

## **TITLE XV: LAND USAGE**

Chapter

**150. BUILDING REGULATIONS**

**151. PLANNING**

**152. ZONING CODE**



## **CHAPTER 150: BUILDING REGULATIONS**

### Section

- 150.01 Adoption of Kentucky Building Code and Standards of Safety; enforcement agents
- 150.02 Application
- 150.03 Appeals
  
- 150.99 Penalty

### **§ 150.01 ADOPTION OF KENTUCKY BUILDING CODE AND STANDARDS OF SAFETY; ENFORCEMENT AGENTS.**

(A) The Kentucky Building Code, as contained in Chapter 7, Title 815 of the Kentucky Administrative Regulations; the Kentucky Plumbing Code, as contained in Chapter 20, Title 815 of the Kentucky Administrative Regulations; the Kentucky Standards of Safety, as contained in Chapter 10, Title 815 of the Kentucky Administrative Regulations, together with any amendments, are hereby adopted by reference as if fully set forth in this code of ordinances. Copies of the above codes and any amendments thereto shall be placed on file in the office of the City Clerk where they shall be available for public inspection during normal business hours.

(B) The appropriate enforcement agent shall be designated as the local enforcement agent for the Kentucky Building Code.

(C) The Chief of the Fire Department and all other designated officers, agents, and employees of the city are hereby charged with the enforcement of the provisions of the Standards of Safety. (Ord. 9-3-63-1, passed 9-3-63)  
Penalty, see § 150.99

### **§ 150.02 APPLICATION.**

The application of the State Building Code shall be extended to all single-family dwellings in the city which are to be constructed or remodeled.

### **§ 150.03 APPEALS.**

Appeals from decisions made by the Building Inspector under this chapter may be taken to the State Board of Housing, Buildings and Construction unless and/or until a local board of housing

appeals, as set forth in KRS Chapter 198B, is established to hear such appeals.

***Statutory reference:***

*Appeals procedure, see KRS 198B.070*

**§ 150.99 PENALTY.**

Any person who violates any provision of the state codes adopted in § 150.01 shall be subject to the following penalties:

(A) Violators of the State Building Code shall, upon conviction, be subject to a fine of not less than \$10 nor more than \$1000 for each offense. (KRS 198B.990(1))

(B) Violators of the State Standards of Safety shall, upon conviction, be subject to a fine of not less than \$25 nor more than \$1000, imprisonment for not more than 60 days, or both, for each offense. (KRS 227.990(1))

(C) Violators of the State Plumbing Code shall, upon conviction, be subject to a fine of not less than \$10 nor more than \$100, imprisonment for not more than 90 days, or both, for each offense. (KRS 318.990)

## CHAPTER 151: PLANNING

Section

### *Joint Planning Commission*

- 151.01 Establishment
- 151.02 Membership
- 151.03 Officers and staff
- 151.04 Meetings
- 151.05 Bylaws
- 151.06 Powers and duties

### *JOINT PLANNING COMMISSION*

#### **§ 151.01 ESTABLISHMENT.**

This Commission shall be known as the Eddyville-Kuttawa-Lyon County Joint Planning Commission. Upon the appointment and subsequent approval of members, election of officers, and adoption of its bylaws, its existence shall begin subject to the provisions of KRS Chapter 100. The Commission may engage in planning operations within its jurisdiction which shall be coterminous with its political boundary except where otherwise provided for by KRS 100.131.  
(Ord. 9-7-71-1, passed 9-7-71)

#### **§ 151.02 MEMBERSHIP.**

(A) The Eddyville-Kuttawa-Lyon County Joint Planning Commission shall consist of nine members. Not more than one-third of the membership shall be elected or appointed officials. The County Judge will appoint three members and the Mayors will each appoint three members. The County Judge and the Mayor of each participating city or one of the administrative officials of the county and each participating city selected by the Judge and Mayor respectively, or a member of each legislative body may serve as ex-officio members. All members of this Commission shall serve without compensation, but reimbursement of expenses may be authorized. The term of office of members shall be staggered so that a proportionate number serve one, two, three and four years respectively. Reappointments or appointments to fill vacancies shall continue the staggered pattern. All vacancies whether by resignation, dismissal, or expiration of the term of office shall be filled within 60 days by the appropriate appointing authority or as otherwise provided for in KRS 100.147.

(B) The oath of office shall be administered to all members of the Commission before entering upon their duties. The oath shall be administered as provided by law. The members may be removed by the appropriate authority for inefficiency, neglect of duty, malfeasance, or conflict of interest. The removed members shall have the rights of appeal in the manner prescribed by KRS 100.157.

(Ord. 9-7-71-1, passed 9-7-71)

### **§ 151.03 OFFICERS AND STAFF.**

The Commission shall elect a Chairperson, and any other officers which it deems necessary from among its citizen members. The term of office shall be one year with eligibility for re-election. The Commission may employ a staff as it may deem necessary for its work and may contract with professional planners and other parties for such services as it may require.

(Ord. 9-7-71-1, passed 9-7-71)

### **§ 151.04 MEETINGS.**

The Commission shall conduct each year at least six regular meetings for the transaction of its business. The bylaws adopted by the Commission shall reflect the schedule of regular meetings, the manner in which notice shall be given, date, time, place, and the subject or subjects to be discussed, as well as the method of calling and conducting special meetings. A simple majority of the total membership shall constitute a quorum. After a quorum has been established, a simple majority of that quorum can transact any official business except in those instances where there is to be an adoption or amendment of the Commission's bylaws or elements of the Comprehensive Plan or regulations, then a vote of the simple majority of the total membership shall be necessary.

(Ord. 9-7-71-1, passed 9-7-71)

### **§ 151.05 BYLAWS.**

The Commission shall adopt and approve its bylaws before it may properly transact any business. The bylaws shall set forth the procedures, rules and regulations necessary for the Commission to conduct its business. The bylaws shall describe the method for administration of funds, and provide for an annual audit thereof.

(Ord. 9-7-71-1, passed 9-7-71)

### **§ 151.06 POWERS AND DUTIES.**

The Commission shall have general powers necessary to carry out its functions in accordance with its ordinance and KRS Chapter 100. The Commission may be assigned any powers, duties and functions related to urban renewal or public housing by the Fiscal Court of the county and/or a legislative body of a participating city.

(Ord. 9-7-71-1, passed 9-7-71)

## CHAPTER 152: ZONING CODE

### Section

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**GENERAL PROVISIONS****§ 152.01 SHORT TITLE.**

This chapter shall be known as the “Zoning Ordinance of Kuttawa, Kentucky.”  
(Ord. passed 5-15-78)

**§ 152.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Other terms shall be defined as in KRS 100.111.

**ACCESSORY USE or STRUCTURE.** A use or structure subordinate to the principal use and located on the same premises serving a purpose customarily incidental to the principal use. For example, a retail business is not considered customarily incidental to a residential use. Residential accessory uses may include storage of household goods, parking areas, gardening, servants' quarters, private swimming pools, private emergency shelters, and other similar uses.

**ADMINISTRATIVE OFFICIAL.** Any department, employee, or advisory elected or appointed body which is authorized by the body of jurisdiction to administer any provision of the planning, zoning, and/or subdivision regulations, and if delegated, any provision of any housing or building regulations or any other land use control regulations.

**AGRICULTURAL USE.** Land containing at least ten acres is used for raising or harboring live stock or agricultural products, including farm buildings and the storage of agricultural equipment, riding, livery and boarding stables, kennels and veterinaries, and as an accessory use the sale of agricultural products raised on the property. Under this term, the sale from roadside stands is limited to agricultural products and the products of home industry which have been produced on the farm where located.

**AGRICULTURE.** Land, or land, buildings and structures, the principal use or uses of which is growing of farm or truck garden crops, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, or animal or poultry husbandry, and accessory uses customarily incidental to agricultural activities, including but not limited to the farm dwelling, dwellings for tenants and full-time hired farm workers and the dwellings or lodging rooms for seasonal workers.

**ALLEY.** A dedicated public right-of-way other than a street, that affords a secondary means of access to abutting properties.

**ALTERATION.** Any change, rearrangement, or addition to a building, its supporting members, or its foundation other than repairs, and any modification in construction or in building equipment.

**AUTOMOTIVE REPAIR, MAJOR.** Repair of motor vehicles or trailer, including rebuilding or

reconditioning of engines and/or transmissions, collision services repair, overall painting or paint shop and vehicle steam cleaning.

***AUTOMOTIVE REPAIR, MINOR.*** Incidental minor repairs, upholstering, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half tons capacity, but not including any operation named under automotive repair, major, or any other similar thereto. Cars or trucks being repaired or under repair shall not be so stored outside the building for more than 48 hours.

***AUTOMOTIVE WRECKING.*** The dismantling or disassembling of used motor vehicles, or the storage, sale or dumping of dismantled, obsolete, or wrecked vehicles or their parts.

***BASEMENT.*** The portion of a building located partially underground but having more than one-half of its clear floor-to-ceiling height below the average grade of adjoining ground.

***BLOCK.*** A surface land area which is separated, and distinguished from other surface land areas by visible physical boundaries such as streets, railroads, rivers, extremely steep land, or other physical barriers.

***BOARD.*** The Board of Adjustments of the city, having jurisdiction unless the context indicates otherwise.

***BOARDING HOUSE (ROOMING or LODGING HOUSE).*** A residential building, or portion thereof, other than a motel, apartment hotel, or hotel, containing lodging rooms for accommodation of three or more persons who are not members of the keepers' family and where lodging or meals or both are provided by prearrangement and for definite periods at a definite prearranged price.

***BUILDING or STRUCTURE.*** Any covered structure for the support, shelter, or enclosure of person, animals or moveable property of any kind, and which is permanently affixed to the land.

***BUILDING, HEIGHT OF.*** The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between the eaves and ridge for gable, hip or gambrel roofs.

***BUILDING LINE (SETBACK).*** A line parallel to the street right-of-way at any story level of a building, and set at a distance which all or any part of the building is to be set back to from the right-of-way, except as otherwise provided by these regulations.

***BUILDING PERMIT.*** A permit issued by the authorized officer allowing a proprietor or his agent to construct, alter, or remove a building, and the like, or engage in similar activity which would alter the character of the building or lot in question.

***BUILDING, PRINCIPAL.*** A building, including any permanently covered space such as porch and carports, and attached garages in which is conducted the principal use of the lot on which it is situated. In a Residential District, any dwelling shall be deemed to be the principal building on its lot.

**CAMPS** or **CAMPGROUNDS**. Tracts of land or a design or character suitable for and used for seasonal, recreational, and other similar living purposes. The tracts may have located on them a structure of a seasonable, temporary, or moveable nature such as a cabin, hunting shelter, or tent.

**CERTIFICATE OF ZONING COMPLIANCE, ZONING CERTIFICATE** or **ZONING PERMIT**. A certificate issued by the authorized officer, before use or occupancy of any building or land stating that the proposed use of the building or land conforms to the requirements of these planning-zoning regulations. This shall apply to any building, premises, or land, or combination (except for the raising of crops and other agricultural activities) hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use of structure.

**COMMISSION** or **PLANNING COMMISSION**. The Eddyville, Kuttawa, Lyon County Joint Planning Commission.

**COMPREHENSIVE PLAN**. The extensively developed and evolving plan, also called a master plan, adopted by the Planning Commission.

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

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

- (1) A statement of the factual determination of the Board of Adjustment which justifies the issuance of the permit; and
- (2) A statement of the specific conditions which must be met in order for the use to be permitted.

**CONSERVATION**. Preservation of land, water, flora, fauna, and cultural artifacts in their original state.

**CONSUMER SERVICE**. Sale of any service to individual customers for their own personal benefit, enjoyment, or convenience. For example, consumer services include the provision of the personal services such as beautician and barbering services, the provision of lodging, entertainment, specialized instruction, financial services, transportation, laundry and dry cleaning services, and all other similar services.

**CONVALESCENT** or **NURSING HOME**. An establishment which provides full-time convalescent or chronic care or both for three or more individuals who are not related by blood or marriage to the operator and who by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home. A hospital or a sanitarium shall not be construed to be included in this definition.

**COURT.** An unoccupied and unobstructed space other than a yard, on the same lot with a building.

**DEVELOPER.** An individual, partnership, corporation or other legal entity or agent thereof, which undertakes the activities covered by these regulations. Inasmuch as the subdivision plan drawings are merely a necessary means to the end of assuring satisfactory development, the term “developer” includes “subdivider”, “owner”, “builder”, and the like, even though the persons and their precise interests may vary at different project stages.

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

**DWELLING or DWELLING UNIT.** Any building or portion thereof with one, or a suite of two or more rooms occupied or intended to be occupied exclusively for residential purposes, that is living and sleeping, by one family or housekeeping unit, and which includes permanently installed cooking and lawfully required sanitary facilities. This definition shall thus exclude a tent, cabin, trailer, or trailer coach or other temporary or transient structure or facility.

(1) **SINGLE-FAMILY.** A single independent building occupied or construction to be occupied exclusively for residential purposes by one family or housekeeping unit.

(2) **TWO-FAMILY.** A single independent building occupied or constructed to be occupied exclusively by not more than two families of housekeeping units.

(3) **MULTI-FAMILY.** A building or portion thereof, or group of buildings on one lot but containing separate living units, occupied or constructed to be occupied by more than two families of housekeeping units.

**DWELLING GROUP.** A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

**EASEMENT.** The right to use another person's property, but only for a limited and specifically named purpose. The owner generally may continue to make restricted use of such land since he has given up only certain, and not all, ownership rights.

**ENGINEER.** A qualified person registered and currently licensed to practice civil engineering in the state. Whenever qualifications are questioned, the commission will consult with the local chapter of The Kentucky Society of Professional Engineers or The Consulting Engineers Council of Kentucky.

**ESSENTIAL SERVICES.** Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface to overhead, gas, electrical, steam, water, sanitary sewerage, stormwater drainage, and

communication systems and accessories thereof such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signal, pump lift stations, hydrants, and the like, but not including buildings.

**FAMILY.** A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

**FARM.** A place on which agricultural operations are conducted at any time under the control or supervision of one person, partnership or a manager. Places of less than ten acres are counted as farms if the estimated sales of agricultural products for the year amounted or normally would amount to at least \$250. (Based on 1972 dollar to be adjusted for inflation.)

**FLOOR AREA.** The sum of the gross floor area for each of the several stories under roof measured from the exterior limits or faces of a building or structure. Areas below grade and attached accessory structures are not included.

**GARAGE, PRIVATE.** An enclosed space for the storage of not more than four motor vehicles owned or operated by the occupants of the principal building and provided that no business, occupation or service is conducted for profit therein.

**GARAGE, PUBLIC.** A building or land available to the public to use, operated for gain and which is used for storage, repair, rental, greasing, washing painting, servicing or equipping motor vehicles.

**GRADE.** The inclination, with the horizontal, of a road, unimproved land, and the like, which is generally expressed by stating the vertical rise or fall as a percentage of the horizontal distance.

**GRADE, FINISHED.** The completed surfaces of ground, lawns, walks, paved areas and roads brought to grades as shown on plans or designs relating thereto, or in existence at the time the certificate of zoning compliance is issued.

**HOME OCCUPATION.** An accessory use carried on in a dwelling unit or other structure accessory to a dwelling unit, but in no case occupying more than 25% of the total floor area of the building or buildings, by a member or members of the bona fide residents of the dwelling, except as permitted for a professional home occupation, and which is clearly incidental and secondary to the use of the dwelling unit for residential purposes, so that the character thereof is not changed, and it shall not have any exterior evidence of such secondary use except as permitted in Section \_\_\_\_\_. Specifically, home occupation shall include any of the following activities: dressmaking, home cooking, tutoring (limited to not more than four children simultaneously), musical instruction (limited to four children at a time), and the practice by an artist, insurance agent, musician, real estate broker, photographer, or the sale of antiques. Also included in home occupation are professional activities as defined hereafter and provided that no more than two persons not bona fide residents of the dwelling

are engaged to perform related work. Home occupation shall not be interpreted to include the conduct of a retail business or manufacturing business, the employment of any additional persons in the performance of such services, excepting members of the immediate family residing on the premises and one receptionist or office assistant, nor using any mechanical equipment other than is usual for purely domestic or hobby purposes, nor exterior storage of equipment or materials used in connection with the home occupation. It shall not be interpreted to include any of the following: barber shop or beauty parlor (except when owner-occupant is the only one working at such occupation), commercial stables and kennels, animal hospitals, restaurants or eating places, musical instruction to groups, convalescent homes, mortuary establishments, garages or premises for the repair of motor vehicles' on profit basis television, radio or electrical appliances.

**HOSPITAL.** Includes sanitarium, clinic, rest home, nursing home, convalescent home, house for the aged, and other place for observation, diagnosis, treatment or care of two or more individuals suffering from illness, injury, deformity or abnormality or from an condition requiring medical services.

**HOTEL.** An establishment containing lodging rooms for occupancy by transient guests, but not including a boarding or rooming house. Such an establishment provides customary hotel services such as maid and bellboy services, furnishings of and laundry of linens used in the lodging rooms, and central desk with telephone.

**HOUSING or BUILDING REGULATION.** Any regulations incorporating any housing, building or safety code, including, but not limited to such codes as plumbing, electrical, elevator, boiler, fire safety, and minimum housing, or any other regulation.

**IMPROVEMENT BOND.** Performance bond or other type of surety with fixed expiration date after which date the Commission shall cause the surety to be used in completing any necessary work.

**IMPROVEMENTS.** Physical changes made to raw land, and structures placed on or under the land surface, in order to make the land more usable for people's activities. Typical improvements in these regulations would be grading, street pavement, curbs, gutters, drainage ditches, storm and sanitary sewers, utility lines of all types, street name signs, property number signs, trees, and the like.

**INDUSTRY.** The processing of products or raw material. The two categories of industry are defined according to the following performance standards.

(1) **GENERAL INDUSTRY.** The industry in which processing of products results in the emission of any atmospheric pollution, visible light flashes or glare, odors, or noise or vibration which may be heard or felt off the premises, or that industry which constitutes a fire or explosion hazard.

(2) **LIGHT INDUSTRY.** The industry in which procession of products results in none of the conditions described for above type industry.

**JUNK YARD.** A lot, land or structure, or part thereof of 200 square feet or more, used primarily for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and/or

for the sale of parts thereof.

**KENNEL.** Any premises or portions thereof on which four or more dogs, cats or other household domestic animals over four months-of-age are kept, or on which more than two such animals are maintained, bred, or cared for, for enumeration or sale. (See KRS 100.365 for further definition.)

**LAND SURVEYOR.** A person licensed as a land surveyor by the state.

**LOADING AREA (SPACE).** An off-street space or berth on the same lot with a building or contiguous to a group of buildings and accessory building, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street, alley or other appropriate means of access.

**LODGING ROOM.** A room rented as sleeping and living quarters, but without cooking facilities, and with or without an individual bathroom. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one lodging room.

**LOT.** A single parcel of land which may be legally described as such, or two or more adjacent numbered lots or parts of such lots in a recorded subdivision plat having principal frontage on a street which comprises a site occupied by, or intended for occupancy by one principal building or principal use together with accessory buildings and uses, yards and other open spaces required by this chapter.

**LOT AREA.** An amount of surface land contained within the property lines of a lot, including land within easements on the lot, but excluding any land within street rights-of-way.

**LOT, CORNER.** A lot which has an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting upon a curved street shall be considered a corner lot in the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135 degrees.

**LOT, DEPTH.** The average horizontal distance from the street line of the lot to its opposite rear line measured at right angles to a straight front lot line, or the tangent to the middle of the arc if it is a curved front line.

**LOT, DOUBLE FRONTAGE.** A lot having two or more of its nonadjoining property lines abutting upon a street or streets.

**LOT, FRONTAGE.** The distance along the front lot line.

**LOT, INTERIOR.** A lot other than a corner lot.

**LOT, RECORDED.** A lot designated on a subdivision plat or deed duly recorded pursuant to statute in the County Recorder's office. A recorded lot may or may not coincide with a zoning lot.

**LOT, REVERSE FRONTAGE.** A double frontage lot which has its vehicular access point limited to the back of the lot, rather than having access on its front as do most lots.

**LOT, ZONING.** A parcel of land composed of one or more recorded lots, occupied or to be occupied by a principal building or buildings or principal use or uses along with permitted accessory buildings or uses meeting all the requirements for area, buildable area, frontage, width, yards, setbacks, and any other requirements set forth in this chapter.

**LOT LINE, FRONT.** The line separating the lot from the street right-of-way, and in this respect it constitutes a portion of the street right-of-way line.

**LOT LINE, REAR.** A lot line other than front or side lot lines, contributing to the definition of property boundaries.

**LOT LINE, SIDE.** A lot line starting from a point along the front lot line and other than a rear lot line and contributing to the definition of property boundaries.

**LOT WIDTH.** The straight horizontal distance measured between the opposite two points of the intersection of the building line with the two opposite side lot lines.

**MOBILE HOME.** A detached residential dwelling unit designed for transportation as one or more units, after fabrication, on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site as one or more units, where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and minor assembly operation, location on jacks or other temporary or permanent foundation, connections to utilities, and the like. Removal of the wheels and placement on a foundation does not exempt a mobile home from all requirements applicable to mobile homes of these regulations. A travel trailer is not to be considered as a mobile home. This definition is intended to include as mobile home, dwelling units that are commonly termed **DOUBLE WIDES**, **SECTIONALS**, or **MODULAR**, and is not intended to include **PREENGINEERED**, **PRE-CUT**, or **PANELIZED**.

**MOBILE HOME PARK.** This term shall be defined as provided in § 152.15 of this chapter.

**MOTEL.** A series of attached, semi-attached or detached sleeping or living units, each with at least a bedroom and a bathroom, for the temporary accommodation of transient guests, the units having convenient access to off-street parking spaces, for the exclusive use of guests or occupants.

**MULTI-FAMILY DWELLING.** A building grouping a number of rooms or suite of rooms with an independent entrance for each from outside or from a common hallway, and consisting of at least one habitable room, together with a kitchen or kitchenette and sanitary facilities per each such room or suite of rooms.

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

**NONRETAIL COMMERCIAL.** Commercial sales and services to customers who intend resale of the products or merchandise sold or handled. For example, nonretail commercial includes

wholesale activities, warehousing, trucking terminal, and similar commercial enterprises.

***NURSING HOME*** or ***REST HOME***. A home for the aged, chronically ill or incurable persons in which three or more persons not of the immediate family are received, kept, or provided with food and shelter and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured.

***OPEN SALES LOT***. Land used or occupied for the purpose of buying or selling merchandise stored or displayed out-of-doors prior to sale. Such merchandise includes, but is not limited to, passenger cars, trucks, motor scooters, motorcycles, boats, monuments, and trailers.

***OPEN SPACE***. Parks, common greens, other recreation space or generally open areas available to the public or yards or other open areas provided in connection with residential buildings occupied by more than two families per lot which are intended for the sole use of the occupants of such buildings and their guests.

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

***PARKING SPACE***. An off-street space used for the temporary location of one licensed motor vehicle, which is at least 200 square feet in area and nine feet wide, not including access driveway, and having direct access to a street or alley (space may be either enclosed or open).

***PERFORMANCE STANDARDS***. A criterion established to control noise, odor, smoke, particulate matter, toxic or noxious matter, vibration, fire and explosion hazards, or glare or heat generated by or inherent in uses of land or buildings.

***PERMIT***. Refers to a written official document permitting an action relating to the use, development, or improvement of land or building. Permit shall include the certification indicating compliance with the requirements of these regulation as well as certification permitting occupancy and/or use of the land or building in question.

***PLANNED UNIT DEVELOPMENT***. An area of land controlled by a single landowner and developed as a single entity for a number of dwellings, the plan for which does not necessarily correspond in lot size, bulk, type of dwelling unit, density, lot coverage or required open space to any other residential or commercial zone.

***PLAT***. The map of a subdivision, recorded with the county courthouse.

***PREMISES***. A lot or other tract of land under one ownership and all structures on it.

***PROCESSING***. Manufacturing, reduction, extraction, packaging, repairing, cleaning, and any other similar original or restorative treatment applied to raw material, products, or personal property. Processing does not refer to the fabrication of structures, however, it covers concrete plant if annexed.

***PROFESSION*** or ***PROFESSIONAL***. A business in which gain or livelihood depends on and

requires specialized knowledge and often long intensive academic preparation, and usually follows a line of conduct and requires adherence to technical or ethical standards. Included in this definition, but not limited, are the following professional business activities: accounting, chiropractry, dentistry, practice of medicine, landscape architecture, land surveying, practice of law, optometry, osteopathy physiotherapy, podiatry, professional planning, architecture, brokerages (stocks, real estate) engineering, or psychology.

**PROFESSIONAL RESIDENCE OFFICE.** A residence in which the occupant has a professional office which is clearly secondary to the dwelling used for dwelling purposes and does not change the residential character thereof, and where not more than three persons are working.

**PUBLIC FACILITY.** Any use of land whether publicly- or privately-owned for transportation, utilities, or communication, or for the benefit of the general public, including, but not limited to, libraries, streets, schools, fire or police station, governmental building, municipal building, cemeteries, and recreational centers including parks.

**RELATIVES.** Persons standing in the relation of son, daughter, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, father, or mother, brother, sister, grandchildren or grandparents.

**RETAIL SALES.** Sale of any product or merchandise to customers for their own personal consumption or use, not for resale.

**RIGHT-OF-WAY.** Land used generally for streets, sidewalks, alleys or other public uses. Right-of-way also is a land measurement term, meaning the distance between lot property lines which generally contains not only the street pavement, but also the sidewalks, grass area, and underground and above-ground utilities.

**ROADWAY.** The portion of the street right-of-way which contains the street pavement and gutter or surface ditch and is used primarily as a channel for vehicular movement and secondarily as a drainage channel for stormwater.

**SALES AREA: AUTOMOBILE, MOBILE HOME or TRAILER.** An enclosed or open area, other than a street, used for the display sale or rental of new or used motor vehicles, mobile homes, trailers, or boats in operable condition, and where no repair work is done.

**SANITARY LANDFILL.** A method of disposing of refuse by spreading and covering such refuse with earth to a depth of two or more on the top surface and one foot or more on the sides of the bank.

**SERVICE AREA.** Includes those parts of any lot which are used primarily to provide access for servicing the use on the lot, including land used for delivery of goods, storage and collection of wastes and provision for maintenance.

**SETBACK, BUILDING.** The minimum horizontal distance between the front line of a building or structure and the lot line.

**SIGN.** A structure, building or part thereof, or pennant, for visual communication that is used for the purpose of bringing the subject thereof the attention of the public. A sign does not include the flag or insignia of any nation, state or city nor any political, education, charitable, philanthropic, religious advertising campaign, provided that such advertising shall not be displayed for a period exceeding 30 days.

**STABLE.** A building in which horses are kept for public or private use, remuneration, hire or sale.

**STATION, FILLING or GASOLINE.** An area of land, together with any structure thereon, used for the retail sale of motor, fuel and lubricants and incidental services, such as lubrication and handwashing, of motor vehicles, and the sale, installation or minor repair of tires, batteries or other automobile accessories, but not for painting or major repairs. Open storage shall be limited to no more than four vehicles stored for minor repair bearing current license plates. Such storage shall not exceed 72 hours duration and shall not permit the storage of wrecked vehicles.

**STORAGE or STORAGE SPACE.** Land or enclosed building used for the keeping of goods, wares, supplies or equipment.

**STORY.** That part of a building including between the surface of any floor and the surface of the floor next above it, or if there be no floor above it then the ceiling above it. See Appendix A to this chapter.

**STREET.** An improved, public right-of-way 60 feet or more in width which provides a public means of access to abutting property consisting of more than one lot in more than one ownership, or any such right-of-way more than 30 feet and less than 50 feet in width provided it existed prior to the enactment of these regulations and provided such street has been accepted by the city. The term **STREET** shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.

**STREET, CENTERLINE OF.** The line which is usually at an equal distance from both street lines, or right-of-way lines.

**STREET GRADE.** The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the street grade.

**STRUCTURAL ALTERATION.** Any change, other than incidental repairs which would prolong the life of the supporting members of a building or structure such as bearing walls or partitions, columns, beams or girders or any substantial change in the roof or exterior walls.

**STRUCTURE.** See definition of **BUILDING** or **STRUCTURE** above.

**SUBDIVISION.** A division of real property, improved or unimproved, or portion thereof shown, on the last preceding tax roll as a unit or as contiguous units, into two or more parcels, lots, plots, sites, or other division of land, with or without streets for the purpose of immediate or future sale, transfer of the ownership, or building development, except that the division of land for agricultural

purposes in parcels of more than ten acres not involving any new streets or easement of access shall be exempted from the application of this term.

***THEATER, DRIVE-IN.*** Open land with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical production, to patrons seated in automobiles or on outdoor seats.

***TOURIST HOME.*** Same as ***BOARDING*** or ***LODGING HOUSE*** except where the overnight accommodation is provided for compensation for transient type of guests.

***TRAILER, TRAVEL TRAILER.*** 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 30 feet and designed to be used as a temporary dwelling for travel, recreational, and vacation uses.

***USE.*** The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

***USE, CONDITIONAL.*** Uses of such variable nature as to make control by rigid preregulation impractical. After due consideration in each case, by the Board of Adjustments, after receiving the report and recommendation of the Planning Commission relative to the impact of such use at the particular location, such ***CONDITIONAL USE*** may or may not be granted by the Board of Adjustments.

***USE, PERMITTED.*** A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and performance standards, if any, of such district.

***USE, PRINCIPAL.*** The main use of land or buildings as distinguished from a subordinate or accessory use. It may be either a permitted or special use.

***UTILITIES.*** Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

***VARIANCE.*** A modification from the literal provisions of these regulations by the Board of Adjustment in cases where a literal enforcement of its provisions would result in unnecessary hardship due to circumstances unique to the individual property or use for which the variance is granted. Financial disadvantage to the property owner is no proof of hardship within the purpose of these regulations. No granting of a variance shall be materially detrimental to the public welfare or injurious to the surrounding improvements or subdivision.

***WILDLIFE RESERVE.*** Includes bird sanctuary, zoo, forest reserve, game reserve, botanical garden.

**YARD.** An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise provided in this chapter. See Appendix B to this chapter.

**YARD, CORNER SIDE.** A side yard which adjoins a street or thoroughfare.

**YARD, FRONT (SETBACK).** A yard which is bounded by the side lot lines, front lot line, and the front yard line.

**YARD, INTERIOR SIDE.** A side yard which is located immediately adjacent to another lot or to an alley separating such side yard from another lot.

**YARD, REAR (SETBACK).** A yard which is bounded by side lot lines, rear lot line, and the rear yard line.

**YARD, SIDE (SETBACK).** A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

**ZONE.** An established area within the community in which the provisions of these regulations are applicable.

(Ord. passed 5-15-78)

### **§ 152.03 SIGNS; INTENT OF CHAPTER.**

It is the general intent of this chapter to prohibit signs of commercial nature from districts in which commercial activities are barred, to limit subject matter on signs in Business Districts to products, accommodations, services, to activities on the premises and to control the number, type and area of all signs in business areas and certain other districts. Governmental signs shall conform to this chapter, however, those signs used for traffic markings shall be exempt.

(Ord. passed 5-15-78)

## **GENERAL REGULATIONS**

### **§ 152.15 MOBILE HOME PARKS.**

(A) For the purpose of this section, **MOBILE HOME PARK** shall mean any parcel of land developed, used or designed to be used for the location, either temporary or permanent, of mobile homes.

(B) Any mobile home park shall be governed by the Kentucky Motor Home and Recreational Vehicle Park Act as provided in KRS 219.310 through 219.410.

(Ord. passed 5-15-78)

**§ 152.16 OFF-STREET PARKING AND LOADING.**

(A) Off-street automobile and vehicle storage and parking space shall be provided on any lot on which any of the following uses are hereafter established. Such space shall be provided with vehicular access to street or alley and shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

(1) Dwellings: One parking space for each dwelling unit.

(2) Tourist accommodations: One parking space for each room offered for tourist accommodations.

(3) Theater, stadium, auditorium, or other places of public assembly: One parking space for each four seats, based on maximum seating capacity.

(4) Hotel: One parking space for each two guest sleeping rooms.

(5) Stores and similar establishments for business use: One parking space for each 150 square feet of store floor area, plus loading, unloading and servicing areas.

(6) Office building: One parking space for each 150 square feet of office floor area.

(7) Industrial or manufacturing establishments: One parking space for each five workers, based on peak employment, and adequate space for loading and unloading all vehicles used incidental to the operation of the industrial or manufacturing establishment.

(B) Where such space cannot be reasonably provided on the same lot with the principal use, the Board of Zoning Adjustment may permit such spaces to be located on other off-street property provided such space is within 500 feet of the permitted use measured along lines of public access.

(Ord. passed 5-15-78) Penalty, see § 152.99

**§ 152.17 NON-CONFORMING USES.**

Any use or structure existing at the time of enactment or subsequent amendment of this chapter, but not in conformity with its provisions, may be continued with the following limitations. Any use or building which does not conform to this chapter may not be:

(A) Changed to another non-conforming use;

(B) Re-established after discontinuance for six months;

(C) Extended except in conformity to this chapter; or

(D) Rebuilt after damage exceeding 2/3 of its fair sales value immediately prior to damage, residences excepted.

(Ord. passed 5-15-78) Penalty, see § 152.99

### ***ZONING DISTRICT REGULATIONS***

#### **§ 152.30 ZONES GENERALLY; ADOPTION OF ZONING MAP.**

The following districts are delineated on the Planning/Zoning map dated December 21, 1961 and filed with the City and County Clerks. The map is made a part of this chapter.

(A) Residential.

R-1

R-2

R-3

(B) Business.

(C) Service.

S-1

S-2

(D) Industry.

(E) Resort.

Resort-A

Resort-B

Resort-Commercial

(F) Agricultural.

(G) Conservation District.

CD

(H) Planned Unit Development District.

PUD

(I) Mobile Home Park.

(Ord. passed 5-15-78)

**§ 152.31 RESIDENTIAL DISTRICT; R-1, R-2 AND R-3.**

(A) Residential, classification is subdivided into R-1, R-2 and R-3 Zones with differences explained under later sections. Only single-family occupancy is permitted in any of these zones unless specifically approved by the Board of Adjustments. No mobile or modular homes will be allowed in R-1, R-2 or R-3 Zones. A mobile or modular home is described in § 152.01 of this chapter.

(B) *Uses.*

(1) *Uses permitted.* Only the following uses are permitted: dwellings, churches, schools, (offering general education), libraries, public parks, playgrounds, and community centers; provided that buildings, other than dwellings, shall be located at least 50 feet from any residential lot line, municipal or private utility distribution systems, accessory uses.

(2) *Accessory uses.* Accessory uses shall include:

(a) Structures and uses (such as private garages) customarily incidental to and on the same lot with a permitted use.

(b) Customary home occupations (such as offices of a doctor and dressmaking) incidental to a permitted use, provided such occupations are conducted in the main building and only by a person that is a resident in the building.

(c) A garage or parking space for automobiles owned by residents of the premises, and limited to no more than one commercial automobile.

(d) The taking of lodgers and tourists, provided not more than 20% of the main building or individual dwelling unit is used for this purpose.

(C) *Signs.*

(1) Signs shall be permitted in Residential Districts only as follows:

(a) One nonilluminated name plate not exceeding three square feet in area for each dwelling unit indicating only name and address.

(b) One nonilluminated identification sign for multi-family dwellings and offices not exceeding five square feet in area indicating only name, address, management name, and management address.

(c) One nonilluminated identification sign at each entrance to subdivisions not exceeding 30 square feet.

(d) One nonilluminated "For Sale" or "For Rent" sign per lot not exceeding 12 square feet in area not closer than ten feet to adjacent zoning lots.

(e) One nonilluminated sign designating each entrance to or exit from a parking area, not exceeding five square feet in area and indicating conditions of use.

(f) One nonflashing school or church bulletin board sign area not exceeding 20 square feet.

(g) One political sign per lot not exceeding 12 square feet in area, not closer than ten feet to adjacent zoning lots.

(2) The preceding signs shall be permitted providing they do not project into the public right-of-way, and the top of the sign shall not be higher than eight feet above curb level, and that on a corner lot two signs, one facing each street, shall be permitted for divisions (C)(1)(b), (d), and (f) above.

(D) *Minimum size requirements; residential lots.*

(1) (a) *R-1.* For one-family there shall be a minimum of 10,000 square feet of lot area.

(b) *R-2 and R-3.* For one-family dwellings there shall be minimum of 8,000 square feet of lot area. In any instance where multiple dwelling units are approved by the Zoning Board of Adjustments as outlined in this chapter the minimum lot area shall be 4,000 square feet per dwelling unit, with a minimum as specified for R-1, R-2 and R-3 in this division.

(2) *R-1, R-2 and R-3.* Front yard minimum depth shall be 25 feet or comply with the setback line as indicated on the map which is 40 feet on most major city streets.

(a) Rear yard minimum depth shall be 25 feet.

(b) Side yard minimum width shall be ten feet.

(c) Accessory buildings shall not be constructed in the front yard, nor within five feet of the side or rear lot lines.

(3) *R-1, R-2, R-3.* There shall be a minimum width at the front building line of 75 feet on any residential lot. Multiple dwellings shall in no case fall below the foregoing minimum, nor shall they have less than 25 feet front building line width per dwelling unit.

(4) *Modification and exceptions R-1, R-2, R-3, Resort-A, Resort-B.*

(a) *Yards.* The yard requirements stipulated elsewhere in this chapter may be modified as follows: uncovered stairs, landings, and fire escapes may project into any yard, but not to exceed six feet, and not closer than three feet to any lot line. Architectural projections such as chimneys, flues, sills, eaves, belt courses, and ornaments may project into any required yard.

(b) *Fences.* Residential fences (privacy) are permitted on the property lines in Residential Districts, but shall be no closer than two feet to any public right-of-way. Provisions for traffic

visibility shall prevail. Security fences, are permitted on the property lines in all districts, but shall be no closer than two feet to any right-of-way and shall not exceed ten feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

(c) *Essential services.* Utilities, electric power and communications transmission lines are exempt from the yard and height requirements of this chapter.

(d) *Landscaping and vegetation.* Landscaping and vegetation are exempt from the yard and height requirements of this chapter. Provisions for traffic visibility shall prevail.

(5) *Utility connection.* City water and city sewer shall be mandatory where available. Residential Districts are established to provide the full range of residential housing types in an urban environment where all of the facilities for urban living, including community sewer and water facilities are not available. Where public sewer and water facilities are not available the minimum lot size shall be 20,000 square feet.

(E) *Minimum size requirements; residential buildings.*

(1) *R-1.* Minimum gross floor space of first floor, (not including porches and carports) shall be 1,200 square feet on one story residences. The minimum gross floor space of multi-story residences shall be 1,000 square feet.

(2) *R-2.* Minimum gross floor space of first floor, (not including porches and carports) shall be 1,020 square feet on one story residences. The minimum gross floor space of multi-story residences shall be 1,400 square feet.

(3) *R-3.* Minimum gross floor space of first floor (not including porches and carports) shall be 760 square feet on one story residences. The minimum gross floor space of multi-story residences shall be 1,100 square feet. In any instance where multiple dwelling units are approved by the Board of Adjustments as outlined in this chapter, the minimum square footage per dwelling unit shall be 760 square feet with a total minimum as specified for R-1, R-2 or R-3 Zones.

(Ord. passed 5-15-78) Penalty, see § 152.99

## § 152.32 BUSINESS DISTRICTS.

(A) *Uses permitted.*

(1) Only the following uses are permitted: convenience shopping and personal service businesses including grocery and other food stores, drugs, furniture, hardware, eating and drinking places, barber and beauty shops, offices, apparel, dry goods and department stores, jewelry, sporting goods, gifts, variety, books and stationery, souvenirs, antique and curio shops, laundrettes, pickup stations for dry cleaning and laundry, shoe or appliance repair, appliance sales, clinics, billiards, in-door theaters, post office, laundry and dry cleaning establishments if they conform to state fire regulations, and fraternal organization buildings. Service stations will be permitted only as a conditional use and only after approval of the Board of Adjustments.

(2) *Uses prohibited.* Billboards or advertising signs, except those pertaining to business therein, which shall not project beyond the building front, major auto repair, manufacturing, any use detrimental to a pedestrian retail shopping center.

(B) *Minimum area requirements.* Minimum yard, lot size and frontage requirements: none, except as open space, parking and loading areas shall be required within the individual property or the district.

(C) *Utilities.* Use of city sewer and water connections shall be mandatory.

(D) *Signs.*

(1) Signs visible from the public way shall be permitted only when subject to the following conditions:

(a) *Business districts.* The gross area in square feet of all signs of a business shall not exceed two times the lot frontage in lineal feet, nor exceed 30% of the area of the front wall of the building. Such signs shall restrict subject matter to products accommodations, services or activities on the premises. The top of the signs shall not be higher than the top of the building. Such signs shall be nonflashing. No business shall have more than two signs.

(b) Post and ground signs shall not exceed 100 square feet.

(c) All illuminated signs shall be shielded from park areas and Residential Districts, and no sign shall be within 50 feet of a Residential District.

(2) *Integrated development signs.* For integrated developments under single ownership or under unified control, including shopping centers, manufacturing districts, apartment developments, and including Central Business District, two additional illuminated signs may be erected providing they do not exceed 125 square feet in gross surface area, and contain only name and location of the development, and the name or type of business of the occupants of the development. Signs in a residential area shall not be illuminated. Signs shall be set back at least 25 feet from each street right-of-way and the bottom edge of such sign shall be at least eight feet above ground level where it will not block the vision of traffic otherwise at ground level or higher. The overall height of the sign shall not exceed 25 feet above ground level.

(Ord. passed 5-15-78) Penalty, see § 152.99

### § 152.33 SERVICE DISTRICTS.

(A) *Uses permitted.* Only the following uses are permitted.

(1) Any use permitted in Business Districts.

(2) Automobile, truck and farm implement sales (new or used), service and major repair.

(3) Electric, heating, plumbing sales, service and storage yards, building materials, feed and seed, auctioneers, used clothing, furniture and appliances, funeral homes, bowling, skating, outdoor theaters, miniature golf, golf driving range, trampolines, drive-in food and refreshment stands, filling stations, motels and trailer camps, (and fraternal organization buildings).

(B) *Minimum size requirements.* None, except front building lines for lots facing Lakeshore Drive shall be set back 90 feet from the centerline of the street, and front building lines for lots facing all other streets shall be set back 60 feet from the centerline of the street or road on which the building abuts. Rear and side yards of 25 feet shall be required whenever a Residence or Business Districts adjoins. Parking and loading provisions shall be observed.

(C) *Utility connections.* Use of city water and sanitary sewer is mandatory.  
(Ord. passed 5-15-78) Penalty, see § 152.99

#### **§ 152.34 INDUSTRIAL DISTRICTS.**

(A) *Uses permitted.*

(1) Any use permitted in a Service District.

(2) Wholesale and storage operations including grain elevators, animal hospitals, coal yards and ice houses, bottling plants, and dairies. Any manufacturing or processing use which would not be deteriorating to neighboring properties because of the emission of smoke, noise, odor, dust, vibrations, or hazardous because of dangers of fire or explosion.

(B) *Minimum size requirements.* None, except front building lines shall be set back 90 feet from the centerline of the road on which they abut, and side and rear yards of 25 feet shall be required wherever a Residence District or Business District adjoins. Parking and loading provisions shall be observed.

(C) *Signs.* Signs visible from the public way shall be permitted only when subject to the following conditions:

(1) The gross area in square feet of all signs on a lot shall not exceed two times the lot frontage in lineal feet. No firm shall have more than two signs.

(2) Illuminated signs shall be shielded from park areas and Residential Districts, and no sign shall be within 50 feet of a park or Residential District.

(D) *Utility connections.* Use of public water and sanitary sewer is mandatory.  
(Ord. passed 5-15-78) Penalty, see § 152.99

**§ 152.35 RESORT DISTRICTS; RESORT-A, RESORT-B, AND RESORT-COMMERCIAL.***(A) Resort-A Districts.**(1) Uses permitted.*

(a) Dwellings and residential accommodations with or without the provision of separate cooking facilities.

(b) The following are permitted as conditional uses subject to review and approval of plans by the Board of Adjustments which may impose such requirements as they deem fit to ensure harmony with the general character and development of the district. Integrated resort type uses for transient, rental, or sale purposes, but operating under unified maintenance and direction. These would include:

1. Cabin clusters with individual cooking facilities.
2. Cabin clusters with central dining and other group facilities.
3. Lodge hall or resort hotel operations.
4. Fraternal organization buildings.

(c) Limited commercial operations for the convenience of guests or residents of the immediate facility, including dining halls and refreshment centers, recreation facilities (indoor and outdoor, but not drive-in), central storage and maintenance or recreational equipment, including boating equipment.

*(2) Minimum size requirements.*

(a) For dwellings not operating as a special use there shall be a minimum lot area of 4,750 square feet, for multiple dwellings there shall be not less than 3,000 square feet per dwelling unit. Parking and loading provisions shall be observed.

(b) For single-family dwellings there shall be a minimum of 50 feet width at the building line, multiple dwellings shall in the aggregate have not less than 20 feet frontage per dwelling unit, but in no event less than the single-family dwelling minimum.

(c) Front yard minimum depth shall be 25 feet, rear yard minimum depth shall be 25 feet, side yard minimum width shall be eight feet. Accessory buildings shall not be constructed in the front yard or within five feet of the side or rear lot lines.

(d) Minimum gross floor space of first floor, not including porches or carports shall be 600 square feet. Use of public water and sanitary sewer is mandatory (where available).

(B) *Resort-B Districts.*

(1) *Uses permitted.* The same as in Resort-A District, and in addition farming is permitted.

(2) *Minimum size requirements.* Minimum size requirements shall be the same as in Resort-A Districts, except as modified by utility connection requirements.

(3) *Utility connections.* Use of city water and sanitary sewers shall be mandatory when the property is located within 200 feet of an existing main. When city water service is not available the water supply system shall be in accordance with the standards of the Kentucky State Department of Health and as recommended by the State Standards of Safety. When septic tanks and disposal fields are used, soil percolation tests shall be made in accordance with the requirements of the State Department of Health. Tabulation of the conditions and results of the percolation tests shall be submitted with each application for a building permit. Additional lot area and other open space requirements may be made to ensure the standards of public health and safety are maintained.

(C) *Resort-Commercial.*

(1) *Uses permitted.* Commercial uses commensurate with the development of a complete resort colony shall be permitted. These may include activities appealing to a tourist, transient or temporary resident market, eating and drinking establishments, amusement and recreation (but not including horse, dog or automobile race tracks or drive-in theaters), sale of souvenirs, curios, antiques, handicrafts, specialized apparel, sundries, variety merchandise, outdoor theaters (summer stock type), sale, maintenance, construction, repair and storage of boats and motors, including the dispensing of motor fuel and lubricants, ships stores and provisions, handicraft or primitive type manufacturing where the primary intent is for the display of the process as a tourist attraction, and the sale of items manufactured on the premises or similar to those manufactured on the premises. Such industry shall be limited to those involving no offensive odors, or physical dangers to spectators. Representative of the approved group are such items as gunsmith, fletcher, chenille and hooked rugs, embroidery, rustic furniture, fish nets, gear and tackle, bootery or other leather work, but not tanning or curing of hides, hand painted porcelain, tinted photographs, paintings or handmade greeting cards, ceramics, iron furnace and hand forge, ornamental iron work, non-ferrous casting. Display of merchandise or work in process shall not extend beyond ten feet from building. Dwellings limited to operators.

(2) *Minimum size requirements.* None, except as may be required for open space, parking and loading within the individual property or the district.

(3) *Utility connections.* Requirements are the same as in Resort-B Districts.

(Ord. passed 5-15-78) Penalty, see § 152.99

**§ 152.36 AGRICULTURAL DISTRICTS.**

(A) *Uses permitted.*

(1) Farming and dwellings for farm use only.

(2) The following are permitted as conditional uses after public hearing and approval by the Board of Adjustments: riding stables, large scale amusements such as automobile or animal race tracks, drive-in theaters.

(B) *Minimum size requirements.* None, except for off-street parking and loading requirements. (Ord. passed 5-15-78) Penalty, see § 152.99

### **§ 152.37 CD - CONSERVATION DISTRICT.**

(A) *Purpose.* The Conservation District has been created for areas which are:

- (1) To be kept open for highway interchanges.
- (2) To be kept open for takeoff or landing of aircraft.
- (3) Subject to periodic flooding.
- (4) To be kept open to protect sources of water supplies.
- (5) To be kept open from intensive development because of unstable soil conditions.
- (6) To be kept open for general conservation purposes.
- (7) Being utilized for public or recreational purposes.

(B) *Permitted uses.*

- (1) Highway interchange areas.
- (2) Airports.
- (3) Conservation, agriculture, forestry, public recreational facilities, and parks.

(C) *Conditional uses.* Private recreational facilities. (Ord. passed 5-15-78) Penalty, see § 152.99

## ***ADMINISTRATION AND ENFORCEMENT***

### **§ 152.50 ADMINISTRATION BY INSPECTOR.**

This chapter shall be enforced by an inspector appointed by the City Council. No land or structure shall be changed in use and no structure shall be erected, altered, or moved until the

inspector has issued a building permit certifying that the plans and intended use of land, buildings, and structures are in conformity with this chapter. No land or structures hereafter erected, moved, or altered in its use shall be used until the inspector shall have issued a certificate of occupancy stating that such land or structure is found to be in conformity with the provisions of this chapter.

(Ord. passed 5-15-78) Penalty, see § 152.99

#### **§ 152.51 BOARD OF ZONING ADJUSTMENT; APPEALS.**

There shall be a Board of Zoning Adjustment appointed in pursuance of KRS 100.217 through 100.251. The Board of Adjustment shall after public hearing duly advertised, decide appeals from alleged error in the Building Inspector's decisions, appeals for variance in yard sizes, lot size or height, where exceptional and peculiar hardship would be caused by enforcement of the regulations in this chapter and where such variance would not substantially derogate from the intent of this chapter. The Board of Zoning Adjustment does not possess the power to permit a use prohibited by this chapter. The Board of Zoning Adjustment shall always act with due consideration to promoting the public health, safety, convenience and welfare encouraging the most appropriate use of land and conserving property value, shall permit no building or use detrimental to a neighborhood, and shall prescribe appropriate conditions and safeguards in each case.

(Ord. passed 5-15-78)

#### **§ 152.52 AMENDMENT.**

Such regulations, restrictions, and boundaries as are provided for in this chapter may be amended, supplemented, changed, modified, or repealed, in accordance with KRS Chapter 100.

(Ord. passed 5-15-78)

#### **§ 152.53 REPEAL OF CONFLICTING REGULATIONS.**

Any zoning regulations interim or otherwise now in effect in the city, and in conflict with these zoning regulations as they are established in this chapter, are repealed. However, all suits at law or in equity and or all prosecutions resulting from violation of any zoning regulations heretofore in effect, which are now pending in any of the courts of the state or of the United States, shall not be abated or abandoned by reason of adoption of these zoning regulations, but shall be prosecuted to their finality the same as if these zoning regulations had not been adopted, and any and all violations of existing interim zoning regulations, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted. Nothing in these zoning regulations shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may have heretofore been instituted or prosecuted.

(Ord. passed 5-15-78)

**§ 152.99 PENALTY.**

Each day during which a condition exists upon land which violates any provision of this chapter shall be deemed a separate violation of this chapter. Any person violating any provision of this chapter is, under KRS 100.990, guilty of a misdemeanor and shall upon conviction, be fined no more than \$100 for each such separate violation and offense.

(Ord. passed 5-15-78; Am. Ord. 01-2-24-1, passed 2-5-01)

## APPENDIX A: STORIES





**APPENDIX B: YARDS**





## APPENDIX C: LOT ZONING

Blocks A - L Parish Tract  
Blocks A - G Lake Tract

### *PARISH TRACT*

#### *Block A*

Lots 1 through 10 - Service  
Lots 11 through 15 - R1

#### *Block B*

Lots 1 through 6 - R1  
Lots 7 through 18 - R3  
Lots 18 through 22 - R1  
Lots 23 through 28 - R2

#### *Block C*

Lots 1 through 10 - R1

#### *Block D*

Lots 1 through 13 - R1

#### *Block E*

Lots 1 through 13 - R2

#### *Block F*

Lots 1 through 13 - R2

#### *Block G*

Lot 1 - R1  
Lots 2 through 8 - R2  
Lots 9 through 19 - R1

#### *Block H*

Lots - Residential (not sub-divided)

*Block I*

Lots Residential (not sub-divided)

*Block J*

Lots 9 through 16 - R3

*Block K*

Lots - Business (not sub-divided)

*Block L*

Lots - Business and Service (not sub-divided)

***LAKE TRACT****Block A*

Lots 1 through 26 - R1

*Block B*

Lots 1 through 18 - R1

*Block C*

Lots 1 through 8 - R1

*Block D*

Lots 1 through 39 - R1

*Block E*

Lots 1 through 14 - R1

*Block F*

Lots 1 through 10 - R1

*Block G*

Lots 1 through 15 - R1



