

# OFFICIAL ZONING ORDINANCE

## CITY OF TAYLOR MILL, KENTUCKY

Prepared by:  
Planning and Development Services  
of Kenton County



## TABLE OF CONTENTS

| <u>ARTICLE/SECTION</u> | <u>NAME</u>   | <u>PAGE</u> |
|------------------------|---|-------------|
| ARTICLE I              | A ZONING ORDINANCE  | 1-1         |
| ARTICLE II             | AUTHORITY AND PURPOSE   |             |
| Section 2.0            | Authority   | 2-1         |
| Section 2.1            | Purpose   | 2-1         |
| ARTICLE III            | SHORT TITLE   |             |
| Section 3.0            | Short Title   | 3-1         |
| ARTICLE IV             | INTERPRETATION  |             |
| Section 4.0            | Greater Restriction   | 4-1         |
| Section 4.1            | Permit Or License In Violation                                    | 4-1         |
| ARTICLE V              | CONFLICT  |             |
| Section 5.0            | Conflict  | 5-1         |
| ARTICLE VI             | SEVERABILITY CLAUSE   |             |
| Section 6.0            | Severability Clause   | 6-1         |
| ARTICLE VII            | DEFINITIONS   |             |
| Section 7.0            | Words And Phrases   | 7-1         |
| ARTICLE VIII           | ESTABLISHMENT OF ZONES  |             |
| Section 8.0            | Zones   | 8-1         |
| Section 8.1            | Official Zoning Map Or Maps                                       | 8-1         |
| Section 8.2            | Changes On Zoning Map Or Maps                                     | 8-1         |
| Section 8.3            | Replacement Of Official Zoning Map<br>Or Maps                     | 8-2         |
| Section 8.4            | Rules For Interpretation Of Zone<br>Boundaries                    | 8-2         |
| Section 8.5            | Areas Not Included Within Zones                                   | 8-3         |
| ARTICLE IX             | GENERAL REGULATIONS   |             |
| Section 9.0            | Purpose   | 9-1         |
| Section 9.1            | Reduction In Building Site Area                                   | 9-1         |
| Section 9.2            | Interference With Traffic Signals                                 | 9-1         |
| Section 9.3            | Vision Clearance At Corners, Curb<br>Cuts, And Railroad Crossings | 9-1         |
| Section 9.4            | Frontage On Corner Lots And<br>Double Frontage Lots               | 9-1         |
| Section 9.5            | Utilities Location  | 9-1         |

## TABLE OF CONTENTS (continued)

| <u>ARTICLE/SECTION</u> | <u>NAME</u>   | <u>PAGE</u> |
|------------------------|---|-------------|
| Section 9.6            | Railroad Rights-Of-Way Location   | 9-2         |
| Section 9.7            | Excavation Or Movement Of Soil  | 9-2         |
| Section 9.8            | Unsightly Or Unsanitary Storage   | 9-2         |
| Section 9.9            | Junkyard Location   | 9-3         |
| Section 9.10           | Application Of Zoning Regulations   | 9-3         |
| Section 9.11           | Special Requirements Governing<br>Home Occupations  | 9-5         |
| Section 9.12           | Nonconforming Lots, Nonconforming<br>Uses, Nonconforming Structures,<br>Repairs And Maintenance, And<br>Nonconforming Signs                     | 9-6         |
| Section 9.13           | Exceptions And Modifications  | 9-10        |
| Section 9.14           | Conditional Buildings And Uses  | 9-12        |
| Section 9.15           | Building Regulations  | 9-14        |
| Section 9.16           | Move And Set  | 9-16        |
| Section 9.17           | Landscape Regulations   | 9-17        |
| Section 9.18           | Outdoor Swimming Pools  | 9-35        |
| Section 9.19           | Site Plan Requirements  | 9-36        |
| Section 9.20           | Regulations Concerning Air Rights   | 9-39        |
| Section 9.21           | Regulations Concerning Design<br>And Construction Of Improvements   | 9-39        |
| Section 9.22           | Regulations Pertaining To Parking<br>Or Storing Of Trailers, Mobile<br>Homes, Campers, Inoperable<br>Vehicles, And Other Such Type<br>Equipment | 9-39        |
| Section 9.23           | Hillside Development Controls   | 9-39        |
| Section 9.24           | Flood Protection Development<br>Controls  | 9-41        |
| Section 9.25           | Land Used For Agricultural Purposes   | 9-78        |
| Section 9.26           | Filing Of Certificate Of Land<br>Use Restrictions   | 9-78        |
| Section 9.27           | Regulations Concerning Television<br>And Radio Stations   | 9-79        |
| Section 9.28           | Regulations Of Sexually Oriented<br>Businesses  | 9-80        |
| Section 9.29           | Downtown Taylor Mill (DTM) Design And<br>Development Standards  | 9-103       |
| Section 9.30           | Prohibition of Short-Term Rentals   | 9-120       |

**TABLE OF CONTENTS (continued)**

| <u>ARTICLE/SECTION</u> | <u>NAME</u>  | <u>PAGE</u> |
|------------------------|--|-------------|
| ARTICLE X              | ZONES  |             |
| Section 10.0           | CO (Conservation) Zone                                   | 10-1        |
| Section 10.1           | R-RE (Residential Rural Estate And<br>Agricultural) Zone | 10-3        |
| Section 10.2           | R-1B (Residential One-B) Zone                            | 10-5        |
| Section 10.3           | R-1C (Residential One-C) Zone                            | 10-7        |
| Section 10.4           | R-1D (Residential One-D) Zone                            | 10-10       |
| Section 10.5           | R-1D1 (Residential One-D1) Zone                          | 10-12       |
| Section 10.6           | R-1E (Residential One-E) Zone                            | 10-14       |
| Section 10.7           | R-1F (Residential One-F) Zone                            | 10-16       |
| Section 10.8           | R-1G (Residential One-G) Zone                            | 10-18       |
| Section 10.9           | R-2 (Residential Two) Zone                               | 10-20       |
| Section 10.10          | R-3 (Residential Three) Zone                             | 10-22       |
| Section 10.11          | RCD (Residential Cluster<br>Development) Overlay Zone    | 10-24       |
| Section 10.12          | PUD (Planned Unit Development)<br>Overlay Zone           | 10-31       |
| Section 10.13          | NSC (Neighborhood Shopping<br>Center) Zone               | 10-39       |
| Section 10.14          | NC (Neighborhood Commercial) Zone                        | 10-42       |
| Section 10.15          | PO (Professional Office Building) Zone                   | 10-45       |
| Section 10.16          | I-4 (Industrial Four River) Zone                         | 10-47       |
| Section 10.17          | A-1 (Agricultural One) Zone                              | 10-51       |
| Section 10.18          | DTM-1 (Downtown Taylor Mill Primary<br>Main Street) Zone | 10-53       |
| Section 10.19          | DTM-2 (Downtown Taylor Mill Office –<br>Service) Zone    | 10-59       |
| Section 10.20          | DTM-3 (Downtown Taylor Mill<br>Commercial) Zone          | 10-66       |
| Section 10.21          | DTM-4 (Downtown Taylor Mill Business<br>Park) Zone       | 10-73       |
| Section 10.22          | R-1A (residential One – A) Zone                          | 10-78       |
| ARTICLE XI             | OFF-STREET PARKING REGULATIONS                           |             |
| Section 11.0           | General Requirements                                     | 11-1        |
| Section 11.1           | Specific Off-Street Parking<br>Requirements              | 11-18       |
| Section 11.2           | Access Control regulations                               | 11-24       |

**TABLE OF CONTENTS (continued)**

| <u>ARTICLE/SECTION</u> | <u>NAME</u>   | <u>PAGE</u> |
|------------------------|---|-------------|
| ARTICLE XII            | OFF-STREET LOADING AND/OR UNLOADING REGULATIONS                     |             |
| Section 12.0           | Off-Street Loading And/Or Unloading Regulations                     | 12-1        |
| Section 12.1           | Off-Street Loading And/Or Unloading - Use And Bulk Regulations      | 12-1        |
| ARTICLE XIII           | FENCES, WALLS, AND OBSTRUCTION TO VIEW REGULATIONS                  |             |
| Section 13.0           | Vision Clearance At Corners And Railroad Crossings                  | 13-1        |
| Section 13.1           | Classification Of Fences And Walls                                  | 13-1        |
| Section 13.2           | Conservation Zone   | 13-1        |
| Section 13.3           | Residential Zones   | 13-1        |
| Section 13.4           | Commercial And Industrial Zones                                     | 13-2        |
| Section 13.5           | Measurement Of All Fence And/Or Wall Heights And/Or Locations       | 13-3        |
| Section 13.6           | Height Of Any Barbed Wire Or Sharp Pointed Fences                   | 13-3        |
| Section 13.7           | Height Of Fences Atop Retaining Walls                               | 13-3        |
| Section 13.8           | Application For A Fence Permit                                      | 13-3        |
| ARTICLE XIV            | SIGN REGULATIONS  |             |
| Section 14.1           | Short Title   | 14-1        |
| Section 14.2           | Purposes And Interests Served                                       | 14-1        |
| Section 14.3           | Temporary Signs   | 14-1        |
| Section 14.4           | Scope, Authority And Applicability                                  | 14-2        |
| Section 14.5           | Prohibited Sign Types   | 14-6        |
| Section 14.6           | Installation, Design And Construction Standards                     | 14-6        |
| Section 14.7           | Signs Allowed In Conservation, Agricultural And Rural Districts     | 14-9        |
| Section 14.8           | Signs Allowed In Single-Family And Two-Family Residential Districts | 14-11       |
| Section 14.9           | Signs Allowed In Multi-Family Residential Districts                 | 14-13       |
| Section 14.10          | Signs Allowed In Office Districts                                   | 14-17       |
| Section 14.11          | Signs Allowed In General Business And Commercial Districts          | 14-19       |
| Section 14.12          | Signs Allowed In Downtown Districts                                 | 14-21       |

**TABLE OF CONTENTS (continued)**

| <u>ARTICLE/SECTION</u> | <u>NAME</u>  | <u>PAGE</u> |
|------------------------|--|-------------|
| Section 14.13          | Signs Allowed In Industrial Districts  | 14-26       |
| Section 14.14          | Master Signage Plans   | 14-28       |
| Section 14.15          | Permit Requirements And Procedures   | 14-32       |
| Section 14.16          | Appeals  | 14-35       |
| Section 14.17          | Definitions And Measurements   | 14-36       |
| Section 14.18          | Policies And Rules Of Construction   | 14-39       |
| <b>ARTICLE XV</b>      | <b>PERFORMANCE STANDARDS FOR INDUSTRIAL ZONES</b>  |             |
| Section 15.0           | Application Of Performance Standards   | 15-1        |
| Section 15.1           | Time Schedule For Compliance Of Performance Standards  | 15-1        |
| Section 15.2           | Effects Of Concurrent Operations   | 15-1        |
| <b>ARTICLE XVI</b>     | <b>ADMINISTRATION</b>  |             |
| Section 16.0           | Enforcing Officer  | 16-1        |
| Section 16.1           | Zoning Permits   | 16-1        |
| Section 16.2           | Building Permits   | 16-3        |
| Section 16.3           | Certificate Of Occupancy   | 16-5        |
| Section 16.4           | Certificate Of Occupancy For Existing Building   | 16-6        |
| Section 16.5           | Certificate Of Occupancy For Lawful Nonconforming Uses And Structures                                | 16-6        |
| Section 16.6           | Denial Of Certificate Of Occupancy   | 16-6        |
| Section 16.7           | Certificate Of Occupancy Records   | 16-6        |
| Section 16.8           | Complaints Regarding Violations  | 16-6        |
| Section 16.9           | Penalties  | 16-7        |
| Section 16.10          | Intent Concerning Determinations Involved In Administration And Enforcement Of Performance Standards | 16-7        |
| Section 16.11          | Duties Of Zoning Administrator Regarding Performance Standards                                       | 16-8        |
| <b>ARTICLE XVII</b>    | <b>AMENDMENT PROCEDURE</b>   |             |
| Section 17.0           | Amendment Procedure  | 17-1        |

## TABLE OF CONTENTS (continued)

| <u>ARTICLE/SECTION</u> | <u>NAME</u>   | <u>PAGE</u> |
|------------------------|---|-------------|
| Section 17.1           | Planning And Development Services Of<br>Kenton County Staff Review And<br>Recommendation Required Prior<br>To Or At The Scheduled Public<br>Hearing | 17-6        |
| Section 17.2           | Actions Of Local Governmental<br>Units To Be Furnished To Planning And<br>Development Services Of Kenton County                                     | 17-7        |
| ARTICLE XVIII          | BOARD OF ADJUSTMENT   |             |
| Section 18.0           | Establishment Of Board Of<br>Adjustment; Membership;<br>Appointment; Terms; Vacancies;<br>Oaths; Compensation; Removal;<br>Officers                 | 18-1        |
| Section 18.1           | Meetings Of Boards; Quorum;<br>Minutes; By Laws; Finances;<br>Subpoena Power; Administration<br>Of Oaths  | 18-2        |
| Section 18.2           | Procedure For All Appeals To<br>Board   | 18-3        |
| Section 18.3           | Appeals From Planning<br>Commission Or Board Of<br>Adjustment Or Legislative<br>Body  | 18-3        |
| Section 18.4           | Stay Of Proceedings   | 18-4        |
| Section 18.5           | Powers Of Board Of Adjustment   | 18-4        |
| Section 18.6           | Variances; Change From One<br>Nonconforming Use To Another;<br>Conditions Governing Applications;<br>Procedures                                     | 18-5        |
| Section 18.7           | Conditional Use Permits   | 18-8        |
| Section 18.8           | Decisions Of The Board Of<br>Adjustment   | 18-9        |
| Section 18.9           | Actions Of Board Of Adjustment To<br>Be Furnished To Planning And<br>Development Services Of Kenton County  | 18-9        |
| ARTICLE XIX            | FEES, CHARGES, AND EXPENSES   |             |
| Section 19.0           | Schedule Of Fees, Charges, And<br>Expenses  | 19-1        |

**TABLE OF CONTENTS (continued)**

| <u>ARTICLE/SECTION</u> | <u>NAME</u>           | <u>PAGE</u> |
|------------------------|-----------------------|-------------|
| APPENDIX A             | SUMMARY OF AMENDMENTS | A-1         |



## **ARTICLE I**

### **A ZONING ORDINANCE**

**SECTION 1.0** AN ORDINANCE DIVIDING THE CITY OF TAYLOR MILL, COMMONWEALTH OF KENTUCKY, INTO ZONES. ZONES OF SUCH SHAPE AND AREA AS ARE DEEMED BEST SUITED TO CARRY OUT THESE REGULATIONS: REGULATING THE LOCATION, HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES; REGULATING THE SIZE OF YARDS AND OTHER OPEN SPACES AND THE DENSITY AND DISTRIBUTION OF POPULATION AND THE USES OF BUILDINGS, STRUCTURES AND LAND USE AND OTHER PURPOSES; PRESCRIBING PENALTIES FOR THE VIOLATIONS; PROVIDING FOR ENFORCEMENT; A BOARD OF ADJUSTMENTS AND REPEALING ALL REGULATIONS, RESOLUTIONS, ORDERS, ORDINANCES AND/OR CODES IN CONFLICT WITH THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL, CITY OF TAYLOR MILL COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

## **ARTICLE II**

### **AUTHORITY AND PURPOSE**

**SECTION 2.0 AUTHORITY:** The City Council of the City of Taylor Mill, in pursuance of the authority of Kentucky Revised Statutes (KRS 100.201 - 100.991) hereby ordains and enacts into law the following articles and sections.

**SECTION 2.1 PURPOSE:** The zoning regulations and districts, as herein set forth, have been prepared in accordance with the adopted comprehensive plan for the city of Taylor Mill 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 of the city, and to regulate the density of population and intensity of land use in order to provide for adequate light and air. In addition, this ordinance has been prepared to provide for vehicle off-street parking and loading and/or unloading space, as well as to facilitate fire and police protection, and to prevent the overcrowding of land, blight, danger, and congestion in the circulation of people and commodities, and the loss of life, health, or property from fire, flood, or other dangers. The zoning regulations and districts, as herein set forth, are also employed to protect highways, and other transportation facilities, public facilities, including schools and public grounds, the central business district, natural resources and other specific areas in the city of Taylor Mill which need special protection by the city.

## **ARTICLE III**

### **SHORT TITLE**

**SECTION 3.0 SHORT TITLE:** This ordinance shall be effective throughout the city of Taylor Mill, Kentucky and shall be known, referred to, and recited to as the "OFFICIAL ZONING ORDINANCE OF THE CITY OF TAYLOR MILL".

## **ARTICLE IV**

### **INTERPRETATION**

**SECTION 4.0 GREATER RESTRICTION:** The provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public safety, health, and general welfare. Where this ordinance imposes a greater restriction upon the buildings, structures, or premises, upon heights of buildings or structures, or requires larger open spaces than are imposed or required by any other ordinances, rules, codes, permits or regulations, or by easements, covenants, deed restrictions, or agreements, the provisions of this ordinance shall govern.

**SECTION 4.1 PERMIT OR LICENSE IN VIOLATION:** Notwithstanding any other provisions of this ordinance or any other ordinances, rules, codes, permits, or regulations of the city; if any permit or license is issued in violation of any provision of this ordinance, or purports to authorize the doing of any act not permitted by any provision of the ordinance, said permit or license shall be void.

## ARTICLE V

### CONFLICT

**SECTION 5.0 CONFLICT:** All ordinances and parts of ordinances of the city in conflict herewith are hereby repealed, providing, however, that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any such ordinances and parts thereof hereby repealed prior to the effective date of this ordinance.

## ARTICLE VI

### SEVERABILITY CLAUSE

**SECTION 6.0 SEVERABILITY CLAUSE:** That should any article, section, subsection, sentence, clause, or phrase of this ordinance, for any reason, be held unconstitutional or invalid, such decision or holding shall not affect the validity of the remaining portions hereof. It is the intent of the City Council of the city of Taylor Mill, to enact each section, and portion thereof, individually, and each such section shall stand alone, if necessary, and be in force regardless of the determined invalidity of any other section or provision.

## ARTICLE VII

### DEFINITIONS

**SECTION 7.0 WORDS AND PHRASES:** For the purposes of this ordinance, certain terms, phrases, words, and their derivatives are herewith defined as follows:

Words used in the future tense include the present;  
Words used in the present tense include the future;  
Words used in the singular include the plural;  
Words used in the plural include the singular;  
Words used in the masculine include the feminine;  
Words used in the feminine include the masculine;  
The word "shall" is mandatory;  
The word "may" shall be deemed as permissive.

**ACCESSORY BUILDING OR USE, CUSTOMARY:** A "customary accessory building or use" is one which:

- a. Is subordinate to and serves the principal building or principal use;
- b. Is subordinate in area, extent, or purpose to the principal building or principal use served;
- c. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and
- d. Is located on the same lot as the principal building or principal use served, with the single exception of such accessory off - street parking facilities as are permitted to locate elsewhere than on the same lot with the building or use served.

**ADULT ARCADE:** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

**ADULT BOOKSTORE:** A business having as a substantial and significant portion of its stock and trade, revenues, space or advertising expenditures, resulting from the sale, renting or viewing of one or more of the following:

1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, laser disks, slides, or other visual representations which depict or described specified sexual activities or specified anatomical areas; or

2. Instruments, devices, or paraphernalia which are designed for specified sexual activities.

ADULT CABARET: A nightclub, bar, tavern, restaurant or similar business which regularly features:

1. Persons who appear in a state of nudity; or
2. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
3. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTEL: A hotel, motel or similar business which offers private rooms to the public and provides patrons live performances or closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTION PICTURE THEATER: A business where films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT THEATER: A theater, concert hall, auditorium, or similar business which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

ADULT VIDEO STORE: See ADULT BOOKSTORE.

AGRICULTURE: The use of land for agricultural purposes, including agriculture, dairying, farming, floriculture, horticulture, pasturage, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activities.

AIR RIGHTS: Air rights for the purpose hereof shall be defined to mean the ownership or control of all land, property, and that area of space at and above a horizontal plane over the ground surface of land. This horizontal plane shall be at a height above the existing or proposed development (depending on the individual property in question)



which is reasonably necessary or legally required for the full and free use of the ground surface.

**ALLEY:** Public rights-of-way which normally affords a secondary means of access to abutting property.

**AMERICAN ASSOCIATION OF NURSERYMEN, INC. (STANDARDS):** The Association's Horticultural Standards Committee maintains and revises horticultural standards (see American Standards for Nursery Stock) to comply with the standards procedures of the American National Standards Institute.

**AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1 - 1990):** An American National Standard implies a consensus of those substantially concerned with its scope and provisions. An American National Standard is intended as a guide to aid the manufacturer, the consumer, and the general public.

**ANYBODY:** Any human being, and any combination thereof, in the form of partnership, corporation, joint venture, unincorporated association, or otherwise.

**APARTMENT:** A portion of a building consisting of a room or suite of rooms intended, designed, or used as a permanent residence by an individual or one (1) family.

**APARTMENT HOUSE:** See DWELLINGS, MULTIPLE.

**APPLICABLE LAWS:** The constitutions, statutes, ordinances, rules, regulations and other laws of the United States, Commonwealth of Kentucky, County of Kenton, City of Taylor Mill, and any other governmental entity or agency having jurisdiction.

**AUTOMOBILE LAUNDRY:** A building or portion thereof, containing facilities for washing more than two (2) automobiles, using production line methods. The use of personnel for one or more phases of this operation in conjunction with or without complete automatic or mechanical devices does not alter its classification. For the purpose of this ordinance, coin operated devices, of the above nature, which are operated on a self - service basis shall be construed to be the same.

**AUTOMOBILE AND TRAILER SALES AREAS:** Any open, partially open, or enclosed area, other than a street, used for the display, sale, or rental of new or used automobiles or trailers, and where no repair work is done, except minor incidental repair of automobiles or trailers to be displayed, sold, or rented on or from the premises.

**BASAL AREA:** The total cross sectional area of a tree trunk measured at Diameter at Breast Height (DBH).

**BASEMENT:** That portion of a building between floor and ceiling, which is partly below and partly above the average level of the adjoining grade, but so located that the

vertical distance from the average level of the adjoining grade to the floor below is less than the vertical distance from the average level of the adjoining grade to the ceiling.

**BILLBOARD:** a sign, having an area greater than twenty-five (25) square feet, and which meets any one or more of the following criteria:

- a. a permanent structure sign which is used for the display of offsite commercial messages;
- b. a permanent structure sign which constitutes a principal, separate or secondary use, as opposed to an accessory use, of the parcel on which it is located; or
- c. an outdoor sign used as advertising for hire, i.e., on which display space is made available to parties, other than the owner or operator of the sign or occupant of the parcel (not including those who rent space from the sign owner, when such space is on the same parcel as the sign), in exchange for a rent, fee or other consideration.

**BOARD OF ADJUSTMENT OR BOARD:** Board of Adjustments of the city.

**BOARDING HOUSE:** A residential building, other than a hotel, motel, or tourist cabin, where lodging and meals for four (4) or more persons are served for compensation, and by prearrangement for definite periods.

**BORROW PIT:** Any place or premises where dirt, soil, sand, gravel, or other material is removed by excavation or otherwise, below the grade of surrounding land, for any purpose other than mining operations such as gold, silver, coal, etc., and that necessary and incidental to grading or to building construction on the premises.

**BUFFER AREA:** Areas so planned and/or zoned which act as a buffering or separation area between two (2) or more uses or structures not compatible, due to design, function, use, or operation.

**BUILDING:** A structure enclosed within exterior walls or firewalls for the shelter, housing, support, or enclosure of persons, animals, or property of any kind.

**BUILDING, ALTERATION OF:** Any change or rearrangement in the supporting members (such as bearing walls, beams, columns, or girders) of a building, or any addition to a building, or movement of a building from one location to another.

**BUILDING AREA OR LOT COVERAGE BY BUILDING:** That portion of a lot or building site that can be legally occupied by the ground floor of the principal building or use and all permitted accessory uses, excluding those portions of the lot or building site which shall be reserved for minimum required yard spaces.

**BUILDING, COMPLETELY ENCLOSED:** A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof

and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

**BUILDING, DETACHED:** A building surrounded by open space on the same lot or tract of land.

**BUILDING, HEIGHT OF:** The vertical distance measured from average elevation of the finished grade adjoining the building at the front building line to the highest point of the roof surfaces, if a flat roof; to the deck line of a mansard roof; and to the average height level between eaves and ridge for gable, hip, and gambrel roofs.

**BUILDING INSPECTOR:** The official or officials appointed by the city for carrying out the building codes.

**BUILDING LINE:** A line defining the minimum front, side, and rear yard requirements.

**BUILDING, MAIN:** See BUILDING, PRINCIPAL.

**BUILDING PERMIT:** A permit issued by the city's building inspector authorizing the construction or alteration of a specific building, structure, sign, or fence on a specific tract.

**BUILDING, PRINCIPAL:** The building on a lot used to accommodate the primary use to which the premises are devoted.

**BUILDING SITE:** One contiguous piece of land that meets all of the provisions of the city's ordinances, regulations, and codes for building on said site. For the purpose of this ordinance, the entire amount of ground being called a building site shall be in one (1) specific zone category and this shall not be construed to mean merely a residential, commercial, industrial, etc., but specifically Residential R-1A, R-1B, CBD-1, CBD-2, etc.

**CALIPER:** The measurement of the tree trunk taken six (6) inches above the ground up to and including four (4) inch caliper size, or twelve (12) inches above the ground for larger trees.

**CAMPING/VACATION MOBILE UNIT:** Any coach, cabin, house trailer, house car or other vehicle or structure intended for, designed for, and used for temporary human habitation or sleeping purposes, mounted upon wheels or supports, or supported and/or capable of being moved by its own power or transported by another vehicle.

**CANOPY (MARQUEE):** A roof-like structure, serving the purpose of protecting pedestrians from rain, snow, sun, or hail, which structure projects from a building. Such structure shall be open on three (3) sides and, if ground supported, supports shall be confined in number and cross section area to the minimum necessary for actual support of the canopy.

**CANOPY COVER:** The area that a tree or trees' canopy covers which generally corresponds to a percentage of ground surface area.

**CARPORT:** See GARAGE, PRIVATE.

**CELLAR:** That portion of a building between floor and ceiling which is wholly or partly below the average level of the adjoining grade and so located that the vertical distance from the average level of the adjoining grade to the floor below is equal to or greater than the vertical distance from the average level of the adjoining grade to the ceiling.

**CHANGEABLE COPY SIGN, AUTOMATIC:** "Automatic changeable copy sign" means a type of sign on which the copy changes automatically through the use of electronic or electro-mechanical technology. All changeable copy shall be included within the allotted face of sign square footage.

**CHANGEABLE COPY SIGN, MANUAL:** "Manual changeable copy sign" means any sign on which copy for all or a portion of the sign can be changed by a human being removing or rearranging letters, symbols or numerals. All changeable copy shall be included within the allotted face of sign square footage.

**CHILD DAY CARE CENTER:** See NURSERY SCHOOL.

**CITIZEN MEMBER:** Any member of the Planning Commission or Board of Adjustment who is not an elected or appointed official or employee of the city.

**CITY:** The City of Taylor Mill, Commonwealth of Kentucky.

**CLINIC, ANIMAL:** A building used by a group of professional medical persons for the healing arts or treatment of small animals on an out-patient or non-boarding basis only, without runs.

**CLINIC, PERSONS:** A building used by a group of professional medical persons for the healing arts or treatment of persons on an out-patient or non-boarding basis only.

**CLUB:** A building owned or rented by a non-profit association made up of bona fide members paying dues, the use of which is restricted to said members and their guests.

**COMMERCIAL MESSAGE:** Words, symbols, logos, pictures or any combination thereof that identify which directs attention to a business, commodity, service or entertainment sold or offered for sale or a fee.

**COMMISSION (PLANNING COMMISSION OR PLANNING AND ZONING COMMISSION):** The Kenton County and Municipal Planning and Zoning Commission, Kenton County, State of Kentucky.

**COMPLEX (COMMERCIAL):** Multiple sites that do not meet the definition of “Center, integrated) but that meet all of the following criteria: the sites are cumulatively contiguous; the sites form a defined geographic area, typically extending to public streets, highways, waterways or other natural or human-built geographic boundaries; the owners or agents for the owners of the sites have common interests in promoting business and other activity in the defined geographic area.

**COMPREHENSIVE (MASTER) PLAN:** A guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationships. It shall contain, as a minimum, the following elements:

- A. A statement of goals and objectives, principles, policies, and standards;
- B. A land use plan element;
- C. A transportation plan element;
- D. A community facilities plan element;
- E. May include any additional elements such as, without being limited to, community renewal, housing, flood control, pollution, conservation, natural resources, and others.

**CONCEALED LIGHTING:** An artificial light source intended to illuminate the face of a sign, the direct source of which is shielded from public view and surrounding properties.

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

**CONDITIONAL USE PERMIT:** Legal authorization to undertake a conditional use, issued by the zoning administrator, pursuant to authorization by the board of adjustments, consisting of two parts:

- a. A statement of the factual determination by the board of adjustments which justifies the issuance of the permit; and
- b. A statement of the specific conditions which must be met in order for the use to be permitted.

**CONFORMING USE:** Any lawful use of a building, structure, lot, sign, or fence, which complies with the provisions of this ordinance.

**CONSTRUCTION LIMITS:** The area affected by the grade changes only.

**COUNCILMEN:** Members of the City Council of the city.

**COURT:** An open unoccupied space, other than a yard, on the same lot with a building and which is bounded on two (2) or more sides by the building.

**CURB CUT:** Any interruption, or break in the line of a street curb in order to provide vehicular access to a street. In the case of streets without curbs, curb cuts shall represent construction of any vehicular access which connects to said street.

**CURB LEVEL:** The level of the established curb in front of the building measured at the center of such front. Where no curb has been established, the city engineer shall authorize and approve the establishment of such curb level or its equivalent for the purpose of this ordinance.

**DECIBEL:** A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in "decibels".

**DECIDUOUS TREE:** Not persistent; annual shedding of leaves.

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

**DIAMETER AT BREAST HEIGHT (DBH):** The diameter, in inches, of a tree trunk, measured four and one-half (4-1/2) feet above the existing grade.

**DISTRICT:** For purposes of this ordinance, synonymous with "ZONE".

**DISTURBED LIMITS:** The site area affected by grading changes plus an additional twenty (20) foot area on the perimeter

**DORMITORY:** A residence hall providing rooms for individuals or groups.

**DRIVE-IN, EATING OR DRINKING PLACE:** See EATING ESTABLISHMENTS -- RESTAURANTS.

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

**DWELLING, ATTACHED SINGLE-FAMILY:** A dwelling unit which is attached to one or more dwelling units, each of which has independent access to the outside of the

building to ground level and which has no less than two (2) exterior walls fully exposed and not in common with the exterior walls of any other unit.

**DWELLING, DETACHED SINGLE-FAMILY:** A dwelling standing by itself and containing only one (1) dwelling unit, separate from other dwellings by open space, but shall not include mobile homes.

**DWELLING, DOUBLES:** See DWELLING, TWO-FAMILY.

**DWELLING, DUPLEXES:** See DWELLING, TWO-FAMILY.

**DWELLING, GROUP HOUSE:** A building that has not less than three (3) one-family housekeeping units erected in a row as a single building on one lot or on adjoining lots, each being separated from the adjoining unit or units by an approved masonry party wall or walls extending from the basement or cellar floor to the roof along the dividing lot line, and each such building being completely separated from any other building by space on all sides and such space shall be at least the required minimum yard setbacks as so specified in this ordinance.

**DWELLING, MULTIPLE:** A residential building used and/or arranged for rental occupancy, or cooperatively owned by occupants, having three (3) or more dwelling units, as separate housekeeping units. This type of dwelling shall be inclusive of apartment buildings and group house dwellings.

**DWELLING, TRAILER:** See MOBILE HOME.

**DWELLING, TWO-FAMILY:** A residential building designed, arranged, or used exclusively by two (2) families, living independently of each other.

**DWELLING UNIT:** A building, or portion thereof, providing complete housekeeping facilities for one (1) person or one (1) family.

**EASEMENT:** A right, distinct from the ownership of the land, to cross property with facilities such as, but not limited to, sewer lines, water lines, and transmission lines, or the right, distinct from the ownership of the land, to reserve and hold an area for drainage or access purposes.

**EASEMENT, LANDSCAPING OR PLANTING:** The area in which planting must be installed and the setback for buffering between land uses, zones, vehicular use areas, and public or private streets.

#### **EATING ESTABLISHMENTS -- RESTAURANTS:**

- A. Fast Service Restaurants - Those restaurants which have limited variety of menu and use limited food preparation techniques to serve food quickly. The food is

often dispensed in disposable material, there is less need for storage (food or china) and less elaborate scullery area (dishwashing machinery) is needed.

1. Carry-out -- A fast service of "call in and order" restaurant which does not have sit-down eating arrangements and consumption of food on the premises is prohibited (or discouraged).
  2. Drive-in -- A restaurant which encourages the consumption of food on the premises (in car, no seating facilities) serving the food by car-hop or self-service.
- B. Sit-Down Restaurants - Those restaurants which provide waiter service, seating arrangements, whether interior or exterior. This category would also include cafeteria type self service, sit down restaurants (the variety of food and preparation is still elaborate). The menu will have a variety of preparation techniques, scullery areas, china storage, and larger food storage facilities will be necessary.
1. Combination -- A restaurant which provides any combination of sit-down service plus the capability of providing carry-out, drive-in, or both services.

**EMPLOYEE:** Any person who is paid directly or indirectly by the licensee for services performed on the premises whether such person would otherwise as a matter of law be classified as an employee, agent, manager, entertainer or independent contractor.

**ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply, or disposal systems; including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, and other similar equipment and accessories reasonably necessary for furnishing adequate service or for the public health, safety, or general welfare.

**EVERYBODY:** Every human being, and every combination thereof, in the form of a partnership, corporation, joint venture, unincorporated association, or otherwise.

**FAMILY:** An individual or two (2) or more persons related by blood or marriage, or group of not more than three (3) persons (excluding servants) who need not be related by blood or marriage, living together in a single housekeeping unit as their common home for the time, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity or sorority house.

**FILLING STATION:** See SERVICE STATION.



**FLOOD - 100 YEAR FREQUENCY:** The highest level of flooding that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of occurring each year).

**FLOODPLAIN OR FLOOD PRONE AREA:** The relatively flat area or lowlands adjoining the channel of a river, stream, or watercourse or ocean, lake, or other body of standing water which has been, or may be, covered by flood water.

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude.

**FLOODWAY ENCROACHMENT LINES:** The lines marking the limits of floodways on the official zoning map.

**FLOOR AREA, GROSS:** The sum of the gross horizontal area of the several floors of a dwelling unit or units exclusive of porches, balconies, and garages, measured from the exterior faces of the exterior walls or from the centerline of walls or partitions separating dwelling units.

For uses other than residential, the gross floor area shall be measured from the exterior faces of the exterior walls or from the centerlines of walls or partitions separating such uses and shall include all floors, lofts, balconies, mezzanines, cellars, basements, and similar areas devoted to such uses.

The gross floor area shall not include floors used for parking space when such parking pertains to a residential, commercial, or office used in the same structure.

**FRATERNITY OR SORORITY:** A club or social activity officially associated with and recognized and supervised by an institution for higher education whose membership is limited exclusively to students of the said institution.

**FRATERNITY/SORORITY HOUSE:** A building used by a fraternity or sorority to provide living quarters for some or all members as well as to provide study, meeting, recreational and other facilities.

**FREQUENCY:** The number of oscillations per second in a sound wave. This is an index of the pitch of the resulting sound.

**FRONTAGE:** All the property abutting one (1) side of the right-of-way of a street, measured along the right-of-way line of the street between the intersecting lot lines. In no case shall the line along an alley be considered as acceptable frontage. For purposes of this definition, frontage for a building wall shall be measured for the wall that is most nearly parallel to that street. In no case shall the same building wall be considered to have more than one frontage.

**GARAGE, PRIVATE:** A building used for the storage of vehicles and clearly accessory to the principal use permitted. Said accessory private garage may contain additional rooms for family recreational purposes, storage, without facilities for the preparation of food, i.e. kitchen. No more than one (1) vehicle shall be a commercial vehicle and this vehicle shall not be more than two (2) ton capacity. This definition shall not include a public garage.

**GARAGE, PUBLIC:** A building or portion thereof designed, intended, and used exclusively for the care, repair, or equipment of self propelled motor vehicles or other vehicles. This definition shall not include private garage.

**GROUP HOUSING:** See DWELLING, GROUP HOUSE.

**HOLIDAY DECORATIONS:** Decorative elements of a temporary nature intended for the acknowledgement of a holiday or holiday season, exclusive of decorations, which contain business, product sales, or service advertising content. Holiday decorations shall not be considered "signs."

**HOME OCCUPATION:** An accessory use customarily conducted entirely within a dwelling, as permitted herein and carried on solely by the inhabitants thereof, and further meeting requirements specified in Section 9.11 of this ordinance.

**HOSPITAL, ANIMAL:** A building used by a group of professional medical persons for the healing arts or treatment of animals on an, generally, in-patient or boarding basis, and shall have outside runs.

**HOSPITAL, PERSONS:** A building used by a group of professional medical persons for the healing arts or treatment of persons on an, generally, in-patient or boarding basis.

**HOTEL:** A building occupied as the more or less temporary abiding place for travelers and transient guests who are lodged with or without meals and in which there are sleeping rooms usually occupied singly and with no provisions made for cooking in any individual room or a group of rooms occupied by a person or persons and with no provisions made for cooking in any of the rooms as specified.

**HOUSE TRAILER:** See MOBILE HOME.

**INTERIOR LANDSCAPING:** All landscaping surrounded by the perimeter landscaping, including all vehicular use landscaping.

**JUNK:** Scrap brass, scrap copper, scrap iron, scrap lead, scrap tin, scrap zinc, and all other scrap metals and the alloys, and bones, rags, used cloth, used rope, used rubber, used tinfoil, used bottles, old or used machinery of any type, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates (fabricated of any material), used pipe or pipe fittings, used conduit or conduit fittings, inoperative

motor vehicles, used tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition or which are subject to being dismantled.

**JUNK YARD:** An open area where waste, used or second hand materials are bought, sold, exchanged, stored, shredded, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "Junk Yard" includes an auto wrecking yard or the storage or keeping of one (1) or more inoperative motor vehicles unless where otherwise specifically permitted but does not include uses established entirely within enclosed buildings.

**KENNEL:** Any building, structure, or open space devoted in its entirety, or in part, to the raising, boarding, or harboring of four (4) or more dogs, at least four (4) months of age.

**LABORATORY:** A building or a portion of a building devoted to the experimental study in science, or the testing and analysis of chemicals, drugs, explosives, minerals, etc.

**LABORATORY, MEDICAL OR DENTAL:** A building or a portion of a building devoted in use of providing bacteriological, biological, medical, x-ray, pathological, and similar analytical or diagnostic services to doctors or dentists and where no fabrication is conducted on the premises, except the custom fabrication of dentures.

**LAUNDROMAT:** A business that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises.

**LEASABLE AREA, GROSS:** The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

**LEGIBLE:** A sign or message is "Legible" when it can be understood by a person with an eighth-grade education (or more). Where this Article requires a determination of "visibility" or "legibility," the standard shall be based on the eyesight of an adult eligible to receive a Kentucky driver's license (wearing any corrective lenses required by such license). Where the height of the person is material to the determination, the person shall be presumed to be more than five feet and less than six feet tall.

**LIVESTOCK:** Domestic animals of types customarily raised or kept on farms for profit or other productive purposes.

**LOADING AND/OR UNLOADING SPACE:** A surfaced space within the main building or on the same lot providing for the temporary standing, loading and/or unloading of trucks; said space having a minimum dimension of forty-eight (48) feet in length, twelve (12) feet in width, and fourteen (14) feet in height; except as herein provided; and connected

with an accepted deeded public right-of-way which affords ingress and egress for vehicles.

**LODGING HOUSE:** A building, other than an apartment, hotel-motel, hotel, motel, or tourist court where lodging for five (5) or more persons is provided for compensation.

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

**LOT AREA:** The total area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by rights-of-way, the waters of any lake or river, and shall be in one (1) zone only. For the purposes of this ordinance, all of the area of a given lot shall be in the same specific zoning category.

**LOT, CORNER:** A "corner lot" is a lot situated at the intersection of two streets or on a curved street on which the interior angle of such intersection or curved streets does not exceed one hundred thirty-five (135) degrees.

**LOT, DEPTH OF:** The distance measured in the mean direction of the side lot lines from the midpoint of the front lot lines to the midpoint of the rear lot lines.

**LOT, DOUBLE FRONTAGE:** A lot other than a corner lot that has frontage on more than one (1) street.

**LOT, INTERIOR:** A lot other than a corner lot with only one (1) frontage on a deeded and occupied public right-of-way.

**LOT, ZONING:** A "zoning lot or lots" is a single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developers as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.

**LOT LINE, FRONT:** The common boundary line of an interior lot (other than a double frontage lot) and a street right-of-way line or the common boundary line of a corner lot (other than a double frontage lot) and that street right-of-way line toward which the principal or usual entrance to the main building situated on such lot most nearly faces, or the common boundary line of a through lot and any adjacent road or street right-of-way line.

**LOT LINE, REAR:** The boundary line of a lot which is most nearly opposite the front lot line of such lot. In the case of a triangular or wedge shaped lot, for measurement purposes only, a line ten (10) feet in length within the lot parallel to and at the maximum

distance from the front lot line. In the case of a corner lot, providing that all requirements for yard space are complied with, the owner may choose either side not abutting a street as the rear lot line, even though it is not opposite the front lot line. Once the choice has been made, it cannot be changed unless all requirements for yard space can be complied with.

**LOT LINE, SIDE:** Any boundary line of a lot, other than a front lot line or rear lot line.

**LOT OF RECORD:** A designated fractional part or subdivision of a block, according to a specific recorded plat or survey, the map of which has been officially accepted and recorded in the office of the appropriate county clerk, Commonwealth of Kentucky.

**LOT WIDTH:** The width of the lot as measured along the building front setback line.

**MANAGER:** Any employee of a sexually oriented business who acts as a manager or supervisor of other employees, finances or patrons of the business or is otherwise responsible for operation of the business.

**MEZZANINE:** An intermediate or fractional story between the floor and ceiling of a main story, used for a purpose accessory to the principal use. A mezzanine is usually just above the ground floor and extending over only part of the main floor.

**MINIMUM BUILDING SETBACK LINE:** A line parallel to the front, side, and/or rear lot line and set back from the lot line a distance to provide the required minimum yard space, as specified in this ordinance.

**MINIMUM FRONT YARD DEPTH:** The minimum distance required by this ordinance to be maintained within the lot between a line parallel to the front lot line, as defined herein, and the front lot line.

**MINIMUM REAR YARD DEPTH:** The minimum distance required by this ordinance to be maintained within the lot between a line parallel to the rear lot line, as defined herein, and the rear lot line.

**MINIMUM SIDE YARD WIDTH:** The minimum distance required by this ordinance to be maintained within the lot between a line parallel to the side lot line, as defined herein, and the side lot line.

**MOBILE HOME:** Any coach, cabin, mobile home or other mobile structure in a single unit which is intended, designed, and used for the fixed residence of a person, family, or a household, mounted upon wheels or supports, or supported and/or capable of being moved or transported by another vehicle. For the purpose of this ordinance, the removal of wheels and/or the attachment of a foundation to said mobile structure shall not change its classification.

**MOBILE HOME PARK:** Any lot, parcel, or premises, subdivided, designed, maintained, intended, or used for the purpose of supplying a location or accommodation for mobile homes; or any lot, parcel, or premises on which is parked, standing, or located two (2) or more mobile homes for a longer period than twenty-four (24) hours; or one (1) or more mobile homes connected to either electrical lines, or water or sewer pipes; or any mobile home being utilized on the premises on which it is located. For the purpose of this ordinance, any lot or premises for the wholesale or retail sale of mobile homes shall not be included within this definition.

**MODULAR:** Housing manufactured off-site, often mass-produced, and designed so that sections are interchangeable. This is a production technique which can be applied to low or high density type construction.

**MOTELS:** A group of attached or detached buildings but not house trailers containing individual sleeping or living units for travelers and transient guests, with garage attached or parking facilities conveniently located to each unit. The term includes tourist court when related to the context specified herein.

**N/A:** Where used in the sign regulations, the particular requirement is “not applicable.”

**NEIGHBORHOOD:** A geographical area containing residences or a combination of residences and businesses, which geographical area meets all of the following criteria:

- a. The area shall consist of at least 20 acres that are geographically contiguous;
- b. The area shall have direct access from local streets to one or more collector and/or arterial streets;
- c. The area shall not be part of another designated neighborhood for which permits for which permanent entrance signs have been issued; and
- d. The area shall either have been developed as one planned complex, subdivision or center, or it shall have established its identity as a neighborhood through activities of a community association, neighborhood festivals or other continuing activities separate from the desire for an entrance sign.

**NITA measure of luminance.** One nit is equal to one candela per square meter (1cd/m<sup>2</sup>). Ten thousand nits are equal to one stilb. A candela, on which the definition is based, is a unit of measurement of the intensity of light. Part of the SI system of measurement, one candela (cd) is the monochromatic radiation of 540THz with a radiant intensity of 1/683 watt per steradian in the same direction. Another way of putting it is that an ordinary wax candle generates approximately one candela.

**NOBODY:** Not anybody, or no human being, or any combination thereof, in the form of a partnership, corporation, joint venture, unincorporated association, or otherwise.

**NONCONFORMING LOT:** A lot which was lawfully created but which does not conform to the minimum area or dimensional requirements specified for the zone in which it is located.

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

**NOXIOUS MATTER OR MATERIALS:** Matter or material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals as determined by the appropriate health department.

**NURSERY:** Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings, but does not include the wholesale or retail sale of any items other than those incidental to the items raised or grown on said premises.

**NURSERY SCHOOL:** Any building used for the daytime care or education of preschool age children with or without compensation, and including all accessory buildings and play areas, and shall, for the purpose of this ordinance, be considered a group activity.

**NURSING HOME:** A health establishment which provides nursing care under the direction of a Kentucky licensed physician to patients who, for reason of illness or physical infirmities, are unable to care for themselves properly.

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

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

**ODOROUS MATTER:** Any matter or material that yields an odor which is offensive in any way to a person with reasonable sensitivity.

**OWNER - OCCUPANT:** The property owner who will occupy the residence.

**PARKING AREA, OFF-STREET:** An open, surfaced area, other than the rights-of-way of a street, road, highway, alley, or place, used for temporary parking of self propelled motor vehicles and available for public use either free, for compensation, or as an accommodation for clients or customers.

**PARKING BUILDING OR GARAGE:** A building, or portion thereof, designed, intended, and used exclusively for the temporary parking of self propelled motor vehicles and may be publicly or privately owned and/or operated and may be for remuneration, free or privately utilized.

**PARKING SPACE:** A surface area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than two hundred (200) square feet exclusive of driveways, permanently reserved for the temporary parking of one (1) operative automobile and connected with a deeded and acceptable public right-of-way by a surfaced driveway which affords ingress and egress for vehicles.

**PARTICULATE MATTER:** Any material, except uncombined water, which exists in a finely divided, suspended form as a liquid or solid at standard conditions.

**PEEP BOOTH:** Any room, other than a private room, of less than one hundred fifty (150) square feet of floor space upon the premises of a sexually oriented business where there is exhibited photographs, films, motion pictures, video cassettes, or other video reproductions, slides or other visual representations which depict or described specified sexual activities or specified anatomical areas.

**PERFORMANCE STANDARDS:** Criteria established to control building enclosure, landscaping, noise, odorous matter, exterior lighting, vibration, smoke, particulate matter, gasses, radiation, storage, fire, and explosive hazards, and humidity, heat, or glare generated by or inherent in, uses of land or buildings.

**PERIMETER LANDSCAPING:** The landscaping surrounding a land use or a vehicular use area.

**PLANNED UNIT DEVELOPMENT (PUD):** A large scale, unified land development which preserves the natural features and foliage of the site. It permits a mixture of land uses, clustering of residential units of varying types, and common recreation/open spaces, through flexible regulations which encourage creative design.

**PRIVATE ROOM:** A room in an adult motel that is not a peep booth, has a bed in the room, has a bath in the room or adjacent to the room, and is used primarily for lodging.

**PUBLIC BUILDING:** Any building open to the general use, participation, or enjoyment of the public or operated for the public's benefit and owned and/or operated by a city, county, state, or federal government, or by a public utility corporation or municipal district or authority.

**RAILROAD RIGHTS-OF-WAY:** A strip of land within which the railroad tracks and auxiliary facilities for track operation are normally located, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.



RECREATION, COMMERCIAL: Recreation facilities open to the general public for a fee or restricted to members when operated for profit as a business.

RECREATION, PRIVATE, NON-COMMERCIAL: Clubs or recreation facilities, operated by a non-profit organization and open only to bona fide members of such non-profit organization and their guests.

REPLACEMENT TREE: Any tree planted to meet the requirements of this ordinance, either for landscaping or tree density purposes.

REST HOME: Any building, institution, residence, or home used as a place of abode for the reception and care of three (3) or more persons, who by reasons of age, mental, or physical infirmities, are not capable of properly caring for themselves.

SCHOOLS, BUSINESS: An institution or place for instruction or education, specifically in courses of bookkeeping, business administration, operation of business machines, shorthand and typing, and related courses, operated for an intended profit. For the purpose of this ordinance, business colleges shall be included in this definition.

SCHOOLS, PAROCHIAL: An institution or a place for instruction or education belonging to and maintained by a religious organization.

SCHOOLS, PRIVATE: An institution or a place for instruction or education belonging to and maintained by a private organization.

SCHOOLS, PUBLIC: An institution or place for instruction or education belonging to the public and established and conducted under public authority in the various districts, counties, or cities, and maintained at the public expense by taxation, and open with or without charge to the public for their attendance. This does not include schools owned and/or conducted by private parties though said schools may be open to the public generally and though tuition may be free. Schools in the aforementioned category of public schools shall include all public cottage or kindergarten, elementary, junior high, high school, junior colleges, college and universities, but no other.

SCHOOLS, TRADE: An institution or place for instruction or education, specifically in one or more of the general trades such as: welding, carpentry, electrical, etc.

SCREENING AREA: An area set aside to remain vacant of buildings and to be planted and landscaped to reduce the blighting effect of certain land uses on adjacent property.

SEPARATE (LIGHTING OR ILLUMINATION): A prohibition on separate illumination for a sign does not prohibit indirect, incidental illumination that spills over from a light serving another lawful purpose.

**SERVICE FACILITIES, PUBLIC UTILITIES:** Service facilities include all facilities of 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, other than office space, garage and warehouse space and include office space, garage space and warehouse space when such place is incidental to a service facility.

**SERVICE STATION:** Any building, structure, or land, used for the dispensing, sale, or offering for sale, at retail, of any automobile fuels, oils, or accessories and in connection with which is performed general automotive servicing other than body work.

**SEXUAL ENCOUNTER ESTABLISHMENT:** A business or commercial establishment, which as one of its primary business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas, when one or more of the persons exposes any specified anatomical area.

**SEXUALLY ORIENTED BUSINESS:** An adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment or other similar business and includes:

1. The opening or commencement of any sexually oriented business as a new business.
2. The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business.
3. The addition of any sexually oriented business to any other existing sexually oriented business.
4. The relocation of any sexually oriented business; or
5. The continuation of a sexually oriented business in existence on the effective date of this ordinance.

**SEXUALLY ORIENTED BUSINESS LICENSE:** A license required by the City of Taylor Mill, pursuant to the police power thereof, for the purpose of the regulation of sexually oriented businesses within the City, in a manner which will protect the property values, neighborhoods and residents from the potential adverse secondary effects of sexually oriented businesses, while providing an opportunity to patronize sexually oriented businesses for those who are desirous thereof.

**SEXUALLY ORIENTED BUSINESS LICENSE FEE:** A fee required by the City of Taylor Mill, pursuant to the police power thereof, for each sexually oriented business license, to provide the money necessary to pay the expenses of supervising and

regulating the sexually oriented business activities and operations within the City of Taylor Mill, including, without limitation, the expense of issuing licenses therefore.

**SHORT TERM RENTAL:** The lease, rent, let or license for compensation to possess and use any lot or parcel of real estate in the City or any building thereon or any part or portion thereof for any period of time that is less than 28 continuous calendar days.

**SIGN:** Any device, fixture, placard or structure, including its component parts, which by display of a visual image draws attention to an object, product, place, activity, opinion, idea, person, institution, organization or place of business, or which identifies or promotes the interests of any person, and which is visible from any public street, road, highway, right-of-way or parking area.

**SIGN, ANIMATED:** a sign which uses movement or change of lighting to simulate action or motion.

**SIGN, DETACHED:** Any sign erected on a freestanding frame, foundation, mast or pole and not attached in any way to any building. Every face of a freestanding sign shall be considered as a separate sign for purposes of computing the sign area.

**SIGN, DIRECTORY:** Any sign providing way-finding information by identifying occupants of specific buildings or units within a building and, where necessary, providing directions for finding such building or unit

**SIGN, PRINCIPAL:** The main freestanding sign on a site. The term is used to distinguish such a sign from other freestanding signs that may be allowed on multi-tenant or large sites.

**SIGN, TEMPORARY:** A sign which is not permanently affixed. This definition is intended to include all devices such as banners, pennants, flags, searchlights, twirling or sandwich type signs, sidewalk or curb signs and balloons or other air or gas filled figures.

**SIGN, WINDOW:** A sign affixed to or installed inside a window and clearly legible to persons outside the building. Note that signs that are installed behind windows but that are legible from other private property or from driving lanes of adjacent streets will be subject to limitations on window signs but will also be regulated as wall signs.

**SITE:** One or more lots or parcels of land that, for purposes of the Zoning Ordinance, are used as a single unit. As an example, but not by way of limitation, a site may include more than one "lot" as shown on a subdivision plat, but, for zoning purposes, the permissible use, setbacks and yard requirements are determined for the larger "site" and not for the individual "lots."

**SOUND LEVEL METER:** An instrument standardized by the American Standards Association for measurement of intensity of sound.

**SPECIFIED ANATOMICAL AREAS:** Defined as follows:

1. Less than completely and opaquely covered; human genitals, pubic region, buttocks and female breast below a point above the top of the areola.
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES:** Acts, simulated acts, exhibitions, representations, depictions or descriptions of:

1. Human genitals in a state of sexual stimulation or arousal.
2. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.
3. Intrusion, however slight, of any object, any part of an animal's body, or any part of a person's body into the genital or anal openings of any person's body or into the body of an animal.
4. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function.
5. Flagellation, mutilation or torture for purpose of sexual arousal, gratification or abuse.

**STABLE, PRIVATE:** A separate accessory building with a capacity for not more than one (1) horse or one (1) pony for each six thousand (6,000) square feet of lot area whereon such stable is located and where such horses or ponies are owned by the owners or occupants of the premises and not for compensation, hire, or sale.

**STABLE, PUBLIC:** A main building with a capacity for not more than one (1) horse or one (1) pony for each six thousand (6,000) square feet of lot area whereon such stable is located and where such horses or ponies are owned by the owners, occupants of the premises, or other, and are kept for compensation, hire, or sale.

**STAGE:** A raised floor or platform at least three feet (3') above the surrounding floor measured perpendicularly from the edge of the stage to the surrounding floor and at least thirty six (36) square feet in area.

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between

such floor and the ceiling next above it. For purposes of this ordinance, a basement shall not be counted as a story.

**STORY, HALF:** A story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than three (3) feet above the floor of such story.

**STREET, ARTERIAL:** Public thoroughfares which serve the major movements of traffic within and through the community, as identified in the adopted comprehensive plan for the city.

**STREET, COLLECTOR:** Public thoroughfares which serve to collect and distribute the major movements of traffic within and through the community, as identified in the adopted comprehensive plan for the city.

**STREET, EXPRESSWAY:** A divided arterial highway for through traffic with full or partial control of access, and generally with grade separations at major intersections.

**STREET, FREEWAY:** A divided multi-lane highway for through traffic with all crossroads separated in grades and with full control of access.

**STREET, LOCAL:** Facilities which are designed to be used primarily for direct access to abutting properties and feeding into the collector street system.

**STREET, PRIVATE:** A paved private thoroughfare which affords access to abutting property for private users of such property. For the purpose of density calculations, a private street shall constitute the areas of its paved surface and sidewalks.

**STREET, PUBLIC:** A public thoroughfare, constructed within the boundaries of an officially deeded and accepted public right-of-way, which affords principle means of access to abutting property. For purposes of density calculations, a public street shall constitute all of the area within the public right-of-way.

**STRUCTURAL ALTERATION (SIGNS):** As it applies to signs, any change in supporting members of a building or structure, such as foundation, bearing walls, columns, beams or girders. For a sign, any change in or replacement of supporting members of a sign structure, such as foundation, columns, beams or girders shall be considered a structural alteration.

**STRUCTURE:** Anything constructed or erected, the use of which requires more or less permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including buildings, mobile homes, signs, and fences, but not including earthworks, ditches, canals, dams, reservoirs, pipelines, telephones or telegraph or electric power lines, driveways, or curbs.

**SUBDIVISION:** The division of a parcel of land into two or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; providing that a division of land for agricultural purposes into lots or parcels of five acres or more and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and when appropriate to the context shall relate to the process of subdivision or to the land subdivided.

**SWIMMING POOL, OUTDOOR:** Any structure or device of any kind that is intended for swimming purposes, including but not limited to: any pool or tank of any material or type of construction, or any depression or excavation in any natural or constructed material, or any dike or berm of any material or type of construction; including all appurtenances to such structure or device and all appliances used in connection therewith; which structure or device is intended to cause, or would cause, if completely filled, the retaining of water to a greater depth than eighteen (18) inches at any point. Any such structure or device shall be deemed to be included within the meaning of the term "structure" as used in this ordinance.

Outdoor swimming pools shall be deemed to consist of the following classes: private, semi-public, public, and commercial, as follows:

- a. Private: when consisting of an accessory structure appurtenant to a one-family or a two-family dwelling and used only as such by persons residing on the same lot and their private guests (as distinguished from groups of any kind) with no payment of any kind or in any form charged or received for such use.
- b. Semi-public: when consisting of an accessory structure appurtenant to a multiple dwelling, hotel, motel, church, school, private club, or country club, and used only as such by persons who reside or are housed on the same lot or who are regular members of such church, club, country club, or regular attendants at such school and by individual guests (as distinguished from groups of any kind) of the foregoing with no payment of any kind or in any form being charged or being received for such use.
- c. Public: a swimming pool operated for profit, open to the public or other unit of government for the general public, whether or not an admission fee is charged.
- d. Commercial: a swimming pool operated for profit, open to the public upon payment of an hourly, a daily, weekly, monthly, annual, or other fee.

**TAVERN:** Any establishment selling, by the drink, fermented malt beverages or malt, vinous, or spirituous liquors.

**TENT:** Any structure or enclosure, the roof of which and/or one-half (1/2) or more of the sides are constructed of silk, cotton canvas, fabric, or a similar light material.

TOURIST COURT: See MOTELS.

TOURIST HOME: A building designed for or used by a single family or two family dwelling in which sleeping rooms are provided or offered to transient guests for compensation, but for not more than four (4) transient guests.

TRAILER: See CAMPING/VACATION MOBILE UNIT.

VARIANCE: A departure from dimensional terms of this ordinance pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

VEHICLE: Any device meeting the definition of "motor vehicle" under KRS. §186.010.

VEHICULAR USE AREA: Any area containing more than one thousand five hundred (1,500) square feet and used by two or more vehicles for parking, sales, or service, exclusive of driveways.

YARD: An open space on the same lot or building site with a main building unoccupied and unobstructed from the ground upward, except by trees, plants, shrubberies, ornaments, utility poles and wires, dog houses, outdoor furniture, and except as otherwise permitted in Section 9.10, G., "Permitted Obstructions In Minimum Required Yards".

YARD DEPTH, FRONT: An area extending the full width of the lot or building site measured between a line parallel to the street right-of-way line intersecting the foremost point of any building excluding steps and unenclosed porches and the front lot line, as defined herein.

YARD DEPTH, REAR: An area extending across the full width of the lot and measured between a line parallel to the rear lot line, as defined herein, which intersects the rearmost point of any building excluding steps and unenclosed porches and the rear lot line.

YARD WIDTH, SIDE: An area between any building and the side lot line, as defined herein, extending from the front to the rear yard, or on through lots or building sites from one front lot line to the other front lot line.

ZONE: An established area within the legislative body for which the provisions of this ordinance are applicable. (Synonymous with the word "DISTRICT".)

ZONING ADMINISTRATOR: The official or officials appointed by the city for carrying out the provisions and enforcement of this ordinance.

## ARTICLE VIII

### ESTABLISHMENT OF ZONES

**SECTION 8.0 ZONES:** For the purpose and intent of this ordinance, the city is hereby divided into the following zones:

|       |  |
|-------|--|
| CO    | CONSERVATION ZONE                            |
| A-1   | AGRICULTURAL ONE ZONE                        |
| R-RE  | RESIDENTIAL AND AGRICULTURAL ZONE            |
| R-1A  | RESIDENTIAL ONE – A ZONE                     |
| R-1B  | RESIDENTIAL ONE - B ZONE                     |
| R-1C  | RESIDENTIAL ONE - C ZONE                     |
| R-1D  | RESIDENTIAL ONE - D ZONE                     |
| R-1D1 | RESIDENTIAL ONE - D ONE ZONE                 |
| R-1E  | RESIDENTIAL ONE - E ZONE                     |
| R-1F  | RESIDENTIAL ONE - F ZONE                     |
| R-1G  | RESIDENTIAL ONE - G ZONE                     |
| R-2   | RESIDENTIAL TWO ZONE                         |
| R-3   | RESIDENTIAL THREE ZONE                       |
| RCD   | RESIDENTIAL CLUSTER DEVELOPMENT OVERLAY ZONE |
| PUD   | PLANNED UNIT DEVELOPMENT OVERLAY ZONE        |
| NSC   | NEIGHBORHOOD SHOPPING CENTER ZONE            |
| NC    | NEIGHBORHOOD COMMERCIAL ZONE                 |
| PO    | PROFESSIONAL OFFICE ZONE                     |
| DTM-1 | DOWNTOWN TAYLOR MILL MAIN STREET ZONE        |
| DTM-2 | DOWNTOWN TAYLOR MILL OFFICE – SERVICE ZONE   |
| DTM-3 | DOWNTOWN TAYLOR MILL COMMERCIAL ZONE         |
| DTM-4 | DOWNTOWN TAYLOR MILL BUSINESS PARK ZONE      |
| I-4   | INDUSTRIAL RIVER ZONE                        |

**SECTION 8.1 OFFICIAL ZONING MAP OR MAPS:** The zones are bounded and defined as shown on the map (or maps) entitled, "OFFICIAL ZONING MAP OF THE CITY OF TAYLOR MILL, KENTUCKY" and shall so remain on file in the city building of the city, in the engineering department.

**SECTION 8.2 CHANGES ON ZONING MAP OR MAPS:** If, in accordance with the provisions of this ordinance and Kentucky Revised Statutes, changes are made in zone boundaries or other matters portrayed on the Official Zoning Map (or maps), such changes shall be made on the Official Zoning Map (or maps) by Planning and Development Services of Kenton County promptly after the amendment to this ordinance has been approved of by the legislative body and the Planning Commission, and Planning and Development Services of Kenton County officially notified by a certified copy of said amendment in ordinance form. Such change shall not become



effective until said changes have been made on said map (or maps). In addition, no building, structure, sign, or fence permit shall be approved or issued until the OFFICIAL ZONING MAP (or maps) indicate the proper zoning for the use intended as indicated upon the application for a permit.

No changes of any nature shall be made on the Official Zoning Map (or maps) or matter shown thereon which are not in conformity with the procedures set forth in this ordinance.

Regardless of the existence of purported copies of the Official Zoning Map (or maps), the OFFICIAL ZONING MAP, which shall be located in the office designated by law, shall be the final authority as to the current zoning status of land, buildings, and other structures in the city.

**SECTION 8.3 REPLACEMENT OF OFFICIAL ZONING MAP OR MAPS:** In the event that the Official Zoning Map (or maps) becomes damaged, destroyed, lost, or is deemed necessary to be replaced due to the age of the map or major corrections in location of rights - of - way or subdivisions, the legislative body may cause to have prepared and adopt a new Official Zoning Map (or maps) which shall supersede the prior Official Zoning Map (or maps), but no such corrections shall have the effect of amending the original Zoning Map (or maps) or any subsequent amendment thereof.

**SECTION 8.4 RULES FOR INTERPRETATION OF ZONE BOUNDARIES:** Rules for interpretation of zone boundaries shown on the Official Zoning Map (or maps) are as follows:

- A. Boundaries indicated as approximately following the rights-of-way of a street, alley, or other public way, shall be construed to follow such rights-of-way lines and when said rights-of-way are officially vacated, the zones bordering such rights-of-way shall be extended out to the centerline of said vacated rights-of-way.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following political boundary lines shall be construed as following such boundary lines.
- D. Boundaries indicated as approximately following the rights-of-ways of railroad lines shall be construed as following such lines.
- E. Boundaries indicated as approximately following the centerlines of streets, streams, rivers, ditches, gullies, ravines, or other bodies of water, shall be construed to follow such centerlines.

- F. Boundaries indicated as approximately following a topographic elevation, determined by the scale of the map, shall be construed as following such ground elevation lines.
- G. Boundaries indicated as approximately parallel to features indicated in Rules A through F of this section, shall be construed as parallel to such features. Boundaries indicated as approximate extensions of features indicated in Rules A through F of this section, shall be construed as being extensions of such features. Distances not specifically indicated on the Official Zoning Map (or maps) shall be determined by the scale of the map (or maps), if an accurate legal description cannot be determined from the original zoning case.

**SECTION 8.5 AREAS NOT INCLUDED WITHIN ZONES:** When an area is annexed to the city, the zoning to be applied to the area shall meet the requirements of KRS 100.209 and KRS 81A.420 (1), as amended.

## ARTICLE IX

### GENERAL REGULATIONS

**SECTION 9.0 PURPOSE:** General regulations shall apply to all districts. Where requirements of a general regulation and a district regulation differ, the more restrictive requirement shall prevail.

**SECTION 9.1 REDUCTION IN BUILDING SITE AREA:** Notwithstanding other provisions of this ordinance, no lot, in any zone, may be reduced in area below the minimum lot area as specified herein for the zone within which said lot is located, except where such reduction has been brought about by the expansion or acquiring of rights-of-way for a street. If, however, by some means (e.g., misinterpretation of law, erroneous lot descriptions, etc.) the lot area is reduced below the minimum required lot area as specified herein for the zone, all of the uses and structures contained on the remaining portion of the area shall be subject to compliance with all other provisions of this ordinance. In the event that the uses and structures cannot comply in such circumstances, the property owner shall seek relief from the board of adjustment, as provided for in Section 18.5 of this ordinance.

**SECTION 9.2 INTERFERENCE WITH TRAFFIC SIGNALS:** Notwithstanding other provisions of this ordinance, in any zone, no sign, structure, tree, planting, or vegetation, or any portion thereof, shall protrude over or into any street so as to create confusion around, or otherwise interfere with, traffic signals of any kind.

**SECTION 9.3 VISION CLEARANCE AT CORNERS, CURB CUTS, AND RAILROAD CROSSINGS:** Notwithstanding any part of this ordinance or any permit granted, or any variance granted by the board of adjustment, no type of structure, vehicle, tree, planting, vegetation, sign, or fence, or any type of obstacle, or any portion thereof, shall be placed or retained in such a manner which would create a traffic hazard or would obstruct the vision clearance at corners, curb cuts, or railroad crossings in any zone.

**SECTION 9.4 FRONTAGE ON CORNER LOTS AND DOUBLE FRONTAGE LOTS:** On lots having frontage on more than one street, the minimum front yard depth shall be provided on at least one street frontage, with the other frontage having a minimum of one-half the required minimum front yard depth, except that when such lots abut an arterial street, as herein defined, the minimum front yard depth shall be provided for each street.

**SECTION 9.5 UTILITIES LOCATION:** Electrical transformer stations, gas regulator stations, sewage and water treatment plants, pumping stations, standpipes for public water supply, and other similar utility uses, may be located in any zone subject to the approval of the board of adjustment, as set forth in Section 9.14 of this ordinance. The location of such facilities shall be in accordance with Kentucky State Law and the following requirements are complied with:

- A. Such facilities shall be essential for the immediate area or for the proper functioning of the total utility system of which the element is a part.
- B. A building or structure, except an enclosing fence, shall be set back at least fifty (50) feet from any property line.
- C. Such facilities shall be enclosed by a protective fence as regulated by Article XIII.
- D. Open spaces on the premises shall be suitably landscaped and maintained and a screening area according to Section 9.17 of this ordinance may be required in and along any yard.
- E. The storage of vehicles and equipment on the premises, unless enclosed or screened, shall be prohibited.
- F. The surrounding area shall not be adversely affected by, and shall be protected from, noise, odor, glare, dust, gas, smoke, and vibration, by such suitable means and conditions as the board of adjustment may specify.

**SECTION 9.6 RAILROAD RIGHTS-OF-WAY LOCATION:** Railroad rights-of-way, exclusive of such uses as marshaling yards, spur lines, passenger and freight terminals, maintenance shops, fueling facilities, and round houses, may be located in any zone of this ordinance providing said railroad rights-of-way meet the requirements of those sections of the Kentucky Revised Statutes and other pertinent state regulations.

**SECTION 9.7 EXCAVATION OR MOVEMENT OF SOIL:** Notwithstanding other provisions of the ordinance, no governmental entity or other person or entity shall strip, excavate, fill, or otherwise move soil, trees, or other vegetation for sale, or any other purpose, except for minor changes such as the filling of small pockets in lots, flower beds, and other similar operations, in any zone set forth in this ordinance without first insuring that all requirements of the subdivision regulations of the city, if applicable, have been fulfilled and then obtaining a permit from the building department for such stripping, excavating, filling, or other means of soil movement including removal of trees and other vegetation. The building department shall issue the required permit only after being informed by letter from the city's engineering department that the resulting change in grade or removal of trees and other vegetation in the affected area will not be against the best interests of the local area. The provisions of this section shall not be construed to prohibit normal excavation or grading incidental to the construction or alteration of a building on the premises for which a building permit has been granted as required otherwise in this ordinance, but shall include all road cuts thereto.

**SECTION 9.8 UNSIGHTLY OR UNSANITARY STORAGE:** No rubbish, salvage materials, junk, or miscellaneous refuse shall be openly stored or kept in the open, and weeds shall not be allowed to go uncut within any zones, when the same may be

construed to be a menace to public health and safety by the appropriate health department, or have a depressing influence upon property values in the neighborhood, in the opinion of the zoning administrator. Salvage and junkyards shall be adequately enclosed with a solid fence or wall, as regulated by Article XIII, and an approved permanent planting screen may be required as regulated by Section 9.17 of this ordinance.

**SECTION 9.9 JUNKYARD LOCATION:** No person shall operate any junkyard which is situated closer than two thousand (2,000) feet from the centerline of any county, state, federal, or limited access highway or turnpike, including bridges and bridge approaches, unless a permit for such operation shall have been obtained from the Kentucky Department of Transportation, Bureau of Highways, in accordance with KRS 177.905 to 177.950.

#### **SECTION 9.10 APPLICATION OF ZONING REGULATIONS**

- A. Except as hereinafter provided, no public or private structure, except the service facilities of 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 be erected, reconstructed, or structurally altered, nor shall any public or private structures or land, except the service facilities of 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, be used for any purpose other than that permitted in the zone in which such structures or land is to be located or is located. All of the required lot area shall be in one (1) zone.
- B. Except as hereinafter provided, no public or private structures except the service facilities of 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 be erected, reconstructed, or structurally altered to exceed the height or bulk limit herein established for the zone in which such structure is to be located or is located.
- C. Except as hereinafter provided, no lot areas shall hereafter be so reduced or diminished that the yards or other open spaces shall be smaller than described by this ordinance and no building shall be occupied by more families than prescribed for such building, structure or premises for the zone in which it is located.
- D. Except as herein provided, no part of any yard, or other open space, or off-street parking or loading and/or unloading space about or in connection with any building, structure, or use permitted by this ordinance shall be considered to be part of a required yard, or other open space, or off-street parking or loading and/or unloading space for any other building, structure, or use.

- 
- E. Except as herein provided, every structure hereafter erected shall be located on a lot as herein defined and in no case shall there be more than one (1) principal building and permitted accessory structures on one (1) lot, nor shall any building be erected on any lot which does not abut a public right-of-way. In the case of a newly subdivided lot, the requirement to abut a public street is further regulated by the subdivision regulations for incorporated and unincorporated Kenton County.
- F. Accessory structures and uses, including off-street parking and loading and/or unloading areas, shall not be permitted within any required minimum front yard or side yard (on each side of the lot), except in the NC, HC, NSC, SC, PO, and R-1 Zones as provided. Accessory structures and uses, including off-street parking and loading and/or unloading areas, shall be permitted to be extended into the minimum rear yard area, as defined herein, in all zones, but by never more than ten (10) feet. For single-family dwellings, private garages or carports not to exceed five hundred (500) square feet in gross floor area or a maximum coverage of ten (10) percent of the available yard area in which said structure is to be located, whichever is greater. In all cases, the floor area of such structures shall be less than the gross floor area of the principal structure.
- G. Permitted Obstructions in Minimum Required Yards or Courts: Except as herein provided, the following shall not be considered to be obstructions when located in the minimum required yards or courts specified:
1. In All Minimum Required Yards - Except as herein provided, driveways, provided they are not closer than five (5) feet to the property line to which they run approximately parallel to. A common driveway may abut or extend over a property line to serve two (2) or more lots as provided for in accordance with the subdivision regulations for incorporated and unincorporated Kenton County. Awnings and canopies, providing they are not closer than five (5) feet to the property line to which they run approximately parallel to; steps, four (4) feet or less above grade, projecting not more than four (4) feet into the minimum required yards which are necessary for access to a lot from a street or alley; fire escapes; chimneys and air conditioning equipment, projecting not more than eighteen (18) inches or less into the minimum required yards; arbors and trellises; flag poles; bird baths; fences and walls, subject to the requirements in Article XIII of this ordinance.
  2. In Minimum Front Yard Depths - One story bay windows, projecting three (3) feet or less into the minimum required yard; overhanging eaves and gutters, projecting not more than three (3) feet into the minimum required front yard.
-

3. In Minimum Rear Yard Depths - One story bay windows, projecting three (3) feet or less into the minimum required yard; overhanging eaves and gutters, projecting not more than three (3) feet or less into the minimum required rear yard.
4. In Minimum Side Yard Width - Overhanging eaves and gutters, projecting not more than eighteen (18) inches or less into the minimum required side yard.

**SECTION 9.11 SPECIAL REQUIREMENTS GOVERNING HOME OCCUPATIONS:**

The following requirements shall apply to home occupations when permitted herein:

- A. No persons other than members of the family residing in the premises shall be engaged in such operation in connection with which there is no group instruction, assembly, or activities.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than twenty-five (25) percent of the gross floor area of any one floor of the dwelling unit (including the basement or cellar) shall be used in the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, such as utilization of trucks, that will indicate from the exterior that the building is being utilized, in part, for any purpose other than that of a dwelling unit, except that a name plate, as regulated by Article XIV of this ordinance, shall be permitted.
- D. No home occupation shall be conducted in any accessory building, nor shall there be any exterior storage of any materials on the premises.
- E. There shall be no commodity sold upon the premises in connection with such home occupation.
- F. No traffic shall be generated by such home occupation in greater volumes or than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and not located in any required yard except as herein provided.
- G. No equipment or process which creates noise, vibration, glare, fumes, odors, or electrical interference, detectable to the normal senses off the lot, shall be used in such home occupation. In the case of electrical interference, no equipment or process which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises, shall be used.

Home occupations shall include the use of the premises for services rendered other than by direct contact with customers at that location (for example, where the bulk of the business is by telephone - actual work is performed in home and customer is contacted in other than that location).

An exception to the requirement that there be no direct contact with customers and allowed as a home occupation will be permitted, if the home occupation meets the following standards:

- A. There can be only one (1) customer on the property at any given time.
- B. No sign on or about the house or lot advertising the home occupation.
- C. No public advertising of any type.
- D. Only one resident in the home can provide services.
- E. The individual(s) operating the home occupation must be properly licensed to provide such services, in accordance with all applicable local, state, and federal laws and regulations; to include professional licensure, and or certifications.
- F. All parking must be off-street.
- G. A Home Occupation Permit granted under this exception will restrict the property, at which the Home Occupation Permit is licensed, from any further expansion of off-street parking for the duration of the Home Occupation Permit.

## **SECTION 9.12 NONCONFORMING LOTS, NONCONFORMING USES, NONCONFORMING STRUCTURES, REPAIRS AND MAINTENANCE, AND NONCONFORMING SIGNS**

- A. NONCONFORMING LOTS OF RECORD:
  - 1. Any lot of record which does not meet the requirements of this ordinance shall be considered a nonconforming lot of record.
  - 2. If two (2) or more unimproved lots or combinations of lots and portions of lots with continuous frontage are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area, as established by this ordinance, the land involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be sold for purposes of building which does not meet lot width and area development requirements established by this ordinance, nor shall any division of the



parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

## B. NONCONFORMING USES

1. CONTINUANCE: Except as herein provided, the lawful use of any structure or land existing at the time of the adoption of this ordinance may be continued although such use does not conform to the provisions of this ordinance. However, no nonconforming use or structure may be enlarged or extended beyond its area of use at the time it becomes a legal nonconforming use, unless and until the use is brought into conformance with all provisions of this ordinance.
2. CHANGE FROM ONE NONCONFORMING USE TO ANOTHER: Any nonconforming use may be changed to another nonconforming use, providing the new nonconforming use is in the same or a more restrictive classification (i.e., providing that, in the opinion of the board of adjustment, the new nonconforming use will be more in conformance with the intent of the regulations of the zone affected, than the old nonconforming use).
3. TERMINATION: Except for Section 9.12, B., 3., c., any of the following activities or conditions shall terminate, immediately, the right to operate a public or private nonconforming use: For Example; (see 9.12, B., 3., c., (1) and (2)). In the case of section 9.12, B., 3., c., the board of adjustment shall hold a public hearing in accordance with the applicable requirements of section 18.2 of this ordinance, prior to termination of the nonconforming use.

Following their hearing, the board may allow the continuation of a nonconforming use provided it is determined that conditions exist that are not the result of actions taken by the operator of the nonconforming use.

- a. Changing to a conforming use.
- b. Abandonment.
- c. Nonoperative or nonused for a period of twelve (12) or more consecutive calendar months.
- d. Whenever the structure, in which the nonconforming use is operated, is damaged in any manner whatsoever and the cost of repairing such damage exceeds fifty (50) percent of the market value of such structure as of the date of such damage of the structure in which the nonconforming use is operated.

- e. Whenever the structure, in which the nonconforming use is operated, becomes obsolete or substandard under any applicable ordinance of the city and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds fifty (50) percent of the market value of such structure as of the date of the official order under the applicable ordinance.
  - f. Whenever said nonconforming use becomes illegal, a nuisance, or a hazard to the public safety, health, or welfare.
  - g. Whenever said nonconforming use becomes the property of the city, or any other governmental entity.
4. ZONE CHANGE: The foregoing provisions shall apply to uses which become nonconforming due to zone changes which take place hereafter.

#### C. NONCONFORMING STRUCTURES

- 1. CONTINUANCE: Except as herein specified, any public or private nonconforming structure may be occupied, operated, and maintained in a state of good repair, but no nonconforming structure shall be enlarged or extended unless the enlargement or extension can be, and is, made in compliance with all of the provisions of this ordinance.
- 2. TERMINATION: Any one of the following acts or conditions shall terminate, immediately, the right to operate a public or private nonconforming structure:
  - a. Changing to a conforming structure.
  - b. Abandonment.
  - c. Whenever the nonconforming structure is damaged in any manner whatsoever and the cost of repairing such damage exceeds fifty (50) percent of the market value of such structure as of the date of such damage of the nonconforming structure.
  - d. Whenever the nonconforming structure becomes obsolete or substandard under any applicable ordinance of the city and the cost of placing such nonconforming structure in lawful compliance with the applicable ordinance exceeds fifty (50) percent of the market value of such nonconforming structure as of the date of the official order under the applicable ordinance.

- 
- e. Whenever said nonconforming structure becomes a nuisance or a hazard to the public safety, health, or welfare.
    - f. Whenever the city, or any other governmental entity, acquires title to said nonconforming structure or the land upon which it is located.
  - 3. ZONE CHANGE: The foregoing provisions shall apply to structures which become legally nonconforming due to zone changes which take place hereafter.
- D. REPAIRS AND MAINTENANCE: On any building devoted in whole, or in part, to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the market value of the building, provided that the cubic content of the building, as it existed at the time of passage or amendment of this ordinance which rendered it nonconforming, shall not be increased.
- Nothing in this ordinance shall be deemed to prevent the strengthening or restoring, to a safe condition, of any building, structure, or part thereof, declared to be unsafe by any official charged with protecting the public safety, except for the conditions as stated in Section 9.12, B., 3., e.
- E. NONCONFORMING SIGNS
- 1. CONTINUANCE: Except as herein specified, any nonconforming sign may be continued in operation and maintained after the effective date of this ordinance, provided, however, that no such sign shall be changed in any manner that increases the noncompliance of such sign with the provisions of this ordinance for the zone in which such sign is located.
  - 2. TERMINATION: Any one of the following acts or conditions shall terminate, immediately, the right to operate or maintain a nonconforming sign:
    - a. Not meeting the time compliance requirements for sign regulations, as regulated in Section 14.1 of this ordinance.
    - b. Changing to a conforming sign.
    - c. Abandonment.
    - d. Nonoperative or nonuse of said nonconforming sign.

3. ZONE CHANGE: The foregoing provisions shall also apply to signs which become legally nonconforming due to zone changes which take place hereafter.

## **SECTION 9.13 EXCEPTIONS AND MODIFICATIONS**

### **A. EXCEPTIONS TO HEIGHT LIMITS**

1. 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, chimneys, smoke stacks, radio and TV towers, conveyors, flag poles, masts and aerials, pent houses, scenery lofts, stand pipes, parapet walls, outdoor theater screens, and other related structures and necessary mechanical appurtenances, provided their construction is in accordance with existing or hereafter adopted ordinances of the city, and is acceptable to the Federal Aviation Agency and the Federal Communication Commission.

- B. AREA EXCEPTIONS: For the purpose of side yard regulations, the following dwellings with common party walls shall be considered as one (1) building occupying one (1) lot: Two-family and multi-family dwellings.

- C. OTHER EXCEPTIONS: Service stations or gasoline filling stations shall be so constructed that the centerlines of the pumps shall be at least twenty-five (25) feet from any street right-of-way line.

### **D. FRONT YARD VARIANCE**

1. In any zone where the average depth of existing front yards within three hundred (300) feet of the lot in question and within the same block front, is greater than the minimum front yard depth prescribed elsewhere in this ordinance, the required minimum front yard depth on such lot shall be modified to be the average depth of said existing front yards provided, however, that the depth of the front yard on any such lot shall not be greater than sixty (60) feet.
2. In any residential zone, no front yard shall be required to exceed the average depth of existing front yards on lots abutting on each side of the street, or the average depth of existing front yards on the same side of the street within the same block and within two hundred (200) feet, when fifty-one (51) percent or more of said lots are improved with residential buildings, whichever is greater, provided that in no case shall a front yard depth be less than twelve (12) feet.

- 
- E. LOT WIDTH VARIANCE: In the R-1C Residential Zone, the minimum lot width at the minimum building setback line for existing lots in already approved subdivisions may be reduced to a minimum lot width of seventy-five (75) feet, although the minimum required lot width is less than required by this ordinance, provided that all other requirements of this ordinance are adhered to.
- F. Areas of less than five (5) acres which are existing commercial zones at the time of adoption of this ordinance may be zoned commercially even though said zones are not shown for commercial development of the adopted comprehensive plan.
- G. EXCEPTION TO AREA AND YARD REGULATIONS
1. Where existing or proposed developments within the multi-family (R-3), Downtown Taylor Mill (DTM-1, DTM-2, DTM-3, and DTM-4), or commercial (NSC and NC) Zone is to be subdivided, the minimum area and yard requirements may be less than required by this ordinance provided that:
    - a. The maximum density of the zone is not exceeded and/or the minimum site for the total development must not be less than that required by the respective zone;
    - b. A community association or other responsible entity is established prior to the approval by the planning commission of any subdivision of land. The "association" shall be obligated and empowered to own, operate, and maintain all common areas (as specifically identified on the submitted site plan required by item c. of this section) including such items as open space, recreational facilities, access drives, parking areas, pedestrian walkways, etc., and all facilities constructed thereon.
    - c. A site plan, as regulated by the applicable requirements of Section 9.19 of this ordinance, including the proposed area and yard requirements for the development, is submitted for review and approval by the planning commission.
    - d. In addition, the planning commission may waive the requirement that all lots abut a minimum frontage along a dedicated right-of-way provided that those lots that do not abut a dedicated right-of-way are assured an unencumbered and maintained accessway by the association to a dedicated right-of-way in accordance with Subsection 9.13, G., 1., b., above, of this ordinance.
-

---

**SECTION 9.14 CONDITIONAL BUILDINGS AND USES**

- A. **DETERMINATION:** Subject to the requirements of Section 18.7, the board of adjustment may authorize a conditional use to be located within any zone in which such conditional use is permitted, if the evidence presented by the applicant is such as to establish, beyond any reasonable doubt:
1. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community; and
  2. That such building and use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
- B. **CONDITIONAL USE PERMITS:** In accordance with KRS 100.237, the board of adjustment 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 herein which may be suitable only in specific locations in the zone only if certain conditions are met:
1. The board of adjustment 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 regulation listing the conditional use under consideration. In addition, a certificate of Land Use Restriction shall be filed pursuant to Section 9.26 of this ordinance. The board shall have the power to revoke conditional use permits, or variances for noncompliance with the condition thereof. Furthermore, the board shall have the right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.
  2. Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of this ordinance, the building code, housing code, and other regulations of the city.
  3. In any case, where a conditional use permit has not been exercised within the limit set by the board, or within twelve (12) consecutive calendar months from date of issuance, 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.

4. The zoning administrator shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permits.

If the landowner is not complying with all of the conditions listed on the conditional use permit, the zoning administrator shall report the fact in writing to the chairman 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 it is furnished to the chairman of the board of adjustment.

The board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing. If the board of adjustments finds that the facts alleged in the report of the zoning administrator are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the board of adjustment may authorize the zoning administrator 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.

5. Once the board of adjustment has completed a conditional use permit, and all the conditions required are of such type that they can be completely and permanently satisfied, the zoning administrator, 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. Thereafter said use, if it continues to meet the other requirements of this ordinance, will be treated as a permitted use.

6. When an application is made for a conditional use permit for land located within or abutting any residential zoning district, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant, administrative official, an owner of every parcel of property adjoining the property to which the application applies, and such other persons as this ordinance or board of adjustment bylaws shall direct. Written notice shall be by first class mail with certification by the board's secretary or other officer that the notice was mailed. It shall be the duty of the applicant to furnish to the board the name and address of an owner of each parcel of property as described in this subsection. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers the property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.

**SECTION 9.15 BUILDING REGULATIONS:** No structure shall be designed, erected, or altered, except in accordance with the following regulations:

A. ALL ZONES

1. Minimum Gross Floor Area: No dwelling unit shall have a gross floor area, as defined herein, of less than six hundred (600) square feet; provided and except, however, that in residential zones minimum gross floor area shall not be less than the following:

| ZONE | TYPE OF DWELLING UNIT        | MINIMUM GROSS FLOOR AREA IN SQUARE FEET |
|------|------------------------------|---|
| All  | Single-family, one bedroom   | 650 <sup>(1)</sup>                      |
| R-1  | Single-family, two bedroom   | 800 <sup>(1)</sup>                      |
|      | Single-family, three bedroom | 900 <sup>(1)</sup>                      |
|      | Single-family, four bedroom  | 1,000 <sup>(1)</sup>                    |
|      | Single-family, five bedroom  | 1,100 <sup>(1)</sup>                    |
| R-3  | Buffet apartment             | 400                                     |
|      | One bedroom apartment        | 500                                     |
|      | Two bedroom apartment        | 700                                     |
|      | Three bedroom apartment      | 800                                     |

- (1) Two-family dwelling -- amount equal to combined minimum gross floor area of equivalent single-family unit.



- 
- B. **WATER AND SANITARY SEWER SERVICE:** Except as herein provided, no building may be constructed in any zone unless such building is connected to a public water and central sanitary sewer system of adequate capacity and design, and approved by proper authorities.
1. Those areas within the Rural Focus Area, as identified by the Kenton County Comprehensive Plan may be permitted to utilize on-site subsurface disposal systems provided that such systems shall be designed and constructed in accordance with the regulations of the applicable state and local agencies.
  2. Individual on-site sewage disposal systems within the Urban/Suburban Focus Area (as provided for within the Kenton County Comprehensive Plan) may be permitted only within those areas which are not currently served by a centralized sanitary sewer system. Individual on-site disposal systems may be permitted only under the following conditions:
    - a. On-site systems shall be permitted to be located only on lots which abut existing streets. Where new street rights-of-way are created, or new streets constructed within an existing right-of-way, all existing lots or newly subdivided lots shall be required to connect to a centralized sewerage system.
    - b. The lot shall comply with the Area and Height Regulations for Permitted Uses, as established in the R-RE Zone.
    - c. On-site subsurface sewerage systems shall be provided with an aerobic type (aerator) treatment plant which will be built in accordance with the regulations of the applicable state and local agencies and shall remain in operation until a connection is made to a centralized sewer system.

In those areas where on-site disposal systems are permitted, a connection to the applicable water agency's supply shall not be required.
  3. Where existing or proposed development is presently not served by a public sanitary sewer system, and is located within a reasonable distance of an existing or newly extended sanitary sewer line, as determined by the legislative body and/or the Northern Kentucky District Board of Health, said development shall be required to connect with the public sanitary sewer system and the private sewage disposal system shall be discontinued.
-

4. A copy of the approved on-site subsurface sewerage disposal permit shall be submitted to the legislative body's zoning administrator/building official prior to issuance of a building permit.

#### **SECTION 9.16 MOVE AND SET**

- A. No building, structure, or improvement shall be moved or set from or upon land located in any area or transported upon any public street, in the legislative body, until and unless both: (1) a building permit to move and set; and (2) a transport permit, have been obtained, and said building, structure, or improvement complies with the provisions of this section.
- B. All buildings, structures, and improvements shall comply with the city's building code.
- C. PROCEDURE:
  1. Any person who wishes to obtain a building permit, to move and set in compliance herewith shall apply at the office of the building inspector requesting an inspection of the building, structure, or improvement to be moved and set, and that an application for such permit to be filed with the building inspector.
  2. The applicant shall submit, with his application for said building permit, a plot plan, footing and foundation plan, and construction plans for any new construction. Said plans shall comply with the city's building code.
  3. If the building, structure, or improvement is located in the city, all outstanding property taxes shall be paid and the applicant shall submit with his application a statement from the city's director of finance showing that all past and current taxes have been paid before any permit shall be issued.
  4. Upon receipt of the foregoing items, the building inspector shall inspect said building, structure, or improvements, and the proposed location where same will be set within the legislative body and determine if the proposed development will comply with all applicable codes and regulations.
  5. The move and set shall be referred to the zoning administrator for approval or denial of compliance with this ordinance.
  6. Upon approval by the zoning administrator and building inspector, a building permit to move and set shall be issued. The legislative body's engineer shall then be notified of same and shall issue a transport permit.

The legislative body's engineer or his agent will designate the route to be traveled. The transport permit is good only for the date specified on permit. The transport permit will not be issued if ninety (90) consecutive calendar days or more have lapsed from the date of inspection by the building inspector.

7. There will be a building investigation fee, as established by the legislative body, to cover the costs of investigation and inspection for determining the structural soundness of buildings, structures, or improvements to be moved, the fee is payable in advance and must accompany the application provided for herein. This fee is not returnable. If any alterations or improvements to be made are found to be in compliance with the legislative body's applicable codes and regulations, a building permit to move and set will be issued and the fee will be based on the cost of new foundations and all work necessary to place the building or structure in its completed condition in the new location. This fee is in addition to the building investigation fee.
8. The transport permit provided for in this section shall not be in lieu of any building permits which may be required by the city.
9. No transport of building permit to move and set shall be issued until the applicant has first obtained the necessary permits from the telephone company, public utilities companies, railroad companies, and the State Highway department of Kentucky and the county road supervisor unless it can be shown by the applicant, that these agencies are not interested in the matter.
10. No transport or building permit to move and set shall be issued for any building, structure, or improvement exceeding the dimensions approved by the zoning administrator and building inspector.
11. No person, corporation, or company shall transport, move, or set any building, structure, or improvement in the legislative body, until and unless such person, corporation, or company shall post with the building inspector a good and sufficient indemnity bond in the amount of five thousand dollars (\$5,000.00) in favor of the city. Such bond shall be made by a surety corporation authorized to do business in the Commonwealth of Kentucky; said bond may be issued on an annual basis but shall not be in excess of such period of time.

## **SECTION 9.17 LANDSCAPE REGULATIONS**

- A. **PURPOSE:** The purpose of these regulations is to promote and to protect the health, safety and welfare of the community through reduction of noise, air, and

visual pollution, air temperature and headlight glare and to improve the aesthetic character of the community by improving the appearance of vehicular use areas and property adjoining public/private road rights-of-way and driveways, preserving existing trees, and requiring screening between land uses.

- B. **WHO PROVIDES LANDSCAPING:** Landscaping required to fulfill these regulations shall be provided by the property owner. If an adjacent property has landscaping fulfilling perimeter landscaping requirements, the requirement for perimeter landscaping along the common boundary may be waived if deemed appropriate by the Zoning Administrator.
- C. **TYPES OF LANDSCAPING REQUIRED:** Landscaping required per these regulations includes perimeter landscaping, vehicular use area (parking lot) or interior landscaping, and landscaping for screening of dumpsters.
- D. **LANDSCAPE REQUIREMENTS TABLE:** The Landscape Requirements Table (Table 9-1) contains landscape requirements for perimeter, vehicular use or interior landscaping per these regulations.
- E. **SITES AFFECTED:** Landscaping as required in the Landscape Requirements Table (Table 9-1 ), shall be required as follows:
  - 1. All new building development and construction or development requiring a zoning map amendment, except for single and two-family residential.
  - 2. **EXISTING DEVELOPED SITES:**
    - a. New parking lot construction, including the expansion, moving or relocation of existing parking. This requirement shall only affect those newly paved areas of five (5) spaces or larger, or any paved area larger than 1500 square feet. The number of parking spaces added shall also include any spaces added within one (1) calendar year prior to the building permit application for the new spaces. This requirement shall, in no instance, be deemed as retroactively affecting sites prior to the adoption of this amendment.
    - b. Substantial additions to an existing building - Substantial building additions will be defined per the criteria established below:

| Where Existing<br>Structure Is | Substantial Increase<br>An Addition Of |
|--------------------------------|--|
| 0 - 1,000 sq. ft.              | 101% or greater                        |
| 1,001 - 10,000 sq. ft.         | 40% or greater                         |
| 10,001 - 25,000 sq. ft.        | 30% or greater                         |

---

|                          |                |
|--------------------------|----------------|
| 25,001 - 50,000 sq. ft.  | 20% or greater |
| 50,001 sq. ft. and above | 10% or greater |

Perimeter landscaping is required between addition and adjoining land use or public/private street, per the landscape requirements table. See Figure 9-1 for additional information. If this does not involve new parking lot construction, interior (Vehicular Use Area) landscaping is not required.

- c. When a land use changes to a different land use requiring the construction of additional parking.

- F. **PLANTING MANUAL AND LANDSCAPE REGULATIONS GUIDELINES:** The legislative body shall have on file a manual that outlines recommended plant materials, illustrations of the landscape ordinance applications and minimum requirements for other landscape materials. This manual shall be used as a guideline to anyone preparing a landscape plan in order to meet the requirements of this Landscape Ordinance.

The Planting Manual and Landscape Regulation Guidelines include plant lists which can be used for reference purposes when selecting trees and shrubs to meet the requirements of these regulations. The lists are as follows:

- PLANT LIST A: SHADE TREES (Mature height greater than 30 ft.)
- PLANT LIST B: FLOWERING AND NON - FLOWERING TREES  
(Mature height less than 30 ft. for use under power lines.)
- PLANT LIST C: EVERGREEN/BROADLEAF TREES
- PLANT LIST D: DECIDUOUS SHRUBS
- PLANT LIST E: EVERGREEN/BROADLEAF SHRUBS
- PLANT LIST F: STREET TREES
- PLANT LIST G: UNACCEPTABLE SHRUBS AND TREES

Please note that with the exception of Plant List G, Unacceptable Plants, the Plant Lists included in the manual are only suggestions of use groups that have been successful in this region for urban landscaping. The choice of plant materials is not limited to those of the lists, but all plants and trees specified on landscape plans that are not included must have proven acceptability in this region. No shrubs and trees on Plant List G will be permitted.

---

## G. MISCELLANEOUS REGULATIONS

1. **EASEMENTS, RIGHTS-OF-WAY, AND SETBACKS:** Landscaping must be placed in the required area between the property line and the front, rear and side yard setbacks, except as permitted herein. Required landscaping may be placed wholly or partially in utility or other easements providing all requirements can be fulfilled and approval is granted by the holder of the easements. Trees placed under overhead utility wires must be from List B. The rights-of-way of any public street may also be utilized for the required landscaping provided that approval is granted by the appropriate government. It must be noted that an Encroachment Permit shall be required from the Kentucky Transportation Cabinet to plant within state right-of-way. When rights-of-ways are used for required landscaping it shall be the responsibility of the property owner to maintain said landscaping and to replace any required landscaping subsequently removed by the Kentucky Transportation Cabinet or local legislative bodies.
2. **SIGHT TRIANGLE:** That area at street or drive intersections where all landscaping is prohibited, except ground covers and trees that are without limbs, with a ground clearance seven feet (see Figure 9-2).
3. **JOINT DRIVEWAYS:** If two properties share a driveway or vehicular use area and have a written reciprocal access agreement, no vehicular use area screening shall be required along the paved portion of the common boundary. Interior landscape shall be required on the property submitting plans.
4. **DUMPSTERS:** Shall be screened on at least three (3) sides according to Table 9-2.

When dumpsters located less than ten (10) feet from an unwindowed portion of a building on the same property, landscape screening may be waived by the Zoning Administrator for the side of the dumpster facing that building wall. Fencing shall be required on that side.

5. **CONFLICTS IN REQUIREMENTS:** When an activity or land use falls under more than one of the categories listed in the table, the most stringent of the requirements shall be applied.

## H. LANDSCAPE MATERIALS

1. **WALLS AND FENCES:** When walls or fences are used to fulfill screening requirements, they shall be indicated on the landscape plan. They are to be of weather-proof materials. This includes the use of synthetic or other

construction materials or pressure treated lumber or painting of lumber if it is not redwood or cedar and using aluminum or galvanized hardware. Chain link fences with wood or synthetic slat material shall not be used to meet the requirements of these regulations.

2. **PLANTS AND TREES:** All plants are to be healthy and part of the acceptable plants listed in the Planting Manual. All plants must be replaced if they die. A plant manual should be obtained from the legislative body that outlines recommended plant material.
  - a. **Quality:** Plant materials used in conformance with provision of this ordinance shall comply with the American Standards for Nursery Stock (ANSI Z60. 1-1990, or most current edition) as prepared and published by the American Association of Nurserymen which is on file at the City Hall. In addition all plant materials shall have passed any inspection required under state and/or local regulations.
  - b. **Deciduous Trees** (trees which normally shed their leaves in the fall): Shall be species having an average mature crown spread of greater than fifteen (15) feet in Kenton County and having trunk(s) which can be maintained with a minimum of seven (7) feet of clear wood in areas which have visibility requirements. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by a grouping of the same so as to create the equivalent of a fifteen (15) foot crown spread. A minimum of six to eight (6-8) feet overall height or a minimum caliper (trunk diameter, measured by 6 inches above ground for trees up to 4 inches caliper) of at least 1 1/2 inch immediately after planting shall be required. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than fifteen (15) feet from such public works, unless the tree root system is completely contained within a barrier for which the minimum interior container dimensions shall be five feet square and five feet deep and for which the construction requirements shall be four (4) inches thick reinforced concrete.
  - c. **Evergreen Trees:** Shall be a minimum of five (5) feet high with a minimum caliper of 1-1/2 inches immediately after planting.
  - d. **Shrubs and Hedges:** Shall be at least 15" - 20" in average height when installed. All plants shall conform to opacity, mature height, and other requirements within four (4) years after the date of the final approval of each planting or replanting. Privet, Ligustrum species cannot meet the opacity requirements and may not be used to satisfy the requirements of this Article. The height of the

planting shall be measured from the level of the surface of the vehicular use area at the edge closest to the screening.

- e. Grass or Ground Cover: Grass of the fescus (Gramineae) or Bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns in Kenton County, and may be sodded, plugged, sprigged, or seeded; except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted not more than 15 inches on center and in such a manner as to present and have 75% of complete coverage after two complete growing seasons.
3. EARTH MOUNDS: Earth mounds shall be constructed with slopes which allow easy maintenance of grass or other ground cover. Differences in elevation between areas requiring screening does not constitute an earth mound.
4. MAINTENANCE AND INSTALLATION: All landscaping materials shall be installed according to accepted planting procedures (see Planting Manual). The Owner of the property shall be responsible for the continued property maintenance of all landscaping materials, including existing trees, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three months. Topping trees or cutting of limbs to stubs larger than three (3) inches in diameter within the tree crown to such a degree as to remove the normal canopy shall not be considered proper for the maintenance of trees as required by this Article. Tree pruning cuts shall be made sufficiently close to the trunk or parent limb without cutting into the branch collar or leaving a protruding stub so that closure can readily start under normal conditions. All branches that are so heavy as to cause bark splitting or peeling are to be precut. Violation of these installation and maintenance provisions shall be grounds for the legislative body to refuse a building occupancy permit, require replacement of the landscape material or institute legal proceedings to enforce the provisions of this Article.

#### I. SUBMISSION REQUIREMENTS

1. LANDSCAPE PLAN CONTENT: The landscape plan shall be drawn to a scale no smaller than 1" = 100'-0" and shall include: all property lines; a



north arrow; a scale; all easements; all existing and proposed structures and their uses; dumpsters; all vehicular use areas, labeled as to size and number of parking spaces; the names and addresses of the owners and plan preparers; and either topographic contour or spot elevations where elevation changes occur in areas to be landscaped.

2. **TREE PROTECTION PLAN:** Identify all trees within the disturbed limits that are to be preserved and are to be part of the required landscaping. Such trees shall be protected during the construction phase, per guidelines in the Planting Manual and Landscape Ordinance Guidelines, Section II, C.
3. **BUILDING OR ZONING PERMIT:** A building or zoning permit shall not be issued until the required landscape plans have been approved.
4. **CERTIFICATE OF OCCUPANCY:** A temporary Certificate of Occupancy may be issued even though the required landscaping has not yet been installed. A final Certificate of Occupancy shall not be issued unless either:
  - a. All landscaping has been installed and accepted by the Building or Zoning Inspector, or
  - b. A full cash bond, irrevocable letter of credit (on an approved bank), or other form of acceptable surety has been posted in an amount equal to the cost of contracting the purchase and installation of the landscaping, plus 10%.

The owner shall have up to six (6) months, as determined by the Zoning Administrator to install the required landscaping. If, after the established time frame, the landscaping is not installed, the legislative body will contract the landscaping using the posted bond. Two one month extensions of the bond may be allowed beyond the established time if it is determined that planting will be detrimental to the plant material.

#### J. PLANTING ADJUSTMENTS

1. The Zoning Administrator shall have the authority to grant a waiver of any of the requirements in this section upon receipt of a written request which outlines the rationale for the planting adjustment. The Zoning Administrator shall review each written request and grant a waiver only: (1) under unusual or extreme circumstances which cause an unreasonable hardship such as the size of the lot; (2) when an innovative or alternative approach can be made which still meets the intent and purpose of this section; or (3) when the requirements of this section are impractical or

unreasonable because of the existence of conditions specified in subsection J., 4. Of this section. All decisions made by the Zoning Administrator may be appealed to the Board of Adjustment, pursuant to this ordinance and Kentucky Revised Statutes.

2. PLANNING COMMISSION - TO HEAR AND DECIDE APPLICATIONS FOR PLANTING ADJUSTMENTS

- a. An applicant, at the time of filing of the application for a map amendment, Stage I Development Plan review, or Stage II Development Plan review, may elect to have any planting adjustments for the same development to be heard and finally decided by the planning commission at the same public hearing set for the map amendment, Stage I Development Plan review, or Stage II Development Plan review, or by the Zoning Administrator as otherwise provided for in this section.
- b. The planning commission shall review each adjustment request per the requirements of this ordinance and shall forward its findings to the Zoning Administrator. The ruling on the planting adjustment request shall be binding on the Zoning Administrator.

3. PLANTING ADJUSTMENTS: If the property owner wishes to request a planting adjustment of the Landscape Requirements of this article, an application shall be filed with the Zoning Administrator.

4. REVIEWING ADJUSTMENT REQUESTS: The Zoning Administrator or the planning commission, in its review of requests for adjustments, shall in making its decision consider all of the following criteria:

- a. The need for the adjustment is due to circumstances typical of the land in the general vicinity of the site or in the same zone.
- b. The strict application of the Landscape Ordinance would deprive the applicant of a reasonable use of the land or create an unnecessary hardship.
- c. Circumstances necessitating an adjustment are not the result of an action by the applicant subsequent to the passage of the Landscape Ordinance.
- d. Adherence to the Landscape Ordinance will adversely affect the health, safety and welfare of the public or will adversely alter the general character of the general vicinity.

- e. When an innovative or alternative approach can be made which still meets the intent and purpose of this section.
- f. The existence of significant grade separations between adjoining developments or properties.
- g. The horizontal distance between the proposed development and the adjoining property.
- h. The existence of natural features (water bodies, tree lines, creeks or streams) that are proposed to be maintained.
- i. The different land use intensities that can be found within the same land use categories (i.e., a small single tenant office use or a 24 hour gasoline/convenience store can both be developed in a commercial zone).

**TABLE 9-1  
LANDSCAPE REQUIREMENTS TABLE**

| DEVELOPING ZONE/USE  | ADJOINING ZONE/USE               | MINIMUM PLANTING STRIP | PLANT MATERIAL/OPTIONS  |
|--|----------------------------------|------------------------|---|
| Any commercial or professional office zone or land use, or any conditional use | Any residential zone or land use | 20 feet                | <p>Choose one of the following:</p> <ol style="list-style-type: none"> <li>1 tree per 35 linear feet, or fraction thereof, from List A* (shade trees), plus double row hedge from list E (evergreen/broadleaf shrubs)</li> <li>1 tree per 20 linear feet, or fraction thereof, from List B (flowering and non-flowering trees), plus double row hedge from List E (evergreen/broadleaf shrubs)</li> <li>1 tree per 40 linear feet, or fraction thereof, from List A (shade trees), plus a hedge from List D, plus a 6 foot wall, fence, or earth mound</li> <li>1 tree per 40 linear feet, or fraction thereof, from List B (flowering and non-flowering trees), plus a hedge from List D, plus a 6 foot wall, fence, or earth mound</li> <li>Double row, staggered planting of trees from List C at 15 feet on center</li> </ol> |

\* Plant lists can be found in the "Planting Manual And Landscape Regulation Guidelines"

1. Unless otherwise specified, trees do not have to be equally spaced, but may be grouped.
2. Interior requirements are not required on parking lots smaller than 5 spaces, and/or 1,500 square feet of paved area. Interior landscape areas must be 100 square feet minimum in size. Plants may be no closer than 36 inches to pavement in the vehicle use area unless concrete wheel stops are used to prevent plant damage by cars. Six inch (minimum) curb required around all landscaped islands.
3. If the vehicle use area is located in the front side or rear yard, the required interior vehicular use area landscaping and the 5 feet perimeter screening easement will be included as counting towards the total front yard landscaping required.
4. In all cases where an earth mound or berm is used, the easement provided must be adequate to accommodate a mound with a maximum side slope of 2.5 to 1.
5. The Zoning Administrator may allow a mixture or combination of tree categories, provided that the required number of trees is provided.
6. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established by the zoning district.

page 2 of 5

Table 9-1 (continued)

| DEVELOPING ZONE/USE             | ADJOINING ZONE/USE                         | MINIMUM PLANTING STRIP     | PLANT MATERIAL/OPTIONS   |
|---------------------------------|--|----------------------------|--|
| Any industrial zone or land use | Any residential zone                       | 75 feet side and rear yard | Double row of staggered trees from List C (evergreen/broadleaf trees) at 15 feet on center, plus a 36 foot wide, 6 foot tall, earthen berm             |
|                                 | Any commercial or professional office zone | 50 feet side and rear yard | Double row of staggered trees from List C (evergreen/broadleaf trees) at 15 feet on center   |
|                                 |  |                            | STORAGE YARD: A hedge from List E (evergreen/broadleaf shrubs) facing the front yard only and/or any public/private street plus a 6 foot fence or wall |

\* Plant lists can be found in the "Planting Manual And Landscape Regulation Guidelines"

1. Unless otherwise specified, trees do not have to be equally spaced, but may be grouped.
2. Interior requirements are not required on parking lots smaller than 5 spaces, and/or 1,500 square feet of paved area. Interior landscape areas must be 100 square feet minimum in size. Plants may be no closer than 36 inches to pavement in the vehicle use area unless concrete wheel stops are used to prevent plant damage by cars. Six inch (minimum) curb required around all landscaped islands.
3. If the vehicle use area is located in the front, side or rear yard, the required interior vehicular use area landscaping and the 5 feet perimeter screening easement will be included as counting towards the total front yard landscaping required.
4. In all cases where an earth mound or berm is used, the easement provided must be adequate to accommodate a mound with a maximum side slope of 2.5 to 1.
5. The Zoning Administrator may allow a mixture or combination of tree categories, provided that the required number of trees is provided.
6. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established by the zoning district.

page 3 of 5

Table 9-1 (continued)

| DEVELOPING ZONE/USE   | ADJOINING ZONE/USE                                | MINIMUM PLANTING STRIP                   | PLANT MATERIAL/OPTIONS  |
|---|---|--|---|
| Any multi-family residential (3 units per building or greater density) zone or land use | Any single family residential zone or land use    | 20 feet                                  | <p>Choose one of the following:</p> <ol style="list-style-type: none"> <li>1 tree per 45 linear feet, or fraction thereof, from List A* (shade trees), plus a double row hedge from List E (evergreen/broadleaf shrubs)</li> <li>1 tree per 20 linear feet, or fraction thereof, from List B (flowering and non-flowering trees), plus a double row hedge from List E (evergreen/broadleaf shrubs)</li> <li>A hedge from List D (deciduous shrubs), plus a 6 foot wall, fence, or earth mound</li> <li>Continuous double row, staggered planting of trees from List C (evergreen/broadleaf trees) at 15 feet on center</li> </ol> |
| Any commercial, professional office or industrial zone or land use                      | The public right-of-way, public or private street | 10% of each yard area must be landscaped | Trees, shrubs, planting beds, and/or perennials in a motif designed by the owner. A minimum of 3 trees shall be planted per 100 linear feet, or fraction thereof, of road frontage. This is not in addition to other required landscaping.  |

\* Plant lists can be found in the "Planting Manual And Landscape Regulation Guidelines"

1. Unless otherwise specified, trees do not have to be equally spaced, but may be grouped.
2. Interior requirements are not required on parking lots smaller than 5 spaces, and/or 1,500 square feet of paved area. Interior landscape areas must be 100 square feet minimum in size. Plants may be no closer than 36 inches to pavement in the vehicle use area unless concrete wheel stops are used to prevent plant damage by cars. Six inch (minimum) curb required around all landscaped islands.
3. If the vehicle use area is located in the front, side or rear yard, the required interior vehicular use area landscaping and the 5 feet perimeter screening easement will be included as counting towards the total front yard landscaping required.
4. In all cases where an earth mound or berm is used, the easement provided must be adequate to accommodate a mound with a maximum side slope of 2.5 to 1.
5. The Zoning Administrator may allow a mixture or combination of tree categories, provided that the required number of trees is provided.
6. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established by the zoning district.

page 4 of 5

Table 9-1 (continued)

| DEVELOPING ZONE/USE   | ADJOINING ZONE/USE                                | MINIMUM PLANTING STRIP | PLANT MATERIAL/OPTIONS   |
|---|---|------------------------|--|
| A junk, salvage, refuge, or parts yard or recycling center  | Any residential zone                              | 75 feet                | Choose one of the following:<br>1. 1 tree per 35 feet of linear boundary, or fraction thereof, from either List A (shade trees) or List B (flowering and non-flowering trees), plus a single row hedge from either List D (deciduous shrubs) or List E (evergreen/broadleaf shrubs), plus a 6 foot wall or fence<br>2. A double row, staggered planting of trees from List C (evergreen/broadleaf trees) at 15 feet on center, plus a 6 foot solid fence or wall |
|   | Any commercial or professional office zone        | 50 feet                |  |
|   | Any industrial zone or street (public or private) | 20 feet                |  |
| Street trees may be planted along all public or private streets to meet the requirements of these regulations |   | 4 feet                 | Choose one of the following:<br>1. 1 tree every 60 feet on center (maximum) from List A (shade trees)<br>2. 1 tree every 60 feet on center (maximum) from List F (street trees)<br>3. 1 tree every 60 feet on center (maximum) from List B (flowering and non-flowering trees)   |

\* Plant lists can be found in the "Planting Manual And Landscape Regulation Guidelines"

1. Unless otherwise specified, trees do not have to be equally spaced, but may be grouped.
2. Interior requirements are not required on parking lots smaller than 5 spaces, and/or 1,500 square feet of paved area. Interior landscape areas must be 100 square feet minimum in size. Plants may be no closer than 36 inches to pavement in the vehicle use area unless concrete wheel stops are used to prevent plant damage by cars. Six inch (minimum) curb required around all landscaped islands.
3. If the vehicle use area is located in the front, side or rear yard, the required interior vehicular use area landscaping and the 5 feet perimeter screening easement will be included as counting towards the total front yard landscaping required.
4. In all cases where an earth mound or berm is used, the easement provided must be adequate to accommodate a mound with a maximum side slope of 2.5 to 1.
5. The Zoning Administrator may allow a mixture or combination of tree categories, provided that the required number of trees is provided.
6. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established by the zoning district.

page 5 of 5

Table 9-1 (continued)

| DEVELOPING ZONE/USE   | ADJOINING ZONE/USE           | MINIMUM PLANTING STRIP               | PLANT MATERIAL/OPTIONS  |
|---|------------------------------|--------------------------------------|---|
| A Vehicular Use Area (VUA) associated with any zone or land use, except single-family | Any public or private street | 10 foot perimeter screening easement | Choose one of the following:<br>1. 1 tree per 40 linear feet, or fraction thereof, from List A* (shade trees), plus 8 shrubs per 40 linear feet, or fraction thereof, from either List D (deciduous shrubs) or List E (evergreen/broadleaf shrubs)<br>2. 1 tree per 25 linear feet, or fraction thereof, from List B (flowering and non-flowering trees), plus 8 shrubs per 40 linear feet, or fraction thereof, from either List D (deciduous shrubs) or List E (evergreen/broadleaf shrubs) |
|   |                              | -----                                | -----   |
|   |                              | If over 25 feet                      | If the planting strip exceeds 25 feet in width, shrubs are not required   |
|   | --PLUS --                    | --PLUS --                            | --PLUS --   |
|   | in all cases                 | 5% interior landscaped area (2)      | 1 tree per 250 square feet of interior landscaped area from either List A (shade trees) or List B (flowering and non-flowering trees) (1 tree minimum)  |

\* Plant lists can be found in the "Planting Manual And Landscape Regulation Guidelines"

1. Unless otherwise specified, trees do not have to be equally spaced, but may be grouped.

2. Interior requirements are not required on parking lots smaller than 5 spaces, and/or 1,500 square feet of paved area. Interior landscape areas must be 100 square feet minimum in size. Plants may be no closer than 36 inches to pavement in the vehicle use area unless concrete wheel stops are used to prevent plant damage by cars. Six inch (minimum) curb required around all landscaped islands.

3. If the vehicle use area is located in the front, side or rear yard, the required interior vehicular use area landscaping and the 5 feet perimeter screening easement will be included as counting towards the total front yard landscaping required.

4. In all cases where an earth mound or berm is used, the easement provided must be adequate to accommodate a mound with a maximum side slope of 2.5 to 1.

5. The Zoning Administrator may allow a mixture or combination of tree categories, provided that the required number of trees is provided.

6. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established by the zoning district.



FIGURE 9-1  
REQUIRED PERIMETER LANDSCAPING FOR BUILDING ADDITIONS

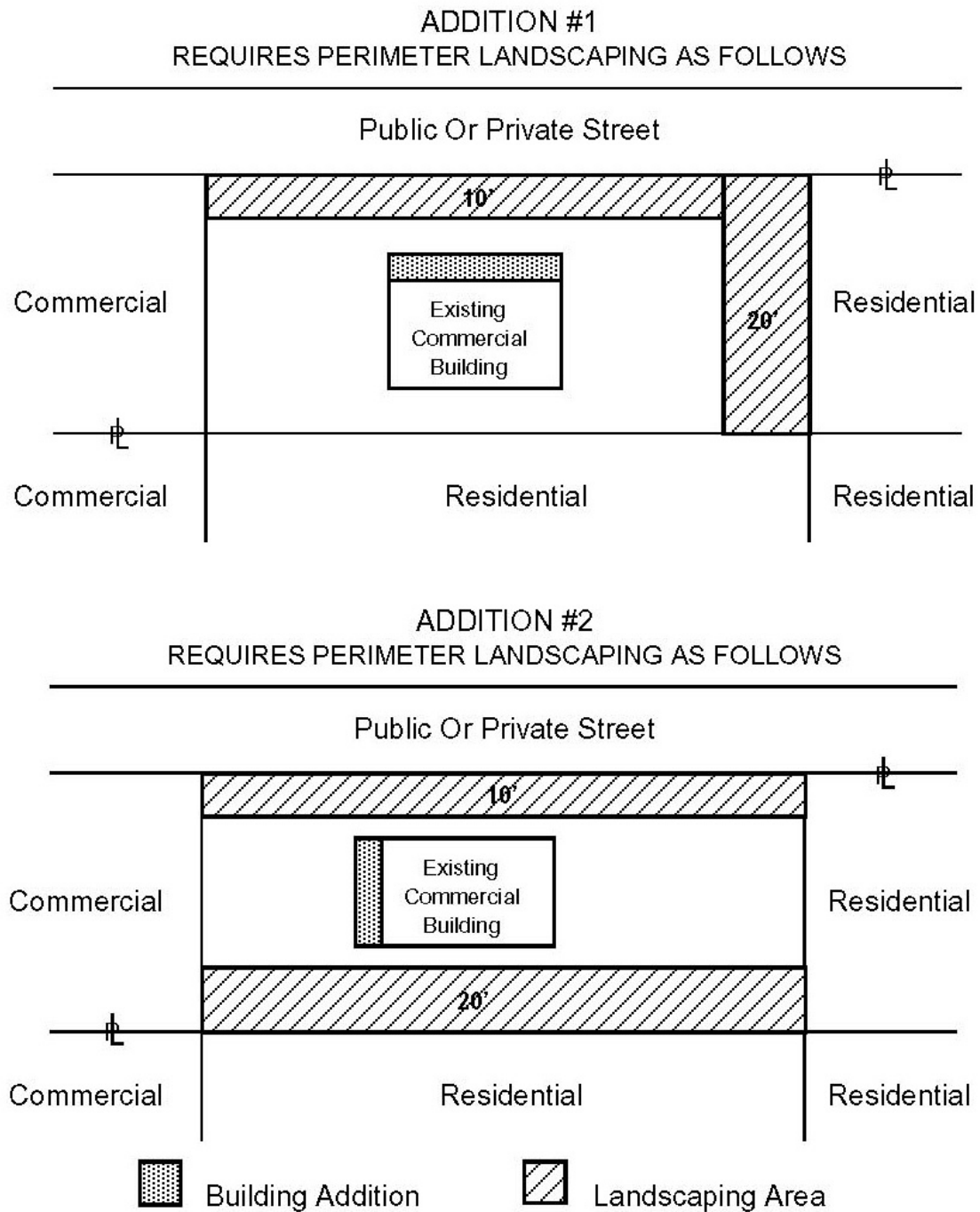
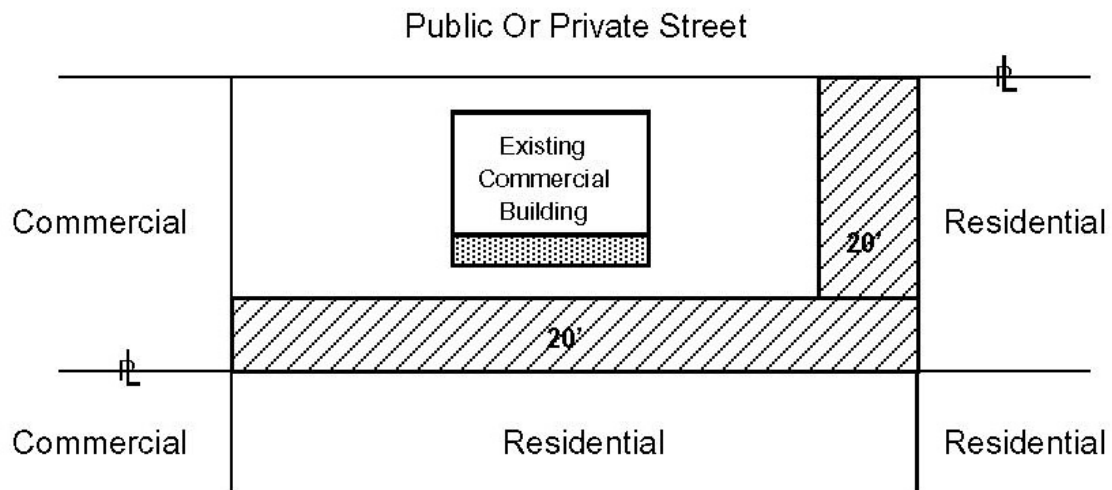


FIGURE 9-1 (continued)  
REQUIRED PERIMETER LANDSCAPING FOR BUILDING ADDITIONS

ADDITION #3  
REQUIRES PERIMETER LANDSCAPING AS FOLLOWS



ADDITION #4  
REQUIRES PERIMETER LANDSCAPING AS FOLLOWS

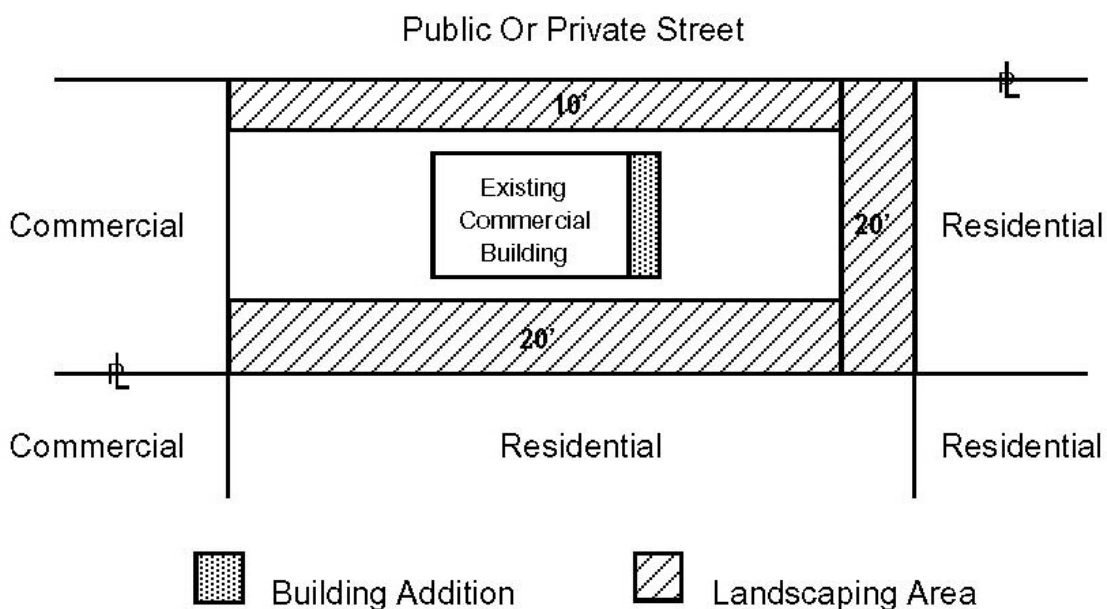
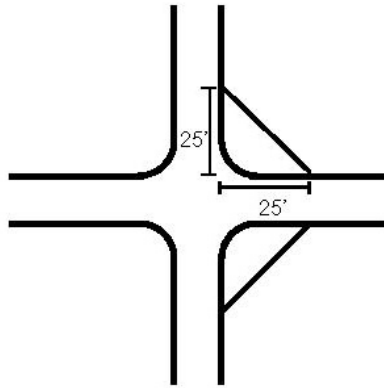
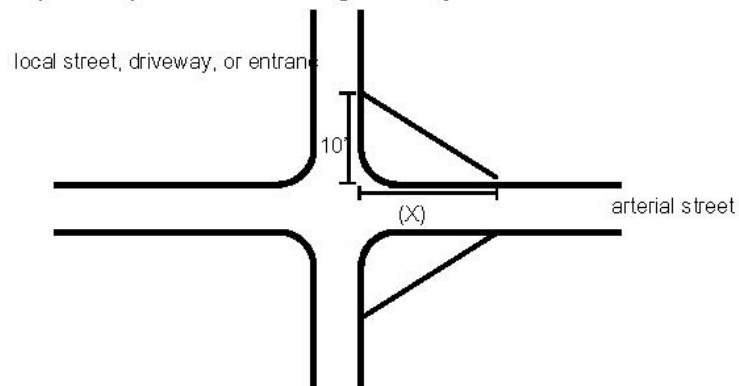


FIGURE 9-2  
CITY STREETS/STATE HIGHWAY SIGHT TRIANGLES

1. Local, Subcollector, and Collector Streets: When two city streets intersect or a driveway intersects a city street, the sight triangle shall consist of the area between points twenty-five (25) feet along both streets from the intersection of the edges of the pavement.



2. Arterial or State Maintained Roadways: Where a city street, driveway or other entrance intersects with a state highway, the sight triangle shall consist of the area between a point located along the edge of the state highway pavement the distance an automobile traveling the speed limit can go in six seconds. An Encroachment Permit from the Kentucky Department of Transportation is required to plant in the State Right-of-Way.



| (X) SIGHT DISTANCE | POSTED SPEED LIMIT |
|--------------------|--------------------|
| 484 feet           | 55 miles per hour  |
| 396 feet           | 45 miles per hour  |
| 308 feet           | 35 miles per hour  |
| 220 feet           | 25 miles per hour  |
| 132 feet           | 15 miles per hour  |

TABLE 9-2  
DUMPSTER SCREENING TABLE

| DUMPSTER*<br>OCCURS IN                         | WHICH ADJOINS                                  | REQUIRED<br>SCREENING**  |
|--|--|--|
| any zone or land use<br>other than residential | any zone or land use<br>other than residential | fencing per plant<br>manual  |
| any residential land<br>use or zone            | any zone or land use                           | fencing per plant<br>manual plus hedge on<br>three sides from list D<br>or E |
| any zone or land use                           | any residential land<br>use or zone            | fencing per plant<br>manual plus hedge on<br>three sides from list D<br>or E |

\* Includes dumpsters, compactors, and all other solid or other waste containers

\*\* If a dumpster is oriented towards a street or toward the nearest perimeter of the site, and can be seen from the street or the adjoining property, that side must also be screened

---

**SECTION 9.18 OUTDOOR SWIMMING POOLS**

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

1. Swimming pools shall be permitted to be located only to the rear of the principal permitted dwelling or dwellings.
2. Except as herein provided, no swimming pool, including the apparatus and equipment pertaining to the operation of the swimming pool shall be permitted within any required yards of the lot nor within the limits of any public utility right-of-way easement.
3. Swimming pools which are constructed in-ground shall be required to have a fence or wall, including a self-closing or self-latching door or gate around the pool or the property on which the pool is located, of at least four (4) feet, but not exceeding six (6) feet (only classes 1, 3, 4, or 5 are permitted, as regulated in Article XIII of this ordinance) and of such construction that a small child may not reach the pool from the street or any property without climbing the fence or wall or opening the gate or door.
4. Swimming pools which are located above-ground shall be required to have a fence or wall, including a self-closing or self-latching door or gate around the pool or property upon which the pool is located, of at least five (5) feet in height, but not exceeding seven (7) feet (only classes 1, 3, 4, and 5 are permitted, as regulated by Article XIII of this ordinance) and of such construction that a small child may not reach the pool from the street or any adjacent property without scaling a fence or wall or opening the gate or door. Said wall may be the wall of the above-ground pool, providing that said wall is at least four (4) feet in height above the surrounding ground level.

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

5. Glare from flood lights used to illuminate the swimming pool area for night bathing shall be directed away from adjacent properties.
6. All swimming pools and associated equipment shall be constructed and erected in accordance with all applicable codes, ordinances, and regulations of the legislative body. Water used in the swimming pool,

which is obtained from other than a public source, shall be approved by the Northern Kentucky District Health Department.

7. All swimming pools existing at the time of adoption of this ordinance, which are unprotected by a surrounding fence or wall, including gates or doors, as regulated herein, shall be required to comply with the provisions of this ordinance section within sixty (60) days after its adoption.
- B. PUBLIC, SEMI-PUBLIC, AND COMMERCIAL SWIMMING POOLS: All public, semi-public, and commercial swimming pools shall be regulated according to the following requirements:
1. Except as herein provided, no swimming pool and associated equipment shall be permitted within any required yards or within the limits of any public utility right-of-way easement.
  2. The swimming pool, or the property on which the pool is located, shall be surrounded by a fence or wall, including a self-closing and self-locking door or gate (only classes 1, 3, 4, and 5 fences are permitted, as regulated by Article XIII of this ordinance) at least five (5) feet in height, but not exceeding the height as permitted herein, and of such construction that a small child may not reach the pool from the street or from adjacent property without climbing the wall or fence or opening a gate or door.
  3. Glare from flood lights used to illuminate the swimming pool area for night bathing shall be directed away from adjacent properties.
  4. All swimming pools and associated equipment of the swimming pool shall be constructed and erected in accordance with all applicable codes, ordinances, and regulations of the city. Water used in the operation of the swimming pool, which is obtained from other than a public source, shall be approved by the Northern Kentucky District Health Department.
  5. No mechanical device for the reproduction or amplification of sounds used in connection with swimming pools shall create a nuisance to adjacent residential properties through the emission of noises, voices, or music which is loud enough to cause complaints from said adjacent residential property owners.

**SECTION 9.19 SITE PLAN REQUIREMENTS:** No building shall be erected or structurally altered nor shall any grading take place on any lot or parcel in zones where a site plan is required, except in accordance with the regulations of this section and an approved site plan as hereinafter required. Before a permit is issued for construction, one (1) copy of the site plan of the area at a scale no smaller than one (1) inch to one

hundred (100) feet, shall be filed with the building inspector and the zoning administrator. The site plan shall identify and locate, where applicable, the following:

- A. Total area in development project including legal description.
- B. Present zoning of property in question and adjacent properties.
- C. Location of all existing buildings and structures in the described parcel or parcels and within two hundred (200) feet of parcel(s) boundaries.
- D. All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned.
- E. Existing topography with a maximum of two (2) foot contour intervals. Where existing ground is on a slope of less than two (2) percent, either one (1) foot contours or spot elevations where necessary, but not more than fifty (50) feet apart in both directions.
- F. The proposed finished grade of the development area shown by contours with intervals not larger than two (2) feet, supplemented where necessary by spot elevations.
- G. The location of every existing and proposed building in the described parcel or parcels, the use or uses to be contained therein, the number of buildings including dimensions and height, the gross floor area and number of floors.
- H. Location and dimension of all curb cuts, driving lanes, off-street parking and loading and/or unloading areas, including number of provided and required spaces, angle of stalls, grades, and illumination facilities.
- I. Location of existing and proposed pedestrian walkways, including alignment, grades, type of surfacing, and widths, plazas, outdoor seating, and other open areas.
- J. Location of all walls and fences.
- K. Landscape plan, including location of plantings and plant schedule.
- L. Location, size, height, and orientation of all signs.
- M. Type of surfacing proposed on the various off-street parking and driveways, including cross sections and drainage plans.

- 
- N. Location of all existing and proposed streets, highways, and alleys, identifying approximate dimensions of pavement, right-of-way widths, and grades.
  - O. All existing and proposed water, storm, and sanitary sewer lines, indicating pipe sizes, types, and grades.
  - P. Location of all proposed utilities and mechanical equipment, including method of screening.
  - Q. Lighting plan, including lighting fixtures, locations, and levels.
  - R. Elevation drawings, including dimensions and materials.
  - S. A drainage plan of the area showing size and location of each existing and proposed structure. The approximate volume of water generated by development of the subject area and the proposed method of disposing of said water. Provisions shall be included for adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.
  - T. A schedule of development, including the staging and phasing of:
    - 1. Residential area, in order of priority, by type of dwelling unit;
    - 2. Streets, utilities, and other public facility improvements, in order of priority;
    - 3. Dedication of land to public use or set aside for common ownership with a preliminary statement indicating how maintenance of the latter will be handled; and
    - 4. The construction of non-residential buildings and uses, in order of priority.
  - U. Such other information with regard to the development area as may be required by the planning commission, or its duly authorized representative, to determine conformance with this ordinance.

All such site plans shall be reviewed by the city commission, or its duly authorized representative, and the factual determination approving or rejecting such plans shall be made in accordance with requirements of this or other applicable sections of this ordinance, and the comprehensive plan for the city. However, no action of approving or rejecting any site plan shall be taken unless and until a review of the proposal has been completed by the zoning administrator.



All site plans approved shall be binding upon the applicants, their successors, and assigns, and shall limit the development to all conditions and limitations established in such plans.

Amendments to plans may be made in accordance with the procedure required by this ordinance subject to the same limitations and requirements as those under which such plans were originally approved.

After final approval, the subject area may be developed in stages, provided all of the procedures required by the city commission, or its duly authorized representative, have been complied with.

**SECTION 9.20 REGULATIONS CONCERNING AIR RIGHTS:** Any proposed use of air rights, as defined herein, shall be in the form of a site plan (as regulated in Section 9.19 of this ordinance) submitted to the planning commission, or its duly authorized representative, for its review.

**SECTION 9.21 REGULATIONS CONCERNING DESIGN AND CONSTRUCTION OF IMPROVEMENTS:** Any proposed development which does not constitute a subdivision, shall be required to provide streets (including curb and gutters), sidewalks, sewers (sanitary and storm), and water lines. Improvements to be provided shall be designed and constructed in accordance with the applicable articles and sections of the Subdivision Regulations.

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

- A. No motor vehicle which is inoperable shall be stored on any lot in any zone or parcel of ground unless it is in a completely enclosed building. Parking shall be limited to the number of operable vehicles regularly used by members of a resident family and their guests.
- B. It shall be unlawful for any person or persons to live in any boat, automobile, camper, mobile home, or truck, within the limits of the city, except mobile homes may be permitted when located in a RMHP (mobile home park) Zone, or as provided for in the R-RE Zone.
- C. The outside storage of any trailer, mobile home, recreational vehicle, camper, boat, or similar type equipment, shall be restricted to the rear yard of all lots within the city, except as herein provided, and in cases where, due to unique conditions, topographic or other, which do not allow use of the rear yard, the zoning administrator may permit such storage on another part of the lot.

**SECTION 9.23 HILLSIDE DEVELOPMENT CONTROLS**

- 
- A. This section is designed to ensure, when development is proposed in those areas of the community which have physical characteristics limiting development (hillside slopes of 20 percent or greater), that said development shall occur in a manner harmonious with adjacent lands so as to minimize problems of drainage, erosion, earth movement, and other natural hazards.
- B. Areas of land on which development is physically restricted due to excessive hillside slopes shall be limited according to the following requirements, notwithstanding any other section of this or any other ordinance adopted by the city:
1. All land areas located within the city and identified on the Area-Wide Comprehensive Plan as "Developmentally Sensitive Areas", and any other areas which have slopes of 20 percent or greater, shall require approval before development may occur. In those areas which are identified in the Comprehensive Plan as "Developmentally Sensitive Areas" and containing slopes less than 20 percent, the requirements contained herein may be waived; if, after review of the proposed site plan by the engineer, it is determined that said development will not result in any significant hillside slippage or soil erosion.
  2. No excavation, removal, or placement of any soil, foundation placement, or construction of buildings or structures of any nature within the area identified as a Developmentally Sensitive Area in (1) above, may occur until plans and specifications for such work have been submitted in the form of a site plan as regulated by Section 9.19 of this ordinance. In addition to site plan requirements, the following shall also be submitted:
    - a. Plan(s) which show existing topography and the proposed physical changes necessary for construction, indicating grading (cutting and filling), compaction, erosion, sedimentation basins, areas to be defoliated, and any other pertinent information which will change the natural physical features of the site or general area.
    - b. Subsurface investigation of the area under consideration, including test borings, laboratory tests, engineering tests, and a geological analysis. Such investigation shall be made by a qualified, registered civil engineer and a geologist, indicating that any structural or physical changes proposed in the area will be completed in a manner which will minimize hillside slippage and/or soil erosion.
  3. The site plan and other information required in this Section shall be reviewed by the city engineer who will recommend to the planning
-

commission, or its duly authorized representative, what effect the proposed development will have on hillside slippage and/or soil erosion.

After consideration of the recommendations of the city engineer, the planning commission, or its duly authorized representative, may grant a permit for use of the in accordance with the submitted plans.

4. If, after review of the plans required by this section of the ordinance, the planning commission, or its duly authorized representative, determines that said proposed plans will not minimize hillside slippage, the planning commission shall deny a permit for the development of said land, and the site shall be limited to those open type uses, excluding structures, as permitted or conditionally permitted in the Conservation Zone.

## **SECTION 9.24 FLOOD PROTECTION DEVELOPMENT CONTROLS**

### **A. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

#### **1. STATUTORY AUTHORIZATION**

The Legislature of the Commonwealth of Kentucky has in Kentucky Revised Statutes 151.230 delegated to local government units the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the legislative body of the City of Taylor Mill, hereby adopts the following floodplain management ordinance, as follows:

#### **2. FINDINGS OF FACT**

- a. The flood hazard areas of the City of Taylor Mill are subject to periodic inundation which result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all which adversely affect the public health, safety, and general welfare.
- b. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increased flood height and velocity, and by the location in flood hazard areas of uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise protected from flood damage.

#### **3. STATEMENT OF PURPOSE**

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private loss due to flooding by provisions designed to:

- a. Restrict or prohibit uses which are dangerous to health, safety, and property due to water erosion hazards, or which result in damaging increases in erosion or in flood height or velocity;
- b. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c. Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate or channel flood waters;
- d. Control filling, grading, dredging, and other development which may increase erosion or flood damage, and
- e. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other areas.

#### 4. OBJECTIVES

The objectives of this ordinance are to:

- a. Protect human life and health;
- b. Minimize expenditure of public money for costly flood control projects;
- c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. Minimize prolonged business interruptions;
- e. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines; streets and bridges located in areas of special flood hazard;
- f. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard or other flood-prone areas in such a manner as to minimize future flood blighted areas caused by flooding;
- g. Ensure that potential homebuyers are on notice that property is in a Special Flood Hazard Area; and,
- h. Ensure that those who occupy a Special Flood Hazard Area assume responsibility for their actions.

#### B. DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

1. A Zone - Special Flood Hazard Areas inundated by the 1% annual chance flood (100-year flood). Base flood elevations (BFEs) are not determined.
2. Accessory structure (Appurtenant structure) - A structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and should be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.
3. Accessory use - A use which is incidental and subordinate to the principal use of the parcel of land on which it is located.
4. Addition (to an existing structure) - Any walled and roofed expansion to the perimeter or height of a structure.
5. AE zones - Special Flood Hazard Areas inundated by the 1% annual chance flood (100-year flood). Base flood elevations (BFEs) are determined.
6. AH zone - An area of 100-year shallow flooding where depths are between one and three feet (usually shallow ponding). Base flood elevations are determined.
7. AO zone - An area of 100-year shallow flooding where water depth is between one and three feet (usually sheet flow on sloping terrain). Flood depths are determined.
8. Appeal - A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or from the floodplain administrator's ruling on a request for a variance.
9. AR/A1 – A30, AR/AE, AR/AH, AR/AO, and AR/A zones - Special Flood Hazard Areas (SFHAs) that result from the de-certification of a previously accredited flood protection system that is in the process of being restored to provide a 100-year or greater level of flood protection. After restoration is complete these areas will still experience residual flooding from other flooding sources.

- 
10. A99 zone - That part of the SFHA inundated by the 100-year flood which is to be protected from the 100-year flood by a Federal flood protection system under construction. No base flood elevations are determined.
  11. Area of shallow flooding - A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) where the base flood depths range from one to three feet, there is no clearly defined channel, the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
  12. Base flood - A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this ordinance.
  13. Base Flood Elevation (BFE) - The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, and AR/AO that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
  14. Basement - any area of a structure having its floor sub-grade (below ground level) on all sides.
  15. Building - See definition for structure.
  16. Community - A political entity having the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.
  17. Community Rating System (CRS) - A program developed by the Federal Insurance Administration to provide incentives to those communities in the Regular Program to go beyond the minimum floodplain management requirements to develop extra measures for protection from flooding.
  18. Community Flood Hazard Area (CFHA) - An area that has been determined by the Floodplain Administrator (or other delegated, designated, or qualified community official) from available technical studies, historical information, and other available and reliable sources, which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety and general welfare. This includes areas downstream from dams.
  19. Critical facility - Any property that, if flooded, would result in severe consequences to public health and safety or a facility which, if unusable or unreachable because of flooding, would seriously and adversely affect the health and safety of the public. Critical facilities include, but are not limited

to: housing likely to contain occupants not sufficiently mobile to avoid injury or death unaided during a flood; schools, nursing homes, hospitals, police, fire and emergency response installations, vehicle and equipment storage facilities, emergency operations centers likely to be called upon before, during and after a flood, public and private utility facilities important to maintaining or restoring normal services before, during and after a flood, and those facilities or installations which produce, use or store volatile, flammable, explosive, toxic and/or water-reactive materials, hazardous materials or hazardous waste.

20. D zone - An area in which the flood hazard is undetermined.
21. Development - Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.
22. Elevated structure – For insurance purposes, a non-basement structure built to have the lowest floor elevated above ground level by foundation walls, shear walls, posts, piers, pilings or columns.
23. Elevation Certificate - A statement certified by a registered professional engineer or surveyor on the FEMA-approved form in effect at the time of certification that verifies a structure's elevation and other related information to verify compliance with this ordinance.
24. Emergency Program - The initial phase under which a community participates in the NFIP, intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.
25. Enclosure - That portion of a structure below the lowest floor used solely for parking of vehicles, limited storage, or access to the structure.
26. Encroachment - The physical advance or infringement of uses, plant growth, fill, excavation, structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
27. Existing construction - Any structure for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. Existing construction may also be referred to as existing structures.
28. Existing Manufactured Home Park or Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the

lots on which the manufactured homes are to be affixed (including, at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management ordinance adopted by a community.

29. Expansion to an existing Manufactured Home Park or Subdivision - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
30. Five-Hundred Year Flood - The flood that has a 0.2 percent chance of being equaled or exceeded in any year. Areas subject to the 500-year flood have a moderate risk of flooding.
31. Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - a. The overflow of inland or tidal waters.
  - b. The unusual and rapid accumulation or runoff of surface waters from any source.
  - c. Mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
  - d. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.
32. Flood Boundary and Floodway Map (FBFM) -A map on which the Federal Emergency Management Agency (FEMA) has delineated the areas of flood hazards and the regulatory floodway.
33. Flood Hazard Boundary Map (FHBM) -A map on which the boundaries of the flood, mudslide (i.e. mudflow), and flood-related erosion areas having



special hazards have been designated as Zones A, M, and/or E by the Federal Emergency Management Agency (FEMA).

34. Flood Insurance Rate Map (FIRM) - A map on which the Federal Emergency Management Agency (FEMA) has delineated special flood hazard areas and risk premium zones.
35. Flood Insurance Study - The report provided by the Federal Emergency Management Agency (FEMA) containing flood profiles, the Flood Insurance Rate Map (FIRM), and/or the Flood Boundary Floodway Map (FBFM), and the water surface elevation of the base flood.
36. Floodplain or flood-prone area - Any land area susceptible to being inundated by flood waters from any source.
37. Floodplain Administrator - The individual appointed by the community to administer and enforce the floodplain management ordinances.
38. Floodplain Management - The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management ordinances, and open space plans.
39. Floodplain Management Regulations - This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control), and other applications of police power, which control development in flood-prone areas. This term describes federal, state and/or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
40. Floodproofing - Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.
41. Floodproofing Certificate - A certification by a registered professional engineer or architect, the FEMA form in effect at the time of certification stating that a non-residential structure, together with attendant utilities and sanitary facilities is watertight to a specified design elevation with walls that are substantially impermeable to the passage of water and all structural components are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy and anticipated debris impact forces.

- 
42. Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as the “regulatory floodway”.
43. Floodway fringe - That area of the floodplain on either side of the regulatory floodway.
44. Freeboard - A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood. Freeboard must be applied not just to the elevation of the lowest floor or floodproofing level, but also to the level of protection provided to all components of the structure, such as building utilities, HVAC components, etc.
45. Fraud and victimization - As related in Article 6, Appeals and Variance Procedures, of this ordinance, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City of Taylor Mill will consider the fact that every newly constructed structure adds to government responsibilities and remains a part of the community for fifty to one hundred years. Structures that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages may incur. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.
46. Functionally dependent use facility - A facility, structure, or other development, which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.
47. Governing body - The local governing unit, i.e. county or municipality that is empowered to adopt and implement ordinances to provide for the public health, safety and general welfare of its citizenry.
48. Hazard potential - The possible adverse incremental consequences that result from the release of water or stored contents due to failure of a dam or misoperation of a dam or appurtenances. The hazard potential
-

classification of a dam does not reflect in any way the current condition of a dam and its appurtenant structures (e.g. safety, structural integrity, flood routing capacity).

49. Highest adjacent grade - The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.
50. Historic Structure - Any structure that is:
  - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
  - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - (1) By an approved state program as determined by the Secretary of the Interior, or
    - (2) Directly by the Secretary of the Interior in states without approved programs.
51. Increased Cost of Compliance (ICC) – Increased cost of compliance coverage means under the standard flood insurance policy the cost to repair a substantially flood damaged building that exceeds the minimal repair cost and that is required to bring a substantially damaged building into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are floodproofing (nonresidential), relocation, elevation, demolition, or any combination thereof.
52. ICC coverage is available on residential and non-residential buildings (this category includes public or government buildings, such as schools, libraries, and municipal buildings) insured under the NFIP.
53. Letter of Map Change (LOMC) – An official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's include the following categories:

- a. Letter of Map Amendment (LOMA) – A revision based on technical data showing that a property was inadvertently included in a designated SFHA. A LOMA amends the current effective FIRM and establishes that a specific property is not located in a SFHA.
  - b. Letter of Map Revision (LOMR) - A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features.
  - c. Letter of Map Revision – Based on Fill (LOMR-F) – A determination that a structure or parcel has been elevated by properly placed engineered fill above the BFE and is, therefore, excluded from the SHFA.
54. Levee - A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
55. Levee System - A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
56. Limited storage - An area used for storage and intended to be limited to incidental items which can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant material, void of utilities except for essential lighting, and cannot be temperature controlled.
57. Lowest adjacent grade – The lowest elevation of the sidewalk, patio, attached garage, deck support, basement entryway or grade immediately next to the structure and after the completion of construction.
58. Lowest Floor - The lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, structure access, or storage in an area other than a basement area is not considered a structure's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
59. Manufactured Home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected or attached to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days

or longer and intended to be improved property. The term “manufactured home” does not include a “recreational vehicle” (see Recreational Vehicle).

60. Manufactured home park or subdivision - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
61. Map - The Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).
62. Map Panel Number - The four-digit number on a flood map, followed by a letter suffix, assigned by FEMA. The first four digits represent the map panel. The letter suffix represents the number of times the map panel has been revised. (The letter “A” is not used by FEMA, the letter “B” is the first revision.)
63. Market value - The property value (as agreed between a willing buyer and seller), excluding the value of the land as established by what the local real estate market will bear. Market value of the structure can be established by independent certified appraisal; replacement cost depreciated by age of structure (Actual Cash Value) or adjusted assessed values.
64. Mean Sea Level (MSL) - The average height of the sea for all stages of the tide. For the purposes of the National Flood Insurance Program, the MSL is used as a reference for establishing various elevations within the floodplain as shown on the community’s FIRM. For purposes of this ordinance, the term is synonymous with either National Geodetic Vertical Datum (NGVD) of 1929 or North American Vertical Datum (NAVD) of 1988.
65. Mitigation - Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the costs of disaster response and recovery.
66. Mudslide (i.e. mudflow) - Describes a condition where there is a river, flow, or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain. A mudslide (i.e. mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Floodplain Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

- 
67. Mudslide (i.e. mudflow) area management - The operation of and overall program of corrective and preventative measures for reducing mudslide (i.e. mudflow) damage, including but not limited to emergency preparedness plans, mudslide control works, and floodplain management regulations.
  68. Mudslide (i.e. mudflow) prone area - An area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.
  69. National Flood Insurance Program (NFIP) - The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.
  70. National Geodetic Vertical Datum (NGVD) - As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used as the vertical datum on the older FIRM's. Refer to FIRM legend panel for correct datum.)
  71. New Construction - Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
  72. New manufactured home park or subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
  73. Non-Residential – Structures that are not designed for human habitation, including but is not limited to: small business concerns, churches, schools, farm structures (including grain bins and silos), pool houses, clubhouses, recreational structures, mercantile structures, agricultural and industrial structures, warehouses, and hotels or motels with normal room rentals for less than 6 months duration.
  74. North American Vertical Datum (NAVD) – As corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used on the newer FIRM's and Digitally Referenced

FIRM's (DFIRM's). (Refer to FIRM or DFIRM panel legend for correct datum.)

75. Obstruction - Includes but is not limited to any dam, wall, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, structure, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.
76. One-Hundred Year Flood (100-Year Flood) (see Base Flood) - The flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to inundation by the 100-year flood. Over the life of a 30-year loan, there is a 26-percent chance of experiencing such a flood with the SFHA.
77. Participating Community - A community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.
78. Pre-FIRM Construction - New construction or substantial improvements for which start of construction occurred on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.
79. Post-FIRM Construction – New construction or substantial improvements for which start of construction occurred after December 31, 1974, or on or after the effective date of the initial FIRM of the community, whichever is later.
80. Probation – A FEMA imposed change in community's status resulting from violations and deficiencies in the administration and enforcement of the local floodplain management regulations.
81. Program Deficiency - A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management standards.
82. Public Safety and Nuisance - Anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

- 
83. Recreational Vehicle - A vehicle that is:
- a. Built on a single chassis;
  - b. 400 square feet or less when measured at the largest horizontal projection;
  - c. Designed to be self-propelled or permanently towable to a light duty truck; and
  - d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
84. Regular Program - The phase of a community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and flood elevations determined in the FIS.
85. Regulatory floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. See Base Flood.
86. Remedy a violation - The process by which a community brings a structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impact of non-compliance. Reduced impact may include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing state or federal financing exposure with regard to the structure or other development.
87. Repair - The reconstruction or renewal of any part of an existing structure.
88. Repetitive Loss - Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.
89. Repetitive Loss Property - Any insurable building for which two or more claims of more than \$1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling 10-year period, since 1978. At least two of the claims must be more than ten days apart but, within ten years of each other. A RL property may or may not be currently insured by the NFIP.
-



- 
90. Riverine - Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
91. Section 1316 - That section of the National Flood Insurance Act of 1968, as amended, which states that no new or renewal flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.
92. Severe Repetitive Loss Structure - Any insured property that has met at least one of the following paid flood loss criteria since 1978, regardless of ownership:
- a. Four or more separate claim payments of more than \$5,000 each (including building and contents payments); or
  - b. Two or more separate claim payments (building payments only) where the total of the payments exceeds the current market value of the property.
- In either case, two of the claim payments must have occurred within ten years of each other. Multiple losses at the same location within ten days of each other are counted as one loss, with the payment amounts added together.
93. Sheet flow area - see "Area of shallow flooding".
94. Special flood hazard area (SFHA) - That portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards as shown on a FHBM or FIRM as Zone A, AE, A1 – A30, AH, AO, or AR.
95. Start of Construction (includes substantial improvement and other proposed new development) - The date a building permit is issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement is within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or
-

foundations or the erection of temporary forms; the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the structure.

96. Structure - A walled and roofed building, including gas or liquid storage tank that is principally above ground, as well as a manufactured home.
97. Subdivision - Any division, for the purposes of sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions, of any tract or parcel of land into two (2) or more lots or parcels.
98. Subrogation – A legal action brought by FEMA to recover insurance money paid out where all or part of the damage can be attributed to acts or omissions by a community or other third party.
99. Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
100. Substantial Improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a 1-year period in which the cumulative percentage of improvements equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:
  - a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions, or
  - b. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."
101. Substantially improved existing manufactured home parks or subdivisions - Repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads equaling or exceeding 50 percent of the value of the

- streets, utilities, and pads before the repair, reconstruction, or improvement commenced.
102. Suspension - Removal of a participating community from the NFIP for failure to enact and/or enforce floodplain management regulations required for participation in the NFIP.
103. Utilities – Include, but not limited to, electrical, heating, ventilation, plumbing, and air conditioning equipment that service the structure and the site.
104. Variance - Relief from some or all of the requirements of this ordinance.
105. Violation - Failure of a structure or other development to fully comply with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.
106. Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which water flows at least periodically.
107. Water surface elevation - The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
108. Watershed - All the area within a geographic boundary from which water, sediments, dissolved materials, and other transportable materials drain or are carried by water to a common outlet, such as a point on a larger stream, lake, or underlying aquifer.
109. X (shaded) and B zones - Areas of the 0.2% annual chance (500-year) flood that are outside of the SFHA, areas subject to the 100-year flood with average depths of less than one foot or with contributing drainage area less than 1 square mile, and areas protected by levees from the base flood
110. X (unshaded) and C zones - Areas determined to be outside the 500-year floodplain.
111. Zone - A geographical area shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

---

## C. GENERAL PROVISIONS

### 1. LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all Special Flood Hazard Areas (SFHA), areas applicable to KRS 151.250 and, as determined by the Floodplain Administrator or other delegated, designated, or qualified community official as determined by the legislative body of the City of Taylor Mill from available technical studies, historical information, and other available and reliable sources, areas within the jurisdiction of the legislative body of the City of Taylor Mill which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety, and general welfare of the citizens of the City of Taylor Mill.

### 2. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Kenton County, dated May 16, 2013, with the accompanying Flood Insurance Rate Maps (FIRMS), other supporting data and any subsequent amendments thereto, are hereby adopted by reference and declared to be a part of these regulations by the City of Taylor Mill, and for those land areas acquired by the City of Taylor Mill through annexation. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the City Council by the Floodplain Administrator and are enacted by City Council pursuant to statutes governing land use management regulations. The FIS and/or FIRM are permanent records of the City of Taylor Mill and are on file and available for review by the public during regular business hours at PDS offices at 2332 Royal Drive, Fort Mitchell, Kentucky, 41091.

### 3. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be required in conformance with the provision of this ordinance prior to the commencement of any development activities in the special flood hazard areas (SFHA). See Section 9.24.D.2 for instructions and explanation.

Application for a Development Permit shall be made on forms furnished by the Floodplain Administrator.

### 4. COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable state regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the legislative body from taking such lawful action as is necessary to prevent or remedy any violation.

#### 5. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### 6. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- a. Considered minimum requirements;
- b. Liberally construed in favor of the governing body; and
- c. Deemed neither to limit nor repeal any other powers granted under state statutes.

#### 7. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create liability on the part of the Local Floodplain Administrator of the City of Taylor Mill, any officer or employee, thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

#### 8. ENFORCEMENT, VIOLATION NOTICE AND PENALTIES

- a. Civil Offense: If, at any time, development occurs which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms and conditions of a floodplain

- development permit and any approved modifications, such development shall constitute a civil offense.
- b. Notice of Violation: If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms and conditions of a floodplain development permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator shall issue a notice to the person responsible for the violation and/or the property owner, stating the facts of the offense or violation, the section of this ordinance and/or of the permit violated, when it occurred, how the violation is to be remedied to bring the development into conformity with this ordinance or with the approved permit, and within what period of time the remedy is to occur, which period of time shall be reasonable and shall be determined by the nature of the violation and whether or not it creates a nuisance or hazard. The remedy may include an order to stop work on the development. The notice shall also state that a citation may be forthcoming in the event that the requested remedies and corrective actions are not taken, which citation will request a civil monetary fine and shall state the maximum fine which could be imposed. See below.
- c. Notice of Citation: If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms and conditions of a floodplain development permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator may issue a citation to the offender stating the violation, prior notices of violation issued, how the violation is to be remedied to bring the development into conformity with this ordinance or with the approved permit, and within what period of time the remedy is to occur, and what penalty or penalties are recommended. When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven (7) days of the date the citation is issued by either carrying out the remedies and corrections set forth in the citation, paying the civil fine set forth in the citation or requesting a hearing before the governing body. If the person to whom the citation is issued does not respond to the citation within seven (7) days, that person shall be deemed to have waived the right to a hearing and the determination that a violation occurred shall be considered final.
- d. Penalties: Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions

and safeguards established in connection with granting of a variance or special exceptions, shall constitute a Class A misdemeanor offense. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 and/or imprisoned for not more than 12 months, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful action as is necessary to prevent or remedy any violation.

#### D. ADMINISTRATION

##### 1. DESIGNATION OF LOCAL ADMINISTRATOR

The legislative body of the City of Taylor Mill hereby appoints the Zoning Administrator to administer, implement, and enforce the provisions of this ordinance by granting or denying development permits in accordance with its provisions, and is herein referred to as the Floodplain Administrator.

##### 2. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before any construction or other development begins within any special flood hazard area established in Section 9.24.C.2. Application for a Development Permit shall be made on forms furnished by Floodplain Administrator prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Endorsement of floodplain administrator is required before a state floodplain construction permit can be processed. Specifically, the following information is required.

###### a. Application Stage

- (1) Proposed elevation in relation to Mean Sea Level (MSL) of the proposed lowest floor (including basement) of all structures in Zone A and elevation of highest adjacent grade; or
- (2) Proposed elevation in relation to Mean Sea Level to which any non-residential structure will be flood-proofed;
- (3) All appropriate certifications from a registered professional engineer or architect that the non-residential flood-proofed

structure will meet the flood-proofing criteria in Section 9.24.E.2.b and Section 9.24.E.4.b;

- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

b. Construction Stage

Upon placement of the lowest floor, and before construction continues, or flood proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator and to the State a certification of the elevation of the lowest floor or flood-protected elevation, as built, in relation to Mean Sea Level. In AE, A1-30, AH, and A zones where the Community has adopted a regulatory Base Flood Elevation, said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

When flood proofing is utilized for a particular structure, said certification shall be prepared by or under the direct supervision of a certified professional engineer or architect. Any continued work undertaken prior to the submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest floor and flood proofing elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

3. DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

The Floodplain Administrator and/or staff is hereby appointed, authorized and directed to administer, implement and enforce the provisions of this ordinance. The Floodplain Administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose by granting or denying development permits in accordance with its provisions.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

- a. Permit Review: Review all development permits to ensure that:
  - (1) Permit requirements of this ordinance have been satisfied;



- 
- (2) All other required state and federal permits have been obtained: review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334.;
    - (3) Flood damages will be reduced in the best possible manner;
    - (4) The proposed development does not adversely affect the carrying capacity of affected watercourses. For purposes of this ordinance, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.
  - b. Review and Use of Any Other Base Flood Data. When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer the provisions of Article 5. Any such information shall be submitted to the legislative body for adoption.
  - c. Notification of Other Agencies:
    - (1) Notify adjacent communities, the Kentucky Division of Water, and any other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of the watercourse, and
    - (2) Submit evidence of such notification to the Federal Emergency Management Agency (FEMA); and
    - (3) Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
  - d. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:
    - (1) Certification required by Section 9.24.E.2.a (lowest floor elevations) as shown on an accurately completed and certified Elevation Certificate. Verify and record the actual elevation (in relation to Mean Sea Level) of the lowest floor (including basement) of all new and substantially improved structures, in accordance with Section 9.24.D.2.b;

- 
- (2) Certification required by Section 9.24.E.2.b (elevation or floodproofing of nonresidential structures) as shown on an accurately completed and certified FEMA floodproofing certificate. Verify and record the actual elevation (in relation to Mean Sea Level) to which the new and substantially improved structures have been flood-proofed, in accordance with Section 9.24.D.2.a;
  - (3) Certification required by Section 9.24.E.2.c (elevated structures),
  - (4) Certification of elevation required by Section 9.24.E.5.a (subdivision standards),
  - (5) Certification required by Section 9.24.E.2.e (floodway encroachments),
  - (6) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained;
  - (7) Review certified plans and specifications for compliance; and
  - (8) Remedial Action. Take action to remedy violations of this ordinance as specified in Section 9.24.C.8.
- e. Map Determinations. Make interpretations where needed, as to the exact location of the boundaries of the special flood hazard areas, for example, where there appears to be a conflict between a mapped boundary and actual field conditions.
- (1) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 9.24.F.3.a;
  - (2) When base flood elevation data and floodway data have not been provided in accordance with Section 9.24.C.2, then the Floodplain Administrator shall obtain, review, and reasonable utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of Section 9.24.E;
  - (3) When flood-proofing is utilized for a particular structure, the Floodplain Administrator shall obtain certification from a registered professional engineer or architect, in accordance with Section 9.24.E.2.b a floodproofing certificate;

- (4) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Floodplain Administrator and shall be open for public inspection.

f. Right of Entry

- (1) Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the floodplain administrator has reasonable cause to believe that there exists in any structure or upon any premises any condition or ordinance violation which makes such building, structure or premises unsafe, dangerous or hazardous, the floodplain administrator may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty imposed upon the floodplain administrator by this ordinance.
- (2) If such structure or premises are occupied, the floodplain administrator shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such request entry.
- (3) If entry is refused, the floodplain administrator shall have recourse to every remedy provided by law to secure entry.
- (4) When the floodplain administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the floodplain administrator for the purpose of inspection and examination pursuant to this ordinance.

g. Stop Work Orders

- (1) Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person performing the work, and shall state the conditions under which work may be resumed.

h. Revocation of Permits

- (1) The floodplain administrator may revoke a permit or approval, issued under the provisions of this ordinance, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
- (2) The floodplain administrator may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

i. Liability

- (1) Any officer, employee, or member of the floodplain administrator's staff, charged with the enforcement of this ordinance, acting for the applicable governing authority in the discharge of his/her duties, shall not thereby render personally liable, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties. Any suit brought against any officer, employee, or member because of such act performed by him/her in the enforcement of any provision of this ordinance shall be defended by the department of law until the final termination of the proceedings.

j. Expiration of Floodplain Construction Permit

- (1) A floodplain development permit, and all provisions contained therein, shall expire if the "start of construction" has not occurred within one hundred and eighty (180) calendar days from the date of its issuance.

E. PROVISIONS FOR FLOOD HAZARD REDUCTION

1. GENERAL CONSTRUCTION STANDARDS

In all Special Flood Hazard Areas the following provisions are required:

- a. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

- b. Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- c. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- d. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- e. Electrical, heating, ventilation, plumbing, air condition equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if
- f. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.
- g. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- h. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- i. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- j. Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this ordinance shall meet the requirements of “new construction” as contained in this ordinance;
- k. Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

## 2. SPECIFIC STANDARDS

In all special flood hazard areas where base flood elevation data have been provided, as set forth in Section 9.24.C.2, the following provisions are required:

- a. Residential Construction. New construction and substantial improvement of any residential structure (including manufactured home) shall have the lowest floor, including basement, mechanical equipment, and ductwork elevated no lower than 2 feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate automatic equalization of hydrostatic flood forces on walls shall be provided in accordance with standards of Section 9.24.E.2.c.
  - (1) In an AO zone, the lowest floor shall be elevated above the highest adjacent grade to a height equal to or higher than the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.
  - (2) In an A zone, where no technical data has been produced by the Federal Emergency Management Agency, the Floodplain Administrator will determine the method by which base flood elevations are determined. Methods include, but are not limited to, detailed hydrologic and hydraulic analyses, use of existing data available from other sources, approximate methods, use of historical data, best supportable and reasonable judgement in the event no data can be produced. The lowest floor shall be elevated no lower than 2 feet above such base flood elevation. Title 401 KAR (Kentucky Administrative Regulations) Chapter 4, Regulation 060, Section 5(5)a, states as a part of the technical requirements for a State Floodplain Permit: The applicant shall provide cross sections for determining floodway boundaries (and thereby Base Flood Elevations) at any proposed construction site where FEMA maps are not available. All cross sections shall be referenced to mean sea level and shall have vertical error tolerances of no more than + five-tenths (0.5) foot. Cross sections elevations shall be taken at those points which represent significant breaks in slope and at points where hydraulic characteristics of the base floodplain change. Each cross section shall extend across the entire base floodplain and shall be in the number and at the locations specified by the cabinet. If necessary to ensure that significant flood damage will not occur, the cabinet may

require additional cross sections or specific site elevations which extend beyond those needed for making routine regulatory floodway boundary calculations.

- (3) In all other Zones, elevated 2 feet above the base flood elevation.

Upon the completion of the structure, the elevation of the lowest floor (including basement) shall be certified by a registered professional engineer or surveyor, and verified by the community building inspection department to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

- b. Non-residential Construction. New construction and substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes used for non-residential purposes) shall be elevated to conform with Section 9.24.E.2.a or together with attendant utility and sanitary facilities:
  - (1) Be floodproofed to an elevation 2 feet above the level of the base flood elevation so that the structure is watertight with walls substantially impermeable to the passage of water;
  - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy and debris;
  - (3) A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification along with the design and operational maintenance plans shall be provided to the Floodplain Administrator.
  - (4) Manufactured homes shall meet the standards in Section 9.24.E.2.d.
  - (5) All new construction and substantial improvement with fully enclosed areas below the lowest floor (including basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be constructed of flood resistant materials to an elevation 2 feet above the base flood elevation, and, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Openings for meeting this requirement must meet or exceed the standards of Section 9.24.E.2.c.
- c. Elevated Structures. New construction and substantial improvements of elevated structures on columns, posts, or pilings

that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

- (1) Openings for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
  - (i) Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - (ii) The bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and
  - (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- (2) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door), limited storage of maintenance equipment used in connection with the premises (standard exterior door), or entry to the living area (stairway or elevator); and
- (3) The interior portion of such enclosed areas shall not be finished or partitioned into separate rooms.

d. Standards for Manufactured Homes and Recreational Vehicles.

- (1) All new and substantially improved manufactured homes placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must meet all the requirements for new construction, including elevation and anchoring. Locations include:
  - i) On individual lots or parcels,
  - ii) In expansions to existing manufactured home parks or subdivisions,
  - iii) In new manufactured home parks or subdivisions or
  - iv) In substantially improved manufactured home parks or subdivisions,
  - v) Outside of a manufactured home park or subdivision, and



- vi) In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood,

All such manufactured homes must be:

- (i) Elevated on a permanent foundation, and
- (ii) Have its lowest floor elevated no lower than 2 feet above the level of the base flood elevation, and
- (iii) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

- (2) Except manufactured homes that have incurred substantial damage as a result of a flood, all manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

- (i) The manufactured home is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement, so that either the:
  - o The lowest floor of the manufactured home is elevated no lower than 2 feet above the base flood elevation, or
  - o The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the highest adjacent grade.

- (3) All recreational vehicles placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must either:

- (i) Be on the site for fewer than 180 consecutive days,
- (ii) Be fully licensed and ready for highway use, or
- (iii) Meet the permit requirements for new construction of this ordinance, including anchoring and elevation requirements for "manufactured homes".

A recreational vehicle is ready for highway use if it is licensed and insured in accordance with the State of Kentucky motor vehicle regulations, is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

- e. Floodways. Located within areas of special flood hazard established in Section 9.24.C.2, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and has erosion potential, the following provisions shall apply:
  - (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in the base flood elevation levels during occurrence of base flood discharge;
  - (2) If Section 9.24.E.2.e is satisfied, all new construction and substantial improvements and other proposed new development shall comply with all applicable flood hazard reduction provisions of Section 9.24.E.

### 3. STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION AND/OR FLOODWAYS

Located within the special flood hazard areas established in Section 9.24.C.2, where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

- a. No encroachments, including fill material or structures shall be located within special flood hazard areas, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- b. New construction and substantial improvements of structures shall be elevated or flood proofed to elevations established in accordance with Section 9.24.C.2.

### 4. STANDARDS FOR SHALLOW FLOODING ZONES

Located within the special flood hazard areas established in Section 9.24.E.C.2, are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet

(1 – 3'), where a clearly defined channel does not exist and the water path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- a. All new construction and substantial improvements of residential structures shall:
  - (1) Have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood depth specified on the Flood Insurance Rate Map above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two (2) feet above the highest adjacent grade.
- b. All new construction and substantial improvements of non-residential structures shall:
  - (1) Have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two (2) feet above the highest adjacent grade.
  - (2) Together with attendant utility and sanitary facilities be completely floodproofed either to the base flood elevation or above or, in Zone AO, to or above the specified flood depth plus a minimum of one foot so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in Section 9.24.E.2.b.

## 5. STANDARDS FOR SUBDIVISION PROPOSALS

- a. All subdivision proposals shall identify the flood hazard area and the elevation of the base flood and be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and,

- d. In areas where base flood elevation and floodway data is not available, base flood elevation and floodway data for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall be provided.
- e. All subdivision plans will include the elevation of proposed structure(s) and lowest adjacent grade. If the site is filled above the base flood elevation, the lowest floor and lowest adjacent grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

6. STANDARDS FOR ACCESSORY STRUCTURES IN ALL ZONES BEGINNING WITH THE LETTER 'A'

For all accessory structures in special flood hazard areas designated 'A' the following provisions shall apply:

- a. Must be non-habitable;
- b. Must be anchored to resist floatation and lateral movement;
- c. Must be provided with flood openings in accordance with the standards of Section 9.24.E.2.c;
- d. Must be built of flood resistant materials to 2 feet above the base flood elevation;
- e. Must elevate utilities 2 feet above the base flood elevation;
- f. Can only be used for storage or parking; and
- g. Must not be modified for a different use after permitting.

7. CRITICAL FACILITIES

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall not be permissible within the floodway; however, they may be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated one foot or more above the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

F. APPEALS AND VARIANCE PROCEDURES

1. Nature Of Variances

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the legislative body to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level is so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

## 2. Designation of Variance and Appeal Board

- a. The Board of Adjustment shall hear and decide appeals and requests for variances from the requirements of these regulations.

## 3. Duties of Board of Adjustment

- a. The Board of Adjustment shall hear and decide requests for variances from the requirements of this ordinance and appeals of decisions or determinations made by the Floodplain Administrator in the enforcement or administration of this ordinance.
- b. Any person aggrieved by the decision of the Board of Adjustment may appeal such decision to the Circuit Court, as provided in Kentucky Revised Statutes.

## 4. Variance Procedures

In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and the:

- a. Danger that materials may be swept onto other lands to the injury of others;
- b. Danger to life and property due to flooding or erosion damage;

- c. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
- d. Importance to the community of the services provided by the existing or proposed facility;
- e. Necessity that the facility be located on a waterfront, in the case of functionally dependent use;
- f. Availability of alternative locations, which are not subject to flooding or erosion damage;
- g. Compatibility of the proposed use with existing and anticipated development;
- h. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- i. Safety of access to the property in times of flood for ordinary and emergency vehicles;
- j. Expected height, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- k. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges and culverts.

#### 5. Conditions for Variances

Upon consideration of the factors listed above and the purposes of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

- a. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
- b. Variances shall only be issued upon a determination that the variance is the "minimum necessary" to afford relief considering the flood hazard. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the legislative body need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the legislative body believes will both provide relief and preserve the integrity of the local ordinance.
- c. Variances shall only be issued upon:
  - (i) A showing of good and sufficient cause;

- (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - (iii) A determination that the granting of a variance will not result in increased flood height, additional threats to public safety, cause extraordinary public expense, create nuisance (as defined in the definition section under "Public safety and nuisance"), cause fraud or victimization of the public (as defined in the definition section) or conflict with existing local laws or ordinances.
- d. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor being situated below the base flood elevation.
- e. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) upon request
- f. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Article 6 (4) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

#### 6. Variance Notification

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

- a. The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage;
- b. Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Kenton County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- c. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance or denial, and

report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

7. Historic Structures

Variances may be issued for the repair or rehabilitation of "historic structures" (see definition) upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

G. SEVERABILITY

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

If any clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

This ordinance was adopted at a public meeting of the legislative body of the City of Taylor Mill on May 7, 2013.

**SECTION 9.25 LAND USED FOR AGRICULTURAL PURPOSES:** Pursuant to KRS 100, any land which is used for agricultural purposes (exclusive of land and building used for residences), shall have no regulations, except that:

- A. Setback lines shall be required for the protection of existing and proposed streets and highways, as required for the zone in which the use is located;
- B. That all buildings or structures in a designated floodway or floodplain or which tend to increase flood heights or obstruct the flow of flood waters shall be in accordance with this ordinance; and
- C. All dwellings to be constructed or provided as part of land used for agricultural purposes shall meet all requirements of the zone in which said use is located and all other requirements of this ordinance.

**SECTION 9.26 FILING OF CERTIFICATE OF LAND USE RESTRICTIONS**



- A. **FILING OF CERTIFICATES OF LAND USE RESTRICTIONS:** A "Certificate of Land Use Restriction" shall be filed in the office of the county clerk by the planning commission, legislative body, and/or board of adjustment, whichever body(s) impose(s) any land use restrictions according to the provisions of KRS 100.3681 to 100.3684. A \$10.50 fee for recording such filing shall be collected by the body imposing the restriction. This fee shall be paid over to the county clerk. An additional fee, not to exceed \$10.50, may be imposed by the body imposing the restriction for costs of completing and filing the certificate.

## **SECTION 9.27 REGULATIONS CONCERNING TELEVISION AND RADIO STATIONS**

- A. **TELEVISION:** Earth stations for the reception and/or transmittal of TV signals, programs, messages, etc., may be installed as accessory structures in any zone, in compliance with the following regulations:
1. Such structures, including support equipment, shall not be permitted within any front yard or side yard (on each side of the lot) in any zone. Such structures may be permitted to extend into the minimum rear yard depth, as defined herein, in all zones, provided that such structures are set back from the rear lot line a minimum of ten (10) feet, and side yard clearances are maintained.
  2. Structures may be ground mounted or roof mounted, provided that maximum height limitations are maintained. If the structure is roof mounted, it shall be located in a manner so as to detract as little as possible from the architectural character of the building.
  3. Structures shall be constructed to withstand a wind load of eighty (80) miles per hour.
  4. Structures shall be grounded electrically and shall not cause to disturb, restrict, or impede the reception of equipment on adjoining properties.
- B. **RADIO:** Earth stations for the reception and/or transmittal of radio signals, programs, messages, etc., may be installed as accessory structures in any zone, in compliance with the following regulations:
1. Such structures, including tower, mast, antenna, guy wires, support equipment, etc., shall not be permitted within any front yard or side yard (on each side of the lot) in any zone. Such structures may be permitted to extend into the minimum rear yard depth, as defined herein, in all zones, provided that such structures are set back from the rear lot line a minimum of ten (10) feet, and side yard clearances are maintained.

2. Such structures, including tower, mast, antenna, guy wires, support equipment, etc., shall not exceed seventy (70) feet in height, as measured from ground level to the highest point of the structure.
3. Structures shall be constructed to withstand a wind load of eighty (80) miles per hour.
4. Structures shall be grounded electrically and shall not cause to disturb, restrict, or impede the reception of equipment on adjoining properties.

## **SECTION 9.28 REGULATIONS OF SEXUALLY ORIENTED BUSINESSES**

- A. The Fiscal Court of Kenton County, after consultation among the mayors, councils, commissioners and staffs of the municipalities and the county within the County, found that a substantial need exists to revise significantly the ordinances regarding sexually oriented businesses within Kenton County.
- B. The Fiscal Court, in association with Planning and Development Services of Kenton County and the Fiscal Court of adjacent Campbell County its cities in the Northern Kentucky Community, retained Duncan Associates to conduct a study of existing sexually oriented uses and related businesses in Kenton and Campbell Counties, which is part of a single, larger community.
- C. Duncan Associates assigned two nationally-known planners, Eric Damian Kelly, FAICP and Connie B. Cooper, FAICP, to conduct that study
- D. Kelly and Cooper have completed that study, including the following elements:
  1. Field study, involving visits to all identified existing sexually oriented businesses in Kenton and Campbell Counties;
  2. Meetings with stakeholder groups involved in these businesses;
  3. Consultation with the Kenton County, Campbell County Attorney, and the city attorneys for certain cities, and the community at large on this issue;
  4. Consultation with the professional staff of Planning and Development Services of Kenton County on this issue;
  5. Review of studies and litigation concerning sexually oriented businesses in other communities;
  6. Investigation of regulatory approaches to massage therapy;
  7. Review of existing ordinances in Kenton and Campbell Counties;
  8. Review of similar ordinances in a number of communities outside the Commonwealth of Kentucky;
  9. Review of Kentucky statutes related to regulating sexually oriented businesses.

- 
- E. Duncan Associates has summarized this work and presented recommendations to Planning and Development Services of Kenton County and Kenton and Campbell Counties and their cities in an August 2003 report entitled "Site Visit Analysis: Sexually Oriented and Related Businesses in Kenton and Campbell Counties" (hereinafter called simply the "Kelly and Cooper Study").
  - F. That study has also been made available to the legislative bodies of Kenton and Campbell Counties for their consideration and use.
  - G. That study has been accepted and used by the Fiscal Court of Kenton County in adopting the countywide licensing ordinance, Kenton County Ordinance No. 451.9, as amended, establishing licensing requirements for sexually oriented businesses and service oriented escort bureaus in 2004.
  - H. The United States Supreme Court in *City of Renton v. Playtime Theater, Inc.*, 475 U.S. 41 (1986), held that local governments may rely upon the experiences of other cities as well as on its own studies in enacting local legislation to regulate sexually oriented businesses;
  - I. The United States Supreme Court in *Renton* and other cases has held that a local government may regulate such uses through content-neutral, time, place, and manner restrictions, so long as said regulations are designed to serve the government interest and do not unreasonably omit avenues of communication, and are aimed not at the content of protected speech within said establishments but rather at the secondary effects of said establishments on the surrounding communities.
  - J. The study by Kelly and Cooper found extensive physical interaction between patrons and dancers at many of the establishments in both Kenton and Campbell Counties.
  - K. Covington, the only municipality in Kenton County that has had sexually oriented businesses within its border, from January 1, 2002, to February 11, 2004, the police made a total of 469 calls to sexually oriented businesses in the city. The crimes committed at these establishments during this time period included robbery, assault, fraud, malicious mischief, public intoxication, and possession of illegal drugs. In addition, on June 13, 2003, Covington police arrested three individuals for prostitution-related charges at Liberty's Show Lounge, a sexually oriented cabaret in the city.
  - L. As the Sixth Circuit Court of Appeals noted in a decision addressing issues related to the Adult Entertainment ordinance in the City of Newport (Campbell County), there is a long history underlying efforts to regulate sex businesses in Northern Kentucky:
-

Defendant City of Newport ("City" or "Newport") long ago gained a reputation as home to a veritable smorgasbord of vice, attracting patrons from across the nation. For decades, the small city was considered the Midwest's answer to Las Vegas, and leaders of organized crime were said to operate its gambling casinos and nightclubs.

In the 1960's, public pressure began to demand that Newport be cleaned up. This pressure has continued until the present, with varying degrees of success.

A 1986 report generated by the Newport Alcoholic Beverage Control Administrator indicated that of 28 adult bars opened since 1978 (including successive bars at the same site), 21 had had at least one prostitution-related conviction, and 18 had had multiple convictions. Def. Ex. K, p. 2. The report explained that "all of the prostitution in businesses with adult entertainment involved an alcoholic beverage as the median [sic] of exchange and the solicitation of such drinks by 'mixers.'" Id. In all, 98% of prostitution arrests in Newport occurred in the vicinity of these bars. Id. Adult entertainment establishments, which constituted 12% of all businesses serving alcohol, accounted for 17% of all police runs. Def. Ex. K, p. 21.

A later review, conducted in 1990 by the Newport License Inspector, documented the continued prostitution arrests occurring at several adult dancing establishments. Def. Ex. G. Moreover, the City determined that over \$ 70,000 was expended in 1990 to target, patrol and prosecute the illicit behavior occurring in and around the bars. Def. Ex. H.

Several of Newport's citizens, merchants and church groups also opposed the presence of the semi-nude dancing clubs. These groups generally believed that the adult entertainment clubs were "clouds over [the] neighborhood that keep [it] from growing in the [right] direction." See Def. Ex. I (letter to Mayor from Taylors Landing Business District). Complaints commonly expressed were that the seamy establishments deterred other merchants from locating in Newport's business district, deterred shoppers, served a poor example for the City's youth, and generally tarnished the City's image. Id.

Bright Lights, Inc., v. City of Newport, 830 F. Supp. 378, 380-81 (E. D. Ky. 1993).

Based on those findings, the court went on to hold in relevant part:

Having considered the matter carefully, the court concludes that some leeway must be afforded the reform efforts of the City Council of Newport. This body has been elected by the citizens to attempt to "clean up the image" of the City.

To do this, it must overcome the sleazy impression of Newport and Northern Kentucky that survives from "the heyday" when things ran wide open; reform

candidates were literally drugged and framed for morals offenses by public officials and police officers; the members of reform citizens groups were vilified and harassed; and a "liberal" in local parlance was a person favoring the continued open and notorious violation of the gambling and morals laws.

To illustrate that the Council's perception of a need to clean up the image of the City is not paranoid, the court notes the following statements in a national magazine's satirical Chapter on Newport's big sister, the city of Cincinnati.

"The city's streets fairly shine; the odd litterer draws a scornful stare. Wide avenues, bosky side streets, the most inviting of thoroughfares. And clean. So clean. No X-rated movie theaters, no adult-book stores, no bare-breasted night joints soil these streets, all of them long ago jettisoned over to the Kentucky side of the river."

Peter Richmond, "Town Without Pity," *Gentlemen's Quarterly*, July 1993, at 102, 104.

This court holds that the City of Newport has the right to secede as Cincinnati's combat zone.

The court holds that the City has "an important and substantial governmental interest" in advancing these reform goals, which interest is furthered by the ordinances in question. *Barnes*, 111 S. Ct. at 2461. The court further finds and holds that in the case of the City of Newport, given its unique history, the ordinances' "incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest." *Id.* (quoting *O'Brien*, 391 U.S. at 376-77, 88 S. Ct. at 1678-79).

Newport's image affects that of all of Northern Kentucky, a community of nearly 300,000 people. That City and its community have the right to project a progressive and decent image. The nudity ordinances contribute to the enhancement of this interest and will be upheld. 830 F.Supp. at 384;

- M. The Supreme Court had earlier noted in upholding another regulation in Newport, "it is plain that, as in *Bellanca*, the interest in maintaining order outweighs the interest in free expression by dancing nude." *Newport v. Iacobucci*, 479 U.S. 92, 97, 93 L. Ed. 2d 334, 340, 107 S. Ct. 383, 386 (1986). Although the significance of the opinion itself is now questionable (see *J&B Social Club # 1 v. City of Mobile*, 966 F. Supp. 1131, 1135 (S.D. Ala. 1996)), the quoted part of the opinion stands unchallenged.
- N. The cities of Covington and Newport continue their efforts to improve their image. Since 1985, Covington has redeveloped its riverfront, creating several new office towers, high-end condominiums, hotels, and a convention center. In Newport, in

conjunction with private development and Southbank Partners, Inc., the City has built a major entertainment center along the river. This initiative has promoted improved pedestrian and transit connections in Northern Kentucky's river cities to and from the stadiums and other attractions along the Cincinnati riverfront.

- O. Despite these efforts, the areas of downtown Covington and Newport away from the riverfront continue to suffer in many ways. The study by Kelly and Cooper found in the area near to existing sexually oriented uses a number of building vacancies and building maintenance falling far short of that found in the revitalized areas near the river.
- P. The city of Taylor Mill respects the Constitutional rights of its citizens, including the right to present certain types of entertainment that may not appeal to the entire population. Through this ordinance, it is the desire of the city of Taylor Mill to balance the Constitutional rights of businesses that present sexually oriented entertainment with the city of Taylor Mill interests in ensuring that this community not suffer from the same sorts of adverse effects that Covington and Newport have long suffered.
- Q. From long experience in Covington and Newport, as well as from the following studies and others not listed, the city of Taylor Mill also finds that such businesses may have primary and secondary effects involving crimes related to the activities in the establishments, of which prostitution and crimes of violence are those of greatest concern. See for example:
  - 1. "Final Report to the City of Garden Grove: The Relationship between Crime and Adult Business Operations on Garden Grove Boulevard," Richard W. McCleary, Ph.D., James W. Meeker, J.D., Ph.D., October 23, 1991.
  - 2. "Survey of Appraisers: Fort Worth and Dallas – Effects of Land Uses on Surrounding Property Values," Duncan Associates, Eric Damian Kelly, FAICP, and Connie B. Cooper, FAICP, September 2004.
  - 3. "Adult Entertainment Businesses in Indianapolis, An Analysis," 1984.
  - 4. "Adult Business Study," by City of Phoenix Planning Department, May 25, 1979.
  - 5. "Effects on Surrounding Area of Adult Entertainment Businesses in Saint Paul," June 1978, City of Saint Paul Division of Planning, Department of Planning and Management; and Community Crime Prevention Project, Minnesota Crime Control Planning Board.
  - 6. "Staff Report, Whittier City Planning Commission; Subject: Adult Business Regulations," July 11, 1994.
  - 7. "Adult Entertainment Study," Department of City Planning, City of New York, Second Printing, November 1994.
  - 8. "Adult Use Study," Newport News Department of Planning and Development, March 1996.

- 
9. "A Report on the Secondary Impact of Adult Use Businesses in the City of Denver," prepared by multiple city departments for Denver City Council, January 1998.
  10. "Survey of Appraisers in Monroe County, New York," Summer 2000. For detailed results of the survey, see Kelly and Cooper, Everything You Always Wanted to Know about Regulating Sex Businesses, Planning Advisory Service Report No. 495-96. Chicago: American Planning Association, 2000; pages 51-57.
  11. The Tucson "study" consisting of two memos: one from the Citizens Advisory Planning Committee, addressed to the Mayor and City Council, and dated May 14, 1990; and the other from an Assistant Chief of Police to the City Prosecutor, regarding "Adult Entertainment Ordinance," dated May 1, 1990.
- R. The city of Taylor Mill recognizes that some of the cited studies included bars without sexually oriented entertainment among the businesses studied; the city of Taylor Mill finds, nevertheless, that addressing the establishments that have live, sexually oriented entertainment is a more critical local issue than that of bars without such entertainment, for three reasons:
1. Bars in Kentucky are already regulated by the Commonwealth, and those state regulations directly address many of the concerns that arise with the service of alcohol;
  2. The local history of prostitution and sex-related crimes has largely been related to businesses with live, sexually oriented entertainment, and not with other establishments that serve alcohol; and
  3. The interaction between dancers who are paid to work with very limited clothing and the customers who pay to see them work in the establishments with live entertainment creates a sexually charged environment and the opportunity to negotiate for the provision of additional services that do not involve dancing or other protected expression and that are simply unacceptable under the standards of the County and its citizens.
- S. As noted earlier in these findings, there is a long local history of prostitution and sex-related crimes at or incident to the operation of establishments with live, sexually oriented entertainment. Further, the studies shown herein provide further evidence of the potential crime-related secondary effects from such businesses. Although the methodologies and quality of these studies vary somewhat, local experience has demonstrated to the city of Taylor Mill that the relationship between crime and such establishments is a fact in Northern Kentucky and not just a theory published in a study.
- T. The city of Taylor Mill has reviewed evidence and testimony presented at public meetings before the County, and information based on the past experiences of
-

the Kenton and Campbell Counties and the cities of Covington and Newport, the experiences of the County Attorneys' offices prosecuting numerous and varied offenses that have occurred in and around the sexually oriented entertainment establishments, and based upon the documented experiences of other governmental units within Kentucky and elsewhere in dealing with the impact of sexually oriented entertainment, that such businesses can, if not properly regulated, be deleterious to said community.

- U. The city of Taylor Mill finds that the countywide licensing ordinance related to sexually oriented businesses and service oriented escort bureaus adopted by the Fiscal Court of Kenton County is an effective tool for addressing the many operational issues that can arise with such businesses.
- V. The city of Taylor Mill finds that amendments to the city's Zoning Ordinance regarding the location and design of such businesses are important variables in the nature and extent of adverse secondary effects of sexually oriented businesses on the community, and further finds that location and design are among the types of issues that are typically addressed through zoning.
- W. Based on the recommendations of Kelly and Cooper, which are based on their experience in other communities and their review of the studies cited above and other local efforts to address such secondary effects, the city of Taylor Mill finds that the following principles are essential to effective zoning controls of sexually oriented businesses:
  - 1. Sexually oriented businesses should, to the maximum extent practicable, be separated from one another by a distance that is greater than a convenient walking distance, because experience elsewhere has shown that the location of such businesses near one another may increase the adverse secondary effects, particularly those related to crime, by a greater than arithmetic factor;
  - 2. Although there are currently several such businesses located near one another in Covington's downtown area, the Covington City Commission has determined that the City will not attempt to require these existing businesses be relocated;
  - 3. Sexually oriented businesses have the greatest adverse effect on residential neighbourhoods and should thus be separated to the maximum extent practicable from residential neighbourhoods;
  - 4. Sexually oriented businesses are likely to attract criminal elements that prey on "soft targets," including children, and it is thus important to separate sexually oriented businesses from schools, parks, recreation centers, and religious institutions, all of which are places where children are likely to congregate, often without parental protection;
  - 5. Also because of the tendency of sexually oriented businesses to attract criminal elements that prey on soft targets, it is important to seek locations



for such businesses that are not located along pedestrian routes, where young people, old people and others who are vulnerable, are likely to walk in going about their day-to-day business. Thus, locations to which the primary access is by automobile minimize the risk of persons going about their daily business encountering persons who are visiting or even loitering around the sexually oriented business;

6. Experiences in other communities show that private booths, back rooms, "VIP" rooms and other small and private spaces in sexually oriented businesses create the opportunity for casual sexual activity and create logistical difficulties and risks of physical endangerment for police officers responsible for dealing with such activities. For that reason, it is essential that movies, performances and other activities at sexually oriented businesses should be permitted only in large rooms that are open and visible to management, other patrons and code and police officers who may visit the establishment during operating hours.

X. FINDINGS: The facts and other matters set forth in the previous clauses that form the preamble to this ordinance are hereby adopted as findings of fact in support of the legislative action of the city of Taylor Mill in adopting this amendment to the Zoning Ordinance. Upon adoption of this zoning amendment, these shall be incorporated into the Zoning Code by reference as if fully set forth therein to the adopting Resolution.

Y. DEFINITIONS:

1. CABARET OR THEATER, SEXUALLY ORIENTED – a building or portion of a building which provides or allows the provision of sexually oriented entertainment to its customers or which holds itself out to the public as an establishment where sexually oriented entertainment is available. Signs, advertisements or an establishment name including verbal or pictorial allusions to sexual stimulation or gratification or by references to "adult entertainment," "strippers," "showgirls," "exotic dancers," "gentleman's club," "XXX" or similar terms, shall be considered evidence that an establishment holds itself out to the public as an establishment where sexually oriented entertainment is available.
2. CUSTOMER – any person who:
  - a. Is allowed to enter a business in return for the payment of an admission fee or any other form of consideration or gratuity; or
  - b. Enters a business and purchases, rents, or otherwise partakes of any material, merchandise, goods, entertainment, or other services offered therein; or
  - c. Enters a business other than as an employee, vendor, service person, or delivery person.

- 
3. DAY CARE CENTER – a licensed facility providing care, protection and supervision for children 12 years old or younger or for any individual who is deemed mentally challenged.
  4. DISPLAY PUBLICLY – the act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others or from any portion of the premises where items and material other than sexually oriented media are offered for sale or rent to the public.
  5. ENCOUNTER CENTER, SEXUALLY ORIENTED – a business or enterprise that, as one of its principal purposes, offers: physical contact between two or more persons when one or more of the persons is in a state of nudity or semi-nudity.
  6. ENTERTAINER, SEXUALLY ORIENTED – any person paid as an employee, contractor, subcontractor, or agent of the operator of a cabaret who frequently appears in a state of semi-nudity at any establishment regulated by this chapter.
  7. ENTERTAINMENT, SEXUALLY ORIENTED – any of the following activities, when performed by a sexually oriented entertainer at a sexually oriented business that is required to be licensed: dancing, singing, talking, modeling (including lingerie or photographic), gymnastics, acting, other forms of performing, or individual conversations with customers for which some type of remuneration is received.
  8. ESCORT – a person who is held out to the public to be available for hire for monetary consideration in the form of a fee, commission, or salary, and who for said consideration consorts with or accompanies or offers to consort with or accompany, another or others to or about social affairs, entertainments, or places of amusement or within any place of public resort or within any private quarters, and shall include a “service oriented escort;” for purposes of this ordinance, the term “escort” shall not include any person who would be understood by a reasonably prudent person as providing “babysitting” services or working as an assisted living companion to the elderly, infirm, disabled, or handicapped, and shall further not include licensed health professionals.
  9. ESCORT, SERVICE ORIENTED – an escort that:
    - a. operates from an open office;
-

- b. does not advertise that sexual conduct will be provided to the patron or work for an escort bureau that so advertises; and
  - c. does not offer to provide sexual conduct.
- 10. ESCORT BUREAU, SERVICE ORIENTED – an escort bureau that
  - a. maintains an open office at an established place of business;
  - b. otherwise operates in full accordance with the countywide licensing ordinance, Kenton County Ordinance No. 451.9, establishing licensing requirements for sexually oriented businesses and service oriented escort bureaus, as such ordinance may be amended from time to time.
- 11. ESCORT, SEXUALLY ORIENTED – an escort who:
  - a. works for (either as an agent, employee, or independent contractor), or is referred to a patron by a sexually oriented escort bureau; or,
  - b. either advertises that sexual conduct will be provided, or works for (either as an employee, agent, or independent contractor), or is referred to a patron by an escort bureau that so advertises; or,
  - c. offers to provide or does provide acts of sexual conduct to an escort patron, or accepts an offer or solicitation to provide acts of sexual conduct for a fee from an escort patron or a prospective escort patron.
- 12. ESCORT BUREAU, SEXUALLY ORIENTED – an escort bureau that operates in any of the following manners:
  - a. engages in fraudulent, misleading, or deceptive advertising that is designed to make the prospective client believe that acts of prostitution (as defined under Kentucky law) will be provided; or,
  - b. collects money (whether paid in advance or paid after the promised proscribed act) for the promise of acts of prostitution by its escorts; or,
  - c. uses as escorts persons known to have violated the law regarding prostitution, and refuses to cease the use of such a person; or,
  - d. operates an escort bureau as a “call girl” prostitution operation; or,
  - e. advertises that sexual conduct will be provided to a patron or customer, or that escorts which provide such sexual conduct will be provided, referred, or introduced to a patron or customer; or,
  - f. solicits, offers to provide, or does provide acts of sexual conduct to an escort patron or customer; or,
  - g. employs or contracts with a sexually oriented escort, or refers or provides to a patron a sexually oriented escort.

13. ESTABLISHMENT – any business regulated by this Section.
14. EXPLICIT SEXUAL MATERIAL – any pictorial or three dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation of unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of post-pubertal human genitals; provided, however, that works of art or material of anthropological significance shall not be deemed to fall within the foregoing definition.
15. FLOOR AREA, GROSS PUBLIC – the total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled “public”), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, and entryways serving such areas.
16. FREQUENTLY – two or more times per month.
17. MASSAGE – touching, stroking, kneading, stretching, friction, percussion, and vibration, and includes holding, positioning, causing movement of the soft tissues and applying manual touch and pressure to the body (excluding an osseous tissue manipulation or adjustment).
18. MASSAGE PARLOR – any business offering massages that is operated by a person who is not a state licensed “massage therapist” or that provides massages by persons who are not state licensed massage therapists.
19. MASSAGE THERAPY – the profession in which a certified massage therapist applies massage techniques with the intent of positively affecting the health and well being of the client.
20. MASSAGE THERAPIST –a person licensed as a massage therapist in accordance with the provisions of Kentucky Rev. Statues §309.350 et seq.
21. MEDIA – anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, CD-ROMS, DVDs, other magnetic media, and undeveloped pictures.

- 
22. MEDIA, SEXUALLY ORIENTED – magazines, books, videotapes, movies, slides, CDs, DVDs or other devices used to record computer images, or other media which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”
23. MEDIA STORE WITH SOME SEXUALLY ORIENTED MEDIA – a retail book, video or other media store that has sexually explicit media that constitutes more than 10 percent but not more than 40 percent of its inventory or that occupies more than 10 percent but not more than 40 percent of its gross public floor area.
24. MEDIA STORE, SEXUALLY ORIENTED – an establishment that rents and/or sells sexually oriented media, and that meets any of the following three tests:
- a. More than forty percent (40%) of the gross public floor area is devoted to sexually oriented media; or
  - b. More than forty percent (40%) of the stock in trade consists of sexually oriented media; or
  - c. It advertises or holds itself out in any forum as a “XXX,” “adult” or “sex” business, or otherwise as a sexually oriented business, other than sexually oriented media outlet, sexually oriented motion picture theater, or sexually oriented cabaret.
25. MODELING STUDIO, SEXUALLY ORIENTED – an establishment or business that provides the services of live models modeling lingerie, bathing suits, or similar wear to individuals, couples, or small groups in a space smaller than 600 feet.
26. MOTEL, SEXUALLY ORIENTED – a hotel, motel, or similar commercial establishment that meets any of the following criteria:
- a. Offers accommodations to the public for any form of consideration and provides patrons with sexually oriented entertainment or transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas;”
  - b. Marketed as or offered as “adult,” “XXX,” “couples,” or “sexually oriented.”
27. MOTION PICTURE ARCADE, SEXUALLY ORIENTED – a building or portion of a building wherein coin-operated, slug-operated, or for any other form of consideration, electronically, electrically, or mechanically
-

controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images of “specified sexual activities” or “specified anatomical areas.”

28. MOTION PICTURE ARCADE BOOTH, SEXUALLY ORIENTED – any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat customers and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or medium (including, but not limited to, film, video or magnetic tape, laser disc, CD-ROMs, books, DVDs, magazines or periodicals) to show images of “specified sexual activities” or “specified anatomical areas” for observation by customers therein. The term “booth,” “arcade booth,” “preview booth,” and “video arcade booth” shall be synonymous with the term “motion picture arcade booth.”
29. MOTION PICTURE THEATER, SEXUALLY ORIENTED – a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are frequently shown that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” or that are marketed as or offered as “adult,” “XXX,” or sexually oriented. Frequently shown films, motion pictures, videocassettes, slides or other similar photographic reproductions as characterized herein do not include sexually oriented speech and expressions that take place inside the context of some larger form of expression.
30. NUDE MODELING STUDIO – any place where a person who appears in a state of nudity or semi-nudity and is to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. “Nude model studio” shall not include a proprietary school licensed by the Commonwealth of Kentucky or a college, junior college, or university supported entirely or in part by public taxation; a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.
31. NUDITY OR STATE OF NUDITY – the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the areola or nipple, or the showing of the covered male genitals in a discernibly turgid state. See, also, Semi-nude.

- 
32. OPERATOR – any person operating, conducting, or maintaining a business regulated under this Chapter.
33. OWNER(S) – the individual owner of an establishment, or if the legal owner is a corporation, partnership, or limited liability company, the term shall include all general partners, any limited partner with a financial interest of ten percent (10%) or more, all corporate officers and directors, and any shareholder or member with a financial interest of ten percent (10%) or more. “Owner” includes the spouse(s) of any of the above individuals.
34. PERSON – an individual, firm, partnership, joint-venture, association, independent contractor, corporation (domestic or foreign), limited liability company, trust, estate, assignee, receiver or any other group or combination acting as a unit.
35. PREMISES – the physical location at which a business operates; as used in this Chapter, the term shall include all parts of that physical location, both interior and exterior, which are under the control of the subject business, through ownership, lease or other arrangement.
36. PRIMARY ENTERTAINMENT – entertainment that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.
37. PROTECTED LAND USE – residential zoning district, school, religious institution, park, library, public recreation area, or day care center.
38. PUBLIC AREA – a portion of a sexually oriented business, excluding sexually oriented motels, that is accessible to the customer, excluding restrooms, while the business is open for business.
39. SADOMASOCHISTIC PRACTICES – flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or naked.
40. SEMI-NUDE OR IN A SEMI-NUDE CONDITION – the showing of the female breast below a horizontal line across the top of the areola at its highest point. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other apparel, provided the areola is not exposed in whole or in part.

- 
41. SEX SHOP – an establishment offering goods for sale or rent and that meets any of the following tests:
- a. It offers for sale items from any two (2) of the following categories: sexually oriented media; lingerie; leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; sexually oriented novelties; and the combination of such items constitute more than ten percent (10%) of its stock in trade or occupies more than 10 percent (10%) of its floor area;
  - b. More than five percent (5%) of its stock in trade consists of sexually-oriented toys or novelties; or
  - c. More than five percent (5%) of its gross public floor area is devoted to the display of sexually oriented toys or novelties.
42. SEXUALLY ORIENTED BUSINESS – an inclusive term used to describe collectively the following businesses: sexually oriented cabaret or theater; sexually oriented entertainment; sexually oriented motion picture theater; sexually oriented motion picture arcade; sexually oriented encounter center; sexually oriented media store; sexually oriented escort bureau; bathhouse; massage parlor; sex shop; sexually oriented modeling studio; or any other such business establishment whose primary purpose is to offer sexually oriented entertainment or materials. This collective term does not describe a specific land use and shall not be considered a single use category for purposes of the County or any applicable municipal zoning code or other applicable ordinances.
43. SEXUALLY ORIENTED BUSINESS LICENSE – any license applied for under the countywide licensing ordinance, Kenton County Ordinance No. 451.9 as amended, establishing licensing requirements for sexually oriented businesses and service oriented escort bureaus, adopted in 2004.
44. SEXUALLY ORIENTED TOYS OR NOVELTIES – instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts or designed or marketed primarily for use to stimulate human genital organs.
45. SPECIFIED ANATOMICAL AREAS – include:
- a. Less than completely and opaquely covered human genitals, pubic region, or the areola or nipple of the female breast; and
  - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; and
  - c. Areas of the human anatomy included in the definitions of “nude” or “nudity.”
-



- 
46. SPECIFIED SEXUAL ACTIVITIES – Acts of human masturbation, sexual intercourse, or sodomy. These activities include, but are not limited to the following: bestiality, erotic or sexual stimulation with objects or mechanical devices, acts of human analingus, cunnilingus, fellatio, flagellation, masturbation, sadism, sadomasochism, sexual intercourse, sodomy, or any excretory functions as part of or in connection with any of the activities set forth above with any person on the premises. This definition shall include apparent sexual stimulation of another person's genitals whether clothed or unclothed.
- Z. PROHIBITED USES: The following uses are prohibited in the city of Taylor Mill and county-wide under Kenton County Ordinance No. 451.9, establishing licensing requirements for sexually oriented businesses and service oriented escort bureaus. No Zoning Permit shall be issued for the following prohibited businesses:
1. Sexually oriented motion picture arcade or booth;
  2. Sexually oriented encounter center;
  3. Sexually oriented motel;
  4. Sexually oriented massage parlor or any business offering massages that is operated by a person who is not licensed as a massage therapist in accordance with the provisions of Kentucky Rev. Statutes §309.350 et seq.;
  5. Sexually oriented modeling studio;
  6. Sexually oriented nude modeling studio; and
  7. Sexually oriented escort bureau.
- AA. PERMITTED USES: The following uses are permitted if they hold an approved Zoning Permit and a valid License approved under the county-wide Kenton County Ordinance No. 451.9, establishing licensing requirements for sexually oriented businesses and service oriented escort bureaus:
1. Media store with some sexually oriented media (not subject to licensing);
  2. Sexually oriented media store;
  3. Sex shop;
  4. Service oriented escort bureau;
  5. Sexually oriented motion picture theatre; and
  6. Sexually oriented cabaret or theatre.
- AB. PERMITTED ZONING DISTRICTS:
1. A media store carrying some sexually oriented media is permitted in any zoning district where other retail establishments are permitted.
-

- 
2. A sexually oriented media store, sex shop or service oriented escort bureau is permitted in the following zoning districts if it holds an approved Zoning Permit and a valid License approved under the county-wide Kenton County Ordinance No. 451.9, establishing licensing requirements for sexually oriented businesses and service oriented escort bureaus:
    - a. SC (Shopping Center) Zone
  3. A sexually oriented business featuring on-premise entertainment such as sexually oriented motion picture theatre, cabaret or theatre is permitted in the following zoning districts if it holds an approved Zoning Permit and a valid Kenton County Sexually Oriented Business License:
    - a. HC-1 (Highway Commercial One) Zone
    - b. HC-3 (Highway Commercial Three) Zone
    - c. LHS (Limited Highway Service) Zone
    - d. LSC (Limited Service Commercial) Zone
    - e. SC (Shopping Center) Zone
    - f. All Industrial (I) Zones, except for the IP (Industrial Park) Zone
- AC. ZONING PERMIT: Any application for a sexually oriented business Zoning Permit shall be processed in accordance with Article XVI of the Zoning Ordinance with the following additional requirements:
1. Zoning Permit and License Required
    - a. Permit and license required. Each sexually oriented business or service oriented escort bureau is required to obtain a Zoning Permit under the City of Covington's Zoning Code and License under the countywide licensing ordinance, Kenton County Ordinance No. 451.9 as amended, establishing licensing requirements for sexually oriented businesses and service oriented escort bureaus. However, no license is required for a media store with some sexually oriented media.
    - b. Order of submissions. For a new sexually oriented business or service oriented escort bureau, the process is designed for the applicant to apply for a Zoning Permit first and Kenton County License second.
    - c. Application Contents: In addition to the other requirements of an application for a Zoning Permit, the applicant shall submit to the Zoning Administrator at least the following:
      - (1) A complete description of the exact nature of the business to be conducted;

- (2) A location plan, showing the location of the property and the applicant's identification of any school, religious institution, public recreation area, park or day care center within 1,500 feet of the property;
- (3) A sketch of the exterior and interior of the premises, showing all areas that will be open to the public and their purposes, the dimensions of such areas, all entrances and exits, the location of the screen for a motion picture theatre, the location and dimensions of the stage for a cabaret or theatre;
- (4) A parking plan; and
- (5) A lighting and signage plan, showing fixtures that are adequate in number, design and location to meet the lighting requirements and applicable provisions of the countywide licensing ordinance, Kenton County Ordinance No. 451.9 as amended, establishing licensing requirements for sexually oriented businesses and service oriented escort bureaus.

AD. GENERAL STANDARDS:

1. General Standards related to sexually oriented businesses and service oriented escort bureaus.
  - a. Separation distances. No retail-only sexually oriented business (sexually oriented media store or sex shop) or service oriented escort bureau shall be located within 500 feet of any area within the zoning districts having the designation of "residential" as the district classification or within 500 feet of any parcel of land occupied by a school, religious institution, park, library, public recreation area, or day care center (considered "protected uses") in any other district.
  - b. Separation distances. No sexually oriented business offering on-premise entertainment (sexually oriented motion picture theatre, cabaret or theatre) shall be located within 1000 feet of any area within the zoning districts having the designation of "residential" as the district classification or within 1000 feet of any parcel of land occupied by a school, religious institution, park, library, public recreation area, or day care center in any other district.
  - c. Separation distances. No sexually oriented business shall be located within 1,000 feet of any other sexually oriented business or service oriented escort bureau; this restriction shall require such a separation regardless of whether it is located within the city or within the county.
  - d. Single use. There shall be no more than one type of sexually oriented business or service oriented escort bureau at any one location.

- 
- e. Nonconformity. No legally established and permitted sexually oriented business or service oriented escort bureau shall become nonconforming through subsequent establishment of a school, religious institution, park, library, public recreation area, or day care center (protected uses); nor shall a Zoning Permit for a sexually oriented business or service oriented escort bureau be denied based on the filing of a Zoning Permit application for a protected use after the filing of such application for a sexually oriented business.
  - f. Measurement method. Where this section requires that one use be separated from another use, measurements shall be made in accordance with this subsection. For a use which is the only use or the principal use on a lot or parcel, the measurement shall be made from property line to property line from a point nearest to the use for which the measurement is being made. If the use is located in a multi-tenant building, then the distance shall be measured from the portion of the building of the leasehold or other space actually controlled or occupied that is nearest to the use for which the measurement is being made. Measurements between properties or spaces under this section shall be made by the shortest distance between the two properties and/or spaces.
2. Standards for Parking: An Off-Street Parking Plan shall be submitted as a part of the application for a Zoning Permit. All off-street parking shall be in accordance with Article XI with specific standards related as follows:
- a. A sexually oriented media store, sex shop or service oriented escort bureau: 5.5 spaces per 1,000 square feet of gross public floor area.
  - b. A sexually oriented cabaret or theatre: 1 parking space for each 100 square feet of floor area used for dancing or assembly, or 1 space for each 4 persons based on design capacity, whichever is greater, plus 1 space for each 2 employees on shift of largest employment.
  - c. A sexually oriented motion picture theatre: 1 parking space for each 4 seats, based on a maximum seating capacity, plus 1 additional space for each 2 employees on shift of largest employment.
3. Standards for Exterior Lighting and Signage: An Exterior Lighting and Signage Plan shall be submitted with the application for a Zoning Permit. The required lighting shall be as follows:
- a. Exterior lighting of the entries and private parking areas shall be a minimum of 15 footcandles as measured 3 feet from the ground or paving.
-

- b. For a business on a single lot or parcel, no lighting shall illuminate any property not in control of the business by more than 5 footcandles as measured at the nearest adjacent property.
- c. All signage shall be in accordance with the Article XIV.

AE. INDIVIDUAL BUSINESS STANDARDS:

1. Standards for a Service Oriented Escort Bureau: A service oriented escort bureau shall be subject to the following additional standards:
  - a. Room size. The establishment shall operate all business in an open area of at least 600 square feet of floor area. No walls, dividers, curtains, screens, shades or other similar devices shall be used to obscure any part of the room where customers are located.
  - b. Lighting. The area occupied by customers shall be well lit at a lighting level of least 30 footcandles measured 3 feet from the floor.
2. Standards for a Media Store with Some Sexually Oriented Media: A retail book, video or other media store that has sexually explicit media that constitutes more than 10 percent but not more than 40 percent of its inventory or that occupies more than 10 percent but not more than 40 percent of its gross public floor area shall not be classified as a sexually oriented business but shall be subject to the following standards:
  - a. Separate room. The sexually explicit media shall be kept in a separate room from the rest of the inventory of the store and shall not visible outside the room;
  - b. Age limit. Sexually explicit media shall be available only to persons 18 years or older;
  - c. Access. Access to the room shall be through a solid door, accessed by an electronic control device monitored by the clerk or manager on duty through direct visual control;
  - d. Visibility. Customers and activities in the room shall be visible at all times to the clerk or manager on duty through a video system located at the clerk's or manager's counter; and
  - e. Lighting. The area occupied by customers shall be well lit at a lighting level of least 30 footcandles measured 3 feet from the floor.
3. Standards for a Sexually Oriented Media Store or Sex Shop: A sexually oriented media store or sex shop shall be subject to the following additional standards:
  - a. Room size. The establishment shall operate all business in an open area of at least 600 square feet of floor area. No walls, dividers,

- 
- curtains, screens, shades or other similar devices shall be used to obscure any part of the room where customers are located;
  - b. Displays. No displays of sexually explicit media or images shall be visible from the exterior of the buildings; and
  - c. Lighting. The area occupied by customers shall be well lit at a lighting level of least 30 footcandles measured 3 feet from the floor.
4. Standards for a Sexually Oriented Motion Picture Theatre: A sexually oriented motion picture theater shall be subject to the following additional standards:
- a. Presentation area. All screenings and presentations of motion pictures, videos or other media shall occur in a room open to all customers of the establishment and containing at least 1000 square feet of floor area. No walls, dividers, curtains, screens, shades or other similar devices shall be used to obscure any part of the room.
  - b. Lighting. The lighting level in the area occupied by customers shall be at least 5 footcandles as measured at the floor.
  - c. Seating. Seating shall consist of individual, theater-style chairs, with solid arms separating the chairs. No couches, benches, portable chairs, beds, loose cushions or mattresses, or other forms of seating may be provided. Separate spaces for wheelchairs shall be provided in accordance with the applicable provisions of the building code and the Americans with Disabilities Act.
5. Standards for a Sexually Oriented Cabaret or Theatre: A sexually oriented cabaret or theater shall be subject to the following additional standards:
- a. Presentation area. All entertainment shall occur in an unobstructed room of at least 600 square feet of floor area with a person in any part of such room having a clear view of all entertainment areas;
  - b. Performance stage. All entertainment shall take place on stage elevated at least 24 inches above the surrounding floor area, with a minimum area of 100 square feet, and with a horizontal separation of at least 60 inches between the edge of the stage and the nearest space to which customers have access—the horizontal separation shall be physically enforced by a partial wall, rail, or other physical barrier, which may be located either on the stage (to keep the entertainers back from the edge) or on the floor (to keep the customers back from the stage);
  - c. Lighting. The lighting level in the area occupied by customers shall be at least 15 footcandles as measured 3 feet from the floor.
-

- d. Seating. Seating shall consist of chairs or open booths; no couches, beds, or loose cushions or mattresses, or of any form shall be provided.

AF. ZONING ADMINISTRATOR REVIEW AND EXPIRATION OF ZONING PERMIT:

1. Determination of Completeness: Within 5 business days of submission of the sexually oriented land use permit application, the Zoning Administrator shall determine if the application is complete. If the application is incomplete, the Zoning Administrator shall return the application to the applicant with a letter or form specifying the items that are missing. The application shall not be further processed unless and until the applicant submits a complete application.
2. Review, Decision: If the Zoning Administrator determines that an application is complete, the Zoning Administrator shall review the application and, within 20 calendar days of submittal of the complete application, grant or deny the permit. If the permit is denied, the denial shall be made in writing, by letter or on a form, and shall specify the reasons why the application was denied, citing the specific provisions of this ordinance or other provisions of the City's ordinances that provide the basis for such denial. If the Zoning Administrator fails to act on a complete application within the 20-day period, the application is deemed denied. Upon denial or deemed denial, the applicant may appeal that denial to the Board of Adjustment.
3. The applicant may, at its option, pursue other or additional administrative remedies available under the zoning ordinance; by doing so, applicant shall be deemed to have waived any right to a decision within a particular time period and shall be subject to all of the terms, conditions and timelines applicable to such administrative remedies under the zoning ordinance.
4. Expiration of Zoning Permit: The issuance of the Zoning Permit shall be conditioned on the applicant obtaining and retaining a Kenton County Occupational License for the use represented by the Zoning Permit. If a no license has been granted within 6 months after the issuance of the Zoning Permit, then the Zoning Permit shall expire; provided, however, that the expiration date for the Zoning Permit shall be extended until 30 days after the end of any administrative or judicial appeal of the Zoning Permit.

AG. APPEAL PROCEDURES:

1. Appeals to Board of Adjustment

- a. Appeals to the Board of Adjustment may be taken by any person or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the Zoning Administrator. Such appeal shall be taken within 10 calendar days after such action, order, requirement, interpretation, grant, refusal, or decision of the Zoning Administrator, by filing with the Zoning Administrator 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. A fee, as required by § 158.007, shall also be paid to the Zoning Administrator at this time. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record on which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At the public hearing on the appeal held by the Board, an interested person may appear and enter his or her appearance, and all shall be given an opportunity to be heard.
- b. The Board of Adjustment shall hear the appeal within 30 calendar days of its filing with the Zoning Administrator and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the Zoning Administrator at least 7 calendar days prior to the hearing. The affected parties may appear at the hearing in person or by an attorney. The Board of Adjustment shall hear the matter and render a decision within 36 days after the filing of the appeal. If the Board of Adjustment fails to act within such time, the application is deemed denied.

## 2. Appeals from the Board of Adjustment

- a. Any person or entity claiming to be injured or aggrieved by any final action of the Board of Adjustment shall appeal from the action to the circuit court of the county in which the property which is the subject of the action of the Board of Adjustment lies. Such appeal shall be taken within 30 calendar days after the final action of the Board of Adjustment. The Board of Adjustment shall be a party in any such appeal filed in the circuit court. All final actions which have not been appealed within 30 days shall not be subject to judicial review and shall become final.
- b. 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 Board of Adjustment in all cases, and shall cause it to be delivered for service as in any other law action.



- AH. SEVERABILITY: It is hereby declared to be the intention of the city of Taylor Mill that the sections, paragraphs, sentences, clauses and phrases of this Chapter are severable, and if any phrase clause, sentence, paragraph or section of this Chapter shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Chapter, since the same would have been enacted by the city of Taylor Mill without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

## **SEC. 9.29 DOWNTOWN TAYLOR MILL (DTM) DESIGN AND DEVELOPMENT STANDARDS**

- A. INTENT: The following regulations are hereby established to promote the health, safety and general welfare of the Downtown Taylor Mill Zones; hereafter referred to as Downtown Taylor Mill (DTM); to ensure consistent development in a manner that promotes the goals and objectives of the *2006 Area-wide Comprehensive Plan for Kenton County* and the *2006 I-275/KY 16 Improvement Area Land Use Study*; and to provide standards for mixed-use development in Downtown Taylor Mill that will benefit the City of Taylor Mill.

The DTM Zones provide for a flexible mix of commercial uses in a pedestrian friendly environment to accommodate dense downtown commercial activity and regional and national office headquarters.

The dimensional standards and design guidelines of the DTM Zones are intended to insure that development is compatible with adjoining residential zones and uses. The standards found herein collectively promote quality development and innovative site design to create a premier community asset that will encourage various uses and site configurations ranging from a hotel and conference center to retail and office uses. In addition, flexibility is provided in return for adherence to the design standards of the DTM Zones.

- B. ZONES REGULATED: The regulations contained herein shall regulate:
1. Section 10.18 DTM-1 (Downtown Taylor Mill main street) Zone.
  2. Section 10.19 DTM-2 (Downtown Taylor Mill office-service) Zone.
  3. Section 10.20 DTM-3 (Downtown Taylor Mill commercial) Zone.
  4. Section 10.21 DTM-4 (Downtown Taylor Mill business park) Zone.

The boundaries of which are shown on the City of Taylor Mill Zoning Map.

- 
- C. SCOPE: This section governs all land uses and development within the DTM Zones and shall take precedence over the provisions of this ordinance unless expressly provided for otherwise by this ordinance or the Kentucky Revised Statutes.
- D. INTERPRETATION AND APPLICATION: In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the health, safety, and general welfare. Whenever the requirements of any other lawfully adopted rules, regulations, or resolutions conflict, the most restrictive, or that imposing the higher standards shall govern.
- E. DESIGN AND DEVELOPMENT STANDARDS:
1. Purpose: Design and development standards are established to create a unified image for Downtown Taylor Mill. Quality, mixed-use developments with integrated open spaces, streets, parking, and pedestrian friendly amenities are desired. To that end, the design and development standards in this section are further designed to:
    - a. Utilize decorative and long lasting building designs on all building walls facing public roadways.
    - b. Develop unique building and building configurations that fit into the overall character and design objectives of the downtown areas by requiring decorative architectural elements and unique, landmark building designs.
    - c. Place structures, except within the DTM-1 and DTM-2 Zones, close to “main street”, a collector road identified by the *2006 I-275/KY 16 Improvement Area Land Use Study*, and all streets, to create an identifiable image unique to Downtown Taylor Mill. A consistent building wall and the use of wide sidewalks and a street tree line along “main street” will ensure an attractive and functional pedestrian friendly environment.
    - d. Place parking lots in rear or side yards to make downtown structures the focal point of every development site, except that parking shall be permitted in the front, rear, and side yards in the DTM-1 and DTM-2 Zones.
    - e. Require a non-motorized transportation system for the exclusive use of pedestrians and bicyclists that provides safe linkages between retail and office uses and surrounding neighborhoods.
    - f. Incorporate sound site design techniques to minimize the intrusion on existing residential neighborhoods by saving existing vegetation where possible, placing buildings and parking lots in appropriate locations, and providing, where necessary, landscape buffer areas.
    - g. Restrict access to development parcels adjacent by requiring shared access drives and common parking lots.
-

- 
- h. Provide for low profile monument signage throughout while ensuring signage is user-friendly.
  - 2. Minimum Development Area: The minimum development area shall be 2.5 acres, except for pre-existing lots or parcels which are landlocked by virtue of adjoining right-of-ways and property lines. In all DTM Zones, more than one building may be located on any one lot.
  - 3. Ownership: All buildings and uses proposed in the DTM Zones shall be under such unified control as to ensure that the entire development will be developed as a unified whole.
  - 4. Location of Business Activities: All business activities permitted shall be conducted within a completely enclosed building, with the exception of outdoor seating areas.
  - 5. Maximum Building Footprint: The maximum footprint of any commercial or mixed-use building shall be sixty thousand (60,000) square feet. Any commercial or mixed-use building exceeding sixty thousand (60,000) square feet shall be permitted but shall be required to have a minimum height of two (2) stories or thirty (30) feet.
  - 6. Mixed-Use Buildings. All buildings may contain more than one permitted use. Such buildings shall be referred to as mixed-use buildings.
  - 7. Building Design:
    - a. General: Any building elevation of any structure facing a public or private roadway shall be considered the front wall, or façade, for design purposes.
    - b. Tripartite Configuration: Facades shall have a tripartite (three part) configuration with a base or foundation, a middle or modulated wall, and a top portion formed by an articulated cornice or gutter. The façade shall have a recognizable base with but not limited to the following:
      - (1) Façade Base Treatment: Facades must have a recognizable base with (but not limited to) thicker walls, ledges or sills; Integrally textured elements such as stone or other masonry; Integrally colored and patterned elements such as smooth-finished stone; lighter or darker colored elements, mullions or panels; or planters.
      - (2) Façade Material and Color Changes: Materials and colors should not be changed in the same place, unless separated by a detail, such as a reveal, and change should occur along

- a horizontal or vertical line. The lighter material or color should occur above the heavier material or color in all cases. Buildings on corner lots or adjacent to access drives shall continue the same material and color on both sides and detail those facades similarly.
- (3) Horizontal Repeating Pattern: Facades must include a repeating pattern with an expression of architectural or structural bays through a change in plane greater than or equal to one (1) wide, such as an offset, reveal, pilaster, projecting ribs, fenestration patterns, or piers. Commercial and mixed-use building façade walls must not have a blank, uninterrupted length greater than forty (40) feet without including the required change in plane and one additional feature such as: changes in texture or pattern, or other equivalent elements that subdivide the wall into human scale proportions. All elements must repeat at intervals of less than or equal to forty (40) feet. Facades located in the DTM-4 shall follow these standards but at an interval of eighty (80) feet.
- c. Disruption of Long Walls: Long walls, exceeding eighty (80) feet in length, visible from a public or private roadway should include at least one change in wall plane, such as projections or recesses, having a depth of at least three (3) percent of the entire length of the façade and extending at least twenty (20) percent of the entire length of the façade.
- d. Glass: The use of glass as an architectural and design element is required as follows:
- (1) Glass with a reflection greater than twenty (20) percent is prohibited.
  - (2) All glass located on the ground floor shall be clear vision glass.
  - (3) In the DTM-1 Zone, the first floor of a building shall have a minimum of fifty (50) percent and a maximum of eighty (80) percent glass.
  - (4) In all other DTM Zones, the use of glass shall be limited to fifty (50) percent on facades to avoid the excessive use of this element and a dated appearance. The first floor of buildings shall have a minimum of twenty-five (25) percent glass to provide variety, interest, and openness.
- e. Side or Rear Walls: Side or rear walls facing walkways or visible from a street right-of-way may include false windows and door openings defined by frames, sills and lintels, or similarly

- proportioned modulations, only when actual doors and windows are not feasible because of the building use.
- f. **Materials:** Acceptable building materials include but are not limited to residential-size, jumbo or utility brick (traditional red color or other neutral, non glazed type); stone facing material; waterproof exterior insulation and finish system (EIFS, i.e., dryvit). If EIFS or dryvit is used, it shall be used only three (3) feet above any elevation of the building and should not exceed forty (40) percent of the overall non-window façade area or any wall facing a public or private roadway. Inappropriate building materials include but are not limited to heavily rusticated stone veneer, a glass curtain wall, vertical siding, standard CMU, and metal cladding.
  - g. **Main Building Entrances:** Building frontages must incorporate a main entrance door. The main public entrance door shall be inviting and pronounced with lighting; distinctive building materials; and architectural elements that draw the eye to the opening such as decorative transoms, columns, recesses, or protrusions. Entrances shall combine different colors, textures and the before mentioned architectural elements to emphasize entrances and to break the monotony of large vertical surfaces. Public entrance vistas shall be established or preserved by framing the area leading to the entrance with landscaping. It is not the intent of the landscaping or screening requirements found in this ordinance to block the view of the primary building entrances. Also, entrances should be designed with attention to pedestrian use, as well as automobile drop-off convenience.
  - h. **Secondary Building Entrances:** Secondary building entrances open to the public are permitted if located on the rear wall of a building. Such entrances shall be clearly identified as open to the public and may include a wall-mounted sign of not more than six (6) square feet above the entrance.
  - i. **Architectural Details:** Incorporate recesses, off-sets, arches, colonnades, columns, pilasters, detailed trim, brick bands, and contrasting courses of material, cornices, or porches to vary building facades.
  - j. **Accents:** Use canopies, overhangs, raised parapets over the door, archways, awnings, larger openings and display windows, accent colors, and details such as tile work, moldings, pedestrian-scale lighting, and distinctive door pulls to add detail and additional interest to building designs.
  - k. **Building Colors:** Building colors must be low-reflecting, muted and neutral or earth-toned. Roof colors must be muted and compatible with the dominant building color. High-intensity colors, bright primary colors, metallic colors, black or fluorescent colors are prohibited. Shiny, glossy or reflective materials, or brighter colors

may be used on building trim and accents with a cumulative surface area of less than or equal to one quarter of one (0.25) percent of a wall. Neon lighting as an architectural trim is prohibited.

- I. Roof Forms: Roofs, except in the DTM-1 and DTM-2 Zones, shall be flat or slightly sloped (for drainage). Decorative parapets or railing shall be incorporated on any façade facing a public street or access drive. The continuous plane of a roofline must be less than or equal to one hundred (100) feet.
8. Utilities: All new utilities shall be located below ground to minimize disruptions in utility service, reduce weather related losses, and to enhance the visual appearance of the downtown area.
  9. Lighting: For the purpose of providing consistent site lighting that does not produce glare and reduces the illumination of the night sky the following lighting standards shall be followed:
    - a. General Requirements: Light poles shall be consistent in design with the overall architectural theme of the site and shall be of a neutral color such as bronze, black, or charcoal. Pedestrian-oriented lighting should be at smaller scales to light walkways and plazas while parking area lighting should be at larger scales to light parking areas and vehicular circulation routes.
    - b. Continuity: All lighting, including but not limited to building lighting, security lights, and architectural lights should be from the same family of fixtures to maintain continuity throughout the DTM Zones.
    - c. Vehicular Area and Pedestrian Lighting:
      - (1) Light fixtures should be spaced at regular intervals and offer continuous ground plane overlap.
      - (2) Light fixtures shall be located at least two (2) feet and preferably five (5) feet back from the curb of a public right-of-way.
      - (3) Lighting should be used in combination with signage standards and other elements where possible.
      - (4) Lighting should be coordinated with street tree plantings for proper integration.
      - (5) Lighting should be maintained along the length of both sides of the public and private roadways.
    - d. Glare Reduction and Lighting Levels:
      - (1) All non-decorative lighting shall be fully shielded lights that do not emit light rays at angles above the horizontal plane as certified by a photometric test report.

- 
- (2) Decorative, pedestrian scale lights are encouraged in areas of pedestrian activity. All decorative lights over ten (10) feet in height shall be shielded to avoid light spillage on adjacent property and road rights-of-way.
    - (3) Where lighting abuts a residentially used or zoned property, the maximum illumination at the property line shall not exceed 0.5-foot candles. Where lighting abuts a non-residentially used or zoned property, the maximum illumination at the property line shall not exceed 1-foot candle. Lighting shall in no case exceed 6-foot candles.
    - (4) Lighting located on the building wall must be fully shielded to direct the light downward.
  - e. Prohibited Lighting:
    - (1) Neon accent lighting is prohibited on buildings and structures.
    - (2) Light poles shall not exceed thirty (30) feet in height.
    - (3) Bare metal light poles and elevated “sonotube” type concrete bases are prohibited.
  - 10. Coverage and Open Space Requirements: Not more than seventy-five (75) percent of the area of any development area shall be covered with any combination of buildings, pavement, or other impervious surfaces.
  - 11. Landscaping and Buffering: Section 9.17, Landscape Regulations shall govern in addition to the following provisions:
    - a. Applicability: For the purposes of determining applicable landscaping and screening requirements, all uses permitted and conditionally permitted, including mixed-uses, shall be considered commercial and professional office land uses.
    - b. General Requirements: The following general requirements shall apply to all landscaping and buffering elements.
      - (1) General Location: Plantings shall be located so as to provide shade and to reduce heat gain from hard surface.
      - (2) References: This section includes references to planting material types (e.g., List A, List B, and List C, etc.). Definitions and standards for these planting material types are defined in Section 9.17 of this ordinance.
      - (3) Massing: Shrubs required by Section 9.17 and this section shall be clustered in an informal manner to create a massing effect.
      - (4) Ground Cover and Lawn: Ground cover or lawn shall be

planted on all areas not covered by other plant materials.

- c. Zones or Land Uses Adjacent to Residential Zones or Land Uses: Except in the DTM-2 Zone, when a zone or land use adjoins a residential zone or land use, a 30-foot wide planting strip shall be provided. Plant materials and planting options include the following:
  - (1) 1 tree per 35 linear feet, or fraction thereof, from List A (shade trees), plus double row hedge from List E (evergreen/broadleaf shrubs).
  - (2) 1 tree per 20 linear feet, or fraction thereof, from List B (flowering and non-flowering trees), plus double row hedge from List E (evergreen/broadleaf shrubs).
  - (3) 1 tree per 40 linear feet, or fraction thereof, from List A (shade trees), plus a hedge from List D, plus a 6 foot wall, fence, or earth mound.
  - (4) 1 tree per 40 linear feet, or fraction thereof, from List B (flowering and non-flowering trees), plus a hedge from List D, plus a 6 foot wall, fence, or earth mound.
  - (5) Double row, staggered planting of trees from List C (evergreen/broadleaf shrubs) at 15 feet on center.
- d. Interior Landscaped Area: In addition to the plant material requirements for interior landscaped areas outlined in the Landscape Requirements Table (Table 9-1), five (5) shrubs per two hundred fifty (250) square feet of landscaped area from either List D (deciduous shrubs) or List E (evergreen/broadleaf shrubs) shall be provided. Ground cover shall be planted on all areas not covered by other plant material. Landscape areas along the perimeter of the parking area, or in any part of a required yard, shall not be counted as interior landscaped areas.
- e. Dumpster Screening:
  - (1) Dumpster shall be located in the side or rear yards screened on three (3) sides with a screen wall that is consistent in appearance with the façade of the principal building.
  - (2) The screen walls shall be at least six (6) feet in height or at least one (1) foot above the height of the enclosed trash receptacle. The fourth side of the trash enclosure shall be screened with a decorative gate that is the same height of the other three (3) screen walls. Bollards shall be installed at the enclosure opening to prevent damage to the screen walls or gate.
  - (3) Evergreen plant materials shall be planted around the trash receptacle screen wall to further screen the trash receptacle



and screen wall from view of any public or private roadway.

f. Equipment and Loading Areas Screening:

- (1) Location: Proper placement of utilitarian features enhances the effectiveness of screening. Mechanical equipment such as transformers, compressors, HVAC systems, chillers and communications equipment shall be located on the top or rear of buildings and fully screened from pedestrians and adjacent property.
- (2) Screening of Equipment: Ground-mounted or wall-mounted equipment shall be screened with planting beds, evergreen plantings, an opaque fence or low masonry screen wall, or combination thereof. Roof-mounted equipment shall be screened from public view and from adjacent property. The screening treatment shall be integrated within the overall building design with the use of complementary materials, colors, and architectural style of the building.
- (3) Screening of Other Site Elements: Pipes, conduit, and cables shall be limited to the back façade of building if conditions do not allow for them to be enclosed with the building itself. They shall be located as far away from public view as practical. Exterior stairs, if any, shall be located to a rear or side of a building not facing a public or private roadway to minimize the visibility of the stairs.

g. Vehicular Use Area Perimeter Landscaping: Vehicular use areas shall have a five (5) foot perimeter screening easement and shall utilize one of the following planting options:

- (1) 1 tree per 40 linear feet, or fraction thereof, from List A (shade trees), plus 8 shrubs per 40 linear feet, or fraction thereof, from either List D (deciduous shrubs) or List E (evergreen/broadleaf shrubs).
- (2) 1 tree per 25 linear feet, or fraction thereof, from List B (flowering and non-flowering trees), plus 8 shrubs per 40 linear feet, or fraction thereof, from either List D (deciduous shrubs) or List E (evergreen/broadleaf shrubs).

h. Street Frontage Landscaping: Street trees shall be planted to meet the following tree density requirements and shall be placed within the street right-of-way or within an easement immediately adjacent to the street right-of-way as follows:

- (1) Adjacent to “main street”: 1 tree per 40 linear feet from List

A (shade trees), B (flowering and non-flowering trees), or F (street trees). Trees shall be planted in planter block measuring 6 feet deep by 12 feet long and shall be adjacent to the right-of-way. The area between planter boxes shall be paved to allow for pedestrian circulation throughout the DTM Zones.

- (2) Adjacent to all other Right-of-Ways: 1 tree per 40 linear feet from List A (shade trees), B (flowering and non-flowering trees), or F (street trees). Trees shall be planted in a landscaped strip with a width of not less than 5 feet.
  - i. Landscaping Adjacent to Access Drives: All access drives shall provide a fifteen (15) foot wide planting area adjacent to the access drive consisting of one (1) ornamental tree or evergreen per 40 linear feet, or fraction thereof, from List B (flowering and non-flowering trees) or List C (evergreen/broadleaf trees), plus 10 shrubs per 40 linear feet, or fraction thereof, from either List D (deciduous shrubs) or List E (evergreen/broadleaf shrubs).
  - j. Detention/Retention Plantings: Where detention/retention basins can be viewed by pedestrians or are along a public or private roadway, these areas should be planted with a minimum 30 shrubs per 100 linear feet from either List D (deciduous shrubs) or List E (evergreen/broadleaf shrubs), measured at the high water level. Plants should be massed in naturalistic groupings.
  - k. Seasonal Landscaping: Seasonal amenities such as portable planters, street trees or other landscaping are encouraged, so long as pedestrian movement is not hindered.
12. On-Street Parking: Except in the DTM-1 and DTM-2 Zones, on-street parking facilities shall be provided on all publicly dedicated local streets. The number of on-street parking spaces provided shall count towards the total number of required off-street parking spaces. On-street parallel parking spaces shall be a minimum of eight (8) feet in width and twenty-three (23) feet in length.
13. Off-Street Parking and Loading: Article XI, Off-Street Parking and Access Control Regulations and Article XII, Off-Street Loading and/or Unloading Regulations shall govern in addition to the following provisions.
- a. For all uses in the DTM-1, DTM-2, DTM-3 and DTM-4 Zones, a ten (10) percent reduction in the required number of off-street parking spaces is allowed.
  - b. Location of Off-Street Parking Facilities: Off-street parking facilities in the DTM-1 and DTM-2 Zone shall be permitted in front, side, and rear yards, with not more than four (4) rows of parking located in

- any one yard. Off-street parking facilities in the DTM-3 Zone and DTM-4 Zone shall be permitted only in side and rear yards, with not more than four (4) rows of parking located in any one yard.
- c. Building Entrance Access: The location of required off-street parking facilities in the DTM-1, DTM-2, DTM-3, and DTM-4 Zones shall be within six hundred (600) feet of the building entrance to which they are intended to serve.
  - d. Similar Uses: Where a use is not specifically mentioned in this ordinance, the standards for a similar listed use, as determined by the zoning administrator, shall be applied. Professional publications, including Parking Generation (Institute of Transportation Engineers), may provide guidance in determining appropriate parking standards for similar uses.
  - e. Interparcel Access Requirements: For all uses located in the DTM-1, DTM-2, DTM-3, and DTM-4 Zones, the property owner shall grant an access easement to each adjoining property owner located in the DTM-1, DTM-2, DTM-3, and DTM-4 Zones. The purpose of the easement is to facilitate movement of customers and their vehicles from establishment to establishment (lot to lot) without generating additional turning movements on a public or private roadway. Such interparcel access easements shall be recorded and reference to deed book and copy of such recorded easement shall be provided to the city commission. Setbacks, curb, and perimeter landscaping requirements shall not apply to the interparcel access easement area. The interparcel access easement shall be provided subject to the following provisions:
    - (1) The interparcel access easement shall permit automobile access from the adjoining property to driveways and parking areas intended for customer or tenant use; but the use of parking spaces may be restricted to the owner's customers and tenants only.
    - (2) The granting of such easement shall be effective upon the granting of a reciprocal easement by the adjoining property owner.
    - (3) Upon the availability of access to driveways and parking areas of the adjoining lot, the pavement or other surfacing of the owner's driveways and parking areas shall be extended to the point of access on the property line.
    - (4) The location of vehicular connections across a property line should be mutually determined and constructed by both property owners. In the case of coordination problems or any factors preventing construction of an interparcel connection, the city commission shall determine the location of connection to be constructed by property owners.

- 
- (5) Where the proposed land use is such that adverse impact of the required easement on the use of the property would outweigh the reduced impact on the public street provided by the reciprocal easements, the city commission may waive the requirement for access easements, in whole or in part, administratively.
- f. Shared Parking: Whenever possible, commercial and office uses in Downtown Taylor Mill shall share parking in common lots. Shared parking represents an arrangement whereby two or more commercial or office uses provide their required off-street parking in the same parking lot, thereby reducing the number of individual parking lots and the number of curb cuts required to serve such lots.
- (1) Incentives: Incentives are provided for shared parking arrangements. The following reductions in the number of off-street parking spaces required are allowed when multiple commercial and/or office uses provide off-street parking in the same parking lot, as follows:
- (a) A maximum forty (40) percent reduction is allowed when four (4) or more commercial and/or office uses are involved.
  - (b) A maximum thirty (30) percent reduction is allowed when three (3) or more commercial and/or office uses are involved.
  - (c) A maximum twenty (20) percent reduction is allowed when two (2) or more commercial and/or office uses are involved.
- (2) Required Agreements: An agreement providing for shared use of parking facilities and interparcel access must be filed with the city commission, in a form approved by the city commission. Shared parking facility privileges will continue in effect only as long as the agreement remains in force. If the agreement is no longer in force, then parking must be provided as otherwise required by this chapter.
- g. Reserved Parking: Up to five (5) percent of the total number of required off-street parking spaces and associated access drives may be reserved or set-aside for additional parking area for future use if needed. Such areas shall be approved by the city commission and shall be shown on plans to be approved and marked as “reserved parking for future use”.

- h. Pedestrian Circulation: A safe transition shall be provided for people walking from parking lots to the building, or for pedestrians or bicyclists using a public pathway to the building entrance. The design of the parking lot should minimize areas where vehicular traffic moves in the same space with pedestrians. Walkways shall be curbed and elevated higher than parking lots to separate pedestrians from vehicular traffic. Predominant pedestrian access ways where pedestrians and vehicles intersect frequently shall be treated with unique pavement material or colors to provide definition between pedestrian and vehicular use areas.
- i. Bicycle Parking: Off-street parking of bicycles shall be provided as follows:
  - (1) For all uses there shall be one bicycle parking space for each twenty (20) automobile parking spaces or fraction thereof required in this section.
  - (2) Uses allowed to have reduced parking through Shared Parking provision of this Section shall nevertheless be required to provide bicycle spaces or lockers in the amount of one for each ten (10) automobile parking spaces or fraction thereof that would otherwise be required without the shared parking provision.
  - (3) The dimensions of each bicycle parking space shall accommodate the dimensions of a standard adult-sized bicycle, and shall measure no less than two (2) feet in width and six (6) feet in length. In addition to meeting these special requirements, bicycle parking racks must accommodate the use of popular locking devices used by bicyclists, including U-shaped locks.
  - (4) Whenever possible, the racks should be placed within fifty (50) feet of principal building entrances where bicyclists would naturally transition to pedestrian mode. The rack placement would ideally allow for visual monitoring by people within the building and/or people entering the building. The placement of the racks should minimize conflicts with both pedestrians and motorized traffic. All bicycle parking provided should be on concrete, and located a minimum of two (2) feet from a parallel wall and three (3) feet from a perpendicular wall.
- j. Cart Corrals: Cart corrals shall be of durable, non-rusting, all-season construction and shall be designed and colored to be compatible with the architecture and materials of the principal building served.

- 
14. Site Access: Sidewalks and walkways facilitate the safe movement of people and provide the primary access to buildings. Automobile access to individual building lots shall be minimized and common or shared parking lots should be utilized whenever possible.
- a. Sidewalks shall be provided as follows:
    - (1) A sidewalk with a minimum of five (5) feet is required between the curb and the building façade.
    - (2) Americans with Disabilities Act standards shall apply.
    - (3) Seasonal pedestrian activities and amenities, including outdoor seating and eating areas, sidewalk sales, and bicycle racks are encouraged so long as pedestrian access is not limited.
  - b. Curb cuts shall be limited. Whenever possible, curb cuts shall allow for access to a common or shared parking area or for an access drive.
15. Signage: Article XIV, Sign Regulations shall govern in addition to the following provisions.
- a. General Requirements: The following general requirements shall apply to all signs located in the DTM-1, DTM-2, DTM-3, and DTM-4 Zones:
    - (1) Illumination: When illumination is permitted, either by Article XIV, Sign Regulations or this section, the method of illumination shall be from a concealed lighting source. Internally illuminated signs are prohibited.
    - (2) Ground Signs. When permitted, ground signs shall be provided as follows:
      - (a) Ground signs shall consist of a low profile sign face that is placed on a solid base that extends a minimum of one (1) foot above the ground and extends at least seventy-five (75) percent of the length and width of the sign. The above ground portions of the sign base shall be considered part of the total allowable height of a ground sign.
      - (b) The sign style shall complement the architecture of the building it advertises.
      - (c) Landscaping consisting of shrubs, flowers, and/or accent stones shall be provided around the base of all monument signs.

- (d) Lighting shall consist of concealed ground lighting and shall be flush with the grade or obscured by landscaping.
- (3) Material: Sign materials should be compatible with the design of the façade on which they are placed. The selected materials should also contribute to the legibility of the sign and should be durable. Whenever possible, signs should be constructed of natural materials such as metal or wood.
- (4) Placement: Signs should not obscure architectural features; instead, their design should be integrated with the design of the building as follows:
  - (a) Signs shall fit within the existing façade features, shall be confined to signable areas, and shall not interfere with door and window openings, conceal architectural details, or obscure the composition of the façade.
  - (b) Signs should be mounted in locations that respect the design of a building, including the arrangement of bays and openings.
  - (c) Wall-mounted signs on friezes, lintels, spandrels, and fascias over storefront windows should be sized to fit within these surfaces and not extend above, below or beyond them. Typically, a wall-mounted sign should be centered on a horizontal surface over a storefront opening or series of windows.
- (5) Sign Design Creativity: Imaginative and innovative sign designs are considered a community enhancement. Signs make a positive contribution to the surrounding environment, as well as help identify and define downtown Taylor Mill as follows:
  - (a) Creative, detailed, artistic, and unique signage is encouraged and will be considered in the context of the building on which the sign will be located, surrounding uses, sign design (color, materials, scale, and detailing).
  - (b) The use of icons, symbols, graphic logos or designs that represent a service, occupation or product are preferred.
  - (c) Signs should convey one message only in the simplest manner possible.

b. Permitted Signs in DTM Zones: The following classes of signs, as

defined in Section 14.6, Classification of Signs may be erected and maintained:

- (1) Class 1 (Flat or window sign, single faced only)
  - (2) Class 2 (Flat, window, or projecting sign, single or double faced)
  - (3) Class 4 (Flat, window, or ground sign, single or double faced; to be used temporarily for advertising development, new construction, or the sale, lease, rental, remodeling and re-building of designated structures or a designated land area)
  - (4) Class 5 (Individual letters only, single faced only) and/or Class 6 (Flat sign, single faced only). A combination of Classes 5 and 6 signs may be used provided that the combined total number of square feet of the sign area used shall not exceed one (1) square foot of area for each horizontal linear foot of building wall upon which the sign or signs are located.
  - (5) Access Drive: One (1) ground sign shall be permitted at the entrance to any access drive as follows:
    - (a) Ground signs shall be single or double faced with a maximum size of single sign area of sixty (60) square feet and a maximum height above grade at top of sign of fifteen (15) feet.
- c. Permitted Signs in the DTM-3 Zone: In addition to permitted signs identified above, one (1) signature wall sign shall be permitted for a hotel and conference center building or office building as follows:
- (1) The sign shall be placed beneath the roof line of the building wall facing the interstate highway.
  - (2) The wall sign shall not extend above the roof line of the building that it is attached to.
  - (3) The sign area shall not exceed one (1) square foot per lineal frontage, and in no case shall exceed two hundred (200) square feet.
- d. Permitted Signs in the DTM-4 Zone: In addition to permitted signs identified above, ground signs shall be permitted in the DTM-4 Zone as follows:
- (1) Ground signs shall be single or double faced with a maximum size of single sign area of fifteen (15) square feet and a maximum height above grade at top of sign of eight



(8) feet.

e. Additional Permitted Signs: In addition to permitted signs identified above, the following signs shall also be permitted:

- (1) Wall-Mounted Display: A wall-mounted display featuring a menu or description of items for sale within a retail or commercial space shall be contained within a shallow weather-proof wood or metal case, with the text clearly visible through a glass front. The display case shall be attached the building wall, next to the main entrance, at a height of approximately five (5) feet, shall not exceed a total sign area of two (2) square feet, and may be lighted if the lighting source is not visible.
- (2) Sandwich Board Sign: One sandwich board sign per business establishment shall be permitted as follows:
  - (a) The area of the signboard, single-sided, shall not exceed five (5) square feet.
  - (b) The signboard shall be constructed of wood, chalkboard or finished metal.
  - (c) Letters may be painted or handwritten.
  - (d) The sign shall be located within four (4) feet of the main entrance to the business and its location shall not interfere with pedestrian or vehicular circulation.
  - (e) The information displayed shall be limited to daily specials and hours of operation.
  - (f) The sign shall be removed at the end of the business day.
- (3) Multi-Tenant Directory Sign: In addition to other signage, one directory sign shall be permitted at the main entrance of a multi-tenant building that displays the name and suite number of each business or commercial establishment as follows:
  - (a) Individual letters and/or rows of text shall not exceed one (1) inch in height.
  - (b) The total directory area shall not exceed six (6) square feet.
  - (c) The sign material must have a professional appearance and be made of cast metal or other approved durable material.

**SECTION 9.30 PROHIBITION OF SHORT-TERM RENTALS:** Nobody shall conspire, cause, permit, promote, allow, aid, assist, encourage or engage in any short term rental of any area or building in the City or any part or portion thereof that is within any of the following zoning classifications:

R-RE (Residential Rural Estate and Agricultural) Zone  
R-1A: (Residential One A) Zone  
R-1B: (Residential One B) Zone  
R-1C: (Residential One C) Zone  
R-1D: (Residential One D) Zone  
R-1D1: (Residential One D1) Zone  
R-1E: (Residential One E) Zone  
R-1F: (Residential One F) Zone  
R-1G: (Residential One G) Zone  
R-2: (Residential Two) Zone  
R-3: (Residential Three) Zone  
RCD: (Residential Cluster Development Overlay) Zone  
PUD: (Planning Unit Development Overlay) Zone

## ARTICLE X

### ZONES

#### SECTION 10.0 CO (CONSERVATION) ZONE

##### A. PERMITTED USES

1. Agricultural uses
2. Publicly owned and/or operated parks and/or recreation areas, including public swimming pools
3. Recreational uses, other than those publicly owned and/or operated such as golf courses and country clubs, including commercial swimming pools

##### B. ACCESSORY USES

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article XIII
3. Signs, as regulated by Article XIV

##### C. CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of such use shall have been applied for and approved by the board of adjustment, as set forth in Section 9.14 of this ordinance:

1. Golf driving ranges
2. Riding academies and stables
3. The following uses are permitted providing that the development of all facilities in or adjacent to navigable waters shall be approved by the Corps of Engineers, Department of the Army, and the Division of Water, Kentucky Department for Natural Resources and Environmental Protection. Such statements of approval or denial shall be submitted to the board of adjustment at the time of submittal for a conditional zoning certificate:

###### a. Boat harbors and marinas;

The following uses shall be permitted as accessory uses in connection with any boat harbor or marina provided they are primarily intended to serve only persons using the boat harbor or marina:

- (1) Boat fueling, service, and repairs

- (2) Sale of boat supplies
- (3) Grocery store
- (4) Restaurant
- (5) Club house and lockers

- b. Public boat landing or launching facilities
- c. Dockage facilities
- c. Off-street parking facilities and temporary parking of boat trailers, including spaces large enough to accommodate automobiles pulling boat trailers

D. AREA, HEIGHT, YARD, AND SETBACK REGULATIONS: Requirements shall be as determined and approved by the planning commission.

E. OTHER DEVELOPMENT CONTROLS

- 1. All "Uses Permitted", and "Conditional Uses", permitted in this zone shall require a certificate of approval from the city engineer, certifying his approval of the type and manner of construction to be built (insuring that such construction shall not cause flood hazard, soil erosion, adverse changes in natural drainage courses, or unnecessary destruction of natural features), which completed certificate shall be submitted to the appropriate officer or board, as herein required, at time of request.
- 2. Dwelling units are not permitted in this zone.
- 3. Off-street parking and loading and/or unloading shall be provided in accordance with Article XI and XII of this ordinance.
- 4. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
- 5. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any residential zone.
- 6. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
- 7. No use producing objectionable odors, noise, or dust, shall be permitted within five hundred (500) feet from the boundary of any residential zone.
- 8. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use in this zone.

---

**SECTION 10.1 R-RE (RESIDENTIAL RURAL ESTATE AND AGRICULTURAL) ZONE**

- A. PERMITTED USES: (Agricultural buildings, uses, and accessory uses cannot be regulated by zoning, except for setback requirements. The following regulations, therefore, apply only to those nonagricultural buildings, uses, and accessory uses, permitted herein - except item 10.1, D., 2. which applies to all uses.)
1. Single-family dwellings (detached)
  2. Sale of products that are raised, produced, and processed on the premises, provided that no roadside stands of any type for the sale or display of agricultural products shall be permitted within fifty (50) feet from any street
  3. Greenhouses and nurseries, including both wholesale and retail sales of products grown on the premises provided that the storage of manure shall not be permitted nearer than one hundred (100) feet from the front of a street, road, highway, or right-of-way line, or not nearer than fifty (50) feet from a side lot line
  4. Stables and riding academies, both public and private.
- B. ACCESSORY USES
1. Customary accessory buildings and uses
  2. Fences and walls, as regulated by Article XIII
  3. Home occupations, subject to the restrictions and limitations established in Section 9.11 of this ordinance
  4. Signs, as regulated by Article XIV
- C. CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of such use shall have been applied for and approved by the board of adjustment, as set forth in Section 9.14 of this ordinance:
1. Cemeteries
  2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
  3. Funeral homes, provided that they are located on a separate lot or parcel of real estate that abuts and has access to an arterial street
  4. Institutions for higher education, providing they are located adjacent to an arterial street
  5. Institutions for human medical care - hospitals, clinic sanatoriums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street

- 
6. Nursery schools
  7. Police and fire stations, provided they are located adjacent to an arterial street
  8. Public and parochial schools
  9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries
  10. Recreational uses, other than those publicly owned and/or operated as follows:
    - a. Golf courses
    - b. Country clubs
    - c. Semi-public swimming pools
- D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No buildings shall be erected or structurally altered hereafter, except in accordance with the following regulations:
1. Minimum lot area - One (1) acre
  2. Minimum lot width at building setback line - One hundred (100) feet
  3. Minimum front yard depth - Forty (40) feet
  4. Minimum side yard width - Total: Thirty-eight (38) feet; One Side: Twelve (12) feet
  5. Minimum rear yard depth - Twenty-five (25) feet
  6. Maximum building height - Thirty-five (35) feet
- E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES: No conditional building and/or use shall be erected or structurally altered hereafter, except in accordance with the regulations in Section 10.1, D.
- F. OTHER DEVELOPMENT CONTROLS
1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
  2. With the exception of Subsection D. of this Section of the ordinance, no outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
  3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any residential zone.
  4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.

---

**SECTION 10.2 R-1B (RESIDENTIAL ONE-B) ZONE****A. PERMITTED USES**

1. Single-family residential dwellings (detached)

**B. ACCESSORY USES**

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article XIII
3. Home occupations, as regulated in Section 9.11 of this ordinance
4. Signs, as regulated by Article XIV

**C. CONDITIONAL USES:** The following uses, or any customary accessory buildings or uses, subject to the approval of the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
3. Fire and police stations, providing they are located adjacent to an arterial street
4. Funeral homes, provided that they are located on a separate lot or parcel of real estate that abuts and has access to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
8. Nursery schools
9. Public and parochial schools
10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, swimming pools and libraries
11. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses
  - b. Country clubs
  - c. Swimming pools

**D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES**

1. Minimum lot area - One-half (1/2) acre

2. Minimum lot width at building setback line - One hundred (100) feet
3. Minimum front yard depth - Forty (40) feet
4. Minimum side yard width - Total: Twenty-five (25) feet; One Side: Ten (10) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES

1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum lot width at building setback line - One hundred fifty (150) feet
3. Minimum front, side (on each side of lot), and rear yards - Fifty (50) feet
4. Maximum building height - Thirty-five (35) feet

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.



---

**SECTION 10.3 R-1C (RESIDENTIAL ONE-C) ZONE****A. PERMITTED USES**

1. Single-family residential dwellings (detached)
2. Neighborhood restaurant (with or without a liquor license), that existed before this zoning was enacted. Outdoor dining is permitted provided that such area meets the following minimum requirements:
  - a. Such area shall be designed to clearly identify the limits of the outdoor dining area, which shall not include any drive-thru facility
  - b. Such area shall not exceed twenty-five (25) percent of the maximum seating capacity of the indoor dining area
  - c. Entertainment, music, and sound amplifying systems shall not be permitted within the outdoor dining areas. Televisions are permitted.
  - d. Such areas shall not be permitted to locate within any minimum required front, side, or rear yard, except where a variance has been approved by the Board of Adjustments, unless that structure existed before the R-1C zone was adopted.
  - e. Outdoor dining areas shall be operated no later than (10:00) o'clock p.m. on Sunday through Thursday inclusive, and no later than eleven (11:00) o'clock p.m. on Friday and Saturday.

**B. ACCESSORY USES**

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

**C. CONDITIONAL USES:** No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of such use shall have been applied for and approved by the board of adjustment, as set forth in Section 9.14 of this ordinance:

1. Animal hospitals, provided:
  - a. That they are constructed and maintained according to the specifications of National Veterinary Medicine Association.
  - b. They are located upon a lot which is adjacent to and has access to an arterial street.

- 
- c. No animal is maintained upon the lot except for the purpose of veterinary treatment, observations, and convalescence.
    - d. All animals maintained upon the premises shall be maintained within the hospital at all times.
  - 2. Cemeteries
  - 3. City buildings
  - 4. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
  - 5. Fire and police stations, providing they are located adjacent to an arterial street
  - 6. Funeral homes, provided that they are located on a separate lot or parcel of real estate that abuts and has access to an arterial street
  - 7. Institutions for higher education, providing they are located adjacent to an arterial street
  - 8. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
  - 9. Nursery schools
  - 10. Public and parochial schools
  - 11. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, swimming pools and libraries
  - 12. Recreational uses other than those publicly owned and/or operated, as follows:
    - a. Golf courses
    - b. Country clubs
    - c. Semi-public swimming pools
- D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No building shall be erected or structurally altered hereafter, except in accordance with the following regulations:
- 1. Minimum lot area - Twelve thousand five hundred (12,500) square feet
  - 2. Minimum lot width at building setback line - Eighty (80) feet
  - 3. Minimum front yard depth - Thirty-five (35) feet
  - 4. Minimum side yard width on each side of lot - Twelve (12) feet
  - 5. Minimum rear yard depth - Twenty-five (25) feet
  - 6. Maximum building height - Thirty-five (35) feet
- E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES: No conditional building and/or use shall be erected or structurally altered hereafter, except in accordance with the following regulations:

1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum lot width at building setback line - One hundred fifty (150) feet
3. Minimum front, side (on each side of lot), and rear yards - Fifty (50) feet
4. Maximum building height - Thirty-five (35) feet

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.

**SECTION 10.4 R-1D (RESIDENTIAL ONE-D) ZONE****A. PERMITTED USES**

1. Single-family dwellings (detached)

**B. ACCESSORY USES**

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

**C. CONDITIONAL USES:** No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of such use shall have been applied for and approved by the board of adjustment, as set forth in Section 9.14 of this ordinance:

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
3. Fire and police stations, providing they are located adjacent to an arterial street
4. Funeral homes, provided that they are located on a separate lot or parcel of real estate that abuts and has access to an arterial street
5. Institutions for higher education, providing they are located adjacent to an arterial street
6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
7. Nursery schools
8. Public and parochial schools
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
10. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses
  - b. Country clubs
  - c. Semi-public swimming pools

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

1. Minimum lot area - Nine thousand (9,000) square feet
2. Minimum lot width at building setback line - Seventy-five (75) feet
3. Minimum front yard depth - Thirty-five (35) feet
4. Minimum side yard width on each side of lot - Ten (10) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet or two and one-half (2-1/2) stories

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

1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum lot width at building setback line - One hundred fifty (150) feet
3. Minimum front, side (on each side of lot), and rear yards - Fifty (50) feet
4. Maximum building height - Thirty-five (35) feet or two and-half (2-1/2) stories

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.

**SECTION 10.5 R-1D1 (RESIDENTIAL ONE-D1) ZONE****A. PERMITTED USES**

1. Single-family residential dwellings (detached)

**B. ACCESSORY USES**

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

**C. CONDITIONAL USES:** No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of such use shall have been applied for and approved by the board of adjustment, as set forth in Section 9.14 of this ordinance:

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
3. Fire and police stations, providing they are located adjacent to an arterial street
4. Funeral homes, provided that they are located on a separate lot or parcel of real estate that abuts and has access to an arterial street
5. Institutions for higher education, providing they are located adjacent to an arterial street
6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
7. Nursery schools
8. Public and parochial schools
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries
10. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses
  - b. Country clubs
  - c. Swimming pools (semi-public)

- D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No buildings shall be erected or structurally altered hereafter, except in accordance with the following regulations:
1. Minimum lot area - Nine thousand (9,000) square feet
  2. Minimum lot width at building setback line - Seventy (70) feet
  3. Minimum front yard depth - Thirty-five (35) feet
  4. Minimum side yard width on each side of lot - Five (5) feet on one side and a combined total of fifteen (15) feet
  5. Minimum rear yard depth - Twenty-five (25) feet
  6. Maximum building height - Thirty-five (35) feet or two and one-half (2-1/2) stories
- E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES: No conditional building and/or use shall be erected or structurally altered hereafter, except in accordance with the following regulations:
1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
  2. Minimum lot width at building setback line - One hundred fifty (150) feet
  3. Minimum front, side (on each side of lot), and rear yards - Fifty (50) feet
  4. Maximum building height - Thirty-five (35) feet or two and-half (2-1/2) stories
- F. OTHER DEVELOPMENT CONTROLS
1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
  2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
  3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.
  4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.

**SECTION 10.6 R-1E (RESIDENTIAL ONE-E) ZONE****A. PERMITTED USES**

1. Single-family dwellings (detached)

**B. ACCESSORY USES**

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

**C. CONDITIONAL USES:** No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of such use shall have been applied for and approved by the board of adjustment, as set forth in Section 9.14 of this ordinance:

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
3. Fire and police stations, providing they are located adjacent to an arterial street
4. Funeral homes, provided that they are located on a separate lot or parcel of real estate that abuts and has access to an arterial street
5. Institutions for higher education, providing they are located adjacent to an arterial street
6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
7. Nursery schools
8. Public and parochial schools
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries
10. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses
  - b. Country clubs
  - c. Semi-public swimming pools



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

1. Minimum lot area - Seven thousand five hundred (7,500) square feet
2. Minimum lot width at building setback line - Sixty (60) feet
3. Minimum front yard depth - Thirty (30) feet
4. Minimum side yard width on each side of lot - Ten (10) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet or two and-half (2-1/2) stories

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

1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum lot width at building setback line - One hundred fifty (150) feet
3. Minimum front, side (on each side of lot), and rear yards - Fifty (50) feet
4. Maximum building height - Thirty-five (35) feet or two and one-half (2-1/2) stories

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.

**SECTION 10.7 R-1F (RESIDENTIAL ONE-F) ZONE****A. PERMITTED USES**

1. Single-family dwellings (detached)

**B. ACCESSORY USES**

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

**C. CONDITIONAL USES:** No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of such use shall have been applied for and approved by the board of adjustment, as set forth in Section 9.14 of this ordinance:

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
3. Fire and police stations, providing they are located adjacent to an arterial street
4. Funeral homes, provided that they are located on a separate lot or parcel of real estate that abuts and has access to an arterial street
5. Institutions for higher education, providing they are located adjacent to an arterial street
6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
7. Nursery schools
8. Public and parochial schools
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries
10. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses
  - b. Country clubs
  - c. Semi-public swimming pools

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

1. Minimum lot area - Six thousand (6,000) square feet
2. Minimum lot width at building setback line - Fifty (50) feet
3. Minimum front yard depth - Twenty-five (25) feet
4. Minimum side yard width on each side of lot - Eight (8) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet or two and one-half (2-1/2) stories

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

1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum lot width at building setback line - One hundred fifty (150) feet
3. Minimum front, side (on each side of lot), and rear yards - Fifty (50) feet
4. Maximum building height - Thirty-five (35) feet or two and-half (2-1/2) stories

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.

**SECTION 10.8 R-1G (RESIDENTIAL ONE-G) ZONE****A. PERMITTED USES**

1. Single-family dwellings (detached)

**B. ACCESSORY USES**

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

**C. CONDITIONAL USES:** No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of such use shall have been applied for and approved by the board of adjustment, as set forth in Section 9.14 of this ordinance:

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
3. Fire and police stations, providing they are located adjacent to an arterial street
4. Funeral homes, provided that they are located on a separate lot or parcel of real estate that abuts and has access to an arterial street
5. Institutions for higher education, providing they are located adjacent to an arterial street
6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
7. Nursery schools
8. Public and parochial schools
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries
10. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses
  - b. Country clubs
  - c. Semi-public swimming pools

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

1. Minimum lot area - Five thousand (5,000) square feet
2. Minimum lot width at building setback line - Fifty (50) feet
3. Minimum front yard depth - Twenty-five (25) feet
4. Minimum side yard width on each side of lot - Eight (8) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet or two and one-half (2-1/2) stories

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

1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum lot width at building setback line - One hundred fifty (150) feet
3. Minimum front, side (on each side of lot), and rear yards - Fifty (50) feet
4. Maximum building height - Thirty-five (35) feet or two and one-half (2-1/2) stories

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.

**SECTION 10.9 R-2 (RESIDENTIAL TWO) ZONE****A. PERMITTED USES**

1. Attached single-family residential dwellings
2. Two-family residential dwellings
3. Multi-family residential dwellings
4. Recreational uses to serve the residential development, such as clubhouse, tennis courts, swimming pool, fishing lakes, etc.

**B. ACCESSORY USES**

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article XIII
3. Signs, as regulated by Article XIV

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

1. Minimum site for development: Five (5) acres, except that development of a smaller area is permitted if the proposed development conforms to and extends an existing five (5) acre (or greater) development
2. Maximum density: No site for development shall exceed 14.0 dwelling units per gross acre
3. Per individual building (e.g., one multi-family building or one attached group of town houses):
  - a. Maximum number of dwelling units: Attached single-family building - eight (8) units; multi-family building - eight (8) units per floor
  - b. Minimum distance between individual buildings: Thirty (30) feet for buildings or three (3) stories or less; fifty (50) feet for buildings four (4) or five (5) stories
  - c. Minimum setback from boundaries of R-2 zone under one ownership: Thirty (30) feet; which shall remain an open area not to include swimming pools, playground equipment, or parking facilities, but a street may be located within this area if approved by the legislative body in the conceptual plan
  - d. Maximum building height: Five (5) stories
4. More than one principal building, as defined herein, may be permitted on the minimum site for development

**D. OTHER DEVELOPMENT CONTROLS**

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No private lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. No development shall occur in the R-2 Zone until a conceptual plan has been submitted and approved by the legislative body for the entire property zoned R-2, which is under one ownership. Said plan shall indicate the general circulation plan (vehicles and pedestrian) for the entire property; a schematic indication of areas by type of housing and maximum height of building; and areas to be retained for open space. A minimum of twenty (20) percent of the total acreage shall be set aside for open space use, exclusive of streets, parking areas, and buildings. The ownership and maintenance of the open space shall be indicated.
5. A site plan, in accordance with the requirements of section 9.18 shall be approved by the zoning administrator, prior to the construction of any public improvements or the issuance of any zoning or building permits. The site plan may be approved for individual sections within the minimum site for development, or plan may be submitted for the entire minimum site for development.
6. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.

---

**SECTION 10.10 R-3 (RESIDENTIAL THREE) ZONE****A. PERMITTED USES**

1. Multi-family dwellings

**B. ACCESSORY USES**

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article XIII of this ordinance
3. Signs, as regulated by Article XIV of this ordinance

**C. CONDITIONAL USES:** No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of such use shall have been applied for and approved by the board of adjustment, as set forth in Section 9.14 of this ordinance:

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
3. Fire and police stations, providing they are located adjacent to an arterial street
4. Funeral homes, provided that they are located on a separate lot or parcel of real estate that abuts and has access to an arterial street
5. Institutions for higher education, providing they are located adjacent to an arterial street
6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
7. Nursery schools
8. Public and parochial schools
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries
10. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses
  - b. Country clubs
  - c. Semi-public swimming pools



- D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No building shall be erected or structurally altered hereafter, except in accordance with the following regulations:
1. Minimum lot area - Twelve thousand five hundred (12,500) square feet for the first four (4) dwelling units or less in one building; two thousand (2,000) square feet shall be provided for every dwelling unit thereafter in the same building. In the case of this zone, more than one principal building, as defined herein, may be permitted on one lot
  2. Minimum lot width at building setback line - One hundred (100) feet
  3. Minimum front yard depth- Forty (40) feet
  4. Minimum side yard width on each side of lot - Fifteen (15) feet
  5. Minimum rear yard depth - Thirty (30) feet
  6. Maximum building height - Three (3) stories or forty (40) feet
- E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES: No conditional buildings and/or uses shall be erected or structurally altered hereafter, except in accordance with the following regulations:
1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
  2. Minimum lot width at building setback line - One hundred fifty (150) feet
  3. Minimum front, side (on each side of lot), and rear yards - Fifty (50) feet
  4. Maximum building height - Forty (40) feet or three (3) stories
- F. OTHER DEVELOPMENT CONTROLS
1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
  2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
  3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.
  4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
  5. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone, except when development is proposed under the Planned Unit Development regulations, as regulated by Section 10.9 of this ordinance.

---

**SECTION 10.11 RCD (RESIDENTIAL CLUSTER DEVELOPMENT) OVERLAY ZONE**

- A. **PURPOSE:** The purpose of the Residential Cluster Development (RCD) Overlay Zone is to provide a means whereby clusters of attached and detached single-family residential units may be constructed in the R-1 Single-Family Residential Zones, and therein, through a planned layout, reviewed and approved by the planning commission, permit a wide flexibility in the design, location, siting of buildings, and yard and setback requirements in order to provide for, to the greatest extent possible, the preservation of hillside areas and other natural geographic and topographic features, and also provide for more usable and suitably located recreation facilities than would otherwise be provided under conventional R-1 Single-Family Residential land development procedures.
- B. **GENERAL:** Notwithstanding other provisions of this ordinance, a Residential Cluster Development (RCD) Overlay Zone may only be permitted only to be superimposed over any of the following R-1 Single-Family Residential Zones (e.g., R-1A, R-1B, R-1C, R-1D, etc.), provided that all conditions or provisions of this section of the ordinance, the applicable requirements of the subdivision regulations, and any additional requirements, as may be determined necessary by the planning commission to provide for the most efficient layout of the RCD Zone and its proper integration with the surrounding development, are met; and a public hearing is held on the preliminary plan and zoning map amendment.
- C. **APPLICATION AND PROCESSING:** The purpose of these procedures is to permit an initial review of and a public hearing upon the proposal by the planning commission at an early opportunity, while the details of the plan remain flexible and before the applicant has invested a large sum of money in the engineering and architectural services needed to provide the detail necessary for final plan and plat approval. Applications for the Residential Cluster Development Overlay Zone shall be processed in three stages:
1. A preliminary development plan, nonconformity with the requirements of Subsection D., shall be filed with the planning commission and processed as follows:
    - a. The planning commission shall hold a public hearing on the preliminary development plan and the amendment to the official zoning map of the area as shown in the preliminary development plan, duly noticed, in accordance with the requirements of KRS Chapter 424. Upon holding such hearing, the planning commission shall take one of the following actions on the preliminary development plan: approval, approval with condition(s), or disapproval; and shall make a recommendation to the legislative body relative to their findings with regard to the zone change.

- 
2. The legislative body shall, within forty-five (45) calendar days after receiving the recommendations of the planning commission, review said recommendations of that commission with regard to the requested RCD Overlay Zone and approve or disapprove said request. Approval of the RCD Overlay Zone by the legislative body shall be conditioned with the provision that the final development plan and final plat receive approval by the planning commission.
  3. After approval or conditional approval of the preliminary development plan by the planning commission and conditional approval of the RCD Overlay Zone by the legislative body, a final plat and final development plan, in accordance with the requirements of Subsection E., shall be filed with the planning commission for its review and approval.
  4. Following final plat and final development plan approval by the planning commission, the official zoning map shall be amended by adding the suffix "RCD" to the existing residential (R) zone (e.g., R-1B, R-1C, RCD, etc.) for the areas as shown on the approved final plat.
- D. PRELIMINARY DEVELOPMENT PLAN REQUIREMENTS: A preliminary development plan shall be submitted, identifying and providing the following:
1. An aerial photograph of the subject property.
  2. A plan(s) of the subject property, drawn to a scale not greater than one (1) inch equals one hundred (100) feet showing:
    - a. The total area in the project.
    - b. The present zoning of the subject property and all adjacent properties.
    - c. All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned.
    - d. Existing topography with a maximum of five (5) foot contour intervals.
    - e. The location, height, and layout of all existing and proposed uses on the subject property, including residential uses by housing type and number of units, and recreation, public, and semi-public uses.
-

- f. All walks, malls, parking areas, water bodies, open areas, recreational areas, including swimming pools, golf courses, tennis courts, playgrounds, etc.
- g. Types of surfacing proposed on off-street parking and driveway areas.
- h. Location of proposed streets, highways, and alleys with approximate dimensions of pavement and right-of-way widths, including type of surfacing proposed.
- i. All existing and proposed utility lines indicating where applicable pipe sizes and types.
- j. Accessibility to essential public facilities and services such as fire protection, schools, recreation.
- k. Identification of the soil types on the subject property, indicating soil problems and proposed method of handling said soil problems.
- l. A preliminary schedule of development, including the staging and phasing of:
  - (1) Residential areas, in order of priority, by type of dwelling unit;
  - (2) Streets, utilities, and other public facility improvements, in order of priority;
  - (3) Dedication of land to public use or set aside for ownership with a preliminary statement indicating how maintenance of the latter will be handled; and
  - (4) The construction of nonresidential buildings, in order of priority.

E. FINAL DEVELOPMENT PLAN AND FINAL PLAT REQUIREMENTS: Except for the manner of submission and processing of subdivision plats, the standard subdivision regulations may be waived, where applicable, and the requirements of this section shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations. The final plat shall consist of the elements hereinafter set forth, copies of which, if approved by the planning commission, shall be recorded in the county clerk's office. The elements of the final plat shall consist of:

1. Plat or plats of the subject property drawn to a scale of not greater than one (1) inch equals one hundred (100) feet, suitable for recording and which will be recorded in the office of the county clerk, after final approval by the planning commission. The plat or plats shall conform to the applicable requirements of the subdivision regulations, unless specifically waived by the planning commission, and in addition thereto, the following:
  - a. All areas reserved for common ownership with an identification of the properties the owners will share in common.
  - b. Such lot or parcel lines indicating tracts which are now in separate ownership or which may be transferred to other ownership during or after development (resubdivision to large lots containing several buildings may be accomplished at a later date upon application and approval).
  - c. Indication of areas to be developed for residential (attached and detached) and public and semi-public uses.
2. In addition to and along with the final plat, the applicant shall also submit a final development plan (including the approved preliminary development plan) at a scale of not greater than one (1) inch equals one hundred (100) feet, which shall set forth, identify, and locate the following:
  - a. The proposed finished grade of the subject property shown by contours with intervals not larger than two (2) feet, supplemented, where necessary, by spot elevations.
  - b. All walks, malls, and other open areas, including recreational areas, swimming pools, golf courses, tennis courts, playgrounds, illumination facilities, etc.
  - c. The number and type of all existing and proposed housing units on the subject property:
    - (1) Detached housing - Location and number of all lots in the proposed development, including a typical section(s) identifying lot dimensions, and the height and setbacks of buildings.
    - (2) Attached housing - Location, height, and arrangement of all buildings, and number of units within each building,

including, where applicable, typical section(s) identifying lot dimensions, setbacks, and common walls.

- d. Location, arrangement, and height of all nonresidential existing and proposed buildings on the subject property, including the identification of use of said buildings.
- e. The location and type of all walls, fences, and screen plantings.
- f. The location, size, height, and orientation of all signs.
- g. The types of surfacing proposed on the various off-street parking and driveways including cross sections and drainage plans.
- h. Location and cross section drawings of all proposed streets, highways, alleys, and walkways, indicating the proposed surfacing and drainage plans.
- i. Location and dimensions of all curb cuts, driving lanes, off-street parking and loading and/or unloading areas, including number of spaces, angle of stalls, grades, and illumination facilities.
- j. A plan showing all existing and proposed utilities, indicating, where applicable, pipe sizes, types, and grades.
- k. A drainage plan of the natural and storm sewer system of the area showing: size and location of each existing and proposed structure, the approximate volume of runoff water generated by development of the subject area and the proposed method of disposing of said water. Provisions shall be included for adequate control of erosion, hillside slippage, and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, and grading, and construction.
- l. Plans and drawings required by Section E., 2., a. through k., above, may be combined in any suitable and convenient manner so long as the data required is clearly indicated on one or more of said plans. A separate plan or drawing for each element is not necessary, but may be provided at the option of the applicant.
- m. A final schedule of development staging and phasing, as set forth in Subsection D., 2., a. of this section.

- 
- n. Sketches of the exteriors of several representative buildings in the project. It is intended that neither uniformity of architectural style nor unnecessary diversity thereof be a prerequisite to approval, but the developer is encouraged to exercise ingenuity in achieving a harmonious entity without undue attention to consistency. The purpose of this subsection is to permit development flexibility greater than that permitted by other sections of this ordinance.
  3. The final development plan, after approval by the planning commission, shall be delivered to the zoning administrator, who shall grant permits only in accordance with the approved development plan and other plans as required by this ordinance.
- F. **RESIDENTIAL USES AND DENSITIES:** Attached and detached single-family dwelling units may be permitted within a RCD Overlay Zone, upon approval of the planning commission. Dwelling unit density will be the number of units to be developed per gross acre within the total project area, excluding that land devoted to streets (public and private) and other nonrecreational and open space uses.
- The density of dwelling units in Residential Cluster Developments shall be determined by the density (dwelling units per net acre) as calculated from the existing residential (R) zone superimposed by the RCD Overlay Zone.
- G. **PUBLIC USES:** Public and semi-public structures and uses may be permitted in the RCD Overlay Zone upon the approval of the planning commission. These uses shall be delineated on the preliminary and final development plan and shall be limited to one or more of the following uses:
1. Churches
  2. Community centers
  3. Country clubs
  4. Fire or police stations
  5. Libraries
  6. Parks and open spaces
  7. Schools (elementary and secondary)
- H. **AREA REQUIREMENTS** No RCD Overlay Zone shall be permitted on less than ten (10) acres of land. However, development of a smaller tract adjacent to an existing RCD Overlay Zone may be permitted, when approved by the planning commission, if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.
-

- I. HEIGHT, YARD, AND SETBACK REQUIREMENTS: Requirements shall be as determined and approved by the planning commission.
- J. OFF-STREET PARKING AND LOADING AND/OR UNLOADING: Off-street parking and, when applicable, loading and/or unloading facilities, shall be provided in accordance with Articles XI and XII of this ordinance.
- K. FENCES, WALLS, AND SIGNS: The location, height, and type of all fences, walls, and signs, shall be as approved by the planning commission.
- L. ALTERATIONS: Except as herein provided, no use shall be established or changed or any structure constructed or altered after final approval of the development plan and final plat, by the planning commission.
- M. AMENDMENTS: Amendments to plans may be made in accordance with the procedure required by this ordinance, subject to the same limitations and requirements as those under which such plans were originally approved.
- N. EXPIRATION: As a condition to the zone change, substantial construction shall have been initiated within twelve (12) consecutive months following the date of final approval of the zone change, provided that an extension may be permitted upon approval of the zoning administrator if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control. For the purpose of this ordinance, substantial construction shall be defined as the amount of construction to be completed as set forth in, and approved as part of, the phasing of the final development plan. At the expiration of said permit and extension, if any, a public hearing shall be initiated by the city or its authorized representative, and held by the planning commission, according to the requirements of KRS 100, for the purpose of determining whether said zone change should revert to its original zoning designation.
- O. APPROVAL: All such development plans and plats shall be reviewed by the planning commission and the factual determination approving or rejecting such plans and plats shall be made in accordance with requirements of this or other applicable ordinances and the comprehensive plan.



**SECTION 10.12 PUD (PLANNED UNIT DEVELOPMENT) OVERLAY ZONE**

- A. **PURPOSE:** The purposes of the Planned Unit Development (PUD) Overlay Zone are to: promote flexibility in design and permit planned diversification in the relationships between location of and types of uses and structures; promote the advantages of modern large scale site planning for community development through the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses, and utilities; preserve, to the greatest extent possible, the existing landscape features and amenities, and to utilize such features in an harmonious fashion; provide for more usable and suitably located recreation facilities, other public and common facilities, than would otherwise be provided under conventional land development procedures, but always with the intention of furthering the public health, safety, and general welfare.
- B. **GENERAL:** Notwithstanding other provisions of this ordinance, a Planned Unit Development (PUD) Overlay Zone may be permitted only to be superimposed over any of the existing Residential (R-1) Zones, provided that all conditions or provisions of this section of the ordinance, the applicable requirements of the subdivision regulations, and any additional requirements, as may be determined necessary by the planning commission to provide for the most efficient layout of the PUD Zone and its proper integration with the surrounding development, are met; and a public hearing is held on the preliminary plan and zoning map amendment.
- C. **APPLICATION AND PROCESSING:** The purpose of these procedures is to permit an initial review of and a public hearing upon the proposal by the planning commission at an early opportunity, while the details of the plan remain flexible and before the applicant has invested a large sum of money in the engineering and architectural services needed to provide the detail necessary for final plan and plat approval. Applications for the Planned Unit Development Overlay Zone shall be processed in four stages:
1. A preliminary development plan, nonconformity with the requirements of Subsection D., shall be filed with the planning commission and processed as follows:
    - a. The planning commission shall hold a public hearing on the preliminary development plan and the amendment to the official zoning map of the area as shown in the preliminary development plan, duly noticed, in accordance with the requirements of KRS Chapter 424. Upon holding such hearing, the planning commission shall take one of the following actions on the preliminary

development plan: approval, approval with condition(s), or disapproval.

- b. Upon approval, or approval with condition(s), of the preliminary development plan, the planning commission shall hold a second public hearing, duly noticed, in accordance with KRS Chapter 424 with regard to amending the official zoning map of the area as shown in the preliminary development plan to the PUD Overlay Zone. After holding said hearing, the planning commission shall make a recommendation to the legislative body relative to their findings with regard to the zone change.

The public hearings on the preliminary development plan and zone change amendment may be held concurrently at the discretion of the planning commission.

2. The legislative body shall, within thirty (30) days after receiving the recommendations of the planning commission, review said recommendations of that commission with regard to the requested PUD Overlay Zone and approve or disapprove said request. Approval of the PUD Overlay Zone by the legislative body shall be conditioned with the provision that the final development plan and final plat receive approval by the planning commission.
  3. After approval or conditional approval of the preliminary development plan by the planning commission and conditional approval of the PUD Overlay Zone by the legislative body, a final plat and final development plan, in accordance with the requirements of Subsection E., shall be filed with the planning commission for its review and approval.
  4. Following final plat and final development plan approval by the planning commission, the official zoning map shall be amended by adding the prefix "PUD" to the existing residential (R) zone (e.g., PUD-R-1B, PUD-R-1C, etc.) for the areas as shown on the approved final plat.
- D. PRELIMINARY DEVELOPMENT PLAN REQUIREMENTS: A preliminary development plan shall be submitted, identifying and providing the following:
1. An aerial photograph of the subject property.
  2. A plan(s) of the subject property, drawn to a scale not greater than one (1) inch equals one hundred (100) feet showing:
    - a. The total area in the project.

- b. The present zoning of the subject property and all adjacent properties.
- c. All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned.
- d. Existing topography with a maximum of five (5) foot contour intervals. Where existing ground is on a slope of less than two (2) percent, the plan shall show either one (1) foot contours or spot elevations where necessary, but not more than fifty (50) feet apart in all directions.
- e. The location, height, and layout of all existing and proposed buildings on the subject property, including existing and proposed residential uses by housing type, and commercial and public uses by type and function.
- f. All walks, malls, parking areas, water bodies, open areas, recreational areas, including swimming pools, golf courses, tennis courts, playgrounds, etc.
- g. Types of surfacing proposed on off-street parking and driveway areas.
- h. Location of proposed streets, highways, and alleys with approximate dimensions of pavement and right-of-way widths.
- i. All existing and proposed utility lines indicating where applicable pipe sizes and types.
- j. Accessibility to essential public facilities and services such as fire protection, schools, recreation.
- k. A preliminary schedule of development, including the staging and phasing of:
  - (1) Residential areas, in order of priority, by type of dwelling unit;
  - (2) Streets, utilities, and other public facility improvements, in order of priority;

- (3) Dedication of land to public use or set aside for ownership with a preliminary statement indicating how maintenance of the latter will be handled; and
- (4) The construction of nonresidential buildings, in order of priority.

E. FINAL DEVELOPMENT PLAN AND FINAL PLAT REQUIREMENTS: Except for the manner of submission and processing of subdivision plats, the standard subdivision regulations may be waived, where applicable, and the requirements of this section shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations. The final plat shall consist of the elements hereinafter set forth, copies of which, if approved by the planning commission, shall be recorded in the county clerk's office. The elements of the final plat shall consist of:

1. Plat or plats of the subject property drawn to a scale of not greater than one (1) inch equals one hundred (100) feet, suitable for recording and which will be recorded in the office of the county clerk, after final approval by the planning commission. The plat or plats shall conform to the applicable requirements of the subdivision regulations, unless specifically waived by the planning commission, and in addition thereto, the following:
  - a. All areas reserved for common ownership with an identification of the properties the owners will share in common.
  - b. Such lot or parcel lines indicating tracts which are now in separate ownership or which may be transferred to other ownership during or after development (resubdivision to large lots containing several buildings may be accomplished at a later date upon application and approval).
  - c. Indication of areas to be developed for residential (by type of housing unit), commercial, public and semi-public uses.
2. In addition to and along with the final plat, the applicant shall also submit a final development plan at a scale of not greater than one (1) inch equals one hundred (100) feet, which shall set forth, identify, and locate the following:
  - a. The proposed finished grade of the subject property shown by contours with intervals not larger than two (2) feet, supplemented, where necessary, by spot elevations.

- b. All walks, malls, and other open areas, including recreational areas, swimming pools, golf courses, tennis courts, playgrounds, illumination facilities, etc.
- c. The location and type of all walls, fences, and screen plantings, and landscaping.
- d. The location, size, height, and orientation of all signs.
- e. The types of surfacing proposed on the various off-street parking and driveways including cross sections and drainage plans.
- f. Location and cross section drawings of all proposed streets, highways, alleys, and walkways, indicating the proposed surfacing and drainage plans.
- g. Location and dimensions of all curb cuts, driving lanes, off-street parking and loading and/or unloading areas, including number of spaces, angle of stalls, grades, and illumination facilities.
- h. A plan showing all existing and proposed utilities, indicating, where applicable, pipe sizes, types, and grades.
- i. A drainage plan of the natural and storm sewer system of the area showing: size and location of each existing and proposed structure, the approximate volume of runoff water generated by development of the subject area and the proposed method of disposing of said water. Provisions shall be included for adequate control of erosion, hillside slippage, and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, and grading, and construction.
- j. Plans and drawings required by Section E., 2., a. through i., above, may be combined in any suitable and convenient manner so long as the data required is clearly indicated on one or more of said plans. A separate plan or drawing for each element is not necessary, but may be provided at the option of the applicant.
- k. A final schedule of development staging and phasing, as set forth in Subsection D., 2., k. of this section.
- l. Sketches of the exteriors of several representative buildings in the project. It is intended that neither uniformity of architectural style

nor unnecessary diversity thereof be a prerequisite to approval, but the developer is encouraged to exercise ingenuity in achieving a harmonious entity without undue attention to consistency. The purpose of this subsection is to permit development flexibility greater than that permitted by other sections of this ordinance.

- m. The location and height of every existing and proposed building on the subject property, including existing and proposed residential uses by housing type, and commercial and public uses by type and function.
- 3. The final development plan, after approval by the planning commission, shall be delivered to the zoning administrator, who shall grant permits only in accordance with the approved development plan and other plans as required by this ordinance.
- F. **RESIDENTIAL USES AND DENSITIES:** All types of residential housing units (attached and detached) may be permitted within a PUD Overlay Zone, upon approval of the planning commission, including but not limited to, single-family, two-family, and multi-family units. Dwelling unit density will be the number of units to be developed per gross acre within the total project area, excluding that land devoted to commercial uses and streets.

The density of dwelling units in PUD shall be determined by the density (dwelling units per net acre) as calculated from the existing residential (R) zone superimposed by the PUD Overlay Zone, should the zone develop in a conventional manner.

- G. **COMMERCIAL USES:** Commercial uses, intended primarily for the convenience of residents of the PUD, may be permitted within the project area, upon approval of the planning commission.

These commercial uses shall be grouped in complexes clearly delineated on the final development plan(s), and may provide for one or more of the following uses:

- 1. Bakery shop
- 2. Banks
- 3. Beauty or barber shops
- 4. Business or professional office
- 5. Clothing store
- 6. Delicatessen, grocery, meat, fruit, or vegetable market;
- 7. Drug store
- 8. Hardware stores
- 9. Laundry/dry cleaning pick-up stations, or self-service facilities

10. Restaurants
  11. Shoe repair shops
  12. Theater
- H. PUBLIC USES: Public and semi-public structures and uses may be permitted in the PUD Overlay Zone upon the approval of the planning commission. These uses shall be delineated on the preliminary and final development plan and shall be limited to one or more of the following uses:
1. Churches
  2. Community centers
  3. Country clubs
  4. Fire or police stations
  5. Libraries
  6. Parks
  7. Schools (elementary and secondary)
- I. AREA REQUIREMENTS: No PUD Overlay Zone shall be permitted on less than twenty-five (25) acres of land. However, development of a smaller tract adjacent to an existing PUD Overlay Zone may be permitted, when approved by the planning commission, if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.
- J. HEIGHT, YARD, AND SETBACK REQUIREMENTS: Requirements shall be as determined and approved by the planning commission.
- K. OFF-STREET PARKING AND LOADING AND/OR UNLOADING: Off-street parking and, when applicable, loading and/or unloading facilities, shall be provided in accordance with Articles XI and XII of this ordinance.
- L. FENCES, WALLS, AND SIGNS: The location, height, and type of all fences, walls, and signs, shall be as approved by the planning commission.
- M. ALTERATIONS: Except as herein provided, no use shall be established or changed or any structure constructed or altered after final approval of the development plan and final plat, by the planning commission.
- N. AMENDMENTS: Amendments to plans may be made in accordance with the procedure required by this ordinance, subject to the same limitations and requirements as those under which such plans were originally approved.
- O. EXPIRATION: As a condition to the zone change, substantial construction shall have been initiated within twelve (12) consecutive months following the date of

final approval of the zone change, provided that an extension may be permitted upon approval of the zoning administrator if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control. For the purpose of this ordinance, substantial construction shall be defined as the amount of construction to be completed as set forth in, and approved as part of, the phasing of the final development plan. At the expiration of said permit and extension, if any, a public hearing shall be initiated by the city or its authorized representative, and held by the planning commission, according to the requirements of KRS 100, for the purpose of determining whether said zone change should revert to its original zoning designation.

- P. APPROVAL: All such development plans and plats shall be reviewed by the planning commission and the factual determination approving or rejecting such plans and plats shall be made in accordance with requirements of this or other applicable ordinances and the comprehensive plan
- Q. REVOCATION: Any PUD permit, or portion thereof, may be revoked by the same procedures applicable to the revocation of conditional use permits.



---

**SECTION 10.13 NSC (NEIGHBORHOOD SHOPPING CENTER) ZONE****A. PERMITTED USES:**

1. Apparel shop
2. Art supplies
3. Bakery and bakery goods store, provided the products are sold exclusively on the premises
4. Banks and other financial institutions, including savings, loan, and finance companies with drive-in windows
5. Barber shops
6. Beauty shops
7. Billiard or pool hall
8. Book, stationery, or gift shop
9. Camera and photographic supplies
10. Candy store, soda fountain, ice cream store, excluding drive-ins
11. Delicatessen
12. Drug store
13. Dry cleaning and laundry pick-up station
14. Eating and drinking places, except drive-ins
15. Florist shop
16. Food store and supermarkets
17. Furniture store
18. Garden supplies
19. Glass, china, or pottery store
20. Haberdashery
21. Hardware store
22. Health spas
23. Hobby shop
24. Household and electrical appliance store, including incidental repair
25. Interior decorating studio
26. Jewelry store, including repair
27. Laundromats, self-service washing and drying
28. Leather goods and luggage store
29. Library
30. Locksmith shop
31. Music, musical instruments, and records, including incidental repair
32. Nursery school, including related outdoor recreational facilities
33. Off-street parking lots and garages
34. Offices
35. Opticians and optical goods
36. Package liquor and wine store
37. Paint and wallpaper store
38. Pet shop, excluding boarding and outside runs

39. Police and fire stations
40. Post office
41. Radio and television store, including repair
42. Shoe store and shoe repair
43. Sporting goods
44. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
45. Tailor shop
46. Toy store
47. Variety store, including notions and "five and ten" stores

**B. ACCESSORY USES**

1. Customary accessory uses
2. Fences and walls, as regulated by Article XIII of this ordinance
3. Signs, as regulated by Article XIV of this ordinance

**C. CONDITIONAL USES:** No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or customary accessory buildings or uses be permitted until and unless the location of said use shall have been applied for and approved of by the board of adjustment, as set forth in Section 9.14 of this ordinance:

1. Service stations (including auto repairing, providing all repair, except that of a minor nature (e.g., removal of fan belt, minor carburetor adjustment, tire removal and/or replacement, windshield wiper replacement, etc.) is conducted wholly within a completely enclosed building and providing further that such service station is located on a major arterial street, as identified in the city's adopted comprehensive plan).

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

1. Minimum building site area - Five (5) acres and shall abut a deeded right-of-way. In the case of this zone (NSC), more than one principal building, as defined herein, may be permitted to be constructed within the minimum building site area.
2. Minimum yard requirements - Fifty (50) feet for each front, side (on each side of the building), and rear yards, except where the lot abuts a major arterial, as identified in the city's adopted comprehensive plan, then there shall be a minimum yard requirement of one hundred (100) feet
3. Maximum building height - Forty (40) feet or three (3) stories

**E. OTHER DEVELOPMENT CONTROLS**

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
5. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone. Such site plan shall include the layout of the entire area of the proposed shopping center and shall take into consideration good shopping center design (i.e., internal and external good pedestrian and vehicle access) and functional relationship of uses within the shopping center
6. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
7. Except as provided for under "Permitted Uses", all business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas.

---

**SECTION 10.14 NC (NEIGHBORHOOD COMMERCIAL) ZONE****A. PERMITTED USES:**

1. Apparel shop
2. Art supplies
3. Bakery and bakery goods store, provided the products are sold exclusively on the premises
4. Banks and other financial institutions, including savings, loan, and finance companies with drive-in windows
5. Barber and beauty shops
6. Billiard or pool hall
7. Book, stationery, or gift shop
8. Camera and photographic supplies
9. Candy store, soda fountain, ice cream store, excluding drive-ins
10. Delicatessen
11. Drug store
12. Dry cleaning and laundry pick-up station
13. Eating and drinking places, excluding drive-ins
14. Florist shop
15. Food store and supermarkets
16. Furniture store
17. Garden supplies
18. Glass, china, or pottery store
19. Haberdashery
20. Hardware store
21. Health spas
22. Hobby shop
23. Household and electrical appliance store, including incidental repair
24. Interior decorating studio
25. Jewelry store, including repair
26. Laundromats and self-service washing and drying
27. Leather goods and luggage store
28. Library
29. Locksmith shop
30. Music, musical instruments, and records, including incidental repair
31. Off-street parking lots and/or garages
32. Offices
33. Opticians and optical goods
34. Package liquor and wine store
35. Paint and wallpaper store
36. Pet shop, excluding boarding and outside runs
37. Police and fire stations
38. Post office

39. Existing private club or lodge
40. Radio and television store, including repair
41. Shoe store and shoe repair
42. Sporting goods
43. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
44. Tailor shop
45. Toy store
46. Variety store, including notions and "five and ten" stores

**B. ACCESSORY USES**

1. Customary accessory uses
2. Fences and walls, as regulated by Article XIII of this ordinance
3. Signs, as regulated by Article XIV of this ordinance

**C. CONDITIONAL USES:** No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or customary accessory buildings or uses be permitted until and unless the location of said use shall have been applied for and approved of by the board of adjustment, as set forth in Section 9.14 of this ordinance:

1. Service stations (including auto repairing, providing all repair, except that of a minor nature (e.g., removal of fan belt, minor carburetor adjustment, tire removal and/or replacement, windshield wiper replacement, etc.) is conducted wholly within a completely enclosed building and providing further that such service station is located on a major arterial street, as identified in the city's adopted comprehensive plan).
2. Outdoor dining in connection with either: (1) a restaurant, private club, or Lodge without a liquor license; or (2) a restaurant, private club, or lodge with a wine and drink license, provided that such area meets the following minimum requirements:
  - a. Such area shall be designed to clearly identify the limits of the outdoor dining area, which shall not include any drive-thru facility
  - b. Such area shall not exceed twenty-five (25) percent of the maximum seating capacity of the indoor dining area
  - c. Entertainment, music and sound amplifying systems shall not be permitted within the outdoor dining areas. Televisions are permitted.

- d. Such areas shall not be permitted to locate within any minimum required front, side or rear yard, except where a variance has been approved by the Board of Adjustments.
- e. Outdoor dining areas shall be operated no later than (10:00) o'clock p.m. on Sunday through Thursday inclusive, and no later than eleven (11:00) o'clock p.m. on Friday and Saturday.

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

- 1. Minimum lot area - Ten thousand (10,000) square feet
- 2. Minimum lot width at building setback line - Seventy (70) feet
- 3. Minimum front yard depth - Fifty (50) feet
- 4. Minimum side yard width - No restrictions, except when adjacent to a street, road, highway, or other right-of-way, when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the building code, shall be required. In the event a side yard is provided, it shall never be less than fifteen (15) feet
- 5. Minimum rear yard depth - Fifteen (15) feet
- 6. Maximum building height - Forty (40) feet
- 7. In the case of this zone, more than one principal building, as defined herein, may be constructed on one lot

E. OTHER DEVELOPMENT CONTROLS

- 1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
- 2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
- 3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any residential zone.
- 4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
- 5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
- 6. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas.
- 7. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.

**SECTION 10.15 PO (PROFESSIONAL OFFICE BUILDING) ZONE****A. PERMITTED USES**

1. Banks and other financial institutions, including savings, loan, and finance companies with drive-in windows
2. Clinics - medical or dental
3. Eating and drinking establishments (excluding drive-in, carry-out, or in-car service) in accordance with the following requirements:
  - a. One eating and/or drinking establishment shall be permitted as a principal use for each five (5) acres of land zoned PO
  - b. The eating and/or drinking establishment (including off-street parking areas) shall not exceed twenty-five (25) percent of the minimum tract for development
3. Off-street parking lots and/or garages
4. Offices
5. Police and fire stations
6. Post offices

**B. ACCESSORY USES**

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article XIII of this ordinance
3. Signs, as regulated by Article XIV of this ordinance
4. Uses as listed below, included within and entered from within, any office building, as a convenience to the occupants thereof, their patients, clients, or customers, provided that the accessory uses shall not exceed fifteen (15) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays for any of the accessory uses shall be visible from outside the building:
  - a. Barber shops
  - b. Beauty shops
  - c. Coffee shops or refreshment stands
  - d. Eating and drinking places
  - e. Medical or dental laboratories
  - f. News and confectionery stands
  - g. Prescription pharmacies

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

1. Minimum tract for professional office development - Five (5) acres, except where area restrictions are less, as identified in the adopted comprehensive plan; however, development of a smaller tract adjacent to an existing approved site may be permitted providing the proposed development conforms to and extends the original development as if the new site has been a part of the originally approved site plan layout
2. Minimum lot area within minimum tract - Twenty-two thousand five hundred (22,500) square feet
3. Minimum lot width at building setback line - One hundred (100) feet
4. Minimum front yard depth - Thirty (30) feet
5. Minimum side yard width - Fifteen (15) feet
6. Minimum rear yard depth - Twenty-five (25) feet
7. Maximum building height - Forty (40) feet
8. In the case of this zone, more than one principal building, as herein defined, may be constructed on one lot

D. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any dedicated street, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
5. A site plan, as regulated by Section 9.19 of this ordinance shall be required for any use in this zone.
6. No use producing objectionable odors, noise, or dust, shall be permitted within five hundred (500) feet from the boundary of any residential zone.
7. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of off-street parking and loading and/or unloading areas.



---

**SECTION 10.16 I-4 (INDUSTRIAL FOUR RIVER) ZONE**

- A. **PURPOSE:** This zone is established to provide for traditional industrial activities that orient towards the river, the railroad, and the highway, as a transportation point of exchange and distribution and do not require extensive urban services, along with other uses (i.e., retail, service, public, and semi-public) which serve to supplement the needs of the area labor force.
- B. **PERMITTED USES:** The following uses are permitted providing all uses are in compliance with the performance standards as set forth in Article XV of this ordinance:
1. The assembling, compounding, manufacturing, packaging, or processing of the following uses:
    - a. Animated and/or illuminated billboards and other commercial advertising structures
    - b. Candy and confectionery products, food and beverage products, except the rendering or refining of fats and oils, and excluding poultry and animal slaughtering and dressing
    - c. Cigars and cigarettes
    - d. Cosmetics, pharmaceuticals, and toiletries
    - e. Electric appliances, television sets, phonographs, household appliances
    - f. Electrical machinery, equipment, and supplies
    - g. Fountain and beverage dispensing equipment
    - h. Furniture
    - i. Instruments for professional, scientific, photographic, and optical use
    - j. Metal products, and metal finishing, excluding the use of blast furnaces or drop forges
    - k. Musical instruments, toys, novelties, jewelry, rubber or metal stamps
    - l. Office equipment
    - m. Pottery and figurines
    - n. Products from the following previously prepared materials: bone, cellophane, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paper, precious or semi-precious metals, plastics, rubber, shell, steel, tin, tobacco, wood, wool, yarn
    - o. Textile products, including asbestos products, canvas and burlap, clothing, cotton products, hosiery and knitting mills, rope and twine
    - p. Pharmaceutical grade hemp products such as, but not limited to cannabinoid distillates, and CBD extracts without THC.
  2. Bottling and canning works
  3. Brewing or distilling of liquors

4. Building materials, sales yards
5. Bulk storage and/or transfer stations for materials, excluding types of flammable or explosive nature
6. Bus line shops and storage
7. Carting, express, hauling, or storage yard
8. Coal, coke, or wood yards
9. Contractors' offices and accessory storage yards, including storage of general construction equipment and vehicles
10. Crating services
11. Fire stations
12. Freight terminals
13. Governmentally owned and/or operated city, county, and state garages
14. Industrial engineering and consultant offices
15. Laboratories, offices, and other facilities for research, both basic and applied, conducted by, or for, an industrial organization or concern, whether public or private
16. Laundry and dry cleaning plants, involving laundering and dry cleaning of articles delivered to the premises by commercial vehicles
17. Machine shops
18. Printing, engraving, and related reproduction processes
19. Public utilities' rights-of-way and pertinent structures
20. Publishing and distribution of books, newspapers, and other printed materials
21. Railroad facilities, exclusive of marshaling yards, maintenance, and fueling facilities
22. Schools for industrial or business training
23. Transportation facilities, including railroad rights-of-way, marshaling yards, maintenance, and fueling facilities
24. Truck terminals
25. Warehousing or wholesaling

#### C. ACCESSORY USES

1. Customary accessory buildings and uses including operations required to maintain or support any permitted use in this zone on the same lot as the permitted use, such as maintenance shops, power plants, laboratories, offices, and machine shops
2. Fences and/or walls, as regulated by Article XIII of this ordinance
3. Signs, as regulated by Article XIV of this ordinance
4. Uses, as listed below, located and entered from within any permitted use in this zone as a convenience to the occupants thereof, and their customers, provided such accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays shall be visible from outside the building:

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

D. **CONDITIONAL USES:** No buildings or occupancy permits shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings and uses be permitted until and unless the location of said use shall have been applied for and approved of by the board of adjustment as set forth in Section 9.14.

- 1. Bulk storage and/or transfer stations for materials that are of a flammable or explosive nature
- 2. Body piercing establishment
- 3. Massage parlor
- 4. Pawn shop
- 5. Sexually oriented business
- 6. Tattoo parlor

E. **AREA AND HEIGHT REGULATIONS**

- 1. Minimum site for an Industrial River Zone - Twenty-five (25) acres
- 2. Minimum lot area - One (1) acre
- 3. Minimum lot width at building setback line - One hundred fifty (150) feet
- 4. Minimum front yard depth - Fifty (50) feet
- 5. Minimum side yard width on each side of lot - Twenty-five (25) feet
- 6. Minimum rear yard depth - In internal parts of the park - Fifty (50) feet. No rear yard is required where a rail spur forms the rear property line
- 7. Maximum building height - Forty (40) feet or three (3) stories

F. **OTHER DEVELOPMENT CONTROLS**

- 1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
- 2. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.
- 3. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
- 4. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use in this zone.

5. All development in areas defined as "flood prone" (either the floodway or floodplain) must be developed in accordance with the regulations set forth in Section 9.24 of this ordinance.

---

**SECTION 10.17 A-1 (AGRICULTURAL-ONE) ZONE****A. PERMITTED USES**

1. Agricultural uses
2. Single-family residential dwellings (detached)
3. Sale of products that are raised, produced, and processed on the premises, provided that no roadside stands of any type for the sale or display of agricultural products shall be permitted within fifty (50) feet from any road or highway
4. Greenhouses and nurseries, including both wholesale and retail sales of products grown on the premises
5. Stables and riding academies

**B. ACCESSORY USES**

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

**C. CONDITIONAL USES:** The following uses or any customary accessory buildings and uses, subject to the approval by the board of adjustments, as set forth in Sections 9.14 and 18.7 of this ordinance:

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
3. Governmental offices
4. Nursery schools
5. Police and fire stations, provided they are located adjacent to an arterial street
6. Public and parochial schools
7. Veterinarians' offices for large and small animals, including outside runs
8. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries
9. Recreational uses, other than those publicly owned and/or operated, as follows:
  - a. Golf courses
  - b. Country clubs
  - c. Swimming pools

- d. Tennis courts/clubs
- e. Fishing lakes

10. Funeral homes, providing they are located adjacent to an arterial street

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

- 1. Minimum Lot Area - One (1) acre
- 2. Minimum Lot Width at Building Setback Line - One hundred (100) feet
- 3. Minimum Front Yard Depth - Forty (40) feet
- 4. Minimum Side Yard Width - Total: Thirty-eight (38) feet; One Side: Twelve (12) feet
- 5. Minimum Rear Yard Depth - Twenty-five (25) feet
- 6. Maximum Building Height - Thirty-five (35) feet

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

- 1. Minimum Lot Area - Twenty-two thousand five hundred (22,500) square feet
- 2. Minimum Lot Width at Building Setback Line - One hundred fifty (150) feet
- 3. Minimum Front, Side (on each side of lot), and Rear Yards - Fifty (50) feet
- 4. Maximum Building Height - Thirty-five (35) feet

F. OTHER DEVELOPMENT CONTROLS:

- 1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
- 2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
- 3. No lighting shall be permitted which would glare from this zone onto any street or road or into any adjacent property.
- 4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.

---

**SECTION 10.18 DTM-1 (DOWNTOWN TAYLOR MILL PRIMARY MAIN STREET) ZONE**

- A. **PURPOSE:** The purpose of the DTM-1 Zone is to provide for a pedestrian friendly, mixed use “main street” style environment consistent with the *Comprehensive Plan's* and *I-275/KY 16 Land Use Plan's* development, land use and transportation goals, objectives, policies and strategies. This zone is intended to be both a community focal point and destination where residents can congregate, socialize, and have access to a wide variety of small to medium sized retail, office, and service uses located in a dense, urban environment. DTM-1 development regulations collectively promote high quality and innovative site design to create a sense of place unique to Taylor Mill. Mixed land use flexibility is provided in return for adherence to design standards. Provisions for bicycle and pedestrian accessibility and circulation are required within the DTM-1 Zone to reduce automobile trips, provide a livable environment for existing residents, and enhance the value and aesthetics of the surrounding community.
- B. **PERMITTED USES:**
1. Apparel shop
  2. Art gallery, picture framing
  3. Art supplies
  4. Bakery and bakery goods store, provided the product are sold exclusively on the premises
  5. Bicycle sales and service
  6. Book, stationery, or gift shop
  7. Camera and photographic supplies
  8. Candy store, soda fountain, ice cream store
  9. Clothing store
  10. Community centers, publicly owned and/or operated
  11. Copy services
  12. Delicatessen
  13. Drug store
  14. Drive-through facilities, in accordance with the use standards provided in this Section
  15. Dry cleaning and laundry pick-up station
  16. Eating and drinking establishments, outdoor patio dining is permitted
  17. Existing single-family residential dwellings
  18. Existing multi-family residential dwellings
  19. Multi-family residential dwellings (R2 zoning uses and densities) on upper floors of permitted commercial/office developments.
  20. Florist shop
  21. Food store and supermarkets
  22. Furniture store

- 
23. General merchandise Grocery store
  24. Glass, china, or pottery store
  25. Governmental offices
  26. Grocery store
  27. Hardware store
  28. Health club/fitness center
  29. Hobby shop
  30. Household and electrical appliance store, including incidental repair
  31. Interior decorating studio
  32. Jewelry store, including repair
  33. Leather goods and luggage store
  34. Libraries
  35. Meat store, butcher
  36. Music, musical instruments, and records, including incidental repair
  37. Nursery school
  38. Opticians and optical goods
  39. Package liquor and wine store
  40. Pet shop, excluding boarding and outside runs
  41. Police and fire stations
  42. Post office
  43. Professional offices, including:
    - a. Medical and dental
    - b. Banks and other financial institutions, including savings, loan, and finance companies
    - c. Legal
    - d. Accounting
    - e. Engineering
    - f. Architecture
    - g. Interior design
    - h. Marketing
    - i. Employment service
    - j. Administrative and managerial
    - k. Medical laboratory
    - l. Education service
    - m. Office equipment and computer service
    - n. Telecommunications
    - o. Data processing
    - p. Corporate and regional corporate offices
    - q. Investment services office
  44. Radio and television store, including incidental repair
  45. Shipping and mail service
-



46. Shoe sales and repair
47. Spas, salons and barber shops
48. Sporting goods
49. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
50. Tailor shop
51. Toy store
52. Travel agency
53. Variety store, including notions and “five and ten” stores
54. Video sales and rental

C. ACCESSORY USES

1. Customary accessory uses.
2. Fences and walls, as regulated by Article XI and Article XIII of this ordinance.
3. Signs, as regulated by Article XIV and Section 9.29 of this ordinance.

D. AREA AND HEIGHT REGULATIONS

1. Building Placement: In the DTM-1 zone, setbacks are more relaxed than in the DTM-3 zone. While buildings are still directed toward the street, parking is permitted in the front, back and side yards. Sidewalks and street trees create a pedestrian-friendly atmosphere that helps link this zone to DTM-3, while allowing design flexibility with regards to the location of parking lots. Appropriate site accommodations shall be made for off-street parking and loading and landscaping and buffering requirements. Off street parking shall be permitted in the front yard, side yard and rear yards in accordance with the provisions of Section 9.29.
  - a. Minimum Front Yard Depth: Buildings shall be constructed to a minimum fifteen (15') foot front yard setback from all public streets, except in the following circumstances.
    - (1) The two sides of a corner lot or parcel which front on a public right of way shall be considered a front yard for purposes of determining minimum set back requirements.
    - (2) Slight variations in the setback may be allowed at building entrances to architecturally pronounce the location and importance of building entrances to pedestrians.
    - (3) A larger setback is permitted when the resulting area is used as a pedestrian amenity, including formally landscaped plazas, courtyards and outdoor seating areas for

restaurants, cafes, and coffee shops.

- b. Minimum Side Yard Depth: Buildings shall be constructed to a ~~zero~~ minimum fifteen (15') foot setback from all side property lines, except in the following circumstances:

- (1) When a zone or land use adjoins a residential zone or land use, a 30-foot wide planting strip shall be provided as required in Section 9.29.
- (2) A formal pedestrian-only walkway is provided that connects off-street parking areas located to the rear of a site to the storefront and walkway system located adjacent to storefronts. A minimum six (6) feet and a maximum of ten (10) feet in walkway width is required. Lighting fixtures shall be provided in the walkway area with lighting fixtures placed at regular intervals to provide continuous ground plane overlap.
- (3) Formal open spaces, plazas, or outdoor seating may be developed between buildings. Such areas shall be accessible to the public or shall serve an adjacent business.
- (4) Curb cuts onto arterial or collector streets shall be limited to no more than one (1) per block face. Such curb cuts shall allow vehicular access to common parking lots located to the rear of buildings.

- c. Minimum Rear Yard Depth: A minimum rear setback of fifteen (15') feet is permissible but appropriate site accommodations shall be made for dumpsters, mechanical equipment, off-street parking and loading, landscaping and buffering (including a 30-foot wide planting strip when a DTM zone or land use adjoins a residential zone or land use as provided in Section 9.29), and on-site storm water management facilities.

2. Building Mass and Bulk: Relative building size or mass in relation to adjacent buildings provides design continuity throughout downtown Taylor Mill and in the DTM-1 Zone in particular.

- a. Building Height and Stories:

- (1) In order to achieve a degree of building scale compatibility a maximum of four (4) stories in height or sixty (60) feet.
- (2) Building height deviation among adjacent buildings along the same block shall be minimized. The height of adjacent buildings shall not deviate by more than one (1) story.

## E. OTHER DEVELOPMENT CONTROLS

1. Site Plan. A site plan, as regulated by Section 9.19 of this ordinance shall be required for any use in this zone.
2. Standards and Requirements. Buildings and uses in the DTM-1 Zone shall be subject to all applicable standards and requirements set forth in this ordinance, including the following standards and requirements of Section 9.29:

| Subsection | Standard or Requirement   |
|------------|---|
| E, 2       | Minimum Development Area, except for pre-existing parcels or lots which are landlocked by virtue of adjoining right of ways and property lines. |
| E, 3       | Ownership   |
| E, 4       | Location of Business Activities   |
| E, 5       | Maximum Building Footprint  |
| E, 6       | Mixed-Use Buildings   |
| E, 7       | Building Design   |
| E, 8       | Utilities   |
| E, 9       | Lighting  |
| E, 10      | Coverage and Open Space Requirements  |
| E, 11      | Landscaping and Buffering   |
| E, 12      | On-Street Parking   |
| E, 13      | Off-Street Parking and Loading  |
| E, 14      | Site Access   |
| E, 15      | Signage   |

- F. USE STANDARDS: This section provides standards for specific land uses permitted by this ordinance. These standards are intended to apply in addition to all other requirements of this ordinance.

- (1) Drive-Through Facilities: Drive-through facilities are auto-oriented uses that detract from the pedestrian-friendly and human-scale environment planned in Downtown Taylor Mill. However, in recognition of the need to balance business interests with overall downtown revitalization goals, drive-through facilities are permitted in limited circumstances when all of the following requirements are satisfied:
  - a. Drive-through facilities shall be accessory to banks and other financial institutions and drug store, and restaurant uses, whether such uses are principal or accessory uses.
  - b. Ingress and egress to the drive-through shall not be provided

- directly from KY 16, Taylor Mill Road, or arterial or collector streets.
- c. In no circumstances shall a new curb cut be approved to provide access to a drive-through facility.
- d. Drive-through facilities shall be located at the rear or side of buildings and must be completely screened from all adjacent right-of-ways. In situations where a development fronts multiple dedicated streets, the side of the building with the main entrance will be considered the front, for drive-through discussions.
- e. Only one stacking lane per drive-through facility is permitted. Financial Institutions will be permitted to have up to three stacking lanes. For design purposes, a stacking lane is a complete customer service lane, from beginning to end. Restaurant drive-through lanes that split for an additional order point, then merge, are considered a single stacking lane.
- f. Ingress and egress to any drive-through facility shall not unreasonably interfere or unreasonably conflict with on- or off-site pedestrian or vehicular circulation.

---

**SECTION 10.19 DTM-2 (DOWNTOWN TAYLOR MILL OFFICE – SERVICE) ZONE**

- A. **PURPOSE** The purpose of the DTM-2 Zone is to provide small to medium sized retail, office, and service uses that cater to the daily convenience shopping and service needs of the community and surrounding employment centers consistent with the *Comprehensive Plan's* and *I-275/KY 16 Land Use Plan's* development, land use and transportation goals, objectives, policies and strategies. This zone permits a more intensive range of commercial uses than the DTM-1 Zone. Development standards in this zone are similar to the DTM-1 Zone but slightly relaxed to provide additional flexibility for businesses not wishing to locate in a “main street” style environment. Provisions for bicycle and pedestrian accessibility and circulation are required within the DTM-2 Zone to reduce automobile trips, provide a livable environment for existing residents, and enhance the value and aesthetics of the surrounding community.
- B. **PERMITTED USES:**
1. Apparel shop
  2. Art gallery, picture framing
  3. Art supplies
  4. Bakery and bakery goods store, provided the product are sold exclusively on the premises
  5. Bicycle sales and service
  6. Book, stationery, or gift shop
  7. Camera and photographic supplies
  8. Candy store, soda fountain, ice cream store
  9. Clothing store
  10. Community centers, publicly owned and/or operated
  11. Copy services
  12. Delicatessen
  13. Drug store
  14. Drive-through facilities, in accordance with the use standards provided in this Section
  15. Dry cleaning and laundry pick-up station
  16. Eating and drinking establishments, outdoor patio dining is permitted
  17. Existing single-family residential dwellings
  18. Existing multi-family residential dwellings
  19. Multi-family residential dwellings (R2 zoning uses and densities) on upper floors of permitted commercial/office developments.
  20. Florist shop
  21. Food store and supermarkets
  22. Furniture store
  23. Gasoline station, in accordance with the use standards provided in this Section

- 
24. General merchandise and grocery store
  25. Glass, china, or pottery store
  26. Governmental offices
  27. Grocery and convenience store(s)
  28. Hardware store
  29. Health club/fitness center
  30. Hobby shop
  31. Household and electrical appliance store, including incidental repair
  32. Interior decorating studio
  33. Jewelry store, including repair
  34. Leather goods and luggage store
  35. Libraries
  36. Meat store, butcher
  37. Music, musical instruments, and records, including incidental repair
  38. Nursery school
  39. Opticians and optical goods
  40. Package liquor and wine store
  41. Pet shop, excluding boarding and outside runs
  42. Police and fire stations
  43. Post office
  44. Professional offices, including:
    - a. Medical and dental
    - b. Banks and other financial institutions, including savings, loan, and finance companies
    - c. Legal
    - d. Accounting
    - e. Engineering
    - f. Architecture
    - g. Interior design
    - h. Marketing
    - i. Employment service
    - j. Administrative and managerial
    - k. Medical laboratory
    - l. Education service
    - m. Office equipment and computer service
    - n. Telecommunications
    - o. Data processing
    - p. Corporate and regional corporate offices
    - q. Investment services office
  45. Radio and television store, including incidental repair
  46. Shipping and mail service
  47. Shoe sales and repair
-

48. Spas, hair salons and barber shops
49. Sporting goods
50. Stores producing jewelry, leather goods, candles, and similar merchandise when merchandise is sold only on the premises and when no more than four (4) persons are involved in the production of such merchandise
51. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
52. Tailor shop
53. Toy store
54. Travel agency
55. Variety store, including notions and “five and ten” stores
56. Video sales and rental

C. ACCESSORY USES

1. Customary accessory uses.
2. Fences and walls, as regulated by Article XI and Article XIII of this ordinance.
3. Signs, as regulated by Article XIV and Section 9.29 of this ordinance.

D. AREA AND HEIGHT REGULATIONS

1. Building Placement: In the DTM-2 Zone, the street wall should be more relaxed than in the DTM-1 Zone. While minimal building setbacks allow for buildings directed towards the street, parking is permitted to be located in the front, the back and side yard. Through the use of reduced curb cuts and by providing pedestrian walkways and street trees, the DTM-2 Zone creates a pedestrian-friendly environment while allowing design flexibility with regards to the location of parking lots. Appropriate site accommodations shall be made for off-street parking and loading and landscaping and buffering requirements. Off street parking shall be permitted in the front yard, side yard and rear yards in accordance with the provisions of Section 9.29.
  - a. Minimum Front Yard Depth: Buildings shall be constructed to a minimum forty-five (45') foot front yard setback from all public streets, except in the following circumstances.
    - (1) The two sides of a corner lot or parcel which front on a public right of way shall be considered a front yard for purposes of determining minimum set back requirements.
    - (2) Slight variations in the setback may be allowed at building entrances to architecturally pronounce the location and importance of building entrances to pedestrians.

- 
- (3) A larger setback is permitted when the resulting area is used as a pedestrian amenity, including formally landscaped plazas, courtyards and outdoor seating areas for restaurants, cafes, ice cream and coffee shops.
    - b. Minimum Side Yard Depth: Buildings shall be constructed to a minimum fifteen (15') foot setback from all side property lines, except in the following circumstances:
      - (1) Appropriate site accommodations shall be made for off-street parking and loading and landscaping. Off-street parking shall be permitted in front, side, and rear yards, including along the perimeter of a building, in accordance with the provisions of Section 9.29.
      - (2) A formal pedestrian-only walkway is provided that connects off-street parking areas located to the rear of a site to the storefront and walkway system located adjacent to storefronts. A minimum six (6) feet and a maximum of ten (10) feet in walkway width is required. Lighting fixtures shall be provided in the walkway area with lighting fixtures placed at regular intervals to provide continuous ground plane overlap.
      - (3) Formal open spaces, plazas, or outdoor seating may be developed between or adjacent to buildings. Such areas shall be accessible to the public or shall serve an adjacent business.
      - (4) Curb cuts onto arterial or collector streets shall be limited to no more than one (1) per block face. Such curb cuts shall allow vehicular access to common parking lots located to the front, side or rear of buildings.
    - c. Minimum Rear Yard Depth: A minimum rear setback of fifteen (15') feet is permissible but appropriate site accommodations shall be made for dumpsters, mechanical equipment, off-street parking and loading, landscaping and buffering, and on-site storm water detention management facilities.
  - 2. Building Mass and Bulk: Relative building size or mass in relation to adjacent buildings provides design continuity throughout downtown Taylor Mill.
    - a. Building Height and Stories:
      - (1) In order to achieve a degree of building scale compatibility,



- buildings in the DTM-2 Zone shall be a maximum of four (4) stories in height or sixty (60) feet.
- (2) Building height deviation among adjacent buildings along the same block shall be minimized.

#### E. OTHER DEVELOPMENT CONTROLS

1. Site Plan. A site plan, as regulated by Section 9.19 of this ordinance shall be required for any use in this zone.
2. Standards and Requirements. Buildings and uses in the DTM-2 Zone shall be subject to all applicable standards and requirements set forth in this ordinance, including the following standards and requirements of Section 9.29:

| Subsection | Standard or Requirement   |
|------------|---|
| E, 2       | Minimum Development Area, except for pre-existing parcels or lots which are landlocked by virtue of adjoining right of ways and property lines. |
| E, 3       | Ownership   |
| E, 4       | Location of Business Activities   |
| E, 5       | Maximum Building Footprint  |
| E, 6       | Mixed-Use Buildings   |
| E, 7       | Building Design   |
| E, 8       | Utilities   |
| E, 9       | Lighting  |
| E, 10      | Coverage and Open Space Requirements  |
| E, 11      | Landscaping and Buffering   |
| E, 12      | On-Street Parking   |
| E, 13      | Off-Street Parking and Loading  |
| E, 14      | Site Access   |
| E, 15      | Signage   |

- F. USE STANDARDS: This section provides standards for specific land uses permitted by this ordinance. These standards are intended to apply in addition to all other requirements of this ordinance.

1. Drive-Through Facilities: Drive-through facilities are auto-oriented uses that detract from the pedestrian-friendly and human-scale environment planned in Downtown Taylor Mill. However, in recognition of the need to balance business interests with overall downtown revitalization goals, drive-through facilities are permitted in limited circumstances when all of the following requirements are satisfied:

- 
- a. Drive-through facilities shall be accessory to banks and other financial institutions, drug store, and restaurant uses, whether such uses are principal or accessory uses.
    - b. Ingress and egress to the drive-through shall not be provided directly from KY 16, Taylor Mill Road, or arterial or collector streets.
    - c. In no circumstances shall a new curb cut be approved to provide access to a drive-through facility.
    - d. Drive-through facilities shall be located at the rear or side of buildings and must be completely screened from all adjacent right-of-ways. In situations where a development fronts multiple dedicated streets, the side of the building with the main entrance will be considered the front, for drive-through discussions.
    - e. Only one stacking lane per drive-through facility is permitted. Financial Institutions will be permitted to have up to three stacking lanes. For design purposes, a stacking lane is a complete customer service lane, from beginning to end. Restaurant drive-through lanes that split for an additional order point, then merge, are considered a single stacking lane.
    - f. Ingress and egress to any drive-through facility shall not unreasonably interfere or unreasonably conflict with on- or off-site pedestrian or vehicular circulation.
  2. Gasoline Stations: Gasoline stations are auto-oriented uses that detract from the pedestrian-friendly and human-scale environment planned in Downtown Taylor Mill. However, in recognition of the need to balance business interests and community convenience with overall downtown revitalization goals, gasoline stations are permitted in limited circumstances when all of the following requirements are satisfied:
    - a. No more than four gas pumps are permitted between the building and an abutting street right-of-way, provided, however, in the circumstance where a lot or parcel is a corner lot which fronts on two (2) separate right of ways, eight (8) gas pumps shall be permitted between the building and the abutting street right of ways. Additional pumps are permitted to the side and rear of the attendant station.
    - b. Canopy support structures shall be clad with brick masonry or stone when visible from a public or private roadway.
    - c. Flush mount canopy lights are prohibited. Canopy lights shall be recessed into the canopy.
    - d. A raised landscape planting bed is required when gasoline pumps are located adjacent to a public right-of-way.
    - g. A walkway shall be provided between the public sidewalk and building entrances if the gas station includes a convenience store.
-

- h. All building walls visible from a public or private roadway shall use similar building materials and architectural details and treatments as the front building wall.

---

**SECTION 10.20 DTM-3 (DOWNTOWN TAYLOR MILL COMMERCIAL) ZONE**

- A. **PURPOSE:** The purpose of the DTM-3 Zone is to serve the commuting public and community residents by providing adequate land for mixed commercial uses which require larger sites and a higher degree of visibility. This zone is intended to accommodate the diverse development needs of various commercial uses, including hospitality uses, consistent with the *Comprehensive Plan's* and *I-275/KY 16 Land Use Plan's* development, land use and transportation goals, objectives, policies and strategies. Though the DTM-3 Zone permits the most intensive range of commercial uses, adherence to commercial design guidelines is important to achieve a mixed use, pedestrian friendly downtown environment that is compatible with existing neighboring residential uses and complimentary to adjacent commercial developments.
- B. **PERMITTED USES:**
1. Apparel shop
  2. Art gallery, picture framing
  3. Art supplies
  4. Bakery and bakery goods store, provided the product are sold exclusively on the premises
  5. Bicycle sales and service
  6. Book, stationery, or gift shop
  7. Camera and photographic supplies
  8. Candy store, soda fountain, ice cream store
  9. Clothing store
  10. Community centers, publicly owned and/or operated
  11. Copy services
  12. Delicatessen
  13. Drive-through facilities, in accordance with the use standards provided in this Section
  14. Drug store
  15. Dry cleaning and laundry pick-up station
  16. Eating and drinking establishments, outdoor patio dining is permitted
  17. Existing single-family residential dwellings
  18. Multi-family residential dwellings (R2 zoning uses and densities) on upper floors of permitted commercial/office developments.
  19. Florist shop
  20. Food store and supermarkets
  21. Furniture store
  22. General merchandise and grocery store
  23. Glass, china, or pottery store
  24. Governmental offices
  25. Grocery store

26. Hardware store
27. Health club/fitness center
28. Hobby shop
29. Hotels and Conference Centers, in accordance with the use standards provided in this Section
30. Household and electrical appliance store, including incidental repair
31. Interior decorating studio
32. Jewelry store, including repair
33. Leather goods and luggage store
34. Libraries
35. Meat store, butcher
36. Music, musical instruments, and records, including incidental repair
37. Nursery school
38. Opticians and optical goods
39. Package liquor and wine store
40. Pet shop, excluding boarding and outside runs
41. Police and fire stations
42. Post office
43. Professional offices, including:
  - a. Medical and dental
  - b. Banks and other financial institutions, including savings, loan, and finance companies
  - c. Legal
  - d. Accounting
  - e. Engineering
  - f. Architecture
  - g. Interior design
  - h. Marketing
  - i. Employment service
  - j. Administrative and managerial
  - k. Medical laboratory
  - l. Education service
  - m. Office equipment and computer service
  - n. Telecommunications
  - o. Data processing
  - p. Corporate and regional corporate offices
  - q. Investment services office
44. Radio and television store, including incidental repair
45. Shipping and mail service
46. Shoe sales and repair
47. Spas, salons
48. Sporting goods

49. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
50. Tailor shop
51. Toy store
52. Travel agency
53. Variety store, including notions and “five and ten” stores
54. Video sales and rental

C. ACCESSORY USES

1. Customary accessory uses.
2. Fences and walls, as regulated by Article XI and Article XIII of this ordinance.
3. Signs, as regulated by Article XIV and Section 9.29 of this ordinance.

D. AREA AND HEIGHT REGULATIONS

1. Building Placement: Building placement and location in the DTM-3 Zone shall enable pedestrian and vehicular circulation within the DTM-3 Zone and between the DTM-1 and DTM-3 Zones.
  - a. Minimum Front Yard Depth: Buildings shall be constructed to a twenty (20) foot build-to line from all public streets, except in the following circumstances:
    - (1) The two sides of a corner lot or parcel which front on a public right of way shall be considered a front yard for purposes of determining minimum set back requirements.
    - (2) Slight variations in the setback may be allowed at building entrances to architecturally pronounce the location and importance of building entrances to pedestrians.
    - (3) A larger setback is permitted when the resulting area is used as a pedestrian amenity, including formally landscaped plazas, courtyards and outdoor seating areas for restaurants, cafes, and coffee shops. Pedestrian spaces located within the front yard setback must be surrounded on three sides by building walls unless located at a corner.
  - b. Minimum Side Yard Depth: Buildings shall be constructed to a zero foot setback (or “build-to” line) from all side property lines to create a continuous building street wall between walls, except in the following circumstances:
    - (1) When a zone or land use adjoins a residential zone or land

- 
- use, a 30-foot wide planting strip shall be provided as required in Section 9.29.
- (2) Appropriate site accommodations shall be made for off-street parking and loading and landscaping and buffering requirements. Off-street parking shall be permitted in side-yards in accordance with the provisions of Section 9.29.
  - (3) A formal pedestrian-only walkway is provided that connects off-street parking areas located to the rear of a site to the storefront and walkway system located adjacent to storefronts. A minimum six (6) feet walkway width is required. Lighting fixtures shall be provided in the walkway area with lighting fixtures placed at regular intervals to provide continuous ground plane overlap.
  - (4) Formal open spaces, plazas, or outdoor seating may be developed between buildings, thus interrupting the continuous building street wall. Such areas shall be accessible to the public or shall serve an adjacent business. The design of such spaces shall ensure that parking to the rear of buildings is effectively screened through the use of fences, walls, or evergreens or a combination thereof. Such screening materials shall be in accordance with the provisions of Section 9.17, Landscape Regulations and Section 9.29.
  - (5) Curb cuts onto Taylor Mill Road shall be limited to no more than one (1) per block face. Such curb cuts shall allow vehicular access to common parking lots located to the rear of buildings. Primary access to development in the DTM-3 Zone shall be located at the intersection of arterial or collector streets and Taylor Mill Road.
- c. Minimum Rear Yard Depth: A rear zero-foot setback (or “build-to” line) is permissible but appropriate site accommodations shall be made for dumpsters, mechanical equipment, off-street parking and loading, landscaping and buffering (including a 30-foot wide planting strip when a DTM zone or land use adjoins a residential zone or land use as provided in Section 9.29), and on-site storm water management facilities.
2. Building Mass and Bulk: The relative size or mass of in relation to adjacent buildings is one of the primary ways to achieve design continuity throughout downtown Taylor Mill.
- a. Building Height and Stories:

- (1) Hotel and conference center buildings shall have a minimum building height of three (3) stories or forty-five (45) feet and a maximum building height of twelve (12) stories or one hundred eight (180) feet.
- (2) The building height for all uses other than the hotel and conference center shall be a minimum of two (2) stories or thirty (30) feet, and a maximum of four (4) stories in height or sixty (60) feet.

#### E. OTHER DEVELOPMENT CONTROLS

1. Site Plan. A site plan, as regulated by Section 9.19 of this ordinance shall be required for any use in this zone.
2. Standards and Requirements. Buildings and uses in the DTM-3 Zone shall be subject to all applicable standards and requirements set forth in this ordinance, including the following standards and requirements of Section 9.29:

| Subsection | Standard or Requirement   |
|------------|---|
| E, 2       | Minimum Development Area, except for pre-existing parcels or lots which are landlocked by virtue of adjoining right of ways and property lines. |
| E, 3       | Ownership   |
| E, 4       | Location of Business Activities   |
| E, 5       | Maximum Building Footprint  |
| E, 6       | Mixed-Use Buildings   |
| E, 7       | Building Design   |
| E, 8       | Utilities   |
| E, 9       | Lighting  |
| E, 10      | Coverage and Open Space Requirements  |
| E, 11      | Landscaping and Buffering   |
| E, 12      | On-Street Parking   |
| E, 13      | Off-Street Parking and Loading  |
| E, 14      | Site Access   |
| E, 15      | Signage   |

- F. USE STANDARDS: This section provides standards for specific land uses permitted by this ordinance. These standards are intended to apply in addition to all other requirements of this ordinance.

1. Drive-Through Facilities: Drive-through facilities are auto-oriented uses that detract from the pedestrian-friendly and human-scale environment planned in Downtown Taylor Mill. However, in recognition of the need to



balance business interests with overall downtown revitalization goals, drive-through facilities are permitted in limited circumstances when all of the following requirements are satisfied:

- a. Drive-through facilities shall be accessory to banks and other financial institutions, drug store, and restaurant uses, whether such uses are principal or accessory uses.
- b. Ingress and egress to the drive-through shall not be provided directly from KY 16, Taylor Mill Road, or arterial or collector streets.
- c. In no circumstances shall a new curb cut be approved to provide access to a drive-through facility.
- d. Drive-through facilities shall be located at the rear or side of buildings and must be completely screened from all adjacent right-of-ways. In situations where a development fronts multiple dedicated streets, the side of the building with the main entrance will be considered the front, for drive-through discussions.
- e. Only one stacking lane per drive-through facility is permitted. Financial Institutions will be permitted to have up to three stacking lanes. For design purposes, a stacking lane is a complete customer service lane, from beginning to end. Restaurant drive-through lanes that split for an additional order point, then merge, are considered a single stacking lane.
- f. Ingress and egress to any drive-through facility shall not interfere or conflict with on- or off-site pedestrian or vehicular circulation.

2. Hotels and Conference Centers:

- a. A hotel and conference center shall provide off-street parking at the rate of one (1) parking space for each guest room. In addition to those requirements, for guest rooms, parking is to provided at the rate of one (1) parking space for each two hundred (200) square feet of floor area of any meeting space facilities, ballroom, conference suites, and eating and drinking establishments.
- b. Hotels shall be connected to retail shops and restaurants with pedestrian paths and walkways that contain lighting and seating.
- c. All hotel stairwells, corridors and other circulation components of the building shall be completely enclosed within the building envelope.
- d. When a public or semi-public space such as the hotel lobby, restaurants, meeting rooms and banquet facilities are sited at the ground level adjacent to a pedestrian path or public or private roadway, these spaces shall be accented with the use of glass and transparent materials between the height of three feet and eight feet above the walkway or street grade.

- e. No hotel room shall have exterior room access.
- f. Eating and drinking establishments shall be provided only if accessory to the principal hotel and conference center use. Such eating and drinking establishment must be located within the hotel building. Stores, shops, and service facilities are also permitted as accessory uses to the hotel and conference center use if located within the hotel building and intended primarily for the use and convenience of hotel guests.

---

**SECTION 10.21 DTM-4 (DOWNTOWN TAYLOR MILL BUSINESS PARK) ZONE**

- A. **PURPOSE:** The purpose of the DTM-4 Zone is to provide for and encourage the development of business parks in a campus-like setting with landscaping and architectural amenities that create a sense of place and an esthetically attractive urban environment consistent with the *Comprehensive Plan's* and *I-275/KY 16 Land Use Plan's* development, land use and transportation goals, objectives, policies and strategies. It is intended that the DTM-4 Zone provide for the grouping and clustering of professional offices, non-hazardous research and development facilities, and limited manufacturing and fabrication uses that functionally interact well together. Development standards in this zone are intended to provide compatibility with and protection to surrounding residential and commercial properties by minimizing traffic congestion, noise, glare, vibration, odors, airborne particulate, and toxic substances.
- B. **PERMITTED USES**
1. Existing single-family residential dwellings
  2. Industrial research and development uses including research relating to product development in conjunction with testing, laboratory, and minor fabricating and assembly operations
  3. Information technology uses including telecommunications; data processing and computing centers; computer electronic parts, equipment, and electronics manufacturing; computer programming and software development; and internet-related businesses
  4. National and regional corporate headquarters
  5. Limited manufacturing and fabrication, in accordance with the performance standards of Section 10.21, F.
  6. Professional offices, including:
    - a. Medical and dental
    - b. Banks and other financial institutions, including savings, loan, and finance companies
    - c. Legal
    - d. Accounting
    - e. Engineering
    - f. Architecture
    - g. Interior design
    - h. Marketing
    - i. Employment service
    - j. Administrative and managerial
    - k. Medical laboratory
    - l. Education service
    - m. Office equipment and computer service

- n. Telecommunications
  - o. Data processing
  - p. Corporate and regional corporate offices
  - q. Investment services office
7. Warehousing up to fifty (50) percent of first floor gross area or ten thousand (10,000) square feet, whichever is less

C. ACCESSORY USES

- 1. Customary accessory uses.
- 2. Fences and walls, as regulated by Article XI and Article XIII of this ordinance.
- 3. Signs, as regulated by Article XIV and Section 9.29 of this ordinance.

D. AREA AND HEIGHT REGULATIONS

- 1. Building Placement: Building placement in the DTM-4 Zone shall allow a campus-style environment for business and should encourage pedestrian access within the Zone and to other DTM Zones.
  - a. Minimum Front Yard Depth: Buildings shall be constructed to a twenty (20) foot build-to line from all public streets, except in the following circumstances:
    - (1) The two sides of a corner lot or parcel which front on a public right of way shall be considered a front yard for purposes of determining minimum set back requirements.
    - (2) Slight variations in the setback may be allowed at building entrances to architecturally pronounce the location and importance of building entrances to pedestrians.
    - (3) A larger setback is permitted when the resulting area is used as a pedestrian amenity, including formally landscaped plazas, courtyards and outdoor seating areas for restaurants, cafes, and coffee shops. Pedestrian spaces located within the front yard setback must be surrounded on three sides by building walls unless located at a corner.
  - b. Minimum Side Yard Depth: Buildings shall be constructed to a zero foot setback (or "build-to" line) from all side property lines to create a continuous building street wall between walls, except in the following circumstances:
    - (1) When a zone or land use adjoins a residential zone or land

- 
- use, a 30-foot wide planting strip shall be provided as required in Section 9.29.
- (2) Appropriate site accommodations shall be made for off-street parking and loading and landscaping and buffering requirements. Off-street parking shall be permitted in side-yards in accordance with the provisions of Section 9.29.
  - (3) A formal pedestrian-only walkway is provided that connects off-street parking areas located to the rear of a site to the storefront and walkway system located adjacent to storefronts. A minimum six (6) feet walkway width is required. Lighting fixtures shall be provided in the walkway area with lighting fixtures placed at regular intervals to provide continuous ground plane overlap.
  - (4) Formal open spaces, plazas, or outdoor seating may be developed between buildings, thus interrupting the continuous building street wall. Such areas shall be accessible to the public or shall serve an adjacent business. The design of such spaces shall ensure that parking to the rear of buildings is effectively screened through the use of fences, walls, or evergreens or a combination thereof. Such screening materials shall be in accordance with the provisions of Section 9.17, Landscape Regulations and Section 9.29.
  - (5) Curb cuts onto arterial or collector streets shall be limited
- c. Minimum Rear Yard Depth: A rear zero-foot setback (or “build-to” line) is permissible but appropriate site accommodations shall be made for dumpsters, mechanical equipment, off-street parking and loading, landscaping and buffering (including a 20-foot wide planting strip when a DTM zone or land use adjoins a residential zone or land use as provided in Section 9.29), and on-site storm water management facilities.
2. Building Mass and Bulk: The relative size or mass of in relation to adjacent buildings is one of the primary ways to achieve design continuity throughout downtown Taylor Mill.
- a. Building Height and Stories: In order to achieve a allow for flexibility in office building design, buildings in the DTM-4 Zone shall be a maximum of six (6) stories in height or ninety (90) feet.

#### E. OTHER DEVELOPMENT CONTROLS

1. Site Plan. A site plan, as regulated by Section 9.19 of this ordinance shall

be required for any use in this zone.

2. Standards and Requirements. Buildings and uses in the DTM-4 Zone shall be subject to all applicable standards and requirements set forth in this ordinance, including the following standards and requirements of Section 9.29:

| Subsection | Standard or Requirement   |
|------------|---|
| E, 2       | Minimum Development Area, except for pre-existing parcels or lots which are landlocked by virtue of adjoining right of ways and property lines. |
| E, 3       | Ownership   |
| E, 4       | Location of Business Activities   |
| E, 5       | Maximum Building Footprint  |
| E, 6       | Mixed-Use Buildings   |
| E, 7       | Building Design   |
| E, 8       | Utilities   |
| E, 9       | Lighting  |
| E, 10      | Coverage and Open Space Requirements  |
| E, 11      | Landscaping and Buffering   |
| E, 12      | On-Street Parking   |
| E, 13      | Off-Street Parking and Loading  |
| E, 14      | Site Access   |
| E, 15      | Signage   |

- F. USE STANDARDS: All uses permitted in the DTM-4 Zone shall meet the following standards in order to ensure compatibility between uses permitted in the zone and to protect residential zones and uses from such zones.

1. Outdoor Storage: The outside storage of goods, merchandise, inventory, equipment, or raw materials is prohibited. In addition, the outside storage of (but not limited to) junk, refuse, inoperative items, and inoperative or unlicensed motor vehicles and recreational equipment is prohibited. The use of trailers for storage is prohibited.
2. Material Processing: No raw materials shall be processed into any of the following basic products: metal of any kind, glass, plastic, textiles, paper or petroleum products.
3. Commercial Vehicles: No commercial vehicle with a gross vehicle weight rated in excess of ten thousand (10,000) pounds, or more than seven (7) feet in height, and not owned by or associated with an existing business on a subject property, may be parked on any commercial lot, except for commercial vehicles making service calls or deliveries to or from a subject property.
4. Noise and Vibration: No noise or vibration shall be permitted which is

discernable to the human sense of feeling at or beyond the lot lines for three (3) minutes or more duration in any one (1) hour.

5. Toxic or Noxious Matter: No emission of toxic or noxious matter, which is injurious to human health, comfort and enjoyment of life and property or to animal or plant life, shall be permitted.
6. Smoke or Air Pollutants: The emission of smoke or other air pollutants shall not violate the standards and regulations of the Northern Kentucky District Health Department.
7. Dust. Landscaping and surface paving shall be used to prevent dust and other types of air pollution from passing onto adjoining properties.
8. Odors: There will be no emission of odors or odor causing substances which can be detected without the use of instruments at or beyond the lot lines.
9. Radioactive Materials: Manufacturing activities involving the use, storage, or disposal of radioactive materials are prohibited except for those materials:
  - a. That do not become an integral part of the manufactured product;  
or
  - b. That are exempt from state and/or federal licensing requirements;  
or
  - c. Are used for medical diagnosis and therapy, education, or industrial/ defense related research and development.

---

**SECTION 10.22 R-1A (RESIDENTIAL ONE-A) ZONE**

- A. Purpose: To encourage the orderly development of low density single-family homes on environmentally sensitive land that promotes the health and safety of its residents through the use of high construction standards. When developed according to conservation design standards, this zone will promote the preservation of open space while allowing for flexibility in lot sizes.
- B. PERMITTED USES
1. Single-family dwellings (detached), in accordance with the area and height regulations of Section 10.22D or the conservation design development standards of Section 10.22E
- C. Accessory Uses
1. Customary accessory buildings and uses
  2. Fences and walls, as regulated by Article XIII
  3. Home occupations, subject to the restrictions and limitations established in Section 9.11 of this ordinance
  4. Signs, as regulated by Article XIV of this ordinance
  5. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, swimming pools and libraries
  6. Recreational uses other than those publicly owned and/or operated, as follows:
    - a. Golf courses
    - b. Country clubs
    - c. Semi-public swimming pools
- D. AREA AND HEIGHT REGULATIONS: No buildings shall be erected or structurally altered hereafter, except in accordance with the following regulations:
1. Minimum lot area - One (1) acre
  2. Minimum lot width at minimum building setback line - One hundred (100) feet
  3. Minimum front yard depth - Forty (40) feet
  4. Minimum side yard width on each side of lot - Twenty-five (25) feet
  5. Minimum rear yard depth - Twenty-five (25) feet
  6. Maximum building height - Thirty-five (35) feet or two and one-half (2-1/2) stories
- E. CONSERVATION DESIGN DEVELOPMENT STANDARDS: In addition to the general provisions of this Section and this ordinance, conservation design



developments shall conform to the following standards:

1. Purpose. The purpose of the conservation design option is to provide a means whereby single-family residential dwellings may be constructed through a planned layout and reviewed and approved by the city. Such developments permit flexibility in design, location, and siting in exchange for the preservation of hillside areas, other natural geographic and topographic features, and open spaces.
2. Density. The density permitted in conservation design developments shall be one dwelling unit per net acre. Net acres shall be determined by subtracting all required public road and utility areas and areas required to meet the city's hillside development controls from the total gross acres.
3. Development Area Requirements. The minimum development area shall be five (5) acres.
4. Open Space Requirements. Open space shall be provided in accordance with the following provisions:
  - a. Open space shall be set aside and protected by the developer in the form of an irrevocable conveyance whereby the open space area must be preserved according to the approved development plan and may never be changed to any other use, unless it is part of an approved site plan amendment.
  - b. The developer shall provide for perpetual and mandatory maintenance of the open space through the use of deed restrictions or other means acceptable to the City, which shall provide for participation in said maintenance cost by each property owner within the development. This conveyance can provide that the open space is for the use and enjoyment of the residents, occupants, and users of the development.
5. Area and Height Regulations. When open space is provided in accordance with the provisions of this Section, a one (1) percent reduction in the lot size and yard requirements of Section 10.22D shall be granted for each one (1) percent of open space provided. In no case shall the lot size be reduced more than fifty (50) percent.
6. Site Plan. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for all conservation design developments.

#### F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.

3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be required.
5. All walls shall be constructed of a masonry building materials, including stone.

## ARTICLE XI

### OFF-STREET PARKING AND ACCESS CONTROL REGULATIONS

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

#### SECTION 11.0 GENERAL REQUIREMENTS

- A. COMPUTATION OF PARKING SPACES: In determining the number of parking spaces required, if such spaces result in fractional parts thereof, the number of said spaces required shall be construed to be the next highest whole number.
- B. ADDITIONAL PARKING SPACES TO BE PROVIDED: Whenever the intensity of use of any building, structure, or premises shall be increased through addition of dwelling units, gross floor area, seating capacity, change of use, or other units of measurement specified herein, additional parking spaces shall be provided in the amounts hereafter specified for that use, if the existing parking space is inadequate to serve such increase in intensity of use.
- C. LOCATION OF OFF-STREET PARKING FACILITIES
  - 1. Off-street parking facilities (subject to additional restrictions according to screening requirements in Section 9.17, and other requirements of this ordinance) shall be located as follows:
    - a. Single-Family Residential Zones - (R-RE and R-1): Off-street parking may be permitted in driveways in the front, side, and rear yards, provided all requirements of this ordinance are met. Additionally, off-street parking located in the rear yard shall be set back a minimum of ten (10) feet from the rear lot line. No off-street parking area, located in the front yard in a single-family residential zone, may exceed four hundred (400) square feet (two parking spaces) except, however, the zoning administrator may allow additional off-street parking spaces to be located thereon, provided that: (1) the additional parking spaces will not cause the ratio of

unpaved area to paved area (parking and driveway areas) in the front yard to be less than 3:1; and (2) a plan of the proposed parking area is submitted and approved by the zoning administrator; and (3) all other requirements of this ordinance are met.

- b. Multi-Family Residential Zones - (R-3): Off-street parking shall be permitted only in side or rear yards, provided that off-street parking facilities shall be set back a minimum of ten (10) feet from the rear lot line. Off-street parking may be permitted in required front yards, if approved according to the approved development plan or site plan.
  - c. PUD, RCD Zones: Off-street parking shall be permitted according to approval of a final development plan.
  - d. NC, NSC, DTM-1, DTM-2, and I-4 Zones: Off-street parking may be permitted in minimum required front, side, and rear yards, provided that all off-street parking facilities shall be set back a minimum of five (5) feet from any street right-of-way lines.
2. All off-street parking facilities shall be located on the same lot or zoning lot as the building served, except for the following:
- a. Multi-family dwellings where permitted in this ordinance, and any use permitted in an industrial zone may supply off-street parking within three hundred (300) feet from such lot or zoning lot served, upon approval of the planning commission, providing that such off-street parking is located within the same zone as the establishment being served and that off-street parking requirements of this ordinance are complied with at all times. Further, the applicant must also show sufficient proof that such off-street parking facilities would be impossible to provide the required off-street parking space, as required herein, on the same lot or zoning lot or contiguous to the same lot or zoning lot as the building being served.
  - b. Where single, two or multi-family dwellings which are permitted herein and are existing at the time of adoption of this ordinance, occupy a lot of such size that off-street parking could not be provided on the same lot or zoning lot as the use being served, said off-street parking may be permitted to locate within a distance not to exceed three hundred (300) feet from said dwelling or dwellings

upon approval of the zoning administrator. In addition, said off-street parking lot shall be located in the same zone as the use being served and constructed in accordance with requirements of this ordinance.

- c. Off-street parking as required for "conditional uses" permitted in the Residential (R) Zones, may be permitted to locate on another lot or zoning lot than the building or use being served is located, when approved by the Board of Adjustment, provided that said parking is located within reasonable walking distance of the use or building being served and available at all times without restrictions for said purposes.
- D. **COLLECTIVE PARKING PROVISION:** Collective off-street parking facilities may be provided, however, the area for such parking facilities shall not be less than would otherwise be individually required.
- E. **DRIVEWAY PROVISIONS:** Except for Residential (R-RE and R-1) Zones, parking lots or areas adjacent to streets, roads, highways, or deeded rights-of-way shall have driveways or openings not less than twelve (12) feet in width and no more than forty-eight (48) feet in width at the curb, excluding curve radius. These curb cuts shall be so located as to minimize traffic hazards and congestion. All such parking lots or areas shall have a protective wall or bumper block around each parking lot and said parking lots shall be so designed that all vehicles leaving the facility will be traveling forward to approaching traffic. In the case of R-RE and R-1 Residential Zones, no driveway width at the street right-of-way junction shall be less than nine (9) feet, nor more than twenty (20) feet, excluding curb radius, providing that this width may be increased if it can be determined, after review and approval of the zoning administrator, that said additional width will not impede the flow of traffic.
- F. **APPROVAL OR MODIFICATION OF CURB CUTS REQUIRED:** Detailed plans shall be submitted to the Planning Commission, or its duly authorized representative, in the form of a site plan as regulated by Section 9.19 of this ordinance, for approval of all curb cuts, driveway openings, including modifications thereto, before a permit may be obtained therefore.

For the purpose of minimizing the interference of traffic and congestion on the major street system as identified in the city's comprehensive plan, the Planning Commission shall limit the number of curb cuts along said streets. The number of curb cut intersections with major streets shall be spaced at a distance of not less than 800 feet apart. Access to abutting properties fronting on said major streets

shall be provided by a frontage or service road connecting to the curb cut intersection. If the developer can show sufficient proof in the form of a development plan that spacing of curb cuts less than 800 feet apart will not impede the movement of traffic flow along said major street, then the Planning Commission may vary these requirements accordingly.

- G. DRIVEWAYS NOT COMPUTED AS PART OF REQUIRED PARKING LOT: Entrances, exits, or driveways shall not be computed as any part of a required parking lot or area, except in the case of the R-RE and R-1 Zones, where access driveways may be used for parking and designed in accordance with the requirements of this ordinance.

H. DESIGN AND LAYOUT OF OFF-STREET PARKING AREAS

1. Size Of Off-Street Parking Spaces - For the purposes of this ordinance, one (1) parking space shall be a minimum of nine (9) feet in width and eighteen (18) feet in length, exclusive of access drives or aisles. Such parking space shall have a vertical clearance of at least seven (7) feet.
2. Width Of Access Drives - All off-street parking areas shall be laid out with the following minimum aisle or access drive widths:
  - a. Ninety (90) degrees (perpendicular) parking -- Twenty-two (22) feet (either one or two way circulation)
  - b. Sixty (60) degree (angle) parking -- Fifteen (15) feet (one way circulation only)
  - c. Forty-five (45) degree (angle) parking -- Twelve (12) feet (one way circulation only)
  - d. Thirty (30) degree (angle) parking -- Eleven (11) feet (one way circulation only)
  - e. Zero degree (parallel) parking -- Twelve (12) feet (one way circulation)

When any combination of these types of parking is used (facing the same aisle) the most restricted aisle or access drive width requirements shall prevail. In addition, a two (2) foot overhang may be permitted on the external sides of a parking area.

If the width of the parking space is increased over nine (9) feet, the drive aisle width can be decreased proportionally (two (2) foot width in drive aisle per one (1) foot increase in space width) except that a drive aisle for two-way traffic may not be decreased below twenty (20) feet in width and a drive aisle for one-way traffic may not be decreased below eleven (11)

feet in width.

- I. OFF-STREET PARKING SPACE TO BE USED FOR PARKING ONLY: Any vehicle parking space shall be used for parking only. Any other use of such space, including repair work or servicing of any kind, other than in an emergency, or the requirement of any payment for the use of such space, shall be deemed to constitute a separate commercial use in violation of the provisions of this ordinance.
- J. NO BUILDING TO BE ERECTED IN OFF-STREET PARKING SPACE: No building of any kind shall be erected in any off-street parking lot except a parking garage containing parking spaces equal to the requirements set forth in this section of the ordinance or a shelter house/booth for a parking attendant, provided the number of required spaces are not reduced.
- K. OFF-STREET PARKING SPACE SHALL NOT BE REDUCED: The required parking area on any lot, as set forth and designated in this ordinance, shall not be reduced or encroached upon in any manner.
- L. PARKING PLAN APPROVAL REQUIRED: Plans for all parking lot facilities, including parking garages, shall be submitted to the zoning administrator for review and for compliance with the provisions of this ordinance and such other pertinent ordinances of the city. Such plans shall show the number of spaces and arrangements of parking aisles, location of access points onto adjacent streets, provisions for vehicular and pedestrian circulation, location of sidewalks and curbs on or adjacent to the property, utilities, location of shelters for parking attendant, locations of signs, typical cross-sections of pavement, including base and subbase in accordance with Article XI, Section 11.0, M., of this ordinance, proposed grade of parking lot, storm drainage facilities, location of lighting facilities, and such other information or plans as the circumstances may warrant.
- M. PAVING OF NEW OFF-STREET PARKING: All new off-street parking facilities shall be paved with asphalt concrete or Portland Cement concrete and shall be designed and constructed in accordance with the standards and procedures herein established. If the driveway is longer than 100 feet and located in the R-1B, R-1C, R-1D, R-1D1, R-1E, R-1F or R-1G Zones, the first 100 feet is required to be paved and the remaining length of the driveway may be laid with gravel. If the driveway is longer than 100 feet and located in the A-1, R-RE, or R-1A Zones, the first 20 feet is required to be paved and the remaining length may be laid with gravel.

1. ASPHALT CONCRETE PAVEMENT

a. General Design Requirements

- (1) Asphalt concrete pavements shall consist of specified thickness of asphalt concrete surface course and a base course, or courses, all constructed on prepared subgrade. Required pavement thickness shall be determined from Table 1 of the appropriate subgrade soil and traffic use.
- (2) Paved areas shall be so designed and constructed that water will quickly drain from the surface and be conducted away from the area through approved systems. Transverse and/or longitudinal slopes of not less than 5/8 inch in 10 feet shall be provided. For large paved areas, approved catch basins and storm drainage systems shall be provided.
- (3) When the pavement includes a granular base, and the pavement is not constructed over granular subgrade, perimeter subsurface drainage shall be provided to prevent lateral flow of water into the base course and to provide for removal of seepage water that may enter the base.
- (4) Successive layers of the pavement shall be offset from the edge of the underlying layer a distance equal to the course thickness of the lower layer, except when abutting existing construction. When the asphalt layers of the pavement abut a building foundation, barrier curb, or similar vertical surface, the abutting surface shall be heavily painted with asphalt prior to construction of the asphalt course. The surface course shall be finished 1/4 inch above adjacent flush construction to permit proper compaction.

b. Construction Materials and Procedures

- (1) Subsurface Drainage
  - (a) Drainage tile, 6 inch perforated tile or other approved types of similar capacity, where required by the planning commission, or its duly authorized representative, shall be bedded at a depth of not less than 12 inches below the bottom elevation of the granular base course. Aggregate for bedding and backfill shall all pass a 3/8 inch sieve and have not more than 5 percent passing a No. 200 sieve. The



slope of subsurface drains shall be not less than 6 inches per 100 feet. All such drains shall be properly connected to outlet drains or to open ditches.

- (b) All catch basins, in pavement with granular base, shall be constructed with weep holes, at subbase level, to provide for drainage of seepage water from the granular layer. Weep holes shall be constructed of pipe, or other material, having an opening not less than 1.5 inches clear opening. Suitable provision shall be made to prevent clogging of the opening. Three or more weep holes shall be suitably located around the perimeter of each catch basin.
- (2) Base courses shall consist of one or more of the following materials. Construction procedures shall conform to the requirements applicable to the base course selected.
- (a) Asphalt Concrete Base Course - Materials and construction shall conform to the current requirements of the Kentucky Bureau of Highways' Specifications for Asphalt Concrete Base Course, Class I, except as noted herein.
    - (aa) Composition requirements of the mixture shall conform to the gradation limits for asphalt concrete base course I or II, set forth in Table 11-2 of this ordinance. Asphalt content used shall fall within the range shown and shall be approved by the planning commission, or its duly authorized representative.
    - (bb) Uncrushed gravel and natural sand may be used as aggregate, provided all other requirements of the specification are complied with.
  - (b) Asphalt Treated Base Course - Materials and construction procedures shall conform to the following requirements:
    - (aa) Aggregates may be crushed or uncrushed material conforming to the gradation

requirements, shown in Table 11-2 of this ordinance, for either Base III or Base IV. The aggregate shall be composed of hard durable particles and shall contain no more than a total of 5 percent deleterious substances. In addition, the sand equivalent of the aggregate shall not be less than 25 when tested in accordance with AASHTO Designation: T 176-56. The contractor shall set a single gradation and asphalt content, within the specified limits, as the job mix formula to be used on the project. This formula must be approved by the planning commission, or its duly authorized representative, prior to use. Gradation and asphalt content may vary during construction within the following tolerances.

|                              |       |
|------------------------------|-------|
| % Passing 3/4" or 3/8" Sieve | + 10% |
| % Passing No. 8 Sieve        | + 8%  |
| % Passing No. 50 Sieve       | + 6%  |
| % Passing No. 100 Sieve      | + 3%  |
| % Asphalt                    | + .4% |

- (bb) Other construction requirements shall conform to those specified by the Kentucky Bureau of Highways' for Asphalt Concrete, except that a gradation unit on the plant shall not be required provided the aggregate can be controlled by other means to produce a consistently uniform gradation.
- (c) Crushed Stone Base Course
  - (aa) Crushed stone base course shall conform to all the current requirements of the Kentucky Bureau of Highways for Dense Graded Aggregate Base Course.
- (3) Asphalt Concrete Surface Course - Materials and construction shall conform to the current requirements of the Kentucky Bureau of Highways for Asphalt Concrete Surface, Class I. Surface course mixture composition may conform to requirements of either Surface Course I or II, as set forth in

Table 11-2 of this ordinance. Minimum course thickness shall be as stated in Table 11-1 of this ordinance.

(4) Asphalt Prime and Tack Coat

- (a) Asphalt Prime shall conform to the Kentucky Bureau of Highways' requirements for Cutback Asphalt Emulsion Primer, Type L. Prime shall be applied to the surface of granular base course at a rate of 0.20 to 0.40 gallons per square yard, as directed by the city engineer, in conformance with requirements of the referred to specification.
- (b) Tack Coat shall consist of SS-1h, meeting the current requirements of the Kentucky Bureau of Highways. It shall, when directed by the planning commission, or its duly authorized representative, be diluted with equal parts of water. Application equipment and procedure shall conform to the requirements of the Kentucky Bureau of Highways for Tack Coats. Tack coat shall be applied, upon direction of the planning commission, or its duly authorized representative, to the surface of asphalt courses that have become dusty or dry from traffic use before the subsequent course could be placed or in other circumstances when the planning commission, or its duly authorized representative, so directs.

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

- a. Description: Soil-cement base course shall consist of soil and cement uniformly mixed, moistened, compacted, finished, and cured in accordance with the specifications herein, and it shall conform to the lines, grades, thickness, and typical cross section shown on the plans.
- b. Materials
  - (1) Cement: Cement shall comply with the latest specifications for cement, AASHTO M85, M151, or ASTM C150, C175, C205, or Federal SS-C192b, SS-C-218 for the type specified. One cubic foot of portland cement shall be considered to weigh 94 pounds and 1 bbl. of cement shall be

considered to weigh 376 pounds.

- (2) Water: Water shall be free from substances deleterious to the hardening of the soil-cement.
- (3) Soil: Soil shall consist of the material existing in the area to be paved, of approved selected soil, or of a combination of these materials proportioned as directed. The soil shall not contain gravel or stone retained on a 3 inch sieve or more than 45 percent retained on a No. 4 sieve.

c. Construction Methods

- (1) Preparation: Unsuitable soil or material shall be removed and replaced with acceptable soil. The subgrade shall be firm and able to support without displacement the construction equipment and the compaction hereinafter specified. Soft or yielding subgrade shall be corrected and made stable, before construction proceeds.
- (2) Pulverization: The soil shall be pulverized that, at the completion of moist-mixing, 100 percent by dry weight passes a 1 inch sieve, and a minimum of 80 percent passes a No. 4 sieve, exclusive of gravel or stone retained on these sieves.
- (3) Cement Application, Mixing, and Spreading: Mixing of the soil, cement, and water shall be accomplished either by the mixed-in-place or the central-plant-mixed method.

No cement or soil-cement mixture shall be spread when the soil or subgrade is frozen or when the air temperature is less than 40 degrees F. in the shade.

The percentage of moisture in the soil, at the time of cement application, shall not exceed the quantity that will permit a uniform and intimate mixture of soil and cement during mixing operations; and it shall not exceed the specified optimum moisture content for the soil-cement mixture.

Any soil-and-cement mixture that has not been compacted and finished shall not remain undisturbed for more than 30 minutes. The soil-cement base course shall have a thickness of not less than 6 inches.

- (4) **Compaction:** At the start of compaction, the percentage of moisture in the mixture and in unpulverized soil lumps, based on oven-dry weights, shall not be below or more than two percentage points above the specified optimum moisture content, and shall be less than that quantity which will cause the soil-cement mixture to become unstable during compaction and finishing. The specified optimum moisture content and density shall be determined in the field by a moisture-density test, AASHTO T134-57 or ASTM D558-57, on representative samples of soil-cement mixture obtained from the area being processed.

Prior to the beginning of compaction, the mixture shall be in a loose condition for its full depth. The loose mixture then shall be uniformly compacted to the specified density within two hours. During compaction operations, shaping may be required to obtain uniform compaction and required grade and cross section.

- (5) **Finishing:** After compaction, the surface of the soil-cement shall be shaped to the required line, grades, and cross section. If necessary, during shaping operations, the surface of the base shall be lightly scarified to remove any tire imprints or smooth surfaces left by equipment. The resulting surface shall then be compacted to the specified density. Rolling shall be supplemented by broom-dragging if required.

The moisture content of the surface material must be maintained at not less than its specified optimum moisture content during finishing operations. Surface compaction and finishing shall be done in such a manner as to produce, in not longer than two hours, a smooth dense surface free of compaction planes, cracks, ridges, or loose material.

Any portion of the soil-cement that has a density of five pounds or more below that specified shall be corrected or replaced to meet these specifications.

- (6) **Curing:** After the soil-cement has been finished as specified herein, it shall be protected against drying for seven days by the application of bituminous material. The curing material

shall be applied as soon as possible but not later than 24 hours after the completion of finishing operations. The finished soil-cement shall be kept continuously moist until the curing material is placed.

The bituminous material specified shall be uniformly applied to the surface of the completed soil-cement at the rate of approximately 0.2 gallon per square yard with approved heating and distributing equipment.

At the time the bituminous material is applied the soil-cement surface shall be dense, shall be free of all loose and extraneous material, and shall contain sufficient moisture to prevent penetration of the bituminous materials. Water shall be applied in sufficient quantity to fill the surface voids of the soil-cement immediately before the bituminous curing material is applied.

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

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

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

### 3. Concrete Parking Area

#### a. General Requirements - Thickness of concrete parking shall be:

- (1) A minimum of five (5) inches for passenger cars and panel or pickup truck parking.
- (2) A minimum of six (6) inches for driveways accommodating light trucks and for light truck parking.
- (3) A minimum of seven (7) inches for heavier commercial or industrial needs.

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

- (1) Minimum Cement Content - 564 lb./cu.yd. of concrete (6 U.S. bags).
- (2) Maximum Size of Aggregate - 1-1/2 inches.
- (3) Maximum Water Content - 0.49 lb./1 lb. of cement (5.5 gal./bag).

| Maximum Size<br>Aggregate (inches) | Entrained<br>Air (Percent) |
|------------------------------------|----------------------------|
| 1-1/4                              | 5 + 1                      |
| 3/4, 1                             | 6 + 1                      |
| 3/8, 1/2                           | 7-1/2 + 1                  |

- (4) Maximum Slump - four (4) inches.
- (5) Air Entrainment

c. Construction Procedures:

- (1) All soft and yielding material and other portions of the subgrade which will not compact readily when rolled or taped, shall be removed and replaced with suitable material, placed and compacted. The subgrade shall be thoroughly compacted with suitable equipment so as to have uniform density at moisture contents of not less than standard optimum (AASHTO-T98).
- (2) Longitudinal joint spacing shall not exceed 12.5 feet.
- (3) Transverse joint spacings shall be at regular intervals of twenty (20) feet.
- (4) All transverse construction joints shall a depth equal to one-

fourth of the pavement thickness.

- (5) Form offsets at radius points shall be at least two (2) feet.
- (6) Pavement joints must be continuous through the curbs.
- (7) Where curbs are required, they shall be cast integrally.
- (8) The pavement shall be struck-off, consolidated, and finished, to the grades shown on the plans. All catch basins and manhole castings shall be boxed out and separated from the pavement with expansion joint material. All except premolded or sawed joints shall be edged with a tool having a maximum radius of 1/8 inch. Sawed and formed joints shall be cleaned and sealed before opening to traffic. Final surface texture shall be that obtained with a burlap drag. Curing shall be that obtained with a uniform coverage of white membrane curing compound or by seven-day coverage of white polyethylene or waterproof paper. The completed pavement shall be closed to traffic seven (7) days.

#### N. DESIGN AND MAINTENANCE

- 1. Screening and Landscaping: All open automobile parking areas containing more than four (4) parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a residential zone by a solid wall, fence, or densely planted compact hedge, as regulated by Section 9.17 of this ordinance. Ground cover shrubs and trees shall be located and maintained so as to not interfere with vehicular and pedestrian traffic on the property or with sight distance clearance at entrances and exits.
- 2. Lighting: Any lighting used to illuminate off-street parking areas shall be directed away from adjoining properties in such a way as not to create a nuisance.
- 3. Ingress and egress to parking areas shall be limited to driveway entrances and exits specified in parking area plans, as approved by the zoning administrator. Each required parking space shall be connected with a deeded right-of-way (by means of adequate aisles, as required in Section 11.0, H.) which offers adequate ingress and egress for automobiles.
- 4. Parking lots, garages, and storage areas shall be so designed and



constructed so that all maneuvering into and out of each parking space takes place entirely within property lines of lots, garages, and/or storage areas.

TABLE 11-1

**THICKNESS REQUIREMENTS OF SURFACE AND BASE COURSES FOR  
AUTOMOBILE AND TRUCK PARKING FACILITY PAVEMENTS<sup>(1)</sup>**

| Type Of Vehicle               | Soil Classification(2) | Thickness Of Surface And Base - Inches |                |               |
|-------------------------------|------------------------|--|----------------|---------------|
|                               |                        | Asphalt Base                           |                | Granular Base |
|                               |                        | Type I or II                           | Type III or IV |               |
| Automobile Parking Facilities | A                      | 1-4                                    | 2-4            | 3-4           |
|                               | B                      | 1-5                                    | 2-5            | 3-6           |
|                               | C                      | 1-6                                    | 2-6            | 3-8           |
| Truck Parking Facilities      | A                      | 1-6                                    | 2-6            | 4-6           |
|                               | B                      | 1-7                                    | 2-7            | 4-8           |
|                               | C                      | 1-8                                    | 2-8            | 4-10          |

- (1) Thickness of surface and base is shown for each soil classification and street classification. The first number indicates the minimum thickness of asphalt concrete which may be comprised of asphalt concrete surface course, Type I or II, if the surface course does not exceed two (2) inches. When surface thickness is more than two (2) inches, asphalt concrete Base I or II, as specified in Table 11-2, may be used for all but the upper one (1) inch wearing course which must be asphalt concrete surface course I or II, as specified in Table 11-2. The second figure indicates the thickness of base course of the type indicated. For example, 1-4 indicates one (1) inch surface and four (4) inches base.
- (2) Soils are classified into three (3) groups indicating their relative effectiveness as subgrade.
- A Granular soils that drain well; sand, gravel, or combination of sand and gravel.
  - B Silty clays, or lean clays, that retain considerable strength when wet. These are average subgrade soils.
  - C Heavy clay soils that lose most of their strength when wet.

TABLE 11-2  
COMPOSITION LIMITS FOR ASPHALT MIXTURES

| SIEVE<br>SIZE | Percent Passing By Weight |         |           |                      |          |         |
|---------------|---------------------------|---------|-----------|----------------------|----------|---------|
|               | Asphalt Concrete          |         |           | Asphalt Treated Base |          |         |
|               | Base I                    | Base II | Surface I | Surface II           | Base III | Base IV |
| 1 1/2"        | 100                       | -       | -         | -                    | 100      | -       |
| 1"            | 85-100                    | 100     | -         | -                    | -        | -       |
| 3/4"          | -                         | 80-100  | -         | -                    | 70-100   | 100     |
| 1/2"          | 50-80                     | -       | 100       | 100                  | -        | -       |
| 3/8"          | -                         | 54-76   | 80-100    | -                    | 40-80    | 70-100  |
| No. 4         | 30-50                     | 37-57   | 55-75     | 75-95                | -        | -       |
| No. 8         | 25-45                     | 25-45   | 35-60     | 60-85                | 25-60    | 40-100  |
| No. 16        | 15-35                     | 15-35   | 25-50     | 45-70                | -        | -       |
| No. 50        | 5-20                      | 5-20    | 9-21      | 15-40                | 5-30     | 15-50   |
| No. 100       | 3-10                      | 3-10    | 5-14      | 5-25                 | 3-15     | 5-25    |
| No. 200       | -                         | -       | 3-7       | 4-10                 | -        | -       |
| % Asphalt     | 3.5-6.0                   | 4.0-7.0 | 5.0-8.0   | 6.0-9.0              | 3.5-6.0  | 4.0-8.0 |

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

| TYPES OF USES  | REQUIRED NUMBER OF SPACES  |
|--|--|
| A. Airport, railroad passenger stations and bus terminal | One (1) parking space for each four (4) seating accommodations for waiting passengers, plus one (1) parking space for each two (2) employees on shift of largest employment.   |
| B. Automobile laundries                                  | One (1) parking space for each employee, plus one (1) space per owner or manager, and reservoir space equal to five (5) times the capacity of the facility.                    |
| C. Automobile Service stations                           | One (1) parking space for each gas pump island, plus two (2) parking spaces for each working bay, plus one (1) parking space for each employee on shift of largest employment. |
| D. Beauty parlor and/or barber shops                     | Two (2) parking spaces per barber and/or beauty shop operator.   |
| E. Bowling establishments                                | Five (5) parking spaces for each lane, plus one (1) parking space for each two (2) employees on shift of largest employment.   |
| F. City and/or county government                         | One (1) parking space for each two hundred (200) square feet of gross floor area.  |
| G. Commercial or trade schools                           | One (1) parking space for each two (2) students, based on design capacity of the school, plus one (1) parking space for each employee.   |

| TYPES OF USES  | REQUIRED NUMBER OF SPACES  |
|--|--|
| H. Convalescent homes, nursing homes, rest homes, homes for the aged, and orphanages | One (1) parking space for each two (2) beds, plus one (1) parking space for each two (2) employees or staff members, including nurses, on shift of largest employment, plus one (1) parking space per doctor.  |
| I. Dance halls, pool and billiard halls, and exhibition halls without fixed seats    | One (1) parking space for each one hundred (100) square feet of floor area used for dancing or assembly, or one (1) parking space for each four (4) persons, based on design capacity, whichever is greater, plus one (1) parking space for each two (2) employees on shift of largest employment. |
| J. Dormitories, Fraternities, Sorority Houses, and other group housing               | One (1) parking space per each two (2) residents, plus one (1) parking space per owner or operator, plus one (1) parking space per employee, or one (1) parking space for each two (2) seats for membership meetings, whichever is greater, based on design capacity.                              |
| K. Dwellings: One-Family<br>Two-Family   | Two (2) parking spaces.<br>Four (4) parking spaces, with individual access for each dwelling unit.   |
| L. Dwellings: Multi-Family   | One (1) parking space for every one (1) bedroom dwelling unit and two (2) parking spaces for every dwelling unit with two (2) or more bedrooms.  |

| TYPES OF USES  | REQUIRED NUMBER OF SPACES  |
|--|--|
| M. Establishments for sale and consumption on the premises of alcoholic beverages, food, refreshments, or for take home food service | One (1) parking space for each two (2) employees on shift of largest employment plus one parking space for each:<br><ul style="list-style-type: none"><li>A. Thirty (30) square feet of gross floor area in a drive-in restaurant;</li><li>B. One hundred forty (140) square feet of gross floor area in a carry-out restaurant;</li><li>C. One hundred (100) square feet of gross floor area or two (2) seating accommodations, based on maximum capacity, whichever is greater, in a combination restaurant;</li><li>D. Two (2) seating accommodations, based on maximum seating capacity, in a sit-down restaurant.</li></ul> |
| N. Fire stations   | One (1) parking space for each person on duty on largest shift.  |
| O. Hospitals   | One (1) parking space for each two (2) beds, plus one (1) parking space for each two (2) employees or staff members, including nurses, on shift of largest employment, plus one (1) parking space per doctor.  |
| P. Laundromats   | One (1) parking space for each two (2) washing machines.   |
| Q. Libraries, museums, and art galleries   | One (1) parking space for each four (4) seats in rooms for public assembly or one (1) parking space for each fifty (50) square feet of gross floor area for use by the public, whichever is greater, plus one (1) parking space for each two (2) employees on shift of largest employment.   |

| TYPES OF USES   | REQUIRED NUMBER OF SPACES  |
|---|--|
| R. Medical offices and/or clinics   | Five (5) parking spaces for each practitioner, plus one (1) parking space per each two (2) employees, or one (1) parking space for each two hundred (200) square feet of gross floor area in the building, plus one (1) parking space for each two (2) employees, whichever is greater.  |
| S. Mortuaries or funeral homes  | One (1) parking space for each four (4) seats in the main chapel or public assembly area, based on maximum seating capacity, plus one (1) parking space for each funeral vehicle and employee, or in the case of no fixed seats, one (1) parking space for each fifty (50) square feet of floor area in parlor or service rooms, or one (1) parking space for each four (4) persons, based on design capacity of the building, whichever is greater, plus one (1) parking space for each funeral vehicle and employee. |
| T. Offices for professional, business, and financial, real estate, and business purposes, other than medical offices and/or clinics | One (1) parking space for each two hundred fifty (250) square feet of gross floor area   |
| U. Post offices   | One (1) parking space for each two hundred (200) square feet of gross floor area, plus one (1) parking space for each two (2) employees on shift of largest employment, plus one (1) parking space for each vehicle operating from the premises.   |

| TYPES OF USES   | REQUIRED NUMBER OF SPACES  |
|---|--|
| V. Private clubs, boarding houses, and lodge halls  | One (1) parking space for each guest sleeping room, or one (1) parking space for each four (4) fixed seats in the main assembly area, whichever is greater, plus one (1) parking space for each two (2) employees, or in the case of no fixed seats, one (1) parking space for each two (2) employees.     |
| W. Retail and personal service stores   | One (1) parking space for each one hundred twenty-five (125) square feet of gross floor area.  |
| X. Schools – elementary, junior high, and equivalent, private or parochial schools                              | One (1) parking space per teacher and administrator or one (1) space for each four (4) seats in the auditorium, stadium, and other places of assembly or facilities available to the public, based on maximum seating capacity, whichever is greater.  |
| Y. Schools – senior high, trade and vocational, colleges and universities, and equivalent, private or parochial | Six (6) parking spaces for each room to be used for class instruction or administrative offices, or one (1) parking space for each four (4) seats in the auditorium, stadium, and other places of assembly or facilities available to the public, based on maximum seating capacity, whichever is greater. |
| Z. Shopping centers   | One (1) parking space for each four (4) seats, based on maximum seating capacity, plus one (1) parking space for each two (2) employees on shift of largest employment.  |
| AA. Stadium and sports arenas   | One (1) parking space for each four (4) seats, based on maximum seating capacity, plus one (1) additional parking space for each two (2) employees on shift of largest employment.   |



| TYPES OF USES  | REQUIRED NUMBER OF SPACES   |
|--|---|
| BB. Theaters, auditoriums, churches, and places of assembly with fixed seats                               | One (1) parking space per four (4) people in designed capacity of building, or one (1) parking space per one hundred (100) square feet in main auditorium or assembly area, whichever is greater, plus one (1) parking space for each two (2) employees on shift of largest employment.                           |
| CC. Theaters, auditoriums, churches, and places of assembly without fixed seats                            | One (1) parking space per four (4) people in designed capacity of building, or one (1) parking space per one hundred (100) square feet in main auditorium or assembly area, whichever is greater, plus one (1) parking space for each two (2) employees on shift of largest employment.                           |
| DD. Tourist homes, cabins, motels or hotels, excluding areas used for meeting rooms and places of assembly | One (1) parking space for each sleeping room or suit, plus one (1) parking space for each two (2) employees on shift of largest employment.   |
| EE. Industrial establishments, including manufacturing, research, and testing laboratories                 | Two (2) parking spaces for each three (3) employees – the total number of parking spaces being the total number of employees on any two (2) consecutive shifts having the largest number of employees, based on design capacity, plus one (1) parking space for each company vehicle operating from the premises. |
| FF. Wholesale establishments, warehouses, and storage buildings  | One (1) parking space for each employee, plus one (1) parking space for each company vehicle operating from the premises.   |

## SECTION 11.2 ACCESS CONTROL REGULATIONS

In order to promote greater safety of passage between highway and land, improve the convenience and ease of movement of travelers on the highway, permit reasonable speeds and economy of travel, and increase and protect the capacity of the highway, the location and design of access points shall be in accordance with the following access control requirements. These requirements shall apply to all arterial and collector type streets, as identified in the adopted comprehensive plan.

- A. PROVISION OF RESERVED TURNING LANES: At those access points where vehicles turning to and from the arterial and collector streets will affect the roadway capacity, reserved turn lanes shall be constructed by the developer.
- B. PROVISION OF FRONTAGE ROAD: Where possible, provision for the construction of a frontage road shall be made. However, access to the arterial or collector streets via an intersecting street or a common driveway shall be investigated if such a design is not reasonable.
- C. COORDINATION OF ACCESS POINTS: Major Access points on opposite sides of the arterial and collector streets shall be located opposite each other, otherwise turning movement restrictions may be imposed by the planning commission or zoning administrator, whichever is applicable. In addition, in order to maximize the efficient utilization of access points, access drives shall be designed, located, and constructed in a manner to provide and make possible the coordination of access with, and between, adjacent properties developed (present or future) for similar uses. As a condition of approval for construction, use, or reuse of any access road, the zoning administrator may require that unobstructed and unencumbered access, in accordance with the provisions of this ordinance, be provided from any such access point to adjacent properties.
- D. SPACING RESTRICTIONS FOR SIGNALIZED ACCESS POINTS: Access points which will warrant signalization shall be spaced a minimum distance of one quarter (1/4) mile apart. The exact location of the signal light shall be determined by a traffic engineering study which shall at least account for the following variables:
  - 1. Speed
  - 2. Traffic signal phasing
  - 3. Traffic signal cycle length
  - 4. Roadway geometrics
  - 5. Accident experience

Provision for all turning movements to maintain the design capacity of the roadway shall be required.

- E. SIGHT DISTANCE: The location of access points shall comply with safe sight distance requirements, as provided in Table 1. The centerline of all access points shall intersect as nearly at a ninety (90) degree angle as possible, but in no case shall the angle of intersection be less than seventy-five (75) degrees or greater than one hundred five (105) degrees, unless approved by the planning commission or zoning administrator, whichever is applicable, due to certain exceptional conditions.
- F. LOCATION OF UNSIGNALIZED ACCESS POINTS
1. Arterial Streets
    - a. Unsignalized access points shall be spaced a minimum distance of six hundred (600) feet apart. Turning restrictions and/or reserved lanes may be required.
    - b. One (1) access point per existing tract will be permitted. However, if the spacing requirements for a direct access point onto an arterial street (as provided in F., 1., a., above) cannot be met, then an access point may be located on a frontage road, or on an intersecting local street, or share a common driveway that meets the spacing requirements. In order for the intersecting local street or frontage road to function properly, access onto them should be controlled as follows:
      - (1) Access points onto local streets intersecting an arterial street shall be spaced a minimum distance of one hundred (100) feet, measured from point of curb return to point of curb return, from the arterial street.
      - (2) In areas zoned to permit commercial, industrial, or multi-family residential uses, access points from adjacent properties onto frontage roads, shall be no less than one hundred (100) feet, measured from point of curb return to point of curb return, from intersections of the frontage road with local or collector streets.
    - c. Where the frontage of a tract is greater than five hundred (500) feet an additional access point may be permitted. However, the type of access will depend on the spacing requirements in F., 1., a.

(1) If the frontage of the tract is large enough, then at least one (1) of the access points may have direct access onto the arterial street, provided the spacing between the adjacent access points meet the requirements of Section F., 1., a., and all other requirements of this section of the ordinance. In the case where the frontage allows only one (1) point of direct access, due to spacing restrictions as provided herein, the second access point will be via a frontage road, or an intersecting local street, or share a common driveway that meets the spacing restrictions, as provided along the arterial street.

d. If a tract of land has no means of access that would meet the requirements of this section of the ordinance, one (1) access point shall be provided. However, all such access points shall be considered a temporary right-of-way and may be terminated, reduced, limited to certain turning movements, or caused to be relocated by the zoning administrator at such time as the particular use served by the access point changes and/or the property is otherwise provided an alternate means of access via a frontage road, or an intersecting local street, or sharing of a common driveway. Provisions for the construction of a frontage road, restricted turning movements, or other improvements, may be required, as a condition to approval, in order to minimize the number of access points and congestion to the adjacent street. In all cases where said access points are classified as temporary, such designation shall be duly noted on the plot plan or site plan submitted for a zoning permit and also upon the deed of the property in question.

## 2. Collector Streets

a. On two-lane roadways, one (1) access point per existing tract will be allowed. However, if the frontage is greater than five hundred (500) feet, an additional access point may be permitted. Furthermore, the minimum spacing between adjacent access points on this type of facility shall be one hundred (100) feet, measured from point of curb return to point of curb return, except in the case where the street intersects another collector street or arterial street, then said access points shall be spaced a minimum of three hundred (300) feet from the intersection.

b. On multi-lane roadways, the spacing is dependent on whether or

not a barrier median exists (prohibiting left-turn movements). If a barrier median exists, access points may be spaced as close as three hundred (300) feet. However, certain turning movements will be prohibited. If a barrier median does not exist, then the minimum spacing of access points shall be six hundred (600) feet. In addition, some turning movements may be prohibited.

- c. One (1) access point per existing tract will be allowed. However, if the spacing requirements for a direct access point, as provided in F., 2., a., cannot be met, then an access point may be located on a frontage road, or on an intersecting street, or share a common driveway that meets the spacing requirements.
- d. If a tract of land has no means of access that would meet the requirements of this section of the ordinance, one (1) access point shall be provided. However, all such access points shall be considered a temporary right-of-way and may be terminated, reduced, limited to certain turning movements, or caused to be relocated by the zoning administrator at such time as the particular use served by the access point changes and/or the property is otherwise provided an alternate means of access via a frontage road, or an intersecting local street, or sharing of a common driveway. Provisions for the construction of a frontage road, restricted turning movements, or other improvements, may be required, as a condition to approval, in order to minimize the number of access points and congestion to the adjacent street. In all cases where said access points are classified as temporary, such designation shall be duly noted on the plot plan or site plan submitted for a zoning permit and also upon the deed of the property in question.

#### G. WIDTH OF ACCESS POINTS

- 1. In single-family residential zones, no access point width shall be less than nine (9) feet nor more than twenty (20) feet. In all other zones, access points shall not be less than twelve (12) feet nor more than forty-eight (48) feet in width. The width shall be as measured from the point of curb return to point of curb return, or edge of pavement if no curb exists, excluding the curb radius.
- 2. The zoning administrator may modify (enlarge or reduce) the width to provide for a more efficient and safe channelization and/or flow of traffic.

- H. EXCEPTIONS TO ACCESS POINT REQUIREMENTS: Where situations develop that may require special treatment, the requirements as provided in Section 11.2, A. - G., may be varied, provided that a traffic engineering report is prepared by a qualified traffic engineer, establishing that the special treatment will have no adverse effects on the roadway safety and capacity.
- I. ACCESS POINT PROBLEM AREAS: If, after special study, it is determined that the type of use or activity proposed would have an adverse effect on the safety and capacity of the adjacent roadway, the access point spacing requirements, as contained in this section, may have to be increased in order to adequately solve the traffic movement.
- J. APPROVAL OF ACCESS POINTS REQUIRED: Plans for all access points, and modifications thereto (including plans to use existing access points where a change of use for any tract of land would generate more traffic than the previous use, thus producing an adverse effect on the adjacent roadway), shall be submitted to the zoning administrator and Planning and Development Services of Kenton County staff, at a scale not less than 1 inch = 100 feet. No action of approving or rejecting these plans by the zoning administrator shall be taken until a review and recommendation of said plans has been made by Planning and Development Services of Kenton County staff. Such plans shall show the location of all access points, and access points within six hundred (600) feet in either direction. The proposed access point shall include typical cross-sections of pavement, the base and subbase, proposed grade, and storm drainage, and such other information or plans as the circumstances may warrant. If such access points are being located in conjunction with off-street parking and/or loading and unloading facilities, then said plans shall also include parking and off-street loading and/or unloading plans, in accordance with Sections 11.0 and 12.0 of this ordinance.
- K. APPROVAL OF ACCESS POINTS ALONG STATE MAINTAINED ROUTES BY KENTUCKY DEPARTMENT OF TRANSPORTATION: A copy of the Plans for all access points to be constructed along a state maintained route shall also be submitted to the Kentucky Department of Transportation for review and approval during the same time as plans are submitted to the zoning administrator, as provided for in Section 11.2. No access point plans shall be approved, or permits issued, for construction by the zoning administrator, until said access point plans have been approved by the Kentucky Department of Transportation.

TABLE 1A

**SIGHT DISTANCE FOR VEHICLES EXITING FROM ACCESS POINTS ONTO ADJACENT ROADS**  
see Figure 1A

| VEHICLE<br>TYPE  | 20 MPH |     |             |     | 30 MPH |     |             |     | 40 MPH |     |             |     | 50 MPH |      |             |      | 60 MPH |      |             |      |
|------------------|--------|-----|-------------|-----|--------|-----|-------------|-----|--------|-----|-------------|-----|--------|------|-------------|------|--------|------|-------------|------|
|                  | 2 lane |     | 4 or 6 lane |     | 2 lane |     | 4 or 6 lane |     | 2 lane |     | 4 or 6 lane |     | 2 lane |      | 4 or 6 lane |      | 2 lane |      | 4 or 6 lane |      |
|                  | DL     | DR  | DL          | DR  | DL     | DR  | DL          | DR  | DL     | DR  | DL          | DR  | DL     | DR   | DL          | DR   | DL     | DR   | DL          | DR   |
| Passenger<br>Car | 150    | 130 | 130         | 130 | 360    | 260 | 220         | 260 | 530    | 440 | 380         | 440 | 740    | 700  | 620         | 700  | 950    | 1050 | 950         | 1050 |
| Truck            | 300    | 200 | 200         | 200 | 500    | 400 | 400         | 400 | 850    | 850 | 850         | 850 | 1600   | 1600 | 1600        | 1600 | 2500   | 2500 | 2500        | 2500 |

**Notes:**

D=Distance along major road from access point to allow vehicle to enter safely.

Figures given are measured from a vehicle ten (10) feet back of the pavement edge.

Figures given are in feet.

Values are for urban conditions. On rural streets, distances are to be increased by ten (10) percent to allow for greater reaction time.

The sight distances apply when street grades are zero (0) percent to three (3) percent, either up or down. When an upgrade is steeper than three (3) percent, adjustments are to be made to compensate for the longer time required to reach the speed of highway traffic. The time is less than shown when the highway is descending. Adjustment factors apply to grades only in that portion of the road between the access points and the downstream point at which a vehicle emerging from the access points has been able to accelerate to within ten (10) miles per hour of the route speed.

When the street, in the section to be used for acceleration after leaving the access point, ascends at three (3) percent to four (4) percent, then sight distances in the direction of approaching ascending traffic are to be increased by a factor of 1.4. When the access point ascends at five (5) percent to six (6) percent, sight distances should be increased by a factor of 1.7.

When the street, in the section to be used for acceleration after leaving the access point, descends at three (3) percent to four (4) percent, then sight distances in the direction of approaching descending traffic are to be reduced by a factor of 0.6. If the road descends at five (5) percent to six (6) percent, sight distances should be reduced by a factor of 0.5.

When the criteria for sight distances to the right cannot be met, the need can be eliminated by prohibiting left turns by exiting vehicles.

TABLE 1B

LEFT TURN SIGHT DISTANCE FOR VEHICLES ENTERING ACCESS POINTS  
see Figure 1B

|               | 20 MPH |        |        | 30 MPH |        |        | 40 MPH |        |        | 50 MPH |        |        | 60 MPH |        |        |
|---------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| VEHICLE TYPE  | 2 Lane | 4 Lane | 6 Lane | 2 Lane | 4 Lane | 6 Lane | 2 Lane | 4 Lane | 6 Lane | 2 Lane | 4 Lane | 6 Lane | 2 Lane | 4 Lane | 6 Lane |
| Passenger Car | 150    | 160    | 170    | 230    | 250    | 270    | 370    | 390    | 420    | 520    | 550    | 580    | 700    | 740    | 780    |
| Truck         | 260    | 260    | 300    | 400    | 400    | 480    | 570    | 620    | 670    | 810    | 880    | 950    | 1000   | 1100   | 1200   |

## Notes:

S=Sight distance along major route to safely turn left into access point.

Figures given are measured from a vehicle ten (10) feet back of the pavement edge.

Figures given are in feet.

Values are for urban conditions. On rural streets, distances are to be increased by ten (10) percent to allow for greater reaction time.

The sight distances apply when street grades are zero (0) percent to three (3) percent, either up or down. When an upgrade is steeper than three (3) percent, adjustments are to be made to compensate for the longer time required to reach the speed of highway traffic. The time is less than shown when the highway is descending. Adjustment factors apply to grades only in that portion of the road between the access points and the downstream point at which a vehicle emerging from the access points has been able to accelerate to within ten (10) miles per hour of the route speed.

When the street, in the section to be used for acceleration after leaving the access point, ascends at three (3) percent to four (4) percent, then sight distances in the direction of approaching ascending traffic are to be increased by a factor of 1.4. When the access point ascends at five (5) percent to six (6) percent, sight distances should be increased by a factor of 1.7.

When the street, in the section to be used for acceleration after leaving the access point, descends at three (3) percent to four (4) percent, then sight distances in the direction of approaching descending traffic are to be reduced by a factor of 0.6. If the road descends at five (5) percent to six (6) percent, sight distances should be reduced by a factor of 0.5.

When the criteria for sight distances to the right cannot be met, the need can be eliminated by prohibiting left turns by exiting vehicles.



FIGURE 1A

SIGHT DISTANCE FOR VEHICLES EXITING FROM ACCESS POINTS  
refer to Table 1A

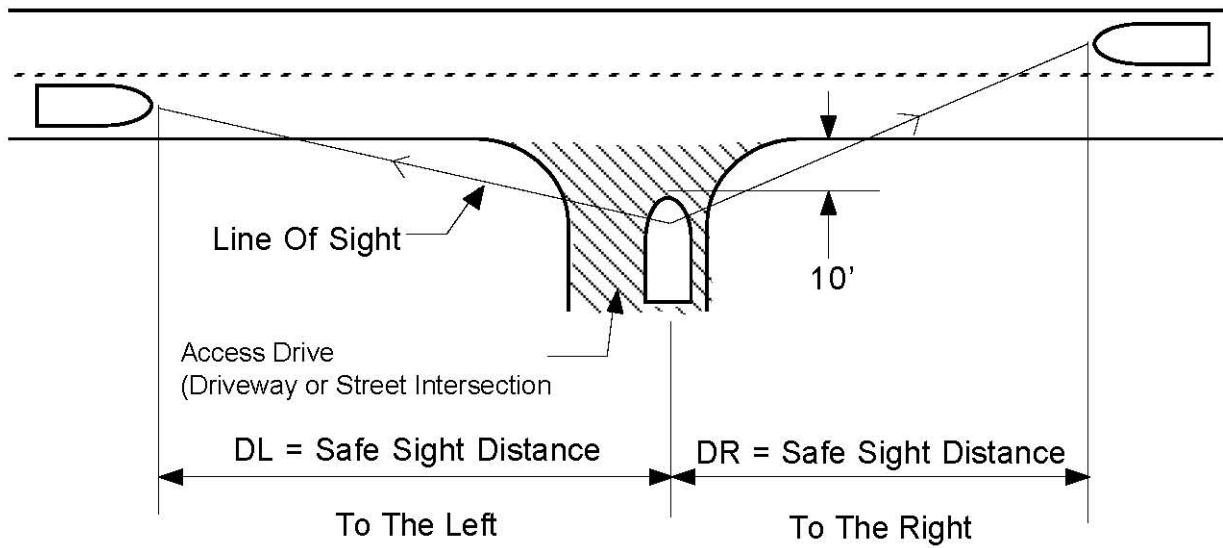
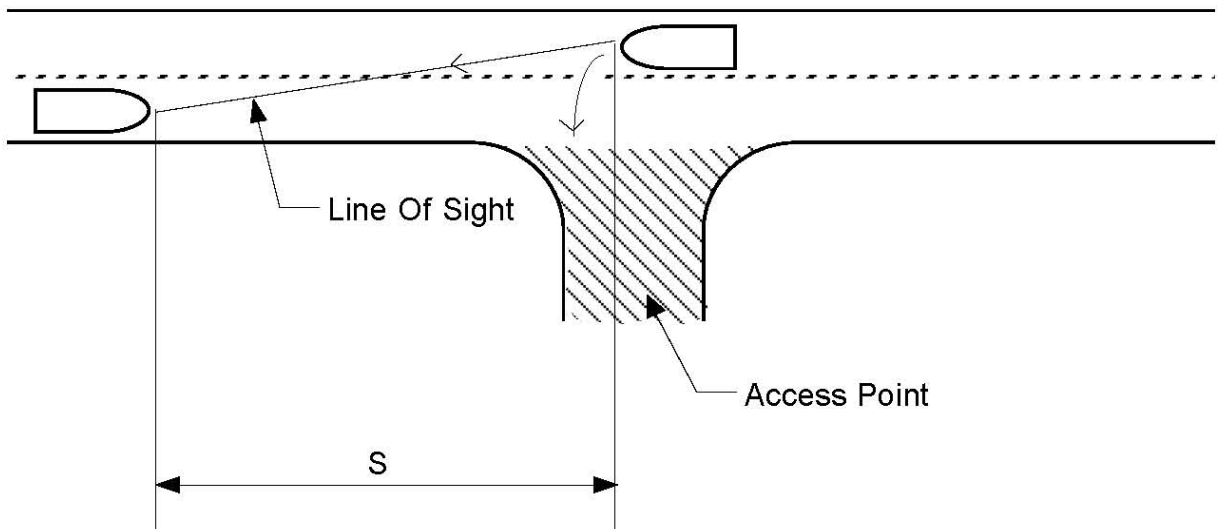


FIGURE 1B

LEFT TURN SIGHT DISTANCE FOR VEHICLES ENTERING ACCESS POINTS  
refer to Table 1B



## ARTICLE XII

### OFF-STREET LOADING AND/OR UNLOADING REGULATIONS

**SECTION 12.0 OFF-STREET LOADING AND/OR UNLOADING REGULATIONS:** For all buildings and structures erected, altered, or extended, and all uses of land established as specified herein, after the effective date of this ordinance, off-street loading and/or unloading facilities shall be provided as required by the regulations herein. However, where a building permit has been issued prior to the date of the adoption of this ordinance, and provided that construction has not begun within ninety (90) days of such effective date, off-street loading and/or unloading facilities in the amounts required by this ordinance, shall prevail.

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

- A. **SPACES REQUIRED:** Every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehousing, department stores, wholesale stores, retail stores, market, hotel, hospital, laundry, dry cleaning, dairy, mortuary, and other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise, and having up to five thousand (5,000) square feet of gross floor area, shall be provided with at least one (1) loading and/or unloading space. One additional loading and/or unloading space shall be provided for every additional ten thousand (10,000) square feet, or fraction thereof, of gross floor area in the building.

If sufficient proof can be shown that less than these requirements (only that part which has to do with over five thousand (5,000) square feet) will be satisfactory for the operation in question, the zoning administrator may reduce these requirements.

- B. **SIZE OF OFF-STREET LOADING AND/OR UNLOADING SPACE:** Each off-street loading and/or unloading space shall be at least twelve (12) feet in width and at least sixty (60) feet in length, exclusive of aisle and maneuvering spaces and shall have a vertical clearance of at least fourteen (14) feet, provided, however, that when it is demonstrated that a particular loading and/or unloading space will be used by shorter trucks, the zoning administrator may reduce the minimum length to not less than thirty-five (35) feet.
- C. **LOCATION:** All required loading and/or unloading spaces shall be located on the same lot as the use served. No loading and/or unloading space for vehicles over

two ton capacity shall be closer than fifty (50) feet to any property in a residential zone unless completely enclosed by a fence, wall, or screen, as regulated by Article XIII of this ordinance. No loading and/or unloading space shall be located in any required yards except as herein provided.

- D. ACCESS: Each required off-street loading and/or unloading space shall be designed with direct access, via an approved access drive, to a deeded right-of-way which offers efficient ingress, egress, and safety for trucks. Access drives or aisles shall be laid out with a width of at least twelve (12) feet for one-way circulation and at least twenty-four (24) feet for two-way circulation.

Off-street loading and/or unloading space shall be so designed and constructed so that all maneuvering for loading and/or unloading can take place entirely within the property lines of the premises. Such off-street loading and/or unloading space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk street, road, highway, or deeded right-of-way.

- E. ENLARGEMENT OF BUILDINGS: The off-street loading and/or unloading requirements, as listed in this article of the ordinance, shall apply at any time any building is enlarged or increased in capacity by adding floor area.

F. DESIGN AND MAINTENANCE

1. Surfacing: All open off-street loading and/or unloading spaces shall be paved subject to the provisions in Article XI, Section 11.0, M., 3. of this ordinance.
2. Lighting: Any lighting used to illuminate off-street loading and/or unloading areas shall be directed away from property in any residential zone in such a way as not to create a nuisance.
3. Space allocated to any off-street loading and/or unloading space: Shall not be used to satisfy the space requirements for any off-street parking facilities or portion thereof.

- G. OFF-STREET LOADING AND/OR UNLOADING PLAN APPROVAL REQUIRED: Plans for all loading and/or unloading facilities shall be submitted to the zoning administrator for review and for compliance with the provisions of this ordinance and such other pertinent ordinances of the city. Such plans shall show the exact proposed layout of all loading and/or unloading spaces, drives and accessory entrances and exits, type of surface to be used, typical cross-sections of pavement, including base and subbase, location of lighting facilities, storm drainage facilities, proposed grade of off-street loading and/or unloading area,

and such other information or plans as the circumstances may warrant.

## ARTICLE XIII

### FENCES, WALLS, AND OBSTRUCTION TO VIEW REGULATIONS

#### SECTION 13.0 VISION CLEARANCE AT CORNERS AND RAILROAD CROSSINGS:

Except as herein provided, no fence, wall, hedge, or other obstruction, above a height of thirty-six (36) inches, as measured above the curb level, shall be erected, placed, maintained, or continued in any zone, within that triangular portion of a corner lot formed by measuring fifty (50) feet from the intersection of the right-of-way lines of two (2) streets or of the right-of-way line of a street intersection with a railroad right-of-way line and joining these points with a straight line. No type of tree, or planting, or other obstruction, shall be planted, placed, maintained, or continued in such a manner which would obstruct the vision clearance at corners and railroad crossings.

#### SECTION 13.1 CLASSIFICATION OF FENCES AND WALLS

A. The following shall be the classification of fences and walls for this ordinance:

1. Masonry walls
2. Ornamental iron (eighty (80) percent open)
3. Woven wire (eighty (80) percent open)
4. Wood or other materials (more than fifty (50) percent open)
5. Solid fences, wood or other materials (less than fifty (50) percent open)
6. Hedges
7. Barbed wire or sharp pointed fences
8. Earthen or concrete walls intended to contain or redirect flooding waters

#### SECTION 13.2 CONSERVATION ZONE

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

1. Section 13.0, except that in front yards class 2 or 3 fences may be erected up to a maximum height of ninety-six (96) inches.
2. Side and rear yard, class 1, 2, 3, 4, 5, 6, or 7 fences and/or walls may be erected up to a maximum height of ninety-six (96) inches.
3. Class 8 walls shall be permitted but shall conform to requirements of the Corps of Engineers and/or city engineer, whichever is applicable.

#### SECTION 13.3 RESIDENTIAL ZONES

- A. Fences and/or walls within the R-RE, R-1, R-2, R-3, RCD, and PUD Zones shall conform to the following requirements:
1. The requirements for the R-RE, R-1, R-2, and R-3 Zones are as set forth and depicted on Figure 1 of this ordinance, for residential uses only. No fences are permitted in front yards for permitted uses in residential zones.
  2. The location, height, and type of all fences or walls within any area zoned with an RCD or PUD Overlay shall be as approved by the planning commission and the city.
  3. For all non-residential uses permitted or conditional uses permitted herein:
    - a. Fences of class 2, 3, or 6 only shall be permitted in front yards, including the front yard of corner lots, as governed by Section 13.0. Said fences may be erected up to a maximum height of seventy-two (72) inches, if approved by the board of adjustment.
    - a. Classes 1, 2, 3, 4, 5, 6, or 7 fences or walls may be erected in side or rear yards, up to a maximum height of ninety-six (96) inches, except for side or rear yards of corner lots, as governed by Section 13.0. In the case of these corner lots, class 2 or 3 fences only may be erected up to a maximum height of ninety-six (96) inches.

**SECTION 13.4 COMMERCIAL, INDUSTRIAL, AND DOWNTOWN TAYLOR MILL ZONES:** Fences and/or walls within the NSC, NC, I-4, and DTM Zones, including those permitted with all conditionally permitted uses in these zones shall conform to the following requirements:

- A. No fences shall be permitted in front yards of the NSC, NC, and DTM Zones. Fences of class 2 or 3 only shall be permitted in front yards of the I-4 Zone, including the front yard of corner lots, as governed by Section 13.0. Said fences may be erected up to a maximum height of eighty-four (84) inches.
- B. Class 1, 2, 3, 4, 5, or 6 fences or walls may be erected in side or rear yards up to a maximum height of ninety-six (96) inches in the NSC, NC, and I-4 Zones, except for side or rear yards of corner lots, as governed by Section 13.0. In the case of these corner lots, class 2 or 3 fences only may be erected up to a maximum height of ninety-six (96) inches. Class 1, 2, 4, or 6 fences or walls may be erected in side or rear yards up to a maximum height of seventy-two (72) inches in the DTM Zones, except for side or rear yards of corner lots, as governed by Section 13.0. In the case of these corner lots, class 2 fences only may be erected up to a maximum height of seventy-two (72) inches.

### **SECTION 13.5 MEASUREMENT OF ALL FENCE AND/OR WALL HEIGHTS AND/OR LOCATIONS**

- A. All fences and/or wall heights shall be measured along the fence or wall locations.
- B. All locations for distance measurements shall be measured from lot lines.

### **SECTION 13.6 HEIGHT OF ANY BARBED WIRE OR SHARP POINTED FENCES:**

In zones, where permitted, barbed wire or sharp pointed fences shall not be less than a height of seventy-two (72) inches.

**SECTION 13.7 HEIGHT OF FENCES ATOP RETAINING WALLS:** A combination fence and retaining wall may be erected. The retaining wall portion may be erected up to the level of the higher finished grade. The fence portion must be the class and height permitted within this ordinance for the applicable zone. Said measurement shall be made at and along the location of the fence and retaining wall.

### **SECTION 13.8 APPLICATION FOR A FENCE PERMIT**

- A. Application for a fence permit shall be made and submitted at the office of the zoning administrator on the appropriate forms furnished by said administrator.
- B. No fence shall be erected, except as exempted or specified within this ordinance, until all required fees have been paid to the proper authorities, or their agents, and the necessary permits have been issued for such by the zoning administrator and the building inspector, in accordance with Section 13.1 and 13.2 of this ordinance.

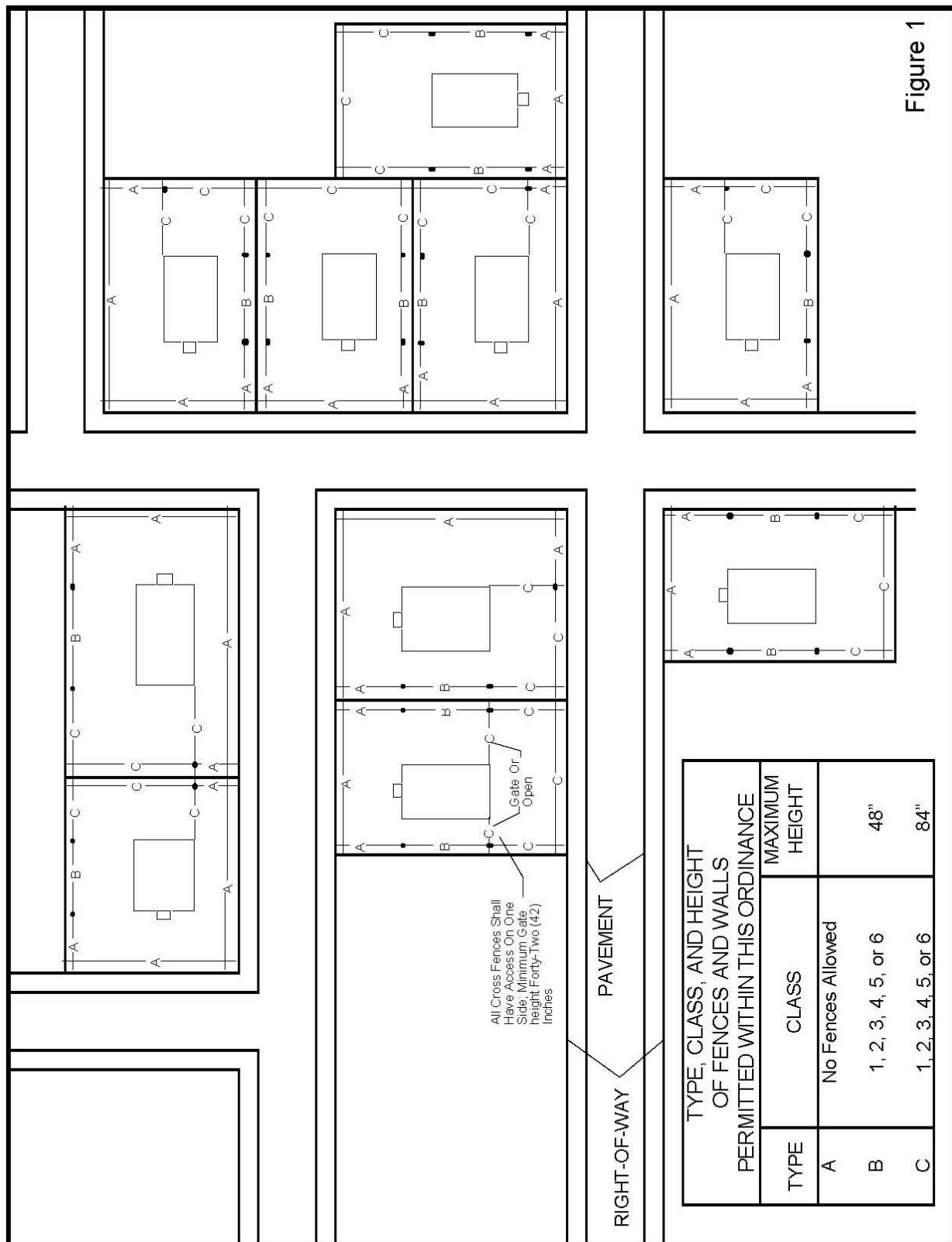


Figure 1



## **ARTICLE XIV**

### **SIGN REGULATIONS**

**SECTION 14.1 SHORT TITLE:** This Article shall be known as the Sign Article of the City of Taylor Mill.

#### **SECTION 14.2 PURPOSE AND INTERESTS SERVED**

- A. The purpose of this Article is to establish a comprehensive scheme for the regulation of signs within the jurisdiction of the City of Taylor Mill. These regulations are designed to protect and promote the public health, safety and welfare by controlling the type, number, location and physical dimensions of signs, to prevent the disruptions, obstructions and hazards to vehicular and pedestrian traffic that signs may cause, and to enhance the quality of the environment in residential and nonresidential districts. More specifically, it is the purpose of this Article to:
1. Implement the plans and planning policies of the City of Taylor Mill, together with any subsequent adopted amendments;
  2. Provide liberally for the free expression of ideas through signs in residential and other areas;
  3. Encourage the effective use of signs as a means of communication and to facilitate way-finding in the area planned and regulated by the City of Taylor Mill;
  4. Balance the desire and need of individuals to express their creativity in signs with the desire to maintain a pleasing visual environment for residents and the many visitors who come to the area each year;
  5. Protect and enhance the value of properties and to have signage appropriate to the planned character and development of each area in the City of Taylor Mill;
  6. Balance the need for information for motorists and pedestrians with the need for traffic safety by limiting signs or characteristics of signs that may be particularly distracting to drivers;
  7. Provide clear and objective sign standards;
  8. Provide a clear and efficient review procedure for sign applications; and
  9. Enable fair and consistent enforcement of the regulations set forth in this Article.

#### **SECTION 14.3 TEMPORARY SIGNS**

- A. One temporary sign will be permitted on each lot in a non-residential zone, subject to the following standards and conditions:

1. It shall not exceed twelve (12) square feet in area;
2. It shall be attached at all four corners or otherwise firmly affixed to a wall of the principal building or it may be freestanding;
3. If it is freestanding, it shall be supported by one or more posts or similar devices in the ground and shall not exceed six (6) feet in height;
4. In no case shall such a sign be affixed to a tree or other natural feature, a fence, a utility pole, or a fixture or structure on the property other than the principal building;
5. If freestanding, it shall be set back a minimum of ten (10) feet from any property line;
6. It shall not be separately illuminated;
7. If the message relates to an event, such sign shall be removed within seven (7) days following the conclusion of the event;
8. Such a sign may bear any noncommercial message or a commercial message related to a commercial activity lawfully conducted on the lot where the sign is located; the sale or lease of the premises shall be considered a lawful use of any premises for purposes of this regulation.

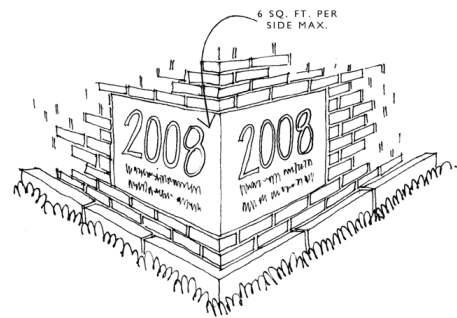
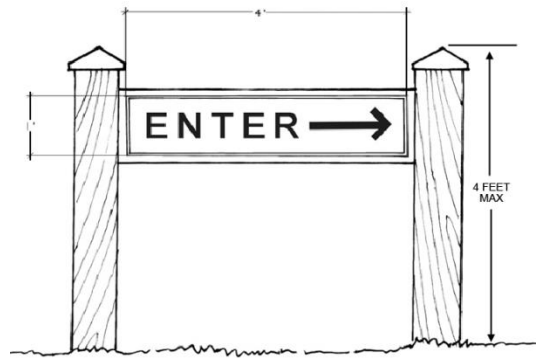
#### **SECTION 14.4 SCOPE, AUTHORITY AND APPLICABILITY**

- A. **SCOPE:** This Article is adopted pursuant to KRS 100.
- B. **AUTHORITY:** This Article regulates signs, as defined herein, when mounted, located, or displayed on property located within the incorporated limits of the City of Taylor Mill, on land that is either private land or public land over which the City of Taylor Mill has land use regulatory authority.
- C. **APPLICABILITY, GENERAL:** This Article shall apply to all signs erected, placed, painted, installed or otherwise made visible on private or public property in the City of Taylor Mill, except as otherwise provided herein. All signs displayed in the City of Taylor Mill shall comply with all requirements of this Article and all other applicable law. Permits shall be required for all signs in the City of Taylor Mill, except as specified herein. No sign, outdoor advertising, structure, billboard or display shall be erected, installed, located or maintained in any zoning district of the City of Taylor Mill, except in conformity with these regulations. New signs, additional signs, relocations or structural alterations of existing signs also require sign permits.
- D. **COMPLIANCE REQUIRED:** It shall be unlawful and a violation of this Article for any person to fasten, place, paint, or attach in any way: any sign, handbill, poster, advertisement, or notice of any kind, or cause the same to be done in or upon any curb-stone, lamp post, utility pole, hydrant, bridge, culvert, public drinking fountain, public trash container, courtesy benches, rest room, bus stop kiosk or shed, station building, tree, or in or upon any portion of any public sidewalk, street, or sign, except as specifically allowed within this Article.

- 
- E. **EXEMPTIONS:** The following signs or sign elements are exempt from the provisions of this Article but are subject to any other applicable laws and regulations:
1. Any sign installed in a building or enclosed space and not legible from the public right-of-way or from private or public property other than the property on which it is located;
  2. Any sign with a sign area of less than four square feet in area and less than four feet in height (if freestanding), that is not separately illuminated and that is not legible from the public right-of-way or from private or public property other than the property on which it is located;
  3. Signs on mass transit vehicles operating in or passing through the City of Taylor Mill; and
  4. Signs on vehicles and watercraft which are regularly used in the operation of a business; signs on vehicles which are parked for long periods of time, which are not operational and/or which are not regularly used in the operation of a business at the same location where the vehicle is most frequently parked shall be considered detached signs and subject to regulation under this Article. For purposes of this subsection, a "long period of time" shall be a continuous period of 30 days or separate periods that total 40 days or more out of any 60-day period.
- F. **SIGNS SUBJECT TO OTHER STANDARDS:** Signs listed in this Section shall be exempt from the permit requirements of this Article; but, shall, to the maximum extent allowed by law, be subject to the other standards of this Article. Where a sign is erected pursuant to a statute or a court order, the sign may exceed the size standards of this Article or otherwise deviate from the standards set forth in this Article to the extent that the statute or court order expressly required the larger size or other deviation. In all other respects, such signs shall conform to the standards of this Article. This subsection shall apply to the following types of signs:
1. Signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message;
  2. Signs bearing no commercial message and installed by employees or officials of the City of Taylor Mill, Kenton County, a state or federal agency in the course of their governmental duties;
  3. Signs required by a state or federal statute;
  4. Signs required by an order of a court of competent jurisdiction;
  5. Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message is necessary to identify the use; and
-

6. Signs installed by a transit company with a franchise or other right to operate in the City of Taylor Mill, where such signs are installed along its routes and relate to schedules or other information about the transit route.
- G. **SIGNS ALLOWED WITHOUT A PERMIT:** The following signs or sign-like devices are allowed in all zoning districts without a sign permit and are not to be included in determination of the allowable numbers, type and area of a sign that requires a sign permit. If a sign otherwise falling under this Section is electrified, it will require an electrical permit. Signs subject to this Section shall conform to the requirements specified:

1. Address Numbers used for the purpose of identifying the address of any building shall not be counted toward allowed sign area;
2. Detached signs smaller than four square feet in area and less than four feet in height, and containing no commercial message (e.g., "Enter" or "Exit" signs);
3. Detached signs smaller than seven square feet, allowed in residential zoning districts in accordance with Sections 14.8 and 14.9;
4. Temporary signs not greater than twelve (12) square feet, allowed in non-residential zones;
5. Wall signs containing no commercial message and not larger than four square feet in area;
6. Cultural decorations or displays of noncommercial nature, mounted on private residential property, which pertain to cultural observances;
7. Cornerstones, foundation stones and memorial signs or tablets displaying the names of buildings and date of erection, when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material, provided that no such sign shall exceed six square feet in area nor shall any such sign be separately illuminated;
8. Symbols that do not bear or include any commercial message and that are integrated into the architecture of a building;
9. Gravestones not containing a commercial message, when erected in a lawful cemetery or graveyard; and
10. Graphic images which are visible only from aircraft flying above.



H. OTHER ACTIONS ALLOWED WITHOUT A PERMIT: The following signs and actions related to signs shall be exempt from the permit requirements of this Article but shall be subject to all other standards of this Article.

1. Changing of the advertising copy or message on an existing painted or printed sign, marquee, changeable copy sign or a similar compliant sign, whether electrical, illuminated, electronic message center or non-illuminated painted message, provided that the copy on an electronic message board shall not change more frequently than allowed under Section 14.6, D.;
2. Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural alterations;
3. Installation of permanent signs smaller than four square feet where such signs are allowed by this Article, contain no commercial message and involve no electrical installation; and
4. Installation of temporary signs not larger than four square feet, where such signs are allowed by this Article and conform with this Article in all respects.

I. PRODUCT DISPLAYS, SALES DEVICES, MENU BOARDS

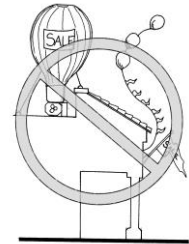
1. Nothing in this Article shall prohibit or limit the outdoor display of products where allowed under the zoning ordinance, although a particular product may be a thing which would be prohibited by this Article if used as a sign and although one or more such products may have on them permanent labels that might otherwise fall under this Article. This Article shall, however, apply to any sign, banner, pennant, or other attention-attracting device affixed to a product displayed outdoors. For example, the label "Chevrolet" on an automobile or "John Deere" on a tractor shall not be considered a sign for purposes of this Article, but a separate sign attached to such a product shall be considered a sign and subject to regulation.
2. Signs on gasoline pumps, vending machines, news racks and similar machines and devices used for the sale or dispensing of products shall be allowed without a sign permit if they do not flash and if they are either not legible from any public right-of-way, public property or private property other than the site on which the sign is located; or they consist entirely of letters, numerals or symbols that are less than four inches in height. All other signs on vending machines, gas pumps, news racks and similar machines and devices shall be considered "signs" and shall be subject to all of the regulations of this Article.
3. In districts where drive-through and drive-up facilities are allowed, menu boards or other instructional or informational devices related to the drive-through or drive-up facilities shall be allowed without a sign permit, provided that such device is less than 12 square feet in size, and that the only words, numerals, symbols or pictures on such device that are legible

from any location other than the site on which it is located shall include no commercial message but shall simply identify the device as a “menu,” “directory,” “instructions,” “information” or something similar. If such a menu board or other device is larger than four square feet or if it is electrified, it shall require a permit.

## SECTION 14.5 PROHIBITED SIGN TYPES

A. Unless specifically authorized by another section of this Article, or by other law, the following sign types are prohibited at all times and in all zones.

1. New billboards;
2. Portable signs, including folding portable signs and flashing portable signs;
3. Pennants, banners, streamers, balloons, and similar devices;
4. Animated, projecting, revolving, and moving signs, including those which create the appearance of animation, projection, revolving or other movement, or utilize flashing or intermittent lights, or lights of changing degrees of intensity; automatic changeable copy signs that conform with section 14.6, D. are not subject to this limitation;
5. Signs which are not traffic, control or safety signals, but by their shape, color, or manner of mounting or display, appear to be traffic, control or safety signals, and thus create confusion for drivers and pedestrians, as well as signs which create or constitute traffic hazards;
6. Signs on vacant lots bearing commercial messages other than those messages related to the sale or lease of the property;
7. Signs for which a separate structure is mounted on a roof or parapet; this provision does not prevent signs which are integral to the building; and
8. Signs using sounds, music, sound effects, noises, or other sound or noise-making or transmitting device or instruments.



## SECTION 14.6 INSTALLATION, DESIGN AND CONSTRUCTION STANDARDS

A. LOCATION

1. No sign shall be located closer than five feet to any property line.
2. No sign shall be located so that it obstructs access to or from a doorway, fire escape or required escape window.

3. No sign shall be located so that it blocks the free air flow through windows in residential units.
  4. No sign located within a clear sight triangle shall obstruct the vision of motorists or pedestrians between a height of 30 inches and 108 inches off the ground.
  5. No sign shall be located within eight vertical feet or four horizontal feet of overhead electrical or other wires.
- B. NO PROJECTIONS OVER STREETS OR ALLEYS: Projecting signs are allowed in some zoning districts. No sign shall project over a public right-of-way unless the sign owner has obtained an encroachment permit for such sign. No sign shall project over any portion of a right-of-way used as a street, alley or other way for vehicular travel; encroachment permits are limited to allowing projecting signs to extend over sidewalks.
- C. SIGN MAINTENANCE
1. The sign owner shall be liable to maintain such sign, including its illumination sources, in neat and orderly condition and good working order at all times and to prevent the development of any deterioration in the safety of such sign.
  2. Nothing in this Article shall prohibit the routine maintenance of any nonconforming sign or the changing of the copy or content of any nonconforming sign, except where such maintenance or change in copy would increase the degree of its nonconformity.
- D. FLASHING SIGNS, MOVING SIGNS, AND CHANGEABLE COPY SIGNS
1. General Rule: Signs that move, flash or simulate movement are prohibited except as allowed under this section. A changeable copy sign is considered a different classification of sign under this Article; conversion of an existing sign to a changeable copy sign or to add changeable copy elements to it is allowed only if the modified sign will conform with all standards in this Section and with all other applicable standards related to the location, height, size and other characteristics of the sign.
  2. Rules for Changeable Copy Signs Allowed under this Article: Automatic changeable copy signs shall be allowed only in those districts in which "changeable copy sign, automatic" is listed as a permitted sign type and shall be subject to the following additional restrictions:
    - a. Such technology shall be programmed so that the message or image on the sign changes no more often than every eight seconds.
    - b. There shall be no effects of movement, flashing, scintillation, or similar effects in the individual images.

- 
- c. Changes of image shall be substantially instantaneous as seen by the human eye and shall not use fading, rolling, window shading, dissolving or similar effects as part of the change.
  - d. Video technology in signs shall use automatic level controls to reduce light levels at night and under cloudy or other darkened conditions, in accordance with the following standards.
    - (1) All electronic or digital display unit message boards shall have installed ambient light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the electronic board based on ambient light conditions.
    - (2) Maximum brightness levels for electronic or digital display boards shall not exceed 5,000 nits when measured from the billboard's face at its maximum brightness, during daylight hours and 500 nits when measured from the board face at its maximum brightness between dusk and dawn, i.e., the time of day between sunrise and sunset.
  - e. Any sign using electronic or electro-mechanical technology for changeable copy message boards, which malfunctions, fails, or ceases to operate in its usual or normal programmed manner causing therein motion, movement, flashing or any other similar effects, shall be repaired or disconnected within 48 hours by the owner or operator of such billboard.
  - f. The area of a sign consisting of electronic or electro-mechanical message board elements shall not constitute more than 200 square feet of a sign.
  - g. The following limitations shall apply to the location of signs using electronic or electro-mechanical technology for a message board:
    - (1) A sign on which the electronic or electro-mechanical message board includes 100 or more square feet of sign area shall not be erected within 500 feet of property falling in one of the City of Taylor Mill residential zoning districts, although this restriction shall not apply to mixed use districts and commercial districts allowing residential uses.
    - (2) A sign on which the electronic or electro-mechanical message board includes 20 or more square feet of sign area but less than 100 square feet of sign area shall not be erected within 200 feet of property falling in one of the City of Taylor Mill residential zoning districts, although this restriction shall not apply to mixed use districts and commercial districts allowing residential use.



- (3) A sign on which the electronic or electro-mechanical message board includes less than 20 square feet of sign area shall not be erected within 100 feet of property zoned and used exclusively for single family uses; it is the express intent of this provision to allow the use of such technology on signs for institutional uses located in residential districts, provided that the required separation is maintained between the sign and any property zoned and exclusively used for a single-family use.

## **SECTION 14.7 SIGNS ALLOWED IN CONSERVATION, AGRICULTURAL AND RURAL DISTRICTS (CO, A-1, and R-RE Zones)**

### **A. WALL SIGNS**

1. One wall sign, not exceeding one (1) square foot in area, is allowed for each dwelling unit. Such sign may contain a noncommercial message or a commercial message related to an activity lawfully conducted on the premises, including a lawful home occupation. The sign shall not be illuminated.
2. For permitted uses other than single-family residences, one wall sign per use, not more than two (2) square feet in area is allowed, provided that such sign contains no commercial message and is not illuminated.

### **B DETACHED SIGNS**

1. Each occupied lot shall be allowed a total of four detached signs, including not more than one permanent detached sign, and temporary detached signs (up to a total of four detached signs at any time), each not exceeding six (6) square feet in area and not exceeding six (6) feet in height. Such signs shall not be illuminated. The only commercial messages allowed on such signs are messages related to commercial activity lawfully conducted on the premises, including the sale of agricultural products, the lawful, occasional sale of personal property (such as through a garage sale or yard sale) or the sale, rental or lease of the premises.
2. Signs related to the sale of personal property (not including agricultural products) shall be removed within twenty-four hours after the end of the sale. Signs related to the sale, lease or rental of the premises shall be removed no later than the date on which the deed, lease or other document representing the transaction is completed. Any such sign may contain any message other than a commercial message. If a message relates to an election or special event, such sign shall be removed within seven (7) days following the conclusion of such election or other event.

### C. INCIDENTAL SIGNS

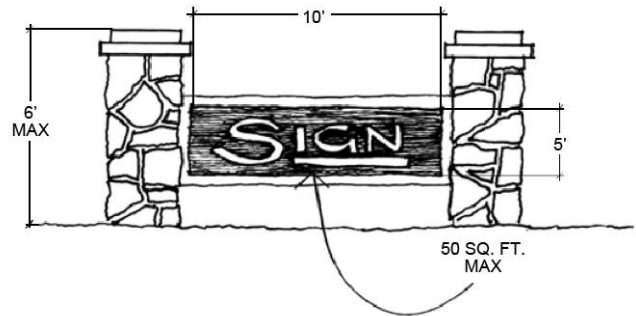
1. Additional detached signs, permanent or temporary, of not more than two (2) square feet in area and four (4) feet in height are allowed, provided that such signs contain no commercial message and are not illuminated. The intent of this regulation is to provide for signs that provide messages like “no parking”, “no dumping”, “beware of dog”, “rest rooms”, but such signs may bear any message that is not a commercial message.

### D. TEMPORARY SUBDIVISION SIGNS

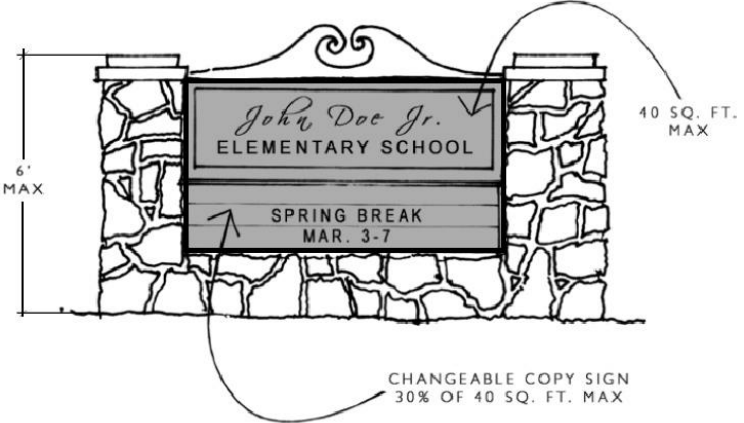
1. As a temporary use accessory to the permitted activity of lawful subdivision development, one temporary sign at each principal entrance to a subdivision is allowed. There shall in no case be more than one such sign for each fifty (50) lots in a proposed subdivision. Such sign shall not be illuminated and shall not exceed thirty-two (32) square feet in area. Such sign shall be removed upon the earlier of the following:
  - a. Installation of a permanent neighborhood identification sign;
  - b. Sale of more than ninety percent (90%) of the lots in the subdivision; or
  - c. A period of two (2) years from the date of installation.

### E. PERMANENT ENTRANCE SIGNS

1. Permanent neighborhood, multi-family or mobile home park monument signs, either illuminated or non-illuminated, are allowed. Such signs may include a masonry wall, landscaping or other similar materials or features. Such signs shall only be located at the principal entrance(s) to the neighborhood from a street classified on the comprehensive plan as an arterial or collector street. There shall be a maximum total sign area of fifty (50) square feet which may be used in a single sign or may be divided between a maximum of two (2) signs located on opposite sides of the same entrance. Such sign(s) shall not exceed six (6) feet in height.



### F. INSTITUTIONAL SIGNS

1. Any school, house of worship, recreation center or other institutional use permitted in the zoning district may have one detached sign, not to exceed forty (40) square feet in area. This may include changeable copy signs, not to exceed thirty percent (30%) of the sign area. Such signs may be illuminated.
- 
2. Each such use shall also be allowed one wall sign for each public entrance to a building; such wall signs shall not exceed four (4) square feet each and shall not be illuminated.

#### G. TRAFFIC CONTROL SIGNS

1. Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.

### SECTION 14.8 SIGNS ALLOWED IN SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICTS (R-1A, R-1B, R-1C, R-1D, R-1D1, R-1E, R-1F, R-1G Zones)

#### A. WALL SIGNS

1. One wall sign, not exceeding one (1) square foot in area, is allowed for each dwelling unit. Such sign may contain a noncommercial message or a commercial message related to an activity lawfully conducted on the premises, including a lawful home occupation. The sign shall not be separately illuminated.
2. For permitted uses other than single-family residences, one wall sign per use not more than two (2) square feet in area is allowed, provided that such sign contains no commercial message and is not illuminated.

#### B. DETACHED SIGNS

1. Each occupied lot in a residential district shall be allowed a total of four detached signs, including not more than one permanent detached sign, and temporary detached signs (up to a total of four detached signs at any

time), each not exceeding six (6) square feet in area and not exceeding six (6) feet in height. Such signs shall not be illuminated. The permanent sign shall not contain a commercial message, and no more than two (2) signs on a lot in a residential district at any one time, including all wall signs, detached signs, temporary signs, and others, may contain commercial messages. The only commercial messages allowed on such signs are messages related to commercial activity lawfully conducted on the premises, including the lawful, occasional sale of personal property (such as through a garage sale or yard sale) or the sale, rental or lease of the premises.

2. Signs related to the sale of personal property shall be removed within twenty-four hours after the end of the sale. Signs related to the sale, lease or rental of the premises shall be removed no later than the date on which the deed, lease or other document representing the transaction is completed. Any such sign may contain any message other than a commercial message. If a message relates to an election or special event, such sign shall be removed within seven (7) days following the conclusion of such election or other event.

#### C. INCIDENTAL SIGNS

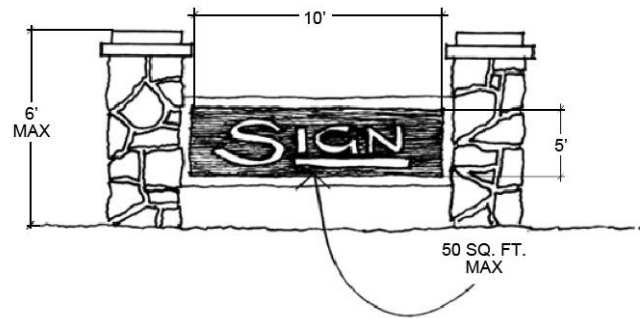
1. Additional detached signs, permanent or temporary, of not more than two (2) square feet in area and four (4) feet in height are allowed, provided that such signs contain no commercial message and are not illuminated. The intent of this regulation is to provide for signs that provide messages like "no parking", "no dumping", "beware of dog", "rest rooms", but such signs may bear any message that is not a commercial message.

#### D. TEMPORARY SUBDIVISION SIGNS

1. As a temporary use accessory to the permitted activity of lawful subdivision development, one temporary sign at each principal entrance to a subdivision is allowed. There shall in no case be more than one such sign for each fifty (50) lots in a proposed subdivision. Such sign shall not be illuminated and shall not exceed thirty-two (32) square feet in area. Such sign shall be removed upon the earlier of the following:
  - a. Installation of a permanent neighborhood identification sign;
  - b. Sale of more than ninety percent (90%) of the lots in the subdivision; or
  - c. A period of two (2) years from the date of installation.

#### E. PERMANENT ENTRANCE SIGNS

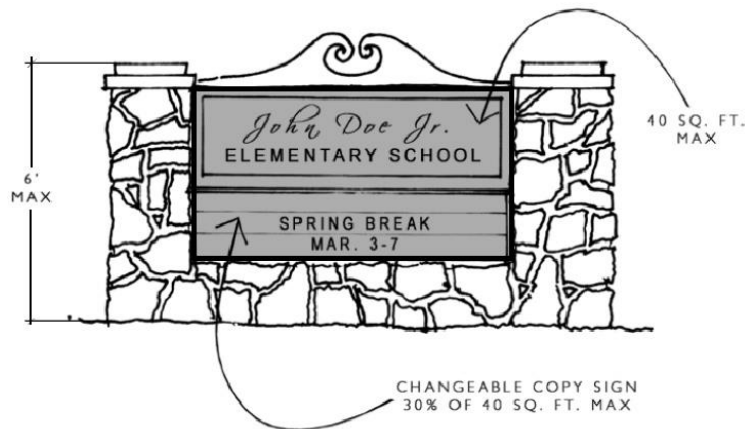
1. Permanent neighborhood, multi-family or mobile home park monument signs, either illuminated or non-illuminated, are allowed. Such signs may include a masonry wall, landscaping or other similar materials or features. Such signs shall



only be located at the principal entrance(s) to the neighborhood from a street classified on the comprehensive plan as an arterial or collector street. There shall be a maximum total sign area of fifty (50) square feet which may be used in a single sign or may be divided between a maximum of two (2) signs located on opposite sides of the same entrance. Such sign(s) shall not exceed six (6) feet in height.

#### F. INSTITUTIONAL SIGNS

1. Any school, house of worship, recreation center or other institutional use permitted in the zoning district may have one detached sign, not to exceed forty (40) square feet in area. This may include changeable copy signs, not to exceed thirty percent (30%) of the sign area. Such signs may be illuminated.



2. Each such use shall also be allowed one wall sign for each public entrance to a building; such wall signs shall not exceed four (4) square feet each and shall not be illuminated.

#### G. TRAFFIC CONTROL SIGNS

1. Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.

### SECTION 14.9 SIGNS ALLOWED IN MULTI-FAMILY RESIDENTIAL DISTRICTS (R-2 and R-3 Zones)

## A. WALL SIGNS

1. One wall sign, not exceeding one (1) square foot in area, is allowed for each dwelling unit. Such sign may contain a noncommercial message or a commercial message related to an activity lawfully conducted on the premises, including a lawful home occupation. The sign shall not be separately illuminated.
2. For permitted uses other than single-family residences, one wall sign per use not more than two (2) square feet in area is allowed, provided that such sign contains no commercial message and is not illuminated.
3. For any building containing three or more dwelling units sharing a common entrance or hallway, one additional wall sign shall be allowed at each public entrance. Such sign shall bear no commercial message. The sign shall not be legible from the public right-of-way. The sign shall not be separately illuminated. The sign shall not be more than four square feet in area. The purpose of this section is to allow for directory signs, listing tenants or occupants, but the sign may bear any message other than a commercial message.

## B DETACHED SIGNS

1. Permanent detached signs are allowed in these zoning districts subject to the following limitations. The principal detached sign may contain a commercial message related to the rental, lease or occupancy of the premises. No other commercial message is allowed on the permanent signs allowed under this table.

|  | <b>Principal</b>  | <b>Directory</b>         | <b>Additional</b>                    |
|--|---|--------------------------|--------------------------------------|
| Maximum number                             | One per street frontage per site                                      | One per vehicle entrance | One per public entrance per building |
| Maximum size                               | 25 square feet  | Six square feet          | Six square feet                      |
| Maximum height                             | 6 feet  | 4 feet                   | 4 feet                               |
| Minimum setback from nearest property line | 5 feet from front property line; 10 feet from any other property line | 15 feet                  | 25 feet                              |
| Permitted illumination                     | External or internal, direct or concealed source                      | Concealed source only    | Concealed source only                |
| Changeable copy                            | Not allowed   | Not allowed              |                                      |

2. In addition to these permanent detached signs, each separately owned or controlled lot in such a residential district shall be allowed a total of four detached signs, including not more than one permanent detached sign,

and temporary detached signs (up to a total of four detached signs at any time), each not exceeding six (6) square feet in area and not exceeding six (6) feet in height. Such signs shall not be illuminated. The permanent sign shall not contain a commercial message, and no more than two (2) signs on a lot in a residential district at any one time, including all wall signs, detached signs, temporary signs, and others, may contain commercial messages. The only commercial messages allowed on such signs are messages related to commercial activity lawfully conducted on the premises, including the lawful, occasional sale of personal property (such as through a garage sale or yard sale) or the sale, rental or lease of the premises.

3. Signs related to the sale of personal property shall be removed within twenty-four hours after the end of the sale. Signs related to the sale, lease or rental of the premises shall be removed no later than the date on which the deed, lease or other document representing the transaction is completed. Any such sign may contain any message other than a commercial message. If a message relates to an election or special event, such sign shall be removed within seven (7) days following the conclusion of such election or other event.

#### C. INCIDENTAL SIGNS

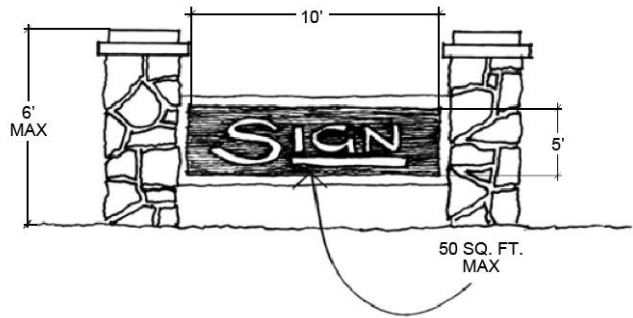
1. Additional detached signs, permanent or temporary, of not more than two (2) square feet in area and four (4) feet in height are allowed, provided that such signs contain no commercial message and are not illuminated. The intent of this regulation is to provide for signs that provide messages like "no parking", "no dumping", "beware of dog", "rest rooms", but such signs may bear any message that is not a commercial message.

#### D. TEMPORARY SUBDIVISION SIGNS

1. As a temporary use accessory to the permitted activity of lawful subdivision development, one temporary sign at each principal entrance to a subdivision is allowed. There shall in no case be more than one such sign for each fifty (50) dwelling units in a proposed development. Such sign shall not be illuminated and shall not exceed thirty-two (32) square feet in area. Such sign shall be removed upon the earlier of the following:
  - a. Installation of a permanent neighborhood identification sign;
  - b. Sale of more than ninety percent (90%) of the lots in the subdivision; or
  - c. A period of two (2) years from the date of installation.

#### E. PERMANENT ENTRANCE SIGNS

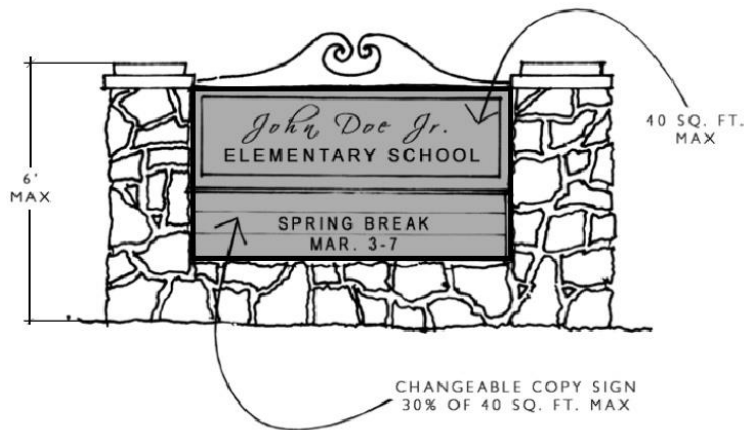
1. Permanent neighborhood, multi-family or mobile home park monument signs, either illuminated or non-illuminated, are allowed. Such signs may include a masonry wall, landscaping or other similar materials or features.



Such signs shall only be located at the principal entrance(s) to the neighborhood from a street classified on the comprehensive plan as an arterial or collector street. There shall be a maximum total sign area of fifty (50) square feet which may be used in a single sign or may be divided between a maximum of two (2) signs located on opposite sides of the same entrance. Such sign(s) shall not exceed six (6) feet in height.

#### F. INSTITUTIONAL SIGNS

1. Any school, house of worship, recreation center or other institutional use permitted in the zoning district may have one detached sign, not to exceed forty (40) square feet in area. This may include



changeable copy signs, not to exceed thirty percent (30%) of the sign area. Such signs may be illuminated.

2. Each such use shall also be allowed one wall sign for each public entrance to a building; such wall signs shall not exceed four (4) square feet each and shall not be illuminated.

#### G. TRAFFIC CONTROL SIGNS

1. Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.



**SECTION 14.10 SIGNS ALLOWED IN OFFICE DISTRICTS (PO Zone)****A. WINDOW AND WALL SIGNS**

1. Window and permanent wall signs are allowed for nonresidential uses in these districts, subject to the following limits. No wall sign shall extend above the top of the wall of the building, including parapets and architectural extensions.

|                        | <b>Window</b>                                   | <b>Wall</b>                      | <b>Total</b>  |
|------------------------|---|----------------------------------|---|
| Maximum size           | 25 percent of window area on that building wall | See total                        | Two (2) square feet of sign area per lineal foot of building width on the side of building on which sign is located |
| Maximum number         | Area limit only                                 | One per building street frontage | N/A   |
| Permitted illumination | No separate illumination                        | Indirect white light             | N/A   |
| Changeable copy        | Not allowed                                     | Not allowed                      | N/A   |

For any building containing three or more offices or other tenants sharing a common entrance or hallway, one additional wall sign shall be allowed at each public entrance. Such sign shall bear no commercial message related to activities, goods or services not offered on the premises. The sign shall not be legible from the public right-of-way. The sign shall not be separately illuminated. The sign shall not be more than four square feet in area. The purpose of this section is to allow for directory signs, listing tenants or occupants, but the sign may bear any message other than a commercial message related to commercial activities not conducted on the premises.

**B. DETACHED SIGNS**

1. Permanent detached signs are allowed in these zoning districts subject to the following limitations.

|  | <b>Principal</b>  | <b>Directory</b>         | <b>Other</b>   |
|--|---|--------------------------|--|
| Maximum number                             | One per street frontage per site                                      | One per vehicle entrance | One per public entrance  |
| Maximum size                               | 25 square feet  | Six square feet          | Six square feet  |
| Maximum height                             | 8 feet  | 4 feet                   | 4 feet   |
| Minimum setback from nearest property line | 5 feet from front property line; 10 feet from any other property line | 15 feet                  | 25 feet  |
| Permitted illumination                     | External or internal, direct or concealed source                      | Concealed source only    | Concealed source only  |
| Changeable copy                            | Automatic allowed; may cover up to 25 percent of sign face            | Not allowed              | Only manual changeable copy is allowed; may cover entire sign face |

### C. DIRECTORY (WALL) SIGNS

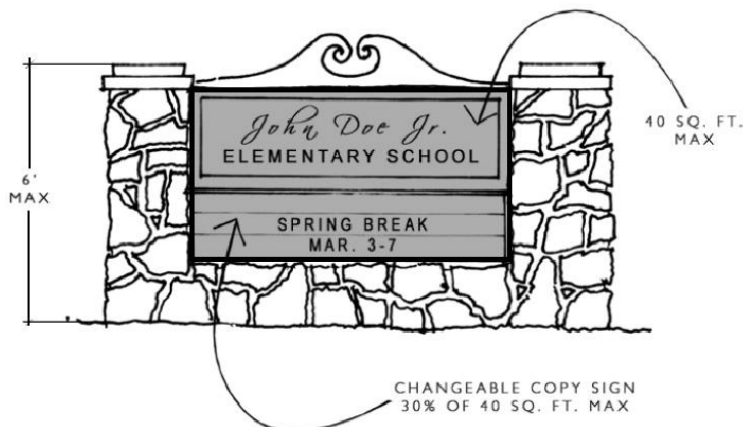
- One directory sign on a wall, not exceeding six square feet in area, is allowed per public entrance for a nonresidential building. Such sign shall not be legible from the public right-of-way and shall be illuminated by direct white light only.

### D. INCIDENTAL SIGNS

- Additional detached signs, permanent or temporary, of not more than two (2) square feet in area and four (4) feet in height are allowed, provided that such signs contain no commercial message and are not illuminated. The intent of this regulation is to provide for signs that provide messages like "no parking", "no dumping", "beware of dog", "rest rooms", but such signs may bear any message that is not a commercial message.

### E. INSTITUTIONAL SIGNS

- Any school, house of worship, recreation center or other institutional use permitted in the zoning district may have one detached sign, not to exceed forty (40) square feet in area. This



may include changeable copy signs, not to exceed thirty percent (30%) of the sign area. Such signs may be illuminated.

2. Each such use shall also be allowed one wall sign for each public entrance to a building; such wall signs shall not exceed four (4) square feet each and shall not be illuminated.

#### F. TRAFFIC CONTROL SIGNS

1. Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.

### SECTION 14.11 SIGNS ALLOWED IN GENERAL BUSINESS AND COMMERCIAL DISTRICTS

#### A. WINDOW AND WALL SIGNS

1. NC and NSC Zoning Districts
  - a. Window and permanent wall signs are allowed for nonresidential uses in these districts, subject to the following limits. No wall sign shall extend above the top of the wall of the building, including parapets and architectural extensions.

|                        | <b>Window</b>                                   | <b>Wall</b>                               | <b>Total</b>  |
|------------------------|---|---|---|
| Maximum size           | 25 percent of window area on that building wall | See total                                 | Two (2) square feet of sign area per lineal foot of building width on the side of building on which sign is located |
| Maximum number         | Area limit only                                 | One per building street frontage          | N/A   |
| Permitted illumination | No separate illumination                        | Illumination from a concealed source only | N/A   |
| Changeable copy        | Not allowed                                     | Not allowed                               | N/A   |

#### B. POLE OR GROUND SIGNS

1. NC and NSC Zoning Districts
  - a. Pole or principal ground signs are allowed in these zoning districts subject to the following limitations.

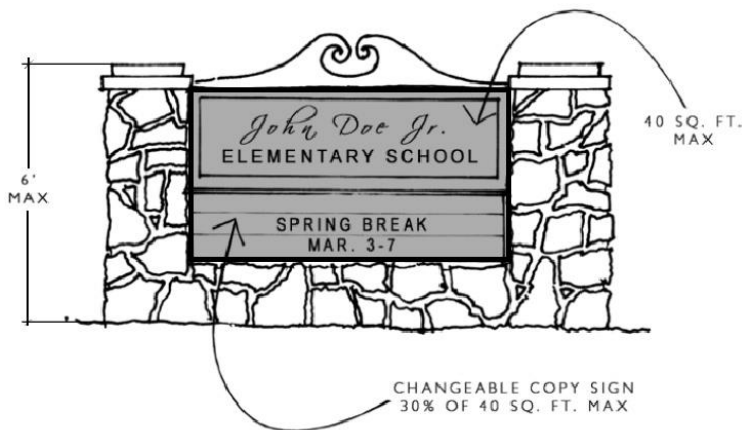
|   | <b>Principal</b>  | <b>Other</b>  |
|---|---|---|
| Maximum number                            | One per street frontage   | One per vehicle entrance in NSC district; not allowed in NC district                            |
| Maximum size                              | 25 square feet  | Six square feet   |
| Maximum height                            | 20 feet   | 4 feet  |
| Minimum setback from nearest right-of-way | 5 feet  | 25 feet   |
| Minimum setback, other                    | Five feet from any other property line; 50 feet from nearest single-family residential district | Five feet from any other property line; 15 feet from nearest single-family residential district |
| Permitted illumination                    | Concealed source only   | Concealed source only   |
| Changeable copy                           | Not allowed   | Not allowed   |

### C. WALL SIGNS NOT LEGIBLE FROM THE RIGHT-OF-WAY

- For any building containing three or more uses of any type sharing a common entrance or hallway, one additional wall sign shall be allowed at each public entrance providing access to such uses. Such sign shall bear no commercial message related to activities, goods or services not offered on the premises. The sign shall not be legible from the public right-of-way. The sign shall not be separately illuminated. The sign shall not be more than four square feet in area. The purpose of this section is to allow for directory signs, listing tenants or occupants, but the sign may bear any message other than a commercial message not related to commercial activities on the premises.

### D. INSTITUTIONAL SIGNS

- Any school, house of worship, recreation center or other institutional use permitted in the zoning district may have one detached sign, not to exceed forty (40) square feet in area. This may include changeable copy signs, not to exceed thirty percent (30%) of the sign area. Such signs may be illuminated.
- Each such use shall also be allowed one wall sign for each public entrance to a building; such wall signs shall not exceed four (4) square



feet each and shall not be illuminated.

#### E. INCIDENTAL SIGNS

1. Additional detached signs, permanent or temporary, of not more than two (2) square feet in area and four (4) feet in height are allowed, provided that such signs contain no commercial message and are not illuminated. The intent of this regulation is to provide for signs that provide messages like “no parking”, “no dumping”, “beware of dog”, “rest rooms”, but such signs may bear any message that is not a commercial message.

#### F. TRAFFIC CONTROL SIGNS

1. Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.

### **SECTION 14.12 SIGNS ALLOWED IN DOWNTOWN DISTRICT (DTM-1, DTM-2, DTM-3, and DTM-4 Zones)**

#### A. WALL AND WINDOW SIGNS

1. Window and permanent wall signs are allowed for nonresidential uses in these districts, subject to the following limits. No wall sign shall extend above the top of the wall of the building, including parapets and architectural extensions.

|                        | <b>Window</b>                                   | <b>Wall</b>                               | <b>Total</b>  |
|------------------------|---|---|---|
| Maximum size           | 25 percent of window area on that building wall | See total                                 | Two (2) square feet of sign area per lineal foot of building width on the side of building on which sign is located |
| Maximum number         | Area limit only                                 | One per street frontage                   | N/A   |
| Permitted illumination | No separate illumination                        | Illumination from a concealed source only | N/A   |
| Changeable copy        | Not allowed                                     | Not allowed                               | N/A   |

#### B. ADDITIONAL WALL SIGNS ON TALL BUILDINGS

1. In addition to wall signs permitted for all buildings in these districts, any building that is taller than five stories or 50 feet, whichever is less, may have one additional wall sign on each building facade, subject to the following limitations:

- a. Such sign shall be located at or above the highest story on the building but shall not extend above the top of the wall of the building, including parapets and architectural extensions;
- b. No such sign shall exceed 150 square feet in area, plus an additional one square foot in area for each one foot by which the top of the sign exceeds 50 feet above the sidewalk;

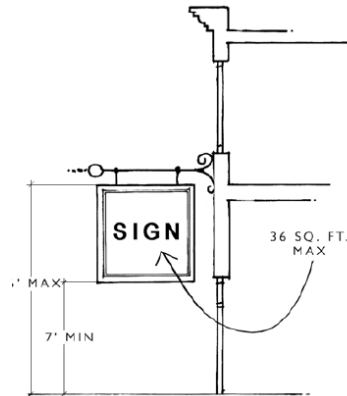
Example: A building that is 50 feet tall is allowed a 150-sq. ft. sign at the top of the building; a building that is 75 feet tall, with the top of the sign located at the top of the building, is allowed a 175 s.f. sign at the top of the building (150 s.f. plus (75 minus 50) s.f.);

- c. The wall signs allowed under this sub-section are allowed in addition to the wall signs allowed under sub-section A of this section, but the total area of wall signs on one face of the building shall in no case exceed 20 percent of the building face;
- d. Lighting for the signs allowed under this sub-section shall be by concealed source only; and
- e. Signs allowed under this sub-section shall not include any form of changeable copy.

### C. PROJECTING SIGNS

- 1. In addition to permitted wall signs, but as an alternative to a ground sign, each business establishment with a ground-floor entrance in these zoning districts shall be allowed a projecting sign, subject to the following standards and limitations:

|  | <b>Projecting</b>   |
|--|---|
| Maximum size                             | 36 square feet or the maximum size possible in conformance with other standards in this Section, whichever is smaller; measurement is for one face, but sign may have two equal faces |
| Maximum number                           | One per business establishment with a ground-floor entrance   |
| Height of bottom of sign                 | Not less than seven feet or more than nine feet, measured from sidewalk   |
| Maximum height of top of sign            | 16 feet above sidewalk, or bottom of second-floor window(s) or top of wall, whichever is less   |
| Permitted illumination                   | Internal, external, direct, indirect, exposed or any combination  |
| Changeable copy                          | Automated allowed; may cover up to 50 percent of any sign face  |
| Maximum projection from face of building | Six feet, or two-thirds of the distance from the façade of the building to the street-side edge of the sidewalk, whichever is less  |



a. Cumulative Area Limitation

- (1) The total area of any wall and/or window signs and any projecting sign on one street frontage of a building shall not exceed two square feet of sign area per lineal foot of building frontage.

b. Other Limitations

- (1) A projecting sign shall be placed on the middle 10 percent of the building face where the sign is to be installed, measured horizontally, provided it does not interfere with any architectural feature of the building, and the sign may not be closer than 15 feet to another projecting sign, except on a corner lot, where a projecting sign may be placed at the corner of the building.
- (2) A projecting sign may not project over a street, alley or driveway.
- (3) An application for a permit for a projecting sign shall bear the seal of an architect or engineer registered in the Commonwealth of Kentucky.

D. POLE OR PRINCIPAL GROUND SIGNS

1. Intent/Purpose

- a. The downtown district generally consists of buildings that are built at or near the sidewalk, leaving no space for a pole or principal ground sign. This section is intended to apply to those establishments that have lawfully been set back far enough from

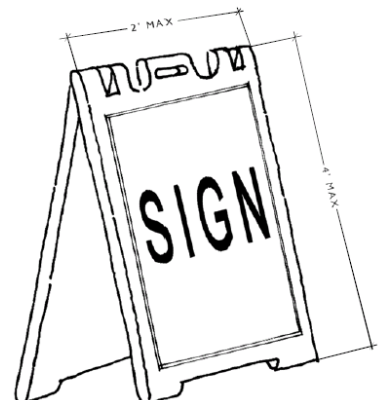
one or more right-of-way lines, thus making it more difficult for drivers and pedestrians to see wall signs on the building.

2. Where Allowed

- a. Any site on which the principal building is set back twenty (20) or more feet from a right-of-way line along the entire length of the building facing that right-of-way shall be allowed a pole or principal ground sign in accordance with this Section, except that no site may have both a principal ground sign and a projecting sign on the same street frontage. One pole or principal ground sign, not exceeding 12 square feet in area or 20 feet in height is allowed per street frontage of a nonresidential building. Such sign shall be set back from the public right-of-way a minimum of ten feet, from any other property line a minimum of five feet, and from a residential zoning district a minimum of 50 feet. Such sign shall not contain changeable copy and may be illuminated only from a concealed source.

E. SIDEWALK SIGNS

1. In the Covington downtown and Mainstrasse zoning districts, sidewalk signs shall be allowed, subject to the following standards and limitations:
  - a. One such sign shall be allowed for each business establishment with a public entrance onto a public sidewalk, provided that such sign can be placed in a way that conforms with the other standards of this subsection;
  - b. The sidewalk sign shall be placed only on the sidewalk directly in front of the establishment;
  - c. A sidewalk sign shall be an A-frame or other self-supporting design, without separate structural members;
  - d. A sidewalk sign shall not be more than four feet in height or two feet in width;
  - e. A sidewalk sign shall be placed so that it does not block any public entrance or required emergency exit from a building and so that, when considering the sign in combination with other obstacles such as parking meters, street signs, newspaper vending boxes, fire hydrants, planters and bus stop benches, there is a clear passage of at least six feet;
  - f. A sidewalk sign may have two faces, neither of which shall exceed six





square feet in area. If a sidewalk sign of this size cannot be placed in front of the establishment in such a way that it meets the requirements of the immediately preceding paragraph, then the sidewalk sign shall be reduced in size to allow such standards to be met, or no sidewalk sign shall be allowed;

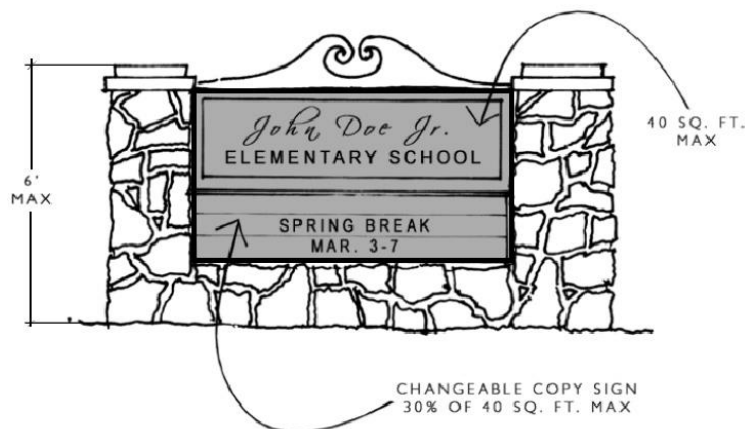
- g. A sidewalk sign may contain provisions for manual changing of copy, including blackboards and whiteboards, but shall not include electronic changeable copy;
- h. A sidewalk sign may be placed on the sidewalk only during hours when the establishment to which it pertains is open for business; a sidewalk sign located in front of a business that is not open shall be considered an abandoned sign and may be removed by City of Taylor Mill without notice and without liability for its value;
- i. A sidewalk sign may not be separately illuminated or electrified in any way; and
- j. A sidewalk sign may bear any noncommercial message or a commercial message related to goods or services available in the premises that fronts on the sidewalk.

#### F. INCIDENTAL SIGNS

- 1. Additional detached signs, permanent or temporary, of not more than two (2) square feet in area and four (4) feet in height are allowed, provided that such signs contain no commercial message and are not illuminated. The intent of this regulation is to provide for signs that provide messages like “no parking”, “no dumping”, “beware of dog”, “rest rooms”, but such signs may bear any message that is not a commercial message.

#### G. INSTITUTIONAL SIGNS

- 1. Any school, house of worship, recreation center or other institutional use permitted in the zoning district may have one detached sign, not to exceed forty (40) square feet in area. This may include changeable copy signs, not to exceed thirty percent (30%) of the sign area. Such signs may be illuminated. Where the physical characteristics of the site or the application of setback



and clear site triangle provisions do not permit a detached sign, the institutional use shall be allowed an additional wall sign equal in size to the detached sign to which it would otherwise be entitled.

2. Each such use shall also be allowed one wall sign for each public entrance to a building; such wall signs shall not exceed four (4) square feet each and shall not be illuminated.

#### H. TRAFFIC CONTROL SIGNS

1. Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.

### SECTION 14.13 SIGNS ALLOWED IN INDUSTRIAL DISTRICTS (I-4 Zone)

#### A. WALL SIGNS

1. Permanent wall signs are allowed for nonresidential uses in these districts, subject to the following limits. No wall sign shall extend above the top of the wall of the building, including parapets and architectural extensions.

|                        | <b>Window</b> | <b>Wall</b>   | <b>Total</b>  |
|------------------------|---------------|---|---|
| Maximum size           | Not allowed   | Two (2) square feet of sign area per lineal foot of building width on the side of building on which sign is located | Two (2) square feet of sign area per lineal foot of building width on the side of building on which sign is located |
| Maximum number         | Not allowed   | One per street frontage   | N/A   |
| Permitted illumination | Not allowed   | Illumination from a concealed source only   | N/A   |
| Changeable copy        | Not allowed   | Not allowed   | N/A   |

#### B. POLE OR PRINCIPAL GROUND SIGNS

1. Pole or principal ground signs are allowed in these zoning districts subject to the following limitations.

|                | <b>Principal</b>        | <b>Directory</b>  |
|----------------|-------------------------|---|
| Maximum number | One per street frontage | One per vehicle entrance and one per public entrance per building |
| Maximum size   | I-4: 80 square feet     | Six square feet   |
| Maximum height | I-4: 20 feet            | Six feet  |

|   | <b>Principal</b>   | <b>Directory</b>  |
|---|--|---|
| Minimum setback from nearest right-of-way | 15 feet  | 15 feet   |
| Minimum setback, other                    | 20 feet from any other property line; 100 feet from nearest single-family residential district | 20 feet from any other property line; 50 feet from nearest single-family residential district |
| Permitted illumination                    | Concealed source only  | Concealed source only   |
| Changeable copy                           | Automatic allowed; may cover up to 25 percent of sign face allowed                             | Not allowed   |

### C. DETACHED SIGNS NOT LEGIBLE FROM THE RIGHT-OF-WAY

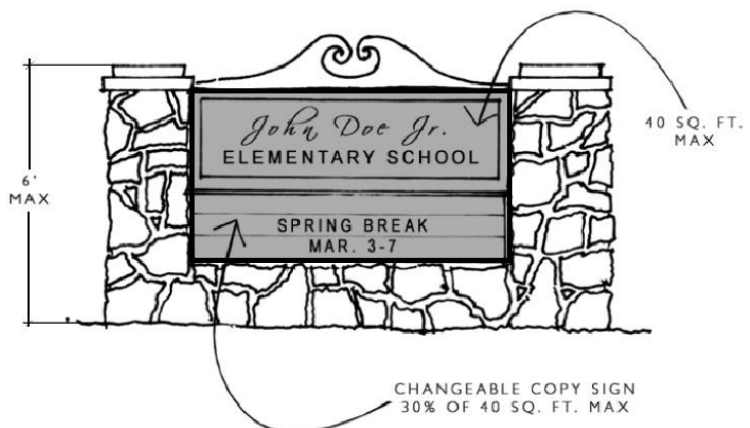
- To improve wayfinding on multi-user sites, the following detached signs are allowed in addition to those allowed under subsection B of this Section. One detached sign not legible from the right-of-way, not exceeding twenty (20) square feet in area and not exceeding six feet in height shall be allowed for each four separate nonresidential uses or per vehicle entrance, whichever is less. One additional such sign shall be allowed for each two drive-through lanes. Such sign shall be set back from the public right-of-way a minimum of fifty (50) feet, from any other property line a minimum of thirty (30) feet, and from a residential zoning district a minimum of fifty (50) feet. Such sign shall not contain changeable copy and the sign may be internally illuminated or externally illuminated from an exposed or concealed source.

### D. INCIDENTAL SIGNS

- Additional detached signs, permanent or temporary, of not more than two (2) square feet in area and four (4) feet in height are allowed, provided that such signs contain no commercial message and are not illuminated. The intent of this regulation is to provide for signs that provide messages like “no parking”, “no dumping”, “beware of dog”, “rest rooms”, but such signs may bear any message that is not a commercial message.

### E. INSTITUTIONAL SIGNS

- Any school, house of worship, recreation center or other institutional use permitted in the zoning district may have one detached



sign, not to exceed forty (40) square feet in area. This may include changeable copy signs, not to exceed thirty percent (30%) of the sign area. Such signs may be illuminated.

2. Each such use shall also be allowed one wall sign for each public entrance to a building; such wall signs shall not exceed four (4) square feet each and shall not be illuminated.

#### F. TRAFFIC CONTROL SIGNS

1. Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.

### **SECTION 14.14 MASTER SIGNAGE PLANS**

#### A. PURPOSE AND INTENT

1. It is the purpose of the City of Taylor Mill to require owners, lessees and managers of sites containing multiple signs requiring permits to plan and design signs that are compatible with the buildings on the site, thus enhancing the appearance of the site and of the streetscape that includes it. This Section spells out specific criteria for review for compliance with the section, but the City of Taylor Mill recognizes that the consideration of issues of design necessarily requires some exercise of judgment, within the specific criteria set out in this Section. Although the City of Taylor Mill has provided a remedy of appeal for an applicant aggrieved by an action on a proposed master signage plan, it is the intent of the City of Taylor Mill that the primary remedy for such an applicant is the erection and installation of all of the signs allowed by right, under other sections of this Article. It is thus the intent of the City of Taylor Mill, that, to the extent that it can guide the scope of review of a court considering an appeal, a court considering an appeal under this Section reverse or remand the decision of the Zoning Administrator only if it finds that such action is arbitrary and capricious.

#### B. APPLICABILITY

1. The owner of any site that includes more than one tenant or occupant shall apply for approval of a Master Signage Plan before applying for a sign permit for any detached sign.

#### C. PROCEDURE

1. The submittal of a Master Signage Plan shall be considered a Stage II Development Plan.

2. The owner(s) shall apply to the planning commission's duly authorized representative.
3. Where an application for approval of a Master Signage Plan is submitted simultaneously or as part of another Stage II Development Plan, the two shall be processed together. Where an application includes properties not under common ownership, all property owners shall sign the application or shall submit documents granting the applicant the authority to process such an application.
4. The planning commission's duly authorized representative shall review the submitted Stage II Development Plan with regard to its compliance with the required elements of this Section, for Master Signage Plans, other applicable elements of this Article, and other applicable regulations, and its conformity with any approved Stage I Development Plan for the property. In approving the Master Signage Plan, the planning commission's duly authorized representative may authorize minor adjustments from the Stage I Development Plan.
5. If a Master Signage Plan application is denied, the applicant may submit a new application with a revised plan at any time.
6. Any person aggrieved by the action of the planning commission's duly authorized representative on a Master Signage Plan may appeal the decision by filing an application with the Planning Commission.

#### D. APPLICATION CONTENTS

1. The application for approval of a Master Signage Plan shall contain at least the following information. Where the application is submitted simultaneously with an application for a Stage II Development Plan approval, the Master Signage Plan may refer to portions of the Stage II Development Plan application or approved Stage I Development Plan for related requirements:
  - a. If the site has not been improved, all information required by Section 9.19 for a Stage II Development Plan;
  - b. If the site has been improved, as-built conditions, showing all buildings and other improvements and all parking areas and vehicle entrances;
  - c. A proposed design plan showing signage design at a scale of  $\frac{1}{2}$ " = 1 ft.
  - d. Computation of the maximum area for all signs, the height of signs and the number of detached signs allowed on the development site(s) included in the plan under this Article, including incentives authorized below;
  - e. For properties with multiple tenants or multiple occupants entitled to signs, an allocation of the allowed signage among the eligible tenants or users;

- f. An accurate indication on the plot plan of the current or proposed location of each present and future sign of any type, whether requiring a permit or not, except that signs not requiring permits need not be shown;
- g. The color schemes and design features (excluding specific messages) for proposed signs; and
- h. The signatures of all owners or their authorized agents in such form as the legislative body may require.

#### E. AMENDMENTS

- 1. A Master Signage Plan may be amended by filing a new Master Signage Plan that conforms to all requirements of this Section in effect at the time of submittal.

#### F. PROVISIONS FOR NONCONFORMING SIGNS

- 1. A Master Signage Plan for a property already containing signs on the date of submission of the application shall include a schedule for bringing all signs on the development site into conformance with the Master Signage Plan by a specified date. The conformance schedule included in such Master Signage Plan shall be considered a condition of approval of the Master Signage Plan.

#### G. CRITERIA FOR APPROVAL

- 1. A Master Signage Plan shall be approved if and only if the planning commission's duly authorized representative finds that the proposed plan meets all of the standards set out in this Article. If the planning commission's duly authorized representative finds that the proposed plan substantially meets such standards, it may approve the proposed plan subject to conditions that will cause it to meet these standards. Otherwise, the planning commission's duly authorized representative shall deny the application for plan approval:
  - a. Each proposed sign conforms with all applicable standards of this Article;
  - b. The total amount of signage proposed for any building, wall, site, or portion of a site, conforms with all applicable standards of this Article;
  - c. The proposed plan contains all of the information required by subsection D of this Section
  - d. The proposed allocation of allowed signage among eligible tenants, which shall be proportional to one of or a combination of the following criteria:

- (1) The number of public entrances to space leased to or controlled by each tenant or occupant;
  - (2) The linear feet of frontage of the space leased to or controlled by each tenant or occupant along the wall(s) containing public entrances; and/or
  - (3) The façade area of the building elevation(s) containing the public entrances to the spaces leased to or controlled by each tenant or occupant.
- e. All proposed signs shall be part of a common design scheme, meeting at least the following criteria:
- (1) The materials and design of all wall signs shall follow one design scheme;
  - (2) The materials and design of freestanding signs bearing commercial messages shall follow one design scheme, which may or may not be the same as the design scheme for wall signs;
  - (3) Each design scheme shall require consistency among signs for at least three of the following criteria: lighting design; color schemes; materials; shape; proportion; and/or type faces;
  - (4) If the design schemes for the wall signs and freestanding signs are different, they shall have in common at least two of the following criteria: lighting design; color schemes; materials; proportion; and
  - (5) The design scheme for freestanding signs shall use building materials, colors and, where applicable, architectural design features consistent with the materials, colors and architectural design features of the principal building on the site.

#### H. EFFECT

1. After approval of a Master Signage Plan, no permit shall be issued for a sign on the site(s) subject to the Master Signage Plan except in accordance with such plan, and no sign shall be erected, placed, painted, or maintained, except in accordance with such plan, and such plan may be enforced in the same way as any provision of this Article. In case of any conflict between a provision of a Master Signage Plan and one or more provisions of this Article, this Article shall prevail.

#### I. SPECIAL SEVERABILITY PROVISIONS

1. The severability provisions of Section 14.18. A., 11., are limited by this subsection. If any procedural aspect of this Section is found by a court of competent jurisdiction to be unconstitutional, it is the intent of the City of Taylor Mill that this entire Section, but only this Section, should be stricken as unconstitutional, but that any plans previously approved under it should remain in effect, allowing the signs shown on such plans as lawful nonconforming signs, regardless of whether such signs have been erected on the date of such decision. If any substantive part of the standards and criteria for approval of this Section is found by a court of competent jurisdiction to be unconstitutional it is the intent of the City of Taylor Mill that such part be stricken and that the rest of this Section remain in full force and effect, in accordance with the principles set out in more detail in Section 14.18, A., 11.

#### **SECTION 14.15 PERMIT REQUIREMENTS AND PROCEDURES**

- A. Unless a particular sign is exempt from the permit requirement under an explicit provision of this Article or other applicable law, then a permit for such sign is required.

1. WHEN REQUIRED

- a. Replacements

- (1) If any sign is removed and any new sign is erected in its place, a permit shall be obtained the same as if a new sign were erected at a new location, subject to all requirements enumerated herein.

- b. Maintenance

- (1) If any sign is removed for maintenance and replaced on the same supports, a new permit will not be deemed necessary if the size or type of sign is not changed.

- c. Relocation of Signs

- (1) If any sign is removed from one location and erected at a new location, a new permit shall be obtained.

- d. Alteration

- (1) Alteration or enlargement of any sign shall require a permit the same as for a new sign. Any change in technology for a sign shall be considered an alteration; this shall expressly



apply but not be limited to the conversion of a sign to changeable copy technology of any type.

## 2. APPLICATION

- a. No permit shall be granted until and after an application has been filed with the designated administrative official, showing the plans and specifications, including application fees, dimensions, materials, and details of construction of the proposed structure and meeting all provisions of this Article.

## 3. APPLICATION FORM

- a. The Zoning Administrator shall prepare and provide a form to be used as an application for a sign permit. The same form may constitute a permit, when duly approved. Multiple signs may be listed on a single permit only when they are all on the same lot or parcel, or are part of a single, comprehensive development.

## 4. INFORMATION ON APPLICATION

- a. The sign application form shall include the following information:
  - (1) Name and contact information for the applicant, and if separate, the name, address and consent of the property owner;
  - (2) Street address and Property Identification Number (PIDN) of the site;
  - (3) Accurate site plan to scale describing the design, dimensions, proposed placement, structural and electrical characteristics and appearance of the sign(s), including the location of existing buildings, signs and other structures on the same site as the proposed sign(s);
  - (4) If the plans and drawings require an engineer's or architect's seal, signature or certificate, such shall show current Kentucky registration or licensure;
  - (5) Any signs or other structures to be removed or relocated;
  - (6) Dimensions and heights of all existing and proposed sign(s);
  - (7) Information regarding electrification, trenching, demolition, plumbing, temporary street closure, or encroachment into the public right of way;
  - (8) Any known uncorrected violations of zoning laws on the site;
  - (9) Name, address and any licensing/bonding information for any sign contractors;

- (10) Technical drawings, specifications, structural safety calculations for the sign structure;
- (11) An expressed representation that the sign will not be used for the display of offsite commercial messages;
- (12) The graphic design or proposed message of the sign is optional with the applicant;
- (13) If the sign is subject to any of the safety codes (building, electrical, etc.), then all information required to determine compliance with such codes or to satisfy the requirements of such codes;
- (14) The length of each occupant's/tenant/s lineal wall frontage;
- (15) Workers' compensation and liability documents and occupational licenses for all contractor's.

## 5. INITIAL REVIEW

- a. Unless a given sign is exempt from the permit requirement, all sign permit applications shall be reviewed by the Zoning Administrator, and approved or denied on the basis of whether the proposed sign satisfies all requirements of this Article, and all other applicable laws, rules and regulations. If it does, then the permit shall be issued. If it does not, then the denial notice shall specify the point(s) of noncompliance. Decisions on sign permit applications shall be made in writing by the Zoning Administrator, and are subject to the appeal procedures provided herein. When applicable, permits under building and electrical codes then in effect are also required; sign permits may be approved subject to compliance with building and electrical code requirements.

## 6. COMPLETENESS

- a. Initial review of an application will be for the purpose of determining if the application is complete. If the application is found incomplete, written notice of the finding of incompleteness will be given to the applicant within fifteen working days of submission, detailing the points of incompleteness. Notice is deemed effective when mailed or personally delivered. After notice of incompleteness, the applicant shall have thirty calendar days in which to resubmit the application, with all noted items of incompleteness cured. If the application is resubmitted within that time, no additional fee shall be required, and the application, if complete, shall then be processed in accordance with this Section. If no notice of incompleteness is timely provided, the application shall be deemed complete as of the last day on which the notice of incompleteness could have been given.

7. TIME FOR DECISION

- a. The Zoning Administrator shall render a decision on each complete sign permit application within five working days of when the application was complete.

8. NONCOMPLIANCE WITH PERMIT

- a. All signs shall conform to the requirements of the permit, and all other applicable laws. Any sign not erected or constructed as represented on the application upon which the permit was issued shall not be construed as a hardship case, but shall be construed as a misrepresentation of facts on the application and a violation of this Article. Any noncomplying sign which is not removed or corrected within the required time shall be a deemed public nuisances and a violation of the zoning ordinance, and may be abated in the same manner as any public nuisance or zoning ordinance violation.

**SECTION 14.16 APPEALS**

- A. Decisions on sign permit applications, as well as directives, orders, notices and all other sign-related decisions of the Zoning Administrator may be appealed to the Board of Adjustment.

1. INITIATION OF APPEAL

- a. An appeal under this Article may be initiated by following the procedures set forth in KRS §100.261, within the time allowed by that section.

2. HEARING ON APPEAL

- a. Within 60 working days of timely receipt of a notice of appeal, the Board of Adjustment shall hear the appeal in an open, public, duly noticed hearing. The appellant and all other persons wishing to be heard shall be allowed to present evidence and argument. The Board will base its decision on the law and the evidence presented at the hearing. The Board will issue a written decision within 30 calendar days of the hearing, and the written decision shall state the decision and the facts and law supporting the decision.

3. WAIVER OF TIME

- a. Any of the timeliness requirements of this Section may be waived by the appellant.

#### 4. JUDICIAL REVIEW

- a. The decision of the Board of Adjustment is final. Further review may be had in Kenton County Circuit Court, pursuant to the Kentucky law of civil procedure.

#### 5. STATUS PENDING APPEAL

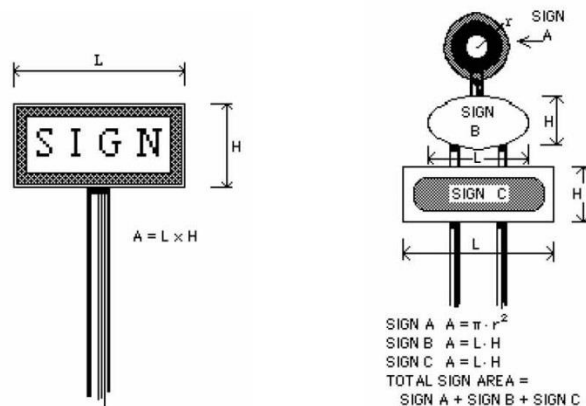
- a. While any sign related matter is on appeal, the status quo of the subject sign(s) shall be maintained, except when, by virtue of physical condition, the sign poses an immediate threat to the public health, safety and welfare, in which case the threat may be abated in the same manner as any other immediate threat to the public health, safety and welfare.

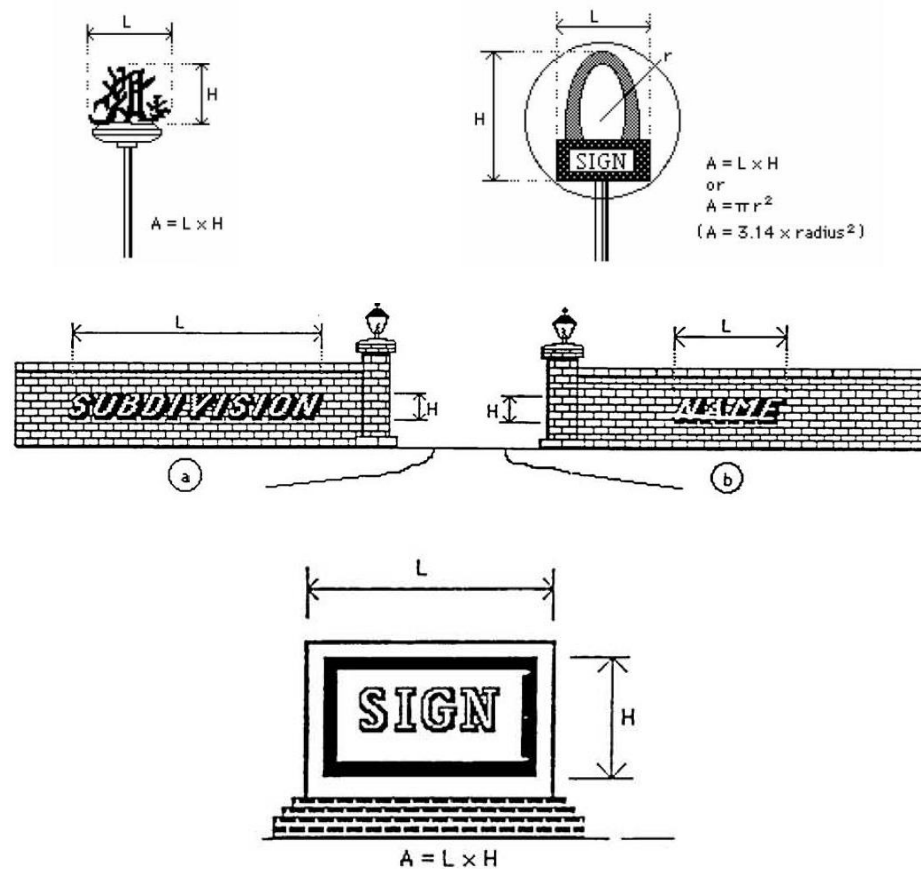
### SECTION 14.17 DEFINITIONS AND MEASUREMENTS

#### A. MEASUREMENTS

##### 1. Area of Signs Other than Wall Signs

- a. The gross surface area of a sign, except wall signs, is the entire area contained within a single continuous perimeter enclosing the extreme limits of such sign. For detached signs composed of more than one sign cabinet or module, the gross surface area shall include the sum of the area in each cabinet or module only. If a sign has more than one face, the gross surface area shall be equal to the maximum area of the sign face or faces visible from any ground position along any public right-of-way at any one time.





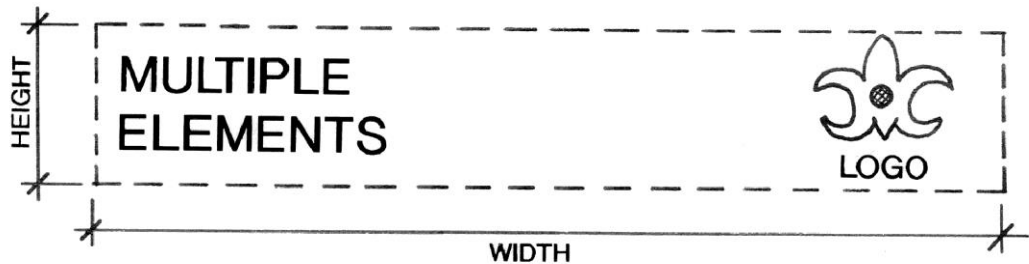
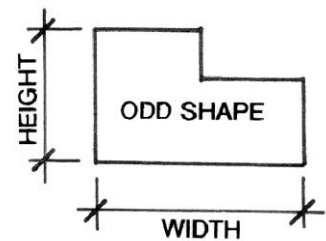
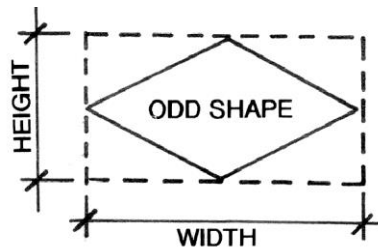
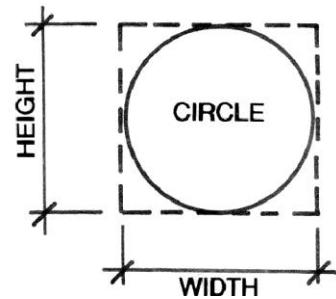
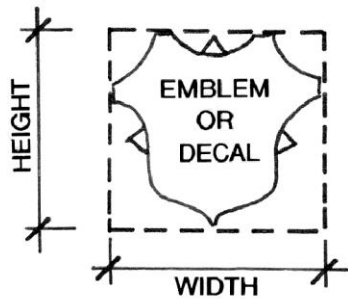
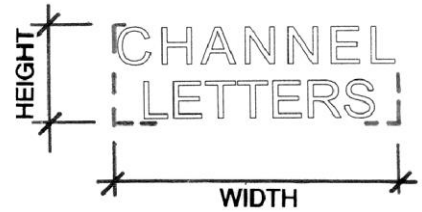
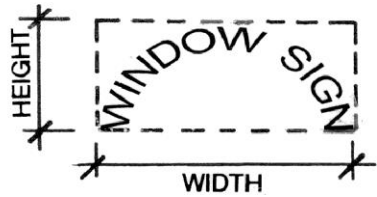
- b. The perimeter of a sign will not include lighting fixtures, pole covers, landscaping, framing, decorative roofing, moldings or aprons or other architectural or decorative embellishments, provided they contain no written copy, logos or symbols.

## 2. Area of Wall Signs

- a. The gross surface area of a wall sign is the entire area contained within a single continuous perimeter composed of any straight line geometric figure(s) which encloses the extreme limits of the advertising message(s). If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, color or embellishment, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined area of the individual figures shall be considered the total sign area.

## 3. Computation of Area of Multifaced Signs

- a. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.



#### 4. Measurement of Height of Sign

- a. Sign height shall be measured from the elevation at the base of the sign to the highest point of the highest element of the sign,

excluding any incidental structural element, such as an uplift cable for a projecting sign. Where the sign is located on a mound or berm, the average elevation of the land 20 feet to each side of the sign shall be used as a basis for measuring height.

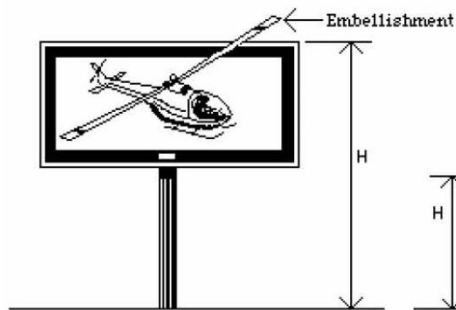
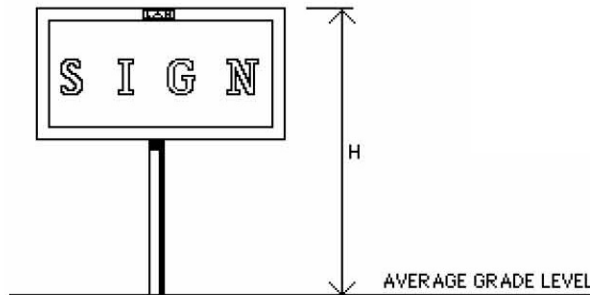


fig. 3  
HEIGHT OF SIGN



fig. 4  
HEIGHT OF SIGN

## SECTION 14.18 POLICIES AND RULES OF CONSTRUCTION

A. This Article shall be administered, enforced and construed in accordance with the following policies.

### 1. DISCRETIONARY REVIEW

- a. When one or more signs are part of a project or development, or a variance, conditional use permit, exception or special use permit is sought for sign(s), which requires discretionary review, then the sign shall be reviewed without regard to the graphic design or visual image on the display face of the sign, and discretion shall be restricted to structural, location and other non-communicative aspects of the sign. This provision does not override the billboard policy.

## 2. MESSAGE NEUTRALITY

- a. It is the City of Taylor Mill policy to regulate signs in a constitutional manner.

## 3. REGULATIONS ON OFF-SITE MESSAGES

- a. This Article distinguishes in some cases between commercial messages that relate to products or services not offered at the location of the sign ("off-site commercial messages"). The purpose of that distinction is to acknowledge the need of businesses for identification and notice of their businesses at a business location while limiting the proliferation of commercial messages generally. There is no intent to limit noncommercial messages in any way with this distinction.

## 4. BILLBOARD POLICY

- a. New billboards, as defined herein, are prohibited. The City of Taylor Mill completely prohibits the construction, erection or use of any billboards, other than those which legally exist within the regulatory zoning jurisdiction of the City of Taylor Mill, or for which a valid permit has been issued and has not expired, as of the date on which this provision is first adopted. No permit shall be issued for any billboard which violates this policy, and the City of Taylor Mill will take immediate enforcement or abatement action against any billboard constructed or maintained in violation of this policy. In adopting this provision, the City of Taylor Mill affirmatively declares that it would have adopted this billboard policy even if it were the only provision in this Article. The City of Taylor Mill intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this Article may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable.

## 5. MESSAGE SUBSTITUTION

- a. Subject to the property owner's consent, a noncommercial message of any type may be substituted in whole or in part for the message displayed on any sign for which the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial



speech, or favoring of any particular noncommercial message over any other noncommercial message. In addition, any on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message, provided that the sign structure or mounting device is legal without consideration of message content. This provision does not create a right to increase the total amount of signage on a parcel, lot or land use; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its mounting device; and does not allow the substitution of an off-site commercial message in place of an on-site commercial message or a noncommercial message.

## 6. REGULATORY INTERPRETATIONS

- a. All regulatory interpretations of this Article are to be exercised in light of the City of Taylor Mill message neutrality and message substitution policies. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this Article, or whenever a sign does not qualify as a “structure” as defined in the building code then in effect, then the Zoning Administrator shall approve, conditionally approve or disapprove the application based on the most similar sign type that is expressly regulated by this Article, in light of the policies stated in this Section.

## 7. NONCOMMUNICATIVE ASPECTS

- a. All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process.

## 8. MIXED USE ZONES AND OVERLAY ZONES

- a. In any zone where both residential and non residential uses are allowed, the sign-related rights and responsibilities applicable to any particular parcel or land use shall be determined as follows: (1) if specific sign regulations are provided in the zoning district, those regulations shall be applied; or (2) if no sign regulations are provided in the zoning district, residential uses shall be treated as if they were located in a zone where a use of that type would be allowed as a matter of right, and nonresidential uses shall be treated as if they were located in a zone where that particular use

would be allowed, either as a matter of right or subject to a conditional use permit or similar discretionary process.

9. PROPERTY OWNER'S CONSENT

- a. No sign may be displayed without the consent of the legal owner(s) of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property and all parties and persons holding a present right to possession, control or use of the property. The signature of the property owner or authorized agent will be required on all applications for sign permits.

10. LEGAL NATURE OF SIGN RIGHTS

- a. As to all signs attached to real property, the signage rights, duties and obligations arising from this Article attach to and travel with the land or other property on which a sign is mounted or displayed. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this Article or other law), or the ownership of sign structures. This provision does not apply to hand held signs or other images which are aspects of personal appearance.

11. SEVERABILITY

- a. Generally
  - (1) If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article, except as limited by Section 14.18, A., 11., b.
- b. Severability Where Less Speech Results
  - (1) Without diminishing or limiting in any way the declaration of severability set forth above in subsection A of this Section or elsewhere in this Article or this Code, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article is declared unconstitutional, such declaration shall not affect any other

part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise additional standards.

c. Severability of Provisions Pertaining to Prohibited Signs

- (1) Without diminishing or limiting in any way the declaration of severability set forth above in subsection A of this Section, or elsewhere in this Article or in this Code, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article or any other laws declared unconstitutional by valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article that pertains to prohibited signs, including specifically those signs and sign types prohibited and not allowed under Section 14.5 of this Article. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article or of any part of the Zoning Ordinance is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article, except as expressly provided in Section 14.18, A., 11., b.

d. Severability of Prohibition on Off-premise Signs

- (1) If any part section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article and/or an other provisions of this Article or other provisions of Zoning Ordinance or this Code are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the limitations on off-premise signs as contained herein.

## ARTICLE XV

### PERFORMANCE STANDARDS FOR INDUSTRIAL ZONES

**SECTION 15.0 APPLICATION OF PERFORMANCE STANDARDS:** After the effective date of this ordinance, any use established or changed to, and any building, structure, or tract of land, developed, constructed, or used for any permitted or permissible principal or accessory use in the IP, I-1, or I-2 Zones shall comply with all of the performance standards herein set forth for the district involved. If any existing use, or building, or other structure is extended, enlarged, or reconstructed, the performance standards for the district involved shall apply with respect to such extended, enlarged, or reconstructed portion, or portions, of such use, or building, or other structure.

**SECTION 15.1 TIME SCHEDULE FOR COMPLIANCE OF PERFORMANCE STANDARDS:** Except for standards regulated and enforced by the state of Kentucky, compliance with the provisions of this article of the ordinance shall be according to the following time schedule:

- A. All new installations shall comply as of going into operation.
- B. All existing installations not in compliance, as of the effective date of this ordinance, shall be in compliance within one (1) calendar year of the effective date of this ordinance, unless the owner or person responsible for the operation of the installation shall have submitted to the zoning administrator a program and schedule for achieving compliance. Such program and schedule to contain a date on or before which full compliance will be attained and such other information as the zoning administrator may require. If approved by the zoning administrator, such date will be the date on which the person shall comply. The planning commission may require persons submitting such program to submit subsequent periodic reports on progress in achieving compliance.

**SECTION 15.2 EFFECTS OF CONCURRENT OPERATIONS:** The sum total of the effects of concurrent operations on two or more lots should not be greater or more offensive to the senses than the standards contained herein. Compliance with the provision of these performance standards by single or mutual changes in operational levels, scheduling of operations, and other adjustments is permitted.

- A. **BUILDING ENCLOSURES:** Every use permitted in the IP industrial district shall be operated in its entirety within a completely enclosed building. In the I-1 and I-2 industrial districts, permitted uses shall be operated either within a completely enclosed building or within an area enclosed on all sides by a solid noncombustible fence or wall, as regulated by Article XIV of this ordinance, provided further, that no goods, material, or objects shall be stacked higher than the fence or wall.

- B. LANDSCAPING: In the IP, I-1, or I-2 industrial districts, all required yards shall either be open landscaped and grassed areas or be left in a natural state, if acceptable to the planning commission. If said area is to be landscaped, it shall be landscaped attractively with lawn, trees, shrubs, etc., according to the initially submitted plans which were first approved of for the development of such tract as a permitted use.

In areas to be used for off-street parking, the parking arrangement and surfacing must likewise have been approved of for the development of such tract as a permitted use. Any landscaped areas shall be poorly maintained thereafter in a sightly and well kept condition. Parking areas shall likewise be maintained in good condition. Any areas left in a natural state shall be properly maintained in a well kept condition.

- C. NOISE: For the purpose of measuring the intensity and frequencies of a sound, a sound level meter and an octave band analyzer shall be employed that conforms to specifications published by the American National Standards Institute (specifications for Sound Level Meters S1.4 - 1971, or the latest edition of such standards, shall be used). In the enforcement of the regulation, noises produced by the operation of motor vehicles or other transportation facilities shall not be included in determining the maximum permitted decibel level. In the IP District, the sound pressure of noise radiated continuously from any activity shall not exceed the value given in Tables 1 and 2 of this section, in any octave band frequency at any point on or beyond any lot line. If the noise is not smooth and continuous, one or more of the corrections in Table 2 of this section shall be added or subtracted from each of the decibel levels given in Table 1 of this ordinance.

In the I-1 District, the sound pressure of noise radiated from any activity shall not exceed the value given in Table 3 of this section in any octave band frequency at any point on or beyond any lot line. If the IP or I-1 District adjoins a residential district, the maximum sound pressure level at any point on the district boundary shall be reduced by six (6) decibels from the maximum listed in Table 3.

In the I-2 District, the sound pressure of noise radiated from any activity shall not exceed the value given in Table 3 of this section in any octave band frequency at any point on or beyond the nearest district boundary. If an I-2 District adjoins a residential district, the maximum sound pressure shall be reduced by six (6) decibels from the maximum listed in Table 3 of this section.

In the IP, I-1, and I-2 Districts, industrial noise shall be muffled so as not to become objectionable due to intermittence, beat, frequency, or shrillness.

- 
- D. **ODOROUS MATTER:** No emission of odorous matter shall be allowed in excess of ambient air quality standards, as set forth by regulations adopted by the Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution, Cincinnati Air Quality Region.
- E. **HUMIDITY, HEAT OR GLARE:** In the IP or I-1 districts, any activity producing humidity, in the form of steam or moist air, or producing heat or glare, shall be carried on in such a manner that the steam, humidity, heat, or glare is not perceptible at any lot line. In the I-2 District, any activity producing heat or glare shall be carried on in such a manner that the steam, humidity, heat, or glare is not perceptible at or beyond any residential or commercial district boundary. Detailed plans for the elimination of humidity, heat, or glare may be required before the issuance of a building permit.
- F. **EXTERIOR LIGHTING:** Any lights used for exterior illumination, except for overhead street lighting and warning, or traffic signals shall direct light away from the adjoining zones in the IP, I-1, and I-2 Districts.
- G. **VIBRATION:** Vibrations shall be measured at the lot line in the I-P and I-1 districts and at the nearest district boundary in the I-2 district. No vibration is permitted which is discernible to the human sense of feeling for three (3) minutes or more duration in any one (1) hour. Vibration shall not produce, at any time, an acceleration of more than 0.1 gravities or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, United States Bureau of Mines, Bulletin No. 442, "Seismic Effects of Quarry Blasting", on any structure. The methods and equations of said Bulletin No. 442, or any subsequent revision or amendment thereto, shall be used to compute all values for the enforcement of these provisions. Detailed plans for the elimination of vibrations may be required before the issuance of any building permit.
- H. **EMISSIONS AND OPEN BURNING:** No emission of particulate matter, sulfur, compound, carbon monoxide, hydrocarbon, nitrogen oxide, and open burning shall be allowed in all industrial zones in excess of regulations adopted by the Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution, Cincinnati Air Quality Region.
- I. **RADIATION:** In the IP, I-1, I-2, and I-3 zones, all sources of ionizing radiation shall be registered or licensed by the Kentucky State Department of Health and operated in accordance with their regulations.
- J. **ELECTRICAL RADIATION:** In the IP, I-1, I-2, and I-3 zones, any electrical radiation shall not adversely affect, at any point on or beyond the lot line, any operation or equipment, other than those of the creation of the radiation. Avoidance of adverse effects from electrical radiation by appropriate single or mutual scheduling of operations is permitted.
-

- 
- K. STORAGE: In the IP Zone, no material, products, or supplies shall be stored or permitted to remain on any part of the property outside the buildings constructed thereon. In the I-1 and I-2 Zones, storage of materials, supplies, and products on the property outside the building, constructed thereon is permitted at the rear of the property providing that the storage of materials, supplies, and products are within an area enclosed on all sides by a solid noncombustible fence or wall at least six (6) feet in height, provided further that no goods, materials, or objects shall be stacked higher than the fence or wall.
- L. FIRE AND EXPLOSIVE HAZARDS: In the I-2 zone only, storage, utilization, or manufacture of solid materials which requires free burning and intense burning may be allowed if permitted in said zones, provided that said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible walls and protected throughout by an automatic fire extinguishing system. In the I-2 zone only, the storage, utilization, or manufacture of flammable liquids, or materials which produce flammable or explosive vapors or gases, may be allowed if permitted in said zones, provided that storage, handling, and use shall be in accordance with Standards of American Insurance Association for Storage, Handling, and Use of Flammable Liquids, "American Insurance Association", Pamphlet No. 30, June 1959, or any subsequent revision or amendment thereto.
- M. WASTE: Within the IP, I-1, and I-2 zones, no waste material or refuse shall be dumped upon, or permitted to remain upon, any part of the part of the property outside of the buildings constructed thereon. All sewage and industrial waste shall be treated and disposed of in such a manner so as to comply with the standards of the appropriate authority. All plans for waste disposal facilities shall be required before the issuance of any building permit.
- N. MINING AND RECLAMATION: All methods of operation, construction of roads, back-filling, grading, blasting, water impoundments, treatment facilities, and reclamation must be in conformance with the regulations adopted by the Department for Natural Resources and Environmental Protection, Division of Reclamation. Any excavation or processing operations shall be subject to the regulations of the Kentucky Water Pollution Control Commission.
- O. BLASTING AND EXPLOSIVES: All blasting and the use of explosives must be conducted in accordance with the regulations set forth by the Department of Mines and Minerals, Division of Explosives and Blasting (pursuant to the authority of KRS 351.310 to 351.340 and 351.990) and in accordance with the Standards of Safety for Explosives, for the state of Kentucky, prepared by the Department of Public Safety, Division of Fire Prevention (pursuant to the authority of KRS 227.300).
-

TABLE 1

MAXIMUM PERMISSIBLE SOUND PRESSURE LEVEL (DECIBELS) AT  
SPECIFIED POINTS OF MEASUREMENT FOR NOISE RADIATED  
CONTINUOUSLY FROM A FACILITY

| OCTAVE BAND<br>(CYCLES PER SECOND) | SOUND PRESSURE LEVEL<br>(DECIBELS*) |
|------------------------------------|-------------------------------------|
| 20 - 75                            | 69                                  |
| 75 - 150                           | 54                                  |
| 150 - 300                          | 47                                  |
| 300 - 600                          | 41                                  |
| 600 - 1,200                        | 37                                  |
| 1,200 - 2,400                      | 34                                  |
| 2,400 - 4,800                      | 31                                  |
| 4,800 - 10,000                     | 28                                  |
| 10,000 - 20,000                    | 26**                                |
| 20,000 - 30,000                    | 25**                                |
| 30,000 - 40,000                    | 24**                                |
| 40,000 - 50,000                    | 23**                                |

\* According to the following formula, Sound Pressure Level in Decibels equals  
 $10 \log \frac{P_2}{P_1}$  where  $P_2$  equals 0.0002 dynes/cm<sup>2</sup>

\*\* To avoid possible interference with animal experiments



TABLE 2

CORRECTION IN MAXIMUM PERMITTED SOUND PRESSURE LEVEL  
IN DECIBELS TO BE APPLIED TO TABLE 1

| TYPE OF OPERATION OF CHARACTER OF NOISE                                    | CORRECTION IN DECIBELS |
|--|------------------------|
| Noise source operates less than twenty (20) percent of any one hour period | plus 5*                |
| Noise source operates less than five (5) percent of any one hour period    | plus 10*               |
| Noise source operates less than one (1) percent of any one hour period     | plus 15*               |
| Noise of impulse character (hammering, etc.)                               | minus 5                |
| Noise of periodic character (hum, screech, etc.)                           | minus 5                |

\* Apply one of these corrections only

TABLE 3  
MAXIMUM PERMITTED SOUND PRESSURE LEVEL IN DECIBELS

| OCTAVE BAND SOUND<br>(CYCLES PER SECOND) | PRESSURE LEVEL<br>(DECIBELS*) |
|--|-------------------------------|
| 0 – 74                                   | 79                            |
| 75 - 149                                 | 74                            |
| 150 - 299                                | 66                            |
| 300 - 599                                | 59                            |
| 600 - 1,199                              | 53                            |
| 1,200 - 2,399                            | 47                            |
| 2,400 - 4,799                            | 41                            |
| 4,800 and over                           | 39                            |

\* According to the following formula, Sound Pressure Level in Decibels equals  $10 \log$  where  $P_2$  equals 0.0002 dynes/cm<sup>2</sup>  $P_1/P_2$

## **ARTICLE XVI**

### **ADMINISTRATION**

**SECTION 16.0 ENFORCING OFFICER:** A zoning administrator (official or officials appointed by the legislative body for carrying out the provisions and enforcement of this ordinance) shall administer and enforce this ordinance. He may be provided with assistance of such other persons as the city directs.

If the zoning administrator finds that any of the provisions of this ordinance are being violated, he shall take such action as is permitted by law.

In addition to the foregoing, the zoning administrator shall have the authority to order discontinuance of illegal use of land, buildings, structures, signs, fences, or additions, alterations, or structural changes thereto, discontinuance of any illegal work being done.

All questions of interpretation and enforcement shall be first presented to the zoning administrator, and that such questions shall be presented to the board of adjustment only on appeal from the decision of the zoning administrator, and that recourse from the decisions of the board of adjustment shall be to the courts, as provided by the Kentucky Revised Statutes.

It shall be illegal for any person or entity to interfere with the zoning administrator's performance of his duties, as defined herein.

**SECTION 16.1 ZONING PERMITS:** Zoning permits shall be issued in accordance with the following provisions:

- A. **ZONING PERMIT REQUIRED:** No land shall be used, or building or other structure shall be erected, moved, added to, structurally altered, or changed from one permitted use to another, nor shall any grading take place on any lot or parcel of ground without a permit, issued by the zoning administrator. No zoning permit shall be issued except in conformity with the provisions of this ordinance, except after written orders from the board of adjustment.
- B. **APPLICATION FOR ZONING PERMITS:** All applications for zoning permits shall be accompanied by:
  - 1. A completed application form, provided by the zoning administrator (in triplicate - See Appendix A).
  - 2. The required fee for a zoning permit, as provided for in Section 19.0 of this

ordinance.

3. A site plan, if required by this ordinance, or
4. A plot plan, in triplicate, drawn at a scale of not less than one (1) inch to one hundred (100) feet, showing the following information as required by this ordinance.
  - a. The location of every existing and proposed building with number of floors and gross floor area, the use or uses to be contained therein, the number of structures including dimensions and height, and the number, size, and type of dwelling units.
  - b. All property lines, shape and dimensions of the lot to be built upon.
  - c. Lot width at building setback line.
  - d. Minimum front and rear yard depths and side yard widths.
  - e. Existing topography, with a maximum of two (2) foot contour intervals. Where existing ground is on a slope of less than two (2) percent, either one (1) foot contours or spot elevations not more than fifty (50) feet apart shall be required.
  - f. The proposed finished grade of the development area shown by contours with intervals not larger than two (2) feet supplemented where necessary by spot elevations.
  - g. Total lot area, in square feet.
  - h. Location and dimensions of all curb cuts, driving aisles, off-street parking and loading and/or unloading spaces, including number of spaces, angle of stalls, and illumination facilities.
  - i. Layout, type of surfacing, cross sections, and drainage plans for all off-street parking facilities.
  - j. A drainage plan of the lot and its relationship to adjacent properties, including spot elevations of the proposed finished grade, and provisions for adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.
  - k. All sidewalks, walkways, and open spaces.
  - l. Location, type, and height of all walls, fences, and screen plantings.
  - m. Location, size, height, class, and orientation of all signs.
  - n. Location of all existing and proposed streets, including rights-of-way and pavement widths.
  - o. All existing and proposed water, and sanitary, and storm sewer facilities to serve the lot, indicating all pipe sizes, types, and grades.
  - p. A schedule of development, including the staging and phasing of:

- (1) Residential areas, in order of priority, by type of dwelling unit.
  - (2) Streets, utilities, and other public facility improvements, in order of priority.
  - (3) Dedication of land to public use or set aside for common ownership with a preliminary statement indicating how maintenance of the latter will be handled.
  - (4) The construction of nonresidential buildings, in order of priority.
- q. And such other information as may be required by the zoning administrator to determine conformance with and provide for enforcement of this ordinance and the Kentucky Revised Statutes.
- C. **ISSUANCE OF ZONING PERMIT:** The zoning administrator shall either approve or disapprove the application (when required by this ordinance -- e.g., Development Plan submitted required -- the planning commission, or its duly authorized representative, approval or disapproval shall also be required). If disapproved, two (2) copies of the submitted plans shall be returned to the applicant marked "Disapproved" and shall indicate the reasons for such disapproval thereon. Such disapproval shall be attested by the zoning administrator's signature. The other copy, similarly marked, shall be retained by the zoning administrator.
- If approved, two (2) copies of the submitted plans shall be returned to the applicant, marked "Approved". Such approval shall be attested by the zoning administrator's signature. The other copy, similarly marked, shall be retained by the zoning administrator. The zoning administrator shall also issue a zoning permit to the applicant at this time and shall retain a duplicate copy for his records.
- D. **FAILURE TO COMPLY:** Failure to obtain a zoning permit shall be a violation of this ordinance and punishable under Section 16.9 of this ordinance.
- E. **EXPIRATION OF ZONING PERMIT:** If a building permit, as required herein, has not been obtained within ninety (90) consecutive calendar days from the date of issuance of zoning permit, said zoning permit shall expire and be canceled by the zoning administrator and a building permit shall not be obtainable until a new zoning permit has been obtained.

**SECTION 16.2 BUILDING PERMITS:** Building permits shall be issued in accordance with the following provisions:

- A. **BUILDING PERMITS REQUIRED:** No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the building inspector. No building permit shall be issued except in conformity with the provisions of this ordinance, except after written orders from the board of adjustment.
- B. **APPLICATION FOR BUILDING PERMITS:** All applications for building permits shall be accompanied by:
1. A completed application form, provided by the building inspector.
  2. An approved zoning permit.
  3. The required fee for a building permit, as provided for in Section 19.0 of this ordinance.
  4. A development plan, if required by this ordinance: or
  5. Plans in duplicate approved by the zoning administrator and including any additional information required by the building code and/or building inspector, as may be necessary to determine conformance with, and provide for the enforcement of, the building code and the Kentucky Revised Statutes.
- C. **ISSUANCE OF BUILDING PERMIT:** The building inspector shall either approve or disapprove the application. If disapproved, one (1) copy of the submitted plans shall be returned to the applicant marked "Disapproved" and shall indicate the reasons for such disapproval thereon. Such disapproval shall be attested by the building inspector's signature. The other copy, similarly marked, shall be retained by the building inspector.
- If approved, one (1) copy of the submitted plans shall be returned to the applicant marked "Approved". Such approval shall be attested by the building inspector's signature. The other copy, similarly marked, shall be retained by the building inspector. The building inspector shall also issue a building permit to the applicant at this time and shall retain a duplicate copy for his records.
- D. **COMPLIANCE:** It shall be unlawful to issue a building permit, or occupancy permit, to build, create, erect, change, alter, convert, or occupy any building or structure hereafter, unless a zoning permit has been issued in compliance with this ordinance.
- E. **BUILDING PERMITS ISSUED PRIOR TO THE ADOPTION OF THIS**

ORDINANCE: Building permits issued in conformance with the building code of the legislative body prior to the date of adoption of this ordinance, whether consistent or inconsistent with this ordinance, shall be valid for a period of one hundred eighty (180) consecutive calendar days from time of issuance of the permit. If construction in connection with such a permit has not been started within such a one hundred eighty (180) consecutive calendar day period, the permit shall be void and a new permit, consistent with all provisions of this ordinance and the building code, shall be required. For purposes of this section, construction shall be deemed to have been started at the time of completion of the foundation.

- F. EXPIRATION OF BUILDING PERMIT: If the work described in any building permit has not begun within ninety (90) consecutive calendar days from the date of issuance thereof, said permit shall expire and be canceled by the building inspector and no construction shall be permitted until a new building permit has been obtained, except, an extension may be permitted if sufficient evidence can be demonstrated why the work described in the building permit was not begun.

For purposes of this section, construction shall be deemed to have been started at the time of completion of the foundation. If after the work described in the building permit has been started, the building permit shall expire after a period of eighteen (18) months, providing that a six (6) month extension may be permitted if sufficient evidence can be demonstrated why the work described in the building permit was not completed as herein specified.

- G. CONSTRUCTION AND USE: To be as provided in applications, plans, permits, zoning permits and building permits, issued on the basis of plans and applications, approved by the zoning administrator and/or building inspector, authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed in violation of this ordinance and punishable as provided in Section 16.9 of this ordinance.

**SECTION 16.3 CERTIFICATE OF OCCUPANCY:** It shall be unlawful for an owner to use or permit the use of any building or land, or part thereof, hereafter created, changed, converted, or enlarged, wholly or partly, until a certificate of occupancy, which shall be a part of the building permit, shall have been issued by the building inspector. Such certificate shall show that such building or land, or part thereof, and the proposed use thereof, are in conformity with the provisions of this ordinance. It shall be the duty of the building inspector to issue a certificate of occupancy, provided that he has checked and is satisfied that the building and the proposed use thereof, conform with all the

requirements of this ordinance and the building code. No permit for excavation or construction shall be issued by the building inspector before he is satisfied that the plans, specifications, and intended use conform to the provisions of this ordinance.

**SECTION 16.4 CERTIFICATE OF OCCUPANCY FOR EXISTING BUILDING:** Upon written request from the fee owner, the building inspector shall issue a certificate of occupancy for any building or land existing at the time of enactment of this ordinance, certifying, after inspection, the extent and kind of use made of the building or land, and whether such use conforms with the provisions of this ordinance.

**SECTION 16.5 CERTIFICATE OF OCCUPANCY FOR LAWFUL NONCONFORMING USES AND STRUCTURES:** A certificate of occupancy shall be required of all lawful nonconforming uses of land or buildings created by this ordinance. A fee, as provided for in Section 19.0 of this ordinance, shall be charged for said certificate.

Applications for such certificates of occupancy for nonconforming uses of land and buildings shall be filed with the building inspector by the owner or lessee of the land or building occupied by such nonconforming uses within six (6) consecutive calendar months of the effective date of this ordinance. Failure to apply for such certificate of occupancy will place upon the owner and lessee the entire burden of proof that such use of land or buildings lawfully existed on the effective date of this ordinance.

It shall be the duty of the building inspector to issue a certificate of occupancy for lawful nonconforming uses upon application and such certificate shall identify the extent to which the nonconforming use exists at the time of issuance of such certificate.

**SECTION 16.6 DENIAL OF CERTIFICATE OF OCCUPANCY:** Except as herein stated, a certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this ordinance and to plans for which the building permit was issued.

**SECTION 16.7 CERTIFICATE OF OCCUPANCY RECORDS:** A record of all certificates of occupancy shall be kept on file in the offices of the building inspector and copies shall be furnished, on request, to any person having a proprietary building affected by such certificate of occupancy.

**SECTION 16.8 COMPLAINTS REGARDING VIOLATIONS:** Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and bases thereof, shall be filed with the zoning administrator. The zoning administrator shall record properly such complaint, immediately investigate, and take action thereon, as provided by this ordinance and the Kentucky Revised Statutes.



**SECTION 16.9 PENALTIES:** A violation of this ordinance occurs whenever anybody, by either act or omission, conspires, causes, permits, encourages, aids, assists, allows, or engages in any of the acts, actions, behavior, conditions, or occurrences prohibited by this ordinance; each and every separate non-continuing occurrence thereof, and each and every day of each continuing occurrence thereof is a separate violation of this ordinance.

**A. Civil Offense**

Each separate violation of this ordinance constitutes a civil offense; and, pursuant to the requirements of K.R.S. 65.8808, the penalties to be imposed upon persons determined to have violated this ordinance are hereby established as follows:

1. The specific civil fine that shall be imposed for each separate violation of this ordinance in the event that a citation for that violation is not contested is hereby established at \$100.00 for a first violation, \$200.00 for a second occurrence of the same violation, and \$400.00 for the third and each subsequent occurrence of the same violation, plus the costs of collection, including, without limitation, court costs and attorney fees.
2. The maximum civil fine that may be imposed for each separate violation of this ordinance is hereby established at \$200.00 for a first violation, \$400 for a second occurrence of the same violation, and \$800 for the third and each subsequent occurrence of the same violation plus the costs of collection, including, without limitation, court costs and attorney fees.

**B. Criminal Offense**

Each violation of this ordinance shall be a misdemeanor for which each corporation and everybody else convicted thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the maximum amount of \$500.00 as set forth in K.R.S. 534.050 (2) (a) or a term of imprisonment not to exceed the maximum period of twelve (12) months as set forth in K.R.S. 532.090 (1), or both.

**SECTION 16.10 INTENT CONCERNING DETERMINATIONS INVOLVED IN ADMINISTRATION AND ENFORCEMENT OF PERFORMANCE STANDARDS:** It is the intent of this ordinance that:

- A. Where investigation can be made by the zoning administrator, or other designated employee, using equipment normally available to the legislative body,

such investigation shall be so made before notice of violation is issued.

- B. Where technical complexity, nonavailability of equipment, or extraordinary expense makes it unreasonable, in the opinion of the zoning administrator, for the legislative body to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be established for:
  - 1. Causing corrections in apparent violations of performance standards;
  - 2. For protecting individuals from arbitrary, capricious and unreasonable administration and enforcement of performance standard regulations; and
  - 3. For protecting the general public from unnecessary costs for administration and enforcement.
- C. If the zoning administrator finds, after investigations have been made by qualified experts, that there is a violation of the performance standards, he shall take, or cause to be taken, lawful action to cause correction to, within limits set by such performance standards.

**SECTION 16.11 DUTIES OF ZONING ADMINISTRATOR REGARDING PERFORMANCE STANDARDS:** If, in the judgment of the zoning administrator, there is probable violation of the performance standards as set forth, the following procedures shall be followed:

- A. The zoning administrator shall give written notice, by registered mail or certified mail, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the zoning administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation, to the satisfaction of the zoning administrator, within thirty (30) consecutive calendar days of receipt of such notification. The notice shall state that failure to reply or to correct the alleged violation, to the satisfaction of the zoning administrator within thirty (30) consecutive calendar days of receipt of said notice, constitutes admission of violation of the terms of this ordinance.
- B. The notice shall further state that, upon request of those to whom said notice is directed, a technical investigation will be made by a qualified expert or experts and that, if violations as alleged are found, costs of such investigations shall be charged against those responsible for the violations, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the investigation will be paid by the legislative body.

- C. If there is no reply within thirty (30) consecutive calendar days of receipt of said notice, but the alleged violation is corrected to the satisfaction of the zoning administrator, he shall note "violation corrected" on his copy of the notice, and shall retain it among his official records, taking such other action as may be warranted.
- D. If there is no reply within thirty (30) consecutive calendar days of receipt of said notice and the alleged violation is not corrected to the satisfaction of the zoning administrator within the established time limit, he shall proceed to take, or cause to be taken, such action as is warranted by continuation of a violation after notice to cease.
- E. If a reply is received within thirty (30) consecutive calendar days of receipt of said notice indicating that the alleged violation will be corrected to the satisfaction of the zoning administrator, but requesting additional time, the zoning administrator may grant an extension if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health, or property.
- F. If a reply is received within thirty (30) consecutive calendar days of receipt of said notice requesting technical determination as provided in this ordinance, and if the alleged violations continue, the zoning administrator shall call in properly qualified experts to investigate and determine whether violations exist.

If expert findings indicate violations of the performance standards, the costs of the investigations shall be assessed against the properties or persons responsible for the violations, in addition to such other penalties as may be appropriate under the terms of Section 16.9 of this ordinance.

If no violation is found, the cost of the investigation shall be paid by the legislative body without assessment against the properties or persons involved.

## **ARTICLE XVII**

### **AMENDMENT PROCEDURE**

#### **SECTION 17.0 AMENDMENT PROCEDURE**

- A. **FILING OF AMENDMENT APPLICATION:** All applications for amendments to this ordinance shall be filed with Planning and Development Services of Kenton County. Planning and Development Services of Kenton County staff shall immediately notify the city promptly forwarding the application to the local planning commission. A public hearing shall be scheduled to be held within forty-five (45) days of the date of receipt of the application by Planning and Development Services of Kenton County. The fee required for applying for such amendment shall be as provided for by the local planning commission and/or the legislative body.
- B. **PLANNING COMMISSION REVIEW REQUIRED:** A proposal for a zoning map amendment to this ordinance may originate with the planning commission, legislative body, or with an owner of the property in question. A proposal to amend the text of this ordinance may originate with the planning commission or legislative body. Regardless of the origin of the proposed amendment, it shall be referred to the planning commission for its action before adoption.
- C. **PUBLIC HEARING REQUIRED, NOTICE GIVEN**
  - 1. The planning commission shall hold at least one public hearing on the proposed amendment, at which hearing parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published at least once, but may be published two or more times, in a newspaper of general circulation in the county, provided that one publication occurs not less than seven (7) calendar days nor more than twenty-one (21) calendar days before the occurrence of such hearing.
  - 2. In addition to the public notice requirements prescribed herein, when the planning commission or legislative body originates a proposal to amend the zoning map, notice of the public hearing before the planning commission or legislative body shall be given at least thirty (30) days in advance of the hearing, by first class mail, to an owner of every parcel of property, the classification of which is proposed to be changed. Records by the property valuation administrator may be relied upon to determine the identity and address of said owner.

- D. OTHER HEARING REQUIREMENTS, ZONING MAP AMENDMENT: In addition to the public hearing notice required in Section 17.0, C., above, the following notices shall also be given when a proposal is submitted by a property owner to amend the official zoning map:
1. Notice of the hearing shall be posted conspicuously on the property, the classification of which is proposed to be changed, for fourteen (14) consecutive days immediately prior to the hearing. Said posting shall consist of one or more signs, constructed of durable material, and clearly depicting the following information: the words "ZONING CHANGE" (three (3) inch high lettering); current zoning classification of property and proposed zoning classification (three (3) inch high lettering); date, place, and time of public hearing (one (1) inch high lettering); and address, including telephone number, of the planning commission where additional information regarding hearing may be obtained; and
  2. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by first class mail, with certification by the commission secretary, or other officer of the planning commission, that the notice was mailed to an owner of every parcel of property adjoining the property, the classification of which is proposed to be changed. Where said property adjoins a street or alley, property abutting the opposite side of such street or alley shall be considered adjoining property. It shall be the duty of the person(s) proposing the amendment to furnish to the planning commission the names and addresses of the owners of all adjoining property. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two or more coowners of an adjoining property who are listed in the property valuation administrator's records as having the same address.
  3. All procedures for public notice and publication, as well as for adoption, shall be the same as for the original enactment of a zoning regulation, and the notice of publication shall include the street address of the property in question, or if one is not available, or if it is not practicable due to the number of addresses involved, a geographic description sufficient to locate and identify the property, and the names of the two (2) streets on either side of the property which intersect the street on which the property is located. If the property is located at the intersection of two (2) streets,

the notice shall designate the intersection by name of both streets rather than name the two (2) streets on either side of the property.

- E. **FINDINGS NECESSARY FOR MAP AMENDMENT:** Before any map amendment is granted, the planning commission, or legislative body, must find that the amendment is in agreement with the adopted comprehensive plan, or in the absence of such a finding, that one or more of the following apply, including the making of a written report, setting forth explicitly, the reasons and substantiation as to how each would apply, and such finding and report shall be recorded in the minutes and records of the planning commission or legislative body.
1. That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate; and
  2. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.
- F. **MINIMUM SIZE OF NEW ZONES:** No amendment to this ordinance shall be adopted whereby the zoning classification of an area is changed unless the total area being applied for meets the following requirements as to minimum size: the zoning map shall not be amended, changed, or modified in such manner as to create a free standing zone of less than five (5) acres, except where specific area restrictions are stipulated in this ordinance, or as outlined in the adopted comprehensive plan by the planning commission. For the purpose of computing the total size of an area to be rezoned for compliance herewith, there shall be added to such area: (1) the area of public rights-of-way interior to the area being changed; (2) one-half the area of public rights-of-way abutting the area being changed; and (3) the area of any land which is contiguous to the area being changed (including land located outside the jurisdiction of the legislative body but contiguous thereto and which land already bears the zoning classification sought for the area being changed). For the purpose of this section, neither continuity nor abutment shall be destroyed by the existence of a street, alley, or city's corporation line.
- G. **PLANNING COMMISSION ACTION**
1. **MAP AMENDMENT:** Following the public hearing held by the planning commission on a proposed map amendment, the commission shall, within sixty (60) calendar days from the date of its receipt, make findings of fact and a recommendation of approval or disapproval of the proposed map

amendment to the legislative body, including a statement setting forth explicitly the reasons and substantiation for such action and, in the case of a map amendment, the submission of a written report as required in Section 17.0, E., above. A tie vote shall be subject to further consideration by the planning commission for a period not to exceed thirty (30) days, at the end of which, if the tie has not been broken, the application shall be forwarded to the legislative body without a recommendation of approval or disapproval.

2. TEXT AMENDMENT: Following the public hearing held by the planning commission on a proposed text amendment, the commission shall make a recommendation as to the text of the amendment and whether the amendment shall be approved or disapproved and shall state the reasons for its recommendation. In the case of a proposed text amendment originating with a legislative body, the planning commission shall make its recommendation within sixty (60) days of the date of its receipt of the proposed text amendment.

#### H. LEGISLATIVE BODY DISPOSITION

1. MAP AMENDMENT: The legislative body shall take final action upon a proposed map amendment within ninety (90) days of the date upon which the planning commission takes its final action upon such proposal. It shall take a majority of the entire legislative body to override the recommendation of the planning commission and it shall take a majority of the entire legislative body to adopt a zoning map amendment whenever the planning commission forwards the application to the legislative body without a recommendation of approval or disapproval due to a tie vote. Unless a majority of the entire legislative body votes to override the planning commission's recommendation, such recommendation shall become final and effective and if a recommendation of approval was made by the planning commission, the ordinance of the legislative body adopting the zoning map amendment shall be deemed to have passed by operation of law.
  2. TEXT AMENDMENT: It shall take an affirmative vote of a majority of the legislative body to adopt a proposed text amendment.
- I. SUBMISSION OF DEVELOPMENT PLAN AS CONDITION TO COMMERCIAL, MULTI-FAMILY RESIDENTIAL, OR INDUSTRIAL ZONING MAP AMENDMENT: Any request for a zoning map amendment, excluding those submitted by the legislative body (other than for a zone change for land under city ownership that the city intends to develop) and the planning commission, to any commercial

(i.e., NC, SC, etc.) multi-family residential zone (i.e., R-2, R-3, etc.), or industrial zone (i.e., IP, I-1, I-4, etc.) shall be made in accordance with all applicable requirements of this ordinance, including the following:

1. APPLICATION AND PROCESSING: Application for a zoning map amendment shall be processed in two stages:

- a. Application for a zoning amendment shall be filed with the zoning administrator as required by Section 17.0, A., and shall include a Development Plan in accordance with the applicable requirements of Section 9.19, of this ordinance. The zoning administrator may waive the submission of such data involving detailed engineering study until such time as the zoning amendment has been granted.
- b. The planning commission shall hold a public hearing on the proposed application and review said application with regard to the required elements of the Development Plan, and other applicable requirements of this section. Upon holding such a hearing, the planning commission shall make one of the following recommendations to the legislative body: approval, approval with condition(s), or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Development Plan and the bases for their recommendation.
- c. The legislative body shall, within forty-five (45) consecutive days after receiving the recommendations of the planning commission, review said recommendations and take action to approve or disapprove the proposed Development Plan. Such approval may incorporate any conditions imposed by the planning commission. However, should the legislative body take action to impose different conditions than were reviewed and recommended by the planning commission, then said conditions shall be resubmitted to the planning commission for further review and recommendations, in accordance with the process required for the initial review.

Approval of the zoning map amendment shall require that development be in accordance with the approved Development Plan. Additionally, upon approval of the zoning map amendment, the official zoning map shall be amended for the area as shown on the approved development plan.

- d. The legislative body shall forward a copy of the approved Development Plan to the zoning administrator, or the city's duly



authorized representative, for further processing, in accordance with the applicable requirements of this ordinance.

- e. If the detailed engineering data required under Section 9.19 had been waived by the zoning administrator in the initial submission of the Development Plan, then such data shall be submitted for review in accordance with the requirement of Section 9.19 before a permit may be issued for construction.

The zoning administrator, in reviewing the Site Plan, may authorize minor adjustments from the approved development plan, provided that the adjustments do not affect the spatial relationship of structures, change land uses, increase overall density, alter circulation patterns (vehicular and/or pedestrian), decrease the amount and/or usability of open space or recreation areas, or affect other applicable requirements of this ordinance.

- J. **AMENDMENTS:** Any amendments to plans, except for the minor adjustments which may be permitted by the zoning administrator as noted above, shall be made in accordance with the procedure required by this ordinance, subject to the same limitations and requirements as those under which such plans were originally approved.
- K. **EXPIRATION:** The zoning map amendment shall be subject to the time constraints as noted below. Upon expiration of said time period, and any extensions thereto, the legislative body may initiate a request for a public hearing by the planning commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether said zoning map amendment should revert to its original designation. A public hearing may be initiated if substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Development Plan by the legislative body, provided that an extension may be permitted upon approval of the legislative body, or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the approved Development Plan obsolete. The amount of construction that constitutes initiating substantial construction shall be as approved in the Development Plan.

**SECTION 17.1 PLANNING AND DEVELOPMENT SERVICES OF KENTON COUNTY STAFF REVIEW AND RECOMMENDATION REQUIRED PRIOR TO OR AT THE SCHEDULED PUBLIC HEARING:** Planning and Development Services of Kenton County staff, pursuant to KRS 147.673, shall review and make recommendations upon

all applications to the local planning commission and the applicant, along with supporting information and comprehensive plan documentation, prior to or at the scheduled public hearing.

**SECTION 17.2 ACTIONS OF LOCAL GOVERNMENTAL UNITS TO BE FURNISHED TO PLANNING AND DEVELOPMENT SERVICES OF KENTON COUNTY:** Pursuant to KRS 147.705, the legislative body shall, after final adoption of any zoning ordinance or resolution, including amendments thereto, furnish, or cause to be furnished, within sixty (60) days after adoption, a copy of same to Planning and Development Services of Kenton County.

## ARTICLE XVIII

### BOARD OF ADJUSTMENT

#### **SECTION 18.0 ESTABLISHMENT OF BOARD OF ADJUSTMENT; MEMBERSHIP; APPOINTMENT; TERMS; VACANCIES; OATHS; COMPENSATION; REMOVAL; OFFICERS**

- A. A board of adjustment is hereby established.
- B. The board of adjustment shall consist of either three (3), five (5), or seven (7) members, all of whom must be citizen members and not more than two (2) of whom may be citizen members of the planning commission.
- C. The mayor shall be the appointing authority of the board of adjustment, subject to the approval of the legislative body.
- D. The term of office for the board of adjustment shall be four (4) years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one (1), two (2), three (3), and four (4) years, respectively.
- E. Vacancies on the board of adjustment shall be filled within sixty (60) calendar days by the appropriate appointing authority. If the authority fails to act within that time, the planning 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.
- F. All members of the board of adjustment shall, before entering upon their duties, qualify by taking the oath of office, prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky, before any judge, notary public, clerk of court, or justice of the peace, within the district or county in which they reside.
- G. Reimbursement for expenses or compensation or both may be authorized for members on the board of adjustment.
- H. Any member of the board of adjustment may be removed by the mayor, subject to the approval by the legislative body, for inefficiency, neglect of duty, malfeasance, or conflict of interest. The mayor exercising the power to remove a member from the board of adjustment, shall submit a written statement to the planning commission setting forth the reasons and the statement shall be read at the next meeting of the board of adjustment which shall be open to the general public. The member so removed shall have the right of appeal from the removal

to the circuit court of the county in which he resides.

- I. The board of adjustment shall elect annually a chairman, vice-chairman, and secretary, and any other officers it deems necessary, and any officer shall be eligible for re-election at the expiration of their term.

**SECTION 18.1 MEETINGS OF BOARDS; QUORUM; MINUTES; BYLAWS; FINANCES; SUBPOENA POWER; ADMINISTRATION OF OATHS**

- A. The board of adjustment shall conduct meetings at the call of the chairman, who shall give written or oral notice to all members of the board at least seven (7) 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.
- B. A simple majority of the total membership of the board of adjustment, as established by regulation or agreement, shall constitute a quorum. Any member of the board of adjustment who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself from voting on the question.
- C. The board of adjustment 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 of adjustment. A transcript of the minutes of the board of adjustment shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.
- D. The board of adjustment 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 state of Kentucky, including the United States Government.
- E. The board of adjustment shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before it.
- F. The chairman of the board of adjustment shall have the power to administer an oath to witnesses prior to their testifying before the board on any issue.
- G. A board of adjustment may appoint one (1) or more of its members to act as hearing examiner to preside over a public hearing or public meeting and make

recommendations to the board upon a transcript or record of the hearing.

**SECTION 18.2 PROCEDURE FOR ALL APPEALS TO BOARD:** Appeals to the board of adjustment may be taken by any person or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the zoning administrator. Such appeal shall be taken within thirty (30) calendar days after the appellant or his agent receives notice of the action of the official to be appealed from, by filing with said zoning administrator 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. A fee, as required by Section 19.0 of this ordinance, shall also be given to the zoning administrator at this time. Said zoning administrator 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 the public hearing on the appeal held by the board, an interested person may appear and enter his appearance, and all shall be given an opportunity to be heard.

The board of adjustment 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 zoning administrator at least one (1) calendar week prior to the hearing, and shall decide on the appeal within sixty (60) consecutive calendar days. The affected party may appear at the hearing in person or by attorney.

**SECTION 18.3 APPEALS FROM PLANNING COMMISSION OR BOARD OF ADJUSTMENT, OR LEGISLATIVE BODY:** Any appeal from planning commission or board of adjustment or legislative body action may be taken in the following manner:

- A. Any person or entity claiming to be injured or aggrieved by any final action of the planning commission or board of adjustment shall appeal from the action to the circuit court of the county in which the property, which is the subject of the action of the board of adjustment, lies. Such appeal shall be taken within thirty (30) consecutive calendar days after the final action of the planning commission or board of adjustment. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. The board of adjustment shall be a party in any such appeal filed in the circuit court. Final action shall not include the planning commission's recommendations made to other governmental bodies.
- B. Any person or entity claiming to be injured or aggrieved by any final action of the planning commission shall appeal from the final action to the circuit court of the county in which the property, which is the subject of the commission's action, lies. Such appeal shall be taken within thirty (30) days after such action. Such action shall not include the commission's recommendations made to other

governmental bodies. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. Provided, however, any appeal of a planning commission action granting or denying a variance or conditional use permit, as provided in Section 17.0, J. of this ordinance, shall be taken pursuant to this subsection. In such case, the 30 day period for taking an appeal begins to run at the time the legislative body grants or denies the map amendment for the same development. The planning commission shall be a party in any such appeal filed in the circuit court. All appeals shall be taken in the appropriate circuit court within thirty (30) consecutive calendar days after the action or decision of the planning commission or board of adjustments and all decisions, which have not been appealed within thirty (30) consecutive calendar days shall become final. After the appeal is taken, the procedure shall be governed by the rules of civil procedure. When an appeal has been filed, the clerk of the circuit court shall issue a summons to all parties, including the planning commission in all cases, and shall cause it to be delivered for service as in any other law action.

- C. Any person or entity claiming to be injured or aggrieved by any final action of the legislative body of any city, county, or urban-county government, relating to a map amendment, shall appeal from the action to the circuit court of the county in which the property, which is the subject of the map amendment, lies. Such appeal shall be taken within thirty (30) days after the final action of the legislative body. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. The legislative body shall be a party in any such appeal filed in the circuit court.
- D. The owner of the subject property and applicants who initiated the proceeding shall be made parties to the appeal. Other persons speaking at the public hearing are not required to be made parties to such appeal.
- E. For purposes of this ordinance, final action shall be deemed to have occurred on the calendar date when the vote is taken to approve or disapprove the matter pending before the body.

**SECTION 18.4 STAY OF PROCEEDINGS:** An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning administrator from whom the appeal is taken, certifies to the board of adjustment, after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and/or property. In such case, proceedings shall not be stayed other than by a court of record on application, or on notice to the zoning administrator from whom the appeal is taken and on due cause shown.

**SECTION 18.5 POWERS OF BOARD OF ADJUSTMENT:** Upon appeals,

The board of adjustment shall have the following powers:

- A. To hear and decide on applications for variances.
- B. To hear and decide appeals, where it is alleged, by the appellant, that there is an error in any order, requirement, decision, grant, or refusal made by a zoning administrator in the enforcement of this ordinance. Such appeal shall be taken within thirty (30) consecutive calendar days.
- C. To hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named herein, which may be suitable only in specific locations in the zone only if certain conditions are met, as specified in Section 9.14 of this ordinance.
- D. To hear and decide, in accordance with the provisions of this ordinance, requests for interpretation of the official zoning map or for decisions upon other special questions upon which said board is authorized to act upon.
- E. To hear and decide, in accordance with the provisions of this ordinance and the adopted comprehensive plan, requests for the change from one nonconforming use to another.

#### **SECTION 18.6 VARIANCES; CHANGE FROM ONE NONCONFORMING USE TO ANOTHER; CONDITIONS GOVERNING APPLICATIONS; PROCEDURES**

##### **A. VARIANCES**

- 1. A variance shall not be granted by the board of adjustment unless and until:
  - a. A written application for a variance (including the required fee as per Section 19.0 of this ordinance) and a Site Plan, subject to the applicable requirements of Section 9.19, are submitted.
  - b. Notice of public hearing shall be given in accordance with Section 18.2 of this ordinance.
  - c. The public hearing shall be held. Any person may appear in person, or by agent, or by attorney.
  - d. Prior to granting a variance:
    - (1) The board of adjustment shall make findings that the

requirements of this section have been met by the applicant for a variance.

- (2) The board of adjustment shall further make a finding that reasons set forth in the application justify the granting of a variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
  - e. In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 16.9 of this ordinance.
  2. Before any variance is granted, the board of adjustment must find that the granting of the variance will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
    - a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
    - b. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
    - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
  3. The board shall deny any request for a variance arising from circumstances that are the result of willful violations of this ordinance by the applicant subsequent to the adoption of this ordinance from which relief is sought.
- B. VARIANCE CANNOT CONTRADICT ZONING REGULATION: The board of adjustment shall not possess the power to grant a variance to permit a use of any land, building, or structure which is not permitted by this ordinance in the zone in



question, or to alter the density of dwelling unit requirements in the zone in question.

- C. VARIANCE RUNS WITH LAND: A variance applies to the property for which it is granted and not to the individual who applied for it. A variance runs with the land and is transferable to any future owner of land, but it cannot be transferred by the applicant to a different site.
- D. CHANGE FROM ONE NONCONFORMING USE TO ANOTHER: A nonconforming use shall not be changed to another nonconforming use without the specific approval of the board of adjustment, as provided herein.
1. The board of adjustment shall have the power to hear and decide on applications to convert or change an existing nonconforming use to another nonconforming use, subject to the following:
    - a. A written application for a change from one nonconforming use to another (including the required fee as per Section 19.0 of this ordinance) and a Site Plan, if applicable, subject to the applicable requirements of Section 9.19, shall be submitted to the board.
    - b. Notice of public hearing shall be given in accordance with Section 18.2 of this ordinance
    - c. The public hearing shall be held. Any person may appear in person, by agent, or by attorney
    - d. Prior to granting a change from one nonconforming use to another, the board of adjustment shall find that the new nonconforming use is in the same or more restrictive classification of use as the prior nonconforming use. In the determination of the same or more restrictive classification of use, the applicant shall establish and the board of adjustment shall find:
      - (1) That the new nonconforming use shall generate less vehicular traffic (automobile and truck) than the prior nonconforming use;
      - (2) That the new nonconforming use is of a nature which will emit less noise and air pollution than the prior nonconforming use;

- (3) That the new nonconforming use will be more in character with the existing neighborhood than the prior nonconforming use, in that it is more in conformance with the adopted comprehensive plan, and also, more in conformance with the uses permitted in the zone in which the use is located, than the prior nonconforming use.
- e. Any change of nonconforming use granted by the board of adjustment shall conform to the requirements of this ordinance, including, but not limited to, parking requirements, sign regulations and yard requirements, and all other pertinent ordinances of the legislative body.
- f. The board of adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at which time its use became nonconforming.
- g. The board of adjustment, in granting a change of nonconforming uses, may attach such conditions thereto as it may deem necessary and proper; and the action, limitations, and conditions imposed, if any, shall be in writing, directed to the applicant, with a copy to be furnished to the zoning administrator.
- h. The change of nonconforming use, as may be granted by the board of adjustment, applies to the property for which it is granted and not to the individual who applied and, therefore, cannot be transferred by the applicant to a different property.
- i. In the case where the change of nonconforming use has not occurred within one (1) year after the date of granting thereof, the change of nonconforming use permit shall be null and void and reapplication to the board of adjustment shall have to be made.

**SECTION 18.7 CONDITIONAL USE PERMITS:** Conditional use permits shall not be issued without the specific approval of the board of adjustment, as provided herein.

- A. The board of adjustment shall have the power to hear and decide on applications for conditional use permits, subject to the following:
  - 1. A written application for a conditional use permit (including the required fee per Section 19.0 of this ordinance) and a Site Plan subject to the applicable requirements of Section 9.19, shall be submitted to the board.

2. Notice of public hearing shall be given in accordance with Sections 18.2 and 9.14, B., 6. of this ordinance.
3. The public hearing shall be held. Any person may appear in person, or by agent, or by attorney.
4. Prior to granting a conditional use permit, the board of adjustment shall find that the application for a conditional use permit meets the requirements of this ordinance and Section 9.14.

### **SECTION 18.8 DECISIONS OF THE BOARD OF ADJUSTMENT**

- A. In exercising the aforementioned powers, the board of adjustment may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm wholly or partly, or may modify the order, requirements, decision, or determination as made by the zoning administrator, from whom the appeal is taken.
- B. A simple majority of board members present and voting shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator, so long as such action is in conformity with the provisions of this ordinance, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.
- C. The details of the decision of the board shall be forwarded to the zoning administrator.

**SECTION 18.9 ACTIONS OF BOARD OF ADJUSTMENT TO BE FURNISHED TO PLANNING AND DEVELOPMENT SERVICES OF KENTON COUNTY:** Pursuant to KRS 147.705, the board of adjustment shall, after final approval of any variance, change from one nonconforming use to another, conditional use permit, and other appeal, furnish, or cause to be furnished, within sixty (60) days after approval, a copy of same to Planning and Development Services of Kenton County.

## **ARTICLE XIX**

### **FEEES, CHARGES, AND EXPENSES**

**SECTION 19.0 SCHEDULE OF FEES, CHARGES, AND EXPENSES:** The schedule of fees, charges, and expenses shall be as established by separate city ordinance.

## ARTICLE XX

### MORATORIUM

AN ARTICLE PROVIDING FOR A MORITORIUM ON THE ESTABLISHMENT OF A SEXUALLY ORIENTED BUSINESS AND PROVIDING NO APPLICATION SHALL BE PROCESSED AND NO PERMIT ISSUED FOR THE ESTABLISHMENT OR EXPANSION OF A SEXUALLY ORIENTED BUSINESS, INCLUDING BUT NOT LIMITED TO A SEX SHOP, LINGERIE MODELING STUDIO, SEXUALLY ORIENTED CINEMA, SEXUALLY ORIENTED CABARET, SEXUALLY ORIENTED MEDIA OUTLET, OR BUSINESS CONTAINING A MOTION PICTURE ARCADE.

WHEREAS the Kenton County Planning Commission and the Fiscal Court of Kenton County, together with its several cities, have duly prepared a comprehensive plan in accordance with KRS Chapter 100, specifically “An Update 2000-2021: Northern Kentucky’s Future - A Comprehensive Plan for Development,” adopted by Planning and Development Services and the Kenton County Planning Commission on December 18, 2001;

WHEREAS, Kenton County, and the incorporated municipalities within it, have long sought to regulate sexually oriented businesses within the limits of the Constitution to protect the County’s many residential neighborhoods; and

WHEREAS, the adopted comprehensive plan provides the following policy guidance for regulating such businesses:

Furthermore, the Area-Wide Comprehensive Plan does not identify specific land uses, but instead, categorizes land uses using broad categories. Undesirable land uses, including adult-oriented business may be appropriate within more than one land use category identified within this Plan Update. The following criteria are presented to provide guidance for siting of these uses:

- They should not be near residential areas, schools, churches, child care facilities or other public or semi-public community facilities;
- They should not be within view of the interstate roads.

“An Update 2000-2021: Northern Kentucky’s Future - A Comprehensive Plan for Development,” pp. 5-30 – 5-31.

WHEREAS, recent reviews have found that several of the jurisdictions within Kenton County have no regulations whatsoever to deal with sexually oriented businesses as a specific land use; and

WHEREAS, there are already several sexually oriented businesses in Kenton County; and

WHEREAS, a new sexually oriented cabaret has recently opened in Wilder, which is directly adjacent to Kenton County; and

WHEREAS, planning and building staff in the jurisdictions in Kenton County have received several recent inquiries about the possibility of additional sexually oriented businesses opening in the County; and

WHEREAS, Kentucky Revised Statutes §100.201(1) specifically authorizes the adoption of Interim Zoning Regulations while the planning commission completes additional parts of the plan and/or completes the necessary regulations to implement the plan; and

WHEREAS, the city of Taylor Mill finds that the adopted comprehensive plan does not provide adequate information to allow the Planning Commission to make recommendations for the appropriate regulation of sexually oriented businesses; and

WHEREAS, the Kentucky General Assembly has adopted and the Governor has approved Kentucky 2003 H.B. 268, “an act relating to licensing massage therapists”; and

WHEREAS, county officials have long noted a difference between legitimate massage therapists and some sexually oriented businesses which present themselves as “massage parlors” or similar establishments;

WHEREAS, the Planning Commission, acting on behalf of and with funding from the Fiscal Court and the several municipalities within the County, has hired national experts in the field as consultants to study the issues of regulating sexually oriented businesses in the County; and

WHEREAS, the consultants have represented to the Planning Commission and representatives of the Fiscal Court and cities that they will deliver their preliminary report within 4 to 6 months and specific regulatory recommendations shortly thereafter; and

WHEREAS, the city of Taylor Mill finds that the completion of the study of sexually oriented businesses by national experts, and under the guidance of the Planning Commission, is essential to supplement the comprehensive plan; and

WHEREAS, the city of Taylor Mill finds that it is essential to preserve the status quo and to avoid the addition of a new sexually oriented business in what may prove to be an inappropriate location until the Planning Commission and the city of Taylor Mill have available to them the results of the study;

NOW THEREFORE, be it RESOLVED by the Kenton County Planning Commission of Kenton County, Kentucky that:

SECTION 1. The following definitions are adopted for purposes of this Article, to supplement the definitions already contained in the zoning ordinances of the city of Taylor Mill and its several cities within it:

*Lingerie modeling studio* means an establishment or business which provides the services of live models modeling lingerie, bathing suits, or similar wear to individuals, couples or small groups in a room smaller than 600 square feet.

*Massage* means touch, stroking, kneading, stretching, friction, percussion and vibration, and includes holding, positioning, causing movement of the soft tissues and applying manual touch and pressure to the body (excluding an osseous tissue manipulation or adjustment).

*Massage therapy* means the profession in which the practitioner applies massage techniques with the intent of positively affecting the health and well-being of the client, and may adjunctively (i) apply allied modalities, heat, cold, water and topical preparations not classified as prescription drugs, (ii) use hand held tools or devices designed as t-bars or knobbies, and (iii) instruct self care and stress management. "Manual" means by use of hand or body.

*Media* means anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything which is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, cd-roms, other magnetic media, and undeveloped pictures.

*Motion picture arcade booth* means any booth, cubicle, stall or compartment which is designed, constructed or used to hold or seat customers and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital or other means or medium (including, but not limited to, film, video or magnetic tape, laser disc, cd-rom, books, magazines or periodicals) for observation by customers therein. The term "booth," "arcade booth," "preview booth," and "video arcade booth" shall be synonymous with the term "motion picture arcade booth".

*Primary live entertainment* means that entertainment which characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

*Sadomasochistic practices* mean flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or naked.

*Sex shop* means a an establishment offering goods for sale or rent and that meets any of the following tests:

- (1) It offers for sale items from any two (2) of the following categories: sexually oriented media; lingerie; leather goods marketed or presented in a context to suggest their use for sadomasochistic practices, and the combination of such items make up more than ten percent (10%) of its stock in trade or occupies more than 10 percent (10%) of its floor area; or,
- (2) More than five percent (5%) of its stock in trade consists of sexually-oriented toys or novelties; or,
- (3) More than five percent (5%) of its gross public floor area is devoted to the display of sexually-oriented toys or novelties.

*Sexual conduct* means the engaging in or the commission of an act of sexual intercourse, oral-genital contact, or the touching of the sexual organs, pubic region, buttock or female breast of a person for the purpose of arousing or gratifying the sexual desire of another person.

*Sexual gratification* means sexual conduct as defined herein.

*Sexually oriented acts* means sexual conduct as defined herein.

*Sexually oriented business* is an inclusive term used to describe collectively: sexually oriented cabaret; sexually oriented motion picture theater; motion picture arcade; bathhouse; massage parlor or shop; and/or sex shop. This collective term does not describe a specific land use and shall not be considered a single use category for purposes of the zoning code or other applicable ordinances.

*Sexually oriented cabaret* or *sex oriented cabaret* means a building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment which constitutes the “primary live entertainment” is distinguished or characterized by an emphasis on the exhibiting of “specific sexual activities” or “specified anatomical areas” for observation by customers therein.



*Sexually oriented cinema, sexually oriented motion picture theater, or sex oriented cinema* means a cinema or motion picture theater which shows hard-core features on more than half the days that it is open, or which is marketed as or offers features described as “adult”, “XXX”, or sexually oriented.

*Sexually oriented media* means magazines, books, videotapes, movies, slides, cd-roms or other devices used to record computer images, or other media which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (separately defined).

*Sexually oriented media store or sex oriented media store* means an establishment that rents and/or sells media, and that meets any of the following three tests:

- (1) More than forty percent (40%) of the gross public floor area is devoted to sexually oriented media; or
- (2) More than forty percent (40%) of the stock in trade consists of sexually oriented media; or
- (3) It is advertised, marketed, or holds itself out in any forum as “XXX,” “adult,” “sex” or otherwise as a sexually-oriented business.

SECTION 2. That the authority of those persons within each jurisdiction in the city of Taylor Mill authorized to accept applications and issue building permits is hereby limited as follows: no application shall be processed and no permit issued for the establishment or expansion of a sexually oriented business, including but not limited to a sex shop, lingerie modeling studio, sexually oriented cinema, sexually oriented cabaret, sexually oriented media outlet, or business containing a motion picture arcade.

SECTION 3. No permit, license or other authority shall be issued for the establishment of a massage parlor or similar establishment unless the applicant for such permit or license either: 1) has been licensed by the Kentucky Board of Licensure for Massage Therapy, or, 2) if such board has not been established or has not implemented its licensing procedure, can provide documentation that the applicant can substantially comply with the licensing requirements of Sections 9 and 11 of 2003 Ky. H.B. 268.

SECTION 4. These interim regulations shall go into effect upon adoption and remain in effect for a period concluding on May 15, 2004, or upon the adoption of a new ordinance in response to the study, whichever shall first occur.

SECTION 5. That any section or part of any section or any provision of this Article which is declared invalid by a Court of appropriate jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Article.

SECTION6. That this Article shall take effect and be in force when passed, published and recorded according to law.

## ARTICLE XXI

### MORATORIUM

AN ARTICLE PROVIDING FOR A MORATORIUM ON THE SUBDIVISION OF LAND, THE GRADING OF LAND, AND THE CONSTRUCTION OF STREETS, UTILITIES, NEW BUILDINGS AND ADDITIONS TO EXISTING BUILDINGS IN AN AREA DESIGNATED AS THE MORATORIUM AREA IN THE VICINITY OF THE INTERSECTION OF I-275 AND KY. ROUTE 16

**SECTION 1.0 DEFINITIONS:** As used herein, the following letters, words and phrases have the meanings indicated therefore:

**MORATORIUM AREA:** The words “moratorium area” mean that area designated as the proposed moratorium area in the Draft of the Study Area Boundary and Moratorium Area by Woolpert Inc. and dated February 7, 2006, a copy of which is attached hereto and incorporated herein by reference.

**NOBODY:** The word “nobody” means no human being, or any organization or combination thereof, in the form of a corporation, partnership, joint venture, unincorporated, associated or otherwise.

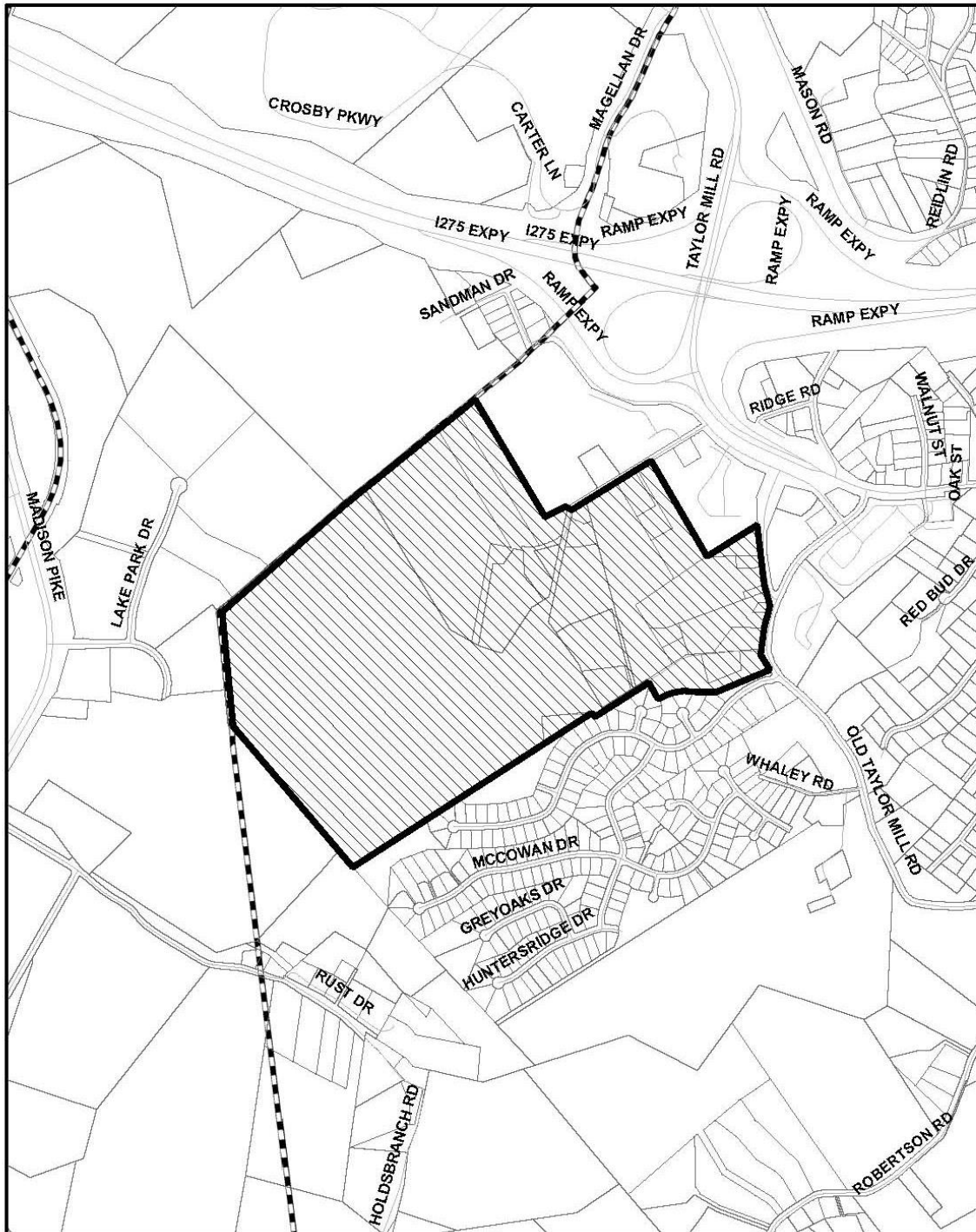
**UTILITIES:** The word “utilities” means the facilities for communication services, the facilities for the transmission and distribution of water, natural gas and electricity, and the facilities for the collection and removal of surface water and waste water.

**SECTION 2.0 MORATORIUM:** Before March 1, 2007, nobody shall cause, promote, aid, assist, encourage, allow or engage in any of the following activities in the moratorium area:

1. The subdivision of any land in the moratorium area.
2. The grading of any undeveloped land in the moratorium area
3. The construction of any new utilities or the extension of any existing utilities in the moratorium area
4. The construction, assembly or installation of any new building in the moratorium area.

**SECTION 3.0 ZONING AND BUILDING PERMITS:** No zoning or building permits for any of the activities prohibited in Section 2.0 hereof shall be issued by or on behalf of the City of Taylor Mill; and, in the event that any such permits are issued, they shall be void ab initio.

# MORATORIUM AREA



Z-06-02-04/1800R

1,000 500 0 1,000 Feet

## APPENDIX A

### SUMMARY OF AMENDMENTS

| <u>ORDINANCE NUMBER</u> | <u>PAGES AFFECTED</u>  | <u>DATE OF APPROVAL</u> |
|-------------------------|--|-------------------------|
|                         | Typed New Text - July 1995   |                         |
| 107                     | 7-1 through 7-21 and 14-1 through 14-15  | 3/26/97                 |
| 114                     | Table of Contents, 9-1 through 9-38  | 6/25/97                 |
| 157                     | Table of Contents, Article X   | 2/9/00                  |
| 171                     | Article X  | 3/28/01                 |
| 183                     | Table Of Contents, Article VII, Article X  | 2/27/02                 |
| 186                     | Table Of Contents, Article VII, Article IX, Article X                                | 4/10/02                 |
| 202                     | Tabled Of Contents, Article XX   | 8/13/03                 |
| 221                     | Article X  | 6/8/05                  |
| 232                     | Table of Contents, Article XXI   | 3/10/06                 |
| 233                     | Table of Contents, Article XIV   | 4/12/06                 |
| 234                     | table of Contents, Article IX  | 4/12/06                 |
| 238                     | Article XXI  | 7/12/06                 |
| 246                     | Table of Contents, Article VIII, Article IX,<br>Article X, Article XIII, Article XIV | 7/13/07                 |
| 251                     | Table of Contents, Article IX  | 12/12/07                |
| 260                     | Table of Contents, Article VII, Article XIV  | 11/12/08                |
| 318                     | Table of Contents, Article IX, Article X   | 2/15/17                 |
| 323                     | Table of Contents, Article X   | 8/16/17                 |
| 324                     | Article IX, Article X, Article XI  | 9/13/17                 |
| 325                     | Article X  | 9/13/17                 |
| 330                     | Table of Contents, Article X, Article XI   | 3/14/18                 |
| 333                     | Table of Contents, Article VII, Article IX<br>Article XVI                            | 6/13/18                 |
| 338                     | Table of Contents, Article VII, Article X  | 10/10/18                |
| 341                     | Table of Contents, Article XI  |                         |
| 345                     | Table of Contents, Article X   | 5/8/19                  |
| 349                     | Table of Contents, Article VII, Article IX   | 8/21/19                 |