

TITLE 8: PLANNING AND ZONING

CHAPTER 80 ZONING CODE

CHAPTER 81 LANDSCAPE BUFFER REGULATIONS

CHAPTER 80: ZONING CODE*

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**Editor's note: The text of the zoning ordinance, the ordinance adopting it, and the ordinance adopting the official zoning map for the city are printed herein as enacted by the Board of Commissioners on December 12, 1972. The original arrangement, article numbers, titles, section numbers catchlines, etc., have been retained for county reference purposes. Amendments to the original ordinance are indicated by historical notes following the amended sections.*

AN ORDINANCE

ADOPTING THE PARIS ZONING ORDINANCE

Be it ordained by the Mayor and the Board of City Commissioners of the City of Paris:

Section 1. That the Zoning Ordinance prepared for the City by Joseph Kowalksi & Associates and recommended to the City by Bourbon County Joint Planning Commission, as corrected and revised by City Attorney Wilson to reflect the changes authorized and directed to be made by this Commission at its meeting of November 28, 1972, a complete and final copy of which is on file for inspection, without charge, in the City Office at 525 High Street, Paris, Kentucky, be adopted as the Paris Zoning Ordinance.

Section 2. That all other Zoning Ordinances heretofore adopted are hereby repealed.

Section 3. That this Ordinance be effective upon its recordation and publication as required by law.

Adopted this 12th day of December, 1972.

/s/ Emil Rains

Mayor

Attest:

/s/ Louis Elvove

City Clerk

AN ORDINANCE ADOPTING OFFICIAL

ZONING MAP FOR CITY OF PARIS

Be it ordained by the Mayor and Board of City Commissioners of the City of Paris:

SECTION 1.

That the new zoning map for the City of Paris prepared for the city by Joseph Kowalksi & Associates, as recommended to the city by the Bourbon County Joint Planning Commission, with the changes made thereon with the approval of the members of this body by the special committee appointed for such purpose composed of city attorney James S. Wilson and attorneys Henry Prewitt and Jeff Layson, a copy of which map is now on file with the City Building Inspector at the City Hall, 800 Pleasant Street, Paris, Kentucky, for inspection, without charge, by any member of the public, be and hereby is adopted as the Official Zoning Map for the City of Paris;

SECTION 2.

That copies of this map be made for general use;

SECTION 3.

That the Mayor be authorized and directed to sign a copy of this map to be designated "Official Zoning Map"; and

SECTION 4.

That this ordinance be effective from and after its adoption and publication as required by law.

Adopted December 12, 1972.

/s/ Emil Rains

Mayor

Attest:

/s/ Louis Elvove

ARTICLE I. ENACTMENT; TITLE; PURPOSE

§ 80.001 SHORT TITLE

This order shall be known and may be cited as "The Zoning Ordinance, Paris-Bourbon County, Kentucky."

The zoning map referred to herein is entitled "Zoning Map-Paris-Bourbon County, Kentucky."

(Am. Ord. 2014-12, passed 7-15-14)

§ 80.002 EFFECTIVE DATE

This order shall become effective immediately upon its adoption, the general welfare demanding it.

(Am. Ord. 2014-12, passed 7-15-14)

§ 80.003 AUTHORITY

The power to enact this order is granted to this area under the authority of KRS 100.201.

(Am. Ord. 2014-12, passed 7-15-14)

§ 80.004 PURPOSE, OBJECTIVE, AND GOALS

It is the intent, purpose, and scope of this order to promote and protect the health, safety, morals, and general welfare of the area and to protect existing agricultural and residential land uses by regulating the location, height, size, and use of buildings and other structures, and the use of land for trade, industry, residence, or other purposes.

The objectives and goals of this order are to provide for the harmonious and orderly development of Paris-Bourbon County in accordance with the Comprehensive Plan.

(Am. Ord. 2014-12, passed 7-15-14)

§ 80.005 INTERPRETATION

This Zoning Order shall be strictly construed and may not be extended by implication except where the intention of the legislative body must prevail. In their interpretation and application, the provisions of this order shall be held to minimum requirements.

Whenever this order imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions or orders, the provisions of this order shall govern.

(Am. Ord. 2014-12, passed 7-15-14)

§ 80.006 SEVERABILITY CLAUSE

If any word or words, phrase or phrases, sentence or sentences of this order should be declared unconstitutional, it shall not thereby invalidate any other portion of this order.

(Am. Ord. 2014-12, passed 7-15-14)

§ 80.007 APPLICATION OF REGULATIONS

Except as herein otherwise provided, all existing and future structures and uses of premises within the city limits of Paris, shall conform with all applicable provisions of this order.

Each zoning district is established to permit only those uses specifically listed as permitted, except as hereinafter provided under the conditional use, home occupation, and non-conforming provisions, and is intended for the protection of those uses.

No other uses shall be permitted.

(Am. Ord. 2014-12, passed 7-15-14)

§ 80.008 DEFINITIONS

For purpose of these regulations, certain terms, phrases, words, and their derivatives are defined as follows:

Words used in the present tense include the future, words in the singular include the plural and the plural the singular.

The word "*BUILDING*" includes the word "*STRUCTURE*"; the word "*SHALL*" is mandatory and not directory.

"ACCESSORY BUILDING." A structure incidental and subordinate to the principal structure on the same lot, and serving a purpose customarily incidental thereto. No accessory structure can be constructed on a lot before a principal structure. A parked mobile home shall not be considered an accessory building. See also Section 80.201 (District Regulations).

"ACCESSORY USE." A use that is incidental and subordinate to that of the main structure, or use of land, and that is located on the same lot and under the same ownership in all respects.

"ADMINISTRATIVE OFFICIAL." Any department, employee, or advisory, elected, or appointed body which is authorized, and/or certified as applicable, to administer any provision of the zoning regulation, subdivision regulations, and, if delegated, any provision of any housing or building regulation, or any other land use control regulation.

"AGRICULTURAL USE." Use of a tract of:

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

(B) Regardless of the size of the tract of land used, small farm wineries licensed under KRS 243.155.

(C) A tract of at least five (5) contiguous acres used for the following activities involving horses:

1. Riding lessons;
2. Rides;
3. Training;
4. Projects for educational purposes;
5. Boarding and related care; or

6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations; or

(D) A tract of land used for the following activities involving horses:

1. Riding lessons;
2. Rides;
3. Training;

4. Projects for educational purposes;

5. Boarding and related care; or

6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) or less participants. Shows, competitions sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations.

This paragraph shall only apply to acreage that was being used for these activities before July 13, 2004.

"AREAS: HISTORIC, SCENIC OR CONSERVATION." Areas designated by the National Historic Society, the Kentucky Heritage Commission, the Bourbon County Joint Planning Commission and/or any governmental agency for the purpose of preservation.

"BOARD." The Paris Board of Adjustment, unless the context indicates otherwise.

"BUILDING PERMIT." A permit issued by the Building Inspector authorizing the construction or alteration of a specific building on a specific lot.

"CITIZEN MEMBER." Any member of the Planning Commission or Board of Adjustment who is not an elected official or employee of the city or county.

"CITY." Refers to the City of Paris.

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

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

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

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

"CONDOMINIUM DEVELOPMENTS." Developments subject to the Kentucky Horizontal Property Law, in which there is separate ownership of individual units and communal ownership of those improvements owned neither by one individual unit owner, nor by a local government or utility." (Am. Ord. passed 11-8-2005)

"CONVENIENCE MARKETS." A retail business designed to sell snack and grocery items and health and beauty aids along with the retail sales of gasoline. Grease racks and repair facilities would be expressly prohibited under this definition.

"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.

"DIMENSIONAL VARIANCE." A departure from the terms of the zoning regulation pertaining to height or width of structures, or the size of yards and open spaces, where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape, or topography, and not as a result of the actions of the applicant, the literal enforcement of the zoning regulations would result in unnecessary and undue hardship.

"DISTRICT." A portion of the territory, within the City of Paris, in which certain regulations and requirements apply under the provision of this Zoning Ordinance.

"DWELLING." Building or portion thereof occupied exclusively for residential purposes, not including a mobile home or trailer, and falling into one of the following categories:

(A) *"SINGLE FAMILY DWELLING."* Building occupied and intended for use exclusively for residence purposes by one family or housekeeping unit.

(B) *"TWO-FAMILY DWELLING."* Building occupied and intended for use exclusively by two (2) families or two (2) housekeeping units, commonly known as a duplex.

(C) *"TOWNHOUSES."* A group of three (3) or more attached, one or two-story, single-family dwellings each separated by a

common vertical wall, of which unit has its own entrance and lot, including front yard and back yard.

(D) *"MULTI-FAMILY DWELLING."* Building or portion thereof occupied by three (3) or more housekeeping units, each with separate living quarters, cooking, and bathroom facilities.

"DWELLING UNIT." One room or rooms connected together, constituting a separate, independent housekeeping establishment for occupancy by a family as owner, one or more persons, by rental or lease on a weekly, monthly, or longer basis and physically separated from any other rooms or dwelling units which may be located in the same building, and containing independent cooking, bathroom and sleeping facilities.

"HOME OCCUPATION." An occupation carried on in a dwelling unit or other structure accessory to a dwelling unit, by a member or members of the bona fide residents of the dwelling and which is clearly incidental and secondary to the use of the dwelling unit for residential purposes, provided such home occupation is performed under the conditions set out in Article III, Section 80.201.A.3(a)(1)ii.

"HOUSING OR BUILDING REGULATION." The Kentucky Building Code, the Kentucky Plumbing Code, and any other building or structural code promulgated by the Commonwealth or by its political subdivisions.

"JUNKYARD." A lot, land, or structure, or part thereof used primarily for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and/or for the sale of parts thereof.

"LEGISLATIVE BODY." Bourbon County Fiscal Court or the Paris City Commission.

"LOT OF RECORD." A lot which is recorded in the office of the Bourbon County Clerk.

"MANUFACTURED HOME." A structure manufactured after June 15, 1976, and in accordance with the federal act (National Manufactured Housing Construction and Safety Standards Act); which is transportable in one (1) or more sections which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site is three hundred, twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, place of business, profession, or trade, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. Each transportable section must have the red label certifying that the structure is built to HUD specifications. "Manufactured Homes" must also be reviewed and certified by the Kentucky Division of Building Codes Enforcement, Modular and Manufactured Housing.

"MICRO-BREWERY." An establishment, within a completely enclosed building, which is intended for the production of up to 25,000 barrels per year, of malt beverages, to include providing sampling, and sales by the drink, or by package, of malt beverages in accordance with the terms, conditions, and licenses specified by KRS 243.088, KRS 243.150, and KRS 243.157, and other applicable federal, state, and local laws.

"MICRO-DISTILLERY (Craft Distillery)." Small establishment primarily engaged in on-site distillation of spirits (Examples: vodka, gin, tequila, rum, whiskey) and may include retail and food service. Typically, micro-distilleries offer free tours and tastings to those over 21. Establishments must be in accordance with KRS 243.0305, KRS 243.120, KRS 243.240, KRS 243.250, and other federal, state and local laws.

"MINI-WAREHOUSES." Structures designed primarily for the storage of retail or personal property. Wholesale storage may be allowed by Board of Adjustment with stipulation no sales may be conducted on mini-warehouse lot.

"MOBILE HOME." A structure manufactured prior to June 15, 1976, which was not required to be constructed in accordance with the federal act (National Manufactured Housing Construction and Safety Standards Act), which is transportable in one (1) or more sections which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site is three hundred, twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. A "mobile home" is considered a "manufactured home", except that it is built before June 15, 1976.

"MODULAR HOME." A factory-built home, other than a manufactured home, which is designed only for erection, or installation, on a site-built permanent foundation; is not designed to be moved once so erected or installed. These structures are known in Kentucky as "Kentucky Industrialized Building Systems", with plans and site review and approval to be done by the Kentucky Division of Building Codes Enforcement, Modular and Manufactured Housing.

"NON-CONFORMING LOTS." Lots of record at the time of adoption or amendment of this Zoning Ordinance, that do not conform with the current minimum lot area, width, depth or street frontage regulations prescribed for the district in which the lot is

located.

"NON-CONFORMING STRUCTURES." Structures that were lawful prior to adoption or amendment of this Zoning Ordinance, but do not currently conform with the setbacks, coverage, height or other structural restrictions.

"NON-CONFORMING USES." Uses of land or structures that were lawful prior to the adoption or amendment of this Zoning Ordinance but would be prohibited, regulated or restricted under this Zoning Ordinance in the district in which they are located. Included in this definition are uses that would be otherwise permitted in the district by this Zoning Ordinance, but do not meet the requirements associated with such uses, e.g., parking, open space, setbacks, and the like.

"OUTDOOR ADVERTISING." A visible, immobile contrivance or structure in any shape or form, the purpose of which is to advertise any product or service, campaign, event, and the like.

"PLANNING COMMISSION." The Bourbon County Joint Planning Commission.

"PLANNING OPERATIONS." The formulating of plans for the physical development and social and economic well-being of a planning unit, and the formulating of proposals for the means of implementing the plans.

"PLANNING UNIT." The City of Paris, or Bourbon County, or in combination of both engaged in planning operations, in accordance with KRS 100.113.

"PLAT." A prepared drawing to an appropriate scale of a proposed lot(s) or parcel(s) of land as required in these regulations.

"POLITICAL SUBDIVISION." A separate legal entity of a state that has governmental powers and functions; ordinarily a city, county, school district, and other similar governmental entities.

"PUBLIC FACILITY." Any use of land whether publicly or privately owned, for transportation, utilities, or communications, or for the benefit for the general public, including but not limited to libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers including parks, and cemeteries.

"REGULATION." Any enactment by the legislative body of a city or county whether it is an ordinance, resolution, or an order, and including regulations for the subdivision of land adopted by the Planning Commission.

"SET-BACK LINE." The minimum yard distance, required by these regulations, to be maintained between a given lot line or R.O.W and any portion of a structure - front, rear, and side, as specified. (See drawing below)

"SIGN." Any name, identification, description, display, illustration, or device, which is affixed to, painted, or represented directly or indirectly upon a building, structure, or land, in view of the general public and which directs attention to a product, place, activity, person, or business. The term *"SIGN"* shall not include the flag, pennant, or insignia of any nation, state, city, or other political unit, or of any civic, professional, religious, or like society, campaign, drive, movement or event.

"SIGN, BILLBOARD." A sign, which directs attention to a product, person, or activity with no information as to where such product, person, or activity is available.

"SIGN, FREE-STANDING." A non-movable sign which is not attached to any building or structure but is self-supporting. The structural elements of a free-standing sign which are not part of the display, shall not be included in computing the area of such a sign, and placement shall be in accordance with Section 80.202.

"SIGN, ILLUMINATED." A sign lighted by, or emitting, artificial lighting either by lights on or inside the sign, or directed toward the sign. Illumination must be consistent with the guidelines provided in Section 80.202 (Signs and Outdoor Advertising).

"SIGN, OFF PREMISES." A sign which directs attention to a specific location or establishment where a business, product, service, or activity is generally conducted, sold or offered elsewhere other than on the premises where such sign is located.

"SIGN, ON PREMISES." A sign which directs attention to a business, profession, product, activity, or entertainment, sold or offered upon the premises which such sign is located.

"SIGN, PORTABLE." A sign that is not permanently affixed to a building, structure, or the ground, and may periodically be moved to various locations on the property.

"SIGN, PROJECTING." Any sign which is attached directly to a canopy, marquee, or wall of a building or other structure, the

surface of which extends horizontally outward from such canopy, marquee, or wall more than twelve (12) inches.

"SIGN, TEMPORARY." A sign or advertising display intended to be displayed for a limited time only and including: announcements relating to sales, drives, or events of a civic or philanthropic, educational, or religious organization; signs advertising the specific property on which they are placed for sale, lease, or rent; posters for candidates and issues for public election; portable signs designed to be moved from place to place; and signs identifying the name of a subdivision or a development project, including the names of architectural, engineering, construction, financing, or sales firms engaged in the development of such a project.

"SIGN, WALL." A sign, which is attached or painted with the surface parallel to the face of a wall of a building or other structure.

"SITE PLAN." Similar to a development plan, but not as much detail is required. A site plan shows a lot with the location of all existing and proposed structures, yard setbacks, driveways, parking spaces, means of ingress and egress, drainage facilities, street grades, and proposed finished grades, and any other information that may be reasonably required in order to make an informed decision, as detailed in Article VI. To obtain a building permit for single family or two family residential housing from the Administrative Officer, or for a zoning map amendment for single family or two family residential, a site plan is required. For all other building permits or zoning map amendments a development plan is necessary.

"STRUCTURE." Anything constructed or made, the use of which requires permanent location in or on the ground, or attachment to something having a permanent location in or on the ground, including buildings, signs, and in-ground swimming pools.

"SUBDIVISION." The division of a parcel of land into two (2) or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; providing that a division of land for agricultural purposes into lots or parcels of five (5) acres, or more and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided. Any division or re-division of land into parcels of less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision.

"UNOBSTRUCTED OPEN SPACE." An area of land required to be maintained as specific herein, upon which no structure may be erected except those accessory structures used in connection with the movement or regulation of traffic.

"VARIANCE." A modification from the literal provisions of these regulations by the Board of Adjustment in cases where a literal enforcement of its provisions would result in unnecessary hardship due to circumstances unique to the individual property for use for which the variance is granted.

"WINERY" A commercial facility for the fermentation and processing of grapes or other products into wine. The term "winery" shall include winery visitor's center, which includes tour and tasting facilities, and a gift shop for retail sales of wines and wine related items. The winery shall be permitted to sell at retail, from the premises, wine by the glass and bottle to visitors for consumption on the premises as well as to sell at retail sealed bottles or other sealed containers of such wine for consumption off the premises. The winery shall operate in accordance with KRS 243.031, KRS 243.088, KRS 243.120, KRS 243.154, KRS 243.155, and other applicable federal, state and local laws.

"YARD." An open space between a principal structure and each lot line, unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided in this ordinance. (See graphic following *"SETBACK LINE"* definition).

"ZONE." Land use regulation of which the basic purpose and function is to divide a municipality into districts (residential, commercial, industrial, and the like) as depicted on the Official Paris Zoning Map. Districts are separate from one another, with the use of property within each district being reasonably uniform. The districts generally have additional restrictions within these regulations.

(Am. Ord. passed 7-6-76, Section 1; Am. Ord. passed 8-3-76, Section 1; Am. Ord. passed 12-29-80, Section 1; Am. Ord. 10-86, passed 3-25-86; Am. Ord. 2014-12, passed 7-15-14)

Cross reference:

Definitions and rules of construction, generally, Sections 10.002-10.003

ARTICLE II. ESTABLISHMENT OF DISTRICTS

§ 80.100 ESTABLISHMENT OF DISTRICTS; PROVISIONS FOR OFFICIAL ZONING MAP

A. *Districts.*

1. For the purpose of these regulations, the Paris area is hereby divided into the following districts:

A- Agricultural

R-1 Residential

R-2 Residential

R-3 Residential

R-4 Residential

R-5 Residential

R-6 Residential

R-7 Residential

R-8 Residential

B-1 Central Business

B-2 General Commercial

B-3 Neighborhood Commercial

I-1 Light Industrial

I-2 Heavy Industrial

C- Conservation

H-M Hospital/Medical

H Historic

PUD Planned Unit Development

(Am. Ord. passed 5-6-80, Section 1)

B. *Zoning Map.*

1. The above districts are bounded and defined as shown on a map entitled "Official Zoning Map, Paris-Bourbon County, Kentucky".

In addition to its title, each separate section of the zoning map shall be identified by the signature of the Mayor, attested by the City Clerk and bearing the seal of the city under the following words:

"This is to certify that this is a section of the official zoning map referred to in Section 80.100.C. of the Paris Zoning Order, adopted by the City Commission."

If, in accordance with the provisions of this order and Kentucky Revised Statutes, changes are made in zoning boundaries or other matters portrayed on the official zoning map, such changes shall be made by the local governing body together with an entry on the official zoning map giving a brief description of nature of change, which entry shall be signed by the legislative officer and attested. No amendment to these regulations which involves matters portrayed on the official zoning map shall become effective until after such change and entry have been made on said map.

No changes of any nature shall be made on the official zoning map or matter shown thereon except in conformity with the procedures set for the herein. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of these regulations and punishable as provided under Section 80.303.

Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the office of the Director of Engineering Services, shall be the final authority as to the

current zoning status of land, buildings, and other structures within the county.

C. Replacement of the Official Zoning Map.

In the event that the official zoning map becomes damaged, destroyed, or difficult to interpret because of the nature or number of changes, the legislative body may, by resolution, adopt a new official zoning map which shall supersede the prior official zoning map. Separate sections of the map may also be replaced as needed. 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 zoning regulations or any subsequent amendment thereof. Each new section of the zoning map shall be identified by the signature of the City Mayor or County Judge attested by the Clerk and bearing the seal of the city or county under the following words:

"This is to certify that this Section of the Official Zoning Map supersedes and replaces the same Section of the Official Zoning Map adopted December 12, 1972 for Paris-Bourbon County, Kentucky."

The old map shall be retained as a part of the Commission records. (Ord. passed 12-12-72)

(Am. Ord. 2014-12, passed 7-15-14)

§ 80.101 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

A. Where uncertainty exists as 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-lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated, as approximately following city limits shall be construed as following city limits;
3. Boundaries indicated, as approximately following platted lot lines shall be construed as following platted lot lines;
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, valleys, ditches, gulleys, or other bodies of water shall be construed to follow such center-lines;
6. Boundaries indicated as parallel to or extensions of features listed in numbers 1. through 5. above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map;
7. Areas indicated by reference to subdivision or other plats of record shall have the boundaries shown on such plats;
8. Where physical or manmade features existing on the ground are at variance with those shown on the official zoning map or in other circumstances not covered by 1. through 7. above, the Planning and Zoning Commission shall interpret the district boundaries.

(Am. Ord. 2014-12, passed 7-15-14)

ARTICLE III. REGULATIONS

§ 80.200 APPLICATION OF REGULATIONS

A. The regulations established herein within each district shall be minimum regulations and shall apply uniformly to each class or kind of structures or land, except as hereinafter otherwise provided:

B. No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, restructured, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

C. No building or other structure shall hereafter be erected or altered:

1. To exceed the height:
2. To accommodate or house a greater number of families;

3. To occupy a smaller lot area;

4. To have narrower or small rear yards, front yards, side yards, or other open spaces; than herein required, or in any manner contrary to the provisions of these regulations.

D. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with these regulations shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

E. No yard or lot existing at the time of passage of these regulations shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of these regulations shall meet at least the minimum requirements established herein.

(Am. Ord. 2014-12, passed 7-15-14)

§ 80.201 DISTRICT REGULATIONS

A. No land shall be used or occupied and no structure shall be designed, erected, altered, used, or occupied except for the following primary permitted uses for each of the several following districts, together with lawfully permitted home occupations and temporary uses as listed below and permitted accessory uses.

1. *All districts.*

(a) *Uses permitted:*

(1) Public Park, playground, and other public recreation areas.

(2) Uses by temporary permit:

i. Non-commercial concrete batching plant (permit not to exceed six (6) months).

ii. Temporary building, office, or yard for construction (permit not to exceed six (6) months). See also Section 80.204.B. specific to "Residential Districts".

iii. Temporary building for conducting business during construction, repair, or remodeling of principle building (permit not to exceed six (6) months).

(Am. Ord. passed 11/12/02, Section 1)

(3) Accessory Uses and Structures:

i. Uses permitted: customary accessory uses shall be permitted in any zoning district provided such use is directly related to the principal use.

ii. Height and setback: unless otherwise indicated in the following table, the height and yard setback requirements for accessory structures and uses shall be the same as for the principal permitted structures and uses.

iii. Table of Special Height and Setback Requirements:

Principal Use	Accessory Use	Minimum Setback			Maximum Height
		Front	Side	Rear	
Residence	Carport	X	4'	9'	15'
	*Garage	X	2'	3'	15'
	Pet House	X	2'	3'	NA
	Play-House	X	6'	6'	NA
	Solar Collectors	X	6'	6'	NA

	Swimming Pool Structures (Above and below ground; including decks, stairs)	X	6'	6'	NA
	TV Satellite Receiver	X	6'	6'	12'
	Utility Building	X	2'	3'	12'
Business	Dumpster Pad	X	12'	15'	NA
Industry	Dumpster Pad	X	12'	15'	NA
	*Caretaker Quarters	30'	10'	12'	35"
X - Not Permitted					
NA - Not Applicable					
*Note: Free-standing structures shall be located at least ten (10) feet from principal structures. Attached structures or structures closer than ten (10) feet shall have the same setbacks as the zoning district requires.					

(Am. Ord. passed 11-12-02, Section 1)

(b) *Lot width.* The minimum lot width requirements are to be measured at the building front setback line and shall be as hereinafter specified, except that with the special approval of the Planning Commission where lots front on a cul-de-sac, a lesser width may be permitted where the area requirements of the lot are met and where the Planning Commission finds that such lesser width will not damage the appearance of the neighborhood and that a strict requirement of the lot width normally required in the district would be impractical or uneconomic in the subdivision of the land from which the lot is created.

(Am. Ord. passed 11-13-73, Section 1)

(c) *Lot area and lot width; existing buildings.* The minimum area requirements for lots in all districts shall be a hereinafter provided, except where lots of record are concerned. Where two (2) or more buildings were erected upon one (1) lot of record and separately occupied and used before any zoning regulations were effective applicable thereto, the Planning Commission may approve the subdivision of such lot into smaller lots so that said buildings may be conveyed to separate owners where the Commission finds that the smaller lots will not be materially different from other lots in the neighborhood.

(Am. Ord. Passed 11-13-73, Section 1)

(d) *Corner lots.* This section shall provide for the maximum safety of driver visibility and persons using sidewalks. On any corner lot or curb cut, no wall, fence, structure, parking space, or any plant growth which obstructs sight lines at elevations between two and one-half (2 ½) feet and nine (9) feet above the crown of the adjacent roadway shall be placed or maintained within a triangular area twenty-five (25) feet along each of the intersecting streets to be measured from the property line. When the property line extends into the street, as in lots of record, the 25 foot measurement shall be taken from the edge of the intersecting pavement. (See Following Drawing)

(e) *Required setbacks involving rights-of-way.* In all zoning districts where front yard setbacks are required, that setback shall be measured from the known right-of-way. Where there is no known right-of-way line, the required yard setback shall be measured from the nearest edge of the pavement of the street or road involved.

2. *Agricultural District(s) - A.*

(a) *A - Agricultural.*

(1) *Uses permitted.*

- i. Agricultural activities including agricultural crops, dairying, and the raising of fowls or animals of any kind and feeding lots.
- ii. Single-family dwellings occupied by the owner or operator of the farm and such additional single-family dwellings as are necessary for occupancy by the employees of the farm operation. Permanent type buildings (not mobile homes) erected for this purpose and afterwards found to be unnecessary for such purpose may be rented for residential use.
- iii. Sale on the premises of agricultural products produced on the premises.
- iv. Public, semi-public, and private lands for open space reserves that may be for permanent open spaces for future development in accordance with this ordinance.

(2) *Accessory structures and uses permitted:*

- i. Accessory buildings which are not a part of the main buildings, including barns, sheds, and other farm buildings. Private garages and accessory buildings which are part of the main buildings shall be permitted.

(3) *Building height.*

- i. No building or structure shall exceed thirty-five (35) feet in height.

(4) *Lot area and width.* Lots shall be no less than 5 acres and the lot width, at the building setback line, shall be no less than two hundred, fifty (250) feet.

(5) *Minimum setbacks required.*

- i. *Front.* Sixty (60) feet, measured from the street right-of-way to the furthest projection of the principal structure.
- ii. *Side.* Fifteen (15) feet, measured from the side yard property lines to the furthest projection of the principal structure.
- iii. *Rear.* Twenty-five (25) feet, measured from the rear yard property line to the furthest projection of the principal structure.
- iv. *Corner lots.* The minimum side yard setback on any street not having lots fronting upon it shall be fifteen (15) feet from the right-of-way line measured to the nearest portion of the principal structure. Where the street on the side of the corner lot has lots fronting upon it within the same block and on the same side of the street, the side yard setback on the corner lot shall be equal to the front yard setback requirements for lots fronting on that street.
- v. *Setbacks for public and semi-public buildings.* All public and semi-public buildings, including accessory buildings, shall have at least the same front yard setbacks required for all other buildings in this district. There shall be a minimum side yard and rear yard setback for such buildings of fifty (50) feet from any lot line.

vi. *Exceptions.* In order to allow productive use of property, the Board of Adjustments shall permit lesser setbacks to be established where the lot involved is a lot of record and lesser setbacks will be in conformity with existing structures in the area.

(6) *Uses permitted by conditional use.*

- i. Public and parochial schools and colleges, private schools and colleges for academic instruction.
- ii. County clubs, golf courses, libraries, public parks, playgrounds and community centers, churches, public and private non-commercial recreation areas, public utilities, public transportation, and any federal, state, city or county-owned public buildings and/or uses. Also animal hospitals.

3. *Residential - R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8.*

(a) *R-1 Residential.*

(1) *Uses permitted:*

- i. Single-family dwellings which are not mobile homes. Anything to the contrary notwithstanding, a mobile home prohibited in a residential district for purposes of this ordinance shall not be deemed to include what is commonly known as a modular home which is intended as a permanent structure, even though all or a part of said home shall be initially moved upon the premises upon

wheels, provided same is promptly converted into a permanent structure. The minimum specifications required to qualify a modular home shall be as fixed from time to time by the Planning Commission. In any case, the home must be securely connected to a permanent type of foundation, and have the hitches, axles and wheels removed. These structures are known in Kentucky as "Kentucky Industrialized Building Systems", with plans, site review and approval to be done by the Kentucky Division of Building Codes Enforcement, Modular and Manufactured Housing.

(Am. Ord. passed 6-25-74)

ii. Home occupations as defined in Section 80.008 (definition of home occupations) herein, and which meet the following criteria (i-vii):

- (i) The operator must be resident in the principal building on the property;
- (ii) No more than one person, not a resident of the premises, may be employed regularly;
- (iii) The use will occupy no more than twenty-five percent (25%) of the total floor area of the dwelling;
- (iv) The use does not change the appearance of any structure from that of a residence;
- (v) The use does not adversely affect the immediate neighborhood by excessive traffic generation, noise, or similar nuisance;
- (vi) No outside signage shall be permitted except one professional, or announcement, sign not to exceed 2 square feet in area;
- (vii) Home occupations are to be limited to those listed below (A-M):
 - (A) Beauty shop;
 - (B) Custom dressmaking, millinery, tailoring, sewing of fabrics for custom apparel and custom home furnishings;
 - (C) Business office in which goods, wares, or merchandise are not commercially created, stored or sold;
 - (D) Tutoring, limited to not more than four (4) children simultaneously;
 - (E) Fine arts studio in which are created only individual works of art;
 - (F) Rooming and/or boarding of not more than four (4) persons;
 - (G) Bakeries, which do not employ more than two (2) full time persons;
 - (H) Antique shops;
 - (I) Art galleries;
 - (J) Photography studios;
 - (K) Computer consulting and services;
 - (L) Catering;
 - (M) Dog grooming.

iii. Bed and breakfast establishments limited to five (5) separate accommodations.

(Am. Ord. 14-84, Section I, passed 5-29-84; Am. Ord. 15-86, passed 6-10-86; Am. Ord. 46-88, passed 9-13-88; Am. Ord. 90-36, passed 12-11-90; Am. Ord. 93-23, passed 6-22-93; Am. Ord. passed 12-11-97; Am. Ord. 2001-2, passed 1-9-01)

(2) *Uses prohibited.*

i. Mobile homes are expressly prohibited.

(Am. Ord. passed 3-2-76, Section 1)

(3) *Building height.* No building or structure shall exceed thirty-five (35) feet in height.

(Ord. passed 12-12-72)

(4) *Required lot area and lot width.*

i. There shall be only one single-family dwelling located on a single lot of not less than twenty-two thousand, five hundred (22,500) square feet in area. The minimum lot width measured at the building setback line shall not be less than one hundred, fifty (150) feet.

(5) *Minimum setbacks required.*

i. *Front.* Thirty (30) feet, measured from the street right-of-way line to the furthestmost projection of the principal structure.

ii. *Side.* Fifteen (15) feet, measured from the side property line to the furthestmost projection of the principal structure.

iii. *Rear.* Twenty-five (25) feet, measured from the rear property line to the furthestmost projection of the principal structure.

iv. *Corner lot setbacks.* The minimum side yard setback on any street not having lots fronting upon it shall be fifteen (15) feet, measured from the right-of-way line to the furthestmost projection of the principal structure. Where the street on the side of the corner lot has lots fronting upon it within the same block and on the same side of the street, the side yard setback on the corner lot shall be equal to the front yard setback requirements for lots fronting on that street.

v. *Setbacks for public and semi-public buildings.* All public and semi-public buildings, including accessory buildings shall have at least the same front yard setback required for all other buildings in this district. There shall be a minimum side yard and rear yard setback for such buildings, of fifty (50) feet, from any lot line.

vi. *Exceptions.* In order to allow productive use of property, the Board of Adjustments shall permit lesser setbacks to be established where the lot involved is a lot of record and lesser setbacks will be in conformity with existing structures in the area.

(6) *Uses permitted by conditional use.*

i. The following uses are permitted as conditional uses and require written approval of the Board of Adjustment. Churches and other places of worship; parish houses; public libraries; schools; municipal, county, state or federal uses; pumping stations; utility offices; substations; utilities; funeral homes; cemeteries; nursing homes; hospitals for human care; philanthropic institutions and clubs, except a club the chief activity of which is conducted as a business; radio broadcasting and executive offices; offices of doctors, optometrists, realtors, or lawyers; state approved child care service where over five (5) children are present. The Board of Adjustment may deny approval or attach certain conditions to its approval which it feels are necessary requirements in order to preserve and protect the character of the district.

(Am. Ord. passed 5-8-73; Am. Ord. passed 9-9-75, Section 1; Am. Ord. 9-86, passed 3-25-86; Am. Ord. 91-31, passed 11-12-91)

(b) *R-2 Residential.*

(1) *Uses permitted.*

i. Single-family dwellings which are not mobile homes.

ii. Home occupations as defined in Section 80.008 (definition of home occupations) herein, and which meet the following criteria (i-vii):

(i) The operator must be resident in the principal building on the property;

(ii) No more than one person, not a resident of the premises, may be employed regularly;

(iii) The use will occupy no more than twenty-five percent (25%) of the total floor area of the dwelling;

(iv) The use does not change the appearance of any structure from that of a residence;

(v) The use does not adversely affect the immediate neighborhood by excessive traffic generation, noise, or similar nuisance;

(vi) No outside signage shall be permitted except one professional, or announcement, sign not to exceed 2 square feet in area;

(vii) Home occupations are to be limited to those listed below (A-M):

- (A) Beauty shop;
- (B) Custom dressmaking, millinery, tailoring, sewing of fabrics for custom apparel and custom home furnishings;
- (C) Business office in which goods, wares, or merchandise are not commercially created, stored or sold;
- (D) Tutoring, limited to not more than four (4) children simultaneously;
- (E) Fine arts studio in which are created only individual works of art;
- (F) Rooming and/or boarding of not more than four (4) persons;
- (G) Bakeries, which do not employ more than two (2) full time persons;
- (H) Antique shops;
- (I) Art galleries;
- (J) Photography studios;
- (K) Computer consulting and services;
- (L) Catering;
- (M) Dog grooming.

iii. Bed and breakfast establishments limited to five (5) separate accommodations.

(2) *Uses prohibited.*

i. Mobile homes are expressly prohibited.

(3) *Building height.* No building or structure shall exceed thirty-five (35) feet in height.

(4) *Minimum lot area and lot width.*

i. There shall be only one single-family dwelling located on a single lot of not less than ten thousand (10,000) square feet. The minimum required lot width at the building setback line for single-family dwellings shall be eighty (80) feet.

(5) *Minimum setbacks required.*

i. *Front.* Thirty (30) feet, measured from the street right-of-way line, to the furthestmost projection of the principal structure.

ii. *Side.* Ten (10) feet, measured from the side property line to the furthestmost projection of the principal structure.

iii. *Rear.* Twenty-five (25) feet, measured from the rear property line to furthestmost projection of the principal structure.

iv. *Corner lot setbacks.* The minimum side yard setback on any street not having lots fronting upon it shall be ten (10) feet, measured from the right-of-way line to the furthestmost projection of the principal structure. Where the street on the side of the corner lot has lots fronting upon it within the same block and on the same side of the street, the side yard setback on the corner lot shall be equal to the front yard setback requirements for lots fronting on that street.

v. *Setbacks for public and semi-public buildings.* All public and semi-public buildings, including accessory buildings shall have at least the same front yard setback required for all other buildings in this district. There shall be a minimum side yard and rear yard setback for such buildings, of fifty (50) feet, from any lot line.

vi. *Exceptions.* In order to allow productive use of property, the Board of Adjustments shall permit lesser setbacks to be established where the lot involved is a lot of record and lesser setbacks will be in conformity with existing structures in the area.

(6) *Uses permitted by conditional use.*

i. The following uses are permitted as conditional uses and require written approval of the Board of Adjustment. Churches and other places of worship; parish houses; public libraries; schools; municipal, county, state or federal uses; pumping stations, utility offices, substations; utilities; funeral homes; cemeteries; nursing homes, hospitals for human care; philanthropic institutions and clubs, except a club the chief activity of which is conducted as a business; radio broadcasting and executive offices; offices of doctors, optometrists, realtors, or lawyers; state approved child care service where over five (5) children are present. The Board of

Adjustment may deny approval or attach certain conditions to its approval which it feels are necessary requirements in order to preserve and protect the character of the district.

(A m. Ord. passed 3-2-76, Section 1)

(c) *R-3 Residential.*

(1) *Uses permitted.*

i. Single-family dwellings which are not mobile homes.

ii. Home occupations as defined in Section 80.008 (definition of home occupations) herein, and which meet the following criteria (i-vii):

(i) The operator must be resident in the principal building on the property:

(ii) No more than one person, not a resident of the premises, may be employed regularly;

(iii) The use will occupy no more than twenty-five percent (25%) of the total floor area of the dwelling;

(iv) The use does not change the appearance of any structure from that of a residence;

(v) The use does not adversely affect the immediate neighborhood by excessive traffic generation, noise, or similar nuisance;

(vi) No outside signage shall be permitted except one professional, or announcement, sign not to exceed 2 square feet in area;

(vii) Home occupations are to be limited to those listed below (A-M):

(A) Beauty shop;

(B) Custom dressmaking, millinery, tailoring, sewing of fabrics for custom apparel and custom home furnishings;

(C) Business office in which goods, wares, or merchandise are not commercially created, stored or sold;

(D) Tutoring, limited to not more than four (4) children simultaneously;

(E) Fine arts studio in which are created only individual works of art;

(F) Rooming and/or boarding of not more than four (4) persons;

(G) Bakeries, which do not employ more than two (2) full time persons;

(H) Antique shops;

(I) Art galleries;

(J) Photography studios;

(K) Computer consulting and services;

(L) Catering;

(M) Dog grooming.

iii. Bed and breakfast establishments limited to five (5) separate accommodations.

(2) *Uses prohibited.*

i. Mobile homes are expressly prohibited.

(3) *Building height.* No building or structure shall exceed thirty-five (35) feet in height.

(4) *Minimum lot area and lot width.*

i. There shall be only one single-family dwelling located on a single lot of not less than seven thousand, two hundred (7,200) square feet. The minimum required lot width at the building setback line for single-family dwellings shall be eighty (80) feet.

(5) *Minimum setbacks required.*

- i. *Front.* Thirty (30) feet, measured from the street right-of-way line, to the furthestmost projection of the principal structure.
- ii. *Side.* Ten (10) feet, measured from the side property line to the furthestmost projection of the principal structure.
- iii. *Rear.* Twenty-five (25) feet, measured from the rear property line to the furthestmost projection of the principal structure.
- iv. *Corner lot setbacks.* The minimum side yard setback line on any street not having lots fronting upon it shall be ten (10) feet, measured from the right-of-way line to the furthestmost projection of the principal structure. Where the street on the side of a corner lot has lots fronting upon it within the same block and on the same side of the street, the side yard setback on the corner lot shall be equal to the front yard setback requirements for lots fronting on that street.
- v. *Setbacks for public and semi-public buildings.* All public and semi-public buildings, including accessory buildings shall provide the same front yard setback as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback for such buildings of fifty (50) feet from any lot line.
- vi. *Exceptions.* In order to allow productive use of property, the Board of Adjustments shall permit lesser setbacks to be established where the lot involved is a lot of record and lesser setbacks will be in conformity with existing structures in the area.

(6) *Uses permitted by conditional use.*

- i. The following uses are permitted as conditional uses and require written approval of the Board of Adjustment. Churches and other places of worship; parish houses; public libraries; schools; municipal, county, state or federal uses; pumping stations, utility offices, substations; utilities; funeral homes; cemeteries; nursing homes, hospitals for human care; philanthropic institutions and clubs, except a club the chief activity of which is conducted as a business; radio broadcasting and executive offices; offices of doctors, optometrists, realtors, or lawyers; state approved child care service where over five (5) children are present. The Board of Adjustment may deny approval or attach certain conditions to its approval which it feels are necessary requirements in order to preserve and protect the character of the district.

(Am. Ord. passed 3-2-76, Section 1; Am. Ord. passed 10-26-76, Section 1)

(d) *R-4 Residential.*

(1) *Uses permitted.*

- i. Single-family dwellings that are not mobile homes.
- ii. Home occupations as defined in Section 80.008 (definition of home occupations) herein, and which meet the following criteria (i-vii):
 - (i) The operator must be resident in the principal building on the property;
 - (ii) No more than one person, not a resident of the premises, may be employed regularly;
 - (iii) The use will occupy no more than twenty-five percent (25%) of the total floor area of the dwelling;
 - (iv) The use does not change the appearance of any structure from that of a residence;
 - (v) The use does not adversely affect the immediate neighborhood by excessive traffic generation, noise, or similar nuisance;
 - (vi) No outside signage shall be permitted except one professional, or announcement, sign not to exceed 2 square feet in area;
 - (vii) Home occupations are to be limited to those listed below (A-M):
 - (A) Beauty shop;
 - (B) Custom dressmaking, millinery, tailoring, sewing of fabrics for custom apparel and custom home furnishings;
 - (C) Business office in which goods, wares, or merchandise are not commercially created, stored or sold;
 - (D) Tutoring, limited to not more than four (4) children simultaneously;

- (E) Fine arts studio in which are created only individual works of art;
- (F) Rooming and/or boarding of not more than four (4) persons;
- (G) Bakeries, which do not employ more than two (2) full time persons;
- (H) Antique shops;
- (I) Art galleries;
- (J) Photography studios;
- (K) Computer consulting and services;
- (L) Catering;
- (M) Dog grooming.

iii. Bed and breakfast establishments limited to five (5) separate accommodations.

iv. Two-family dwellings.

v. Townhouses, or rowhouses, with the following limitations:

(i) Not more than six (6) single-family townhouse units may be attached in one single structure within a R-4 District.

(ii) Single units must be at least 18 feet wide.

(iii) Individual townhouse units shall have the following setback requirements:

(iv) Minimum lot size: 1800 square feet.

(v) Minimum lot frontage: 18 feet; measured at the building setback line.

(vi) Minimum front yard setback: 15 feet, measured from the street right-of-way line to the furthestmost projection of the principal structure.

(vii) Minimum side yard setback: 10 feet, for exterior units on attached townhouses measured from the property line to the furthestmost projection of the principal structure.

(viii) Minimum rear yard setback: 25 feet, measured from the rear property line to the furthestmost projection of the principal structure.

(ix) There must be a break of 3 feet from the front yard setback at least every third unit within attached townhouses.

(x) Maximum lot coverage of 50%.

(xi) Maximum density of 10 dwelling units per gross acre with a R-4 District.

(xii) Townhouses shall require subdivision approval.

(xiii) The requirement for on-lot parking facility may be waived where collective parking facilities are proposed.

vi. Townhouse condominium developments in which each unit meets the requirements of Residential R-4, (1)v. (townhouses) except that:

(i) The lot sized requirements of (1)v.(iv) shall be suspended.

(ii) The frontage requirements of (1)v.(v) shall not apply. Instead, no unit shall be narrower than eighteen (18) feet.

(iii) The setback requirements of (1)v.(vi), (vii), and (viii) shall not apply. Instead, no building shall be located any closer than thirty (30) feet from another detached building or the edge of a street's pavement.

(iv) The maximum lot coverage of (1)v.(vii) shall apply to the area of the entire development, exclusive of roads.

(v) Subdivision approval shall be required prior to the recording of the master deed.

(2) *Uses prohibited.*

- i. Mobile homes are expressly prohibited.

(3) *Building height.* No building or structure shall exceed forty-five (45) feet in height.

(4) *Minimum lot area and lot width.*

i. There shall be only one single-family dwelling, or two-family dwelling, located on a single lot of not less than seven thousand, two hundred (7,200) square feet. The minimum required lot width at the building setback line for single-family and two-family dwellings shall be eighty (80) feet. Townhouse lot area and lot width are governed by Residential R-4, (1)v. and Residential R-4 (1)vi.

(5) *Minimum setbacks required.*

i. *Front.* For single and two-family dwellings - Twenty-five (25) feet, measured from the street right-of-way line to the furthestmost projection of the principal structure.

ii. *Side.* For single and two-family dwellings - Ten (10) feet, measured from the side property line to the furthestmost projection of the principal structure.

iii. *Rear.* For single and two-family dwellings - Twenty-five (25) feet, measured from the rear property line to the furthestmost projection of the principal structure.

iv. *Corner lot setbacks.* The minimum side yard setback on any street not having lots fronting upon it shall be ten (10) feet, measured from the right-of-way line to the furthestmost projection of the principal structure. Where the street on the side of the corner lot has lots fronting upon it within the same block and on the same side of the street, the side yard setback on the corner lot shall be equal to the front yard setback requirements for lots fronting on that street.

v. *Setbacks for public and semi-public buildings.* All public and semi-public buildings, including accessory buildings shall have at least the same front yard setback required for all other buildings in this district. There shall be a minimum side yard and rear yard setback for such buildings, of fifty (50) feet, from any lot line.

vi. Setbacks for townhouses are governed by Residential R-4, (1)v. and Residential R-4 (1)vi.

vii. *Exceptions.* In order to allow productive use of property, the Board of Adjustments shall permit lesser setbacks to be established where the lot involved is a lot of record and lesser setbacks will be in conformity with existing structures in the area.

(6) *Uses permitted by conditional use.*

i. The following uses are permitted as conditional uses and require written approval of the Board of Adjustment. Churches and other places of worship; parish houses; public libraries; schools; municipal, county, state or federal uses; pumping stations, utility offices, substations; utilities; funeral homes; cemeteries; nursing homes, hospitals for human care; philanthropic institutions and clubs, except a club the chief activity of which is conducted as a business; radio broadcasting and executive offices; offices of doctors, optometrists, realtors, or lawyers; state approved child care service where over five (5) children are present. The Board of Adjustment may deny approval or attach certain conditions to its approval which it feels are necessary requirements in order to preserve and protect the character of the district.

(Am. Ord. passed 3-2-76, Section 1; Am. Ord. passed 7-6-76, Section 6; Am. Ord. passed 10-26-76, Section 1;)

(e) *R-5 Residential.*

(1) *Uses permitted.*

i. Single-family dwellings that are not mobile homes.

ii. Home occupations as defined in Section 80.008 (definition of home occupations) herein, and which meet the following criteria (i-vii):

(i) The operator must be resident in the principal building on the property;

(ii) No more than one person, not a resident of the premises, may be employed regularly;

(iii) The use will occupy no more than twenty-five percent (25%) of the total floor area of the dwelling;

(iv) The use does not change the appearance of any structure from that of a residence;

(v) The use does not adversely affect the immediate neighborhood by excessive traffic generation, noise, or similar

nuisance;

(vi) No outside signage shall be permitted except one professional, or announcement, sign not to exceed 2 square feet in

area;

(vii) Home occupations are to be limited to those listed below (A-M):

(A) Beauty shop;

(B) Custom dressmaking, millinery, tailoring, sewing of fabrics for custom apparel and custom home furnishings;

(C) Business office in which goods, wares, or merchandise are not commercially created, stored or sold;

(D) Tutoring, limited to not more than four (4) children simultaneously;

(E) Fine arts studio in which are created only individual works of art;

(F) Rooming and/or boarding of not more than four (4) persons;

(G) Bakeries, which do not employ more than two (2) full time persons;

(H) Antique shops;

(I) Art galleries;

(J) Photography studios;

(K) Computer consulting and services;

(L) Catering;

(M) Dog grooming.

iii. Bed and breakfast establishments limited to five (5) separate accommodations.

iv. Two-family dwellings.

v. Multi-family dwellings.

vi. Townhouses, or rowhouses, with the following limitations:

(i) Not more than ten (10) single-family townhouse units may be attached in one single structure within a R-5 District.

(ii) Single units must be at least 18 feet wide.

(iii) Individual townhouse units shall have the following setback requirements:

(A) Minimum lot size: 1800 square feet.

(B) Minimum lot frontage: 18 feet; measured at the building setback line.

(C) Minimum front yard setback: 15 feet, measured from the street right-of-way line to the furthestmost projection of the principal structure.

(D) Minimum side yard setback: 10 feet for exterior units on attached townhouses. measured from the property line to the furthestmost projection of the principal structure.

(E) Minimum rear yard setback: 25 feet, measured from the rear property line to the furthestmost projection of the principal structure.

(F) There must be a break of 3 feet from the front yard setback at least every third unit within attached townhouses.

(G) Maximum lot coverage of 50%.

(H) Maximum density of 16 dwelling units per gross acre with a R-5 District.

(I) Townhouses shall require subdivision approval.

(J) The requirement for on-lot parking facility may be waived where collective parking facilities are proposed.

vii. Townhouse condominium developments in which each unit meets the requirements of Residential R-4, (1)v.

(townhouses) except that:

(i) The lot size requirements of (1)v.(iv) shall be suspended.

(ii) The frontage requirements of (1)v.(v) shall not apply. Instead, no unit shall be narrower than eighteen (18) feet.

(iii) The setback requirements of (1)v.(vi), (vii), and (viii) shall not apply. Instead, no building shall be located any closer than thirty (30) feet from another detached building or the edge of a street's pavement.

(iv) The maximum lot coverage of (1)v.(vii) shall apply to the area of the entire development, exclusive of roads.

(v) Subdivision approval shall be required prior to the recording of the master deed.

(2) *Building height.* No building or structure shall exceed forty-five (45) feet in height.

(3) *Minimum lot area and lot width.*

i. There shall be only one single-family dwelling, or two-family dwelling, located on a single lot of not less than seven thousand, two hundred (7,200) square feet. The minimum required lot width at the building setback line for single-family and two-family dwellings shall be eighty (80) feet. There shall be only one multi-family structure on a single lot of not less than six thousand (6,000) square feet for the first dwelling unit, plus one thousand, five hundred (1,500) square feet for each additional unit up to a total of four (4), and one thousand (1,000) square feet for each unit above a total of four (4). Minimum lot width for a multi-family structure shall be one hundred (100) feet. Townhouse lot area and lot width are governed by Residential R-4, (1)v. and Residential R-4 (1)vi.

(4) *Minimum setbacks required.*

i. *Front.* For single-family and two-family dwellings - Twenty-five (25) feet, measured from the street right-of-way line to the furthestmost projection of the principal structure.

ii. *Side.* For single-family and two-family dwellings - Ten (10) feet, measured from the side property line, to the furthestmost projection of the principal structure.

iii. *Rear.* For single-family and two-family dwellings - Twenty-five (25) feet, measured from the rear property line to the furthestmost projection of the principal structure.

iv. *Corner lot setbacks.* The minimum side yard setback on any street not having lots fronting upon it shall be ten (10) feet from the right-of-way line measured to the furthestmost projection of the principal structure. Where the street on the side of the corner lot has lots fronting upon it within the same block and on the same side of the street, the side yard setback on the corner lot shall be equal to the front yard setback requirements for lots fronting on that street.

v. *Setbacks for public and semi-public buildings.* All public and semi-public buildings, including accessory buildings shall have at least the same front yard setback required for all other buildings in this zone district. There shall be a minimum side yard and rear yard setback for such buildings, of fifty (50) feet, from any lot line.

vi. Setbacks for townhouses are governed by Residential R-4, (1)v. and Residential R-4 (1)vi.

vii. Setbacks for multi-family dwellings shall be the same as for townhouses.

viii. *Exceptions.* In order to allow productive use of property, the Board of Adjustments shall permit lesser setbacks to be established where the lot involved is a lot of record and lesser setbacks will be in conformity with existing structures in the area.

(5) *Uses permitted by conditional use.*

i. The following uses are permitted as conditional uses and require written approval of the Board of Adjustment. Churches and other places of worship; parish houses; public libraries; schools; municipal, county, state or federal uses; pumping stations, utility offices, substations; utilities; funeral homes; cemeteries; nursing homes, hospitals for human care; philanthropic institutions and clubs, except a club the chief activity of which is conducted as a business; radio broadcasting and executive offices; offices of doctors, optometrists, realtors, or lawyers; state approved child care service where over five (5) children are present. The Board of Adjustment may deny approval or attach certain conditions to its approval which it feels are necessary requirements in order to preserve and protect the character of the district.

(f) *R-6 Residential.*

(1) *Uses permitted.*

- i. Mobile homes and mobile home parks under the conditions specified in Section 80.204 (Manufactured Homes) hereof.
- ii. Single-family dwellings.
- iii. Home occupations as defined in Section 80.008 (definition of home occupations) herein, and which meet the following criteria (i-vii):

- (i) The operator must be resident in the principal building on the property;
- (ii) No more than one person, not a resident of the premises, may be employed regularly;
- (iii) The use will occupy no more than twenty-five percent (25%) of the total floor area of the dwelling;
- (iv) The use does not change the appearance of any structure from that of a residence;
- (v) The use does not adversely affect the immediate neighborhood by excessive traffic generation, noise, or similar nuisance;
- (vi) No outside signage shall be permitted except one professional, or announcement, sign not to exceed 2 square feet in area;
- (vii) Home occupations are to be limited to those listed below (A-M):
 - (A) Beauty shop;
 - (B) Custom dressmaking, millinery, tailoring, sewing of fabrics for custom apparel and custom home furnishings;
 - (C) Business office in which goods, wares, or merchandise are not commercially created, stored or sold;
 - (D) Tutoring, limited to not more than four (4) children simultaneously;
 - (E) Fine arts studio in which are created only individual works of art;
 - (F) Rooming and/or boarding of not more than four (4) persons;
 - (G) Bakeries, which do not employ more than two (2) full time persons;
 - (H) Antique shops;
 - (I) Art galleries;
 - (J) Photography studios;
 - (K) Computer consulting and services;
 - (L) Catering;
 - (M) Dog grooming.

iv. Bed and breakfast establishments limited to five (5) separate accommodations.

v. Two-family dwellings.

vi. Multi-family dwellings.

vii. Townhouses, or rowhouses, with the following limitations:

- (i) Not more than ten (10) single-family townhouse units may be attached in one single structure within a R-6 District.
- (ii) Single units must be at least 18 feet wide.
- (iii) Individual townhouse units shall have the following setback requirements:
 - (A) Minimum lot size: 1800 square feet.

(B) Minimum lot frontage: 18 feet; measured at the building setback line.

(C) Minimum front yard setback: 15 feet, measured from the street right-of-way line to the furthestmost projection of the principal structure.

(D) Minimum side yard setback: 10 feet for exterior units on attached townhouses, measured from the property line to the furthestmost projection of the principal structure.

(E) Minimum rear yard setback: 25 feet, measured from the rear property line to the furthestmost projection of the principal structure.

(F) There must be a break of 3 feet from the front yard setback at least every third unit within attached townhouses.

(G) Maximum lot coverage of 50%.

(H) Maximum density of 16 dwelling units per gross acre within a R-6 District.

(I) Townhouses shall require subdivision approval.

(J) The requirement for on-lot parking facility may be waived where collective parking facilities are proposed.

viii. Townhouse condominium developments in which each unit meets the requirements of Residential R-4, (1)v. (Townhouses) except that:

(i) The lot sized requirements of Residential R-4, (1)v. (Townhouses) shall be suspended.

(ii) The frontage requirements of (1)v.(v) shall not apply. Instead, no unit shall be narrower than eighteen (18) feet.

(iii) The setback requirements of (1)v.(vi), (vii), and (viii) shall not apply. Instead, no building shall be located any closer than thirty (30) feet from another detached building or the edge of a street's pavement.

(iv) The maximum lot coverage of (1)v.(vii) shall apply to the area of the entire development, exclusive of roads.

(v) Subdivision approval shall be required prior to the recording of the master deed.

(2) *Building height.* No building or structure shall exceed forty-five (45) feet in height.

(3) *Minimum lot area and width.*

i. There shall be only one single-family dwelling, or two-family dwelling, located on a single lot of not less than seven thousand, two hundred (7,200) square feet. The minimum required lot width at the building setback line for single-family and two-family dwellings shall be eighty (80) feet. There shall be only one multi-family structure on a single lot of not less than six thousand (6,000) square feet for the first dwelling unit, plus one thousand, five hundred (1,500) square feet for each additional unit up to a total of four (4), and one thousand (1,000) square feet for each unit above a total of four (4). Minimum lot width for a multi-family structure shall be one hundred (100) feet. Townhouse lot area and lot width are governed by Residential R-4, (1)v. and Residential R-4 (1)vi. Mobile homes are governed by the specific provisions of Section 80.204 (Manufactured Homes) hereof.

(4) *Minimum setbacks required.*

i. *Front. For single-family and two-family dwellings* - Twenty-five (25) feet, measured from the street right-of-way line to the furthestmost projection of the principal structure.

ii. *Side. For single-family and two-family dwellings* - Ten (10) feet, measured from the side property line, to the furthestmost projection of the principal structure.

iii. *Rear. For single-family and two-family dwellings* - Twenty-five (25) feet, measured from the rear property line to the furthestmost projection of the principal structure.

iv. *Corner lot setbacks.* The minimum side yard setback on any street not having lots fronting upon it shall be ten (10) feet, measured from the right-of-way line to the furthestmost projection of the principal structure. Where the street on the side of the corner lot has lots fronting upon it within the same block and on the same side of the street, the side yard setback on the corner lot shall be equal to the front yard setback requirements for lots fronting on that street.

v. *Setbacks for public and semi-public buildings.* All public and semi-public buildings, including accessory buildings shall have at least the same front yard setback required for all other buildings in this district. There shall be a minimum side yard and

rear yard setback for such buildings, of fifty (50) feet, from any lot line.

- vi. Setbacks for townhouses are governed by Residential R-4, (1)v. and Residential R-4 (1)vi.
- vii. Setbacks for multi-family dwellings shall be the same as for townhouses.
- viii. Setbacks for mobile homes are governed by Section 80.204 (Manufactured Homes) hereof.

ix. *Exceptions.* In order to allow productive use of property, the Board of Adjustments shall permit lesser setbacks to be established where the lot involved is a lot of record and lesser setbacks will be in conformity with existing structures in the area.

(5) *Uses permitted by conditional use.*

i. The following uses are permitted as conditional uses and require written approval of the Board of Adjustment. Churches and other places of worship; parish houses; public libraries; schools; municipal, county, state or federal uses; pumping stations, utility offices, substations; utilities; funeral homes; cemeteries; nursing homes, hospitals for human care; philanthropic institutions and clubs, except a club the chief activity of which is conducted as a business; radio broadcasting and executive offices; offices of doctors, optometrists, realtors, or lawyers; state approved child care service where over five (5) children are present. The Board of Adjustment may deny approval or attach certain conditions to its approval which it feels are necessary requirements in order to preserve and protect the character of the district.

(g) *R-7 Residential.*

(1) *Uses permitted.*

- i. Single-family dwellings which are not mobile homes.
- ii. Home occupations as defined in Section 80.008 (definition of home occupations) herein, and which meet the following criteria (i-vii):

- (i) The operator must be resident in the principal building on the property;
- (ii) No more than one person, not a resident of the premises, may be employed regularly;
- (iii) The use will occupy no more than twenty-five percent (25%) of the total floor area of the dwelling;
- (iv) The use does not change the appearance of any structure from that of a residence;
- (v) The use does not adversely affect the immediate neighborhood by excessive traffic generation, noise, or similar nuisance;
- (vi) No outside signage shall be permitted except one professional, or announcement, sign not to exceed 2 square feet in area;
- (vii) Home occupations are to be limited to those listed below (A-M):
 - (A) Beauty shop;
 - (B) Custom dressmaking, millinery, tailoring, sewing of fabrics for custom apparel and custom home furnishings;
 - (C) Business office in which goods, wares, or merchandise are not commercially created, stored or sold;
 - (D) Tutoring, limited to not more than four (4) children simultaneously;
 - (E) Fine arts studio in which are created only individual works of art;
 - (F) Rooming and/or boarding of not more than four (4) persons;
 - (G) Bakeries, which do not employ more than two (2) full time persons;
 - (H) Antique shops;
 - (I) Art galleries;
 - (J) Photography studios;
 - (K) Computer consulting and services;

(L) Catering;

(M) Dog grooming.

iii. Bed and breakfast establishments limited to five (5) separate accommodations.

(2) *Building height.* No building or structure shall exceed thirty-five (35) feet in height.

(3) *Required lot area and lot width.*

i. There shall be only one single-family dwelling located on a single lot of not less than six thousand, three hundred (6,300) square feet. The minimum required lot width at the building setback line shall be seventy (70) feet.

(4) *Minimum setbacks required.*

i. *Front.* Twenty (20) feet, measured from the street right-of-way line, to the furthestmost projection of the principal structure.

ii. *Side.* Five (5) feet, measured from the side property line to the furthestmost projection of the principal structure.

iii. *Rear.* Twenty-five (25) feet measured from the rear property line to the furthestmost projection of the principal structure.

iv. *Corner lot setbacks.* The minimum side yard setback on any street not having lots fronting upon it shall be ten (10) feet, measured from the right-of-way line to the furthestmost projection of the principal structure. Where the street on the side of the corner lot has lots fronting upon it within the same block and on the same side of the street, the side yard setback on the corner lot shall be equal to the front yard setback requirements for lots fronting on that street.

v. *Setbacks for public and semi-public buildings.* All public and semi-public buildings, including accessory buildings shall have at least the same front yard setback required for all other buildings in this district. There shall be a minimum side yard and rear yard setback for such buildings, of fifty (50) feet, from any lot line.

vi. *Exceptions.* In order to allow productive use of property, the Board of Adjustments shall permit lesser setbacks to be established where the lot involved is a lot of record and lesser setbacks will be in conformity with existing structures in the area.

(5) *Uses permitted by conditional use.*

i. The following uses are permitted as conditional uses and require written approval of the Board of Adjustment. Churches and other places of worship; parish houses; public libraries; schools; municipal, county, state or federal uses; pumping stations, utility offices, substations; utilities; funeral homes; cemeteries; nursing homes, hospitals for human care; philanthropic institutions and clubs, except a club the chief activity of which is conducted as a business; radio broadcasting and executive offices; offices of doctors, optometrists, realtors, or lawyers; state approved child care service where over five (5) children are present. The Board of Adjustment may deny approval or attach certain conditions to its approval which it feels are necessary requirements in order to preserve and protect the character of the district.

(Ord. 93-41, passed 9/28/93)

(h) *R-8 Residential.*

(1) *Uses permitted.*

i. Single-family dwellings which are not mobile homes.

ii. Home occupations as defined in Section 80.008 (definition of home occupations) herein, and which meet the following criteria (i-vii):

(i) The operator must be resident in the principal building on the property;

(ii) No more than one person, not a resident of the premises, may be employed regularly;

(iii) The use will occupy no more than twenty-five percent (25%) of the total floor area of the dwelling;

(iv) The use does not change the appearance of any structure from that of a residence;

(v) The use does not adversely affect the immediate neighborhood by excessive traffic generation, noise, or similar nuisance;

(vi) No outside signage shall be permitted except one professional, or announcement, sign not to exceed 2 square feet in area;

(vii) Home occupations are to be limited to those listed below (A-M):

- (A) Beauty shop;
- (B) Custom dressmaking, millinery, tailoring, sewing of fabrics for custom apparel and custom home furnishings;
- (C) Business office in which goods, wares, or merchandise are not commercially created, stored or sold;
- (D) Tutoring, limited to not more than four (4) children simultaneously;
- (E) Fine arts studio in which are created only individual works of art;
- (F) Rooming and/or boarding of not more than four (4) persons;
- (G) Bakeries, which do not employ more than two (2) full time persons;
- (H) Antique shops;
- (I) Art galleries;
- (J) Photography studios;
- (K) Computer consulting and services;
- (L) Catering;
- (M) Dog grooming.

iii. Bed and breakfast establishments limited to five (5) separate accommodations.

(2) *Building height.* No building or structure shall exceed thirty-five (35) feet in height.

(3) *Required lot area and lot width.*

i. There shall be only one single-family dwelling located on a single lot of not less than six thousand three hundred (6,300) square feet. The minimum required lot width at the building setback line shall be sixty (60) feet.

(4) *Minimum setbacks required.*

i. *Front.* Twenty (20) feet, measured from the street right-of-way line, to the furthestmost projection of the principal structure.

ii. *Side.* Five (5) feet, measured from the side property line furthestmost projection of the principal structure.

iii. *Rear.* Twenty-five (25) feet measured from the rear property line to the furthestmost projection of the principal structure.

iv. *Corner lot setbacks.* The minimum side yard setback on any street not having lots fronting upon it shall be ten (10) feet, measured from the right-of-way line to the furthestmost projection of the principal structure. Where the street on the side of the corner lot has lots fronting upon it within the same block and on the same side of the street, the side yard setback on the corner lot shall be equal to the front yard setback requirements for lots fronting on that street.

v. *Setbacks for public and semi-public buildings.* All public and semi-public buildings, including accessory buildings shall have at least the same front yard setback required for all other buildings in this district. There shall be a minimum side yard and rear yard setback for such buildings, of fifty (50) feet, from any lot line.

vi. *Exceptions.* In order to allow productive use of property, the Board of Adjustments shall permit lesser setbacks to be established where the lot involved is a lot of record and lesser setbacks will be in conformity with existing structures in the area.

(5) *Uses permitted by conditional use.*

i. The following uses are permitted as conditional uses and require written approval of the Board of Adjustment. Churches and other places of worship; parish houses; public libraries; schools; municipal, county, state or federal uses; pumping stations, utility offices, substations; utilities; funeral homes; cemeteries; nursing homes, hospitals for human care; philanthropic institutions and clubs,

except a club the chief activity of which is conducted as a business; radio broadcasting and executive offices; offices of doctors, optometrists, realtors, or lawyers; state approved child care service where over five (5) children are present. The Board of Adjustment may deny approval or attach certain conditions to its approval which it feels are necessary requirements in order to preserve and protect the character of the district.

(Ord. 93-41, passed 9-28-93)

4. *Commercial districts, B-1, B-2, B-3.*

(a) *B-1 Central Business.* The B-1 Central Business District is the heart of the city's social, political, financial, cultural and economic activities. The purpose, therefore, of establishing the district shall be to preserve this area as the focal point of the city. to prohibit uses which would detract from the primary functions of the CBD, to lessen congestion, provide adequate parking, and make the area attractive to the general public.

(1) *Uses permitted.*

i. Any retail business, or service use excluding service stations.

ii. Public, semi-public uses, such as public libraries, schools, municipal, county, state or federal uses; pumping stations, substations, utilities and utilities offices; churches and other places of worship; parish houses; dry-cleaning establishments; souvenir or gift shops; sporting equipment sales; funeral homes; cemeteries; nursing homes; wineries; micro-breweries; hospitals for human care; philanthropic institutions and clubs; radio broadcasting; offices of doctors, optometrists, ophthalmologists, realtors, and lawyers; institutional, cultural and recreational facilities, hotels, motels, financial institutions; any other business office, professional and non professional; state-approved child care service.

iii. Any accessory use or building customarily incidental to the above uses.

iv. Apartment units above the first floor level.

(2) *Building height.* No building shall exceed six (6) stories or seventy-five (75) feet in height.

(3) *Required side yard.* Buildings on lots adjacent to a residential district shall have a side yard requirement (equal) to that of the residential district.

(4) *Uses permitted by conditional use.*

i. Single-family dwellings in existing structures originally designed as single-family dwellings.

(Am. Ord. 89-32, passed 7-11-89)

ii. Accessory uses (such as welding, assembly, and the like) which would normally be considered as permitted uses in other zones, but shall occupy no more than 10% of the total floor level.

(b) *B-2 General Commercial.* The B-2 General Commercial District is established to provide locations for retail activity which, if located in the central business district, would be a rather low economic level of land use as well as creating unnecessary traffic congestion of major streets or highways.

(1) *Uses permitted.*

i. Any retail business, or service use excluding service stations.

ii. Public, semi-public uses, such as public libraries, schools, municipal, county, state or federal uses; pumping stations, substations, utilities and utilities offices; churches and other places of worship; parish houses; dry cleaning establishments; souvenir or gift shops; sporting equipment sales; funeral homes; cemeteries; nursing homes; wineries; micro-breweries; hospitals for human care; philanthropic institutions and clubs; radio broadcasting; offices of doctors, optometrists, ophthalmologists, realtors, and lawyers; institutional, cultural and recreational facilities, hotels, motels, financial institutions; any other business office, professional and non professional; state-approved child care service.

iii. Any accessory use or building customarily incidental to the above uses.

iv. Apartment units above the first floor level.

v. Restaurants, drive-in restaurants, liquor stores, ice cream sales, and other food and drink service establishments.

vi. Service stations.

- vii. Garages for repair of motor vehicles within closed buildings.
- viii. Drive-in theaters.
- ix. Automobile (new and used), truck, mobile home, and boat sales and service.
- x. Recreational uses and places of amusement.
- xi. Outdoor commercial advertising.
- xii. Animal hospitals.
- xiii. Mini-warehouses as defined in Section 80.008.

(2) *Building height.* No building or structure shall exceed thirty-five (35) feet in height.

(3) *Required lot area and lot width.* The minimum lot area for general commercial uses shall be one-half (½) acre (21,780) square feet. No lot shall be developed for general commercial use which is less than one hundred fifty (150) feet wide at the building setback line.

(4) *Percentage of lot coverage.* The total footprint area of the principal and accessory buildings shall not cover more than thirty-three (33%) percent of the lot.

(5) *Minimum setbacks required.*

i. *Front.* Fifty (50) feet, measured from any existing or proposed right-of-way line of any street or road to the furthestmost projection of the principal structure. In the case of service stations, all gas pump islands, grease pits or racks, and other similar facilities shall be located no closer than twenty-five (25) feet from a property line or a street or highway right-of-way line.

ii. *Side.* Twenty-five (25) feet, measured from the side property line to the furthestmost projection of the principal structure. Where the side yard joins a residential district, the minimum side yard setback shall be fifty (50) feet.

iii. *Rear.* Thirty (30) feet, measured from the rear property line to the furthestmost projection of the principal structure. Where the rear yard joins a residential district, the minimum rear yard setback shall be fifty (50) feet.

iv. *Exceptions.* In order to allow productive use of property, the Board of Adjustments shall permit lesser setbacks to be established where the lot involved is a lot of record and lesser setbacks will be in conformity with existing structures in the area.

(6) *Off-street parking and loading.* See Section 80.203 pertaining to off-street parking and loading.

(7) *Signs and outdoor advertising.* See Section 80.202 pertaining to signs and outdoors advertising.

(8) *Uses permitted by conditional use.*

i. Apartment units on the first (ground) level floor in existing commercial structures where the first floor has been vacant for two (2) consecutive years limited to two (2) apartment units on the first floor.

ii. Single-family dwellings in existing structures originally designed as single-family dwellings.

(Am. Ord. passed 5-25-76, Section 1; Am. Ord. passed 10-26-76, Section 1; Am. Ord. 10-86, passed 3-25-86; Am. Ord. 89-32, passed 7-11-89)

iii. Accessory uses (such as welding, assembly, and the like) which would normally be considered as permitted uses in other zones, but shall occupy no more than 10% of the total floor level.

(c) *B-3 Neighborhood Commercial.* The B-3 Neighborhood Commercial District is established for businesses designed primarily to serve the localities involved.

(1) *Uses permitted.* Grocery, hardware, and drugstore; offices, business and professional; barber or beauty shops; branch laundry or dry cleaning establishments where no laundry or cleaning is done on the premises; shoe repair shops; convenience markets; state approved child care service.

(2) *Building height.* No building or structure shall exceed thirty-five (35) feet in height.

(3) *Required lot area, lot width and percentage of lot coverage.* The minimum lot area for neighborhood commercial uses shall be ten thousand (10,000) square feet. No lot shall be developed for local commercial use which is less than one hundred

(100) feet wide at the building setback line, provided that the Planning Commission may approve of a commercial use for lesser areas and narrower width where a lot of record is involved and the area and width is substantially identical with that existing as to neighboring non-conforming commercial buildings. The total footprint area of the principal and accessory buildings shall cover no more than thirty-three (33) percent of the lot without special permission of the Planning Commission.

(4) *Minimum setbacks required.*

i. *Front.* Fifty (50) feet, measured from any existing or proposed right-of-way line of any street or road to the furthestmost projection of the principal structure. In the case of service stations, all gas pump islands, grease pits or racks, and other similar facilities shall be located no closer than twenty-five (25) feet from a property line or a street or highway right-of-way line.

ii. *Side.* Twenty-five (25) feet, measured from the side property line to the furthestmost projection of the principal structure. Where the side yard joins a residential district, the minimum side yard setback shall be fifty (50) feet.

iii. *Rear.* Thirty (30) feet, measured from the rear property line to the furthestmost projection of the principal structure. Where the rear yard joins a residential district, the minimum rear yard setback shall be fifty (50) feet.

iv. *Exceptions.* In order to allow productive use of property, the Board of Adjustments shall permit lesser setbacks to be established where the lot involved is a lot of record and lesser setbacks will be in conformity with existing structures in the area.

(Am. Ord. passed 5-25-76, Section 1; Am. Ord. passed 10-26-76)

(5) *Uses permitted by conditional use.*

i. The following uses are permitted as conditional uses and require written approval of the Board of Adjustment. Churches and other places of worship; parish houses; public libraries; schools; municipal, county, state or federal uses; pumping stations, utility offices, substations; utilities; funeral homes; cemeteries; nursing homes, hospitals for human care; philanthropic institutions and clubs, except a club the chief activity of which is conducted as a business; radio broadcasting and executive offices; offices of doctors, optometrists, realtors, or lawyers; state approved child care service where over five (5) children are present. The Board of Adjustment may deny approval or attach certain conditions to its approval which it feels are necessary requirements in order to preserve and protect the character of the district.

ii. Accessory uses (such as welding, assembly, and the like) which would normally be considered as permitted uses in other zones, but shall occupy no more than 10% of the total floor level.

5. *General Industrial Districts, I-1, I-2.* The industrial districts are intended primarily for manufacturing and assembly plants and warehousing conducted so the noise, odor, dust, and glare of such operation is not objectionable to neighboring uses.

(a) *I-1, Light Industrial.*

(1) *Uses permitted.*

i. Manufacturing, fabrication, and/or processing of any commodity, except as set out in Section (2) below, the uses being conditionally permitted there being expressly prohibited here.

ii. Retail sales of any commodity manufactured, fabricated or processed on the premises, or of any commodity designed especially for use in agriculture, mining, industry, business, transportation, or construction, including, but not limited to, the following uses:

(i) Building material sales yard and lumberyard, including the sale of rock, sand, gravel, and the like as an incidental part of the main business.

(ii) Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.

(iii) Freightage or trucking yard or terminal.

iii. Wholesale sale, or storage, of any article.

(2) *Conditional uses.* Any use, which in the opinion of the Board of Adjustment would not emit detrimental or obnoxious noise, vibration, smoke, odors, dust, and/or other objectionable conditions beyond the confines of its property.

(3) *Nameplates and signs.* All nameplates and signs must conform to Section 80.202.

(4) *Required lot area, height and setback requirements.* The following minimum lot area, and setbacks shall apply within a light industrial zone. Setbacks are to be measured from the property lines (or R-O-W) to the furthestmost projection of the principal

structure:

Height: 60 feet (maximum)

Lot Area: 1 acre

Lot Width: 125 feet

Front Setback: 100 feet

Side Setback: 50 feet

Rear Setback: 75 feet

Except that lots of record zoned industrial and occupied by several buildings erected for and used for industrial purposes by a single industry prior to the adoption of the Paris Zoning Ordinance may, with the approval of the Bourbon County Joint Planning Commission, be subdivided so as to permit separate ownership of one (1) or more of the buildings and the operation of two (2) or more different industries on the original lot of record even though the separate new lots do not meet the above listed specifications as to lot area, frontage, and yards. The height limit may be raised with the written approval of the Planning Commission.

(Am. Ord. Passed 10-5-76, Section 1)

(b) *I-2, Heavy Industry.*

(1) *Uses permitted.*

i. Manufacturing, fabrication, and/or processing of any commodity, except as set out in Section (2) below, the uses being conditionally permitted there being expressly prohibited here.

ii. Retail sales of any commodity manufactured, fabricated or processed on the premises, or of any commodity designed especially for use in agriculture, mining, industry, business, transportation, or construction, including, but not limited to, the following uses:

(i) Building material sales yard and lumberyard, including the sale of rock, sand, gravel, and the like as an incidental part of the main business.

(ii) Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.

(iii) Freighting or trucking yard or terminal.

iii. Wholesale sale, or storage, of any article.

(2) *Conditional uses.* Abattoirs (slaughterhouses or meatworks); refining or storage; chemical manufacture; exterminator or insect poison manufacture; fat rendering; fertilizer manufacture; flour and grain milling; gasoline storage; wholesale storage; leather curing and tanning; monument works; sawmill; stock yards; sulfur, sulfuric acid, or derivatives manufacture; tar distillation or manufacture; terra-cotta manufacture; coal washing, storage and transfer yards and facilities; and any other industrial, manufacturing, fabrication or processing uses which, in the opinion of the Board of Adjustment would not be detrimental to surrounding properties and not possess characteristics that would be a nuisance to the residents of the area.

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

(4) *Required lot area, height and setback requirements.* The following minimum lot area, and setbacks shall apply within a heavy industrial district. Setbacks are to be measured from the property lines (or R-O-W) to the furthestmost projection of the principal structure:

Height: No Limit

Lot area: 1 ½ acre

Lot width: 150 feet

Front Setback: 100 feet

Side Setback: 50 feet

Except that lots of record zoned industrial and occupied by several buildings erected for and used for industrial purposes by a single industry prior to the adoption of the Paris Zoning Ordinance may, with the approval of the Bourbon County Joint Planning Commission be subdivided so as to permit separate ownership of one (1) or more of the buildings and the operation of two (2) or more different industries on the original lot of record even though the separate new lots do not meet the above listed specifications as to lot area, frontage and yards. No setback will be required for that part of a lot which abuts a railroad siding.

(Am. Ord. passed 10-5-76, Section 1)

6. *C - Conservation.* The Conservation District is designed to protect the natural resources and to encourage the preservation of lake areas, stream and river valleys, sizable hilly and wooded areas, recreation and other open space of historic purposes. Therefore, the regulations are intended to control permitted development so as to prevent construction which would be detrimental to the environmental character of the area or increase the hazard of flooding.

This district may also be composed of lands which have high water tables, improper drainage, are subject to periodic overflow and flood hazards, unstable soils, or are otherwise environmentally sensitive. This district is established to protect the public health, welfare and safety, and to reduce the financial burdens imposed on the community, its governmental units and individuals, which may result from the improper use of such lands.

(a) *Principal permitted uses.* A building may be erected, altered or used and a lot may be used or occupied for any of the following purposes, and no other.

- (1) Public park or recreation or boat dock area owned and operated by a governmental agency.
- (2) Governmental services.

(b) *Building height.* No building or structure shall exceed thirty-five (35) feet in height.

(c) *Area and facility regulations for tent and trailer camp sites.*

- (1) Tent and trailer camps for public use when authorized as a conditional use shall be subject to the following regulations:
 - i. Area dimensions for tent and trailer camp sites:

Minimum Required	Tent Camp Sites	Trailer Camp Sites
Total park area	20 acres	20*
Lot area per tent or trailer (sq. ft.)	3,000	2,500
Site width	40	30
Site depth	60	60
Setback from camp road	50	50
Setback from lakes, streams, rivers or main roads	100	150
Distance between tent sites	75	NA**
Distance between trailer sites	NA**	30
* A minimum of three acres of land in the park area shall remain open and undeveloped for every acre of land developed with tent camp sites. A minimum of one acre of land in the park area shall be developed for recreation or left undeveloped for every one acre of land developed with trailer camp sites.		
** Not Applicable.		

ii. General regulations:

(i) Each tent campsite shall be a well drained and gently sloping area. Sites shall be located away from meadows or bogs and, where applicable, downstream from a potable water source. The minimum tent campsite shall include a level tent space at least twelve (12) feet by eighteen (18) feet (12' x 18') or sixteen (16) in size; an improved vehicle parking space; an area to be used for cooking, eating, wood storage and trash disposal. Where fire hazard may exist, one (1) grill fireplace and one (1) fire circle shall be required on each tent campsite. One (1) water hydrant and one (1) pit toilet for every eight (8), tent campsites shall be required.

(ii) Each trailer camp site shall provide a prepared parking apron fifty (50) feet by twelve (12) feet (50' x 12'), piped cold water, and one hundred ten (110) volt electrical service, and a trapped sewer connection to a sewage collection system which discharges to a public sewer system or sanitary septic field. A central service building offering sanitary rest rooms, bathing, laundry, refuse, and trailer servicing facilities shall be provided for each fifty (50) sites, but a minimum of one (1) shall always be provided. Each parking site shall also provide one (1) grill fireplace and an anchored combination bench and table.

(iii) Mobile homes for permanent or extended seasonal dwellings (greater than four (4) weeks) are prohibited on trailer camp sites.

(d) *Uses permitted by conditional use.*

- (1) Public park or recreation area or boat dock operated by a private owner/business.
- (2) Camping areas, travel trailer and vacation cabins and lodges and construction of water related recreation facilities.

(e) *Development activities in Special Flood Hazard Areas (SFHA).* Special Flood Hazard Areas (as described in the City of Paris Flood Damage Prevention Ordinance [Chapt. 74, Article I, Section 74.007]) are those areas subject to periodic inundation by the base flood (sometimes called the "100-year flood") that can adversely affect the public health, safety, and general welfare of the citizens of Paris.

(1) No excavation, fill, or any sort of construction activity shall be undertaken in SFHA areas without obtaining a development permit from the Floodplain Administrator (Paris Engineering Services Director). (See Flood Damage Prevention Ordinance, Chapter 74).

7. *H-M - Hospital-Medical.* The hospital-medical zone is intended to provide opportunities for the location, in close relationship to one another, of professional, technical, and commercial uses associated with the treatment of humans; to provide adequate space to meet the needs of such uses; and to promote the location of such uses in a manner that protection would be provided from noise, disturbances, or other influences which would adversely affect the conduct of such practices.

(a) *Principal permitted uses.*

- (1) Hospitals for treatment of humans.
- (2) Nursing, convalescent, and rest homes.
- (3) Medical, dental, and optometrists' offices.
- (4) Medical clinics and laboratories (not involving a manufacture or fabrication of products for sale).
- (5) Establishments limited to the retail sale of medical, pharmaceutical, and dental supplies and the filling of prescriptions.

(b) *Uses permitted as conditional uses.*

- (1) Offices of veterinarians, animal hospitals.
- (2) Schools.

(Am. Ord. 89-37, passed 9-12-89)

(c) *Accessory uses and structures permitted.*

- (1) Parking and loading areas.
- (2) Retail sales or personal services, including facilities for serving food, only for employees, residents, or visitors to a principally permitted use and having no direct access to the exterior and having no display space or signs visible from the exterior of

the building. (Ex. Gift shops, flower shops, snack bars, cafeteria.)

(d) *Lot area, building height, and lot coverage.*

(1) *Required lot area and lot width.* The minimum lot area for Hospital-Medical uses shall be twelve thousand (12,000) square feet. No lot shall be developed for Hospital-Medical uses which is less than one hundred twenty (120) feet wide at the building setback line.

(2) *Building height.* No building or structure shall exceed forty-five (45) feet in height without special permission of the Board of Adjustments. Such buildings of size larger than forty-five (45) feet in height shall have a height to yard ratio of 2:1 for side and rear yards.

(3) *Percentage of lot coverage.* Total lot coverage of principal and accessory buildings shall not cover more than thirty-five (35) percent of the lot.

(e) *Minimum setbacks required.*

(1) *Front.* Fifty (50) feet measured from any existing or proposed right-of-way line of any street or road to the furthestmost projection of the principal structure.

(2) *Side.* Twenty-five (25) feet measured from the side property line to the furthestmost projection of the principal or structure.

(3) *Rear.* Twenty-five (25) feet measured from the rear property line to the to the furthestmost projection of the principal structure.

(f) *Off-street parking and loading.* See Section 80.203 pertaining to off-street parking and loading.

(g) *Signs and outdoor advertising.* See Section 80.202 pertaining to signs and outdoor advertising.

(Am. Ord. passed 5-6-80, Section 1)

8. *H - Historic District.* The intent of the Historic District (H) is to give protection to certain areas or individual structures and premises designated as having substantial historic significance. This district and its regulations are intended to protect against destruction, degradation, or encroachment upon the areas, structures and premises designated to be of substantial historic significance; to encourage uses which will lead to their continuance, conservation and improvement in a manner appropriate to the preservation of the historic heritage of the City of Paris, Bourbon County, and the Commonwealth of Kentucky; to promote the economy by maintaining tourist attractions; to prevent creation of environmental influences adverse to such purposes; and to assure that new structures and uses within historic districts will be in keeping with the character to be preserved and enhanced.

(a) *Permitted uses and regulations.* The Historic District classification and regulations thereunder shall be established in addition to the zone classification and regulations thereto as shown on the Zoning Map for the subject areas. The use, dimension, area and other requirements for said district as provided in the Paris Zoning Ordinance shall apply. Where there are conflicts between the procedures and regulations herein established for historic districts and other procedures and regulations in the Paris Zoning Ordinance, it is intended that the provisions as set forth in this Historic District shall apply.

(b) *Location standards.* An historic district is established within the City of Paris from the north side of Fourth Street to the south side of Second Street between the west side of Main Street and the east side of High Street, which conforms to the criteria set forth in Section 8. (Historic District) hereinabove and which is designated to meet the goals as provided in Section 8. (Historic District) hereinabove. Subsequent additional areas may be added upon the recommendation of the Board of Architectural Review and the Bourbon County Joint Planning Commission, accepted and approved by the Paris City Commission.

(c) *Board of Architectural Review.* A Board of Architectural Review shall be created.

(1) *Membership.* The Board of Architectural Review shall consist of five (5) members to be appointed by the Mayor. Two (2) of the initial members shall be appointed for three (3) years, two (2) for two (2) years, and one (1) for one (1) year, and subsequently, members shall be appointed (i) for terms of three (3) years as vacancies occur, or (ii) to fill the remaining term for any membership vacancies occurring during said term. All members shall have a known interest in historic district preservation.

(2) *Powers and duties.* The Board of Architectural Review shall make recommendations to the Paris-Bourbon County Planning and Zoning Commission and the City of Paris on all matters relating to the preservation, conservation, and enhancement of structures, premises, and areas of substantial historic or architectural significance and matters relating to establishment of historic districts and regulations to be enforced thereunder. The Board of Architectural Review shall inspect and designate such structures,

premises and areas in the City of Paris as it considers having substantial historic or architectural significance.

(3) *Organization and meetings.* The Board of Architectural Review shall adopt rules for the conduct of its duties, elect a chairman, and keep minutes of all meetings. Meetings shall be held at regularly scheduled times, or at the call of the chairman, or in his absence, at the call of the vice chairman, or at the request of the Planning and Zoning Commission. A quorum shall consist of three (3) members, but a lesser number may conduct a public hearing or meeting at which the principal purpose is collection of information, provided that no action binding on the Board shall be taken at such hearings or meetings. All meetings and records of the Board of Architectural Review shall be made by a majority vote of those members at any meeting where a quorum of members is present. The Planning and Zoning Commission may provide a secretarial staff and financial assistance to the Board of Architectural Review.

(d) *Procedure for establishment of historic district.* The procedure for the establishment of an Historic District shall be as follows:

(1) *Application.* An application for the establishment of an historic district may be filed only by the Board of Architectural Review, the Planning and Zoning Commission, the City of Paris, the owner of the subject property, or by a person with written authorization of the owner. Said application shall be filed with the Board of Architectural Review in such form and accompanied by such information as required by the Zoning Ordinance and the By-Laws of the Board of Architectural Review. Upon the filing of an application by a governmental body, the Board of Architectural Review shall promptly notify the owner by certified mail.

(2) *Recommendation by Board of Architectural Review.* Upon the filing of an application for the establishment of an Historic District, the Board of Architectural Review shall study and review the application. After review, the Board shall forward the application and its recommendation to the Planning Commission who shall give notice of the time, place and reason for holding a public hearing thereon in the same manner as for zoning map amendments. After notice of the public hearing and within sixty (60) days after the filing date, the Planning Commission shall hold a public hearing on the proposed application and make a recommendation of approval or disapproval to the City Commission. Upon approval by the City Commission, the Historic District boundaries will be shown on the official zoning map.

(e) *Certificate of Appropriateness required.* For purposes of this section, an application for a demolition permit shall be deemed the same as an application for a building permit and shall be subject to the same procedures. The Building Inspector shall issue no building permits for the construction, destruction, alteration, moving of any structure or premises, or, change in exterior appearance the use of any structure or premises, and the Board of Adjustment shall take no action resulting in the issuance of any building permit or certificate of occupancy in an historic district except as expressly authorized under Section (1) (Action by Board of Architectural Review) hereinbelow and after the issuance of a certificate of appropriateness before a building permit.

(1) *Action by Board of Architectural Review.* Upon the filing of an application for a building permit, certificate of occupancy, or sign permit in an historic district, the Building Inspector shall promptly notify the Board of Architectural Review of such application. The Board shall meet within fourteen (14) days after notification by the Building Inspector of the filing of such applications. The Board, where it deems it necessary in order to review a particular application, may require the submission of any or all of the following items: architectural plans, plot plans, landscaping plans, plans for off-street parking, proposed signs, elevations of all portions of proposed structures facing streets, and elevation photographs or perspective drawings showing proposed structures.

In its review of material submitted, the Board of Architectural Review shall examine the architectural design and the exterior surface, treatment of the structures on the site in question, and their relationship to other structures within the area, and other pertinent factors affecting the appearance and efficient functioning of the historic district. The Board shall vote to approve or disapprove the application within thirty (30) days after notification by the Building Inspector of the filing of such application.

(2) *Approval by Board of Architectural Review.* If the Board of Architectural Review approves the application for a building permit or an occupancy permit in an Historic District, it shall promptly cause a Certificate of Appropriateness to be issued to the applicant stating the matters which have been approved, or, if applicable, that the building to be destroyed is structurally unsound and beyond economic repair or of insufficient historic significance. It shall at the same time transmit a copy of said certificate to the Building Inspector. Upon receipt of the Certificate of Appropriateness, the Building Inspector shall issue the building permit or Certificate of Occupancy if it meets all other requirements of law. The Building Inspector shall inspect the construction or alteration approved by such certificate from time to time and shall promptly report to the Board of Architectural review any work not in accordance with such certificate.

(3) *Disapproval by Board of Architectural Review.* If the Board of Architectural Review recommends disapproval of the application for a building permit or an occupancy permit in an Historic District, it shall promptly transmit a written report stating the reasons for such disapproval to the Planning and Zoning Commission. In said written report the Board shall make recommendations in regard to an appropriate architectural design, exterior surface treatment, or other appropriate matters to make the application conform to the intent of the Historic District regulations.

In the event the Board of Architectural Review recommends disapproval of the application for a Building Permit or an Occupancy Permit in an Historic District, the applicant for said permit, within thirty (30) days from the date of the Board's action, may appeal to the Planning and Zoning Commission, which shall hold a public hearing thereon and shall vote on said appeal within sixty (60) days after the notice of appeal is filed with the Planning and Zoning Commission. The Planning and Zoning Commission shall give notice of the time, place and reason for holding a public hearing in the same manner as for zoning map amendments. If the Planning and Zoning Commission votes to recommend that the application for a Building Permit or Certificate of Occupancy permit be approved, it shall issue a Certificate of Appropriateness to the applicant and transmit a copy to the Building Inspector. If the Commission votes to disapprove the application for a Building Permit or a Certificate of Occupancy, it shall transmit its decision in writing to the Building Inspector. In such cases, no Building Permit or Certificate of Occupancy shall be issued by the Building Inspector on said application.

(4) *Failure of Board of Architectural Review to act.* Upon failure of the Board of Architectural Review to take final action upon any case within thirty (30) days after the application for a Building Permit or Certificate of Occupancy has been filed with the Building Inspector, and unless a mutual agreement between the Board of Architectural Review and the applicant has been made for an extension of said time, the application shall be deemed to be disapproved and the Planning and Zoning Commission shall act upon the application as provided under Section (3) (Disapproval by Board of Architectural Review) hereinabove.

(Am. Ord. passed 11-23-76, Section 1; Am. Ord. 89-33, passed 7-11-89)

(d) *Protective maintenance.* All buildings in the Historic District shall be preserved against decay and deterioration in order to maintain property values, prevent hazards to public safety and health, and rid neighborhoods of negative visual appearances and unsafe conditions. Exterior walls, roofs, foundations, doors and windows shall be maintained in a weather-tight condition to prevent structural decay. Lack of maintenance that leads to demolition by neglect shall be considered an exterior alteration requiring a Certificate of Appropriateness from the Board of Architectural Review. Demolition by neglect shall mean the process of allowing a building or structure to deteriorate to the point that demolition is necessary to protect public health and safety as defined by the National Trust for Historic Preservation. Temporary boarding of openings, not to exceed thirty (30) days, shall be permitted and does not require a Certificate of Appropriateness.

(1) *Routine maintenance.* Ordinary maintenance or repair of any historic property to correct deterioration, decay or damage does not require a Certificate of Appropriateness if the work does not involve a change in design, material or external appearance.

(2) *Securing vacant property.* All windows and doors shall be maintained in a weather-tight condition. At a minimum, the following must be done to secure vacant properties:

- i. A dead-bolt lock or other locking device shall be installed on the front exterior door above the existing lockset;
- ii. Leaking roofs and box gutters shall be repaired so that water cannot enter; and
- iii. Exterior wall covering shall be such that weather cannot penetrate.

(3) *Enforcement.* Violations of (d) (Protective Maintenance) hereinabove shall be reported to and enforced by the Building Inspector pursuant to the provisions of the Kentucky Building Code as adopted by the City at Section 70.001 of Title 7 of Chapter 70 of the Code of Ordinances herein.

(Am. Ord. 2012-10, Section 1, adopted 8-14-2012)

9. *PUD - Planned Unit Development.* In order to encourage developments with superior living environments brought about through unified development and to provide for the application of design ingenuity in such developments and achieving the goals of the Bourbon County Comprehensive Plan, the "PUD" Planned Unit Development District is hereby established.

(a) *Who may apply.*

(1) The owner of the property in question or an agent for the owner bearing a recorded, written power of attorney granting authority for this purpose may apply for a rezoning to the PUD District.

(b) *Mandatory pre-application conference.*

(1) Prior to the filing of the application for a map amendment to the PUD District, the applicant shall confer with the Planning Administrator to determine whether the applicant is proceeding under the proper section of this Ordinance; to review the proposed development plan; and to discuss any other matters as may aid in the disposition of the PUD review.

(c) *Review standards.*

(1) The Planning Administrator and other staff shall investigate and ascertain that the plans for a PUD meet the following conditions:

- i. The proposed PUD is located in an incorporated area;
- ii. The tract of land for the entire project is at least 3 acres;
- iii. The proposed project constitutes an environment of sustained desirability and stability and that it is in harmony with the character of the surrounding neighborhood;
- iv. The property adjacent to the proposed development will not be adversely affected.

(d) *Uses permitted.*

(1) Uses permitted in a PUD shall be as follows:

- i. Single-family, two-family, and multi-family dwelling units (including townhouses);
- ii. Public and semi-public parks and playgrounds, landscaped areas, and greenbelts maintained by a homeowner's associations;
- iii. Public and semi-public uses such as schools and churches;
- iv. Clubs, lodges, and golf courses;
- v. Public utility facilities and rights-of-way;
- vi. Neighborhood commercial uses permitted in the B-3 district.

vii. Conditional uses in a PUD shall be parish houses; public libraries; funeral homes; cemeteries; nursing homes; hospitals for human care; radio broadcasting and executive offices; offices of doctors, optometrists, realtors, or lawyers; state approved child care service where over five (5) children are present.

(e) *Concept plan approval required.*

(1) In order to allow the Planning Commission and the developer to reach an understanding on basic design requirements prior to detailed design, the developer shall submit a concept plan with the application for a map amendment. The concept plan Public Hearing shall be considered concurrently with the zoning map amendment Public Hearing.

(f) *Concept plan requirements.*

(1) *The concept plan shall include as a minimum the following:*

- i. A legal description of the metes and bounds of the parcel;
- ii. An area plan showing adjacent property owners and existing uses within two hundred (200) feet of the parcel;
- iii. A concept plan at a scale of 1 inch=100 feet or less. The concept plan need not be to the precision of a finished engineering drawing. However, the concept plan must be incorporated into the final general development plans. The concept plan shall clearly show the following:

- (i) The existing topographical features of the site;
- (ii) The location of the various uses, structures and their areas in acres;
- (iii) The general outlines of the interior roadway system and all existing rights-of-way and easements, whether public or private;
- (iv) Delineation of the various residential areas including for each such area its general extent, size and composition in terms of total number of dwelling units and approximate percentage allocation by dwelling unit type;
- (v) Proposed setbacks for all uses throughout the district;
- (vi) A calculation of the residential density in dwelling units per gross acre, exclusive of commercial areas and related activities;
- (vii) The recreation or open space system internal to the development;

(viii) Where portions of the site are subject to flooding, the map shall indicate extent and frequency;

(ix) A topographic survey or drainage plan;

(x) Principal ties to the community at large with respect to transportation, water supply and sewage disposal;

(xi) General description of the availability of other community facilities, such as schools, fire protection services and cultural facilities, if any, and how these facilities are affected by this proposal;

(xii) Location, size, height and orientation of all proposed signs, using building elevation drawings where appropriate;

(xiii) Evidence of how the developer's proposed land uses meet existing and projected community requirements;

(xiv) Evidence that the proposal is compatible with the goals of the Bourbon County Comprehensive Plan;

(xv) General statement as to how open space (common or private) is to be owned, used, and maintained;

(xvi) If the development is to be staged, a general indication of how the staging is to proceed. Whether or not the development is to be staged, the sketch plan shall show the intended total project;

(xvii) Letter from all utility companies and municipal services that there is sufficient service capacity to meet the needs of the proposed development and that they will service the development;

(xviii) Traffic impact study prepared and stamped by a professional engineer for any development with greater than fifty (50) residential units, greater than thirty thousand (30,000) square feet of non-residential building space, or any other proposed use generating greater than five hundred (500) average daily vehicle trips per day.

(g) *Planning Commission review.*

(1) The Planning Commission shall review the concept plan and its related documents; and shall recommend either approval or disapproval to the legislative body.

(h) *Legislative body action.*

(1) The legislative body shall take final action upon a proposed zoning map amendment within ninety (90) days of the date of the Planning Commission's recommendation. Failure of the legislative body to act within ninety (90) days shall deem the recommendation of the Planning Commission to have passed by operation of law.

(i) *Certificate of land use restriction.*

(1) Following the approval of a PUD, the concept plans shall be recorded with a certificate of land use regulation in the Bourbon County Clerk's Office pursuant to KRS 100.3681.

(j) *Amendment of concept plan.*

(1) Any application to amend the adopted concept plan, shall require the signature of one hundred (100) percent of the property owners within the area covered by the concept plan and shall be amended by the same process as the original zoning amendment.

(k) *Detailed development plan and record plat required.*

(1) Within two (2) years of approval of the PUD map amendment by the appropriate legislative body, unless an extension is granted by the Planning Commission, the applicant shall submit a detailed development plan and record plat to the Planning Commission for review and approval; provided, however, if the plan is not submitted, then an application may be filed by the Planning Commission to revert the PUD District to its previous zoning designation. Said application for reverting the zoning designation shall be processed as any other zoning application.

(2) The detailed development plan shall conform to the approved concept plan and the development plan requirements as adopted by the Planning Commission and shall be in accordance with the subdivision regulations, except as modified by this ordinance. The Planning Commission shall act within sixty (60) days of its receipt of the detailed development plan.

(3) The detailed development plans shall contain at a minimum, the required elements as enumerated in Section 80.506.D (Final Plan Checklist).

(4) Before the Planning Commission shall grant final approval of the PUD detailed development plan, arrangements

satisfactory to the Planning Commission shall be made for the improvement, perpetual operation and perpetual maintenance of all common property and facilities, including but not limited to private streets, drives, service and parking areas and recreational and open space areas. Satisfactory arrangements shall be deemed met when documentation in the form of a master deed or other legal documents are submitted containing the particulars set forth in KRS 381.835. Such documentation will be filed at the time of the recording of the record plat in the Bourbon County Clerk's Office.

(l) *Building permit required.*

(1) No building permit shall be issued until a detailed development plan has been approved by the Planning Commission and notice by the Planning Administrator to the Building Inspector that such final approval has been made by the Planning Commission

(2) The approved detailed development plan shall limit and control the issuance of all building permits and shall restrict the construction, location and use of all land and structures to all conditions set forth in the development plan.

(m) *Construction deadline.*

(1) If construction is not initiated within one year from the date of approval of the detailed development plan by the Planning Commission (unless an extension is granted by the Planning Commission) an application to revert the PUD District may be filed by the Planning Commission staff. Said application for reverting the zoning designation shall be processed as any other zoning application.

(n) *Minor amendments and changes to an adopted PUD.*

(1) The items and conditions of the detailed development plan of a PUD may be changed from time to time as follows:

i. The Planning Administrator may approve minor modification of the adopted detailed development plan for any PUD so long as the modification shall not violate any standard or regulation set forth in the approved concept development plan.

ii. The total of such modifications approved by the Planning Administrator shall never exceed five (5) percent of the gross leasable floor area (non-residential) or five (5) percent of total residential units as shown by the adopted detailed development plan. The Administrator shall not approve modifications of permitted uses.

(o) *Amendment to the adopted detailed development plan.*

(1) The applicant or owners of the PUD may apply to the Planning Commission for amendment to the detailed development plan. The application for an amendment must contain the signature of the property owners for at least fifty-one (51) percent of the property within the original detailed development plan. Any such amendment shall be considered no earlier than one year after final action on the development plan.

(2) The Planning Commission may initiate amendments to the detailed development plan under this at any time. Any such amendment initiated by the Planning Commission shall be based on a change of circumstances which were not known at the time of the original application. The Planning Commission shall act on the application for amendment to the final development in the same manner as originally approved.

(p) *Subdivision regulations coordination.*

(1) Subdivision preliminary review under the subdivision regulations shall be carried out simultaneously with the detailed development plan review of a PUD under this Section. Subdivision final review will be accomplished as set out in the subdivision regulations.

(2) The record plat may incorporate by reference the contents of the detailed development plan and may form the basis for granting subdivision approval.

(3) In order to assure completion of all major public and common property improvements, the Planning Commission shall require the developer to furnish and maintain an escrow account in an approved lending institution in an amount sufficient to insure completion of all major public and common property improvements. Such escrow account shall be maintained until approval of the city. Developers may provide an irrevocable letter of credit in lieu of an escrow account for PUD developments in the city, at the discretion of the City Government.

(Am. Ord. passed 5-10-2005, Sections 1, 2 and 3; Am. Ord. 2014-12, passed 7-15-14)

§ 80.202 SIGNS AND OUTDOOR ADVERTISING

A. *Intent.*

1. These regulations are for the purpose of controlling the indiscriminate installation of signs, billboards, and other outdoor advertising devices. Following are the objectives of this ordinance: To limit the number of signs for the purpose of reducing distractions and confusion along public roads; to maximize the effectiveness of permitted signs for the benefit of the advertiser and usefulness to the public; to limit the size of signs to avoid unfair competitive advantages and minimize the waste of natural resources, wood, and steel; to preserve the scenic features along the roads, streets and highways of the City of Paris and Bourbon County; and to protect residential property values and living environment by prohibiting certain signs within residential and agricultural areas.

B. *Scope.*

1. *New signs.* These ordinances apply to the display, construction, erection, alteration, use, location, and maintenance of all new signs in the City of Paris.

2. *Existing signs.* Any existing signs in violation of the provisions of these ordinances at the time of its adoption shall be considered as non-conforming uses or structures and subject to the restrictions of Section 80.206 (Non-conforming uses and structures). Legal, non-conforming signs may continue in existence, unless otherwise noted, and shall be properly maintained in good condition. These ordinances shall not prevent the strengthening, repair, or restoring to a safe condition of any sign.

C. *Exempt signs in all districts unless otherwise noted.*

1. Government signs that:

(a) Are temporary, or permanent signs, erected by city, county, state, or federal government or official agency thereof for traffic direction or for direction to or identification of a government facility or event.

(b) Are official signs pertaining to the general health, safety, or welfare of the public; to control traffic flow; or any other sign required by law, ordinance, or governmental regulations.

(c) Identify streets.

(d) Warn of danger.

2. Historical markers.

3. Political election signs; must be removed within 10 days after election.

4. Temporary decorations or displays, which are clearly incidental to and are customarily and commonly associated with any national, state, local or religious holiday/celebration/community event.

5. Temporary or permanent signs erected by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines, and similar devices.

6. Signs displayed on trucks, buses, moving vans, contractor's vehicles and equipment, rental trucks and trailers, or other vehicles operated in the normal course of business.

7. Flags, pennants, or insignias of any:

(a) Nation, organization of nations, state, county or city.

(b) Religion, civic or fraternal organization.

(c) Educational institution.

8. Window signs.

D. *Prohibited signs in all districts.*

1. Any sign which constitutes a traffic hazard or a detriment to public safety, or may be confused with a traffic control signal or device, or the light of an emergency or road equipment vehicle.

2. Flashing or intermittent illumination, except for permitted informational signs.

3. Any sign which obstructs the view of vehicular traffic.

4. Billboards.

5. Temporary signs attached to, or painted on, any utility pole, tree, stone, or any other similar object or structure.

6. Any sign located in a public right-of-way, except those signs listed in Section C(1-8) above.

E. General requirements.

1. All wiring, fittings, and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the National Electric Code.

2. No illuminated sign shall be permitted within one hundred (100) feet of property in any residential district unless the illumination of such sign is so designed that it does not shine or reflect light onto such property.

3. No sign having flashing, intermittent, or animated illumination shall be permitted within three hundred (300) feet of property in any residential district unless the illumination of such sign is so designed that it does not shine or reflect light onto such property.

4. No part of any wall, or projecting sign that is attached to a building shall be erected to a height greater than the roof level of the wall to which the sign is attached.

5. No commercial or industrial sign shall be erected to exceed the building height permitted in the district in which it is located, or sixty (60) feet, whichever is less.

6. Temporary signs may be posted for a period not to exceed sixty (60) days. Any sign posted for a longer period must meet the requirements of permanent signs. Area requirements for temporary signs shall be the same as those for permanent signs in each district.

F. Signs permitted in all districts without a permit.

1. Only one (1) of each of the following signs, except directional signs, shall be permitted per establishment; none of the signs shall be illuminated:

(a) An identification sign, of two (2) square feet, denoting the name and/or address of the occupants of the premises.

(b) Professional or announcement signs, of two (2) square feet or less, for professions or businesses permitted as home occupations, accessory, or conditional uses.

(c) A temporary sign, of less than twelve (12) square feet, posting the property, or advertising the specific property on which is placed, for sale or rent, and placed no closer than ten (10) feet from the street right-of-way.

(d) Directional signs, of two (2) square feet or less, designating ingress and egress from a property.

G. Signs permitted in all districts with a permit.

1. All identification, professional, announcement, for sale or rent signs, and directional signs as described in Section F.1 above, when illuminated.

2. A sign advertising the property on which it is located for sale, rent, lease, or trade in accordance with the following area and distance requirements:

Area of Sign (square feet)	Distance from Right-of-Way (feet)
13 to 20	50
21 to 40	100
41 to 60	160
No such sign in any district shall exceed sixty (60) square feet in area.	

3. Signs or bulletin boards customarily incidental to places of worship, libraries, schools, museums, or societies, shall not exceed

fifteen (15) feet in area and shall be located no closer than ten (10) feet from the street right-of-way.

4. Temporary signs except as described in Section 80.202 with additional provision that all such signs shall be removed by the permit applicant within ten (10) days after the completion of the project, event or election.

5. Identification signs for historical, religious, civic or fraternal associations of two (2) square feet or less which shall not be placed within a public right-of-way except with special permission of the authority controlling said right-of-way. More than one (1) such sign may be mounted on the same standard.

H. *Projecting signs on Main Street with a permit.*

1. No sign shall project perpendicularly from any building or any other structure so as to overhang the sidewalk or any public street or right-of-way, except one that does not extend further than three (3) feet from the building, being no more than five (5) feet in height, and a minimum of eight (8) feet above the ground.

2. No horizontal or flush sign shall overhang the right-of way or sidewalk more than one (1) foot.

3. Signs existing at the time of enactment of this ordinance shall be exempted from compliance until such time as the ownership and/or proprietorship of the property and/or business changes, or until such time as any repair or change to the existing sign is necessary or undertaken, and at that time full compliance with this ordinance is required.

I. *On-Premises signs permitted in A-Agricultural and R-Residential districts with a building permit.*

1. There shall be permitted not more than one (1) non-illuminated sign, not to exceed a total of fifteen (15) square feet in area, per farm for the purpose of identification or advertising the sale or production of farm products on the premises, and set no closer than ten (10) feet from the street right-of-way.

2. For multi-family dwellings, an identification sign not to exceed ten (10) square feet in area, shall be permitted no closer than ten (10) from the street right-of-way.

3. Only one (1) sign per street frontage shall be permitted.

J. *On-premises signs permitted in B-1 Central Business, B-2 General Commercial, B-3 Neighborhood Commercial, I-1 Light Industrial and I-2 Heavy Industrial zoning districts with a building permit.*

1. On-premises signs and devices as regulated herein for businesses, uses or activities conducted on the same premises with the sign, both illuminated and non-illuminated.

(a) The maximum area permitted for all free-standing signs on a single premises regardless of the number of establishments shall be calculated at the rate of four (4) square feet of area for each ten (10) feet of street frontage up to a maximum of one hundred (100) square feet in B-1, B-3, and I-1 zoning districts. In B-2 and I-2 zoning districts the maximum permitted area for all free-standing signs on a single premises, regardless of the number of establishments, shall be calculated at the rate of six (6) square feet of area for each ten (10) feet of street frontage up to a maximum of two hundred (200) square feet. The setback for these signs shall be ten (10) feet from the street right-of-way.

(b) In addition to free-standing signs, signs that are part of the principal structure may be installed, provided that they protrude no more than twelve (12) inches from the wall, cover no more than a maximum of twenty-five percent (25%) of the wall face on which they are located, and that any such sign shall be at least eight (8) feet off of the ground.

(c) Establishments within shopping centers shall allocate the calculated total sign area in proportion to the amount of the total floor area occupied. A shopping center containing five (5) or more establishments may have an additional on-premises identification sign containing no more than forty (40) square feet. Outdoor advertising structures proposed for shopping centers must be submitted with site plans for the development.

K. *Off-premises signs permitted only in B-2 General Commercial, I-1 Light Industrial and I-2 Heavy Industrial zoning districts with a building permit.*

1. Off-premises signs that direct the public to businesses, uses, products, or activities conducted elsewhere than on the premises of that sign, both illuminated and non-illuminated.

(a) The maximum area for an off-premises sign shall be sixty (60) square feet. No more than two (2) such signs may be placed on any single parcel of less road frontage than two thousand (2,000) square feet. No off-premises sign shall be permitted where an on-premise advertising sign already exists, except with the special approval of the Board of Adjustment granted on the basis of hardship. Off-premise signs larger than fifty (50) square feet must be placed not closer together than three hundred (300) feet.

Off-premise signs of less than fifty (50) square feet must be placed not closer together than one hundred (100) feet. Off-premises signs advertising or directing the public to a business must be located within ten (10) miles of the business to which the sign is related. Setbacks for off-premises signs are the same as in Section J. above.

(b) No off-premises sign shall be located in any area designated as one of scenic beauty or historical interest.

(Am. Ord. passed 8-3-76, Section 2; Am. Ord. 3-86, passed 2-11-86; Am. Ord. 2014-12, passed 7-15-14)

§ 80.203 OFF-STREET PARKING AND LOADING

A. *Applicability.* In all districts, off-street parking facilities for the storage or parking of motor vehicles for use of occupants, employees and patrons of the building hereafter erected, altered, or extended after the effective date of these regulations shall be provided and maintained as herein prescribed.

B. *General requirements.*

1. In determining the number of parking spaces required, if such space results in fractional parts thereof, the number of said spaces required shall be construed to be the nearest whole number.

2. Whenever a use is increased in floor area, such additional parking space shall be provided so that the parking space specified herein for the whole area shall be available.

3. For the purpose of these regulations, "floor area" in the case of offices, merchandising, or service types of uses shall mean the gross floor area of the structure.

4. Off-street parking facilities for one and two-family dwellings shall be located on the same lot or plat of ground as the buildings served. Off-street parking facilities for other than one and two-family dwellings shall be within three hundred (300) feet of the building intended to be served. An industry which employs five hundred (500) or more employees may supply off-street parking at a distance greater than three hundred (300) feet from such industry.

5. The off-street parking facilities for uses not specifically mentioned herein shall be the same as those required for uses of a similar nature.

6. Collective off-street parking facilities may be provided; however, such facilities shall be no less than the sum of such facilities as would otherwise be individually required.

C. *Use and required off-street parking spaces:*

1. The amount of off-street parking space required for uses, buildings, or additions thereto shall be determined according to the following requirements, and the space so required shall be stated in the application for a building permit and shall be reserved for such use:

2. *One and two-family dwellings.* Two (2) parking spaces for each family unit.

3. *Multiple dwellings.* Two (2) parking spaces per dwelling unit.

4. *Tourist homes, cabins, or motels.* One (1) parking space for each sleeping room or suite including that of the owner or manager of residence on the premises.

5. *Hospitals, sanitariums, convalescent homes and homes for the aged or similar use.* One (1) space for each three (3) patients, plus one (1) space for each two (2) employees and staff members.

6. *Orphanages or similar uses.* One (1) space for each ten (10) beds.

7. *Hotels.* One (1) space for each three (3) guest sleeping rooms.

8. *Fraternities, boarding and lodging houses.* One space for each two (2) guest sleeping rooms.

9. *Community centers, libraries, museums, post offices, civic clubs, private clubs and the like.* One (1) space for each one hundred (100) square feet of gross floor area.

10. *Theaters churches, stadiums, sports arenas, and auditoriums (other than incidental to schools).* One (1) space for each four (4) seats in the auditoriums/arenas.

11. *Schools.* One (1) space for each four (4) seats in a principal auditorium or one (1) space for each classroom plus sixteen (16) extra spaces, whichever is greater.

12. *Dance halls, pool and billiard halls and exhibition halls without fixed seats.* One (1) space for each one hundred (100) square feet of gross floor area used for dancing or assembly.

13. *Bowling alleys.* Five (5) parking spaces for each alley.

14. *Mortuaries or funeral homes.* One (1) space for each fifty (50) square feet of gross floor area in the slumber rooms, parlors, or individual funeral service rooms.

15. *Establishment for sale and consumption on the premises of beverages, food, or other refreshments excluding drive-in restaurants.* One (1) space for each one hundred (100) square feet of gross floor area plus one (1) space for each four (4) employees.

16. *Medical or dental clinics, banks, business or professional offices.* One (1) space for each two hundred (200) square feet of gross floor area.

17. *Beauty parlors and barber shops.* Two (2) spaces per barber and beauty shop operator.

18. *All retail stores, including drive-in restaurants and other similar establishments.* One (1) parking space for each three hundred (300) square feet of gross floor area.

19. *Industrial establishments, including manufacturing, research and test.* One (1) space for each two (2) employees on the maximum working shift.

20. *Warehouses and mini-storage buildings.* One (1) designated and marked space for each employee per maximum working shift plus space for loading and unloading of materials.

21. *New and used car/truck sales lots.* One (1) designated and marked space for each employee per maximum working shift plus ten percent (10%) of the total sales lot designated and marked for customer parking.

D. Off-street parking and loading regulations for all districts as follows:

1. Any vehicle parking space in a commercial or industrial district shall be used for parking only. Any other use of such space, including repair work or servicing of any kind, other than in an emergency, or the requirement of any payment for the use of such space shall be deemed to constitute a separate commercial use in violation of the provisions of these regulations.

2. No building or structure of any kind shall be erected in any off-street parking space except a parking garage containing parking spaces equal to the requirements of these regulations.

3. No signs shall be displayed in any such vehicle standing space except signs to direct the orderly use of such space.

4. The vehicle parking space on any lot as set forth and designated in these regulations shall be deemed to be required open space on such lot, and shall not be reduced or encroached upon in any manner.

5. All parking spaces, drives, and aisles in commercial and industrial districts shall be surfaced with a bituminous or other dust-free surface.

E. Parking space dimensions and setbacks.

1. A parking space shall have minimum rectangular dimensions as follows:

Type of Parking	Width (feet)	Length
Ninety degree	9	19
Parallel	9	23
Sixty degree	10	19
Forty-five degree	12	19

2. All dimensions shall be exclusive of driveways, aisles, and other circulation areas.

3. No part of any parking area of more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital, or other institution for human care on an adjacent lot unless separated by an acceptable designed screen. No parking area may be located in the front yard area of any single family residence except upon an approved residential driveway. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right-of-way.

(Am. Ord. 90-11, passed 8-14-90)

F. Loading space requirements.

1. On the same premises with every building, structure or part thereof erected and occupied for manufacturing, storage, warehouse goods display, department stores, schools, wholesale storage, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading service in order to avoid undue interference with public use of streets or alleys. Such space, unless otherwise adequately provided for, shall include a ten foot by twenty-five foot (10' x 25') loading space, with fourteen foot (14') height clearance, for every ten thousand (10,000) square feet or fraction thereof in excess of three thousand (3,000) square feet of building floor use or land for the above mentioned purposes.

G. Access and aisle requirements for parking and loading areas.

1. All parking areas shall be designed in such a manner that any vehicle entering or exiting from or onto a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or exiting such lot shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access from a public or private street.

2. The exits and entrances to the parking area shall be clearly marked. The minimum width of aisles providing interior vehicular circulation to individual parking spaces shall be as specified below. Only one-way traffic shall be permitted in aisles serving single-row parking spaces at any angle other than ninety (90) degrees.

<i>Parking Angle</i>	<i>Aisle width (feet)</i>
Parallel	12
30 degree	12
45 degree	13
60 degree	18
90 degree	24
Two-way	24

3. Parking areas having more than one (1) aisle or driveway shall have directional signs or markings in each aisle or driveway.

H. Drainage for parking, loading, unloading and vehicular access areas.

1. All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

I. Maintenance of parking, loading, unloading and vehicular access areas.

1. The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash and other debris.

J. Lighting of parking, loading, unloading and vehicular access areas.

1. Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lighting devices used to illuminate a parking area shall be placed or directed so as to permit the beams or illumination to be directed or

beamed away from a public street, highway, sidewalk, or adjacent premises so as to minimize glare or reflection that may constitute a traffic hazard or nuisance.

K. *Wheel blocks.*

1. Whenever a parking lot extends to the property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

L. *Local ordinances.*

1. Nothing in this article shall be construed to be in conflict with any other city or county ordinances regarding the parking of vehicle on city streets or county roads or regarding abandoned vehicles and/or nuisance ordinance.

(Am. Ord. 19-82, Section I, passed 9-21-82; Am. Ord. 17-84, Section I, passed 6-12-84; Am. Ord. 2009-02, passed 2-10-09; Am. Ord. 2014-12, passed 7-15-14)

§ 80.204 MANUFACTURED HOMES

A. *Definitions.* See Section 80.008, Definitions, at the beginning of this ordinance for definitions of 1) Manufactured Home, 2) Mobile Home, and 3) Modular Home.

B. *Temporary installation during construction.* A manufactured home may also be installed and temporarily occupied by the owner of a lot upon which a permanent residence is under construction or under contract for construction, or upon which the permanent residence has been damaged by fire or other calamity so as to be temporarily uninhabitable, provided that:

1. Such manufactured home shall be installed either upon the same property as the permanent residence or upon some other lot in the same subdivision.

2. Such manufactured home shall be occupied for no longer than necessary for the construction or repair of the permanent residence, but in any case for no longer than is specified in the permit for such occupancy hereinafter required.

3. Such manufactured home shall be connected with the public sewer.

4. Such manufactured home shall be so parked as to observe the setback and yard requirements for an accessory building in the zoning district in which it is located.

5. Such manufactured home shall be installed only after a written permit is obtained from the city Building Inspector, and which shall specify the date of termination. Such permit shall originally be for a period of six (6) months or less. It may be extended one (1) time, for a period of not over two (2) months by the Building Inspector upon a showing that circumstances beyond the control of the occupant have delayed the construction or repair of the main residence.

C. *Manufactured homes permitted.* Individual manufactured homes are permitted in Residential District R-6 as single-family residences. Manufactured home parks shall be permitted only as conditional uses approved by the Board of Adjustment after referral and recommendations from the Planning Commission. Manufactured home parks shall be permitted only in the R-6 Residential District.

1. *Area and density requirements.* No manufactured home park shall be permitted on an area of less than three (3) acres in size, although the developer shall be permitted to develop the park in stages as long as he or she complies with an overall plan approved the Planning Commission for the entire tract. The number of manufactured homes permitted in the manufactured home park shall not exceed a density of twelve (12) manufactured homes per net acre in areas served by public sewer, or six (6) manufactured homes per acre in areas not served by public sewer. A net acre shall be deemed to be the land to be subdivided into lots after streets and other required improvements have been installed.

2. *Lot requirements.* Individual lots within a manufactured home park shall not be less than thirty-five hundred (3,500) square feet in area, and in no instance shall more than one (1) manufactured home be permitted on a single lot. The minimum lot width shall be fifty (50) feet.

3. *Setback.* No manufactured home or accessory building or structure shall be located closer to any street than the minimum front yard setback for permanent residential structures along said street. Where the manufactured home park is not bounded by a dedicated street, the minimum setback shall be thirty (30) feet.

4. *Spacing.* No manufactured home shall be located within thirty (30) feet from another manufactured home, except that a

minimum end-to-end clearance of not less than twenty (20) feet shall be permitted.

5. *Utilities.* All lots within the manufactured home park shall be provided with sewer, water, and electrical facilities meeting the standards specified by local and state building and health regulations, and each manufactured home shall be properly connected with said utilities.

6. *Accessory structures.* No accessory building or structure, including patios, shall be located within five (5) feet from any individual lot line.

7. *Procedure for establishing manufactured home park.* In that manufactured home parks are permitted as conditional uses only, the prospective developer, before attempting to obtain a building permit or beginning any construction, shall prepare a plan showing the lot dimensions and bearings of the parcel he or she intends to develop, its location within the city, general layout or design he or she intends to follow and improvements he or she expects to make on the land. He or she shall then meet with the Planning Commission, the purpose being to inform the developer of any plans that would affect his or her development and to allow the Planning Commission to review the plan to insure that the developer's plan are not in conflict with any of the Commission's plans. This meeting would also form a common ground whereby the Planning Commission and the prospective developer could reach an understanding of the types of improvements necessary. In making recommendations on the development plan, the Planning Commission may recommend certain conditional requirements pertaining to such things as landscaping, screening, and road requirements. After recommendations from the Planning Commission, the prospective developer shall meet with the Board of Adjustment and request the necessary permission before a building permit can be issued. Any condition requirements established by the Board of Adjustment shall be considered as a part of the official zoning regulations and failure to comply therewith shall be subject to the penalties contained herein.

8. *Pre-owned manufactured homes.* Pre-owned manufactured homes, purchased outside Kentucky, must meet the requirements of KRS 227.600, and have the numbered Class B1 Seal affixed to the unit.

D. *Existing manufactured homes outside an R-6 District.* All existing manufactured homes located outside an R-6 (Manufactured Homes) District as of this date of this ordinance shall be allowed to remain in their present location as a legal non-conforming use. No additional manufactured home shall be permitted on a permanent basis within the city except those located within an approved manufactured home park. Existing manufactured homes that are non-conforming uses may be replaced by a new manufactured homes, equivalent in size.

E. *Modular homes.* Modular homes, which have been approved by the Kentucky Division of Codes Enforcement, may be installed in any residential zoning district in accordance with the applicable building codes and zoning criteria of subject district.

(Am. Ord. 2014-12, passed 7-15-14)

§ 80.205 JUNKYARDS

A. Junkyards are not designated as permitted uses in any district and are consequently non-conforming uses in all districts. They shall conform with Section 80.206 of this ordinance prescribing regulations for non-conforming uses. The enforcement officer shall ensure that all existing junkyards maintain valid permits to operate issued by the Kentucky Department of Highways, as required by KRS 177.905 through 177.990, and he or she shall ensure that all screening required by the Department of Highways is maintained as long as the junkyards remain in operation.

(Am. Ord. 2014-12, passed 7-15-14)

§ 80.206 NON-CONFORMING USES, STRUCTURES AND LOTS

A. *Non-conforming uses.* A non-conforming use shall be permitted to continue as long as it remains otherwise lawful, and shall be regulated as follows:

1. A non-conforming use shall not be extended, or expanded, beyond the scope and area of it's operation at the time of the adoption of the regulation which makes such use non-conforming.

2. When a non-conforming use of any structure, or premises, has been discontinued for a period of one (1) year or more, showing a gross lack of diligence in use, except when government action or structural damage prevents such use, the non-conforming use shall not be re-established, and said structure and/or premises must thereafter be used in conformance with this ordinance.

3. A non-conforming use may not be changed to any other non-conforming use except that, with the written approval of the Board of Adjustment, a non-conforming use may be changed to another non-conforming use of the same, or a more restrictive, classification. If the BOA approves a change in use, no structural changes may be made to the exterior of the building.

B. *Non-conforming structures.* A non-conforming structure shall be permitted to continue as long as it remains otherwise lawful, and shall be regulated as follows:

1. A non-conforming structure shall not be enlarged, replaced or structurally altered in any way that increases its non-conformity, but a structure may be altered to decrease its non-conformity. However, it may be restored to a safe condition if declared unsafe by the enforcement officer or other public official with jurisdiction.

2. Should a non-conforming structure, or portion of a structure, be damaged, destroyed or demolished by any means, it may be reconstructed or repaired, and the non-conforming use resumed; but it may not exceed the number of square feet of floor area nor the number of cubic feet it contained prior to its damage, destruction or demolition.

C. *Non-conforming lots.* In any case where an official lot of record at the date of the adoption, or amendment, of this ordinance, does not conform to the width, depth or area requirements of this ordinance, it shall be considered a legal non-conforming lot and be permitted to continue, and shall be regulated as follows:

1. A non-conforming lot may not be further subdivided or consolidated with another parcel in a manner that increases its non-conformity, but may be altered so as to decrease its non-conformity. However, the Planning and Zoning Commission may approve the subdivision of a lot, which has two (2) or more legally constructed principal residences, into separate parcels for the purpose of the sale or transfer of the individual residences. This may be done only if the Commission finds that the properties have been used in a separate and distinct manner with separate utilities, and other facilities, so that the resulting subdivision will not constitute a material change in the use of the property.

2. A residential dwelling may be built upon a lot (including a lot of record) which was non-conforming at the time this ordinance was adopted. The Board of Adjustments shall permit variances, within reasonable conformity with existing structures in the area, and as described in Section 80.301.B.3 (Dimensional variance) of this ordinance.

(Ord. 2014-12, passed 7-15-14)

§ 80.207 CELLULAR ANTENNA TOWERS

A. *Purposes.* The purposes of these regulations are, within the grant of authority by the General Assembly in KRS 100.985, et seq.:

1. To provide for the safest and most efficient integration of cellular antenna towers for cellular communications services or personal communications services within the community;

2. To provide for such facilities in coordination with the recommendations of the comprehensive plan;

3. To allow for such facilities with the intention of furthering the public health, safety, and general welfare;

4. To foster the promotion of co-location;

5. To provide aesthetic protection in residential districts, central business district, general business districts, neighborhood commercial districts, industrial districts. and scenic highways.

6. To provide aesthetic protection for properties, sites, structures, buildings and objects of historical significance, including those surveyed by the Kentucky Heritage Council and designated as on the National Register of Historic Places (Register), contributing to a Register listing, or eligible for the Register. Also includes State of Kentucky Landmarks (hereinafter referred to as "historic properties").

B. *Prohibited actions of Planning Commission in regulating placement in cellular antenna towers.*

1. The provisions of KRS 100.986, as amended from time to time, are incorporated herein by reference.

C. *Definitions.* For the purposes of these regulations, the definitions as found in KRS 100.985, as amended from time to time, are incorporated herein by reference, and shall apply, supplemented by the following:

1. *Guyed towers.* A type of wireless transmission tower that is supported by thin guy wires.

2. *Monopole.* A slender self-supporting tower on which wireless antennas can be placed.

3. *Stealth technology.* Cellular antenna tower is camouflaged, such as in a steeple or flag pole, to make it less visible.

D. *Pre-application conference.*

1. Applicants are encouraged to notify the Planning Commission to discuss proposals, allow for early coordination and to identify those items which are in conformance/nonconformance with the adopted Comprehensive Plan, Zoning Ordinance, and the provisions of these regulations.

E. *Application fee.*

1. An applicant for the construction of cellular antenna towers for cellular telecommunications services, or personal communications services, shall pay an application fee in the amount of \$2,500 upon submission of a uniform application. This fee includes review by the Planning Commission based upon the required development plan, review of the Planning Commission for grading and construction plans as defined by the Subdivision and Development Regulations, and review and permitting by the Building Inspector. Applications for co-location of antenna(e) on an existing structure shall pay an application fee in the amount of \$250. This fee includes review by the Planning Commission for grading and construction plans (if needed) as defined by the Subdivision and Development Regulations, and permitting by the Building Inspector.

F. *Contents of uniform application.*

1. The provisions of KRS 100.9865, as amended from time to time, are incorporated herein by reference.

G. *Applicability.*

1. Every utility, or a company, that is engaged in the business of providing the required infrastructure to a utility, that proposes to construct an antenna tower for cellular telecommunications services, or personal communications services, shall submit a completed uniform application to the Paris-Bourbon County Joint Planning Commission. The Planning Commission shall not regulate the placement of antennas or related equipment on an existing structure (co-location).

H. *Confidentiality of application.*

1. All information contained in the application and any updates, except for any map or other information that specifically identifies the proposed location of the cellular antenna tower then being reviewed, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The Planning Commission shall deny any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction. Any person violating this subsection shall be guilty of official misconduct in the second degree as provided under KRS 522.030. The confidentiality of the application and any updates of the application may be waived by the applicant in writing.

I. *General.*

1. A cellular antenna tower for cellular telecommunications services of personal communications services may be allowed:

(a) In any (A-1) Agricultural, (B) Business, or (I) Industrial District, except those with the districts containing the Central Business District, historic properties, or scenic highways;

(b) After a review by the Planning Commission, in accordance with the adopted goals and objectives of the Paris-Bourbon County Comprehensive Plan, the regulations contained within the City of Paris Zoning Ordinance, and these Cellular Antenna Tower Regulations;

2. Location of a cellular tower in an (R) Residential District, and historic property, the Central Business District, or near scenic highways is discouraged, and the placement of a cellular tower in any of these areas should be avoided.

3. Co-location of service facilities is preferred. Co-location objectives may be satisfied by configuration of new facilities for multiple carriers or by co-location on existing facilities. Any request for review of a proposal to construct such an antenna tower or to reconfigure, enlarge or reconstruct an existing antenna tower, shall be made only in accordance with these regulations.

4. However, if the property is subject to an existing Conditional Use Permit, the property owner shall obtain approval of the appropriate modification request. Such request shall be filed simultaneously with the uniform application. Review of the Conditional Use Permit plan shall be limited to a determination of the impact of the antenna tower for cellular telecommunications services or personal communications services construction on the requirements of the Conditional Use Permit. The property owner shall be responsible for making alternative provision for any alteration of Conditional Use Permit or shall obtain a variance or waiver of the Permit requirement affected by the location of the tower on the site.

J. *Processing of application.*

1. Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall be processed as follows:

(a) At least one (1) public hearing on the proposal shall be held, at which hearing interested parties and citizens shall have the opportunity to be heard. Notice of the time and place of such hearing shall be published at least once, in a newspaper of general circulation in Bourbon County, provided that one (1) publication occurs not less than seven (7) calendar days or more than twenty-one (21) calendar days before the occurrence of such hearing.

(b) Notice of the proposal shall be posted on the site at least fourteen (14) days in advance of the hearing. Such notice shall consist of a written notice, of durable material at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower on this site" and including the addresses and telephone numbers of the applicant and the Planning Commission. Notice of the proposal shall also be posted on the public road nearest the site. Such notice shall consist of a written notice, of durable material at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower near this site" and including the addresses and telephone numbers of the applicant and the Planning Commission.

(c) Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by certified mail, return receipt requested, to the owner of every parcel of property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed. Said notice shall include a map of the location of the proposed construction, the telephone number and address of the Planning Commission, and shall inform the addressee of his or her right to participate in the Planning Commission's proceedings on the applications. Records maintained by the Property Valuation Administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administer property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two or more co-owners of an adjoining property who are listed in the Property Valuations Administrator's records as having the same address.

(d) Upon holding such hearing, the Planning Commission shall, within sixty (60) days commencing from the date that the application is received by the Planning Commission, or within a date specified in a written agreement between the Planning Commission and the applicant, make its final decision to approve or disapprove the uniform application. If the Planning Commission fails to issue a final decision within sixty (60) days, and there is no written agreement between the Planning Commission and the utility to a specific date for the Planning Commission to issue a decision, it shall be presumed that the Planning Commission has approved the utility's uniform application.

(e) The Planning Commission Technical Review Committee will review the application, then forward their comments to the Commission. The evaluation will be based on the following criteria:

(1) The Planning Commission will deny a uniform application to construct a cellular antenna tower based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new existing towers.

(2) Agreement with the various elements of the Paris-Bourbon County Comprehensive Plan, and where applicable, any other adopted plans.

(3) Extent to which the proposal is consistent with the purposes of these regulations.

(4) Adequacy of the proposed site, considering such factors as the sufficiency of the site to comply with the established Design Standards listed in Section L. (Design standards) below, of these regulations.

(5) Extent to which the proposal responds to the impact of the proposed development on adjacent land uses, especially in terms of visual impact.

(6) Extent to which the proposed facility is integrated with existing structures, or the extent to which the proposed cellular antenna tower uses stealth technology.

K. *Amendments.*

1. Any amendments to the site development plans, except for minor adjustments as determined by the Planning Commission, or its duly authorized representative, shall be made in accordance with the procedure required in Section L. (Design standards) below, subject to the same limitations and requirements as those under which such plans were originally approved.

L. *Design standards.*

1. At the time of application submittal, the applicant shall provide information demonstrating compliance with the following requirements: Where the Planning Commission, or its duly authorized representative, finds that circumstances or conditions relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more of the said requirements unreasonable, the Planning Commission, or its duly authorized representative, may modify or waive such requirement, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver.

(a) The site configuration should be formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, and the like).

(b) A cellular antenna tower, or alternative antenna tower structure, may be constructed to a maximum height of two hundred (200) feet in business, industrial or agricultural districts, except where a tower is located adjacent to residential districts, historic properties or the Central Business District; then the maximum height shall be one hundred and twenty-five (125) feet, and shall consist of a monopole, stealth technology or co-location. Cellular tower are discouraged in residential districts, historic properties or the Central Business Districts, except for ones using stealth technology or co-location. The maximum height also applies to any tower taller than fifteen (15) feet constructed on the top of another building or structure, with the height being the overall height of the building/structure and tower together, measured from the grade to the highest point. The Planning Commission may allow antennas greater than two hundred (200) feet in height, upon review of the applicant's justification that the additional height meets all other criteria identified in these regulations.

(c) When any cellular antenna tower, or alternative antenna tower structure, is proposed, the applicant shall furnish the Planning Commission with a certification from an engineer, registered in the Commonwealth of Kentucky, that the tower will meet the current ANSI/EIA/TIS 222-F standards and other applicable state standards.

(d) Cellular antenna towers shall not be illuminated, except in accordance with other state or federal regulations.

(e) The site shall be enclosed by a security fence, which shall not be less than eight (8) feet in height and shall be made from a material appropriate to the adjacent land use. The use of barbed wire, or sharp pointed fences, shall be prohibited from the ground to a height of six (6) feet. Such fence may be located within the front, side or rear yard setbacks.

(f) In any district, whenever possible, all antenna towers shall be designed and constructed so as to minimize any potential negative aesthetic, environmental or visual impacts.

(g) Any site to be purchased, or leased, for the installation of the cellular antenna tower, or alternative antenna tower, and ancillary facilities, shall be at least five thousand (5,000) square feet in area.

(h) Surfacing of all driveways and off-street parking areas shall comply with the requirements of the City of Paris Zoning Ordinance.

(i) There shall be no signs permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs which are required by a federal, state, or local agency. Such signs shall not exceed five (5) square feet in area.

(j) All new cellular antenna towers shall be designed and constructed to reasonably accommodate a minimum of three (3) service providers. This includes space on-site to accommodate the ground equipment for the three (3) additional providers.

(k) All option and site lease agreements shall not prohibit the possibility of co-location.

(l) Any monopole, guyed, lattice, or similar type cellular antenna tower and any alternative cellular antenna tower structure similar to these towers, such as light poles, shall be maintained in either galvanized steel finish or be painted light gray or light blue in color. Alternative sections of aviation orange and aviation white may be used ONLY when the FAA finds that none of the alternatives to such marking are acceptable.

(m) In residential districts, historic properties and the Central Business District, all antenna towers and related structures shall comply with the yard setbacks for that district, plus three (3) times the height of the towers.

(n) In agricultural districts, all antenna towers and related structures shall have a front yard setback of two hundred (200) feet, and adhere to all other yard setbacks for that district.

(o) In all (B) Business and (I) industrial (excluding historic properties and the Central Business District) all antenna towers and related structures shall have a front yard setback of one hundred, twenty-five (125) feet, plus adhere to the yard setbacks for that district. The tower should be located where it will have the lowest visual impact.

(p) All antenna towers and related structures, except fences, where adjacent to a residential district, historic district or the Central Business District; shall have a setback from the property line of a distance equal to the height of the antenna tower, plus the yard setbacks for that district (agricultural, business or industrial), and using the setbacks for "adjacent to residential district". Visual screening shall be required along the property line where the proposed site abuts a residential district, historic district or the Central Business District. Options for screening include, but are not limited to: fencing, plant material, or berms.

(q) All antenna towers and related structures, except fences, shall be located at least one thousand (1,000) feet from a scenic highway; or at a shorter distance if the topography will visually screen the tower.

M. *Existing telecommunications facilities.*

1. Telecommunications facilities in existence on the date of the adoption of this ordinance, or any amendment thereto, which do not comply with this ordinance, or any amendment thereto, ("existing telecommunications facilities") are subject to the following provisions:

(a) Existing telecommunications facilities may continue in use for the purpose now used, but may not be expanded or replaced without complying with this ordinance, except as further provided in this section.

(b) Existing telecommunications facilities which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored to their former use, location and physical dimensions subject to obtaining a building permit therefore, but without otherwise complying with this ordinance.

(c) The owner of any existing telecommunication facility may replace, repair, rebuild and/or expand such telecommunications facility to accommodate co-located antennas or facilities, or to upgrade the facilities current engineering, technological or communications standards by obtaining a building permit therefore, and without having to conform to the provisions of this ordinance (including, but not limited to, provisions of this ordinance regarding notice to local zoning authorities or posting of signs) or to otherwise request local zoning approval, so long as such facilities are not increased in height by more than 20% and/or setbacks are not changed.

(d) Any such replacement, repair, reconstruction or enlargement shall not violate the design standards described in Section L. (Design standards) above beyond that existing at the date of the adoption of this ordinance.

(e) Any legally permitted and constructed telecommunications tower shall be exempt from these regulations; except when discontinued for a period of twelve (12) months. In such cases, the applicant or utility shall be required to follow the procedures listed herein.

N. *Maintenance removal.*

1. Any contract with an owner of property upon which a cellular antenna tower is to be constructed, shall include a provision that specifies, in the case of abandonment, a method that the utility will follow in dismantling and removing a cellular antenna tower including a timetable for removal.

2. To insure removal of all improvements at any abandoned telecommunications facility, any applicant filing a request under these regulations shall, at the time of submittal, deposit with the Planning Commission, and to the benefit of the Planning Commission, a letter of credit, a performance bond, or other security acceptable to the Planning Commission in the amount equal to the cost of demolition and removal of the facility. An applicant having multiple telecommunications facilities within the Planning Commission's jurisdiction may deposit a single guarantee in the amount equal to the cost of demolition and removal of the one facility it owns which would cost the most to demolish and remove until such time as the number of its multiple facilities exceeds four (4) such facilities. At such time as the approved number of the applicant's multiple facilities exceeds four (4) such facilities, the applicant shall increase the amount on deposit to an amount equal to the cost of the most costly demolition and removal plus twenty-five (25) percent of the cost of demolition and removal of the applicant's other existing facilities. Any guarantee submitted shall be irrevocable and shall provide for the Planning Commission to collect the full amount of the guarantee if the applicant fails to maintain the guarantee.

3. If the use of any cellular antenna or cellular antenna tower or alternative cellular antenna tower structure is discontinued, the owner shall provide the Planning Commission with a copy of the notice to the FCC of intent to cease operations within thirty (30) days of such notice to the FCC. If the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure will not be reused, the owner shall have one-hundred, eighty (180) days from submittal of the FCC notice to the Planning Commission to obtain a demolition permit and remove the antenna or tower that will not be reused. If the cellular antenna or cellular antenna tower or alternative cellular antenna tower is to be reused, the owner shall have no more than twelve (12) months from submittal of the FCC notice to the Planning Commission in which to commence new operation of the antenna or tower to be reused. Upon failure to commence new operation of the antenna or tower to be reused within twelve (12) months, the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure shall be presumed abandoned, and the owner shall obtain within ninety (90) days of the expiration of the twelve (12) month period, a demolition permit and remove the antenna or tower that is presumed abandoned with

sixty (60) days of obtaining the demolition permit. If the owner fails to remove an antenna or tower in the time provided by this paragraph, the Planning Commission may, on grounds of public safety, health, and welfare, cause the demolition and removal of the antenna or tower and recover its costs of demolition and removal.

O. *Severability.*

1. That if any clause, section, or other part of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby, but shall remain in full force and effect.

(Ord. 2003-18, passed 11-11-03; Am. Ord. 2007-25, passed 11-11-08; Am. Ord. 2014-12, passed 7-15-14)

ARTICLE IV. ADMINISTRATION

§ 80.300 ADMINISTRATIVE OFFICIAL

A. *Appointment.*

1. An administrative official shall be designated by the legislative body to administer and endorse this regulation and such other housing and building regulations as may be adopted. He or she may be provided with the assistance of such other persons as the legislative body may direct.

B. *Powers and duties.*

1. The administrative official shall issue building permits and certificates of zoning compliance (Certificate of Occupancy) in accordance with the terms on this regulation, but may not have the power to permit any construction, or to permit any use or any change of use which does not conform to the literal terms of the zoning regulation.

2. If the administrative official shall find that any of the provisions of this regulation are being violated, he or she shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He or she shall order discontinuance of illegal work being done; or shall take any other action authorized by this regulation to ensure compliance with or to prevent violation of its provisions.

C. *Certificates of zoning compliance for new, altered or non-conforming uses and/or structures.*

1. It shall be unlawful to use, occupy, or permit the use or occupancy, of any building and/or premises, or part hereof, which has been erected, converted, altered or enlarged in its use of structure, until a certificate of zoning compliance (Certificate of Occupancy) has been issued by the administrative official.

2. Non-conforming lots, structures or uses which exist at the time of adoption of this ordinance are regulated by Section 80.206 (Non-Conforming Uses, Structure and Lots), and must be in accordance with same, prior to any certificate of zoning compliance (Certificate of Occupancy) being issued by the administrative official.

3. A temporary certificate of zoning compliance may be issued by the administrative official for a period not exceeding six (6) months (renewable by the administrative official for unavoidable delays) during alterations or partial occupancy of the building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.

4. The administrative official shall maintain a record of all certificates of zoning compliance (Certificate of Occupancy), and will respond within 3 days as required in KRS 61.872(5), to any person who submits a specific Request for Public Information.

5. Failure to obtain a certificate of zoning compliance (Certificate of Occupancy) required by the terms of this regulation shall be a violation of such regulation and punishable under Section 80.303 of these regulations.

D. *Construction and use to be as indicated in applications, plans, permits, and certificates of zoning compliance.*

1. Certificates of zoning compliance issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement, and construction as set forth in such approved plan and applications. Any other use, arrangement, or construction at variance with that authorized shall be deemed a violation of this regulation and punishable as provided by Section 80.303 (Penalties for violation) hereof.

(Am. Ord. 2014-12, passed 7-15-14)

§ 80.301 THE BOARD OF ADJUSTMENT

A. *Creation and procedure.*

1. A Board of Adjustment is hereby established, which shall consist of five (5) members. All members shall be citizen members appointed by the legislative body, each for a period of four (4) years, and members of the Board of Adjustment may be removed from office by the legislative body for cause upon written charges and after public hearing. Vacancies shall be filled by the legislative body for the unexpired term of the member affected. To be eligible for appointment to the Board of Adjustment, a citizen must be (1) age twenty-five (25) or older; (2) a high school graduate or equivalent; (3) a City of Paris property owner; (4) registered voter and (5) a current resident of the City of Paris for one (1) year or more. The term of office of the initial members shall be staggered as provided for in KRS 100.217(4).

(Am. Ord. 5-85, Section I, passed 3-26-85)

(a) *Meeting of board; quorum; minutes; bylaws.*

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

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

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

(b) *Procedure for all appeals to board.* Appeals to the Board may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action, or decision of any zoning enforcement officer. Such appeal shall be taken within thirty (30) days after the appellant or his or her agent receives notice of the action appealed from. The appellant, or his or her agent, shall file a notice appeal, with said officer and with the Board, specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. Said officer 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 any hearing by the Board any interested person may appear and enter his or her appearance, and all shall be given an opportunity to be heard.

(c) *Public notice of appeal hearing.* The Board shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Ch. 424, as well as written notice to the appellant and the administrative official, at least one (1) week prior to the hearing, and shall decide it within sixty (60) days. The affected party may appear at the hearing in person or by attorney.

(d) *Stay of proceeding.* An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him or her, that the reason of facts stated in the certificate, a stay would, in his or her opinion, cause eminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order which may be granted by the Board of Adjustment or by a court of record of application, and no notice to the administrative official from whom the appeal is taken and on due cause shown.

B. *The Board of Adjustment; power and duties.*

1. *Administrative review.* The Board of Adjustment shall have the power to hear and decide cases where it is alleged by an applicant that there is error in any order, requirement, decision, grant, or refusal made by an administrative official in the enforcement of the zoning regulations, under the procedure set out in Sections 80.301.B(1-3). In exercising this power, the Board of Adjustment may, so long as such action is in conformity with the terms of these regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from; and, may make such order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken.

2. *Conditional use permits.* The Board shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the zoning regulations as permissible only in specific locations in the district or only if certain conditions are met.

(a) The Board may approve, modify, or deny any application for a conditional use permit. If it approves such permit it may attach necessary conditions such as time limitations, requirements that one (1) or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the Board's minutes and on the conditional use permit, along with a reference to the specific section in the zoning regulation listing the conditional use under consideration. The Board shall have power to revoke conditional use permits, or variances for non-compliance with the condition thereof. Furthermore, the Board shall have a right of action to compel offending structures or uses to be removed at the cost of the violator and may have judgment in personam for such cost.

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

(c) In any case where a conditional use permit has not been exercised within the time limit set by the Board, or within one (1) year if no specific time limit has been set, such conditional use permit shall expire. "Exercised", as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement have been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed. When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions as set forth in the permit.

(d) The administrative official shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect that land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions listed on the conditional use permit, the administrative official shall report the fact in writing to the chairman of the Board of Adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions of the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the chairman of the Board of Adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions of the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the chairman of the Board of Adjustment. The Board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one (1) week prior to the hearing. If the Board of Adjustment finds that the facts alleged in the report of the administrative official are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board of Adjustment may authorize the administrative official to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

(e) Once the Board of Adjustment has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the administrative official, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit. Therefore said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.

(f) When an application is made for a conditional use permit for land located within or abutting any residential zoning district, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant, administrative official, the mayor and city clerk of any city of the fifth or sixth class so affected, within any county containing a city of the first class or a consolidated local government, an owner of every parcel of property adjoining the property to which the application applies, and such other persons as the local zoning ordinance, regulations, or board of adjustment bylaws shall direct. Written notice shall be by first-class mail with certification by the Board's secretary or other officer that the notice was mailed. It shall be the duty of the applicant to furnish to the Board, the name and address of an owner of each parcel of property as described in this subsection. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.

3. *Dimensional variance.*

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

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

(b) When a proposed development requires one (1) or more variances, the Planning Commission may hear and finally decide applications for variances at the same hearing. The applicant for a development, at the time of the filing of the application for the development, may elect in writing to the administrative official to have any variances for the same development to be heard and finally decided by the Planning Commission at the same public hearing set for the development.

(c) *Findings necessary for granting variances.* Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Board shall consider whether:

(1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same district;

(2) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and

(3) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

(d) The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulations by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

(e) *Lot of record.* Where the owner of a lot of official record, which lot at the time of the adoption on this regulation does not include sufficient land to conform to the yard and other requirements of this regulation, an application may be used as a building site; provided, however, that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the Board of Adjustment.

(f) *Variance cannot contradict zoning regulation.* The board shall not possess the power to grant a variance to permit a use of any land, building, or structure which is not permitted by the zoning regulation in the district in question, or to alter density requirements in the district in question.

(Am. Ord. 14-84, Section I, passed 5-29-84; Am. Ord. 18-87, passed 6-23-87; Am. Ord. 36-88, passed 8-9-88)

C. Compensation.

1. The members of the Board of Adjustment shall be paid a salary of twenty-five (\$25.00) dollars per meeting.

2. The secretary of the Board of Adjustment shall be paid a salary of fifteen dollars (\$15.00) per hour, with a minimum of forty-five dollars (\$45.00) dollars per meeting as authorized by the legislative body.

(Am. Ord. 2014-12, passed 7-15-14)

§ 80.302 APPEALS FROM COMMISSION OR BOARD OF ADJUSTMENT

A. All service of appeals shall be in accordance with the Rules of Civil Procedure, and in accordance with KRS 100.347 as follows:

1. Any such person or entity claiming to be injured or aggrieved by any final action of the Board of Adjustment shall appeal from the action to the Circuit Court of the county in which the property, which is the subject of the action of the Board of Adjustment, lies. Such appeal shall be taken within thirty (30) days after the final action of the Board. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. The Board of Adjustment will be a party in any such appeal filed in the Circuit Court.

2. Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission shall appeal from the final action to the Circuit Court of the county in which the property, which is the subject of the Commission's action, lies. Such appeal shall be taken within thirty (30) days after such action. Such action shall not include the Commission's recommendations to other governmental bodies. All final actions which have not been appealed with thirty (30) days shall not be subject to judicial review.

Provided, however, any appeal of a Planning Commission action granting or denying a variance or conditional use permit authorized by KRS 100.203(5) shall be taken pursuant to this subsection. In such case, the thirty (30) day period for taking an appeal begins to run at the time the legislative body grants or denies the map amendment for the same development. The Planning Commission shall be a party in any such appeal filed in the Circuit Court.

3. The owner of the subject property and applicants who initiated the proceeding shall be parties to the appeal. Other persons speaking at the public hearing are not required to be made parties to such appeal.

4. For purposes of this chapter, final action shall be deemed to have occurred on the calendar date when the vote is taken to approve or disapprove the matter pending before the body.

(Am. Ord. 2014-12, passed 7-15-14)

§ 80.303 PENALTIES FOR VIOLATION

Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 or any of these regulations for which no other penalty is provided, shall, upon conviction, be fined not less than ten dollars (\$10) but no more than five hundred (\$500) dollars for each conviction. Each day of violation shall constitute a separate offense.

(Am. Ord. 2014-12, passed 7-15-14)

ARTICLE V. AMENDMENTS

§ 80.400 GENERAL

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

B. The zoning regulations or map shall not be amended, changed, or modified in such manner as to create a free standing district of less than five (5) acres, except for B-2 General Commercial or B-3 Neighborhood Commercial, which may be as small as three (3) acres, except by vote of two-thirds of the members present and voting.

(Ord. 2014-12, passed 7-15-14)

§ 80.401 PROPOSAL FOR AMENDMENT

A. A proposal for amendment to the Official Zoning Map may originate with the Planning Commission, the City Commission, the owner of the subject property, or by a person having written authorization from the owner of the subject property. A proposal for amendment to the text of this ordinance may originate with any person or governmental body. Regardless of the origin of the proposed amendment, an application must be filed with the Planning Commission requesting the proposed amendment in such form, and accompanied by such information, as required by this ordinance and the Planning Commission.

(Ord. 2014-12, passed 7-15-14)

§ 80.402 PLANNING COMMISSION PROCEDURE

A. Application.

1. At the time of filing an application, a non-returnable filing fee shall be paid according to the schedule of fees; however, there shall be no filing fee for an amendment requested by the City Commission or the Planning Commission. Upon the filing of an application for a zoning map amendment by the City Commission or Planning Commission, the Planning Commission shall notify the owner of the subject property (properties) by registered mail, or certified mail, at least thirty (30) days in advance of the public hearing.

2. Upon the filing of an application for an amendment to the Official Zoning Map or the text of this ordinance, the Planning

Commission shall study and review the application as provided in this ordinance. If the request for a Zoning Map Amendment originates with the owner, a development plan or site plan shall be required as part of the application, and shall be in accordance with Article VII, Development Plans. Once approved by the Planning Commission, the development plan, or site plan, shall be followed.

B. Notice of public hearing.

1. The Planning Commission shall then hold at least one (1) public hearing, after notice, as required by KRS Chapter 424 and KRS Chapter 100. Notice of the time, place and reason for the required public hearing shall be given by one publication in the newspaper of general circulation in the County, not earlier than twenty-one (21) days or later than seven (7) days before the public hearing in accordance with KRS 100.211.

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

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

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

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

(2) The sign shall be constructed of durable material and shall state the telephone number of the Planning Commission Office; and

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

(4) The Planning Commission provides the required signage for use by the property owner requesting the zone change with a refundable deposit.

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

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

C. Public hearing.

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

(Ord. 2014-12, passed 7-15-14)

§ 80.403 RECOMMENDATION OF PLANNING COMMISSION

A. In the case of a proposed text amendment originating with the City Commission, the Planning Commission shall make its

recommendation within sixty (60) days of the date of its receipt of the proposed amendment.

B. The Planning Commission shall make findings of fact and a recommendation for approval or disapproval of the proposed amendment to the City Commission. Before recommending to the City Commission that an application for amendment to the Official Zoning Map or Zoning Ordinance be granted, the Planning Commission, or the City Commission, must find that the amendment request is in agreement with the current Bourbon County Comprehensive Plan, or in the absence of such a finding that:

1. The original zoning classification given to the property was inappropriate or improper, and that the proposed classification is proper; or
2. That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the Comprehensive Plan adopted by the Planning Commission and which have substantially altered the basic character of the area.

C. The Planning Commission shall also determine, as part of its findings, the suitability and compatibility of any proposed development of said property.

D. The Planning Commission shall have the power to hear and finally decide applications for variances or conditional use permits in conjunction with a requested zoning map amendment, if the proposed development requires both a map amendment and one or more variances or conditional use permits (per KRS 100.203(5)). Recommendations regarding these permits shall be a part of the record forwarded to the City Commission.

E. 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. After voting to recommend that an application for amendment to the Official Zoning Map or Zoning Ordinance be granted or denied, the Planning Commission shall forward its finding of fact and recommendation in writing to the City Commission.

F. A tie vote shall be subject to further consideration by the Planning Commission for a period not to exceed thirty (30) days, at the end of which if the tie has not been broken, the application shall be forwarded to the City Commission without a recommendation for approval or disapproval.

(Ord. 2014-12, passed 7-15-14)

§ 80.404 ACTION BY THE CITY COMMISSION ON PLANNING COMMISSION

A. The City Commission shall not act upon a proposed amendment to the Official Zoning Map or Zoning Ordinance text until it has received the written findings of fact and recommendation thereon from the Planning Commission. Pursuant to KRS 100.211(2), it shall take a majority of the entire City Commission to override the recommendation of the Planning Commission, and it shall take a majority of the entire City Commission to adopt a zoning map and text amendment whenever the Planning Commission forwards the application to the City Commission without a recommendation of approval or disapproval due to a tie vote. Unless a majority of the entire City Commission votes to override the Planning Commission's recommendation, such recommendation shall become final and effective. If a recommendation of approval was made by the Planning Commission, the ordinance of the City Commission adopting the zoning map amendment shall be deemed to have passed by operation of law.

B. The City Commission shall take final action upon a proposed zoning map or text amendment within ninety (90) days of the date upon which the Planning Commission takes its final action on such proposal. The City Commission shall also notify the Administrative Officer and the Chairman of the Planning Commission as to when the proposed amendment will be reviewed by the City Commission prior to the City Commission's final action, and subsequent notification when action has been taken.

(Ord. 2014-12, passed 7-15-14)

ARTICLE VI. DEVELOPMENT PLANS

§ 80.500 GENERAL

A. This article sets forth the content and procedure for submission, review, and approval of all development plans and site plans as follows:

1. A development plan is intended to provide a single, uniform procedure for total review of a proposed development. In this manner, the Planning Commission can review all aspects of a proposal simultaneously.

2. Where appropriate, the Planning Commission may review a previously completed sketch, preliminary and/or final subdivision plat instead of the development plan.

3. Once approved by the Planning Commission, the development plan shall be followed, and shall run with the land.

(Ord. 2014-12, passed 7-15-14)

§ 80.501 APPLICABILITY

A. Rezoning requests.

1. The submission and approval of a development plan shall be required in conjunction with all zone changes. A public hearing on the Zoning Map Amendment shall not be held until a development plan has been submitted to the Commission.

2. In a rezoning request for single-family residential or two-family residential development in any district, a site plan may be submitted instead of a development plan. The site plan that is submitted in conjunction with a request for rezoning shall follow the same submittal, review and approval process as development plans.

3. For a zoning map amendment of a development that is proposed to be built in phases, an overall conceptual development plan for the entire property shall be required. Upon approval of the conceptual development plan and zoning map amendment, a final development plan, in full detail, shall be submitted for each phase before building or construction permits are issued.

4. All other applicants for rezoning must submit a preliminary or final development plan. If a preliminary development plan is submitted and approved, then a final development plan must be submitted before a building permit or construction permit is issued.

B. Building permits.

1. The submission and approval of a final development plan shall be required for the issuance of a building permit for the following types of development in any district; multi-family residential dwelling, any business, any industry, planned unit development, manufactured home park, or any construction in a floodplain.

2. An application for a development that is proposed to be built in phases shall submit an overall conceptual development plan for the entire property. A final development plan, in full detail, shall be submitted for each phase before building or construction permits are issued.

(Ord. 2014-12, passed 7-15-14)

§ 80.502 DEVELOPMENT PLANS PROCEDURE

A. Application.

1. To request Planning Commission action on a development plan, the developer must submit to the Planning Commission a completed application form, filing fees and copies of the plan as required by the Commission's adopted filing and fee schedules. See Article V, for additional application procedures.

B. Review.

1. The development plan shall be reviewed by the Technical Review Committee when it normally meets at its adopted scheduled time. The meeting is open to the developer or his or her representative. Recommendations and comments from the Committee are available within a couple of days after the meeting. The Committee may issue final approval for all development in I-1 and I-2 districts; however, the Committee may forward any industrial development plan to the Commission in the same manner as any other type of plan. Corrected copies are required to be submitted as required by the Commission's normal filing schedule, in order for the corrected copies to be distributed to the Planning Commission for their review.

C. Planning Commission action.

1. No development plan shall be considered for approval by the Planning Commission until it has been reviewed by the Technical Review Committee. All development plans shall be approved or disapproved within ninety (90) days of the date they are formally filed

at the Planning and Zoning Office, unless the developer agrees to a longer time. If the Commission fails to approve a development plan and the City Commission approves the Zoning Map Amendment, then the Planning and Zoning Commission has sixty (60) days to take action upon the plan.

2. The Commission will review the development plan and the recommendations from the Technical Review Committee before making a decision at its normally scheduled meeting time. The Planning Commission will act for approval, conditional approval (with conditions noted), postponement or disapproval. The Planning Commission delegates approval for all development plans in I-1 and I-2 districts to the Technical Review Committee. The Commission may modify or disapprove the development plan if it finds the plan does not comply with the Comprehensive Plan, Zoning Ordinance, or when applicable, the Subdivision Regulations. It may also modify or disapprove the plan if it finds there are existing or potentially substantial conditions such as flooding, poor drainage, traffic, topographic or similar problems with the suitability or compatibility of the development of the subject property.

(Ord. 2014-12, passed 7-15-14)

§ 80.503 SITE PLANS

A. A site plan is submitted with an application for a zoning map amendment for single or two-family residential districts. The intent of the site plan is to show the basic features of the site design, such as location of building, access and drainage without an undue expense on the part of the applicant.

(Ord. 2014-12, passed 7-15-14)

§ 80.504 CONCEPTUAL DEVELOPMENT PLANS

A. A conceptual development plan shall be submitted for a zoning map amendment or building permit that involves a development that is to be done in phases. A conceptual development plan shall provide enough information concerning the entire development (all phases) to give the Commission adequate data upon which they can review the plan and make recommendations to the City Commission. Major aspects of development, such as land use compatibility, site suitability, drainage, access, circulation, layout and number of units shall be addressed.

B. Upon approval of a conceptual development plan by the Planning Commission, it shall be required that a preliminary or final development plan be submitted to the Planning Commission for phase one within two (2) years of the approval of the conceptual development plan. Otherwise, the conceptual development plan shall be deemed as disapproved by the Commission. It is required that the preliminary and final development plans be substantially consistent with the major aspects of the approved development plan, as determined by the Planning Commission. A copy of the approved conceptual development plan shall accompany the submittal of a preliminary or final development plan for each phase.

(Ord. 2014-12, passed 7-15-14)

§ 80.505 PRELIMINARY AND FINAL DEVELOPMENT PLANS

A. A preliminary development plan is less specific or detailed than a final development plan in terms of the exact arrangement of building, parking areas, open spaces, access points and other site design features. At this stage, the Planning Commission may consider many major aspects of the development without an undue amount of final design work on the part of the developer. A preliminary development plan that is submitted with a request for a zoning map amendment may be used for the Planning Commission's recommendation to the City Commission.

B. When a preliminary development plan is approved by the Planning Commission, then it shall be required that a final development plan be submitted to the Planning Commission within two (2) years of the approval of the preliminary development plan. Otherwise, the preliminary development plan shall be deemed as disapproved with the major aspects of the approved preliminary plan, as determined by the Planning Commission. A copy of the approved preliminary plan shall accompany the submittal of the more detailed, final development plan.

(Ord. 2014-12, passed 7-15-14)

§ 80.506 CHECK LISTS

A. *Site plan check list.*

1. Title block with label "Site Plan", parcel address, name and address of owner;
2. Name, address, signature and seal of the professional responsible for the preparation of the plan;
3. Scale of not less than one hundred (100) feet per inch, north arrow;
4. Vicinity map; oriented in the same direction as the design scheme, showing the proposed development and surrounding land, including existing roads with at least one intersection, stream or other landmark for common reference;
5. Show existing and proposed contour lines with an interval of five (5) feet or less, and labeled;
6. Length (mileage) of one corner of the property to a reference point;
7. Label names of adjacent property owners and record source;
8. Show location of all existing and proposed buildings and other structures;
9. Show yard setbacks;
10. Show means of ingress and egress for parking spaces;
11. Show proposed drainage;
12. Show utility easements;
13. Show location of private sewage disposal;
14. Show any other information that may be required by the Planning Commission.

B. *Conceptual plan check list.*

1. Title block with label "Conceptual Development Plan", name and address of development, name and address of builder, owner or developer;
2. Name, address, signature and seal of the professional responsible for the preparation of the plan;
3. Scale, north arrow;
4. Site statistics; total area, approximate number of lots, typical size of lots, approximate number of units;
5. Vicinity map; oriented in the same direction as the design scheme, showing the proposed development and surrounding land, including existing roads with at least one intersection, stream or other landmark for common reference. Locate transportation and community facilities such as roads, parks, shopping facilities and schools;
6. Names of adjacent property owners;
7. Land use compatibility within the area: zoning and land use for development property and adjacent properties;
8. Topography with existing contour interval of five (5) feet or less, and labeled;
9. Lengths (mileage) of one corner of the property to a reference point;
10. Site suitability: location of significant existing natural features, such as streams, water bodies, floodplains, sinkholes, wetlands, tree stand (type, size, condition), vegetation (type), steep slopes and soil capability;
11. Site suitability; location of significant existing cultural or built features, such as historic structures, historic district boundary, rock fences, cemeteries, roads, railroads, bridges, viewsheds, and the like;
12. General location of proposed streets, points of ingress and egress. Show proposed circulation patterns for vehicles, pedestrians or bicycles within the development and adjoining area; approximate anticipated trip generation;
13. General location of areas for various land uses, to show the relationships between layout and circulation, topography, adjacent properties, utility service, and drainage;

14. Location of existing utilities, and proposed methods of service for water and sanitary sewer. Show proposed stormwater plan;
15. Owner's certification;
16. Certification from water and sewer utilities, health department, city/county street or road supervisor, fire department and school district indicating the developer has contacted the appropriate department for an initial evaluation for services;
17. Certificate of approval by the Chairman of the Planning Commission;
18. For Planned Unit Development (PUD):
 - (a) General area location and percentage for different land uses;
 - (b) General area location and gross/net density for housing types.

C. *Preliminary plan checklist.*

1. Title block with label "Preliminary Development Plan", name and address of development, name and address of builder, owner or developer;
2. Name, address, signature and seal of the professional responsible for the preparation of the plan;
3. Scale, drawn no less than one (1) inch equals one hundred (100) feet; north arrow;
4. Site statistics; total area, number of lots, size of lots, building coverage ratio, number of units, area in open space, area in parking;
5. Vicinity map; oriented in the same direction as the design scheme, showing the proposed development and surrounding land, including existing roads with at least one intersection, stream or other landmark for common reference. Locate transportation and community facilities such as roads, parks, shopping facilities and schools;
6. Name of adjacent property owners;
7. Land use compatibility within the area; zoning and land use for property and adjacent property;
8. Topography with contour interval of five (5) feet or less, for both existing and proposed changes;
9. Lengths of property boundary lines;
10. Location of existing easements and encroachments;
11. Site suitability: location of significant existing natural features, such as streams, water bodies, floodplains, sinkholes, wetlands, tree stands (type, size, condition), vegetation (type), steep slopes and soil capability;
12. Site suitability: location of significant existing cultural or built features, such as historic structures, historic district boundary, rock fences, cemeteries, roads, railroads, bridges, viewsheds, and the like;
13. Location of existing and proposed driveways, streets, sidewalks, parking spaces, access points. Show proposed circulation patterns for vehicles, pedestrians and bicycles, within the development and the adjoining area; calculate anticipated trip generation;
14. Location of proposed buildings and other structures;
15. Location, for screening, landscaping, buffering;
16. Location of recreational, and other open space areas;
17. Show building and yard setbacks;
18. Show building footprints, total floor area, building height;
19. Include street cross section drawings;
20. Location of service areas, off-street loading areas, dumpsters, trash receptacles;
21. Stormwater plan, showing the location of catch basins, manholes, retention/detention basins, calculations;

22. Location of signage;
23. Description of an erosion control plan;
24. Location and type of private sewage disposal system when a public system is not available;
25. Certification from water and sewer utilities, health department, city/county road department, fire protection and school capacity, stating their ability to provide services or accept dedicated areas;
26. Owner's certification;
27. Certificate of approval by the Chairman of the Planning Commission;
28. For Planned Unit Development (PUD):
 - (a) Show area location, acreage and percentage of total acreage for each type of land use;
 - (b) Show area location, acreage and gross/net density for all housing types.

D. *Final plan checklist.*

1. Title block with label "Final Development Plan", name and address of development, name and address of builder, owner or developer;
2. Name, address, signature and seal of the professional responsible for the preparation of the plan;
3. Scale, drawn no less than one (1) inch equals one hundred (100) feet; north arrow;
4. Site statistics; total area, number of lots, size of lots, building coverage ratio, number of units, area in open space, area in parking area for dedication;
5. Vicinity map; oriented in the same direction as the design scheme, showing the proposed development and surrounding land, including existing roads with at least one intersection, stream or other landmark for common reference;
6. Names of adjacent property owners;
7. Zoning and land use for property and adjacent property;
8. Topography with contour interval of five (5) feet or less, for existing and proposed changes, spot elevations;
9. Lengths of property boundary lines;
10. Location and dimensions of easements and encroachments;
11. Location and dimensions of driveways, streets, sidewalks, parking spaces, access point. Show proposed circulation patterns for vehicles, pedestrians and bicycles, within the development and the adjoining area; calculate anticipated trip generation;
12. Location, length, dimensions of buildings and structures; finished floor elevation (FFE), total floor area, building height;
13. Location, dimensional for screening, landscaping, buffering;
14. Location, dimensions of recreational, and other open space area;
15. Show building and yard setbacks;
16. Include street cross-section drawings;
17. Location of service areas, off-street loading areas, dumpsters, trash receptacles;
18. Stormwater plan, including the location of catch basins, manholes, retention/detention basins, calculations, design details for retention/detention;
19. Location, dimension and height of signage;
20. Description of an erosion control plan;
21. Additional utilities information, including location of fire hydrants, size and location of lines and location of appurtenances; location and type of private sewage disposal system which a public system is not available;

22. Certification from water and sewer utilities, health department, city/county road department, fire protection and school capacity stating their ability to provide services or accept dedicated areas;

23. Owner's certificate;

24. Certificate of approval by the Chairman of the Planning Commission;

25. Copy of proposed restrictions and covenants if applicable;

26. For Planned Unit Development (PUD):

(a) Show area location, acreage and percentage of total acreage for each type of land use;

(b) Show area location, acreage and gross/net density for all housing types.

(Ord. 2014-12, passed 7-15-14)

§ 80.507 APPROVAL OF DEVELOPMENT PLAN

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

(Ord. 2014-12, passed 7-15-14)

§ 80.508 AMENDMENTS TO DEVELOPMENT PLAN

Amendments to an approved conceptual, preliminary or final development plan can be made only by official Planning Commission action. A minor amendment may be filed where the amendments are of minor significance and generally relates to the shifting of previously approved space. Any major amendments shall follow the same procedure as for the original submission. The Administrative Officer shall determine if an amendment is major or minor. A list of specific changes from the original shall accompany the amended plan.

(Ord. 2014-12, passed 7-15-14)

ARTICLE VII. MISCELLANEOUS

§ 80.600 SCHEDULE OF FEES, CHARGES AND EXPENSES

A. The legislative body shall establish a schedule of fees, charges and expenses, and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to these regulations. The schedule of fees listed below shall be posted in the office of the administrative official, and may be altered or amended only by the legislative body.

B. No permit, certificate, or variance shall be issued unless or until such costs, charges, fees, or expenses listed below have been paid in full, nor shall any action be taken or proceedings had before the Board of Adjustment unless or until preliminary charges and fees have been paid in full.

C. *Building permits - all structures.*

<i>Estimated Cost of Construction</i>	<i>Permit Fee</i>	<i>Combined Permit and Certificate of Compliance Fee</i>

\$0 - 500	\$5	\$10
\$501 - 5,000	\$10	\$20
\$5,001 - 10,000	\$15	\$30
\$10,001 - 15,000	\$25	\$50
\$15,001 - 20,000	\$35	\$70
\$20,001 - 25,000	\$45	\$90
\$25,001 - 30,000	\$55	\$100
\$30,001 - 50,000	\$95	\$150
\$50,001 - 100,000	\$145	\$200
If cost exceeds \$100,000, add \$10 to the fee for each additional \$10,000, or fraction thereof.		

1. *Sidewalks.*

(a) Any person engaged in the construction, repair, or construction of sidewalks within the public rights-of-way shall be required to secure a building permit for said work prior to the beginning of any work. No permit fee shall be charged for sidewalk work on public rights-of-way, or that portion of such work where it is included in a building permit covering other work on adjoining property.

(Am. Ord. passed 4-22-80, Section 1; Am. Ord. 2014-12, passed 7-15-14)

§ 80.601 FEES FOR WIRELESS COMMUNICATION FACILITIES

A. The fee for submission of an application and site development plan for the construction of a wireless telecommunication facility which is to be constructed utilizing an existing facility: \$250.00.

B. The fee for submission of an application and site development plan for the construction of a new wireless telecommunication facility: \$2,500.00.

(Am. Ord. passed 11/11/08, Section 1; Am. Ord. 2014-12, passed 7-15-14)

§ 80.602 CERTIFICATE OF ZONING COMPLIANCE

A. The fee for a certificate of compliance shall be paid in advance at the time the building permit is secured subject to refund if the building is not constructed and certificate of compliance therefore not issued.

(Am. Ord. 2014-12, passed 7-15-14)

§ 80.603 BOARD OF ADJUSTMENTS FEES

A. Conditional use application: \$75.00.

B. Variance application: \$50.00.

(Am. Ord. 2014-12, passed 7-15-14)

CHAPTER 81: LANDSCAPE BUFFER REGULATIONS*

ARTICLE I. GENERAL PROVISIONS

- 81.001 Purpose
- 81.002 Applicability
- 81.003 Authority
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ARTICLE II. GUIDELINES

- 81.100 Conflicts where landscaping is needed
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ARTICLE III. ADMINISTRATION

- 81.200 Administration; enforcement
- 81.201 Variances
- 81.202 Approval of plat subject to landscape plan
- 81.203 Performance bond

ARTICLE IV. SUBDIVISION PLAT REQUIREMENTS

- 81.300 Requirements added to subdivision regulations

ARTICLE I. GENERAL PROVISIONS

§ 81.001 PURPOSE

It is the intent of this chapter to provide for the utilization of landscaping techniques for the purpose of improving the aesthetic and functional quality of new development and to minimize the friction between incompatible urban land uses.

(Ord. passed 1-9-73)

****Cross reference:***

Streets, sidewalks, and other public places, see Ch. 41

Subdivision regulations, see Ch. 72

Zoning Code, see Ch. 80

Statutory reference:

Planning and zoning, see KRS Ch. 100

§ 81.002 APPLICABILITY

This chapter will govern the use of trees, bushes, plants, ground covers, walls, fences, and earth mounds, to achieve the following objectives:

- (A) Retard erosion;
- (B) Channel vehicular and pedestrian circulation;
- (C) Protect surrounding property values;
- (D) Reduce the effects of air, odor, visual and noise pollution;
- (E) Reduce glare from artificial lighting;
- (F) Separate certain land use activities from vehicular movement;
- (G) Screen unsightly activities; and
- (H) Separate incompatible land use activities.

(Ord. passed 1-9-73)

§ 81.003 AUTHORITY

The authority to administer these landscape regulations is granted to the Planning Commission under KRS 100.201, 100.203, and 100.281.

(Ord. passed 1-9-73)

§ 81.004 DEFINITIONS

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

"BUFFER EASEMENT." A strip of land to be set aside to separate incompatible land uses on which shall be placed trees, bushes, ground covers and barriers as necessary to reduce the deleterious effects of the activities.

"BUSHES." Planting materials with a functional mature height of two (2) to twelve (12) feet with foliage for its full height.

"EARTH MOUNDS." Ridges of piled earth up to four (4) feet in height and constructed with proper slopes and plant material to prevent erosion.

"FENCE." A barrier constructed of wood or metal for the purpose of restricting movement, or screening from sight conflicting activities. The height of fences shall be governed as set forth in the zoning code. Fences shall not be used for advertising purposes in residential or agricultural zones.

"GROUND COVER." Planting with a mature height of twelve (12) inches or less including but not limited to grass, certain junipers, phlox, and ivy. Within interior landscaping areas and landscaping easements next to a public right-of-way, crushed rock, tree bark, or processed shale may also be used.

"HEDGE." A row of bushes planted at such interval as to create a continuous mass within two (2) years after planting.

"INTERIOR LANDSCAPING AREAS." Planting areas such as islands or peninsulas within a vehicular use area as required by § 81.103.

"LANDSCAPING." The use of planting material, pavements, walls, fences, and earth mounds to enhance the aesthetic and safety

characteristics of new and existing development.

"*LOW SHRUBS.*" Low lying deciduous or evergreen ground covers.

"*TREES.*" Planting materials with a functional mature height of ten (10) or more feet. When used in conjunction with interior landscaping areas, trees should have a minimum clear height of five (5) feet from the ground to the lowest branch.

"*VEHICULAR USE AREA (V.U.A.).* Any open or enclosed area containing more than one thousand eight hundred (1,800) square feet of area and used by six (6), or more, of any type of vehicle, or mobile home, whether moving or at rest, including, but not limited to, parking lots, loading and unloading areas, mobile home parks, and sales and service areas. For the purpose of interior landscaping, driveways shall be considered to be a part of all vehicular use areas to which they are adjacent. For the purpose of landscape buffering, driveways shall be considered vehicular use areas, regardless of size, if they are used by six (6) or more cars and are adjacent to a public street. Intervening curbs, sidewalks, landscaped strips, etc. shall not be considered to eliminate adjacency.

(Ord. passed 1-9-73; Am. Ord. passed 7-20-76, § 3)

§ 81.005 JURISDICTION

The area for which these regulations shall apply shall coincide with the jurisdiction of the zoning code.

(Ord. passed 1-9-73)

§ 81.006 CONFLICTING REGULATIONS

Should the requirements set forth in this chapter be found in conflict with other provisions governing these regulations, the more stringent regulations shall apply.

(Ord. passed 1-9-73)

ARTICLE II. GUIDELINES

§ 81.100 CONFLICTS WHERE LANDSCAPING IS NEEDED

(A) The following provisions and guidelines shall apply for implementing this article.

(B) The following table describes those types of developments that create problems and conflicts for adjoining property, where landscape materials will help to reduce the adverse effects.

A	B	C
<i>Land Use</i>	<i>Conflicts Created</i>	<i>Adverse Effect Reduced</i>
ACTIVITY AREA CONFLICTS		
Commercial, industrial, office, and parking areas.	1. Residential property (especially single family homes), as well as conflicts between themselves.	1. Pollution by air (odors, auto exhausts, smoke) noise (cars, loudspeakers), visual (lights, trash), accidents (cars), land use (property values).

2. Churches, hospitals, schools	2. Residential properties (especially single family homes), as well as between themselves.	2. Same as C, 1.
3. Urban type residential or	3. Farming, such as growing crops, raising livestock, (especially horses), forestry areas, etc.	3. Same as C, 1; plus water pollution (sewage and storm water runoff), child and pet damage to crops, livestock, forestry areas, etc.
MOVEMENT FACILITY CONFLICTS		
4. Transportation facilities, including highways (especially freeways, arterials, and collectors), railways and airways.	4. All activity areas (commercial, industrial, residential), but especially the residential areas of the community.	4. Same as C, 1.
5. Facilities for energy supply, waste disposal, and telecommunications; including all forms of overhead wires, poles, towers, underground pipes, buildings.	5. All activity areas, but especially the residential areas of the community.	5. Same as C, 1 and C, 3.

Cross reference:

Lexington-Fayette Zoning Ordinance, see Article 20, Planting Manual Supplement

§ 81.101 LANDSCAPE REQUIREMENTS

- (A) The following table describes the various land use relationships governed by these regulations.
- (B) The landscape requirements in column three are keyed to the table in § 81.102.

<i>Where Zoning Category* Use Adjoins</i>	<i>Zoning Category* (or use) (including vehicle use areas)</i>	<i>Landscape Buffer Categories that apply</i>

Single or two-family	Multi-family or mobile home	§ 81.102, II
Agriculture, single or two-family	Commercial or industrial	§ 81.102, III
Multi-family & mobile home	Commercial or industrial	§ 81.102, IV
Multi-family	Mobile home	§ 81.102, I
Commercial	Industrial	§ 81.102, I
All residential zones	Freeway thoroughfare and railroad	§ 81.102, V
Commercial	Freeway thoroughfare	§ 81.102, VI
Industrial	Freeway thoroughfare	§ 81.102, VI
Vehicular use areas-all zones	Any public right-of-way (excluding freeways)	§ 81.102, VII
All zones	Utility substations, landfills, junkyards, sewage plants, or similar uses	§ 81.102, VIII

*The corresponding zone classifications as specified in the chapter should be substituted for these terms.

(C) In all zones, vehicular use areas are subject to the interior landscaping requirements set out in § 81.103.

(D) (1) Observance of this chapter should be required in all cases where a building permit is requested for new construction, or where approval of a subdivision is asked or a conditional use permit is sought.

(2) The Board of Adjustment, in approving conditional uses may, in its discretion, require such additional landscape buffering and interior landscaping as it may deem necessary or desirable.

(Ord. passed 1-9-73; Am. Ord. passed 7-20-76, § 1)

§ 81.102 LANDSCAPE BUFFER EASEMENT

(A) This table describes the landscaping requirements for the buffer easements required between the activities listed in § 81.101.

<u>Landscape Buffer Easement Categories</u>	<u>Minimum Landscape Easement Requirements</u>				
	Width	Trees	Bushes	Ground Cover	Barrier
		1 med.	4' continuous		

I	10'	or lge. tree within 40 ft. intervals or part thereof	only w/fence barrier or at 10' intervals w/ wall or earth mound	Grass or low shrub	4' wall, fence, or earth mound
II	10'	1 small to med. tree within 40 ft. intervals or part thereof	6' cont. hedge or 3' w/earth mound	Grass or low shrub	3' earth mound or 4' wall or fence
III	15'	Same as I	6' cont. hedge w/fence or intermittent planting w/wall	Grass	6' wall or fence
IV	10'	Same as I	Same as III	Grass	Same as III
V	20'	1 med. or lge. tree within 30' intervals or part thereof	6' continuous only w/fence	Grass	Same as III
VI	10'	Same as V	Same as I	Grass or low shrub	Same as I
VII	5'	Same as II	3' continuous hedge or barrier with	Grass, mulch or crushed	3' wall or earth mound

			intermittent planting	stone	or hedge
VIII	15' to all boundaries (5' for substations)	Same as V	6' continuous	Grass	Same as III

(Ord. passed 1-9-73; Am. Ord. passed 7-20-76, § 2)

(B) *Location of landscape buffer easements.* The easements described in categories I, II, III, and IV of subsection (A) shall apply to all common boundaries as defined in § 81.101. The easements described in categories V, VI, and VII shall apply to the property line adjacent to the freeway or public right-of-way as described in § 81.101. Easements described in category VIII shall apply to all boundaries of the stated activities.

(C) *Relationship to yard requirements.* The landscape buffer easements set forth in subsection (A) shall be provided in addition to the minimum yard requirements of the appropriate zone.

(D) *Responsibility for providing buffer easements.* The landscape buffer easements set forth in subsection (A) shall be provided as a condition of development by the owner or developer of the property which creates the incompatible situation. An owner securing a change in zone which creates an incompatible situation shall be deemed the one who creates such situation and shall immediately provide the buffer easement as a condition of the zone change. If the incompatible situation already exists or is created by a general zone change not sponsored by the property owner, the buffer easement shall be provided as a condition of the approval of any subdivision of the affected land.

(E) *Inclusion on subdivision plat.* Areas to be set aside for landscape buffer easements shall be shown on preliminary subdivision plats. Illustrations including trees, bushes, ground covers, and barriers shall be shown on final subdivision plats.

(F) *Easement conflicts.* Where landscape easements are required in the same location as utility easements, the two may be combined providing that the total width and screening requirements of subsection 81.102 are met.

(G) *Provision of planting materials and barriers.* Such trees, bushes, ground covers, and barriers as shall be required and/or shown on the final subdivision plat shall be provided by the owner or developer and considered as any other site improvement. Sufficient bond as may be determined adequate to cover the required improvements may be required to be posted by the Planning Commission.

(Ord. passed 1-9-73)

§ 81.103 INTERIOR LANDSCAPING FOR VEHICULAR USE AREAS

Any open vehicular use area containing more than six thousand (6,000) square feet of area or twenty (20) or more vehicular parking spaces shall provide interior landscaping in addition to the previously required perimeter landscaping.

(A) *Landscaped area.* For each one hundred (100) square feet or fraction thereof, of vehicular use area, five (5) square feet of landscaped area shall be provided.

(1) *Minimum area.* The minimum landscape area permitted shall be sixty-four (64) square feet, with a dimension of at least eight (8) feet.

(2) *Maximum contiguous area.* In order to encourage the required landscape areas to be properly dispersed, no required landscape area shall be larger than three hundred fifty (350) square feet in vehicular use areas under thirty thousand (30,000) square feet in size, and no required area shall be larger than one thousand five hundred (1,500) square feet in vehicular use areas over thirty thousand (30,000) square feet in both cases, the least dimension of any required area shall be eight (8) feet. Landscape areas larger than above are permitted as long as the additional area is in excess of the required minimum .

(B) *Minimum trees.* A minimum of one (1) tree shall be required for each two hundred fifty (250) square feet or fraction thereof, of required landscape area. Trees shall have a clear trunk of at least five (5) feet above the ground, and the remaining area shall be

landscaped with shrubs, or ground cover, not to exceed two (2) feet in height.

(Ord. passed 1-9-73)

Cross reference:

Landscape Zoning Ordinance for Lexington-Fayette County, see § 20.32

§ 81.104 QUALITY; TYPE OF PLANTING

All planting materials shall be living plants (not artificial) native to the area and suitable for the conditions of the site. Plant materials shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under state regulations. All landscaping materials shall be installed according to accepted good planting and construction procedures. Use should be made of existing on-site planting.

(Ord. passed 1-9-73)

§ 81.105 VEHICLE OVERHANG

Parked vehicles shall not be permitted to hang over a landscape buffer easement or an interior landscaping area more than two and one-half (2 ½) feet. Curbs or wheel stops shall be provided to permit no greater overhang.

(Ord. passed 1-9-73)

§ 81.106 MAINTENANCE

All landscaping materials shall be installed in a sound workmanlike manner, and according to accepted good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance and replacement of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within one (1) year, or by the next planting period, whichever comes first; while other defective landscaping material shall be replaced or repaired within three (3) months. Violation of these installation and maintenance provisions shall be grounds for the enforcement officer to refuse a building occupancy permit or to institute legal proceedings.

(Ord. passed 1-9-73; Am. Ord. passed 7-20-76, § 4)

§ 81.107 TREE TYPES; SIZES

(A) Whenever trees are required herein for interior landscaping or are used for buffer landscaping, if deciduous trees (trees which normally shed their leaves in the fall) are used, they shall be of a species having an average mature crown spread of greater than fifteen (15) feet in Bourbon County and having trunks which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements, except at vehicular use area intersections where an eight (8) foot clear wood requirement will control.

(B) Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping of the same so as to create the equivalent of a fifteen (15) foot crown spread. A minimum of ten (10) feet overall height or a minimum caliber (trunk diameter, measured six (6) inches above ground for trees up to four (4) inches caliber) of at least one and three-quarter (1 ¾) inches immediately after planting shall be required.

(C) Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than fifteen (15) feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior containing dimensions shall be five (5) feet square and five (5) feet deep and for which the construction requirements shall be four (4) inches thick reinforced concrete.

(D) Whenever evergreen trees are used, they shall be a minimum of five (5) feet high with a minimum caliber of one and one-half (1 ½) inches and a minimum spread of three (3) feet immediately after planting.

ARTICLE III. ADMINISTRATION

§ 81.200 ADMINISTRATION; ENFORCEMENT

(A) The enforcement of this chapter shall be carried out as set forth in subsection (B).

(B) The requirements of this chapter will be administered by the Planning Commission and enforced by the appointed zoning enforcement officer. No occupancy permit shall be issued until the landscaping is completed and certified by the zoning enforcement officer or the Building Inspector. It shall be unlawful to occupy any premises unless the required landscaping has been installed in accordance with the final subdivision plat.

(Ord. Passed 1-9-73)

§ 81.201 VARIANCES

In such individual situations where, by reason of exceptional topographic, dimensional, or shape, or other special conditions of the site, the enforcement of this chapter would create an undue hardship on the applicant, that applicant may appeal to the Board of Zoning Appeals for relief from specific provisions. In granting such variances, the Board of Adjustment shall make supporting findings, including the following:

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

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

(C) That any unique conditions and circumstances are not the result of actions of the applicant subsequent to the adoption of this chapter.

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

(Ord. passed 1-9-73; Am. Ord. passed 7-20-76, § 6)

§ 81.202 APPROVAL OF PLAT SUBJECT TO LANDSCAPE PLAN

(A) No final approval shall be given by the Planning Commission to any subdivision plat of more than three (3) lots or to any development plan until the property owner or developer has prepared a landscape plan and submitted it to the Commission.

(B) *Plan content.* The contents of the plan shall include, in addition to the requirements of Chapter 72, Subdivision Regulations, the following:

(1) All existing and proposed vehicular use areas (including parking stalls, driveways, service areas, giving square footage, etc.), water outlets, and landscape material (including height at planting time, average mature height and on-center planning dimensions for all plants);

(2) The appurtenant names and addresses (property owner, person drawing plan, and person installing landscape material) scale, date, north arrow (generally orient plan so that north is to top of plan), and zoning district.

(Ord. passed 1-9-73; Am. Ord. passed 7-20-76, 7)

§ 81.203 PERFORMANCE BOND

(A) No final approval shall be given by the Planning Commission to any such subdivision plat of more than three (3) lots or development plan until a performance bond has been given to insure proper installation of landscape materials not already installed,

with complete cost of all work certified by a landscape contractor, with the bond amount to include the accurate cost plus no more than twenty-five percent (25%) and the bond to be release upon satisfactory completion of the work as determined by the body approving the plan. The bond shall run to the Planning Commission and to the city where the area involved is located, or, if outside the city, to Bourbon County.

(B) *Waiver of plan and issuance of building permit.* The Planning Commission, in its discretion, may waive the requirement that a landscape plan be presented and approved before final plat approval; provided, however, that in all instances where landscaping is required by this chapter, no building permit shall be issued until the required landscaping plan has been submitted and approved and the bond required by subsection (A) posted; and, no occupancy permit or certificate of zoning compliance shall be issued until the landscaping is completed, as certified by an on-site inspection by the enforcement officer. It shall be unlawful to occupy any premise unless the required landscaping is installed, or bond or irrevocable letter of credit posted, in accordance with these requirements.

(Ord. passed 1-9-73; Am. Ord. passed 7-20-76, § 7)

ARTICLE IV. SUBDIVISION PLAT REQUIREMENTS

§ 81.300 REQUIREMENTS ADDED TO SUBDIVISION REGULATIONS

The following requirements should be added to the subdivision regulations of communities adopting this landscape chapter.

(A) *Requirements for preliminary subdivision plats.* Areas to be set aside for landscape buffer easements in accordance with article of the zoning code shall be shown and include dimensions.

(B) *Requirements for final subdivision plats.* Areas to be set aside for landscape buffer easements shall be shown along with an indication of planting and barriers to be provided. Existing trees and shrubbery shall be so designated. In addition, a typical elevation and cross-section shall also be shown.

(Ord. passed 1-9-73)