

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE APRIL 18, 2017 SPECIAL MEETING**

MEMBERS PRESENT:

Mr. Dennis Bass
Ms. Lauri Harding
Mr. Steve Stapleton
Mr. Mark Turner
Mr. Michael Williams, TPO
Mr. Larry Barrow, Vice Chair
Mr. Justin Verst, Chair

STAFF PRESENT:

Ms. Cynthia Minter, Director
Mr. Kirk Hunter, Principal Planner
Mr. Matt Smith, Legal Counsel
Ms. Stephanie Turner, Recording Secretary

MEMBERS ABSENT:

Ms. Deborah Blake
Mr. Edward Stubbs

STAFF ABSENT:

Mr. Verst called the meeting to order at 7:02 PM. Following the Pledge of Allegiance, Mr. Verst called for a roll call. The roll call found a quorum was present. Mr. Verst asked if everyone had reviewed the March 14, 2017 meeting minutes and if there were any additions or corrections. There being none, Mr. Verst called for a motion. Mr. Williams made a motion to approve the March 14 meeting minutes as submitted. Mr. Barrow seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Bass, Ms. Harding, Mr. Stapleton, Mr. Williams, Mr. Barrow and Mr. Verst in favor of the motion. Mr. Turner abstained. Motion passed.

Mr. Verst introduced the first case of the evening as case #175-17-ZMA-01, a request by Zac Rohlfer and supported by the City of Silver Grove, to request a zone map amendment of Brent's Landing located on KY 8 near Winters Lane in Silver Grove from a Residential-Rural Estate (R-RE) Zone to a Conservation (C-O) Zone. Mr. Verst asked staff to present the staff report. Mr. Hunter presented the staff report as follows:

CASE: 175-17-ZMA-01

APPLICANT: Zac Rohlfer

LOCATION: Brent's Landing, KY. 8 near Winters Lane, Silver Grove

REQUEST: A proposed zone map amendment from Residential-Rural Estate (R-RE) Zone to Conservation (C-O) Zone.

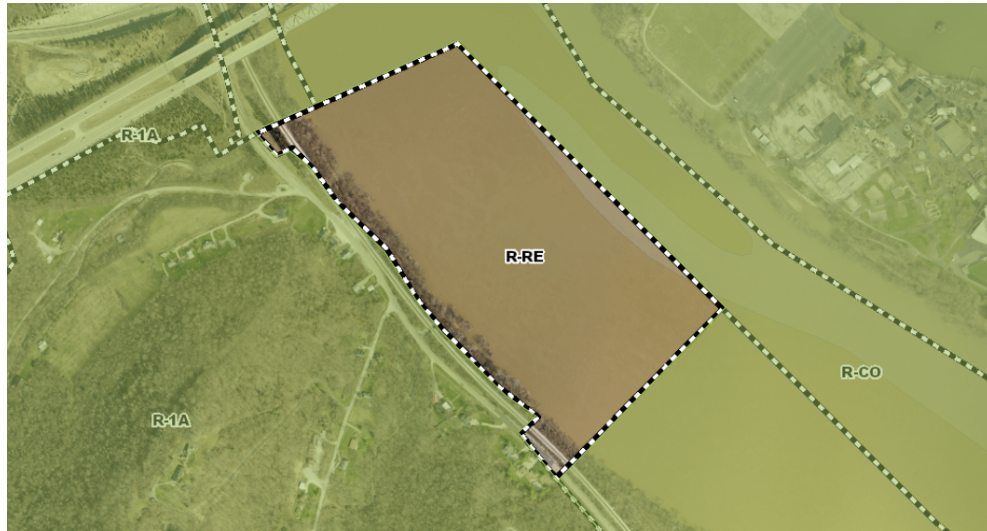
Overview:

The area under review consists approximately fifty-six (56) acres containing a section of the Ohio River, City of Silver Grove property, the Brent's Landing property and railroad right-of-way. It is currently zoned Residential-Rural Estate (R-RE). The Brent's Landing property is a 2.37-acre plot situated within this area. The Brent's Landing property was formerly used as a boat launch to ferry passengers across the Ohio River to Coney Island in Cincinnati.



Considerations:

1. The area under consideration consists of approximately fifty-six (56) acres.



2. Approximately ninety (90) percent of the area under consideration is in the Ohio River.
3. The area under consideration not in the river lies between the CSX railroad and the river with the exception of two sections consisting of less than an acre each on the northeast and southern corners.

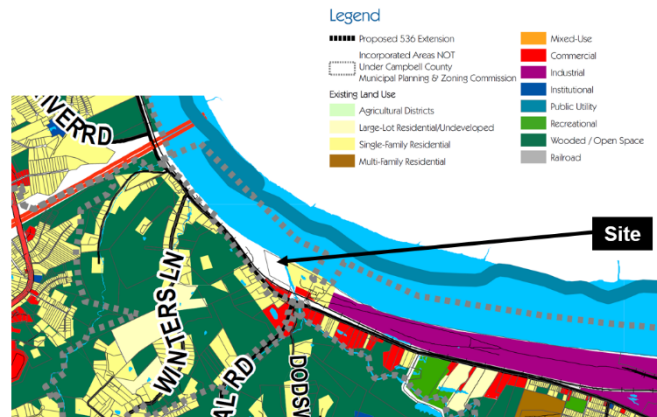


4. The site is currently zoned Residential-Rural Estate (R-RE) as defined in the Silver Grove Zoning Ordinance, Article X, Section 10.1.
5. There is a CSX railroad right-of-way going through the area.

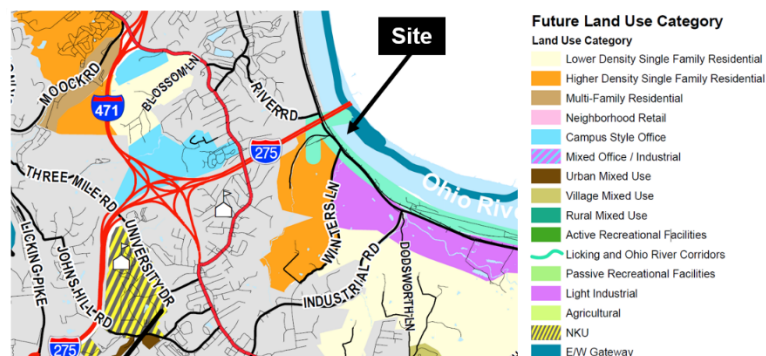
6. The Brent's Landing property is accessed by passing beneath the CSX railroad bridge.



7. Adjacent zones are
 - a. City of Fort Thomas River Preservation (RP) zone to the North;
 - b. Unincorporated Campbell County River Conservation (R-CO) to the North and Northeast;
 - c. Unincorporated Campbell County Residential 1-A (R-1A) to the West and;
 - d. City of Silver Grove Industrial-4 (I-4) to the South.
8. The 2008 Campbell County Comprehensive Plan does not specify the current land use for this site.



9. The future land use category for the site is not identified on the map in the 2008 Campbell County Comprehensive Plan. The future land use map shows the site near light industrial and higher density residential land uses. The site's limited access and position in the Ohio River Floodway would make either use impractical.



10. A review of the public records for this property finds:

- a. The site was part of a series of annexations to Silver Grove from Unincorporated Campbell County in 1984. The site in question was annexed under Ordinance No. 84-0202. The site was designated, by default, as Residential Rural Estate (R-RE) when it was annexed.
- b. No cases before the Campbell County & Municipal Planning Commission;
- c. No cases before the Campbell County & Municipal Board of Adjustment;
- d. No building permits issued for this specific site.

11. The Silver Grove Zoning Ordinance defines the following permitted uses for the R-RE zone (section 10.1) and Conservation (C-O) zone (section 10.0) respectively:

Permitted Uses

R-RE

1. Single-family dwellings (detached).
2. Sale of products that are raised, produced, and processed on the premises.
3. Greenhouses and nurseries, including both wholesale and retail sales of products grown on the premises provided that the storage of manure shall not be permitted nearer the front of a street, road, highway, or right-of-way line than one hundred (100) feet, or not nearer a side lot line than fifty (50) feet.
4. Stables and riding academies, both public and private.

Permitted Uses

C-O

1. Agricultural uses, but does not include the feeding of garbage to animals;
2. Publicly owned and/or operated parks and/or recreation areas, including public swimming pools;
3. Recreational uses other than those publicly owned and/or operated such as golf courses, and country clubs including commercial swimming pools.

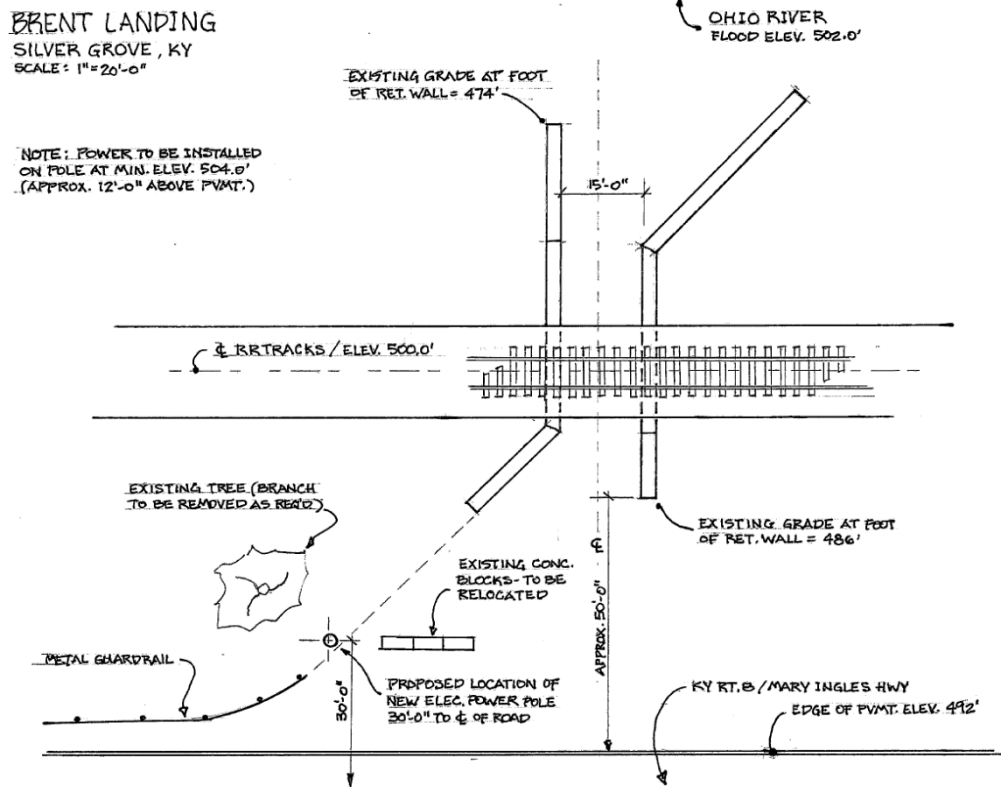
12. The City of Silver Grove Zoning Ordinance defines the zone requirements for the R-RE zone (section 10.1):

<u>Zone Requirements</u>	<u>R-RE</u>
Minimum Lot Area	Three (3) acres
Minimum Lot Width at Minimum Setback	Three Hundred (300) feet
Minimum Front Yard Depth	Forty (40) feet
Minimum Side Yard Depth	Twenty-five (25) feet
Minimum Rear Yard Depth	Twenty-five (25) feet
Maximum Building Height	Thirty-five (35) feet and two stories

The City of Silver Grove Zoning Ordinance states that the zone requirements for the C-O Conservation zone shall be as determined and approved by the Planning Commission (Section 10.0, D.).

13. The applicant intends to recondition the property for recreation purposes and has submitted a site plan of the entrance to the property showing:

- a. Location of existing structures.
- b. Location of proposed improvements



Staff Recommendation:

The Campbell County Planning and Zoning Department recommends approval of the Zone Map Amendment subject to the following conditions:

1. That the City of Silver Grove adopts the Zone Map Amendment portion of the submitted request.

Bases for Recommendation:

The proposed Zone Map Amendment is consistent with the recommendations of the 2008 Campbell County Comprehensive Plan Update, the Campbell County Subdivision Regulations and City of Silver Grove Zoning Ordinance.

Additional Information to Applicant:

1. Property owners must comply with all applicable building, subdivision and zoning ordinance regulations for future actions on their lot.

Discussion:

Mr. Hunter concluded his report advising the Commission that this site was zoned R-RE because that is the default zone to assign when property is annexed into the City of Silver Grove. Mr. Hunter first met Mr. Z. Rohlfer when someone dumped over 100 tires onto this site. Mr. Rohlfer worked hand in hand with Solid Waste and Mr. John Tucker from the City of Silver Grove to have those tires removed.

Mr. Hunter asked if the Commission had any questions for him. Mr. Verst asked if there were any questions of staff. There being none, Mr. Verst asked the applicant to approach the podium and state his name and address for the record.

Mr. Zac Rohlfer, 3973 McDonald Lane, Highland Heights approached the podium and thanked the Commission for holding a special hearing to review this item. Mr. Z. Rohlfer's parents purchased the property approximately 3 years ago. Mr. Z. Rohlfer lives approximately 200 yards from the site. This provides access to the river, which is great, but the site has become the biggest bane of his existence because they have had nothing but trouble since that purchase. There were the 100 tires dumped on the site. They continue to have someone dump trash and waste on the property at least monthly. Someone cut down trees on the riverbank for which we did not give permission for this to occur. Mr. Z. Rohlfer advised the Commission he was a police officer and tried to handle the property issues himself with as little impact as possible to his fellow officers. People have been using the site for prostitution, drug use and drinking on the site by uninvited trespassers. Mr. Z. Rohlfer stated he goes down there almost daily to address these issues. They had to install a camera that provides live time images to his phone so he can try to find out what is going on since they were having so many issues.

Born of all these issues came the idea that, instead of trying to fight all these people visting the site, there must be a use that would draw a better crowd and allow people to use it in a way that we can control. If we get any money back for all we will have to spend to make it desirable then all the better. They are currently trying to get electric installed to the site. They are working with the Kentucky Department of Transportation trying to get it repaved because the entrance is a disaster. It looks terrible and we want to make it look nice. We want to put in some landscaping and try to make it look like it is not an abandoned lot. We can only spend so much at this time to get these improvements made.

Mr. Z. Rohlfer stated that right now the idea is to start with a food truck / trailer to sell some simple things like ice cream, hamburgers and similar simple items like that. We want to put in some picnic tables and make it an inviting place where people can come and sit down and enjoy the river. We have sat down and had discussions with the City of Silver Grove to see if they are on board with our proposal and they are. They liked the fact that, currently they have no river access, and we would provide that river access for the City of Silver Grove. We have considered possibly down the road having a canoe/kayak launch. There was talk of a possible boat launch if we work with Kentucky Fish and Wildlife. There are several items we would like to consider in the future. For right now, we just want to put in some picnic tables and make it a nice place to enjoy the river.

Mr. Z. Rohlfer added that this is his neighborhood and he wants it to be nice. He is tired of the current crowd it is drawing. Mr. Z. Rohlfer asked the Commission if they had any questions for him. Mr. Verst asked if anyone had questions of the applicant.

Mr. Bass asked if the bulk of the property where you go under the railroad tracks and go to the right if you were facing the river. Mr. Z. Rohlfer answered that the bulk of what they owned was to the right, but the City of Silver Grove has a decent amount there too. Mr. Bass stated this was the site where people used to park and then ride the ferry down there. Mr. Z. Rohlfer stated that was exactly right. That area is Brent's Landing. If you go through the entry, there is about 200 feet to the left side of the entry. From the picture there is a swing out into the water, this is from a creek that has pushed gravel out and drains in the river. Our property line starts at that creek and goes about 1,000 feet down the right. Mr. Bass clarified that by "right" he meant it was the east side of the entrance. Mr. Z. Rohlfer agreed.

Mr. Z. Rohlfer asked if there were any other questions for him. Mr. Stapleton stated he appreciated what Mr. Z. Rohlfer was proposing; it really looks nice. Mr. Z. Rohlfer thanked Mr. Stapleton for his comment. Mr. Stapleton wished him good luck. Mr. Z. Rohlfer stated he really hoped the project worked out because he really wanted to see something nice in that area. Mr. Bass asked if the entry was going to be left open or if a gate was going to be installed. Mr. Z. Rohlfer stated they really would prefer to see it open. If they can control it with leaving it open, they would leave it open. He is afraid people will go there at night and continue with the current behavior. It is possible that a gate will be installed until people realize that the public does care about this site and that kind of behavior will not be tolerated.

Mr. Verst asked if there were any other questions for Mr. Z. Rohlfer. There being none, Mr. Verst called for the first person signed in to speak in regards to this topic. Mr. Tim Boyle of 4240 Mary Ingles Highway, Cold Spring approached the podium. Mr. and Mrs. Boyle have lived here for the past 13-14 years kind of across Mary Ingles and it has always been an attractive nuisance for the wrong kind of people. It was a lot worse before the Rohlfers purchased it. It is headed in the right direction and I think it will be a real positive step for Campbell County and the neighbors of the property also. It seems like a good idea.

Mr. Verst called the next person signed in. Mrs. Vickie Rohlfer of 5541 Hubble Rd, Cincinnati, Ohio stated that she felt her son did a good job with his presentation and she had nothing to add. Mr. Verst called Mr. Ric Rohlfer as the next person signed in. Mr. R. Rohlfer stated he agreed as well with everything his son stated. Mr. R. Rohlfer stated that they do have other plans that may develop if the community takes to this plan well and that may actually down the road help them with the different activities offered. Mr. R. Rohlfer stated that he and his wife had an affinity for Silver Grove since his son moved to that city. He has really come to like the community and that is why they are willing to invest the money into this project. Mr. R. Rohlfer stated that he is the guy that keeps thinking of different ideas that may be possible, but none are really worth mentioning right now. They really need to see how the community supports this project. They really do feel like this would be an improvement for the community. Mr. R. Rohlfer stated they are not looking to get rich off this venture, which is just not going to happen. He just really hopes the people of Silver Grove will enjoy the use of the property.

Mr. Verst thanked Mr. and Mrs. Rohlfer for their comments. Mr. Verst recognized Mayor Neal Bedel from Silver Grove in the audience and asked if he had any comments to offer on the request before the Commission. Mayor Bedel approached the podium and identified himself for the record and stated he was a resident of Silver Grove residing at 206 E. 3rd Street. Mayor Bedel stated that the City of Silver Grove is excited with the plan presented by Ric and Zac Rohlfers. Mr. Bass's brother David was on our city council at the time and he always said that Silver Grove does not have anything with river access as far as entertainment. We are limited, even though our City banks with the river, by available space. We are looking forward to see what we can do

to assist them with this project. Mayor Bedel stated he would appreciate the Commissions support with this project as well.

Mr. Verst asked if there were any other audience members with additional comments regarding this case. There being none, Mr. Verst asked the Commissioners if they had any comments or questions for any of the speakers here today. Ms. Harding asked about the small piece of the proposed mad amendment that crossed Mary Ingles Highway. Was this some sort of ingress/egress? Ms. Minter replied that staff had done extensive research of previous maps and the zone, for whatever reason, did not follow the property lines in that area.

Mr. Verst reminded the Commissioners that the Commission could only make a recommendation to the Silver Grove City Council. The Commission did not have the authority to effect the zone change directly. Mr. Verst asked if there were any other comments or questions on this issue. There being none, Mr. Verst called for a motion. Mr. Bass made a motion to recommend approval of the Zone Map Amendment to the City of Silver Grove to adopt the Zone Map Amendment portion of the submitted request. The basis for Mr. Bass's Motion was that the proposed Zone Map Amendment is consistent with the recommendations of the 2008 Campbell County Comprehensive Plan Update, the Campbell County Subdivision Regulations and City of Silver Grove Zoning Ordinance. Mr. Verst asked if there were any questions in regards to the motion. There being none, Mr. Verst called for a second. Mr. Stapleton seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Bass, Ms. Harding, Mr. Stapleton, Mr. Turner, Mr. Williams, Mr. Barrow and Mr. Verst in favor of the motion. No one abstained. Motion passed.

Mr. Verst introduced the final case of the evening as case #176-17-TXA-01, a request made by this Commission for staff to review and propose administrative updates to the Campbell County Zoning Ordinance. Mr. Verst asked staff to present the staff report. Mr. Hunter presented the staff report as follows:

CASE: 176-17-TXA-01

APPLICANT: Campbell County & Municipal Planning & Zoning Commission

REQUEST: Proposed amendment to the Campbell County Zoning Ordinance.

Proposed revisions:

- Thorough proofreading and correction of technical errors including spelling, grammar, punctuation and formatting.
- Substantive changes to the following sections:
 - Article V, Section 5.1 Effective Date
 - Article VII, Section 7.0 Words and Phrases
 - Article VIII, Section 8.1 Official Zoning Map
 - Article IX, Section 9.7 Excavation, Movement of Soil, Tree Removal, and Erosion and Sedimentation Control
 - Article IX, Section 9.8 Unsightly or Unsanitary Storage
 - Article IX Section 9.10 Application on Zoning Regulation
 - Article IX Section 9.14 Conditional Uses
 - Article IX Section 9.15 Building Regulations and Water and Sanitary Sewer and Utility Services
 - Article IX Section 9.18 Outdoor Swimming Pools
 - Article IX Section 9.24 Flood Protection Development Controls

- Article IX Section 9.27 General Mobile Home Regulations
- Article IX Section 9.28 Individual Mobile Home Sites
- Article X Section 10.0 River Recreation/Conservation (R/CO) Zone
- Article X Section 10.1 A-1 Agriculture Zone
- Article X Section 10.2 R-RE Residential Rural Estate
- Article X Section 10.4 R-1A Residential One-A Zone
- Article X Section 10.4 R-1B Residential One-B Zone
- Article X Section 10.5 R-1C Residential One-C Zone
- Article X Section 10.6 R-1CC Residential One-CC Zone
- Article X Section 10.7 R-1D Residential One-D Zone
- Article X Section 10.8 R-1DD Residential One-DD Zone
- Article X Section 10.9 R-1E Residential One-E Zone
- Article X Section 10.10 RMHP Residential Mobile Home Park Zone
- Article X Section 10.11 R-2 Residential Two Zone
- Article X Section 10.13 PUD Planned Unit Development Overlay Zone
- Article X Section 10.15 INST Institutional Zone
- Article X Section 10.16 MLU Mixed Land Use Zone
- Article X Section 10.17 NC Neighborhood Commercial Zone
- Article X Section 10.21 SC Shopping Center Zone
- Article X Section 10.22 Rural Commercial
- Article X Section 10.24 I-2 Industrial Two Zone
- Article X Section 10.25 Industrial Mining (IM) Overlay Zone
- Article X Section 10.28 ACD Agricultural Cluster Development Overlay Zone
- Article XI Section 11.0 General Requirements
- Article XI Section 11.1 Specific Off-Street Parking Requirements
- Article XIII Section 13.0 Vision Clearance at Corners and Railroad Crossings
- Article XIII Section 13.1 Classification of Fences and Walls
- Article XIII Section 13.2 Agriculture & River Conservation Zones
- Article XIII Section 13.3 Residential Zones
- Article XIII Section 13.4 Commercial and Industrial Zones
- Article XIII Section 13.5 Measurement of all Fence and/or wall heights and/or locations
- Article XIII Section 13.6 Height Of Any Barbed Wire Or Sharp Pointed Fences
- Article XVI Section 16.0 Enforcing Officer
- Article XVII Section 17.0 Amendment Of Maps And Zones Procedure
- Article XVII Sections 17.1, 17.2 and 17.3
- Article XVIII Section 18.0 Establishment Of Board Of Adjustment
- Article XVIII Section 18.1 Meetings Of Board
- Article XVIII Section 18.5 Powers of Board of Adjustment
- Article XVIII Section 18.6 Variances

- Addition of Appendix B Flood Protection Controls

A complete copy of the proposed changes are attached to these meeting minutes.

Discussion:

Mr. Hunter advised the Commission that he felt the best approach might be to just start at the beginning and address each proposed text change one at a time. The Commission agreed. Mr. Hunter proceed to move through the text changes as proposed to address spelling and grammar

errors, formatting and clarification of context of familiar zoning phrases. The Commission continued to review the items in Mr. Hunter's report and hold discussions on proper use of phrasing within the Zoning Ordinance. It was determined that the entire topic of clarifying between situations requiring direct approval of the Planning Commission and those delegated to staff to approve on the Commission's behalf. Mr. Hunter was to prepare a report of the different possible instances so that the Commission could review each item on its own merit.

After much discussion, the Commission agreed after reviewing the proposed changes to Article X to stop their review for the evening. Mr. Verst asked the Commissions' preference for meeting in May to discuss the text changes or to push it to the next meeting where another case was on the agenda. They determined they did not want to hold a meeting just to discuss proposed text changes. At the next meeting where a case was to be presented, the Commission would continue their discussion.

Mr. Verst reminded everyone that this is a special meeting and there will be no approval of training or Director's report this evening. Mr. Verst asked for a motion to adjourn. Mr. Barrow made a motion to adjourn the meeting. Mr. Bass seconded the motion. An oral vote found all in favor, none opposed and none abstained. Motion passed. Meeting adjourned at 8:48 PM.

Respectfully Submitted,

Approved:

Cindy Minter
Director

Justin Verst
Chair

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RE: FILE NUMBER: 176-17-TXA-01
PROPOSED TEXT AMENDMENTS:

Addition and deletions of text as underlined and ~~struck~~ below

Articles I – IV unchanged

ARTICLE V

...

SECTION 5.1 EFFECTIVE DATE: The effective date of this ordinance November 18, 1982 ~~(Fiscal Court) and May 19, 1982 (City of Melbourne).~~

Article VI unchanged

ARTICLE VII

DEFINITIONS

SECTION 7.0 WORDS AND PHRASES:

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

~~AGRICULTURAL USE: The use of a tract of land of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soy beans, tobacco, timber, or orchard fruits, vegetables, flowers or ornamental plants including provision for dwelling for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or leasing to the public.~~

AGRICULTURAL USE:

- A. The use of a tract of land of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soy beans, tobacco, timber, or orchard fruits, vegetables, flowers or ornamental plants including provision for dwelling for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or leasing to the public.
- B. Regardless of the size of the tract of land used, small farm wineries licensed under KRS 243.155;

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

1. Riding lessons;
2. Rides;
3. Training;
4. Projects for educational purposes;
5. Boarding and related care; or
6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations; or

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

1. Riding lessons;
2. Rides;
3. Training;
4. Projects for educational purposes;
5. Boarding and related care; or
6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations.

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

BLACKWATER: Wastewater containing liquid or solid waste generated through use of a urinal, water closet, garbage disposal, or similar sanitary fixture.

BUILDING PERMIT: A permit issued by the County's Planning and Zoning Office authorizing the construction or alteration of a specific building, structure, sign, or fence upon receipt of a deed, plat and set of plans, and at the ~~owners~~ owner's request.

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

DRIVE-IN: An establishment, such as a restaurant or theater, so laid out that patrons can be accommodated while remaining in their vehicles.

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DRIVE-THROUGH:

A. An establishment, such as a restaurant, bank, dry cleaner or similar, serving customers in their vehicles that drive away after being served.

B. The lane by which drivers approach such an establishment.

DWELLING: Any building ~~which~~ that is completely intended for, designed for, and used for residential purposes, but for the purposes of this ordinance, shall not include a ~~hotel-motel~~, hotel, motel, nursing home, tourist cabins, college or university ~~dermitories~~ dormitory, or military barracks.

EATING ESTABLISHMENTS AND RESTAURANTS: A restaurant is an establishment selling food items ordered from a menu and prepared on the premises for immediate consumption.

A. Carry-out -- A fast service restaurant, which does not have ~~sit-down~~ sit-down eating arrangements and consumption of food on the premises, is discouraged.

~~B. — Drive-in~~ Drive-in -- A restaurant where consumption of food on the premises is encouraged (in car), and where food is provided by "car-hop" or self-service.

C. Sit-Down ~~Restaurants~~ — ~~Those~~ A restaurants ~~which~~ that provides seating arrangements for the consumption of food on the premises.

D. Combination -- A restaurant ~~which~~ that provides any combination of ~~sit-down~~ sit-down, ~~carry-out~~ carryout, drive-through and/or drive-in, services.

ELECTRO-MECHANICAL GAMES CENTER: A business that provides electro-mechanical pinball machines ~~and~~ and/or video ~~game~~ games specifically designed constructed, set up, and kept to be played for amusement only.

~~ENCOMPASSMENT: The purchase of two or more partials of land which adjoin each other to form one continuous partial or both sides of a road's right-of-way. Partial can be purchased at different times; this is still encompassment.~~

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas ~~from~~ from: (a) the overflow of inland waters; (b) the unusual and rapid accumulation of runoff of surface waters from any source; and (c) Mudslides (i.e., mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground.

~~FLOOD 100 YEAR FREQUENCY: The highest level of flooding that, on the average, is likely to occur once every 100 years, not including the 1937 flood, which is in the 400 year frequency.~~

GREYWATER: Wastewater generated by hygiene activities, including but not limited to wastewater from laundry, lavatory sinks, and showers, but shall exclude kitchen sinks and food preparation sinks. "Greywater" does not include blackwater.

GROSS VEHICLE WEIGHT RATING (G.V.W.R.): The maximum operating weight/mass of a vehicle as specified by the manufacturer including the vehicle's chassis, body, engine, engine fluids, fuel, accessories, driver, passengers and cargo but excluding that of any trailers.

HOTEL: A building, or portion thereof, which is used for the temporary residence for travelers and transient guests, where entrances to the separate sleeping accommodations are from a common interior area.

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~~HOTEL-MOTEL: A building or buildings to be used for the temporary abiding place for travelers and transient guests.~~

LEGISLATIVE BODY: The chief body of the city or county whether it is the city council, the board of commissioners, or otherwise; at times it also implies the county's fiscal court.

LOT: A parcel ~~Of~~ of land or any combination of several lots of record, occupied or intended to be occupied by a principal building or a building group, as permitted herein, together with their accessory buildings or uses and such access, yards, and open spaces required under this ordinance.

~~HOME OCCUPATION~~ HOME-BASED BUSINESS: An accessory use customarily conducted ~~entirely within a dwelling, as permitted herein~~ at the primary residence of the person or persons conducting the business and further meeting all the requirements of this Ordinance.

~~MANUFACTURED HOME (formerly called "Mobile Homes"): A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code and designed to be used as a single-family residential dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Manufactured homes shall meet or exceed all the requirements of Sections 9.27 and 9.28 of this Ordinance, KRS 227.550-660, KRS 227.990, and 815 KAR 25:010-040. The types of manufactured homes are: 1. Multi-Section manufactured homes are delivered to the homesite in two or three sections. 2. SINGLE-SECTION manufactured homes are delivered to the homesite in one intact section.~~

MANUFACTURED HOME: A single-family residential dwelling constructed after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., as amended, and designed to be used as a single-family residential dwelling with or without permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air conditioning, and electrical systems contained therein and installed in accordance with KRS 227.570 by a Kentucky certified installer.

MOBILE HOME PARK: Any lot, parcel, or two (2) premises, subdivided, designed, maintained, intended, and/or used to accommodate more mobile homes or manufactured homes, and meets the requirements as specified in this ordinance. For the purpose of this ordinance, any lot or premises used for the wholesale or retail sale of mobile homes shall not be included within this definition.

MOTEL: A building, or portion thereof, which is used for the temporary abiding place for travelers and transient guests, where there is a separate exterior entrance to each sleeping accommodation."

~~NKAPC: Northern Kentucky Area Planning Commission.~~

~~OCTAVE BAND: A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.~~

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~~OCTAVE BAND FILTER: An electrical frequency analyzer designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals.~~

~~TENT: Any structure or enclosure, the roof of which and/or one-half (12) or more of the sides are constructed of silk, cotton canvas, fabric, or 4 similar light material.~~

TENT: A structure, enclosure or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported in any way except by air the contents it protects.

Article VIII

ESTABLISHMENT OF ZONES

SECTION 8.1 OFFICIAL ZONING MAP: The zones are bounded and defined as shown on the map entitled "OFFICIAL CAMPBELL COUNTY ZONING MAP" and shall so remain on file in the offices of the Campbell County Planning and Zoning Commission in ~~the~~ Campbell County ~~Courthouse, Alexandria~~, Kentucky.

SECTION 8.2 CHANGES ON ZONING MAP OR MAPS: If, in accordance with the provisions of this Ordinance and Kentucky Revised Statutes, changes are made in zone boundaries or other matters portrayed on the Official Zoning Map (or maps), such changes shall be made on the Official Zoning Map (or maps) by the Zoning Administrator promptly after the amendment to this Ordinance has been approved of by the County Commissioners and the Planning Commission is officially notified by a certified copy of said Amendment in ordinance form. Such change shall not become effective until said changes have been made on said map (or maps). In addition, no building, structure, sign or fence permit shall be approved or issued until the OFFICIAL ZONING MAP (or maps) indicates s the proper zoning for the use intended as indicated upon the application for a permit.

ARTICLE IX

GENERAL REGULATIONS

SECTION 9.1 REDUCTION IN BUILDING SITE AREA: . . . ~~If~~, however, by some means (e.g., misinterpretation of law, erroneous lot descriptions etc.) the lot area is reduced below the minimum required area as specified herein for the zone, ~~All~~ all of the uses and structures contained on the remaining portion of the area shall be subject to compliance with all other provisions of this ordinance. In the event that the uses and structures cannot comply in such circumstances, the property owner may seek relief from the Board of Adjustment as provided for in Section 18.2 of this ordinance.

SECTION 9.4 FRONTAGE ON CORNER LOTS AND DOUBLE FRONTAGE LOTS: . . . with the other frontage having a minimum of one half ~~(1/2)~~ of the required minimum front yard depth. . .

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SECTION 9.5 UTILITIES LOCATION: Electrical transformer stations, gas regulator stations, sewage and water treatment plants, pumping stations, standpipes for public water supply and other similar utility uses may be located in any zone subject to the approval of the **Planning and Zoning Commission**. The location of such facilities shall be in accordance with Kentucky Revised Statutes, and all other pertinent regulations, and the following requirements:

- ...
- F. The surrounding area shall not be adversely affected by, and shall be protected from noise, odor, glare, dust, gas, smoke, and vibration by such suitable means and conditions as the **Planning and Zoning Commission** may specify.

SECTION 9.7 EXCAVATION, MOVEMENT OF SOIL, TREE REMOVAL, AND EROSION AND SEDIMENTATION CONTROL:

- A. No governmental entity or other person or entity shall strip, excavate, fill, or otherwise move soil, trees, or other vegetation except for minor changes such as: the filling of small depressions, removal of vegetation which is diseased or endangering the public safety, etc. without first insuring that all requirements of this Ordinance and the Subdivision Regulations of the County have been fulfilled and then obtaining a permit from the County Planning and Zoning Commission's Office ~~all applicable permits~~.

SECTION 9.8 UNSIGHTLY OR UNSANITARY STORAGE: . . . as regulated by Article XIII of this ordinance and an approved permanent ~~plating~~ screening area ~~shall be required~~ as regulated in Section . . .

SECTION 9.9 JUNKYARD LOCATION: No person shall operate any junkyard which is situated closer than ~~seventy five~~ seventy-five (75) feet from . . .

SECTION 9.10 APPLICATION ON ZONING REGULATION

- A. ~~Except as herein provided, no part of any yard, or open space, or off-street parking or loading and/or unloading space about or in connection with any building, structure, or use permitted by this ordinance shall be considered to be part of a required yard, or other open space, or off-street parking or loading and/or unloading space for any other building, structure or use.~~ Except as herein provided, no structures or land shall be used for any purpose other than that permitted in the zone in which such structures or land is located or is to be located.
- B. ~~Every public or private structure hereafter erected shall be located on a lot as herein defined and in no case shall there be more than one (1) principal building and permitted accessory structure on one (1) lot, nor shall any building be erected on any lot which does not abut at least twenty-five (25) feet on a deeded and accepted public right-of-way, except for mobile homes on individual mobile home sites which are required to abut at least one hundred fifty (150) feet on a deeded and accepted public right-of-way, as required by Section 9.28 of this Ordinance. In no case shall more than two (2) flag lots be contiguous to each~~

The P&Z Commission is mentioned in numerous places in the text.
-Sometimes “*duly authorized representative*” is added.
-Sometimes “*Zoning Administrator*”.
KRS uses the term “administrative official”
Also, sometimes only the word “commission is used”
We should be consistent.
What areas can we allow to be delegated to staff, etc...?

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~~other at the publicly dedicated street. Flag lots shall only be used in those locations where due to geometric, topographic, and other physical features, it would be impractical to extend a publicly dedicated street to serve lots located in said areas and in no case shall the required lot width of a flag lot be located further than two hundred fifty (250) feet from the publicly dedicated right-of-way from which the flag lot originates. The narrow portion of the lot extending from the right-of-way shall be physically capable of providing reasonable access to the flag lot. The minimum lot area and setback requirements for flag lots shall be two and one-half (2 – 1/2) times the requirements for residential zones.~~

~~C. Accessory structures and uses shall not be permitted within any required minimum front yard or side yard (on each side of the lot) in any zone. Accessory structures and uses may be permitted to extend into the minimum rear yard areas, as defined herein, in all zones, provided that such structures are set back from the rear lot line, and required minimum side yard clearances are maintained. Location of off-street parking, loading, and/or unloading areas, fences, and signs are governed by their respective sections, as herein provided.~~

~~D.B.~~ Except as herein provided, accessory structures and uses shall not be permitted within any required minimum front yard or side yard (on each side of the lot) in any zone. Accessory structures and uses may be permitted to extend into the minimum rear yard areas, as defined herein, in all zones, provided that such structures are set back from the rear lot line, and required minimum side yard clearances are maintained. Location of off-street parking, loading, and/or unloading areas, fences, and signs are governed by their respective sections, as provided herein.

~~E.C.~~ ...

SECTION 9.14 CONDITIONAL USES:

A. ...

B. CONDITIONAL USE PERMITS:

...

4. The Zoning Administrator shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permits. If the landowner is not complying with all of the conditions listed on the conditional use permit, the Zoning Administrator shall report the fact in writing to the ~~chairman~~ Chair of the Board of Adjustments. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time it is furnished to the ~~chairman~~ Chair of the Board of Adjustments.

SECTION 9.15 BUILDING REGULATIONS AND WATER AND SANITARY SEWER AND UTILITY SERVICES:

....

~~B. WATER AND SANITARY SEWER SERVICE: Where no sanitary sewer system is available and where soil conditions (as determined by a properly conducted soil percolation test) are unacceptable for an anaerobic (septic tank) sewage treatment~~

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~~system, the record title holder of the real estate may apply to the Campbell County Fiscal Court for a permit for an aerobic type sewage treatment system. The application shall only be granted upon the following conditions and restrictions:~~

- ~~1. A construction permit must be obtained from the Commonwealth of Kentucky, Natural Resources and Environmental Protection Cabinet, Department for Environmental Protection, Division of Water as authorized by KRS Chapter 224. All approval conditions must be met, including a written certification by a registered professional engineer that the unit has been constructed and tested in accordance with the approved plans and conditions.~~
- ~~2. The aerobic sewage treatment system method provided for in this ordinance is available only when no sanitary sewer system is in place. Within twelve (12) months after the date a sanitary sewer system is in place, no person shall be permitted to continue to discharge any effluent, human waste, grey water, or the like, outside of the sanitary sewer system and the aerobic sewage treatment system must be discontinued and abandoned.~~
- ~~3. The effluent line (pipe) shall be laid at least ten (10) feet horizontally from any existing or proposed water line.~~
- ~~4. The effluent from this sewage system must be piped and discharged directly into a blue line stream. Discharge into a "blue line" stream is not acceptable if access is not available by gravity feed, or if there is insufficient flow in the stream to adequately handle the discharge, or if for any reason in the opinion of an expert employed by the county for the purpose of making such determination, the discharge would be unreasonably detrimental to the community or the environment.~~
- ~~5. In the event no acceptable "blue line" stream exists on the property, the applicant must comply with the following procedures:~~
 - ~~a. A site plan must be prepared by a registered professional engineer showing the applicants property lines, location of treatment system, discharge point of effluent into the 'blue line' stream, property lines of other tracts of land over which the proposed line is to be placed,~~
 - ~~b. The applicant must obtain a written perpetual easement from all property owners of land on or under which the pipe is to be placed, and being a minimum of ten (10) feet in width. As a minimum, the perpetual easement must provide for placement of the pipe and for ingress and egress for construction and maintenance of the pipe, and for inspection of same.~~
 - ~~c. Should a "blue line" stream not be acceptable in the opinion of an expert employed by the county for the purpose of making such determination, the applicant may request that the effluent be discharged into a natural stream or drainage ditch that flows into a "blue line" stream. Such a request must also be included in the applicants' request to the Commonwealth of Kentucky, The applicant must obtain a written perpetual easement from all property owners of land on or under which the natural stream or~~

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~~drainage ditch flows, including easements across all city, county, or state rights-of-way.~~

- ~~d. If the discharge of effluent, human waste, grey water, or the like, flows into or upon, any property or right of way owned by Campbell County, Campbell County, Kentucky Public Properties, Inc., or Campbell County, Kentucky, Public Parks, Inc., a written perpetual easement shall be required. To request such easement, the applicant shall submit the site plan, as required above, a legal description of the real estate with a description of the requested easement, and any other requested documentation, to the county engineer, for approval. The county engineer shall review the request and other documents and then make a recommendation to the fiscal court. Nothing in this ordinance shall require the county or any other entity to grant an easement to any person, corporation, or other entity. The county or any other property owner may, in its discretion, require payment of fair market value for the grant of easement under this ordinance.~~
- ~~e. All easements granted by the county under this ordinance shall state that the easement is temporary and may be terminated by the county twelve (12) months after a sanitary sewer is in place. All improvements, structures, or other objects located within said easement by applicant, may be altered or removed at the request of the Fiscal Court at the expense of the applicant.~~
- ~~f. In the event pollution of the receiving stream, ditch Or "blue line" stream results from the discharge of the treated effluent, additional treatment and/or extension of the effluent line shall be required. The enforcement of this requirement shall be made by the Commonwealth of Kentucky, the local health department, or the Campbell County Fiscal Court.~~

B. WATER AND SANITARY SEWER SERVICE: Except as herein provided, no principal building may be constructed in any zone unless such building is connected to a public water and central sanitary sewer system of adequate capacity and design, and approved by proper authorities.

1. Individual on-site disposal systems may be permitted only within those areas that are not currently served by a centralized sanitary sewer system. Individual on-site disposal systems may be permitted only under the following conditions:

- a. On-site disposal systems shall be permitted to be located only on lots that abut existing streets. Where new street rights-of-way are created, or new streets constructed within an existing right-of-way, all existing lots or newly subdivided lots shall be required to connect to a centralized sewerage system;
- b. The lot shall comply with the Area and Height Regulations for Permitted Uses, as established in the R-RE Zone; and

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- c. On-site disposal systems shall be provided with an aerobic type (aerator) treatment plant that shall be built in accordance with the regulations of the applicable state and local agencies and shall remain in operation until a connection is made to a centralized sewerage system.

In those areas where on-site disposal systems are permitted, a connection to the applicable water agency's supply shall not be required.

3. Where existing or proposed development is presently not served by a public sanitary sewer system, and is located within a reasonable distance of an existing or newly extended sanitary sewer line, as determined by the zoning administrator, said development shall be required to connect with the public sanitary sewer system and the on-site disposal system shall be discontinued.
4. A copy of the approved on-site disposal system permit shall be submitted to the zoning administrator and/or building official prior to the issuance of a building permit.

SECTION 9.18 OUTDOOR SWIMMING POOLS

A. PRIVATE SWIMMING POOLS: All private swimming pools shall be regulated according to the following requirements:

1. May be permitted to be located in a rear or side yard no closer than ten (10) feet to any property line.
2. Setback distance is measured from the waterline of the pool or any associated equipment, whichever is closer to the property line.

1. 3. . . .

2. 4. . . .

3. 5. Swimming pools, which are located above ground, shall be required to have a fence or wall, including a self-closing or self-locking door or gate around the pool or property upon which the pool is located if the sides of the pool are shorter than four (4) feet in height. Such fences shall comply with section (4) above. Such fence or wall shall be at least four (4) feet, but not more than seven (7) feet in height (only classes 1, 3, 4, and 5 are permitted as regulated by Article XIII of this ordinance). Such fence or wall shall be constructed in such a manner that a small child may not reach the pool from the street or any adjacent property without scaling a fence or wall or opening the gate or door. Said wall may be the wall of the above ground pool providing that said wall is at least four (4) feet in height above the surrounding ground level.

Any access to above ground pools by means of a ladder or stairway shall be provided with a self-closing or self-locking door or gate, or some other device that would prevent a small child from gaining access to the pool by means of a ladder.

4. 6. . . .

5. 7. . . .

6. 8. . . .

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SECTION 9.19 SITE PLAN REQUIREMENTS:

....

I. Circulation System

....

1. Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and ~~typing~~ typical cross sections.

...

K. A schedule of development, including the staging and phasing of:

....

3. Dedication of land to public use or set aside for common ownership[!]; and

SECTION 9.22 REGULATIONS PERTAINING TO PARKING OR STORING OF TRAILERS, MOBILE HOMES, CAMPER, INOPERABLE VEHICLES, AND OTHER SUCH TYPE EQUIPMENT

...

- C. The outside storage of any trailer, mobile home, recreational vehicle, camper, boat, or similar type equipment shall be restricted to the rear yard of all lots within the County, except as herein provided and in cases where, due to unique conditions, topographic or other, which do not allow use of the rear yard, the Planning and Zoning Commission may permit such storage on another part of the lot.

SECTION 9.23 HILLSIDE DEVELOPMENT CONTROLS

....

B.

1. All land areas located within the County and identified on the Comprehensive Plan as "Physically Restrictive Development Areas" and any other areas, which have slopes of 20 percent, or greater shall require approval before development may occur. In those areas which are identified in the Comprehensive Plan as "Physically Restrictive Development Areas" and containing slopes less than 20 percent. . .
2.
 - a. Plan(s) which show existing topography and the proposed physical changes necessary for construction, indicating grading (cutting and filling) compaction, erosion ponds, areas to be ~~defoliated~~ defoliated, and any other pertinent information which will change the natural physical features of the site or general area.
3. The site plan and other information required in Section 9.23 B.2 of this section of the ordinance shall be reviewed by the County Engineer who will recommend to the Planning and Zoning

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Commission what effect the proposed development will have on hillside slippage and soil erosion.

After consideration of the recommendation, the **Planning and Zoning Commission** may grant a permit for use of the site in accordance with the submitted plans.

4. If, after review of the plans required by this section of the Ordinance, the **Planning and Zoning Commission** determines that said proposed plans will not minimize hillside slippage, the **Planning and Zoning Commission** shall deny a permit for the development of said land, and the site shall be limited to those open type uses, excluding structures, as permitted or conditionally permitted in the Conservation Zone.

SECTION 9.24 FLOOD ~~PROTECTION DEVELOPMENT CONTROLS~~ DAMAGE PREVENTION:

- ~~A. PURPOSE: The purpose of the flood protection development controls is:~~
- ~~1. To encourage only that development of flood prone areas which (a) is appropriate in light of the probability of flood damage and the need to reduce flood losses, (b) is an acceptable social and economic use of the land in relation to the hazards involved, and (c) does not increase the damage to human life; and~~
 - ~~2. To discourage all other development in flood prone areas not identified in Subsection A, 1, above.~~
- ~~B. Areas of land adjacent to streams, rivers, or bodies of water which have a high degree of susceptibility to flooding shall be limited to development according to the following regulations, notwithstanding any other section of this ordinance or any other ordinance adopted by the County.~~
- ~~1. The limits of the floodplain are shown on the Official Zoning Map of the County in screen pattern, designated as a Flood Protection Control Area (which pattern may overlap and include one or more zoning districts). The limits of the floodway are contained within the flood protection control area and also identified on the Official Zoning Map.~~
 - ~~2. Areas designated as susceptible to flooding shall be controlled by both the zoning district in which the area is located and the requirements of this section of the ordinance.~~
 - ~~3. No person, city, county or other political subdivision of the state shall commence filling of any area with earth, debris, or any other material or raise the level of any area in any manner, or place a building, barrier, or obstruction of any sort on any area located within the floodway which would result in any increase in flood heights during the recurrence of a 100-year flood discharge. Plans and specifications for such work shall be submitted to the Campbell County Municipal Planning and Zoning Commission for review and approval to determine if said encroachment will meet the requirements of this Ordinance, also the approval by the Division of Water, Kentucky Department~~

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~~for Natural Resources and Environmental Protection and the Corps of Engineers are required.~~

- ~~4. All land outside the floodway of the Ohio and Licking Rivers and their tributaries, but located within the floodplain may be used for any purpose for which it is zoned; provided that any new residential construction including any expansion or substantial improvements of existing residential structures as herein defined within said floodplain shall have the lowest floor which is used for living quarters elevated to or above the level of the 100-year flood. In the case of construction of new nonresidential structures including any expansion or substantial improvements of nonresidential structures within the floodplain area, the lowest floor shall be elevated to or above the level of the 100-year flood or together with attendant utility and sanitary facilities, flood proofed up to the level of the 100-year flood. See Appendix S for elevation of the 100-year flood along the Ohio and Licking Rivers. In the case of any proposed activity along the tributaries of the Ohio and Licking Rivers, a survey shall be made by a qualified Registered Civil Engineer establishing the elevation of the 100-year flood for said area along the tributary prior to the issuance of a building permit. All roadway accesses and utilities to structures located within the floodplain shall be flood protection of the land filled, or any combination thereof, to the level of not less than the elevation of a flood with a recurrence interval of 100 years. In constructing an earth fill either partially or entirely within the floodplain, said design shall provide assurance from the Corps of Engineers that the fill does not restrict or obstruct the flow of flood waters or reduce the hydraulic efficiency of the channel, which in turn could cause flood water backup and resultant higher flood water elevation upstream of the filled site. Where the fill is partially within the floodplain, roadway access and utilities shall be provided from the "dry" side. If the fill is entirely in the floodplain, roadway access and utilities shall be provided by constructing an access road or bridge to an elevation above the 100-year flood. For purposes of this section of the Ordinance "Substantial Improvement" means any repair, reconstruction, or improvement as a result of damage to the structure, the cost of which equals or exceeds 50 percent of the actual market value of the structure before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.~~
- ~~5. All construction or modification of Buildings and Structures including flood proofing measures and techniques in the floodplain area shall be in accordance with the applicable design standards of the U.S. Army Corps of Engineers publication entitled "Flood Proofing Regulations", June, 1972 GPO 19730-505-026 Edition, or as amended.~~
- ~~6. An existing structure or use which is regulated by this section of the Ordinance and which does not conform to the requirements herein shall be nonconforming by reason of noncompliance and subject to the requirements of Section 9.12 of this Ordinance, providing however, any existing permitted use and structure may be modified, altered, or repaired to incorporate flood proofing measures, where such measures do not raise the level of the 100-year flood, subject to the conditions of Section B, 4, above.~~

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- ~~7. All land above the elevation of a flood with a recurrence interval of 100 years may be used for any purpose for which it is zoned without further flood protection.~~
- ~~8. A survey of the site in question will be required prior to the issuance of any building permit or construction activity that would alter the site in any manner, to firmly establish the existing elevation of the land.~~
- ~~9. A site plan, as regulated by Section 9.19 of this Ordinance, shall be required for any land below the elevation of a flood with a recurrence interval of 100 years.~~
- A. A Flood Damage Prevention Ordinance (Appendix B) has been provided for by separate ordinance of the legislative body and shall apply to all areas of special flood hazard as identified by the Federal Insurance Administration.

SECTION 9.25 SANITARY LANDFILL REGULATIONS:

- ...
- F. Site Development Plan - Development Plan Requirements: Before a permit is issued, one copy of the development plan of the area at a scale no smaller than one (1) inch to one hundred (100) feet shall be filed with the Zoning Administrator setting forth, identifying and locating the following:

- ...
15. Such other information with regard to development area as may be required by the **Planning and Zoning Commission** to determine conformance with this order;

16. ...

All such development plans shall be reviewed by the **Planning and Zoning Commission** and the factual determination approving or rejecting such plans shall be made in accordance with requirements of this or other applicable sections of this resolution, and the adopted Comprehensive Plan for the County.

...

Amendments to plans may be made by the **Planning and Zoning Commission** after a hearing on same, subject to the same limitations and requirements as those under which such plans were originally approved.

After a final approval the subject area may be developed in stages, provided all of the procedures required by the **Planning and Zoning Commission** have been complied with.

SECTION 9.27 GENERAL ~~MOBILE~~ MANUFACTURED HOME REGULATIONS:
~~Mobile~~ Manufactured homes shall be permitted in mobile home parks in ~~RHMP~~ RMHP Zone, as provided for in this Ordinance. In addition, all mobile home park installations shall comply with the following regulations.

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- A. The ~~mobile~~ manufactured home shall, at a minimum, be equipped with a flush toilet, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for attachment to appropriate external systems.
- B. All health, sanitation (including sewers and/or private secondary sewage treatment plants approved by the proper authorities) and safety requirements applicable to a conventional dwelling, shall be equally applicable to a ~~mobile~~ manufactured home.
- C. Off street parking shall be provided subject to the requirements of Article XI of this Ordinance.
- D. In all mobile or manufactured home parks, all outdoor storage of boats, trailers, trucks over ~~3/4 tons~~ fourteen thousand (14,000) pounds G.V.W.R. (Gross Vehicle Weight Rating), inoperable vehicles or other large items shall be permitted only in an enclosed building or a portion of the park designated for such storage and enclosed by a fence and screen plantings.

Or:

In all mobile or manufactured home parks, all outdoor storage of boats, trailers, commercially licensed trucks ~~over 3/4 tons~~, inoperable vehicles or other large items shall be permitted only in an enclosed building or a portion of the park designated for such storage and enclosed by a fence and screen plantings.
- E. Any ~~mobile~~ manufactured home, ~~mobile~~ manufactured home site or mobile or manufactured home park shall conform to the "Kentucky Home and Recreational Vehicle Park Law and Mobile Home Park Regulations."
- F. The ~~mobile~~ manufactured home shall be set and adequately anchored on a concrete or hard surfaced slab in accordance with the "Kentucky Mobile Home and Recreational Vehicle Park Regulations" and the open space between the ground and the floor of the ~~mobile~~ manufactured home shall be enclosed with some material such as concrete block, corrugated metal, or other durable and suitable material.
- G. Any person, firm, or corporation desiring to install a ~~mobile~~ manufactured home in the County shall apply for a zoning/building permit, and an occupancy permit from the County. Said permits must be approved prior to the installation and occupancy of any ~~mobile~~ manufactured home. Mobile or manufactured home parks shall be developed in accordance with the Campbell County Subdivision Regulations and all other pertinent regulations of this ordinance. Each ~~mobile~~ manufactured home must display the proper building/occupancy permit decal, signifying that all permits have been approved by the building inspector and zoning administrator.
- H. Any ~~mobile~~ manufactured home placed in Campbell County shall display the Housing and Urban Development Seal or NFPA 501B Seal certifying that the home was manufactured according to Housing and Urban Development Standards for mobile homes.

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1. A ~~mobile~~ manufactured home shall be fitted to use propane, natural gas and/or electric for energy. Fuel oil and other liquid petroleum products shall not be stored or used in the mobile home site.

SECTION 9.28 INDIVIDUAL ~~MOBILE~~ MANUFACTURED HOME SITES

- A. No person shall use or locate a trailer or ~~mobile~~ manufactured home on any premises outside an approved mobile home park, or in the recreational use trailer zone, or in a mobile or manufactured home park subdivision, except in A-1, Zones of Campbell County subject to the following regulations:
 1. The ~~mobile~~ manufactured home shall be so located that no other dwelling or business conventional or ~~mobile~~ manufactured, exists within a radius of one hundred twenty-five (125) feet of the mobile home.
 2. The ~~mobile~~ manufactured home site shall be minimum area of one acre with a minimum road frontage of one hundred fifty (150) feet.
 3. The ~~mobile~~ manufactured home site shall be owned by the person or persons owning and occupying the ~~mobile~~ manufactured home and a legally recorded lot and/or plat of same shall be recorded in the Campbell County Clerk's office, provided always that the plat of said lot shall be approved by the Planning and Zoning Commission or where appropriate by the Zoning Administrator.
 4. The ~~mobile~~ manufactured home shall be set back at least one hundred (100) feet from the front property line and fifty (50) feet from the side property lines.
 5. Any person, firm or corporation desiring to locate a ~~mobile~~ manufactured home shall file a written petition with the Zoning Administrator, setting forth in said petition a legal description of the entire area to be used for the ~~mobile~~ manufactured home site, together with a plat of said area, showing the real estate immediately adjacent thereto, including the location of any other dwelling or business, conventional or ~~mobile~~ manufactured. ~~In addition, said petition shall contain a statement showing the names and addresses of all owners of all properties lying within a radius of 125 feet of the mobile home. Said petition shall be accompanied by a certified check or money order in the sum of twenty five (25) dollars made payable to the Campbell County Fiscal Court to cover the costs of processing the matter. No part of said twenty-five (25) dollars shall be refunded.~~ If it is permissible under the Zoning Regulations, the Zoning Administrator shall state where permissible. If the area to be used as a ~~mobile~~ manufactured home site is a division of property so as to come within the preview of the

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definition of a subdivision as defined in Chapter 100 of the Kentucky Revised Statutes, the party desiring approval shall in addition to complying, with this Section, shall also comply with the Campbell County Planning and Zoning Regulations.

7. Because of the inherent ability of a mobile home to be moved from one site to another, no permit granted for the installation of such a unit shall be considered perpetual. If, at any time the Campbell County Planning and Zoning Administrator discovers a violation of any section hereof, he may revoke the permit, subject to a right of appeal to the Zoning Commission.

- B. TRAILERS USED FOR RECREATION: Trailers used exclusively for recreational purposes, customarily connected with the use of the Ohio and Licking Rivers, may locate in any zone in an area between the Water line of either said rivers in pool state and a point of five hundred (500) feet back therefrom. The minimum requirements shall be set forth in paragraph 28A. Trailers in these areas must comply with the State of Kentucky's Recreation Trailer Laws or they shall be deemed to be unlawful.
- C. TRAILERS, TEMPORARY: A temporary trailer may be placed on a lot if approved by the Commission, to be lived in while construction of a house is under way. There must be a definite time limit, established by the requester and Commission, at the time the request is made. Each temporary trailer permit shall be valid for one year subject to extension by the Planning and Zoning Commission.

SECTION 9.29 CELLULAR ANTENNA TOWERS AND SMALL CELL SYSTEM TOWERS

- B. DEFINITIONS: The following words and phrases are used to supplement the definitions include in the Zoning Ordinance.

UTILITY POLE: A structure originally constructed for the support of electrical, telephone, cable television or other video services, street lighting, or other similar cables and located within the public right-of-way or Utility easements. A pole originally installed for the primary purpose of supporting wireless telecommunications equipment, regardless of the timeframe between pole installation and connection/implementation of Transmission Equipment, is considered a Small Cell Tower, and is not a Utility Pole.

ARTICLE X ZONE REGULATIONS

SECTION 10.0 RIVER RECREATION/CONSERVATION (R/CO) ZONE:

- E. OTHER DEVELOPMENT CONTROLS:

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1. All "Uses Permitted and Conditional Uses" permitted in this zone shall require a certificate of approval from the County Engineer, certifying ~~his~~ their approval of the type of and manner of construction to be built (insuring that such construction shall not cause flood hazards, soil erosion, adverse changes in the natural drainage courses or unnecessary destruction of natural features)¹. It shall be submitted to the Planning and Zoning Commission along with the description and/or site plan or the proposed use, at time of request.

SECTION 10.1 A-1 AGRICULTURE ZONE:

C. CONDITIONAL USES: . . .

8. Hospitals for human care, clinics, sanitariums, homes for the aged, religious and charitable institutions, not including penal or correctional institutions; provided that any building for patients shall be distant at least ~~two (200) hundred~~ two hundred (200) feet from every adjoining lot in any ~~Residence~~ Residential Zone, and that the area of the parcel of land so occupied shall be no less than ten (10) acres.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

. . .

4. Minimum Side Yard Width

- a. Total - ~~Twenty-five~~ Twenty-five (25) feet
- b. . . .

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USE: No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

. . .

4. Minimum Side Yard Width

- a. Total - ~~Twenty-five~~ Twenty-five (25) feet
- b. . . .

F. OTHER DEVELOPMENT CONTROLS:

. . .

2. No lighting shall be permitted which would glare from this zone into any street, road, highway, deeded right-of-way or into any ~~residential-zone~~ adjacent property.

SECTION 10.2 R-RE RESIDENTIAL RURAL ESTATE

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....

- D. AREA AND HEIGHT REGULATIONS FOR PERMITTED AND CONDITIONAL USES: No building shall be erected or structurally altered hereafter except in accordance with the following regulations.

....

4. Minimum Side Yard Width
 - a. Total - ~~Twenty-five~~ Twenty-five (25) feet
- E. OTHER DEVELOPMENT CONTROLS:
 1. Off street parking and loading or unloading shall be provided in accordance with Articles XI and XII of this Ordinance.
 2. No lighting shall be permitted which would glare from this zone into any street, road, highway, deeded right-of-way or into any ~~residential-zone~~ adjacent property.

SECTION 10.3 R-1A RESIDENTIAL ONE-A ZONE:

- A. USES PERMITTED:

1. Single family dwellings.

- B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Article XIII of this Ordinance.
3. Signs as regulated by Article XIV of this Ordinance.
4. Home ~~occupations-based businesses~~ subject to the restrictions and limitations established in Section 9.11 of this Ordinance.
5. Police and Fire Stations
6. Public Utility Stations, after the approval of the Commission.

SECTION 10.4 ~~R-1B~~ R-1B RESIDENTIAL ONE-B ZONE:

- B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Article XIII of this Ordinance.
3. Signs as regulated by Article XIV of this Ordinance.
4. Home ~~occupations-based businesses~~ subject to the restrictions and limitations established in Section 9.11 of this Ordinance.
5. Police and Fire Stations
6. Public Utility Stations, after the approval of the Commission.

- D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No buildings shall be erected or structurally altered hereafter except in accordance with the following regulations:

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1. Minimum Lot Area - One-half ~~(1/2)~~ (1/2) acre or ~~One~~ one (1) acre if central sewage is not adjacent to the lot.

...

- E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES: No conditional building and/or use shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Lot Area - One-half ~~(1/2)~~ (1/2) acre or ~~One~~ one (1) acre if central sewage is not adjacent to the lot.

...

SECTION 10.5 ~~R-1C~~ R-1C RESIDENTIAL ONE-C ZONE:

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Article XIII of this Ordinance.
3. Signs as regulated by Article XIV of this Ordinance.
4. Home ~~occupations~~ based businesses subject to the restrictions and limitations established in Section 9.11 of this Ordinance.
5. Police and Fire Stations
6. Public Utility Stations, after the approval of the Commission.

- D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No buildings shall be erected or structurally altered hereafter except in accordance with the following regulations:

...

4. Minimum Side Yard Width
 - a. Total – ~~20~~ Twenty (20) feet
 - b. One side - ~~7~~ Seven (7) feet

SECTION 10.6 R-1CC (RESIDENTIAL ONE-CC) ZONE:

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Article XIII of this Ordinance.
3. Signs as regulated by Article XIV of this Ordinance.
4. Home ~~occupations~~ based businesses subject to the restrictions and limitations established in Section 9.11 of this Ordinance.

...

- D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

...

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4. Minimum Side Yard Width
 - a. Total - ~~20~~ Twenty (20) feet
 - b. One Side - ~~7~~ Seven (7) feet

SECTION 10.7 ~~R-1D~~ R-1D RESIDENTIAL ONE-D ZONE:

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Article XIII of this Ordinance.
3. Signs as regulated by Article XIV of this Ordinance.
4. Home ~~occupations-based businesses~~ subject to the restrictions and limitations established in Section 9.11 of this Ordinance.

...

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No buildings shall be erected or structurally altered hereafter except in accordance with the following regulations:

...

4. Minimum Side Yard Width
 - a. Total - ~~18~~ Eighteen (18) feet
 - b. One side - ~~6~~ Six (6) feet

SECTION 10.8 R-1DD (RESIDENTIAL ONE-DD) ZONE:

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Article XIII of this Ordinance.
3. Signs as regulated by Article XIV of this Ordinance.
4. Home ~~occupations-based businesses~~ subject to the restrictions and limitations established in Section 9.11 of this Ordinance.

□□□□□

D. SPECIAL PERMITTED ACCESSORY USES: When authorized by the County Planning and Zoning Commission:

...

2. Sororities, fraternities and dormitories may be ~~establish~~ established live-in quarters near an institution for higher education; providing the following requirements

E. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

...

4. Minimum Side Yard Width
 - a. Total - ~~18~~ Eighteen (18) feet

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- b. One Side - ~~6~~ Six (6) feet

SECTION 10.9 ~~R-1E~~ R-1E RESIDENTIAL ONE-E ZONE:

B. ACCESSORY USES:

- 1. Customary accessory buildings and uses.
- 2. Fences and walls as regulated by Article XIII of this Ordinance.
- 3. Signs as regulated by Article XIV of this Ordinance.
- 4. Home ~~occupations~~ based businesses subject to the restrictions and limitations established in Section 9.11 of this Ordinance.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No buildings shall be erected or structurally altered hereafter except in accordance with the following regulations:

...

- 4. Minimum Side Yard Width
 - a. Total - ~~15~~ Fifteen (15) feet
 - b. One side - ~~5~~ Five (5) feet

SECTION 10.10 RMHP RESIDENTIAL MOBILE HOME PARK ZONE:

A. USES PERMITTED:

- 1. ~~Mobile~~ Manufactured homes only.

B. ACCESSORY USES:

- 1. Customary accessory buildings and uses.
- 2. One dwelling unit for the owner, operator or manager on a ~~site-10,000 square feet in area~~ minimum site area of 10,000 square feet.
- 3. Structures and uses related to and for the exclusive use of residents of the mobile or manufactured home park as follows, but excluding any commercial operations:

...

C. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

- 1. Minimum Site for a Mobile or manufactured Home Park - Ten (10) acres
- 2. The width of said park - A minimum distance of three hundred (300) feet, as measured along a deeded right-of-way. The park shall be a platted subdivision with lots and streets in accordance with the provisions of this section and the Campbell County Subdivision Regulations, approved by the ~~p~~Planning and ~~Zoning~~ eCommission. The park may be phased to achieve completion of the ten (10) acre minimum area through review of the phasing process by the ~~p~~Planning and ~~Zoning~~ eCommission.

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3. Minimum Lot Area - Six thousand (6,000) square feet provided. In the case of this zone, only one principal building (~~mobile~~ manufactured home) as defined herein may be permitted on one lot.
...
9. Minimum Setback of All Buildings and Structures within Mobile or Manufactured Home Parks at All Park Boundary Lines - Thirty (30) feet, except that the Planning and Zoning Commission may increase or reduce this distance where due to topography, street location, structures on adjacent properties, or shape of this lot, this distance should or may be revised

D. OTHER DEVELOPMENT CONTROLS:

1. In a mobile or manufactured home park in which lots are to be platted the following conditions shall be used:
 - a. The minimum side yard on each side of the lot shall be fifteen (15) feet.
2. In a mobile or manufactured home park in which lots will not be platted the following conditions shall be used.
 - a. The minimum side yard distances between ~~mobile~~ manufactured homes shall be at least fifteen (15) feet.
 - b. The minimum rear yard distance between ~~mobile~~ manufactured homes shall be At least twenty (20) feet.
...
 - c.
 - d. The minimum street frontage for each ~~mobile~~ manufactured home as measured along a line parallel to and twenty (20) feet from the street shall be fifty (50) feet, except that on cul-de-sacs or irregularly shaped lots, ~~the~~ the Planning and Zoning Commission may vary this required frontage.
 - e. All streets within a mobile or manufactured home park shall be paved with concrete at least six (6) inches thick or the accepted equivalent of gravel and asphaltic concrete, (as set forth in the Subdivision Regulations) to a width of at least twenty-four (24) feet.
 - (1) Streets shall be provided and placed on the site where necessary to furnish principal traffic ways for convenient access to each ~~mobile~~ manufactured home and other important facilities in the area.
 - (2) Ingress and egress to the individual lots shall be only over an interior road developed as part of the mobile or manufactured home park.
 - (3) ...

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3. A ~~mobile~~ manufactured home~~;~~, including accessory structures, decks or patios, shall not cover more than 50% of the ~~mobile~~ manufactured home site.
4. A deck or patio slab of at least one hundred eighty (180) square feet shall be provided on each ~~mobile~~ manufactured home site and conveniently located at the entrance of each ~~mobile~~ manufactured home~~;~~.
- ...
7. Not less than five (5) percent of the gross area of the mobile or manufactured home park shall be set aside, designed, constructed, and equipped as a recreational area. A minimum of one-half (1/2) acre per recreation site shall be provided.
8. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any ~~residential zone~~ adjacent property.
-

SECTION 10.11 R-2 RESIDENTIAL TWO ZONE:

C. CONDITIONAL USES: ...

2. Churches and other accessory buildings for the purpose of recognized religious worship providing they are located adjacent to an arterial ~~or~~, collector or local street.
11. Funeral homes, ~~proved~~ provided they are located adjacent to an arterial street.

E.D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No buildings shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Lot Area - Twenty thousand (20,000) square feet for the first four (4) dwelling units or less~~;~~. For buildings with more than four (4) dwelling units, four thousand (4,000) square feet shall be provided for every dwelling unit thereafter. In the case of this zone, more than one principal building, as defined herein, may be permitted on one lot.
- ...

F. OTHER DEVELOPMENT CONTROLS:

4. Where any yard of any use permitted in this zone abuts property in a ~~single family~~ single-family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this Ordinance shall be required.

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SECTION 10.12 R-3 RESIDENTIAL THREE ZONE:

- C. . . .
CONDITIONAL USES: . . .
2. . . .
Churches and other accessory buildings for the purpose of recognized religious worship providing they are located adjacent to an arterial ~~or~~ collector or local street.
9. . . .
Clubs, fraternities~~7~~ and sororities.
- D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No buildings shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. Minimum Lot Area
- a. Two-Family - ~~Twenty-two~~ Twenty-two thousand (22,000) square feet; two thousand (2,000) square feet for each additional dwelling unit
- b. Multi-Family - ~~Twenty-two~~ Twenty-two thousand five hundred (22,500) square feet for the first four (4) dwelling units; two thousand (2,000) square feet for each additional dwelling unit
- E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES: No conditional building and/or use shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. Minimum Lot Area - ~~Twenty-two~~ Twenty-two thousand five hundred (22,500) square feet
- F. OTHER DEVELOPMENT CONTROLS:
4. . . .
Where any yard of any use permitted in this zone abuts property in a ~~single family~~ single-family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this Ordinance shall be required.

SECTION ~~10-13~~ 10.13 PUD PLANNED UNIT DEVELOPMENT OVERLAY ZONE:

- A. PURPOSE: The purposes of the Planned Unit Development (PUD) Overlay Zone are to: promote flexibility in design and permit planned diversification in the relationships between location of and types of uses and structures; promote the

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advantages of modern large scale site planning for community development through the efficient use of land facilitating a more economic arrangement of ~~building~~, building, circulation systems, land uses, and utilities; preserve, to the greatest extent possible, the existing landscape features and amenities, and to utilize such features in a harmonious fashion; provide for more usable and suitably located recreation facilities, other public and common facilities than would otherwise be provided under conventional land development procedures, but always with the intention of furthering the public health, safety, and general welfare.

- B. GENERAL: A Planned Unit Development overlay Zone may be permitted only to be superimposed over any of the Residential (R) zones, provided that all ~~conditions or provisions of this section of the Ordinance,~~ applicable requirements of the Zoning Ordinance, subdivision regulations, and any additional requirements as may be determined necessary by the Planning Commission to provide for the most efficient layout of the PUD and its proper integration with the surrounding developments are met; ~~and a public hearing is held on the PUD Application.~~
- C. APPLICATION AND PROCESSING: Application for Planned Unit Development Overlay Zone shall be processed as follows in two stages:
1. Stage I Development Plan and zoning map amendment: Application for amendment to PUD Overlay Zone shall include a development plan in accordance with the requirements of Subsection D.
 - a. The Planning Commission shall hold a public hearing on the proposed application, in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purposes of the PUD Overlay Zone, the required elements of the Stage I Development Plan and other applicable requirements of this Section. Upon holding such hearing, the Planning Commission shall make one of the following recommendations to the legislation body: approval, approval with conditions or disapproval. The Planning Commission shall submit along with their recommendations a copy of the Stage I Development Plan and the bases for their recommendation.
 - b.
Zoning Map Amendment - Upon approval of the PUD Overlay Zone, the official zoning map shall be amended by adding the prefix "PUD" to the existing residential (R-1) Zone (e.g., ~~PUD R-1B~~ "PUD R-1B" ~~PUD R-1C~~, "PUD R-1C", etc.) for the area as shown on the Stage I approved development plan.

. . . .

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E. STAGE II DEVELOPMENT PLAN & RECORD PLAT REQUIREMENTS: The Stage II development plan and record plat shall conform to the following requirements:

1. Stage II Development Plan: The applicant shall submit a Stage II Development Plan, in conformance with the Stage I approved Development Plan, at a scale not smaller than one (1) inch equals ~~Fifty~~ fifty (50) feet, that identifies and provides the following information:

...

g. All utility lines and easements:

...

(2) Sanitary sewer system, including pipe sizes, width of easements gradients, type of pipes, invert elevations, location and type of manholes, the location, ~~;~~ type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances;

...

L. FENCES, WALLS, AND SIGNS: The location, height, ~~;~~ and type of all fences, walls, and signs shall be as approved in the Stage I Development Plan.

P. EXPIRATION: ...

.....

3. Substantial construction has not been initiated within a period of twelve (12) months from the date of approval of the Stage II Development Plan by the Planning Commission; provided that an extension may be permitted upon approval of the legislative body or their duly authorized representative if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the Stage I approved Development Plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the Stage I approved Development Plan.

SECTION 10.14 RCD - RESIDENTIAL CLUSTER DEVELOPMENT OVERLAY ZONE

...

C. APPLICATION AND PROCESSING: ...

1. ..

a. ..

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- b. The legislative body shall, within forty-five (45) days after receiving the recommendations of the Planning Commission, review said recommendation and take action to approve or disapprove said RCD application. Such action may incorporate any conditions imposed by the legislative body. However, should the legislative body take action to impose different conditions than were reviewed and considered by the Planning Commission then said conditions shall be resubmitted to the Planning Commission for further review and recommendations in accordance with Section c, a. Approval of the RCD Overlay Zone shall require that development be in conformance with the Stage I approved Development Plan.

E. STAGE II DEVELOPMENT PLAN & RECORD PLAT REQUIREMENTS: . . .

. . .

2. Record Plat: A Stage II development plan and record plat shall be developed in conformity with the Stage II approved Development Plan, at a scale not smaller than one inch equals fifty (50) feet. If the record plat is submitted in sections, an If the Record Plat is submitted in sections, an index shall be developed showing the entire RCD. The particular number of the section, and the relationship of each adjoining section shall be clearly shown by a small key map on each section submitted. The Record Plat shall conform to the applicable requirements of the subdivision regulations, unless specifically waived by the Planning Commission, and in addition thereto, the following:

. . .

- G. ~~public and semi-public uses:~~ **PUBLIC AND SEMI-PUBLIC USES:** Public and semi-public structures and uses may be permitted in the RCD. ~~These~~ These structures shall be delineated on the Stage I Development Plan and shall be limited to one or more of the following uses:

SECTION 10.15 INST (INSTITUTIONAL ZONE):

A. . . .

B. ACCESSORY USES:

. . .

4. Uses as listed below provided in conjunction with a permitted use, primarily as a convenience to its occupants, its customers, patients, and employees, and located within the same building as the permitted use:

. . .

- e. Medical and/or educational supply store

. . .

SECTION 10.16 MLU (MIXED LAND USE) ZONE

. . .

C. APPLICATION AND PROCESSING: . . .

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1. Stage I: Applications for a map amendment to zone an area for Mixed Land Use (MLU) shall be accompanied by a development plan, in accordance with the Stage I Plan requirements, provided for within paragraph ~~(9)~~ P Development Plan Requirements, of this section. . . .
 - a. The Planning and Zoning Commission shall hold a public hearing on the proposed application (development plan Stage I and where applicable, the zoning map amendment), in accordance with the requirements of KRS Chapter 424~~.~~ and review said application with regard to its compliance with the stated purposes of the MLU Zone, the required elements of the Stage I Plan and other applicable requirements of this section. Upon holding such hearing, the Planning and Zoning Commission shall make one of the following recommendations to the legislative body approval, approval with conditions, or disapproval. The Planning and Zoning Commission shall submit, along with their recommendations, a copy of the Stage I Plan and the bases for their recommendation.
2. . . .
Stage II Plan AND Record Plat: . . .
. . .
 - c. Upon approval of the Stage II plan, the Planning and Zoning Commission shall review the submitted final plat, if applicable, with regard to its compliance with the required elements of Section ~~10.13, E, 2~~ 10.13, E, 2 for record plats, the applicable requirements of the subdivision regulations and its conformance with the Stage II approved plan.
- D. PERMITTED USES: One or more of the following uses may be permitted. Said uses shall be clearly delineated on the Stage I and II plans:
. . .
 3. Restaurants ~~sit-down~~ sit-down only
 4. Residential ~~including single family attached and detached, two family and multi-family~~ dwellings.
- G. AREA REQUIREMENTS: No MLU Zone shall be permitted on less than 25 acres of land. However, development of a small tract adjacent to an existing MLU Zone may be permitted~~,~~ if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.

. . .

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- I. HEIGHT, ~~Y~~ YARD AND SETBACK REGULATIONS: Requirements shall be as approved in the plan.
 - ...
 - K. FENCES, WALLS, ~~AND~~ SIGNS: The location, height, and type of all fences, walls, ~~and~~ signs shall be as approved in the plan.
 - O. EXPIRATION: Development plans within the MLU Zone shall be subject to the time constraints, ~~as~~ as noted below. . . .
- ~~4.~~ Stage II Plan has not been approved by the Planning and Zoning Commission within a period of ~~24~~ twenty-four (24) consecutive months from the date of the Stage I approved plan, except as agreed upon for the phasing of development by the legislative body; provided that an extension may be permitted upon approval of the legislative body or their duly authorized representative if sufficient proof ~~can~~ be demonstrated that prevailing conditions have not changed appreciably to render the Stage I approved plan obsolete.
 - ~~2.~~ Substantial construction has not been initiated within a period of ~~12~~ twelve (12) consecutive months from the date of approval of the Stage II plan by the Planning and Zoning Commission; provided that an extension may be permitted upon approval of the legislative body or its duly authorized representative, ~~if~~ sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the Stage I approved plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the Stage II approved plan.

SECTION 10.17 NC NEIGHBORHOOD COMMERCIAL ZONE:

- A. USES PERMITTED: The following retail sales and services businesses supplying commodities and performing services for the residents of the surrounding neighborhood:
 - ...
 - 27. Laundromats and ~~self-service~~ self-service washing and drying
 - ...
 - 41. Self-service gasoline station ~~and self-serving car wash~~
 - ~~42.~~ Self-service car wash
 - ~~42.~~ ~~43.~~ . . .
 - ~~43.~~ ~~44.~~ . . .
 - ~~44.~~ ~~45.~~ . . .
 - ~~45.~~ ~~46.~~ . . .
 - ~~46.~~ ~~47.~~ . . .
 - ~~47.~~ ~~48.~~ . . .
 - ~~48.~~ ~~49.~~ . . .
- E. OTHER DEVELOPMENT CONTROLS:

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- ...
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any ~~residential zone~~ adjacent property.

SECTION 10.18 HC HIGHWAY COMMERCIAL ZONE:

- A. USES PERMITTED: The following retail sales and service businesses:

...

3. Banks and other financial institutions including savings, loan, and finance companies, ~~with drive-in windows~~.

...

14. Theater, including drive-in theater.

- C. AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered hereafter, except in accordance with the following regulations:

...

~~3.~~ Minimum Side Yard Width - Restrictions when adjacent to a street, road, highway, or other right-of-way when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, ~~forewall~~ firewall construction, as required by the county's building code, shall be required.

SECTION 10.19 PO PROFESSIONAL OFFICE BUILDING ZONE:

- ...
- B. ACCESSORY USES:

...

4. Uses as listed below included . . .
e. news and ~~Confectionery~~ confectionery stands

SECTION 10.20 NSC NEIGHBORHOOD SHOPPING CENTER ZONE

- ...
- C. AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered except in accordance with the following regulations:
1. Minimum Lot Area - Five (5) acres and shall abut a deeded right-of-way. In the case of this zone (NSC), more than one principal building, as defined herein, may be permitted to be constructed within the minimum building site area

SECTION 10.21 SC SHOPPING CENTER ZONE:

- ...
- C. AREA AND HEIGHT REGULATIONS: No building shall be created or structurally altered except in accordance with the following regulations:
1. Minimum Lot Area - Fifteen (15) acres. ~~(In the case of this zone (SC) more than one principal building, as defined herein, may be permitted to be constructed within the minimum building site area).~~

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D. OTHER DEVELOPMENT CONTROLS:

...

3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any ~~residential zone~~ adjacent property.
- ~~4.~~ Where any yard of any use permitted in this zone abuts a residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance shall be provided.
- ...
6. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of ~~offstreet~~ off-street parking and loading and/or unloading areas.

SECTION 10.22 RURAL COMMERCIAL

D. CONDITIONAL USES - No building or zoning permit nor certificate of occupancy shall be issued for any of the following uses. . . .

...

- ~~5. Vehicles offered for sale in or upon such conditional use shall be limited to standard passenger automobiles and light trucks having a gross vehicle weight rating (G.V.W.R.) of one (1) ton or less. Sale of motorcycles, either new or used, shall not be permitted.~~ Automobile, motorcycle, and truck sales, new or used.

E. OTHER DEVELOPMENT CONTROLS:

3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any ~~residential zone~~ adjacent property.

SECTION 10.23 I-1 INDUSTRIAL ONE ZONE:

A. USES PERMITTED: The following uses are permitted providing all uses are in compliance with the performance standards as set forth in Article XV of this ordinance.

1. Except for those that decompose by detonation, the manufacturing, compounding, processing, packing, or assembling of the following uses:

...

- n. Textile products including asbestos products, canvas and burlap, clothing, cotton products, hosiery and knitting mills, rope, and twine.
- s. Craftsman and artisan ~~shapes~~ shops, taxidermy blacksmith, welding shops.

B. ACCESSORY USES: The following accessory uses shall be permitted:

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1. Customary accessory buildings and uses including operations required to maintain or support any use permitted in this zone on the same lot-as the permitted use, such as maintenance shops, power plants, and machine shops.

SECTION 10.24 I-2 INDUSTRIAL TWO ZONE:

- A. USES PERMITTED: The following uses are permitted providing all uses are in compliance with the performance standards as regulated in Article XV of this ordinance.
 1. Except for those that decompose by detonation, the manufacturing, compounding, processing, packing or assembling of the following uses:
.....
 - hh. Vinegar and/or yeast-production.

SECTION 10.25 INDUSTRIAL MINING (IM-) OVERLAY ZONE:

- A. ...
- B. GENERAL: An Industrial Mining (IM) Overlay zone is a district of special interest (KRS 100.203, e) to the proper development of the county. In accordance with the recommendations of the comprehensive plan, this overlay zone may be permitted to be superimposed over the Agricultural-One (A-1) Zone-, only. Further, the IM Overlay Zone may not be superimposed on the A-1 Zone unless all conditions and provisions of this section of the ordinance are met-, and-, a public hearing is held on the IM application.
...
 - I. STAGE I PLAN REQUIREMENTS: The Stage I Plan shall include the following information:
 1. ...
 2. A statement identifying the type(s) of mining to be conducted on the property. Said statement shall be supported by sufficient research indicating the actual existence of the natural resources-) and the feasibility to mine/extract said resource according to modern technical methods.
 - J. STAGE II PLAN REQUIREMENTS: The Stage II Plan is the detailed plan which, when approved, authorizes the issuance of zoning and building permits. This plan may be submitted in phases, as development is to occur, or it may be submitted for the entire development at one time. The Stage II Plan shall include the following information:
 1. ...
 2. Plan(s) of the subject property drawn to a scale not smaller than one inch equals one hundred (100) feet that identifies and provides the following information:
 - a. The specific location-, and description of-, all proposed surface mining areas and above-ground activities.
 - b. ...
 - c. Location of signs indicating their orientation, size-, and height.

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...

- K. OFF-STREET PARKING AND LOADING AND/OR UNLOADING: ~~o~~Off-street parking and loading and/or unloading facilities shall be provided in accordance with Articles XI and XII of this ordinance.
- L. FENCES, WALLS, AND SIGNS: The location, height, and type of all fences, walls, and signs shall be as approved in the plan.

...

- R. ESTABLISHMENT OF NONCONFORMING USE: In the event that an amendment~~s~~) to this zoning ordinance, or a new zoning ordinance, is subsequently adopted which would make any mining operations approved under this zone a nonconforming use, the "scope and area" of said mining operations shall be defined as the area and extent of operations approved in the Stage I Plan.

- S. NONCOMPLIANCE: . . .

- 1. The zoning administrator or Planning and Zoning Commission shall notify the property owner/developer of the activity(s) that is not in compliance, including a general statement of what is necessary to bring the activity(s) into compliance. ~~The property owner/developer shall have ten (10) days to respond to the notification and to indicate what steps he intends to take to bring the activity(s) into compliance.~~
The property owner/developer shall have ten (10) days to respond to the notification and to indicate what steps are intended to be taken to bring the activity(s) into compliance.

...

- 4. At the public hearing, the property owner/developer shall have the opportunity to present ~~his~~ their reasons for noncompliance. Based on the information presented, the Planning and Zoning Commission may modify the requirements that are being violated, or, the Planning and Zoning Commission may continue the effect of said requirements and revoke any existing permits or bar the issuance of any new permits, until compliance is achieved.

SECTION 10.26 I-4 INDUSTRIAL RIVER ZONE:

- A. USES PERMITTED: It is the purpose of this zone to provide for industrial activities that orient towards the use of its river, the railroad and the highway as a transportation point of exchange and distribution and do not require extensive urban services. The following uses are permitted providing that a primary function of the use requires use of the adjacent river, and that all uses are in compliance with the performance standards as set forth in Article XV of this ordinance.

- 1. Bulk storage and/or transfer stations for materials excluding types of a flammable or explosive nature; ~~;~~ .
 - 2. Carting, express, hauling or storage yards; ~~;~~ .

...

- B. ACCESSORY USES:

...

- 4. . . .

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- a. Cafeterias
- b. Coffee shops or refreshment stands
- c. Soda or dairy bars

SECTION 10.27 I-5 INDUSTRIAL RIVER ZONE

A. USES PERMITTED: The intent of the I-5 Zone is to provide for industrial uses in areas of urban service which depend on the use of the adjacent river as a primary function of their process, such as its use for cooling purposes, or access to barge traffic as part of a transportation node of exchange and/or distribution. The following uses are permitted providing all uses are in compliance with both the performance standards as set forth in Article XV of this ordinance, and all appropriate local, state, and federal regulations, and that the use complies with the above stated intent of the I-5 Zone.

- 1. Except for those that decompose by detonation, the manufacturing, compounding, processing, packing, or assembling of the following uses:

...

- p. Rolling ~~mills~~ mills.

...

- 14. Railroad facilities, including passengers and freight terminals, ~~marshaling~~ marshalling yards, maintenance shops, and round houses.

SECTION 10.28 ACD - AGRICULTURAL CLUSTER DEVELOPMENT OVERLAY ZONE

...

C.

- 1. STAGE I ~~Development Plan and Zoning Map Amendment~~ DEVELOPMENT PLAN AND ZONING MAP AMENDMENT. Applications for amendment to ACD Overlay Zone shall include a development plan in accordance with the requirements of Subsection D. This application will be processed according to the zone map amendment process per Article XVII of the zoning ordinance.

D. STAGE I DEVELOPMENT PLAN REQUIREMENTS: ...

- 1. ...

- 2. ...

The information required in items 1a through ~~k~~ j, and 2, may be combined in any suitable and convenient manner so long as the data required is clearly indicated. A separate plan or drawing for each element is not necessary, but may be provided at the option of the applicant.

E. STAGE II DEVELOPMENT PLAN & RECORD PLAT REQUIREMENTS: The Stage II.

...

- 1. Plan(s) of the subject property drawn to a scale not smaller than one (1) inch equals two hundred (200) feet showing:

- a. The total area in the project; by aerial photograph;
- b. The present zoning of the subject property and all adjacent properties;

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- c. All public and private rights-of-way and easement lines located on or adjacent to the subject property ~~which~~ that are proposed to be continued, created, enlarged, relocated, or abandoned;
- d. Existing and proposed topography shown by contour with intervals not to exceed five (5) feet_i;
- e. All existing and proposed housing units on the subject property ~~which~~ that identifies: Location, arrangement and number of all lots, including a typical section(s) identifying approximate lot sizes and dimensions, and setbacks and height of buildings, including a notation that all residential units shall be subject to all applicable zoning and building permit regulations_i;
- f. Location, arrangement, height and identification of all existing and proposed nonresidential buildings and uses on the subject property;
- g. A tabular listing of the total area of the tract, conservation easement area, total area which the proposed lots occupy_i, and access easement area (for private street)~~-i~~;
- h. Location of proposed street identifying approximate dimensions of pavement and right-of-way widths, type of surfacing and approximate grades;
- i. Location of all existing and proposed water, sanitary sewer and storm drainage lines, indicating approximate pipe sizes and grades. Indication should also be given regarding the provision of electric and telephone service which will be required to be installed underground~~-i~~;
- j. Certification from appropriate water and sewer agencies that services will be available~~-i~~;

2. . . .

The information required in items 1a through ~~h~~ j, and 2, may be combined in any suitable and convenient manner so long as the data required is clearly indicated. A separate plan or drawing for each element is not necessary, but may be provided at the option of the applicant.

F. AREA REQUIREMENTS:

Minimum Tract Size	40 <u>Forty (40)</u> acres
Minimum Lot Size within Tract	4 <u>One (1)</u> acre
Maximum Lot Size within Tract	5 <u>Five (5)</u> acres
Maximum Number of Lots within Tract	6 <u>Six (6)</u>
Minimum Lot Width	Per the requirements of the A-1 Zone
Minimum Front Yard Depth	Per the requirements of the A-1 Zone
Minimum Side Yard Depth	Per the requirements of the A-1 Zone
Minimum Rear Yard Depth	Per the requirements of the A-1 Zone
Maximum Building Height	Per the requirements of the A-1 Zone

ARTICLE XI OFF-STREET PARKING REGULATIONS

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In all zones, off-street parking facilities for the storage or parking of motor vehicles for use of occupants, employees, and patrons of the building hereafter erected, altered or extended, and all uses of the land after the effective date of this Ordinance, shall be provided and maintained as herein prescribed. However, where a building permit has been issued prior to the date of adoption of this ordinance and provided that construction has not begun within ninety (90) consecutive calendar days of such effective date, off-street parking facilities in the amounts required by this ordinance shall prevail.

SECTION 11.0 GENERAL REQUIREMENTS:

...

C. Location of off-Street Parking Facilities:

1. Off-street parking facilities (subject to additional restrictions according to screening requirements in Section 9.17, and other requirements of this Ordinance) shall be located as follows:

- a. Single-Family Residential zones (~~A-1, R-RE, & R-1~~): ~~o~~Off-street parking may be permitted in driveways in the front, side, and rear yards, provided all requirements of this ordinance are met. Additionally, off-street parking located in the rear yard shall be set back a minimum of 10 feet from the rear lot line.

No off-street parking area, located in the front yard in a single-family residential zone, may exceed 400 square feet (two parking spaces) except, however, the Planning and Zoning Commission may allow additional off-street parking spaces to be located thereon provided that:

1. ~~(1) t~~The additional parking spaces will not cause the ratio of unpaved area to paved area (parking and driveway areas) in the front yard to be less than 3:1 and;
2. ~~(2) a~~A plan of the proposed parking area is submitted and approved by the Planning and Zoning Commission and;
3. ~~(3) a~~All other requirements of this ordinance are met.

2. ...

- b. Where single, two, or multi-family dwellings, which are permitted herein and are existing at the time of adoption of this ordinance, occupy a lot of such size that off-street parking could not be provided on the same lot or zoning lot as the use being served, said off-street parking may be permitted to locate within a distance not to exceed three hundred (300) feet from said dwelling or dwellings upon approval of the Planning and Zoning Commission. In addition, said off-street parking lot shall be located in the same zone as the use being served and ~~C~~constructed in accordance with the requirements of this ordinance.
- c. Off-street parking, as required for "conditional uses" permitted in the Residential (R) Zones, may be permitted to locate on the lot, the building or use being served is located, when approved by the Board

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of Adjustment, provided that said parking is located within the use or building being served and available at all times without restrictions for said purposes.

- H. . . .
- a. Ninety (90) degree (perpendicular) parking - Twenty-four (24) feet (either one ~~(1)~~ or two ~~(2)~~ way circulation);
 - b. Sixty (60) degree (angle) parking - Eighteen (18) feet (one-way circulation only);
 - c. Forty-five (45) degree (angle) parking - Thirteen (13) feet (one-way circulation only);
 - d. Thirty (30) degree (angle) parking - Eleven (11) feet (one-way circulation only);
 - e. Zero (0) degree (parallel) parking - Twelve (12) feet (one-way circulation).
- M. . . .
- Paving of New off-Street Parking: All new off-street parking facilities shall be paved with asphalt concrete or Portland cement concrete and shall be designed and constructed in accordance with the ~~standards and procedure herein established~~ [Subdivision Regulations](#).

~~1. Asphalt Concrete Pavement:~~

~~a. General Design Requirements-~~

- ~~(1) Asphalt concrete pavements shall consist of specified thickness of asphalt concrete surfaces course and a base course, or courses, all constructed on prepared subgrade. Pavement thickness required shall be determined from Table 1 of this ordinance of the appropriate subgrade soil and traffic use.~~
- ~~(2) Paved areas shall be so designed and constructed that water will quickly drain from the surface and be conducted away from the area through approved system. Transverse and/or longitudinal slopes of not less than 5/8 inch in 10 feet shall be provided. For large paved areas, approved catch basins and storm drainage systems shall be provided.~~
- ~~(3) When the pavement includes a granular base, and the pavement is constructed over granular subgrade, perimeter subsurface drainage shall be provided to prevent lateral flow of water into the base course and to provide for removal of seepage water that may enter the base.~~
- ~~(4) Thickness of surface and base is shown for each soil classification and street classification. The first number indicates the minimum thickness of asphalt concrete which~~

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~~may be comprised of asphalt concrete surface course, Type I or II, if the surface course does not exceed two (2) inches. When surface thickness is more than 2 inches, asphalt concrete Base I or II, as specified in Table 2, may be used for all but the upper 1 inch wearing course which must be asphalt concrete surface course I or II, as specified in Table 2. The second figure indicates the thickness of base course of the type indicated. For example, 1-4 indicates 1 inch surface and 4 inches base.~~

~~(5) Soils are classified into three (3) groups indicating their relative effectiveness as subgrade.~~

~~(a) A Granular soils that drain well; sand gravel or combination of sand and gravel.~~

~~(b) B Silty clays, or lean clays, that retain considerable strength when wet. These are average subgrade soils.~~

~~(c) C Heavy clay soils that lose most of their strength when wet.~~

~~(6) Successive layers of the pavement shall be offset from the edge of the underlying layer a distance equal to the course thickness of the lower layer except when abutting existing construction. When the asphalt layers of the pavement abut a building foundation, barrier curb or similar vertical surface, the abutting surface shall be heavily painted with asphalt prior to construction of the asphalt course. The surface course shall be finished 1/4 inch above adjacent flush construction to permit proper compaction.~~

~~(7) Construction materials and procedures~~

~~(a) Subsurface drainage~~

~~[1] Drainage tile, 6-inch perforated tile or other approved types of similar capacity, where required by the Planning and Zoning Commission shall be bedded at a depth of not less than 12 inches below the bottom elevation of the granular base course. Aggregate for bedding and backfill shall all pass a 3/8 inch sieve and have not more than 5 percent passing a No. 200 sieve. The slope of subsurface drains~~

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~~shall be not less than 6 inches per 100 feet. All such drains shall be properly connected to outlet drains.~~

~~[2] All catch basins, in pavement with granular base, shall be constructed with weep holes, at subbase level, to provide for drainage of seepage water from the granular layer. Weep holes shall be constructed of pipe, or other material, having an opening not less than 1.5 inches clear opening. Suitable provision shall be made to prevent clogging of the opening. Three or more weep holes shall be suitably located around the perimeter of each catch basin.~~

~~(8) Base courses shall consist of one or more of the following materials. Construction procedures shall conform to the requirements applicable to the base course selected.~~

~~(a) Asphalt Concrete Base Course Materials and construction shall conform to the current requirements of the Kentucky Bureau of Highways Specifications for Asphalt Concrete Base Course, Class I, except as noted herein:~~

~~[1] Composition requirements of the mixture shall conform to the gradation limits for Asphalt Concrete Base Course I or II set forth in Table 2 of this ordinance. Asphalt content used shall fall within the range shown and shall be approved by the Planning and Zoning Commission.~~

~~[2] Uncrushed gravel and natural sand may be used as aggregate provided all other requirements of the specification are complied with.~~

~~(b) Asphalt Treated Base Course Materials and construction procedures shall conform to the following requirements:~~

~~[1] Aggregates may be crushed or uncrushed material conforming to the gradation requirements, shown in Table 2 of this ordinance for either Base III or Base IV. The aggregate shall be composed of hard durable particles and shall contain no more than a total of 5 percent~~

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~~deleterious substances. In addition, the sand equivalent of the aggregate shall not be less than twenty-five (25) when tested in accordance with AASHTO Designation: T 176-56. The contractor shall set a single gradation and asphalt content, within the specified limits, as the job mix formula to be used on the project. This formula must be approved by the Planning and Zoning Commission, prior to use. Gradation and asphalt content may vary during construction within the following tolerances:~~

% Passing 3/4" or 3/8" Sieve	± 10.0%
% Passing No. 8 Sieve	± 8.0%
% Passing No. 50 Sieve	± 6.0%
% Passing No. 100 Sieve	± 3.0%
% Asphalt	± 0.4%

~~{2} Other construction requirements shall conform to those specified by the Kentucky Bureau of Highways for Asphalt Concrete except that a gradation unit on the plant shall not be required provided the aggregate can be controlled by other means to produce a consistently uniform gradation.~~

~~(c) Crushed Stone Base Course~~

~~{1} Crushed Stone Base Course shall conform to all the current requirements of the Kentucky Bureau of Highways for Dense Graded Aggregate Base Course.~~

~~(9) Asphalt Concrete Surface Course Materials and construction shall conform to the current requirements of the Kentucky Bureau of Highways for Asphalt Concrete Surface, Class I. Surface Course Mixture Composition may conform to requirements of either Surface Course I or II as set forth in Table 2 of this ordinance. Minimum course thickness shall be as stated in Table I of this ordinance.~~

~~(10) Asphalt Prime and Tack Coat~~

~~(a) Asphalt Prime shall conform to the Kentucky Bureau of Highways' requirements for Cutback Asphalt Emulsion Primer Type L. Prime shall be applied to the surface of~~

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~~granular base course at a rate of 0.20 to 0.40 gallons per square yard, as directed by the County Engineer, in conformance with requirements of the referred to specification.~~

- ~~(b) Tack Coat shall consist of SS 1h, meeting the current requirements of the Kentucky Bureau of Highways. It shall, when directed by the Planning and Zoning Commission, be diluted with equal parts of water. Application equipment and procedure shall conform to the requirements of the Kentucky Bureau of Highways for Tack Coats. Tack Coat shall be applied, upon direction of the Planning and Zoning Commission, to the surface of asphalt courses that have become dusty or dry from traffic use before the subsequent course could be placed or in other circumstances when the Planning and Zoning Commission so directs.~~

~~2. Soil-Cement Base Course (with Asphalt Concrete Surface):~~

- ~~a. Description: Soil-cement base course shall consist of soil and cement uniformly mixed, moistened, compacted, finished, and cured in accordance with the specifications herein, and it shall conform to the lines, grades, thickness and typical cross section shown on the plans.~~

~~b. Materials:~~

- ~~(1) Cement shall comply with the latest specifications for cement, AASHTO M85, M134, M151; or ASTM C150, C175, C205; or Federal SS-CJ92b, SS-C-218 for the type specified. One cubic foot of Portland Cement shall be considered to weigh 94 pounds and 1 bbl. of cement shall be considered to weigh 376 pounds.~~
- ~~(2) Water - Water shall be free from substances deleterious to the hardening of the soil-cement.~~
- ~~(3) Soil - Soil shall consist of the material existing in the area to be paved, of approved selected soil, or of a combination of these materials proportioned as directed. The soil shall not contain gravel or stone retained on a 3-inch sieve or more than 45 percent retained on a No. 4 sieve.~~

~~c. Construction Methods:~~

- ~~(1) Preparation:~~

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- ~~(a) Unsuitable soil or material shall be removed and replaced with acceptable soil.~~
- ~~(b) The subgrade shall be firm and able to support without displacement the construction equipment and the compaction hereinafter specified. Soft or yielding subgrade shall be corrected and made stable, before construction proceeds.~~
- ~~(2) Pulverization — The soil shall be so pulverized that, at the completion of moist mixing, 100 percent by dry weight passes a 1-inch sieve and a minimum of 80 percent passes a No. 4 sieve, exclusive of gravel or stone retained on the sieves.~~
- ~~(3) Cement Application, Mixing and Spreading — Mixing of the soil, cement, and water shall be accomplished either by the mixed-in-place or the central-plant mixed method.~~
- ~~— No cement or soil-cement mixture shall be spread when the soil or subgrade is frozen or when the air temperature is less, than 40 degrees F. in the shade.~~
- ~~— The percentage of moisture in the soil, at the time of cement application, shall not exceed the quantity that will permit a uniform and intimate mixture of soil and cement during mixing operations; and it shall not exceed the specified optimum moisture content for the soil-cement mixture.~~
- ~~— Any soil and cement mixture that has not been compacted and finished shall not remain undisturbed for more than 30 minutes. The soil-cement base course shall have a thickness of not less than six (6) inches.~~
- ~~(4) Compaction — At the start of compaction, the percentage of moisture in the mixture and in unpulverized soil lumps, based on oven-dry weights, shall not be below or more than two percentage points above the specified optimum moisture content, and shall be less than that quantity which will cause the soil-cement mixture to become unstable during compaction and finishing. The specified optimum moisture content and density shall be determined in the field by a moisture density test, AASHTO T134-57 or ASTM D558-57, on representative samples of soil-cement mixture obtained from the area being processed.~~

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- ~~———— Prior to the beginning of compaction, the mixture shall be in a loose condition for its full depth. The loose mixture then shall be uniformly compacted to the specified density within two hours. During compaction operations, shaping may be required to obtain uniform compaction and required grade and cross section.~~
- ~~(5) Finishing — After compaction the surface of the soil cement shall be shaped to the required lines, grades and cross section. If necessary, during shaping operations, the surface of the base shall be lightly scarified to remove any tire imprints or smooth. The resulting surface shall specified density. Rolling broom dragging if required.~~
- ~~———— The moisture content of the surface material must be retained at not less than its specified optimum moisture content during finishing operations. surfaces left by equipment. Surface compaction and finishing shall be done in such a manner as to produce, in not longer than two hours, a smooth dense surface free of compaction planes, cracks, ridges or loose materials.~~
- ~~———— Any portion of the soil cement that has a density of five pounds or more below that specified shall be corrected or replaced to meet these specifications.~~
- ~~(6) Curing — After the soil cement has been finished as specified, herein, it shall be protected against drying for seven days by the application of bituminous material. The curing material shall be applied as soon as possible but not later than 24 hours after completion of finishing operations. The finished soil cement shall be kept continuously moist until the curing material is placed.~~
- ~~———— The bituminous material specified shall be uniformly applied to the surface of the completed soil cement at the rate of approximately 0.2 gallon per square yard with approved heating and distributing equipment.~~
- ~~———— At the time the bituminous material is applied the soil cement surface shall be dense, shall be free of all loose and extraneous material, and shall contain sufficient moisture to prevent penetration of the bituminous materials. Water shall be applied in sufficient quantity to fill the surface voids of the soil cement immediately before the bituminous curing material is applied.~~

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~~The curing material shall be maintained by the contractor during the seven day protection period so that all of the soil cement will be covered effectively during this period.~~

~~Sufficient protection from freezing shall be given the cement for seven days after its construction and until it has hardened.~~

~~(7) Surfacing - Asphaltic concrete shall be applied to the soil cement base course as regulated in Section 11.0, M, Subsection 1, b (3) of this ordinance.~~

~~3. Concrete Parking Areas:~~

~~a. General Requirements Thickness of concrete parking shall be:~~

~~(1) A minimum of five (5) inches for passenger cars and panel or pick-up truck parking.'~~

~~(2) A minimum of six (6) inches for driveways accommodating light trucks and for light truck parking.~~

~~(3) A minimum of seven (7) inches for heavier commercial or industrial needs.~~

~~b. General Requirements Concrete mix (for areas subject to freeze-thaw conditions.)~~

~~(1) Minimum cement content - 564 lb./cu. yd. (6 U.S. bags).~~

~~(2) A Maximum size of aggregate - 1 - 1/2 inches.~~

~~(3) Maximum water content - 0.49 lb./l lb. of cement (5.5 gal./bag.)~~

~~(4) Maximum slump - Four (4) inches.~~

~~(5) Air entrainment~~

Maximum Aggregate Size	Entrained Air
(inches)	(percent)
1 - 1/4	5 ± 1
3/4, 1	6 ± 1
3/8, 1/2	7 - 1/2 ± 1

~~c. Construction Procedures:~~

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- ~~(1) All soft and yielding material and other portions of the subgrade, which will not compact readily when rolled or tamped shall be removed and replaced with suitable material placed and compacted. The subgrade shall be thoroughly compacted with suitable equipment so as to have uniform density at moisture contents of not less than standard optimum (AASHTO T98).~~
- ~~(2) Longitudinal joint spacing shall not exceed 12.5 feet.~~
- ~~(3) Transverse joint spacings shall be at regular intervals of twenty (20) feet.~~
- ~~(4) All transverse construction joints shall have a depth equal to one-fourth (1/4) of the pavement thickness.~~
- ~~(5) Form offsets at radius points shall be at least two (2) feet.~~
- ~~(6) Pavement joints must be continuous through the curbs.~~
- ~~(7) Where curbs are required they shall be cast integrally.~~
- ~~(8) The pavement shall be struck off, consolidated, and finished to the grades shown on the plans. All catch basins and manhole castings shall be boxed out and separated from the pavement with expansion joint material. All except premolded or sawed joints shall be edged with a tool having a maximum radius of 1/8 inch. Sawed and formed joints shall be cleaned and sealed before opening to traffic. Final surface texture shall be that obtained with a burlap drag. Curing shall be that obtained with a uniform coverage of white membrane curing compound or by seven-day coverage of white polyethylene or waterproof paper. The completed pavement shall be closed to traffic for seven days.~~

N. DESIGN AND MAINTENANCE:

1. Screening and Landscaping: All open automobile parking areas containing more than four (4) parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a residential zone by a solid wall, ~~Fence~~ fence or densely planted compact hedge as regulated by Section 9.17 of this Ordinance. Ground cover shrubs and trees shall be located and maintained so as to not interfere with vehicular and pedestrian traffic on the property or with sight distance clearance at entrances and exits.

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2. . . .

3. Ingress and egress to parking areas shall be limited to driveway entrances and exits specified in parking area plans as approved by the Planning and Zoning Commission. Each required parking space shall be connected with a deeded public right-of-way (by means of adequate aisles as required in Section 11.0, H.) which offers adequate ingress and egress for automobiles.

Remove Tables 1 & 2

Table 1

Thickness Requirements Of Surface And Base Courses
For Automobiles And Truck Parking Facility Pavements

Thickness of Surface and Base - Inches of Asphalt

Type Of Vehicle	Soil Classification	Type I of II	Type III of IV	Granular Base
Automobile Parking Facilities	A	1 - 4	2 - 4	3 - 4
	B	1 - 5	2 - 5	3 - 6
	C	1 - 6	2 - 6	3 - 8
Truck Parking Facilities	A	1 - 6	2 - 6	4 - 6
	B	1 - 7	2 - 7	4 - 8
	C	1 - 8	2 - 8	3 - 10

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Table 2
Composition Limits For Asphalt Mixtures

Sieve Size	Base I	Base II	Surface I	Surface II	Base III	Base IV
1 - 1/2"	100	--	--	--	--	100
1"	85 - 100	100	--	--	--	--
3/4"	--	80 - 100	--	--	70 - 100	100
1/2"	50 - 80	--	--	100	100	--
3/8"	--	54 - 76	80 - 100	--	40 - 80	70 - 100
No. 4	30 - 50	37 - 57	55 - 75	75 - 95	--	--
No. 8	25 - 45	25 - 45	35 - 60	60 - 85	25 - 60	40 - 100
No. 16	5 - 20	5 - 20	9 - 21	15 - 40	5 - 30	15 - 50
No. 100	3 - 10	3 - 10	5 - 14	5 - 25	3 - 15	5 - 25
No. 200	--	--	--	3.7	4 - 10	--
% Asphalt	3.5 - 6.0	4.0 - 7.0	5.0 - 8.0	6.0 - 9.0	3.5 - 6.0	4.0 - 8.0

SECTION 11.1 SPECIFIC OFF-STREET PARKING REQUIREMENTS: The amount of off-street parking space required for uses, building, or additions thereto shall be determined according to the following requirements, and the space, so required, shall be stated in the application for a zoning and building permit and shall be reserved for such use. Where more than one use is located in the same building, each individual use shall be in accordance with the off street parking requirements of this section of the Ordinance.

TYPE OF USES

REQUIRED NUMBER OF PARKING SPACES

- ...
- F. City and/or county government One (1) parking space for each two-hundred (200) square feet of gross floor area.
- ...

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- M. Establishments for sale and consumption on the premises of alcoholic beverages, food, and refreshments, or for take home food services
- ~~One (1) parking space per each: 1. 30 square feet of gross floor area in a drive-in restaurant; 2. 140 square feet of gross floor in a carry-out restaurant; 3. 40 square feet of gross floor area or two (2) seating accommodations, based on maximum seating capacity, whichever is greater, in a combination restaurant; 4. Two (2) seating accommodations, based on maximum seating capacity in a sit-down restaurant; plus one (1) parking space per each two (2) employees on shift of largest employment in any type restaurant.~~
One (1) parking space per each:
1. 30 square feet of gross floor area in a drive-in restaurant;
2. 140 square feet of gross floor in a carry-out restaurant;
3. 40 square feet of gross floor area or two (2) seating accommodations, based on maximum seating capacity, whichever is greater, in a combination restaurant;
4. Two (2) seating accommodations, based on maximum seating capacity in a sit-down restaurant; plus one (1) parking space per each two (2) employees on shift of largest employment in any type restaurant.
- Q. Libraries, museums, and art galleries
- One (1) parking space per each four (4) seats in rooms for public assembly or one ~~(1)~~ (1) parking space for each fifty (50) square feet of gross floor area for use by the public, whichever is greater, plus one (1) space for each two (2) employees on shift of largest employment.
- W. Retail and personal service stores
- ~~5.5~~ Four (4) spaces per one thousand (1,000) square ~~feet~~ feet of gross leasable area.
- Z. Shopping centers
- ~~5.5~~ Four (4) spaces per one thousand (1,000) square feet of gross leasable area.
- AA. Stadium and sports arenas
- One ~~(1)~~ (1) parking space for each four (4) seats based on a maximum seating capacity, plus one (1) space for each two (2) employees on shift of largest employment.

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...
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Retail furniture, major
appliances, or similar

Two (2) spaces per one thousand (1,000) square
feet of gross leasable area.

ARTICLE XII OFF-STREET LOADING AND/OR UNLOADING REGULATIONS

SECTION 12.1 OFF-STREET LOADING AND/OR UNLOADING USE AND BULK REGULATIONS: Off-street loading and/or unloading facilities shall be provided in accordance with the following regulations.

...

- B. Size of Off-Street Loading and/or Unloading Space: Each off-street loading and/or unloading space shall be at least twelve (12) feet in width and at ~~least~~ least sixty (60) feet in length, exclusive of aisle and maneuvering spaces and shall have a vertical clearance of at least fourteen (14) feet; provided however, that when it is demonstrated that a particular loading and/or unloading space will be used by shorter trucks, the Planning and Zoning Commission may reduce the minimum length to not less than thirty-five (35) feet.
- C. Location: All required loading and/or unloading spaces shall be located on the same zoning lot as the use served. No loading and/or unloading space for vehicles over two-ton capacity shall be closer than fifty (50) feet to any property in a residential zone unless completely enclosed by a fence, wall or screen as regulated by Article XIII of this ordinance. No loading and/or unloading space shall be located in any required yards- except as herein provided.
- D. Access: Each required off-street loading and/or unloading space shall be designed with direct access via an approved access drive, to a deeded right-of-way ~~which~~ that offers satisfactory ingress and egress for trucks. Access drives or aisles shall be laid out with a width of at least twelve feet for one-way circulation and at least twenty-four (24) feet for two-way circulation. Off-street loading and/or unloading space shall be so designed and constructed so that all maneuvering for loading and/or unloading can take place entirely within the property lines of the premises. Such off street loading and/or unloading ~~space~~ space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street, road, highway or deeded rights-of-way.

ARTICLE XIII FENCES, WALLS AND OBSTRUCTION TO VIEW REGULATIONS

SECTION 13.0 VISION CLEARANCE AT CORNERS AND RAILROAD CROSSINGS: Except as herein provided, no hedge, or other structure, or other obstruction above a height of thirty-six (36) inches as measured above the curb level shall be erected, placed, maintained or continued in any zone within that triangular portion of a corner lot formed

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by measuring fifty (50) feet from the intersection of the rights-of-way line of two (2) streets or of the right-of-way line of a street intersection with a railroad right-of-way line and joining these points with a straight line. No type of tree or planting or other obstruction shall be planted, placed, maintained, or continued in such a manner which would obstruct the vision clearance at corners and railroad crossings.

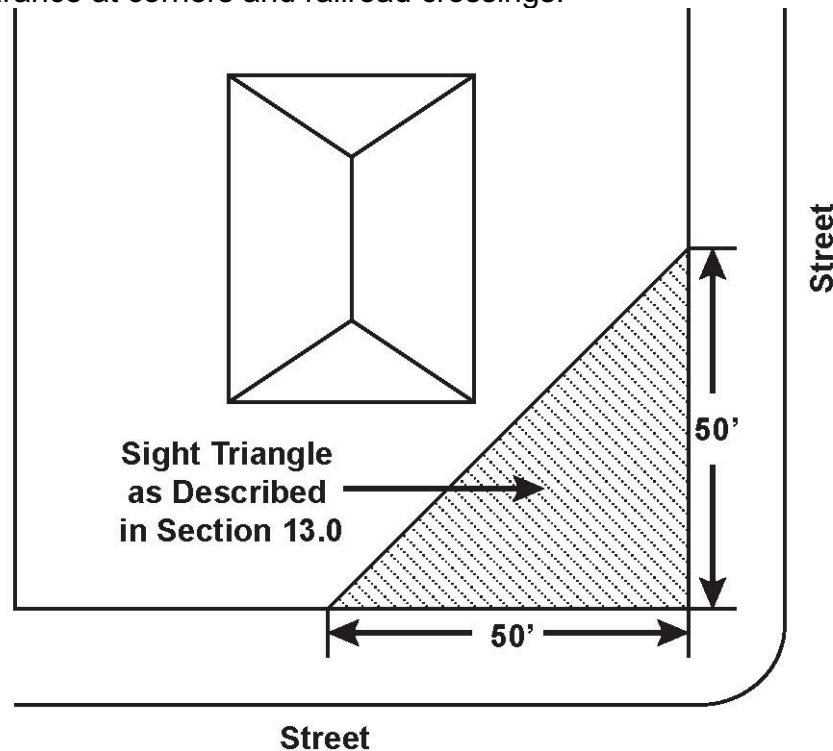


Figure 1

SECTION 13.1 CLASSIFICATION OF FENCES AND WALLS: The following shall be the classification of fences and walls for this Ordinance.

- A. Class 1 - Masonry walls
- B. Class 2 - Ornamental iron (eighty percent ~~(80%)~~ [80%] open)
- C. Class 3 - Woven wire (eighty percent ~~(80%)~~ [80%] open); and chain link
- D. Class 4 - Wood or other materials (more than fifty percent ~~(50%)~~ [50%] open)
- E. Class 5 - Solid fences, wood, or other materials (less than fifty percent ~~(50%)~~ [50%] open)
- F. Class 6 - Hedges
- G. Class 7 - Barbed wire or sharp pointed fences
- H. Class 8 - Earthen or concrete walls ~~intended to contain or redirect flooding waters~~

SECTION ~~13.5~~ 13.2 MEASUREMENT OF ALL FENCE AND/OR WALL HEIGHTS AND/OR LOCATIONS:

SECTION ~~13.2~~ 13.3 AGRICULTURE & RIVER CONSERVATION ZONES

- A. Fences and/or walls within the agricultural and conservation zones shall conform to the following requirements:

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...

2. Side and rear yard, class ~~1,2,3,4,5,6 or 7~~ 1, 2, 3, 4, 5, 6, or 7 fences and/or walls may be erected up to a maximum height of ninety-six (96) inches.

~~3. Class 8 walls shall be permitted but shall conform to requirements of the Corps of Engineers and/or County Engineer, whichever is applicable.~~

SECTION ~~13.3~~ 13.4 RESIDENTIAL ZONES:

...

3. For all nonresidential uses conditionally permitted in any residential zone herein, the requirements are as follows:
 - a. Fences of class 2 or 3 only shall be permitted in front yards including the front yard of corner lots as governed by Section 13.0. Said fences may be erected up to a maximum height of seventy-two (72) inches.
 - b. Classes ~~1,2,3,4,5,6, Fences and/or Walls~~ 1, 2, 3, 4, 5 or 6 fences and/or walls may be erected in side or rear yards up to a maximum height of seventy-two (72) inches; provided, however, for the following exceptions:
 - (1) General purpose recreational areas may be enclosed with fences or walls of class 1,2,3,4,5,6,7 up to a maximum height of ninety-six (96) inches.

SECTION ~~13.4~~ 13.5 COMMERCIAL AND INDUSTRIAL ZONES: Fences and/or walls within all commercial & industrial zones including those permitted with all conditionally permitted uses in this zone shall conform to the following requirements:

- A. Except as provided for in Section 13.0, fences of classes ~~1,2,3,4,5,6 or 7~~ 1, 2, 3, 4, 5, or 6 may be erected in front, side and rear yards of commercial zones up to a maximum height of ninety-six (96) inches. In the case of corner lots, as governed by Section 13.0, fences of class 2 or 3 only, may be erected up to a maximum height of ninety-six (96) inches. In all commercial and industrial zones, except NSC, SC, a combination of class 3 and 7 fence (chain link with three strands of barb wire) may be erected, including corner lots as governed by Section 13.0, up to a maximum height of ninety-six (96) inches.

...

2. The location, height, and type of all fences and/or walls within any area zoned with a PUD, RCD, or RMHP Overlay shall be as approved by the **Planning Commission.**

~~SECTION 13.5 MEASUREMENT OF ALL FENCE AND/OR WALL HEIGHTS AND/OR LOCATIONS:~~

~~A. All fences and/or walls heights shall be measured along the fence or wall locations.~~

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~~B. All locations for distance measurements shall be measured from lot lines.~~

~~**SECTION 13.6 HEIGHT OF ANY BARBED WIRE OR SHARP POINTED FENCES:** In all zones, except A-1 and R-RE Zones, barbed wire or sharp pointed fences, where permitted, must start a minimum of sixty (60) inches above ground level.~~

SECTION 13.7 HEIGHT OF FENCES ATOP RETAINING WALLS:

- A. A combination fence and retaining wall ~~my~~ may be erected. The retaining wall portion may be erected up to the level of the higher finished grade. The fence portion must be of the class and height permitted within this Ordinance for the applicable zone. Said measurement shall be made at and along the location of the fence and retaining wall.

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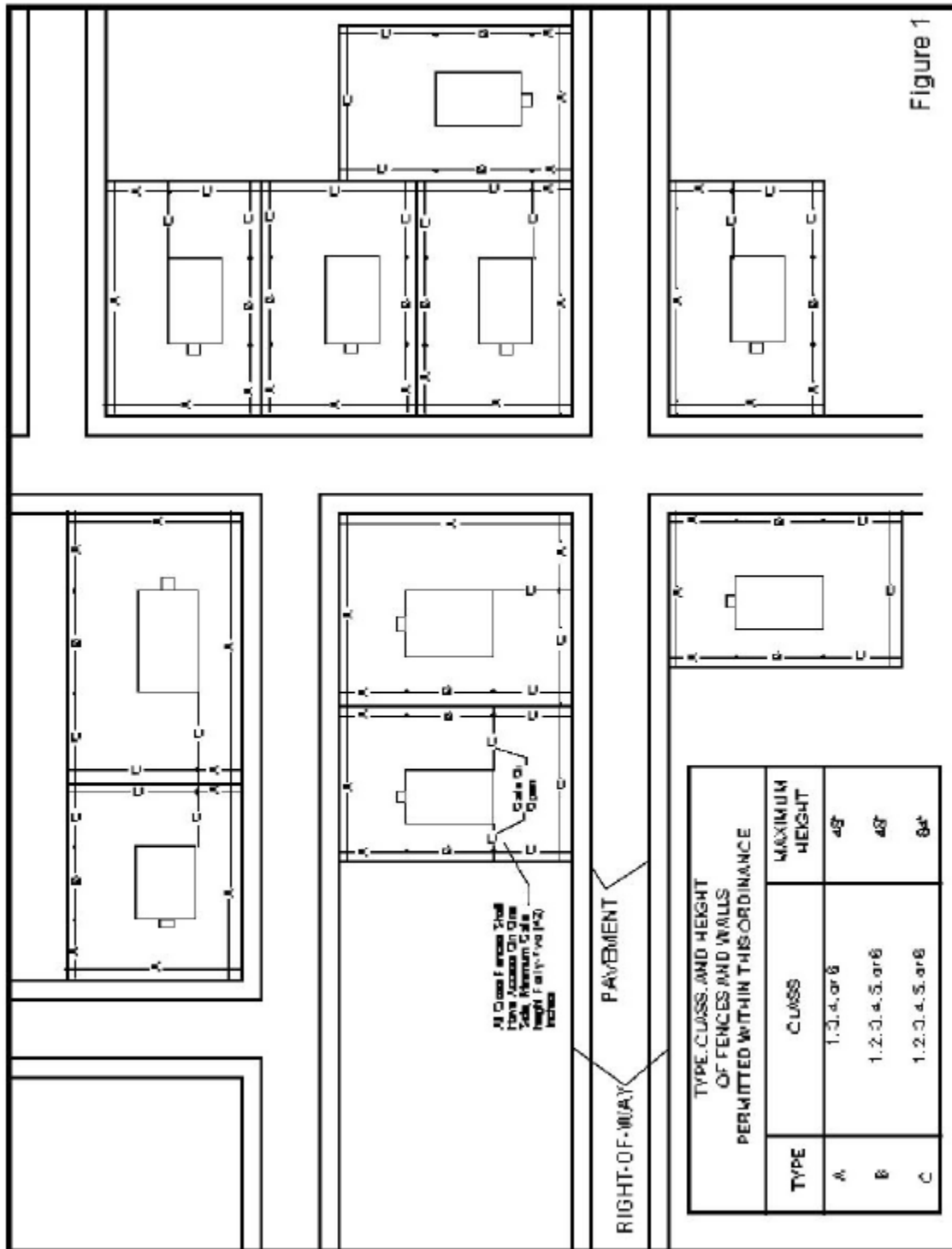
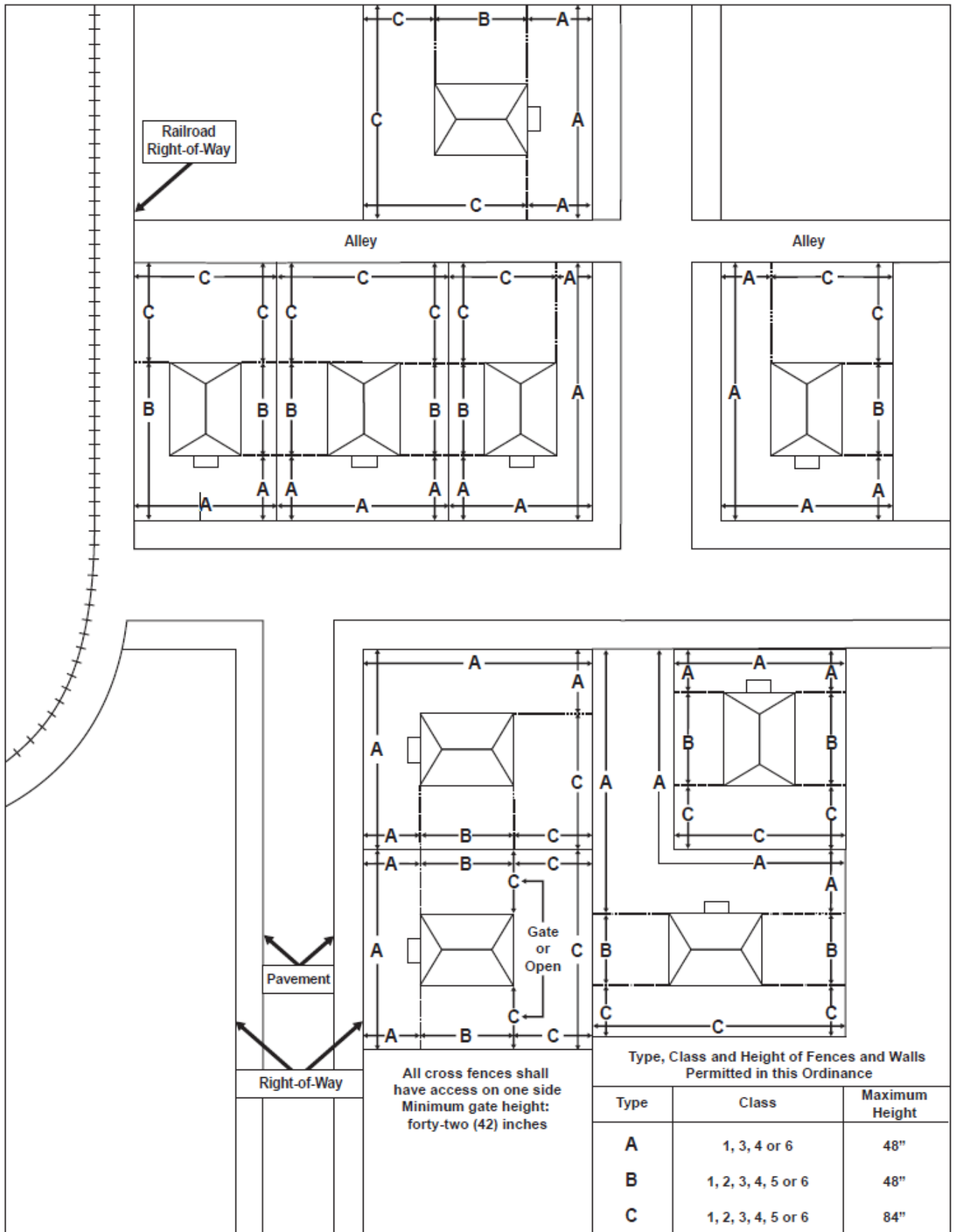


Figure 1

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Figure 2

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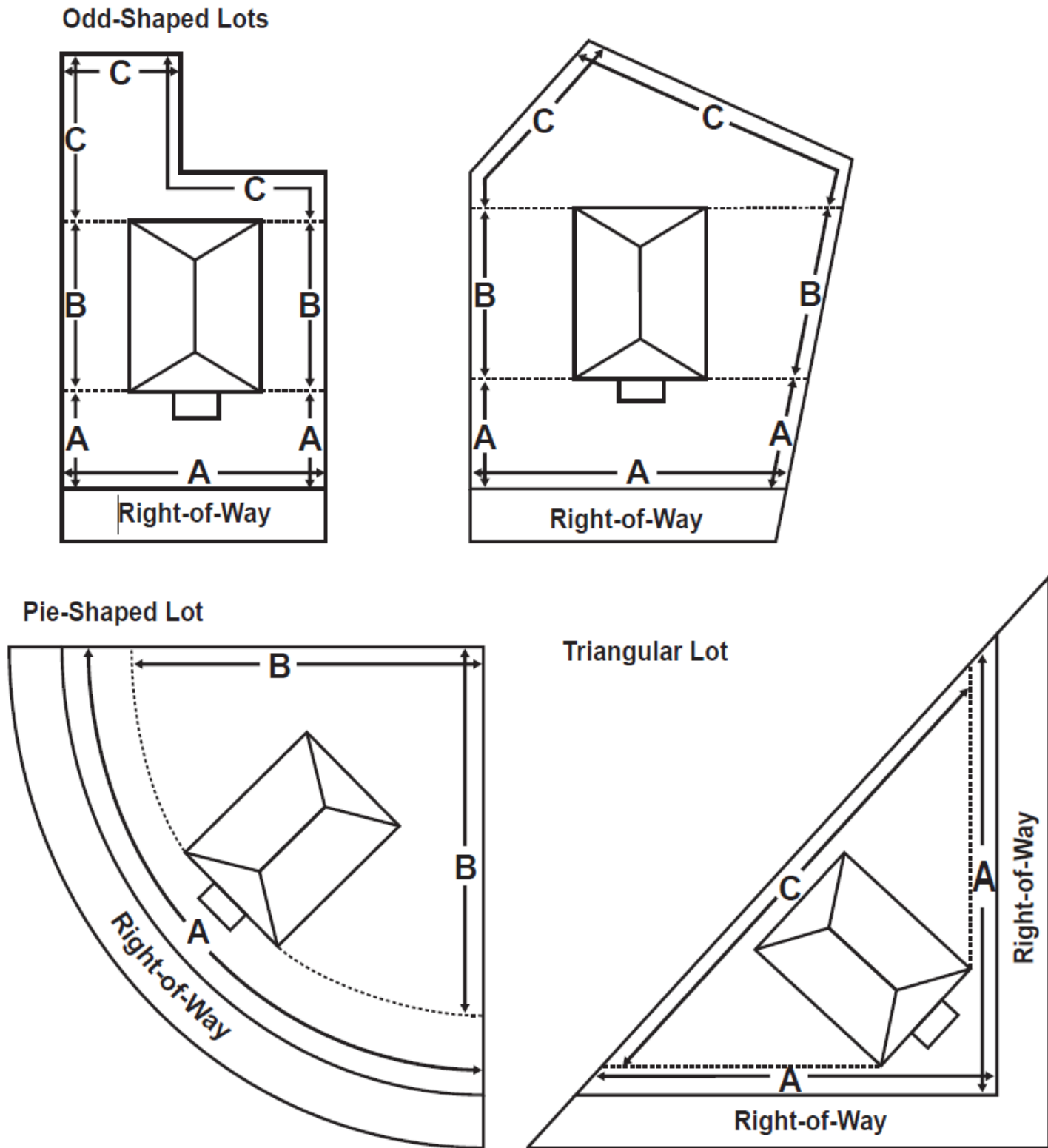


Figure 3

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***Article 14 Sign Regulations will be addressed as a separate Planning and Zoning Case.**

ARTICLE XV PERFORMANCE STANDARDS FOR INDUSTRIAL ZONES

SECTION 15.2 PERFORMANCE STANDARDS:

- ...
- C. NOISE: For the purpose of measuring the intensity and frequencies of a sound, a type ~~1~~ 1 or type 2 sound level meter shall be employed that conforms to specifications published by the American National Standards Institute (specifications for Sound Level Meters ~~SI.4—1971~~ S1.4 - 1971, or the latest edition of such standards, shall be used). In the enforcement of the regulation, noises produced by the operation of motor vehicles or other transportation facilities shall not be included in determining the maximum permitted decibel level. The sound pressure of noise radiated continuously from any activity shall not exceed the value given in Tables ~~1~~ 1 and 2 of this section, at the location of any receiving land use. If the noise is not smooth and continuous, one or more of the corrections in Table 2 of this section shall be added or subtracted from each of the decibel levels given in Table 1 of this ordinance.
- E. HUMIDITY, HEAT OR GLARE: In the I-P or I-1 districts, any activity producing humidity, in the form of steam or moist air or producing heat or glare, shall be carried on in such a manner that the steam, humidity, heat or glare is not perceptible at any lot line. In the IM, ~~1-2, 1-4~~ I-2, I-4 and I-5 ~~districts~~ Zones, any activity producing heat or glare shall be carried on in such a manner
- K. STORAGE: In the I-P Zone, no material, products or supplies shall be permitted to remain on any part of the property outside the constructed thereon. In the IM, I-1, I-2, I-4 and ~~4-5~~ I-5 Zones,
- L. FIRE AND EXPLOSIVE HAZARDS: In the IM, ~~1-2~~ I-2, I-4 and ~~4-5~~ I-5 zones only, storage, utilization, or manufacture of solid materials which requires free burning.

...

~~O. ——— BLASTING AND EXPLOSIVES: All blasting and the use of explosives must be conducted in accordance with the regulations set forth by the Department of Mines and Minerals, Division of Explosives and Blasting (KRS 351—Blasting Law).~~

O. BLASTING AND EXPLOSIVES: All blasting and the use of explosives must be conducted in accordance with the regulations set forth by the Department of Mines and Minerals, Division of Explosives and Blasting (KRS 351 - Blasting Law).

ARTICLE XVI ADMINISTRATION

SECTION 16.0 ENFORCING OFFICER: . . .

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If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, he or she shall take such action as is permitted by law.

In addition to the foregoing, the Zoning Administrator shall have the authority to order discontinuance of illegal use of land, buildings, structures, signs, fences or additions, alterations or structural changes thereto; discontinuance of any illegal work being done. All questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and ~~he~~ then to the Planning and Zoning Commission, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Planning and Zoning Commission, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by the Kentucky Revised Statutes.

SECTION 16.1 ZONING PERMITS:

B. APPLICATION FOR ZONING PERMITS: All applications for zoning permits shall be accompanied by:

4. . . .

. . . .

i. Circulation System:

(1) ~~pedestrian~~ Pedestrian walkways, including alignment, grades, type of surfacing and width;

(2) ~~streets~~ Streets, including alignment, grades, types of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections-

C. ISSUANCE OF ZONING PERMIT: The Zoning Administrator shall either approve or disapprove the application (when required by this Ordinance (e.g., Development Plan submitted required) the Planning and Zoning Commission's approval or disapproval shall also be required. If disapproved, two copies of the submitted plans shall be returned to the applicant marked "Disapproved: and shall indicate the reasons for such disapproval thereon. Such disapproval shall be attested by the Zoning Administrator's signature. The other copy, similarly marked, shall be retained by the Zoning Administrator.

. . . .

E. EXPIRATION OF ZONING PERMIT: If a building permit, as required herein, has not been obtained within ninety (90) consecutive calendar days from the date of issuance of zoning permit, said zoning permit shall expire and be canceled by the Zoning Administrator and a building permit shall not be obtainable until a new zoning permit has been obtained.

SECTION 16.11 DUTIES OF ZONING ADMINISTRATOR REGARDING PERFORMANCE STANDARDS:

. . . .

F. If a reply is received within thirty (30) consecutive calendar days of receipt of said notice requesting technical determination as provided in this ordinance, and if the alleged violations continue, the Zoning Administrator shall call in properly qualified experts to investigate and determine whether violations exist after the ~~Commissions~~ Commission's approval.

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ARTICLE XVII AMENDMENT PROCEDURE

SECTION 17.0 AMENDMENT OF MAPS AND ZONES PROCEDURE:

A. FILING OF AMENDMENT APPLICATION: All applications for amendments to this ordinance shall be filed, in writing, with the Zoning Administrator, to be transmitted to the Planning and Zoning Commission on forms furnished by the Zoning Administrator (-in triplicate - See Appendix "A"). The fee required for applying for such amendment shall be as provided for in Section 19.0 of this Ordinance.

...
F. MINIMUM SIZE OF NEW ZONES: No amendment to this ordinance shall be adopted whereby the zoning classification of an area is changed unless the total area being applied for meets the following requirements as to minimum size. For the purpose of computing the total size of an area to be rezoned for compliance herewith, there shall be added to such area: (1) the area of public rights-of-way interior to the area being changed: (2) one-half the area of public rights-of-way abutting the area being changed: (3) the area of any land which is contiguous to the area being changed (including land located outside a city but contiguous to the County corporation line) and which land already bears the zoning classification sought for the area being changed. For the purpose of this section, neither continuity nor abutment shall be destroyed by the existence of a street, alley, or city's corporation line. Subject to the foregoing ~~limitations~~ limitations, every ...

G. PLANNING AND ZONING COMMISSION ACTION: Following the public hearing held by the Planning and Zoning Commission on the proposed amendment, the Commission shall, within ~~sixth(60)~~ sixty (60) calendar days from the date of its receipt, advise the legislative body whether it approved or disapproved of the amendment to the zoning regulation, including a statement setting forth explicitly the reasons and substantiation for such action and, in the case of a map amendment, the submission of a written report as required in Section 17.0.E.

I. SUBMISSION OF DEVELOPMENT PLAN AS CONDITION TO ZONING MAP AMENDMENT: ...

1. ...

...
Zoning Map Amendment - Upon approval of the Zoning Map Amendment, the official zoning map shall be amended for the: area as shown on the approved development plan.

2. STAGE II -- Site Plan ...

...
Expiration - The zoning map amendment shall be subject to the time constraint, as noted below. Upon expiration of said time period and any extensions thereto, the legislative body may initiate a request for a public hearing by the Planning and Zoning Commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether said zoning map amendment should revert to its original designation. A public hearing may be initiated if either of the following conditions apply:!

~~a. A site plan has not been approved by the Zoning Commission within a period of twelve (12) consecutive months from the date of final approval of the~~

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~~zoning map amendment by the legislative body; provided that an extension may be permitted upon approval of the legislative body or its duly authorized representative, if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the approved development plan obsolete.~~

- a. A site plan has not been approved by the Zoning Commission within a period of twelve (12) consecutive months from the date of final approval of the zoning map amendment by the legislative body.
- b. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the site plan the Zoning Commission; provided that an extension may be permitted upon approval of the legislative body or its duly authorized representative, ~~if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the approved development plan obsolete. The amount of construction that constitutes initiating substantial construction shall be as approved in the approved development plan.~~

~~SECTION 17.1 NORTHERN KENTUCKY AREA PLANNING AND ZONING COMMISSION REVIEW AND RECOMMENDATION REQUIRED PRIOR TO ACTION BY THE LEGISLATIVE BODY:~~

~~The master plans (comprehensive plans) or portions thereof of each of the participating units of government, including all zoning ordinances and amendments, supplements, and changes thereto, heretofore and hereafter adopted by the said units, and all action taken under the authority of such ordinances shall continue and be in effect so long as all proposed amendments, supplements, and changes thereto have been reviewed and recommendations made by the area planning commission.~~

~~SECTION 17.2 OVERRIDING NORTHERN KENTUCKY AREA PLANNING COMMISSION RECOMMENDATIONS - REASONS, IN WRITING, REQUIRED:~~

~~Pursuant to KRS 147.650, any legislative body that overrides the Northern Kentucky Area Planning Commission's recommendations must notify the Northern Kentucky Area Planning Commission, in writing, stating the action that was taken by said legislative body and the reasons for such actions.~~

~~SECTION 17.3 ACTIONS OF LOCAL GOVERNMENTAL UNITS TO BE FURNISHED TO THE NORTHERN KENTUCKY AREA COMMISSION:~~

~~Pursuant to KRS 147.705, the legislative body shall, after final adoption of any zoning ordinance or resolution, including amendments thereto, furnish, or cause to be furnished, within sixty (60) days after adoption, a copy of same to the Northern Kentucky Area Planning Commission.~~

ARTICLE XVIII BOARD OF ADJUSTMENT

SECTION 18.0 ESTABLISHMENT OF BOARD OF ADJUSTMENT: MEMBERSHIP; APPOINTMENT; TERMS; VACANCIES; OATHS; COMPENSATION; REMOVAL; OFFICERS.

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- ...
- B. The Board of Adjustment shall consist of three (3), five (5), or Seven (7) members, all of whom must be citizen members and not more than one ~~(H)~~ (1) of who may be citizen members of the Planning and Zoning Commission.
 - C. ...
 - D. The term ~~of~~ of office for the Board of Adjustment shall be four (4) years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one (1), two (2), three (3), and four (4) years respectively.
 - E. Vacancies on the Board of Adjustment shall be filled within sixty (60) calendar days by the appropriate appointing authority. If the authority fails to act within that time, the Planning and Zoning Commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall ~~he~~ be filled for the remainder of that term.
 - F. All members of the Board of Adjustment shall, before entering upon their duties, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any judge, notary public, clerk of court, or justice of the peace within the district or county in which he or she resides.
 - G. The Board of Adjustment shall elect annually a ~~chairman~~ Chair and-vice ~~chairman~~ Chair it deems necessary, and any officer shall be eligible for re-election at the expiration of this term, if they are available at the election of officers.

SECTION 18.1 MEETINGS OF BOARD; QUORUM; MINUTES; BYLAWS; FINANCES; SUBPOENA POWERS; ADMINISTRATION OF OATHS.

- A. The Board of Adjustment shall conduct meetings at the call of the ~~chairman~~ Chair who shall give written or oral notice to all members of the Board at least seven (7) days prior to the meeting, and the subject or subjects which will be discussed.

- ...
- F. The ~~chairman~~ Chair of the Board of Adjustment shall have the power to administer an oath to witness prior to their testifying before the board on any issue.

SECTION 18.5 POWERS OF BOARD OF ADJUSTMENT:

- ...
- D. To hear and decide, in accordance with the provisions of this ordinance and the Adopted Comprehensive Plan for the County requests for the change from one~~(nonconforming~~ use to another.

SECTION 18.6 VARIANCES: CHANGE FROM ONE NONCONFORMING USE TO ANOTHER, CONDITIONS GOVERNING APPLICATIONS: PROCEDURES.

- A. VARIANCES: Before any variance is granted, the Board of Adjustment must find that the granting of the variance will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, and will not cause a hazard or nuisance to the public. . .

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1. A written application for a variance (including the required fee as per Section 19.0 of this ordinance) and a site plan, subject to the applicable requirements of Section 9.19, are submitted demonstrating:
 - a. That the requested variance arises from ~~special circumstances exist~~ which existing special circumstances that do not generally apply to land in the general vicinity, or in the same zone.

APPENDIX B **FLOOD PROTECTION DEVELOPMENT CONTROLS**