Ordinance and/or the provisions of KRS 100 to grant final approval (or denial) to an application for a building/zoning permit, certificate of occupancy, conditional use, plat, site or development plan, variance, or zoning amendment.

## ARTICLE 2. DEFINITIONS

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**ARENA (OR STADIUM)** – A structure with tiers of seats rising from a field or court, intended to be used primarily for the viewing of athletic events. Arenas or stadiums may be also used for other public gathering purposes, such as conventions, circuses, concerts, and special events. This definition does not include fixed or portable seating accessory to a recreational use (ballfield or gymnasium) or convention center where seating is less than 1,000 per field or court.

**ASSISTED LIVING FACILITY** - A building or structure that contains three (3) or more apartments with private bath and facilities for an individual’s meal preparation (which may include refrigerator, stove, microwave oven or other appliances) and providing supportive service such as assistance with household chores, cleaning, shopping, meals, laundry, transportation, 24-hour supervision, and organized social activities and not constituting a boarding and lodging house or nursing home.

**ATHLETIC CLUBS AND FITNESS CENTERS** – An establishment that provides for indoor commercial or non-commercial services and facilities that purport to improve the user’s physical condition or appearance through participation in sports activities, fitness training, exercise, or body building. The establishment may offer access to the following: gymnasiums, swimming pools, walking or running tracks, ball courts, weightlifting equipment, exercise equipment or facilities, saunas, steam baths, or whirlpools.

**ATTIC, FINISHED** – An attic (or a portion of an attic) in or for which the distance between the floor and the ceiling is at least seven feet; the floor, finished walls, and ceilings are covered by wood, tile, brick, carpeting, or other suitable materials; electrical wiring is provided and hidden from view such as by placement behind walls or above ceiling tiles; and is accessible by a conventional stairway or other access. An attic that can only be accessed from a ladder cannot be considered a finished attic.

**AUCTION SALES, INDOOR** – An operation in which the public sale of goods, wares, merchandise, or equipment to the highest bidder occurs entirely within a building or portion of a building. This definition excludes the sale of animals, tobacco, and agricultural products. This definition does not include the outdoor staging, storing, or displaying of goods, wares, merchandise, or equipment to be auctioned.

**AUCTION SALES, OUTDOOR** – An outdoor area or areas on a particular piece of property used for the public sale of goods, wares, merchandise, or equipment to the highest bidder. This definition includes auction facilities incorporating indoor and outdoor sales, displays, or storage but excludes the sale of animals, tobacco, and agricultural products.

**AUTOMATED TELLER MACHINE (ATM)** - An electronic device used by the public for conducting financial transactions such as withdrawing or depositing cash from a bank, savings, credit union, credit card, or similar account wherein the customer operates the device independently.

**AUTOMOBILE** – A self-propelled passenger vehicle used for land transport. The term automobile includes light and medium trucks.

**AUTOMOBILE, BUS, HEAVY TRUCK, AND LARGE EQUIPMENT REPAIR (MAJOR)** – Rebuilding or reconditioning of engines or transmissions, vehicles or trailers; repair and collision service, such as body, frame or fender straightening; painting and clear coating; upholstering; auto glass work; and the like.

**AUTOMOBILE, BUS, HEAVY TRUCK, AND LARGE EQUIPMENT REPAIR (MINOR)** – Minor repairs and routine maintenance, including oil and filter change; lubrication; engine tune-up; troubleshooting and replacement of lights; brakes and other prepackaged components; and tire rotation or replacement, but not including any operation specified under “Automobile, Bus, Heavy Truck, and Large Equipment Repair (Major).”



## ARTICLE 2. DEFINITIONS

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**AUTOMOBILE REFUELING STATION** – A building, structure, or lot used for the dispensing of compressed natural gas or any liquefied petroleum gas from a storage vessel by means of a compressor or pressure booster into motor fuel cylinders in automobiles and passenger vehicles. This term also includes recharging stations for electric vehicles. This use does not include a bulk distribution plant, but may be an accessory use to an automobile service station or convenience store.

**AUTOMOBILE REPAIR GARAGE** – A commercial establishment conducting minor and/or major repair and maintenance of automobiles.

**AUTOMOBILE SERVICE STATION** – A building or structure used for minor automobile repair and the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation and minor services customarily incidental thereto. Automobile service stations may include facilities for automobile washing. Chassis and gear lubrication are permitted if enclosed in a building.

**AUTOMOBILE TITLE LOAN LENDING ESTABLISHMENT** – An establishment that makes small consumer loans that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. Failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle.

**AUTOMOBILE, HEAVY TRUCK, MANUFACTURED AND MODULAR HOME, AND LARGE EQUIPMENT SALES AND RENTALS** – The sale or rental of new or used motor vehicles, manufactured or modular homes, and large equipment (including tractors, farm implements, recreational vehicles, construction machinery, and major recreational equipment), but not including major repair work except warranty and incidental repair of the same, to be displayed and sold or rented on the premises (Note: Table 5.2 may list these sales and/or rental activities separately.)

**BAKERY** – An establishment primarily engaged in the production and/or sale of baked products. The products may be purchased from others or made on the premises.

**BANK** – A financial institution licensed to receive deposits and make loans, including uses known as savings and loans and credit unions.

**BANQUET FACILITY** – A building made available to the public for holding meetings and social events. This use may include the sale of alcoholic beverages (B-2 district only); indoor live entertainment; and may also include, as an accessory use, events conducted outside the main building in tents or other temporary facilities, subject to the issuance of a building/zoning permit by the Zoning Administrator.

**BARBER SHOPS AND BEAUTY SALONS** – Establishments engaged in furnishing beauty, grooming, or hairdressing services. This classification also includes nail salons and spas that provide manicures, pedicures, and facials.

**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.

**BASE ZONING DISTRICT(S)** – A traditional zoning district(s) established by this Ordinance in Chapter 4 and illustrated on the Official Zoning Map. Base districts include the R-1, R-1A, R-2, R-3, RMH-1, RMH-2, B-1, B-2, and I-1 districts.

## ARTICLE 2. DEFINITIONS

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**BASEMENT** – A space having one-half (1/2) or more of its floor-to-ceiling height below 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.

**BED AND BREAKFAST FACILITY** – An owner-occupied single-family structure which is used to provide short-term transient lodging (7 days or less), including serving only breakfast to overnight lodgers, for which a fee or other consideration is paid.

**BERM** (or Earthen Mound) – Earth contoured so as to form a mound above the general elevation of the adjacent ground or surface.

**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.

**BLOOD/PLASMA COLLECTION CENTER** – The collection of blood/plasma as a principal use on a property. Accessory blood/plasma collection associated with an emergency relief charity (such as the Red Cross), medical office, medical laboratory, medical clinic, hospital, government agency, nursing home, or other medical facility shall not be considered a Blood/Plasma Collection Center.

**BOARD OF ZONING ADJUSTMENT** – The officially constituted body, created by this Ordinance and authorized by KRS 100, whose principal duties are to hear appeals arising from the administration of this Ordinance, grant variances from the strict application of this Ordinance, and to grant conditional use permits. The Board of Zoning Adjustment may be referred to by this Ordinance as “the Board” or “the BZA”.

**BOARDING HOUSE OR LODGING HOUSE** – A single-family dwelling, not constituting a hotel, motel, or bed and breakfast, where for compensation and by prearrangement for definite periods, lodging is provided to three (3) or more persons. Meals may or may not be provided, but there is one common kitchen facility and meals are provided only to persons residing in the dwelling.

**BOTANICAL GARDENS** – A public or private facility for the demonstration and observation of the cultivation of flowers, fruits, vegetables, or ornamental plants.

**BREW-PUB** – A restaurant with an area devoted to the accessory sale of wine or alcoholic beverages, which also houses an accessory microbrewery without permanently installed bottling equipment, all within the same completely enclosed building.

**BROWNFIELD** – A potential development site that has some level of environmental impediment to redevelopment.

**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 this 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 expressed as a percentage of lot area.

## ARTICLE 2. DEFINITIONS

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**BUILDING, HEIGHT OF** – The vertical distance of a building measured from the highest elevation of the finished grade within five (5) feet of the building to the highest point of the building, excluding those features as provided and limited by Section 4.30.

**BUILDING/ZONING PERMIT** – A document issued by the Zoning Administrator, authorizing the use of lots, structures, land, and buildings and the characteristics of the use in conformity with this Ordinance and subject to the requirements of the Kentucky Building Code or the Kentucky Residential Code.

**BUILDING OFFICIAL** – The official (including any individual, agency, or entity) appointed by the City of Oak Grove to administer the requirements of the Kentucky Building Code and Kentucky Residential 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 the setback requirement of this Ordinance, beyond which a building shall not extend, unless varied according to the procedures in this Ordinance. The building setback line may also be referred to as the “building line”.

**BUS AGENCY** – A facility providing transportation to passengers and other bus customers, that involves the loading and unloading of passengers and/or freight, and the sale of tickets and/or shipping space but not including the parking or storage of buses or the provision of onsite repair (see also Bus Station).

**BUS, HEAVY TRUCK, AND LARGE EQUIPMENT GARAGES AND REPAIR SHOPS** – A commercial establishment conducting minor and major repair, maintenance, and storage of buses, heavy trucks, and large equipment (tractors, farm implements, recreational vehicles, construction machinery, and major recreational equipment). This use may also include the retail sale of fuel, motor oil, and accessories.

**BUS SHELTERS** – A small, roofed structure, usually having three walls, located near a street and designed primarily for the protection and convenience of bus passengers.

**BUS STATIONS** – A premises for the housing or parking of buses and the loading, unloading, and ticketing of passengers. Bus stations may include facilities for the minor repair of service vehicles.

**BUSINESS COLLEGE, TECHNICAL, OR TRADE SCHOOL** – An educational institution primarily owned and operated by an individual, partnership, or corporation offering training in business, trade, technical, or related areas through residence, extension, or correspondence, for which tuition is charged.

**CALIPER INCHES** – The quantity in inches of the diameter of trees measured at a height four (4) inches above the root ball.

**CAMPGROUNDS** – An outdoor facility for short-term overnight recreational use. Such facilities may include amenities, such as water or electricity, to individual camp sites upon which tents (but excluding recreational vehicles, accessory recreational vehicles, and mobile or manufactured homes) are placed. Shared bathroom facilities and parking areas may be included.

**CAR WASH** – An establishment for the washing, cleaning, waxing, and polishing of the exterior surface of automobiles and for the incidental cleaning and vacuuming of the interior passenger sections.

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**CARNIVAL** – A temporary outdoor amusement use lasting no longer than ten (10) days per calendar year that includes children’s rides and mechanical rides, with or without inflatables. Such uses may also include games, live music, games of chance, live entertainment (other than animal performances typically associated with a circus), booths, food service, merchandise sales, pony rides, and/or a petting zoo intended for children.

**CARPOR** – A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three (3) sides.

**CATERING SERVICE** – An establishment that serves and supplies food to be consumed off-premises (excluding food trucks or carts). Catering services may constitute a principal use or may be an accessory use to a permitted restaurant use.

**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.

**CELLULAR ANTENNA TOWER** – A tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.

**CELLULAR ANTENNA TOWER, SMALL** - Any structure under fifty (50) feet in overall height with an antenna or transmitter that is constructed for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. A pole originally installed for the primary purpose of supporting wireless telecommunications equipment, regardless of the timeframe between pole installation and connection/implementation of Transmission Equipment, is considered a Small Cell Tower, and is not a Utility Pole. The term Small Cell Tower includes mini cell towers, distributed antenna system towers, micro cell towers, mini cell, Wi-Fi antennas, or similar systems.

**CELLULAR ANTENNA TOWER STEALTH TECHNOLOGY**- State-of-the-art design techniques used to camouflage and blend objects into the surrounding environment and to minimize visual impact. These design techniques may be applied to wireless communications towers, antennas, and other facilities, which blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it less visible to the casual observer. Such methods include, but are not limited to:

1. Facilities constructed to resemble light poles, flag poles, or other streetscape amenities;
2. The use of additional features such as flags, decorative streetlamps and banners, or signs may be utilized to blend the proposed facility into the visual backdrop;
3. Placement within a part of an existing structure; or
4. Facilities constructed in such a way that the facilities appear to be part of existing structures.

**CEMETERY** – Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including mausoleums and mortuaries (but excluding crematories) 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,

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recreational, and entertainment establishments and uses, residences, hotels and motels, appropriate industrial activities, and transportation facilities.

**CERTIFICATE OF OCCUPANCY/ZONING COMPLIANCE** – A document issued by the Zoning Administrator allowing the occupancy or use of lands, buildings, or structures in conformance with the requirements of this Ordinance and upon certification that the requirements of the Kentucky Building Code or the Kentucky Residential Code have been met.

**CERTIFICATION** – A written statement by the appropriate offices that required construction, inspections, tests, or notices have been performed 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.

**CHECK CASHING FACILITY** – A business that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. A check cashing facility does not include a state or federally chartered bank, savings association, credit union, or industrial loan company.

**CHEMICALS** – Includes acetylene, acids and derivatives, alcohol (industrial), ammonia, aniline dyes, carbide, caustic soda, cellulose and cellulose storage, chlorine, cleaning and polishing preparation (non-soap), disinfectants, dressings and blackings, creosote, dyestuff, exterminating agents and poisons, compressed hydrogen and oxygen, lithium, lead oxide, plastic materials and synthetic resins, potash, pyroxylin, tar products, turpentine and resin, and solvents and similar household and industrial chemical compounds.

**CHILDREN'S RIDES** – A temporary outdoor amusement device, not involving a permanent structure, primarily designed for persons less than five (5) feet in height or less than thirteen (13) years of age, including mechanical rides and/or inflatables.

**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.

**CIRCUS** – A temporary use or special event lasting no longer than ten (10) days per calendar year that is intended or likely to attract substantial crowds to view entertainment and animal performances or displays (other than a petting zoo intended for children and/or outdoor pony rides), and which is conducted on a fairground or as part of an event of special public interest. Such uses may also include rides, games, booths, food service, and merchandise sales.

**CITY COUNCIL** – The Oak Grove City Council.

**CIVIC USE** – Buildings and facilities owned, operated, or reserved by a corporation or association of persons for civic, social, fraternal, or recreational purposes and not operated or maintained primarily for profit.

**CLEAR ZONE (CZ)** – An area 1,000 feet wide by 3,000 feet long at the immediate end of a Class B runway. The CZ for a Class A runway is an area 1,000 feet wide by 3,000 feet long. The accident

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potential in these areas is sufficient to warrant the prohibition of any structures in the CZ. For safety reasons, the Army has the authority to purchase the land (or development rights) for these areas if they are not already part of the installation.

**CLUB, PRIVATE** – Buildings and related facilities owned or operated by a corporation, association, person or persons, established for the enrichment and promotion of the social, educational, cultural, or other interests of the members of an organization, which organization operates on a membership basis with pre-established formal written membership qualifications, required dues, regular meetings, and a constitution and by-laws, which buildings and facilities are not operated, used, or leased primarily for profit nor to render a service which is customarily carried on as a business.

**CLUB, PROPRIETARY** – Buildings and related facilities established for the recreational or other common interests of the members or users, which buildings and facilities are operated as a business, commercial activity, or for profit.

**CLUSTER DEVELOPMENT** – 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.

**COCKTAIL LOUNGE** – A commercial establishment dispensing and serving alcoholic beverages for consumption on the premises and in which live entertainment, exclusive of dancing, is permitted.

**COLLECTION OFFICE OR AGENCY** – The business location of any person or entity engaged in the business of collecting or receiving payment for others on any account, bill, or other indebtedness.

**COMMON ELEMENTS** – Land amenities, parts of buildings, central services, 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.

**COMPOSTING FACILITY** – A commercial or public solid waste processing facility where yard or garden waste is transformed into soil or fertilizer by biological decomposition.

**COMMUNITY GARDEN** – An area of land less than five (5) continuous acres in size managed and maintained by a group of individuals to grow and harvest food and/or non-food crops for personal or group use, consumption, donation, or off-site sales. This use includes plots for cultivation by one (1) or more individuals and may include common areas maintained and used by group members. Community gardens may be a principal or accessory use and may include structures such as greenhouses, hoop houses, high tunnels, and storage sheds. This definition excludes gardens, otherwise permitted as an accessory to a residential use, when such gardens are maintained as a noncommercial use for the enjoyment or subsistence of the dwelling's occupant(s).

**COMPREHENSIVE PLAN** – A plan, or any portion thereof, adopted by the Planning Commission, with goals and objectives adopted by and the City Council, showing the general location and extent of the present and proposed physical facilities including housing, industrial and commercial uses, parks, schools, 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.

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

**CONDITIONAL USE PERMIT** – Legal authorization to undertake a conditional use, issued by the Zoning Administrator pursuant to authorization by the Board of Zoning Adjustment, consisting of two (2) parts: (a) a statement of the factual determination by the BZA which justifies the issuance of the permit; and (b) a statement of the specific conditions which must be met in order for the use to be permitted.

**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.

**CONGREGATE RESIDENCE** – Any building or portion thereof which contains facilities for living, sleeping, and sanitation and may include facilities for eating and cooking for occupancy by other than a family. A congregate residence includes a convent, monastery, dormitory, or fraternity or sorority house, but does not include a crisis counseling center, rehabilitation home, shelter (day or homeless), or substance abuse treatment facility.

**CONSOLIDATION** – The removal of lot lines between continuous parcels.

**CONSTRUCTION WORKER HOUSING** – Temporary housing, in buildings, campers, trailers, or recreational vehicles, for workers engaged in the construction of permitted onsite building(s) and/or other improvements. Such facilities may include parking, storage, common dining facilities, and shared restrooms.

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

**CONVENIENCE STORE** – A retail establishment of less than 5,000 square feet in net floor area offering for sale prepackaged food products, beverages, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.

**CONVENTION CENTER**- A facility designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation for on-premise consumption.

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

**COPY SHOP** – A retail establishment that provides duplicating services using photocopying, blueprint and offset printing equipment and may include the collating and binding of booklets and reports.

**CORN MAZE** – A recreational facility that creates a labyrinth utilizing an agricultural product intended to be harvested, such as corn or hay, to create a system of paths.

**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.

**COUNTRY CLUB** – A privately managed recreational facility, located on not less than 75 acres of land, having such features as a golf course, tennis courts, swimming pools, bridle trails, and the like.

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**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.

**CRISIS COUNSELING CENTER** – A facility or portion thereof and premises that are used for purposes of temporary emergency shelter, crisis intervention, including counseling and educational services, referral, hotline response and/or similar human social service functions. The facility may include meal preparation, distribution or service for residents of the center as well as nonresidents; merchandise distribution; or shelter, including temporary boarding or lodging not to exceed 90 days. Crisis counseling centers include domestic violence shelters but do not include assisted living facilities, homeless or day shelters, hospitals and institutions, rehabilitation homes, substance abuse treatment facilities, or facilities in which medical treatment is provided by licensed practitioners.

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

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

**CULTURAL TOURISM** – Activities associated with geographical places, artifacts, architecture and/or past events that represent the stories and people of the past offered to the public for the purpose of education and enjoyment. These activities should not diminish the place, element, or feature for future generations.

**DAY CARE CENTER** – Any facility whatsoever which cares for three (3) or more infants or children under the age of 18 not related to the operator by blood, marriage, adoption, or foster care responsibility, away from the client’s own home, for periods of less than twenty-four (24) hours per day per client. Occasional extended stays may also be provided. Such facilities may be for profit or non-profit. This term includes “child care centers”, “day nurseries”, and “nursery schools and kindergartens”, when not accessory to an elementary school; but does not include any center under the jurisdiction of the State Board of Education, a shelter, any private school except those solely below first-grade level or any center operated by a religious institution at the same time religious services or congregational activities are occurring.

**DAY CARE CENTER (RESIDENTIAL-BASED)** – A home occupation which engages in the care of three (3) but not more than seven (7) infants or children (during any 24-hour period) under the age of 18 not related to the operator by blood, marriage, adoption, or foster care responsibility for periods less than twenty-four hours per day per client.

**DAY SHELTER** – Facilities which provide on a free or not-for-profit basis access to indoor shelter, generally during the hours encompassing dawn to dusk, and which may also provide in conjunction therewith personal support services, primarily to or intended for persons who otherwise may not have access to indoor shelter if only available on a cost or for-profit basis. This definition includes temporary emergency heating or cooling shelters which operate during extreme weather periods.

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

**DEED** – A legal document conveying ownership of real property.

**DENSITY** – The number of dwelling units permitted per net acre of land. For the purposes of this Ordinance, net acre shall mean the land area confined within the lot’s boundaries, excluding public rights-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.



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**DETOXIFICATION TREATMENT FACILITY** – See Substance Abuse Treatment Facility.

**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 contract for purchase or other persons having enforceable proprietary interests in such land.

**DEVELOPMENT PLAN** - Written and graphic material for the provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing manmade and natural conditions, and all other conditions agreed to by the applicant.

**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.

**DOG PARK** – A park that provides a variety of recreational amenities for dogs and persons that may include benches, parking, restrooms, and water fountains. If dogs are to be unleashed, the area must be fenced. A dog park may only be permitted as an accessory use to an otherwise permitted kennel or as part of a use that is owned or operated by the City of Oak Grove.

**DOMESTIC VIOLENCE SHELTER** – Housing for adult persons and their dependent children, if any, who are victims of domestic violence perpetrated by a household member, spouse, domestic partner, or other significant relation to the adult (or dependent child) victim.

**DORMITORY** – A building containing sleeping rooms operated by a school for academic instruction, or by a business college, technical or trade school, for which admission to residency is limited exclusively to students of such institution, school, or college. Where kitchen facilities or provisions for such are provided in individual rooms, such rooms shall be deemed dwelling units.

**DOWN ZONE** – To decrease the intensity of use by decreasing density, floor area ratio, or allowable uses.

**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 FACILITY** – Any use which by design, physical facilities, service, or procedure encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles. This term includes “drive-thru” and “drive-up” facilities.

**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.

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**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 modular and manufactured and qualified manufactured homes but shall not include house trailers or recreational vehicles. (Note: For the purposes of Table 5.2 “Schedule of Uses”, modular homes, manufactured homes, and qualified manufactured homes are separately listed. See also accompanying definitions for these uses).

*Dwelling, single-family.* A building or portion thereof on an individual lot designed for or occupied exclusively by one (1) family. This term includes single-family attached dwellings and single-family detached dwellings.

*Dwelling, single family attached.* A structure containing two (2) or more single-family dwelling units in which the dwelling units are physically attached by a common wall, and each unit has its own separate exterior entrance way and is located on a separately owned (or deeded) lot.

*Dwelling, single-family detached.* A structure containing one (1) dwelling unit that is free standing.

*Dwelling, two-family.* A structure, located on a single lot, designed for or occupied exclusively by two (2) families living independent of each other in separate dwelling units. This use and building arrangement may also be referred to as a “duplex”.

*Dwelling, multi-family.* A structure containing three (3) or more dwelling units on a single lot.

*Dwelling group.* Any combination of two or more buildings comprised of single-family dwellings, two-family dwellings, or multi-family dwellings on a single lot.

**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 or 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.

**ELECTRONIC VIDEO GAMING DEVICE** - Any device that possesses a video display and computer mechanism for playing a game. Electronic video gaming device shall not mean any electronic representation of charitable gaming games identified, defined, and approved by statute and by administrative regulation of the department.

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

**ENTERTAINMENT, LIVE** – Any performance at a restaurant, cocktail lounge, or nightclub by any person; including, but not limited to, a patron of such establishment if such performance is part of a regularly occurring event. Live entertainment includes, but is not limited to: singing, dancing, karaoke, DJ related activities, games (video, mechanical, etc.), musical performances, comedy acts, magic acts, variety acts, or performance contests engaged in by patrons. Live entertainment does not include performances or activities defined and/or regulated by Ordinance No. 2020-13.

**EROSION** – The detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, ice, and gravity.

## ARTICLE 2. DEFINITIONS

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**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 effective date of this Ordinance.

**EXTENDED STAY HOTEL** – A hotel, motel, or multi-family dwelling which provides rooms or suites for lease or rent for a term of more than one (1) week but less than six (6) months.

**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.

**FAIRGROUNDS** – An area of land use designed for recurrent and special events including but not limited to: agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters. Such county fairs, exhibitions, and shows do not include a track, racetrack, or motorized contest of speed.

**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 GIFT SHOP** – An accessory retail facility limited to a maximum of five hundred (500) square feet of net floor area that offers for sale farm products grown or raised on the premises, and/or memorabilia representative of the farm products grown or raised on the premises, such as hats, shirts, and souvenirs.

**FARM PRODUCER** – A person who is actually engaged in the business of producing/growing farm raised products they sell at the market.

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

**FARM TOUR** – An accessory use to a working or active farm or other agricultural use that permits visitors a way to see and experience on-going agricultural operations and facilities, but not including overnight accommodations.

**FARM VACATION ENTERPRISES (PROFIT OR NON-PROFIT)** – Farms adapted for use as vacation farms to include, for compensation, overnight guest accommodations of seven (7) days or less; picnicking and sports areas; fishing, camping, scenery, and nature recreational area; 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.

**FESTIVAL** – A temporary public or commercial gathering lasting no longer than ten (10) days per calendar year where entertainment, food, crafts, and the like are offered for viewing or for sale.

## ARTICLE 2. DEFINITIONS

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**FISHING OR HUNTING CLUB** – Areas reserved for public or private hunting of wildlife, fishing, and accessory structures in support of those activities, but not including rifle or other firearm ranges, and further subject to the requirements of Ordinance 1986-1 as amended.

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

**FINAL APPROVAL** – The last official action of the Zoning Administrator, Planning Commission, Board of Zoning Adjustment, or City Council taken on a complete application which has been approved, after all conditions and requirements have been met and the required improvements have been installed or a surety instrument has been posted to guarantee the installation of requirement improvements.

**FLEA MARKET** – A market held in an open area or open-sided structure where groups of individual sellers offer goods for sale to the public. Flea markets, not involving permanent structures and of limited duration, may be classified as open air sales, subject to the temporary use standards of Article 5. Flea markets involving permanent structures or those exceeding the time limitation imposed for temporary uses are classified as “Flea Markets (Perpetual)” pursuant to Table 5.2 “Schedule of Uses”.

**FLOATING ZONE** – An unmapped zoning district where the requirements of the zone are specified in this Ordinance and the accompanying development plan, when required, and the zone is fixed on the official zoning map only when a rezoning is approved. Zero-lot-line districts and Planned Unit Developments are examples of floating zones.

**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, 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 (1%) chance of being equaled or exceeded in any given year.

**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** – The Special Flood Hazard Area (SFHA) as defined by Chapter 154 of the City of Oak Grove Code of Ordinances and illustrated on the Flood Insurance Rate Map (FIRM) as zones A, AE, A1-A30 AH, AO, and AR.

**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.

## ARTICLE 2. DEFINITIONS

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**FLOOR AREA** – 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.

**FLOOR AREA, GROSS** - The floor area of the specified use excluding 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, and fitting rooms 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 usable 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.

**FOOD TRUCKS AND CARTS** - A vehicle-mounted food service establishment that is designed to be readily movable, including push carts, mobile kitchens, hot dog carts, pretzel wagons, etc. This definition includes the vending of food (via a push cart, mobile kitchen, etc.) at a set or stationary location but excludes food vending where incidental or vending route stops of less than thirty (30) minutes are made. **Note:** Food trucks and carts may be permitted in conjunction with a temporary use as provided in Article 5, Division III. All other food truck and cart uses are restricted to the B-2 and I-1 districts in accordance with Table 5.2.

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

**FUNERAL HOME** – A building used for the preparation of the deceased for burial, for the display of the deceased, and for ceremonies connected therewith before burial or cremation. As listed in Table 5.2 “Schedule of Uses”, funeral home uses do not include crematories.

**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 garage, used for parking or temporary storage of automobiles and in which no service (minor or major repair) shall be provided for remuneration.

**GARAGE, STORAGE** – Any building or premises other than a private garage, used for housing motor vehicles, recreational vehicles, boats, aircraft, and/or similar vehicles or watercraft.

**GIFT SHOP** – Retail stores where items such as art, antiques, jewelry, books, and notions are sold.

**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 (See Existing Grade or Elevation).

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

**GREENHOUSE OR NURSERY (COMMERCIAL OR INDUSTRIAL)** – An establishment primarily engaged in propagating and growing plants in containers, in soil, or in other growing medium for the purpose of being sold and transplanted. This definition shall include sale of the following items: plants grown on the premises or tended in a controlled environment of the greenhouse or plant nursery; sale of fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizer, all to be used in the soil or upon the live plant to preserve the life and health of the plants sold; and landscape counseling, site planning, and contracting services when not the primary activity and when using plants grown or tended on the premises of the greenhouse or plant nursery.

**GROCERY STORES** – A retail establishment primarily engaged in the sale of prepackaged food products. The use may include accessory bakeries, meat cutting and preparation, and the sale of personal or household products. **CONVENIENCE GROCERY** includes neighborhood grocery stores with less than 5,000 square feet of net floor area.

**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.

**HAZARDOUS WASTE** – Any waste or other material as defined by KRS 224.1-010(30)(b) and implemented through the criteria established in 40 C.F.R. 261.3.

**HEALTH SPA** – A place or building where active exercise and related activities are performed utilizing weight control or muscle building equipment or apparatus for the purpose of physical fitness. Also, a place or building that provides massage, exercise, and related activities with or without such equipment or apparatus.

**HEIGHT (STRUCTURE)** – The vertical distance of a structure measured from the highest elevation of the finished grade within five (5) feet of the structure to the highest point of the structure. Structure height for buildings is determined pursuant to the definition of “Building, Height of” in this section and the exclusions provided by Section 4.30.

**HELIPORT** – An area used or intended to be used for the landing or takeoff of helicopters and may include other areas or buildings appropriate to accomplish these functions.

**HELIPORT (ACCESSORY USE)** – An area used or intended to be used for the landing or takeoff of helicopters, and may include any or all other areas or buildings appropriate to accomplish these functions provided the heliport use is customary and incidental to the operation of a principal use permitted within the district, excluding residential districts.

**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.

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**HISTORICAL HORSE RACE** - Any horse race that was previously run at a licensed pari-mutuel facility in the United States; Concluded with official results; and Concluded without scratches, disqualifications, or dead-heat finishes.

**HOME FOR THE INFIRM AND AGED** – Any institution, however named, maintained for the care or treatment of individuals unrelated to the owner or operator, who by reason of their age, infirmity, acute or chronic illness, or by reason of physical or mental handicap require more care than do non-infirm persons (See Nursing Home).

**HOME OCCUPATION** – An occupation conducted in a dwelling unit, subject to the conditions specified in Article 5. A **HOME OCCUPATION (LIMITED USE)** is a minimally intense home occupation characterized by no onsite customers and no employees (other than residents of the dwelling).

**HOMELESS SHELTERS** – An activity providing personal assistance on a nonprofit basis to individuals of an indigent status. Such assistance must include food and/or shelter and may, in addition, include religious instruction, counseling, and other incidental services customarily provided by missions.

**HOSPICE** – A facility that provides support and care for persons, in the last stage of an incurable disease or condition, and their families. Overnight, in-patient and out-patient facilities may be included, as well as offices, storage, and an associated pharmacy. Medical care, palliative care, counseling, and education may be provided.

**HOSPITAL** – A facility licensed and regulated by the Commonwealth of Kentucky, which provides diagnosis, acute, and post-acute care and treatment of illness, injury, abnormality, or pregnancy. Such facilities may include facilities for meal preparation and service, clinical laboratories, pharmacies, X-ray and imaging services, surgery, obstetric care, and similar accessory and supportive services.

**HOSPITALITY HOUSE** – A multi-family residence or boarding facility operated strictly on a non-profit basis, by a non-profit organization and utilized solely for the provision of temporary lodging for the immediate family and/or legal guardians of an individual undergoing treatment within a local hospital or in hospice care.

**HOST TRACK** - The track conducting racing and offering its racing for intertrack wagering, or, in the case of interstate wagering, means the Kentucky track conducting racing and offering simulcasts of races conducted in other states or foreign countries.

**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, dormitory, or any other use which is 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** – See Dwelling Unit.

**IMPERVIOUS SURFACE** – A surface which does not absorb or percolate water. Impervious surfaces include all buildings; asphalt, concrete, or bricked parking areas, driveways, roads, sidewalks, and patios; compacted gravel and other manmade improvements which similarly impede the natural infiltration of stormwater; and water bodies including pools.

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**IMPERVIOUS SURFACE COVERAGE** – The area, measured horizontally, of all impervious surfaces on a lot, expressed as a percentage of lot area.

**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.

**IMPROVEMENTS (REQUIRED)** – Infrastructure necessary to provide essential services to a development or lot, the provision of which is required prior to development approval or the issuance of a building/zoning permit or certificate of occupancy.

**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. Infrastructure may include, but is not limited to, water and sewer facilities, stormwater detention basins and drainage structures, public streets and sidewalks, and electric, gas, and telecommunications services.

**INGRESS** – Access or entry.

**INSTITUTION** – A facility, licensed by the state, designed to provide inpatient care to individuals in need of mental, therapeutic, or rehabilitative counseling. This definition does not include crisis counseling centers, correctional facilities, rehabilitation homes, substance abuse treatment facilities, and transitional centers.

**INTERTRACK WAGERING** - Pari-mutuel wagering on simulcast horse races from a host track by patrons at a receiving track; "Interstate wagering" means pari-mutuel wagering on simulcast horse races from a track located in another state or foreign country by patrons at a receiving track or simulcast facility.

**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.

**JUNKED OR WRECKED** – The decayed, deteriorated, or damaged condition of a motor vehicle, major recreational equipment, machine, or appliance which renders the same unusable for its originally designed purpose. Unusable is evidenced by: 1) the cost of repairs to restore the motor vehicle, major recreational equipment, machinery, or appliance for its designed purpose exceeds the fair market value of the motor vehicle, major recreational equipment, machinery, or appliance once restored; or 2) the motor vehicle, major recreational equipment, machinery, or appliance is being used (or stripped) for parts or components; or 3) the motor vehicle, major recreational equipment, machine, or appliance is being stored or kept for recycling purposes or for sale or use as scrap metal; or 4) machinery or appliances, designed by the manufacturer for use and storage in interior or enclosed building spaces, are located exterior to an enclosed building for a period of more than 30 days; or 5) in the case of a motor vehicle (designed for highway use), the vehicle is unlicensed or is ineligible for licensure (for highway use) in the Commonwealth of Kentucky due to its condition and such infirmity to licensure



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exceeds a period of 60 days; or 6) in the case of a motor vehicle, the interior spaces of a vehicle are open to the elements by virtue of decay, deterioration, or damage.

**KENNEL** – Any premises where more than eight (8) animals (excluding livestock) over four (4) months of age are housed, groomed, bred, boarded, trained, or sold and which may offer provisions for minor medical treatment. Kennels are also subject to the requirements of Ordinance 2020-05 (as amended).

**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.

**LANDSCAPE PLAN** – A detailed plan that denotes the location, size, and type of trees, hedges, scrubs, and other landscaping features to be removed, retained, and planted as part of a development.

**LIGHTING PLAN** – A detailed plan that denotes the location, fixture type and size, and illumination of lighting elements to be installed (or retained) as part of a development.

**LIVESTOCK** – All cattle and animals of the bovine species; all horses, mules, burros, asses, and animals of the equine species; all goats and animals of the caprine species; all swine and animals of the porcine species; all sheep and animals of the ovine species; and all camels, llamas, alpacas, and animals of the camelid species.

**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.

**LOT** – A parcel, tract, or area of land established by a plat, deed, or otherwise permitted by law, to be separately owned, used, developed, or built upon.

**LOT AREA** – The horizontal area within the exterior boundary lines of the lot, exclusive of streets, highways, alleys, roads or other rights-of-way.

**LOT COVERAGE** – The ratio of enclosed ground floor area (gross) 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 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.

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

**LOT OF RECORD** – A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or a parcel described by metes and bounds, the description of which has been so recorded by deed.

**LOT TYPES** – Terminology used in this Ordinance with reference to different types of lots is as follows:

1. **CORNER LOT** – A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if tangent projections of the front lot lines drawn perpendicular at the side lot lines meet at an interior angle of less than 135 degrees in front of the lot.
2. **INTERIOR LOT** – A lot with only one frontage on a street.
3. **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.
4. **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.

**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.

**MANUFACTURED HOME** – A 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 therein.

**MANUFACTURED HOME, QUALIFIED** – A manufactured home that meetings all the following criteria:

1. Is manufactured on or after July 15, 2002;
2. Is affixed to a permanent foundation, is connected to appropriate facilities, and is installed in accordance with KRS 227.550;
3. Has a width of at least twenty (20) feet at its smallest width measurement or is two (2) stories in height and oriented on the lot or parcel so that its main entrance door faces the street;
4. Has a minimum total living area of nine-hundred (900) square feet; and
5. Is not located in a manufactured home land-lease community.

**MANUFACTURED HOME PARK** – A parcel of land containing two (2) or more manufactured homes or qualified manufactured homes.

**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

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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 no nuisances.

**MASSAGE THERAPY** – An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, acupuncture, or similar treatment or manipulation of the human body is administered, unless such treatment is administered by a medical practitioner, chiropractor, physical therapist, or similar profession licensed by the Commonwealth of Kentucky. This definition does not include an athletic club, health club, school, gymnasium, barber or beauty shop, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

**MEDICAL CLINIC** – A facility that provides treatment, by licensed medical practitioners, which requires observation and recovery normally lasting one (1) to five (5) hours, for illness, injury, abnormality, or pregnancy. Such facilities may also provide examination, diagnosis, ambulatory care, outpatient services, and counseling services, but excludes overnight care.

**MEDICAL LABORATORY** – Any institution, building, place, or any facility in which operations and procedures for the micro-biological, serological, chemical, hematological, immunohematological, biophysical, cytological, pathological, or other methods of examination of tissues including blood, secretions, and excretions of the human body are performed to obtain information in diagnosing, preventing, or treating disease, or in which the results of any examination, determination, or test are used as a basis for health advice. These activities include the diagnosis and identification of disease by the examination of tissues removed by surgery and also the determination of cause of death by the examination of tissues removed at autopsy.

**MEETING HALL** – A building designed for public assembly.

**MICROBREWERY** – A facility used for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. A microbrewery may constitute an accessory use to other uses such as a standard restaurant or brew-pub in the B-2 District.

**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 plumbing, heating, air conditioning and electrical systems contained therein. Mobile homes are a prohibited use (use not allowed) within the City of Oak Grove under the terms of this Ordinance. Upon removal from a lot or park, a mobile home use shall not be restored or replaced; however, a mobile home may be replaced with a manufactured home, qualified manufactured home, or other permitted use in accordance with Section 8.21 (Nonconforming Uses of Land) and Article 5.

**MOBILE HOME PARK** – A parcel of land containing two (2) or more mobile homes.

**MODULAR HOME** - A dwelling unit constructed in accordance with the standards set forth in the Kentucky Residential Code as applicable to site-built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a manufactured home (except that the modular home meets

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the requirements of the Kentucky Residential Code) or a series of panels or room sections transported on a truck and erected or joined together on the site.

**NIGHTCLUB** – A commercial establishment for dancing and live entertainment, which may or may not include dispensing and serving alcoholic beverages for consumption on the premises.

**NONCONFORMING FEATURE** – A characteristic of a building or use, such as illumination, parking, landscaping, performance standards, or certain requirements applicable to a conditional use permit, lawfully existing on the effective date of this Ordinance or amendment thereto, which fails by reason of such adoption or amendment to comply with current standards.

**NONCONFORMING LOT** – Any lot, lawfully existing on the effective date of this Ordinance or an amendment thereto, which fails by reason of such adoption or amendment to comply with the area, lot width, frontage, or other standards currently applicable to the lot.

**NONCONFORMING SIGN** – Any sign, lawfully existing on the effective date of this Ordinance or an amendment thereto, which fails by reason of such adoption or amendment to comply with current standards.

**NONCONFORMING STRUCTURE** – Any structure, lawfully existing on the effective date of this Ordinance or an amendment thereto, which fails by reason of such adoption or amendment to comply with the setback, height, coverage, or other current standards.

**NONCONFORMING USE** – A use of land, building, or structure, lawfully existing on the effective date of this Ordinance or an amendment thereto, which fails by reason of such adoption or amendment to comply with current use standards.

**NONRESIDENTIAL USE** – A use not associated with permanent residential occupancy (permanent means for at least 30 days in duration). Nonresidential uses include agricultural and animal uses; accommodation uses; public, civic, and institutional uses; entertainment, recreation, and dining uses; office uses; commercial, retail, and personal service uses; transportation and communication uses; and industrial and utility uses.

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

**NURSERY SCHOOL AND/OR KINDERGARTEN** – Any place where children between the ages of two (2) and five (5) years come together for not less than two (2) hours a day and wherein supervised education is offered.

**NURSING HOME** – Any institution, however named, licensed by the Commonwealth of Kentucky, maintained for the care or treatment of two or more infirmed or aged individuals unrelated to the owner or operator or their spouses, employing nursing services or procedures in the care for such residents, that require treatment, judgment, technical knowledge, and skills beyond that which the untrained person possesses.

**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.

**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.

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

**OPEN AIR SALES** – Any retailing use held in an open area or open-sided structure, whether periodically, occasionally or continuously, where one (1) or more individual sellers offer goods or agricultural products for sale to the public.

**OPEN SPACE** – A public or private outdoor area expressly set aside for the use and benefit of many unrelated people. The area may include natural environmental features, water areas, and incidental passive park-like amenities such as benches and shelters. Where permitted, open space may contain swimming pools, tennis courts, and other recreational facilities when part of an approved development plan. 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.

**OTHER COMMERCIAL, RETAIL, AND PERSONAL SERVICES USES (LIMITED)** – A commercial, retail, or personal service use, not otherwise listed by Table 5.2, that due to the use's limited size and occupancy would be consistent with the intent of the B-2 District and therefore allowed subject to its conformance with the specific standards of Article 5 and the standards for conditional use permits in Article 3. No use which is separately listed by Table 5.2 or prohibited by this Ordinance shall be permitted pursuant to this classification.

**OTHER ENTERTAINMENT, RECREATION, AND DINING USES (LIMITED)** – An entertainment, recreation, or dining use, not otherwise listed by Table 5.2, that due to the use's limited size and occupancy would be consistent with the intent of the B-2 District and therefore allowed subject to its conformance with the specific standards of Article 5 and the standards for conditional use permits in Article 3. No use which is separately listed by Table 5.2 or prohibited by this Ordinance shall be permitted pursuant to this classification.

**OTHER OFFICE USES (LIMITED)** - An office use, not otherwise listed by Table 5.2, that due to the use's limited size and occupancy would be consistent with the intent of the B-2 District and therefore allowed subject to its conformance with the specific standards of Article 5 and the standards for conditional use permits in Article 3. No use which is separately listed by Table 5.2 or prohibited by this Ordinance shall be permitted pursuant to this classification.

**PARK (ACTIVE)** – A noncommercial use and parcel of land, publicly accessible and typically owned by a unit of government, intended and dedicated for the use and enjoyment of residents and visitors. Active parks may contain passive open and natural areas similar to passive parks, but may also include playgrounds, splash pads, picnic areas and shelters, restrooms, courts and fields for basketball, baseball, disc golf, and other sports and similar amenities.

**PARK (PASSIVE)** – A noncommercial open area, publicly accessible without fee or charge and typically owned by a unit of government or nonprofit organization, intended and dedicated for the use and enjoyment of residents and visitors. Passive parks may contain benches and tables, nature trails and walking paths, and similar amenities but do not include equipment or facilities for sports or similar active recreation.

**PARKING LOT** – An open area, excluding a street or other public way, used for the parking of motor vehicles, whether for free or compensation. The term "parking lot" includes all associated parking spaces, drive and entrance aisles, walkways, and required landscaping.

## ARTICLE 2. DEFINITIONS

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**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 including, but not limited to, parking spaces, off-street garages, carports, and parking pads. 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. Where parallel spaces are provided, such dimensions shall be ten (10) feet wide and twenty-two (22) 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.

**PAWN SHOP** – Any establishment which loans money on deposit of personal property; or which deals in the purchase of personal property on condition of selling the property back again at a stipulated price; or which makes a public display at its place of business of the sign generally used by pawnbrokers to denote their business; or which publicly exhibits a sign advertising money to loan on personal property for deposit.

**PAYDAY LOAN BUSINESS** – An establishment that makes small consumer loans, usually backed by a postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term, or until a customer's next payday, and then cashed unless the customer repays the loan to reclaim such person's check. Such establishments may charge a flat fee or other service charge and/or a fee or interest rate based upon the size of the loan amount.

**PEDESTRIAN** – An individual who travels on foot.

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

**PERIMETER LANDSCAPING AREA** – A reserve strip, a minimum of five (5) feet in width, typically extending interior to and parallel with a lot's boundaries that is set aside exclusively for the planting of trees, scrubs, and hedges and the placement of earthen mounds, walls, and fences but excluding any buildings, accessory structures, and parking spaces, driveways, and drive aisles.

**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 is primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include tailor and dressmaker shops and uses involving the repair of small personal items such as clothing, shoes, watches, and jewelry.

**PET SHOP** – A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, but excluding livestock and poultry and all inherently dangerous wildlife as defined by KRS 65.877. Pet shops may include the sale of pet foods and supplies.

**PETTING ZOO** – A collection of farm animals or domesticated animals for children to pet and feed.

**POOL OR BILLIARD HALL** – Any establishment which has, as part of its operation, three (3) or more pool or billiard tables on the premises.

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

## ARTICLE 2. DEFINITIONS

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**PICNIC AREA** – A lot or use containing two (2) or more picnic tables designed for use by ten (10) or more persons and which may include barbecue stands and a roofed shelter.

**PLANNED UNIT DEVELOPMENT DISTRICT** – A zoning district in which a variety of residential, commercial, and industrial uses are planned and developed as a whole according to an approved comprehensive and detailed development plan with more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply in the base zoning districts of this Ordinance.

**PLANNING COMMISSION** – The Hopkinsville-Christian County Planning Commission (dba Community and Development Services).

**PLAT** – A graphic illustration, prepared by a licensed land surveyor, representing a tract of land, showing the boundaries and location of individual properties, streets, easements, and other surveyed features.

**PORTABLE STORAGE UNIT** – A temporary structure, trailer, or pod to be used, or intended to be used, for the private non-commercial, non-industrial storage by an occupant locating to or relocating from a residence.

**POULTRY** – Domestic fowl including chickens, ducks, geese, turkeys, guineas, and all other animals of the class aves domestically raised for meat or eggs.

**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 exists.

**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** – A use illustrated as a “use not allowed” in Table 5.2 for a certain district or for the City as a whole or any use prohibited by the text of this Ordinance, except as specified under nonconformities.

**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 right-of-way in which a unit of government owns, maintains, or has acquired an interest to through an irrevocable offer of dedication.

**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

## ARTICLE 2. DEFINITIONS

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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, 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.

**RECEIVING TRACK** - A track where simulcasts are displayed for wagering purposes. A track that submits an application for intertrack wagering shall meet all the regulatory criteria for granting an association license of the same breed as the host track, and shall have a heated and air-conditioned facility that meets all state and local life safety code requirements and seats a number of patrons at least equal to the average daily attendance for intertrack wagering on the requested breed in the county in which the track is located during the immediately preceding calendar year.

**RECREATIONAL VEHICLE PARK** – Any parcel of land used or intended to be used for the accommodation of two or more recreational vehicles for transient dwelling purposes. This definition excludes construction worker housing.

**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** – Buildings or land containing a commercial, recreational land use that may be classified as outdoor or indoor. Outdoor recreation may require and utilize considerable areas of land and includes fishing and hunting clubs, riding clubs, golf courses (excluding driving ranges and miniature golf), skate parks, zip line trails, paintball, swimming pools, sports fields and courts (such as soccer, basketball, and football). Indoor facilities generally require less land and include bowling alleys, ice and skating rinks, laser tag, paintball, pool halls, swimming pools, and gymnasiums for basketball, volleyball, and other sports. This definition includes other recreational activities substantially similar to those listed above. Outdoor and indoor recreation facilities do not include other uses specifically listed by Table 5.2 “Schedule of Uses” including amusement parks (characterized by mechanical rides or devices), archery ranges, or uses involving firearms. The term recreational facilities does not include passive and active parks and similar facilities (including sports fields) owned or managed by the City, school district, or other units of government.

**RECREATIONAL OUTFITTER** – An establishment that provides equipment and supplies for the pursuit of recreational activities, such as canoeing, hiking, hunting, fishing, or trail riding. Recreational outfitters may offer services for outdoor tourism including guide services and transportation.

**RECYCLING COLLECTION CENTER** – A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries, and motor oil. Processing of materials is limited to glass breaking and separation. Recycling materials are not sold to a recycling collection center. A recycling collection center is intended for household or consumer use only.

**RECYCLING PLANT** – A facility that is not a salvage yard and in which recoverable resources, such as newspapers, magazines, books, and other paper products, glass, metal cans, and other products are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.



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**RECYCLING TRANSFER STATION** – A facility, with all operations confined within an enclosed building, used for the accumulation, sorting, storage, and compaction of recyclable and/or reusable material, and for compaction and transfer of non-recyclable solid waste for ultimate disposal off the premises. Materials that may be recycled or processed are paper, cardboard, wall board, glass, plastic, insulation, dimensional lumber, metal beverage and food containers, and those materials whose manufacture, processing, treatment, or storage are specifically permitted by right in the I-1 district. Inoperable automobiles and trucks, automotive parts, steel barrels and drums, chemicals, toxic materials, and hazardous wastes shall not be accumulated, sorted, or stored at a recycling transfer station; nor shall a recycling transfer station be used for any part of a salvage yard or similar operation.

**REHABILITATION** – 1) The upgrading of a building previously in a dilapidated or substandard condition, for human habitation or use; or 2) the personal improvement and restoration of an individual suffering from a physical, emotional, or psychiatric disorder, addiction, and/or previous criminal conduct.

**REHABILITATION HOME** – A building or group of buildings providing a supervised residence for persons recovering from the effects of drug or alcohol abuse, psychiatric disorders, or as a condition of their parole or probation. Such homes may provide education and counseling by a paid or volunteer staff and generally have 24-hour-a-day supervision. This definition does not include uses regulated by KRS 100.982 et seq (see Residential Care Facility) and does not include uses involving medical treatment and care (see Substance Abuse Treatment Facility).

**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.

**REPAIR SHOPS (NON-AUTOMOTIVE)** – Establishments primarily engaged in the provision of repair services to individuals, households, and businesses and includes the repair of household appliances, electronics (including phones, televisions, personal computers, copiers, and music and gaming systems), musical instruments, and similar items. Repair shops (non-automotive) excludes automotive or combustion engine repair services and the repair of major recreational equipment (see Automobile Repair Garages and Bus, Heavy Truck, and Large Equipment Garages and Repair Shops) and the repair of small personal items (see Personal Services).

**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 an 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 CARE FACILITY** – A residence, authorized or licensed by the Commonwealth of Kentucky, operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities. Residential care facilities are subject to the requirements of this Ordinance to the extent provided in KRS 100.984.

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

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**RESIDENTIAL DISTRICTS** – The R-1, R-1A, R-2, R-3, RHM-1, and RMH-2 districts created by this Ordinance.

**RESTAURANT** – An eating establishment where food is prepared, served, and/or consumed. The term “restaurants” includes, but is not limited to, eating establishments that offer dine-in and carryout service, coffee, tea rooms, and ice cream shops. **Note:** A restaurant may include drive-in or drive-thru facilities (where food is served to patrons while in their motor vehicles through a window or other facility) subject to the zoning district restrictions in which the restaurant is located.

**RESTAURANT, DRIVE-IN** – A restaurant where food is served by employees or by self-service outside the building and consumed on the premises principally in a motor vehicle.

**RESTAURANT, OUTDOOR DINING** – A restaurant which provides a dining area with seats and/or tables located outside of an enclosed building.

**RETAIL SALES ESTABLISHMENT** – A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

**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 legal instrument under which title to real estate is conveyed that provides restrictions or limitations of use, occupancy, future subdivision, transfer, leasing, or other disposition of a unit or the limitations on the use of common elements or building materials or other restrictions affecting the use, disposition, and enjoyment of property.

**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. Except as otherwise denoted by this Ordinance, the term “right-of-way” means a “public right-of-way”.

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

**RUMMAGE SALE, PUBLIC** – A temporary sale, conducted by a nonprofit organization such as a religious use or club, where the members of the group bring articles or items to a central building to be sold to raise money for use by the organization.

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**SALVAGE YARDS (JUNK BUILDINGS, JUNK SHOPS, JUNK YARDS)** – Any property, premises, or place of business, including, but not limited to, auto salvage and auto crushing enterprises, maintained, operated, or used for storing, keeping, buying, or selling of three (3) or more junked or wrecked 1) motor vehicles, 2) major recreational equipment, and/or 3) large machines or appliances; and/or the storing, keeping, buying, or selling of more than five (5) cubic yards (cumulatively) of scrap or salvage materials including scrap copper, brass, rope, rags, batteries, rubber debris, iron, steel or other scrap or ferrous or non-ferrous material, waste paper, or trash or refuse. This term shall include used car parts dealers involving onsite salvageable vehicles, motors, or frames. For the purposes of this definition, large machines or appliances shall mean riding lawn mowers, tractors and farm implements, trailers, refrigerators and freezers, ovens, and similar household or commercial devices that individually exceed one (1) cubic yard in size or 100 pounds in weight.

The term salvage yard does not include recycling plants, recycling collection center, or any facility or use operated by the City of Oak Grove or its franchisees involving the handling, processing, or disposal of municipal solid waste. This term does not include automobile, bus, heavy truck, and large equipment repair shops where junked or wrecked motor vehicles or equipment: 1) are stored within a completely enclosed building; and 2) such use is permitted in the zoning district.

**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.

**SCHOOL** – A facility used for education or instruction in any branch of knowledge, and including the following: elementary, middle and high schools, whether public or private; colleges, community colleges and universities; vocational and professional schools giving instruction in vocational, professional, technical, industrial, musical, dancing, dramatic, artistic, linguistic, scientific, religious, or other special subjects. This term does not include a day care center if separate from an elementary school.

**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 fixed chairs. In cases where seats are not fixed, the seating capacity shall be determined as provided by the Kentucky Building Code.

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

**SERVICE ESTABLISHMENT** – Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, business, industry, government, and other enterprises.

**SETBACK** – The minimum distance established by this Ordinance, measured from the lot line (property line) or other specified feature, defining the limits of a yard in which no structure may be located above ground.

**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.

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**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.

**SEXUALLY ORIENTED BUSINESS** – A use and related facilities as defined by Ordinance No. 2020-13. Any use as defined by this Article or listed in Table 5.2 that, in addition to any other activity or use, constitutes a sexually oriented business as provided in Ordinance No. 2020-13 shall be classified as a sexually oriented business for the purposes of this Ordinance.

**SHORT-TERM RENTAL** - A dwelling unit that is rented, leased, or otherwise assigned for a tenancy of less than thirty (30) consecutive days, where no meals are served. This term does not include hotel or motel rooms, extended stay hotels, bed and breakfast facilities, or boarding and lodging houses.

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

**SIGN** - Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message and, combining of its elements, form a single unit. The definition of sign includes the sign face(s) as well as the sign structure (see Article 7 for additional sign definitions).

**SITE PLAN** – A graphic plan, drawn to scale, for one (1) 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, signs, lighting, screening devices, and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

**SIMULCAST FACILITY** - Any facility approved pursuant to the provisions of KRS 230.380 to simulcast racing and conduct pari-mutuel wagering; "Simulcasting" means the telecast of live audio and visual signals of horse races for the purpose of pari-mutuel wagering.

**SKATE PARK** – A public facility that is designed for use by persons riding skateboards, in-line skates, or roller skates.

**SLAUGHTERHOUSE** – A commercial building for the slaughter, processing, and storage of animal products and waste that results from a slaughtering process. This term does not include the noncommercial slaughter of animals for personal consumption as an accessory activity to a permitted agricultural or farm operation.

**SPECIAL EVENT** – Circuses, fairs, carnivals, festivals, arts and crafts exhibits, concerts, or other types of events that 1) run for longer than one (1) day but not longer than ten (10) days; 2) are intended to or likely to attract substantial crowds; and 3) excluding fairgrounds, are unlike the customary or usual activities generally associated with the property where the special event is to be located.

**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. Except as otherwise denoted by this Ordinance, the term "street" means a "public street".

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1. 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.
2. 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.
  - a. 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.
  - b. MINOR – A street intended to move traffic from local roads to major arterials.
3. CUL-DE-SAC – A local street open at one end only and with a special provision for vehicles turning around.
4. DEAD-END – A local street open at one end only and without a special provision for vehicles turning around.
5. 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.
6. HIGHWAY – A term applied to streets and roads that are under the jurisdiction of the Kentucky Department of Transportation.
7. LOCAL – A system of streets and roads which primarily provides land access service and access to higher order systems.
8. LOOP – A local street with both terminal points on the same street of origin.
9. 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.
10. PERIMETER – Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.
11. PRIVATE – A local street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.
12. 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. Structure included, but are not limited to, buildings, carports, walls, fences, signs, radio towers, TV antennas, and satellite TV disks.

**SUBSTANCE ABUSE TREATMENT FACILITY** – A licensed facility that specializes in the evaluation and treatment of drug addiction, alcoholism, and associated disorders. This center may provide residential treatment, partial hospitalization treatment, or outpatient treatment including related medical services.

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

**SURETY INSTRUMENT** – A financial guarantee in the form of an irrevocable letter of credit, performance bond, or cash deposit. The amount of a surety instrument shall be based on an engineer's itemized construction estimate, deemed sufficient by the Zoning Administrator, to guarantee the installation and acceptance of improvements required by this Ordinance.

**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 community swimming pool is a principal use (see Recreational Facilities).

**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. Private swimming pools are classified as an accessory use.

**TATOO AND BODY PIERCING, TATOO PARLOR/BODY-PIERCING STUDIO** – An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following:

1. The act of producing scars on a human being or the act of inserting pigment under the surface of the skin of a human being, by pricking with a needle or otherwise to produce indelible marks or figures visible through the skin, including the application of permanent makeup; and/or
2. The act of penetrating the skin or body part of a human being to make a hole, mark, or scar.

**TAXI AND LIMOUSINE SERVICE (LIMOUSINE SERVICE – TAXICAB BUSINESS)** – A service that offers transportation in passenger automobiles and vans to persons in return for remuneration. The business may include facilities for servicing, repairing, and fueling the taxicabs, limousines, or vans.

**TAVERN** – A commercial establishment wherein alcoholic beverages are sold for consumption on the premises; a bar, a saloon; provided, however, that a place wherein both food and alcoholic beverages are sold for consumption on the premises and within which the total receipts from the sale of food exceed the total receipts from the sale of alcoholic beverages shall be a restaurant.

**TELECOMMUNICATIONS FACILITY** – The lot, tract, or parcel of land that contains the telecommunications antenna, its support structure, any accessory buildings, and parking, and may include other uses associated with an ancillary to telecommunications transmission.

**TEMPORARY ACTIVITIES OR USE** – Temporary activities are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses and activities include but are not limited to: rummage and yard sales, open air sales and seasonal sales, carnivals and circuses, events of special public interest, construction worker housing, and temporary signs.

**THEATER** – A building or part of a building where the principal use is the showing of motion pictures, or of dramatic, musical, or live performances.

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**TRACK** - Any association duly licensed by the Kentucky Horse Racing Commission to conduct horse racing. "Track" shall include any facility or real property that is owned, leased, or purchased by a track within the same geographic area within a sixty (60) mile radius of a track but not contiguous to track premises, upon racing commission approval, and provided the noncontiguous property is not within a sixty (60) mile radius of another licensed track premise where live racing is conducted and not within a forty (40) mile radius of a simulcast facility, unless any affected track or simulcast facility agrees in writing to permit a noncontiguous facility within the protected geographic area.

**TRAFFIC IMPACT STUDY** - An engineered analysis of the effects of traffic generated by a development (at build-out) on the capacity, operation, and safety on the public streets and highway system and including an assessment of traffic mitigation measures necessary to reduce impact. This analysis and related calculations shall reference the most current edition of the Institute of Transportation Engineer's Trip Generation Manual.

**TRAFFIC MITIGATION MEASURES** - A street or other right-of-way improvement which enhances or improves vehicular and pedestrian access to a site and on adjoining streets. Examples of mitigation measures include, but are not limited to, the installation of deceleration lanes, left turn lanes, additional drive lanes, and traffic signals.

**TRANSITION ZONE** – A zoning district permitting transitional uses.

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

**TRANSITIONAL CENTER** – A facility, licensed or operated by a unit of government, that provides housing to inmates on release from more restrictive custodial confinement or initially placed in lieu of more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.

**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 jurisdiction.

**TRUCK** – A motor vehicle which is designed primarily for the movement of property or special purpose equipment or a motor vehicle that is designed to carry more than ten (10) persons. The term "truck" includes vehicles commonly called trucks, pick-ups, delivery vans, buses, and other similar vehicles. Truck is intended to cover the vehicles defined as trucks and buses by the National Highway Traffic Safety Administration. Trucks are divided into three (3) categories as follows:

1. **LIGHT TRUCK** – Light trucks are trucks and similar vehicles with single rear axles and single rear wheels.
2. **MEDIUM TRUCK** – Medium trucks are trucks and similar vehicles, other than truck trailers, with single rear axles and dual rear wheels.
3. **HEAVY TRUCK** – Heavy trucks are trucks, including truck tractors, and similar vehicles with two or more rear axles.

**TRUCK STOP AND LARGE VEHICLE REFUELING CENTER** – A facility providing retail refueling services to heavy trucks and large vehicles including recreational vehicles and buses. Such facilities may include automated washes, restaurants, showers, and service bays for minor repair.

## ARTICLE 2. DEFINITIONS

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**UPZONE** – To increase the intensity of use by increasing density or the floor area ratio or increasing allowable uses.

**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.

**UTILITY, MAJOR** – Facilities, structures, and other uses that are necessary for the generation, transmission, and/or distribution of essential services to support development, such as electrical generating facilities and substations including solar farms and wind turbines, electrical and telephone switching stations, sewage collection and disposal facilities, water plants, water storage tanks, and similar uses.

**UTILITIES, MINOR** – Facilities, structures, and other uses necessary to distribute utilities and services such as transmission lines and poles, pipes, conduits and buried utilities, pump and lift stations, pole mounted transformers, and similar devices.

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

**VARIANCE** – A departure from the dimensional terms of this Ordinance pertaining to the height, width, length, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247 and the requirements of Chapter 3 of this Ordinance.

**VEHICLE, MOTOR** - Vehicles that have their own motive power and that are used for the transportation of people or goods. Motor vehicle includes motorcycles, passenger vehicles, trucks, and recreational vehicles with motive power and may be collectively referred to as “vehicles” by this Ordinance.

**VEHICLE, DISABLED OR INOPERABLE** – Any vehicle which is physically or mechanically incapable of being or legally not permitted to be, operated on the public streets.

**VEHICLE, PASSENGER** – A motor vehicle designed to carry ten (10) persons or less including the driver. Passenger vehicle also includes motor vehicles designed to carry ten (10) persons or less that are constructed either on a truck chassis or with special features for occasional off-road use. Passenger vehicle includes vehicles commonly called cars, minivans, passenger vans, sports utility vehicles (SUVs), and jeeps. Passenger vehicle is intended to cover the vehicles defined as passenger cars and multipurpose passenger vehicles by the National Highway Traffic Safety Administration.

**VEHICLE, RECREATIONAL** – A vehicle with or without motive power, which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories as follows:

1. Motor Home – Motor home includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or other truck; and
2. Accessory Recreational Vehicle – Accessory recreational vehicle includes non-motorized vehicles designed for human occupancy on an intermittent basis such as vacation trailers and fifth wheel trailers. A camper is considered an accessory recreational vehicle when standing alone. Accessory recreational vehicles also include vehicles designed for off-road use such as dune buggies and trailers used to haul these vehicles.

**VETERINARIANS AND ANIMAL HOSPITALS** – A place used for the care, diagnosis, and treatment of sick, ailing, infirmed, or injured animals and those who are in need of medical or surgical



## ARTICLE 2. DEFINITIONS

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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.

**VETERINARIAN AND ANIMAL HOSPITALS (LARGE ANIMAL)** – A veterinarian or animal hospital which includes as part of its services the onsite diagnosis and treatment of livestock and wildlife but excluding an inherently dangerous wildlife as defined by KRS 65.877. These facilities may provide facilities for overnight observation and boarding.

**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.

**VISIBLE** – The ability to be seen by a person at any single point from any position at grade extending to a line of sight up to six (6) feet above grade.

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

**WAREHOUSE, MINI-STORAGE** – An enclosed storage facility containing independent, fully enclosed bays that are leased to individuals exclusively for long-term storage of their household goods or personal property. An operation involving a security arrangement utilizing a warehouseman as provided for in Article 7 of KRS Chapter 355 is not a mini-storage warehouse.

**WAREHOUSE, STORAGE** – An enclosed building where the principal use is the storage of goods and materials.

**WHOLESALE AND BULK SALES STORES** - An establishment or place of business primarily engaged in the warehousing or distribution of products to retailers and other businesses. This use includes those where a majority of sold goods are transported from the site by medium and heavy trucks or by rail.

**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. A required yard area is the yard space between the property line and the minimum setback as required by this Ordinance.

1. **FRONT YARD.** An area extending across the full width of the lot between the front lot line and the required setback.
2. **REAR YARD.** An area extending the full width of the lot between a rear lot line and the required setback.
3. **SIDE YARD.** An area extending from the front yard to the rear yard between the nearest side lot line and the required setback.
4. **STREET SIDE YARD (CORNER LOT).** An area extending from the front yard to the rear yard between the lot line abutting the public street and the required setback.

**YARD SALE** – The occasional sale of over five (5) items of personal property at a residence conducted by one (1) or more families in a neighborhood. Yard sales do not exceed two (2) consecutive days in length and are not conducted more often than four (4) times per year. Yard sales include any sale known as a garage sale, lawn sale, attic sale, rummage sale or any other similar casual sale of personal property. Sales exceeding two (2) consecutive days in length and/or occurring more often than four (4) times per year are classified as perpetual yard sales and are prohibited on residentially used or zoned property.

## ARTICLE 2. DEFINITIONS

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**ZERO LOT LINE** – The location of a building on a lot in such a manner that one (1) or more of the building's sides rest directly on a lot line.

**ZERO LOT LINE DISTRICT** – A type of floating zone district which permits zero lot line development. This district, described in Article 4 of this Ordinance, is established by a zoning map amendment. Upon approval, the zero lot line district requirements supplant and replace the requirements of the base zoning district.

**ZIP LINE TRAIL** – An aerial trail system providing recreation and education that enables people to traverse terrain by means of a series of zip lines and platforms supported by man-made towers or ground anchors.

**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 ADMINISTRATOR** – The official (including any individual, agency, or entity) appointed by the City of Oak Grove to administer this Ordinance as provided in Section 3.0. The Zoning Administrator may also, when appropriately certified and designated by the City, perform the duties of the Building Official as defined in this section.

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

**ZOOLOGICAL GARDEN** – A park-like area in which live animals are kept in cages or large enclosures for public exhibition.

**SECTIONS 2.2 through 2.99 Reserved**

## **ARTICLE 2. DEFINITIONS**

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## **ARTICLE 2. DEFINITIONS**

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# **ARTICLE 3. PERMITS AND ADMINISTRATION**

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## **DIVISION I. ZONING ADMINISTRATOR**

### **SECTION 3.0 Zoning Administrator Established; Duties**

The City shall appoint a Zoning Administrator to enforce and administer this Ordinance. The duties of the Zoning Administrator are to:

1. Maintain permanent and current records of this Ordinance including, but not limited to, all zoning maps, amendments, conditional uses, variances, appeals, and applications thereof and records of hearings thereon;
2. Interpret zoning provisions and district boundaries;
3. Provide such clerical, technical, and consultative assistance as may be required by the Board of Zoning Adjustment, the Mayor and City Council, and other boards, commissions and officials in the exercise of duties related to this Ordinance;
4. Review, approve, and issue all administrative permits and determinations authorized by and in conformity with this Ordinance;
5. Coordinate the review of permits under this Ordinance with the requirements of other applicable City ordinances, including the requirements of the Kentucky Building Code and the Kentucky Residential Code.
6. Review, file, and forward to the Board of Zoning Adjustment the records and applications for all conditional uses, variances, and appeals;
7. Conduct inspections on structures, lands, and uses thereof to determine compliance with this Ordinance; and
8. Investigate and resolve zoning violations and to take appropriate enforcement actions as may be necessary.

### **SECTION 3.1 Coordination with Other Departments and Officials**

The Zoning Administrator may request and shall receive, so far as is required in the discharge of the duties described in this Ordinance, the assistance and cooperation of other departments and officials of the City.

### **SECTION 3.2 Appeals**

Appeals from any action, order, requirement, interpretation, grant, refusal, or decision made by the Zoning Administrator under the terms of this Ordinance are made to the Board of Zoning Adjustment as provided in Division VI of this Article.

### **SECTIONS 3.3 through 3.19 Reserved**

# ARTICLE 3. PERMITS AND ADMINISTRATION

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## DIVISION II. BUILDING/ZONING PERMITS

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### SECTION 3.20 Building/Zoning Permit Required

Except as expressly exempted by this Ordinance, a building/zoning permit shall be required before any of the following activities commence:

1. The construction or enlargement of any building including all construction activities requiring the issuance of a permit under the terms of the Kentucky Building Code or the Kentucky Residential Code (see Section 3.25);
2. Excavation, filling, or grading preparatory to the construction of a structure;
3. Constructing, surfacing, removing, or altering parking lots or drives (excluding single-family and two-family uses);
4. The establishment of a new use or change in the use classification of any part of a structure or lot, including any increase in the number of families or dwelling units occupying a building or lot;
5. The establishment of a home occupation;
6. Establishing a use or activity for which a conditional use or dimensional variance has been granted consistent with the determinations and safeguards established by the Board;
7. The construction, relocation, placement, or alteration of a sign;
8. The relocation or movement of a dwelling, manufactured home, or other building; and
9. Prior to obtaining a business license (excluding renewals).

### SECTION 3.21 Contents of Application for Building/Zoning Permit

A. Prior to the issuance of a building/zoning permit, a complete application shall be submitted to the Zoning Administrator. The application for a building/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. The name of the applicant and property owner (if different);
2. The current mailing address and phone number of the applicant;
3. The street address and tax map parcel number of the property for which a permit is sought;
4. A written description of the existing and proposed use of the property;
5. A site plan(s), when required (see Section 3.22);
6. Two (2) copies of construction drawings and related exhibits demonstrating conformance with the Kentucky Building or Residential Code (when required);
7. An application fee as prescribed by ordinance; and

Any additional information the Zoning Administrator reasonably determines is necessary in order to verify compliance with this Ordinance.

## ARTICLE 3. PERMITS AND ADMINISTRATION

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- B. The Zoning Administrator shall establish the form of all applications required by this Division. An application for a building/zoning permit shall not be considered complete until all required information and exhibits have been submitted and the fee, prescribed by ordinance, has been paid.

### SECTION 3.22 Site Plan Required

- A. All building/zoning permit requests that involve the construction of a new building, the enlargement of an existing building, the moving or relocation of a structure, the construction of a new drive or parking lot (excluding single-family and two-family uses), the installation or relocation of utilities, the installation of a freestanding sign, a conditional use or variance, a zero-lot-line development, or any activity necessitating an amendment to a previously approved development shall require the submission of a site plan.
- B. A project involving the construction or enlargement of a single-family or two-family dwelling, an addition to an existing nonresidential building or structure, where such addition is less than 2,500 square feet, or the installation of a freestanding sign shall be subject to an expedited site plan review process. As part of the application required for building/zoning permits in Section 3.21, the applicant shall submit three (3) copies of a site plan, drawn to scale, which depicts the following:
1. The name of the property owner and address of the property;
  2. Property lines (existing and proposed);
  3. The location of all existing and proposed buildings (including existing and proposed signs);
  4. The location of access drives and parking (including the total number of spaces); and
  5. The location of other important features including but not limited to special flood hazard areas, sinkholes, drainage basins, easements, and the location of utilities.

The Zoning Administrator may require the depiction of additional features when determined necessary to ensure conformance with the requirements of this Ordinance.

- C. For projects requiring the submission of a site plan and not subject to an expedited review as provided in subsection B, the applicant shall submit twelve (12) copies of a site plan that shall contain the following information:
1. Map drawn to scale, preferably 1" = 100' or 1" = 50';
  2. Written legal description;
  3. Existing topography and contour intervals not greater than five (5) feet;
  4. Final grade contours with intervals not exceeding five (5) feet;
  5. Vicinity map with existing streets;
  6. Proposed surface water drainage including the location of existing and proposed swales, detention basins, and other drainage infrastructure;
  7. Existing and proposed property lines;
  8. Parking and loading areas;
  9. Areas to be dedicated or reserved for parks, playgrounds, etc.;
  10. Existing natural features including the location of watercourses, special flood hazard areas, and sinkholes;

## **ARTICLE 3. PERMITS AND ADMINISTRATION**

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11. Location of existing and proposed utilities, water and sewer lines (size), power lines, etc.;
12. Locations of proposed buildings with:
  - a. Setback lines,
  - b. Adequate security lighting,
  - c. Required number of parking spaces,
  - d. Trash and garbage containment with proposed buffer,
  - e. Gross and net acreage,
  - f. Lot sizes (dimensions and square footage),
  - g. Building heights and stories,
  - h. Building coverage for each lot, and
  - i. Existing and proposed landscaping;
13. The location of any building(s) or structure(s) to be demolished or moved as part of the development;
14. A landscaping plan (when required);
15. A traffic impact study (when required); and
16. A lighting plan (when required).

The preparation of site plan exhibits by a design professional (engineer, surveyor, or architect) may be required by the Zoning Administrator based on the scope and complexity of the proposed development. In addition to or in lieu of the twelve (12) copies of the site plan, the Zoning Administrator may require the submission of the site plan in a digital format, compatible with the city's Geographic Information System (GIS). The Zoning Administrator may waive, upon written request of the applicant, certain site plan depictions, as provided in this subsection, upon a determination that the scope of the proposed development would not warrant such depictions and a determination of conformance with this Ordinance can be made in their absence.

### **SECTION 3.23 Preliminary Review Process**

The preliminary review process is an investigatory period which precedes actual preparation of the building/zoning permit application and accompanying plans by the applicant. The applicant shall meet informally with the Zoning Administrator 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, and tentative lot sizes;
2. Proposals regarding water supply, sewerage disposal, surface drainage, and street improvements; and
3. Other information as deemed necessary by the Zoning Administrator to determine the feasibility of the project.



## **ARTICLE 3. PERMITS AND ADMINISTRATION**

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### **SECTION 3.24 Formal Review Process; Timeframe for Decision**

- A. Upon receipt and review of a complete building/zoning permit application, the Zoning Administrator shall:
1. Approve the application as submitted;
  2. Grant conditional approval and require the applicant to make changes in order to comply with the Ordinance; or
  3. Deny approval of the application based on its failure to meet one or more of the requirements established by this Ordinance. In cases of disapproval, the Zoning Administrator shall provide the applicant with the reason(s) for the denial in writing.
- B. The Zoning Administrator shall promptly review all applications for building/zoning permits and make a determination as provided in Subsection A within the timeframes specified below:
1. Building/Zoning Permit Application (no site plan required) – 5 working days;
  2. Building/Zoning Permit Application (expedited site plan review - 3.22B) – 10 working days; and
  3. Building/Zoning Permit Application (full site plan required – 3.22C) – 30 working days.

The timeframes of this provision may be extended by mutual agreement of the applicant and the Zoning Administrator. Except where extended by mutual agreement, the failure of the Zoning Administrator to make a determination on a complete application within the timeframes specified above shall constitute a refusal and is appealable to the Board of Zoning Adjustment.

### **SECTION 3.25 Integration of the Zoning Permit and Building Permit**

Permits required under this Ordinance shall be integrated with the building permit. The building/zoning permit shall be issued based on compliance with this Ordinance and the Kentucky Building Code or the Kentucky Residential Code.

### **SECTION 3.26 Filing of Approved Site Plan (KRS 100.3681)**

Once the site plan and building/zoning permit are approved, the applicant is responsible for filing the plan and accompanying permit with the Christian County Clerk's Office. Failure to file the site plan shall render the plan null and void.

### **SECTION 3.27 Construction and Use to be as Approved in Application, Plans and Permits**

Building/zoning permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, or construction 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.

### **SECTION 3.28 Surety**

- A. *Purpose.* The applicant shall bear the costs for all improvements required by this Ordinance. It is recognized that the applicant's need to receive a building/zoning permit or certificate of occupancy may precede the installation and acceptance of certain improvements. It is the purpose of this section to provide reasonable accommodation to an applicant while guarding the financial interests

## ARTICLE 3. PERMITS AND ADMINISTRATION

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of the City and ensuring that the requirements of this Ordinance are met. This section provides a mechanism by which an applicant can receive approval of a building/zoning permit or certificate of occupancy prior to the acceptance of required improvements, provided sufficient financial guarantees have been established to ensure timely installation and acceptance.

- B. *Surety Instrument Authorized.* A surety instrument may be posted by an applicant to allow for the issuance of a building/zoning permit or certificate of occupancy prior to the installation and acceptance of required improvements. The form and sufficiency of surety instruments shall be subject to approval by the Zoning Administrator. The Zoning Administrator has the right to refuse, for cause, a surety instrument for any remaining improvements and require such improvements to be completed and accepted prior to the issuance of a building/zoning permit or a certificate of occupancy. Required improvements may include the installation and acceptance of water and sewer infrastructures, public streets, drainage and stormwater facilities, fire hydrants, landscaping, and other improvements requisite to the issuance of a building/zoning permit.
- C. *Cost estimate and Surety Posting.* The applicant shall submit to the Zoning Administrator a detailed itemized unit cost estimate for all incomplete improvements. The cost estimate shall include costs for engineering and design, materials, installation, and inspection. Upon acceptance by the Zoning Administrator, the developer shall submit to the Zoning Administrator a surety instrument in an amount not less than 100% of the approved estimate; however, the Zoning Administrator may require funds in excess of 100% of the approved cost estimate to account for possible changes in material or installation costs over the duration of the surety's term. The surety instrument shall be for a term no greater than one (1) year. The Zoning Administrator is authorized to develop necessary applications and agreements requisite to the acceptance of a surety instrument.
- D. *Release; Failure to Perform.* Upon installation and acceptance of required improvements, the Zoning Administrator shall release the surety instrument. The Zoning Administrator is authorized to grant a partial reduction in the amount of the surety based on progress by the applicant in installing required improvements. Failure to install and have those improvements accepted within the time period specified in the surety instrument shall be grounds for the City, acting through the Zoning Administrator, to recover proceeds from the surety instrument that are necessary to install the required improvements.
- E. *Failure to Perform to Constitute a Violation.* The posting of surety instrument does not relieve an applicant of the responsibility of installing improvements. A default or failure to perform under the terms of a surety instrument by an applicant is a violation of this Ordinance and is subject to the enforcement provisions of this Article.

### SECTION 3.29 Project Completion and Compliance

No building or structure subject to a building/zoning permit as required by this Article shall be used or occupied prior to the issuance of a certificate of occupancy by the Zoning Administrator. Upon completion of the project, the design professional shall certify in writing that the project was constructed in accordance with the site plan and building/zoning permit application as approved by the Zoning Administrator. A certificate of occupancy will not be issued until certification is received by the Zoning Administrator. 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 state the project was constructed according to the plans as approved.

### SECTION 3.30 Failure to Obtain a Zoning Permit

Failure to obtain a required building/zoning permit or certificate of occupancy shall be a violation of this Ordinance and will be punishable under the provisions set forth in "Penalties for Violation" of this Article.

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**SECTIONS 3.31 through 3.33 Reserved**

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### **DIVISION III. BOARD OF ZONING ADJUSTMENT**

#### **SECTION 3.34 Creation of the Board of Zoning Adjustment**

A Board of Zoning Adjustment [‘the Board’] 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. Members appointed to the Board of Zoning Adjustment pursuant to Ordinance No. 1991-04, as amended, shall continue to serve until the expiration of their current term.

#### **SECTION 3.35 Rules and Procedures of the Board**

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 a public record and be immediately filed in the office of the Board.

#### **SECTION 3.36 Duties of the Board**

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 Administrator 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 Administrator;
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; and
3. To grant conditional use permits as specified in the Schedule of Uses and under the conditions specified in Division IV of this Article and Article 5 and such additional safeguards as will uphold the intent of this Ordinance.

#### **SECTION 3.37 Public Hearing; Notice Required**

Prior to exercising its duties on an application for an appeal, variance, or conditional use permit, the Board shall conduct a public hearing. Notice of the hearing shall be provided as follows:

1. Newspaper Notice - 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 and not more than twenty-one (21) 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, variance, or conditional use.
2. Adjoining Property Owner Notice - 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

## **ARTICLE 3. PERMITS AND ADMINISTRATION**

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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 part 1 of this section.

3. Conformance with Statutory Noticing Requirements - Where KRS 100 or KRS 424 provides mandatory noticing requirements in excess of or in addition to the requirements in parts 1 and 2 of this section, notice shall be provided in accordance with the state statute.

### **SECTION 3.38 Duties of the Zoning Administrator; Board; City Council**

It is the intent of this Ordinance that all questions or interpretation and enforcement shall be first presented to the Zoning Administrator and that such question shall be presented to the Board only on appeal from the decision of the Zoning Administrator 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 Article 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. 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.

### **SECTION 3.39 Reserved**

## **ARTICLE 3. PERMITS AND ADMINISTRATION**

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### **DIVISION IV. CONDITIONAL USE PERMITS**

#### **SECTION 3.40 Conditional Uses; Purpose; Conformance with Standards**

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 5, Schedule of Uses shall follow the procedures and requirements set forth in this Ordinance.

#### **SECTION 3.41 Contents of Application for Conditional Use Permit**

An application for conditional use permit shall be filed with the Zoning Administrator 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 the land owner;
3. Legal description of the property;
4. Description of the existing use;
5. Zoning district;
6. Description of the proposed conditional use;
7. A listing of adjoining property owners as certified by affidavit;
8. 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, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this Ordinance;
9. 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; and
10. Such other information as may be required in the Specific Criteria for Conditional Uses (Section 3.43).

#### **SECTION 3.42 General Standards Applicable to All Conditional Uses**

In addition to the specific requirements for conditionally permitted uses as specified in the Specific Criteria for Conditional Uses (Section 3.43), 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 5 and appears on the Schedule of Uses for the zoning district involved;

## **ARTICLE 3. PERMITS AND ADMINISTRATION**

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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 including all use specific standards, if any, as established in Article 5;
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; and
9. Will not result in the destruction, loss, or damage of a natural, scenic or historic feature of major importance.

### **SECTION 3.43 Specific Criteria for Conditional Uses**

The following are examples of some specific requirements for conditionally permitted uses as specified in the 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 part 1 above, the economic effects, noise, glare, or odor caused by the conditional use on adjoining properties and properties generally in the district;
3. Refuse and service areas, with particular reference to items provided 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. Signs shall conform to the requirements of Article 7;
7. Required yard and other open space; and
8. General compatibility with adjacent properties and other properties in the district.

## **ARTICLE 3. PERMITS AND ADMINISTRATION**

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### **SECTION 3.44 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 by which the conditional use is granted, shall be deemed a violation of this Ordinance and punishable under Article 3, Division VII Violations of Ordinance; Penalties.

### **SECTION 3.45 Public Hearing by the Board of Zoning Adjustment; Notice**

The Board of Zoning Adjustment shall hold a public hearing within forty-five (45) days after the receipt of a complete application for a conditional use permit. However, the public hearing shall not be held sooner than twenty (20) days after its receipt. Notice of the hearing shall be provided in accordance with Section 3.37.

### **SECTION 3.46 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 (Section 3.44), or disapprove the application as presented. If the application is approved or approved with modification, the Board shall direct the Zoning Administrator 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 Administrator; Board of Zoning Adjustment (Section 3.38).

### **SECTION 3.47 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 (or discontinue) for more than one (1) year.

### **SECTION 3.48 Filing of Approved Conditional Use**

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

### **SECTION 3.49 Reserved**



## **ARTICLE 3. PERMITS AND ADMINISTRATION**

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### **DIVISION V. VARIANCES**

#### **SECTION 3.50 Variances Authorized**

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.

#### **SECTION 3.51 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 Administrator and the Board of 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 the nature of variance requested;
5. A listing of adjoining property owners as certified by affidavit;
6. 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, and
  - d. That granting the variance requested will not confer on the applicant any special privilege that negatively impacts other lands, 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 this Division have been met by the applicant.

#### **SECTION 3.52 Supplementary Conditions and Safeguards**

Under no circumstances shall the Board of Zoning Adjustment grant a 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 a variance, the Board of Zoning Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance.

## **ARTICLE 3. PERMITS AND ADMINISTRATION**

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Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and be punishable under Article 3, Division VII Violations of Ordinance; Penalties.

### **SECTION 3.53 Public Hearing by the Board of Zoning Adjustment; Notice**

The Board of Zoning Adjustment shall hold a public hearing within forty-five (45) days after the receipt of a complete application for a variance. However, the public hearing shall not be held sooner than twenty (20) days after its receipt. Notice of the hearing shall be provided in accordance with Section 3.37.

### **SECTION 3.54 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 Section 3.52); or disapprove the request for a variance. The Board of Zoning Adjustment shall further make 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 Administrator; Board of Zoning Adjustment (See 3.38).

### **SECTION 3.55 Filing of Approved Variance**

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

### **SECTIONS 3.56 through 3.59 Reserved**

## **ARTICLE 3. PERMITS AND ADMINISTRATION**

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### **DIVISION VI. APPEALS FROM ACTIONS OF THE ZONING ADMINISTRATOR**

#### **SECTION 3.60 Appeals to the Board of Zoning Adjustment**

Appeals to the Board may be taken by any person or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days after the appellant or his agent receives notice of the action of the Zoning Administrator by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At the public hearing on the appeal held by the Board, any interested person may appear and enter his appearance and all shall be given an opportunity to be heard.

#### **SECTION 3.61 Supplementary Conditions and Safeguards**

Under no circumstances shall the Board of Zoning Adjustment grant an appeal 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, 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 is granted, shall be deemed a violation of this Ordinance and be punishable under Article 3, Division VII Violations of Ordinance; Penalties.

#### **SECTION 3.62 Public Hearing by the Board of Zoning Adjustment; Notice**

The Board of Zoning Adjustment shall hold a public hearing within forty-five (45) days after the receipt of a complete application for an appeal. However, the public hearing shall not be held sooner than twenty (20) days after its receipt. Notice of the hearing shall be provided in accordance with Section 3.37. In addition, written notice of the hearing shall be provided to the appellant and the Zoning Administrator at least one (1) week prior to the hearing.

#### **SECTION 3.63 Action by Board of Zoning Adjustment**

Within thirty (30) days after the public hearing required in this Article, the Board of Zoning Adjustment shall grant, grant with conditions, or deny the appeal. The Board of Zoning Adjustment shall further make a finding that the reasons set forth in the application justify the granting or denying the appeal. Appeals from the Board's decisions shall be made in the manner specified in Duties of the Zoning Administrator; Board of Zoning Adjustment (Section 3.38).

#### **SECTION 3.64 Stay of Proceedings**

Any appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Zoning Adjustment, after the notice of appeal is filed with the Zoning Administrator, that by 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 Administrator from whom the appeal is taken on due cause shown.

#### **SECTIONS 3.65 through 3.69 Reserved**

## **ARTICLE 3. PERMITS AND ADMINISTRATION**

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### **DIVISION VII. VIOLATIONS OF ORDINANCE; PENALTIES**

#### **SECTION 3.70 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 Administrator. The Zoning Administrator shall immediately investigate and take action upon such complaint as provided in this Ordinance (see Section 3.1).

#### **SECTION 3.71 Penalties for Violation**

- A. 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 appeals, shall constitute a civil offense under this Ordinance and shall result in a fine. The provisions of this Ordinance may be enforced by the Code Enforcement and Nuisance Board. However, nothing contained in the ordinance establishing the Code Enforcement and Nuisance Board shall be construed or interpreted to limit those powers delegated to the Zoning Administrator. Likewise, nothing contained in this Ordinance shall be construed or interpreted to limit those powers delegated to a Code Enforcement Officer as created in the Code Enforcement and Nuisance Board Ordinance. Further, the Zoning Administrator may also be certified as a Code Enforcement Officer.
- B. Penalties for the violation of the provisions of this Ordinance shall be a fine in the amount as set out for first, second, and subsequent zoning violations in the ordinance establishing the Code Enforcement and Nuisance Board. Each day such violation continues after receipt of a notice of violation 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 in violation 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.

#### **SECTIONS 3.72 through 3.99 Reserved**

**ARTICLE 3. PERMITS AND ADMINISTRATION**

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# ARTICLE 4. ZONING DISTRICTS

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## DIVISION I. DISTRICTS IN GENERAL

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### SECTION 4.0 Zoning District Established

In order to classify and regulate the locations of uses and buildings and to regulate the areas of yards and open spaces, height, density, and other features within or surrounding such uses and buildings, the following zoning districts are hereby established:

#### Base Districts

- R-1 Single-Family Residential District
- R-1A Single-Family Residential District (Alternate)
- R-2 One and Two Family Residential District
- R-3 Multi-Family Residential District
- RMH-1 Qualified Manufactured or Manufactured Housing District
- RMH-2 Qualified Manufactured Home Subdivision District
- B-1 Professional Commercial District
- B-2 Arterial Commercial District
- I-1 Industrial District

#### Special and Overlay Districts

- PUD Planned Unit Development District
- ZLL Zero Lot Line District
- FCAZ Fort Campbell Activity Zones (FCAZ I and FCAZ II)

The individual districts may be cited by full title, e.g. One and Two Family Residential District, or by abbreviated reference, e.g. R-2. Special and Overlay Districts are described in Division IV of this Article.

### SECTION 4.1 District Intent

The base districts created by this Article are intended to advance the purposes of this Ordinance in furtherance of the City of Oak Grove Comprehensive Plan. Individually, each district is designed and intended to accomplish the following specific objectives:

- 4.1.1** *R-1 Single-Family Residential District.* 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.
- 4.1.2** *R-1A Single-Family Residential District (Alternate).* 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.
- 4.1.3** *R-2 One and Two Family Residential District.* 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.
- 4.1.4** *R-3 Multi-Family Residential District.* 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

## ARTICLE 4. ZONING DISTRICTS

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prevent overcrowding, parking or traffic congestion, and to reduce injurious effects on adjacent properties.

- 4.1.5** *RMH-1 Qualified Manufactured or Manufactured Housing District.* This district is composed of areas containing qualified manufactured or manufactured housing dwelling sites. Such areas shall be well-suited for residential purposes.
- 4.1.6** *RMH-2 Qualified Manufactured Home Subdivision.* This district is composed of areas containing qualified manufactured or manufactured housing dwelling sites where each qualified manufactured or manufactured home is located on a separate lot. Such areas shall be well-suited for residential purposes.
- 4.1.7** *B-1 Professional Commercial District.* 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.
- 4.1.8** *B-2 Arterial Commercial District.* 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.
- 4.1.9** *I-1 Industrial District.* 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.

### SECTION 4.2 Official Zoning Map

- A. *Adoption of Map.* The boundaries of the base districts and the special and overlay districts established by this Ordinance are shown on the Official Zoning Map. The Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance.
- B. *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 4 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.
- C. *Maintenance of the Official Zoning Map.* If, in accordance with the provisions of this Ordinance and Kentucky Revised Statutes Chapter 100, 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 Administrator 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



## ARTICLE 4. ZONING DISTRICTS

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by a person or persons shall be considered a violation of this Ordinance and punishable as provided under Article 3, Section 3.71 Penalties for Violation.

- D. *Location of Official 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 Zoning Administrator. It shall be the final authority as to the correct zoning status of land and water areas in the City.
- E. *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.
- F. *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:
1. 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;
  2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
  3. Boundaries indicated as approximately following the City limits shall be construed as following such City limits;
  4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
  5. 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;
  6. Boundaries indicated as approximately following flood plain lines shall be construed to follow such contour lines;
  7. Boundaries indicated as parallel to or extensions of features indicated in parts 1 through 6 above shall be so controlled. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
  8. 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 conditional use, 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; and
  9. All questions involving district boundaries, as illustrated on the Official Zoning Map, shall be submitted to the Zoning Administrator for a determination. An appeal of a determination of the

## **ARTICLE 4. ZONING DISTRICTS**

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Zoning Administrator is made to the Board of Zoning Adjustment as provided in Article 3 of this Ordinance.

**SECTIONS 4.3 to 4.19 Reserved**

# ARTICLE 4. ZONING DISTRICTS

## DIVISION II. BULK AND DIMENSIONAL STANDARDS

### SECTION 4.20 District Dimensional Standards

Lots within the individual districts created by this Ordinance are subject to bulk and dimensional standards including, but not limited to: lot size, lot width, setbacks and required yards, building height, and coverage maximums. These bulk and dimensional standards are prescribed in Tables 4.20A, 4.20B, and 4.20C and are the general requirements for the City's base zoning districts. Where the use conditions prescribed by Article 5 or other provisions of this Ordinance establish more restrictive bulk, dimensional, or density standards than those found in Tables 4.20A, 4.20B, and 4.20C, the more restrictive standard shall apply.

**Table 4.20A**

### District Density, Bulk & Dimensional Standards

STANDARDS	RESIDENTIAL DISTRICTS			
	R-1	R-1A	R-2	R-3
<b>Minimum lot area in square feet per dwelling unit/use</b>				
Single-Family, attached	ZLL District Only	ZLL District Only	ZLL District Only	ZLL District Only
Single-Family, detached	17,500	10,000	7,500	6,000
Two-Family Dwellings			5,000 per unit (10,000 total for duplex)	3,500 per unit (7,000 total for duplex)
Multi-Family Dwelling Groups				2,170 per unit
All Other Uses	17,500	10,000	10,000	See §4.32
<b>Minimum Lot Width (in feet)</b>				
Single-Family, attached	ZLL District Only	ZLL District Only	ZLL District Only	ZLL District Only
Single-Family, detached	75	60	50	60
Two-Family Dwellings			60	60
Multi-Family Dwelling Groups				60
All Other Uses	75	60	60	70
<b>Maximum Structure Height (in feet)</b>	35 (not to exceed 2 stories)	35 (not to exceed 2 stories)	35 (not to exceed 2 stories)	35 (not to exceed 2 stories) Multi-family uses 50 (not to exceed 5 stories)
<b>Maximum Building Coverage</b>	40%	40%	45% (50% for two family/duplex use)	45% (50% for two family/duplex use and 60% for multi-family)
<b>Maximum Impervious Surface Coverage</b>	50%	50%	55%	65%

# ARTICLE 4. ZONING DISTRICTS

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**Table 4.20A**  
**District Density, Bulk & Dimensional Standards**

<b>STANDARDS</b>	<b>RESIDENTIAL DISTRICTS</b>			
	<b>R-1</b>	<b>R-1A</b>	<b>R-2</b>	<b>R-3</b>
<b>Setbacks (in feet)</b>				
Front Yard Setback	½ Width of the Right-of-Way not to exceed 40 or be less than 25	½ Width of the Right-of-Way not to exceed 40 or be less than 25	½ Width of the Right-of-Way not to exceed 40 or be less than 25	½ Width of the Right-of-Way not to exceed 40 or be less than 25
Rear Yard Setback	20	20	20	10 (20 feet for multi-family and dwelling group uses)
Side Yard Setback	10	10	7	5 (plus 2 feet for each story above second floor for multi-family and dwelling group uses)
Special Setback for Yards abutting Hugh Hunter Road and all other State Maintained Roads	60	60	60	60

# ARTICLE 4. ZONING DISTRICTS

**Table 4.20B**

## District Density, Bulk & Dimensional Standards

<b>STANDARDS</b>	<b>MANUFACTURED HOME RESIDENTIAL DISTRICTS</b>	
	<b>RMH-1</b>	<b>RMH-2</b>
<b>Minimum lot area in square feet per dwelling unit/use</b>		
Manufactured Home	2.5 acres for Manufactured Home Park (5,000 square feet per unit)	5,000 per unit
Single-Family, attached		
Single-Family, detached	5,000 (see §5.22.9)	5,000
Two-Family Dwellings	3,500 per unit (7,000 total for duplex) (see §5.22.9)	3,500 per unit (7,000 total for duplex)
Multi-Family		
Dwelling Groups	See §§4.32 and 5.22.9	
All Other Uses	10,000	10,000
<b>Minimum Lot Width (in feet)</b>		
Manufactured Home	80 for Manufactured Home Park; 50 for qualified manufactured home on an individual lot	50
Single-Family, attached		
Single-Family, detached	50	50
Two-Family Dwellings	60	60
Multi-Family		
Dwelling Groups	See §4.32	
All Other Uses	80	80
<b>Maximum Structure Height (in feet)</b>	35 (not to exceed 2 stories)	35 (not to exceed 2 stories)
<b>Maximum Building Coverage</b>	35%	35%
<b>Maximum Impervious Surface Coverage</b>	50%	50%
<b>Setbacks</b>		
Front Yard Setback (in feet)	½ Width of the Right-of-Way not to exceed 40 or be less than 25	½ Width of the Right-of-Way not to exceed 40 or be less than 25
Rear Yard Setback (in feet)	20	20
Side Yard Setback (in feet)	10	10
Special Setback for Yards abutting Hugh Hunter and all other State Maintained Roads (in feet)	60	60

# ARTICLE 4. ZONING DISTRICTS

**Table 4.20C**

## District Density, Bulk & Dimensional Standards

STANDARDS	Commercial and Industrial Districts		
	B-1	B-2	I-1
<b>Minimum lot area in square feet per dwelling unit/use</b>			
Single-Family, detached	6,000	6,000	
Two-Family Dwellings	3,500 (7,000 total for duplex)	3,500 (7,000 total for duplex)	
Multi-Family	2,170 per unit	2,170 per unit	
Dwelling Groups	See §4.32	See §4.32	
Second & Upper Story Residential	2,170 per unit	2,170 per unit	
All Other Uses	7,000	No Minimum	No Minimum
<b>Minimum Lot Width (in feet)</b>			
Single-Family, detached	50	50	
Two-Family Dwellings	50	50	
Multi-Family	60	60	
Dwelling Groups	70	70	
Second & Upper Story Residential	60	No minimum	
All Other Uses	60	No Minimum	No Minimum
<b>Maximum Structure Height (in feet)</b>	35	70	60
<b>Maximum Building Coverage</b>	50%	55%	60%
<b>Maximum Impervious Surface Coverage</b>	65%	70%	70%
<b>Setbacks</b>			
Front Yard Setback (in feet)	40	40	40
Rear Yard Setback (in feet)	15 (20 if abutting a residential district)	20	10 (25 if abutting a residential district, excluding loading and docking areas).
Side Yard Setback (in feet)	7 (20 if abutting a residential district)	7 (20 if abutting a residential district)	10 (25 if abutting a residential district, excluding loading and docking areas).
Special Setback for Yards abutting Hugh Hunter and all other State Maintained Roads (in feet)	60	60	60

**SECTIONS 4.21 through 4.29 Reserved**

# ARTICLE 4. ZONING DISTRICTS

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## DIVISION III. APPLICATION OF STANDARDS

### SECTION 4.30 Height

- A. For all structures, maximum height shall be calculated from the highest finished grade within five (5) feet of the structure to highest point of the structure. The calculation of height does not include typical building projections of less than five (5) feet such as parapets, elevator equipment, and other mechanical systems.
- B. Except in the FCAZ overlay districts, unoccupied architectural elements such as church steeples, spires, cupulas, and chimneys may exceed the district's maximum structure height by twenty (20) percent.

### SECTION 4.31 Setbacks

- A. Setbacks, regardless of applicable height, shall be measured from the property line (or upward projection thereof) to the nearest portion of a structure, including overhangs, eaves, private decks, stairways, steps, and mechanical equipment. The setback distance is measured horizontally in a straight-line, irrespective of intervening structures or site features.
- B. Except where otherwise specified, setback requirements are not cumulative (i.e. buffer distances and other setbacks provided by this Ordinance are inclusive of, not in addition to, the standard setbacks for the district).
- C. Special setback standards for accessory structures and parking are provided in Article 6. Special setback standards for signs are provided in Article 7.

### SECTION 4.32 Density of Dwelling Group Units

In districts permitting dwelling groups, the number of units permitted per lot shall not exceed a density of one (1) single-family detached dwelling per every 6,000 square feet of lot area, one (1) two-family dwelling (2 units) per every 7,000 square feet of lot area, and one (1) multi-family dwelling unit (1 unit) per every 2,170 square feet of lot area. In administering this provision, the lot area required is cumulative for all residential unit types.

### SECTIONS 4.33 through 4.39 Reserved

# ARTICLE 4. ZONING DISTRICTS

## DIVISION IV. SPECIAL AND OVERLAY DISTRICTS

### SECTION 4.40 Planned Unit Development Districts

- A. *Description and Intent.* The Planned Unit Development (PUD) provisions of this Article are intended to encourage innovative site planning for residential, professional, commercial, and industrial developments within PUD districts. These districts are further intended to allow flexibility that will result in improved design, character, and quality of new mixed-use developments. PUDs, as permitted under this Article, are intended to provide variations from the standards of other districts relating to use, setback, lot size, density, bulk, and other requirements provided such variations are in keeping with the City of Oak Grove Comprehensive Plan.

Planned Unit Developments are governed by a development plan. Upon approval of a PUD (through a zoning map amendment process), the base zoning district is supplanted by the requirements imposed by the PUD's development plan. Each PUD district is assigned a unique name followed by "Planned Unit Development", for example "Blue Grass Hills Planned Unit Development."

- B. *Eligibility for Designation.* Any property within the City that is ten (10) acres or greater in contiguous area and is held in single ownership at the time of application may be considered for designation as a PUD. A PUD must incorporate a design involving a mixture of uses including residential and compatible commercial or professional uses. PUDs designated for industrial uses may exclude residential uses but shall include other uses compatible or complementary to such industrial uses (e.g. corporate office uses or other supporting commercial or professional uses). Single use developments shall not be designated as a PUD.
- C. *Designation to Constitute a Map Amendment.* The designation of property as a PUD shall constitute a map amendment. The rezoning of a property to a PUD may only be initiated by the owner of said property. Upon adoption, the requirements of the original base zoning district are thereafter supplanted by those of the PUD. The development plan approved as part of the rezoning shall govern use, bulk and dimensional, and other requirements within the PUD.
- D. *Development Plan not to Conflict with the Provisions of this Section.* This section establishes the minimum standards for all PUDs within the City of Oak Grove. No development plan shall be approved or otherwise interpreted or enforced to conflict with the provisions of this section. No development plan shall reduce the minimum standards established by this section; however, a development plan may establish standards for a PUD that are more restrictive than the standards of this section.
- E. *Effect of Other Ordinances and Rules of General Applicability.* Planned Unit Developments are subject to all other ordinances affecting development within the City. Unless expressly stated in this section or provided in the development plan governing the PUD, all lands within the PUD are subject to this Ordinance's requirements of general applicability affecting uses, lots, structures, and other features, including Articles 1, 2, 3, 4, 6, 7, 8, and 9.
- F. *Common Area Required.* No less than twenty (20) percent of the total land area within a PUD shall be reserved and dedicated as common open space. Preservation, maintenance, and ownership of required open space within a PUD shall be accomplished by either 1) a dedication of the land as a public park or trail system or 2) by creating a permanent open space easement to guarantee that the open space remains perpetually reserved, with the ownership and maintenance being the responsibility of an owners' association established with recordable covenants which are satisfactory to the City.



## ARTICLE 4. ZONING DISTRICTS

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- G. *Maximum Allowed Density.* The maximum permitted density within a PUD shall not exceed one (1) single family detached dwelling per every 4,000 square feet of lot area, one (1) single family attached dwelling per every 3,000 square feet of lot area, one (1) two-family dwelling per every 6,000 square feet of lot area (3,000 square feet per dwelling unit), and one (1) multi-family dwelling unit per every 1,240 square feet of lot area. Individual PUDs may, through the development plan governing the district, impose density standards more restrictive than those of this subsection.
- H. *Maximum Building Coverage.* The maximum building coverage shall not exceed fifty (50) percent of the total land area of the PUD. Impervious surface coverage shall not exceed sixty (60) percent of the total land area. Individual PUDs may, through the development plan governing the district, impose coverage standards more restrictive than those of this subsection.
- I. *Minimum Perimeter Setback.* A PUD side yard that abuts another zoning district shall observe along that side yard a minimum setback of twenty (20) feet. A PUD rear yard that abuts another zoning district shall observe along that rear yard a minimum setback of twenty-five (25) feet. Individual PUDs may, through the development plan governing the district, impose setback standards more restrictive than those of this subsection.
- J. *Required Exhibits and Approval Process.* Except as provided in this section, the approval of a PUD shall follow the zoning map amendment procedures provided in Article 9. In addition to the exhibits required by Article 9, the following is required prior to the review and approval of a PUD:
1. *Sketch Plan.* Prior to a formal application being filed to rezone a property to a planned unit development, a sketch plan shall be submitted to the Zoning Administrator. The sketch plan shall illustrate the boundaries of the proposed areas to be rezoned to a planned unit development, the proposed land uses, the proposed layout of lots and street configuration, estimated gross densities, and estimated usable common open space.

The Zoning Administrator shall submit the proposed sketch to the Planning Commission with a recommendation on the concept designs consistent with the Oak Grove Comprehensive Plan and applicable development standards. The Planning Commission, through its executive director, shall either instruct the applicant to proceed with drafting a detailed development plan or to submit a revised sketch plan.

2. *PUD Development Plan Required.* The applicant shall prepare and submit a detailed development plan for the entire PUD to the Planning Commission. The plan shall contain all relevant information deemed necessary by the Planning Commission. Relevant information and exhibits shall include but shall not be limited to the following:
  - a. *PUD Site Plan.* Twenty-four (24) copies of a site plan prepared by a design professional (surveyor or engineer), at a scale no greater than 1" = 100' on a 24" by 36" plan sheet, shall be submitted that illustrates:
    - (1) The surveyed boundary of the PUD including approximate interior property lines when future subdivision is permitted;
    - (2) Proposed land uses and densities for each lot within the PUD;
    - (3) The location of existing and proposed utilities, streets, easements, and other rights-of-way;
    - (4) The location, size, and orientation of existing and planned buildings;
    - (5) The location of parking lots, drives, and walkways;
    - (6) The location and acreage of common open spaces; and
    - (7) The location of special flood hazard areas, drainage easements, stormwater detention basins, and other significant features.

## ARTICLE 4. ZONING DISTRICTS

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In addition to or in lieu of the twenty-four (24) copies of the site plan, the Planning Commission may require the submission of a digital copy of the site plan in a format compatible with the commission's Geographic Information System (GIS).

- b. District Narrative. Proposed text that establishes the requirements of the PUD shall be submitted. At a minimum, the proposed text shall include:
  - (1) The name of the planned unit development district, not duplicating the name of any other PUD or subdivision;
  - (2) A statement of the intent and objectives of the proposed district;
  - (3) A legal description of the district boundaries, including the location and acreage of varying densities, uses, or other areas subject to special requirements;
  - (4) A table of proposed land uses including:
    - (a) A listing of uses to be allowed within the district, specifying where applicable, the proposed acreage for each use,
    - (b) Maximum and average residential densities,
    - (c) The maximum proposed floor area ratio, if any, and the maximum building and impervious coverage,
    - (d) The maximum height for each use or for the district as a whole,
    - (e) The minimum setback for each use, development area, or for the district as a whole, and
    - (f) The minimum separation distance, if any, between buildings or uses;
  - (5) A written narrative of any special requirements imposed on development within the PUD such as landscaping, lighting, architectural, and orientation standards, and, where applicable, the special requirements of the FCAZ overlay district;
  - (6) A provision which precludes the application of variances, for a period of five years, from the PUD district's requirements and incorporates, by reference, the minor and major development plan amendment provisions of this section; and
  - (7) A provision which enumerates, other than district requirements, the specific requirements of this Ordinance which are not applicable to or that are amended upon approval of the PUD's development plan.

K. *Development Plan Modifications and Amendments.* No modification or development plan amendment shall be approved in conflict with the provisions of this section. Unless otherwise provided in the development plan approved as part of the rezoning, development plan modifications and amendments shall comply with this subsection.

- 1. Modifications. Minor changes in the development plan may be approved by the Zoning Administrator provided that such changes do not a) increase the density of the PUD; b) change the exterior boundary of the PUD or alter the permitted height of structures; c) increase the intensity of land uses; d) increase the number of lots (where subdivision has been approved); e) materially change the location or amount of land devoted to a specific land use (for the purposes of this provision, materially change includes any change of greater than 5% of the total PUD land area); or f) alter of conflict with the district's written narrative. Modifications may include but are not limited to: the minor shifting of buildings, proposed streets, public or private ways, utility easements, parks or other open spaces, or other features of the plan. The minor shifting of buildings does not include encroaching into any required setback.
- 2. Amendments. Major changes in an approved development plan shall be considered an amendment to the original ordinance creating the PUD. Major changes may include, but are not limited to, the following: a) increases in density; b) changes in the exterior boundary line of the PUD district or alterations in allowable height; c) changes in the intensity of land uses including changes in the number or size of permitted signs, an increase in the size of buildings

## ARTICLE 4. ZONING DISTRICTS

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greater than five (5) percent, an increase in building coverage or impervious surface by more than five (5) percent, and/or reduced open space; d) changes in the location or amount of land devoted to specific land uses; e) the creation of any new lot; or f) any change which requires the written narrative of the PUD district to be altered.

- L. *Conformance with Subdivision Guidelines and Surety Requirements.* When a PUD's development plan provides for the dedication of land for rights-of-way, parks, or other public spaces; requires the division of property into two (2) or more lots; or necessitates the installation of other public improvements, building/zoning permits for property within the PUD shall not be issued until a final subdivision plat has been approved by the Planning Commission in accordance with the Oak Grove Subdivision Guidelines. Where the final plat is recorded prior to the completion of public improvements, the Planning Commission shall require the posting of a surety instrument to guarantee the installation, dedication, and acceptance of required improvements.
- M. *Recording.* All plats and plans approved under the terms of this section shall be filed in the Office of the Christian County Clerk.

### SECTION 4.41 Zero-Lot-Line Districts

- A. *Description and Intent.* Zero-lot-line Districts (ZLL districts) are designed to allow for the location of a lot's principal building in manner that one or more of the building's side walls rests directly on a property line. ZLL districts also provide for lot sizes that are smaller than those typically permitted in the City's base districts. 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; and
  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. *Eligibility for Designation.* Any property within the City that is three (3) acres or greater in contiguous area and is held in single ownership at the time of application may be considered for designation as a ZLL district.
- C. *Designation to Constitute a Map Amendment.* The designation of property as a ZLL district shall constitute a map amendment. The rezoning of a property(s) to a ZLL district may only be initiated by the owner of said property. Upon adoption, the requirements of the original base zoning district are thereafter supplanted by those of the ZLL district; however, where applicable, the requirements imposed by any FCAZ overlay district remain unaffected.
- D. *Coordination with Subdivision Guidelines.* An application to rezone a property to a ZLL district shall, at a minimum, coincide with the submission of a preliminary plat which denotes the lots to be created within the district and the location of structures on all proposed lots. The approval of the preliminary (or final) plat, shall be conditioned on the approval of the ZLL rezoning application. The application for subdivision and rezoning shall be accompanied by a site plan which denotes the proposed location of building and other improvements in conformance with the provisions of this section.
- E. *Effect of Other Ordinances and Rules of General Applicability.* ZLL districts are subject to all other ordinances affecting development within the City. Unless expressly stated in this section, all lands

## ARTICLE 4. ZONING DISTRICTS

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within the ZLL district are subject to this Ordinance's requirements of general applicability affecting uses, lots, structures, and other features, including Articles 1, 2, 3, 4, 6, 7, 8, and 9.

F. *Permitted Uses.* The following uses are permitted in the ZLL district:

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

G. *Standards.* ZLL districts are subject to the following standards:

1. Building Site Area - Each lot shall have an area not less than 3,500 square feet per dwelling unit.
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 -
  - a. 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.
  - b. Exterior side yard. All dwelling structures shall be placed ten (10) feet from all exterior property lines.
  - c. 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.
  - d. Rear setback. All dwelling structures shall be setback a minimum of ten (10) feet from the rear property line.
  - e. Side street setback. All dwelling structures shall be setback a minimum of fifteen (15) feet from the side street property line.
  - f. Special setback standard. 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.

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### H. *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 development are shown on the plat, satisfactory arrangements shall be made for the maintenance of the common open space and facilities as provided in part 8 of this subsection. 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 and be incorporated in the original approval of the ZLL.
6. **Trees** - Trees shall be approved on the basis of three (3) trees for each platted lot. In addition, street shade trees shall be provided along the side of the street(s) at a minimum spacing of twenty (20) feet. Except where approved by the governing authority that maintains the street, the trees shall be placed on private lots in lieu of the public right-of-way. 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, and
  - c. No such building or structure shall exceed ten (10) feet in height unless a variance is granted by the BZA.
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

## ARTICLE 4. ZONING DISTRICTS

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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, and
  - e. Any accessory building may not occupy any part of the required open space.
- I. *Conformance with Subdivision Guidelines and Surety Requirements.* Building/zoning permits for property within the ZLL district shall not be issued until a final plat has been approved by the Planning Commission in accordance with the Oak Grove Subdivision Guidelines. Where the final plat is recorded prior to the completion of public improvements, the Planning Commission shall require the posting of a surety instrument to guarantee the installation, dedication, and acceptance of required improvements.
- J. *Recording.* All plats and plans approved under the terms of this section shall be filed in the Office of the Christian County Clerk.

### SECTION 4.42 Fort Campbell Activity Zoning Districts

- A. *Summary.* The Fort Campbell Activity Zoning Districts (FCAZ I and FCAZ II)(collectively referred to as “the FCAZ districts”) are intended to provide for uses and unique design requirements for lands adjacent to and within accident potential zones, airspace zones, and noise zones for Fort Campbell. Site design and other standards are necessary to protect navigable airspace and may include height limitations, smoke limitations, lighting limitations, and other standards necessary to ensure protection of the airspace. Two districts are established for the Fort Campbell Activity Zones: FCAZ I and FCAZ II. FCAZ I includes the Clear Zones and Accident Potential Zone I associated with Campbell Army Airfield. FCAZ II includes Accident Potential Zones II and all areas within the noise zone LDN 65.

The official zoning map delineates the boundaries of the FCAZ I and FCAZ II districts, based upon the Clear Zone, Accident Potential Zones, and LDN noise zones contained in the Fort Campbell Joint Land Use Study, dated October 2009.

- B. *Purpose.* The purpose of the Fort Campbell Activity Zoning Districts (FCAZ I and FCAZ II) are to:
  1. Ensure safety to people and property within the FCAZ;
  2. Prohibit the establishment of incompatible structures within the designated FCAZ I and II;
  3. Protect the airspace and airfield approaches from the establishment of structures or placement of objects that interfere with the safe operation of aircraft;

## ARTICLE 4. ZONING DISTRICTS

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4. Limit land uses within the FCAZ to those uses that are compatible with military operations;
  5. Protect people and property from the potential adverse effects of aircraft noise and aircraft crashes; and
  6. Ensure the continued presence of Fort Campbell in Christian County.
- C. *Designation to Constitute Overlay; Supplant Certain Base District Standards.* The FCAZ I and FCAZ II districts created by this section are intended to overlay portions of the existing base zoning districts established by this Ordinance. For those properties so designated by the Official Zoning Map, the FCAZ districts supplant the requirements and restrictions of the base districts only to the extent as provided herein. All other requirements applicable to the base zoning district that are unaffected by this section remain in force.

Districts are denoted on the Official Zoning Map by the base zoning district and the applicable FCAZ district (e.g. B-2/FCAZ II district).

- D. *Reference to Other Documents and Exhibits.* The requirements of the FCAZ districts are derived from guidance contained in the Fort Campbell Joint Land Use Study, dated October 2009 (JLUS 2009). Where this section refers to certain features and boundaries that are not defined by this Ordinance or are not delineated on the Official Zoning Map, such as the Accident Potential Zones or Noise Zones, those features and boundaries are those defined or depicted in the JLUS (2009). In addition, the JLUS may be referred to for technical guidance on lighting and noise attenuation.

- E. *Development standards within the FCAZ Districts.*

1. Within the FCAZ I, the following uses are prohibited:
  - a. Any structures in the Clear Zone;
  - b. Any residential uses in Accident Potential Zone 1; and
  - c. Any use that concentrates, within a structure on a regular basis, more than 25 people per acre. This limitation applies, but is not limited to: sports stadiums, amphitheaters, auditoriums, clubhouses, churches, schools, hospitals, assisted living and other medical facilities, hotels and motels, restaurants and other eating and drinking establishments built to such a scale that gatherings of more than 25 people per acre would be expected on a regular basis.
2. Within the FCAZ II (Accident Potential Zone II portion only), the following uses are prohibited:
  - a. Multi-family, two-family, group dwellings, and manufactured homes; and
  - b. Single-family dwellings with a density of more than one (1) unit per two (2) acres;
3. Within all FCAZ districts, the following shall apply:
  - a. Buildings, structures, and objects shall observe the height limitations of the base zoning district. A variance from this standard may only be authorized by the Board of Zoning Adjustment in accordance with the provisions for Article 3 and only in cases where a Representative from Fort Campbell specifically certifies that the proposed height is not a hazard to aircraft take-offs, landings, or flight operations;
  - b. Lights used in conjunction with streets, parking, signs, and uses of land shall be arranged and operated in such a manner that they do not interfere with pilot vision during take-off,

## ARTICLE 4. ZONING DISTRICTS

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- landing, or flight operations. Lighting is further subject to the standards imposed by Ordinance 2007-18;
- c. No uses or operations of any type shall produce smoke, glare, birds, or other visual interference that will present a hazard to aircraft during take-off, landing, or flight operations. Agricultural uses are exempt;
  - d. No uses or operations of any type shall produce electronic interference with navigation signals or radio communication between aircraft, the airport, or the air traffic controller;
  - e. Approval for a permit for residential development shall require a signed acknowledgement by the applicant that the property is situated in an area that may be subjected to conditions resulting from military training at Fort Campbell;
  - f. All real estate transactions shall include a form disclosing proximity of the site to the military installation. The form shall be affixed to all listing agreements, sales and rental contracts, subdivision plats, and any individual marketing materials, such as brochures, etc. Disclosure is required as soon as practicable, but must be before the execution of a contract, i.e., before the making or acceptance of an offer; and
  - g. All uses and structures shall comply with the requirements of the Kentucky Airport Zoning Commission as may be adopted pursuant to KRS 183. Where applicable, the Zoning Administrator may require documentation of conformance and permitting pursuant to the requirements of the Kentucky Airport Zoning Commission prior to the issuance of a building/zoning permit.
4. The following standards apply to development within the noise impact areas that are 65 dB plus:
- a. All work and operations shall be conducted within buildings or enclosed structures;
  - b. All new development, redevelopment, and building alterations or additions permitted within the noise impact area shall include the noise attenuation requirements of the JLUS 2009 (See the land use compatibility guidance for noise areas); and
  - c. Applications for the approval of dwelling units within the noise impact area shall include certification and documentation from the architect and contractor which certifies that noise attention measures will be included in construction to bring the interior DNL of the living unit to 45 decibels or below;
5. All applications for rezoning and development approval, including site plans, building permits, subdivision plats, sign permits, temporary use permits, and other permits and plans in the FCAZ I and FCAZ II shall be subject to review by a Representative at Fort Campbell. Such review shall be limited to issues of compatibility with Fort Campbell and issues affecting the safety of persons and property related to aircraft take-offs, landings, and flight operations.

**SECTIONS 4.43 to 4.99 Reserved**



**ARTICLE 4. ZONING DISTRICTS**

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# ARTICLE 5. USE REGULATIONS

## DIVISION I. USE CLASSIFICATION & DISTRICT USES

### SECTION 5.0 Classification of Uses

It is recognized that various types of land uses will develop and that different forms of land uses will seek to locate within the City. In order to provide for this occurrence, a determination of the appropriate classification for all uses of land shall be made as follows:

1. All questions concerning the classification of uses shall be referred to the Zoning Administrator for an interpretation of this Ordinance. The referral of the use classification question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, storage and the amount thereof, anticipated employment, types of products, transportation requirements, and any additional information determined necessary by the Zoning Administrator to classify the proposed use.
2. The Zoning Administrator shall consider the nature and described performance of the proposed use and may assign a use classification descriptive of the use from Table 5.2 or assign a use classification as is otherwise specifically provided in this Ordinance.
3. In cases where a single use is described by two or more use classifications in Table 5.2, the Zoning Administrator shall assign the use classification which is the most descriptive of the proposed use. When the use is equally descriptive among two (2) or more use classifications, the Zoning Administrator shall apply the more restrictive use classification standard. In cases of a mixed or joint use, each use will be assigned a separate use classification (see Section 5.3).
4. Appeals from the determinations of the Zoning Administrator are made to the Board of Zoning Adjustment pursuant to Article 3, Division VI of this Ordinance.
5. If the Zoning Administrator or the Board of Zoning Adjustment, operating under parts 2, 3, and 4 above, determines that a described use does not appear within this Ordinance, the Zoning Administrator or the Board of Zoning Adjustment shall transmit a copy of the determination to the Planning Commission and City Council. The Planning Commission or City Council may initiate a text amendment to classify the proposed use.
6. Any use which does not appear within this Ordinance shall be determined to be a Use Not Allowed within the City of Oak Grove.

### SECTION 5.1 Use Types

Within each zoning district, a use is either a Use Permitted by Right, a Use Permitted by Right with Use Specific Standards, a Conditional Use, or a Use Not Allowed.

#### §5.2.1 **R** USES PERMITTED BY RIGHT

A “R” in the zoning district column of Table 5.2 indicates that a use is permitted in the respective zoning district, subject to compliance with all other applicable regulations of this Ordinance. This use type is approved by the Zoning Administrator.

#### §5.1.2 **R\*** USES PERMITTED BY RIGHT (USE SPECIFIC STANDARDS)

An “R\*” in the zoning district column of Table 5.2 indicates that a use is permitted in the respective zoning district, subject to compliance with all other applicable regulations of this Ordinance including all use-specific standards. Where applicable, a cross-reference to these standards can be

# ARTICLE 5. USE REGULATIONS

found in the “Use Specific Standards” column of Table 5.2. This use type is approved by the Zoning Administrator.

## §5.1.3 CONDITIONAL USES

An “C” in the zoning district column of Table 5.2 indicates that a use is allowed only if reviewed and approved by the Board of Zoning Adjustment in accordance with the conditional use procedures of this Ordinance. In addition to the standards of Sections 3.40 through 3.49, conditional uses are subject to compliance with the use-specific standards, if any, and all other applicable regulations of this Ordinance. Where applicable, a cross-reference to these standards can be found in the “Use Specific Standards” column of Table 5.2.

## §5.1.4 USES NOT ALLOWED

A blank cell in the zoning district column of Table 5.2 indicates that a use is not allowed in the respective zoning district, unless said use is otherwise expressly allowed by other provisions within this Ordinance.

### SECTION 5.2 Use Table

Uses shall be permitted by right, permitted by right subject to use specific standards, permitted subject to a conditional use permit, or not allowed within the zoning districts of this Ordinance in accordance with Table 5.2 “Schedule of Uses”.

Table 5.2 Schedule of Uses											
R = Permitted by Right		R*=Permitted by Right (Specific Standards)					C = Conditional Use			Blank Cell = Use Not Allowed	
Use Classifications	Zoning Districts									Use Specific Standards	Parking Code (See Section 6.30)
	R-1	R-1A	R-2	R-3	RMH-1	RMH-2	B-1	B-2	I-1		
<b>Agricultural and Animal Uses</b>											
Agricultural auctions									C	§5.21.1	N
Agricultural market							R*	R*	R*	§5.21.2	I
Agricultural uses (crops)	R	R	R	R	R	R	R	R	R		
Agricultural uses (livestock and poultry)	R*	R*	R*	R*	R*	R*	R*	R*	R*	§5.21.3	
Agri-tourism								R	R		
Animal and pet cemeteries (commercial)									C	§5.21.4	S
Animal and pet groomers							R	R			I
Animal feeding operation										Use Not Allowed	
Animal pound									R		
Aquaculture									R		
Aviaries								C	C	§5.21.5	N
Botanical gardens								R	R		N
Community gardens	C	C	C	C	R	C	R	R	R	§5.21.6	

# ARTICLE 5. USE REGULATIONS

**Table 5.2  
Schedule of Uses**

R = Permitted by Right    R*=Permitted by Right (Specific Standards)    C = Conditional Use    Blank Cell = Use Not Allowed												
Use Classifications	Districts									Use Specific Standards	Parking Code (See Section 6.30)	
	R-1	R-1A	R-2	R-3	RMH-1	RMH-2	B-1	B-2	I-1			
<b>Agricultural and Animal Uses</b>												
Farm equipment and implement sales								R*	R*	§5.21.7	I	
Farm gift shop	C	C	C	C	C	C	C	C	R*	§5.21.8 §5.30	I	
Farm Vacation Enterprises								C	C	§5.21.9	EE	
Greenhouses and nurseries (commercial or industrial)								C	R	§5.21.10	Z	
Kennels and animal boarding								C	C	§5.21.11	K	
Pet shops								R			L	
Silviculture	R	R	R	R	R	R	R	R	R			
Veterinarians and animal hospitals (excluding large animals)								R*	R*	R*	§5.21.12	K
Veterinarians and animal hospitals (large animal)								C	C	§5.21.12	K	
Zoological gardens, including petting zoos								C	C	§5.21.13	S	
<b>Residential Uses</b>												
Assisted living facilities				C			C	C		§5.22.1	A	
Boarding and lodging houses			C	R*						§5.22.2	F	
Congregate residences				C	C		C			§5.22.3 §5.30	G	
Dwelling group				R*	R*		C	C		See §4.32 and §5.22.9	D	
Extended stay hotel							C	C		§5.22.4	H	
Manufactured homes					R*	R*				§5.22.5	D	
Manufactured homes (qualified)	C	C	C	C	R	R				§5.22.6	D	
Manufactured home parks					C					§5.22.7	D	
Manufactured home subdivision							R				D	
Mobile homes										Use Not Allowed		
Multi-family dwellings				R			C	C		§5.22.8	C	
Residential care facilities	R	R	R	R	R	R	R	R			D	

# ARTICLE 5. USE REGULATIONS

**Table 5.2  
Schedule of Uses**

R = Permitted by Right    R*=Permitted by Right (Specific Standards)    C = Conditional Use    Blank Cell = Use Not Allowed											
Use Classifications	Districts									Use Specific Standards	Parking Code (See Section 6.30)
	R-1	R-1A	R-2	R-3	RMH-1	RMH-2	B-1	B-2	I-1		
<b>Residential Uses</b>											
Second and upper floor residential dwellings							R*	R*		§5.22.8	C
Single-family dwellings, attached										ZLL Only	D
Single-family dwellings, detached	R	R	R	R	R*	R	C	C		§5.22.9	D
Two-family dwellings			R	R	R*	R	C	C		§5.22.9	B
<b>Residential Uses (Accessory)</b>											
Home Occupation	C	C	C	C	C	C	C	C		§5.22.10	EE
Home Occupation (limited use)	R*	R*	R*	R*	R*	R*	R*	R*		§5.22.11	
<b>Accommodation Uses</b>											
Bed and breakfasts			C	C			C			§5.23.1	H
Campgrounds								C	C	§5.23.2	EE
Construction worker housing (temporary)	C	C	C	C			C	C	C	§5.23.3	EE
Hospitality house				R			R	R			H
Hotels and motels							C	R	C	§5.23.4	H
Recreational vehicle park										Use Not Allowed	
Short-term rentals	C	C	C	C			C			§5.23.5	D
<b>Public, Civic, and Institutional Uses</b>											
Adult day care center							R	R			I
Art galleries, not for profit	R	R	R	R	R*	R	R	R		§5.30	M
Cemeteries and mausoleums	C	C	C	C			C	C	C	§5.24.1	S
Community centers			C	C	C	C	R	R		§5.24.2	N
Convention centers								C	C	§5.24.3	N
Crisis counseling centers and domestic violence shelters			C	C			R	R		§5.24.4	I

# ARTICLE 5. USE REGULATIONS

**Table 5.2  
Schedule of Uses**

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Use Classifications	Districts									Use Specific Standards	Parking Code (See Section 6.30)
	R-1	R-1A	R-2	R-3	RMH-1	RMH-2	B-1	B-2	I-1		
<b>Public, Civic, and Institutional Uses</b>											
Day care centers, day nurseries, and nursery schools	C	C	C	C	C	C	R	R		§5.24.5 §5.30	X
Funeral homes (excluding crematoriums)				C			C	R		§5.24.6	Y
Governmentally owned or operated buildings or uses, excluding prisons, jails, and transitional centers	R	R	R	R	R	R	R	R	R		K
Hospitals, hospice, and institutions								R			DD
Libraries, museums, and historical buildings or grounds			C	C	C		R	R	R	§5.24.8 §5.30	M
Lodges, private clubs, union halls, and meeting halls			C	C	C	C	R	R		§5.30	R
Nursing homes and convalescent centers				C	C		C	C		§5.24.9 §5.30	G
Parks (passive)	R	R	R	R	R*	R	R	R	R	§5.30	S
Parks (active)				C	C		C	C	C	§5.24.10 §5.30	W
Prisons, jails, and transitional centers								C		§5.24.12	G
Rehabilitation homes								C		§5.24.13	G
Religious uses	C	C	C	C	C	C	R	R		§5.24.14 §5.30	O
Schools (elementary, junior high, and the equivalent)	C	C	C	C	C		R	R		§5.24.15 §5.30	AA
Schools (senior high or equivalent)	C	C	C	C	C		R	R		§5.24.16 §5.30	BB
Schools (colleges and universities and other institutions of learning, except trade, business, or industrial and vocational schools)	C	C	C	C	C		R	R		§5.24.17 §5.30	CC

# ARTICLE 5. USE REGULATIONS

**Table 5.2  
Schedule of Uses**

R = Permitted by Right    R*=Permitted by Right (Specific Standards)    C = Conditional Use    Blank Cell = Use Not Allowed												
Use Classifications	Districts									Use Specific Standards	Parking Code (See Section 6.30)	
	R-1	R-1A	R-2	R-3	RMH-1	RMH-2	B-1	B-2	I-1			
<b>Public, Civic, and Institutional Uses</b>												
Schools, trade and business							R	R	C	§5.24.18	CC	
Schools (industrial and vocational training)								R	R		CC	
Shelters, day and homeless								C		§5.24.19	I	
Substance abuse treatment facilities (inpatient and outpatient)								C	C	§5.24.13	I	
<b>Entertainment, Recreation, and Dining Uses</b>												
Amusement arcades								R			I	
Amusement parks (outdoor)								C		§5.25.1	W	
Amusement parks (indoor)								R			N	
Archery ranges										Use Not Allowed		
Arenas (or stadiums)								C	C	§5.25.3	CC	
Athletic clubs, health spas, and fitness centers								R			N	
Banquet halls							C	R		§5.25.4	N	
Catering service (principal use)							C	R			K	
Country clubs								C	C	§5.25.5	W	
Dance halls								R			N	
Fairgrounds								C	C	§5.25.6	EE	
Firearm ranges (indoor only)								C	C	§5.25.7	N	
Food trucks and carts								C	C	§5.25.8		
Golf courses, including miniature courses and driving ranges								R	C	§5.25.9	W	
Microbreweries								R			Q	
Nightclubs and proprietary clubs								R			Q	



# ARTICLE 5. USE REGULATIONS

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Schedule of Uses**

R = Permitted by Right    R*=Permitted by Right (Specific Standards)    C = Conditional Use    Blank Cell = Use Not Allowed											
Use Classifications	Districts									Use Specific Standards	Parking Code (See Section 6.30)
	R-1	R-1A	R-2	R-3	RMH-1	RMH-2	B-1	B-2	I-1		
<b>Entertainment, Recreation, and Dining Uses</b>											
Race tracks for motor powered vehicles									R		N
Recreation facilities (indoor)							C	R			N
Recreation facilities (outdoor)								C	C	§5.25.11	W
Restaurants (dining on premises with no drive-thru facilities)							R	R			Q
Restaurants (drive-in or drive-thru facilities)								R			Q
Restaurants (with outdoor dining)							C	C		§5.25.12	Q
Sexually Oriented Businesses								R*		§5.25.13	I
Taverns, bars, cocktail lounges, saloons, and brew-pubs								R			Q
Theaters (indoor)								R			R
Theaters (outdoor) including amphitheaters								C		§5.25.15	R
Track, including accessory uses such a simulcast facility, receiving tract, intertrack wagering, host track, historical horse racing, and or electronic video gaming device								R	R		V
Other Entertainment, Recreation, and Dining Uses (Limited)								C		§5.25.16 See definition	I

# ARTICLE 5. USE REGULATIONS

**Table 5.2  
Schedule of Uses**

R = Permitted by Right    R*=Permitted by Right (Specific Standards)    C = Conditional Use    Blank Cell = Use Not Allowed											
Use Classifications	Districts									Use Specific Standards	Parking Code (See Section 6.30)
	R-1	R-1A	R-2	R-3	RMH-1	RMH-2	B-1	B-2	I-1		
Data processing and call centers							C	R	R	§5.26.1	I
Medical offices for doctors, dentists, chiropractors, optometrists, and similar medical professions and medical clinics (excluding veterinarian and animal hospitals and clinics with inpatient treatment)							R	R			I
Medical laboratories including blood/plasma collection and dialysis							C	R		§5.26.2	I
Offices for accountants and bookkeepers, architects, attorneys-at-law, counselors, engineers, financial advisors, brokers, collection agencies, insurance agents, realtors, surveyors, and similar trades							R	R			I
Offices for building contractors, electricians, plumbers, masons, and similar construction or mechanical trades							R*	R*		§5.26.3	I
Offices for nonprofits, business and industry, including corporate offices								R	R*	§5.26.4	I
Other office uses (limited)								C		§5.26.5 See definition	I

# ARTICLE 5. USE REGULATIONS

**Table 5.2  
Schedule of Uses**

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Use Classifications	Districts									Use Specific Standards	Parking Code (See Section 6.30)	
	R-1	R-1A	R-2	R-3	RMH-1	RMH-2	B-1	B-2	I-1			
<b>Commercial, Retail, and Personal Service Uses</b>												
Auction sales, except animal and tobacco (permanent structure)(indoor)								R				N
Auction sales, except animal and tobacco, outdoor								R*	R*	§5.27.1		
Banks, credit unions, and savings and loans (including ATMs)							R	R				K
Barber shops and beauty salons							R	R				T
Butcher and meat shops								R				L
Consignment stores							R	R				K
Convenience stores							R	R				K
Fireworks sales								C		§5.27.2		K
Flea markets (perpetual)								C		§5.27.3		EE
Grocery stores								R				L
Grocery stores (convenience)							R	R				L
Laundries and laundrettes								R				I
Manufactured or modular home sales								C		§5.27.4		L
Massage therapy and acupuncture								R				I
Package liquor stores and wine shops								R				I
Payday and automobile title lending, and check cashing facilities								R				K
Pharmacies							R	R				I
Pawn shops								R				K
Personal service establishments							R	R				K
Photography and artist studios							R	R				K
Print and copy shops and bookbinding								R				I

# ARTICLE 5. USE REGULATIONS

**Table 5.2  
Schedule of Uses**

R = Permitted by Right    R*=Permitted by Right (Specific Standards)    C = Conditional Use    Blank Cell = Use Not Allowed											
Use Classifications	Districts									Use Specific Standards	Parking Code (See Section 6.30)
	R-1	R-1A	R-2	R-3	RMH-1	RMH-2	B-1	B-2	I-1		
<b>Commercial, Retail, and Personal Service Uses</b>											
Repair shops (non-automotive)								R			K
Retail stores (except where otherwise listed) including stores retailing antiques, automobile parts and accessories, books, papers, and periodicals, clothing and apparel, dry goods, flowers, foods (including bakeries where products are sold exclusively at retail on premises), beverages, confectionaries, electronics, gifts, hobby and craft supplies and collectables, music and games, sporting goods including recreational outfitters, toys, jewelry, leather goods, notions, vitamins and health foods, cosmetics, and similar household and personal goods.							R	R			I
Retail stores including stores retailing appliances, carpets and flooring, lighting, furniture and household fixtures, hardware, office equipment, paints, pets, feeds, and seeds.								R			M
Retail stores including stores retailing building materials (cement, lime, sand, gravel, lumber and the like), lawn supplies and equipment, monuments, and portable or prefabricated accessory buildings and carports.								R*		§5.27.5	M

# ARTICLE 5. USE REGULATIONS

**Table 5.2  
Schedule of Uses**

R = Permitted by Right    R*=Permitted by Right (Specific Standards)    C = Conditional Use    Blank Cell = Use Not Allowed												
Use Classifications	Districts									Use Specific Standards	Parking Code (See Section 6.30)	
	R-1	R-1A	R-2	R-3	RMH-1	RMH-2	B-1	B-2	I-1			
<b>Commercial, Retail, and Personal Service Uses</b>												
Tattoo and body piercing								R				I
Tobacco and vape shops and lounges								R				I
Wholesale and bulk sales stores								C		§5.27.6		M
Other commercial, retail, and personal service uses (limited)								C		§5.27.7 See definition		I
<b>Transportation and Communication Uses</b>												
Airports									C	§5.28.1		Z
Ambulance and medical transport services (private)								C	R	§5.28.2		K
Automobile repair garages (minor repair)								R*	R*	§5.28.3		P
Automobile repair garages (major repair)								C	R*	§5.28.3		P
Automobile refueling stations							R	R				I
Automobile sales and rentals							R	R				I
Automobile service stations							R	R				P
Automobile washing stations (car wash)							R	R				I
Bicycle sales, rentals, repairs, and service							R	R				I
Boat sales, rentals, repairs, and service								R*	R*	§5.28.4		L
Bus agencies and stations								R	R			R
Bus, heavy truck, and large equipment sales and rentals								R*	R*	§5.28.5		I
Bus, heavy truck, and large equipment garages and repair shops (minor and major repair)								C	R*	§5.28.3		P

# ARTICLE 5. USE REGULATIONS

**Table 5.2  
Schedule of Uses**

R = Permitted by Right    R*=Permitted by Right (Specific Standards)    C = Conditional Use    Blank Cell = Use Not Allowed											
Use Classifications	Districts									Use Specific Standards	Parking Code (See Section 6.30)
	R-1	R-1A	R-2	R-3	RMH-1	RMH-2	B-1	B-2	I-1		
<b>Transportation and Communication Uses</b>											
Bus shelters	C	C	C	C	C	C	R	R	R	§5.28.6	
Heliports (principal and accessory uses)								C	C	§5.28.7	Z
Parking areas, public and private (principal use) including public garages and storage garages				C			R*	R*	R*	§5.28.8	
Radio and television stations							R	R			K
Taxi and limousine services								R			K
Telephone exchanges and other telecommunication facilities (excluding towers)							R	R			K
Terminals (Bus, heavy truck, rail and freight)									R		Z
Towers (radio and television)	C	C	C	C	C	C	C	C	C	§5.30	Z
Towers and antenna (cellular and small cell)	C	C	C	C	C	C	C	C	C	§5.28.9 §5.30	
Towing services								R*	R*	§5.28.10	K
Trailer sales and rentals (including truck/trailer rentals for moving and storage)								R*	C	§5.28.11	L
Truck or transfer terminals, freight and motor freight stations								C	R	§5.28.12	Z
Truck stops and large vehicle refueling centers								R			I

# ARTICLE 5. USE REGULATIONS

**Table 5.2  
Schedule of Uses**

P = Permitted by Right    P*=Permitted by Right (Specific Standards)    C = Conditional Use    Blank Cell = Use Not Allowed												
Use Classifications	Districts									Use Specific Standards	Parking Code (See Section 6.30)	
	R-1	R-1A	R-2	R-3	RMH-1	RMH-2	B-1	B-2	I-1			
<b>Industrial, Public Facilities Services, and Utility Uses</b>												
Aluminum extrusions, rolling fabrication and forming (manufacturing)										R		Z
Aluminum powder and paint (manufacturing)										R		Z
Apparel or other textile products (manufacturing, sewing, and packaging)										R		Z
Bakeries										R		Z
Batching plants (concrete and asphalt)										R		Z
Beverage manufacture, blending and bottling (non-alcoholic)										R		Z
Breweries and distilleries										R		Z
Chemical manufacturing, blending, reclaiming, and refining										C	§5.29.1	Z
Chemicals (packaging only)										R		Z
Composting facility										R		Z
Crematories										C	§5.29.2	Z
Distillation, manufacture or refinement of coal, tar, asphalt or asphalt products										R		Z
Distribution centers										R		Z
Explosives, propellants, ammunition, and pyrotechnic manufacturing (including the nitrating of cotton or other materials and other nitrates whether natural or manufactured), testing, and storage										C	§5.29.4	Z
Food processing										R		Z
Foundries and metal works										R		Z
Forge plants										R		Z

# ARTICLE 5. USE REGULATIONS

**Table 5.2  
Schedule of Uses**

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Use Classifications	Districts									Use Specific Standards	Parking Code (See Section 6.30)	
	R-1	R-1A	R-2	R-3	RMH-1	RMH-2	B-1	B-2	I-1			
<b>Industrial, Public Facilities Services, and Utility Uses</b>												
Hazardous waste management facilities involving the use, recovery, recycling, storage, treatment, and management of hazardous materials										C	§5.29.6	Z
Ice houses and refrigerated lockers								R	R			Z
Landfills and dumps										Use Not Allowed		
Lumber mills and yards									R			Z
Manufacturing and assembly operations which create a finished or partially assembled product for sale or distribution (not otherwise listed by this table or prohibited by ordinance)									R			Z
Manufacturing of parts and components (not otherwise listed by this table or prohibited by ordinance)									R			Z
Manufacturing of ceramics, pottery, tile, glass, and similar products									R			Z
Manufacturing of textiles and fibers (including bleaching, bleachery, bleaching products, and bluing)									R			Z
Milling (grain)									R			Z
Mineral and gas (including other hydrocarbon substances) exploration, mining, and other extractive manufacturing									C	§5.29.7	Z	



# ARTICLE 5. USE REGULATIONS

**Table 5.2  
Schedule of Uses**

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Use Classifications	Districts									Use Specific Standards	Parking Code (See Section 6.30)	
	R-1	R-1A	R-2	R-3	RMH-1	RMH-2	B-1	B-2	I-1			
<b>Industrial, Public Facilities Services, and Utility Uses</b>												
Petroleum storage (primary use)										C	§5.29.8	Z
Recycling collection centers			C	C	C	C	C	R*	R*	§5.29.9 §5.30	Z	
Recycling plants and transfer stations, excluding the use or recovery of hazardous materials										C	§5.29.10	Z
Rendering plants										C	§5.29.11	Z
Salvage yards										C	§5.29.12	Z
Slaughterhouses (livestock and poultry) including processing and packing facilities										C	§5.29.13	Z
Storage and supply yards										R*	§5.29.15	
Utilities, minor	R	R	R	R	R	R	R	R	R			
Utilities, major	C	C	C	C	C	C	C	R	R	§5.29.16	Z	
Warehouses, mini-storage								R	R		U	
Warehouses, storage (limited)(excluding the storage of paints, shellac, turpentine, varnishes, fertilizers, produce, chemicals, explosives, propellants, pyrotechnics, and petroleum products)								C	R	§5.29.17	Z	
Warehouses, storage (including the storage of paints, shellac, turpentine, varnishes, fertilizers, produce, chemicals, explosives, propellants, pyrotechnics and petroleum products)										C	§5.29.18	Z
Welding shops								R	R		Z	

## **ARTICLE 5. USE REGULATIONS**

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### **SECTION 5.3 Development with Multiple Principal Uses**

When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a gift shop, bookstore, and bakery, for example, would be classified in the Retail stores category because all of the development's principal uses are in that category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category. Developments with multiple principal uses, such as shopping centers, shall incorporate only those uses allowed in the underlying district.

### **SECTION 5.4 Accessory Uses**

Except for home occupations and where otherwise provided in this Ordinance, accessory uses are allowed by right in conjunction with a permitted principal use. In addition, upon the discontinuance of the principal use to which an accessory use is appurtenant, the accessory use shall likewise be discontinued unless said use is permitted as a principal use within the district and meets the requirements of this Ordinance (see also Article 6, Division II Accessory Buildings and Structures).

### **SECTIONS 5.5 through 5.19 Reserved**

## **DIVISION II. SPECIFIC USE STANDARDS**

### **SECTION 5.20 Application of Specific Use Standards**

The standards of this Division apply to listed uses that are Permitted by Right (Use Specific Standards) (R\*) and Conditional Uses (C). Where a use is Permitted by Right (R), the standards of this division do not apply. In addition to the standards of this Division, conditional uses are subject to the standards specified in Article 3.

### **SECTION 5.21 Agricultural and Animal Uses**

§5.21.1 Agricultural auctions. [Reserved]

§5.21.2 Agricultural markets are subject to the following standards:

- (a) The use is limited to the selling of seasonal agricultural products;
- (b) Uses involving permanent structures are subject to the site plan requirements provided in Section 3.22; and
- (c) Uses involving temporary structures or open air sales are subject to the temporary use provisions of this Article and are restricted to the B-1 and B-2 districts (see Division III).

§5.21.3 Agricultural uses (livestock and poultry) are subject to the requirements imposed by Ordinance 2020-05 (as amended).

§5.21.4 Animal and pet cemeteries are subject to the following standards:

- (a) All gravesites and monuments shall be setback no less than forty (40) feet from a public right-of-way and no less than twenty (20) feet from any side and rear property line; and
- (b) The perimeter of the site shall be screened with a fence, wall, or plantings in accordance with Section 6.42C.

## ARTICLE 5. USE REGULATIONS

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- §5.21.5 Aviaries. [Reserved]
- §5.21.6 Community gardens. [Reserved]
- §5.21.7 Farm equipment and implement sales are permitted provided all equipment (displayed or stored) is setback no less than twenty (20) feet from any right-of-way and setback no less than ten (10) feet from any side and rear property line.
- §5.21.8 Farm gift shops are subject to the following standards:
- (a) The use is accessory or is immediately appurtenant to (adjoins) the agricultural use; and
  - (b) The net floor area of the use shall not exceed 500 square feet.
- §5.21.9 Farm vacation enterprises shall be located on a lot fifty (50) acres or greater in area.
- §5.21.10 Greenhouse (commercial or industrial). [Reserved]
- §5.21.11 Kennels and animal boarding are subject to the following standards:
- (a) Excluding accessory dog parks (where such use is specifically approved as a conditional use), all runs and other areas where animals are kept shall be located within an enclosed building; and
  - (b) The building shall be suitably insulated to prevent noise from reaching neighboring properties.
- §5.21.12 Veterinarian and animal hospitals are subject to the following standards:
- (a) All kennels and runs and other areas where animals (excluding livestock) are kept shall be located within an enclosed building suitably insulated to prevent noise from reaching neighboring properties; and
  - (b) Enclosures for livestock shall not be located in front of the principal structure and shall be setback no less than twenty (20) feet from any side and rear property line.
- §5.21.13 Zoological gardens, including petting zoos, may be permitted provided all animal enclosures are setback no less than 100 feet from any property line.

### SECTION 5.22 Residential Uses

- §5.22.1 Assisted living facilities are subject to the multi-family density standards of the R-3 district. For the purposes of determining density, each bedroom or two beds, whichever is greater, shall be considered one unit.
- §5.22.2 Boarding and lodging houses are subject to the multi-family density standards of the R-3 district. For the purposes of determining density, each bedroom or two beds, whichever is greater, shall be considered one unit.
- §5.22.3 Congregate residences are subject to the following standards:
- (a) The use shall be located in conjunction with an existing religious use, a college or school, or hospital and shall be located on the same lot or an adjoining lot to such conjoined use; and

## ARTICLE 5. USE REGULATIONS

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- (b) The use is subject to the density standards of the R-3 district. For the purposes of determining density, each bedroom or two beds, whichever is greater, shall be considered one unit.

§5.22.4 Extend stay hotels. [Reserved]

§5.22.5 Manufactured homes in the RMH-1 and RMH-2 districts are subject to the following standards:

- (a) The manufactured home shall be anchored in accordance with the requirements of the Kentucky Building Code and shall meet all manufacturers specifications; and
- (b) The manufactured home, if not placed on a permanent fully enclosed foundation, shall have foundation siding/skirting constructed of fire and weather resistant material such as aluminum, treated pressed wood, or other similar materials, enclosing the entire undercarriage of the manufactured home.

§5.22.6 Qualified manufactured homes may be approved in the R-1, R-1A, R-2, and R-3 districts subject to compatibility with architectural appearance, placement requirements, and similarity with (1) adjacent development or surrounding developments (i.e. on either side of the proposed site within the same block face and adjacent to the rear); (2) development within the same zone or general area; and (3) development within a one-eighth (1/8) mile radius from the proposed location of the qualified manufactured home.

(a) Appearance and Compatibility Standards

- (1) 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.
- (2) 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 four (4) 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).
- (3) Size – The structure must have at least 900 square feet of livable space.
- (4) Windows – Front facing windows must have consistent size, spacing and proportion to that of the adjacent single-family residences.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) Width – The structure shall have a minimum width of the main body as assembled on the site of not less than 20 feet, measured across the narrowest portion and shall fall within the meaning of “qualified manufactured home”.

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- (9) 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 performed in accordance with KRS 227.550 et seq., 815 KAR 25:050, Section 2 and 42 U.S.C. Chapter 70.
- (10) 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.
- (11) Transportation Devices – The structure must have all wheels, axles, and hitch mechanisms removed.
- (12) Block Face – The structure shall appear to face the public street.
- (13) Utilities – The structure shall have utilities connected, in accordance with the city requirements and manufacturer’s specifications.
- (14) Disputes involving the Zoning Administrator 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;
- (b) Restrictions: Nothing in this section shall be construed to affect, modify, or abolish restrictions contained in recorded deeds, covenants, or developer’s subdivision restrictions; and
- (c) 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.

**§5.22.7** Manufactured home parks may be permitted in the RMH-1 subject to the following standards:

- (a) The minimum site shall contain two and one-half (2 ½) acres unless the development is an extension of an existing park;
- (b) Individual manufactured homes located within the park shall have a minimum floor area of 600 square feet. Qualified manufactured homes located within the park shall have a minimum floor area of 900 square feet;
- (c) Individual manufactured homes, if not placed on a permanent fully enclosed foundation, shall have foundation siding/skirting constructed of fire and weather resistant material such as aluminum, treated pressed wood, or other similar materials, enclosing the entire undercarriage; and
- (d) Density shall not exceed one (1) manufactured or qualified manufactured home per every 5,000 square feet of lot area.

**§5.22.8** Second and upper floor residential uses and multi-family uses in the B-1 and B-2 districts are subject to the following standards:

- (a) Density shall not exceed the density provided in the R-3 District (multi-family);
- (b) Parking for the residential units shall be provided in addition to and exclusive of parking provided for any nonresidential use(s) on the lot; and
- (c) Second and upper floor residential uses and multifamily uses shall not be permitted as an accessory or secondary principal use on any lot containing a sexually oriented business.

**§5.22.9** Single family and two-family (duplex) dwellings are permitted in the RMH-1 District contingent upon a designated manufactured home park’s conversion to stick-built

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residential structures. The conversion of a manufactured home park to provide single-family and/or two-family uses is subject to the following standards:

- (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 District (Multi-Family Residential District);
- (b) The owner must first permanently remove the 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 or 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 12.44 units (or 6.22 duplexes). But before these units can be built, all the manufactured homes must be removed from the premises.

Another example: In the same situation, if the one (1) acre lot contains ten (10) manufactured homes, two (2) 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 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;
- (f) 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;
- (g) Each owner wishing to make a conversion of use must first contact the Zoning Administrator with preliminary plans showing pertinent information, as required by Section 3.22;
- (h) The plans must be approved by the Zoning Administrator and an agreement will be entered by the developer outlining the number and when each unit will be removed;
- (i) Each conventional stick built unit or duplex will require the issuance of a building/zoning permit; and
- (j) 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 subsection is not applicable.

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**§5.22.10** Home occupations are subject to the following standard:

- (a) A home occupation must be conducted within a dwelling which is the 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 persons who are other than members of the immediate family occupying such a dwelling shall be employed;
- (f) No more than two rooms or 25% of the gross area of one floor of the 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; and
- (h) The home occupation is not an antique shop, funeral chapel or funeral home, gift shop, restaurant, stable or kennel, tourist home, veterinarians or animal hospital, or involves the renting of manufactured homes.

**§5.22.11** In addition to the standards provided in subsection §5.22.10, a home occupation (limited use) may be permitted by the Zoning Administrator subject to the following standards:

- (a) No on-site customers or customers coming to the home occupation will be allowed. Any customer traffic to the site will require a conditional use permit;
- (b) No outside alterations, modification or change to the existing structure will be allowed. Any minor alteration, modification, or change being made will require a conditional use permit;
- (c) No employees other than the resident of the home will be allowed. Any individual which lives or resides at another location, other than the proposed location of the home occupation to be employed at, the home occupation will require a conditional use permit;
- (d) No manufacturing, construction, or finishing work will be allowed on-site. Any of these activities undertaken at the proposed home occupation will require a conditional use permit;
- (e) No outdoor signs are allowed on-site. Any proposed outdoor signs for the home occupation will require a conditional use permit;
- (f) No additional traffic as a result of the home occupation will be allowed to the site. Additional traffic as a result of the home occupation will require a conditional use permit; and
- (g) No on-site storage of merchandise, inventory, goods or services will be allowed. Any of these activities undertaken at the proposed home occupation will require a conditional use permit.

The Zoning Administrator shall require that the property owner to submit a written affidavit certifying compliance with this subsection.

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### SECTION 5.23 Accommodation Uses

**§5.23.1** Bed and breakfasts are subject to the following standards:

- (a) The use shall be clearly incidental and secondary to the residential use of the property;
- (b) The use shall be carried on only by owners with at least a fifty-one percent (51%) ownership interest, and who reside on the premises;
- (c) The use shall not require external alteration of the dwelling except as may be required to meet fire and building codes;
- (d) Each room to be rented shall be designed and intended to accommodate no more than two persons;
- (e) Each room shall be rented for no longer than seven (7) consecutive days. Any facility which rents rooms for more than seven (7) days shall be regulated as a boarding house;
- (f) The use shall not adversely affect the uses permitted in the notification area and in the immediate neighborhood by excessive traffic generation, noise and the like;
- (g) The owner-operator shall maintain a guest log and other records, which shall be subject to annual review and inspection;
- (h) The use shall not be conducted within any accessory building in a residential zone;
- (i) Food service (breakfast only) is allowed provided it is only offered to registered overnight guests;
- (j) All off-street parking areas shall be completely screened with a fence, wall, or planting in accordance with Section 6.42C;
- (k) The use shall be in compliance with all applicable state and local laws, including Health Department rules and regulations.

**§5.23.2** Campgrounds. [Reserved]

**§5.23.3** Construction worker housing (temporary) is subject to the following standards:

- (a) The use must be in conjunction with an approved and permitted nonresidential development;
- (b) Housing is limited to no more than 365 consecutive days;
- (c) Housing is to be provided to onsite workers only; and
- (d) The use shall be discontinued upon completion of the onsite nonresidential building(s) and/or improvement(s).

**§5.23.4** Hotels and motels. [Reserved]

**§5.23.5** Short-term rentals. [Reserved]

### SECTION 5.24 Public, Civic, and Institutional Uses

**§5.24.1** Cemeteries are subject to the following standards:

- (a) All gravesites and monuments shall be setback no less than forty (40) feet from a public right-of-way and no less than twenty (20) feet from a side and rear property line; and
- (b) The perimeter of the site shall be screened with a fence, wall, or plantings in accordance with Section 6.42C.

**§5.24.2** Community centers. [Reserved]



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- §5.24.3 Convention centers. [Reserved]
- §5.24.4 Crisis counseling centers and domestic violence shelters. [Reserved]
- §5.24.5 Day care centers, day nurseries, and nursery schools. [Reserved]
- §5.24.6 Funeral homes. [Reserved]
- §5.24.7 [Reserved]
- §5.24.8 Libraries, museums, and historical buildings or grounds. [Reserved]
- §5.24.9 Nursing homes and convalescent centers. [Reserved]
- §5.24.10 Parks. [Reserved]
- §5.24.11 [Reserved]
- §5.24.12 Prisons, jails, and transitional centers. [Reserved]
- §5.24.13 Rehabilitation homes and substance abuse treatment centers are subject to the following standards:
  - (a) The use must be licensed by the Commonwealth of Kentucky with proof of licensure or licensure pending zoning approval (when required); and
  - (b) The use is subject to the multi-family density standards of the R-3 district. For the purposes of determining density, each bedroom or two beds, whichever is greater, shall be considered one unit.
- §5.24.14 Religious uses. [Reserved]
- §5.24.15 Schools (elementary, junior high, and equivalent). [Reserved]
- §5.24.16 Schools (senior high and equivalent). [Reserved]
- §5.24.17 Schools (colleges and universities). [Reserved]
- §5.24.18 Schools (trade and business). [Reserved]
- §5.24.19 Shelters (day and homeless). [Reserved]

### **SECTION 5.25 Entertainment, Recreation, and Dining Uses**

- §5.25.1 Amusement parks. [Reserved]
- §5.25.2 [Reserved]
- §5.25.3 Arenas and stadiums. [Reserved]
- §5.25.4 Banquet halls. [Reserved]
- §5.25.5 County clubs. [Reserved]
- §5.25.6 Fairgrounds are subject to the following standards:
  - (a) The site shall contain no less than five (5) acres;

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(b) All structure, tents, enclosures, rides, and displays shall be setback no less than sixty (60) feet from any public right-of-way and forty (40 feet) from any side and rear property line; and

(c) The site shall have direct access to an arterial street.

§5.25.7 Firearm ranges (indoor). [Reserved]

§5.25.8 Food trucks and carts. [Reserved]

§5.25.9 Golf courses including driving ranges and miniature courses. [Reserved]

§5.25.10 [Reserved]

§5.25.11 Recreation (outdoor). [Reserved]

§5.25.12 Restaurant (with outdoor dining). [Reserved]

§5.25.13 Sexually oriented businesses are subject to compliance with the requirements of Ordinance No. 2020-13.

§5.25.14 [Reserved]

§5.25.15 Theaters (outdoor) including amphitheatres. [Reserved]

§5.25.16 Other entertainment, recreation, and dining uses (limited) are subject to the following standards:

(a) The use is contained entirely within an enclosed building;

(b) The gross floor area of the use shall not exceed 2,500 square feet;

(c) The maximum occupancy of the building shall not exceed 25; and

(d) The use shall not constitute a use that is otherwise listed in Table 5.2 or any use which is expressly prohibited within the B-2 District.

### SECTION 5.26 Office Uses

§5.26.1 Data processing and call centers. [Reserved]

§5.26.2 Medical laboratories including blood/plasma collection and dialysis. [Reserved]

§5.26.3 Offices for building contractors, electricians, plumbers, masons, and similar construction or mechanical trades are permitted provided all construction materials and nonmotorized equipment are stored within an enclosed building.

§5.26.4 Offices for nonprofits, business and industry, including corporate offices, are permitted in the I-1 District provided the office use is accessory to or adjoins a permitted principal use to which it is appurtenant.

§5.26.5 Other office uses (limited) are subject to the following standards:

(a) The use is contained entirely within an enclosed building;

(b) The gross floor area of the use shall not exceed 2,500 square feet;

(c) The maximum occupancy of the building shall not exceed 25; and

(d) The use shall not constitute a use that is otherwise listed in Table 5.2 or any use which is expressly prohibited within the B-2 District.

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### **SECTION 5.27 Commercial, Retail, and Personal Services Uses**

- §5.27.1 Auction sales (outdoor) are permitted only as a temporary use and are subject to the provisions of sections 5.39, 5.40, and 5.41.
- §5.27.2 Fireworks sales. [Reserved]
- §5.27.3 Flea markets. [Reserved]
- §5.27.4 Manufactured or modular home sales may be permitted provided all manufactured or modular homes (displays) are setback no less than forty (40) feet from any public right-of-way and no less than twenty (20) feet from any side and rear property line.
- §5.27.5 Retail stores. [Reserved]
- §5.27.6 Wholesale stores are permitted provided the site has direct access to an arterial street.
- §5.27.7 Other commercial, retail, or personal service uses (limited) are subject to the following standards:
- (a) The use is contained entirely within an enclosed building;
  - (b) The gross floor area of the use shall not exceed 2,500 square feet;
  - (c) The maximum occupancy of the building shall not exceed 25; and
  - (d) The use shall not constitute a use that is otherwise listed in Table 5.2 or any use which is expressly prohibited within the B-2 District.

### **SECTION 5.28 Transportation and Communication Uses**

- §5.28.1 Airports. [Reserved]
- §5.28.2 Ambulance and medical transport services. [Reserved]
- §5.28.3 Automobile, bus, heavy truck, and large equipment repair garages (minor and major) are subject to the following standards:
- (a) All vehicles stored overnight in open view of public streets and/or adjoining properties shall be currently licensed. No more than five (5) licensed vehicles stored overnight and visible from a public right-of-way shall be permitted; and
  - (b) All junked, wrecked, or unlicensed vehicles awaiting repair or transport shall be stored in an enclosed building.
- §5.28.4 Boat sales, rentals, repairs, and service are subject to the following standards:
- (a) All boats displayed on the lot for sale or rental shall be setback no less than forty (40) feet from any right-of-way and no less than twenty (20) feet from any side and rear property line; and
  - (b) All service and repair activities shall be conducted within an enclosed building.
- §5.28.5 Bus, heavy truck, and large equipment sales and rentals are permitted provided all vehicles (displayed or stored) are setback no less than twenty (20) feet from any right-of-way and setback no less than ten (10) feet from any side and rear property line.
- §5.28.6 Bus shelters. [Reserved]

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§5.28.7 Heliports. [Reserved]

§5.28.8 Parking areas (principal use) shall be setback no less than fifteen (15) feet from any public right-of-way and shall be setback no less than five (5) feet from any adjoining side and rear yard property line (excluding entrance drives and connecting drives between properties). Parking areas are subject the landscaping requirements of Article 6. Public garages and storages garages shall meet all setbacks applicable to structures in the respective zoning district.

§5.28.9 Towers. In addition to the requirements for a conditional use permit, cellular towers and small cell towers are subject to the review and approval of the Planning Commission in accordance with the requirements of KRS 100.985 et seq. In exercising its review and approval authority, the Planning Commission shall review all cellular tower placement for conformity with the following requirements:

- (a) All cellular antenna towers shall be constructed as a monopole structure, unless stealth technology is used, or unless a waiver is granted;
- (b) All cables and wires shall be installed inside the monopole structure;
- (c) Unless required by state and/or federal regulations, all cellular antenna towers shall be uniform grey or black in color;
- (d) All structures, except fences, shall be located a minimum distance from the property line or lease line of any adjoining property that is equal to one-half (1/2) the height of the tower, but not less than fifty (50) feet;
- (e) A cellular antenna tower, or alternative antenna tower structure, shall not exceed the maximum height requirements listed in the specific zoning district. This also applies to any tower taller than ten (10) feet constructed on the top of another building or structure, with the height being the overall height of building/structure and tower together, measured from the grade to the highest point. Antennas proposed above the maximum height requirements listed in the specific zoning district may request a dimensional variance issued by the Board of Zoning Adjustment;
- (f) Cellular antenna towers shall not be illuminated, except in accordance with state or federal regulations;
- (g) The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, ingress/egress shall only be from approved access points;
- (h) Woven wire or chain link (eighty (80) percent open) or solid fences made from wood or other materials (less than fifty (50) percent open), shall be used to enclose the site. Such fences shall be eight (8) feet in height. Fencing enclosure shall be set back no less than 40' from the public right-of-way;
- (i) Screening shall be provided by evergreen trees, with a minimum height of six (6) feet, planted in a staggered pattern at a maximum distance of fifteen (15) feet on center. The screening shall be placed in a ten (10) foot perimeter area surrounding the compound;
- (j) Any site to be purchased or leased for the installation of a cellular antenna tower, or alternative antenna tower, and ancillary facilities, shall be at least two thousand five hundred (2,500) square feet in area, unless located on a preexisting structure such as a building, water tank, etc;
- (k) Surfacing of all driveways and off-street parking areas shall comply with all City of Oak Grove requirements;
- (l) There shall be no signs permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs which are

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required by a federal, state, or local agency. Such signs shall not exceed five (5) total square feet in area;

- (m) All new cellular antenna towers shall be designed and constructed to accommodate a minimum of three (3) additional service providers;
- (n) All option and site lease agreements shall not prohibit the possibility of co- location;
- (o) In a residential zone, cell towers shall be located on lots (or portions thereof) that would have the least impact on the natural setting and adjacent properties;
- (p) A cell tower in a residential district must employ the use of stealth technology in the form of an alternative tower structure such as a flagpole, light pole, or steeple so that it is compatible with the natural setting and surrounding structures as determined by the Planning Commission; and
- (q) The Planning Commission may allow for non-dimensional waivers in this section. The purpose is to allow some flexibility in dealing with unique issues that are outlined below.
  - (1) An application requesting a waiver, and any additional documentation necessary to meet the requirements of this section shall be submitted for review,
  - (2) The Planning Commission shall hold at least one public hearing after giving notice as according to KRS 424 for the purposes of reviewing the requested waiver,
  - (3) After the public hearing, the Planning Commission may approve, approve with conditions, or disapprove the requested waiver, and
  - (4) The Planning Commission may grant a waiver to these regulations balanced against the public interest, providing the Planning Commission finds that the waiver will not be detrimental to the public interest and that the jurisdiction where the proposed small cell tower is to be located approves the waiver, and at least one of the following criteria apply:
    - a. That strict compliance with these regulations will create a hardship or unsafe situation in the face of unusual conditions;
    - b. That granting the waiver creates a situation more in keeping with unique character within the general vicinity;
    - c. That the requested waiver better meets the objectives of these regulations;
    - or
    - d. That granting the waiver creates a safer situation than strict compliance with these regulations.

**§5.28.10** Towing services are subject to the following standards:

- (a) Excluding towing service vehicles, all vehicles stored overnight in open view of public streets and/or adjoining properties shall be currently licensed. No more than five (5) licensed vehicles stored overnight and visible from a public right-of-way shall be permitted; and
- (b) All junk, wrecked, or unlicensed vehicles awaiting repair or transport shall be stored in an enclosed building.

**§5.28.11** Trailer sales and rentals are subject to the following standards:

- (a) The site shall have direct access to an arterial or collector street; and
- (b) No trucks or trailers shall be parked or stored within forty (40) feet of a public right-of-way or closer than ten (10) feet from an adjoining property line.

**§5.28.12** Truck and transfer terminals are subject to the following standards:

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- (a) The site shall have direct access to an arterial or collector street; and
- (b) No trucks or trailers shall be parked or stored within forty (40) feet of a public right-of-way or closer than ten (10) feet from any side and rear property line.

### SECTION 5.29 Industrial and Utility Uses

- §5.29.1 Chemical manufacturing shall not be located closer than 500 feet from a residential zoning district. This distance is measured in a straight line, without regard to intervening structures, from the property line of the site to the nearest boundary of residentially zoned property.
- §5.29.2 Crematories shall not be located closer than 500 feet from a residential zoning district. This distance is measured in a straight line, without regard for intervening structures, from the property line of the site to the nearest boundary of residentially zoned property.
- §5.29.3 [Reserved].
- §5.29.4 Explosives, propellants, and pyrotechnic manufacturing, testing, storage, and use shall not be located closer than 1,000 feet from a residential zoning district. This distance is measured in a straight line, without regard for intervening structures, from the property line of the site to the nearest boundary of residentially zoned property.
- §5.29.5 [Reserved].
- §5.29.6 Hazardous waste management facilities shall not be located closer than 1,000 feet from a residential zoning district. This distance is measured in a straight line, without regard for intervening structures, from the property line of the site to the nearest boundary of residentially zoned property.
- §5.29.7 Mineral and gas (including other hydrocarbon substances) exploration, mining, and other extractive manufacturing. [Reserved]
- §5.29.8 Petroleum storage (primary use) when stored above ground shall not be located closer than 1,000 feet from a residential zoning district. This distance is measured in a straight line, without regard for intervening structures, from the nearest above ground storage tank on the site to the nearest boundary of residentially zoned property.
- §5.29.9 Recycling collection centers are permitted provided all containers are setback no less than fifty (50) feet from any property line. Rear and side yards shall be screened in accordance with Section 6.42C.
- §5.29.10 Recycling plants shall not be located closer than 500 feet from a residential zoning district. This distance is measured in a straight line, without regard for intervening structures, from the property line of the site to the nearest boundary of residentially zoned property.
- §5.29.11 Rendering plant shall not be located closer than 1,000 feet from a residential zoning district. This distance is measured in a straight line, without regard for intervening structures, from the property line of the site to the nearest boundary of residentially zoned property.
- §5.29.12 Salvage yards are subject to the following standards:

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Because of the nature and character of their operations, salvage yards, including motor vehicle wrecking, junk yards, and similar uses of land, can have a decidedly detrimental effect upon surrounding properties. Salvage 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 and approved by the Oak Grove Board of Zoning Adjustment. For the purpose of this Ordinance, junk yards, motor vehicle 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. This distance is measured in a straight line, without regard for intervening structures, from the property line of the site to the nearest boundary of residentially zoned property.
- (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 eight (8) 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 6.42A.
- (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 Kentucky Transportation Cabinet. The maximum number of vehicular access driveways for salvage yards having frontage on a city street may be restricted by the Board of Zoning Adjustment upon recommendation from the Oak Grove Public Works Department.

**§5.29.13** Slaughterhouses shall not be located closer than 1,000 feet from a residential zoning district. This distance is measured in a straight line without regard to intervening structures, from the property line of the site to the nearest boundary of residentially zoned property.

**§5.29.14** [Reserved].

**§5.29.15** Storage and supply yards shall be contained within a fenced or walled enclosure (excluding entrance and exit drives). The fence or wall shall be eight (8) feet in height and of an opacity sufficient to prevent the visibility of the stored material. Storage outside of or visible above the fenced or walled enclosure is prohibited. Any fence or wall erected for screening purposes shall comply with requirements of Section 6.42A.

**§5.29.16** Utilities, major [Reserved]

**§5.29.17** Warehouses, storage (limited) are permitted provided the site has direct access to an arterial street.

**§5.29.18** Warehouses, storage (including the storage of paints, shellac, turpentine, varnishes, fertilizers, produce, chemicals, explosives, propellants, pyrotechnics, and petroleum products) may be permitted subject to the following standards:

- (a) The site shall have direct access to an arterial street; and

## **ARTICLE 5. USE REGULATIONS**

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- (b) The use is located no closer than 500 feet from a residential zoning district. This distance is measured in a straight line without regard for intervening structures, from the closest portion of the warehouse building to the nearest boundary of residentially zoned property.

### **SECTIONS 5.30 Uses Located in the RMH-1 District**

Where uses (excluding utilities and manufactured homes) are permitted with specific use standards or as a conditional use in the RMH-1 District, such uses shall not be located on the same lot with a manufactured home.

### **SECTIONS 5.31 to 5.35 Reserved**



# ARTICLE 5. USE REGULATIONS

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## DIVISION III. TEMPORARY USES

### SECTION 5.36 General Requirements

- A. The Zoning Administrator may issue building/zoning permits for temporary uses of a limited duration and intensity subject to the provisions of this Division. The following general requirements shall apply to all temporary uses:
1. Permanent changes to the lot are prohibited, including tree removal;
  2. Temporary pervious parking areas are required if sufficient parking does not exist on the lot;
  3. Temporary uses or associated activities shall not cause the elimination of required off-street parking;
  4. Except where specifically varied by this Division, all temporary uses and associated structures shall be subject to the dimensional standards of the district including observing all required setbacks; and
  5. No use which is prohibited by the terms of this Ordinance or is listed as a “use not allowed” within the district of intended use by Table 5.2 shall be permitted as a temporary use.
- B. Temporary uses, associated with a special event as defined by Article 2, are allowed as part of a permitted arena, fairgrounds, or convention center use. Special events at these permitted facilities do not require a separate building/zoning permit provided that the conditions of the original building/zoning permit and subsection A are met.

### SECTION 5.37 Contractor’s Construction or Storage Trailer/Unit

A contractor’s construction or storage trailer/unit may be permitted by the Zoning Administrator in conjunction with an approved development project for which a building/zoning permit has been issued. The trailer/unit shall be located on the same lot(s) as the permitted project and may not be occupied as a dwelling or provide sleeping accommodations. The contractor’s construction or storage trailer/unit shall be removed within thirty (30) days of issuance of a certificate of occupancy for the project.

### SECTION 5.38 Portable Storage Units

The Zoning Administrator may authorize the placement of a portable storage unit subject to the following standards:

1. No more than one (1) portable storage unit may be placed on a lot at any one (1) time;
2. The portable storage unit shall not be located closer than fifteen (15) feet from a street right-of-way and shall be setback a minimum of five (5) feet from any side and rear property line;
3. The portable storage unit shall not exceed twenty-four (24) feet in length, eight (8) feet in width, or nine (9) feet in height;
4. The unit must be for storage only and shall not have plumbing or electrical service; and
5. A portable storage unit shall not be placed on a lot for more than thirty (30) consecutive days nor more than forty-five (45) cumulative days in any calendar year.

### SECTION 5.39 Open Air and Seasonal Sales; Fundraising Events

- A. Open air sales, roadside stands, street vending and carting, agricultural markets (temporary) and seasonal sales, such as the sale of Christmas trees, pumpkins, and produce, are permitted in the B-1 and B-2 districts, as a temporary use provided such sales do not exceed fifteen (15) consecutive days and all other applicable codes, including sanitations and electrical codes, are met. The Zoning

## **ARTICLE 5. USE REGULATIONS**

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Administrator may authorize up to four (4) permits, not to cumulatively exceed sixty (60) days per lot in a calendar year.

- B. Any public, civic, or institutional use (as listed in Table 5.2) may conduct periodic fundraising events involving onsite open air sales, auctions, or similar outdoor activities such as a fundraiser involving a carwash. The Zoning Administrator may authorize up to five (5) permits, not to cumulatively exceed fifteen (15) days per lot in a calendar year.

### **SECTION 5.40 Yard and Rummage Sales; Estate Sales and Auctions**

- A. Yard and rummage sales (including estate sales and auctions) are permitted on any lot containing a residential structure provided that the duration of such sales does not exceed two (2) consecutive days. The Zoning Administrator may authorize up to four (4) permits, not to cumulatively exceed eight (8) days per lot in a calendar year.
- B. Estate sales and auctions are permitted on any lot within the City of Oak Grove provided that the sale or auction occurs on the property that is to be sold and/or includes furnishings, fixtures, or other items appurtenant to onsite structures or uses. Estate sales and auctions shall not occur on any lot more than on two (2) days within any calendar year.

### **SECTION 5.41 Events of Special Public Interest**

The City Council may, by resolution, designate events of special public interest. The City Council may establish, or authorize the Zoning Administrator to establish, the requirements and location restrictions for vendors, open air sales, parking lot/sidewalk sales, outdoor entertainments, signs, and other event related activities.

### **SECTIONS 5.42 to 5.99 Reserved**

**ARTICLE 5. USE REGULATIONS**

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**ARTICLE 5. USE REGULATIONS**

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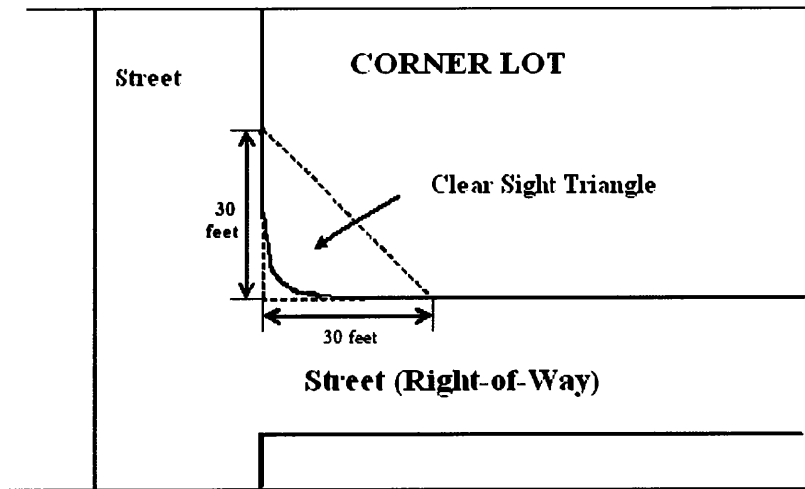
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# ARTICLE 6. SUPPLEMENTAL ZONING STANDARDS

## DIVISION I. GENERAL STANDARDS

### SECTION 6.0 Obstruction of Vision at Street Intersections

- A. Obstruction to vision at street intersections is prohibited. 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.



**Illustration of Sight Triangle**

- B. 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, except that shade trees will be permitted where all branches are not less than eight (8) feet above the street level. The minimum sight distances which shall be maintained for intersections are provided in Table 6.1B.

<i>Street</i>	<i>Low Density</i>	<i>Medium Density</i>	<i>High Density</i>	<i>Non-residential</i>
Local	200'	200'	200'	250'
Minor arterial	200'	200'	240'	250'
Major arterial	275'	275'	300'	300'

- C. No obstruction shall be placed in the right-of-way.

### SECTION 6.1 Reduction of Lot Size

No lot shall be reduced in area so that yards, lot area per dwelling unit, lot width, building area, or other lot dimensions fail to meet the minimum requirements of this Ordinance. This section does not apply when a portion of a lot is acquired for a public purpose.

## **ARTICLE 6. SUPPLEMENTAL ZONING STANDARDS**

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### **SECTION 6.2 Lot Access to Street**

No building/zoning permit shall be issued for and no building shall be erected on any lot within the City unless the street giving access to the lot upon with the building is proposed to be placed shall have been accepted or opened as a public street prior to that time, or unless:

1. Such street corresponds in its location and lines with a street shown on a recorded subdivision plat approved by the Planning Commission and such approval is entered in writing on the plat; and
2. Sufficient surety has been posted and maintained to guarantee the completion and acceptance of the street.

### **SECTION 6.3 Essential Services Required**

- A. No development shall be undertaken unless appropriate documentation has been provided on the availability of the following basic services:
  1. Water supply of acceptable quality and quantity to satisfy demand for potable water and firefighting service (including the provision of fire hydrants);
  2. Access and service by public sanitary sewer; and
  3. Electric power supply.
- B. The non-availability of essential services, including but not limited to, water supply, sanitary sewer, and electric power shall be grounds for denying building/zoning permits for development until such services are available. The City of Oak Grove or its duly authorized franchisees are not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services shall be by and at the cost of the developer, unless the City agrees otherwise. All service extensions shall be designed and installed in full conformance with the City or its franchisees' standards for service, and shall be subject for review, permit, and inspection as required by other policies or ordinances of the City.
- C. In cases where public water or sewer services are unavailable to a lot and the lot exceeds the maximum distance requirements for mandatory connection, permits may be issued for site, provided that the site meets the applicable lot size requirements of the Christian County Health Department and appropriate permits and approvals from the health department have been issued.

### **SECTION 6.4 Corner Building Sites**

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.

### **SECTION 6.5 Double Frontage (Through) Lots**

On lots having frontage on more than one street but not located on a corner, the minimum front yard required for the district within which the lot is located shall be applicable for each street on which the lot fronts. On lots fronting on more than two streets, the minimum front yard shall be provided for two (2) street frontages.

## **ARTICLE 6. SUPPLEMENTAL ZONING STANDARDS**

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The remaining frontage or frontages will be considered a side yard(s) and shall comply with the provisions of Section 6.4.

### **SECTION 6.6 One Principal Building on a Lot**

Only one (1) principal building and its customary accessory buildings shall be erected on a lot within the R-1, R-1A, R-2, and RMH-2 districts.

### **SECTION 6.7 Illumination of Uses**

Lighting used to illuminate signs, parking areas, or for other purposes shall be so arranged that the source of the light does not shine directly into adjacent residential properties and does not interfere with traffic (see also the special lighting standards for FCAZ districts in Article 4 of this Ordinance.)

### **SECTION 6.8 Storage of Junked or Wrecked or Salvage Materials**

- A. The outdoor storage of three (3) or more junked or wrecked: motor vehicles, major recreational equipment, large machines, or appliances; or the storage of scrap or salvage materials (as defined in Article 2 – Salvage Yards and Junk or Wrecked) is prohibited except in an approved and licensed salvage yard. This subsection shall not apply to uses exempted by the definition of salvage yards in Article 2.
- B. Notwithstanding the provisions of Article 8 (Nonconformities), all junk or wrecked: motor vehicles, major recreational equipment, large machines, or appliances; or the outdoor storage of scrap or salvage materials that is visible from a public right-of-way shall be moved to a licensed salvage yard within one (1) year of the effective date of this Ordinance.
- C. This section shall not be construed or implemented to amend Ordinance 2015-6 or otherwise constrain the City's ability to enforce the provisions thereof.

### **SECTION 6.9 Outdoor Storage and Processing**

In the B-1 and B-2 districts, no outdoor storage of merchandise or materials and no outdoor processing shall be allowed unless authorized as a conditional use.

### **SECTION 6.10 Traffic Impact Mitigation**

All developments shall be designed to minimize the adverse impacts of traffic generation on adjacent streets and to provide and maintain safe points of ingress and egress. As part of the site plan review process or the review of a conditional use permit as provided in Article 3, the Zoning Administrator or Board of Zoning Adjustment may require the submission of a traffic impact study for any use or development anticipated to generate 500 or more vehicular trips during peak hour as determined by the Institute of Transportation Engineers, Trip Generation Manual (latest edition). The Administrator or BZA may require the implementation of traffic mitigation measures in cases where the Level of Service is reduced on adjacent streets as a result of the development.

### **SECTION 6.11 through 6.19 Reserved**

# ARTICLE 6. SUPPLEMENTAL ZONING STANDARDS

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## DIVISION II. ACCESSORY BUILDINGS & STRUCTURES

### SECTION 6.20 Accessory Buildings in General

Accessory buildings are permitted in all zoning districts and, except as may be provided elsewhere in this Ordinance, are subject to the following standards:

1. Location. An accessory building shall not be placed in any required front yard and shall not project beyond the front building line established by the lot's principal building. Accessory buildings shall not be placed closer than five (5) feet from any rear or side property line and shall be located on the same lot as the main use or building.
2. Height. The height of any accessory buildings shall not exceed fourteen (14) feet in any residential district. In commercial and industrial districts, accessory buildings shall not exceed the height of the principal building and shall in no instance exceed the maximum structure height of the district; provided, accessory buildings exceeding fourteen (14) feet in height in the commercial and industrial districts shall meet the rear and side yard setbacks applicable to the principal building on the lot;
3. Building Coverage: The area occupied by all accessory buildings on a lot shall not exceed twenty-five (25) percent of the total lot area. In residential zones, all accessory buildings on a lot shall not cumulatively exceed fifty (50) of the gross floor area (ground floor) of the principal building;
4. 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; and
5. 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.
6. Exceptions: Exceptions to this section include:
  - (a) Canopies and pumps for retail establishments selling fuel oils, may be placed in front of the principal building, provided all setbacks, otherwise applicable to the principal building, are met;
  - (b) Automated teller machines (and associated building) may be located in front of the principal building of a bank or lending institution provided all setbacks, otherwise applicable to the principal building, are met; and
  - (c) Accessory buildings for temporary structures and uses as provided in Article 5 may be placed in front of the principal building subject to the setback requirements affecting such uses.

### SECTION 6.21 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



## **ARTICLE 6. SUPPLEMENTAL ZONING STANDARDS**

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and provided the cornice, eaves or overhang shall not extend more than six (6) inches into the required side yard area.

### **SECTION 6.22 Carports**

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 nearest projection 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; and
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.

### **SECTION 6.23 Fences, Walls, and Hedges**

Fences, walls, and hedges may be placed in any required yard; provided, no fence, wall or hedge 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. In no instance, shall a fence, wall, or hedge be placed in a manner that impedes vision at a driveway or intersection (see Section 6.0).

### **SECTION 6.24 through 6.29 Reserved**

# ARTICLE 6. SUPPLEMENTAL ZONING STANDARDS

## DIVISION III. PARKING AND LOADING STANDARDS

### SECTION 6.30 Off-Street Parking Required

- A. Off-street parking shall be provided for all uses hereafter established (including a change of use for an existing building or structure) or at such time as any building or structures is erected, enlarged, or increased in capacity. Permanent off-street parking shall be provided, at a minimum, in accordance with the Table 6.30 “Parking Chart” and Table 5.2 “Schedule of Uses.”

<b>Parking Code</b>	<b>Minimum Parking Spaces Required</b>
<b>A</b>	One (1) parking space per apartment unit.
<b>B</b>	One and one-half (1 ½) parking spaces per dwelling unit.
<b>C</b>	One and one-half (1 ½) parking spaces per one (1) bedroom dwelling; two (2) parking spaces per dwelling containing two (2) or more bedrooms.
<b>D</b>	Two (2) parking spaces per dwelling unit.
<b>E</b>	One (1) space per guest bedroom.
<b>F</b>	One (1) parking space for each three (3) boarders not rooming on the premises. One (1) parking space for each two (2) beds provided for overnight guests.
<b>G</b>	One (1) parking space per every three (3) beds.
<b>H</b>	One (1) parking space per each guest room or suite.
<b>I</b>	One (1) parking spaces per every 200 square feet of net floor area.
<b>J</b>	One (1) parking spaces per every 225 square feet of net floor area.
<b>K</b>	One (1) parking space per every 250 square feet of net floor area plus one (1) space per every service vehicle used in connection with the use.
<b>L</b>	One (1) parking space per every 300 square feet of net floor area.
<b>M</b>	One (1) parking space per every 400 square feet of net floor area.
<b>N</b>	One (1) parking space per every three (3) occupants that the facility is designed to accommodate when fully utilized (for buildings this is the occupancy rating per the Kentucky Building Code) plus one (1) parking space per every 200 square feet of net floor area of office space.
<b>O</b>	One (1) parking space per every four (4) seats or one (1) parking space per every thirty (30) square feet of auditorium net floor area, whichever is greater.
<b>P</b>	Three (3) parking spaces for each service bay plus one (1) parking space for every 200 square feet of net floor area of office space.
<b>Q</b>	One (1) parking space per every 200 square feet of net floor area or one (1) parking space per every three (3) fixed seats, whichever is greater.
<b>R</b>	One (1) parking space per every three (3) seats plus space to accommodate all vehicles used in connection with the use.
<b>S</b>	Five (5) parking spaces per acre or fraction thereof plus one (1) parking space for every 200 square feet of net floor area.
<b>T</b>	Two (2) parking spaces per barber and three (3) parking spaces per beautician.

## ARTICLE 6. SUPPLEMENTAL ZONING STANDARDS

**Table 6.30  
Parking Chart**

<b>Parking Code</b>	<b>Minimum Parking Spaces Required</b>
<b>U</b>	One (1) parking space per every 250 square feet of net floor area of office space.
<b>V</b>	One (1) space per 550 square feet of gaming and commercial area plus one (1) space per each two (2) employees and, if applicable, one (1) space per five (5) race track seats.
<b>W</b>	Five (5) spaces for lots greater than one (1) acre plus (if provided as part of a permitted use): one (1) space for every 200 square feet of office floor area, plus; one (1) space for every thirty (30) square feet of water area (public pools and water recreation excluding water bodies for fishing or boating), plus; two (2) spaces per court (tennis), plus; five (5) spaces per court (basketball), plus; fifteen (15) spaces per diamond or field (baseball, softball, or soccer), plus; two (2) spaces per golf tee, and plus; five (5) spaces per amusement ride.
<b>X</b>	Two (2) spaces per attendant or teacher, plus one (1) off-street loading space per six (6) children enrolled.
<b>Y</b>	Five (5) parking spaces per parlor or chapel unit or one (1) parking space per four (4) seats, whichever is greater.
<b>Z</b>	One (1) per two (2) employees on the maximum work shift plus space to accommodate all trucks and other vehicles in connection therewith.
<b>AA</b>	Two (2) spaces per three (3) teachers and other employees, plus one (1) space per five (5) seats in the auditorium or one (1) space per classroom, whichever is greater.
<b>BB</b>	Two (2) spaces per three (3) teachers and other employees, plus one (1) space per five (5) seats in the auditorium.
<b>CC</b>	One (1) space per five (5) seats.
<b>DD</b>	One (1) space per three (3) patient beds, exclusive of bassinets, plus one (1) space per staff doctor and one (1) space per three (3) employees on the maximum work shift.
<b>EE</b>	Two (2) parking spaces (minimum standard) for home occupations. For all other uses, one (1) space for every three (3) occupants the facility is designed to accommodate at maximum capacity (minimum standard). The Board of Zoning Adjustments may require additional parking pursuant to the specific standards for granting a conditional use permit as provided in Article 3.

B. In determining required parking spaces, the following shall apply:

1. The parking codes, as provided in Table 6.30, are assigned to the various uses by Table 5.2 "Schedule of Uses";
2. Accessory uses are calculated using the formula applicable to the principal use of the property and are considered inclusive of the total required for the principal use of property;
3. In cases of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately; and
4. Where a fractional space results, any fraction less than one-half may be dropped and any fraction of one-half or more shall be counted as one (1) parking space.

C. *Parking for Existing Buildings and Uses.* Lawfully established buildings and uses with parking lots existing prior to the adoption of this Ordinance are not required to provided parking spaces as provided by subsection A, provided no structural enlargement of the building, change of use, or

## ARTICLE 6. SUPPLEMENTAL ZONING STANDARDS

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increase in occupancy occurs; however, no nonconforming parking lots or spaces shall hereafter be reduced in area or number. For building enlargements, changes of use, or increases in occupancy, the following shall apply:

1. Building enlargements consisting of an increase of less than fifty (50) percent of the gross floor of the existing building shall require compliance with the standards of subsection A for only the enlarged portion of the building. Increases of fifty (50) percent or more will require full compliance with subsection A;
2. Any change of use shall require full compliance with subsection A; and
3. Increases in building occupancy of fifty (50) percent or more above existing occupancy shall require full compliance with subsection A.

### SECTION 6.31 Location Requirements

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 the building or use requiring such parking.

### SECTION 6.32 Cooperatively Established Parking; Reduction Authorized

In cases of mixed or joint uses or in cases provided in Section 6.31, parking lots and spaces required for the varying uses may be shared, provided the uses generate parking demands at different times (e.g. if one use operates during the evenings and weekends only and the other use operates during the weekdays only.) The applicant shall have the burden of proof for a reduction in the total number of required parking spaces and shall provide documentation to include covenants, deed restrictions, or other agreements to ensure conformance with the provisions of this Ordinance.

### SECTION 6.33 Parking Space Size; Handicapped Parking

- A. The size of a parking space for one vehicle shall consist of a rectangular area no less than 180 square feet (see "parking space" definition in Article 2). For parking spaces that adjoin a median at the end of a parking bay or adjoin a median separating parking spaces in a row of parking, the width of the parking space shall be expanded to eleven (11) feet.
- B. Parking spaces necessary to provide accessibility and handicapped parking shall comply with the requirements of the American National Standards Institute (ANSI A-117).

### SECTION 6.34 Parking and Loading Area Design and Construction Requirements

- A. *General Standards.* Except for one and two-family dwellings, off-street parking and loading areas shall be constructed, maintained, and operated in accordance with the following standards:
  1. Access to parking and loading facilities shall be designed so as not to obstruct the free flow of traffic;
  2. There shall be adequate provision for ingress and egress to all parking spaces to ensure ease of mobility, ample clearance, and safety of vehicles and pedestrians. Each space shall be located so that no vehicle is required to back into the street for ingress or egress;

## ARTICLE 6. SUPPLEMENTAL ZONING STANDARDS

3. In developments where vehicles may be expected to wait (including, but not limited to drive-through restaurants and banks), adequate stacking space shall be required;
4. Parking and loading areas including access drives shall be graded for drainage and surfaced with concrete, asphaltic concrete, asphalt, or porous paving blocks. All parking spaces shall be stripped and clearly delineated. All parking and loading areas shall be maintained in proper condition, free of weeds, dust, trash, and debris. If on the effective date of this Ordinance there exists lots on which the parking facilities are not required to be surfaced, they shall be maintained in a proper condition as provided above;
5. Parking and loading areas shall observe a minimum setback of ten (10) feet from the street's right-of-way and shall not conflict with any public utility or drainage easement. When parking spaces are arranged adjacent to a street, vegetative screening shall be provided along street right-of-ways, no more than three (3) feet in height. Screening shall be arranged as to not infer with visibility at driveways. Parking or loading areas which abut a residential district or use shall observe a minimum setback of ten (10) feet from the residential property line or district boundary. Screening shall be provided along any yard abutting a residential district. Screening shall consist of a continuous planting, hedge fence, wall, or landscaped earthen mound in accordance with Division IV of this Article;
6. The minimum width of driving aisles shall be in accordance with the requirements of Table 6.34. Only one-way traffic shall be permitted in driving aisles serving single-row parking spaces placed at an angle other than 90 degrees.

<b>Table 6.34 Driving Aisle Width</b>	
<b>Parking Angle</b>	<b>Minimum Driving Aisle Width (Cross-Directional)</b>
60 degrees	20 feet
90 degrees	24 feet
Driving Aisle without Parking	20 feet

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

7. The minimum width of driveways at a property line shall be twenty-four (24) feet for cross-directional traffic and twelve (12) feet for one-directional traffic. The maximum width of driveways at the property line shall be thirty-six (36) feet.
8. The minimum distance of any driveway to the property line shall be seven (7) feet. The minimum distance between driveways on the site and driveways between adjacent sites shall be sixty-five (65) feet. 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.
9. Wheel stops shall be provided in parking lots without curbing. The vehicle side of the wheel stop shall be no more than eighteen (18) inches from the end of the parking space;
10. Where sidewalks occur in parking lots, parked vehicles shall not overhang or extend over the sidewalk. In these parking facilities, wheel stops shall be provided even if the parking facility has curbing;

## ARTICLE 6. SUPPLEMENTAL ZONING STANDARDS

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11. Not more than twenty (20) continuous parking spaces shall be allowed in a row of parking without separation by a landscaped median (planting island). All medians shall be at least twelve (12) feet wide unless specified otherwise. A median of at least fifteen (15) feet in width shall be at the end of each parking bay (see also Section 6.44); and
  12. If a parking lot 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.
- B. *Exceptions.* For home occupations and temporary uses, the provisions of Subsection A(3), A(4)(surfacing requirement), A(5), A(6), A(7), A(8), and A(9) are not applicable provided the Zoning Administrator or BZA (conditional uses for home occupations and certain temporary uses) determines the proposed parking spaces and lots would meet the applicable requirements of Article 5 (Temporary Uses) or Article 3 (Specific Criteria for Conditional Uses).
- C. *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.
- D. *Multi-Level Parking Facilities.* Parking facilities on more than one (1) 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 multi-level facilities shall be subject to the approval of the Zoning Administrator with respect to layout, circulation, accommodations for pedestrians, and ingress/egress affecting safety and convenience.

### SECTION 6.35 Off-Street Loading Requirement

- 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 useable floor space plus one (1) space per 40,000 square feet of useable floor area in the excess of 10,000 square feet.
- C. Where heavy 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.

### SECTION 6.36 Storage and Parking of Trailers and Commercial Vehicles

Commercial vehicles, buses, trailers, and recreational vehicles 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:

1. Not more than one (1) commercial vehicle or bus, which does not exceed two and one half (2 ½) tons and including heavy trucks, per family living in the premises, shall be permitted and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted; and
2. A recreational vehicle, hauling trailer, or boat trailer are permitted to be parked on the premises. A recreational vehicle shall not be parked or stored for more than seventy-two (72) hours unless

## **ARTICLE 6. SUPPLEMENTAL ZONING STANDARDS**

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it is located behind the front building line, nor shall such recreational vehicle be occupied permanently while it is parked or stored within the City of Oak Grove.

**SECTION 6.37 through 6.39 Reserved**

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# ARTICLE 6. SUPPLEMENTAL ZONING STANDARDS

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## DIVISION IV. BUFFERING AND LANDSCAPING

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### SECTION 6.40 Purpose

The intent of this Division is to improve the appearance of properties, parking lots, and property abutting public rights-of-way; to provide standards for buffering between incompatible land uses; to protect, preserve, and promote the aesthetic appeal of properties, character, and value of surrounding neighborhoods; and to promote public health and safety through the reduction of noise and air pollution.

This Division provides the minimum standards for:

1. The screening and buffering of uses designed with outdoor storage, for supply yards and salvage yards, service areas, and other uses where required by this Ordinance;
2. Perimeter landscape reserves and landscaping for certain developments; and
3. Landscaping for parking lots.

### SECTION 6.41 Landscaping and Screening Materials; Maintenance and Safeguards; Plan

A. *Acceptable Landscaping Materials.* Landscaping materials required by this Division shall consist of the following:

1. 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 Division. Chain link fencing may be installed in the required perimeter landscaping area only if it is in addition to the required continuous planting, hedge, fence, wall, or earthen mound. Except where a more stringent standard is required (e.g. salvage yards), all required walls or fences shall have a minimum opacity of eighty (80) percent.
2. Earthen mounds – Earthen mounds shall be physical barriers which block or screen the view similar to a hedge, fence, or wall. Earthen 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 earthen mound.
3. Plants – All plant material shall be living plants (artificial plants are prohibited) and shall meet the following requirements:
  - a. 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.
  - b. 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.
  - c. 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.



## ARTICLE 6. SUPPLEMENTAL ZONING STANDARDS

Table 6.41 provides a listing of deciduous and evergreen trees that are acceptable and recommended for landscaping in the City of Oak Grove. The Administrator may authorize an alternate tree species upon a determination that such alternate species is of similar hardiness and appearance and is not listed as undesirable by Table 6.41B:

<b>Table 6.41</b>	
<b>Recommended Tree Plantings</b>	
<b>SMALL TREES (under 26 feet)</b>	
<b>Tree</b>	<b>Species Name</b>
Amur Maple	Acer ginnala
Trident Maple	Acer buergeranum
Japanese Maple	Acer palmatum
American Hornbeam	Carpinus caroliniana
Flowering Dogwood	Cornus florida
Kousa Dogwood	Cornus kousa
Corneliacherry Dogwood	Cornus mas (tree form)
Lavalle Hawthorn	Crataegus x lavallei
Washington Hawthorn	Crataegus phaenopyrum
Serviceberry	Amelanchier sp.
Redbud	Cercis canadensis
Sweetbay Magnolia	Magnolia virginiana
Flowering Cherry	Prunus sp.
<b>MEDIUM TREES (26 to 50 feet)</b>	
<b>Tree</b>	<b>Species Name</b>
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
<b>LARGE TREES (over 50 feet)</b>	
<b>Tree</b>	<b>Species Name</b>
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

## ARTICLE 6. SUPPLEMENTAL ZONING STANDARDS

<b>Table 6.41</b>	
<b>Recommended Tree Plantings</b>	
<b>LARGE TREES (Over 50 feet)</b>	
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"

<b>Table 6.41B</b>	
<b>Undesirable/Ineligible Tree Plantings</b>	
<b>Tree</b>	<b>Species Name</b>
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 triancanthos (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.

- d. 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.
- e. Vines – Shall be at least twelve (12) to fifteen (15) inches high at planting and are generally used in conjunction with walls or fences.
- f. 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.

## ARTICLE 6. SUPPLEMENTAL ZONING STANDARDS

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- B. *Installation and Maintenance.* 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. 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 Zoning Administrator to refuse a building/zoning permit or certificate of occupancy and/or will be subject to the enforcement for violation provisions of Article 3.
- C. *Standards and Safeguards.* The placement of landscaping materials shall observe the following standards:
1. No public or privately owned tree or other landscaping material 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 or drive (see also Section 6.0).
  2. No tree listed as an undesirable species shall be used to meet the requirements for landscaping as provided herein;
  3. No tree shall be planted underneath overhead utility lines;
  4. No tree or other landscaping material (excluding grass and ground cover) shall be planted between the sidewalk and the street;
  5. No tree or other landscaping material shall be planted in any right-of-way; and
  6. No tree or other landscaping material (excluding grass and ground cover) 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.
- D. *Landscaping Plan Required.* All developments subject to the requirements of this Division shall submit, as part of an application for a building/zoning permit, a landscaping plan (see Section 3.22).

### SECTION 6.42 Screening and Buffering of Storage, Service Areas, and Other Uses

- A. *Outdoor storage.* Outdoor areas used for storing manufactured products, materials used in manufacturing, and wholesale commodities, when accessory to a permitted use, shall be screened with a solid wall or fence with a minimum height of six (6) feet. Salvage yards and supply yards shall be screened with a solid wall or fence with a minimum height of eight (8) feet. The wall or fence shall fully enclose the outdoor storage area. When outdoor storage areas adjoin a residential district, the wall or fence shall be setback no less than ten (10) feet from the common property boundary.
- B. *Service Structures.* Excluding one and two-family residential uses, a continuous planting, hedge, fence, wall or earthen mound shall enclose any dumpster, compactor, or other trash or refuse container/structure (service structure) on all sides unless such structure must be frequently moved, in which case screening on all but one (1) side is required. Service structures and their screened enclosures shall be located behind the building line. In addition:
1. 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.

## ARTICLE 6. SUPPLEMENTAL ZONING STANDARDS

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2. Whenever a service structure is located next to a building or wall, perimeter landscaping material or parking lot 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;
  3. 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;
  4. Whenever screening material is placed around any service structure, 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.
- C. *Screening for Other Uses.* Except as provided above, where the specific use standards of Article 5 require perimeter screening for certain uses (e.g. a cemetery), screening shall be provided through the erection of a fence, wall, or continuous planting with an opacity of no less than 80%. Fence or wall height shall be a minimum of six (6) feet but shall in no case exceed the height limitations established by this Article. When vegetative plantings are provided, plant height shall achieve a minimum average height of four (4) feet within two (2) years of planting.

### SECTION 6.43 Perimeter Landscaping

- A. *Applicability.* The following development types shall provide perimeter landscaping:
1. New multifamily developments;
  2. Any development using the Planned Unit Development (PUD) or Zero Lot Line provisions of this Ordinances;
  3. All new nonresidential developments greater than ½ acre in total area (including site redeveloped through demolition); and
  4. Improvements to an existing development, as described in parts 1, 2, or 3, that include new buildings or building additions and/or parking lot expansions of 50% or more (building footprint and/or lot area) on the existing site. For example, a project involving a 25% expansion of a building's footprint and a 30% expansion of a site's parking lot would require compliance with this section. This provision includes successive expansions (whether under a single permit or multiple permits) occurring within any twenty-four (24) month period that cumulative equal or exceed 50%.
- B. *Average Width of Perimeter Landscaping.* Development subject to this section shall provide perimeter landscaping with a minimum average width of five (5) feet. The perimeter landscaping shall extend the length of the required side, rear, and front yards and be placed between the property line and any onsite building(s) or parking lot(s). Perimeter landscaping shall not be placed within or over any utility or drainage easement or right-of-way (or portion thereof) but may be placed within the required setback of the development.

## ARTICLE 6. SUPPLEMENTAL ZONING STANDARDS

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Exception: For lots greater than two (2) acres and where the development encompasses only a portion of the lot, the Administrator may authorize that only the developed portions of the lot be bounded by the required perimeter landscaping.

- C. *Required Plantings.* Required perimeter landscaping areas shall contain a minimum of one (1) tree per every sixty (60) feet of linear boundary or fraction thereof. Trees shall not be planted under overhead utility lines that may cross the perimeter landscaping areas. Trees do not have to be equally spaced, but may be grouped. Trees shall consist of species identified in Section 6.41. Existing trees located within the required perimeter landscaping areas may be retained in order to satisfy (or partially satisfy) the planting requirements of this section. In addition to trees, all other areas within the landscaping areas shall be planted with shrubs, hedges, or grass or contain suitable ground cover.
- D. *Development Adjacent to Residential Zones.* In addition to the planting required by subsection C, a development that adjoins a residential zone (including residential zones across a street) shall provide within the perimeter landscaping areas (portion that adjoins the residential district), a continuous planting (shrub or hedge), fence, wall or earthen mound no less than four (4) feet in height (Exception: Fences, walls, and earthen mounds required by this section shall not exceed three (3) feet in height in the required front yard. Plantings may exceed three (3) feet but shall not be arranged to impede vision or the sight triangle required by Section 6.0).
- E. *Who Provides Landscaping.* The perimeter landscaping areas 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 this section. When adjacent to other common boundaries, the perimeter landscaping areas and materials:
1. May be placed on either adjoining parcel or astride the boundary if both parcels are subject to a development application and are owned by the same person; or
  2. May be placed astride the boundary of adjoining parcels having different owners if a written agreement, signed by both owners, is filed with the Zoning Administrator as a public record.
- F. *Easement Conflicts.* The required perimeter landscape areas may not be combined with any rights-of-way, drainage, or utility easements. The perimeter landscape areas 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 perimeter landscape by more than two and one-half (2 ½) feet and wheel stops or curbs will be required.
- G. *Easement Requirements.* Required perimeter landscaping areas for Planned Unit Developments, Zero-Lot-Line Developments, and all other developments (subject to this section) requiring the subdivision of property shall be platted as landscaping easements and denoted on the development plan and final plat. The final plat denoting said easements shall be recorded in the Office of the Christian County Clerk.

### SECTION 6.44 Parking Lot Landscaping

- A. *Minimum Tree Requirements.* Any parking lot (excluding loading and unloading areas) containing twenty (20) or more 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:

## ARTICLE 6. SUPPLEMENTAL ZONING STANDARDS

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<b>Size of Parking Lot</b>	<b>Minimum Tree Requirement</b>
20 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

- B. *Standards for Tree and Landscaped Areas.* Parking lot landscaping shall comply with the following standards:
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 parking lot;
  3. The minimum size of the planting area shall be eighty (80) square feet; and
  4. Planting islands shall be required within every other parking row when parking rows are provided in the interior portions of the parking lot. Planting islands may be placed in a staggered or linear design.

**SECTION 6.45 through 6.99 Reserved**

# **ARTICLE 7. SIGN STANDARDS**

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## **DIVISION I. GENERAL STANDARDS**

### **SECTION 7.0 Purpose and Intent**

It is the purpose of this Article to promote the public health, safety, and general welfare of the City through the establishment of a comprehensive and appropriate system of sign standards and regulations. The sign regulations of this Article are not intended to regulate topics of speech or viewpoints, but instead to regulate the adverse secondary effects of signs. Specifically, this Article is intended to: 1) ensure compatibility with the City's natural surroundings and buildings by precluding the placement of signs which obstruct adjacent land uses, other signs, or natural views; 2) maintain and improve traffic and pedestrian safety by preventing obstructions and distractions to pedestrians, bicyclists, and motorists as well as the safety hazards associated with such distractions; and 3) protect, preserve, and enhance the aesthetic character of the City of Oak Grove in order to improve the quality of life for residents and attract commerce, business, economic development, and visitors.

### **SECTION 7.1 Applicability**

The sign regulations of this Article shall apply to the placement, relocation, alteration, rehabilitation, and maintenance of any sign or sign structure that is visible from any public right-of-way or any adjacent lot. Where there is an alleged conflict between the sign standard of this Article and any other provisions of this Ordinance, the more restrictive standard shall apply.

### **SECTION 7.2 Viewpoint Neutrality**

Notwithstanding anything in this Article to the contrary, no sign or sign structure shall be subject to any regulations or limitation based upon the message displayed. It is the policy of the City to regulate signs in a content neutral manner that treats commercial and noncommercial messaging equally. The City does not regulate protected speech by message content, but by the sign's location, size, height, number, materials, illumination, and maintenance.

### **SECTION 7.3 Consent of Legal Owner of Property**

Except as required by law, no sign shall be displayed without the consent of the legal owner of the property on which the sign is mounted or displayed. For the purposes of this section, "owner" means the holder of the legal title to the property and any person holding a present legal right to possession, control, or use of the property.

### **SECTION 7.4 Liability for Damages**

The provisions of this Article or the issuance of any building/zoning permit shall not be construed as relieving responsibility or liability from the person erecting, owning, or maintaining any sign or sign structure from injury or property damage. Further, it shall not be construed as imposing responsibility or liability upon the City, its officers, employees, or agents by reason of approval of any sign under the provisions of this Article.

### **SECTION 7.5 Definitions**

Except as provided herein, each word or term used in this Article has its customary, dictionary definition. For the purposes of this Article and in addition to the definitions contained in Article 2, certain words or terms used by this Ordinance are defined below and shall have the meanings ascribed to them.

## ARTICLE 7. SIGN STANDARDS

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**Abandoned sign:** Any sign which 1) is appurtenant to a use or structure that has been deemed abandoned by the terms of Article 8; 2) following written notice from the Zoning Administrator, exists in a state of dilapidation for a period of ninety (90) days or more as defined by this Article; or 3) is a nonconforming sign that fails to display sign copy for any period of one hundred eighty (180) consecutive days or more.

**Banners and Pennants:** Excluding flags, any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two (2) or more edges. Individual banners and pennants greater than one (1) square foot in area are classified as temporary signs.

**Billboard:** Any freestanding sign that exceeds 150 square feet in sign area.

**Changeable copy sign:** Any sign that displays copy or a message designed to be changed manually in the field.

**Dilapidated sign.** Any sign, which for a period of sixty (60) or more consecutive days, possess or contains broken, rotted, missing, loose, or bent parts or supports; or any sign, irrespective of duration, that is determined by the Zoning Administrator to be structurally or functionally unsound pursuant to the requirements of the building, fire, property maintenance, or electrical codes.

**Door sign.** Any sign that is applied, painted, or affixed to a door, or placed inside a door's window or glass facing the outside of the building, and is visible from the outside.

**Electronic message board:** Any electrical or electronic sign that is internally illuminated and utilizes computer generated or digitally created messages or some other electronic means of changeable copy. Electronic message boards may include LED or LCD displays and may display multiple messages that fade in, dissolve, or change at set intervals.

**Facade sign:** A building-mounted sign which is either attached to, displayed, or painted on an exterior wall in a manner parallel with the wall face. For uses containing an awning, canopy, or marquee, signs attached to, displayed, or painted on the exterior surface of the awning, canopy or marquee are considered facade signs.

**Flag:** Any sign printed or painted on cloth, plastic, canvas, or other similar material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored only on one edge or supported or anchored at only two corners.

**Flagpole:** Any pole or structure designed to raise, wave, or hold a flag.

**Freestanding sign:** Any sign supported by a sign structure secured in the ground and which is wholly independent of any other support. For the purposes of this Article, freestanding signs are sub-classified as pole signs, monument signs, and billboards and may, where permitted, contain other sign types including changeable copy signs or electronic message boards.

**Hanging, projecting, and suspended signs:** Any sign that is attached or affixed to the facade of a building and is not in the same plane as the wall, generally perpendicular, and may be double sided. Signs under this definition also include the sign structure from which the sign hangs or is suspended, or from which it is attached to a building. Hanging, projecting, and suspended signs do not include signs affixed to and in the same plane as an awning, marquee, or canopy.

**Illegal sign:** Any sign which is erected after the effective date of this Ordinance for which a building/zoning permit has not been issued (if required) or, excluding nonconforming signs, does not conform to the sign standards and regulations of this Ordinance.



## ARTICLE 7. SIGN STANDARDS

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**Illuminated sign:** A sign with an artificial light source for the purpose of decorating, outlining, accentuating, or brightening the sign area.

**Inflatable sign:** Any sign that is either expanded to its full dimensions by air blown by fans or other mechanical devices or any sign that is supported by gases contained within the sign, or sign parts, at a pressure greater than atmospheric pressure. Untethered airships and balloons of less than eighteen (18) inches in diameter are not considered signs for the purposes of this Article.

**Legal sign:** Any sign which has obtained a permit (if required) and complies with all provisions of this Ordinance, and any amendment thereto, or is exempted by this Article.

**Monument sign:** A freestanding sign that is detached from a building and possesses a support structure that is a solid-appearing base, with dimensions equal to or greater than the width and depth of the sign face, constructed of a permanent material such as concrete blocks or bricks and with no visible metal supports or poles. Monument signs differ from freestanding pole signs in their design and sign structure.

**Nonconforming sign:** See “NONCONFORMING SIGN” in Article 2, Section 2.1.

**Permanent sign:** Any sign or sign structure that is made of permanent materials such as glass, wood, concrete, or metal, or painted or placed on exterior walls, windows, or doors, that precludes ready removal or movement and is intended to be displayed for an extended period of time that is undefined.

**Pole sign:** Any freestanding sign that is detached from a building and is mounted on one or several poles that are anchored into the ground. Pole signs differ from freestanding monument signs in their design and sign structure.

**Portable sign:** Any sign that rests on the ground and is not designed to be permanently attached to a building or permanently anchored to the ground. This includes A-frame or sandwich board signs and signs on wheels, skids, and similar moving or stabilizing devices, but does not include temporary banners, posters, and similar signs made of nonpermanent materials.

**Roof sign:** Any sign erected over or on the roof of a building.

**Sign:** Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message and, combining of its elements, form a single unit. The definition of sign includes the sign face(s) as well as any sign structure.

**Sign area:** The area enclosed by the perimeter of the sign face. The sign area shall be considered as the area of an imaginary rectangle that will enclose the message the sign is displaying.

**Sign face:** The part of the sign that is or can be used for the display of any message including any background material, panel, trim, color, or illumination that differentiates the sign from a façade or sign structure.

**Sign structure:** Any device, structure, or fixture that is utilized in displaying a sign for the purposes of communicating a message. Sign structures can vary and include poles, monuments, stakes, brackets, awning, and other devices used to erect, contain, or affix a sign.

**Special events sign:** Any sign, irrespective of type, that is authorized by the City Council in conjunction with an event of public or civic interest. Where authorized, the duration of the sign’s display or placement is limited to no more than sixty (60) consecutive days.

## ARTICLE 7. SIGN STANDARDS

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**Temporary sign.** Any non-permanent sign that is located on private property and is designed to be displayed for a limited duration.

**Window sign.** Any sign that is applied, painted, or affixed to a window, or placed inside a window facing the outside of the building, and is visible from the outside.

### SECTION 7.6 through 7.19 Reserved

## DIVISION II. GENERAL SIGN PROVISIONS

### SECTION 7.20 Signs Exempt from the Requirements of this Article

The following signs shall not require a building/zoning permit nor be subject to the regulations of this Article:

1. Signs located on private property where vehicular access by the general public is restricted and where such signs are not visible from any public right-of-way or adjoining property;
2. Any sign posted, or required to be placed, by a federal, state, or local government or a public utility provider (when appurtenant to utility infrastructure);
3. Any sign required to be posted by any building, fire, or safety codes or any sign, less than four (4) square feet in area and located on private property, deemed necessary by the Zoning Administrator to ensure the safe and orderly use of buildings and premises;
4. Any sign not exceeding two (2) square feet, except where required by statute, necessary to ensure postal service delivery and emergency response (E911) service;
5. Any sign which is visible from the inside of a building only;
6. Any sign located on private property that is attached and appurtenant to any otherwise permitted electric or mechanical device such as a vending machine, gasoline pump, automated teller machine, newspaper rack, automobile, or similar device provided that such sign does not project beyond the device's profile by more than one inch horizontally or vertically by more than four (4) feet; and
7. Any sign located on private property that is painted, enameled, or otherwise affixed flat, to an at grade, horizontal surface such as parking lot pavement, driveways, or walkways (e.g. pavement markings).

### SECTION 7.21 Prohibited Signs

Except as provided in Section 7.20, it shall be unlawful after the effective date of this Ordinance for any person to erect or place within the City any one or more of the following signs:

1. Any sign located in or overhanging a public right-of-way;
2. Any sign or sign structure that is erected or maintained in a manner that obstructs, or may be confused with, any traffic directional/safety sign or obstructs the sight triangle at any street intersection (see also Section 6.0);
3. Any sign painted on or attached to trees, other natural features, or utility poles;

## ARTICLE 7. SIGN STANDARDS

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4. Any sign involving the use of spotlights where light is not directed exclusively to the sign face;
5. Any externally or internally illuminated sign that flashes intermittently, including the use of stroboscopic lamps or lighting, or involves any animation which could be disruptive to motorist or impose safety or traffic hazards;
6. Any sign which emits a sound, odor, or visible matter such as smoke or vapor;
7. Any sign which has been erected without a required building/zoning permit or for which a permit has been denied or does not meet the requirements of this Ordinance; and
8. Roof signs or any sign, excluding flags, which extend vertically beyond the height of the building to which it is attached.

### SECTION 7.22 Building/Zoning Permit Required; Exceptions

- A. Except where specifically exempted by this Ordinance, a building/zoning permit shall be required for the placement, relocation, alteration, and rehabilitation of any sign within the City of Oak Grove (see Section 3.20). Any sign that is placed, relocated, altered, or rehabilitated without a required permit or which fails to meet the requirements of this Ordinance is an illegal sign and is subject to the enforcement provisions of Article 3.
- B. The following signs shall not require a building/zoning permit but are subject to the requirements of this Article (except as indicated):
  1. Banners and pennants, not constituting a temporary sign (allowed in all districts subject only to sections 7.21 and 7.23);
  2. Flags and flagpoles;
  3. Portable signs with ten (10) square feet of sign area or less;
  4. Temporary signs; and
  5. Window and door signs.
- C. The following sign alterations shall not require a building/zoning permit but shall be subject to the requirements of this Article:
  1. The changing of copy on a changeable copy sign;
  2. The painting, repair, refinishing, or maintenance of the sign face or sign structure provided no structural alterations or enlargement are made; and
  3. The complete removal of a sign.

### SECTION 7.23 Provisions Applicable to All Signs

In addition to the specific standards by sign type established by this Article, all signs are subject to the following standards:

1. **Compliance with building codes.** All permanent signs shall meet the structural and installation standards of the Kentucky Building Code and the National Electrical Code;

## ARTICLE 7. SIGN STANDARDS

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2. **Finish.** Reverse sides of signs shall be properly finished with no exposed electrical wires or protrusions. Signs shall not be finished to have light-reflecting backgrounds, but may use light-reflective lettering;
3. **Illumination.** Except where required by the building or fire code or specifically authorized as part of an approved conditional use permit, signs in the R-1, R-1a, R-2, R-3, RMH-1 and RMH-2 districts shall be non-illuminated. In the B-1, B-2, and I-1 districts, illuminated signs are permitted. Illuminated signs shall conform to the requirements of this Article and the illumination standards of Section 4.42 and Ordinance 2007-18 (where applicable);
4. **High voltage power line.** All signs shall be located in such a way that they maintain horizontal and vertical clearance from all overhead electrical conductors in accordance with the National Electric Code, provided that in no case shall a sign be erected closer than seven and a half (7.5) feet horizontally or vertically from any conductor or public utility guy-wire;
5. **Visibility.** The area around a sign shall be properly maintained clear of brush, trees, and other obstacles so as to make signs readily visible as well as ensuring aesthetically attractive surroundings;
6. **Conflicts with utilities and drainage.** Signs shall not be placed in a manner that conflicts with the provision of utilities or obstructs a natural drainage way or stormwater improvement. The Zoning Administrator may require that signs placed within a utility or drainage easement receive written authorization from the affected maintaining authority.
7. **Requirements of the Kentucky Transportation Cabinet.** Signs placed along or visible from roads maintained by the Commonwealth of Kentucky may be subject to the requirements of the Kentucky Transportation Cabinet (KYTC). Where applicable, the Zoning Administrator may require documentation of conformance with KYTC requirements prior to the issuance of a building/zoning permit.
8. **Maximum Height.** Except where a more restrictive standard is provided by this Article, no sign shall exceed the height limitations applicable to a structure in the zoning district in which the sign is placed.

### SECTION 7.24 Sign Maintenance

All signs and sign structures shall be kept in good repair, restored as necessary, and maintained in a safe condition including the replacement of or broken, rotted, missing, loose, or bent parts or supports. All signs shall be maintained in a structural sound manner in accordance with the requirements of the building, fire, property maintenance, and electrical codes.

### SECTION 7.25 Dilapidated Signs

A dilapidated sign shall be repaired, rehabilitated, or removed from the premises within thirty (30) days following written notice by the Zoning Administrator. If not repaired, rehabilitated, or removed to meet the requirements of this Article within the thirty (30) day period, the sign shall be deemed in violation and shall be subject to the enforcement provisions of Article 3 of this Ordinance.

### SECTION 7.26 Enforcement

Enforcement of this Article, including penalties for violation, shall follow the procedures established in Article 3 of this Ordinance. Notwithstanding the provisions of Article 3, nothing herein shall preclude the City, including its authorized officers, employees, or agents, from removing, impounding, and disposing of

## **ARTICLE 7. SIGN STANDARDS**

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an illegal sign which has been placed within a public right-of-way or on City property or pursuing other lawful remedies to address an imminent health or safety concern.

### **SECTION 7.27 through 7.29 Reserved**

## **DIVISION III. APPLICATION OF STANDARDS**

### **SECTION 7.30 Determining Number of Signs**

In determining the number of signs permitted for individual lots in each zoning district, a sign shall be considered to be a display surface or device containing multiple elements that together form a single unit, regardless of their arrangement and organization. A sign shall be comprised of components on either side whether it is back-to-back, double-faced, or a V-shaped sign.

### **SECTION 7.31 Determining Sign Area**

The sign area shall be computed as including the entire area within a parallelogram, triangle, circle or semi-circle containing all of the displayed matter, exclusive of frames and supports. In computing the sign area of back-to-back signs, the measurement shall be based on only one side; however, each side shall be of equal size. The sign area of V-shaped signs and signs with three or more sides containing copy, decoration, or any announcement visible from a street, shall be measured as the sum of the area of any two (2) adjacent sides.

### **SECTION 7.32 Determining Sign Height**

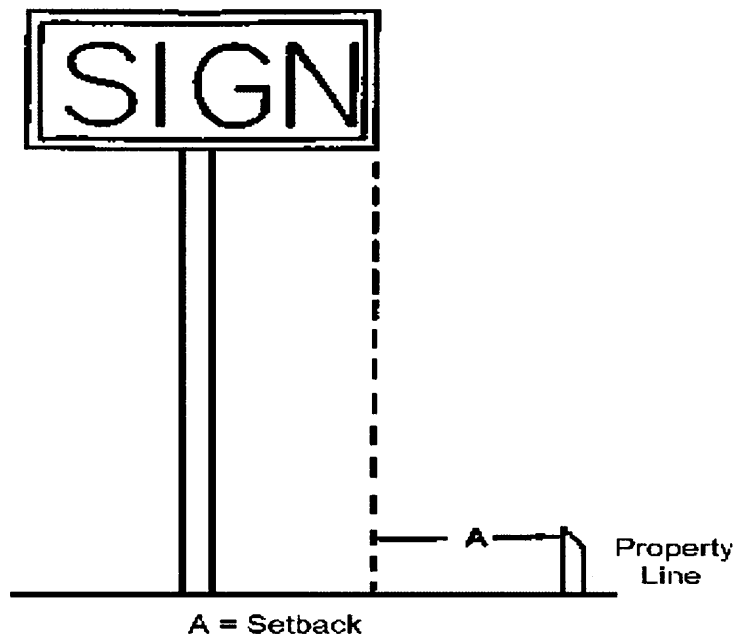
See Article 2, Section 2.1 Definitions, "HEIGHT (STRUCTURE)".

### **SECTION 7.33 Determining Sign Setback**

The sign setback shall be measured horizontally from the property line to the vertices created by the right angle of the nearest sign projection. Where distance separation between signs is required, the distance shall be the horizontally distance between vertices created by the right angle of the nearest sign projection for each sign (see the illustration below).

## ARTICLE 7. SIGN STANDARDS

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SECTION 7.34 through 7.39 RESERVED

### DIVISION IV. SIGN STANDARDS BY TYPE AND DISTRICT

#### SECTION 7.40 Changeable Copy Signs

Changeable copy signs are allowed as part of a freestanding sign, a façade sign, a hanging, projecting, or suspended sign, portable sign, or window or door sign. Changeable copy signs are subject to the same number, location, size, and height restrictions as the underlying sign type to which they are a part.

#### SECTION 7.41 Electronic Message Boards

Electronic message boards are allowed only in the B-1, B-2, and I-1 districts. Electronic message boards may be installed as part of a freestanding pole sign, a freestanding monument sign, or a façade sign and shall be subject to the following standards:

1. **Number.** The number of electronic message boards allowed per lot shall not exceed the limitation required of the underlying sign type to which it is a part;
2. **Size and height.** Electronic message boards shall not exceed the sign area and height requirements of the underlying sign type to which it is a part;
3. **Location.** An electronic message board shall meet the setback required of the underlying sign type to which it is a part;
4. **Message interval.** All electronic message copy shall not change at intervals less than eight (8) seconds on signs that face streets with a speed limit of forty (40) mph or greater and fifteen (15) seconds for facing streets with a speed limit less than forty (40) mph;

## ARTICLE 7. SIGN STANDARDS

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5. **Luminance.** Electronic message boards shall maintain a constant luminance throughout the duration of the display time interval. Any electronic message board that is malfunctioning shall either be turned off or display a blank screen; and
6. **Transition.** In order to reduce the safety hazard to pedestrians and drivers, the transition from one message to another shall only include effects such as fading in or out, dissolving, and changing at set intervals.

### SECTION 7.42 Façade Signs

- A. Façade signs are allowed in the R-1, R-1a, R-2, R-3, RMH-1, and RMH-2 districts as a conditional use. In such cases, the Board of Zoning Adjustments may approve the placement of one façade sign provided such placement is in conjunction with and appurtenant to a conditional use listed in Table 5.2. The Board of Zoning Adjustments may attach limitations and restrictions on the placement and size of such sign; however, in no instance shall the sign area exceed ten (10) square feet. For approved home occupations, façade signs are limited to one (1) sign per dwelling unit and no sign shall exceed four (4) square feet in sign area.
- B. Façade signs are allowed in the R-1, R-1a, R-2, R-3, RMH-1, and RMH-2 districts in conjunction with a nonresidential use which is allowed by right or by right with use specific standards in accordance with Table 5.2. In such cases, no more than one (1) façade sign per lot not to exceed ten (10) square feet in sign area shall be allowed.
- C. Façade signs are allowed in the B-1, B-2, and I-1 districts subject to the following standards:
  1. **Number.** There is no limit on the number of façade signs allowed; and
  2. **Size and height.** In the B-1 District, façade signs (cumulatively) shall not exceed twenty (20) percent of the area of the façade on which they are placed, with the maximum sign area of any one sign limited to no more than forty (40) square feet. In the B-2 and I-1 districts, façade signs (cumulatively) shall not exceed forty (40) percent of the area of the façade on which they are placed, with a maximum sign area of any one (1) sign limited to no more than 150 square feet.
- D. In all districts, façade signs shall be contained entirely within a single wall plane. Façade signs shall not extend onto or above the roof or over the top of the building or structure. Façade signs shall not project beyond the wall (or awning, canopy, or marquee) it is affixed to by more than eight (8) inches.

### SECTION 7.43 Flags and Flagpoles

Flags and flagpoles are allowed in all zoning districts and are subject only to the restriction imposed by sections 7.21 and 7.23 of this Article.

### SECTION 7.44 Freestanding Signs

Freestanding signs are sub-classified as pole signs, monument signs, and billboards. No more than one (1) freestanding sign is allowed per lot. In the case of corner and double frontage lots, two (2) freestanding signs are allowed. Freestanding signs are subject to the following standards:

1. Pole and monument signs are allowed in the B-1, B-2, and I-1 districts. Pole and monument signs are allowed in the R-1, R-1a, R-2, R-3, RMH-1, and RMH-2 districts for uses (excluding single family, two family dwellings, and home occupations) that are allowed by right, allowed

## ARTICLE 7. SIGN STANDARDS

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by right with specific standards, or approved as a conditional use. Pole and monument signs are subject to the following standards:

- a. In the R-1, R-1a, R-2, R-3, RMH-1, and RMH-2 districts, a pole or monument sign shall not exceed ten (10) feet in height and the sign area shall not exceed sixteen (16) square feet,
  - b. In the B-1 District, a pole or monument sign shall not exceed twenty (20) feet in height and the maximum sign area shall not exceed 100 square feet,
  - c. In the B-2 and I-1 districts, a pole or monument sign shall not exceed fifty (50) feet in height and the maximum sign area shall not exceed 150 square feet, and
  - d. In all districts, pole and monument signs shall be setback no less than ten (10) feet from any property line.
2. Billboards are allowed only in the B-2 and I-1 districts subject to the following standards:
- a. **Location.** Billboard signs shall be setback no less than forty (40) feet from any property line. No billboard shall be closer than 1,200 feet to another billboard. No billboard shall be closer than 500 feet to a residential zoning district;
  - b. **Size and height.** The sign area of a billboard shall not exceed four hundred (400) square feet. The height of a billboard shall not exceed sixty (60) feet. The minimum ground clearance of the sign face shall be not less than 25 feet measured from ground elevation to the bottom of the sign; and
  - c. **Construction.** All billboards shall be constructed with one metal fabricated pole and frame. No wood timbers, utility poles, etc. shall be allowed as part of the construction.

### SECTION 7.45 Hanging, Projecting, and Suspended Signs

Hanging, projecting, and suspended signs are allowed only in B-1 and B-2 districts and are subject to the following standards:

1. **Number.** No more than one (1) hanging, projecting, or suspended sign is allowed per lot;
2. **Location.** Hanging, projecting, and suspended signs shall be affixed exclusively at a ninety (90) degree angle to the façade and shall not project beyond the façade by more than five (5) feet. In no instance shall a hanging or projecting sign extend closer than ten (10) feet from any property line; and
3. **Size and height.** A hanging, projecting, and suspended sign shall not exceed (10) square feet in sign area and shall not be placed less than eight (8) feet above grade.

### SECTION 7.46 Inflatable Signs

Inflatable signs are allowed only in the B-1 and B-2 districts as temporary signs and are subject to the requirements of Section 7.48.

### SECTION 7.47 Portable Signs

Portable signs are allowed only in the B-2 District and are subject to the following standards:

1. **Number.** No more than (1) portable sign is permitted per lot;



## ARTICLE 7. SIGN STANDARDS

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2. **Location.** Portable signs shall be setback no less than ten (10) feet from any property line;
3. **Size and height.** A portable sign shall not exceed sixty (60) square feet in sign area and shall not exceed six (6) feet in height; and
4. **Duration and removal.** A portable sign shall be displayed for a period no greater than thirty consecutive (30) days in any required front yard and shall thereafter be removed. A portable sign may be displayed on a lot up to four (4) times per calendar year in a required front yard, not to cumulatively exceed 120 days in any calendar year.

### SECTION 7.48 Temporary Signs

Temporary signs are allowed in all zoning districts and are subject to the following standards:

1. **Number.** No more than four (4) temporary signs are allowed per lot in the R-1, R-1a, R-2, R-3, RHM-1, and RMH-2 districts. In the B-1, B-2, and I-1 districts, there is no limit on the number of temporary signs; however, no more than four (4) temporary signs are allowed in any required front yard;
2. **Location.** Temporary signs shall be setback no less than ten (10) feet from any property line;
3. **Size and height.** A temporary sign in the R-1, R-1a, R-2, R-3, RMH-1, and RMH-2 districts shall not exceed four (4) feet in height and four (4) square feet in sign area. For all other districts, a temporary sign shall not exceed six (6) feet in height and ten (10) square feet in sign area. Exception: Temporary signs which are attached to a building shall observe the same height and sign area restrictions applicable to façade signs; and
4. **Duration and removal.** In the R-1, R-1a, R-2, R-3, RMH-1, and RMH-2 districts, temporary signs shall be displayed for a period no greater than thirty consecutive (30) days in any required yard, not to exceed 120 cumulative days in any calendar year. Exception: One (1) temporary sign may be placed in a required front yard for a period not to exceed 270 cumulative days in any calendar year.

### SECTION 7.49 Window and Door Signs

Window and door signs are allowed in all zoning districts subject to the following standards:

1. In the R-1, R-1a, R-2, R-3, RMH-1, and RMH-2 districts, a window or door sign that is exteriorly attached or is painted, decaled, laminated, or otherwise permanently affixed shall not exceed two (2) square feet in sign area;
2. In the B-1, B-2, and I-1 districts, a window or door sign that is exteriorly attached or is painted, decaled, laminated, or otherwise permanently affixed shall not cumulative exceed 40 percent of the area of any window or door; and
3. In all districts, a window or door sign which is interior to a building and is not painted, decaled, laminated, or otherwise permanently affixed is not subject to any limitation on the number of displays or restrictions on sign area.

## ARTICLE 7. SIGN STANDARDS

### SECTION 7.50 Summary of Standards

Charts 7.50A, 7.50B, 7.50C, and 7.50D provide a summary of the sign standards of this Article. Where there is a perceived conflict between the text of this Article and the standards as illustrated below, this Article's text shall govern.

Chart 7.50A SUMMARY OF SIGN STANDARDS R-1, R-1A, R-2, R-3, RMH-1, & RMH-2						
Sign Types Allowed	Building/ Zoning Permit Required	Number of Signs Allowed (per lot)	Size Limit (square feet)	Height Limit (in feet)	Setback (in feet)	Specific Standards (section number)
<b>Façade Signs</b> (nonresidential uses and conditional uses only)	<b>Required</b>	1	10	District Height Limit	None	7.42
<b>Façade Signs</b> (home occupations only)	<b>Required</b>	1	4	District Height Limit	None	7.42
<b>Flags and Flagpoles</b>	Not Required	No Limit	No Limit	District Height Limit	None	7.43
<b>Freestanding Signs</b> (excludes one and two-family uses and home occupations)	<b>Required</b>	1 (2 signs for corner and double frontage lots)	16	10	10	7.44
<b>Temporary Signs</b>	Not Required	4	4	4	10	7.48
<b>Window and Door Signs</b> (exterior and permanent)	Not Required	No Limit	2	District Height Limit	None	7.49
<b>Window and Door Signs</b> (interior)	Not Required	No Limit	No Limit	District Height Limit	None	7.49

## ARTICLE 7. SIGN STANDARDS

SUMMARY OF SIGN STANDARDS Chapter 7.01 Establishment						
Sign Types Allowed	Building/ Zoning Permit Required	Number of Signs Allowed (per lot)	Size Limit (square feet)	Height Limit (in feet)	Setback (in feet)	Specific Standards (section number)
Façade Signs	Required	No Limit	40 Cumulatively no more than 20% of façade	District Height Limit	None	7.42
Flags and Flagpoles	Not Required	No Limit	No Limit	District Height Limit	None	7.43
Freestanding Signs (Monument and Pole Signs only)	Required	1 (2 for corner and double frontage lots)	100	20	10	7.441
Hanging, Projecting, and Suspended Signs	Required	1	10	District Height Limit  Minimum 8 foot clearance	10	7.45
Temporary Signs	Not Required	4  No Limit when placed outside of required front yard	10  Considered Façade Signs for area purposes when attached to building	6  District Height Limit when attached to building	10	7.48 7.46
Window and Door Signs (exterior and permanent)	Not Required	No Limit	40% of window or door area	District Height Limit	None	7.49
Window and Door Signs (interior)	Not Required	No Limit	No Limit	District Height Limit	None	7.49

## ARTICLE 7. SIGN STANDARDS

Chart 7-50C <b>SUMMARY OF SIGN STANDARDS</b> B-2 District						
Sign Types Allowed	Building/ Zoning Permit Required	Number of Signs Allowed (per lot)	Size Limit (square feet)	Height Limit (in feet)	Setback (in feet)	Specific Standards (section number)
Façade Signs	Required	No Limit	150 Cumulatively no more than 40% of façade	District Height Limit	None	7.42
Flags and Flagpoles	Not Required	No Limit	No Limit	District Height Limit	None	7.43
Freestanding Signs (Monument and Pole Signs)	Required	1 (2 for corner and double frontage lots)	150	50	10	7.44
Freestanding Signs (Billboards)	Required		400	60	Special Setbacks – see Section 7.44	7.44
Hanging, Projecting, and Suspended Signs	Required	1	10	District Height Limit  Minimum 8 foot clearance	10	7.45
Portable Signs	Required when greater than 10 square feet	1	60	6	10	7.47
Temporary Signs	Not Required	4  No Limit when placed outside of required front yard	10  Considered Façade Signs for area purposes when attached to building	6  District Height Limit when attached to building	10	7.48 7.46
Window and Door Signs (exterior and permanent)	Not Required	No Limit	40% of window or door area	District Height Limit	None	7.49
Window and Door Signs (interior)	Not Required	No Limit	No Limit	District Height Limit	None	7.49

## ARTICLE 7. SIGN STANDARDS

Chapter 7.50B <b>SUMMARY OF SIGN STANDARDS</b> 1-1 District						
Sign Types Allowed	Building/ Zoning Permit Required	Number of Signs Allowed (per lot)	Size Limit (square feet)	Height Limit (in feet)	Setback (in feet)	Specific Standards (section number)
Façade Signs	Required	No Limit	150 Cumulatively no more than 40% of façade	District Height Limit	None	7.42
Flags and Flagpoles	Not Required	No Limit	No Limit	District Height Limit	None	7.43
Freestanding Signs (Monument and Pole Signs)	Required	1 (2 for corner and double frontage lots)	150	50	10	7.44
Freestanding Signs (Billboards)	Required		400	60	Special Setbacks – see Section 7.44	7.44
Temporary Signs	Not Required	4  No Limit when placed outside of required front yard	10  Considered Façade Signs for area purposes when attached to building	6  District Height Limit when attached to building	10	7.48
Window and Door Signs (exterior and permanent)	Not Required	No Limit	40% of window or door area	District Height Limit	None	7.49
Window and Door Signs (interior)	Not Required	No Limit	No Limit	District Height Limit	None	7.49

**SECTIONS 7.51 through 7.54 RESERVED**

### DIVISION V. EXCEPTIONS

#### SECTION 7.55 Events of Special Public Interest

As provided in Section 5.41, the City Council may, by resolution, designate events of special public interest. The City Council may establish, or authorize the Zoning Administrator to establish, the requirements and location for event related signs in addition to those signs permitted herein.

**SECTION 7.56 through 7.99 RESERVED**

**ARTICLE 7. SIGN STANDARDS**

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# ARTICLE 8. NONCONFORMITIES

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## DIVISION I. NONCONFORMITIES IN GENERAL

### SECTION 8.1 Intent

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

1. Nonconforming lots;
2. Nonconforming uses of land;
3. Nonconforming structures;
4. Nonconforming uses of structures or structures and land in combination;
5. Nonconforming signs; and
6. Nonconforming site features.

These nonconformities were lawful before this Ordinance was passed or amended, but 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 nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities 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.

### SECTION 8.2 Incompatibility of Nonconformities

Nonconformities are declared by this Ordinance to be incompatible with permitted uses in the districts in which such use is located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming 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.

### SECTION 8.3 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.

### SECTION 8.4 Repairs and Maintenance

Nothing in this Article 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 nonconforming structure or portion of a structure containing a nonconforming 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.

## **ARTICLE 8. NONCONFORMITIES**

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### **SECTION 8.5 Uses Under Conditional Use Provisions Are Not Nonconforming 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 Zoning Adjustment's action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

### **SECTION 8.6 Determination of Nonconforming Status**

The burden of establishing that a nonconforming is a legal nonconformity shall, in all cases, be solely upon the owner of such nonconformity.

### **SECTION 8.7 Change of Tenancy or Ownership**

The status of a nonconformity is not affected by changes of tenancy, ownership, or management provided the use of property does not change.

### **SECTION 8.8 Combination of Nonconformity Types**

Where a combination of nonconformity types exists, and there is an alleged conflict between the standards applicable to each type, the more restrictive provision shall prevail.

### **SECTION 8.9 Appraisal of Market Value and Damages**

- A. Any appraisal of market value, as required by sections 8.22 and 8.23 or any other section of this Article, shall be determined by one of the following methods:
  1. The current assessed value of the building as determined by the Christian County Property Valuation Administrator's Office;
  2. One (1) or more appraisals from a professional licensed appraiser in accordance with the laws of the Commonwealth of Kentucky. The appraisal shall indicate actual replacement value of the building or structure in its pre-improved or pre-damaged condition, less the cost of site improvements and depreciation for functionality and obsolescence; or
  3. Real estate purchase contract within six (6) months prior to the date of the application for a permit.
- B. Any determination of damage shall be based on estimates prepared by a licensed general contractor or professional construction estimator and shall include market rate costs for materials and labor. Damage shall mean the replacement costs for restoring the use, structure, or feature to its pre-damaged condition.
- C. All appraisals of market value and estimated replacement costs shall be submitted to the Zoning Administrator at the owner's expense and may be challenged on the basis of the City's own appraisal or estimate within thirty (30) days of the initial submittal. Appeals of the Zoning Administrator's decision are made to the Board of Zoning Adjustment pursuant the appeals provisions of Article 3.
- D. Nothing in this Article shall affect or otherwise amend the method of determinations of substantial damage or substantial improvement as contained in the Flood Damage Prevention Ordinance.

### **SECTIONS 8.10 through 8.19 Reserved**



## ARTICLE 8. NONCONFORMITIES

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### DIVISION II. NONCONFORMITIES; SPECIFIC STANDARDS

#### SECTION 8.20 Nonconforming Lots

- A. *Single Nonconforming 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 a district's dimensional requirements listed in Article 4 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 3, Permits and Administration.
- B. *Nonconforming 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.

#### SECTION 8.21 Nonconforming 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 nonconforming 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 nonconforming 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 of adoption or amendment of this Ordinance;
3. If any such nonconforming 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; and
4. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

#### SECTION 8.22 Nonconforming 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 lawful, subject to the following provisions:

## **ARTICLE 8. NONCONFORMITIES**

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1. No such nonconforming 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. A residential or nonresidential nonconforming structure that is damaged by fifty (50) percent or less of its appraised value may be repaired or restored provided such repair or restoration does not increase the structure's nonconformity;
3. Should a nonresidential nonconforming structure or nonconforming portion thereof be damaged or destroyed, by any means, by more than fifty (50) percent of its appraised market value, it shall only be reconstructed in conformity with this Ordinance. In cases where a special condition or circumstance would preclude the redevelopment of a lot, the property owner may petition the Board of Zoning Adjustment for a variance subject to the standards of Section 3.50 et seq;
4. Should a residential nonconforming structure or nonconforming portion thereof be damaged or destroyed by any means, by more than fifty (50) percent of its appraised market value, it may be restored provided:
  - (a) the restoration begins within twelve (12) months and is completed within twenty four (24) months of the date of the damage or destruction, and
  - (b) Restoration of the nonconforming structure shall not increase the nonconformity by any greater degree than existed prior to the damage or destruction.
5. 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.

### **SECTION 8.23 Nonconforming 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 nonconforming 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. A structure devoted to a use not permitted by this Ordinance in the district in which it is located may not be restored, for the purposes of continuing the nonconforming use, if it is damaged or destroyed, by any means, by more than fifty (50) percent of the structure's appraised market value. Following destruction, any sequent structure and use of land shall conform to the use provisions of the district in which it is located;
4. If no structural alterations are made, any nonconforming use of a structure or structure and land, may, upon appeal to the Board of Zoning Adjustment, be changed to another nonconforming 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 nonconforming

## **ARTICLE 8. NONCONFORMITIES**

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use. In permitting such change, the Board of Zoning Adjustment may require appropriate conditions and safeguards in accordance with other provisions of this Ordinance;

5. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district and the nonconforming use may not thereafter be resumed;
6. When a nonconforming 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; and
7. No use that is accessory to a principal nonconforming use shall continue after such principal use has ceased or terminated except in conformity with this Ordinance.

### **SECTION 8.24 Nonconforming Signs**

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

### **SECTION 8.25 Nonconforming Site Features**

Nonconforming features, to include a deficiency in the number of required parking spaces, paving, deficiency in landscaping, or similar property features may continue pursuant to the requirements of this Article. Except where otherwise provided in this Ordinance, any change of use, new construction that extends the principal building's footprint by more than five (5) percent, feature replacement, or the issuance of a zoning permit affecting the nonconforming feature shall thereupon require full compliance with the requirements of this Ordinance (see special provisions for parking and landscaping in Article 6).

### **SECTIONS 8.26 through 8.99 Reserved**

**ARTICLE 8. NONCONFORMITIES**

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## **ARTICLE 9. AMENDMENTS**

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### **SECTION 9.0 Procedure for Amendment or District Change**

This Ordinance may be amended utilizing the procedures specified by this Article and the requirements of KRS 100.

### **SECTION 9.1 General**

Whenever the public necessity, convenience, general welfare, or sound 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.

### **SECTION 9.2 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 a resolution by the City Council; or
3. By a property owner filing an application.

Zoning amendments for PUD and ZLL zoning districts are initiated solely by the owner(s) of the affected property. Applications for amendments proposing to amend, supplement, change, or repeal portions of this Ordinance other than the Official Zoning Map may be initiated by either the Planning Commission or City Council by resolution following the procedures as outlined in KRS 100.211.

### **SECTION 9.3 Contents of Application for Zoning Amendments**

- A. Application forms for amendments to the Official Zoning Map shall be obtained from the Zoning Administrator. The complete application shall contain at least the following information:
  1. Name, address, and phone number (or other contact information) 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 Administrator showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Administrator may require;
  8. A list, certified by affidavit, of all owners and their mailing addresses of property adjoining the property classification which is proposed to be changed 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 100.213; and

## **ARTICLE 9. AMENDMENTS**

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10. A fee as established by City Council by ordinance.

- B. When an amendment to the text of this Ordinance is initiated by the City Council, the resolution shall set forth in full the proposed text to be considered.

### **SECTION 9.4 Development Plan**

As a condition of granting any amendment to the zoning map, the Planning Commission may require the submission of a development plan. When required, the development plan shall be filed in accordance with the provisions of KRS 100.203(2). The development plan shall contain information as outlined in Section 3.22 (C) and a narrative description which includes a listing of proposed uses and any special conditions applicable to the development of the property. For Planned Unit Developments, the development plan shall conform to the requirements of Section 4.40. Where agreed upon, this development plan shall be followed and shall be binding on all parties. In addition, in cases where a development plan is required and agreed upon, the Planning Commission may require that substantial construction be initiated within a period of not less than one (1) year.

### **SECTION 9.5 Variance and Conditional Uses as Part of Zoning Map Amendment**

Applications for variances and conditional uses may be filed concurrently with the application for a zoning map amendment on the same property to be considered by the Planning Commission. The applicant for the zoning map amendment, at the time of filing the application, may elect to have any variances or conditional use permits for the same development to be heard and finally decided by the Planning Commission at the same public hearing set for the zoning map amendment, or by the Board of Zoning Adjustment as is otherwise provided in Article 3, Permits and Administration. If elected, the Planning Commission shall assume all duties otherwise exercised by the Board of Zoning Adjustment pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.247 and 100.251, in cases where a proposed development requires a map amendment and one or more variances or conditional use permits.

### **SECTION 9.6 Transmittal to the Planning Commission**

Applications for zoning amendments shall be filed with the Zoning Administrator. Immediately after the filing of a complete application, it shall be transmitted to the Commission and heard during a regular or specially called Planning Commission meeting.

### **SECTION 9.7 Public Hearing by Planning Commission**

The Planning Commission shall schedule a public hearing after a petition is received. Publication of the public hearing notice shall be provided in accordance with sections 9.8 and 9.9.

### **SECTION 9.8 Notice of Public Hearing in Newspaper**

Notice of the public hearing shall be given in at least one (1) publication in one (1) or more newspapers of general circulation in the City. 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.

### **SECTION 9.9 Notice to Adjoining Property Owners and Affected Property Owners**

- A. Notice of the public hearing for zoning map amendment shall be given at least fourteen (14) days in advance of and no 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

## **ARTICLE 9. AMENDMENTS**

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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.

- B. When the Planning Commission or City Council initiates an amendment to the zoning map, notice of the public hearing shall be provided at least thirty (30) days in advance by certified mail, return receipt requested, to the owner of every parcel of property the classification of which is proposed to be changed.

### **SECTION 9.10 Sign on Property**

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

### **SECTION 9.11 Conformance with Statutory Noticing Requirements**

Where KRS 100 or KRS 424 provides noticing requirements in excess of or in addition to the requirements of sections 9.8, 9.9, and 9.10, notice shall be provided in accordance with the state statute(s).

### **SECTION 9.12 Recommendation by the Planning Commission**

- A. Within sixty (60) days from the receipt of the proposed map or text amendment, the Planning Commission shall transmit its findings of fact and recommendation to the City Council. The findings of fact and recommendation shall include a summary of the evidence and testimony presented by the proponents and opponents of the proposed amendment at the public hearing.
- B. In recommending the granting of an amendment to the zoning map, the Planning Commission shall find that the map amendment is in agreement with the adopted comprehensive plan or, in the absence of such finding, that one (1) or more of the following findings apply:
  - 1. The existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate; or
  - 2. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.
- C. The Planning Commission may recommend the amendment as submitted, recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

### **SECTION 9.13 Action by the City Council**

Within ninety (90) days 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);

## **ARTICLE 9. AMENDMENTS**

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- 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 from the hearing.
2. It shall take a majority of the entire legislative body to override the recommendation of the Planning Commission.
  3. An Ordinance will be adopted to reflect any final action resulting in a map amendment or text amendment.

### **SECTION 9.14 Reconsideration**

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.

### **SECTIONS 9.15 through 9.99 Reserved**