



# **ZONING ORDINANCE**

Unincorporated  
Bourbon County, Kentucky

Revision Date: May 9, 2019  
Bourbon County Joint Planning Office

# Table of Contents

- ARTICLE I Establishments of Zones .....5
  - 2.1 Establishment of Zones .....5
    - 2.11 Zones .....5
    - 2.12 Zoning Map.....5
    - 2.13 Replacement of the Official Zoning Map .....5
  - 2.2 Rules for Interpretation of Zone Boundaries: .....6
- ARTICLE II Enactment, Title, Purpose .....7
  - 1.1 SHORT TITLE .....7
  - 1.2 EFFECTIVE DATE .....7
  - 1.3 AUTHORITY.....7
  - 1.4 PURPOSE, OBJECTIVE, AND GOALS.....7
  - 1.5 INTERPRETATION.....7
  - 1.6 SEVERABILITY CLAUSE.....7
  - 1.7 APPLICATION OF REGULATIONS .....7
  - 1.8 DEFINITIONS .....7
- ARTICLE III Regulations ..... 13
  - 3.0 APPLICATION OF REGULATIONS ..... 13
    - 3.01 Zone Regulations..... 13
  - 3.1 ALL DISTRICTS ..... 13
    - 3.11 Uses permitted ..... 13
    - 3.12 Lot Width..... 14
    - 3.13 Lot Area and Lot Width ..... 14
    - 3.14 Corner Lots:..... 14
    - 3.15 Required Yards and Setback Involving Right-of-Ways..... 15
  - 3.2 AGRICULTURAL ZONE (A-1)..... 15
    - 3.21 Uses Permitted..... 15
      - E. MANUFACTURED HOMES ..... 15
    - 3.22 Uses Permitted by Conditional Use ..... 17
    - 3.23 Special Conditional Uses..... 23
    - 3.24 Road Frontage and Setback..... 23
    - 3.25 Uses Permitted..... 23
    - 3.26 Area Requirements ..... 23
  - 3.2 (B) RURAL/AGRICULTURAL COMMUNITY ZONE (A-2) ..... 24
    - 3.21 (B) Uses Permitted..... 24
    - 3.22 (B) Uses Permitted By Conditional Use..... 24
    - 3.23 (B) Development Standards..... 25
    - 3.24 (B) Special Provisions ..... 26
  - PARIS PIKE/LEXINGTON ROAD CORRIDOR OVERLAY ZONE..... 29
  - 3.3 RESIDENTIAL - 1 (R-1)..... 39
    - 3.31 Permitted Uses..... 39
    - 3.32 Uses Permitted by Conditional Use ..... 40
  - 3.4 RESIDENTIAL - 2 (R-2)..... 41
    - 3.41 Uses Permitted..... 41
    - 3.42 Uses Prohibited ..... 41
    - 3.43 Building Height ..... 41
    - 3.44 Required Lot Area and Lot Width ..... 41
    - 3.45 Yards Required ..... 41

3.46	Uses Permitted by Conditional Use .....	41
3.47	Permitted Accessory Uses .....	41
3.5	RESIDENTIAL - 3A (R-3A) .....	42
3.51	Uses Permitted.....	42
3.52	Uses Prohibited .....	42
3.53	Building Height .....	42
3.54	Lot Area and Lot Width .....	42
3.55	Yards.....	42
3.56	Uses Permitted by Conditional Use .....	42
3.57	Permitted Accessory Uses .....	42
3.6	RESIDENTIAL - 3B (R-3B).....	43
3.61	Uses Permitted.....	43
3.62	Lot Area and Lot Width.....	43
3.63	Building Height and Yards.....	43
3.64	Uses Permitted By Conditional Use.....	43
3.7	RESIDENTIAL (4) .....	44
3.71	Uses Permitted.....	44
3.72	Uses Prohibited .....	44
3.73	Building Height, Lot Areas, Lot Width and Yards.....	44
3.74	Uses Permitted by Conditional Use .....	44
3.75	Permitted Accessory Uses .....	44
3.8	HIGHWAY COMMERCIAL (B-1).....	45
3.81	Uses Permitted.....	45
3.82	Building Height .....	45
3.83	Required Lot Area and Lot Width .....	45
3.84	Percentage of Lot Coverage .....	45
3.85	Yards Required .....	45
3.9	COMMERCIAL (B-2) .....	46
3.91	Uses Permitted.....	46
3.92	Building Height .....	46
3.93	Required Lot Area, Lot Width, and Percentage of Lot Coverage .....	46
3.94	Yards Required .....	46
3.95	Conditional Uses .....	46
3.10	GENERAL INDUSTRIAL DISTRICT (I-1).....	47
3.101	Use Permitted in Light Industry .....	47
3.102	Nameplates and Signs.....	47
3.103	Lot area, Height and Yard Requirements .....	47
3.11	HEAVY INDUSTRIAL DISTRICT (I-2) .....	48
3.111	Principal Permitted Uses.....	48
3.112	Conditionally Permitted Uses Requiring Board of Adjustment Authorization.....	48
3.113	Accessory uses.....	48
3.114	Lot Area, Frontage, and Yard Requirements.....	48
3.12	HOSPITAL/MEDICAL (H-M).....	49
3.121	Principal Permitted Uses.....	49
3.122	Use Permitted as Conditional Uses.....	49
3.123	Accessory Uses and Structures Permitted.....	49
3.124	Lot Area, Width, Building Height, and Lot Coverage.....	49
3.125	Yards Required.....	49
3.126	Off-Street Parking and Loading .....	50
3.127	Sign and Outdoor Advertising .....	50
3.13	SIGNS AND OUTDOOR ADVERTISING.....	51

3.14	OFF- STREET PARKING AND LOADING .....	55
3.15	MANUFACTURED HOMES .....	58
3.151	Definitions .....	58
3.152	For purposes of this Ordinance requirements .....	58
3.153	Class A Manufactured Homes .....	59
3.154	Class B Manufactured Homes.....	59
3.155	Mobile Home Parks.....	59
3.156	Area and Density Requirement .....	59
3.157	Lot Requirements .....	59
3.158	Setback .....	59
3.159	Spacing.....	59
3.16	JUNKYARDS.....	61
3.17	NON-CONFORMING USES AND STRUCTURES .....	61
ARTICLE IV	Administration.....	62
4.1	ADMINISTRATIVE OFFICIAL .....	62
4.11	Appointment.....	62
4.12	Powers and Duties .....	62
4.13	Certificates of Zoning Compliance .....	62
4.14	Construction and Use To Be As Provided .....	62
4.2	THE BOARD OF ADJUSTMENT .....	63
4.21	Creation and Procedure.....	63
4.22	Meeting of Board: Quorum: Minutes: Bylaws .....	63
4.23	Procedure For All Appeals to Board.....	63
4.24	Public Notice of Appeal Hearing.....	64
4.25	Stay of Proceedings.....	64
4.26	The Board of Adjustment Power and Duties .....	64
4.27	Conditional Use Permits.....	64
4.28	Dimensional Variance .....	65
4.3	APPEALS FROM COMMISSON OR BOARD OF ADJUSTMENT .....	67
4.31	Procedure .....	67
4.4	PENALTIES FOR VIOLATION.....	67
ARTICLE V	Amendment Procedures.....	68
5.1	AMENDEMENT PROCEDURE .....	68
Article VI	Miscellaneous.....	70
6.1	Schedule of Fees, Charges, and Expenses .....	70
APPENDIX 1:	FREEZE ORDER ON SEPTIC TANKS .....	70
6.2	TELECOMMUNICATION TOWERS .....	75
A.	Purpose .....	75
B.	Pre- Application Process .....	75
C.	Definitions.....	75
D.	General .....	75
F.	Application Requirements .....	76
G.	Confidentiality.....	78

**ZONING ORDINANCE  
FOR  
BOURBON COUNTY**

**ARTICLE I Establishments of Zones**

**2.1 Establishment of Zones**

Provisions for Official Zoning Map

**2.11 Zones**

For the purpose of these regulations, the County of Bourbon is hereby divided into the following zones:

A-1 Agricultural	A-2 Agricultural
R-1 Residential	B-1 Highway Commercial
R-2 Residential	B-2 Local Commercial
R-3A Residential	I-1 General Industrial
R-3B Residential	I-2 Heavy Industrial
R-4 Residential	H-M Hospital – Medical

**2.12 Zoning Map**

The above zones are bounded and defined as shown on a map entitled “Official Zoning Map, Bourbon County, Kentucky,” prepared in 29 separate map sections. In addition to the title, each separate section of the Zoning Map shall be identified by the signature of the County Judge attested by the County Clerk and bearing the seal of the County under the following words: “This is to certify that this is a section of the official Zoning map referred to in Section 2.12 of the Bourbon County, Kentucky Zoning Order, adopted by the Fiscal Court of the County of Bourbon.”

If, in accordance with the provisions of this Order and Kentucky Revised Statutes, changes are made in zoning boundaries of 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 County Judge and attested by the County Clerk. 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 forth 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 4.4 herein.

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 County Court Clerk shall be the final authority as to the current zoning status of land buildings, and other structures within the county.

**2.13 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 and additions, the Fiscal Court 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, original Zoning Regulations or any subsequent amendment thereof. Each new section of the Zoning Map shall be identified by the signature of the County Judge attested by the

County Clerk and bearing the seal of the County under the following works: "This is to certify that this Section of the Official Zoning Map adopted for the County of Bourbon, Kentucky." The old map shall be retained as a part of the commission records.

## **2.2 Rules for Interpretation of Zone Boundaries:**

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

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following city limits shall be constructed as following city limits.
- C. Boundaries indicated as approximately following platted lot lines shall be construed as following platted lot lines.
- D. Boundaries indicated following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as approximately following the center lines of streams, rivers, valleys, ditches, gulleys, or other bodies of water shall be construed to follow such center lines.
- F. Boundaries indicated as parallel to or extensions of features listed in number A through E above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- G. Areas indicated by reference to Subdivision or other plats of record shall have the boundaries shown on such plats.
- H. Where physical or manmade features existing on the ground are in variance with those shown on the Official Zoning Map or in circumstances not covered by A through G above, the Board of Zoning Adjustment shall interpret the zone boundaries.

## **ARTICLE II Enactment, Title, Purpose**

### **1.1 SHORT TITLE**

This order shall be known and may be cited as “THE BOURBON COUNTY, KENTUCKY ZONING ORDER.” The zoning map referred to herein is entitled “ZONING MAP-BOURBON COUNTY, KENTUCKY.”

### **1.2 EFFECTIVE DATE**

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

### **1.3 AUTHORITY**

The power to enact this order is granted to this area under the authority of Kentucky Revised Statutes, Section 100.201 (1966)

### **1.4 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 county, and to protect existing agricultural and residential land uses by empowering it to regulate 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, Millersburg, North Middletown and Bourbon County in accordance with the Comprehensive Plan.

### **1.5 INTERPRETATION**

This Zoning Order shall be strictly construed and may not be extended by implication except where the intention of the Fiscal Court must prevail. In their interpretation and application, the provisions of this order shall be held to be minimum requirements. Whenever this order imposes a greater restriction than is imposed or required by other provision of law or by other rules or regulations or resolutions or order, the provisions of this order shall govern.

### **1.6 SEVERABILITY CLAUSE**

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

### **1.7 APPLICATION OF REGULATIONS**

Except as herein otherwise provided, all existing and future structures and uses of premises within the County of Bourbon, lying outside of the City limits of Paris, Millersburg, and North Middletown, 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 non-conforming provisions, and is intended for the protection of those uses. No other uses shall be permitted Bourbon County Zoning Ordinance

### **1.8 DEFINITIONS**

For the 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 to the principal structure on the lot.

**ACCESSORY USE:** A use incidental to a principal use of a lot or building. In buildings restricted to residential use, professional offices, studies, or customary incidental home occupations conducted within the principal building but only by a person resident in the dwelling, provided, no more than one

person, and a resident of the premises, is employed regularly and that not more than twenty-five (25) percent of the total floor area in any dwelling unit is devoted to such use. For the purpose of advertising such use, small signs may be used under the conditions set out in Article III, Section 3.3 A6. No displays or changes in fronts shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a dwelling.

**ADMINISTRATIVE OFFICIAL:** Any department, employee, or advisory elected or appointed body which is authorized to administer any provisions of this order, any subdivision regulation, any other housing or building regulation or any other land use control regulation.

**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 other governmental agency for the purpose of preservation.

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

**BOARD:** The County Board of Adjustment unless the context indicates otherwise.

**CITIZEN MEMBER:** Any member of the planning commission or board of adjustments who is not an elected or appointed official or employee of the city or county.

**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 ordinance.

**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 parts: (a) a statement of the factual determination by the Board of Adjustment which justified the issuance of the permit; and (b) statement of the specific conditions which must be met in order for the use to be permitted. Bourbon County Zoning Ordinance

**DIMENSIONAL VARIANCE:** A departure from the terms of the zoning regulation pertaining to the height or width of structures or the size of yards and opens spaces, where owing to conditions peculiar to the property because of its size, shape, or topography, and regulations would result in unnecessary and undue hardship.

**DISTILLED SPIRITS:** Any product produced and distilled for human consumption containing ethyl alcohol. "Distilled spirits" shall not include wine, beer and malt beverages.

**DWELLING:** A building or portion thereof occupied exclusively for residential purposes, not including a mobile home or a trailer.

**SINGLE FAMILY DWELLING:** A building occupied and intended for use exclusively for residence purposes by one family or housekeeping unit.

**TWO-FAMILY DWELLING:** A building occupied and intended for use exclusively by two families or more than two housekeeping units.



**MULTI-FAMILY DWELLING:** A building or portion thereof occupied by more than two (2) families or more than two housekeeping units.

**DWELLING UNIT:** One room or rooms connected together, constituting a separate, independent housekeeping establishment for occupancy by a family as owner, 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.

**FARM:** A place on which agricultural operations are conducted at any time. Places of less than 10 acres are counted as farms only if their estimated gross sale of agricultural products for the year amounted or normally would amount to at least \$600.00 (refer to KRS 100 for definition of Ag. Use).

**FARM GIFT SHOP:** An accessory retail facility that offers for sale farm products grown or raised on the premises, and/or memorabilia representative of the farm, and farm products grown or raised on the premises such as hats, shirts, and souvenirs.

**FARM MICRODISTILLERY:** A facility located on a farm which makes distilled spirits.

**FARM TOUR:** An accessory use to a working or active farm or other agricultural use that permits visitor a way to see and experience on-going agricultural operations and facilities.

**FISCAL COURT:** The chief body of the county with legislative power whether it is the Fiscal Court, County Commissioners or otherwise.

**FRONTAGE:** That side of the lot abutting on a street; the front lot line.

**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.

**HISTORIC STRUCTURE:** A residence or other building built prior to 1900.

**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 of vehicles not in running condition and/or for the sale of parts thereof.

**LEGISLATIVE BODY:** Same as Fiscal Court-supra-the County's legislative body.

**MINI-WAREHOUSE:** Structure designed for the storage of retail or personal property.

**MOBILE HOME:** See Section 3.51

**MANUFACTURED HOME:** See Section 3.5

**MOBILE HOME PARK:** A residential development of multiple units of Class B Manufactured Homes or Mobile Homes conforming to the standards set out in Section 3.5.

**NON-CONFORMING USE OF STRUCTURE:** An activity or a building, sign structure or a portion thereof which lawfully existed before the adoption or amendment to the zoning regulation, but which does not conform to all of the regulations contained in the zoning regulation which pertain to the zone in which it is located.

**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, etc.

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

**PLANNING UNIT:** Any city or county, or any combination of cities, counties, or parts of counties engaged in planning operations.

**PLAT:** The map of a subdivision.

**POLITICAL SUBDIVISION:** Any city or county.

**PROFESSIONAL OFFICES:** Offices of Physicians, Lawyers, Dentist, Veterinarians, Engineers and other similarly recognized professions.

**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 distance required by these regulations to be maintained between a given lot line and any structure-front, rear, or side, as specified.

**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, institution or business. "Sign" does not include signs erected and maintained pursuant to and in the discharge of any governmental function, or required by any law, ordinance or governmental regulation. The term "sign" shall not include the flag, pennant or insignia of any nation, state, city or other Bourbon County Zoning Ordinance

political unit or of any political educational, charitable, philanthropic, civic, professional, religious, or like society, campaign drive, movement or event.

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

**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 than on the premises where such sign is located.

**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, TEMPORARY:** A sign or advertising display intended to be displayed for a limited time only and including announcements related to sale, 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; mobile signs designed to be moved from place to place on a self-contained wheeled chassis; and signs identifying the name of a subdivision of development project including the names of architectural, engineering, construction, financing, or sales firms engaged in the development of such project.

**SIGN, ILLUMINATED:** Any sign designed to either emit artificial light (directly illuminated) or to reflect artificial light from any source (indirectly illuminated).

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

**SIGN, FREE-STANDING:** A 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 the computing the area of such sign.

**PUBLIC FACILITY:** Any use of land whether publicly or privately owned for transportation, utilities, or communications, or for the benefit of 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.

**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 on the ground or attachment to something having a permanent location in or on the ground including buildings and signs. Bourbon County Zoning Ordinance

**SUBDIVISION:** Means the division of a parcel of land into three (3) or more lots or parcels except in a county containing a city of the first, second, or third class or in a urban county government where a subdivision means 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 of 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 less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of the Act.

**TOBACCO DEPENDENT – PERSON OR ENTITY:**

A person or entity that falls into one of the following three categories as determined by the Kentucky Agricultural Development Board to have:

- a. received a Phase II payment during the lifetime of that program: or
- b. received a buyout check: or
- c. holds a current grower's contract

**TOWNHOUSES:** One or two story single family dwellings attached in a single structure with such other dwellings, each of which dwelling has its own lot, including front and back yard.

**UNOBSTRUCTED OPEN SPACES:** An area of land required to be maintained as specified 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 of use for which the variance is granted.

**ZONE:** An established area within the community in which certain specified portions of the provisions of these regulations are specifically applicable. Bourbon County Zoning Ordinance

## ARTICLE III Regulations

### 3.0 APPLICATION OF REGULATIONS

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

- A. No building, structures, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, and reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the zone in which it is located.
- B. No Building or other structure shall hereafter be erected or altered:
  - 1. To exceed the height.
  - 2. To accommodate or house a great number of families.
  - 3. To occupy a smaller lot area.
  - 4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any manner contrary to the provisions of these regulations.
- C. 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.
- D. 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.
- E. Area, width and yard requirements of this Order shall not be applied to residential lots in subdivisions heretofore approved by the City of Paris Planning Commission, or other subdivisions; the plats of which were on file and which had actually been developed by construction of homes upon at least sixty-five (65) percent of the lots shown on said plant or required by recorded applicable subdivision regulations.

### 3.01 Zone Regulations

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 zones, together with lawfully permitted home accessory uses.

### 3.1 ALL DISTRICTS

#### 3.11 Uses permitted

- A. Public Park, playground, and other public recreation areas.
- B. Uses by temporary permit:
  - a. Non-Commercial concrete batching plant (permit not to exceed six (6) months).
  - b. Temporary building, office or yard for construction (permit not to exceed six (6) months).
- C. Accessory Uses:
  - a. Uses Permitted: Customary accessory uses shall be permitted in any zoning district provided such use is directly related to the principal use.
  - b. Height and Setback: Unless otherwise indicated in the following table, the height and yard setback requirements for accessory buildings and uses shall be the same as for the principal permitted uses.

c. Table of Special Height and Setback Requirements:

Principal Use	Accessory Use	Minimum Setback			Maximum Height
		Front	Side	Rear	
Residence	Carport	X	4'	9'	18'
	Garage *	X	2'	3'	18'
	Pet House	X	2'	3'	NA
	Utility Building	X	2'	3'	12'
	Swimming Pool	X	2'	3'	NA
	TV Satellite Receiver	X	6'	6'	12'
	Solar Collectors	X	6'	6'	NA
Business	Dumpster Pad	X	12'	15'	NA
Industry	Caretaker Quarters	30'	10'	12'	35'

\*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 setback as the zoning district requires.

X - Not Permitted  
 NA - Not Applicable

**3.12 Lot Width**

The minimum lot width requirements are to be measured at the building 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 uneconomical in the subdivision of the land from which the lot is created.

**3.13 Lot Area and Lot Width**

Existing Buildings—the minimum area requirements for lots in all districts shall be as hereinafter provided, except where lots of records are concerned. Where two or more building were erected upon one 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.

**3.14 Corner Lots:**

This section shall provide for the maximum safety of persons using sidewalks and streets. On any corner lot or curb cut, no walk, 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 twenty five (25) foot measurement shall be taken from the edge of the intersection pavement.

### 3.15 Required Yards and Setback Involving Right-of-Ways

In all zoning districts where front yard set backs are required, that setback shall be measured from the known right-of-way line. Where there is no known right-of-way line, the required yard setback shall be measured from the nearest edge of pavement of the street or road involved.

## 3.2 AGRICULTURAL ZONE (A-1)

### 3.21 Uses Permitted

- A. Production of agricultural, horticultural, floricultural or viticultural crops or livestock commodities, and incidental retail sales by the producer of those commodities raised on site.
- ~~B. 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. Additional single-family dwellings erected for this purpose and afterward found to be unnecessary for such purposes may be rented for residential use.~~
- B. (1) One single-family dwelling 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, but not including residential building development for sale or lease to the public. Additional Single-family dwellings erected for this purpose and afterward found to be unnecessary for such purposes may be rented for residential use. Additional single-family dwellings erected for employees of the farm operation on or before the adoption of this ordinance and found to be unnecessary for such purposes may be rented for residential use.  
(2) Any additional, single-family dwelling necessary for the occupancy of the employees of the farm operation erected on or after the adoption of this ordinance shall submit an application for a conditional use permit as outlined in Section 3.22 (Z).
- C. Public, semi-public, and private lands for open-space reserves that may be for permanent open spaces or for future development in accordance with this order.
- D. Home occupancies as defined and restricted in Section 1.8 herein. No home occupation shall be permitted which changes the appearance of the structure from that of a residence. Home occupation permits are to be issued by the Board of Adjustments.
  - 1. Beauty Shop.
  - 2. Custom dressmaking, millinery, tailoring, sewing of fabrics for custom apparel and custom home furnishings.
  - 3. Office in which goods, wares, or merchandise are not commercially created, stored or sold.
  - 4. Tutoring, limited to not more than four (4) children simultaneously.
  - 5. Fine arts studio which create only individual works of art.
  - 6. Rooming and/or boarding of not more than four (4) persons.
  - 7. Photography studio.
  - 8. Professional massage therapist.
- E. MANUFACTURED HOMES**  
(DOUBLE WIDE & SINGLE WIDE) SHALL BE SUBJECT TO THE FOLLOWING LIMITATION, REQUIREMENTS AND PROVISIONS

1. Only manufactured homes occupied by the owner or operator of the farm, or as necessary for occupancy by a family member, or full time employees of the farm operation will be permitted.
2. If a manufactured home which is erected for the owner or operator of the farm or as necessary for occupancy by a family member, or full-time employees of the farm is found to be unnecessary for such purpose it may be rented for residential use.
3. Single wide manufactured homes shall be considered an accessory to the farming operation and shall be on a tract of at least ten (10) acres.
4. All manufactured homes shall be installed in compliance with KRS-227.570.
5. All manufactured homes shall be permanently connected to an approved water, electrical and sewage disposal system and shall comply with all local and state health department regulations.
6. All manufactured homes shall have all factory installed doors remain operational after installation for emergency ingress and egress with steps constructed to comply with State Building Code standards.
7. All wheels, trailer tongue and hitch assemblies shall be removed during installation.
8. An installation permit shall not be issued for any used or previously occupied manufactured homes that do not have a B-1 inspection seal issued by the State Fire Marshall or a Certified Manufactured Home Dealer. A "B-1 Seal" means the unit has been inspected and found to be in compliance with applicable standards for human habitation.
9. Manufactured homes shall be installed with a vented perimeter skirting constructed of a fire retardant material that has at least the actual appearance of brick, concrete, stucco or natural stone.
10. Manufactured homes shall be set back one hundred twenty five (125') feet from the right-of-way line, or one hundred fifty (150') feet from the center line of the roadway if the right-of-way is not easily ascertainable, and shall be a minimum of seventy five (75') feet from all rear and side property lines. Manufactured homes shall not be located closer than one hundred (100') feet to any existing residence on the property. A variance may be requested from the Board of Adjustment.
11. Installation permits for manufactured homes shall be obtained from the Building Official prior to the home being transported to the property.
12. A certificate of occupancy must be obtained before the home is occupied. All water, electrical, sewage disposal systems and skirting shall be approved before the certificate of occupancy will be issued.
13. Each day that a manufactured home is on any premises in Bourbon County in violation of the provisions of this section shall constitute a separate violation of this ordinance.

MANUFACTURED HOMES (DOUBLE WIDE UNITS OF 1200 SQUARE FEET OR MORE IN ANY RESIDENTIAL ZONE)

1. All double wide manufactured homes shall be installed in compliance with KRS-227.570 (3).
2. All double wide manufactured homes shall be placed upon a permanent masonry foundation, with approved frost free footings. An internal footing shall be considered



frost free when the depth of the footing is twelve (12) inches from grade level under the I-Beam. A perimeter footing shall be considered frost free when the depth of the footer is twenty four (24) inches measured from final grade. Perimeter skirting shall be considered of masonry and shall be similar in appearance to conventionally constructed homes.

3. All double wide manufactured homes shall be permanently connected to an approved water, electrical and sewage disposal system and shall comply with all local and state health department regulations.
4. All wheels, trailer tongue and hitch assemblies shall be removed during installation.
5. All double wide manufactured homes shall have all factory doors remain operational after installation for emergency ingress and egress with steps constructed to comply with State Building Code Standards.
6. An installation permit shall not be issued for any used or previously occupied double wide manufactured home that does not have a B-1 inspection seal issued by the State Fire Marshall or a Certified Manufactured Home Dealer.
7. Manufactured homes shall have the same front, side and back yard setback as set forth in residential zone.
8. Installation permits for all double wide manufactured homes shall be obtained from the Building Official prior to the home being transported to the property.
9. A certificate of occupancy must be obtained before the home is occupied. All water, electrical, sewage disposal systems and masonry skirting shall be approved before the certificate of occupancy will be issued by the Building Official.
10. Each day that a mobile home is on any premises in Bourbon County in violation of the provisions of this section shall constitute a separate violation of this ordinance.

#### F. Farm Tours

### **3.22 Uses Permitted by Conditional Use**

- A. Cemeteries, columbariums, mausoleums, including animal burial grounds.
- B. Animal Hospitals, Commercial Kennels.
- C. Kindergartens, nursery schools and child care centers for three (3) children, or more as approved by the State when accessory to a church, school, as permitted herein. A fenced play area shall be provided which shall contain not less than twenty five (25) square feet per child.
- D. Bed and Breakfast services in residences, limited to four separate accommodations.
- E. Public, private and parochial schools and colleges for academic instruction, including necessary accessory buildings as approved.
- F. Churches, Sunday Schools and Parish houses.
- G. Private Clubs, including country clubs, golf course, golf driving ranges.
- H. Commercial and non-commercial outdoor recreational facilities, including public parks, playgrounds, and community areas, riding stable, campgrounds and fishing lakes not to exceed ten (10) electrical and utility hook-ups for recreational vehicles, and outdoor athletic facilities such as baseball, soccer or polo fields, horse parks and show areas.
- I. Livestock sale yards, pavilions and farm equipment sales yards.

- J. City, county, federal, and state owned or leased public buildings to include non-service facilities or public utilities and common carriers, including office, garage, and warehouse space when not incidental to a service facility as provided in KRS 100.324.
- K. Museums
- L. Commercial radio, television, telephone and other relay facilities, other than wireless communications facilities, provided that any tower shall not be closer than three thousand five hundred (3,500) feet from any existing occupied dwelling or public road for safety purposes and to preserve the character of the neighborhood.
- M. Sportsman farms for hunting, fishing and conservation organizations in accordance with State Wildlife Regulations (excluding firearms ranges).
- N. Private aircraft landing strips.
- O. Building, repairing and renting horse drawn carriages.
- ~~P. Rehabilitation, counseling and housing of persons participating in the agricultural activities on the premises, provided that such persons to be rehabilitated, counseled and housed do not exceed twenty (20) in number. Fiscal Court Ordinance 05-11-17-01~~
- Q. In-home business for the production of food products, provided that the following conditions are addressed to the satisfaction of the Board of Adjustment.
  - 1. No more than twenty five (25) percent of the total floor area of the residence shall be dedicated to this use and/or outbuildings or portions of outbuildings used for this purpose shall also consist of no more than twenty five (25) percent of the total floor area of the residence.
  - 2. There shall be no signs on or off-site, including any signs, on the residence itself, advertising the business location to the general public.
  - 3. There shall be no changes to the outward appearance of the residence including not exterior lighting not typical of a residence nor any excessive parking areas not typical of a residence.
  - 4. There shall be no retail or wholesale on the premises; there shall be no increase in traffic over that which is typical of a residence nor any excessive parking areas not typical of a residence.
  - 5. No more than one person who is not a resident of the premises shall be permitted to participate in the production of the product.
  - 6. All such businesses shall receive the approval of the State Health Department and/or any appropriate Federal Agency and shall comply with all the requirements imposed by either or both entities.
- R. COUNTRY INNS: Subject to the definition, standards and restrictions set out herein, and for this stated purpose: To provide for the rehabilitation and use of existing historic structures in the rural areas of Bourbon County, thus promoting tourism and the overall economy, particularly the agricultural economy, with minimum adverse effects on neighboring properties, the agricultural integrity of rural areas and public safety.
  - 1. A County Inn is defined as a commercially licensed establishment primarily known for its cuisine which is removed from planned commercial areas and generally accessible for patronage by automobile transportation. A minimum of four overnight accommodations are available and a full service restaurant provides meals to overnight guests and/or the public. The business is licensed, is an entity that is fully transferable to new owner, and is subject to all local, state and federal regulations.

2. To be approved as a conditional use, the proposed Country Inn must conform to the above definition and to the following standards and restrictions:
  - a. The use shall be located on a parcel of land of at least ten (10) contiguous areas.
  - b. The Country Inn must be operated in a historic structure of a minimum age of fifty (50) years, which has not been significantly modified or enlarged within ten years prior to the application. (Note: the purpose of the limitation on modification or enlarging is to preserve the historic integrity of the structure and prohibit expansion of historic structures to create space for eating and overnight accommodations which would be inconsistent with the stated purpose of this Ordinance.) A structure will be considered to have been significantly enlarged if more than twenty (20) percent has been added to its size.
  - c. Signage for the Country Inn shall be limited to one at the entrance of no more than eight (8) square feet in size and with minimal illumination which must be external to the sign.
  - d. Access to the Country Inn shall be of sufficient width to accommodate two passing automobiles and turning lanes for the public. Roadway may be required should the Board of Adjustment find them to be necessary to protect the motoring public.
  - e. The owner of the property on which the use is proposed shall be the applicant for the Conditional Use Permit. The owner is responsible, along with the operator if not the owner, for abiding by conditions imposed by the Board of Adjustment.
  - f. A development plan shall be submitted to the Board of Adjustment. The plan must indicate proposed access, parking, landscaping, floor plan, and any proposed alterations to the structure. There shall be no public parking within the building setback area. No alterations which enlarge the building by more than twenty (20) percent will be approved. It will be a condition of approval that all future alterations to the structure beyond minimum improvements and repairs be submitted to the Board of Adjustment for approval. So note to subsection b.
  - g. In addition to other conditions which the Board of Adjustment may impose as permitted by law, it may also impose special restrictions on event holding by the Country Inn so as to prevent off-site effects as noise and light.

S. VALUE-ADDED AGRICULTURAL PRODUCTION

Subject to the definitions, standards and restrictions set out herein, and for this stated purpose: To promote the agricultural economy by allowing value-added agricultural production that has minimum adverse effects on the environment, adjacent properties, infrastructure, the agricultural integrity of rural areas and public safety.

1. Value-added agricultural production is defined as the production of secondary agricultural products which increase the economic value of agricultural commodities raised on site. Value-added agricultural production does not include intensive agricultural activities such as, but not limited to slaughter houses, rendering plants, tallow works, and confined animal feeding operations, in excess of one thousand (1000) animal units.
2. To be approved as a conditional use, the proposed value-added agricultural production activity must conform to the above definition and to the following standards and restrictions:
  - a. The conditional use applicant must have been engaged in the production of the agricultural commodity used in the production of the secondary agricultural product for a period of two years on the premises before a conditional use is issued.
  - b. The value-added agricultural production activity shall be limited as follows:

1. Level I – Activity requires the use of not more than twenty five (25) percent of the total floor area of an existing residence and requires no more than one full time employee in an addition to the owner of the farm.
  2. Level II – Activity requires use of an unmodified existing accessory structure and no more than one full time employee in addition to the owner of the farm.
  3. Level III – Activity requires construction of a new accessory structure or modification of an existing accessory structure less than two thousand five hundred (2,500) square feet and requires no more than two permanent employees in addition to the owner of the farm. Farm must be at least twenty five (25) acres.
  4. Level IV – Activity requires construction of a new accessory structure or modification of an existing accessory structure less than five thousand (5,000) square feet and requires no more than 4 permanent employees in addition to the owner of the farm. Farm must be at least 50 acres.
- c. Level V – Activity requires construction of a new accessory structure or modification of an existing accessory structure less than ten thousand (10,000) square feet and requires no more than ten permanent employees in addition to the owner of the farm. Farm must be at least one hundred (100) acres. All federal, state and local regulatory approvals necessary to conduct the value-added agricultural production activity, such as, but not limited to USDA, FDA, NRCS, Health Department, water district, road supervisor, and county fire and rescue approvals must be obtained prior to issuance of the Conditional Use Permit.
  - d. Level III, IV and V value-added agricultural production activities shall be set back two hundred seventy five (275) feet from all rear and side property lines.
  - e. Any change from one value-added agricultural activity to another shall require a new conditional use permit.
  - f. If the applicant ceases to engage in the value-added agricultural production activity, any new accessory structure constructed for the purpose of conducting such activity shall be demolished or converted for use in production of agricultural commodities raised on site within twelve (12) months.
  - g. The Conditional Use Permit is personal to the applicant, and as a result, the applicant may not lease the site to another person or entity for the purpose of conducting the value-added agricultural production activity.
  - h. Applicants for Level I, II or III value-added agricultural production activities shall submit a site plan with the application. Applicants for Level IV, or V value-added agricultural production activities shall submit a development plan with the application, which includes site suitability, infrastructure compatibility, land use compatibility, proposed land use, site plan, environmental impact plan, infrastructure plan, and land use compatibility plan in accordance with application instructions.

#### T. PRODUCTION AND /OR ASSEMBLY OF AGRICULTURAL RELATED PRODUCTS.

Bourbon County Zoning Ordinance to include the production and/or assembly of agricultural related products. Activity requires construction of a new accessory structure or modification of an existing accessory structure, which is limited in size according to farm acreage. Structure

square footage limits are one hundred (100) sq. ft. per one (1) acre of farmland (i.e. a structure on ten (10) acres must be less than one thousand (1,000) square feet, twenty (20) acres < two thousand (2,000) sq. ft., thirty (30) acres sq. ft. and so on). Activity requires no more than two employees in addition to the owner of the farm.

All federal, state and local regulatory approvals necessary to conduct the production, and/assembly of agricultural related products activity, such as, but not limited to USDA, FDA, NRCS, Health Department, water district, road supervisor, and county fire and rescue approvals must be obtained prior to issuance of the conditional use permit.

The production and/or assembly of agricultural related products activity shall be set back two hundred seventy five (275) feet from the right-of-way line, and shall be a minimum of two hundred fifty (250) feet from all rear and side property lines.

Any change from one production and/or assembly of agricultural related products activity to another shall require anew conditional use permit.

The conditional use permit is personal to the applicant, and as a result, the applicant may not lease the site to another person or entity for the purpose of conducting the production and/or assembly of agricultural related products activity.

#### U. AGRICULTURAL STRUCTURES AND ACTIVITIES

The provision of health, education, and community services for persons working in agricultural activities including the boarding of those persons. This activity shall be conducted in historic structures only and must be provided by a qualified 501 (c)(3) organization.

#### V. FARM MICRODISTILLERY

1. A Conditional use permit to allow a farm microdistillery may be granted by the Board of Adjustment provided that the following requirements are met:
  - a. The property shall lie in the A-1 Agricultural Zone
  - b. The property on which the farm microdistillery is located shall be at least one hundred (100) contiguous acres.
  - c. A farm microdistillery shall not produce more than one thousand (1,000) barrels of distilled spirits in a calendar year. There shall not be more than five hundred (500) barrels of distilled spirits stored on the site of a farm microdistillery.
  - d. Any structure associated with the conditional use permit shall observe the following minimum yard requirements:

Front yard:	300 feet
Side yard:	150 feet
Street side yard:	150 feet
Rear yard:	150 feet
  - e. At least one natural resource derived from the property, whether an agricultural product or natural resource (e.g., ground water or spring water drawn from the property), shall be a component of the product produced by the farm microdistillery.
  - f. A farm microdistillery shall not produce beer or malt beverages.
  - g. A farm microdistillery shall conform to all applicable local, state, and federal laws and regulations related to alcoholic beverages.

*(Amendment passed 5-9-13 by Fiscal Court)*

- W. Storage, and wholesale of products related to agriculture, horticulture, floriculture or viticulture crops or livestock commodities (excluding Paris Pike Corridor).

*(Amendment passed 6-25-15 by Fiscal Court)*

- X. Farm Gift shops (excluding the Paris Pike Corridor and limited to 500 square feet).

*(Amendment passed 5-12-16 by Fiscal Court)*

- Y. Special event venue, to include ceremonial events such as weddings and associated auxiliary events, charitable events, fund raisers, and corporate picnics. This use shall be subject to the following restrictions:

1. The maximum permissible sound level at the adjoining property line(s) shall not exceed:
  - a. 60 dB(A) 7:00 a.m. to 10:00 p.m.
  - b. 55 dB(A) 10:00 p.m. to 7:00 a.m.
2. All outdoor lighting must be pointed downward and shielded so as not to spill onto adjoining properties.
3. Designated parking areas shall be sufficient to accommodate the maximum capacity of the venue. *Fiscal Court Ordinance 08-09-18-01*

- Z. Additional single-family dwellings as are necessary for occupancy by the employees of the farm operation, that the following conditions are addressed to the satisfaction of the Board of Adjustment:

- A. The property owner must provide two or more pieces of the following documentation:
  - a. Payroll tax returns, W-2s, 1099s, or other proof of employment for current agricultural workers to prove the need for additional housing.
  - b. Business and tax documents for an agricultural-based business filed with the Kentucky Secretary of State & Department of Revenue.
  - c. An agricultural tax exemption number through the KY Department of Revenue
  - d. Current proof of participation in a Kentucky Department of agriculture or USDA Program
  - e. A water quality plan pursuant to the Kentucky Agricultural Water Quality Act, KRS 224.71-100 through 224.71-140, if applicable
  - f. Schedule F Certificate of need for two (2) or more
- B. A written summary that explains the need for additional housing justifying the employment of additional agricultural workers what will be living in the housing.
- C. A signed affidavit from the property owner that acknowledges that by applying for a conditional use permit for agricultural single-dwelling housing for agricultural workers, the property owner acknowledges and agrees to the following:
  - a. The applicant is the owner of the property that is the subject of the conditional use permit application.
  - b. Agricultural use is now and will be made of the property as set out in KRS 100.111 (2).
  - c. Any residence currently on the premises or here after constructed on the premises will be occupied by a person, and their family, who is engaged in agricultural use.
- D. Additional single-family dwellings erected for this purpose on or after adoption of this ordinance and afterward found to be unnecessary for such purposes may be rented for

residential use after three (3) years of agricultural worker habitation as required in this section.

### **3.23 Special Conditional Uses**

In addition to the above listed conditional uses which request approval of the Board of Zoning Adjustment under Section 4.222 hereof, Sanitary Landfills are declared to be special conditional uses which may be authorized for particular sites when they not only have the approval of the BOA under such conditions as such Board may impose, but also have the preliminary approval of the Planning also have the preliminary approval of the Planning Commission granted only after public hearing as to which published notice thereof required for a hearing on a proposed zone change and certified mail notice of such hearing and site was mailed to all owners of property adjacent to the property on which such site is proposed to be located at least fourteen (14) days before such hearing. The planning Commission may attach such conditions to its approval as it may deem necessary to desirable to protect the neighborhood, and such conditions shall be a part of the conditions imposed by the Board in any Conditional Use Permit it may be issued for such use as such site.

#### **3.231 Accessory Structures and Use Permitted**

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

### **3.24 Road Frontage and Setback**

Any lot must have a road frontage of 250 feet or greater and a setback line from the right-of-way line of 125 feet.

### **3.25 Uses Permitted**

All other uses are prohibited.

### **3.26 Area Requirements**

No lot of less than five (5) acres, not a lot of record at this time, shall be deemed a farm unless it meets the test for a farm set out in Section 1.8 hereof "Definitions", and no such lot shall be used for residential purposes unless it is now or is hereafter places in one of the Residential Zone Classifications by official action of the Bourbon County Joint Planning Commission and the Bourbon County Fiscal Court.

## **3.2 (B) RURAL/AGRICULTURAL COMMUNITY ZONE (A-2)**

### **3.21 (B) Uses Permitted**

- A. Single Family Residential

### **3.22 (B) Uses Permitted By Conditional Use**

- A. Churches and Cemeteries;
- B. Parks, Recreational Facilities;
- C. Home Occupations are permitted in the R-1 Zone within the dwelling only;
- D. Agricultural home occupations such as agricultural implement repair, woodworking, carpentry, blacksmithing, and related occupations.
- E. Bed and Breakfast establishments;
- F. Agricultural activities including agricultural crops, dairying, or raising of fowls or animals;
- G. Sales on the premises of agricultural products produced on the premises;
- H. Neighborhood/Local business uses designed primarily to serve the local residents such as gas stations, food marts, small groceries, barber or beauty shops; restaurants (excluding drive-through type restaurants), video stores, agricultural implement repair, hardware store, feed store, and related retail enterprises which are not disruptive to the small community concept;
- I. Retail and consumer oriented businesses designed to attract limited tourist traffic and to meet the needs of local residents such as antique shops, fine art and arts and crafts stores, woodworking shops and related enterprises which are not disruptive to the small community concept.
- J. Multi-Family Dwellings, only in existing buildings of institutional or historical significance (e.g. former school buildings), provided that the number of dwelling units created does not exceed a density of one unit per gross acre of the entirety of the tract upon which the building proposed for this use is situated.
- K. Professional Offices only in existing buildings of institutional or historical significance (e.g. former school buildings), provided that such offices may include research and development activities if such activities are not disruptive to the small community concept. To preserve the character of the small communities: offices shall have no more than one free-standing sign; research and development activities must have one free-standing for negative off-site effects such as noise, air and water pollution or excessive traffic; the number of employees must not exceed the capacity of the site for proper sewage disposal and parking; landscape buffering between all parking areas and the street or road must be installed; provision must be made for prompt removal from the site of all solid waste.



### 3.23 (B) Development Standards

1. If no public sewer:

Minimum Lot Size:	1 acre*
Minimum Front Yard Setback:	75 feet from Front edge of Pavement (State or Federal road) 50 feet from edge of pavement (local road)
Minimum side yard:	30 feet
Minimum rear yard:	50 feet
Minimum width at building line:	150 feet
Minimum road frontage:	50 feet
Maximum building height:	2 stories or 35 feet.
* Minimum lot size shall be measured from a point 15 feet from the centerline of the road or from edge of the pavement whichever is greater distance from the centerline.	

2. If on public sewer: \*

Minimum Lot Size:	22,500 Square feet ** if served by Public Sewer *
Minimum Front Yard Setback:	75 feet from Edge of Pavement (State or Federal road) 50 feet from edge of pavement (Local road)
Minimum side yard:	15 feet
Minimum rear yard:	25 feet
Minimum width at building line:	100 feet
Minimum road frontage:	50 feet
Maximum building height:	2 stories or 35 feet.
* "Public Sewer" in this instance is referred to as owned and operated by a government agency (i.e. city, county, sewer authority).	
** Minimum Lot Size shall be measured from a point from the centerline of the road or from the edge of the pavement whichever is the greater distance from the centerline.	

3. If on central waste disposal system:

The overall density for a development proposed under this scenario shall maintain a maximum density of one unit per acres.

Minimum Lot Size:	22,500 square feet* if served by a central waste disposal system approved by the Bourbon County Board of Health and the Kentucky Division of Environmental Services or the Kentucky Division of Water.
Minimum Front Yard Setback:	75 feet from edge of pavement (State or Federal road) 50 feet from edge of pavement (Local road)
Minimum side yard:	15 feet
Minimum rear yard:	25 feet
Minimum width at building line:	100 feet
Minimum Road Frontage	50 feet
Maximum Building Height	2 stories or 35 feet.

\* Minimum lot size shall be measured from a point 15 feet from the centerline of the road or from the edge of the pavement whichever is the greater distance from the centerline.

### 3.24 (B) Special Provisions

- A. All Lots within the zone shall have fifty (50) feet of access on a public road, including the balance of the parent tract;
- B. Any new road must be built to county standards;
- C. All lots proposed under the “old public sewer” scenario or proposed to be served by an individual on-site sewage system shall have a site evaluation that conforms that the minimum lot size is suitable for the required on-site septic system prior to final plan approval; the Board of Health shall have the authority to increase the minimum lot size required for a particular lot due to on-site conditions;

Any development proposing to utilize a public sewer shall have certification from the public sewer provider of the capacity of the system to serve the development and approving the proposed design of the development prior to final plat approval.

Any development proposing to utilize the central waste disposal system approved by the County Board of Health and the Kentucky Cabinet for Human Resources Division of Environmental Services (if subsurface discharge) shall be prepared to discuss the proposed system including such issues as the proposed location, size, and number of lagoons at the development plan stage (in conjunction with the zoning map amendment). State approval of the central waste disposal system shall be received prior to final plan approval.

- D. If a parcel of land is divided by the boundary line of a small community as designated on the official small community map, a portion of that parcel outside the boundary equal to no more than twenty (20) percent of that portion lying within the boundary, but not exceeding twenty (20) acres, may be developed as A-2.
- E. Any division of property to create an A-2 property shall not result in the creation of any non-farming A-1 lots. The remaining A-1 property must conform to required five (5) acre minimum to size, two hundred fifty (250) feet of road frontage and all other requirements of the A-1 Zone.
- F. All development proposals within the A-2 zone shall require the submission of a development plan to address any special conditions of the community, which shall be binding.
- G. All development within this zone shall be required to be sensitive to and to actively participate in the preservation of significant tree stands and/or significant trees and/or other significant natural or historic features which shall be reflected upon the proposed development plan.

- H. Buffering or landscaping shall be required as a part of the development plan between residential uses and commercial uses, buffering or landscaping shall be required between all agricultural and non-agricultural uses; such buffering may be waived by the adjacent agricultural land owner.
  
- I. The applicant for the zoning map amendment shall display a note on the development plan and/or plat as follows:

“The A-2 zone is designed to protect the rural character and agricultural nature of Bourbon County. Landowners in the A-2 zone should anticipate that customary agricultural practices may occur on neighboring A-1 and A-2 property.”

Customary agricultural practices shall be defined to include, but not limited to, plowing, spraying, liming, fertilizing, mowing, irrigation, forage harvesting (baling hay, chopping silage), planting harvesting, construction on fences, waterways, ponds and contours; weaning cattle working cattle, feed/finishing dry-lot cattle, as well as all uses permitted in the A-1 zoning district as defined in the Bourbon County Zoning Ordinance, and other reasonable agricultural practices which from time to time shall be customary in this area. These practices are essential to the perpetuation of the agricultural and rural nature of Bourbon County and these small communities and are expected to result in the detection of odors, noise, and just on neighboring properties.

A-2 RURAL/AGRICULTURAL SMALL COMMUNITY ZONE  
REFERENCE POINTS

1. Ruddles Mill – (1/2) One Half Mile Radius of the intersection of Kentucky Highway 1940 (Paris-Ruddles Mill Road) and Kentucky Highway 1893 (Millersburg & Ruddles Mill Road).
2. Centerville – (1/2) One Half Mile Radius of a given point at the Methodist Church on Kentucky Highway 460 in Centerville.
3. Clintonville – (1/2) One Half Mile Radius of the intersection of Kentucky Highway 1678 (Clintonville Road) and Kentucky Highway 57 (Briar Hill Road & Austerlitz Road).
4. Little Rock – (1/2) One Half Mile Radius of Kentucky Highway 537 (Cane Ridge Road) and Rock Drive in Little Rock.

## PARIS PIKE/LEXINGTON ROAD CORRIDOR OVERLAY ZONE

**1 INTENT** – The intent of this corridor overlay zone is to:

- (1) Implement the recommendations of the *Paris Pike Corridor Small Area Plan* (excluding the identified transition zone), and
- (2) Regulate permitted land uses in the corridor in conjunction with the inter-local agreement between Bourbon County, the City of Paris, and the Lexington-Fayette Urban County.

The corridor overlay zoning classification, and the regulations hereunder shall be established in addition to the zone classifications shown on the zoning map atlas for the subject areas, and the applicable regulations contained in this Zoning Ordinance. The use, dimensions and other requirements for said zones, as provided in the Zoning Ordinance shall apply, unless further restricted here under. Where there are conflicts between the regulations hereunder, and those contained elsewhere in the Zoning Ordinance the more restrictive shall apply.

**2 PRINCIPAL USES PERMITTED** – Those uses listed as permitted in the zone classification underlying the Paris Pike/Lexington Road Corridor Overlay Zone as of January 8th, 1998 unless listed as a prohibited use below. In accordance with KRS 100.203(4), all agricultural activities, unless specifically excluded below, are permitted to continue within the three hundred (300) foot setback and within the entirety of the One Thousand (1,000) foot view shed affected by this ordinance.

**3 ACCESSORY USES PERMITTED** – Those uses listed as accessory in the zone classification underlying the Paris Pike/Lexington Road Corridor Overlay Zone, unless listed as a prohibited use below. (Those uses customarily accessory, clearly incidental and subordinate to permitted uses.)

**4 CONDITIONAL USES** – Those uses listed as conditional (permitted only with the Board of Adjustment approval) in the zone classification underlying the Paris Pike/Lexington Road Corridor Overlay Zone, unless listed as a prohibited use below.

**5 PROHIBITED USES** – Those uses listed as prohibited in the zone classification underlying the Paris Pike/Lexington Road Corridor Overlay Zone:

1. Advertising signs (billboards)
2. Aircraft landing strips
3. Bait shops
4. Cemeteries, crematories, columbarium's, mausoleums, including animal burial grounds
5. Additional Churches, Sunday Schools, and parish houses: except that existing churches may expand with approval of the Board of Adjustments up to a total of ten thousand (10,000) square feet
6. Clubs (private) including accessory restaurants
- 7.
8. Garages (commercial)
  
9. Golf clubs and Golf courses or related facilities including driving ranges
10. Except as ancillary to row crop production, commercial greenhouses and plant nurseries.

11. Kennel (commercial)
12. Mobile homes
13. Museums
14. Non-service facilities of public utilities when not incidental to a service facility as provided in KRS 100.324
15. Commercial outdoor recreational facilities such as the following:

Sportsmen's farms, riding stables, fishing lakes, swimming pools, tennis courts, campgrounds, outdoor rifle and other firearm ranges, hunting and trapping (non-commercial outdoor recreational facilities are not prohibited under this section).

16. Commercial outdoor athletic facilities) non-commercial outdoor athletic facilities are not prohibited under this section).
17. Radio, telephone or television transmitting or relay facilities.
18. Rehabilitation homes
19. Commercial feedlots, stockyards, and retail sales of farm equipment
20. Schools for academic instruction including accessory dormitories, other than those for agricultural instruction which are incidental to a farming operation.
21. Temporary cellular telephone transmitting facility.
22. Uses other than those listed above, not expressly permitted in the underlying zone.
23. Production and/or Assembly of Agricultural Related Products.
24. Value Added Agricultural Production

**6. LOCATIONAL STANDARDS:** While the Paris Pike/Lexington Road Corridor Overlay Zone is intended to apply to land fronting along Paris/Lexington Road for a depth of approximately one thousand (1,000) feet from the right-of-way, the boundaries, dimensions and locations of this overlay zone are subject to review and approval by the appropriate legislative bodies in Bourbon and Fayette Counties. From time to time, especially resulting from changes in the location of the road's right-of-way, there may be adjustments made in the application of the corridor overlay zone.

#### **MINIMUM DESIGN STANDARDS**

7a REVIEW – Major subdivisions and major development plans which are proposed within the Paris Pike/Lexington Road Corridor Overlay Zone shall be reviewed by the Paris Pike Corridor Commission, as outlined in the inter-local agreement between Bourbon County, City of Paris, and the Lexington-Fayette Urban County. Following its review, the Paris Pike Corridor Commission may chose to advise the appropriate Planning Commission whether to grant approval, conditional approval, and approval with modifications or disapproval of the proposed subdivision or development plan. The Paris Pike Corridor Commission shall state the reasons for any recommendation. In event the Corridor Commission cannot meet between the filing of a subdivision or development plan and its scheduled consideration by the appropriate Planning Commission, the plan should not be delayed for consideration based upon this factor alone.

7b ACCESS – Access to Paris Pike/Lexington Road shall be in conformance with the designated access points and cross-over points developed in the roadway design plans. No additional direct access points to Paris Pike/Lexington Road shall be permitted unless approved first by the Planning Commission (after considering the recommendation of the Paris Pike Corridor Commission) and then with final approval by the Kentucky Transportation Cabinet. Access shall be in conformance with the applicable provisions of the Subdivision Regulations.

**8 LOT, YARD AND HEIGHT REQUIREMENTS**

8a MINIMUM LOT AREA – Those listed as minimum or required in the zone classification underlying the Paris Pike/Lexington Road Corridor Overlay Zone: except in the A-1 zoning district within which the minimum lot sized shall be ten (10) acres. Additionally, minimum five (5) acres agricultural land divisions by owners of record as of the date of the adoption of this ordinance shall be permitted to immediate family members (grandparent, parent, sibling, child, and grandchild) of that owner(s). Such in family conveyance shall be required to be retained by the family member (or his or her heirs) for a minimum period of five (5) years from the date of the division prior to sale or title transfer. Each family member shall be permitted only one such five (5) acre division.

8b MINIMUM LOT WIDTH – Those listed as minimum or required in the zone classification underlying the Paris Pike/Lexington Road Corridor Overlay Zone, if applicable.

**APPLICABILITY** – This Transition Area Overlay zoning classification at the Paris end of the Paris Pike/Lexington Road Corridor includes properties both within and outside the city limits of Paris as further defined below, and the regulations hereunder shall be established in addition to the zone classifications shown on the zoning map, and the applicable regulations contained in this Zoning Ordinance. The use, dimensions and other requirements for said zones, as provided in the Zoning Ordinance shall apply, unless further restricted hereunder. Where there are conflicts between the regulations hereunder, and those contained elsewhere in the Zoning Ordinance, the more restrictive shall apply.

**PARIS TRANSITION AREA OVERLAY ZONE DEFINED** – The boundary of the “transition area” at the Paris/Bourbon County end of the Paris Pike/Lexington Road Corridor shall be considered as depicted in the adopted Paris Pike Corridor Small Area Plan. The western edge is delineated as the southwestern boundary of the Rankin Farm, then northeast along Lexington Road to the point at which Huston Creek crosses under Lexington Road. For the purpose of this Transition Area Overlay Zone, the maps included in the Small Area Plan defining which properties are included within the boundary of this area shall be interpreted so that bold lines which approximately follow the city limits, the road, or known property lines shall be interpreted to indicate the city limits, road or property lines.

Therefore, the following properties are presumed to be within the “Transition Area”;

<b>PVA Map #</b>	<b>PVA Lot # (reference#)</b>	<b>Property Owner (as of 11/98)</b>
17	35 (18-9)	Stewart (Lynwood Farm)
	36 (18-42A)	Rassenfoss/Timothy
18	13 (19-1D)	Dan Short
	14 (19-1C)	Wayne Shumate
	11 (19-1: portion)	
	15 (19-3A)	David Smith
	12 (19-3B)	Bobby Rankin
	15.05 (19-3E)	Bobby Rankin
	15.05 (19-3)	Bobby Rankin
	15.04 (19-3D)	Houston Oaks
	15.02 (19-3C)	Bobby Rankin
	15.03 (19-3F)	Houston Oaks

**PARIS PIKE CORRIDOR SMALL AREA PLAN** – In May, 1995, the Paris/Bourbon County Joint Planning Commission adopted the *Paris Pike Corridor Small Area Plan* as an amendment to their 1992 *Comprehensive Plan*. Page 32 of the *Small Area Plan* addresses the Paris/Bourbon County end of Lexington Road/Paris Pike and refers to it as a “transition are”. The *Small Area Plan* states the following:

“The land uses within this agricultural/rural transition area should remain in agricultural uses with only farmsteads and estate type residential permitted as land use, requiring a minimum of five (5) acres per dwelling unit and requiring a minimum setback of three hundred (300) feet and a minimum frontage of two hundred fifty (250) feet.”

It further states, on page 29 in the “Land Use” portion of the Small Area Plan, that within the transition areas,

“the gateway to the two communities should be created, both by proper land use and appropriate parcel size and design guidelines. Land use for this area is proposed to be consistent with and/or recommended land use designations already in place in the current comprehensive plans”.

Recommendations for the entire Corridor (including the Transition area) found on page 35 in the Small Area Plan include:

“A Conservation/Scenic Easement provision to be adopted for the preservation and protection of such landscape elements as the Savanna woodlands and Riparian landscape of Elkhorn and Houston Creek Corridors.”

“Design Guideline to be developed which will control architectural character, siting, mass, landscape treatment, fences, walls, and other site design elements that must be compatible to the character of the area.”

“Historic Overlay Zone to be established for the entire designated area in the M.O.A. and the I-LCA.”

## **LAND USE**

**1. PRINCIPAL USES PERMITTED** – Uses listed as permitted in the Paris Transitional Area Overlay Zone, unless listed as a prohibited use below, are:

- a.) Agricultural activities and agricultural structures, unless specifically excluded below, shall be permitted according to KRS 100.203(4):
- b.) Single-family dwellings, unless specifically excluded below, are allowed along the Paris Pike/Lexington Road, on a minimum of five acres;
- c.) Conservation zone, in accordance with the conservation zone set forth in the Paris Zoning Ordinance, unless specifically excluded below;
- d.) Historic district, as delineated in the Historic District National Register Nomination.

**2. ACCESSORY USES PERMITTED** – An accessory use shall be customarily accessory, clearly incidental and subordinate to permitted uses. Non-farming accessory structures shall not be built within the two hundred (200) foot setback from the Paris Pike/Lexington Road right of



way. Accessory Uses listed as permitted in the Paris Transitional Area Overlay Zone, unless listed as a prohibited use below, are;

- a) Carports and garages;
- b) Swimming pools;
- c) Tennis courts;
- d) Solar panels;
- e) Utility, or storage buildings,

**3. CONDITIONAL USES:** Uses listed as conditional (permitted only with Board of Adjustment approval) in the Paris Transition Area Overlay Zone, unless listed as a prohibited use below, are;

- a) Museum/visitor center/Chamber of Commerce office:
- b) Public Park which offers recreational activities such as picnicking, hiking, riding or golfing, in a pastoral setting.
- c) Golf Course
- d) The provision of health, education and community services for persons working in agricultural activities including the boarding of those persons. This activity shall be conducted in historic structures only and must be provided by a qualified 501 9c) (3) organization.

**4. PROHIBITED USES:** Uses listed as prohibited in the Paris Transition Overlay Zone are:

- a) Advertising signs, including billboards.
- b) Aircraft landing strips
- c) Mobile homes
- d) Radio, telephone or television transmitting or relay facilities
- e) Commercial feed lots, stockyard.
- f) Temporary cellular telephone transmitting facility
- g) Service, sales, and rental of farm equipment and machinery
- h) Churches and parish houses
- i) Schools
- j) Garages (commercial)
- k) Except as ancillary to row crop production, commercial greenhouses and plant nurseries

- l) Kennels (commercial)
- m) Rental Services
- n) Non-service facilities of public utilities when not incidental to a service facility as provided in KRS 100.324.
- o) Commercial outdoor recreational facilities such as the following: sportsmen's farms, fishing lakes, swimming pools, tennis courts, campgrounds, outdoor rifle and other firearm ranges, hunting and trapping.
- p) Clubs with restaurants
- q) Industrial scale, concentrated raising and feeding of livestock.
- r) Value Added Agricultural Production
- s) Production and/or Assembly of Agricultural Related Products.
- t) Uses other than those listed above, and not expressly stated as permissible in Permitted or Conditional Uses.

## **DESIGN GUIDELINES**

**GENERAL DEVELOPMENT GUIDELINES** – These guidelines are intended to promote harmonious, pleasing and compatible land use within the Transition Area, in order to protect and enhance the image of the historic road corridor for residents and tourists alike, while accommodating growth for the City of Paris. The Guidelines shall regulate the visual quality and patterns of development within the Paris Transition Area, in order to assure that any new development adheres to the goals and objectives of PARIS PIKE CORRIDOR SMALL AREA PLAN. New construction within the Transition Area Overlay Zone is encouraged to be of a high-quality to reflect the gateway aspect of this Area. It is intended that the Transition Area be an attractive entrance into the city of Paris, displaying a continuation of the farming practices found along the highway corridor, a preserved natural environment along the Creek corridor, and/or a distinct urban edge. Any development within the Transition Area shall reflect the design intent of the Paris Pike corridor Commission by possessing high visual organization and good fit (harmony) within the landscape. Design shall respond in a sensitive manner to preserve significant natural and cultural features. Natural features, such as topography, vegetation, drainage, water resources, prime agricultural soils and wildlife habitats shall be integrated into the overall design. Cultural features, such as fences, historic buildings or objects and archeological sites shall also be incorporated into the design. All development shall conform to sound planning practice.

**REVIEW** - Subdivision plats that are proposed within the Paris Transition Area Overlay Zone shall be reviewed by the Paris Pike Corridor Commission, as outlined in the inter-local agreement between Bourbon County, the City of Paris, and the Lexington – Fayette Urban County. All requirements and time schedules for plan submissions, as indicated in the Bourbon County Subdivision Regulations or Paris Zoning Ordinance shall be followed.

The Paris Pike Corridor Commission shall also review submissions for sign permits for the construction of a sign located within the Transition Area.

Upon its application, the subdivision plat, or sign design shall be forwarded by the Bourbon County Planning and Zoning Office to the members of the Paris Pike Corridor Commission. The Commission shall review the Ordinance, plus the Bourbon County Subdivision Regulations, Paris Zoning Ordinance, Bourbon County Zoning Ordinance, and any additional requirements as stipulated in this ordinance.

Following its review of a plat, the Paris Pike Corridor Commission may choose to advise the Paris/Bourbon County Planning Commission whether to grant approval, conditional approval, or approval with modifications or disapproval of the proposed subdivision plat. The Paris Pike Corridor Commission shall state the reasons for any recommendation.

For sign designs, the Corridor Commission shall send its recommendation and stated reasons to the Paris/Bourbon County planning and zoning administrator, who also reviews the proposed sign for compliance. Upon approval of the proposed sign by the Corridor Commission and the administrator, the Bourbon County or Paris building inspector issues a permit for the sign.

In the event the Corridor Commission can not meet between the filing of a subdivision plat and its scheduled consideration by the Planning Commission, consideration of the plat should not be delayed based upon this factor alone.

## **DESIGN STANDARDS**

1. **AGRICULTURAL USE** – Agricultural structures (including barns, sheds and other farm buildings), shall be allowed within the entirety of the Paris Transition Area:
  - a) On a minimum of ten (10) acres with five hundred (500) feet of road frontage; and
  - b) Are permitted to continue within the two hundred (200) foot setback.

Farm residences shall not be permitted within the two hundred (200) foot setback, and

- a) Accessory structures shall be detached and offset behind the residence; and
- b) Shall be oriented toward Paris Pike/Lexington Road; and
- c) New boundary lines shall be configured with corners as close to ninety (90) degrees as possible, except where a natural feature, such as a creek prevents it. NO flag lots shall be permitted.

2. **RESIDENTIAL USE** – Residential development along Paris Pike/Lexington Road shall be single family, estate-type homes and:
  - a) Shall be a minimum of five (5) acres with two hundred and fifty (250) feet of road frontage; and
  - b) No structures shall be built in the two hundred (200) foot buffer; and
  - c) Accessory structures shall be detached and offset behind the residence; and
  - d) Shall be oriented toward Paris Pike/Lexington Road; and
  - e) New lots shall be configured with corners as close to ninety (90) degrees as possible, except where a natural feature, such as a creek prevents it. No flag lots will be permitted; and

- f) The area remaining after a division which results in property dimensions that do not extend to the on thousand (1,000) foot jurisdiction of this Transition Area, shall be used for agricultural purposes only.
3. **CONSERVATION USE** – Areas identified in the *Paris Pike Corridor Small Area Plan* as environmentally sensitive and/or important shall be preserved and protected from intrusion, alteration or destruction. This includes the riparian woods and floodplain along Houston Creek, plus the few scattered savanna remnants and sinkholes located in the *Paris Pike Small Area Plan*.
  4. **HISTORIC DISTRICT USE** – The properties on the Paris Transition Area that were part of the area nominated as a Historic District with the National Register. The official designation as the Historic District, and Design Guidelines for the District, are permissible. Structures and landscape elements within the District that supported the District nomination should follow the standards as set by the Secretary of Interior’s Guidelines for Historic Preservation, and Guidelines for Cultural Landscapes.
  5. **OTHER USE** – New construction is allowed for permitted uses only. A conditional use, such as a Bed and Breakfast may be granted as an adaptive reuse of an existing structure. Accessory structures for a community park, such as a picnic shelter or storage shed, are allowed if they are in conformance with the requirements found within this Ordinance.
  6. **ACCESS** – Access to Paris Pike/Lexington Road for all uses shall be in conformance with the designated access and cross-over locations developed in the roadway design plans. Proposed entrances shall be reviewed as part of the plat process by the Paris Pike Corridor Commission, the Paris/Bourbon County Planning Commission and the Kentucky Transportation Cabinet. Access shall be in conformance with the applicable provisions of the Subdivision Regulations. Shared access between properties is encouraged.
  7. **SIGNAGE** – Signage for all Permitted and Conditional Uses shall be restricted to the on-site premises and for the purpose of indicating the principal use and identification for the property on which the sign is placed. Prior to erection, all signs, except those noted below, must be reviewed and approved by the Paris Pike Corridor Commission. (See General Review Procedure above). Approval of signage shall be based upon how well the sign is in character with the vernacular landscape and architecture within the Corridor Study “Area, in terms of scale, shape, color, materials and lighting levels. Consideration shall also be given to adjoining land use; the quality and durability of materials used; and the appropriateness for the intended use. Signage shall be reviewed upon individual submission of a detail, or as the submission of a development plan, showing a detailed drawing, including location, dimensions, materials,
    - a) Freestanding or wall/fence mounted signs at a property entrance off of Paris Pike/Lexington Road shall be comparable to signage at farm entrances in appearance and scale. Lettering and logos for the purpose of identification may be mounted flush against a retaining wall, freestanding wall, pillars, or fencing. Maximum height shall be eight (8) feet if free standing. Maximum total area for the one sign shall be twelve (12) square feet for a property entrance. A sign may be located on each side of the entrance, with no more than two per entrance. No signage is allowed in the road right-of-way, except those authorized by the Kentucky Transportation

- Cabinet. Location of the sign shall not adversely affect vehicular safety, or which by reason of shape, color or position, interferes with, or could be confused with any authorized traffic sign or devise. An access point that serves more than one property shall have combined signage for all properties using that entrance.
- b) Signage is not allowed in the two hundred (200) foot buffer area, except temporary signs.
  - c) Freestanding signage beyond the two hundred (200) foot buffer area (such as directional signs) shall not require a sign permit, unless it is illuminated. Include location of signs on a submitted development plan. Freestanding signage beyond the two hundred (200) foot buffer shall not be sized to be read from Paris Pike/Lexington Road. Note on a development plan the proposed location, size, materials and lettering for freestanding signage.
  - d) Building identification signage shall be permitted, and limited to providing the name, logo or principal use of the premises. Face signage shall not dominate the architecture character or façade elements. Face signage shall not extend above the roofline, extend beyond the building edges, or project out from the façade. Signage shall not be painted onto the face of a structure. Face signage shall not be sized to be read from Paris Pike/Lexington Road. Building identification signage does not require a sign permit, but must conform to all of these regulations. Note on a development plan the proposed location, size, materials and lettering for building identification signage.
  - e) Signage may be illuminated by a floodlight or spotlight, however, it shall not be positioned in such a manner as to adversely affect vehicular safety or spill onto adjacent property. Bare bulbs are not permitted. White is the only color of light permitted. All lighting and electrical elements, such as wires and transformers shall be screened from direct view.
  - f) All (off premise signs) billboards shall not be permitted.
  - g) Roof mounted signs, canopy and awning signs shall not be permitted.
  - h) Signs having neon lights, flashing lights or electronic elements shall not be permitted.
  - i) Internally illuminated signs shall not be permitted.
  - j) Animated signs, such as balloons, pennants, streamers or banners shall not be permitted.
  - k) Portable signs or signs with moving parts shall not be permitted.
  - l) Locational signage for historic features or properties shall conform to the Kentucky Transportation Cabinet standards for Scenic byways. "Gateway" signage may include an image or logo to promote Paris, and should include appropriate landscaping, irrigation and lighting.
  - m) All signage shall be maintained in good condition and removed promptly upon disuse.
  - n) Nonconforming signs shall not be structurally altered except in conformance with the provisions of this Ordinance. A nonconforming sign shall not be reestablished after damage exceeding fifty (50) percent of the signage area. After such damage, the owner of said sign shall bring the sign into conformance with the provisions of this Ordinance or shall remove the sign. A nonconforming sign shall be maintained in good condition, or shall be removed.
  - o) Temporary signs shall be permitted for political campaigns or real estate sales/rental. They may be located within the two hundred (200) foot buffer, and must be free standing. Temporary signs shall not be illuminated or exceed six (6) feet in heights. The following area of signage is allowed.
    - a. From a distance of fifty (50) feet from the right-of-way, the sign may be eighteen (18) square feet;
    - b. From a distance on one hundred (100) feet from the right-of-way, the sign may be thirty six (36) square feet.

Temporary signs of twelve square feet or less are not required to have a sign permit, but must meet all requirements so specified in this ordinance. Political signs shall not be erected earlier than thirty (30) days prior to the election to which they pertain, and removed within five (5) days after such election. Real estate signs shall be removed within fourteen (14) days after the sale closing or leasing of the property to which they pertain. Any temporary sign such as a flyer or advertisement attached to a pole, street light, tree, or fence shall be prohibited.

**8. PARKING** – Parking for any non-agricultural use is not permitted within the two hundred (200) foot buffer area. Parking for non-residential use of non-agricultural use in the remaining eight hundred (800) feet of the Overlay Zone area shall be designed and located so that the visual impact of the parking area is fully contained and out of view from adjacent properties and Paris

Pike/Lexington Road. Screening may be accomplished with plant material, berms, fencing, or a combination of these elements, as long as it is designed to be compatible with the surrounding landscape.

**9. SERVICE AREA** – Trash collection facilities, such as dumpsters, or other service facilities, shall be designed and located so that the visual impact of the service area is fully contained and out of view from adjacent properties and Paris Pike/Lexington Road. Screening may be accomplished with plant material, berms, fencing, or a combination of these elements, as long as it is designed to be compatible with the surrounding landscape.

**10. LANDSCAPING** – Areas to be planted for the purposes of buffering or screening shall use plants compatible with species native to the area. Landscaping used as a visual buffer shall provide year-round screening at a height and massing that will provide complete buffering.

**11. FENCING, WALLS** – Fencing and walls within the Overlay Zone area shall be of stone wall or plank fencing (1-4 plank/post construction), and shall not obstruct views from Paris Pike.

**AMENDMENTS** – The procedure for obtaining a Zoning Map Amendment to the Paris Transition Area Overlay Zone shall be the same as those steps outlined in the Design Guidelines Review section of this Zoning Ordinance and the applicable provisions of KRS 100 for a zoning map amendment. In the event a future amendment is proposed to the text of this zoning regulation, notice shall be given by first class mail in advance of any scheduled public hearing to the property owners of land to which the Paris Pike/Lexington Road Overlay Zone has been applied

**VARIANCES** – Any request for a variance to the Paris Transition Area Overlay Zone shall be heard by the Paris Pike Corridor Commission and the Paris/Bourbon County Planning Commission prior to consideration by the Paris and/or Bourbon County Boards of Adjustment.

### 3.3 RESIDENTIAL - 1 (R-1)

#### 3.31 Permitted Uses

- A. Single-family dwellings which are not mobile homes.
- B. Home occupations as defined and restricted in Section 1.8 (definition of home occupations) herein. No home occupation shall be permitted which changes the appearance of the structure from that of a residence. Home occupations permits are to be issued by the Board of Adjustments.
  - 1. Beauty Shop
  - 2. Custom dressmaking, millinery, tailoring, sewing of fabrics for custom apparel and custom home furnishing.
  - 3. Office in which goods, wares, or merchandise are not commercially created, stored, or sold.
  - 4. Tutoring, limited to not more than four (4) children simultaneously.
  - 5. Fine arts studio in which is created only individual works of art.
  - 6. Rooming and/or boarding of not more than four (4) persons.
  - 7. Photography Studio
  - 8. Bed & Breakfast
  - 9. Professional Massage Therapist

#### 3.312 Building Height

No building or structure shall exceed two and one half (2 1/2) stories or thirty five (35) feet in height.

#### 3.313 Required Lot Area and lot Width

- A. Lots served by public or a central waste disposal system approved by the Bourbon County Board of Health and the Board of Health of the Commonwealth of Kentucky. Every single-family dwelling shall be 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.
- B. Lots not served by public sewer or a central sewage disposal system approved by the Bourbon County Board of Health and the Board of Health of the Commonwealth of Kentucky.

The Minimum lot area and width requirements for such lots shall be the same as for lots served by public sewer but shall be five (5) acres total area for any such lot that was not a lot of record in the office of the Clerk of the Bourbon County Court on February 6, 1975, and not in any subdivision for which a subdivision development plan or plan had been given preliminary approval or final approval by the Bourbon County Joint Planning Commission Prior to February 6, 1975.

#### 3.314 Yards Required

- A. Front Yards – The building setback line for all structures shall not be located closer to the street right-of-way than a distance equal to one half (1/2) of the total width of the street right-of-way on which the building will front, but in no case shall the building setback be located closer than seventy five (75) feet from the center line of a state highway or a road whose pavement shall be less than twenty-six (26) feet or closer than fifty (50) feet from the center line of any other street or road. A greater distance between the building setback line and the street right-of-way is permissible.
- B. Side Yards – There shall be a minimum side yard on each side of any structure of fifteen (15) feet as measured from the property line to the nearest building or structure.
- C. Rear Yards – There shall be a minimum side yard on each side of any structure of twenty five (25) feet as measured from the rear property line to the nearest building or structure.

- D. Corner Lot Yards – The minimum side yard setback line on any street not having lots fronting upon it shall be fifteen (15) feet from the right-of-way line. 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 the street.
- E. Yards for public and Semi-public Buildings – All public and semi-public building, including accessory buildings shall have at least the same front yard setback 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.

### **3.32 Uses Permitted by Conditional Use**

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 station; utility offices; sub-stations; utilities; funeral homes; cemeteries; nursing homes; hospitals for human care; philanthropic institutions and clubs, except a club where the chief activity of which is conducted as a business; radio broadcasting and executive office; offices of doctors, optometrists or lawyers; state approved child care services where over five (5) children are present. Catering with the following provisions; no outside signage, no change to external appearance of the residence/property, no outdoor storage of materials used for the business, no onsite retail transactions, no entertaining customers or events on site, no more than one person who is not a resident of the premises shall be permitted to participate in the production of the product. 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.

#### **3.321 Uses Permitted in R-1**

- A. Any use not expressly permitted is prohibited.
- B. Mobile Homes are expressly prohibited.

#### **3.322 Permitted Accessory Uses**

The following accessory uses are permitted: private garages, storage sheds, parking areas (as per Section 3.4), private swimming pools, and private tennis courts; as well as other uses and structures which are customarily accessory, clearly incidental, and subordinate to the principal structure or use on the lot; provided these uses or structures are located on such lot in conformance with other regulations of the zone.



## **3.4 RESIDENTIAL - 2 (R-2)**

### **3.41 Uses Permitted**

Any use permitted in the R-1 Residential Zone

### **3.42 Uses Prohibited**

Any use prohibited in the R-1 Residential Zone.

### **3.43 Building Height**

No building or structure shall exceed three (3) stories or forty five (45) feet in height without special permission of Planning Commission.

### **3.44 Required Lot Area and Lot Width**

- A. Lots served by public sewer or approved central sewage disposal system. Every single-family dwelling shall be 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 shall be eighty (80) feet.
- B. Lots not served by public sewer or approved central sewage disposal system. Single-family dwellings shall require a single lot of the same size and width as lots served by public sewers as a minimum but may require a lot of a full five (5) acres under the same conditions set forth in Subsection 3.2313 for R-1 Residential lots not served by public sewer.

### **3.45 Yards Required**

- A. Front Yards – Thirty (30) feet required from right-of-way line.
- B. Side Yards – There shall be a minimum side yard on each side of any building or structure of ten (10) feet measured from the side lot line of the nearest building or structure.
- C. Rear Yards – There shall be a minimum rear yard building setback of not less than twenty five (25) feet/
- D. Corner Lot Yards – The minimum side yard setback line on any street not having lots fronting upon it shall be ten (10) feet from the right-of-way line. 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 building setback on the side of corner lot shall be equal to the front yard setback requirements of such street.
- E. Yards 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.

### **3.46 Uses Permitted by Conditional Use**

Same as permitted in the R-1 Residential Zone

### **3.47 Permitted Accessory Uses**

Same as permitted in R-1 District

## 3.5 RESIDENTIAL - 3A (R-3A)

### 3.51 Uses Permitted

- A. Any use permitted in the R-1 Residential Zone
- B. Two-family dwellings.

### 3.52 Uses Prohibited

All other uses not otherwise permitted are prohibited.

### 3.53 Building Height

No building or structure shall exceed three (3) stories or forty five (45) feet in height without special permission by the Planning Commission.

### 3.54 Lot Area and Lot Width

- A. Lots served by public sewer or approved central sewage disposal system – every single-family dwelling shall be located on a single lot of not less than seven thousand two hundred (7,200) square feet. Every two-family dwelling shall be located on a single lot of not less than seven thousand five hundred (7,500) square feet. The minimum required lot width at the building setback line for single-family dwellings shall be eighty (80) feet; for two-family dwellings the minimum width shall be one hundred (100) feet.
- B. Lots not served by public sewer or approved central sewage disposal system – single-family dwellings and duplexes shall require the same size and width as lots served by public sewer, as a minimum but may require up to five (5) acres under the same conditions as lots in R-1 Residential Zones not served by public sewer, as set forth in Subsection 3.2313 above.

### 3.55 Yards

The yard requirements shall be the same as in an R-2 Residential District.

### 3.56 Uses Permitted by Conditional Use

- A. Same as permitted in the R-1 Residential Zone

### 3.57 Permitted Accessory Uses

- A. Same as in R-1 District

## 3.6 RESIDENTIAL - 3B (R-3B)

### 3.61 Uses Permitted

- A. Any use permitted in the R-3A Residential Zone.
- B. Multi-family dwellings
- C. Townhouses, as herein above defined, to be erected in all zones where multi-family dwellings are not permitted with the limitations that not more than four single family townhouses units may be attached in one single structure and that any such unit be at least twenty four (24) feet wide. Townhouse structures shall have the same lot area, setback and yard requirements as now provided for multi-family dwellings except that no side yard shall be required for the interior townhouse units on the sides which are connected to another townhouse unit by a part wall.

Townhouses involving family units in separate ownership shall require subdivision approval.

### 3.62 Lot Area and Lot Width

- A. Lots served by public sewer or approved central sewage disposal system – every single-family dwelling shall be located on a single lot of not less than seven thousand two hundred (7,200) square feet. Every multi-family and two family dwelling shall be located 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 four (4). For each additional unit beyond the fourth unit, an additional one thousand (1,000) square feet shall be required. The minimum required lot width at the building setback line for single-family dwellings shall be eighty (80) feet; for two-family dwellings and multi-family dwellings shall be eighty (80) feet; for two-family dwellings and multi-family dwellings shall be eighty (80) feet; for two-family dwellings and multi-family dwellings the minimum width shall be one hundred (100) feet.
- B. Lots not served by public sewer or approved central sewage disposal system – The lot area and width requirements for single family residences, duplexes or multi-family dwellings shall be the same as for lots served by the public sewer as minimum, but may be increased up to five (5) acres per family residence or five (5) acres for each five (5) tenants where multi-family use is proposed under the same conditions as lot in R-3A Residential Districts not served by public sewer.

### 3.63 Building Height and Yards

Building Height and Yard requirements shall be the same as in R-3A Residential Districts

### 3.64 Uses Permitted By Conditional Use

- A. Same as permitted in the R-1 Residential Zone.

### 3.2346 Permitted Accessory Uses

Same as permitted in R-1 District.

## **3.7 RESIDENTIAL (4)**

### **3.71 Uses Permitted**

- A. Any use permitted in the R-3B Residential Zone.
- B. Mobile homes as a single-family dwelling on a single lot.

### **3.72 Uses Prohibited**

All other uses not otherwise permitted are prohibited.

### **3.73 Building Height, Lot Areas, Lot Width and Yards**

The building height, lot areas, lot width and yard requirements shall be the same as in R-3B Residential District, R-4 Residential, (except in Mobile Home Parks which shall be governed by the special provisions of Section 3.5 hereof.)

### **3.74 Uses Permitted by Conditional Use**

- A. Same as permitted in the R-1 Residential Zone
- B. Mobile Home Parks which shall be governed by the special provisions of Section 3.52.

### **3.75 Permitted Accessory Uses**

Same as permitted in R-1 District.

## **3.8 HIGHWAY COMMERCIAL (B-1)**

B-1 Highway Commercial Zone is established to provide locations for businesses oriented primarily toward serving the motoring public and for those businesses which due to their nature are best suited to locations along major streets or highways.

### **3.81 Uses Permitted**

- A. Motels, tourist cabins, and tourist courts.
- B. Restaurants, ice cream sale, and other food and drink service establishments.
- C. Drive-in dry cleaning establishments.
- D. Service stations.
- E. Souvenir shops, gift shops
- F. Bait shops and sporting equipment sales.
- G. Barber Shop, Beauty Shop, Tanning Salon
- H. Photography Studio

### **3.82 Building Height**

No building or structure shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height.

### **3.83 Required Lot Area and Lot Width**

The minimum lot area for highway commercial uses shall be one-half (1/2) acre (twenty-one thousand seven hundred eighty feet 21,780'). No lot shall be developed for highway commercial use which is less than one hundred fifty (150) feet wide at the building setback line.

### **3.84 Percentage of Lot Coverage**

Any principal or accessory buildings shall not cover more than thirty-three (33) percent of the lot.

### **3.85 Yards Required**

- A. Front Yards – The front yard building set back line for all buildings and accessory buildings shall be a minimum of fifty (50) feet from any existing or proposed right-of-way line of any street or road.
- B. In case of service stations, all gas pumps, gas pump islands, grease pits or racks and other similar facilities shall be located no closer than twenty-five (25) feet from a street or highway right-of-way line.
- C. Side Yards – A minimum side yard of twenty-five (25) feet is required for all highway commercial uses as measured from the property line to the nearest building or structure.
- D. Rear Yards – A minimum rear yard of thirty (30) feet shall be required for all structures in the B-1 Highway Commercial Zone as measured from the rear property line to the nearest building or structure.
- E. Where the rear yard joins a residential district, the minimum rear yard shall be fifty (50) feet.

## 3.9 COMMERCIAL (B-2)

The B-2 Local Commercial Zone is established for businesses in unincorporated villages designed primarily to serve the localities involved.

### 3.91 Uses Permitted

Any use permitted in a Commercial B-1 Zone.

### 3.92 Building Height

Same as for buildings in a Commercial B-1 Zone.

### 3.93 Required Lot Area, Lot Width, and Percentage of Lot Coverage

The minimum lot area for local commercial uses shall be one-half (1/2) acre twenty one thousand seven hundred eighty square feet, 21,780). No lot shall be developed for 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. No principal or accessory building shall cover more than thirty-three (33) percent of the lot without special permission of the Planning Commission.

### 3.94 Yards Required

The yard requirements shall be the same as the Commercial B-1 Zones, except that the Planning Commission may permit lesser yards to be established where the lot involved is a lot of record and lesser yards will be in conformity with existing structures in the area.

### 3.95 Conditional Uses

As per Residential R-1 & B-1 Zones

### 3.10 GENERAL INDUSTRIAL DISTRICT (I-1)

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.

#### 3.101 Use Permitted in Light Industry

- A. Manufacturing, fabrication, and /or processing of any commodity, except as set out in Section 3.112, the uses being conditionally permitted there are expressly prohibited here.
- B. Retail sales of any commodity not manufactured on the premises designed especially for use in agriculture, mining, industry, business, transportation, or construction, including but not limited to the following uses.
  1. Building material sales yard and lumber yard, including the sale of rock, sand, gravel, and the like as in incidental part of the main business.
  2. Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.
  3. Freighting or trucking yard or terminal

#### 3.102 Nameplates and Signs

All nameplates and signs must conform to Section 3.113

#### 3.103 Lot area, Height and Yard Requirements

The following minimum required lot area, frontage and yard area shall apply within a light industrial zone.

Height: Sixty (60) feet

Lot Area: One-half (1/2) acre

Lot Width: One hundred fifty (150) feet

Front Yard Depth: One hundred (100) feet

Side Yard Depth: Fifty (50) feet

Rear Yard Depth: Seventy-five (75) feet

The height limit may be raised with the written approval of the Planning Commission.

## **3.11 HEAVY INDUSTRIAL DISTRICT (I-2)**

### **3.111 Principal Permitted Uses**

Any use permitted in Light Industrial District I-1 except those specified in 3.112 of this order.

### **3.112 Conditionally Permitted Uses Requiring Board of Adjustment Authorization**

The following uses are conditional uses and require written approval of the Board of Adjustment. Abattoirs; refining or storage; chemical manufacture; exterminator or insect poison manufacture; fat rendering; fertilizer manufacture; flour and grain milling; gasoline storage, wholesale; leather, curing and tanning; monument works; salvage storage yard; scrap iron storage yard; stock yards; sulfur, sulfuric acid, or derivatives manufacture; tar distillation or manufacture; terra cotta manufacture; wrecking material yard; and 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 city.

### **3.113 Accessory uses**

Any accessory use or building customarily incidental to the above permitted and conditionally permitted uses.

### **3.114 Lot Area, Frontage, and Yard Requirements**

The following minimum required lot area, frontage and yard area shall apply within a heavy industrial zone.

Height: No limit

Lot Area: One (1) acre

Lot Width: One hundred twenty-five (125) feet

Front Yard Depth: One hundred (100) feet

Side Yard Width: Fifty (50) feet

Rear Yard Depth: Seventy-five (75) feet

No yard will be required for that part of a lot which abuts a railroad siding.



### 3.12 HOSPITAL/MEDICAL (H-M)

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 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.

#### 3.121 Principal Permitted Uses

- A. Hospitals for treatment of humans
- B. Nursing, convalescent, and rest homes.
- C. Medical, dental and optometrists offices.
- D. Medical clinics and laboratories (not involving a manufactured or fabrication of products for sale).
- E. Establishments limited to the retail sale of medical, pharmaceutical, and dental supplies, and the filling of prescriptions.

#### 3.122 Use Permitted as Conditional Uses

- A. Offices of veterinarians, animal hospitals

#### 3.123 Accessory Uses and Structures Permitted

- A. Parking and Loading Area
- B. Retail sales or personal services, including facilities for serving food, only for employees, residents, or for visitors to a principal 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, and cafeterias).

#### 3.124 Lot Area, Width, Building Height, and Lot Coverage

- A. Required Lot Area and Lot Width  
Lots served by public sewer or central waste disposal system approved by the Bourbon County Board of Health and the state of Kentucky. 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. Lots not served by public sewer or approved central sewage disposal system. The minimum lot area shall be five (5) acres under the terms and conditions of the septic tank freeze order. The minimum required lot width at the building setback line shall be one hundred fifty (150) feet for lots not served by public sewer.
- B. Building Height – No Building or structure shall exceed three (3) stories or forty-five (45) feet height without special permission of the Planning Commission. 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.
- C. Percentage of Lot Coverage – Any principal or accessory buildings shall not cover more than thirty-five (35) percent of the lot.

#### 3.125 Yards Required

- A. Front Yards – The front yard building setback line for all buildings shall be a minimum of fifty (50) feet from any existing or proposed right-of-way line of any street or road.
- B. Side Yards – A minimum of twenty-five (25) feet is required for all uses as measured from the property line to the nearest building or structure.

- C. Rear Yards – A minimum rear yard of twenty-five (25) feet shall be required for all structures as measured from the rear property line to the nearest building or structure.

**3.126 Off-Street Parking and Loading**

See Section 3.14, pertaining to Off-Street Parking and Loading.

**3.127 Sign and Outdoor Advertising**

See Section 3.13 pertaining to Signs and Outdoor Advertising.

### 3.13 SIGNS AND OUTDOOR ADVERTISING

- A. There has been increasing concern throughout Kentucky over the indiscriminating location of signs, billboards and other outdoor advertising devices. These regulations are established for the following purposes: 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 and highways of Bourbon County; and to protect residential property values and living environment by prohibiting certain signs within residential and agricultural areas.

**1. General regulations for signs, billboards, and other advertising structures are indicated below.**

- a. No sign or display shall be erected, placed, painted, repainted, or hung nearer to the street right-of-way line upon which said display faces than the building line provided in zones where the use is permitted, except one sign advertising the primary nature of the business or industry conducted on the premises may be placed not closer than ten (10) feet to the street right-of-way line, but shall in no case be permitted to obstruct the view of traffic nor exceed an area of twelve (12) square feet.
- b. Signs and other outdoor advertising which involves lighting or motion resembling traffic or directional signals, or warnings such as “stop” or “danger” are prohibited.
- c. No sign having flashing, intermittent, or animated illumination shall be permitted within three hundred (300) feet of property in any residential district unless such sign is not visible from such property.
- d. 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.
- e. No business or free-standing sign shall be erected to exceed twenty-five (25) feet in length. No 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.
- f. 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.
- g. All outdoor signs shall be erected or placed in conformity with the front, side and rear yard requirements of the district in which located except as herein above provided.
- h. No off premises sign shall be locate in any area designated as one of scenic beauty or historical interest.
- i. No signs except on premise signs flush with a building wall shall be located closer than ten (10) feet from any street right-of-way line (excepting directional signs) and places so that they will not obstruct the view of traffic in any way.
- j. Temporary signs shall not be erected or otherwise fixed to any pole, tree, stone, fence, building, structure or any object within the right-of-way of any street. Temporary signs may be erected or posted for a period not to exceed sixty (60) days. Any sign posted for a longer period just meet the requirements for permanent signs. Area requirements for temporary signs will be the same as those for permanent signs in each district.
- k. Electrically illuminated signs shall be so wired that they do not constitute a public safety hazard
- l. Billboards shall not be permitted in any zoning district.

**2. The following signs shall be permitted in all zoning districts without a building permit, provided such signs conform to all other restrictions and limitations imposed by this ordinance.**

- a. An identification sign of two (2) square feet or less 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 posting the property or advertising the specific property on which it is placed for sale or rent containing less than twelve (12) square feet.
- d. Directional signs of two (2) square feet or less designating ingress and egress from a property. Directional signs shall not be placed within a public right-of-way. Only one such sign shall be permitted per establishment, except for directional signs. Such signs shall not be illuminated.

**3. The following signs shall be permitted in all zoning districts with a building permit, provided they conform to all other restrictions and limitations imposed by this ordinance.**

- a. All identification, professional, announcement, for sale or rent signs and directional signs as described in Section two (2) above when illuminated.
- b. 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	Distance from Right-of-Way
13 to 20 square feet	50 feet
21 to 40 square feet	100 feet
41 to 60 square feet	150 feet
No such sign in any zone shall exceed sixty (60) square feet in area.	

- c. Signs or bulletin boards customarily incidental to places of worship, libraries, schools, museums, or societies which signs or bulletin boards shall not exceed fifteen (15) square feet in area and which shall be located on the premises of such institution, except that larger signs may be used when specifically approved by the Board of Adjustments, where found to be required for aesthetic reasons.
- d. Temporary signs except as described in Section two (2) with the additional provision that all such signs shall be removed by the permit applicant within ten (10) days after the completions of the project, event or election.
- e. Identification signs for historical, religious, civic or fraternal associations of four (4) 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 such sign may be mounted on the same standard.
- f. Such other on premises signs as may be permitted by the Board of Adjustments in connection with conditional uses under the standards and subject to the limitations contained herein.

**4. The following additional signs shall be permitted in agricultural zones and R-1, R-2, and R-3 residential zoning districts with a building permit.**

- a. 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.

- b. For multiple-family and group dwellings and identification sign not to exceed ten (10) square feet in area, shall be permitted; such sign shall indicate nothing other than name and/or address of the premises, and the name of the management.
- c. Only one sign per street frontage shall be permitted.
- d. Flashing or intermittent illumination is prohibited.

**5. The following additional signs shall be permitted in B-1, B-2, I-1 Light Industrial and I-2 Heavy Industrial zoning districts with a building permit.**

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

The maximum area permitted for all signs on a single premise 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 and I-1 zoning districts. In B-2 and I-2 zoning districts the maximum permitted area for all signs on a single premise, regardless of the number of establishment, 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.

In B-1 and B-2, I-1 and I-2 Districts, in addition to the free standing signs which shall be subject to the limitations of four (4) or six (6) square feet per ten (10) feet of premises frontage, on-premises wall signs which are a part of the structure may be installed provided that no such sign shall protrude more than twelve (12) inches from the wall or cover more than a maximum of twenty-five (25) percent of the wall face on which it is located and that any such sign shall be at least eight (8) feet off the ground.

Establishment 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 for review prior to development.

**6. The following additional signs shall be permitted only in the I-1 Light Industrial and I-2 Heavy Industrial zoning districts with a building permit.**

- a. Off-premise signs and devices as regulated herein directing the public to businesses, uses, products or activities conducted or available elsewhere than on the premises of that sign both illuminated and non-illuminated.
- b. The maximum area for an off-premise 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-premise sign shall be permitted where an on-premise advertising sign already exists, except with the special approval of the Board of Adjustments 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 no closer together than one hundred (100) feet. Off-

premise 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.

**7. Any existing signs in violation of the provisions of this section at the time of its adoption shall be considered as non-conforming uses or structures and subject to the restrictions of Section**

### 3.14 OFF- STREET PARKING AND LOADING

In all zones, 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, provided and maintained as herein prescribed.

#### A. 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 constructed to be the nearest whole number.
2. Whenever a use is increased in floor area, such additional parking space shall be provided that the parking space specified here in 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 building 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 upon approval of the Board of Adjustments.
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 individually required.
7. The amount of off-street parking space required for uses, buildings, or additions hereto 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.

<b>Use</b>	<b>Required Off-Street Parking Space</b>
a. One and two-family dwellings	Two (2) parking spaces for each family unit
b. Multiple Dwellings	Two (2) parking spaces per dwelling unit
c. Tourist home, cabins or motels	One (1) parking space for each sleeping room or suite including that of residence on the premises
d. Hospital, 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 member
e. Orphanages or similar uses	One (1) space for each ten (10) beds
f. Hotels	One (1) space for each three guest sleeping rooms
g. Private club, fraternities, boarding and lodging houses	One (1) space for each two (2) guest sleeping rooms
h. Community centers, libraries, museums, post offices, civic clubs, etc.	One (1) space for each one hundred (100) square feet of floor area
i. Theaters and auditoriums (other than incidental to school).	One (1) space for each four (4) seats plus one additional space for each two (2) employees
j. Schools	One (1) space for each four (4) seats in a principal auditorium or one (1) space for each classroom plus sixteen extra spaces whichever is greater
k. Dance halls, pool and billiard halls and exhibition halls without fixed seats.	One (1) space for each one hundred (100) square feet of floor area used for dancing or assembly
l. Stadium or sports areas	One (1) space for each four (4) seats
m. Bowling alleys	Five (5) parking spaces for each alley
n. Mortuaries or funeral homes	One (1) space for each fifty (50) square feet of floor space in the slumber rooms, parlors or individual funeral service rooms
o. Establishments 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 floor area plus one (1) space for each four (4) employees
p. Medical or dental clinics, banks, business or professional offices	One (1) space for each two hundred (200) square feet of floor space
q. All retail stores, including drive-in restaurants and other similar establishments except as otherwise specified herein	Highway Commercial Zone-two (2) square feet of parking space for every one (1) square foot of ground floor area
r. Beauty parlors and barber shops	Two (2) spaces per barber and beauty shop operator
s. Industrial establishments, including manufacturing, research and testing laboratories	One (1) space for each two (2) employees on the maximum working shift



t. Warehouse and storage buildings to accommodate employees and the loading and unloading of material	Sufficient parking space
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8. Off-street parking and loading regulations for all zones are as follows:
  - a. Any vehicle parking space in a commercial or industrial zone 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.
  - b. 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.
  - c. No signs shall be displayed in any such vehicle standing space except signs to direct the orderly use of such space.
  - d. The design of all of-street parking lots and means of access thereto shall be subject to the approval of the Board of Adjustments.
  - e. 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.
  - f. All parking spaces, drives, and isles in commercial and industrial zones shall be surfaced with a bituminous or other dust-free surface.
9. In all commercial and industrial zones, a minimum area of three hundred (300) square feet per car shall be required in computing the total area to be devoted to parking.

**B. Loading Space Requirements**

On the same premises with every building, structure or part thereof erected and occupied for manufacturing, storage, warehouse goods display, department stores, wholesale storage, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt of distribution of vehicles or 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 (10) foot by twenty-five (25) foot loading space, with fourteen (14) foot height clearance for every ten thousand (10,000) square feet of building floor use or land for the above mentioned purposes.

## 3.15 MANUFACTURED HOMES

### 3.151 Definitions

- A. "MANUFACTURED HOME" means any single –family residential dwelling constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. sec. 5401 et seq. as amended and rules and regulations issued thereunder, manufactured after June 15, 1976, and designed to be used as a single-family residential 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.
- B. "Mobile Home" means a structure manufactured prior to June 15, 1976 which was not required to be constructed in accordance with the federal 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.

### 3.152 For purposes of this Ordinance requirements and limitations for location and installation of manufactured homes is defined above are based upon the following classification:

- A. A Class A Manufactured Home is:
  - 1. Fabricated primarily off-site, installed or assembled at the building site as a permanent structure with transportation features removed, with permanent connections to approved water and sewer systems, in accordance with manufacturers installation requirement and local requirements as set forth herein;
  - 2. Constructed of exterior materials of the appearance of wood or masonry similar to conventionally constructed residences;
  - 3. Proper site preparation, all loose soil and organic matter shall be removed and the site prepared to allow surface water not to accumulate under the home. A polyvinyl vapor barrier shall be installed on the ground under the home at a minimum of four (4) mil.
  - 4. Placed upon a permanent masonry foundation, with approved front free footings. A footing shall be considered frost free when the depth of the footing is twelve (12) inches from grade level under the I-Beam. A perimeter footing shall be considered frost free when the depth of the footer is twenty-four (24) inches measured from final grade. Perimeter skirting shall be of masonry and similar in appearance to conventionally constructed homes.
  - 5. A minimum of twenty-four (24) feet wide as measured across sixty-five (65) percent of the total body length of the home.
  - 6. Constructed with a roof of materials acceptable for conventionally constructed dwellings, and with a pitch of not less than 3:12.
- B. A Class B Manufactured Home is a structure fabricated off-site, and transported to the building site, and is of a size and design that would otherwise be termed a "mobile home" except that it was manufactured after June 15, 1976.

### **3.153 Class A Manufactured Homes**

are permitted in any zone which includes single-family dwellings as permitted or conditional uses.

### **3.154 Class B Manufactured Homes**

are subject to the same prohibitions, restrictions and requirements which apply to mobile homes. Where the term "Mobile Home" appears in this Ordinance, the term includes Class B Manufactured Homes.

### **3.155 Mobile Home Parks**

Individual mobile homes are permitted in Residential Zone R-4 as single-family residences. Mobile Home Parks shall be permitted only as conditional uses approved by the Board of Adjustments after referral and recommendations from the Planning Commission. Mobile Home Parks shall be permitted only in the R-4 Residential District.

### **3.156 Area and Density Requirement**

No mobile home park shall be permitted in 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 complies with an overall plan approved by the Planning Commission for the entire tract. The number of mobile homes permitted in the Mobile Home Park shall not exceed a density of twelve (12) mobile homes per net acre in area served by public sewer, or six (6) mobile 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.

### **3.157 Lot Requirements**

Individual lots within a mobile 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) mobile home be permitted in a single lot. The minimum lot width shall be fifty (50) feet.

### **3.158 Setback**

No mobile homes 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 mobile home park is not bounded by a dedicated street, the minimum setback shall be thirty (30) feet.

### **3.159 Spacing**

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

#### **3.159.1 Accessory Structures**

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

#### **3.159.2 Procedure for Establishing Mobile Home Parks**

In that mobile 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 intends to develop, its location within the county, general layout or design he intends to follow and improvements he expects to install on the land. He shall then meet with the Bourbon County Joint Planning Commission; the purpose being to inform the developer of any plans that would affect his development plans and to ensure that his plans 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 Zoning Adjustment and request the necessary permission before a building permit can be issued. Any conditional requirements established by the Board of Zoning Adjustments shall be considered as a part of the official zoning regulations and failure to comply therewith shall be subject to the penalties contained herein.

### **3.159.3 Existing Mobile Homes**

All Mobile Homes located in Bourbon County as of this date shall be allowed to remain in their present location. No additional mobile homes shall be permitted on a permanent basis within Bourbon County except those locating within an approved mobile home park or as otherwise permitted with an R-4 Residential District and the A-1 (Agricultural Zone) Section 3.2 Uses Permitted G. existing mobile homes that are non-conforming uses may be replaced by new mobile homes.

### **3.159.4 Exception to Mobile Home Prohibition**

These regulations shall not be construed so as to prohibit the location or storage of a single mobile home on a lot in addition to a principal building providing the mobile home is owned by or the owner has permission from the occupant of the principal building or dwelling unit on the lot and provided the mobile home is parked on the rear of the lot and the setback and yard requirements for an accessory building in the zone are observed, and provided that the mobile home is not connected to any service utility nor used for sleeping purposes for more than two (2) weeks per year.

1. Notwithstanding any other provision of this order a mobile home may also be installed and temporarily occupied by the owner of a lot in an R-1 or R-2 zone 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 mobile home shall be installed either upon the same property as the permanent residence or upon some other lot in the same subdivision.
  - (2) Such mobile home shall be occupied for no longer than necessary for the construction or repair of the permanent residence, but in any case for not longer than is specified in the permit for such occupancy hereinafter required.
  - (3) Such mobile home shall be connected with the public sewer or other sewage disposal system approved by the Health Department.
  - (4) Such mobile 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 mobile home shall be installed only after a written permit is obtained from the Zoning Enforcement Officer, obtained upon written and verified application 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 time, for a period of not over two (2) months, by the enforcement Officer upon a showing that circumstances beyond the control of the occupant have delayed the construction or repair of the main residence.

### 3.16 JUNKYARDS

Junkyards are not designed as permitted uses in any district and are consequently non-conforming uses in all districts. They shall conform to Section 3.17 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 Kentucky Revised Statutes 177.905 through 177.990, and he shall ensure that all screening required by the Department of Highways is maintained as long as the junkyards remain in operation.

### 3.17 NON-CONFORMING USES AND STRUCTURES

Except as here in otherwise provided, the lawful use of a building or premises existing at the time of the adoption of any zoning regulations affecting it, may be continued, although such use does not conform to the provisions of such regulations, except as otherwise provided herein.

- A. No structure containing a non-conforming use shall hereinafter be expanded.
- B. Any structure containing a non-conforming use which has been damaged to the extent of fifty (50) percent or more of its fair sales value immediately prior to damage shall not be repaired or reconstructed except in conformity with this ordinance.
- C. No non-conforming use may be re-established after it has been discontinued for one year. Vacating of premises of building or non-operative status shall be evidence of a discontinued use.
- D. A non-conforming use may not be changed to any other non-conforming use except that, with the written approval of the Board of Zoning Adjustment, a non-conforming use may be changed to another non-conforming use of the same or a more restricted classification provided such changed use will not, in the opinion of the Board of Adjustment, change the character or value of other property in such neighborhood. The board may impose such conditions to its approval as it feels may be necessary to preserve the character of the neighborhood and protect the value of other neighborhood property.
- E. All non-conforming signs, billboards, junkyards, lumber yards and similar uses of open land not involving a substantial investment in permanent improvements shall be torn down, altered or otherwise made to conform within four years from the date of the adoption of this ordinance.
- F. Existing structures (including mobile homes) devoted to residential use in agricultural zones, which are considered non-conforming uses because they are on lots of less than five acres, may be repaired, reconstructed, or completely replaced with another single family dwelling (not a mobile Home).
- G. Existing uses, which at the time of adoption or amendment of the zoning ordinance would thereafter require issuance of a conditional use permit, shall be deemed to have such permit and be conforming uses without further action. The enlargement, replacement, or change of use to another permitted conditional use shall require issuance of a conditional use permit in accordance with Section 4.2 of this ordinance.

## ARTICLE IV Administration

### 4.1 ADMINISTRATIVE OFFICIAL

#### 4.11 Appointment

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

#### 4.12 Powers and Duties

- A. The Administrative Official shall issue building permits and certificates of zoning compliance 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.
- B. If the Administrative Official shall find that any of the provisions of this regulation are being violated, he 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 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.

#### 4.13 Certificates of Zoning Compliance for New, Altered or Non-Conforming Uses and/or Structures

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of structure until a certificate of zoning compliance shall have been issued therefore by the administrative official stating that proposed use of the building or land conforms to the requirements of these regulations.

Non-Conforming structures or uses to be continued, renewed, changed, or extended shall require a certificate of zoning compliance issued by the administrative official. Upon enactment or amendment of these regulations, owner or occupants of non-conforming uses or structures shall have three (3) months to apply for such certificated of zoning compliance. The certificate of zoning compliance shall state specifically wherein the non-conforming use differs from the provisions of these regulations.

A temporary certificate of zoning compliance may be issued by the Administrative Official for a period not exceeding six (60 months during alterations or partial occupancy of the building pending its completion, provided that such temporary certificate may require such conditions and safe guards as will protect the safety of the occupants and the public. The administrative official shall maintain a record of all certificates of zoning compliance, and copies shall be furnished, upon request, to any person.

Failure to obtain a certificate of zoning compliance required by the terms of this regulation shall be a violation of such regulation and punishable under Section 4.4 of these regulations.

#### 4.14 Construction and Use To Be As Provided In Applications, Plans Permits, and Certificates of Zoning Compliance

Certificates of zoning compliance issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement, or construction set forth in such approved plan and applications, and any other use, arrangement, or construction or variance with that authorized shall be deemed a violation of this regulation and punishable as provided by section 4.4 hereof.

## **4.2 THE BOARD OF ADJUSTMENT**

### **4.21 Creation and Procedure**

A County Board of Adjustment is hereby established, which shall consist of five (5) members. All members shall be citizen members appointed by the Fiscal Court, each for a period of four (4) years, and member of the Board of Adjustment may be removed from office by the Fiscal Court for cause upon written charges and after public hearing. Vacancies shall be filled by the Fiscal Court 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) years or older, (2) a high school graduate, (3) a property owner, and (4) a resident of Bourbon County for five (5) years or more. The term of office of the initial members shall be staggered as in KRS 100.217 provided.

### **4.22 Meeting of Board: Quorum: Minutes: Bylaws**

- A. The Board of Adjustment shall conduct meetings at the call of the chairman, who shall give written or oral notice to all members of the Board at least five (5) days prior to the meeting, which notice shall contain the date, time and place for the meeting, and subject or subjects which will be discussed.
- B. A simple majority of the total membership of the Board of Adjustments 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 from voting on the question.
- C. 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, and determinations and the number of votes for and against each question, and if any member is absent or abstains from voting indicating the fact, of all which 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 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.

### **4.23 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 agent receives notice of the action appealed from, by filing with said office and with the Board a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. 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 appearance, and all shall be given an opportunity to be heard.

#### **4.24 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 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.

#### **4.25 Stay of Proceedings**

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, that the reason of facts stated in the certificate, a stay would, in his 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. Notice shall be given to the Administrative Official from whom the appeal is taken and on due cause shown.

#### **4.26 The Board of Adjustment Power and Duties**

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 Section 4.22-4.24. 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, requirements, 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.

#### **4.27 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 for uses which are specifically named in the zoning regulations as permissible only in specific applications in the zone 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 limitation, requirements that one 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 construction. The Board shall have power to revoke conditional use permits, or variance for non-compliance with the condition thereof. Furthermore, the Board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in persona for such cost.
- B. 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 year, if no specific time limit has been set, such conditional use permit shall expire. Expired, 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 or contracts for the main building or other improvements is under construction 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 face 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 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 week prior to the hearing. If the Board of Adjustment finds that the fact(s) 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 which is on file with the county clerk, as is required in KRS 100.344. Therefore said use, if it continues to meet the other requirements, will be treated as a permitted use.

#### **4.28 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 or width of building or size of yards, 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 zone. The board may impose any reasonable conditions or restrictions on any variance it decides to grant.

When a proposed development requires a subdivision and one (1) or more variances, the planning commission may hear and finally decide applications for variances at the same hearing. The applicant for a subdivision at the time of the filing of the application for the

subdivision may elect in writing to be heard and finally decided by the planning commission at the same public hearing set for the subdivision.

- B. 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:
  - A. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone:
  - B. 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
  - C. 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 regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.
- C. 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 regulation does not include sufficient land to conform to the yard and other requirements of this regulation, an application may be submitted to the Board of Adjustment for a variance from the terms of this regulation. Such lot 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.
- D. 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.

## 4.3 APPEALS FROM COMMISSION OR BOARD OF ADJUSTMENT

### 4.31 Procedure

- A. Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission or Board of Adjustment may appeal from the action to the circuit court in which the land lies. Such appeal shall be taken within thirty (30) days after the final action of the Commission or Board. Final action shall not include Commission's recommendations made to other governmental bodies.
- B. All appeals shall be taken in the appropriate circuit court within thirty (30) days after the action or decision of the Planning Commission or Board of Adjustment and all decisions which have not been appealed within thirty (30) days shall become final. After the appeal is taken, the procedure shall be governed by the rules of civil procedure. When an appeal has been filed, the clerk of the circuit court shall issue a summons to all parties, including the Planning Commission in all cases, and shall cause it to be delivered for service as in any other law action.
- C. It is the intent of this order that all questions of interpretation and enforcement shall first be presented to the Administrative Official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Administrative Official, and that recourse from the decision of the Board of Adjustment shall be to the courts as provided by law.

## 4.4 PENALTIES FOR VIOLATION

Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 and 100.99 (2) or any of these regulations for which no other penalty is provided, shall upon conviction be fined not less than ten (10) but no more than five hundred (500) dollars for each conviction. Each day of violation shall constitute a separate offense.

## ARTICLE V Amendment Procedures

### 5.1 AMENDMENT PROCEDURE

For the purpose of establishing and maintaining sound, stable, and desirable development within Bourbon County, neither these regulations nor the official zoning map, shall be amended except as follows:

- A. Amendments to Zoning Regulations; Hearings
  1. A proposal for amendment to any zoning regulation or the zoning map may originate with the Planning Commission, with the Fiscal Court or any legislative body which is a member of the unit, or with the owner of the property in question. Regardless of the origin of the proposed amendment, it shall be referred to the Planning Commission before adoption. The Planning Commission shall then hold at least one public hearing before adoption. The Planning Commission shall then hold at least one public hearing after notice as required by KRS Ch 424 and make recommendations to the Fiscal Court and it shall take a majority of the Fiscal Court to override the recommendation of the Planning Commission.
  2. All procedures for public notice, publication, and adoption of an amendment shall be the same as for the original enactment of a zoning regulation.
  3. The zoning regulations shall not be amended, changed, or modified in such a manner as to create a free standing zone of less than five (5) acres, except for B-1 Highway Commercial which may be as small as three (3) acres, except by vote of two-thirds of the members present and voting.
- B. Findings necessary for Map Amendment: Before any map amendment is granted, the Planning Commission and the Fiscal Court must find that the map amendment is in agreement with the community's comprehensive plan, or in the absence of such finding, that one or more of the following apply and such findings all be recorded in the minutes and records of the Planning Commission and Fiscal Court.
  1. That the existing zoning classification given to the property is inappropriate and that the proposed zoning is appropriate.
  2. That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the community's adopted comprehensive plan and which have substantially altered the basic character of such area.
  3. That the change is from agricultural to residential, that the change is not inconsistent with the comprehensive plan and would not be detrimental to the neighborhood or place any added unreasonable burden on any county highway involved or the county school system.

C. Map Amendment Procedures

1. If a zoning map Amendment originates with the owner, a Development Plan shall be submitted as set forth below. The Development Plan may be amended by the Commission.
2. The 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. This reduces the time required for review before the Commission and appropriate legislative bodies. Once approved by the Commission the Development Plan shall be followed. The development Plan shall run with the land
3. The following data shall be shown unless permission is obtained from the Administrator prior to submission.
  - a. Topographic data as required in Section 603 of the Bourbon County Subdivision Regulations.
  - b. Name of adjacent property owner.
  - c. Names, location, width, and cross-sections of all existing platted streets or other public ways within or adjacent to the property and existing utility easements.
  - d. Names, location, width, and cross-sections of all proposed streets and proposed utility easements.
  - e. Building setback lines,
  - f. Location, arrangement, and dimensions of proposed and existing driveways, sidewalks, parking lots, and points of access to existing streets.
  - g. Preliminary size and location of all proposed underground utility lines: water, sewer, gas and telephone.
  - h. Certification from water, sewer, and sanitation utilities stating their ability to provide services.
  - i. Proposed screening and landscaping.
  - j. Size, location, height, floor area of existing and proposed buildings may present typical buildings.
  - k. Copy of proposed restrictions and covenant if applicable.
  - l. Statistical Summary of Site Data to include the following: site area, zoning, building coverage, floor area, parking, open space and number of units.
  - m. Information in title blocks and certifications should conform to requirements of Section 603 of the Bourbon County Subdivision Regulations while identifying the plat as a Development Plan.
4. The requirement for a Development Plan may be waived upon application to the Commission and a proper showing of good reason therefore shown to Commission.

## Article VI Miscellaneous

### 6.1 Schedule of Fees, Charges, and Expenses

This Fiscal Court of the County of Bourbon 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 Fiscal Court.

No permit, certificate or variance shall be issued unless or until such costs, charges, fees or expenses listed below have been paid in full, or shall any action be taken or proceedings had before the Board of Adjustments unless or until preliminary charges and fees have been paid in full.

Estimated Cost of Construction	Permit Fee	Combined Permit and Certificate and Compliance Fee
\$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.		

<b>BOARD OF ADJUSTMENT FEES</b>	
Conditional Use Permit	\$250
Variance	\$200
Administrative Appeal	\$100
Special Meeting	\$400 + Regular Fee
Penalties	Double the Regular Fee

<b>PLANNING COMMISSION FEES</b>	
<b>Divisions of Land</b>	
Agricultural Land Divisions	\$175
Minor Subdivisions	\$150
Major Subdivision (Preliminary Plat)	\$300
Major Subdivision (Final Plat)	\$150
Amended Plat	\$150
<b>Development Plans</b>	
Development Plan (Preliminary)	\$300
Development Plan (Final)	\$150
Amended Development Plan	\$150

<b>Zoning Amendments</b>	
Zoning Text Amendment	\$400
Zoning Map Amendment	\$400
<b>Special Meeting</b>	\$850 + Regular Fee

**APPENDIX 1: FREEZE ORDER ON SEPTIC TANKS**

ORIGINAL ORDER – This matter coming on regularly to be heard upon the considerable danger to public life, health, and welfare existing in some places in the County and in neighboring counties due to inadequate provisions for the disposition of sewage, the failure of inadequacy of septic tank system, and changes in permeability caused by final grading; and the Court having secured the advice of the Housing and Urban Development Department, of the Farmer’s Home Administration and of local health Department, of the Farmer’s Home Administration and of local Health Officials; and Dr. W.E. Davis, Bourbon County Health Officer, having publicly stated that he had felt septic tank systems to be a danger to public health and welfare in Bourbon County for over fifteen years, but was unable under existing law to prohibit them; and the Court having entered in indefinite freeze of development on February 6, 1975, being sufficiently advised.

It is hereby ordered pursuant to K.R.S. 67.083 and other sautés relating to the public life, health, and welfare, as follows:

1. That no request for a zoning change, application for approval of a subdivision plan, or application for a building permit in Boron County shall be granted or approved, and certificate of zoning compliance or occupancy permit shall be issued unless:
  - A. The proposed development or construction is to be connected to a municipal sewer system: or,
  - B. The proposed development or construction will have a central sewage disposal system approved by the Bourbon County Board of Health and the Board of Health of the Commonwealth of Kentucky; or
  - C. Any area where an on-site sewage disposal system consisting of a septic tank or tanks is to be used contains no less than five acres per single family residence, or five acres for each five tenants or employees where multi-family, commercial, or industrial use is proposed: or,
  - D. This order shall not apply to any single family residence lot of record in the Office of the Clerk of the Bourbon County Court of February 6, 1975, not any subdivision for which a Subdivision Development Plan or plan had been considered for preliminary approval of final approval by the Bourbon County Joint Planning Commission prior to February 6, 1975.
2. The Bourbon County Zoning and Planning Commission shall not consider or approve any application for a zoning change, or any preliminary or final plat or plan not in compliance with this order; and the Enforcement Officer shall not issue any building permit, certificate of zoning compliance or occupancy permit until this order has been complied with.
3. The Order shall become effective immediately upon its adoption, the general welfare demanding it, and shall continue in effect pending further Order of the Court.
4. The Fiscal Court recommends to the Bourbon County Joint Planning Commission that for purposes of emphasis this Order be made part of the Zoning Ordinance of Bourbon County, KY as Section 1.41 of Article 1, and that Section 505 of the Subdivision Regulations of Bourbon County, Kentucky, and all other relevant section of said regulation and of the Zoning Ordinance be amended to conform with the terms and provisions of the Order.

5. Be it resolved that, upon the recommendation of the Bourbon County Joint Planning Commission, the requirement that not dwelling, commercial establishment, or industry shall be erected without connection to a municipal sewer, package treatment plant or upon a lot containing at least five acres for each four persons occupying the same, or for each family group, shall not apply to a lot of one acre, or more, conveyed within the first degree of kindred by blood or marriage, provided that a permanent easement for sufficient additional sub-surface drainage to make a total of five (5) acres is also conveyed concurrently; and further provided that not two (2) such drainage easements shall overlay. Such easement shall be shown in the property conveyed and recorded with deed to be filed in the County Clerk's Office.
6. The Planning Commission shall permit with their approval, the conveyance of a portion of property of less than five acres for residential use where:
  - A. There is an existing residence thereon constructed prior to February 6, 1975, served by a septic tank on such property approved by the County Health Department;
  - B. Such lot is in or adjacent to an area in a city or an unincorporated village zoned residential;
  - C. Such lot is equal in width and size to the zoning requirement of the residential area involved, or, if this is not possible substantially equal in size and width to a substantial portion of all other residential lots in the neighborhood; and
  - D. The remaining portion of the grantor's property from which the lot is subdivided is at least five acres in size and with adequate access to a public road.
7. Upon recommendation of the Planning and Zoning Commission approval be given of the amendment to the Septic Tank Ordinance which would allow conveyance of less than five (5) acres where there is more than one house on a lot of record, each with its own septic tank facilities, but the subdivision of the lot could not be made of five acres with each house, with the approval of the Planning Commission and subject to such conditions as the Planning Commission may at that time impose.
8. Premises zoned residential prior to February 6, 1975, the date of the implementation of the "Septic Tank Freeze Ordinance" and /or the concurrent and complementing amendment of the zoning ordinance whether with or without septic tank systems located thereon at such time and whether or not at the time subdivided, may be subdivided into lots less than five (5) acres in size and developed with septic tank systems under the following conditions:
  - A. That the proposed subdivision and development comply with all other regulations and requirements appropriate to the residential zoning classification of the property proposed to be subdivided and developed, and
  - B. That the proposed septic tank system received the approval of the proper health authorities prior to submission of a request for the approval of the proposed subdivision and development to the Planning Commissions or the Building inspector for a building permit.
  - C. This amendment shall apply to the following Residential designated area in or adjacent to the following unincorporated villages, to-wit:
    1. Centerville
    2. Shahan
    3. Ruddles Mills
    4. Clintonville
    5. Little Rock
  - D. It is the intention and purpose of this amendment to carry out the provisions in the 1978 Bourbon County Comprehensive Plan providing for growth in "rural growth" areas without sewer systems. In those areas designated above, there are no sewer systems and limited development shall be allowed on septic tanks. It is not intended to apply to the development of subdivisions even in those areas. If three (3) or more



houses are to be built on the same tract of land, then the Planning Commission must review the proposal of the subdivision and consider the proposal. It is the sole intent of this amendment to facilitate growth in areas zoned residential as stated, without the necessity of having five (5) acres to build a house.

9. The "Septic Tank Freeze Order" enacted on February 6, 1975, shall not apply to a lot remaining after a larger lot, which was a lot of record as of February 6, 1975, is subdivided in order to allow for a linear R.O.W. in fee simple, owned by a railroad, highway authority, governmental unit, or other public utility to be placed across or to continue operation adjoining this lot of record when and at such time as the Paris-Bourbon Joint Planning Commission finds as follows:
  - A. Where there is a R.O.W. in fee simple existing as of June 18, 1980, that :
    1. The land to be conveyed is adjacent to the existing R.O.W. was part of an original lot of record; and
    2. The railroad, highway authority, governmental unit or public utility shall retain, out of the original lot of record, only those lands necessary for the R.O.W. : and
    3. Those lands conveyed under such subdivisions must conform with and satisfy the minimum requirements of the zone in which the property is located, including, but not limited to, the use and size requirements, or the property to be conveyed shall become an integral part of the adjoining property; and
    4. Those lands conveyed shall be developed and maintained in accordance with the minimum requirements of the zone in which the property is located, including, but not limited to, use and size requirements.
  - B. Where a R.O.W. is purchased, in fee, by a railroad, highway authority, governmental unit or public utility, subsequent to June 18, 1980, that:
    1. The land to be conveyed is adjacent to the existing R.O.W. of the railroad, highway authority, governmental unit or public utility; and
    2. The lot of record out of which the R.O.W. is conveyed in fee simple, satisfied the minimum requirements of the zone in which the property is located; and
    3. That property remaining after a portion of the original lot of record is conveyed to the R.O.W. authority shall conform with and satisfy the minimum requirements of the zone, including, but not limited to, use and size of the zone in which the property is located, or the property remaining shall become an integral part of the property adjoining the property in questions; and
    4. That property remaining after a portion of the original lot of record is conveyed to the R.O.W. authority shall be developed and maintained in accordance with the minimum requirements of the zone in which the property is located.
  - C. To allow development in accordance with Bourbon County Zoning regulation on lots, which are not lots of record only because a R.O.W., owned in fee by a railroad, highway authority, governmental unit, or public utility for a public purpose, was contained as part, and now subtracted from, a lot of record as of 2/6/75 and would not be usable due to the provisions of the septic tank freeze order.
  - D. To alleviate hardship which could be created through action of a government or public utility, with respect to creation of new R.O.W. that would adversely affect a property owner by creating new lots or severed remains not conveyable or developable from property of tracts which before the action of said government or public utility would have been of sufficient size to be conveyed or developed.
  - E. For the purpose of this amendment, a highway authority shall be defined as any agency under federal, state or local authority, which is statute, shall have the power of eminent domain to acquire and use privately owned property for a public purpose.

10. This order shall not apply to any lot of record in the Office of the Bourbon County Clerk on February 6, 1975, which is located in a Commercial B-1 or Commercial B-2 zone as of February 6, 1975, provided however, all laws, statutes, regulations, and ordinances of the United States, Commonwealth of Kentucky, and Bourbon County, Kentucky, shall apply and be enforced relating to the installation and use of septic tank sewage systems or any sewage system on said lots.

## 6.2 TELECOMMUNICATION TOWERS

- A. **Purpose** The purpose of these regulations are: (1) to provide for the safest and most efficient integration of cellular antenna towers for cellular telecommunications services or personal communications services within the community; (2) to provide for such facilities in coordination with the recommendations of the comprehensive plan; and (3) to allow for such facilities with the intention of furthering the public health, safety, and general welfare; (4) promotion of co-location; (5) aesthetic protection in residential districts, small community districts, central business district and scenic highways; (6) 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, (Known hereinafter referred to as “historic properties”.)
- B. **Pre- Application Process** 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.
- C. **Definitions** For the purposes of these regulations, the following definitions shall apply:
1. “CELLULAR ANTENNA TOWER” means a tower constructed for, or an existing facility that has been adapted for, the location of transmission of related equipment to be used in the provision of cellular telecommunications services or personal communications services.
  2. “CELLULAR TELECOMMUNICATIONS SERVICE” means a retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.
  3. “CO-LOCATION” means locating two (2) or more transmission antennas or related equipment on the same cellular antenna tower or other applicable structure.
  4. “DEVELOPMENT PLAN” means a presentation in the form of sketches, maps and drawings (plans and profiles) of a proposed use and/or structure by the owner or developer of the land which sets forth in detail the intended development, according to the standards and procedures in Article IV (Development Approval Procedure) and Articles V through VIII.
  5. “PBCJPC” means Paris-Bourbon County Joint Planning Commission or Planning Commission.
  6. “PERSONAL COMUNICATION SERVICE” has the meaning as defined in 47 U.S.C. sec. 322□.
  7. “UNIFORM APPLICATION” means an application to construct a cellular antenna tower submitted to a planning commission in conformity with KRS 100.987 and KRS 100.9865.
  8. “UTILITY” has the meaning as defined in KRS 278.010(3).
  9. “ANTENNAS OR RELATED EQUIPMENT” means transmitting, receiving, or other equipment used to support cellular telecommunications service or personal communications service. This definition does not include towers.
- D. **General**
1. A cellular antenna tower for cellular telecommunications services or personal communications services may be allowed:
    - a. In any (A-1) Agricultural, (B) Business or (I) Industrial District, except those within the districts containing the central business district, historic properties or scenic highways.
    - b. And after a review by the Paris-Bourbon County Joint Planning Commission, in accordance with the adopted goals and objectives of the Paris-Bourbon County

Comprehensive Plan, the regulations contained within the Zoning Ordinance and these Cellular Communications Commission.

- c. Location of a cellular tower in a ® Residential District, (A-2) Small Community District, historic properties, central business or near scenic highways should be avoided.
  2. 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 an existing antenna tower shall be made only in accordance with these regulations.
  3. 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 antenna tower for cellular telecommunications services or personal communications services request filed pursuant to this section. 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, (Editor's Note: As authorized in KRS100, the Planning Commissions may modify an existing Conditional Use Permit in conjunction with a request for review of a proposal to construct an antenna tower for cellular telecommunications services or personal communications services).
- E. **Applicability** 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 planning commission. The Planning Commission shall not regulate the placement of antennas or related equipment on an existing structure (co-location).
- F. **Application Requirements** Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall include the following;
1. The full name and address of the applicant.
  2. The applicant's articles of incorporation, if applicable.
  3. A geotechnical investigation report signed and sealed by a professional engineer registered in Kentucky that includes boring logs and foundation design recommendations.
  4. A written report, prepared by a professional engineer or land surveyor, of findings as to the proximity of the proposed site to flood hazard areas.
  5. Clear directions from the City of Paris to the proposed site, including highway numbers and street names, if applicable, with the telephone number of the person who prepared the directions.
  6. The lease or sale agreement for the property on which the tower is proposed to be located, except that, if the agreement has been filed in abbreviated form with the Bourbon County Clerk, an applicant may file a copy of the agreement as recorded by the county clerk and, if applicable, the portion of the agreement that specifies, in the case of abandonment, a method that the utility will follow in dismantling and removing the proposed cellular antenna tower including a timetable for removal.
  7. The identity and qualifications of each person directly responsible for the design and construction of the proposed tower.
  8. A (site) development plan or survey, signed and sealed by a professional engineer registered in Kentucky, that shows the proposed location of the

- tower and all easements and existing structures within five hundred (500) feet of the proposed site on the property on which the tower will be located, and all easements and existing structures within two hundred (200) feet of the access drive, including the intersection with the public street system.
9. A vertical profile sketch of the tower, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of the antennas.
  10. The tower and foundation design plans and a description of the standard according to which the tower was designed, signed, and sealed by a professional engineer registered in Kentucky.
  11. A map, drawn to scale no less than one (1) inch equals two hundred (200) feet, which identifies every structure and every owner of real estate within five hundred (500) feet of the proposed tower.
  12. A statement that every person who, according to the records of the property valuation administrator, owns property within five hundred (500) feet of the proposed tower or property continuous to the site upon which the tower is proposed to be constructed, has been:
    - a. Notified by certified mail, return receipt requested, of the proposed construction which notice shall include a map of the location of the proposed construction.
    - b. Given the telephone number and address of the local planning commission; and
    - c. Informed of his or her right to participate in the planning commission's proceedings on this application.
  13. A list of the property owners who received this notice, together with copies of the certified letters sent to the listed property owners.
  14. A statement that the chief executive officer of the appropriate and affected local government and the legislative body (City of Paris, Bourbon County Fiscal Court, Town of Millersburg, Town of North Middletown) have been notified, in writing, of the proposed construction.
  15. A copy of the notice sent to the chief executive officer of the appropriate and affected local government and the legislative body (see#14).
  16. A statement that:
    - a. 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, has been posted on a visible location on the proposed site; and
    - b. a written notice, at least two (20 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, has been posted on the public road nearest the site.
  17. A statement that notice of the location of the proposed construction has been published in a newspaper of general circulation in the county in which the construction is proposed.
  18. A brief description of the character of the general area in which the tower is proposed to be constructed, which includes the existing land use and zoning for the specific property involved.

19. A statement that the applicant has considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided, and that there is no reasonably available opportunity to locate its antennas and related facilities on an existing structure (i.e., co-locate), including documentation of attempts to locate its antennas and related facilities on an existing structure, if any, with supporting radio frequency analysis, where applicable, and a statement indicating that the applicant attempted to locate its antennas and related facilities on a tower designated to host multiple wireless service providers' facilities or on an existing structure, such as a telecommunications tower or other suitable structure capable of supporting the applicant's antennas and related facilities.
20. A map of the area in which the tower is proposed to be located, that is drawn to scale, and that clearly depicts the necessary search area within which an antenna tower should, pursuant to radio frequency requirements, be located.
21. A grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes:
  - a. All of the planning unit's jurisdiction; and
  - b. A one half (1/2) mile area outside of the boundaries of the planning unit's jurisdiction, if that area contains either existing or proposed construction sites for cellular antenna towers.

**G. Confidentiality of Application**

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 the 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 the subsection shall be guilty of official misconduct in the second degree as provided under KRS 522.030. The confidentiality of the applications and any updates of the application can be waived by the written authorization of the applicant.

#### H. **Application Fee**

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. (\*1) This fee includes review of the Planning Commission based upon the required development plan, review of the Planning Commission for grading and construction plans as defined by the Subdivision & Development Regulations, review and permitting by the Building Department. 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 of the Planning Commission of r grading and construction plans (if needed) as defined by the Subdivision & Development Regulations, review and permitting by the Building Department.

(\*1) Note that \$2,500 is the maximum aggregate amount for an application fee and any applicable buildings permit fees per HB 270, Section 4.

#### I. **Processing of Application**

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

1. 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.
2. 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 the site” and including the addresses and telephone numbers of the applicant and the Planning Commission.
3. 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 participated in the planning commission’s proceedings on the application. 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 or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.

4. 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 if there is not written agreement between the Planning Commission to issue a decision, it shall be presumed that the Planning Commission has approved the utility's uniform application.
5. The Planning Commission Technical Review Committee will review the application, and then forward their comments to the Commission. The evaluation will be based on the following criteria:
  - a. 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.
  - b. Agreement with the various elements of the Paris-Bourbon County Comprehensive Plan, and where applicable, any other adopted plans.
  - c. Extent to which the proposal is consistent with the purposes of these regulations.
  - d. Adequacy of the proposed site, considering such factors as the sufficiency of the site to comply with the established Design Standards listed in Section ( ) of these regulations.
  - e. Extent to which the proposal responds to the impact of the proposed development on adjacent land uses, especially in terms of visual impact.
  - f. Extent to which the proposed facility is integrated with existing structures or the extent to which the proposed cellular antenna tower uses stealth technology.
6. Upon approval of a cell tower application, a building permit shall be issued within five (5) years of Planning Commission approval of the site plan. From issuance of the building permit no more than two extensions may be obtained. Otherwise, the plan shall be deemed as disapproved by the Commission and the applicant must reapply. (*Fiscal Court Ordinance 05-25-17-02*)

**J. Amendments**

Commission, or its duly authorized representative, shall be made in accordance with the procedure required Subsection F., above, subject to the same limitations and requirements as those under which such plans were originally approved.

**K. 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.

2. The site configuration should be formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc.).
3. 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, small community 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 towers are discouraged in residential districts, small community districts, historic properties or the central business district, 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.
4. When a 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/TIA 222-F standards and other applicable state standards.
5. Cellular antenna towers shall not be illuminated, except in accordance with other state or federal regulations.
6. 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.
7. 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.
8. 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.
9. Surfacing of all driveways and off-street parking areas shall comply with the requirements of the applicable { } Zoning Ordinance.
10. 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.
11. All new cellular antenna towers shall be designed and constructed to reasonably accommodate a minimum of three (3) service providers. This includes space onsite to accommodate the ground equipment for the three (3) additional providers.
12. All option and site lease agreements shall not prohibit the possibility of co-location.

13. 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.
14. In residential district, small community districts, historic properties and the central business district, all antenna towers and related structures shall comply with the yard setbacks for that district/district, plus three (3) times the height of the tower.
15. In agricultural districts other than small community 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.
16. In all (B) business, (I) industrial and professional office districts (excluding historic properties or 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.
17. All antenna towers and related structures, except fences, where adjacent to a residential district, small community 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, small community district, historic district or the central business district. Options for screening include, but are not limited to: fencing, plant material, or berms.
18. 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.

**L. Existing Telecommunication Facilities**

Telecommunications facilities in existence on the date of the adoption of this ordinance which comply with this ordinance ("existing telecommunications facilities") are subject to the following provisions:

1. Existing telecommunication 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.
2. 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.
3. 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.

4. Any such replacement, repair, reconstruction or enlargement shall not violate the design standards described in B.2 above beyond that existing at the date of the adoption of this ordinance.
5. 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.

#### **M. Maintenance Removal**

1. Include in any contract with an owner of property upon which a cellular antenna tower is to be constructed, 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 the 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 all of the facilities 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 structure is to be reused, the owner shall have not 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 that is 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 within sixty (60) days of obtaining the demolition permit. If the owner fails to remove an antenna or tower in the time provided by the 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.

**N. Necessity and Function**

To establish policy and outline for construction review or inspection procedures including scope of inspections, qualifications of inspectors, continuing professional development and training, and construction review standard forms such as: (a) Daily Reports; (b) Testing Reports; (c) Scheduled Notices; (d) Final Punch Lists; (e) Deviation Notices; (f) Violation Notices; (g) Status Reports; (h) Certifications – Acceptance for Maintenance; and (l) Guarantee Reduction or Release Certifications.

**O. Severability**

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