

WILLIAMSBURG CITY COUNCIL

Mayor

William "Bill" Nighbert

Council Members

Laurel Jeffries  
Richard Foley  
Joe Early  
Chet Riley  
Roger Harrison  
Paul Estes

WILLIAMSBURG PLANNING COMMISSION

Chair

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# **I      LEGAL STATUS**

## 1.0 TITLE

This Ordinance is entitled, "Zoning Ordinance, Williamsburg, Kentucky (Revised)" and may be referred to as the "Zoning Ordinance". The zoning map referred to herein is entitled "zoning map, Williamsburg, Kentucky (Revised)." The Zoning Map is a part of the Zoning Ordinance, and certified copies of this Ordinance are on file with the Williamsburg Planning Commission and the Williamsburg City Clerk.

## 1.1 Authority, Enactment, and Purposes

The City Council of the City of Williamsburg, Kentucky, does ordain as follows:

As authorized by Kentucky Statutes, Chapter 100, Section 100.201 through 100.271, the Williamsburg City Council has the authority to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes; that the City of Williamsburg shall be divided into districts and that the regulations, restrictions and boundaries of districts shall be established, enforced, and amended as provided in this Ordinance.

The purpose of the Zoning Ordinance is to promote the public's health, safety, and general welfare by establishing and regulating zoning districts for the specific purposes detailed in the Kentucky Revised Statutes, Section 100.201. In establishing the zoning districts, this Ordinance designates sufficient space for all necessary uses of land.

## 1.2 INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing higher standards, shall govern.

## 1.3 SEPARABILITY

Should any section or provision 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 part thereof, other than the part so declared to be unconstitutional or invalid.



1.4 CONFLICT

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

1.5 EFFECTIVE DATE

This ordinance shall become effective from and after the date of its approval and adoption,



## **II ADMINISTRATION AND ENFORCEMENT**

- 2.0 PLANNING COMMISSION** - The Planning Commission shall consist of five members, all of which shall be residents of the City of Williamsburg. At least three of the members shall be citizen members. The planning commission as constituted at the time of adoption of this ordinance shall continue in office. Future appointment shall be in keeping with Sections 2.01-2.04.
- 2.01 APPOINTING AUTHORITY-** The Mayor of Williamsburg shall appoint the five members of the planning commission with the approval of the City Council.
- 2.02 TERM OF OFFICE** -The term of office of all elected public officials shall be the same as their official tenure in office. The terms of office for other members shall be four years, but the term of office of members first appointed shall be staggered so that a proportional number serve one, two, three and four years respectively, and later appointments or reappointments shall continue that staggered pattern.
- 2.03 VACANCIES** - Vacancies shall be filled within sixty days by the Mayor. If the Mayor fails to act within that time, the planning commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.
- 2.04 OATH OF OFFICE-** All members of the planning commission shall, before taking office, 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 a court, or justice of peace with the City of Williamsburg.
- 2.05 REMOVAL** - Any member of the planning commission may be removed by the mayor with approval of the appropriate governmental body for inefficiency, neglect of duty, malfeasance, or conflict of interest.
- 2.06 MEETINGS/PROCEDURES-** The planning commission shall elect a chairman and vice chairman and adopt rules necessary to conduct its affairs in keeping with the provisions of this ordinance. Regular meetings shall be held at least six times annually. Special meetings shall be held at the call of the chairman and at such other times as the commission may determine. All meetings shall be open to the public. The commission shall keep minutes of its procedures, including regulations, transactions, findings, and determinations, and the number of votes for and against each question, and if any member is absent or disqualifieds from voting, indicating the fact.



A simple majority of the total membership of the commission (four) shall constitute a quorum. A member having a financial interest in the outcome of any application before the commission shall disclose the nature of the interest and shall disqualify himself/herself from voting on the question, and shall not be counted for the purpose of a quorum. If it is discovered that a member failed to properly excuse himself/herself, his/.her vote on the issue in question will be void. A simple majority vote of all members present where there is a properly constituted quorum shall be necessary to transact any official business except that a vote of a simple majority of the total membership shall be necessary for the adoption or amendment of the commission's bylaws, or for elements of the comprehensive plan or regulations.

2.07 DUTIES- The planning commission shall:

- Prepare a comprehensive plan.
- Review and amend the comprehensive plan.
- Review all proposed amendments to this ordinance and make recommendations to the city council.
- Review all applications for multi-family housing with development plans attached thereto, and make a recommendation to the Board of Zoning Adjustments concerning same.

2.08 EMPLOYING PLANNERS OR OTHER PERSONS- The planning commission may employ a staff or contract with planners or other persons as it deems necessary to accomplish its assigned duties.

2.09 FINANCES- The City Council may appropriate out of general revenues for the expenses and accommodations necessary for the work of the planning commission. The planning commission shall have the right to reserve, hold, and spend funds which it may legally receive from any and every source both in and out of the Commonwealth of Kentucky, including the U.S. Government, for the purpose of carrying out its duties.

2.1 ADMINISTRATIVE OFFICIAL- An Administrative Official designated by the City Council shall administer and enforce this ordinance. The Administrative Official may be provided with the assistance of such other persons as the City Council may direct.

For the purpose of the ordinance the administrative official shall have the following duties:

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

2.12 Order discontinuance of illegal uses of land, building, or structures.



- 2.13 - Order removal of illegal buildings or structures or illegal additions or structural alterations.
- 2.14- Order discontinuance of any illegal work being done; or
- 2.15- Take any other action authorized by this ordinance to ensure compliance with or to prevent violation(s) of this ordinance. This may include the issuance of and action on building permits and certificates of occupancy permits and such similar administrative duties as are permissible under the law.
- 2.16- Make records of all official actions of this office relating to the administration and enforcement of the provisions of this ordinance including but not limited to written records of all complaints and actions taken with regard thereto, all violations discovered and actions taken thereto, and the final disposition of all such matters.
- 2.17- Issue building permits or certificates of occupancy, or both, in accordance with the literal terms of the regulation, but does not have the power to permit any construction, or to permit any use or any change of use which does not conform to the literal terms of the zoning regulation.

## 2.2 BUILDING PERMITS

2.21 BUILDING PERMITS REQUIRED- No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore issued by the administrative official. No building permit shall be issued by the administrative official except in conformity with the provisions of this ordinance, unless he receives a written order from the board of adjustment in the form of an administrative review, conditional use permit, or variance as provided by this ordinance.

If no building permit has been issued and a builder begins building, permits shall be accompanied by plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; The exact sizes and locations on the lot of building already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; proposed drainage plan, conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, other ordinances. One copy of the plans shall be returned to the applicant by the administrative official, after he shall have marked such copy either as approved or disapproved and attested to same by his



signature on such copy. The original copy of the plans, similarly marked shall be retained by the administrative official.

2.23 EXPIRATION OF BUILDING PERMIT - If the work described in any building permit has not begun within twelve (12) months from the date of issuance thereof, said permit shall expire; it shall be revoked by the administrative official; and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

2.24 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES OF OCCUPANCY. - Building permits or certificates of occupancy issued on the basis of plans and applications approved by the administrative official 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 a violation of this ordinance and punishable as provided by Section 2.9 hereof.

### 2.3 CERTIFICATES OF OCCUPANCY-

2.31 CERTIFICATES OF OCCUPANCY FOR NEW, ALTERED, OR NONCONFORMING USES - It shall be unlawful to use or occupy or permit the use of occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of structure, until a certificate of occupancy shall have been issued, therefore by the administrative official stating that the proposed use of the building or land conforms to the requirements of this ordinance.

No nonconforming structure or use shall be continued until a certificate of occupancy shall have been issued by the administrative official. The certificate of occupancy shall state specifically the character of the nonconformity.

No permit for erection, alteration, moving, or major repair (as opposed to normal repair) of any building shall be issued until an application has been made for a certificate of occupancy, and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work.

A temporary certificate of occupancy may be issued by the administrative official for a period not exceeding six months during alterations or partial occupancy of a building pending its completion. A temporary certificate may include necessary conditions and safeguards to protect the occupants and the public.



The administrative official shall maintain a record of all certificates of occupancy, and a copy shall be furnished upon request to any person. Failure to obtain a certificate of occupancy shall be a violation of this ordinance and is punishable under Section 2.9 thereof.

## 2.4 BOARD OF ADJUSTMENT

2.41 MEMBERSHIP, APPOINTMENT, TERM, VACANCIES, OATH, REMOVAL, AND OFFICERS - The board shall consist of members, all of whom must be citizen members and must reside in the City of Williamsburg, Kentucky. Not more than two of the members may be citizen members of the planning commission. Board members shall be appointed by the mayor, subject to the approval of the City Council. The term of office shall be for four years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one, two, three, and four years respectively. The board as constituted at the time of adoption of this ordinance shall continue in power. Future appointments shall be made as required in this section of the ordinance.

Vacancies on the board shall be filled within sixty days by the mayor subject to approval by the City council. If the Mayor fails to act within that time, the planning commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

All members shall, before taking office, 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 a court, or justice of the peace within the City of Williamsburg.

Any member of a board of adjustment may be removed by the Mayor subject to approval by the City Council, for inefficiency, neglect of duty, malfeasance, or conflict of interest. The Mayor shall submit a written statement to the commission setting forth the reasons for removal, 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 of the circuit court of the county in which he resides.

Each board of adjustment annually shall elect 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 his term.

2.42 MEETINGS OF BOARD: QUORUM; MINUTES; BYLAWS - The board of adjustment shall conduct meetings at the call of the chairperson who shall give written or oral notice to all members of the board at least seven days prior to the meeting, be listed in the local paper at least seven (7) days in advance of a called meeting and a copy of the agenda sent to the mayor and members of the city council.

2.421- 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 a 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 (herself) from voting on the question.

2.422- 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. If the board has no office, such records may be kept in custody of an officer of the board and shall be available to the general public. A transcript of a board of adjustment meeting shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

2.43- EMPLOYING PLANNERS OR OTHER PERSONS- The board of adjustment may employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties under this chapter.

2.44- FINANCES- 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 Commonwealth of Kentucky, including the United States Government, for the purpose of carrying out the provisions of this chapter.

2.45-SUBPOENA POWER- 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. The sheriff shall serve such subpoenas. The circuit court may, upon application by the board, compel obedience to such court or such subpoena by the proceedings of contempt.

2.46- ADMINISTRATION OF OATHS- The chairperson 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.



2.47 POWERS AND DUTIES OF BOARD OF ADJUSTMENT- In exercising its duties, the board may, as long as such action is in conformity with the terms of this ordinance reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken. The concurring vote of the three members of the board shall be necessary to reverse any order, requirements, decision, or determination of the administrative official, 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. For the purpose of this ordinance the board has the following specific responsibilities:

2.5 CONDITIONAL USE PERMITS- The board shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the zoning regulations which may be suitable only in specific locations in the zone only if certain conditions are met:

2.51 - The board may approve, modify, or deny any application for a conditional use permit. If it approves such permit it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated or conditions of a continuing nature. Any such conditions shall be recorded in the board's minutes and on the conditional use permit along with a reference to the specific section in the zoning regulation listing the conditional use under consideration. The board shall have power to revoke conditional use permits, or variances for noncompliance with the condition thereof. Furthermore, the board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.

2.52 -Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing and other regulations.

2.53 -In any case where a conditional use permit has not been exercised within the time limit set by the board, or within one year, if no specific time limit has been set, such conditional use permit shall not revert to its original designation, unless there has been a public hearing. Exercised, as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement has been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed.

When construction is not part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions as set forth in the permit.

2.54 - The administrative official shall review all conditional use permits except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions listed on the conditional use permit, the administrative official shall report the fact in writing to the chairman of the board of adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the chairman of the board 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 adjustment finds that the facts alleged in the report of the administrative official 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 administrative official 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.

2.55 - 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 administrative official, upon request of the applicant, may, if the facts warrant, make a determination 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 the regulations, will be treated as a permitted use.

2.6 VARIANCES - The board shall have the power to decide on applications for variances. The board may impose any reasonable conditions or restrictions on any variance it decides to grant.

2.61 - Findings necessary for granting variances. Before any variance is granted, the board must consider the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the variance, whether

2.62 - The strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant.

2.63 - The variance arises from special circumstances which are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation.

2.64 - Reasons that the variance will not adversely affect the public safety and welfare, and will not alter the essential character of the general vicinity and will not cause a hazard or a nuisance to the public.

2.65 - Variance cannot contradict zoning regulation. The board shall not possess the power to grant a variance to permit a use of any land, building, or structure which is not permitted by the zoning regulation in the zone in question, or to alter density requirements in the zone in question.

2.66 - A variance applies to the property for which it is granted, and not the individual who applies for it. A variance runs with the land and is transferrable to any future owner of the land, but it cannot be transferred by the applicant to a different site.

## 2.67 LAND USE RESTRICTIONS

The planning Commission or Board of Adjustments shall complete and file certificates of land use restrictions with the county clerk in accordance with K.R.S. 100.3681. These certificates shall include variances, conditional use permits, and conditional zoning amendments. The Planning Commission will collect the county clerk's filing fee from the applicant at the time any proceeding is initiated.

## 2.7 NON-CONFORMITIES

2.71 INTENT - Within the districts established by the ordinance (and subsequent amendments) there exist lots, structures, and uses of lands and structures which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the forms of this ordinance or future amendments. It is the intent of this ordinance to permit these non-conformities to continue but not to allow their enlargement, expansion, or extension.

2.72 EXISTING NONCONFORMING USES AND STRUCTURES, CONTINUANCE, CHANGE-  
The lawful use of a lot or structure, existing at the time of adoption of any zoning regulations affecting it may be continued, although such use does not conform to the provisions of such regulations, except as otherwise provided herein.

A nonconforming use may lapse for a period of one year, without being considered abandoned. Any lapse of a nonconforming use for a period exceeding one year will result in the property being required to conform to existing requirements regarding appropriate uses.

The board of adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted. However, in the R-1 and R-2 zones, a residential structure may be enlarged provided the enlargement takes place on the lot of record and it meets the dimensional requirements of the appropriate residential classification. Nor shall the board permit a change from one nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification.

2.73 REPAIRS AND MAINTENANCE - Should any nonconforming structure or nonconforming portion of a structure be damaged, destroyed, or demolished by any means, it may be reconstructed or repaired, but not to exceed the number of cubic feet existing in it, and not to extend or enlarge the scope and area of its operation prior to its damage, destruction, or demolition.

2.8 ADMINISTRATIVE REVIEW - The board of adjustment shall have the power to hear and decide cases where it is alleged by an applicant that there is error in any order, requirement, decision, grant, or refusal made by an administrative official in the enforcement of the zoning regulation. Such appeal shall be within thirty (30) days.

2.81 PROCEDURE FOR ALL APPEALS TO BOARD - Appeals to the board may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action or decision of any zoning enforcement officer. Such appeal shall be taken within thirty days after the appellant or his agent receives official notice of the action, by filing with said officer and with the board a notice of appeal specifying the ground thereof, and giving notice of such appeal to any and all parties of record. Said officer shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At the public hearing on the appeal held by the board any interested person may appear and enter his appearance, and all shall be given an opportunity to be heard. The board will rehear an appeal only in cases where new evidence is available, or where the appealing person or entity desires a complete transcription for the court record.

2.82 PUBLIC NOTICE OR APPEAL HEARING - The board shall fix a reasonable time for hearing the appeal and give public notice in accordance with K.R.S. Chapter 244. As well as written notice to the appellant and the administrative official at least one week prior to the hearing, and shall decide it within sixty days. The affected party may appear at the hearing in person or by attorney.

2.83 APPEALS - Appeals may be taken in the following manner:

2.831 FROM BOARD OF ADJUSTMENT - 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 thirty (30) days after the final action of the board. 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.

2.832 FROM PLANNING COMMISSION - 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 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 any appeal of a planning commission action granting or denying a variance or conditional use permit authorized by K.R.S. 100.203 (5) shall be taken pursuant to this subsection. In such case, the thirty (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.

2.833 FROM CITY COUNCIL - Any person or entity claiming to be injured or aggrieved by any final action of the city council 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 city council. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. The city council shall be a party in any such appeal filed in the circuit court.

Persons speaking at the public hearing in favor of the decision being appealed are not required to be made parties to such appeal.

2.84 RESTRAINT OF CONSTRUCTION WITHOUT PERMIT - If no building permit has been issued and a builder begins or continues to build, a restraining order may be obtained upon application to the proper court of record and evidence of the lack of a building permit shall establish a prima facie case for the issuance of the restraining order.

2.9 VIOLATIONS

2.91 COMPLAINTS REGARDING VIOLATIONS - Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint stating fully the causes and basis thereof, with the administrative official. The administrative official shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

2.92 PENALTIES FOR VIOLATIONS - Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor.

Any person who so violates this ordinance or fails to comply with any of its requirements except provided in Section 2.93 herein below shall upon conviction be fined not less than ten (\$10.00) but no more than five hundred dollars (\$500.00) for each conviction. Each day of violation shall constitute a separate offense.

2.93 VIOLATIONS REGARDING LOTS OR PARCELS - Any person, owner, or agent who violates this chapter shall, upon conviction, be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer.

Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.



### III ZONING DISTRICTS

In order to classify, regulate, and restrict the use and location of buildings designed for specific uses, to regulate and determine the area of yard, courts, and other open spaces surrounding buildings, and to regulate and limit the density of population, and to realize the general purposes set forth in the preamble of this ordinance, the City of Williamsburg is divided into zoning districts. The specific purpose of each zoning district is set forth in Section 3.3 inclusive.

3.0 OFFICIAL ZONING MAP - The boundaries of these Zoning Districts are hereby established as shown on a map entitled "Official Zoning map for the City of Williamsburg, Kentucky". Said Zoning Map and all notations and references and other matters shown thereon shall be and are hereby made a part of this ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bear the seal of the City under the following words: "This is to certify that this is the Official Zoning Map for the City of Williamsburg, Kentucky referred to in Section 300 of the Official Zoning Ordinance for Williamsburg, Kentucky, adopted by the City Council.

If, in accordance with the provision of this ordinance and Kentucky Revised Statutes, changes are made in zoning district boundaries or other matter, portrayed on the Official Zoning Map such changes shall be made on the Official Zoning Map promptly after the amendment has been approved by the Legislative Body together with an entry on the Official Zoning Map as follows: "By official action of the City Council this map was amended as authorized by ordinance as listed below: (amendment, date, brief description of nature of change) which entry shall be signed by the Mayor and attested by the City Clerk. The amending ordinance shall provide that such changes or amendments shall not become effective until they have been duly entered upon the Official Zoning Map. No amendment to this ordinance which involved matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map."

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under Section 2.9.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the City Clerk shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city.

3.01 REPLACEMENT OF OFFICIAL ZONING MAP - In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature of number of changes and additions, the City Council by resolution adopt a new Official Zoning Map which shall supercede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bear the seal of the City under the following words: "This is to certify that this Official Zoning Map supercedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Official Zoning Ordinance for Williamsburg, Kentucky".

3.1 INTERPRETATION OF DISTRICT BOUNDARIES - Where uncertainty exists with respect to the boundaries of any of the Zoning Districts as shown on the Official Zoning Map, the following rules shall apply:

3.11 - Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

3.12 - Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

3.13 - Boundaries indicated as approximately following city limits shall be construed as following such city limits;

3.14 - Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

3.15 - Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;

3.16 - Boundaries indicated as parallel to or extensions of features indicated in subsections 3.11 through 3.15 above shall be so construed. Distances not specifically indicated on the Official Zoning Map, shall be determined by the scale of the map;

3.17 - Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 3.11 through 3.16 above, the planning commission shall interpret the district boundaries.

3.18 - Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance the planning commission may permit, conditionally, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.



### 3.2 ANNEXATIONS

3.21 LAND PROPOSED FOR ANNEXATION - All annexation proposals to annex land into the City of Williamsburg will be reviewed by the Planning Commission in a public hearing at the time of initial annexation efforts, and a written recommendation for appropriate zoning classification(s) will be made to the City Council.

### 3.3 ZONING DISTRICTS

3.31 RESIDENTIAL DISTRICTS - Residential Districts are established to meet the purposes set forth in Sections 303.10-303.13 inclusive.

3.311 LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (R-1) - The purpose of the R-1 Districts is to establish and preserve low density single family residences.

3.312 HIGHER DENSITY DUPLEX/MULTI-FAMILY RESIDENTIAL DISTRICT (R-2) - The purpose of the R-2 District is to establish and preserve higher density residential areas excluding uses which are not compatible with residential use, but permitting certain non-residential uses which are of particular convenience to residents of the district. Planned Residential developments (PRD'S) are also allowed in the R-2 District. Density shall not exceed 15 units per acre.

As multi-family housing is a conditional use in R-2, PRD, B-2, and B-3, building permit applications for multi-family housing with a full set of development plans (lot dimensions, and the intended general layout or design and improvements to the installed) shall be submitted to the Planning & Zoning Commission for a recommendation thereon prior to submission to the Board of Adjustment for issuance or denial of a conditional use permit for construction thereon (Ord. 93-006)

3.313 PLANNED RESIDENTIAL DEVELOPMENT (PRD) - The purpose of the PRD District is to allow for residential dwelling units in a pre-planned environment. The PRD allows for more flexible standards and for a small amount of commercial use. Specific requirements for PRD'S follow:

a. OBJECTIVES FOR PLANNED RESIDENTIAL DEVELOPMENTS - It shall be the policy of the City of Williamsburg, Kentucky to promote progressive development of land and construction thereon by encouraging planned unit developments to achieve:

A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, and area requirements;

A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services;

A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;

A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets;

A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the comprehensive plan.

# R-1 SINGLE-FAMILY RESIDENTIAL

## PRINCIPAL

Single Family Dwellings

BLDG. HT. (MAX) 30 FT.

### MINIMUM LOT SIZE

Area 7,500 Sq. Ft.  
Width 75 Ft.

### MINIMUM YARD REQUIREMENTS

Front 25 Ft.  
Rear 25 Ft.  
Side 12 Ft.

## CONDITIONAL

Home occupations,  
Churches, and related uses

regular parks, playgrounds  
schools

Cemeteries  
Hospitals  
Bed & Breakfast

### Uses

<u>Uses</u>	<u>No. of spaces</u>
Residential Churches	2 per dwelling
Related	1 per 5 seats
Schools	1 per employee & 1 per 10 students
Parks, Playgrounds	1 per 800 sq. ft.
Library Home	1 per 400 sq. ft.
Occupations	2 per dwelling

### SIGNS (see Section 3.6)

**LOCATIONS:** Signs may be place on bldg. Walls. Temporary signs may be free standing.

**DIMENSIONS:** 2-32 sq. ft.

**HEIGHT:** 6 Ft.

**TYPES:** Name plates and addresses, temporary rental, sale, political, public, home occupations. No billboards.

## ACCESSORY

Greenhouses (Non-commercial)  
Garages, Carports  
Storage Sheds  
Swimming pools (private)

**STORAGE:** Any material stored outdoors Must be stored in an enclosed space, or be screened from adjacent land uses

Note: Accessory Bldgs. Will be 5 ft. from all lot lines and all other bldgs.

**LIGHTING:** Lighting shall be located And established in such a way as not to create a nuisance or hazard.

R-2

DUPLEX & MULTI-FAMILY RESIDENTIAL

**PRINCIPLE USES:**

Single-family dwellings	Double-Wide mobile homes
Two-family dwellings (duplexes)	Modular homes
Planned residential development	(See sec. 3.314, item 2)

**CONDITIONAL USES:**

Multi-family dwellings	Parks/playgrounds
Bed & breakfast rooms	Home occupations
Libraries	Churches and related uses
Schools	Day care centers

**ACCESSORY USES:**

Garages, carports (detached)	Swimming pools (private)
Storage sheds	Note: Accessory bldgs. Will be a minimum of (5) feet from all lot lines.

**BUILDING HEIGHT:** Maximum of 30 feet

**MINIMUM LOT SIZE:**

Area:	Single-family-	6,000 sq. ft
	Duplex/multi-family -	10,000 sq. ft.
Width:	Single-family -	60 feet
	duplex/Multi-family-	100 ft.

**MINIMUM YARD REQUIREMENTS:**

Front 25 ft  
 Rear 20 ft.  
 Side 10 ft.

**PARKING:**

<u>USES</u>	<u>No. OF SPACES:</u>	<u>USES:</u>	<u>NO. OF SPACES</u>
Residential	1/bedroom unit	Churches/related	1/5 seats
Schools	1/employee + 1/10 students	Libraries	1/400 sq. ft.
Parks/playgrounds	1/800 sq. ft.	Home occupations	2/dwelling unit
Bed-breakfast rooms	3/dwelling unit		

**SIGNS:** (See section 3.6)  
 Dimensions vary from 2-30 square feet

**Height-** 6 ft

**Types:** Name plates, addresses, public, home occupations, temporary rental/sales, political,; no billboards.

**STORAGE:** Any material stored outdoors must be stored in rear yards, be maintained, and be screened from adjacent land uses.

**LIGHTING:** Bldg. Or parking area lighting shall be located or established in such a way as not to create a nuisance or hazard

# PRD PLANNED RESIDENTIAL DEVELOPMENT

## PRINCIPAL

Single Family residents  
(Attached or detached),  
duplexes  
Multi-Family residences  
Playgrounds  
Neighborhood commercial  
activities

BLDG, HT.- 40 Ft.

**MINIMUM PUD AREA:** 10 acres

### **MINIMUM LOT SIZE:**

Area: 2,000 sq. ft.  
Width: 20 ft.

### **MINIMUM YARD REQUIREMENTS:**

Front: 25 Ft. Attached dwelling units  
Rear: 25 ft. shall have a min. of 15  
ft.  
Side: None between buildings

## NOTES:

Commercial uses will be limited to a max. of 10% of the total area. 20% of the total area shall be in recreational use or open space. Attached single family dwelling units shall not exceed 8 units in a cluster (continuous row).

## PARKING

<u>USES</u>	<u>No. OF SPACES</u>
Residential	1 Per bedroom unit
Neighborhood	1 per 200 sq. ft.
Commercial	

## CONDITIONAL

Home occupations  
Schools  
churches and related uses  
Multi-Family residences

## SIGNS See (Section 3.6)

**LOCATIONS:** Signs may be place on bldg. Walls. Temporary signs may be free standing.

**DIMENSIONS:** (See B-1 for commercial signs)

Sign area 2-30 sq. ft.  
Height Max. of 10 ft.

**TYPES:** Name plates and addresses, temporary rental, sale, political, etc. No billboards.

## ACCESSORY

Uses that are normally considered to be necessary to the operation of the principal use and are incidental or subordinate to the principal use.

**STORAGE:** Any material stored outdoors Must be properly maintained and screened from adjacent land uses.

**LIGHTING:** Bldg. or parking area lighting shall be located or established in such a way as not to create a nuisance or Hazard.

The City is also prepared to accept a greater population density in PRD areas than that reflected by present zoning, provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

b. PROVISIONS GOVERNING PLANNED RESIDENTIAL DEVELOPMENTS- Because of the special characteristics of planned unit developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Article and those of the other Articles of the ordinance, the provisions of this Article shall prevail for the development of land for planned unit developments. Subjects not covered by this Article shall be governed by the respective provisions found elsewhere in this ordinance, and/or in the Subdivision Regulations.

C. USES PERMITTED - Compatible residential, commercial (B-1), public, and quasi-public uses may be combined in PRD districts provided that the proposed location of the commercial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare. Lot area and other yard requirements of the R-1, and R-2 residential districts established in Sections 3.311 and 3.312 shall apply except as modified in items e through l below. Dwelling units in detached, semi-detached, attached, or multi-family structures, or any combination thereof (to include townhouses) are permitted.

d. PROJECT OWNERSHIP - The project land (for development) shall be owned, leased, or controlled either by a single person or entity (public or private).

e. COMMON OPEN SPACE AND DISPOSITION THEREOF - A minimum of twenty percent (20%) of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed as determined by the Planning Commission.

The required amount of common open space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the City and retained as common open space for parks, recreation, and related uses. All land dedicated to the City must meet the Planning Commission's requirements as to size, shape, and location. Public utility and similar easements and rights-of-way, for water courses and other similar channels are not acceptable for common open space dedication to the City unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Planning commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

f. UTILITY REQUIREMENTS - Underground utilities, including telephone and electrical systems, are recommended within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

g. MINIMUM PROJECT AREA - The gross area of a parcel of land to be developed in a planned unit development district shall be a minimum of 3 acres, provided, however, that smaller parcels may be considered on the basis of their potential to satisfy the objectives of this Article as stated in Section

When the planned unit development proposes a mixture of residential uses with commercial uses, the Planning Commission may limit the development for commercial uses. No commercial development shall be allowed prior to completion of the residential development. When commercial use is allowed, the developer will submit a market analysis.

h. MINIMUM LOTS SIZES - Lot area per dwelling unit may be reduced to not less than two thousand (2,000) square feet.

Lot widths may be varied to allow for a variety of structural designs, but must be a minimum of twenty (20) feet. The front setback will be a minimum of twenty-five (25) feet. Spacing between the exterior walls of side buildings shall be at least fifteen (15) feet.

i. HEIGHT REQUIREMENTS - For each foot of building height over the maximum height regulations specified in Section 3.33, the distance between such buildings and the side and rear property lines of the planned unit development project area shall be increased by a one (1) foot addition to the side and rear yard required in the districts.

j. PARKING - Off-street parking, loading, and service areas shall be provided in accordance with Section 3.5 of this ordinance.

k. PERIMETER YARDS - Notwithstanding the provisions of this Article, every lot abutting the perimeter of the planned unit development district shall maintain all yard requirements specified for the applicable conventional zoning district.

l. LOTS TO ABUT UPON COMMON OPEN SPACE - Every property developed under the planned unit development approach should be designed to abut upon common space or similar areas. A clustering of dwellings is encouraged. In areas where town houses are used, there shall be not more than eight (8) individual town house units in any contiguous group.

m. PROCEDURE FOR APPLICATION AND APPROVAL OF PLANNED RESIDENTIAL DEVELOPMENTS - All proposed planned unit development shall follow the procedure for plat preparation and subdivision approval as set forth in the city Subdivision Regulations. In addition the Planning Commission shall hold a public hearing on the preliminary plat of the proposed planned unit development to aid them in deciding the merits of the proposed project. (Nothing herein should be construed to mean that the land owner has the inherent right to develop a planned unit development. The Planning Commission has the power to decide whether or not to allow the planned unit development based on their experience, knowledge, public hearing and the standards set forth herein). Accompanying all preliminary plats shall be calculations for overall density, parking requirements and other material the Commission may reasonably require. If the Planning Commission approves the preliminary plat the developer may proceed with activities leading to the final plat approval, providing that the project shall be developed in conformance with the approved preliminary plat.

### 3.314 Mobile Homes -

#### 3.3141 Permitted

a. No additional single-wide mobile homes shall be parked, constructed, installed, erected or set within the city limits of the city except in an approved mobile home park. Mobile home parks are permitted as a conditional use only in B-1 Neighborhood Business Districts.

b. A double-wide mobile home or a modular home may be parked, constructed, installed, erected or set within the city limits, provided it is located in an area zoned R-2, on a single lot of record, and is in compliance with the other provisions of this section.

c. No mobile home or accessory building or structure shall be located closer to any park property boundary line abutting upon a public street or highway than twenty-five (25) feet, and at least twenty (20) feet from other park boundary lines.

No mobile home shall be located within fifteen (15) feet from another mobile home. An accessory structure which has a horizontal area exceeding twenty-five (25) square feet, if attached to a mobile home or located within ten (10) feet of its window, and has an opaque top or roof that is higher than the nearest window shall, for purposes of all separation requirements, be considered to be part of the mobile home.

#### 3.3142 Non-conforming Mobile Homes and Mobile Home Parks

a. All existing mobile homes which are located within the city at the time of passage of this ordinance shall be allowed to remain in their present location. Should the owner desire to replace said mobile home, or should said mobile home be damaged or destroyed by fire, wind, or other acts of God, the owner shall be permitted to replace said mobile home in the same location, provided they obtain a permit and have an inspection by the Williamsburg Building Inspector.

b. Any existing mobile home park on the effective date of this regulation which does not fully meet the design and construction requirements of this section may continue to operate as it presently exists so long as the facilities in the park are capable of being maintained in a safe and sanitary manner and shall be required to apply for an annual permit to operate within the city limits, and be inspected annually by the Whitley County Department of Health. A copy of this inspection must be kept on file with the Williamsburg Building inspector.

In the event a mobile home unit is not capable of being maintained in a safe and sanitary manner, then said unit shall not be permitted to be occupied and shall be removed from the premises of the mobile home park. No unit shall be permitted to be replaced unless a permit is obtained, the individual replacement unit is in compliance with other provisions of this section, and an inspection by the building inspector of Williamsburg is first obtained. No non-conforming mobile home park may be expanded in size or number of units without meeting the requirements of this ordinance.

### 3.3143 Other Provisions

A double-wide home or modular home located on a single lot of record shall:

a. Comply with the provisions of the Kentucky Building Code.

b. Have a pitched roof with shingles and siding of masonry or masonite, wood manufactured and designed as a siding product, aluminum or vinyl horizontal siding (neither the roof nor the siding is to be of sheet metal construction).

c. Be placed on a closed, solid foundation or concrete footer constructed of masonry materials (concrete block, poured concrete, brick, rock, etc.); no metal or fiberglass underpinning shall be permitted.

d. Have a minimum structure of 24' X 40' and contain a total of not less than 960 square feet (outside box dimensions).

e. Adhere to the same lot size requirements of not less than 6,000 square feet designated for conventional houses (the regulations on the dimensions and area for lots are set forth in the dimensional requirements as applied to an R-2 zone.

Frontage setback: 25 feet

Side setback: 10 feet

Rear setback: 20 feet

f. Before a double-wide mobile home or modular home is placed on any single lot of record which is in the name of the applicant, and before a foundation is prepared for the location of same as specified above, a building permit must be secured from the Williamsburg Building Inspector.

g. Before a building permit is issued for any double-wide mobile home or modular home to be placed on a single lot of record, and prior to the unit(s) being moved on-site, it must be



inspected personally by the Williamsburg building Inspector to see if it complies with the provisions of the Kentucky Building Code. A non-refundable inspection fee of \$50.00 shall be assessed to the applicant prior to inspection. (This charge is in addition to any other fees assessed.)

h. All double-wide mobile homes or modular homes located in R-2 areas as specified above shall be considered, for property tax valuation purposes, real property.

i. The lot on which the proposed double-wide mobile home or modular home is to be located shall be in the name of the applicant.

### 3.3144 Subdivision

Any subdivision of land whether a planned development project or the division of a lot into two or more lots for the purposes of placing a double-wide mobile home or modular home shall conform to the provisions set forth in the Subdivision Regulations. No lot as specified shall contain less than 6,000 square feet of space.

### 3.3145 Violations

Any person, firm or corporation violating the provisions of this ordinance shall be required to move said mobile home or modular home immediately and shall be fined the sum of \$15.00 per day said violation continues.

## 3.315

## SUPPLEMENTARY REGULATIONS - Residential only

3.3151 GENERAL - The purpose of the supplementary district regulations is to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered.

3.3152 FENCES, WALLS, AND HEDGES - Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of the yard, provided that no fence, wall, or hedge or other plants shall be permitted so as to impair traffic visibility (shall be setback a minimum of 10 feet from the street right-of-way line). Fences or walls shall be constructed so that any supporting parts shall be facing the inside of the lot of the person(s) providing the structure. A building permit is required prior to constructing a fence or wall. Other requirements related to fences and walls are covered in the definition on (page 58.) more detailed here.

3.3153 ACCESSORY STRUCTURES - Accessory structures shall be located in the rear yard of a principal structure, and shall not be erected within five feet of any property line. A building permit is required prior to erecting an accessory structure.

3.3154 HEIGHT LIMITATIONS - The height limitations contained in the district regulations elsewhere do not apply to such additions as chimneys, vent pipes, or other appurtenances usually required to be placed on the roof of a residential structure.

3.3155 STRUCTURES TO HAVE ACCESS - Every building hereafter erected or moved shall be on a lot adjacent to a public street, or shall have access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking. See Figure 1 for visibility requirements at street intersections.

3.3156 EXCAVATIONS AND FILLS - Any excavation or fill beyond that normally associated with obtaining a building permit (foundations, etc.) shall be required to get a conditional use permit.

3.32 BUSINESS DISTRICTS - Business districts are established to meet the purposes as set forth in Sections inclusive.

3.321 NEIGHBORHOOD BUSINESS DISTRICT (B-1) - The purpose of this district is to provide for neighborhood convenience goods. Neighborhood commercial areas should be located on a collector or arterial street. The minimum area required for a neighborhood shopping center shall be 5 acres. No building shall cover more than 25 percent of the total area of the lot or tract.

3.322 HIGHWAY AND SHOPPING CENTER (B-2) - The purpose of this District is to encourage the establishment of areas for highway business uses and, the establishment of large clustered, planned areas for general business uses, to meet the needs of variable sized markets. This district is specifically designed to serve the motoring public.

a. DESIGN STANDARDS - The following minimum design standards shall be met in the development of shopping centers:

The shopping center shall provide adequate means of ingress and egress from arterial streets or highways. Entrances and exits will be located so as to not increase congestion at intersections. The shopping center will provide internal traffic circulation and control devices so as to maximize auto and pedestrian safety.

The shopping center shall be permanently screened by a wall from any abutting residential property. Screening shall also be provided for residential areas across the street and within 100 feet of the shopping center property.

3.323 CENTRAL BUSINESS DISTRICT (B-3) - The purpose of the District is to accommodate and encourage further expansion and renewal in the historical business core area of the city. A variety of business institutional, public, semi-public, cultural, residential and other related uses are provided in an effort to provide the mix of activities necessary to establish a truly urban character.

3.33 PARKING AND LOADING REQUIREMENTS - Notwithstanding any other requirement of this ordinance there shall be provided at least two (2) square feet of off-street parking area, including driveways, for every square foot of total usable retail floor space, not including basement storage space, in a neighborhood shopping center; and three (3) square feet of off-street parking area for every square foot of total usable floor space, not including basement storage space, in a community or regional center.

Notwithstanding any other requirements of the ordinance there shall be provided one (1) off-street loading space for each ten thousand (10,000) square feet or fraction thereof of aggregate floor space of all buildings in the center. At least one third (1/3) of the space required shall be sufficient in area and vertical clearance to accommodate trucks of the tractor-trailer type. Such loading facilities shall be permanently and fully screened from any residential district adjoining or facing said facilities.

If the preliminary development plan is found to comply with the conditions and requirements set forth in this section and other location is found to be in substantial accordance with the locational standards set forth in this section, the commission shall hold a public hearing on the petition for a zoning map amendment, and shall then forward its recommendation for approval or disapproval to the City Council.

### 3.34 SUPPLEMENTARY REGULATIONS

3.341 GENERAL - The purpose of supplementary district regulations is to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered.

3.342 FENCES, WALLS, HEDGES - Notwithstanding other provisions of this ordinance, fences, walls and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall or hedge shall be so permitted as to impair traffic visibility. Where business districts abut residential districts, fences, wall, or hedges may be required as a buffer, to protect residential areas.

3.343 ACCESSORY BUILDINGS - Accessory buildings shall be located in the rear yard of a principal structure, and shall not be erected within five (5) feet of any property line.

3.344 EXCEPTIONS TO HEIGHT REGULATIONS - The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

3.345 STRUCTURES TO HAVE ACCESS - Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking. See Figure 1 for visibility requirements at street intersections.

# B-1 NEIGHBORHOOD BUSINESS

## PRINCIPAL

1. Retail Trade: Food stores, Clothing, eating establishments, pharmacy, sporting

goods, Bookstore, jewelry, gifts, Music store, flower shop/Nursery, laundry, hardware, Copying svc.

2. Services: Professional Offices, beauty/barber Shops, banks/savings &

Loan, shoe repair, travel

Services, theater, small Appliance repair.

3. Government: Post office, fire/ Police station, schools, Community centers, libraries.

Note: If a specific use is not included in the list above, the Planning Commission will determine its appropriateness in terms of the closest related use. If a determination cannot be made the requested use shall be treated as a conditional use.

## CONDITIONAL

Pet shop, funeral homes, health club, auto services/repair, nursing home, dance studio, business/civic clubs, church and related uses, loft, (walk-up) dwellings,

## ACCESSORY

Uses that are normally considered to be necessary to the operation of the principal use and are incidental or subordinate to the principal use.

**STORAGE:** Any material stored outdoors to be properly maintained & screened from adjacent land uses.

**LIGHTING:** Bldg. Or parking area lighting shall be located or established in such a way as not to create a nuisance or hazard.

**BLDG HT.** Maximum of 35 ft.

## MINIMUM LOT SIZE:

Area: None, except shopping center- 5 acre.

Width: None

## MINIMUM YARD REQUIREMENTS:

Front: 25 ft.

Rear: 15 ft.: 50 ft. if abuts residential

Side: None; 25 ft if abuts residential

## USES

All principal uses (with the following exceptions)

Funeral Home

Residential

Uses

Professional

Offices

Post office

Schools

Churches/

Related

Nursing

home

Library

## NO. OF SPACES

1 space per 200 sq. ft. of floor space

1 per 100 sq.ft

1 per bdrm unit

1 per 400 sq.ft

1 per 100 sq.ft

1 per employee

& 1 per 10 stnt

1 per 5 seats

1 per 2 beds

1 per 400 sq. ft.

## SIGNS (See Sect. 3.6)

**LOCATIONS:** Signs may be placed on bldg. Walls. A neighborhood shopping center is allowed one free-standing sign per street Frontage.

## DIMENSIONS:

Sign area: Max. of 60 sq. ft.

Height: Max of 40 ft.

Set backs: Min of 25 ft. from R-O-W.

**TYPES:** On-site commercial; name plates and addresses (maximum of 4 Sq. ft.); temporary, rental, sales, political, etc. (maximum of 6 sq. ft.). No billboards allowed.

## B-2 GENERAL BUSINESS

### PRINCIPAL

Wholesale & retail trade: Hardware, furniture, vehicle sales, clothing, eating establishments, office supplies,

used merchandise, jewelry, sporting goods, bookstore, gifts, florist, monument sales, musical eqpt., nursery services: banks, loan company, laundry beauty/barber shops, health, business Services, mini-warehouses, theater, bowling, billboards, skating, electrical/electronic plumbing/htg., video, professional services, rentals, auto services/repair. Government: social services, fire/police stations, churches/related, post office, auditorium, stadium. Residences: Loft, motel.

Note: If a specific use is not included in the list above, the Planning Commission will determine its appropriateness in terms of the closest related use. If a determination cannot be made, the requested use shall be treated as a conditional use.

### CONDITIONAL

Contract construction, pet shop, veterinary. Multi-Family

### ACCESSORY

Uses that are normally considered to be necessary to the principal use and are incidental or subordinate to the principal use.

### STORAGE:

Any material stored outdoors must be properly maintained and screened from adjacent property.

**BLDG. HT.** Maximum of 65 ft.

### MINIMUM LOT SIZE:

**AREA:** None, except shopping center  
10 acres  
**Width:** None (and multi-family family residences)

### MINIMUM YARD REQUIREMENTS

**Front:** 25 ft.  
**Rear:** 15 ft.; 50 ft. if abuts residential  
**Side:** None; 25 ft if abuts Residential

### PARKING

<u>USES</u>	<u>No. of Spaces</u>
All principal	1 space per 200
Uses (with the	ft. of flr. Space
Following except-	
ions) Profession-	
al offices	1 per 400 sq. ft.
Funeral home	1 per 100 sq. ft.
Post Office	1 per 100 sq. ft.
Churches/related	1 per 4 seats
Auditorium/ Stadium	
Residential uses	1 per bdrm unit.

SIGNS (See sect. 3.6)

**LOCATIONS:** Signs may be placed on Bldg. Walls. A commercial strip Or shopping center may have a free Standing sign per street frontage.

### DIMENSIONS:

Sign area: Max. of 60 sq. ft.

Height: Max of 40 ft.

**TYPES:** On-site commercial; name plates and addresses (max. Of 4 sq. ft.) Temporary signs (max of 6 sq. ft.)

**LIGHTING:** Bldg. Or parking area lighting shall be located or established in such a way as not To create a nuisance or hazard.

# B-3 CENTRAL BUSINESS DISTRICT

## USES

### PRINCIPAL

Wholesale & retail trade: Hardware, furniture, vehicle sales, grocery, pharmacy, clothing, eating establishments, office supplies, used merchandise, jewelry, sporting goods, bookstore, gifts, florist, music, electronics, appliances.

Services: banks, loan companies, laundry, beauty/barber shops, health, business services, theater, electrical/electronic, plumbing & heating professional services, rentals, auto services, auto repair, T.V. radio stations, telephone, taxicab, real estate, insurance,

GOVERNMENT: Social Services, fire/police stations, churches/related, post office, auditorium, stadium,  
Residences: Loft, motel/hotel, bed and breakfast, multi-family.

### CONDITIONAL

Contract construction, pet shop, funeral home. Multi-family

### ACCESSORY

Uses normally considered to be necessary to the operation of the principal use and are incidental or subordinate to the principal use.

## DIMENSIONS

BLDG. HT. - No limit

MINIMUM LOT SIZE:

Area: None except multi-Family residences  
Width: None

### MINIMUM YARD REQUIREMENTS

Front: None, except multi-Family residences  
Rear: None, except multi-Family residences  
Side: None, except multi-Family residences

### PARKING

#### USES

#### No. OF SPACES

All principal uses (with the following exceptions)	1 spc per 200 sq.ft of floor space
Professional Offices	1 per 400 sq. ft.
Funeral Home	1 per 100 sq. ft.
Post Office	1 per 100 sq. ft.
Churches/related Auditorium	1 per 4 seats
Stadium	1 per 4 seats
Residential uses	1 per bdrm unit

### SIGNS

LOCATIONS: Signs may be placed on bldg. Walls.

### DIMENSIONS

Sign Area: Max. of 60 sq. ft.  
Height: Max. of 40 ft.

TYPES: On-site commercial; name plates And addresses (max. 4 sq. ft.); temporary Sign (max. Of 6 sq. ft.) No billboards allowed

### SUPPLEMENTARY

STORAGE: Any material stored outdoors must be properly maintained and screened from Adjacent land uses.

LIGHTING: Bldg. Or parking area lighting Shall be located or established in such a way as not to create a nuisance or hazard

3.33 INDUSTRIAL DISTRICT - The Industrial District is established to meet the purposes set forth in Section 3.331-3.345.

3.331 INDUSTRIAL DISTRICT (I-1) - The purpose of the I-1 District is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare; operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged.

3.34 SUPPLEMENTARY REGULATIONS

3.341 GENERAL - The purpose of supplementary district regulations is to set specific conditions for various uses, classification uses, or areas where problems are frequently encountered.

3.342 EXCEPTIONS TO HEIGHT REGULATIONS - The height limitations contained in the District Regulations do not apply to antennas, water tanks, ventilators, chimneys or other appurtenances.

3.343 BUFFER PROTECTION - Whenever an industrial district boundary abuts a residential district, there shall be provided and maintained on the industrial land, a masonry wall at least seven (7) feet in height, the design and specifications of which are subject to Planning Commission approval.

3.344 PROTECTION STANDARDS - Any manufacturer locating with an I-1 District shall be required to submit information regarding storage, use, and/or disposal of any materials or substances which might be detrimental to public health safety and welfare, to the City Fire Department, Sewage Department, Sanitation Department, and the County Board of Health.

No building permit will be issued until the building Inspector receives notification of approval from the above agencies.

There shall be no production of noise by any use at any boundary of the building site in use, which is in excess of the average intensity of street and traffic noise at that boundary.

There shall be no emission of any use of objectionable heat, glare or vibration which is perceptible beyond any boundary of the building site in use.



# I-1 INDUSTRIAL

## USES

### PRINCIPAL

Textile/clothing  
furniture,  
Printing  
Electronics, electrical  
Instruments, appliances  
Pharmaceuticals  
Toys, novelties  
Beverages, bottling  
Machine shops,  
Signs  
Warehouses, mini-warehouses

## DIMENSIONS

BLDG, HT.- 45 ft.

### MINIMUM LOT SIZE:

Area: 1 acre  
Width: Min. of 100 ft.

### MINIMUM YARD REQUIREMENTS

Front: 50 ft.  
Rear: 50 ft.  
Side: 25 ft. (50 ft. when  
abuts residential

## PARKING

### USES

All  
Principal  
Uses (with  
The following  
Exceptions)  
Warehouses/  
mini  
Warehouses 1 per 400 sq. ft.

### No. OF SPACES

1 per 2 employees

## CONDITIONAL

Lumber/wood products  
Transportation equipment  
Chemicals/related  
Metal Fabrication  
Rubber/plastics  
Fertilizers  
stockyards/related  
Glass, food and related

## SIGNS

LOCATIONS: signs may be placed on  
Bldg. Wall, or free-standing.

## DIMENSIONS:

Sign area: Maximum of 150 sq. ft.  
Height: Maximum of 40 ft.

TYPES: On-site commercial; name  
plates and addresses, temporary  
signs.

## SUPPLEMENTARY

STORAGE: Any materials stored out-  
doors must be properly maintained  
and screened from adjacent land  
uses.

LIGHTING: Bldg. or parking lot  
lighting shall be located or esta-  
blished in such a way as not to  
create a nuisance or hazard.

## ACCESSORY

Uses that are normally  
considered to be necessary  
to the operation of the  
principal use and are  
incidental or subordinate  
to the principal use.

There shall be no emission by any use of toxic or noxious matter, such as dust, dirt, odors, vapors, gases, fumes, or smoke at or beyond any boundary of the building site in use.

There shall not be created or maintained by any use, any fire, explosion, or related safety hazard beyond the boundary of the building site in use.

No materials or wastes shall be stored in such a manner that they may be transferred off the building site by natural forces or causes.

Only untreated sewage as reviewed and approved by the City Sewer Department at the time of Building Permit application, will be emitted from the site. No toxic or noxious materials will be dumped into the city sewer system.

3.345 ACCESS - Industrial sites shall abut a collector or major arterial street and have driveways with a minimum width of fourteen (14) feet for one-way traffic, and twenty-four (24) feet for two-way traffic. See Figure 1 for visibility requirements at street intersections.

3.35 PUBLIC/SEMI-PUBLIC DISTRICTS (P/SP) - These districts are designed to accommodate the establishment of large governmental developments such as public cemeteries, recreational areas, school, colleges, and related activities.

Adequate information regarding the proposed development of such areas shall be furnished to the Planning Commission by the governmental agency responsible.

3.36 AGRICULTURE - These districts are designed to accommodate agricultural uses as defined in item 3, definitions. These districts are located in flood-prone areas along the Cumberland River and its feeder streams. There are two types of agricultural districts:

A-1 Agriculture, without structures.

A-2 Agriculture, with structures.

3.4 CONDOMINIUM APPLICATIONS - Applications for a condominium project should be made to the codes Enforcement Officer. The application procedures and applicable definitions are included in the Appendix.

# P/SP - PUBLIC/SEMI-PUBLIC

## PRINCIPAL

Public cemetery  
schools-elementary, middle,  
high school, vo-tech, colleges  
Airport  
Golf course  
Coliseum, auditorium  
Water/sewer treatment  
Plants  
Parks, playgrounds, recreation  
Areas, Hospitals.

BLDG. HT. - 65 ft.

### MINIMUM LOT SIZE:

Area: 5 acres  
Width: 200'

### MINIMUM YARD REQUIREMENTS:

Front: 50 ft.  
Rear: 50 ft.  
Side: 25 ft.

### USES

### NO. OF SPACES

Schools-	
Elem/middle	2 per class
High school	5 per class
Colleges	6 per class
Airport	1 per 200 sq. ft.
Golf course	2 per hole, & 1 per 200 sq. ft.
Auditorium, Stadium	1 per 4 seats
Playgrounds, Parks.	

### SIGNS:

**LOCATIONS:** Signs may be placed on walls of bldgs, or free-standing.

### DIMENSIONS:

**SIGN AREA:** Max. of 60 sq. ft.  
**Height:** Max. of 40 ft.

### TYPES: On-site

identification; name plates and addresses (max of 4 sq. ft.); temporary sales, rental, etc. (max. Of 6 sq. ft.). No billboards allowed.

**STORAGE:-** Any material stored outdoors must be properly maintained and screened from adjacent land uses.

**LIGHTING:** Bldg. Or parking area lighting shall be located or established in such a way as not to create a nuisance or hazard.

## CONDITIONAL

Note: If a specific use is not included in the list above, the Planning Commission will determine its appropriateness in terms of the closest related use. If a determination cannot be made, the requested use shall be treated as a conditional use.

## ACCESSORY

Uses that are normally considered to be necessary to the operation of the principal uses and are incidental or subordinate to the principal use.

### 3.5 PARKING REQUIREMENTS

3.51 GENERAL - No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this ordinance.

The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves additions or enlargements, there shall be provided as many spaces as may be required by the Ordinance.

Whenever a building or structure constructed after the effective date of this ordinance is changed or enlarged in floor area, number of employees, number of housing units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change, provided whenever a building or structure existing prior to the effective date of this ordinance is enlarged to the extent of fifty (50) percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

### 3.52 PARKING SPACE DIMENSIONS, MINIMUM DISTANCE, & SETBACKS-

Whenever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall not be less than twenty-three (23) feet by nine feet. For angular parking each parking space shall contain a rectangular area at least nineteen (19) feet long and nine (9) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this section. All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in Section 3.59 of this ordinance. No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. If on the same lot with a one family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right-of-way.

3.53 LOADING SPACE REQUIREMENTS AND DIMENSIONS - A commercial loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than fifteen (15) feet. One off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor.

### 3.54 ACCESS

3.55 - Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking from or into a public or private street shall be traveling in a forward motion. Access or driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such lot shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.

3.56 WIDTH OF ACCESS DRIVEWAY- The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards:

Aisle Width	PARKING ANGLE				
	0	30	45	60	90
One-way traffic	13	11	13	18	24
Two-way traffic	19	20	21	23	24

Parking areas having more than one aisle or driveway shall have directional signs or markings in each aisle or driveway.

3.57 PAVING, DRAINAGE, MAINTENANCE, LIGHTING - The required number of parking and loading spaces together with driveways, aisles, and other circulation areas, shall be improved with acceptable impervious material to provide a durable and dust-free surface. All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water on to adjacent properties or walkways. The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash and other debris. All parking lot surfaces (excluding single-family residential areas) will be upgraded to a paved surface after one year. Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.

Access ways and parking areas shall be lighted adequately by lighting fixtures which shall be so installed as to reflect light away from adjoining properties.

3.58 LOCATION OF PARKING SPACES - Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve.

Parking spaces for apartments, dormitories or similar residences shall be located adjacent to the principal use. Parking spaces for commercial, industrial, or institutional uses shall be located not more than seven hundred (700) feet from the principal use. Parking lots farther than seven hundred (700) feet from the principal use may be approved by the appropriate authority.

3.59 PARKING SPACE REQUIREMENTS - For the purpose of this ordinance the following parking space requirements shall apply:

Parking Space Requirements

Single family, two family dwellings	Two for each dwelling unit
Apartments, Multi-Family dwellings	One for each bedroom
Boarding Houses, tourist homes, fraternity-sorority houses	Two per sleeping room or two per permanent occupant
Mobile homes	Two per unit
Churches, related uses	One for each 5 seats
Homes for Senior Citizens	One per 2 beds
Libraries, museums, art galleries	One per 400 sq. ft. floor area
Elementary and junior high schools	Two per classroom, plus one per 8 audit. Seats
High schools	One per 10 students and one per teacher and employee
Kindergardens, day-care centers, Civic, Charitable Organizations, private clubs	Two per classroom (min of 6) One per 5 seats
Business activities (in R-3 and MP districts only)	One per 300 sq. ft. of floor Area
Automobile service station which also provide repair	One for each two gasoline Pumps, and 2 per ser.bay
Hotels, Motels	One per sleeping room plus One per two employees
Funeral homes and related uses	One per 100 sq. ft. of floor area
Retail Stores	One per 200 sq. ft. Of floor area
Banks, financial institutions	One per 200 sq. ft. of floor area
Offices, public or professional administration, service bldgs	One per each 400 sq. ft
Eating and drinking establishments	One per each 200 sq. ft. of floor area
Bowling alleys	Four per alley, plus one additional space per 100 sq. ft. of area used for other purposes
Dance floors, skating rinks	One for each 100 sq. ft. of floor area
All other types of business or commercial uses permitted in any commercial district	One for each 300 sq. ft. of floor area
Auditorium, sports arena	One per 4 seats
Hospitals	One for each bed
Homes for aged, nursing homes, children homes and similar uses	One per 2 beds
Medical and dental clinics	One for 200 sq. ft. of floor area
Business, technical, and trade schools	One per each 2 students
Manufacturing and warehouse	One space per 400 sq. ft. of gross floor area.

### 3.6 Signs:

#### 3.61 General regulations for signs and outdoor advertising.

The purposes of this section are:

- a. To assure maximum visibility along streets, and to prevent unreasonable distraction for motor vehicle operators.
- b. To preserve and enhance natural scenic beauty and historical sites by the avoidance of unsightly cluttering of advertising signs and devices.
- c. To promote pedestrian safety.
- d. To facilitate police and fire protection,
- e. To provide for orderly and visible informative advertising opportunities for all businesses and attractions which benefit from appropriate signs and advertising devices.

#### 3.62 Scope of This Section-

The provisions of this section shall apply to the construction, erection, use, location, and maintenance of signs in all districts. The provisions of this ordinance shall apply to signs existing on the effective date of this ordinance. Signs in legal existence on the effective date of this ordinance, but not in conformity with it, may remain in place; but the non-conforming use shall not be extended, enlarged, or moved to occupy a portion of land or a structure except in conformity with this ordinance. Only routine maintenance may be performed on the sign and its structure until such time as the sign is brought into conformance with these regulations. Unless otherwise permitted by this ordinance, no new sign may be erected, constructed, or displayed within the planned area after the effective date of this ordinance unless all the provisions of this ordinance are met. The provisions and requirements of this section shall not be deemed as prohibiting any necessary retaining wall.

Signs and billboards placed along the Interstate 75, U.S. 25, 92, 296, and 856 must conform to the regulations of the Kentucky Department of Transportation in accordance with K.R.S. 177.

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

#### 3.63 Signs Permitted in Zoning Districts-



## A. Residential Districts

Unlighted real estate signs advertising the sale, rental, or lease of only the premises on which they are maintained. Such signs must not exceed ten (10) square feet in area, and are to be used only temporarily. Real estate signs must be displayed at least five (5) feet from all lot boundaries.

Signs advertising home occupations may not exceed two (2) square feet in area and must be affixed to the building in which the activity is carried on.

Churches, schools, and other public and semi-public institutions may erect bulletin boards not exceeding twenty (20) square feet in area.

Subdivisions may be identified by one non-illuminated sign at each entrance. These signs shall not exceed thirty-two (32) square feet in area.

## B. Business and Commercial Districts

In the Central Business District, advertising signs are permitted, but care must be taken to preserve the historical nature of the district. The use of lighting is permitted, with the exception of blinking or flashing signs, or any illuminated signs of such intensity or illumination as to unduly disturb or hinder drivers. Signs and advertising devices shall be placed on buildings in a flat manner and shall not extend more than twelve (12) inches from the building.

Individual establishments in a commercial district which are not within a shopping center or a planned commercial district may choose to display either a free-standing sign, or to hang a sign perpendicular to the front of the establishment. Such signs must not exceed one hundred (100) square feet in area, and the outermost edge of the sign must be at least ten (10) feet from the property line. These signs may be lighted so long as they are not illuminated in such a way as to constitute a hazard inhibiting the vision of vehicle operators.

## C. Shopping Centers

For the purposes of this ordinance, a shopping center is defined as two or more commercial establishments which share a common place name such as "shopping center", or "Market Place", or similar identification.

A shopping center may have one (1) free-standing sign not exceeding one hundred (100) square feet in area, exclusive of a directory of occupants. Signs on stores or service establishments within the center shall be placed on

buildings in a flat manner, extending no more than twelve (12) inches outward from the building.

All out parcels are permitted to have one (1) free-standing sign not to exceed one hundred (100) square feet in area. Out parcels are defined to be satellite or other businesses not physically connected or attached to the shopping center.

D. Planned Commercial Developments

Each planned commercial development shall be permitted two (2) free-standing signs exclusive of any directory of firms or shops. Said free-standing signs with a height of twenty five (25) feet or less shall not exceed more than one hundred fifty (150) square feet in area. Other signs in the development shall be attached to the building in a flat manner and shall not extend from the building more than twelve (12) inches.

E. Office and Professional District

Office or professional buildings may be designated by one free-standing sign not exceeding one hundred fifty (150) square feet in area bearing the name of the building or complex, and listing the names of the tenants. Individual signs of tenants shall be affixed to the front or sides of the structure, or upon doors or windows.

F. Industrial Districts

Industrial parks designed for multiple occupancy shall be permitted one (1) free-standing sign or billboard not to exceed one hundred fifty (150) square feet in area for each roadway or street which borders the park. No sign may be located closer to the street right-of-way than twenty (20) feet.

Individual industry locations shall be permitted one (1) sign not exceeding one hundred fifty (150) square feet in area for each roadway or street which borders its property. Such signs shall not be located closer than twenty (20) feet from the property border lines. Other signs shall be affixed against the buildings.

3.64 Temporary Signs:

The following signs shall be permitted in all districts and shall not require a permit unless otherwise noted:

a. Construction signs which identify the architects, engineers, contractors and other individuals or firms which are involved in a permitted project. Product logos may be displayed, but no additional advertising shall be allowed. Such signs shall be restricted to an area of sixteen (16) square feet for each firm. The signs must be restricted to the construction site, and shall be removed within fourteen (14) days after the completion of the advertised project.

b. Real estate signs advertising the sale, rental, or lease of premises shall be restricted to a total of thirty-five (35) square feet for the properties other than residential. For residential properties the limit shall be ten (10) square feet. These signs shall not be illuminated, and must be removed within fourteen (14) days after the sale, lease, or rental, by the seller, lessor, or his agent.

c. Signs advertising an auction shall be limited to thirty-two (32) square feet in size, and shall be removed within seven (7) days after the auction occurs.

d. Political campaign signs announcing the candidacy of individuals or those which seek support for or against a proposition to be voted on may be placed upon private property with the consent of the owner(s). Such political signs must not exceed ten (10) square feet in area, and must be removed within seven (7) days after the vote is taken.

e. Street banners advertising a public entertainment or event require approval of the Zoning Administrator. Such approval may be given for a period of thirty (30) days prior to the event. The banners must be taken down within seven (7) days after the event takes place.

### 3.65 Portable Signs:

a. In locations other than planned commercial developments or shopping centers, mobile, portable signs shall be permitted for the purpose of advertising special events or sale specials which may be offered by an enterprise. Such signs must be placed so as not to obstruct the motorists view of the right-of-way, and must be set back at least to the midpoint of the required setback line and the traveled portion of the roadway. In no instance shall such sign be closer than ten (10) feet to the roadway.

b. Placement of portable signs on the actual or leased property containing the enterprise will be allowed for six (6) months from the start of the new enterprise, or in the cases of the use of portable signs at existing enterprises, six (6) months from the passage of this ordinance. After this six (6) months has elapsed, permanent signage must be constructed.

c. A permit for the placement of portable signs must be obtained from the Zoning Administrator. A fee for the use of a portable sign up to six (6) months shall be five (5.00) dollars, and is not transferable to other businesses.

### 3.66 Permanent Signs, Billboards:

a. Permanent signs, such as billboards, are classified as structures within the meaning of this ordinance and require that a permit be obtained prior to erection or construction. As previously noted, billboards along federal aid highways are subject to state and federal regulations. However, the regulations of this ordinance may be more stringent than those of the Kentucky Department of Transportation.

b. No billboards shall be permitted in any residential district.

c. Unless otherwise proscribed in other sections of this ordinance, the following maximum dimensions apply to billboards:

Maximum Area - 400 square feet

Maximum Height - 40 feet

(Measured from the average grade level at the base of the sign; however, if the average level at the base of the sign is lower than the average grade level of the adjacent highway, then the maximum height shall be thirty (30) feet, measured from the average grade level of the highway.

d. Off premise signs are prohibited.

e. Minimum distance from right-of-way or property line - 20 feet.

### 3.67 Permits For Sign Construction or Erection:

a. Applications for the construction or erection of new permanent signs, or for modification of existing billboards and signs, shall be made to the Zoning Administrator on forms to be provided by said administrator.

b. A fee of twenty-five (\$25) dollars shall accompany the application to defray the cost of issuing a permit and for inspection of the sign after its installation.

### 3.68 Maintenance and Compliance:

Outdoor advertising structures shall be adequately maintained. Such maintenance shall include proper alignment of structures, continued readability of the structure and preservation of the structure with paint or other preservative. If an outdoor advertising structure is not maintained, nor complies with the provisions of this ordinance, written

notice of any disrepair shall be issued by the Zoning Administrator to the owner of said structure. If the disrepair or violation is not corrected within thirty (30) days of issuance of said notice, said structure shall be removed at the owner's expense.

### 3.69 Amortization of Non-Conforming Signs:

a. Residential districts; neighborhood business districts; the central business district; Any advertising sign, billboard, commercial advertising structure, or statuary which is lawfully existing and maintained in said districts at the time this ordinance becomes effective which does not conform with the provisions hereof, shall not be structurally altered and all such non-conforming advertising structures, billboards, commercial advertising structures and statuary and their supporting members shall be completely removed from the premises not later than seven (7) years from the effective date of this ordinance.

b. Remaining districts: Any advertising sign, billboard, commercial advertising structure or statuary which is lawfully existing and maintained at the time this ordinance becomes effective which does not conform with the provisions hereof, shall be allowed to remain and be repaired or replaced, so long as such repairs or replacement does not enlarge the sign, billboard, structure, or statuary.

### 3.70 LIVESTOCK

3.71 Definitions- The following definitions apply unless the content otherwise requires.

- A. "Livestock" means and includes horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine, poultry, and confined and domesticated fowl and game birds, singular and plural, male and female.
- B. "Person" means and includes individuals, partnership, or corporation, owning, keeping or harboring livestock.

3.72 Scope of This Section - The provisions of this section shall apply to the owning, keeping, or harboring of livestock as defined herein in all districts. The provisions of this ordinance shall apply to the owning, keeping, or

harboring of livestock existing on the effective date of this ordinance, and such on-going activity not in conformity with the provisions hereof, may remain in place; but the non-conforming use shall not be extended, enlarged, or moved to occupy a portion of land or structure except in conformity with this ordinance.

3.73 No person shall keep, confine, own, harbor, or have livestock in a residential zoning district.

3.74 No person shall keep, confine, own, harbor, or have livestock in the central business district.

3.75 No person shall keep, confine, own, harbor, or have livestock in the neighborhood business district.

3.76 The keeping, confining, owning, or harboring of livestock in the general business district is permitted as a conditional use requiring the issuance of a conditional use permit.

3.77 The keeping, confining, owning, or harboring of livestock in the industrial districts is permitted as a conditional use requiring the issuance of a conditional use permit.

3.78 The keeping, confining, owning, or harboring of livestock in an agricultural district is a permitted use, except where the tract or parcel of land where such activity or conduct is to occur abuts or adjoins a residential district. The keeping, confining, owning, or harboring of livestock in an agricultural district on a tract or parcel of land which abuts or adjoins a residential district is permitted as a conditional use requiring the issuance of a conditional use permit.

3.79 Violation of this ordinance by any person is declared to be a nuisance and dangerous to the public health and safety.

3.80 All sections or provisions of ordinances in conflict herewith are hereby repealed.

## **IV AMENDMENTS**

4.0 GENERAL - Whenever the public necessity, convenience, general welfare, or good zoning practices require, the legislative body may by ordinance after receiving a recommendation thereon from the Planning Commission, and subject to procedures by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

4.1 APPLICATION FOR AMENDMENT - A proposal for amendment to the Official Zoning Map may originate with the Planning Commission, the City Council, any other government body, the owner of the subject property, or by a person having written authorization from the owner of the subject property. A proposal for amendment to the text of this ordinance may originate with the City Council or Planning Commission. Regardless of the origin of the proposed amendment, an application must be filed with the Planning Commission requesting the proposed amendment in such form and accompanied by such information as required by this ordinance and the Planning Commission. (KRS 100.211). The Planning Commission may require the submission of further information subsequent to the filing of an application as provided by the ordinance and the Planning Commission. The submission of a development plan may be required. If a development plan is approved, a certificate of land use restriction must be filed. At the time of filing an application, a nonreturnable filing fee shall be paid according to the schedule of fees, however, there shall be no filing fee for an amendment requested by the City Council, the Planning Commission, or any governmental agency. Notice of a public hearing on the proposed amendment 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 made to an owner of every parcel of property adjoining the property the classification of which is proposed to be changed. It shall be the duty of the person or persons proposing the amendment to furnish the Planning Commission with current names and addresses of all owners of adjoining property. Records maintained by the property valuation administrator may be relied upon 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 chairman of the owner group which administers property commonly owned by the condominium or cooperative owners.

4.2 PLANNING COMMISSION PROCEDURE - Upon the filing of an application for an amendment to the Official Zoning Map or the text of this ordinance, the Planning Commission shall study and review the application as provided in this ordinance and the bylaws of the Planning Commission.



4.3 NOTICE OF PUBLIC HEARING - Before voting upon any proposed amendment, notice of the time, place and reason for holding a public hearing shall be given by one publication in the newspaper of general circulation in the county, not earlier than twenty-one (21) days or later than seven (7) days before the public hearing. Notice of the hearing on a map amendment shall be posted conspicuously on the property the classification of which is proposed to be changed, for fourteen (14) consecutive days (KRS 100.212).

4.4 PUBLIC HEARING ON APPLICATION - After notice of the public hearing as provided for above, the Planning Commission shall hold a public hearing on the proposed amendment.

4.5 RECOMMENDATION OF PLANNING COMMISSION FOR ZONING MAP AMENDMENTS - Before recommending to the City Council that an application for amendment to the Zoning Map be granted, the Planning Commission must find the amendment in agreement with the adopted Comprehensive Plan, or, in the absence of such a finding, that (1) the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate. (2) 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. (KRS 100.213). The findings of fact made by the Planning Commission shall forward its findings of fact and recommendation in writing to the City Council. (KRS 100.211). 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 city council without a recommendation of approval or disapproval. When action has been taken on an application to amend the Zoning Map, no other application for that same piece of property will be considered until six(6) months has passed.

4.6 ACTION BY CITY COUNCIL ON ZONING MAP AMENDMENTS - The city council shall not act upon a proposed amendment to the Official Zoning Map until it shall have received the written findings of fact and recommendation thereon from the Planning Commission. If the Planning Commission denied the requested amendment, before the City Council can approve such amendment, it must take a majority vote of the membership of City Council to override the recommendation of the Planning Commission (KRS 100.207 and KRS 100.211)

4.7 RECOMMENDATION OF COMMISSION FOR TEXT AMENDMENT - After voting to recommend that an application for amendment to the text of this ordinance be granted or denied, the Planning Commission shall forward its recommendation in writing to the City Council. (KRS 100.207)



4.8 ACTION BY CITY COUNCIL ON TEXT AMENDMENTS - The City Council shall not act upon a proposed amendment to the text of this ordinance until it shall have received the written recommendation thereon from the Planning Commission. It shall take a majority of the entire City Council to override the recommendation of the Planning Commission (KRS 100.207).

## V DEFINITIONS

Unless the context otherwise requires, the following definition shall be used in the interpretation and construction of the ordinance. Words used in the present tense shall include the future; the word "building" shall include the word "structure"; the word "lot" includes the words "plot" or "parcel"; the word "used" shall include "arranged, designed, constructed, altered, converted, rented, leased" or intended to be "used"; the word "shall" is mandatory, "may" is permissive, and "should" is preferred.

1. Accessory Use or Structure: A use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same lot, serving a purpose customarily incidental to the use of the principal building or land use.
2. Administrative Official: Any department, employee, or advisory, elected or appointed body which is authorized to administer any provision of the zoning regulation, subdivision regulations, and if delegated, any provision of any housing or building regulation or any other land use control regulation.
3. Agricultural Use: The use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timbers, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.
4. Alley or lane: A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.
5. Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
6. Automotive Repair, Minor: Incidental minor repairs, upholstering, replacing of parts and motor service to passenger cars and trucks not exceeding one and one half (1 and ½) tons capacity, but not including any operation named under "Automotive Repair, Major".
7. Automotive Repair, Major: Repair of motor vehicle or trailers, including rebuilding or reconditioning of engines and/or transmissions, collision services including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

8. Automotive Service Station: A place where gasoline, kerosene or any other motor fuel or lubricating oil or grease or parts and accessories for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises.
9. Automotive Wrecking: The dismantling or disassembling of used motor vehicles, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.
10. Basement: A story of a structure whose floor line is more than five (5) feet below grade.
11. Block: In describing the boundaries of a district the word block refers to the legal description. In all other cases, the word block refers to the property abutting one side of a street and a railroad right-of-way or waterway.
12. Board of Adjustment: A body of five citizens appointed by the mayor with the approval of the City Council, and having the following functions: (1) Acting on conditional use permits, and variances, and (2) reviewing and deciding upon appeals regarding errors in interpretation of the zoning ordinance.
13. Boarding or Lodging House: A dwelling or part thereof occupied by a single housekeeping unit where meals and lodging are provided for four (4) or more persons for compensation by previous arrangement, but not transients.
14. Building: Any structure having a roof supported by columns or walls, used or intended to be used for the support, shelter, protection, or enclosure of persons, animals, or property.
15. Building, Height of: The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.
16. Building Setback Line: The line beyond which no building or part thereof shall project, except as otherwise provided by this ordinance.
17. Buildable Lot Area: That part of the lot not included within the open areas required by this ordinance.
18. Building Permits: A document issued by the Administrative Official authorizing the use of lots, structures, uses of land and structures.
19. Cemetery: Land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of such cemetery.

20. Comprehensive Plan: A plan or any portion thereof, adopted by the Planning Commission and/or the City Council showing the general location and extent of present and proposed physical facilities, including housing, industrial and commercial uses, major streets, parks, schools, and other community facilities.
21. 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 in the zoning regulation.
22. Conditional Use Permit: Legal authorization to undertake a conditional use, issued by the Administrative Official pursuant to authorization by the board of adjustment, consisting of two (2) parts:
1. A statement of the factual determination by the Board Of Adjustment which justifies the issuance of the permit; and
  2. A statement of the specific conditions which must be met in order for the use to be permitted.
23. Court: An open unoccupied and unobstructed space, other than yard, on the same lot with a building or group of buildings.
24. Day Care Center: A facility for child care that meets state requirements.
25. Density: A unit of measurement; the number of dwelling units per acre of land.
1. Gross Density- the number of dwelling units per acre of land to be developed.
  2. Net Density- the number of dwelling units per acre of land devoted to residential uses.
26. Development Plan: Written and graphic material for the provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing manmade and natural conditions, and all other conditions agreed to by the applicant.
27. Display (sign): Sign shall include any symbol, device, image, poster, banner, billboard, design or directional sign used for advertising purposes, whether painted upon, attached to, erected on, or otherwise maintained on any premises, containing any words, letters, figures, numerals, phrases, sentences, emblems, devices, trade names, or trade marks by which anything is made known, such as are used to designate and individual, a firm, an

association, a corporation, a professional, a business, a commodity or product, which is visible from any public thoroughfare and is used to attract attention. Display includes erect, paint, repaint, replace, hang, rehang, repair, maintain, paint directly on a building or other structure, inlay, embed in or otherwise exhibit in public view.

28. Driveway: An improved surface connecting a garage, or parking area with the street.
29. Dwelling: A building or structure designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer, or mobile home, camper, boarding or rooming house, hotel or motel.
30. Dwelling, Multi Family: A building or portion thereof designed or used exclusively as the residence of three (3) or more families or housekeeping units living independently of each other.
31. Dwelling, Single Family: A detached building occupied exclusively for residential purposes by one (1) family housekeeping unit.
32. Dwelling, Two-Family: A detached residential building containing two (2) dwelling units designed for two (2) families or housekeeping units living independently of each other. (Duplex)
33. Dwelling Unit: One (1) room or a suite of two (2) two or more rooms, designed for or used by one (1) family for living and sleeping purposes and having only one (1) kitchen or kitchenette.
34. Essential Services: The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, 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 furnishing of adequate service by such public health or safety or general welfare, but not including buildings.
35. Family: A person living alone, or two (2) or more persons related by blood, marriage or adoption, or not more than five (5) unrelated persons living together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, motel, or hotel, fraternity or sorority house.
36. Frontage: Frontage shall be that boundary of a lot which is along an existing or dedicated public street, or where no public street exists, is along a public way. Where a lot abuts more than one street, the Board shall determine the frontage for purposes of this ordinance.

37. Garage, Private: A detached accessory building or a portion of the Principal building used by the occupants of the premises for the shelter or storage of vehicles owned or operated by the occupants of the principal building.
38. Home Occupation: Professional offices, workshops, studios, and personal services maintained or conducted within a dwelling. Neither the selling of any merchandise nor processing of any product shall qualify as a home occupation. Home occupation includes only those which meet the following: (a) Home occupation shall be incidental to the principal residential use and shall not occupy more than twenty-five percent (25%) of the floor area of the dwelling unit; (b) Home occupations shall result in no exterior evidence, excepting a permitted sign, that the dwelling is used for a non-residential use; (c) Home occupations shall not generate any atmospheric pollution, light flashes, glare, odors, noise, vibration, or truck or other heavy traffic; (d) no more than one (1) person not a member of the occupant family may be employed in a home occupation.
39. Hospital or Sanitorium: An establishment which provides accommodations, facilities, and services over a continuous period of twenty-four (24) hours or more for observations, diagnosis and care, for two (2) or more individuals suffering from illness, injury, deformity or abnormality, or from any condition requiring obstetrical, medical, or surgical services.
40. Hotel or Motel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation.
41. Junkyard: A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvage house wrecking and structural steel materials and equipment, but not including such uses when conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged machinery in operable condition or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations.
42. Loading Space: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.
43. Lot: For the purpose of this ordinance, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street.

44. Lot coverage: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.
45. Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under yards in this section.
46. Lot, Minimum Area of: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.
47. Lot Measurements: A lot shall be measured as follows: (Figure 2)
1. Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
  2. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.
48. Lot of Record: A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
49. Manufacturing, Heavy: Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, and ready access to regional transportation.
50. Manufacturing, light: Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operation and storing within enclosed structures; and generating little industrial traffic and no nuisances.
51. Mobile Home: A dwelling unit that: (i) is not constructed in accordance with the standards set forth in the [state or local building code applicable to site-built homes], and (ii) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (iii) exceeds forty (40) feet in length and eight feet in width.



52. Mobile Home Park: Any site, or tract of land under single ownership, upon which two or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.
53. Modular Home: A dwelling unit constructed in accordance with the standards set forth in the [state or local building code applicable to site-built homes] and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in manner similar to a mobile home (except that the mobile home meets the [state and local building code applicable to site-built homes]), or a series of panels or room sections transported on a truck and erected or joined together on the site.
54. Nonconforming Use or Structure: An activity or a building, sign, structure, or a portion thereof which lawfully existed before the adoption or amendment of the zoning regulation, but which does not conform to all of the regulations contained in the zoning regulation which pertain to the zone in which it is located.
55. Noxious or Toxic Matter: Any matter such as dust, dirt, odors, vapors, gases, fumes, smoke, or radiation which is inherently harmful and likely to destroy life and impair health, or is capable of causing injury to the well being of persons, or damage to property.
56. Nursery, Nursing Home: A home or facility for the care and treatment of babies, children, pensioners, or elderly people.
57. Open Space: An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, any other recreational facilities that the Planning Commission deems permissive. Streets, structures for habitation, and the like shall not be included.
58. Parking Space, Off-Street: For the purpose of this ordinance, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.
59. Planned Unit Development: An area of land, in which variety of housing types and/or related commercial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. This procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.



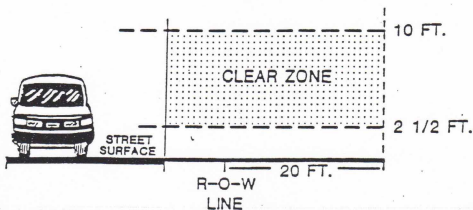
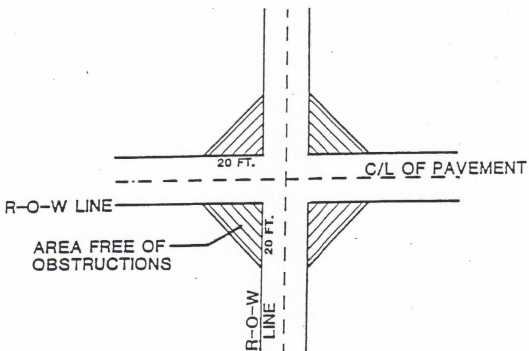
60. Planning Commission: The legally constituted body of five members appointed by the Mayor with the approval of the City Council, to carry out the planing and zoning responsibilities as described in Chapter 100, K.R.S.
61. Principal Building: The building in which the primary activity on a certain lot is carried out.
62. Principal Use: A use which is permitted outright in a district for which a building permit may be issued by the Building Official in accordance with the provisions of this ordinance.
63. Public Facility: Any use of land whether publicly or privately owned for transportation, utilities, or communications, or for the benefit of the general public, including, but not limited to, libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers including parks, and cemeteries.
64. Public Use: Public parks, schools, and administrative, and cultural, buildings, and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials public service facilities.
65. Quasipublic (Semi-Public) Use: Churches, Sunday Schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.
66. Recreational Facilities: Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.
67. Right-of-Way: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features )required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.
68. Seat: For the purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

69. Sidewalk: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.
70. Sign: Any symbol, device, image, poster, banner, billboard, design or directional sign used for advertising purposes, whether painted upon, attached to, erected on, or otherwise maintained on any premises, containing any words, letters, figures, numerals, phrases, sentences, emblems, devices, trade names, or trade marks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a professional, a business, a commodity or product, which is visible from any public thoroughfare and is used to attract attention.
71. Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground.
72. Townhouses: A single family dwelling unit containing one or more stories, attached on one or both sides to another single family dwelling unit and usually arranged in rows of three (3) or more units.
73. Use: The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.
74. Variance: A departure from dimensional terms of the zoning regulation 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.
75. Veterinary Animal Hospital or Clinic: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation.
76. Walls and Fences: Walls shall be constructed of natural stone, brick, or other weatherproof materials arranged in a linear, serpentine, or other alignment; while fences shall be constructed of wood or other weather-proof materials generally used in the exterior construction of buildings. Chain link fencing may be used. In industrial zones, there shall be no height limitations on walls or fences; in all other zones, however, there shall be a six(6) foot height restriction for walls or fences in front yards and side street side yards, and an eight (8) foot height restriction in side and rear yards. Walls and fences allowed to meet the requirements of this article shall not be used for the erection or display of any sign or other advertising device.

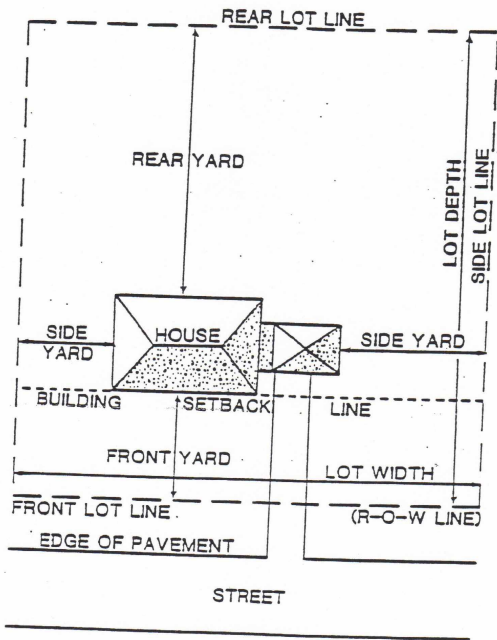
77. Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility. In the case of irregularly shaped lots, the Administrative Official shall be responsible for interpretation of the type yard. Refer to Figure 2 for types of yards.

1. Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
2. Yard, Rear: A yard extending between side lot lines across the rear of a lot, and from the rear lot line to the rear of the principal building.
3. Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

**VI      APPENDIX**



**FIGURE 1. VISIBILITY AT INTERSECTIONS**



**FIGURE 2. ILLUSTRATION OF LOT TERMS**

## CONDOMINIUM DEFINITIONS:

(1) "Unit" means an inclosed space consisting of one or more rooms occupying all or part of a floor in a building of one or more floors or stories regardless of whether it be designed for residence, for office, for the operation of any industry or business, or for any other type of independent use, provided it has a direct exit to a thoroughfare or to a given common space leading to a thoroughfare:

(2) "Condominium" means the ownership of a single unit in a multiple unit structure with common elements;

(3) "Condominium Project" means a real estate condominium project: a plan or project whereby four (4) or more apartments, rooms, office spaces, or other units in existing or proposed buildings or structures are offered or proposed to be offered for sale:

(4) "Co-owner" means a person, firm, or corporation, partnership, association, trust or other legal entity, or any combination thereof who owns an apartment within the building;

(5) "Council of co-owners" means all the co-owners as defined in subsection (4) of this section;

(6) "Developer" means a person who undertakes to develop a real estate condominium project;

(7) "General common elements" means and includes:

(A) The land whether leased or in fee simple, on which the building stands.

(B) The foundations, main walls, roofs, halls, lobbies, stairways, and entrances and exits or communication ways;

(C) The basements, flat roofs, yards and gardens, except as otherwise provided or stipulated.

(D) The premises for the lodging of janitors or persons in charge of the building, except as otherwise provided or stipulated.

(E) The compartments or installations of central services such as power, light, gas, cold and hot water, refrigeration, reservoirs, water tanks and pumps, and the like,

(F) The elevators, garbage incinerators and in general all devices or installations existing for common use; and

(G) All other elements of the building rationally of common use or necessary to its existence, upkeep and safety;

(8) "Limited common elements" means and includes those common elements which are agreed upon by all of the co-owners to be reserved for the use of a certain number of apartments to the exclusion of the other apartments, sanitary services common to the apartments of a particular floor, and the like;

(9) "Majority of co-owners" means fifty-one (51%) of the co-owners;

(10) "Master deed" or "Master lease" means the deed or lease recording the property or the horizontal property regime;

(11) "Person" means an individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof;

(12) "Property" means and includes the land whether leasehold or in fee simple and the building, all improvements and structures thereon, and all easements, rights, and appurtenances belongs thereto;

(13) "To record" means to record in accordance with KRS Chapter 382, or other recording statutes;

(14) All pronouns used in KRS 381.805 to 381.910 include the male, female, and neuter genders and include the singular or plural numbers, as the case may be (KRS 381.810).

### 3.42 CONDOMINIUM PROJECT APPLICATION PROCEDURES

A developer, owner, or co-owners or a proposed condominium project shall make application for project approval to the city codes enforcement officer. Since a condominium involves ownership of single units in a multiple unit structure, the applicant shall adhere to the appropriate sections of the zoning regulations dealing with the zone in which the condominium project is being developed. The application shall be accompanied by the following supplementary information:

(1) The description of the land, whether leased or in fee simple, and the building, expressing their respective areas;

(2) The general description and the number of each apartment, expressing its area, location, and any other data necessary for its identification;

(3) The description of the general common elements of the building; and

(4) The common elements, both general and limited, shall remain undivided and shall not be the object of an action for partition or division of the co-ownership. Any covenant to the contrary shall be void.

(5) A set of floor plans of the building or buildings, showing the layout, location, apartment numbers and dimensions of the units, stating the name of the property or that it has no name, and bearing the verified statement of a registered architect or professional engineer certifying the accuracy of the plans (KRS 381.835).

The owner of a unit designed for office, industrial or business use may divide his unit into two (2) or more smaller units. No interest in the unit shall be conveyed until the master deed and floor plans have been modified as provided in this section.



Each co-owner may use the general common elements in accordance with the purpose for which they are intended, without hindering or encroaching upon the lawful rights of the other co-owners (KRS 381.803).

If a condominium does not contain any unit which is designed for occupancy by one (1) family or household, or if the floor area of all those units which are designed for occupancy by only one (1) family or household does not in the aggregate exceed ten percent (10%) of the floor area of all units in the condominium, then the following provisions shall be applicable notwithstanding any other provisions of this chapter:

The master deed may provide:

(1) That to any extent specified in the master deed the common profits shall be distributed among, and the common expenses shall be charged to, the unit owners in proportions other than according to their respective percentages of the undivided interest in the common areas and facilities;

(2) That to any extent specified in the master deed the unit owners shall not be personally liable for sums assessed for their share of common expenses, but such provision shall not adversely affect any lien for said share;

(3) That the priority provided in KRS 381.883(2) shall not prohibit subordination of a mortgage lien to the lien for common expenses;

(4) A procedure for submitting the disputes arising from the administration of the condominium to arbitration or other impartial determination;

(5) Provisions giving a particular unit owner or owners voting rights with respect to election of directors, trustees or members of a managing board less than, or in excess of, the voting rights which such owner or owners would otherwise have had, and provisions requiring or permitting approval of any matter, or any specified category or categories of matters, by a proportion greater than a majority, which proportion may be as great as one hundred percent (100%);

(6) Terms and conditions differing from those set forth in KRS 381.830 to 381.890 regarding rebuilding made necessary by fire or other casualty loss, the making of improvements, and allocation of the costs of such rebuilding or improvements, and the removal of the condominium or portion thereof from the provisions of this chapter; and in such case the terms and conditions of the master deed shall take precedence over the provision of KRS 381.830 or 381.890 to the extent they are inconsistent (KRS 381.837).

The deed of each individual unit shall describe such unit by making reference to the applicable master deed and floor plans required under KRS 381.835, designating the letter or number or other appropriate designation of the unit, followed by the words "a condominium unit". Any conveyance of an individual unit shall be deemed to also convey the undivided interest of the owner in the common elements, both general and limited, appertaining to said unit without specifically or particularly referring to same (KRS 381.840)

Prior to subdividing his unit, the owner shall prepare a set of floor plans which shall show the changes being made in the unit involved. The plans shall bear the verified statement of a registered architect or professional engineer that they accurately portray the unit involved and the changes being made, and the unit owner shall attach to the plans a verified statement which shall contain:

(A) The name by which the property is known;

(B) A reference to the book and page of the recorded master deed and floor plans of the property and any amendments thereto in the office of the county clerk of the county in which the land described in the master deed is situated;

(C) The original unit number of each unit involved in the division, a description or designation of the building in which the unit is located, and the new unit number of each unit being formed;

(D) A statement of the location, approximate area, number of rooms, and the structural changes in the perimeter and interior walls, floors, ceilings, windows, and doors of the unit being formed and the immediate common element or limited common element to which the unit has access, and any other data necessary for the proper identification of the units being formed by changes to the original unit;

(E) A description of the percentage of interest of the original unit in the common elements, and a description of the new percentage or percentages of interest in the common elements of the units being formed shall be in proportion to the floor area of the original unit and shall, when taken cumulatively, total the same percentage of interest in the common elements as that of the original unit;

(F) Any further provisions that would serve to clarify the changes being made.

The floor plans and verified statement shall be approved in writing by a majority, unless otherwise provided by the master deed, or the council of co-owners, and by any person holding a lien on such units, and shall be filed for record with the county clerk in the county in which the land described in the master deed is situated as provided in KRS 381.835. The floor plans and verified statement shall be considered as an amendment to the original master deed floor plans for the sole purpose of dividing a unit and the corresponding percentage of interest in the common elements (KRS 381.827).

The city codes enforcement officer shall complete his review within thirty (30) days of receipt of the application. If the project is disapproved, the ground for disapproval shall be given in writing. The city codes enforcement officer shall provide the Planning Commission with information on condominiums for planning purposes. Following approval, the applicant: Expressly declares through the recordation of master deed or lease (enumerating the particulars stated above, (1) through (5), the desire to submit the property in question to the regime established by KRS 381.805 to 381.910. When this declaration is duly recorded by the county clerk, a condominium property regime is created (K.R.S. 381.815).

Once the property is submitted to the condominium property regime, an apartment in the building(s) may be individually conveyed and encumbered and may be the subject of ownership, possession or sale and all types of juridic acts inter vivos or mortis causa, as if it were sole entirely independent of the other units in the building(s) of which they form a part, and the corresponding individuals titles and interest shall be recordable (KRS 381.820).

Any unit may be jointly or commonly owned by more than one person (KRS 381.825).

A unit owner shall have the exclusive ownership to his unit and shall have a common right to a share, with other co-owners, in the common elements of the property, equivalent to the percentage representing the value of the individual unit, with relation to the value of the whole property. This percentage shall be computed by taking as a basis the floor area of the individual unit in relation to the floor area of the property as a whole.

The percentage shall be expressed at the time the condominium property regime is constituted, shall have a permanent character, and shall not be altered without the acquiescence of the co-owner representing all the units of the building(s), except as may be otherwise provided in KRS 381.810 to 381.910. The master deed may however, contain provisions relating to the appropriation, taking or condemnation by eminent domain by the federal, state, or local government, or an instrumentally thereof, including, but not limited to, reappointment or other change of the common interest appurtenant to each unit, or part thereof remaining after a partial appropriation, taking or condemnation. The master deed of a regime under construction may further provide that by late amendment thereto and upon completion of all units, percentage of common interest shall be redistributed on an as-build basis; provided, however, that the number of units originally constituted in the regime may not be increased during construction.

All of the co-owners or the sole owner of a building constituted into a horizontal property regime may waive this regime and request the county clerk to regroup or merge the records of the filial estates with the principal property; provided, that the filial estates are unencumbered, or if encumbered, that the creditors in whose behalf the encumbrances are recorded agree to accept as security the undivided portions of the property owned by the debtors (KRS 381.850).

The merger provided for in KRS 381.850 shall in no way bar the subsequent constitution of the property into another horizontal property regime whenever so desired and upon observance of the provisions of KRS 381.805 to 381.910 (KRS 381.855).

The administration of every building constituted into a condominium property regime shall be governed by bylaws approved and adopted by the council of co-owners. The bylaws may be amended from time to time by the council (KRS 381.860).

Other legal requirements pertaining to bookkeeping, maintenance, liens, foreclosures, insurance and related business matters can be found by referring to KRS 381.865 through 381.900.

The provisions of KRS 381.805 to 381.910 shall be in addition to and supplemental to all other provisions of the Kentucky Revised Statutes; provided, that wherever the application of the provisions of KRS 381.805 to 381.910 conflict with the application of such other provisions, KRS 381.805 to 381.910 shall prevail (KRS 381.905).

## AMENDMENTS & CHANGES

CITY OF WILLIAMSBURG  
ZONING ORDINANCE CHANGE

AN ORDINANCE OF THE CITY OF WILLIAMSBURG,  
KENTUCKY, ESTABLISHING THE CONDITIONAL USES  
PERMITTED IN GENERAL BUSINESS DISTRICTS.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WILLIAMSBURG,  
KENTUCKY, DOES ORDAIN AS FOLLOWS:

Remove Section 4.22 (B) and (C);  
Change Section 4.22 (A);

4.22 B-2 DISTRICT - GENERAL BUSINESS DISTRICT

A. CONDITIONAL USES -

The following uses are permitted in General Business Districts:

1. Any use permitted in a Neighborhood Business District.
2. The following uses are permitted only as a conditional use in the General Business District upon application to the Board of Adjustments and the granting of a conditional use permit in accordance with Section 2.33 (C) and 5.23 of this Ordinance and KRS 100.237:
  - a. Places of amusement and assembly, offices, hotel, motel, new and used car lot, public garage, and other motor vehicle service;
  - b. Any retail business or retail service, including the making of articles to be sold at retail on the premises. Any such manufacturing or processing shall be incidental to a retail business or service and not more than five (5) persons shall be employed in such manufacture;
  - c. Any business which is primarily of a wholesale nature, including assembling and packaging of manufactured products;
  - d. If a commercial use, listed hereinabove, is proposed, the prospective developer shall request a conditional use permit on the basis of the proposed use as set forth per the application and shall include with the application documentation setting forth the effect of the proposed commercial use on the following:
    1. transportation and/or traffic;
    2. air and water quality (including surface drainage), noise, and aesthetic environment of the

General Business District:

3. storage, treatment and handling of hazardous waste, leakage or spillage of same on site;
  4. public facility requirements, both initial and planned future development;
  5. fire, police and ambulance protection;
  6. planned storage and disposal of items and elements associated with the proposed business activity.
- e. If a commercial use, not listed hereinabove, is proposed, the prospective developer shall request a conditional use permit on the basis that the proposed use would not be detrimental to the development of the General Business District as a retail shopping area.

Uses which constitute a fire hazard or which emit chemicals, smoke, noise, odor, or dust which would be obnoxious or detrimental to neighboring properties shall not be allowed.

FIRST READING: JUNE 11, 1990  
SECOND READING: JULY 12, 1990

ATTEST:

  
TERESA H. BLACK, CLERK

ORDINANCE NO. 93-001

AN AMENDMENT TO THE ZONING ORDINANCE, WILLIAMSBURG, KENTUCKY (REVISED), TO ADD SECTION 3.7, TITLED "LIVESTOCK". WHEREBY OWNING, KEEPING, OR HARBORING OF LIVESTOCK IS PROHIBITED IN ALL RESIDENTIAL DISTRICTS, CENTRAL BUSINESS DISTRICT AND NEIGHBORHOOD BUSINESS DISTRICTS, IS PERMITTED AS A CONDITIONAL USE IN THE GENERAL BUSINESS DISTRICT, INDUSTRIAL DISTRICT, AND TRACTS OR PARCELS OF LAND IN AGRICULTURAL DISTRICTS WHICH ABUTS OR ADJOINS A RESIDENTIAL DISTRICT.

WHEREAS the City Council of Williamsburg, Kentucky, seeks to preserve the aesthetic beauty, quality and environment of the zoning districts located within its city limits by restricting and regulating the owning, keeping, or harboring of livestock within the city limits; and

WHEREAS the owning, keeping, or harboring of livestock in residential districts, neighborhood business districts and the central business district creates various health and safety concerns and is contrary to the aesthetic beauty, quality, environment and nature of said districts; and

WHEREAS the owning, keeping, or harboring of livestock in the general business district, industrial district and tracts or parcels of land in agricultural districts which abuts or adjoins a residential district creates various health and safety concerns and could be contrary to the aesthetic beauty, quality, environment and nature of said districts;

NOW THEREFORE,

BE IT ORDAINED by the City Council of Williamsburg, Kentucky, that:

SECTION ONE: Ordinance No. 92-005, the Zoning Ordinance, Williamsburg, Kentucky (revised) is hereby amended to reflect the addition of Section 3.7, titled "Livestock" which shall contain the following provisions:

3.7 LIVESTOCK

3.71 DEFINITIONS - The following definitions apply unless the context otherwise requires:

a. "Livestock" means and includes horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine, poultry and confined and domesticated fowl and game birds. singular and plural, male and female:

b. "Person" means and includes individuals, partnership, or corporation, owning, keeping or harboring livestock.



3.72 SCOPE OF THIS SECTION - The provisions of this section shall apply to the owning, keeping, or harboring of livestock as defined herein in all districts. The provisions of this ordinance shall apply to the owning, keeping, or harboring of livestock existing on the effective date of this ordinance, and such on-going activity not in conformity with the provisions hereof, may remain in place; but the non-conforming use shall not be extended, enlarged, or moved to occupy a portion of land or structure except in conformity with this ordinance.

3.73 No person shall keep, confine, own, harbor, or have, livestock in a residential zoning district.

3.74 No person shall keep, confine, own, harbor, or have, livestock in the central business district.

3.75 No person shall keep, confine, own, harbor, or have livestock in the neighborhood business district.

3.76 The keeping, confining, owning or harboring of livestock in the general business district is permitted as a conditional use requiring the issuance of a conditional use permit.

3.77 The keeping, confining, owning, or harboring of livestock in the industrial districts is permitted as a conditional use requiring the issuance of a conditional use permit.

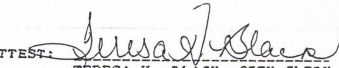
3.78 The keeping, confining, owning or harboring of livestock in an agricultural district is a permitted use, except where the tract or parcel of land where such activity or conduct is to occur abuts or adjoins a residential district. The keeping, confining, owning or harboring of livestock in an agricultural district on a tract or parcel of land which abuts or adjoins a residential is permitted as a conditional use requiring the issuance of a conditional use permit.

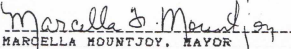
3.79 Violation of this ordinance by any person is declared to be a nuisance and dangerous to the public health and safety.

SECTION 2: All sections or provisions of ordinances in conflict herewith are hereby repealed.

First Reading: December 14, 1992

Second Reading: January 11, 1993

ATTEST:   
TERESA H. BLACK, CITY CLERK

  
MARCELLA MOUNTJOY, MAYOR

AN AMENDMENT TO ORDINANCE NO. 92-005, THE ZONING ORDINANCE OF THE CITY OF WILLIAMSBURG, KENTUCKY, REQUIRING SUBMITTAL OF DEVELOPMENT PLANS WITH A BUILDING PERMIT APPLICATION FOR MULTI-FAMILY HOUSING, AND FURTHER REQUIRING SUBMITTAL OF SUCH APPLICATIONS TO PLANNING AND ZONING COMMISSION FOR A RECOMMENDATION PRIOR TO SUBMISSION TO THE BOARD OF ZONING ADJUSTMENT.

WHEREAS, the Planning and Zoning Commission having made findings of fact and a recommendation, subsequent to a public hearing after due notice as provided by law, to amend the Zoning Ordinance of the City of Williamsburg, Kentucky, to require submittal of development plans with a building permit application for multi-family housing and further to require submittal of such applications to the Planning and Zoning Commission for a recommendation prior to submission to the Board of Zoning Adjustment;

NOW THEREFORE, BE IT ORDAINED by the City Council of Williamsburg, Kentucky;

SECTION 1: Ordinance No. 92-005, being the Zoning Ordinance of the City of Williamsburg, Kentucky, is hereby amended to include the following sections and provisions and shall read as follows:

A) Section 2.07 thereof is amended to include the following:

to review all applications for multi-family housing with development plans attached thereto and to make a recommendation to the Board of Zoning Adjustment concerning same.

B) Section 3.312 is amended to include an additional paragraph which shall read as follows:

As multi-family housing is a conditional use in R-2, PRD, B-2, and E-3, building permit applications for multi-family housing with a full set of development plans (lot dimensions, and the intended general layout or design and improvements to be installed) shall be submitted to Planning and Zoning Commission for a recommendation thereon prior to submission to the Board of Zoning Adjustment for the issuance or denial of a conditional use permit for construction thereof.

SECTION 2: The City Clerk is hereby directed to make said amendments with a notation of the Ordinance Number of same and the date of passage indicated thereby on the official records of the City of

Williamsburg, Kentucky.

SECTION 3: Any Ordinance or part thereof, in conflict with any provision herewith, is hereby repealed.

First Reading: May 10, 1993

Second Reading: May 24, 1993

Marcella G. Mountjoy  
MARCELLA MOUNTJOY, MAYOR

ATTEST. Teresa H. Black  
TERESA H. BLACK, CITY CLERK

AN AMENDMENT TO ORDINANCE NO. 92-005,  
 THE ZONING ORDINANCE OF THE CITY OF  
 WILLIAMSBURG, KENTUCKY, MAKING MULTI-FAMILY  
 HOUSING A CONDITIONAL USE IN R-2, PRD, B-2,  
 AND B-3 ZONING DISTRICTS.

WHEREAS, the Planning and Zoning Commission having made findings of fact and a recommendation, subsequent to a public hearing after due notice as provided by law, to amend the Zoning Ordinance of the City of Williamsburg, Kentucky, whereby multi-family housing would be a conditional use in R-2, PRD, B-2, and B-3 zoning districts;

NOW THEREFORE, BE IT ORDAINED by the City Council of Williamsburg, Kentucky;

SECTION 1: Ordinance No. 92-005, being the Zoning Ordinance of the City of Williamsburg, Kentucky, is hereby amended to provide that multi-family housing is a conditional use in R-2, PRD, B-2, and B-3 zoning districts as such zoning districts are set forth with more specificity on pages 19, 20, 30, and 31, respectively, a copy of each such page is attached hereto and made a part hereof with the amendment indicated thereon.

SECTION 2: The City Clerk is hereby directed to make said amendment with a notation of the Ordinance Number of same and the date of passage indicated thereby on the official records of the City of Williamsburg, Kentucky.

SECTION 3: Any Ordinance or part thereof, in conflict with any provision herewith, is hereby repealed.

First Reading: May 10, 1993

Second Reading: May 24, 1993

Marcella G. Mountjoy  
 MARCELLA MOUNTJOY, MAYOR

ATTEST: Teresa H. Black  
 TERESA H. BLACK, CITY CLERK