



ZONING ORDINANCE

RUSSELLVILLE · KENTUCKY

1972

RUSSELLVILLE CITY COUNCIL

Bobby Sawyer, Mayor

Gordon Foster
Tom Rhea
Willie Hampton

Ben Bailey
Bob Murphy
Bill Greer

LOGAN COUNTY JOINT PLANNING COMMISSION

Kenneth Robbins, Chairman

Nelson Lyne
Kenneth Whitlock
John Southerland
F. L. Price
John McLean, Jr.
Henry Ashby
Hansford Scott

Morris Shelton
Robert Lewis Williams
Ike Duncan, Jr.
Marion Pitt
Don McCarty
Jesse Hallman
Joe Grace

COMMITTEE OF PLANNING COMMISSION RESPONSIBLE FOR RUSSELLVILLE

Ike Duncan, Jr.

Joe Grace
Henry Ashby

John L. McLean, Jr.
Don McCarty

FORWARD

The attitude that "what I do on my piece of land can have a major impact on others", has replaced the older one of "what I do on my piece of land is my right and does not concern others. . .". In Russellville, Zoning and Subdivision Regulations have been accepted as means to protect private and public rights and needs. To better focus zoning toward these objectives, this revised edition of the Zoning Ordinance and Map have been adopted.

This revised edition of the Russellville Zoning Ordinance and Map reflect recent changes in state and federal law, technology and procedures. You will find that the basic changes allow for: greater flexibility in residential, commercial, and industrial development projects; simplified standards for zoning districts and; greater clarity in the administrative procedures.

It is anticipated that most developments can be accommodated by simply securing a permit from the Zoning Administrator. However, the owner or developer should determine in the early planning stages if the proposed project is in compliance. Failure to determine and resolve zoning requirements before making purchase or construction commitments could result in costly delays that can be avoided. The building permit is as vital as any construction considerations and just as much the developer's responsibility.

The first step in securing a building permit is to visit the Zoning Administrator. He will review the project to determine compliance with the Zoning Ordinance. In most developments, we expect this to be the only step. In those cases where the proposed development is not in compliance, the developer has several alternatives.

First, the developer should reconsider his project for the necessary changes to comply with the requirements. If he still feels the project is sound, these are the alternatives: (1) If the developer feels the Zoning Ordinance has been misinterpreted, he may ask for review of the Zoning Administrator's interpretation by the Russellville Board of Zoning Adjustment; (2) If the project is listed as a conditional use in the zoning district, the developer may file a request through the Zoning Administrator to the Board of Zoning Adjustment for a conditional use permit; (3) If the project would meet zoning requirements with minor changes in lot area, side, front or rear yards or other dimensional requirements, then the developer may file through the Zoning Administrator to the Board of Zoning Adjustment for a dimensional variance; (4) If the developer feels that if the zoning text or map is not appropriate, then he may file through the Zoning Administrator to the Planning Commission for a text or map amendment.

These alternatives are open to any developer. However, when any change is requested the burden of proof that the proposed change is in keeping with the objectives of the Zoning Ordinance is the developer's. The developer should keep in mind that the Zoning Administrator must comply with the exact terms of

the Zoning Ordinance. Any variations or changes must be considered by either the Board of Zoning Adjustment or the Planning Commission depending on the nature of the case. Both bodies will be receptive to changes in the public interest but are not obligated to make changes. All decisions of the Planning Commission are subject to confirmation by the City Council and all actions pertaining to zoning offer recourse to the developer through the circuit court.

In the interest of conserving time, it is the official policy of the City that any written request for conditional use, dimensional variance, map amendment or text amendment given to the Zoning Administrator by noon of the second Monday of each month will receive consideration by the Board of Adjustment or as the case may be the Planning Commission and City Council by the first Tuesday after the first Monday of the next month. During this time frame, in the case of amendments, information will be received from the developer, notice given on public hearing, the Russellville committee will conduct a public hearing, the planning commission will make a recommendation to the City Council and the City Council will take action. This process may take longer at any stage if sufficient information or explanation is not available from the developer. Further, of course, depending on the merits of the request, eventual action may be to approve, motify, or deny the change.

PROCEDURE TO APPLY FOR PERMITS

1. Development comes to administrator in detailed form.
2. Administrator goes over applications to see if they are in order.
3. If the application is in order, the administrator issues a permit.
4. If the application lacks proper information it goes back to the applicant to furnish needed information.
5. If application requires conditional use or dimensional variance permit administrator will go to the Zoning Adjustment Board for approval.
6. If the application requires a zoning amendment, the administrator shall advertise in the local paper of hearing for zoning change and will notify local Planning and Zoning Commission by letter of hearing.

FEEES FOR PERMITS

Fee for house or larger building	\$25.00
Fee for annex of room or carport	15.00
Fee for conditional permit by hearing	25.00
Fee for Planning and Zoning hearing	27.50

PROCEDURE TO ANNEX TERRITORY TO PRESENT BOUNDARY

1. Owner or representative of the area petitions the City Council at a regular meeting.
2. Council accepts petition and passes an ordinance of intent to annex.
3. Advertises once in the County paper.
4. City files suit in Circuit Court asking permission to annex.
5. Advertises four times in the county paper stating the proposals also giving a description of the territory with meets and bounds.
6. Case is heard in regular session of the Circuit Court.
7. When approved by the Court, the City Council adopts the resolution to annex.

TABLE OF CONTENTS

<u>ARTICLE</u>		<u>PAGE</u>
1	INTRODUCTION	
	1.01 Goals	1
	1.02 Objectives	1
	1.03 Authority	1
	1.04 Title	1
	1.05 Interpretation	1
2	DEFINITIONS	
	2.01 Accessory Use or Structure	2
	2.02 Alley	2
	2.03 Apartment	2
	2.04 Automotive Repair, Major	2
	2.05 Basement	2
	2.06 Board	2
	2.07 Boarding or Lodging House	2
	2.08 Building	3
	2.09 Building Permit	3
	2.10 Cellar	3
	2.11 Commission, Planning	3
	2.12 Convalescent or Nursing Home	3
	2.13 Court	3
	2.14 Council, City	4
	2.15 Dwelling	4
	2.16 Family	4
	2.17 Floor Area, Total	4
	2.18 Garage, Private	4
	2.19 Garage, Commercial Parking	4
	2.20 Home Occupation	5
	2.21 Hospital or Sanitarium	5
	2.22 Industry	5
	2.23 Junk Yard	5
	2.24 Kennel, Noncommercial	5
	2.25 Land Use Plan	6
	2.26 Loading Space	6
	2.27 Lot	6
	2.28 Lot of Record	7
	2.29 Motel or Motor Hotel	7
	2.30 Nonconforming Use	7
	2.31 Parking Space	7
	2.32 Planned Development Project	7
	2.33 Street	8
	2.34 Structural Alteration	8
	2.35 Thoroughfare Plan	8
	2.36 Trailer or Mobile Home	8
	2.37 Yard	8
	2.38 Zoning Administrator	9
	2.39 Zoning Map	9

TABLE OF CONTENTS CONTINUED

<u>ARTICLE</u>		<u>PAGE</u>
3	DISTRICTS AND BOUNDARIES	10
	3.01 Zoning Districts Established	10
	3.02 Boundaries	10
	3.03 Lot Divided - Extension of Districts	10
	3.04 Vacated Street or Alley	10
	3.05 Annexed Lands	11
4	DISTRICT REGULATIONS	12
	4.01 Provisions Applicable to Zoning Districts	12
5	ZONING DISTRICTS AND BASIC REQUIREMENTS	24
	5.01 Single-Family Residential District R-1	24
	5.02 Multi-Family Residential District R-2	25
	5.03 Multi-Family Residential District R-3	26
	5.04 Central Business District B-1	28
	5.05 Neighborhood Commercial District B-2	28
	5.06 Light Industrial District I-1	30
	5.07 Heavy Industrial District I-2	32
6	LEGAL STATUS, VALIDITY, EFFECTIVE DATE, RECORDING	34
	6.01 Legal Status	34
	6.02 Validity	34
	6.03 Effective Date	34
	6.04 Recording	34

PART II

ZONING ADMINISTRATION

A. Amendment to Zoning Ordinance; Hearing	35
B. Administrative Officer	35
C. Building Permits	36
D. Certificate of Occupancy	37
E. Board of Adjustment	37

Russellville Zoning Map

PART III

SUGGESTED ADMINISTRATIVE FORMS

ARTICLE 1

INTRODUCTION

1.01 Goals

Goals of this Zoning Ordinance are to guide the use of land and the location of buildings in a manner that will stabilize property values and assist in achieving an orderly pattern of land uses within Russellville.

1.02 Objectives

Objectives of this Ordinance are: to promote the public health, safety, morals, and general welfare of the City; to facilitate orderly and harmonious development and the visual or historical character and intensity of land use in order to provide for adequate light and air.

1.03 Authority

Zoning authority is granted by the Kentucky Revised Statutes, Chapter 100.

1.04 Title

This Ordinance shall be known and may be cited and referred to as the "Russellville, Kentucky Zoning Ordinance". The zoning Map referred to herein is entitled "Zoning Map - Russellville, Kentucky".

1.05 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Whenever this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions or ordinances, the provisions of this Ordinance shall govern.

ARTICLE 2

DEFINITIONS

Unless the context otherwise requires, the following definitions shall be used in the interpretation of this ordinance. The words which are defined are those having special or limited meanings in this Ordinance. Words with self-evident meanings are not defined here.

2.01 Accessory Use or Structure

A use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same lot serving a purpose customarily incidental to the use of the principal building or land use.

2.02 Alley

A public or private way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

2.03 Apartment

A room or suite of rooms in a multi-family building, consisting of not more than one (1) habitable room, together with kitchen or kitchenette and sanitary facilities.

Apartment House: See Dwelling, Multi-Family.

2.04 Automotive Repair, Major

Repair of motor vehicles or trailers, including rebuilding or reconditioning of engines and/or transmissions; collision services including body, frame, or fender straightening or repair; overall painting or apint shop, vehicle steam cleaning.

2.05 Basement

A story whose floor line is below grade at any entrance or exit and whose ceiling is not more than five (5) feet above grade at any such entrance or exit.

2.06 Board

The Board of Adjustment for Russellville, Kentucky.

2.07 Boarding or Lodging House

A dwelling or part thereof occupied by a single housekeeping unit where meals and lodgings are provided for four (4) or more persons for compensation by previous arrangement but not transients.

2.08 Building

Any structure having enclosed space and a roof, used or intended to be used for the shelter of persons, animals or property.

2.081 Building, Height of

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

2.082 Building Lines

The line beyond which no building or part thereof shall project, except as otherwise provided by this Ordinance.

2.083 Buildable Lot Area

That part of the lot not included within the open areas required by this Chapter.

2.09 Building Permit

A permit issued by the Zoning Administrator authorizing the construction or alteration of a specific building on a specific lot.

2.10 Cellar

That portion of a building between floor and ceiling partly underground, but leaving half or more than half of its clear height, below the adjoining finished grade.

2.11 Commission, Planning

City Planning Commission of Russellville, Kentucky.

2.12 Convalescent or Nursing Home

An establishment which provides full--time convalescent or chronic care or both for three (3) or more individuals who are not related by blood or marriage to the operator and who by reason of chronic illness or infirmity are unable to care for themselves. No care for the acutely ill, or surgical or obstetrical services shall be provided in such a home; a hospital or sanitarium shall not be construed to be included in this definition.

2.13 Court

An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

2.14 Council, City

Legislative officials for the City of Russellville, Kentucky.

2.15 Dwelling

A building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer or trailer coach, boarding or rooming house, hotel or motel.

2.151 Dwelling, Single Family

A detached building for or occupied exclusively for residence purposes by one (1) family.

2.152 Dwelling, Multi-Family

A building or portion thereof designed for or occupied by two (2) or more families living independently of each other.

2.153 Dwelling Unit

One room, or a suite of two or more rooms, designed for or used by one (1) family for living and sleeping purposes and having only one (1) kitchen or kitchenette.

2.154 Dwelling Group

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

2.16 Family

A person living alone, or two or more persons related by blood, marriage or adoption, or not more than five (5) unrelated persons living together in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, motel or hotel, fraternity or sorority house.

2.17 Floor Area, Total

The area of all floors of a building including finished attics, finished basements, and covered porches.

2.18 Garage, Private

A detached accessory building or a portion of the principal building used by the occupants of the premises for the shelter or storage of vehicles owned or operated by the occupants of the principal building.

2.19 Garage, Commercial Parking

A building, or structure used for the parking of vehicles on an intended profit basis.

2.20 Home Occupation

An occupation or profession carried on within a dwelling by the occupant thereof which is clearly incidental and secondary to the use of the dwelling for residential purposes.

2.21 Hospital or Sanitarium

An establishment which provides accommodations, facilities and services over a continuous period of twenty-four (24) hours or more for observation, diagnosis and care, of two (2) or more individuals suffering from illness, injury, deformity, or abnormality, or from any condition requiring obstetrical, medical or surgical services.

2.22 Industry

Use of a building and/or property for storage, repair, manufacturing, processing and/or assembly of a product where the product is wholesaled and not customarily sold retail directly to the consumer.

2.221 Industry, Heavy

Those industries whose processing or products result in the emission of any atmospheric pollutant, light flashes or glare, odor, noise or vibration which may be heard and/or felt off the premises and those industries which constitute a fire or explosion hazard.

2.222 Industry, Light

Those industries whose processing of products result in none of the conditions described for heavy industry.

2.23 Junk Yard

A place where junk, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled including auto wrecking yards, house wrecking for storage of salvaged house wrecking and structural steel materials and equipment/ but not including such uses when conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged machinery in operable condition or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations.

2.24 Kennel, Noncommercial

Compound in or adjoining a private residence where hunting or other dogs are kept for the hobby of the householder in using them for hunting or practice tracking trails or for exhibiting them in dog shows or field or obedience trails or for the guarding or protecting the householder's property. The occasional sale of pups by the keeper of a non-commercial kennel does not change the character of residential property.

2.25 Land Use Plan

Proposals for the most appropriate, economic, desirable and feasible patterns for the general location, character, extent, and interrelationship of the manner in which the community should use its public and private land.

2.26 Loading Space

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

2.27 Lot

A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this ordinance and having frontage on the public street.

2.271 Lot, Corner

A lot abutting and situated at the intersection of two streets.

2.272 Lot, Interior

A lot other than a corner lot.

2.273 Lot, Depth

The mean horizontal distance between the front and the rear lot lines.

2.274 Lot, Lines

2.2741 Lot Line, Front

Property line separating the lot from street.

2.2742 Lot Line, Rear

The lot line opposite and most distant from the front.

2.2743 Lot Line, Side

Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

2.2744 Lot Line, Street or Alley

A lot line separating the lot from a street or alley.

2.2745 Lot Width

The mean width of the lot measured at right angles to its depth.

2.2746 Lot Area

The computed area contained within the lot lines.

2.2747 Lot, Through (double frontage lots)

A lot having frontage on two parallel or approximately parallel streets.

2.28 Lot of Record

Recorded lot on file in the County Court Clerk's office either prior to the adoption of this ordinance or in compliance with this ordinance.

2.29 Motel or Motor Hotel

A series of attached, semi-attached or detached sleeping or living units, for accommodation of automotible transient guests, said units having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants.

2.30 Nonconforming Use

A dwelling, building, or structure or any land or premises legally existing and/or used at the time of adoption of this Ordinance, or any amendment thereto, which does not conform with the use regulations of the district in which located. Any such building, structure or premises conforming in respect to use but not in respect to height, area, yards or courts, or distance requirements from more restricted districts or uses, shall not be considered a conforming use.

2.31 Parking Space

A permanent area not less than two hundred (200) square feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of a motor vehicles.

2.32 Planned Development Project

Any development of land for residential purposes other than a single residential structure and accessory use or structure shall be defined as a Planned Development Project.

Any development of land for industrial purposes other than a single residential structure and accessory use or structure, to be occupied and used by one industrial firm, shall be defined as a Planned Development Project.

Any development of land for commercial purposes other than a single commercial structure and accessory use or structure, to be occupied and used by one commercial established shall be defined as a Planned Development Project.

2.33 Street

A public right-of-way which provides a public means of access to abutting property. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

2.34 Structural Alteration

Any change other than incidental repairs, in the supporting members of a building, such as bearing walls, columns, beams, or girders.

2.35 Thoroughfare Plan

Proposals for the most desirable, appropriate, economic and feasible pattern for the general location, character, and extent of the channels, routes, and terminals for transportation facilities for the circulation of persons and goods for specified times as far into the future as is reasonable to foresee.

2.36 Trailer or Mobile Home

Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping or living quarters or the conduct of any business, trade or occupation or use as a selling or advertising device, or use for storage or conveyance for tools, equipment, or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

2.361 Trailer or Mobile Home Park

An area of land upon which two or more occupied trailer coaches are placed, either free of charge or for revenue purposes.

2.37 Yard

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

2.371 Yard, Front

That portion of the yard extending the full width of the lot and extending between the front lot line and the nearest part of the principal building.

2.372 Yard, Rear

That portion of the yard extending the full width of the lot and extending between the rear lot line and the nearest part of the principal building.

2.373 Yard, Side

Those portions of the yard extending from the nearest part of the principal building to side lot line.

2.38 Zoning Administrator

Authorized representative responsible for the enforcement of zoning.

2.39 Zoning Map

Map indicating zoning districts.

ARTICLE 3

DISTRICTS AND BOUNDARIES

3.01 Zoning Districts Established

For the purposes of this ordinance, the incorporated territory of Russellville, Kentucky is divided into the following categories of zoning districts:

- R-1 Low Density Residential District
- R-2 Medium Density Residential District
- R-3 High Density Residential District
- B-1 Neighborhood Business District
- B-2 Convenience Business District
- I-1 Light Industrial District
- I-2 Heavy Industrial District

3.02 Boundaries

The boundaries of the above zoning districts are hereby established as shown on the Zoning Map which is on file in the Office of the City Clerk, Russellville, Kentucky.

3.021 Boundary Lines - Interpretation

The boundary lines of districts are lot lines, the center line of creeks or such lines extended, railroad rights-of-way lines, the center lines of streets or alleys or such lines extended, and/or the corporate limit line as it exists at the time of enactment of this ordinance.

Questions concerning the exact location of district boundary lines shall be determined by the Board of Adjustment.

3.03 Lot Divided - Extension of Districts

Where a district boundary line established on the Zoning Map, divides a lot of single ownership which was recorded at the time of enactment of this ordinance, then the least restricted district requirements under which the lot has been divided shall be applied to the entire lot.

3.04 Vacated Street or Alley

Whenever any street, alley or other public way is vacated through legal action, the zoning districts shall be extended, depending on the side or sides to which such lands revert.

3.05 Annexed Lands

In every case where land becomes a part of the City through annexation, such newly annexed land shall automatically be zoned R-2. Such districting shall remain in effect unless or until the Planning Commission makes recommendations to the City Council for a zoning change.

ARTICLE 4

DISTRICT REGULATIONS

4.01 Provisions Applicable to Zoning Districts

Except as hereinafter specified, the following provisions shall be applied within all zoning districts.

4.011 Activities Affected - Conformance Required

Zoning affects every building and use. No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located.

No excavation, cut or fill of earth or debris shall hereafter be undertaken unless a permit is issued by the Zoning Administrator for such excavation, cut or fill.

4.012 Access Control

Lots less than one hundred (100) feet in width should have no more than one (1) point of access to any one public street. Lots larger than one hundred (100) feet in width should have no more than one (1) point of access to any public street for each 200 feet of frontage.

No point of access shall be allowed within ten (10) feet of the intersection of the right-of-way lines of intersecting streets.

A point of access should not exceed twenty (20) feet in width for one-way and/or one-lane ingress or egress. Two-way ingress and/or egress should not exceed thirty-five (35) feet in width.

4.013 Accessory Buildings

Accessory buildings must be at least six (6) feet from any other buildings situated on the same lot and six (6) feet from all adjoining lots.

An accessory building shall not be used for or involved with the conduct of any business, trade or industry.

4.014 Continuance of Nonconforming Uses - Exceptions

The lawful use of a building or premises, existing at the time of enactment or subsequent amendment of this Ordinance, but not in conformity with its provisions, may be continued with the following limitations:

- A. A nonconforming use shall not be extended, enlarged, or moved to occupy any portion of land or structure except in conformity with this ordinance.

- B. A nonconforming use shall not be re-established after discontinuation for a period of one year.
- C. A nonconforming use may be changed only to a conforming use, unless the Board of Adjustment finds that a new nonconforming use is in the same or a more restrictive classification.

4.015 Dwellings in Rear of Main Buildings Prohibited - Exceptions

No building in the rear of a principal building on the same lot shall be used for residential purposes unless it conforms to all the yard, open space, and off-street parking requirements for a rear dwelling, measured from the required rear yard line of the principal building. A certificate of occupancy must be obtained before a rear dwelling can be used for residential purposes.

4.016 Height Limitations - Exceptions

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, masts and aerials.

4.017 Lot of Record

Where the owner of a lot of official record, which lot at the time of the adoption of this ordinance does not include sufficient land to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Adjustment for a variance from the terms of this ordinance. Such lot may be used as a building site to conform with the district in which it is located, provided, however, that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the Board.

4.018 Off-Street Parking and Unloading

Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or an alley. For purposes of computing the number of parking spaces available in a given area, the ratio of 250 square feet per parking space shall be used. The following are minimum requirements for specific uses:

- A. Dwellings - One space for each family dwelling unit.
- B. Boarding Houses and Rooming Houses - One space for each two rooms occupied or intended for occupancy by boarders or roomers, in addition to the requirements of subsection A above.

- C. Tourist Accommodations - One space for each room offered for tourist accommodations.
- D. Theatre, Auditorium, Church, Stadium, or other place of Public Assembly - One space for each ten seats available at maximum capacity.
- E. Industrial Plant - One space for each five persons employed or intended to be employed on such lot.
- F. Commercial or Business Building in a Neighborhood Business District - Four spaces for the first 1,000 feet of ground floor space and one additional space for each additional 150 square feet of such floor space.
- G. Trailer Coach Park - One space for each trailer coach or mobile home unit.

Every new building or structure intended for use for business or trade shall provide not less than one (1) loading and unloading space that will accommodate semi-trailers and tractors for the loading and unloading of merchandise off the street or public alley. Such place shall have access to a public alley or if there is no alley, to a public street.

4.019 Outdoor Advertising Signs and Billboards

Billboards, where permitted, shall be set back from the established right-of-way line of any road or highway at least as far as the required front yard depth for a principal building in such districts.

No sign or billboard shall be permitted in any residential zone other than real estate signs advertising the sale, rental, or leasing of the premises. Said real estate signs shall not exceed two (2) square feet in area and shall be displayed at least ten (10) feet from all lot lines.

Advertising signs, structures or lights for illuminating signs, where permitted, shall in no case be placed in or extended over the street right-of-way.

4.0110 Planned Commercial Development Project

Any commercial development defined as a Planned Commercial Development Project shall be subject to the following: the owner of said land shall submit to the Planning Commission for its review, a preliminary plan for use and development of such tract of land for a planned commercial development project.

In accepting such plan for review, the Planning Commission must be satisfied that the proponents of the project are financially able to carry out the proposed project, and that construction will be started

within one (1) year after approval of said plan.

It shall be the duty of the Commission to investigate and ascertain whether the proposed location and plan comply with the following conditions:

1. The project is at a location where traffic congestion does not exist at present on the streets to be utilized for access to the proposed shopping center and where such congestion will not likely be created by the proposed center.
2. That the plan provides for a project consisting of one or more groups of establishments in a building or buildings of unified and harmonious design, together with adequate and properly arranged traffic and parking facilities and landscaping, and will have no adverse effects upon the adjoining or surrounding developments.
3. The uses permitted in the project shall be those retail businesses authorized for business district.

The following regulations shall apply to a planned retail shopping center:

1. Building Heights: No building shall exceed two stories or twenty-five feet in height.
2. Screening: the project shall be permanently screened from all adjoining properties located in any residential zone. Other screening may be required when, in the opinion of the Planning Commission, conditions warrant it.
3. Tract Coverage: The ground area occupied by all the buildings shall not exceed in the aggregate fifty (50) percent of the total area of the lot or tract.
4. Customer Parking Space: Notwithstanding any other requirements of this ordinance, there shall be provided one (1) off-street parking space for each four hundred (400) square feet of retail floor space.
5. Loading Space: Notwithstanding any other requirements of this ordinance, there shall be provided one (1) off-street loading or unloading space for each ten thousand (10,000) square feet or fraction thereof of aggregate floor space of all buildings in the center. At least one-third (1/3) of the spaces required shall be significant in area and vertical clearance to accommodate trucks of the tractor-trailer type.
6. Signs: In addition to signs permitted and as regulated in the business district, each shopping center shall be permitted two (2) free-standing signs not over twenty-five (25) feet in height having a maximum total area of one hundred (100) square feet. Other signs within the shopping center shall be attached to buildings in a flat manner. No signs shall extend outward from the building over twelve (12) inches.

The Planning Commission shall attach reasonable special conditions to ensure that there shall be no departure from the intent of this Ordinance. The planned shopping center shall comply with all such conditions, and a final plat plan shall be submitted to the Planning Commission for its approval.

If the tract of land, proposed for a shopping center is not zoned for business, then a zoning amendment must be requested, all legal procedures must be followed and a map amendment duly authorized prior to the start and development of said shopping center.

4.0111 Planned Industrial Park

When a development is defined as a Planned Industrial Project, it shall be subject to the following:

The owner or owners of land in an I-1 or I-2 district at or near where a proposed industrial area is shown on the Land Use Plan, and containing not less than four (4) acres shall submit to the Planning Commission for its review, a preliminary plan for use and development of such land for a planned industrial park.

In accepting such plan for review, the Planning Commission must be satisfied that the proponents of the planned industrial park are financially able to carry out the proposed project and that construction will be started within one (1) year after approval of said plan.

It shall be the duty of the Commission to investigate and ascertain whether the proposed location and plan comply with the following conditions:

1. The proposed industrial park is located where traffic congestion does not exist at present on the streets to be utilized for access to the proposed industrial park and where such congestion will not likely be created by the proposed park.
2. That the plan provides for an industrial park consisting of one or more buildings of unified and harmonious design, together with required parking facilities and landscaping and will have no adverse effect upon the adjoining or surrounding developments.
3. The uses permitted in a planned industrial park shall be those industries authorized for I-1 and I-2 Districts. No residential and/or commercial uses shall be permitted nor any other use which is not necessary or desirable for an industrial park.

The following regulations shall apply to a planned industrial park:

1. Building Heights: No building shall exceed six stories or seventy-five (75) feet in height.
2. Fumes and Odor: No noxious or offensive trade or activity shall be carried on, nor shall anything be done thereon which may be

or become an annoyance or nuisance to said industrial park by reason of unsightliness or the excessive emission of odors, dust, fumes, smoke, or noise.

3. Landscaping: The area between the building lines and the property lines is to be used either for open landscaped and green areas or for off-street parking areas. Any landscaped areas shall be properly maintained thereafter in a sightly and well-kept condition. Parking areas shall likewise be maintained in good condition.
4. Building Setbacks: No building which may be erected within an industrial park shall be nearer than one hundred (100) feet of the street right-of-way upon which it faces nor nearer than twenty-five (25) feet of the right-of-way of any other existing or poposed streets, nor shall any such building be erected nearer than twenty-five (25) feet to the side or rear property lines.
5. Loading Docks: No loading dock shall be constructed fronting on any public street or roadway.
6. Parking Facilities: For each manufacturing, jobbing, warehousing, wholesaling, or other use permitted within the industrial park there shall be provided off-street parking at the minimum rate of one parking space for each five persons employed or intended to be employed on the premises.
7. Storage Facilities: No materials or supplies shall be stored or permitted to remain on any part of the property outside the buildings constructed thereon without proper screening and adequate distances from adjoining properties.
8. Billboards and Signs: No billboards or advertising signs other than those identifying the name, business and products of the firm occupying the premises shall be permitted, except that two free-standing signs not over forty (40) feet in height and having a maximum total area of no more than one hundred fifty (150) square feet may be permitted for advertisement of the industrial park.
9. Fences, Walls and Screening: Permanent screening on all property lines may be required when an industrial park adjoins residential districts.
10. Waste Disposal: No waste material or refuse shall be dumped upon or permitted to remain upon any part of an industrial park area outside of buildings constructed thereon. In addition, the property shall not be used by any industry

whose primary business requires industrial sewerage, unless the governing municipal body authorizes the use of its sewage disposal facilities or said industry constructs its own sewage disposal plant.

The Planning Commission shall attach reasonable special conditions to ensure that there shall be no departure from the intent of this ordinance. The proposed industrial park plan shall comply to all such conditions, and a final plat plan shall be submitted to the Planning Commission for its approval.

If the tract of land, proposed for an industrial park, is not zoned for industry, then a zoning amendment must be requested, all legal procedures must be followed, and a map amendment duly authorized prior to the start and development of an industrial park.

4.0112 Planned Residential Development Project

Any development defined as a planned residential development project shall be subject to the following:

A planned residential development project is a large-scale development to be constructed by a single owner or a group of owners acting jointly, located on a tract of land, involving a related group of residences and associated uses, planned as an entity and therefore, susceptible to development and regulation as one complex land use unit.

A planned residential development project plat plan must be presented to the Planning Commission for review. In accepting the plan for review, the Commission must be satisfied that the proponents of the planned development are financially able to carry out the proposed project and that construction will be started within one (1) year after approval of said plan.

The following regulations shall apply to a planned residential development project:

1. Zoning: The proposed site shall be located in a Residential zone.
2. Plat Plan: A plat shall be presented for Planning Commission review and shall show the following:
 - Kind, location, bulk, and capacity of structures and uses;
 - General floor plans of buildings;
 - Location and identification of open spaces, streets and all other means for pedestrian and vehicular circulation, parks, recreational areas and other non-building sites;
 - Provisions for automobile parking;
 - General nature and location of public and private utilities and other community facilities and services.

3. The intensity of land use shall be no higher and a standard of open space no lower than that permitted by this ordinance.
4. In no case shall the Planning Commission authorize a use prohibited in the district in which the housing is to be located or a smaller gross lot area per family than the minimum required for said district, or a greater height or a larger coverage than required by this ordinance.

4.0113 Setback Lines, Exceptions

Front yard setback lines may be varied where the average depth of principal buildings on adjoining properties is less or greater than the depth prescribed elsewhere in this ordinance. In such case, the front yard in question shall not be less than the average depth of existing front yards on the two (2) lots immediately adjoining.

4.0114 Street Frontage Required

Except as permitted by other provisions of this ordinance, no lot shall contain any building used in whole or part for residential purposes unless such lot abuts for at least fifty (50) feet on a street.

4.0115 Subdivision Coordination Required

In all cases where the ownership of land is divided for the purpose of eventual development of lots, the provisions of subdivision regulations shall apply (if adopted) in addition to the provisions of this ordinance.

4.0116 Traffic Visibility Across Corner Lot

On a corner lot, within the area formed by the center line of the intersecting streets and a line joining points on such center lines at a distance of ninety (90) feet, there shall be no obstruction to vision between a height of three and one-half ($3\frac{1}{2}$) feet and a height of ten (10) feet above the average elevation of the existing surfaces of each street at the center line thereof.

The provisions of this section do not apply to the Central Business District nor shall the requirements of this section be deemed to prohibit any necessary retaining wall.

The Board of Adjustment may either reduce or increase the requirements of this section for the interest of safety where unusual or special conditions warrant consideration.

4.0117 Mobile Home or Trailer Placement

The placement of a mobile home or trailer is prohibited except as permitted in sections

4.0118 Mobile Home Parks or Trailer Parks

Mobile homes or trailers shall be permitted in mobile home parks or trailer parks.

Mobile home parks or trailer parks shall be permitted in any R-3 residential zone provided the following requirements are met:

- A. Area and Density Requirements: No mobile home park shall be permitted on an area of less than one acre in size. The developer may be permitted to develop the park in stages as long as he complies with the overall approved for the entire tract and initially has a minimum of five (5) trailer lots developed for use. The number of mobile homes permitted in the park shall not exceed a density of 12 mobile homes a net acre - a net acre being the land to be subdivided into lots after streets and other required improvements have been installed.
- B. Lot Requirements: Individual lots within a mobile home park shall not be less than 3,000 square feet in area and in no instance shall more than one (1) mobile home be permitted on a single lot.
- C. Screening: Mobile home or trailer parks shall be permanently screened from all adjoining property. The screening device shall be a minimum of six feet in height.
- D. Setback: No mobile home or structure shall be located closer to any street than the minimum front yard setback for an R-3 zone. No mobile home shall be located closer than fifteen (15) feet to any building within the park or to any property line of the park.
- E. All trailer parks shall front on a public street or road for at least one hundred feet.
- F. Spacing: No mobile home shall be located within twenty-five (25) feet of another mobile home except that minimum end-to-end clearance of not less than ten (10) feet shall be permitted, and in instances where the sides opposite the entrance of two mobile homes face each other, the amount of space between the two mobile homes may be reduced to not less than twenty (20) feet.

G. Streets: All mobile home spaces shall abut upon a street. All streets within the mobile park shall have a right-of-way of not less than twenty-five (25) feet and a pavement of not less than twenty (20) feet. All streets within the park shall be hard-surfaced and well lighted. Each park shall have one (1) street which gives access to a public street. Such access streets shall not be less than 125 feet from the intersection of two or more public streets.

H. Parking: One paved automobile parking space shall be provided on every mobile home lot. Public parking spaces will be provided for each trailer in the mobile home park allowing one-fourth ($\frac{1}{4}$) parking space for each mobile home lot in the mobile home or trailer park. This additional parking may be in a central location.

I. Utilities: All lots within the mobile home park shall be provided with water, sewer and electrical facilities meeting the standard specified by city and state regulations, and each mobile home shall be properly connected with said utilities.

J. Accessory Structures: No accessory structure including patios and pads shall be located within five (5) feet from any trailer lot line. The maximum floor area shall be 100 feet and the maximum height shall be no greater than the ten (10) feet. It shall be built in compliance with the building code (when available).

K. Connecting Structures: Only porches, stairs, and other open structures may be attached to a trailer.

L. Procedure: In applying for a building permit for a trailer park, the applicant shall submit his plan to the Planning Commission for its approval. The plan shall show at least the following information:

- (1) Name and address of applicant
- (2) Name and location of trailer park
- (3) Dimensions and locations of all lot lines, roads, and easements; each mobile home lot shall be numbered
- (4) Contour lines to indicate slope and drainage
- (5) Location of all utilities: public and private water, sewerage, drainage, and electrical facilities and easements
- (6) Public areas such as visitors' parking, recreational areas, etc.
- (7) Large-scale plan of one typical mobile home lot showing mobile home location, automobile parking space, etc.
- (8) Location of planting for landscaping purposes or as required for protective buffer purposes as a special condition.

M. Issuance of Building Permit: The Planning Commission may attach reasonable special conditions to its approval of a trailer park and may direct the Administrative Official to issue a building permit from the State Department of Health, Division of Environmental Health, Sanitation Program, Frankfort, Kentucky, as required by Kentucky Revised Statutes 319.150. The Administrative Official shall not issue the building permit until he has received written authorization from the Planning Commission, or Board of Adjustment and until the valid construction permit is presented.

N. Issuance of Certificate of Occupancy: The Administrative Officer shall issue a certificate of occupancy only after he has determined that the trailer park has been prepared according to all applicable regulations and special conditions and only after the applicant presents a valid permit to operate from the State Department of Health as required by Kentucky Revised Statutes 219.130.

O. Enforcement: The Administrative Officer shall insure that all trailer parks maintain valid permits to operate and maintain conformance with all applicable regulations of the zoning regulation and all special conditions.

P. Exception: The Planning Commission may reject any proposed trailer or mobile home park even though it meets all the above requirements if the Planning Commission determines that existing trailer or mobile home parks are not fully occupied and/or utilized, and the development of more land to this use is not the public welfare of the community.

4.0119 Storage of Trailers

Trailers or mobile homes used exclusively for the purpose of traveling or camping and which do not exceed the width of eight (8) feet or the length of twenty-four (24) feet may be stored in the rear yard of any lot provided yard requirements as designated in this ordinance are maintained.

4.0120 Mobile Home or Trailer Subdivision

Mobile homes or trailers may be permitted in a subdivision in any R-2 or R-3 residential zone provided that the subdivision contain at least ten (10) lots and otherwise meet the requirements of the Subdivision Regulations and the particular zone requirement.

4.0121 Water Supply and Sewage Disposal Approved

It shall be unlawful to construct any building without water supply and sewage disposal facilities which have been approved by the County Health Officer. Wherever water and sewer mains are accessible, buildings shall be connected to such mains. In every case, individual water supply and sewage disposal must meet the

requirements set by the City or County Health Officer. The City or County Health Officer's certificate approving proposed and/or completed water and sewage facilities must accompany applications for building permits and certificates of occupancy..

4.0122 Public Utility Facilities Excepted; Acquisitions, Disposals and Changes, Referral to Commission Effect

1. Public utilities operating under the jurisdiction of the Public Service Commission or the Department of Motor Transportation or Federal Power Commission and common carriers by rail shall not be required to receive the approval of the Planning Commission for the location or relocation of any of their service facilities. Service facilities include all facilities of such utilities and common carriers by rail other than office space, garage space and warehouse space including office space, garage space, and warehouse space when such space is incidental to a service facility. The Public Service Commission and the Department of Motor Transportation should give notice to the Planning Commission of any hearing which effects locations or relocations of service facilities within the corporate limits of Russellville.
2. The non-service facilities excluded in subsection 1 above, must be in accordance with the zoning regulations.
3. Upon request by the Planning Commission, the public utilities referred to in the above sections shall provide the Planning Commission with information concerning service facilities which have been located on and/or relocated on private property.
4. All proposals for acquisitions or disposition of land for public facilities, or changes in the character, location or extent of structures or land for public facilities, excluding State and Federal highways and public utilities and common carriers by rail mentioned in this section, shall be referred to the Commission to review it in the light of its agreement with the Comprehensive Plan and the Commission shall, within sixty (60) days from the date of its receipt, review the project and advise the referring body whether the project is in accordance with the Comprehensive Plan, and whether it approves or disapproves of the project. If it disapproves of the project, it shall state the reasons for disapproval in writing and make suggestions for change which will in their opinion, better accomplish the objectives of the Comprehensive Plan. A majority of the entire membership of the legislative body may override the disapproval of the Commission.

ARTICLE 5

ZONING DISTRICTS AND BASIC REQUIREMENTS

5.01 Single-Family Residential District (R-1)

5.011 Principal Permitted Uses

Single-family dwellings and planned residential development projects as permitted in section 4.0112 of this ordinance.

5.012 Conditionally Permitted Uses Requiring Board of Adjustment Authorization

The following uses are special exceptions and require written approval of the Board of Adjustment: Churches and other places of worship, parish houses; public libraries; schools offering general education courses; public parks; and noncommercial public recreational facilities; public facilities; funeral homes, cemeteries; nurses' homes; nursing homes; hospitals for human care, philanthropic institutions and clubs, except a club which the chief activity is customarily carried on as a business. The Board of Adjustment may attach certain conditions to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate.

5.013 Accessory Uses

Accessory buildings and uses shall be permitted only as customarily incidental to any of the permitted and conditionally permitted uses listed above.

5.014 Lot Area, Frontage and Yard Requirements

Minimum required lot area within an R-1 district shall be eighteen thousand five hundred (18,500) square feet.

Minimum required lot width at building line shall be one hundred (100) feet.

All buildings, except unattached buildings of accessory use, shall have the following minimum yard space:

Rear Depth	-	25 feet
Side Width	-	12 feet (each side)
Front Depth	-	35 feet

The minimum width of side yards along intersecting streets shall be the same as the front yard setback required for the residential zone on such side street.

The minimum width of side yards along intersecting streets shall be the same as the front yard setback required for the residential zone on such side street.

The minimum lot frontage on a public street shall be at least forty (40) feet.

5.02 Multi-Family Residential District (R-2)

5.021 Principal Permitted Uses

Single and multi-family dwellings, mobile homes or trailer subdivisions and planned residential development projects as permitted in section 4.012 of this ordinance.

5.022 Conditionally Permitted Uses Requiring Board of Adjustment Authorization

The following uses are special exceptions and require written approval of the Board of Adjustment: Churches and other places of worship, parish houses; public libraries; schools offering general education courses; public parks; and noncommercial public recreational facilities; public utilities; funeral homes, cemeteries; nurses' homes, nursing homes; clinics; hospitals for human care, philanthropic institutions and clubs, except a club which the chief activity is customarily carried on as a business.

Other uses within an R-2 district may include the office or studio in the residence of a physician, dentist, artist, lawyer, engineer, teacher (with musical instruction limited to one (1) pupil at a time), architect, realtor and insurance agent, provided that not more than one-half ($\frac{1}{2}$) of the area of one (1) floor of the dwelling is devoted to such accessory use, and that not more than one (1) person not a resident on the premises is employed, and that no such use shall require structural alterations or involve construction features not customary in dwellings. An indirectly lighted name plate, not over one (1) square foot in area, attached flat against the building shall be permitted.

Other uses may include customary home occupations of handicraft, dressmaking, and laundering; provided that such occupations shall be conducted exclusively by resident occupants in their place of residence and provided further that not more than one quarter ($\frac{1}{4}$) of the area of one (1) floor of said residence shall be used for such purpose and that such use shall not involve alterations or construction involving features not customarily found in dwellings are required. An indirectly lighted sign of not over one (1) square foot in area and attached flat against the building shall be permitted.

The Board of Adjustments may attach certain conditions to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate.

5.023 Accessory Uses

Accessory buildings and uses shall be permitted only as customarily incidental to any of the permitted and conditionally permitted uses listed above.

5.024 Height Requirements

No principal structure shall exceed three (3) stories or thirty-six (36) feet in height.

5.025 Lot Area, Frontage and Yard Requirements

Minimum required lot area within a R-2 district shall be ten thousand (10,000) square feet for single-family dwellings, and 8,000 square feet for the first family when dwelling is for multi-family use plus 3,000 square feet for each additional family.

Minimum required lot width at building lines shall be as follows:

Single-Family Dwellings	-	85 feet
Multi-Family Dwellings	-	100 feet

All buildings, except unattached buildings of accessory use, shall have the following minimum yard space:

Rear Depth	-	25 feet
Side Width	-	10 feet (each side)
Front Depth	-	25 feet

The minimum width of side yards along intersecting streets shall be the same as the front yard setback required for the residential zone on such side street.

The minimum lot frontage on a public street shall be at least forty (40) feet.

5.03 Multi-Family Residential District (R-3)

5.031 Principal Permitted Uses

Single and multi-family dwellings, planned residential development projects as permitted in section 4.0112 of this ordinance, and mobile home parks provided the mobile home parks meet the requirements of section 4.0118 of this ordinance.

5.032 Conditionally Permitted Uses Requiring Board of Adjustment Authorization

The following uses are special exceptions and require written approval of the Board of Adjustment: Churches and other places of worship, parish houses; public libraries; schools offering general education courses; public parks; and noncommercial public recreational facilities; public utilities; funeral homes; cemeteries; nurses' homes; nursing homes; clinics, hospitals for human care, philanthropic institutions and clubs, except a club which the chief activity is customarily carried on as a business. The Board of Adjustment may

attach certain conditions to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate.

5.033 Accessory Uses

Accessory buildings and uses shall be permitted only as customarily incidental to any of the permitted and conditionally permitted uses listed above.

Other accessory uses within an R-3 district may include the office or studio in the residence of a physician, dentist, artist, lawyer, engineer, teacher (with musical instruction limited to one (1) pupil at a time), architect, realtor and insurance agent, provided that not more than one-half ($\frac{1}{2}$) of the area of one (1) floor of the dwelling is devoted to such accessory use, and that not more than one such use shall require structural alterations or involve construction features not customary in dwellings. An indirectly lighted named plate, not over one (1) square foot in area, attached flat against the building shall be permitted.

Other accessory uses may include customary home occupations of handicraft, dressmaking, and laundering; provided that such occupations shall be conducted exclusively by resident occupants in their place of residence and provided further that not more than one quarter ($\frac{1}{4}$) of the area of one (1) floor of said residence shall be used for such purposes and that such use shall not involve structural alterations or construction involving features not customarily found in dwellings are required. An indirectly lighted sign of not over one (1) square foot in area and attached flat against the building shall be permitted.

5.034 Lot Area, Frontage and Yard Requirements

Minimum required lot area within a R-3 district shall be six thousand (6,000) square feet for single-family dwellings, and 6,000 square feet for the first family when dwelling is for multi-family use plus 2,000 square feet for each additional family.

Minimum required lot width at building lines shall be as follows::

Single-Family Dwellings	-	60 feet
Multi-Family Dwellings	-	85 feet

All buildings, except unattached buildings of accessory use, shall have the following minimum yard space:

Rear Depth	-	20 feet
Side Width	-	9 feet (each side)
Front Depth	-	20 feet

The minimum width of side yards along intersecting streets shall be the same as the front yard setback required for the residential zone on such side street. The minimum lot frontage on a public street shall be at least forty (40) feet.

5.04 Central Business Commercial District (B-1)

5.041 Principal Permitted Uses

Any consumer and personal service and/or retail establishments.
Planned Commercial Development Project
Multi-Family dwelling units
Apartments

5.042 Uses Prohibited

Heavy and Light Industry
Single Family dwellings

5.043 Accessory Uses

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

5.044 Lot Area, Frontage and Yard Requirements

None

5.045 Sign Regulations

Advertising signs, structures or lights for illuminating signs or buildings are permitted. Signs, structures or lights shall not be placed within, on and/or over the street right-of-way.

5.05 Neighborhood Commercial District (B-2)

5.051 Principal Permitted Uses

Any retail business or service establishment.
Planned Commercial Development

5.052 Uses Prohibited

Heavy Industry
Single-Family Dwellings

5.053 Conditionally Permitted Uses Requiring Board of Adjustment Authorization

The following uses are special exceptions and require written approval of the Board of Adjustment:

Light industry; multi-family dwellings; apartments; churches, and other places of worship; parish houses; public libraries; schools offering general education courses; public parks; and noncommercial public recreational facilities; public utilities; funeral homes, cemeteries; nurses' homes; nursing homes; hospitals

for human care, philanthropic institutions and clubs, except a club which the chief activity is customarily carried on as a business. The Board of Adjustment may attach certain conditions to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate.

5.054 Accessory Uses

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

5.055 Required Conditions

Screening: Where a side lot line is shared with an adjoining residential lot, a well-maintained compact hedge, a solid fence or similar solid screening device at least six (6) feet in height shall be installed to screen the business use from the adjoining lot in the residential district. The screen shall begin at the front building line and extend along the common side lot line to the real property line.

Access to Highways and Streets: In all commercial zones, points of access to highways and streets shall be controlled by the Planning Commission. Before any building permit for any structure in a B-2 zone may be issued, the prospective builder or operator of the proposed B-2 activity shall submit a sketch of the layout and design of the proposed structure an/or use and its access points to the highway and/or street to the Planning Commission. The Planning Commission shall require that when two or more consumer commercial establishments adjoin along one side of any street or highway that they share access points to the street. When more than four consumer commercial establishments adjoin along any highway or street, a road parallel to the highway or street shall be built, at the expense of all adjoining consumer commercial establishments to provide service to all consumer commercial establishments on the same side of the street or highway. This road shall have access to the highway or street at no more than two points for every four consumer commercial establishments to provide service to all consumer commercial establishments on the same side of the street or highway. This road shall have access to the highway or street at no more than two points for every four consumer commercial establishments.

5.056 Lot Area, Frontage and Yard Requirements

The following minimum required lot area, frontage and yard area shall apply within a neighborhood business zone:

<u>Lot Area</u>	<u>Frontage</u>	<u>Front Yard Depth</u>	<u>Side Yard Width-Ft.</u>	<u>Rear Yard Depth</u>
None	None	25 feet	None, except when adjoining a residential district, then all buildings shall be so located as to comply with the requirements of the adjoining residential district for lot coverage, lot width and yards.	40 feet

All buildings on corner lots adjoining a residential district shall be located so as to conform with corner lot side yard requirements of said residential district.

5.057 Sign and/or Billboard Regulations

Not more than one advertising sign shall be constructed or erected on a lot of record. All advertising signs and/or billboards shall be located no closer to the street right-of-way than the required front yard depth for a principal building - twenty-five (25) feet.

5.06 Light Industrial District (I-1)

5.061 Principal Permitted Uses

Adding machine manufacture; artificial flower manufacture; automobile assembly; automobile rental agency; automobile, trailer, and farm implement dealers; animal hospitals, veterinary clinic and associated kennels; baggage transfer; storage and warehouse; bakery; bottling works and beverage manufacture; bicycle and motorcycle repair; blacksmith; book publishing; boot and shoe manufacture; broom manufacture; building materials yard; cabinet maker; candy manufacture; carpenter shop; carpet cleaning; car wash; chicken hatchery; cigar and cigarette manufacture; coal yard; coffin and concrete burial vault manufacture; cold storage; warehouses; condensed milk manufacture; contractors storage yard; cosmetic manufacture; creamery; dairy; dental laboratory; drug manufacture; dry goods, wholesale or storage; dyeing and cleaning; electrical power plant; electrical sign manufacture; electrical supply manufacture; enameling and painting; engraving plant; envelope manufacture; express storage and delivery station; feed, wholesale; flour and grain storage and elevators; food products manufacture; fruit and vegetable drying; fuel distributing station; fuel gas storage; fur warehouses; furniture warehouse or storage; garage; repair garment factory; grocery store, wholesale; ice manufacture; laundry; lumber yard; not including sawmill; moving company and storage facilities; paper box, can, tube, and

sack manufacture; radio and television manufacture; screw and bolt manufacture; seed company; sheet metal shop; sporting goods manufacture; tinsmith shop; tire manufacture, including recapping plants; warehouses; welding shop; and wood products manufacture; and public water and sewer treatment facilities.

5.062 Conditionally Permitted Uses Requiring Board of Adjustment Authorization

Any industrial, manufacturing, fabrication or processing uses which the Board of Adjustment determines would not emit obnoxious noise, vibration, smoke, odor, or dust beyond the confines of its property.

5.063 Accessory Uses

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

5.064 Required Conditions

On lots adjacent to a residential zone, all buildings shall be located so as to provide a minimum side yard of fifty (50) feet.

Loading Docks: No loading dock shall be constructed fronting on any public street or roadway.

Storage Facilities: No materials or supplies shall be stored or permitted to remain on any part of the property outside the buildings constructed thereon without proper screening and adequate distances from adjoining properties.

Waste Disposal: No waste material or refuse shall be dumped upon or permitted to remain upon any part of an industrial park outside of buildings constructed thereon. In addition, the property shall not be used by an industry whose primary business requires industrial sewerage, unless the governing municipal body authorizes the use of its disposal facilities or said industry constructs its own sewage disposal plant.

5.065 Lot Area, Frontage and Yard Requirements

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

<u>Lot Area</u>	<u>Frontage</u>	<u>Front Yard Depth</u>	<u>Side Yard Width</u>	<u>Rear Yard Depth</u>
None	None	40 feet	25 feet (each side)	25 feet

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

All buildings on corner lots adjoining a residential district shall be located so as to conform with corner lot side yard requirements of said residential district.

5.066 Sign and/or Billboard Regulations

No more than one advertising sign and/or billboard shall be permitted on a lot of record unless said signs are attached flat against the principal building. A free-standing sign or billboard shall be no more than one hundred fifty (150) square feet in total area and said sign or billboard shall be located no closer to the street right-of-way than the required front yard depth, forty (40) feet.

5.07 Heavy Industrial District (I-2)

5.071 Principal Permitted Uses

Any use permitted in the I-1 light industrial district. Agricultural implement manufacture; airplane repair and manufacture; aluminum manufacture; bank equipment manufacture; barrel manufacture; bicycle manufacture; boat manufacture; can manufacture; candle manufacture; cast iron pipe manufacture; casing foundry; celluloid manufacture; concrete plant; corrugated metal manufacture; culvert pipe manufacture; engine manufacture; fixture manufacture; furnace manufacture; furniture manufacture; hardware manufacture; iron (ornamental) works; linoleum manufacture; locomotive manufacture; machine shop; metal products manufacture; motorcycle manufacture; shoe manufacture; structural iron and steel manufacture; tobacco manufacture; tool manufacture; wire manufacture; and public water and sewer treatment facilities.

5.072 Conditionally Permitted Uses Requiring Board of Adjustment Authorization

The following uses are special exceptions and require written approval of the Board of Adjustment:

Abattoirs, acid manufacture; acetylene gas manufacture; ammonia manufacture; asphalt manufacture; refining or storage; blast furnace, brick kiln; charcoal manufacture and pulverizing; chemical manufacture; creosote treatment and manufacture; exterminator or insect poison manufacture; fat rendering; fertilizer manufacture; flour and grain milling; gasoline storage; wholesale; junk yards; leather curing and tanning; lime manufacture; monument works, plaster of paris manufacture; quarry works; refuse dump; rock crushing; salvage storage yard; sawmill; scrap iron; storage yard; stock yards; sulphur, sulphuric acid, or derivatives manufacture; tar distillation or manufacture; terra cotta manufacture; wrecking material yard; coal washing; and storage and transfer yards and facilities.

Any other industrial, manufacturing, fabrication or processing uses which the Board of Adjustment determines to be non-detrimental to

to surrounding properties or possess other characteristics that would not be a nuisance to the residents of the City.

5.073 Accessory Uses.

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

5.074 Required Conditions

Junk yards, salvage and scrap iron yards shall be enclosed by an acceptable fence, wall or other screening not less than six (6) feet in height. The Board of Adjustment shall determine the acceptability of said screening.

5.075 Height Requirements

No building shall exceed three (3) stories or thirty-six (36) feet in height.

5.076 Lot Area, Frontage and Yard Requirements

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

<u>Lot Area</u>	<u>Frontage</u>	<u>Front Yard Depth</u>	<u>Side Yard Width</u>	<u>Rear Yard Depth</u>
None	None	50 feet	25 feet (each side)	25 feet

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

5.077 Sign and/or Billboard Regulations

Signs and/or billboards may be erected within a heavy industrial district. However, no sign or billboard shall be located closer to the street right-of-way than the required front yard depth - fifty (50) feet.

ARTICLE 6

LEGAL STATUS, VALIDITY, EFFECTIVE DATE, RECORDING

6.01 Legal Status

Provisions of this ordinance shall be held as minimum requirements for the promotion of public health, safety, morals, and general welfare. Whenever the regulations of this ordinance require a more restrictive use of land, or impose other higher standards than are required in other ordinances or regulations, private deed restrictions, or private covenants, this Ordinance shall govern. However, if the requirements of the other ordinances and/or covenants are more restrictive than established in this ordinance, then those requirements shall govern.

6.02 Validity

If any section, clause, provision, or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, it shall not affect or prejudice in any way the validity of this ordinance which is not of itself invalidated.

6.03 Effective Date

This ordinance shall take effect and be in force immediately after its legal adoption, the public welfare demanding it.

6.04 Recording

A copy of this ordinance shall be filed in the office of the County Court Clerk.

A. Amendment to Zoning Ordinance; Hearing

A proposal for amendment to the Zoning Ordinance shall be referred to the Planning Commission before adoption. The Commission shall review the proposal, and shall, within sixty (60) days from the date of its receipt, advise the City Council as to whether it approves or disapproves of the proposed change, and if it disapproves, state the reasons for disapproval. Before the Planning Commission makes its recommendations to the City Council, said Commission shall hold at least one (1) public hearing after notice as required by KRS Chapter 424. A majority of the entire membership of the City Council shall be required to override the Planning Commission's disapproval.

Before any map amendment is granted, the Planning Commission and the City Council must find that the map amendment is in agreement with the community's comprehensive plan, or, in the absence of such a finding, that one or more of the following apply and such finding shall be recorded in the minutes and records of the Planning Commission and the City Council.

- (1) That the original zoning classification given to the property was inappropriate or improper.
- (2) That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the community's comprehensive plan and which have substantially altered the basic character of such neighborhood.

B. Administrative Officer

Provisions of the Zoning Ordinance shall be enforced by an administrative officer, designated by the City to administer said ordinance.

The Administrative Officer shall be authorized to issue building permits and/or certificates of occupancy in accordance with the literal terms of the Zoning Ordinance, but may not have the power to permit any construction, or to permit any use or any change of use which does not conform to the literal terms of the Zoning Ordinance.

The Administrative Officer shall keep accurate records in a permanent file for the issuance of building permits, certificates of occupancy, inspections, violations, stop orders, and condemnations. If the Administrative Officer finds any provisions of the Ordinance being violated, the person or persons responsible for such violation shall be notified by the Administrative Officer through registered mail. Said notification shall order the discontinuation of any illegal use of land, buildings, and/or structure.

(Any permit or certificate of occupancy issued in conflict with the provisions of the Zoning Ordinance shall be null and void.

The Administrative Officer shall be required to inform and/or report his actions to the Logan County Planning Commission. Said report shall be in writing and issued to the Planning Commission on or before each monthly meeting.

PART II

ZONING ADMINISTRATION

C. Building Permits

1. Required Prior to Construction or Alteration:

It shall be unlawful to commence the excavation for or the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the Administrative Officer has issued a building permit for such work.

2. Exceptions:

No building permit or certificate of occupancy shall be required in the following cases:

- (a) Recurring maintenance work
- (b) Installation of required improvements according to an approved subdivision plat

3. Procedure:

(a) Application: In applying to the Administrative Officer for a building permit, the applicant shall submit a plan along with the application, drawn to scale, showing the dimensions of the lot to be built upon, the outside dimensions of all structures to be constructed or altered and all existing structures, the use of structures, yard depths, and any other information necessary for determining conformance with this order. The City or County Health Officer's certificate approving proposed water and sewage facilities must accompany applications according to Section _____ of the Zoning Ordinance.

(b) Issuance: If the proposed construction or alteration conforms with all applicable ordinances, regulations and codes, the Administrative Officer shall issue a building permit authorizing such construction or alteration. If proposed construction or alteration fails to conform, the Administrative Officer shall refuse to issue a building permit and shall cause delivery of written notice to the applicant stating the reasons for refusal. The Administrative Officer shall act upon applications for building permits within two (2) weeks from the date of their submission.

(c) Restraint of Construction Without Permit: If no building permit has been issued and a builder begins or continues to build, a restraining order may be obtained upon application to the proper court of record and evidence of the lack of a building permit shall establish a prima facie case for the issuance of the restraining order.

(d) Validity: The issuance of a building permit shall not waive any provisions of this regulation.

(e) Duration: A building permit shall become void one (1) year from the date of issuance unless substantial progress has been made by that date on the construction or alteration authorized therein. A building permit may be renewed without fee upon review by the Administrative Officer before it becomes void.

D. Certificate of Occupancy

No land or buildings or part thereof hereafter erected or altered in its use or structure shall be used until the Administrative Officer shall have issued a Certificate of Occupancy stating that such land, building or part thereof, and the proposed use thereof, are found to be in conformity with the provisions of this regulation. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Administrative Officer to make a final inspection thereof and to issue a Certificate of Occupancy if the land, building or part thereof and the proposed use thereof, are found to conform with the provisions of this regulation; or, if such certification is refused, to state refusal, in writing with the cause and immediately thereupon to mail notice of such refusal to the applicant as the address indicated in the applicant.

E. Board of Adjustment

1. Membership; Appointment; Terms; Vacancies; Oath; Removal; Officers:

A Board of Adjustment shall be established before the Zoning Ordinance shall be legally enforced.

The Board shall consist of either three, five, or seven members, all of whom must be citizen members, and not more than two of whom may be citizen members of the Planning Commission. A "citizen member" means any member of the Planning Commission or Board of Adjustment who is not an elected or appointed official or employee of the city.

The Mayor shall be the appointing authority, subject to the approval of his legislative body.

The term of office for members of the Board shall be four years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one, two, three, and four years respectively.

Vacancies on the Board shall be filled within sixty days by the Mayor. If the Mayor fails to act within that time, the Planning Commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

All members of the Board 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 a judge, notary public, clerk of a court, or justice of the peace.

Reimbursement for expenses or compensation or both may be authorized for members of the Board.

Any member of the Board may be removed by the appointing authority for inefficiency, neglect of duty, malfeasance, or conflict of interest. The appointing authority who exercises the power to remove a Board member shall submit a written statement to the Planning Commission setting forth the reasons for removal and the statement shall be read at the next meeting of the Board of Adjustment. The member so removed shall have the right of appeal to the

Circuit Court of Logan County.

The Board shall annually elect a chairman, vice-chairman, and a secretary and any other officer it deems necessary. Any officer shall be eligible for re-election at the expiration of his term.

2. Meetings of Board; Quorum; Minutes; Bylaws:

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

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

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

3. Employing Planners or Other Persons:

The Board of Adjustment may employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties.

4. Finances:

The Board shall have the right to receive, hold, and spend funds which it may legally receive from any and every source in and out of the Commonwealth of Kentucky, including the United States Government, for the purpose of carrying out its duties.

5. Subpoena Power:

The Board shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before it. The Chief of Police and/or Sheriff shall serve such subpoenas. The Circuit Court may, upon application by the Board, compel obedience to such court or such subpoena by proceedings of contempt.

6. Administration of Oaths:

The Chairman of the Board shall have the power to administer an oath to witnesses prior to their testifying before the Board on any issue.

7. Conditional Use Permits:

The Board shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the Zoning Ordinance which may be suitable only in specific locations in the zone only if certain conditions are met.

- (a) The Board may approve, modify, or deny any application for a conditional use permit. If it approves such permit it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the Board's minutes and on the conditional use permit, along with a reference to the specific section in the Zoning Ordinance listing the conditional use under consideration. The Board shall have power to revoke conditional use permits, or variances for noncompliance with the condition thereof. Furthermore, the Board shall have a right of action to compel offending structures or uses removed at the cost of the violater and may have judgment in personam for such cost.
- (b) Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing and other regulations.
- (c) In any case where a conditional use permit has been exercised within the time limit set by the Board, or within one year, if no specific time limit has been set, such conditional use permit shall not revert to its original designation unless there has been a public hearing. Exercised, as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement has been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed. When construction is not a part of the use, exercised shall mean that the use is in operation in compliance with the conditions as set forth in the permit.
- (d) The Administrative Officer 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 permit. If the landowner is not complying with all of the conditions listed on the conditional use permit, the Administrative Officer shall report the fact in writing to the Chairman of the Board of Adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the Chairman of the Board. If the Board finds that the facts alleged in the report of the Administrative Officer are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board may authorize the Administrative Officer to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

(e) Once the Board has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the Administrative Officer upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the county clerk, as required in KRS 100.344. Thereafter said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.

8. Dimensional Variance:

The Board shall have the power to hear and decide on applications for dimensional variances where, by reason of the exceptional narrowness, shallowness, or unusual shape of a site on the effective date of the Zoning Ordinance or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height or width of building or size of yards, but no population density) of the Zoning Ordinance would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The Board may impose any reasonable conditions or restrictions on any variance it decides to grant.

9. Findings Necessary for Granting Variances:

Before any variance is granted, the Board must find all of the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance.

- (1) The specific conditions in detail which are unique to the applicant's land and which do not exist on other land in the same zone.
- (2) The manner in which the strict application of the provisions of the Ordinance would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone.
- (3) That the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the Zoning Ordinance.
- (4) Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood.

10. Variance Cannot Contradict Zoning Ordinance:

The Board shall not possess the power to grant a variance to permit a use of any land, building, or structure which is not permitted by the Zoning Ordinance in the zone in question, or to alter density requirements in the zone in question.

11. Dimensional Variance Runs With Land:

A dimensional variance applies to the property for which it is granted, and not to the individual who applied for it. A variance also runs with the

land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site.

12. Recording of Variances and Conditional Use Permits:

All Variances and Conditional Use Permits approved by the Board of Adjustment shall be recorded at the expense of the applicant in the Office of the County Court Clerk.

13. Existing Nonconforming Use, Continuance; Change:

The lawful use of a building or premises, existing at the time of the adoption of the Zoning Ordinance affecting it may be continued, although such use does not conform to the provisions of such regulation, except as otherwise provided herein.

The Board of Adjustment shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time the Ordinance, which makes its use nonconforming, was adopted. Nor shall the Board permit a change from one nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification.

14. Administrative Review:

The Board shall have the power to hear and decide cases where it is alleged by an applicant that there is error in any order, requirement, decision, grant, or refusal made by an Administrative Official in the enforcement of the Zoning Ordinance. Such appeal shall be taken within sixty days.

15. Procedure for All Appeals to Board:

Appeals to the Board may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action or decision of any zoning enforcement officer. Such appeal shall be taken within thirty days after the appellant or his agent receives notice of the action appealed from by filing with said officer and with the Board a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. Said officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At any hearing by the Board any interested person may appear and enter his appearance, and all shall be given an opportunity to be heard.

16. Public Notice of Appeal Hearing:

The Board shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the Administrative Official at least one week prior to the hearing, and shall decide it within sixty days. The affected party may appear at the hearing in person or by attorney.

(a) Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission or Board of Adjustments may appeal from

the action to the circuit court of the county in which the land lies.

All appeals shall be taken in the appropriate circuit court within thirty days after the action or decision of the Planning Commission or Board of Adjustment and all decisions which have not been appealed within thirty days shall become final. After the appeal is taken the procedure shall be governed by the rules of civil procedure. When an appeal has been filed, the Clerk of the Circuit Court shall issue a summons to all parties, including the Planning Commission in all cases, and shall cause it to be delivered for service as in any other law action.

(b) Penalties: Any person or entity who violates any of the provisions of the Zoning Regulations adopted pursuant hereunder for which no other penalty is provided, shall upon conviction be fined not less than ten but no more than five hundred dollars for each conviction. Each day of violation shall constitute a separate offense.

Any person, owner or agent who violates the Ordinance shall, upon conviction, be fined not less than one hundred nor more than five hundred dollars for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer.