CITY OF PEMBROKE

KENTUCKY

ZONING ORDINANCE

PREPARED BY THE
HOPKINSVILLE-CHRISTIAN COUNTY
PLANNING COMMISSION

JULY 29, 1997

As Amended October 25, 2017

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PREAMBLE

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

WHEREAS the Kentucky Revised Statutes (KRS), Chapter 100, provides the standards for the City of Pembroke to enact a Zoning Ordinance to provide for the administration, amendment and enforcement of the same; and

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

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

NOW, THEREFORE, be it ordained by the Board of Commissioners of the City of Pembroke, Kentucky.

ARTICLE 1, INTRODUCTION

Pembroke is a community poised to experience rapid growth and change. Internal and external pressures will dictate the rate of development of the community and, left unchecked, these pressures could force Pembroke to evolve in directions neither anticipated nor desired. The Zoning Ordinance has been designed to take a preemptive approach in allowing for and anticipating growth beneficial to the whole community of Pembroke. Creative land use planning techniques have been incorporated into this Ordinance that maximize the utilization of resources. By adoption of a Comprehensive Plan, Pembroke has recognized the potential of its community; and, by adoption of this Zoning Ordinance, Pembroke is taking the necessary steps to encourage prosperous growth and development. The Pembroke Zoning Ordinance is written to reflect this attitude.

ARTICLE 2, TITLE, INTERPRETATION AND ENACTMENT

2.0 TITLE

This Ordinance shall be known and may be cited as the Zoning Ordinance text of the City of Pembroke.

2.1 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

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

2.2 SEVERABILITY CLAUSE

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

2.3 REPEAL OF CONFLICTING ORDINANCE, EFFECTIVE DATE

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

_____, 19___.

Passed by the City Commission of Pembroke, Kentucky this day of

_____, 19___.

1st Reading Passed _____
Date

2nd Reading Passed _____
Date

Approved _____
Mayor

Attest _____
City Clerk

ARTICLE 3, DEFINITIONS

3.0 APPLICATION AND INTERPRETATION

A. For the purpose of these regulations, certain numbers, abbreviations, terms, words, and phrases used herein shall be used, interpreted, and defined as set forth in this article.

B. Whenever any words and phrases used herein are not defined herein but are defined in the state laws regulating the creation and function of a planning agency, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.

C. For the purpose of these regulations, certain words and phrases used herein shall be interpreted as follows:

1. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity.

2. The masculine includes the feminine.

3. The present tense includes the past and future tense.

4. The singular number includes the plural.

5. The word "shall" indicates a mandatory requirement, the word "may" indicates a permissive requirement, and the word "should" indicates a preferred requirement.

6. The words "used" or "occupied" include the words "intended, arranged, or designed to be used or occupied".

7. The word "lot" includes the words "plot", "parcel", and "tract".

3.1 WORDS AND PHRASES DEFINED

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

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

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

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

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

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

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

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

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

a. The operation of any such accessory use shall be secondary to that of the normal agricultural activities;

b. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within one hundred (100) feet of any residential zoning district;

c. The agriculture use does not include the operation or maintenance of a commercial stockyard or feedlot where large numbers of livestock are fed concentrated feed particularly for the purpose of fattening for market.

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

AISLE - The travelled way by which cars enter and depart parking spaces.

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

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

AMENITY - A natural or man-made feature which enhances or makes more attractive or

satisfying a particular property.

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

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

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

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

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

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

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

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

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

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

BOARD - The Board of Zoning Adjustment; the officially constituted body whose principal duties

are to grant variances from the strict application of the Zoning Ordinance, and to grant and approve conditional use permits.

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

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

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

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

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

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

BUILDING LINE - The line established by law, beyond which a building shall not extend, except as specifically provided by law.

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

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

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

BUSINESS, CONVENIENCE - Commercial establishments which cater to and can be located proximity to or within residential districts without creating excessive congestion, noise or other objectionable influences. Convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carryouts, dry cleaning and laundry facilities, and small grocery stores, if the

aggregate total floor area of such facilities does not exceed 10,000 square feet. Uses in this classification tend to serve the day-to-day needs of the neighborhood.

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

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

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

BUSINESS, SERVICE - Any profit making activity which renders services primarily to other commercial or industrial enterprises, or which services and repair appliances and machines used in businesses and home.

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

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

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

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

CENTRAL BUSINESS DISTRICT (CBD) - The major shopping area within a city usually containing, in addition to retail uses, governmental offices, service uses, professional, cultural,

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

CERTIFICATE OF USE AND OCCUPANCY - The certificate issued by the building official which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of this Ordinance for the use and occupancy of the building with any special stipulations or conditions of the building permit.

CERTIFICATION - A written statement by the appropriate offices that required constructions, inspections, tests or notices have been performed and comply with applicable requirements.

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

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

CHARACTERISTICS OF USE - The use which is characteristic of the principal use of any area of land, a building or structure.

CHILD CARE CENTER -

a. FAMILY DAY CARE CENTER - A private establishment enrolling one (1) to seven (7) children.

b. GROUP DAY CARE CENTER - A private establishment enrolling more than seven (7) and less than twelve (12) children.

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

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

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

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

of environmentally sensitive features.

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

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

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

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

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

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

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

CONDITIONAL USE - A special use permitted within a zoning district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Adjustment. Conditional uses permitted in each district are listed in the Official Schedule of uses (Appendix A).

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

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

CONSOLIDATION - The removal of lot lines between continuous parcels.

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

CONVERSION - A change in the use of land or structure.

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

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

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

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

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

DEED - A legal document conveying ownership or real property.

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

DENSITY - The average number of families, persons, or housing units per unit of land, usually expressed "per acre".

a. GROSS DENSITY - The number of dwelling units per acre of the total land to be developed, including public rights-of way.

b. NET DENSITY - The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding public rights-of way.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EASEMENT DRAINAGE - An easement required for the installation of storm water sewers or drainage ditches, and/or required for the preservation or maintenance of a natural stream or water course of other drainage facility.

EAVE- the line formed by the intersection of the plane formed by the top edge of the purlins and the plane formed by the outside edge of the sidewall girts.

EAVE HEIGHT- the distance from the average elevation of the finished grade within 20 feet of the structure to the eave.

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

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

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

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

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

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

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

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

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

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

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

FARM VACATION ENTERPRISES (PROFIT OR NON-PROFIT) ~Farms adapted for use as

vacation farms picnicking and sports areas, fishing waters, camping, scenery, and nature recreational area; hunting areas, hunting preserves and watershed programs.

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

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

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

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

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

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

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

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

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

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

FLOOD PLAIN , 100 YEAR - A flood having a peak discharge which can be expected to be

equalled or exceeded on the average of once in a hundred year period. The 100-year frequency flood is equivalent to a flood having probability of occurrence of one percent (1%) in any given year (a flood magnitude which has a one percent chance of being equalled or exceeded in any given year).

FLOODWAY - The channel of a river or stream and those portions of the floodplain adjoining the channel. which are reasonably required to carry and discharge the floodwater or flood flow of any river or stream.

FLOODWAY FRINGE - Those portions of the flood hazard areas lying outside the floodway.

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

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

FLOOR AREA, USABLE - Same as gross floor area.

FLOOR AREA/RATIO - The floor area of the building divided by the area of the lots on which such building is located.

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

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

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

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

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

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

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

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

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

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

HEIGHT (PRINCIPAL STRUCTURE)-The vertical distance of a structure measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the structure.

HEIGHT(ACCESSORY STRUCTURE)-The vertical distance of a structure measured from the average elevation of the finished grade within 20 feet of the structure to the eave of the structure.

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

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

HOME OCCUPATION -An occupation conducted in a dwelling unit7 provided that:

a. No more than two (2) persons other than members of the family residing on the premises shall be engaged in such occupation;

b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25%) of floor area of the dwelling units shall be used in the conduct of the home occupation;

c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not

d. exceeding four (4) square feet in area, non-illuminated, and mounted flat against the wall of

the principal building.

d. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Ordinance, and shall not be located in a required front yard.

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

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

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

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

IMPROVED LOT - A lot containing an improvement.

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

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

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

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

INGRESS - Access or entry.

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

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

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

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

KENNEL - Any premises where three (3) or more animals over four (4) months of age are housed, groomed, bred, boarded, trained or sold and which may offer provisions for minor medical treatment.

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

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

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

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

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

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

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

a. A single lot of record;

b. A portion of lot of record;

c. A combination of complete lots of record, or of complete lots of record and portions of lots of record, or of portions of lots of record.

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

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

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

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

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

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

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

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

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

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

a. DEPTH - The distance between the mid-points of straight line connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

b. INTERIOR LOT - A lot with frontage on only one street.

c. THROUGH LOT - A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

d. REVERSED FRONTAGE LOT - A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

LOT OF RECORD - A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat.

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

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

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

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

MANUFACTURING, LIGHT - Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

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

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

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

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

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

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

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

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

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

OCCUPANCY - The individual or individuals in actual possession of a premises.

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

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

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

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

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

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

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

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

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

PEDESTRIAN - An individual who travels on foot.

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

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

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

PERSON - An individual, or firm, partnership, company, corporation, truster, asssociation, or any public or private entity.

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

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

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

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

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

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

PRINCIPAL USE - The primary use to which the premises are devoted, and the main purpose for which the premises exists.

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

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

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

PUBLIC DOMAIN - All lands owned by government.

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

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

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

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

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

PUBLIC UTILITY - Any person, firm or corporation duly authorized to furnish electricity, gas, steam, telephone, telegraph, water or sewerage systems to the public under public regulations.

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

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

and recreational vehicles.

RECREATIONAL FACILITIES - Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to, hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (use more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

RECREATIONAL VEHICLE - A vehicular portable structure built on a chassis and not exceeding a gross weight of 4,500 pounds when factory-equipped for the road or an overall length of thirty (30) feet and designed to be used as a temporary dwelling for travel, recreational, and vacation uses, either with their own motor power or mounted on or towed by another powered vehicle.

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

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

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

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

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

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

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

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

RESTORATION - The relocation or reconstruction of a buildings' original architectural features.

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

RESTRICTIVE COVENANT - A restriction on the use of land usually set forth in the deed (See Master Deed Covenant).

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

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

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

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

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

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

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

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

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

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

SANITARY SEWERS - Pipes that carry only domestic or commercial sewage and into which

storm surface and ground waters are not intentionally admitted.

SCREENING - A structure erected or vegetation planted for concealing an area from view. (See also BUFFER STRIP)

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

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

SERVICE STATION, AUTOMOBILE - Any land, building, structure, or premises used for the sale at retail of motor vehicle fuels, oils or accessories, or for servicing or lubricating motor vehicles, or for the installing or repairing parts and accessories, but not including the repairing or replacing of motors, bodies or fenders of motor vehicles or painting motor vehicles, public garages, and the open storage of rental vehicles or trailers.

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

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

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

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

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

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

SIGN LIGHTING DEVICE - Any light, or group of lights located or arranged so as to cast

illumination on a sign.

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

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

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

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

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

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

The recommended usage is:

-highway or street in urban areas
-highway or road in rural areas

a. ALLEY - A street intended to provide access to the rear or side of lots or to buildings in urban areas and not intended for the purpose of through vehicular traffic.

b. ARTERIAL - A system of streets and roads which form an integrated network of continuous routes primarily for through traffic. The "arterial" system is stratified into major and minor categories.

1. MAJOR - A street intended to collect and distribute traffic and service areas such as community-commercial areas, primary and secondary educational plants, hospitals, major recreational areas, churches and offices.

2. MINOR - A street intended to move traffic from local roads to major arterials.

c. CUL-DE-SAC - A local street open at one end only and with a special provision for vehicles turning around.

d. DEAD-END - A local street open at one end only and without a special provision for vehicles turning around.

e. FRONTAGE - A local street or road auxiliary to and located on the side of an arterial for service to abutting property and adjacent areas, and for control of access.

f. HIGHWAY - A term applied to streets and roads that are under the jurisdiction of the Kentucky Department of Transportation.

g. LOCAL - A system of streets and roads which primarily provides land access service and access to higher order systems.

h. LOOP - A local street with both terminal points on the same street of origin.

i. PARTIAL - A dedicated right-of-way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.

j. PERIMETER - Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.

k. PRIVATE - A local street that is not accepted for public use or maintenance which provided vehicular an pedestrian access.

l. PUBLIC - A street under the control and kept by the public, established by regular governmental proceedings for the purpose, or dedicated by the owner of the land and accepted by the proper authorities and for the maintenance of which they are responsible.

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

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

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

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

SWIMMING POOL, PRIVATE - A swimming pool used exclusively without paying an additional charge for admission, by the residents and guests of a single household, a multi-family development, a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.

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

TRANSITION ZONE - A zoning district permitting transitional uses.

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

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

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

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

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

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

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

VICINITY MAP - A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks

and community facilities and services within the general area in order to better locate and orient the area in question.

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

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

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

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

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

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

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

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

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

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

ARTICLE 4, ENFORCEMENT

4.0 ZONING/BUILDING PERMITS REQUIRED

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

4.1 CONTENTS OF APPLICATION FOR ZONING/BUILDING PERMIT

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

(1) Name, address, and phone number(s) of applicant

(2) Legal description of property

(3) Existing and proposed use

(4) Zoning district
- (a) Current Zoning
- (b) Proposed Zoning

(5) Plans showing dimensions of:
- (a) Building site area
- (b) Building site width
- (c) Building site coverage
- (d) Building height
- (e) Building setback lines

(6) Number of off-street parking spaces or loading berths

(7) Number of dwelling units

(8) Any other matters which may be necessary to determine conformance with and provide for the information of this ordinance.

4.2 APPROVAL OF ZONING/BUILDING PERMIT

Within five (5) working days after the receipt of the application, the Code Enforcement Officer shall either approve or disapprove the application.

4.3 ZONING/BUILDING PERMIT

The zoning permit will be integrated with the building permit. The zoning/building permit will be issued based on compliance with zoning regulations and the Kentucky Building Codes (KBC).

4.4 RECORD OF ZONING/BUILDING PERMITS

The designated Code Enforcement Officer/Agency shall maintain a complete record of all zoning/building permits, and copies shall be furnished or presented for review to any person making a request.

4.5 FAILURE TO OBTAIN A ZONING/BUILDING PERMIT

Failure to obtain a zoning/building permit shall be a violation of this Ordinance and will be punishable under the provisions set forth in "Penalties for Violation" of this Article (see Section 4.8). The violator shall obtain a zoning/building permit within 5 working days of receipt of a notice of violation. This period shall be considered the warning period.

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

Zoning/Building permits issued on the basis of plans and applications approved by the designated Code Enforcement Officer/Agency authorize only the use or arrangement set forth in such approved plans and applications. Any use, arrangement or construction contrary to that authorized and approved shall be deemed a violation of this Ordinance and be punishable under the provision set forth in "Penalties for Violation" of this Article. (See Section 4.8)

4.7 COMPLAINTS REGARDING VIOLATIONS

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

4.8 PENALTIES FOR VIOLATION

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances, conditional uses and special use permits, shall constitute a common nuisance or misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars ($500.00) nor less than fifty dollars ($50.00). The violator shall obtain a zoning/building permit within 5 working days of receipt of a notice of violation. This period shall be considered the warning period.

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

4.9 SCHEDULE OF FEES, CHARGES, AND EXPENSES

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

SCHEDULE OF FEES, CHARGES AND EXPENSES

Zoning/Building Permit

Sign Permit

Special Use Permit

Late Fee

Application for Appeal
(Board of Zoning Adjustment)

Conditional Use Permit

Plan Review

Petition for Amendment to the Ordinance and/or Map (Rezoning)

Manufactured/Mobile Home Inspection

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

ARTICLE 5 NON-CONFORMITIES

5.0 INTENT

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

(1) Non-conforming lots,

(2) Non-conforming structures,

(3) Non-conforming uses of land,

(4) Non-conforming uses of land and structures in combination

(5) Non-conforming characteristics of use, and

(6) Non-conforming signs,

which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments thereto. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival.

It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses which are prohibited elsewhere in the same district.

5.1 INCOMPATIBILITY OF NON-CONFORMITIES

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

5.2 AVOIDANCE OF UNDUE HARDSHIP

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

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

5.3 SINGLE NON-CONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, regardless of limitations imposed by other provisions of this Ordinance, subject to the following:

(1) Such a lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.

(2) This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

(3) Variances of requirements listed in Articles 7 and 8 of this Ordinance, other than lot area or lot width, shall be obtained only through action of the Board of Zoning Adjustment as set forth in Article 6, ADMINISTRATION.

5.4 NON-CONFORMING LOTS OF RECORD IN COMBINATION

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

5.5 NON-CONFORMING USES OF LAND

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

(1) No such non-conforming uses shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;

(2) No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date or adoption or amendment of this Ordinance;

(3) If any such non-conforming uses of land are discontinued or abandoned for more than one year (except when government action impedes access to premises), any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located;

(4) No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

5.6 NON-CONFORMING STRUCTURES

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

(1) No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

(2) Should such non-conforming structure or non-conforming portion of structure be destroyed by any means by more than 50%, it shall only be reconstructed with issuance of a Conditional Use Permit by the Board of Zoning Adjustment and in conformity with conditions set forth by the Board.

(3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

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

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

(1) No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

(2) A non-conforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

(3) If no structural alterations are made, any non-conforming use of a structure or structure and land, may, upon appeal to the Board of Zoning Adjustment, be changed to another non-conforming use, provided that the Board of Zoning Adjustment shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Adjustment may require appropriate conditions and safeguards in accord with other provisions of this Ordinance.

(4) Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.

(5) When a non-conforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than one year (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

(6) Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

5.8 REPAIRS AND MAINTENANCE

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

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

Any use which is permitted as a conditional use in a district under the terms of this Ordinance (other than a change through the Board of Zoning Adjustment's action from a non-conforming use

to another use not generally permitted in the district) shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

5.10 NON-CONFORMING SIGNS

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

ARTICLE 6 ADMINISTRATION

6.0 CREATION OF THE OFFICE OF THE BUILDING/ZONING INSPECTOR

A Building/Zoning Inspector designated by the City Commission shall administer and enforce this Ordinance. He may be provided with the assistance of such other persons as the City Commission may direct.

6.1 DUTIES OF THE BUILDING/ZONING INSPECTOR

For the purpose of this Ordinance, the Building/Zoning Inspector shall have the following duties:

1. Upon finding that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation;

2. Order discontinuance of illegal uses of land, buildings, or structures;

3. Order removal of illegal buildings or structures or illegal additions or structural alterations;

4. Order discontinuance of any illegal work being done;

5. Take any other action authorized by this Ordinance to ensure compliance with, or to prevent violation(s) of, this Ordinance. This may include the issuance of and action on zoning and similar administrative duties as are permissible under the law.

6. Adopt the rules necessary to administer the provisions of this Ordinance.

6.2 PROCEEDINGS OF THE PLANNING COMMISSION

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

6.3 DUTIES OF THE PLANNING COMMISSION

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

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

2. Review all proposed amendments to this Ordinance and make recommendation to the City Commission as specified in AMENDMENT in this Article;

3. Review all Planned Unit Developments and Zero Lot Line Developments and make recommendations to the City Commission as provided in Article 7, DISTRICTS.

6.4 CREATION OF THE BOARD OF ZONING ADJUSTMENT

A Board of Zoning Adjustment (BZA) is hereby created as set forth in Kentucky Revised Statutes Chapter 100.217. The membership of the Board of Zoning Adjustment shall consist of five (5) citizen members with staggered terms for initial appointment as set forth in the statutes. Three (3) of the four (4) members must be present to achieve a quorum at the start of the meeting.

6.5 PROCEDURES OF THE BOARD OF ZONING ADJUSTMENT

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

6.6 DUTIES OF THE BOARD OF ZONING ADJUSTMENT

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

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the zoning inspector;

2. To authorize such variances from the terms of this Ordinance so as not to be contrary to the public interest where, owing to the special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done;

3. To grant conditional use permits as specified in the Official Schedule of Uses and under the conditions specified in Article 7, DISTRICTS, and such additional safeguards as will uphold

the intent of this Ordinance.

6.7 DUTIES OF THE BUILDING/ZONING INSPECTOR, BOARD OF ZONING ADJUSTMENT

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

6.8 PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

Appeals and variances shall conform to the procedure and requirements of this Article inclusive of the Ordinance. As set forth in Duties of the Board of Zoning Adjustment (Section 6.6), the Board of Zoning Adjustment has appellate jurisdiction relative to appeals and variances.

6.9 APPEALS

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

6.10 STAY OF PROCEEDINGS

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

Board of Zoning Adjustment or by a court of record on application, on notice to the building/zoning inspector from whom the appeal is taken or due cause shown.

6.11 VARIANCES

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

6.12 APPLICATION AND STANDARDS FOR VARIANCES

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

1. Name, address, and phone number of applicants;

2. Legal authorized signature of property owner;

3. Legal description of property;

4. Description of nature of variance requested;

5. A narrative statement demonstrating that the requested variance conforms to the following standards:

    a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

    b. That a literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;

    c. That special conditions and circumstances do not result from the actions of the applicant;

    d. That granting the variance requested will not confer on the applicant any special privilege that negatively impacts other land, structures, or buildings in the immediate vicinity.

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

6.13 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

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

6.14 PUBLIC HEARING BY THE BOARD OF ZONING ADJUSTMENT

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

6.15 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing required and in accordance with KRS Chapter 424, notice of such hearing shall be given in one or more newspapers of general circulation of the City at least fourteen (14) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

6.16 NOTIFYING ADJOINING PROPERTY OWNERS

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

6.17 ACTION BY BOARD OF ZONING ADJUSTMENT

Within thirty (30) days after the public hearing required in this Article, the Board of Zoning Adjustment shall either approve; approve with supplementary conditions as specified in Supplementary Conditions and Safeguards (See 6.23); or disapprove the request for appeal or variance. The Board of Zoning Adjustment shall further make a finding that the reasons set forth

in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. Appeals from the Board decisions shall be made in the manner specified in Duties of the Building/Zoning Inspector (See 6.7).

6.18 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USE

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

6.19 GENERAL

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

6.20 CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT

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

1. Name, address, and phone number of applicant;

2. Legal authorized signature of land owner;

3. Legal description of property;

4. Description of existing use;

5. Zoning district;

6. Description of proposed conditional use;

7. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open space, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this Ordinance;

8. A narrative statement evaluating the effects of such elements as noise, glare, odor, fumes,

and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the Comprehensive Plan;

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

6.21 GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES

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

1. Is in fact a conditional use as established under the provisions of Article Seven (7) and appears on the Official Schedule of Uses in Article Ten (10) for the zoning district involved;

2. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the City's Comprehensive Plan and/or the Zoning Ordinance;

3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

4. Will not be hazardous or disturbing to existing or future neighboring uses;

5. May be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;

8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;

9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of

major importance.

6.22 SPECIFIC CRITERIA FOR CONDITIONAL USES

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

1. Ingress and egress to property and proposed structures thereon with particular references to the safety and convenience of motorists and pedestrians, traffic flow and control, and access in case of fire or catastrophe.

2. Off-street parking and boarding areas where required with particular attention to items mentioned in (1) above, the economic effects, noise, glare, or odor caused by conditional use on adjoining properties and properties generally in the district.

3. Refuse and service areas, with particular reference to items mentioned in (1) and (2) above.

4. Utilities, with reference to locations, availability and compatibility.

5. Screening and buffering of adjoining properties with reference to type, dimensions, and character.

6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district. The sign size shall be limited to four (4) square feet, and can be a free standing sign. All free standing signs shall be within five (5) feet of the structure and shall only have indirect illumination.

7. Required yard and other open space.

8. General compatibility with adjacent properties and other properties in the district.

6.23 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

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

6.24 NOTICE OF PUBLIC HEARING

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

6.25 ACTION BY THE BOARD OF ZONING ADJUSTMENT

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

6.26 EXPIRATION OF CONDITIONAL USE

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

6.27 FILING OF APPROVED CONDITIONAL USE PERMIT AND VARIANCE

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

ARTICLE 6A AMENDMENT

6.0A PROCEDURE FOR AMENDMENT OR DISTRICT CHANGES

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

6.1A GENERAL

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

6.2A INITIATION OF ZONING AMENDMENTS

Amendments to this ordinance may be initiated in one of the following ways;

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

6.3A CONTENTS OF APPLICATION

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

1. Name, address, and phone number of applicant;
2. Legal authorized signature of property owner;
3. Proposed amending ordinance, approved as to form by the city legal advisor;
4. Present use;
5. Present zoning district;
6. Proposed zoning district;
7. A vicinity map at scale approved by the building/zoning inspector showing property lines, thoroughfares, existing and proposed zoning and such other items as the building/zoning inspector may require;

8. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case;

9. A statement on how the proposed amendments meet the criteria for amendments as stipulated in KRS Chapter 100.213;

10. A fee as established by the City Commission according to Article 4, ENFORCEMENT, Schedule of Fees, Charges and Expenses (4.9).

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

6.4A TRANSMITTAL TO PLANNING COMMISSION

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

6.5A PUBLIC HEARING BY PLANNING COMMISSION

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

6.6A NOTICE OF PUBLIC HEARING IN NEWSPAPER

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

6.7A NOTICE TO PROPERTY OWNERS

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

6.8A SIGN ON PROPERTY

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

6.9A RECOMMENDATION BY PLANNING COMMISSION

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

6.10A ACTION BY CITY COMMISSION

Within forty-five (45) days after the Planning Commission decision for recommendation of the proposed amendment, the City Commission shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event the City Commission denies or modifies the recommendation of the Planning Commission, the City Commission shall hold its own public hearing, or review the transcript or tape of the public hearing held by the Planning Commission, and establish new findings of fact according to the following procedure:

1) The public hearing shall be scheduled at the City Council meeting in which the recommendation of the Planning Commission is modified or denied.

2) Publication of the public hearing shall not be less than fourteen (14) nor more than twenty-one (21) days from the date of said hearing. Notices shall be as prescribed by sections 6.6A Notice of Public Hearing in Newspaper, 6.7A Notice to Property Owners, and 6.8A Sign on Property.

3) The City Council shall establish findings of fact in accordance with the provisions as described in section 6.3A Contents of Application.

ARTICLE 6B PLAN REVIEW

6.0B NEW DEVELOPMENT

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

6.1B REQUIRED EXHIBITS

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

1. A site plan of the proposed project (12 copies) which shows the following information:

    a. Map drawn to scale, preferably 1" = 100' or 1" = 50'.

    b. Written legal description.

    c. Vicinity map with existing streets.

    d. Proposed surface water drainage.

    e. Existing and proposed property lines.

    f. Parking and loading areas.

    g. Areas to be dedicated or reserved for parks, playgrounds, etc.

    h. Existing natural features.

    i. Location of existing and proposed utilities, water and sewer lines (size), power lines, etc.

    j. Location of proposed buildings with:

        1. Setback lines

2. Adequate security lighting

3. Required number of parking spaces

4. Trash and garbage containment with proposed buffer

5. Gross and net acreages

6. Lot sizes (dimensions and square footage)

7. Building heights and stories

8. Building coverage for each lot

9. Existing and proposed landscaping

10. Internal traffic movements

11. Ingress and egress points

6.2B PRELIMINARY REVIEW PROCESS

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

1. Sketch plans and ideas regarding land use, street and lot arrangements, tentative lot sizes.

2. Proposals regarding water supply, sewerage disposal, surface drainage, and street improvements.

3. Other information as deemed necessary by the Planning Commission or its representative to determine the feasibility of the project.

6.3B REVIEW PROCESS

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

1. Approve the plan as submitted; or

2. Grant conditional approval and require the applicant to make changes in order to comply with the Ordinance; or

3. Deny approval of the site plan as inappropriate with design standards established in this Ordinance.

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

6.4B FILING OF APPROVED SITE PLAN (KRS 100.3681)

Once the site plan is approved, the applicant is responsible for filing the plan and application with the Christian County Clerk's Office in the name of the Planning Commission. Failure to file the site plan within six calendar months of approval if a zoning change should occur shall render the plan null and void.

6.5B ISSUANCE OF BUILDING/ZONING PERMITS

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

6.6B PROJECT COMPLETION AND COMPLIANCE

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

ARTICLE 7 DISTRICTS

7.0 R-1: SINGLE FAMILY RESIDENTIAL DISTRICT

A. Statement of Purpose

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

B. Permitted Uses

See Article 10, APPENDIX, Schedule of Uses.

C. Conditional Uses

See Article 10, APPENDIX, Schedule of Uses.

D. Standards

1. Building Site Area: Each lot shall have an area not less than 17,500 square feet.

2. Building Site Width: The minimum site width at the building setback shall be seventy-five (75) feet.

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

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

5. Setback requirements: The minimum requirements for yards:

Front yard	1/2 the width of the right-of-way, not to exceed forty (40) feet and no less than twenty-five (25) feet
Rear yard	Twenty (20) feet
Side yard	Ten (10) feet

7.0A R-1a: SINGLE FAMILY RESIDENTIAL DISTRICT

A. Statement of Purpose

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

B. Permitted Uses

See Article 10, APPENDIX, Schedule of Uses.

C. Conditional Uses

See Article 10, APPENDIX, Schedule of Uses.

D. Standards

1. Building Site Area: Each lot shall have an area not less than ten thousand (10,000) square feet.

2. Building Site Width: The minimum site width at the building setback shall be sixty (60) feet.

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

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

5. Setback requirements: The minimum requirements for yards:

Front yard	1/2 the width of the right-of-way, not to exceed forty (40) feet and no less than twenty-five (25) feet
Rear yard	Twenty (20) feet
Side yard	Ten (10) feet

7.1 R-2: ONE AND TWO FAMILY RESIDENTIAL DISTRICT

A. Statement of Purpose

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

B. Permitted Uses

See Article 10, APPENDIX, Schedule of Uses.

C. Conditional Uses

See Article 10, APPENDIX, Schedule of Uses.

D. Standards

1. Building Site Area: Each lot shall have an area not less than:

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

2. Building Site Width: The minimum site width at the building setback shall be:

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

3. Building Site Coverage: The total lot coverage for all buildings on the site shall not exceed:

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

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

5. Setback requirements: The minimum requirements for yards:

Front yard	1/2 the width of the right-of-way, not to exceed forty (40) feet and no less than twenty-five (25) feet
Rear yard	Twenty (20) feet

Side yard Seven (7) feet

7.2 R-3: MULTI-FAMILY RESIDENTIAL DISTRICT

A. Statement of Purpose

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

B. Permitted Uses

See Article 10, APPENDIX, Schedule of Uses.

C. Conditional Uses

See Article 10, APPENDIX, Schedule of Uses.

D. Standards

1. Building Site Area: Each lot shall have an area not less than:

Single family detached	4,000 square feet per unit
Two-family (duplexes)	7,000 square feet per two units
Multi-family	2,170 square feet per three (3) or more units

2. Building Site Width: The minimum site width at the building setback shall be:

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

3. Building Site Coverage: The total lot coverage for buildings on the site shall not exceed:

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

4. Building Height Limit: The maximum building height limit shall not exceed:

Single family detached	35 feet

Two-family (duplexes)	35 feet
Multi-family	50 feet

5. Setback requirements: The minimum requirements for yards:

Single family detached and two-family (duplexes)

Front yard	1/2 the width of the right-of-way, not to exceed forty (40) feet and no less than twenty-five (25) feet
Rear yard	Ten (10) feet
Side yard	Five (5) feet

Multi-family

Front yard	1/2 the width of the right-of-way, not to exceed forty (40) feet and no less than twenty-five (25) feet
Rear yard	Twenty (20) feet
Side yard	Five (5) feet, plus two (2) feet for each story above the second floor.

7.3 B-1: PROFESSIONAL COMMERCIAL DISTRICT

A. Statement of Purpose

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

B. Permitted Uses

See Article 10, APPENDIX, Schedule of Uses.

C. Conditional Uses

See Article 10, APPENDIX, Schedule of Uses.

D. Standards

1. Building Site Area: Each lot shall have an area not less than:

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

2. Building Site Width: The minimum site width at the building setback shall be:

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

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

4. Building Height Limit: The maximum building height limit shall not exceed thirty-five (35) feet in height.

5. Setback requirements: The minimum requirements for yards:

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

E. General Requirements

1. No outdoor storage of merchandise or materials and no outdoor processing shall be allowed unless authorized as a conditional use.

2. All lots adjacent to a residentially zoned district shall maintain a minimum setback of twenty (20) feet on the side adjacent to the residential district. The side shall also be adequately buffered.

3. Parking and off-street loading are subject to the provisions established in Article 8, Supplemental Regulations.

4. Signs and portable advertising displays are subject to the provisions established in Article 8, Supplemental Regulations.

7.4 B-2: ARTERIAL COMMERCIAL DISTRICT

A. Statement of Purpose

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

B. Permitted Uses

See Article 10, APPENDIX, Schedule of Uses.

C. Conditional Uses

See Article 10, APPENDIX, Schedule of Uses.

D. Standards

1. Building Site Area: There is no minimum required building site area.

2. Building Site Width: There is no minimum required building site width.

3. Building Site Coverage: The maximum building site coverage by all buildings shall not exceed fifty-five (55) percent of the total lot area.

4. Building Height Limit: No structure shall exceed seventy (70) feet in height.

5. Setback Requirements:

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

E. General Requirements

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

2. Plans for building construction, parking area, yards, driveways, entrances, and exits shall be approved by the appropriate offices.

3. Traffic circulation

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

   b. The minimum width of driveways at the property lines shall be twenty-four (24) feet.

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

   d. The minimum distance between driveways on the site and driveways between adjacent sites shall be sixty-five (65) feet. In such cases where that distance cannot be met, e.g. lot width, existing driveways, etc., a variance can be granted by the Board of Zoning Adjustment based upon sound traffic circulation principals.

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

4. Parking and Landscaping

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

5. Lighting

   Exterior lighting proposed for use on the site shall be planned, erected, and maintained so light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way. The light source shall not be visible from adjacent properties or public rights-of-way.

6. Buffering

   a. A permanent landscaped buffer of evergreen plant material or solid wall or fence or other suitable enclosure is required when commercial land abuts a residential district.

b. All open storage of merchandise, material and equipment shall be screened by adequate ornamental fencing or evergreen planting at the side or rear of the lot abutting a residential district on which said open storage or display occurs; provided, however, that maximum screening shall be eight (8) feet in height.

7.5 I-1: INDUSTRIAL DISTRICT

A. Statement of Purpose

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

B. Permitted Uses

Any use listed as permissible in Article 10, APPENDIX, Schedule of Uses.

C. Conditional Uses

Any use listed as permissible in Article 10, APPENDIX, Schedule of Uses.

D. Standards

1. Building Site Area: There is no minimum required building site area.

2. Building Site Width: There is no minimum required building site width.

3. Building Site Coverage: The maximum building site coverage by all buildings shall be sixty (60) percent of the total lot area.

4. Building Height Limit: No structure shall exceed sixty (60) feet in height.

5. Setback Requirements:

Front yard	Forty (40) feet	
Rear yard	Ten (10) feet;	shall be provided unless the district abuts a residential district, then the rear yard shall be twenty-five (25) feet not including loading and docking facilities.
Side yard	Ten (10) feet;	on each side shall be provided unless the district abuts a residential district, then the side yard shall be twenty (20) feet, not including loading and docking facilities.

E. General Requirements

1. All signs and portable advertising displays are subject to the provisions established in Article 8, Supplemental Regulations.

2. Parking and loading are subject to the provisions established in Article 8, Supplemental Regulations.

3. Plans for building construction, parking area, yards, driveways, entrances, and exits shall be approved by the appropriate administrative officer, in consultation with the Planning Commission, and they may require changes therein deemed necessary or desirable to ensure safety, to minimize traffic difficulty, and to safeguard adjacent properties.

5. Lighting

   Exterior lighting proposed for use on the site shall be planned, erected, and maintained so light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way.

6. Buffering

   a. A permanent landscaped buffer of evergreen plant material or solid wall or fence or other suitable enclosure is required when industrial land abuts a residential district.

   b. All open storage of merchandise, material and equipment shall be screened by adequate ornamental fencing or evergreen planting at the side and rear of the lot abutting a residential district on which said open storage or display occurs; provided, however, that maximum screening shall be eight (8) feet in height.

7.7 ZLL: ZERO LOT LINE DISTRICT

A. Statement of Purpose

The principal purposes of the Zero Lot Line concept are:

(1) the more efficient use of land, as compared with the typical single-family development, making available needed housing at a more affordable cost;

(2) the design of dwellings that integrate and relate internal-external living areas resulting in more pleasant and enjoyable living facilities;

(3) by placing the dwelling against one of the property lines, permitting the outdoor space to be grouped and utilized to its maximum benefit.

B. Permitted Districts

(1) A Zero Lot Line Development for single-family attached and single-family detached dwellings is permitted by right in R-2 and R-3 residential districts, upon review and approval of the site plan by the Planning Commission, in accordance with the provisions of this section.

(2) A Zero Lot Line Development for single family attached and single family detached dwellings is permitted in R-1and R-1A zones, upon the issuance of a Conditional Use Permit by the Board of Zoning Adjustment.

C. Permitted Uses

1. Single-family detached and attached dwellings.

2. Two-family or duplexes.

3. Accessory buildings and structures provided no such building or structure shall be designed or used for dwelling purposes.

D. Standards

1. Building Site Area: Each lot shall have an area not less than 3,500 square feet.

2. Building Site Width: The minimum building site width at the building setback line shall be twenty (20) feet.

3. Building Site Coverage: The total lot coverage permitted for all buildings on the site shall not exceed fifty (50) percent of the lot area.

4. Building Height Limit: The maximum building height shall not exceed two (2)

stories or Thirty-five (35) feet in height.

5. Setback Requirements:

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

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

Exterior side yard: All dwelling structures shall be placed within ten(10) feet from all exterior property lines.

Front setback: All dwelling structures shall be setback a minimum of 1/2 the width of the right-of-way not to exceed forty (40) feet or less than twenty-five (25) feet from the property line.

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

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

E. General Requirements

1. Platting Requirements

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

2. Openings Prohibited on the Zero Lot Line Side

The wall of the dwelling located on the lot line shall have no windows, doors, air conditioning units, or any other type of openings, provided however, that atriums or

courts shall be permitted on the zero lot line side when the court or atrium is enclosed by three (3) walls of the dwelling unit and a solid wall of at least eight (8) feet in height is provided on the zero lot line. Said wall shall be constructed of the same material as exterior walls of the unit.

3. Maintenance and Drainage Easements

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

4. Separation Between Dwellings on Adjacent Lots

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

5. Off-Street Parking

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

6. Trees

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

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

7. Accessory Buildings and Structures

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

a. No such building or structure shall be located within a required front or street-abutting side yard.

b. No such building or structure shall be located within five (5) feet of a dwelling or another accessory building or structure nor within two (2) feet of any interior property line.

c. No such building or structure shall exceed ten (10) feet in height without a Conditional Use Permit.

8. Common Open Space and Maintenance of Facilities

Common open space is not required but may be permitted. If common open space is provided, provisions satisfactory to the City Commission shall be made to assure that non-public areas and facilities for the common use of occupants of the zero lot line development shall be maintained in a satisfactory manner, without expense to the general taxpayers of Pembroke.

9. Open Space

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

a. The required open space may include side or rear yards.

b. Pools and paved recreational areas may be developed in the required open space.

c. The gradient or slope of any required open space shall not exceed twelve (12) percent. The open space may be provided on a deck.

d. Such open space shall be fully open to the sky.

e. An accessory building may not occupy any part of the required open space.

F. Site Plan Review

A Site Plan Review is required to encourage communication between the applicant and the Planning Commission Staff. A Site Plan Review will promote a greater degree of logic, imagination, innovation and variety in the design process. The Site Plan submittal should

follow the guidelines as set forth in Article 6, ADMINISTRATION.

7.8 PUD: PLANNED UNIT DEVELOPMENT

A. Statement of Purpose

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

B. Permitted Districts

1. Residential Planned Unit Developments are allowed by right in R-2 and R-3 districts upon review and approval of the Site Plan by the Planning Commission, in accordance with the provisions of this Ordinance.

2. Residential Planned Unit Developments are allowed in R-1 and R-1A districts upon approval of a Conditional Use Permit by the Board of Zoning Adjustment.

3. Residential/Commercial Planned Unit Developments are allowed by right in the B-1 district, in accordance with the provisions of this Ordinance.

C. Permitted Uses

1. Detached and attached single family dwellings.

2. Two-family dwellings or duplexes.

3. Multi-family dwellings.

4. Accessory uses and structures, provided that no such buildings or structures shall be designed or used for dwelling purposes.

5. Public uses and buildings, to include libraries, museums, parks and playgrounds, schools, and community buildings owned and controlled by the City or school district, if their location is first approved by the City Commission.

6. Any proposal which uses have been reviewed and recommended for approval by the Planning Commission.

D. Standards

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

2. Building Site Coverage: The total lot coverage permitted for all buildings on the site shall not exceed sixty (60) percent of the lot area.

3. Building Height Limit: The maximum building height shall not exceed seventy (70) feet in height.

4. Setback Requirements:

Front yards	For any building facing a local street, minor or major artery, as set forth in Article 3, DEFINITIONS, shall be one-half (1/2) of the right-of-way and/or not less than twenty-five (25) feet and not to exceed forty (40) feet.
Side yard (from adjoining property line)	Twenty (20) feet
Rear yard (from adjoining property line)	Twenty (20) feet

E. General Requirements

1. Platting Requirements

Each PUD shall be platted. The plat shall contain information as required in the Site Plan Review found in Article 6, ADMINISTRATION. The plat shall also conform to the requirements set forth in this section. In the event that conflicts occur, this section shall prevail.

2. Density

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

3. Open Space

At least twenty (20) percent of the total gross area shall be devoted to such properly planned, permanent, usable open space. The common open space shall be used for recreational, park, or environmental amenity for common enjoyment by occupants of the development, but shall not include public or private streets, driveways, or utility easements.

4. Maintenance of Common Open Space

Planned Unit Developments shall be approved subject to the submission of a legal instrument or instruments setting forth a plan or manner of permanent care and maintenance of such open spaces, recreational areas, and community owned facilities. Such instruments shall be accepted until approval by the City Attorney as to legal form and effect, and the Planning Commission as to suitability for the proposed use of the open space.

5. Landscaping

a. A landscaping plan shall be required at the time of initial submission, showing the spacing, sizes, and specific types of landscaping material.

b. Existing trees shall be preserved whenever possible. The location of trees should be considered when planning the common open space, location of buildings, underground structures, walks, paved area, playgrounds, parking areas, and finished grade levels.

c. A grading plan which shall confine excavation, earth moving procedures, and other changes to the landscape in order to ensure preservation and prevent despoiling of the area to be retained as common open space.

6. Traffic Circulation

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

7. Street Construction

a. Standards of design and construction for both public and private, within planned residential development shall comply with the standards of design set forth by Pembroke City Ordinance.

b. Streets in a PUD may be dedicated to public use or may be retained under private ownership. However, if the streets are dedicated to the City said streets shall be constructed in accordance with standards required by the City.

8. Parking

a. For each dwelling unit, there shall be off-street parking spaces consisting of no less than 180 square feet each. Variances from this requirement can be obtained from the Board of Zoning Adjustment.

b. Parking areas shall be arranged so as to prevent through traffic to other parking areas.

c. Parking areas shall be screened from adjacent structures, roads, and traffic arteries with hedges, dense planting, earth berms, changes in grade or walls.

d. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.

e. No more than sixty (60) parking spaces shall be accommodated in any single parking area.

f. All streets and any off-street loading area shall be paved. All areas shall be marked so as to provide for orderly and safe loading, parking and storage.

g. Parking for non-residential purposes shall be provided appropriate to the type of non-residential use in accordance with Article 8, SUPPLEMENTAL REGULATIONS.

h. All common parking areas shall be adequately lighted. All such lighting shall be so arranged as to direct the light away from adjoining residences.

i. All parking areas and off-street loading areas shall be graded and drained so as to dispose of all surface water without erosion, flooding, and other inconveniences.

9. Buffers

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

10. Non-residential Development

a. Non-residential uses, limited to those specifically recommended for approval by the Planning Commission, are permitted in a Planned Unit Development provided that such uses primarily are for the service and convenience of the residents of the development.

b. Layout of parking areas, service areas, entrances, exits, yards, courts and landscaping, and control of signs, lighting, noise or other potentially adverse influences shall be such as to protect the residential character within the PUD district and the desirable character in any adjoining residential district.

c. No building permit for any non-residential use in a mixed PUD, i.e., residential/commercial or professional, shall be issued prior to having at least fifty (50) percent of the residential dwellings under construction.

F. Site Plan Review

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

G. Review Procedure

1. Approval Process

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

a. Pre-Application Conference - The applicant shall meet with the staff to determine the feasibility of the project.

b. Application and Site Plan Submittal - The applicant should furnish all information required in this section and comply with all the standards set forth in this section. (See Article 6, ADMINISTRATION)

c. Site Plan Review - In-house staff function. (See Article 6, ADMINISTRATION)

d. Planning Commission action - The Planning Commission will either:

1. grant approval - which means the developer may proceed with the project, contingent on any conditions attached by the Planning Commission; or

2. postpone action - which means action is delayed for reasons which shall be noted by the Commission; or

3. deny approval - which means denial of approval for the submitted PUD. Before any further action is taken, the developer must review his plan to conform to the Commission's recommendations.

2. Special Use Permit

Upon approval by the Planning Commission, the applicant will be issued a special

use permit. The special use permit may contain conditions which the applicant must represent on his/her plat before a building permit is issued by the building/zoning inspector. A special use permit shall be revoked upon any change in conditions upon which the special use permit was issued.

The special use permit shall be filed with the approved plat at the Christian County Clerk's Office. Filing is the responsibility of the applicant.

3. Application for PUD

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

4. Administrative Review

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

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

5. Failure to Begin Construction

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

6. Amendment or Withdrawal of Special Use Permit

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

7. Waivers

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

8. Appeal

Any person aggrieved by a decision of the Planning Commission in approving or disapproving an application for Planned Unit Development may, within fifteen (15) days from the date of the decision, file a written request with the City Commission of the City of Pembroke, which shall proceed to review said decision. Any such review shall be conducted pursuant to the same procedure as required for approval in this section.

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

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

ARTICLE 8 SUPPLEMENTAL REGULATIONS

8. SUPPLEMENTAL REGULATIONS

8.A OFF-STREET PARKING, STORAGE, AND LOADING REQUIREMENTS

8.0A OFF-STREET PARKING REQUIREMENTS

8.1A STANDARDS

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

8.2A TABLE OF PARKING SPACES REQUIRED

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

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

	doctor, plus two (2) per three (3) employees, plus one (1) per staff doctor.
Mortuaries or funeral parlors	Five (5) spaces per parlor or chapel unit, or one (1) per four (4) seats, whichever is greater.
Motel and tourist courts	One (1) per guest bedroom.
Private clubs, lodge, or union hall	One (1) per three (3) members, or one (1) per 100 square feet of non-storage and non-service floor area, whichever is greater.
Restaurant, cafe, or establishment serving beverages or refreshments	One (1) per three (3) employees, plus one (1) per 300 square feet of usable floor space, or one (1) per three (3) fixed seats, whichever is greater.
Retail stores, personal service establishments and similar uses	One (1) per 300 square feet of floor area plus one (1) per two (2) employees.
Retail stores such as supermarkets, department stores, furniture and appliance stores, motor vehicle sales or machinery sales	One (1) space per 600 square feet of floor area plus one (1) per two (2) employees.
Schools shall be provided with parking spaces under the following schedule:	
Elementary, junior high, and the equivalent private or parochial	Two (2) spaces per three (3) employees plus one (1) space per five (5) seats in the auditorium, or one (1) space per classroom, whichever is greater.
Senior high or equivalent	Two (2) spaces per three (3) teachers and other employees, plus one (1) space per five (5) seats in the auditorium.
Kindergartens, day nurseries, and the equivalent, private or parochial	Two (2) spaces per attendant or teacher, plus one (1) off-street loading space per six (6) children enrolled.

Stadiums and sports arenas or gymnasiums	One (1) space per five (5) seats.
Swimming pools	One (1) space per thirty (30) square feet of water area.
Theater, indoor	One (1) space for every three (3) seats.

8.3A APPLICATION OF STANDARDS

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

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

b. Where a fractional space results, any fraction less than one-half (1/2) may be dropped and any fraction of one-half (1/2) or more shall be counted as one (1) parking space.

c. These standards shall apply fully to all uses and buildings established after the effective date of this Ordinance.

d. Except for parcels of land devoted to one (1) and two (2) family uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.

e. Where parking is to be provided in the front yard of a multiple family dwelling, there shall be established a setback line of ten (10) feet. The area between the setback line and front line shall be prepared and planted with grass, shrubs or trees.

f. All parking spaces required herein shall be located on the same lot with the building or use served. However, when an increase in the number of spaces is required by a change of use or enlargement of the building or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located and maintained not to exceed four hundred (400) feet from any other non-residential building served.

g. No signs of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lot. Only non-intermittent white lighting of signs shall be permitted.

8.4A STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES

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

a. Not more than one (1) commercial vehicle or bus, which does not exceed two and one-half (2 1/2) tons rated capacity, per family living on the premises, shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline or liquified petroleum products be permitted.

b. Recreational vehicle, camping or travel trailer, hauling trailer or boat trailer are all permitted to be parked on the premises. A recreational vehicle, camping or travel trailer shall not be parked or stored for more than seventy-two (72) hours unless it is located behind the front building line, nor shall such trailer be occupied for a period of more than 21 days while it is parked or stored in any area except in a recreational campground as defined by this Ordinance.

8.5A OFF-STREET LOADING AND UNLOADING REQUIREMENTS

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

a. A building whose dominant use is handling and selling goods at retail shall provide one (1) off-street loading and unloading space for buildings containing up to and including 10,000 square feet of floor area, plus one (1) additional space per each additional 10,000 square feet of gross floor space.

b. Manufacturing, repair, wholesale and similar uses shall provide one (1) off-street loading and unloading space for buildings containing 10,000 square feet of floor space plus one (1) space per 40,000 square feet of floor area in the excess of 10,000 square feet.

c. Where trailer trucks are involved, such loading and unloading space shall be an area twelve (12) by fifty (50) feet with a fourteen (14) foot height clearance and shall be designed with appropriate means of truck access to a street or alley, as well as having adequate maneuvering area.

8.6A CONSTRUCTION AND MAINTENANCE

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

a. Drainage and Surfacing: The facility shall be properly graded for drainage, surfaced with concrete, asphaltic concrete, or asphalt, and maintained in good condition, free of weeds, dust, trash, and debris. If on the effective date of this Ordinance there exist lots on which the parking facilities are not required to be surfaced, they shall be maintained in proper condition as noted above.

b. Lighting: If the facility contains ten (10) or more cars, lighting shall be provided and maintained during the operation of the facility, and shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic on adjoining streets.

c. Screening and Buffering: A parking facility abutting or adjacent to residential uses shall be buffered.

d. Prohibition of Other Uses: Required off-street parking areas shall not be used for the sale, repair, dismantling, or servicing of any vehicle (excluding personally owned vehicles), equipment, materials, or supplies.

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

B. SIGNS AND PORTABLE ADVERTISING DEVICES

8.0B SIGNS AND PORTABLE ADVERTISING DEVICES PERMITTED

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

Definitions:

a. Sign - Any advertising display affixed to land or improvements thereof, where it is located and which may be either illuminated or non-illuminated, except where illumination is otherwise specifically prohibited in this Ordinance.

b. Outdoor advertising device - Any advertising device, whether affixed to land or improvements thereof and which is not an accessory use or structure to the premises upon which it is located and which may be either illuminated or non-illuminated, except where illumination is otherwise specifically prohibited in this Ordinance.

c. Directional sign - A sign conveying directions to a premises. Directional signs shall not exceed ten (10) square feet in the area or four (4) feet in height measured from the ground elevation to the top of the sign. The sign may be either illuminated or non-illuminated, except where illumination is otherwise specifically prohibited in this Ordinance.

d. Residential sign - A residential sign is a sign other than a sign granted by the Board of Zoning Adjustment (BZA) and is considered to be a sign erected for the identification of a permanent multi-family residential complex or a residential subdivision. There shall be only one (1) sign permitted for each afore mentioned use and shall not exceed twelve (12) feet in area or twelve (12) feet in height measured from the ground elevation to the top of the sign. The signs can be illuminated but non-flashing.

e. Special event signs - Special event signs are temporary signs allowed to be placed on a premises for not more than thirty (30) days. No special event sign shall be placed on a given premises for more the sixty (60) days in a given year. An establishment is limited to two (2) special event sign permits per year.

f. Wall signs - Wall signs shall be permitted in commercial and industrial zones but shall not exceed forty (40) percent of the facade/wall the wall sign is attached to.

8.1B PERMIT REQUIRED

A Building/Zoning Permit shall be required for all signs, outdoor advertising devices, special event signs, residential signs, directional signs, and wall signs to assume proper placement, erection and securing.

8.2B LOCATION

a. Signs - No sign shall be erected or placed nearer to any street right-of-way upon which said sign faces than the building lines provided in zones where use is permitted, except one (1) sign advertising the primary nature of the business or industry conducted on the premises may be placed not closer than ten (10) feet to the street right-of-way line, but in no case to be permitted to obstruct the view of traffic.

b. Outdoor advertising devices - Outdoor advertising devices shall only be permitted in any commercial or industrial district. All outdoor advertising devices shall be placed not closer than ten (10) feet to any street right-of-way line upon which said device faces.

c. Directional sign - Directional signs shall be permitted in business and industrial districts only. Such signs shall not be placed closer than ten (10) feet to any street right-of-way line nor shall it be permitted to obstruct the flow or view of traffic.

d. Special events sign - Special events signs be limited to business and industrial districts. Such signs shall not be placed any closer than ten (10) feet to any street right-of-way line nor shall it be permitted to obstruct the flow or view of traffic.

e. Residential sign - A residential sign shall be used for permanent identification of multi-family dwellings or for permanent identification of residential subdivisions. Such signs shall not be placed closer than ten (10) feet to any street right-of-way line nor shall it be permitted to obstruct the flow or view of traffic.

f. Wall signs - Wall signs shall be permitted in commercial and industrial zones but shall not exceed forty (40) percent of the facade/wall to which the wall sign is attached. No wall sign shall protrude outward from the wall which it is attached by more than eight (8) inches.

8.3B SIGNAGE LIMIT

a. There shall be one (1) sign, and one (1) outdoor advertising device allowed per lot.

b. Where there is a corner lot in a business or industrial zone, two (2) free standing signs can be erected one (1) each facing the respected street on which the lot fronts. The sign location requirements must be met and the signs shall be no closer than thirty (30) feet to one another sign.

8.4B SIZE - COMMERCIAL/INDUSTRIAL

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

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

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

8.5B LIGHTING

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

8.6B MAINTENANCE

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

8.7B HEIGHT - COMMERCIAL/INDUSTRIAL

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

8.8B BILLBOARDS - COMMERCIAL/INDUSTRIAL

Billboards are allowed only in commercial and industrial zones and only by a Conditional Use Permit granted by the Board of Zoning Adjustment subject to the standards listed.

The billboard will be considered a sign or portable device for the purpose of this Ordinance.

The size of the billboard shall not exceed 400 square feet. The height of the billboard shall not exceed fifty (50) feet.

A. No billboard will be closer than 500 feet to another billboard.

B. No billboard will be within 500 feet of a residential zone.

C. No billboard will be placed within the flight path of an airfield.

D. Minimum height of a billboard shall be twenty-five (25) feet measured from ground elevation to the bottom of the sign.

C. HOME OCCUPATIONS

8.0C STATEMENT OF PURPOSE

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

8.1C HOME OCCUPATIONS NOT PERMITTED

a. Antique shop

b. Funeral chapel or funeral home

c. Gift shop

d. Renting of trailers

e. Restaurant

f. Stable or kennel

g. Tourist home

h. Veterinary clinic or hospital

i. Flea markets or perpetual/permanent yard sales

8.2C STANDARDS

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

1. A Home Occupation must be conducted within a dwelling which is the bona fide residence of the principal practitioner or in an accessory building thereto which is normally associated with a residential use.

2. Except for articles produced on the premises, no stock in trade shall be displayed or sold on the premises.

3. No alteration to the exterior of the principal residential building shall be made which changes the character thereof as a dwelling.

4. No outdoor display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.

5. No more than two (2) persons other than a member of the immediate family occupying such a dwelling shall be employed.

6. No more than two (2) rooms or twenty-five (25) percent of the gross area of one floor of said residence, whichever is less, shall be used for such purpose.

7. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in

question under normal circumstances wherein no home occupation exists.

8.3C ISSUANCE OF A CONDITIONAL USE PERMIT

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

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

Obstruction to vision at street intersections is prohibited. Additionally, lots adjacent to an intersection shall not obstruct vision of the intersection within the thirty (30) feet sight triangle. The thirty (30) feet sight triangle is defined as a triangle consisting of the edge of street pavements intersecting at a point forming the outer boundaries of the lot and an imaginary line drawn thirty (30) feet from the point of intersection in either direction. No obstruction to vision between a height of two and one-half (2 1/2) feet and twelve (12) feet above the imaginary plane defined by those three (3) points of intersection are permitted.

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

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

a. All salvage yards must be licensed. An application to establish a salvage yard in Pembroke shall be filed with the Planning Commission and approved by the Board of Zoning Adjustment. For the purpose of this Ordinance, junk yards, automobile wrecking yards, and similar operations shall be known as "salvage yards".

b. Location: No salvage yard shall be permitted closer than 500 feet to any established residential district, unless in existence prior to the adoption of this Ordinance. The storage of three (3) or more unlicensed abandoned vehicles and salvaged vehicles must be in an approved and licensed salvage yard. All abandoned and junked motor vehicles and other similar large salvage articles that can be seen from any public right-of-way shall be moved to a licensed salvage yard within one (1) year of the effective date of this Ordinance.

c. Screening: All outdoor storage in salvage yards shall be conducted entirely within an enclosed fence or wall, except the driveway area. The fence or wall shall be seven (7) feet in height and appropriately screened to prohibit the visibility of salvage material. Storage outside or above such fence or wall is expressly prohibited. Any fence or wall erected for screening purposes shall comply with requirements of Section 8.G Visibility and 8.I Fences and Walls.

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

8.F ACCESSORY BUILDING

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

a. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main or principal buildings. Any accessory building in a zone other than residential shall require a dimensional variance granted by the Board of Zoning Adjustment to encroach closer than the normal setbacks observed for the principal structure of its zone.

b. Accessory buildings shall not be erected in any required yard except a rear yard or side yard, providing that in no instance shall such a building be nearer than five (S) feet to an adjoining side lot line or rear lot line.

c. An accessory building not exceeding one story or fourteen (14) feet in eave height, may occupy not more than twenty-five (25) percent of any non-required yard, provided that in no instance shall the accessory building exceed the ground floor of the principal building.

d. In the case of a double frontage lot, accessory buildings shall observe front yard requirements on both street frontages wherever there are any principal buildings fronting on said streets in the same block or adjacent blocks.

e. When an accessory building is to be located on a comer lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in rear of such comer lot.

f. Garages: In any residential zone no garage shall be erected closer to the side lot line

than the permitted distance for the dwelling unless the garage shall be completely to the rear of the dwelling, in which event the garage may be erected five (5) feet from the side and rear lot line. No garage or portion thereof shall extend beyond the front building line of the dwelling. Attached garages of fireproof construction may be erected to extend beyond the front line of the house in those areas which are being developed according to a common plan that includes the construction of attached garages extending beyond the front line of the house, except that such garages shall not encroach in or upon the minimum front yard area as required by these regulations and provided the cornice, eaves, or overhang shall not extend more than six (6) inches into the required side yard area.

g. Carports constructed in a residential zoning district shall comply with the following requirements:

1. A carport that is placed at the side of an existing residence and which consists of a roof and supporting posts must be five (5) feet from the interior side lot line. The carport may also extend to within ten (10) feet of the side lot line along a public street. The requirements stated in this paragraph refer to the distance between a side property line and the roof line of the carport.

2. A carport which is structurally part of a residence (i.e., one that is composed of the same building materials as the house of which it is a part, and one that has the same roof line as the house of which it is a part) shall not extend into a required side yard.

3. No carport shall extend into the required front yard of a lot.

4. A carport that encroaches into the required side yard of a lot as permitted by this section may not later be concerted into living area, a storage room, garage or other walled structure without approval of the Board of Zoning Adjustment.

8.G VISIBILITY

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

8.H BUSINESS OR INDUSTRY ON SMALL BUILDING SITE

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

8.I FENCES AND WALLS

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

8.J CORNER BUILDING SITE

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

8.K ILLUMINATION OF USES

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

8.L MIXED USES

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

8.M CLASSIFICATION OF NEW AND UNLISTED USES

It is recognized that new types of land uses will develop and that different forms of land uses not anticipated will seek to locate in Pembroke. In order to provide for such changes,

a determination of the appropriate zoning classification of any new or unlisted form of land use shall be made as follows:

a. All questions concerning the classification of new or unlisted uses shall be referred to the Board of Zoning Adjustment for an interpretation of the zoning ordinance. The referral of the use interpretation question shall be accompanied by a statement of facts listing:
   1. The nature of the use, whether it involves dwelling activity, sales, processing, storage and amount and nature thereof;
   2. Anticipated employment;
   3. Types of product;
   4. Transportation requirements;
   5. Nature and time of occupancy or operation of the premises;
   6. The amount of noise, odor, fumes, dust, toxic material, and vibrations likely to be generated; and
   7. The requirements for public utilities, such as sanitary sewers and water.

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

O. BUFFERING

8.0 Statement of Purpose

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

8.10 Sites Affected

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

8.20 Where Landscape Materials Required

This section describes the minimum requirements that shall be met in regard to perimeter landscaping.

8.30 Property Perimeter Requirements

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

a. When any new development adjoins any R-MH1 or R-MH2 zone.

b. When any new development adjoins a business or industrial zone.

c. When any new development adjoins a freeway, expressway or railroad.

d. When any new development adjoins a utility substation, junk yard, landfill, sewage plant, or similar use. For utility substations the landscape easement may be located adjacent to the enclosure.

e. When a Planned Unit Development (PUD) or Zero Lot Line (ZLL) development abuts any residential zone containing one (1) or two (2) family dwelling units and abuts any commercial or industrial zone.

8.3.10 Average Width of Easement

The minimum average width of required landscape easement shall be five (5) feet.

8.3.20 Trees

Required landscape easements of five (5) feet average width or greater shall contain a minimum of one (1) tree per forty (40) feet of linear boundary, or fraction thereof. Trees do not have to be equally spaced, but may be grouped.

8.3.30 Planting, Hedge, Fence, Wall or Earth Mound

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

8.40 Who Provides Easements

The landscape easement and material required adjacent to any street shall be provided by the property owner adjoining street, unless the authority building the street has fully met all requirements on the street right-of-way. When adjacent to other common boundaries, the landscape easement and materials (1) may be placed on either adjoining parcel or astride the boundary if both are owned and being processed by the same owner; or (2) generally shall be placed on the activity listed new development in the relationship listed under previous sections; or (3) may be placed astride the boundary of adjoining parcels having different owners if a written agreement, signed by both owners, is filed with the Building/Zoning Inspector as a public record; or (4) shall be placed on the activity or parcel being processed when adjoining property is already developed.

8.50 Easement Conflicts

The required landscape easement may be combined with a utility or other easement as long as all of the landscape requirements can be fully met, otherwise, the landscape easement shall be provided in addition to, and separate from, any other easement. Cars or other objects shall not overhang or otherwise intrude upon the required landscape easement more than two and one-half (2 1/2) feet, and wheel stops or curbs will be required.

8.60 Existing Landscape Material

Existing landscape material shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the public approval authority, such material meets the requirements and achieves the objectives of this Article.

8.70 Landscaping at Driveways and Street Intersections

To insure that landscape materials do not constitute a driving hazard, a sight triangle shall be observed at all street intersections or intersections of driveways or alleys with streets (See Article 8.D). Within this sight triangle, no landscape material nor other fixed object shall obstruct vision between a height of three (3) feet and a height of twelve (12) feet above the average elevation of the existing surfaces at the center line of each street, driveway or alley. Within the sight triangle, trees shall be permitted as long as, except during early growth stages, only the tree trunk (no limbs, leaves, etc.) is visible between the three (3) and twelve (12) feet limitations mentioned above. A similar exemption is allowed utility poles and traffic signs or lights.

8.80 Landscape Materials

The landscaping materials shall consist of the following:

a. Walls and Fences - Walls shall be constructed of a natural stone, brick, or artificial materials arranged in a linear, serpentine, or other alignment; while fences shall be constructed of wood. Chain link fences will be permitted only if covered with wood strips or plant material. In industrial zones there shall be no height limitations on walls or fences. In all other zones, however, there shall be a three (3) feet height restriction for walls or fences in front yards, and an eight (8) feet height restriction in all other required yards. All walls or fences shall have a minimum opacity of eighty (80) percent.

b. Earth Mounds - Earth mounds shall be constructed with proper slopes and adequate plant material to prevent erosion.

c. Plants - All plant materials shall be living plants (artificial plants are prohibited) and shall meet the following requirements:

1. Quality - Plant materials used in conformance with the provisions of this Ordinance shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations.

2. Deciduous Trees (Trees which normally shed their leaves in the fall) - Should be species having an average mature crown spread of greater than fifteen (15) feet and having trunk(s) which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements.

3. Evergreen Trees - Shall be a minimum of five (5) feet high with a minimum caliber of one and one-half (1 1/2) inches and a minimum spread of three (3) feet immediately after planting.

4. Shrubs and Hedges - Shall be at least two (2) feet to three (3) feet in average height or spread when planted and shall conform to capacity and other requirements within four (4) years after planting.

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

6. Grass or Ground Cover - Grass (of common mixtures of Fescue, Bluegrass, and Rye) shall be planted in species normally grown as permanent lawns in Pembroke, and may be sodded, plugged, sprigged, or seeded; except in swales or other areas subject to erosion where solid sod, erosion-reducing net, or suitable mulch shall be used.

8.100 Maintenance and Installation

All landscaping materials shall be installed in a sound, workman-like manner, and according to accepted good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials and shall keep them in a proper, neat, and orderly appearance free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within one (1) year or by the next planting period, whichever comes first, while other defective landscape material shall be replaced or repaired within three (3) months. Violation of these installation and maintenance provisions shall be grounds for the Building/Zoning Inspector to refuse a building occupancy permit and/or will subject those in violation to established fines and penalties of the Zoning Ordinance.

8.110 Plan Submission and Approval

Whenever any property is affected by these landscaping requirements, the property owner or developer shall prepare a landscape plan for submittal to., and approval by, the Planning Commission. The Building/Zoning Inspector shall follow the requirements of the Article in approving or disapproving any landscape plan required by this Article. Landscape plans also may be submitted as part of any plan review required by the Planning Commission.

8.120 Plan Review

The contents of the plan shall include the following:

(1) Plot plan, drawn to an easily readable scale, showing the labeling by name and dimensions of all existing and proposed property lines, easements, buildings, and other structures, vehicular use areas, square footage, etc.), water outlets, landscape material (tree, wall, fence, hedge or earth mound locations);
(2) Typical elevations and/or cross sections as may be required, and
(3) Title box with the pertinent names and addresses (property owner, person drawing plan, and person installing landscape material), scale, date, north arrow (generally orient plan so that north is top of plan), and zoning classification.

8.130 Variance

Any landscape plan submitted to and disapproved by the Planning Commission because it does not meet the requirements of the Article may be appealed within sixty (60) days of such action to the Board of Zoning Adjustment.

P. RESIDENTIAL MANUFACTURED/MOBILE HOUSING

Residential Manufactured/Mobile Housing shall be permitted in residential districts subject to the provisions and regulations contained herein.

A. DEFINITIONS

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

1. Manufactured/Mobile Home: A residential dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the National Manufactured Housing Construction and Safety Standards Act and defined herein as a manufactured home, and meeting the requirements of a house trailer as defined in Kentucky Building Code.

2. Permanent Foundation: A permanent structural system, normally consisting of a solid block and mortar foundation, for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil. The permanent foundation system shall include a method of transporting loads to the earth and shall provide for a continuous exterior enclosure between the perimeter of the house and the earth. The overall system shall be engineered to comply with soil conditions. Applicable standards would include manufacturer's recommendations in compliance with HUD requirements and recognized standards such as A225.1 (ANSI) and Guideline Standards for the Installation of Manufactured Housing (CABO).

3. Support System: A pad or combination of footing, piers, caps, plates, and shims, which when properly installed, support the manufactured/mobile home.

B. PERMITTED PLACEMENT

1. The establishment, location, and use of a Manufactured /Mobile Home as a permanent residence is permitted in any residential district upon approval of a Conditional Use Permit by the Board of Zoning Adjustment, subject to the requirements applying to residential uses in the district and provided the dwelling shall meet the exterior appearance standards and other requirements as hereinafter set forth in Section D.

2. Only one manufactured/mobile home may be located on a single lot. A single lot shall not be shared by a manufactured/mobile home with any other residence or dwelling.

3. Any manufactured/mobile home previously granted a conditional use permit, but being

moved to another location, will require application for a new conditional use permit for the new location.

C. INSPECTION

1. Any Manufactured/Mobile Home must be inspected by the Building/Zoning Inspector and deemed suitable for placement on a lot within the City, before receiving sewer service from the City.

2. The owner must provide certification to the building/zoning inspector from a licensed electrician and a licensed plumber that the manufactured/mobile home meets minimum standards.

3. In the event a Manufactured/Mobile Home is relocated, it must be re-inspected.

D. EXTERIOR APPEARANCE STANDARDS

All Manufactured/Mobile Homes intended for use as a permanent dwelling must:

1. Meet the Mobile Home Construction and Safety Standards of the Department of Housing and Urban Development, Residential Designed Home (HUD Code, 1976).

2. Have a main body width of no less than twenty (20) feet at any point and a length of not less than forty (40) feet.

3. Meet all the requirements for lot, yard, building and other requirements for the district in which it is located.

4. Be permanently attached to a block and mortar foundation or other solid masonry foundation approved by the Planning Commission, and identical to that type of foundation typically utilized in the construction of a traditional single family residential dwelling.

5. Have all wheels, axles, and hitch mechanisms removed.

6. Have permanent utilities connected, in accordance with the City requirements and manufacturer's specifications, to include its own sewerage hookup.

7. Conform in exterior appearance to the types of dwellings located in the district in which the manufactured/mobile home is to be located.

8. Have siding material which looks like the type used on site-constructed residences.

9. Have a pitch roof of not less than two and one half (2 1/2) inches of rise for each one foot of horizontal run and have roofing material of a type used on site-constructed residences.

10. Appear to face the public street.

11. Be no more than three (3) years old.

Any dispute involving the Building/Zoning Inspector and an applicant, regarding a unit to be located on a particular site, or the compatibility of that unit with other dwelllings in the district, shall be resolved by the Board of Zoning Adjustment.

D. REPLACEMENT OF NON-CONFORMING HOMES

1. A manufactured/mobile home placed and maintained on a tract of land and deemed to be a legal non-conforming use prior to the adoption of this Ordinance shall continue to be a legal non-conforming use. If the non-conforming use is discontinued or abandoned for more than one (1) year the land must thereafter be used in compliance with all the provisions of this Ordinance. Any nonconforming manufactured/mobile home in place at the effective date of the ordinance loses its nonconforming status if it is relocated from that site.

2. A non-conforming manufactured/mobile home may, upon issuance of a Conditional Use permit by the Board of Zoning Adjustment, be removed from the site and replaced with a manufactured/mobile home that meets the criteria as set forth in subsection (B) of this section, except that the manufactured/mobile home shall be either a minimum size of twenty (20) feet in width by forty (40) feet in length, or, exceed a minimum of eight hundred (800) square feet in living space.

8.Q SEXUALLY-ORIENTED BUSINESSES

8.0Q Purpose and Intent

The standards for sexually-oriented businesses are intended to protect and promote the health, safety and welfare of the community by preventing the decline of residential and business neighborhoods, and further by preventing the growth of criminal activity found to be associated with the unrestricted operation of certain sexually-oriented businesses. The provisions of this Ordinance have neither the purpose nor the effect of imposing a limitation or restriction on the content of any protected speech, including sexually-oriented materials. Similarly, this is not the intent nor the effect of this Ordinance to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment, or to deny lawful access by the distributors and exhibitors of sexually-oriented entertainment to their intended market.

Sexually-oriented businesses shall be permitted in specified non-residential districts subject to the provisions and regulations contained herein.

8.1Q Definitions

(1) ADULT VIDEO ARCADE - Any commercial establishment to which the public is permitted or invited, wherein coin-operated or slug-operated or electronically, electrically, or mechanically-controlled still or motion pictures, projectors, or other image-producing devices, to include computer and electronic games, are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

(2) ADULT BOOK STORE/VIDEO STORE - A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

A. Books, magazines, periodicals, or other printed matter, or discs, cassettes, photographs, films, motion pictures, video cassettes, or video representations, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas".

B. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities". Not included in this definition are pharmaceutical supplies normally found in a pharmacy.

(3) ADULT CABARET - A commercial establishment which regularly features:

A. Persons who appear in a state of nudity or partial nudity; or
B. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities": or
C. Films, motion pictures, video cassettes slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

(4) ADULT LINGERIE STORE/MODELING STUDIO - A commercial establishment where live models exhibit lingerie intended for an adult audience.

(5) ADULT LOUNGE - An adult cabaret which is permitted or licensed pursuant to the Alcoholic Beverage Code where alcoholic beverages may be served, sold or consumed.

(6) ADULT MOTEL - A hotel, motel, or similar commercial establishment which offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, discs or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" of "special anatomical areas", and/or has a sign visible from the public right-of-way which advertises the availability of this adult type of entertainment.

(7) ADULT MOVIE THEATER OR ADULT VIDEO THEATER - A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, discs or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" of "special anatomical activities" are regularly shown to groups of six (6) or more people.

(8) ADULT THEATER - A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or "specified sexual activities".

(9) BUILDING OFFICIAL - Any individual appointed by or designated by the City of Pembroke through either appointment or contract to enforce the Zoning Ordinance for the City of Pembroke and/or enforce the Kentucky Building Code for the State of Kentucky.

(10) CHURCH, OR REGULAR PLACE OF WORSHIP - Any structure used principally as a place wherein persons regularly assemble for religious worship including, but not limited to, sanctuaries, chapels, cathedrals, churches, synagogues, and on-site buildings adjacent thereto, such as parsonages, convents, fellowship halls, Sunday Schools, rectories, or property owned by the Church for recreational, operational or

development activities..

(11) CITY CLERK - Means and refers to the individual lawfully acting as the City Clerk of Pembroke pursuant to the City Charter, or his or designated representative.

(12) CONTROLLED SUBSTANCE - As used in this Ordinance, the term "controlled substance" means any substance defined as a controlled substance by the Kentucky Controlled Substance Act, as then amended.

(13) DAY CARE - A facility which provides care and/or supervision for adults or children on a day to day basis.

(14) DRESSING ROOM - An enclosed area designed to allow a single person to try on items of apparel for the purpose of determining suitability.

(15) ESCORT - A person who accompanies an individual for social purposes for any consideration.

(16) ESCORT AGENCY - A person or commercial enterprise which for a fee, tip, or other consideration offers to furnish, or advertises to furnish, escorts as one of its primary business purposes.

(17) ESTABLISHMENT - Any of the following:

A. The opening or commencement of any Sexually Oriented Business as a new business;
B. The conversion of an existing business, whether or not a Sexually Oriented Business, to any Sexually Oriented Business;
C. The addition of any Sexually Oriented Business to any other existing Sexually Oriented Business; or
D. The relocation of any Sexually Oriented Business.

(18) GAMBLING - As used in this Ordinance, the term "gambling" shall have the meaning set forth at Kentucky revised Statutes 528.010, as then amended.

(19) INTENDED OPERATOR - The person principally in charge of the day to day operation of the establishment.

(20) KNOWINGLY - As used in this Ordinance, the term "knowingly" shall have the meaning set forth at the Kentucky revised Statutes 119.205, as then amended.

(21) LICENSEE - A person in whose name a license to operate a Sexually Oriented Business has been issued pursuant to the terms of this Ordinance.

(22) MODELING/NUDE MODELING STUDIO - A commercial establishment where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other person who pay money or any form of consideration.

(23) NUDITY/PARTIAL NUDITY - Appearing in a state of dress which displays one or more "specified anatomical areas".

(24) OPERATES OR CAUSES TO BE OPERATED - To cause to function or to put or keep in operation. A person may be found to be operating or causing to be operated a Sexually Oriented Business whether or not that person is an owner, part owner or license holder of the establishment. A person who, which on the premises of Sexually Oriented Business, does any one or more of the following shall be deemed to be operating or conducting such a business:

A. Operates a cash register, cash drawer, or other depository where checks, cash funds or records of credit card or other credit transactions generated in connection with the activities of the business are kept; or
B. Displays or takes orders from many customer for any merchandise, goods, entertainment or other service offered in connection with the activities of the business; or
C. Delivers or provides to any customer any merchandise, goods, entertainment or other services offered in connection with the activities of the business; or

D. Acts as a door attendant to regulate entry of customers or other persons into the business premises; or
E. Supervises or manages other persons in the performance of any or foregoing activities.

(25) PERSON - An individual, proprietorship, partnership, corporation, association, or other legal entity.

(26) PRINCIPAL BUSINESS PURPOSE - For purposes of this Ordinance an establishment has a principle business purpose of selling or renting any sexually explicit material if such sales or rentals make up a minimum of 15% of that establishments monthly gross receipts.

(27) RENT - The act of permitting space to be occupied for any form of consideration.

(28) RESIDENTIAL DISTRICT - Single-Family Residential District (R-1); Single-Family Residential District (R-2); One and Two Family Residential District (R-3); Multi-Family Residential District (R-4); Zero Lot Line District (ZLL); or Planned Unit Development District (PUD).

(29) RESIDENTIAL USE - Single-Family Residential District (R-1); Single-Family Residential District (R-2); One and Two Family Residential District (R-3); Multi-Family Residential District (R-4); Zero Lot Line District (ZLL); or Planned Unit Development District (PUD).

(30) RESTROOMS - Restrooms as used in this Ordinance shall be synonymous with toilet facilities, lavatory, and bathing facilities. No sexually oriented business activities shall be permitted in any such facilities.

(31) SEXUAL ENCOUNTER CENTER - A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or partial nudity.

(32) SEXUALLY ORIENTED BUSINESS:

A. An adult bookstore, adult video arcade, adult bookstore or video store, adult cabaret, adult lingerie store/modeling studio, adult lounge, adult motel, adult movie theater, adult video theater, escort agency, modeling studio, nude modeling studio, sexual encounter center, or other commercial enterprise the primary business of which is the offering of a service or the selling, renting or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.

B. The following are exempted from regulation under this Ordinance:

1. A business operated by or employing a licensed psychologist, licensed physical therapist, licensed athletic trainer, licensed cosmetologist, licensed barber or any other state licensed/regulated professional engaged in performing functions authorized under the license held; or
2. A business operated by or employing a licensed physician or licensed chiropractor engaged in practicing the healing arts.

(33) SPECIFIED ANATOMICAL AREAS - Specified anatomical areas are:

A. Less than completely and opaquely covered: (1) human genitals, (2) human buttock or anus, or (3) female breasts below a point of immediately above the top of the areola;
B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

C. Any combination of the above.

(34) SPECIFIED SEXUAL ACTIVITIES - Specified sexual activities are those activities which display:

A. Human genitals in a state of sexual stimulation or arousal;
B. Acts of human masturbation, sexual intercourse or sodomy;
C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breasts; or
D. Any combination of the above.

(35) SUB-RENT - The act by one who has rented a room of permitting the room to be occupied for any form of consideration.

(36) TRANSFER OF OWNERSHIP OR CONTROL - Includes any of the following:

A. The sale, lease, or sublease of the business;
B. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
C. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for the transfer by request or other operation of law upon the death of the person processing the ownership or control.

(37) VIEWING ROOM - An area designated to permit one or more persons the opportunity to view or observe a dancer, model, or other performer in a "private" or semi-private environment.

8.2Q SPECIAL USE PERMIT REQUIRED

A Sexually Oriented Business is allowed in a B-2 District upon approval of a Special Use Permit by the City Commission, and issuance of a city license as set forth in this section.

Application for the Special Use Permit must be made on a form supplied by the City Clerk. It shall contain, at a minimum, that information required in this section for issuance of a city license, a site plan as set forth in Article 6, Administration, and such other information as the City Commission may require in the application in order to make its decision on issuance of the permit.

8.3Q LICENSING

(1) License Required: A person commits an offense if he/she operates, owns, or causes to be operated, within the corporate limits of Pembroke, a Sexually Oriented Business without a valid license authorizing such operation.

(2) Application:

A. An application for a license must be made on a form provided by the City Clerk. Before any applications will be taken from any person or entity applying for said license, the City Clerk must be shown the required building permit as required by the Kentucky Building Codes and also must produce a certificate of occupancy. The application shall not be accepted until it is complete and contains:

1. The name of the applicant and a statement as to whether the applicant is an individual, partnership, corporation or other specified legal entity;
2. The name under which the business is to be operated and a description of the Sexually Oriented Business to be conducted;
3. The name, address, and telephone number of each owner and operator;
4. The street address and legal description of the parcel of land on which the business is to be located, and the telephone number of the enterprise;
5. A detailed description of the business activities to be conducted on the premises;
6. A written declaration, sworn under oath by the applicant or its duly authorized agent, that the information contained in the application is true and correct;
7. If a person who wishes to operate a Sexually Oriented Business is an individual, he/she must sign the application for a license as applicant. If a person who wishes to operate a Sexually Operated Business is other than an individual, each individual who has a five (5) percent or greater interest in the business must sign the application for a license as applicant.
8. A statement of gross receipts or sales known or anticipated from the sale or rental of sexually oriented products or materials.

B. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram needs to be professionally prepared and must be oriented to the North and drawn to a design based on a scale or drawing with marked dimensions on the interior of the premises. The applicant shall sign a notarized statement attached to the diagram stating that the proposed plan for the Sexually oriented Business complies with the requirements set forth in this Ordinance. The applicant may submit a remodeling plan to scale for modification of the current structure. If the plan is acceptable and the license is approved, the license shall not be effective until the modification is completed and a certificate of occupancy is issues. The City Clerk may waive the requirement that the diagram be submitted with renewal applications if the application certifies that the configuration of the premises has not been altered since the diagram on file with the original application was prepared.

1. The diagram must show all interior walls and partitions, the locations of one or more manager stations and the locations of lighting fixtures. The diagram must clearly specify any areas in the premises to which members of the public will not be permitted access, and must designate the location where the license will be posted.

2. Excepting only adult motels, the interior of the Sexually Oriented Business premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding only restrooms. Restrooms may not contain video, photographic, monitoring or other surveillance equipment. The view required in this subsection must be by direct line of sight from the manager's station.

(3) It shall be an offense for any owner, operator, agent, or employee to knowingly permit the view area specified in paragraph two (2) above to be obstructed by any doors, walls, merchandise, display racks, or other material at any time that any patron is present on the premises, or to allow a patron access to any area of the premises which has been designated in the application filed pursuant to paragraph one (1) of this Section as an area in which patrons will not be permitted.

(4) It shall be an offense for any owner, operator, agent, or employee to knowingly allow patrons access to any area that is not illuminated by overhead lighting fixtures to an intensity of at least on e (1) foot-candle as measures at floor level. Such light intensity shall be maintained at all times during which the premises are open to the public.

C. The premises must be inspected and found to be in compliance with the law by the County Health Department, Fire Department and Zoning/Building Official.

D. The fact that a person possesses a valid theater license, dance hall license, amusement device license, business license, certificate of occupancy, or other license or permit does not exempt him from the requirement of obtaining a Sexually Oriented Business license. Any person who owns or operates a Sexually Oriented Business license shall comply with the requirements and provisions of this Ordinance and all other applicable Ordinances of the City of Pembroke and laws of the State of Kentucky.

(3) ISSUANCE OF LICENSE

A. The City Clerk shall approve or disapprove the issuance of a license to an applicant within thirty (30) days following the date on which the complete application is filed

with the City. Failure of the City Clerk to disapprove an application by the end of the 30th day following the day on which the complete application is filed shall result in the administrative approval of such application, and the license shall promptly thereafter be issued. Such license shall nevertheless be subject to suspension or revocation as provided herein. Each applicant must be qualified under subsection 8.2Q(3) of this Ordinance, and each applicant shall be considered the licensee if a license is granted.

B. Approval must be granted unless one or more of the following is true:

1. Any applicant is under 18 years of age.
2. An applicant is overdue in payment of any taxes, fees, utilities, fines, court directed payments, assessments or interest to the City of Pembroke, or penalties assessed against the applicant or imposed upon the applicant in relation to a Sexually Oriented Business.
3. An applicant has failed to provide information requesting on the application form or has supplied false or misleading information in the application process.
4. An applicant has been convicted of a violation of a provision of this Ordinance within two (2) years immediately preceding the filing of the application. The fact that a conviction is being appealed shall have no effect.
5. The premises to be used for the Sexually Oriented Business have been disapproved by the County Health Department, fire Department, or the Zoning/Building Official.
6. The licensee fee required by this Ordinance has not been paid.
7. An applicant or the proposed establishment is in violation of or is not in compliance with any applicable section of this Ordinance.
8. The proposed business is otherwise prohibited by law.

(4) FEES

A. Every person who engages in operating an adult entertainment establishment as defined herein shall in lieu of the regular occupational license fee charged by the City pay an annual license tax, effective the fiscal year beginning July 1 and due by July 31 and thereafter due on such date as the City's Occupational Ordinance requires. Every person who engages in employment, contractually or otherwise, as an independent contractor in an adult entertainment establishment as defined herein, shall pay the regular occupational license fee charged by the City. Such license shall be valid upon issuance of same and shall not be transferrable to any other person during the period of the license and said tax charged to offset the City's expenses in exercising its police and regulatory powers involving adult entertainment.

B. The licensee fees shall be charged for each license application filed and shall be

paid at the time the application and diagram are submitted for processing.

(5) It shall be unlawful for any person to own, operate, conduct, or cause to be operated or conducted a Sexually Oriented Business within the territorial limits of the City of Pembroke, Kentucky, unless the license required by this Ordinance is posted at or near the principal public entrance to the business in such a manner that it will be conspicuous to patrons who enter the premises.

(6) INSPECTIONS

A. It shall be an offense for any person to interfere with a lawful inspection of the premises by a representative of any law enforcement agency, County Health Department, Fire Department, the Zoning/Building Official or the City Clerk at any time it is occupied or open for business.

B. By accepting a license to operate a Sexually Oriented Business, the holder consents that a peace officer, fire marshall, zoning/building official or health inspector may enter the premises at any time such premises are open for business to conduct an inspection or investigation for the purpose of evaluating compliance with this Ordinance.

1. In conducting inspections as provided herein, officers shall limit their investigations to detecting violations of the regulatory provisions of this Ordinance and the Kentucky Revised Statutes.
2. This subsection does not in any way limit the authority of an officer to conduct any search authorized by a warrant, or pursuant to any exception to the warrant requirement.

(7) EXPIRATION AND RENEWAL OF LICENSE

A. Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in subsection 2. Applications for renewal should be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date the expiration of the license will not be affected.

B. When the City Clerk denies renewal of a license for false or misleading information, the applicant shall not be issued a license for one (1) year from the date of denial. If the applicant has been convicted of a violation of this Ordinance, the applicant shall not be issued a license for two (2) years from the date of conviction. If any other basis of denial for renewal of license has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the denial became final and the applicant is otherwise

entitled to receive a license under Section 8.2Q(3).

(8) SUSPENSION

A. The City Clerk shall suspend a license for a period not to exceed sixty (60) days if he/she determines that the licensee or an employee of a licensee has, subsequent to the issuance of the license:

1. violated any provisions of this Ordinance;
2. been charged with a violation of any statute, ordinance, or other law pertaining to the possession, use, or consumption of alcoholic beverages or any other controlled substance while on the business premises during business hours;
3. refused to allow an inspection of the Sexually Oriented Business premises as authorized by this Ordinance;
4. altered the activities or character of the business such that the business offers, provides, displays, or exhibits goods, services, or entertainment not offered, provided, displayed, or exhibited at the time the license was issued, and not otherwise authorized by the license;
5. Knowingly permitted gambling by any person on the Sexually Oriented Business in a peaceful and law-abiding manner thus necessitating action by law enforcement officers;

B. It shall be unlawful for any person to operate, conduct, or cause to be operated or conducted a Sexually Oriented Business within the territorial limits of the City of Pembroke, Kentucky, during any period of time when the license authorizing such operation has been suspended.

(9) REVOCATION

A. The City Clerk shall revoke a license if he/she determines that:

1. a cause of suspension under subsection 8, occurs and the license has been suspended within the preceding twelve (12) months;
2. a licensee gave false or misleading information in the material submitted to the City Clerk during the application precess;
3. a licensee or an employee has knowingly allowed the unlawful possession, use, or sale of alcoholic beverages or controlled substances on the premises;
4. a licensee or employee has knowingly allowed prostitution on the premises;
5. a licensee or an employee knowingly operated the Sexually Oriented Business during a period of time when the license was suspended;
6. a licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in or on the licensed premises at any time the business is open to the public. The term

"sexual contact" shall have the meaning set forth in Kentucky Revised Statutes 510.010(7).

7. a licensee is delinquent in payment of any taxes, fees, utilities, fines, assessments or interest to the City of Pembroke, or penalties assessed against the applicant or imposed upon the applicant in relation to a Sexually Oriented Business;
8. a licensee has attempted to assign, transfer, or divide a license to operate a Sexually Oriented Business issued under this Ordinance; or
9. a licensee or employee commits an offense under Section (6).

B. When the City Clerk revokes a license, the revocation shall continue for one (1) year and the license shall not be issued a Sexually Oriented Business license for one (1) year from the date revocation became effective. If, subsequent to revocation, the City Clerk finds that the basis for revocation has been corrected or abated, the applicant may be granted a license if six (6) months have elapsed since the date the revocation became effective.

(10) APPEAL

If the City Clerk denies the issuance of a license, or suspends or revokes a license, he/she shall send to the applicant or licensee, at the address of the business as shown on the most recent application, by certified mail, return receipt requested, written notice of such action and the right of appeal. All appeals of the Ordinance shall be submitted to the City Commission of the City of Pembroke. The filing of an appeal stays the action of the City Clerk in suspending or revoking a license until the Board of Zoning Adjustment makes a final decision.

(11) TRANSFER OF LICENSE

A Sexually Oriented Business license is not transferable, assignable or divisible. Any attempt or purported transfer, assignment or division shall be void.

8.4Q ADDITIONAL REGULATIONS APPLICABLE TO ALL SEXUALLY ORIENTED BUSINESS

(1) Sexually Oriented Businesses shall not employ any person under the age of eighteen (18) years.

(2) It shall be an offense for any person to knowingly allow a person under the age of eighteen (18) years to appear in a state of nudity or partial nudity in or on the premises of a Sexually Oriented Business. It is a defense to prosecution under this subsection if the defendant was in a restroom not open to public view or person(s) of the opposite sex.

(3) It shall be an offense for a person under the age of eighteen (18) years to act as an escort. It shall be an offense for a person to act as an escort or agree to act as an escort for any person under the age of eighteen (18) years. The term escort is used as defined in this Ordinance.

(4) It shall be an offense for a person to appear in a state of nudity or partial nudity or to allow another to appear in a state of nudity or partial nudity in an area of Sexually Oriented Business which can be viewed from outside of the licensed premises.

(5) No alteration after licensing shall be made to the interior configuration of a Sexually Oriented Business nor shall the business alter or relocate a manager's station without prior approval of the City Clerk, subject to compliance with the Kentucky Building Code.

(6) At least one (1) owner, operator, or employee must be situated in each station at all times that any patron is present inside the premises. A licensee commits an offense if patrons are inside the premises and the manager's station is not occupied by an owner, operator, or employee. This subsection shall not apply to adult motels.

(7) A Sexually Oriented Business shall not place or permit a bed, sofa, or mattress in any room on the premises to which members of the public have access, except that a sofa may be placed in a reception room open to the public.

8.5Q DISPLAY OF SEXUALLY EXPLICIT MATERIAL TO MINORS

(1) It shall be an offense for a person, in a business establishment open to persons under the age of eighteen (18) years, to display any graphic or visual representation of material which depicts, in a manner calculated to arouse sexual lust or passion for commercial gain or to exploit sexual lust or perversion for commercial gain, any of the following:

A. Human sexual intercourse, masturbation, or sodomy;
B. Fondling or other erotic touching of human genitals, buttocks, or female breasts;
C. Less than completely and opaquely covered human genital, buttocks, or that portion of the female breasts below the top of the areola; or
D. Human male genitals in a discernibly turgid state, whether covered or uncovered.

(2) In this section "display" means to locate an item in such a manner that, without obtaining assistance from an employee of the business establishment:

A. It is available to the general public for handling and inspection; or
B. The cover or outside packaging on the item is visible to members of the general public.

8.6Q LOCATION

(1) It is an offense for any person to operate or cause to be operated a Sexually Oriented Business which is within 750 feet of the property line of:

A. A church, or place of religious worship, or Church property;
B. A day care facility, or daycare facility property;
C. A school, or school property;
D. A hospital, or hospital property;
E. A public building, or public building property;
F. A public Park or public park property;
G. Residentially zoned property;
H. Residentially used property; or
I. Any agricultural land use.

(2) It shall be an offense for any person to cause or permit the operation, establishment, substantial enlargement, or transfer of ownership or control of a Sexually Oriented Business within 1,000 feet of another Sexually Oriented Business.

(3) It shall be an offense for any person to cause or permit the operation, establishment, or maintenance of more than one Sexually Oriented Business in the same building, structure, or portion thereof containing another Sexually Oriented Business.

(4) For the purposes of Subsection (1) of this Section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a Sexually Oriented Business is conducted, to the nearest property line of the premises of a church; or place of religious worship, day care facility, school, hospital, public building or public park, residentially zoned property, residentially used property, or agricultural land use.

(5) For the purpose of Subsection (2) of this Section, the distance between any two (2) Sexually Oriented Businesses shall be measured in a straight line without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

(6) All Sexually Oriented Businesses, must be located and operated in a B-2 zone (General Business District) unless the business qualifies to, the non-conforming use mentioned in Subsection (7) of this section. Operation of such businesses in any other zone is prohibited.

(7) Any Sexually Oriented Business lawfully operating on the effective date of this Ordinance that is in violation of Subsections (1), (2), or (3) of this Section shall be

deemed a non-conforming use.

A. Such non-conforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use.
B. If two (2) or more Sexually Oriented Businesses are within onethousand (1,000) feet of one another and otherwise in a permissible location, the Sexually Oriented Business which was first established and continually operating at a particular location is the conforming use and the later established business is non-conforming.
C. A Sexually Oriented Business lawfully operating as a conforming use is not rendered a non-conforming use by the location, subsequent to the grant or renewal of the Sexually Oriented Business license, of a church or place of religious worship, day care facility, school, hospital, public building or public park, residentially zoned property, residentially used property, agricultural land use within onethousand feet (1,000) of the Sexually Oriented Business.

8.7Q ENFORCEMENT

(1) CRIMINAL PENALTIES

A. Any person violating Section 8.3Q or 8.4Q of this Ordinance may be prosecuted under either this Ordinance or the Kentucky Penal Code. Upon conviction under this Ordinance, violations are punishable by a fine not to exceed $2,000.00 per day per violation.
B. If the Sexually Oriented Business involved displays any type of nude or partially nude modeling activity, or if it is a sexual encounter center, then violation of Subsection 8.2Q(1) or Section 8.3Q of this Ordinance is punishable as a Class B misdemeanor.
C. Except as otherwise provided herein, by any person violating a provision of this Ordinance is punishable upon conviction by a fine not to exceed $500.00 as a Class B misdemeanor.
D. Each calendar day during which a person is in violation of any provision of this Ordinance shall constitute a separate violation of that provision.

(2) CIVIL REMEDIES

In addition to any other remedies which may be available at law or in equity, the City may sue in the appropriate district court for an injunction to prohibit the violation of, or enforce compliance with, any regulation contained in this Ordinance.

8.8Q SEVERABILITY

If any section or part of any section or paragraph of this Ordinance is declared invalid or

unconstitutional for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or sections or part of a section or paragraph of this Ordinance.

8.9Q EFFECT ON OTHER LAWS

Nothing in this Ordinance is intended to legalize anything prohibited under any other federal or state law or City Ordinance. Any Sexually Oriented Business lawfully operating on the effective date of this Ordinance which is then in violation of Section 8.2Q(2)B2, 8.2Q(2)B3, or 8.3Q(7) shall be deemed a non-conforming use, and such non-conforming use may be permitted to continue for a period not to exceed ninety (90) days unless sooner termination for any reason, or voluntarily discontinued for a period of thirty (30) days or more.

If remodeling is necessary to comply with the section cited and accomplishing such remodeling within ninety (90) days poses a hardship, the owner of the Sexually Oriented Business may apply to the City Clerk for an extension not to exceed an additional sixty (60) days.

Such request will be in writing describing the hardship, the owners plan to effect compliance and time such changes will be completed.

8.10Q REPEAL OF EXISTING ORDINANCES

To the extent that any prior Ordinance of the City of Pembroke (or any provision, clause, phrase, sentence or paragraph contained therein) conflicts with this Ordinance, said conflicting prior Ordinance, provision, clause, phrase, sentence or paragraph is repealed on the effective date of this Ordinance.

ARTICLE 9 OFFICIAL ZONING MAP

9. PROVISIONS FOR OFFICIAL ZONING MAP

9.0 Official Zoning Map

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

9.1 Identification of the Official Zoning Map

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

9.2 Maintenance of the Official Zoning Map

If, in accordance with the provisions of this Ordinance and Kentucky Revised Statutes Chapter 100 for cities and other than cities of the first class as changes are made in district boundaries or other matter portrayed on the Official Zoning Map promptly after the amendment has been approved by the City Commission with an entry on the Official Zoning Map as follows: On (Date) by official action of the City Commission, the following changes were made on the Official Zoning Map:

_____

_____

_____,

which entry shall be signed by the Building/zoning inspector or head of the Planning Commission and attested by the City Clerk. No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in the Ordinance. Any authorized change of any kind by a person or persons shall be considered a violation of this Ordinance and punishable as provided under PENALTIES FOR VIOLATION.

9.3 Location of the Official Zoning Map

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

9.4 Replacement of the Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Commission may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The Official Zoning Map shall be identified by the signature of the Mayor of the city attested by the City Clerk and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted ___Date___ as part of Ordinance Number _____ of the City of Pembroke, Kentucky. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together will all available records pertaining to its adoption or amendment."

Rules for Interpretation of District Boundaries

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

a. Boundaries indicated as approximately following the center line of thoroughfares or highways, street lines or highway right-of-way lines, or alleys shall be construed to follow such center lines.

b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

c. Boundaries indicated as approximately following city limits shall be construed as following such city limits.

d. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

e. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

f. Boundaries indicated as approximately following flood plain lines shall be construed to follow such contour lines.

g. Boundaries indicated as parallel to or extensions of features indicated in Subsections (a) through (f) above shall be so controlled. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale on the map.

h. Where physical or cultural features existing on the ground are at variance with those shown as the Official Zoning Map, or in other circumstances not covered by Subsections A through F above, the Board of Zoning Adjustment shall interpret the boundaries.

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

ARTICLE 10

APPENDIX

APPENDIX A. SCHEDULE OF USES

APPENDIX B. SCHEDULE OF STANDARDS

APPENDIX C. SCHEDULE OF FEES

APPENDIX A - SCHEDULE OF USES

Agriculture/Animals

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Agricultural uses (crops)	R	R	R	R	R	R	R
Animal and poultry raising, commercial							R
Animal pound							
Aviaries and zoos					CU	CU	
Hog feeding yards, commercial							CU
Kennels					CU	CU	R
Pet shops						R	
Poultry or rabbit, packing or slaughtering (wholesale)							R
Slaughtering of animals or poultry							R
Stockyards and feed lots							CU
Veterinary hospitals						R	R

Entertainment & Leisure

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Amusement parks				CU	CU	CU	
Art galleries, not for profit	R	R	R	R	R	R	
Aviaries and zoos					CU	CU	
Bowling alleys					CU	R	
Camping areas, public and private						CU	CU
Circus/Carnival grounds						CU	CU
Commercial lakes					CU	CU	CU

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-
Convention centers						R	
Country clubs	CU	CU	CU	CU	R	R	
Dance halls						R	
Dance instruction					R	R	
Drive-in theaters						R	
Exposition building or center							R
Fairgrounds							R
Fraternities and sororities			CU	CU	R	R	
Golf courses; except miniature courses, driving ranges, or privately owned golf courses operated for commercial purpose Golf driving ranges, miniature courses, privately owned golf courses operated for a commercial purpose	CU	CU	CU	CU		R	R
Golf driving ranges, miniature courses, privately owned golf courses operated for a commercial purpose						R	CU
Parks, playgrounds, not for profit	R	R	R	R	R	R	R
Private clubs, including community buildings, swimming, tennis and other recreation	CU	CU	CU	CU	CU	CU	
Race Track, animal							R
Race Tracks, motor-powered vehicles							R
Restaurants -- where food and drink may be served or consumed outside as well as inside a building, including the drive-in restaurants where all or part of the service or consumption is inside a vehicle					CU	R	
Restaurants and pubs (without drive-in facilities) -- if a minor, integral part of an organized shopping center					R	R	

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Restaurants (with drive-through windows) -- having prior approval by the agency responsible for traffic engineering					CU	R	
Restaurants, tea rooms, cafes -- where all customers are served at a table or counter and where dancing or entertainment is excluded					R	R	
Rifle, pistol and skeet ranges, outdoor							CU
Rifle, pistol and skeet ranges, indoor						CU	
Sexually Oriented Business						R	
Skating rinks (ice or roller)					R	R	
Sports arenas						CU	CU
Taverns, bars, and saloons					CU	R	
Theaters, enclosed within a building						R	
Tourist homes					R		

Government / Public

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Churches, parish halls, temples, convents, and monasteries	CU	CU	CU	CU	R	R	
Community buildings					R	R	
Governmental buildings, including armories, storage, maintenance and repair facilities					R	R	R
Governmentally owned or operated buildings or uses					R	R	R
Libraries, museums, historical buildings or grounds	CU	CU	CU	CU	R	R	R
Offices, professional or business and governmental					R	R	

Housing

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Assisted living facility				CU	CU	CU	
Apartment hotels and office buildings, including business customarily incidental to such uses conducted for the convenience of the occupants, and provided all entrances, designs, signs and show windows for such uses shall not be evident from the outside of the building					R	R	
Boarding and lodging houses			CU	R			
Condominiums	*	*	*	*			
Dwelling, two families or duplex			R	R	CU		
Dwelling, group house			CU	CU	CU	CU	
Dwelling, multi-family				R	CU	CU	
Dwelling, row houses	*	*	*	*			
Dwelling, single-family	R	R	R	R	CU	CU	
Hotels and motels					R	R	CU
Manufactured home park							
Manufactured home subdivision							
Manufactured housing/mobile home	CU	CU	CU	CU			
Planned unit development	*	*	*	*	*	*	

Manufacturing & Processing

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Adhesives, excluding manufacturing basic components							R
Air conditioning, commercial (manufacturing)							R
Aircraft and aircraft parts (manufacturing)							R

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Aluminum extrusion, rolling fabrication and forming (manufacturing)							R
Aluminum powder and paint manufacture (manufacturing)							R
Apparel or other textile products from textiles or other materials, including hat bodies of fur, wool, felt or similar products. (manufacturing)							R
Assembly of automobile, bicycle, carriage, engine (rebuilt) motorcycle, trailer, truck, wagon, including parts							R
Athletic or sports equipment, including balls, baskets, bats, cues, racquets, rods, or similar products (manufacturing)							R
Awnings, metal (manufacturing)							R
Battery, storage (wet cell) (manufacturing)							R
Bedding (mattress, pillow, quilt) including rebuilding and renovating (manufacturing)							R
Beverage, blending and bottling (manufacturing)							R
Beverage (non-alcoholic) (manufacturing)							R
Boat manufacture and repair							R
Box and crate							R
Brick							R
Carpet, rug, mat (manufacturing)							R
Cement (manufacturing)							R

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Chemicals, including acetylene, acids, and derivatives, alcohol (industrial), ammonia, aniline dyes, carbide, caustic soda, cellulose and cellulose storage, chlorine, cleaning and polishing preparations (non-soap), dressings and blackings creosote, dyestuffs, exterminating agents and poisons, hydrogen and oxygen, plastic materials, and synthetic rosins, potash, pyroxylin, tar products, turpentine and resin, and solvent extracting							R
Chemicals (packaging only)							R
Clay products							R
Clay, stone, glass products							R
Clay products of handicraft nature including ceramics, pottery, tile (glazed), or similar products							R
Concrete, central mixing and proportioning plant							R
Concrete products (except central mixing and proportioning plants)							R
Cosmetic or toiletries (manufacturing)							R
Distillation, manufacture, or refinement of coal, tar, asphalt, or asphalt products							R
Distilleries, breweries, and non-industrial alcoholic spirits							R
Electrical appliance and apparatus assembly (small), including fans, fixtures, hot-plates, irons, mixers, motion picture equipment (home), phonographs, radios, television sets, toasters, or similar products, not including electrical machinery						R	R

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Explosives (when not prohibited by other ordinances) and explosive storage, including ammunition, fireworks, nitrating of cotton or other materials, nitrates (manufactured and natural) of an explosive nature, storage of latter (manufacturing)							CU
Extraction and development of all, gas, and other hydrocarbon substances	CU	CU	CU	CU	CU	CU	CU
Fertilizer (organic and non-organic), including fish, oils, manure, or peat							R
Film, photographic (manufacturing)							R
Firearms (manufacturing)							R
Flour, feed, grain (processing)							R
Food processing, including bakery products (wholesale), candy manufacture, coffee, tea, and spices (processing and packaging), creamery and dairy operations, ice cream manufacture, macaroni and noodle manufacture, oleo-margarine (compounding and packaging only)							R
Food processing, including chewing gum, chocolate, cocoa and cocoa products; condensed and evaporated milk, processing and canning; flour, feed and grain (packaging, blending, and storage only); food products except slaughtering of meat or preparation of fish for packing; fruit and vegetable processing (including canning, preserving, drying, and freezing; gelatin products; glucose and dextrine; malt products; meat products; packing and processing (no slaughtering), yeast							R
Forge plants, drop hammer or pneumatic							R
Foundries, ferrous or non ferrous, brass, bronze							R
Foundry products (electrical only)							R
Furniture (manufacturing)							R

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Grain blending and packaging, but not milling							R
Graphite or graphite products					R	R	R
Hardware, products or tools, including bolts, brads, cutlery, door knobs, drills, hinges, household items, locks, metal castings (non-ferrous), nails, needles and pins, nuts, plumbing appliances, rivets, screws, spikes, staplers, tools (hand), or similar products							CU
Heating, ventilating, cooking, and refrigerating supplies and appliances (manufacturing)							R
Hosiery mill							R
Household appliances, electrical and gas, including stoves, refrigerators, washing machines, clothes dryers, and similar products							R
Implements, agricultural or farm (manufacturing)							R
Insecticides, fungicides, disinfectants, or related industrial or household chemical compounds							CU
Insecticides, fungicides, disinfectants, or related industrial or household chemical compounds (blending only)							CU
Iron or steel (ornamental), miscellaneous, fabrication or assembly, including steel cabinets, doors, fencing, metal furniture, or similar products; cleaning; grinding, heat treatment, metal finishing, plating, polishing, rust proofing, sharpening, or similar processes							CU
Jewelry						R	
Lead oxide (manufacturing)							CU
Lime, mixing and manufacturing							CU
Lumber yards						CU	R
Machine, tools, die, and gauge shops							R

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Machine tools, including metal lathes, metal presses. metal stamping machines, wood working machines, or the like							R
Machinery (heavy), including electrical, construction, mining, or agricultural manufacture, also repairs							R
Machines, business, including accounting machines, calculators, cardcounting equipment, typewriters, or similar products							R
Meat and fish products, including slaughtering of meat or curing of fish, packing, and storage							R
Medical appliances, including braces, limbs, stretchers, supports, or similar appliances (manufacturing)							R
Metal alloys or foil, miscellaneous, including solder, pewter, brasses, bronzes, or tin, lead, gold foils or similar products							R
Metal casting or foundry products heavy, including ornamental iron work, or similar products							R
Metal and metal ores, reduction, refining smelting, alloying, including blast furnaces, cupolas, and blooming mills							R
Metal or metal products; treatment or processing including enameling, japanning, lacquering, galvanizing, and (hot dip) plating							R
Millwork and planing							R
Minerals and earths (including sand-lime products), grinding, crushing, processing							R
Monument and architectural stone monument works (manufacturing)							R
Novelty products (from prepared materials) (manufacturing)							R

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Packaging, processing by compounding, blending, mixing, washing, screening, crushing, grinding, and formulating, or any combination thereof, and volume sales of materials and goods, provided by the bulk of the things packaged, processed or sold is received or shipped via river transportation, but not permitting slaughterhouses, stock yards, fertilizer plants, scrap metal processing, or the reduction of dead animals, fish, garbage or offal							CU
Paint and coatings, except manufacturing gun cotton nitrocellulose lacquers reactive resin cooking							R
Paint, lacquer, shellac, and varnish, including calcimine, casein, colors and pigments, thinners and removers (manufacturing)							R
Paper and paper board (from paper making machines) (manufacturing)							R
Paper products, including bags, boxes, bulk goods, containers (shipping), envelopes, interior packaging components stationary, tubes, wallpaper, or similar products (manufacturing)							R
Photographic equipment (manufacturing)							R
Plating, electrolytic process						CU	R
Plastic molding and shaping, excluding manufacturing or basic components							R
Plastic, raw							CU
Pottery and porcelain products (coal-fired, including bathroom or kitchen equipment, or similar products)							R
Precision instruments							R

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Printing, lithographing, or publishing establishments, if constructed to insure that there is no noise or vibration evident outside the walls of the building						R	R
Printing, publishing, engraving, including photoengraving						R	R
Pulp goods, pressed or molded (including papermache products)							R
Radio and television towers and antennas (manufacturing)							R
Rendering, incineration or reduction, and storage of dead animals, garbage, offal, or waste products (the entire operation to be performed within a building)							CU
Refractories							R
Refrigerated plants (manufacturing)							R
Roofing materials, building paper, and felt (including asphalt and composition) (manufacturing)							R
Rubber (natural or synthetic), including tires, tubes, or similar products, gutta percha, chicle, and balata processing (manufacturing)							R
Rubber and synthetic treated fabric products (excluding all rubber of synthetic processing) such as washers, gloves, footwear, bathing caps, atomizers or similar products (manufacturing)							R
Rubber stamp manufacturing, where products are sold on premises						R	
Scrap metal and scrap metal reduction, waste paper, rags, junk, salvage or similar operations, including auto wrecking, provided the entire operation is enclosed within a solid fence at least eight (8) feet high							CU

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Sheet metal products from metal stamping or extrusion, including containers, costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products (manufacturing)							R
Sheet metal shops					CU	CU	R
Shipping containers (corrugated board, fiber or wire-bound) (manufacturing)							R
Signs and displays (manufacturing)						CU	R
Silverware, plate or sterling (manufacturing)							R
Soaps or detergents, including washing or cleaning powder or soda, packaging only (manufacturing)							R
Soaps and soap products or detergents, including fat rendering, oils, vegetable and animals (non-edible) (manufacturing)							R
Stamps (hand), stencils, and brands (manufacturing)							R
Statuary and art goods, other than stone and concrete, including church art, figurines, mannequins, religious art, (excluding foundry operations (manufacturing)							R
Steel works and rolling mills (ferrous) for steel, structural iron and steel fabrication, and steel products, including bars, cables, girders, rails, wire rope, or similar products							R
Stone processing or stone products, including abrasives such as wheels, stones, paper and cloth, asbestos products, stone screening, stone cutting, stoneworks, sand or lime products or similar processes of products							R
Sugar refining							R
Synthetic Fibers (manufacturing)							R

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Textiles and fibers into fabric goods; spinning, weaving, knitting, manufacturing, dyeing, printing and finishing of goods, yarns, knit goods, tread and cord							R
Textile bleaching, bleachery, bleaching products, including bluing							R
Tire retreading and vulcanizing shop					CU	CU	R
Tobacco (including curing) or tobacco products						R	R
Toys and games (manufacturing)							R
Vehicles, children's including baby carriage, bicycles, scooters, wagons, or similar vehicles (manufacturing)							R
Wall board, plaster board, insulation, and composition flooring							R
Wood or lumber processing, including sawmills, planing mills, cooperage stock mills, excelsior or packing materials, plywood veneer, wood preserving treatment, or similar products or processes							R
Wood products							R
Wood products, including furniture, baskets, boxes, crates, or similar products and coop works (except coop stockmill)							R

Medical

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Hospitals, institutions, nursing homes and homes for the infirm and aged	CU	CU	CU	CU	CU	CU	
Physicians					R	R	

Professional

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Accountants					R		
Architects					R	R	
Artists					R	R	
Attorneys-at-Law					R	R	
Banks or building and loan institutions					R	R	
Blacksmith						R	R
Chiropodist					R	R	
Chiropractors					R	R	
Dentists					R	R	
Insurance agents					R	R	
Laboratories, research, experimental or testing, but not including combustion type motor testing					R	R	R
Land surveyors					R	R	
Landscape architects					R	R	
Office buildings					R	R	
Opticians					R	R	
Optometrists					R	R	
Osteopaths					R	R	
Philanthropic organizations	CU	CU	CU	CU	R	R	
Professional consultant services					R	R	
Professional engineers					R	R	
Professional offices					R	R	
Real estate brokers					R	R	
Surgeons					R	R	

Schools

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Business schools					R	R	
Colleges, schools, and institutions of learning	CU	CU	CU	CU	R	R	
Day care centers, day nurseries, nursery Schools and kindergartens	CU	CU	CU	CU	R	R	
Music and vocal instructions					R	R	
Nursery schools and day nurseries	CU	CU	CU	CU	R	R	
Trade and business schools					R	R	
Training schools (industrial and vocational) including internal combustion engine schools						R	R

Retail Sales & Services

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Antique shop and interior decorating shops					R	R	
Auction sales, except animals and tobacco (permanent structure)					R	R	
Automobile parts					R	R	R
Automobile & truck repair garages					R	R	R
Automobile sales agencies					R	R	
Automobile service stations					R	R	
Automobile washing stations					R	R	
Bakeries, retail (all products produced to be sold on the premises only)					R	R	
Barber shops					R	R	
Beauty shops					R	R	

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Bicycle sales and service					R	R	
Book stores and stationery					R	R	
Book binding						R	R
Building materials (cement, lime, sand, gravel, lumber and the like), storage and sales						R	R
Building materials, storage and sales provided all operations are totally enclosed in a building						R	
Bus garage and repair shop							R
Candy stores, retail sales on premises only					R	R	
Carpenter, cabinet making and pattern shops						R	R
Catering and light local deliveries						R	R
Cemeteries and mausoleums	CU	CU	CU	CU	CU	CU	CU
Coal and coke, storage & sales							R
Confectionery or candy stores, retail (all products produced to be sold on the premises only)					R	R	
Convention centers						R	
Convenience stores					R	R	
Department stores						R	
Dressmaking or millinery shops						R	R
Drug stores or sundries stores					R	R	
Dry cleaning, dyeing, pressing, and laundry; distributing stations or retail business where no cleaning, dyeing, pressing or laundry is done for other distributing stations or cleaning establishments					R	R	
Dry goods and notion stores					R	R	
Electric appliance stores					R	R	

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Electrical supplies, including cable or wire assemblies, batteries (dry cell), insulation, lamps, switches, or similar supplies					R	R	R
Engraving, watchmaking, and jewelry manufacturing, where products are sold on premises					R	R	R
Equipment rental, where all activities are within a building						R	R
Exposition building or center							R
Fireworks, sales						R	
Florist shops					R	R	
Funeral homes/Crematories				CU	R	R	
Fur finishing and fur goods, not including tanning, dyeing					CU	CU	R
Furniture stores					R	R	
Gift shops					R	R	
Grocery stores, including fruit, meat, fish, and vegetable					R	R	
Grocery stores where all merchandise is displayed and sold within an enclosed building					R	R	
Hardware stores					R	R	
Home occupations	CU	CU	CU	CU	CU	CU	CU
Interior decorating shops					R	R	
Jewelry stores					R	R	
Laundries					R	R	
Laundries, or laundrettes, self service					R	R	
Laundering and dry cleaning pick up shops and self service (only) laundries					R	R	
Machine repair shops, small						R	R

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Manufactured home, sales, display and storage						R	
Marine, boat sale and rental					R	R	
Monument sales					R	R	
Motor testing (internal combustion motors)							R
Music stores					R	R	
Nurseries, retail					R	R	
Office buildings					R	R	
Offices, professional or business and governmental					R	R	
Package liquor stores						R	
Paint stores					R	R	
Photographic shops					R	R	
Plumbing and heating shops, storage and sales provided all operations are totally enclosed in a building						R	
Radio and television stores					R	R	
Retail sales and consumer service establishments (not including warehouse sales) dealing primarily with employees and visitors of establishments permitted as principal uses					R	R	
Retail or wholesale stores or businesses not involving any kind of manufacture, processing or treatment of products other than which is clearly incidental to the business conducted on the premises, and provided that no more than fifty (50) percent of the floor area of the building is used in the manufacture, processing or treatment of products, and that such operations or products are not objectionable due to noise, odor, dust, smoke, vibration, or other similar causes						R	
Saddle and harness shops					R	R	

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Shoe repair shops					R	R	
Shoe stores					R	R	
Sign painting					R	R	R
Stationery stores					R	R	
Tailor					R	R	
Toy and hobby stores					R	R	
Upholstery and furniture repair shops					R	R	R
Upholstery and furniture shops wholesale						R	R
Used car sales areas, provided that no repair or reconditioning or automobiles or storage of parts shall be permitted except when enclosed in a building						R	
Variety stores					R	R	
Wearing apparel shops					R	R	
Welding shops						R	
Wholesale house and distributors						R	R

Storage & Warehouses

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Furniture (storage)						R	R
Ice storage houses						R	R
Refrigerated lockers					R	R	
Storage garages, including repairing and servicing					R	R	R
Storage yard							R
Storage of bituminous materials and petroleum products							R

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Storage of coal and gas, yards and pockets							R
Warehouse, storage					CU	R	R
Warehouse, produce and storage					CU	R	R

Transportation

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Airports							CU
Automobile parking areas, public and private				CU	R	R	R
Garages, public					R	R	R
Public transportation passenger terminals					R	R	
Railroad freight terminals, and yards							R
Truck or transfer terminal, freight and motor freight stations						CU	R

Utilities & Communications

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Public utility buildings and facilities					R	R	
Radio signal sending and receiving towers and disks (commercial)	CU	CU	CU	CU	CU	R	R
Sanitary landfills and dumps							CU
Sewage disposal plants	CU	CU	CU	CU	CU	CU	CU
Telephone exchanges					R	R	

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Towers (radio/TV receiving or transmitting) for non-commercial use, in accordance with Federal Communication Commission and/or Federal Aviation Agency requirements	CU	CU	CU	CU	CU	CU	CU

Miscellaneous

ZONE/DISTRICT	R-1	R-1a	R-2	R-3	B-1	B-2	I-1
Temporary buildings, the uses of which are incidental to construction operations being conducted on the same of adjoining lot or track, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years from the time of erection of such temporary building, whichever is sooner.	R	R	R	R	R	R	R

APPENDIX B SCHEDULE OF STANDARDS

	R-1	R-1a	R-2	R-3	ZLL	PUD	B-1	B-2	I-1
Building Height Limit	35ft	35ft	35 ft	1 Fam 35 ft 2 Fam 35 ft Multi 50 ft	35 ft	70 ft	35 ft	70 ft	60 ft
Setback Limits	Front 1/2 R-O-W Width NLT 25 ft NTE 40 ft Rear 20 ft Side 10 ft	Front 1/2 R-O-W Width NLT 25 ft NTE 40 ft Rear 20 ft Side 10 ft	Front 1/2 R-O-W Width NLT 25 ft NTE 40 ft Rear 20 ft Side 7 ft	Front 1/2 R-O-W Width NLT 25 ft NTE 40 ft Rear 1 and 2 Fam 10 ft Multi 20 ft Side 1 and 2 Fam 5 ft Multi 5 ft plus 2 ft per story above 2nd story	Front 25 ft Rear 10 ft Side See District	Front 1/2 R-O-W Width Rear 20 ft Side 20 ft	Front 40 ft Rear 15 ft Side 7 ft	Front 40 ft Rear 20 ft Side 7 ft	Front 40 ft Rear 10 ft (25 ft if abuts residen. district) Side 10 ft (20 ft if abuts residen. district)

	R-1	R-1a	R-2	R-3	ZLL	PUD	B-1	B-2	I-1
Building Site Area	17,500 Sq ft	10,000 Sq ft	7,500 Sq ft / 1 unit 10,000 Sq ft / 2 units	4,000 Sq ft / 1 unit 7,000 Sq ft / 2 units 2,170 Sq ft / 3 units or more	3,500 Sq ft	1 Acre	1 Fam 6,000 Sq ft / 1 unit 2 Fam 8,000 Sq ft / 2 units Multi 2,170 Sq ft / 3 units or more Other uses 7,000 Sq ft	None	None
Building Site Width	75 ft	60 ft	1 Fam 50 ft 2 Fam 60 ft	1 Fam 50 ft 2 Fam 50 ft Multi 60 ft	20 ft	None	1 Fam 50 ft 2 Fam 50 ft Multi 60 ft Other 60 ft	None	None
Building Site Coverage	40 %	40 %	1 Fam 45% 2 Fam 50 %	1 Fam 45 % 2 Fam 50 % Multi 60 %	50 %	60 %	50 %	55 %	60 %

CITY OF PEMBROKE

SCHEDULE OF FEES

ZONING/BUILDING PERMIT

One and Two-Family Residential: $50.00

Multi-Family and Commercial:
(Permit fees for construction covered by Kentucky Building Code)

Amount of Application	Fee
Up to $3,000	$20.00
$3,000 to $500,000	$20.00 plus $2.50 per $1,000 over $3,000
$500,000 to $10,000,000	$1,250 plus $1 per $1,000 over $500,000
Over $10,000,000	$10,750 plus $0.50 per $1,000 over $10,000,000

Computation of Cost:
The Estimated Construction Cost for Building Permits shall be based on the following table (per square foot cost). Plan Examiner reserves the right to adjust square footage cost as applicable.

Use Groups	Type 1	Type 2	Type 3	Type 4 And 5
A-1-A Assembly, Theaters (w/ stage)	$71.02	$68.76	$60.67	$53.50
A-1-B Assembly, Theaters (no stage)	61.80	56.56	51.44	43.40
A-2 Assembly, (Night Club)	40.16	36.42	34.72	29.82
A-3 Assembly, (Restaurants)	40.20	36.39	34.52	30.73
A-4 Assembly, (Churches)	53.29	48.39	42.74	35.34
B Business	49.09	44.18	51.20	31.14
E Educational	53.29	48.39	42.74	35.35
F 1&2 Factory and Industrial	26.16	22.80	19.37	14.90
H High Hazard	25.83	19.27	19.03	14.57
I-1 Institutional (Supervised)	46.51	43.60	39.48	33.34

I-2 (Incapacitated)	75.67	70.76	65.11	58.43
I-3 (Restrained)	65.16	60.26	53.96	47.91
M Mercantile (Retail Sales)	29.92	26.54	24.04	17.66
R-1 Residential (Hotels)	51.22	47.61	42.52	35.93
R-2 Residential (Multi-Family)	47.24	44.47	38.93	22.34
S 1&2 Storage (Low & Moderate)	25.82	22.47	19.04	14.57

Table Subject to Change

1&2 Family Accessory Structures
(Garages, Carports, Additions, Pools, Etc.) $25.00

SIGN PERMIT

Permanent Signs (Free-standing and wall signs)	$25.00 plus $1.00 per square foot
Billboards	$25.00 plus $1.00 per square foot
Temporary signs	$120.00 per year - A temporary sign is used to promote a business or service. Such signs shall be non-illuminated and shall not have wheels or skids. All such signs shall be adequately anchored so as not to create a safety hazard. One (1) temporary sign shall be permitted for each lot and may be a maximum size of thirty-two (32) square feet. All temporary sign permits shall be renewed annually.

SPECIAL USE PERMIT $100.00

LATE FEE

Commencement of construction without a permit shall constitute a late charge in the amount of 100% of permit fee, to be no less than $50.00 nor to exceed $500.00.

APPLICATION FOR APPEAL (BOARD OF ZONING ADJUSTMENT)

Conditional Use	$50.00
Variance	$50.00
Interpretation	$50.00

PLAN REVIEW

Site Plan Review	$125.00

Planned Unit Development	$125.00
Zero Lot Line	$125.00 plus $5.00 per lot

PETITION FOR AMENDMENT TO THE ORDINANCE AND/OR MAP (REZONING)
$75.00

MANUFACTURED/MOBILE HOME INSPECTION

Manufactured/Mobile Home Placement	$100.00

TEMPORARY STRUCTURE $50.00 for movement of structure to a site/$50.00 for removal of structure from a site

PARTIAL RELEASE PERMIT(Footer/Foundation, Etc.) $10.00