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ARTICLE I

A ZONING ORDINANCE

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

BE IT ORDAINED BY THE CITY OF BROMLEY
STATE OF KENTUCKY, AS FOLLOWS:
ARTICLE II

AUTHORITY AND PURPOSE

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

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

SHORT TITLE

SECTION 3.0 SHORT TITLE: This ordinance shall be effective throughout the city of Bromley, Kentucky and shall be known, referred to, and recited to as the “OFFICIAL ZONING ORDINANCE OF THE CITY OF BROMELY, KENTUCKY”.

ARTICLE IV

INTERPRETATION

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

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

CONFLICT

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

SEVERABILITY CLAUSE

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

DEFINITIONS

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

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

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

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

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

AIR RIGHTS: The ownership or control of that area of space at and above a horizontal plane over the ground surface of land. This horizontal plane shall be at a height above the existing or proposed development (depending on the individual property in question) which is reasonably necessary or legally required for the full and free use of the ground surface.

ALLEY: Public rights-of-way which normally affords a secondary means of access to abutting property.
APARTMENT: A portion of a building consisting of a room or suite of rooms intended, designed, or used as a permanent residence by an individual or one (1) family.

APARTMENT HOUSE: See DWELLINGS, MULTI - FAMILY.

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

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

BASEMENT: That portion of a building between the average height of which is at least half below grade, which is ordinarily used for purposes such as storage, laundry facilities, household tool shops, and installation and operation of heating, cooling, ventilating facilities, but which is not ordinarily used for purposes of general household habitation.

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

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

BOARD OF ADJUSTMENTS: Board of Adjustments of the city.

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

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

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

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

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

BUILDING AREA OR LOT COVERAGE BY BUILDING: That portion of a lot or building site that can be legally occupied by the ground floor of the principal building or use and all permitted accessory uses.

BUILDING, COMPLETELY ENCLOSED: A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

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

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

BUILDING INSPECTOR: The official or officials appointed by the city to administer and enforce the building codes.

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

BUILDING, MAIN: See BUILDING, PRINCIPAL.

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

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

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

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

CARPORT: See GARAGE, PRIVATE.

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

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

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

CHILD DAY CARE CENTER: See NURSERY SCHOOL.

CITIZEN MEMBER: Any member of the Planning Commission or Board of Adjustments who is not an elected or appointed official or employee of the legislative body.

CITY: The City of Bromley, Commonwealth of Kentucky.

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

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

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

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

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

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

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

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

CONDITIONAL USE: A use which is essential to or would promote the public health, safety, or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed within this ordinance.
CONDITIONAL USE PERMIT: Legal authorization to undertake a conditional use, issued by the zoning administrator, pursuant to authorization by the board of adjustments, consisting of two parts:

a. A statement of the factual determination by the board of adjustments which justifies the issuance of the permit; and

b. A statement of the specific conditions which must be met in order for the use to be permitted.

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

COUNCILMEN: Members of the City Council of the city.

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

CURB CUT: Any interruption, or break in the line of a street curb in order to connect a driveway to a street, or otherwise to provide vehicular access to abutting property.

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

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

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

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

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

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

DWELLING, ATTACHED SINGLE-FAMILY: A dwelling unit which is attached to one or more dwelling units, each of which has independent access to the outside of the
building to ground level and which has no less than two (2) exterior walls fully exposed and not in common with the exterior walls of any other unit.

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

DWELLING, DOUBLES: See DWELLING, TWO-FAMILY.

DWELLING, DUPLEXES: See DWELLING, TWO-FAMILY.

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

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

DWELLING, TRAILER: See MOBILE HOME.

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

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

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

EATING ESTABLISHMENTS -- RESTAURANTS:

A. Fast Service Restaurants - Those restaurants which have limited variety of menu and use limited food preparation techniques to serve food quickly. The food is often dispensed in disposable material, there is less need for storage (food or china) and less elaborate scullery area (dishwashing machinery) is needed.
Article V

II Definitions

1. Carry-out -- A fast service of "call in and order" restaurant which does not have sit-down eating arrangements and consumption of food on the premises is prohibited (or discouraged).

2. Drive-in -- A restaurant which encourages the consumption of food on the premises (in car, no seating facilities) serving the food by car-hop or self-service.

B. Sit-Down Restaurants - Those restaurants which provide waiter service, seating arrangements, whether interior or exterior. This category would also include cafeteria type self service, sit down restaurants (the variety of food and preparation is still elaborate). The menu will have a variety of preparation techniques, scullery areas, china storage, and larger food storage facilities will be necessary.

1. Combination -- A restaurant which provides any combination of sit-down service plus the capability of providing carry-out, drive-in, or both services.

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

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

FENCE: A structure made of wire, wood, metal, masonry, or other material, including hedges, which is constructed in a more or less permanent location in or on the ground and which constitutes an enclosure or barrier around or along a field, yard, etc.

FILLING STATION: See SERVICE STATION.

FISH FARM: An area devoted to the cultivation of fish and other seafood.

FLOOD - 100 YEAR FREQUENCY: The highest level of flooding that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of occurring each year).
FLOODPLAIN OR FLOOD PRONE AREA: The relatively flat area or lowlands adjoining the channel of a river, stream, or watercourse or ocean, lake, or other body of standing water which has been, or may be, covered by flood water.

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

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

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

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

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

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

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

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

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

GARAGE, PRIVATE: An accessory building or portion of a principal building not exceeding eight hundred (800) square feet of area, per dwelling unit, designed, intended, and used for the storage of not more than four (4) motor driven vehicles, per dwelling unit, owned, used, and registered in the name of the occupants of the dwelling.
unit for which said private garage is intended. Not more than one (1) of the vehicles shall be a commercial vehicle and this vehicle shall not be more than two (2) ton capacity. This definition shall not include a public garage.

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

GROUP HOUSING: See DWELLING, GROUP HOUSE.

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

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

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

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

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

HOUSE TRAILER: See MOBILE HOME.

JUNK: Scrap brass, scrap copper, scrap iron, scrap lead, scrap tin, scrap zinc, and all other scrap metals and the alloys, and bones, rags, used cloth, used rope, used rubber, used tinfoil, used bottles, old or used machinery of any type, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates (fabricated of any material), used pipe or pipe fittings, used conduit or conduit fittings, inoperative motor vehicles, used tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition or which are subject to being dismantled.

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

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

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

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

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

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

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

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

LOADING AND/OR UNLOADING SPACE: A surfaced space within the main building or on the same lot providing for the temporary standing, loading and/or unloading of trucks; said space having a minimum dimension of forty-eight (48) feet in length, twelve (12) feet in width, and fourteen (14) feet in height; except as herein provided; and connected with an accepted deeded public right-of-way which affords ingress and egress for vehicles.

LODGING HOUSE: A building, other than an apartment, hotel-motel, hotel, motel, or tourist court where lodging for five (5) or more persons is provided for compensation.
LOT: A parcel of land or any combination of several lots of record, occupied or intended to be occupied by a principal building or a building group, as permitted herein, together with their accessory buildings or uses and such access, yards, and open spaces required under this ordinance.

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

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

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

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

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

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

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

LOT LINE, REAR: The boundary line of a lot which is most nearly opposite the front lot line of such lot. In the case of a triangular or wedge shaped lot, for measurement purposes only, a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line. In the case of a corner lot, providing that all requirements for yard space are complied with, the owner may choose either side not abutting a street as the rear lot line, even though it is not opposite the front lot line. Once the choice has been made, it cannot be changed unless all requirements for yard space can be complied with.
LOT LINE, SIDE: Any boundary line of a lot, other than a front lot line or rear lot line.

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

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

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

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

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

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

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

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

MOBILE HOME PARK: Any lot, parcel, or premises, subdivided, designed, maintained, intended, or used for the purpose of supplying a location or accommodation for mobile homes; or any lot, parcel, or premises on which is parked, standing, or located two (2) or more mobile homes for a longer period than twenty-four (24) hours; or one (1) or more mobile homes connected to either electrical lines, or water or sewer pipes; or any mobile home being utilized on the premises on which it is located. For the purpose of this ordinance, any lot or premises for the wholesale or retail sale of mobile homes shall not be included within this definition.
MODULAR: Housing manufactured off-site, often mass-produced, and designed so that sections are interchangeable. This is a production technique which can be applied to low or high density type construction.

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

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

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

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

NITA measure of luminance. One nit is equal to one candela per square meter (1cd/m2). Ten thousand nits are equal to one stibl. A candela, on which the definition is based, is a unit of measurement of the intensity of light. Part of the SI system of measurement, one candela (cd) is the monochromatic radiation of 540THz with a radiant intensity of 1/683 watt per steradian in the same direction. Another way of putting it is that an ordinary wax candle generates approximately one candela.

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

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

NOXIOUS MATTER OR MATERIALS: Matter or material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals as determined by the appropriate health department.
NURSERY: Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings, but does not include the wholesale or retail sale of any items other than those incidental to the items raised or grown on said premises.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SERVICE FACILITIES, PUBLIC UTILITIES: Service facilities include all facilities of public utilities operating under the jurisdiction of the Public Service Commission, or the Department of Motor Transportation, or Federal Power Commission, and common carriers by rail, other than office space, garage and warehouse space and include office space, garage space and warehouse space when such place is incidental to a service facility.

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

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

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

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

SIGN, DIRECTORY: Any sign providing way-finding information by identifying occupants of specific buildings or units within a building and, where necessary, providing directions for finding such building or unit
SIGN, PRINCIPAL: The main freestanding sign on a site. The term is used to distinguish such a sign from other freestanding signs that may be allowed on multi-tenant or large sites.

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

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

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

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

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

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

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. For purposes of this ordinance, a basement shall not be counted as a story.

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

STREET, ARTERIAL: Public thoroughfares which serve the major movements of traffic within and through the community, as identified in the adopted comprehensive plan.
STREET, COLLECTOR: Public thoroughfares which serve to collect and distribute traffic, primarily from local to arterial streets.

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

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

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

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

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

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

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

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

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

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

a. Private: when consisting of an accessory structure appurtenant to a one-family or a two-family dwelling and used only as such by persons residing on the same lot and their private guests (as distinguished from groups of any kind) with no payment of any kind or in any form charged or received for such use.

b. Semi-public: when consisting of an accessory structure appurtenant to a multiple dwelling, hotel, motel, church, school, private club, or country club, and used only as such by persons who reside or are housed on the same lot or who are regular members of such church, club, country club, or regular attendants at such school and by individual guests (as distinguished from groups of any kind) of the foregoing with no payment of any kind or in any form being charged or being received for such use.

c. Public: a swimming pool operated for profit, open to the public or other unit of government for the general public, whether or not an admission fee is charged.

d. Commercial: a swimming pool operated for profit, open to the public upon payment of an hourly, a daily, weekly, monthly, annual, or other fee.

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

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

TOURIST COURT: See MOTELS.

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

TRAILER: See CAMPING/VACATION MOBILE UNIT.

USE, PERMITTED: A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such district.
VARIANCE: A departure from dimensional terms of this ordinance pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

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

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

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

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

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

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

ZONING ADMINISTRATOR: The official or officials appointed by the legislative body to administer and enforce the provisions of this ordinance.
ARTICLE XVIII

ESTABLISHMENT OF ZONES

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

<table>
<thead>
<tr>
<th>Zone Code</th>
<th>Zone Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>CO</td>
<td>CONSERVATION ZONE</td>
</tr>
<tr>
<td>R-1A</td>
<td>SINGLE - FAMILY RESIDENTIAL ONE - A ZONE</td>
</tr>
<tr>
<td>R-1C</td>
<td>SINGLE - FAMILY RESIDENTIAL ONE - C ZONE</td>
</tr>
<tr>
<td>R-1G</td>
<td>SINGLE - FAMILY RESIDENTIAL ONE - G ZONE</td>
</tr>
<tr>
<td>R-1H</td>
<td>SINGLE - FAMILY RESIDENTIAL ONE - H ZONE</td>
</tr>
<tr>
<td>R-4</td>
<td>MULTI - FAMILY RESIDENTIAL FOUR ZONE</td>
</tr>
<tr>
<td>PUD</td>
<td>PLANNED UNIT DEVELOPMENT OVERLAY ZONE</td>
</tr>
<tr>
<td>I-4</td>
<td>INDUSTRIAL RIVER ZONE</td>
</tr>
<tr>
<td>NC</td>
<td>NEIGHBORHOOD COMMERCIAL ZONE</td>
</tr>
<tr>
<td>IP</td>
<td>INDUSTRIAL PARK ZONE</td>
</tr>
</tbody>
</table>

SECTION 8.1 OFFICIAL ZONING MAP OR MAPS: The zones are bounded and defined as shown on the map (or maps) entitled, "OFFICIAL ZONING MAP OF THE CITY OF BROMLEY, KENTUCKY" and shall so remain on file in the offices of Planning and Development Services of Kenton County. A copy shall also be on file in the office as designated by the City.

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

No changes of any nature shall be made on the Official Zoning Map (or maps) or matter shown thereon which are not in conformity with the procedures set forth in this ordinance.
Regardless of the existence of purported copies of the Official Zoning Map (or maps), the OFFICIAL ZONING MAP, which shall be located in the office designated by law, shall be the final authority as to the current zoning status of land, buildings, and other structures in the city.

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

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

A. Boundaries indicated as approximately following the rights - of - way of a street, alley, or other public way, shall be construed to follow such rights - of - way lines and when said rights - of - way are officially vacated, the zones bordering such rights - of - way shall be extended out to the centerline of said vacated rights - of - way.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following political boundary lines shall be construed as following such boundary lines.

D. Boundaries indicated as approximately following the rights - of - ways of railroad lines shall be construed as following such lines.

E. Boundaries indicated as approximately following the centerlines of streets, streams, rivers, ditches, gullies, ravines, or other bodies of water, shall be construed to follow such centerlines.

F. Boundaries indicated as approximately following a topographic elevation, determined by the scale of the map, shall be construed as following such ground elevation lines.

G. Boundaries indicated as approximately parallel to features indicated in Rules A through F of this section, shall be construed as parallel to such features. Boundaries indicated as approximate extensions of features shall be so
construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map, if an accurate legal description cannot be determined.

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

GENERAL REGULATIONS

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

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

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

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

SECTION 9.4 FRONTAGE ON CORNER LOTS AND DOUBLE FRONTAGE LOTS: On lots having frontage on more than one street, in any zone, the minimum front yard shall be provided for each street, road, or highway, in accordance with the provisions of this ordinance.

SECTION 9.5 UTILITIES LOCATION: Electrical transformer stations, gas regulator stations, sewage and water treatment plants, pumping stations, standpipes for public water supply, and other similar utility uses, may be located in any zone subject to the approval of the board of adjustment, as set forth in Section 9.14 of this ordinance. The location of such facilities shall be in accordance with Kentucky Revised Statutes, and all other pertinent regulations, and the following requirements:
A. Such facilities shall be essential for the immediate area or for the proper functioning of the total utility system of which the element is a part.

B. A building or structure, except an enclosing fence, shall be set back at least fifty (50) feet from any property line.

C. Such facilities shall be enclosed by a protective fence as regulated by Article XIII.

D. Open spaces on the premises shall be suitably landscaped and maintained and a screening area according to Section 9.17 of this ordinance may be required in and along any yard.

E. The storage of vehicles and equipment on the premises, unless enclosed or screened, shall be prohibited.

F. The surrounding area shall not be adversely affected by, and shall be protected from, noise, odor, glare, dust, gas, smoke, and vibration, by such suitable means and conditions as the board of adjustment may specify.

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

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

SECTION 9.8 UNSIGHTLY OR UNSANITARY STORAGE: No rubbish, salvage materials, junk, or miscellaneous refuse shall be openly stored or kept in the open, and weeds shall not be allowed to go uncut within any zones, when the same may be construed to be a menace to public health and safety by the appropriate health
department, or have a depressing influence upon property values in the neighborhood, in the opinion of the zoning administrator. Salvage and junkyards shall be adequately enclosed with a solid fence or wall, as regulated by Article XIII, and an approved permanent planting screen may be required as regulated by Section 9.17 of this ordinance.

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

SECTION 9.10 APPLICATION OF ZONING REGULATIONS

A. Except as hereinafter provided, no public or private structure, except the service facilities of public utilities operating under the jurisdiction of the Public Service Commission or the Department of Motor Transportation or federal Power Commission and common carriers by rail, shall be erected, reconstructed, or structurally altered, nor shall any public or private structures or land, except the service facilities of public utilities operating under the jurisdiction of the Public service Commission or the Department of Motor Transportation or federal Power Commission and common carriers by rail, be used for any purpose other than that permitted in the zone in which such structures or land is to be located or is located. All of the required lot area shall be in one (1) zone.

B. Except as hereinafter provided, no public or private structures except the service facilities of public utilities operating under the jurisdiction of the Public Service Commission or the Department of Motor Transportation or federal Power Commission and common carriers by rail, shall be erected, reconstructed, or structurally altered to exceed the height or bulk limit herein established for the zone in which such structure is to be located or is located.

C. Except as hereinafter provided, no lot areas shall hereafter be so reduced or diminished that the yards or other open spaces shall be smaller than described by this ordinance and no building shall be occupied by more families than prescribed for such building, structure or premises for the zone in which it is located.

D. Except as herein provided, no part of any yard, or other open space, or off-street parking or loading and/or unloading space about or in connection with any building, structure, or use permitted by this ordinance shall be considered to be part of a required yard, or other open space, or off-street parking or loading and/or unloading space for any other building, structure, or use.
E. Every public or private building or other structure hereafter erected shall be located on a lot as herein defined and in no case shall there be more than one (1) principal building and permitted accessory structures on one (1) lot, except as hereinafter provided, nor shall any building be erected on any lot which does not abut at least twenty-five (25) feet on a deeded and accepted public right-of-way.

F. Accessory structures and uses (excluding off-street parking, loading and unloading areas, fences, and signs) shall not be permitted within any required minimum front yard or side yard (on each side of the lot) in any zone. Accessory structures and uses (excluding off-street parking, loading and unloading areas, fences, and signs) shall be permitted to be extended into the minimum rear yard, as defined herein, in all zones, but must be set back from the rear lot line a minimum of ten (10) feet, and required minimum side yard clearances shall be maintained. Location of off-street parking, loading and unloading areas, fences, and signs are governed by their respective sections as provided herein.

G. Permitted Obstructions in Minimum Required Yards or Courts: Except as herein provided, the following shall not be considered to be obstructions when located in the minimum required yards or courts specified:

1. In All Minimum Required Yards - Awnings and canopies; driveways, providing they are not closer than two (2) feet to the property line to which they run approximately parallel to; steps, four (4) feet or less above grade, projecting not more than four (4) feet into the minimum required yards which are necessary for access to a lot from a street or alley; fire escapes; chimneys; and air conditioning equipment projecting not more than eighteen (18) inches or less into the minimum required yards; arbors and trellises; flag poles; bird baths; fences and walls, subject to the requirements in Article XIII of this ordinance.

2. In Minimum Front Yard Depths - One story bay windows, projecting three (3) feet or less into the minimum required yard; overhanging eaves and gutters, projecting not more than three (3) feet into the minimum required front yard.

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

4. In Minimum Side Yard Width - Overhanging eaves and gutters, projecting not more than eighteen (18) inches or less into the minimum required side yard.

5. Off-street parking as provided for in Section 11.0, C.
SECTION 9.11 SPECIAL REQUIREMENTS GOVERNING HOME OCCUPATIONS:
The following requirements shall apply to home occupations when permitted herein:

A. No persons other than members of the family residing in the premises shall be engaged in such operation in connection with which there is no group instruction, assembly, or activities.

B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than twenty-five (25) percent of the gross floor area of any one floor of the dwelling unit (including the basement or cellar) shall be used in the conduct of the home occupation.

C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, such as utilization of trucks, that will indicate from the exterior that the building is being utilized, in part, for any purpose other than that of a dwelling unit, except that a name plate, as regulated by Article XIV of this ordinance, shall be permitted.

D. No home occupation shall be conducted in any accessory building, nor shall there be any exterior storage of any materials on the premises.

E. There shall be no commodity sold upon the premises in connection with such home occupation.

F. No traffic shall be generated by such home occupation in greater volumes or than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and not located in any required yard except as herein provided.

G. No equipment or process which creates noise, vibration, glare, fumes, odors, or electrical interference, detectable to the normal senses off the lot, shall be used in such home occupation. In the case of electrical interference, no equipment or process which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises, shall be used.

Home occupations shall include the use of the premises for services rendered other than by direct contact with customers at that location (for example, where the bulk of the business is by telephone - actual work is performed in home and customer is contacted in other than that location).
SECTION 9.12 NONCONFORMING LOTS, NONCONFORMING USES, NONCONFORMING STRUCTURES, REPAIRS AND MAINTENANCE, AND NONCONFORMING SIGNS

A. NONCONFORMING LOTS OF RECORD:

1. Any lot of record which does not meet the requirements of this ordinance shall be considered a nonconforming lot of record.

2. If two (2) or more unimproved lots or combinations of lots and portions of lots with continuous frontage are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area, as established by this ordinance, the land involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be sold for purposes of building which does not meet lot width and area development requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

B. NONCONFORMING USES

1. CONTINUANCE: Except as herein provided, the lawful use of any structure or land existing at the time of the adoption of this ordinance may be continued although such use does not conform to the provisions of this ordinance. However, no nonconforming use or structure may be enlarged or extended beyond its area of use at the time it becomes a legal nonconforming use, unless and until the use is brought into conformance with all provisions of this ordinance.

2. CHANGE FROM ONE NONCONFORMING USE TO ANOTHER: Any nonconforming use may be changed to another nonconforming use, providing the new nonconforming use is in the same or a more restrictive classification (i.e., providing that, in the opinion of the board of adjustment, the new nonconforming use will be more in conformance with the intent of the regulations of the zone affected, than the old nonconforming use).

3. TERMINATION: Except for Section 9.12, B., 3., c., any of the following activities or conditions shall terminate, immediately, the right to operate a public or private nonconforming use.

   a. Changing to a conforming use. In the case of section 9.12, B., 3., c., the board of adjustment shall hold a public hearing in accordance with the applicable requirements of section 18.2 of this ordinance, prior to termination of the nonconforming use.
b. Abandonment.

c. Nonoperative or nonused for a period of twelve (12) or more consecutive calendar months.

d. Whenever the structure, in which the nonconforming use is operated, is damaged in any manner whatsoever and the cost of repairing such damage exceeds fifty (50) percent of the market value of such structure in which the nonconforming use is operated and a determination is made by the board of adjustment that this structure should not be reconstructed.

e. Whenever the structure, in which the nonconforming use is operated, becomes obsolete or substandard under any applicable ordinance of the city and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds fifty (50) percent of the market value of such structure as of the date of the official order under the applicable ordinance and a determination is made by the board of adjustment that this structure should not be reconstructed.

f. Whenever said nonconforming use becomes illegal, a nuisance, or a hazard to the public safety, health, or welfare.

g. Whenever said nonconforming use becomes the property of the city, or any other governmental entity.

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

4. ZONE CHANGE: The foregoing provisions shall apply to uses which become nonconforming due to zone changes which take place hereafter.

C. NONCONFORMING STRUCTURES

1. CONTINUANCE: Except as herein specified, any public or private nonconforming structure may be occupied, operated, and maintained in a state of good repair, but no nonconforming structure shall be enlarged or extended unless the enlargement or extension can be, and is, made in compliance with all of the provisions of this ordinance.
2. **TERMINATION:** Any one of the following acts or conditions shall terminate, immediately, the right to operate a public or private nonconforming structure:

   a. Changing to a conforming structure.

   b. Abandonment.

   c. Whenever the nonconforming structure is damaged in any manner whatsoever and the cost of repairing such damage exceeds fifty (50) percent of the market value of such structure and a determination is made by the board of adjustment that the structure should not be reconstructed.

   d. Whenever the nonconforming structure becomes obsolete or substandard under any applicable ordinance of the city and the cost of placing such nonconforming structure in lawful compliance with the applicable ordinance exceeds fifty (50) percent of the market value of such nonconforming structure as of the date of the official order under the applicable ordinance and a determination is made by the board of adjustment that the structure should not be reconstructed.

   e. Whenever said nonconforming structure becomes a nuisance or a hazard to the public safety, health, or welfare.

   f. Whenever the city, or any other governmental entity, acquires title to said nonconforming structure or the land upon which it is located.

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

D. **REPAIRS AND MAINTENANCE:** On any building devoted in whole, or in part, to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the market value of the building, provided that the cubic content of the building, as it existed at the time of passage or amendment of this ordinance which rendered it nonconforming, shall not be increased.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring, to a safe condition, of any building, structure, or part thereof, declared to be unsafe by any official charged with protecting the public safety, except for the conditions as stated in Section 9.12, B., 3., e.
E. NONCONFORMING SIGNS

1. CONTINUANCE: Except as herein specified, any nonconforming sign may be continued in operation and maintained after the effective date of this ordinance, provided, however, that no such sign shall be changed in any manner that increases the noncompliance of such sign with the provisions of this ordinance for the zone in which such sign is located.

2. TERMINATION: Any one of the following acts or conditions shall terminate, immediately, the right to operate or maintain a nonconforming sign:
   a. Not meeting the time compliance requirements for sign regulations, as regulated in Section 14.1 of this ordinance.
   b. Changing to a conforming sign.
   c. Abandonment.
   d. Nonoperative or nonuse of said nonconforming sign.

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

SECTION 9.13 EXCEPTIONS AND MODIFICATIONS

A. EXCEPTIONS TO HEIGHT LIMITS

1. The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, chimneys, smoke stacks, radio and TV towers, conveyors, flag poles, masts and aerials, pent houses, scenery lofts, stand pipes, parapet walls, outdoor theater screens, and other related structures and necessary mechanical appurtenances, provided their construction is in accordance with existing or hereafter adopted ordinances of the city, and is acceptable to the Federal Aviation Agency and the Federal Communication Commission.

B. AREA EXCEPTIONS: For the purpose of side yard regulations, the following dwellings with common party walls shall be considered as one (1) building occupying one (1) lot: Two-family and multi-family dwellings.
C. OTHER EXCEPTIONS: Service stations or gasoline filling stations shall be so constructed that the centerlines of the pumps shall be at least twenty-five (25) feet from any street right-of-way line.

D. FRONT YARD VARIANCE

1. In any zone where the average depth of existing front yards within three hundred (300) feet of the lot in question and within the same block front, is greater than the minimum front yard depth prescribed elsewhere in this ordinance, the required minimum front yard depth on such lot shall be modified to be the average depth of said existing front yards provided, however, that the depth of the front yard on any such lot shall not be greater than sixty (60) feet.

2. In any residential zone, no front yard shall be required to exceed the average depth of existing front yards on lots abutting on each side of the street, or the average depth of existing front yards on the same side of the street within the same block and within two hundred (200) feet, when fifty-one (51) percent or more of said lots are improved with residential buildings, whichever is greater, provided that in no case shall a front yard depth be less than twelve (12) feet.

SECTION 9.14 CONDITIONAL BUILDINGS AND USES

A. DETERMINATION: Subject to the requirements of Section 18.7, the board of adjustment may authorize a conditional building and use to be located within any zone in which the particular conditional use is permitted by the use regulations of this ordinance, if the evidence presented by the applicant is such as to establish, beyond any reasonable doubt:

1. That the proposed building and use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community;

2. That such building and use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and

3. That the proposed building and use will comply with any regulations and conditions specified in this ordinance for such building and use.

B. CONDITIONAL USE PERMITS: In accordance with KRS 100.237, the board of adjustment shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are
specifically named herein which may be suitable only in specific locations in the zone only if certain conditions are met:

1. The board of adjustment may approve, modify, or deny any application for a conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the board's minutes and on the conditional use permit, along with a reference to the specific section in the zoning regulation listing the conditional use under consideration. In addition, a certificate of Land Use Restriction shall be filed pursuant to Section 9.31 of this ordinance. The board shall have the power to revoke conditional use permits, or variances for noncompliance with the condition thereof. Furthermore, the board shall have the right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.

2. Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of this ordinance, the building code, housing code, and other regulations of the city.

3. In any case, where a conditional use permit has not been exercised within the limit set by the board, or within twelve (12) consecutive calendar months from date of issuance, such conditional use permit shall not revert to its original designation, unless there has been a public hearing. Exercised as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement has been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed. When construction is not a part of the use, exercised shall mean that the use is in operation in compliance with the conditions as set forth in the permit.

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

If the landowner is not complying with all of the conditions listed on the conditional use permit, the zoning administrator shall report the fact in writing to the chairman of the board of adjustment. The report shall state specifically the manner in which the landowner is not complying with the
conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time it is furnished to the chairman of the board of adjustment.

The board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing. If the board of adjustment finds that the facts alleged in the report of the zoning administrator are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the board of adjustment may authorize the zoning administrator to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

5. Once the board of adjustment has completed a conditional use permit, and all the conditions required are of such type that they can be completely and permanently satisfied, the zoning administrator, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file. Thereafter said use, if it continues to meet the other requirements of this ordinance, will be treated as a permitted use.

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

   a. If the adjoining property is part of a planning unit, notice shall be given to that unit’s commission; or

   b. If the adjoining property is not part of a planning unit, notice shall be given to the mayor of the city in which the property is located or, if the property is in an unincorporated area, notice shall be given to the judge/executive of the county in which the property is located.

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

A. PUBLIC WATER AND SANITARY SEWERS: No building may be constructed in any zone, except the R-RE Zone, unless such building is connected to a public water and centralized sewer system of adequate capacity and design, and approved by the proper authorities. In the case of the R-RE Zone, private sewage disposal systems may be permitted, provided they are approved in accordance with the requirements of the Northern Kentucky District Board of Health.

SECTION 9.16 MOVE AND SET

A. No building, structure, or improvement shall be moved or set from or upon land located in any area or transported upon any public street, in the legislative body, until and unless both: (1) a building permit to move and set; and (2) a transport permit, have been obtained, and said building, structure, or improvement complies with the provisions of this section.

B. All buildings, structures, and improvements shall comply with the legislative body’s housing and building code, and all other applicable codes and regulations.

C. PROCEDURE:

1. Any person who wishes to obtain a building permit, to move and set in compliance herewith shall apply at the office of the building inspector requesting an inspection of the building, structure, or improvement to be moved and set, and that an application for such permit to be filed with the building inspector.
2. The applicant shall submit, with his application for said building permit, a plot plan, footing and foundation plan, and construction plans for any new construction. Said plans shall comply with the city's building code.

3. If the building, structure, or improvement is located in the city, all outstanding property taxes shall be paid and the applicant shall submit with his application a statement from the city's director of finance showing that all past and current taxes have been paid before any permit shall be issued.

4. Upon receipt of the foregoing items, the building inspector shall inspect said building, structure, or improvements, and the proposed location where same will be set within the legislative body and determine if the proposed development will comply with all applicable codes and regulations.

5. The move and set shall be referred to the zoning administrator for approval or denial of compliance with this ordinance.

6. Upon approval by the zoning administrator and building inspector, a building permit to move and set shall be issued. The legislative body's engineer shall then be notified of same and shall issue a transport permit. The legislative body's engineer or his agent will designate the route to be traveled. The transport permit is good only for the date specified on permit. The transport permit will not be issued if ninety (90) consecutive calendar days or more have lapsed from the date of inspection by the building inspector. The transport permit provided for in this section shall not be in lieu of any other permits which may be required by the legislative body.

7. There will be a building investigation fee, as established by the legislative body, to cover the costs of investigation and inspection for determining the structural soundness of buildings, structures, or improvements to be moved, the fee is payable in advance and must accompany the application provided for herein. This fee is not returnable. If any alterations or improvements to be made are found to be in compliance with the legislative body's applicable codes and regulations, a building permit to move and set will be issued and the fee will be based on the cost of new foundations and all work necessary to place the building or structure in its completed condition in the new location. This fee is in addition to the building investigation fee.

8. The transport permit provided for in this section shall not be in lieu of any building permits which may be required by the city.
9. No transport of building permit to move and set shall be issued until the applicant has first obtained the necessary permits from the telephone company, public utilities companies, railroad companies, and the State Highway department of Kentucky and the county road supervisor unless it can be shown by the applicant, that these agencies are not interested in the matter.

10. No transport or building permit to move and set shall be issued for any building, structure, or improvement exceeding the dimensions approved by the zoning administrator and building inspector.

11. No person, corporation, or company shall transport, move, or set any building, structure, or improvement in the legislative body, until and unless such person, corporation, or company shall post with the building inspector a good and sufficient indemnity bond in the amount of five thousand dollars ($5,000.00) in favor of the city. Such bond shall be made by a surety corporation authorized to do business in the Commonwealth of Kentucky; said bond may be issued on an annual basis but shall not be in excess of such period of time.

SECTION 9.17 SCREENING AREA: All screening areas, where required, in and along any yard, shall consist of a planting strip at least ten (10) feet in width planted with a hedge (or similar vegetation or suitable fences approved by the zoning administrator or the planning commission if required by this ordinance). These hedges or fences shall be of a height suitable for screening as approved by the zoning administrator (or planning commission if required by this ordinance). All required screening (including the planting of trees and other vegetation) shall be maintained by the property owner.

SECTION 9.18 OUTDOOR SWIMMING POOLS

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

1. Swimming pools shall be permitted to be located only to the rear of the principal permitted dwelling or dwellings.

2. Except as herein provided, no swimming pool, including the apparatus and equipment pertaining to the operation of the swimming pool shall be permitted within any required yards of the lot nor within the limits of any public utility right-of-way easement.

3. Swimming pools which are constructed in-ground shall be required to have a fence or wall, including a self-closing and self-latching door or gate, with the latches placed at least four (4) feet above the ground, around the pool or the property on which the pool is located, of at least
four (4) feet, but not exceeding six (6) feet (only classes 1, 3, 4, or 5 are permitted, as regulated in Article XIII of this ordinance); such fences or walls shall be constructed in such a manner that any openings shall not allow the passage of a four (4) inch diameter sphere.

4. Swimming pools which are located above-ground shall be required to have a fence or wall, including a self-closing and self-latching door or gate, with the latches placed at least four (4) feet above the ground, around the pool or property upon which the pool is located, of at least four (4) feet in height, but not exceeding six (6) feet (only classes 1, 3, 4, and 5 are permitted, as regulated by Article XIII of this ordinance). Such fence or wall shall be constructed in such a manner that any openings shall not allow the passage of a four (4) inch diameter sphere. Said wall may be the wall of the above-ground pool, providing that said wall is at least four (4) feet in height above the surrounding ground level.

In addition, any access to above ground pools by means of a ladder or stairway shall be provided with a self-closing and self-latching door or gate, with the latches placed at least four (4) feet above the ground, or some other device that would prevent a small child from gaining access to the pool by means of a ladder or stairway.

5. Glare from flood lights used to illuminate the swimming pool area for night bathing shall be directed away from adjacent properties.

6. All swimming pools and associated equipment shall be constructed and erected in accordance with all applicable codes, ordinances, and regulations of the legislative body. Water used in the swimming pool, which is obtained from other than a public source, shall be approved by the Northern Kentucky District Health Department.

7. All swimming pools existing at the time of adoption of this ordinance, which are unprotected by a surrounding fence or wall, including gates or doors, as regulated herein, shall be required to comply with the provisions of this ordinance section within sixty (60) days after its adoption.

B. PUBLIC, SEMI-PUBLIC, AND COMMERCIAL SWIMMING POOLS: All public, semi-public, and commercial swimming pools shall be regulated according to the following requirements:

1. Except as herein provided, no swimming pool and associated equipment shall be permitted within any required yards or within the limits of any public utility right-of-way easement.
2. The swimming pool, or the property on which the pool is located, shall be surrounded by a fence or wall, including a self-closing and self-locking door or gate, with the latches placed at least four (4) feet above the ground, (only classes 1, 3, 4, and 5 fences are permitted, as regulated by Article XIII of this ordinance) at least five (5) feet in height, but not exceeding the height as permitted herein, and of such construction that any openings shall not allow the passage of a four (4) inch diameter sphere.

3. Glare from flood lights used to illuminate the swimming pool area for night bathing shall be directed away from adjacent properties.

4. All swimming pools and associated equipment of the swimming pool shall be constructed and erected in accordance with all applicable codes, ordinances, and regulations of the city. Water used in the operation of the swimming pool, which is obtained from other than a public source, shall be approved by the Northern Kentucky District Health Department.

5. No mechanical device for the reproduction or amplification of sounds used in connection with swimming pools shall create a nuisance to adjacent residential properties through the emission of noises, voices, or music which is loud enough to cause complaints from said adjacent residential property owners.

SECTION 9.19 SITE PLAN REQUIREMENTS: No building shall be erected or structurally altered nor shall any grading take place on any lot or parcel in zones where a site plan is required, except in accordance with the regulations of this section and an approved site plan as hereinafter required. Before a permit is issued for construction, one (1) copy of the site plan of the area at a scale no smaller than one (1) inch to one hundred (100) feet, shall be filed with Planning and Development Services of Kenton County and (1) copy with the building inspector and the zoning administrator. The site plan shall identify and locate, where applicable, the following:

A. Total area in development project including legal description.

B. Present zoning of property in question and adjacent properties.

C. All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned.

D. Existing and proposed topography shown by contour with intervals not to exceed five (5) feet.

E. All existing and proposed housing units on the subject property:
1. Detached housing - location and approximate number of lots, including a typical section(s) identifying approximate lot sizes and dimensions, and setback and height of buildings;

2. Attached housing - location and description of the various housing types (i.e., townhouse, fourplex, garden apartment, etc.) including approximate heights of typical structures, and the approximate number of units by housing type;

F. Location, arrangement, height, and identification of all existing and proposed nonresidential buildings and uses on the subject property.

G. The amount of area proposed for common open space, including the location and arrangement of recreational facilities, identification of unique natural features to be retained and a statement indicating the means of maintaining all common areas.

H. Location of proposed pedestrian walkways, identifying approximate dimensions.

I. Location of proposed streets, identifying approximate dimensions of pavement, right-of-way widths, and grades.

J. Location of off-street parking, loading and/or unloading and driveway areas, identifying the number of off-street parking spaces to be provided, type of surfacing and approximate dimensions.

K. Location of all existing and proposed water, sanitary sewer, and storm drainage lines, indicating approximate pipe sizes. Indication should also be given regarding the provision of electric and telephone service.

L. Certification from appropriate water and sewer agencies that services will be available.

M. Landscaping features, including identification of planting areas and the location, type, and height of walls and fences.

N. Location of signs indicating their orientation and size and height.

O. Identification of soil types and geologic formations on the subject property, indicating anticipated problems and proposed methods of handling said problems.

P. A schedule of development, including the staging and phasing of:
1. Residential area, in order of priority, by type of dwelling unit;

2. Streets, utilities, and other public facility improvements, in order of priority;

3. Dedication of land to public use or set aside for common ownership with a preliminary statement indicating how maintenance of the latter will be handled; and

4. The construction of non-residential buildings and uses, in order of priority.

Q. Such other information with regard to the development area as may be required by the planning commission, or its duly authorized representative, to determine conformance with this ordinance.

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

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

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

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

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

SECTION 9.21 REGULATIONS CONCERNING DESIGN AND CONSTRUCTION OF IMPROVEMENTS: Any proposed development which does not constitute a subdivision, shall be required to provide streets (including curb and gutters), sidewalks, sewers (sanitary and storm), and water lines. Improvements to be provided shall be designed and constructed in accordance with the applicable articles and sections of the Subdivision Regulations, unless specifically waived.
SECTION 9.22 REGULATIONS PERTAINING TO PARKING OR STORING OF TRAILERS, MOBILE HOMES, CAMPERS, INOPERABLE VEHICLES, AND OTHER SUCH TYPE EQUIPMENT

A. No motor vehicle which is inoperable shall be stored on any lot in any zone or parcel of ground unless it is in a completely enclosed building. Parking shall be limited to the number of operable vehicles regularly used by members of a resident family and their guests.

B. It shall be unlawful for any person or persons to live in any boat, automobile, camper, mobile home, or truck, within the limits of the city, except mobile homes may be permitted when located in a RMHP (mobile home park) Zone.

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

SECTION 9.23 HILLSIDE DEVELOPMENT CONTROLS

A. This section is designed to ensure, when development is proposed in those areas of the community which have physical characteristics limiting development (hillside slopes of 20 percent or greater), that said development shall occur in a manner harmonious with adjacent lands so as to minimize problems of drainage, erosion, earth movement, and other natural hazards.

B. Areas of land on which development is physically restricted due to excessive hillside slopes shall be limited according to the following requirements, notwithstanding any other section of this or any other ordinance adopted by the city:

1. All land areas located within the city and identified on the Area-Wide Comprehensive Plan as "Developmentally Sensitive Areas", and any other areas which have slopes of 20 percent or greater, shall require approval before development may occur. In those areas which are identified in the Comprehensive Plan as "Developmentally Sensitive Areas" and containing slopes less than 20 percent, the requirements contained herein may be waived; if, after review of the proposed site plan by the engineer, it is determined that said development will not result in any significant hillside slippage or soil erosion.

2. No excavation, removal, or placement of any soil, foundation placement, or construction of buildings or structures of any nature within the area identified as a Developmentally Sensitive Area in (1) above, may occur
until plans and specifications for such work have been submitted in the form of a site plan as regulated by Section 9.19 of this ordinance. In addition to site plan requirements, the following shall also be submitted:

a. Plan(s) which show existing topography and the proposed physical changes necessary for construction, indicating grading (cutting and filling), compaction, erosion, sedimentation basins, areas to be defoliated, and any other pertinent information which will change the natural physical features of the site or general area.

b. Subsurface investigation of the area under consideration, including test borings, laboratory tests, engineering tests, and a geological analysis. Such investigation shall be made by a qualified, registered civil engineer and a geologist, indicating that any structural or physical changes proposed in the area will be completed in a manner which will minimize hillside slippage and/or soil erosion.

3. The site plan and other information required in this Section shall be reviewed by the city engineer who will recommend to the planning commission, or its duly authorized representative, what effect the proposed development will have on hillside slippage and/or soil erosion.

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

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

SECTION 9.24 FLOOD PROTECTION DEVELOPMENT CONTROLS

A. FINDINGS OF FACT

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

B. PURPOSE: The purposes of the flood protection development controls are:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water erosion hazards, or which result in damaging increases in erosion or in flood height or velocity.

2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate or channel flood waters.

4. Control filling, grading, dredging, and other development which may increase erosion or flood damage.

5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other areas.

C. DEFINITIONS: Notwithstanding other definitions within this ordinance, the following definitions shall only apply to this section of the ordinance:

1. Addition (to an existing structure) - Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

2. Area of shallow flooding - A designated AO or AH Zone on a community’s Flood Insurance Rate Map (FIRM) where the base flood depths range from one to three feet, there is no clearly defined channel, the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

3. Area of special flood hazard - The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.
4. **Base flood** - A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this ordinance.

5. **Base Flood Elevation (BFE)** - The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, and AR/AR/A that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

6. **Basement** - That portion of a structure having its floor subgrade (below ground level) on all four sides.

7. **Breakaway Wall** - A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

8. **Community Rating System (CRS)** - A program developed by the Federal Insurance Administration to provide incentives to those communities in the Regular Program to go beyond the minimum floodplain management requirements to develop extra measures for protection from flooding.

9. **Community Flood Hazard Area (CFHA)** - An area that has been determined by the Floodplain administrator (or other delegated, designated, or qualified community official) from available technical studies, historical information, and other available and reliable sources, which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety and general welfare. Included are areas downstream from dams.

10. **Critical facility** - Any property that, if flooded, would result in severe consequences to public health and safety or a facility which, if unusable or unreachable because of flooding, would seriously and adversely affect the health and safety of the public. Critical facilities include, but are not limited to: housing likely to contain occupants not sufficiently mobile to avoid injury or death unaided during a flood; schools, nursing homes, hospitals, police, fire and emergency response installations, vehicle and equipment storage facilities, emergency operations centers likely to be called upon before, during and after a flood, public and private utility facilities important to maintaining or restoring normal services before, during and after a flood, and those facilities or installations which produce, use or store volatile, flammable, explosive, toxic and/or water-reactive materials, hazardous materials or hazardous waste.
11. Development - Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

12. Elevated structure - A non-basement structure built to have the lowest floor elevated above ground level by means of fill, solid foundation perimeter walls, piling, columns (post and piers), shear walls, or breakaway walls. (See freeboard requirements for residential and non-residential structures.)

13. Elevation Certificate - A statement certified by a registered professional engineer or surveyor on the FEMA-approved form in effect at the time of certification that verifies a structure’s elevation and other related information to verify compliance with this ordinance.

14. Emergency Program - The initial phase under which a community participates in the NFIP, intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

15. Enclosure - That portion of a structure below the Base Flood Elevation (BFE) used solely for parking of vehicles, limited storage, or access to the structure.

16. Encroachment - The physical advance or infringement of uses, plant growth, fill, excavation, structures, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

17. Existing construction - Any structure for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRM effective before that date. “Existing construction” may also be referred to as “Existing structures”.

18. Existing Manufactured Home Park or Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management ordinance adopted by the legislative body based on specific technical base flood elevation data which established the area of special flood hazards.
19. Expansion to an existing Manufactured Home Park or Subdivision - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

20. Five-Hundred Year Flood - The flood that has a 0.2 percent chance of being equaled or exceeded in any year. Areas subject to the 500-year flood have a moderate to low risk of flooding.

21. Flood, Flooding, or Flood Water:
   a. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e. mudflows). See Mudslides.
   b. The condition resulting from flood-related erosion. See flood-related erosion.

22. Flood Boundary and Floodway Map (FBFM) - A map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and the regulatory floodway.

23. Flood Hazard Boundary Map (FHBM) - A map on which the boundaries of the flood, mudslide (i.e. mudflow), and flood-related erosion areas having special hazards have been designated as Zones A, M, and/or E by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA).

24. Flood Insurance Rate Map (FIRM) - A map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated special flood hazard areas and risk premium zones.

25. Flood Insurance Study - The report provided by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) containing flood profiles, the Flood Insurance Rate Map (FIRM), and/or the Flood Boundary Floodway Map (FBFM), and the water surface elevation of the base flood.

26. Floodplain or flood-prone area - Any land area susceptible to being inundated by flood waters from any source.
27. **Floodplain administrator** - The individual appointed by a NFIP participating community to administer and enforce the floodplain management ordinances.

28. **Floodplain Management** - The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management ordinances, and open space plans.

29. **Floodplain Management Regulations** - This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control), and other applications of police power, which control development in flood-prone areas. This term describes federal, state and/or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

30. **Floodproofing** - Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

31. **Floodproofing Certificate** - A certification by a registered professional engineer or architect, on a FEMA-approved form in effect at the time of certification stating that a non-residential structure, together with attendant utilities and sanitary facilities is watertight to a specified design elevation with walls that are substantially impermeable to the passage of water and all structural components are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy and anticipated debris impact forces.

32. **Floodway** - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as the "regulatory floodway".

33. **Floodway fringe** - That area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

34. **Floor** - The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.
35. **Freeboard** - A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood. Freeboard must be applied not just to the elevation of the lowest floor or floodproofing level, but also to the level of protection provided to all components of the structure, such as building utilities, HVAC components, etc.

36. **Functionally dependent use facility** - A facility, structure, or other development, which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

37. **Hazard potential** - The possible adverse incremental consequences that result from the release of water or stored contents due to failure of a dam or misoperation of a dam or appurtenances. The hazard potential classification of a dam does not reflect in any way the current condition of a dam and its appurtenant structures (e.g., safety, structural integrity, flood routing capacity).

38. **Highest adjacent grade** - The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

39. **Historic Structure** - Any structure that is:
   a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
   b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
   c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
   d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
(1) By an approved state program as determined by the Secretary of the Interior, or
(2) Directly by the Secretary of the Interior in states without approved programs.

40. Increased Cost of Compliance (ICC) – Increased cost of compliance coverage provides for the payment of a claim for the cost to comply with State or community floodplain management laws or ordinances after a direct physical loss by flood. When a building covered by a Standard Flood Insurance Policy under the NFIP sustains a loss and the state or community declares the building to be substantially or repetitively damaged, ICC will help pay up to $30,000 for the cost to elevate, floodproof, demolish, or remove the building.

ICC coverage is available on residential and non-residential buildings (this category includes public or government buildings, such as schools, libraries, and municipal buildings) insured under the NFIP.

41. Letter of Map Change (LOMC) – Is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC’s include the following categories:

   a. Letter of Map Amendment (LOMA) – A revision based on technical data showing that a property was incorrectly included in a designated SFHA. A LOMA amends the current effective FIRM and establishes that a specific property is not located in a SFHA.

   b. Letter of Map Revision (LOMR) - A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features.

   c. Letter of Map Revision – Fill (LOMR_F) – A determination that a structure or parcel has been elevated by properly placed engineered fill above the BFE and is, therefore, excluded from the SHFA.

42. Levee - A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

43. Levee System - A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
For a levee system to be recognized, the following criteria must be met:

a. All closure devices or mechanical systems for internal drainage, whether manual or automatic, must be operated in accordance with an officially adopted operation manual (a copy of which must be provided to FEMA by the operator when levee or drainage system recognition is being sought or revised).

b. All operations must be under the jurisdiction of a Federal or State agency, an agency created by Federal or State law, or an agency of a community participating in the NFIP.

44. Limited storage - An area used for storage and intended to be limited to incidental items which can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant material, void of utilities except for essential lighting, and cannot be temperature controlled.

45. Lowest adjacent grade - The elevation of the sidewalk, patio, deck support, or basement entryway immediately next to the structure and after the completion of construction. It does not include earth that is emplaced for aesthetic or landscape reasons around a foundation wall. It does include natural ground or properly compacted fill that comprises a component of a structure’s foundation system.

46. Lowest Floor - The lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, structure access, or storage in an area other than a basement area is not considered a structure’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

47. Manufactured Home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected or attached to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. The term “manufactured home” does not include a “recreational vehicle” (see Recreational Vehicle).

48. Manufactured home park or subdivision - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
49. Mean Sea Level (MSL) - The average height of the sea for all stages of the tide. For the purposes of the National Flood Insurance Program, the MSL is used as a reference for establishing various elevations within the floodplain as shown on a community’s FIRM. For purposes of this ordinance, the term is synonymous with either National Geodetic Vertical Datum (NGVD) 1929 or North American Vertical Datum (NAVD) 1988.

50. Mitigation - Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the costs of disaster response and recovery.

51. Mudslide (i.e. mudflow) - Describes a condition where there is a river, flow, or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain. A mudslide (i.e. mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Floodplain administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

52. National Flood Insurance Program (NFIP) - The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.

53. National Geodetic Vertical Datum (NGVD) - As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used as the vertical datum on the older FIRM’s. Refer to FIRM legend panel for correct datum.)

54. New Construction - Structures for which the start of construction commenced on or after the effective date of these floodplain management regulations and includes any subsequent improvements to such structures.

55. New manufactured home park or subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of these floodplain management regulations.

56. North American Vertical Datum (NAVD) – As corrected in 1988, a vertical control used as a reference for establishing varying elevations within the
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floodplain. (Generally used on the newer FIRM’s and Digitally Referenced FIRM’s (DFIRM’s). (Refer to FIRM or DFIRM legend panel for correct datum.)

57. Obstruction - Includes but is not limited to any dam, wall, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, structure, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

58. One-Hundred Year Flood (100-Year Flood) (see Base Flood) - The flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the 100-year flood. Over the life of a 30-year loan, there is a 26-percent chance of experiencing such a flood with the SFHA.

59. Participating Community - A community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

60. Pre-FIRM Construction - Construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

61. Post-FIRM Construction - Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

62. Probation - A means of formally notifying participating NFIP communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations. During periods of probation, each insurance policy is subject to a $50 surcharge.

63. Program Deficiency - A defect in a community’s floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management standards or of the standards of 44 CFR 60.3, 60.4, 60.5, and/or 60.6.

64. Public Safety and Nuisance - Anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the
customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

65. Recreational Vehicle - A vehicle that is:
   a. Built on a single chassis;
   b. 400 square feet or less when measured at the largest horizontal projection;
   c. Designed to be self-propelled or permanently towable to a light duty truck; and
   d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

66. Regular Program - The phase of a community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

67. Regulatory floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. See Base Flood.

68. Remedy a violation - The process by which a community brings a structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impact of non-compliance. Reduced impact may include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing state or federal financing exposure with regard to the structure or other development.

69. Repair - The reconstruction or renewal of any part of an existing structure.

70. Repetitive Loss - Flood-related damages sustained by a structure on two or more separate occasions during a 10-year period where the value of damages equals or exceeds an average of 50% of the current value of the structure, beginning on the date when the damage first occurred, or, four or more flood losses of $1000.00 or more over the life of the structure, or, three or more flood losses over the life of the structure that are equal to or greater than the current value of the structure.
71. Special flood hazard area (SFHA) - That portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards as shown on a FHBM or FIRM as Zone A, AE, A1 – A30, AH, AO, or AR.

72. Start of Construction (includes substantial improvement and other proposed new development) - The date a building permit is issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement is within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the structure.

73. Section 1316 - That section of the National Flood Insurance Act of 1968, as amended, which states that no new or renewal flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

74. Substantial Damage - Means any damage to a building for which the cost of repairs equals or exceeds fifty percent of the market value of the building prior to the damage occurring. This term includes structures that are categorized as repetitive loss.

For the purposes of this definition, “repair” is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences.

The term does not apply to:

a. Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have
been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or
b. Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

75. Substantial Improvement - Means any combination of reconstruction, alteration, or improvement to a building, taking place during a 1-year period in which the cumulative percentage of improvement equals or exceeds fifty percent of the current market value of the building. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building.

The term does not apply to:

a. Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or
b. Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” Or

76. Substantially improved existing manufactured home parks or subdivisions - Repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads equaling or exceeding 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

77. Suspension - Removal of a participating community from the NFIP for failure to enact and/or enforce floodplain management regulations required for participation in the NFIP. New or renewal flood insurance policies are no longer available in suspended communities.

78. Utilities - Includes electrical, heating, ventilation, plumbing, and air conditioning equipment.

79. Variance - Relief from some or all of the requirements of this ordinance.

80. Violation - Failure of a structure or other development to fully comply with this ordinance. A structure or other development without the elevation
certificate, other certifications, or other evidence of compliance required in
this ordinance is presumed to be in violation until such time as that
documentation is provided.

81. Watercourse - A lake, river, creek, stream, wash, channel or other
topographic feature on or over which water flows at least periodically.

82. Water surface elevation - The height, in relation to the National Geodetic
Vertical Datum (NGVD) of 1929, (or other datum, where specified) of
floods of various magnitudes and frequencies in the floodplains of coastal
or river areas.

83. Watershed - All the area within a geographic boundary from which water,
sediments, dissolved materials, and other transportable materials drain or
are carried by water to a common outlet, such as a point on a larger
stream, lake, or underlying aquifer.

84. Zone - A geographical area shown on a Flood Hazard Boundary Map or a
Flood Insurance Rate Map that reflects the severity or type of flooding in
the area.

D. LANDS TO WHICH THIS ORDINANCE APPLIES

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

E. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

1. The areas of special flood hazard identified by the Federal Emergency
Management Agency (FEMA) in the Flood Insurance Study (FIS) for
Kenton County, dated March 16, 2009, with the accompanying Flood
Insurance Rate Maps (FIRMS), other supporting data and any subsequent
amendments thereto, are hereby adopted by reference and declared to be
a part of these regulations, and for those land areas acquired through
annexation. This FIS and attendant mapping is the minimum area of
applicability of this ordinance and may be supplemented by studies for
other areas which allow implementation of this ordinance and which are
recommended to the City Council by the Floodplain administrator and are
enacted by City Council pursuant to statutes governing land use management regulations.

F. ESTABLISHMENT OF DEVELOPMENT PERMIT

1. A Development Permit shall be required in conformance with the provision of this ordinance prior to the commencement of any development activities in the special flood hazard areas (SFHA).

2. Application for a development permit shall be made on forms furnished by the Floodplain administrator.

G. COMPLIANCE

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

H. ABROGATION AND GREATER RESTRICTIONS

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

I. INTERPRETATION

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

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

J. WARNING AND DISCLAIMER OF LIABILITY: The degree of flood protection required by this section of the ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This section of the ordinance does not imply that land outside the areas
of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This section of the ordinance shall not create liability on the part of the Local Floodplain Coordinator or any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

K. DESIGNATION OF LOCAL FLOODPLAIN COORDINATOR: The legislative body of the City of Bromley hereby appoints the Zoning Administrator to administer, implement, and enforce the provisions of this ordinance by granting or denying development permits in accordance with its provisions, and is herein referred to as the Floodplain Coordinator.

L. PERMIT PROCESS: In addition to the requirements within Article XVI of this ordinance, all applications for a Development Permit shall be made to the Local Floodplain Coordinator prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information may be required:

1. Application Stage:
   
   a. Elevation in relation to Mean Sea Level of the proposed lowest floor (including basement) of all buildings.
   
   b. Elevation in relation to Mean Sea Level to which any non-residential building will be flood-proofed.
   
   c. Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing requirements of this section of the ordinance.
   
   d. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

2. Construction Stage:
   
   a. Provide a floor elevation or flood-proofing certificate after the lowest floor, or flood-proofing is completed. Upon placement of the lowest floor or flood-proofing, by whatever construction means, it shall be the duty of the permit holder to submit to the Local Floodplain Coordinator a certificate of the elevation of the lowest floor or flood-proofed elevation, as built, in relation to Mean Sea Level. Said certificate shall be prepared by, or under the direct supervision of, a registered land surveyor or professional engineer and certified by same.
   
   b. When flood-proofing is utilized for a particular building, said certification shall be prepared by, or under the direct supervision of,
a professional engineer or architect and certified by same. Any work undertaken prior to the submission of the certification shall be at the permit holder’s risk. The Local Floodplain Coordinator shall review the submitted floor elevation survey data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey, or failure to make said corrections, shall be cause to issue a stop work order for the project.

M. DUTIES AND RESPONSIBILITIES OF THE LOCAL FLOODPLAIN COORDINATOR: The duties of the Local Floodplain Coordinator shall include, but not be limited to:

1. Review all development permits to assure that the permit requirements of these regulations have been satisfied.

2. Advise applicants that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.

3. Notify adjacent communities and the Kentucky Division of Water prior to any alteration or relocation of the watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

5. Verify and record the actual elevation, in relation to Mean Sea Level, of the lowest floor of all new or substantially improved building.

6. Verify and record the actual elevation, in relation to Mean Sea Level, to which the new or substantially improved buildings have been flood-proofed.

7. Obtain certification from a registered professional engineer or architect, when flood-proofing is utilized for a particular building.

8. Provide interpretation as to the exact location of boundaries of the areas of special flood hazard.

9. Obtain, review, and reasonably utilize any base flood elevation and floodway data that may be available from any federal, state or other
source, when base flood elevation data or floodway data has not been provided pursuant to these regulations.

10. Maintain all records pertaining to the provisions of these regulations.

N. Areas of land adjacent to streams, rivers, or bodies of water which have a high degree of susceptibility to flooding shall be limited to development according to the following regulations, notwithstanding any other section of this ordinance or any other ordinance adopted by the city.

1. The limits of the floodplain (areas subject to flooding during the occurrence of a 100-year flood) and floodway are identified as Flood Protection Control Areas on the zoning map, pursuant to the Flood Insurance Study prepared by the Federal Emergency Management Agency. This study, along with any accompanying maps and other supporting data, and any revisions thereto, are adopted by reference and declared to be a part of this section of the ordinance.

2. Areas designated as susceptible to flooding during the occurrence of a 100-year flood shall be controlled by both the zoning district in which the area is located and the requirements of this section of the ordinance.

In the case of any proposed activity located along other tributaries or bodies of water not covered in these tables, and located in those areas which are identified as being susceptible to flooding, according to the report prepared by the U.S. Department of Agriculture, Soil Conservation Service, "Soil Survey of Boone, Campbell and Kenton Counties, Kentucky", August, 1973, a survey shall be made by a qualified, registered civil engineer establishing the elevation of the 100-year flood and floodway for said areas prior to the issuance of any zoning and building permits.

3. No person, city, county, or other political subdivision of the state shall commence filling of any area with earth, debris, or any other material, or raise the level of any area in any manner, or place a building, barrier, or obstruction of any sort on any area, including making any alteration or relocation of a waterway, located within the floodway which would result in any increase in flood levels during the occurrence of a 100-year flood discharge. In those cases where a watercourse is to be altered or relocated, the flood carrying capacity of said portion of the waterway affected must be maintained. Plans and specifications for such work shall be submitted to the Local Floodplain Coordinator for review to determine if said encroachment will meet the requirements of this Ordinance. Said plans shall also be submitted to the Kentucky Department of Natural Resources & Environmental Protection, Division of Water Resources, and other applicable agencies, for their review and approval.
4. All land outside the floodway of the bodies of water, but located within the floodplain, may be used for any purpose for which it is zoned, provided that:

a. Any new residential construction, including any expansion or substantial improvements of existing residential structures as herein defined, within said floodplain, shall have the lowest floor elevated to a minimum of two feet above the level of the 100-year flood. Electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. For all new construction and substantial improvement, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage, in an area other than a basement, and which are subject to flooding, shall be designed to automatically equalize hydrostatic exit of floodwaters. Designs for meeting this requirement must be certified by a professional engineer or architect.

b. Any new non-residential structures, including any expansion or substantial improvements of non-residential structures, within the floodplain area, shall have the lowest floor elevated to a minimum of two feet above the level of the 100-year flood or together with attendant mechanical, utility, and sanitary facilities shall be designed and floodproofed so that below the 100-year flood level the structure is water tight with walls impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydro-dynamic loads and effects of frequency certified by a professional engineer or architect. For all new construction and substantial improvement of elevated non-residential structures, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage, in an area other than a basement, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by a professional engineer or architect.

c. For all new construction and substantial improvement of elevated non-residential structures, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic
flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by a professional engineer or architect or meet the following minimum requirements:

1. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
2. The bottom of all openings shall be no higher than one foot above grade; and
3. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions.

5. All utilities constructed to serve structures which are to be located within the floodplain shall be flood protected at a minimum to the elevation of the 100-year flood level.

6. All construction or modification of buildings and structures, including flood-proofing measures and techniques in the flood plain area, as required within this section of the ordinance, shall be in accordance with the applicable design standards of the U.S. Army, Corps of Engineers' publication, entitled "Flood Proofing Regulations", June, 1972 GPO 19730-505-026 Edition, or as amended, and the following requirements:
   a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
   b. All new construction and substantial improvements shall be constructed with materials and mechanical and utility equipment resistant to flood damage.
   c. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
   d. Electrical, heating, ventilation, plumbing, air condition equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if
   e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
f. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems' discharges from the systems into flood waters.

g. On-site waste disposal systems, where permitted, shall be located to avoid impairment to them or contamination from them during flooding.

7. In addition to the above requirements, manufactured homes, as herein defined, shall meet the following standards:

a. No manufactured home or recreational vehicle shall be placed in a floodway.

b. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

   (1) Over-the-top ties be provided at each end of the manufactured home, with one additional tie per side at an intermediate location on manufactured homes of less than fifty (50) feet and one additional tie per side for manufactured homes of fifty (50) feet or more;

   (2) Frame ties be provided at each corner of the home with four (4) additional ties per side at intermediate points for manufactured homes less than fifty (50) feet long and one additional tie for manufactured homes of fifty (50) feet or longer;

   (3) All components of the anchoring system be capable of carrying a force of 4,800 pounds;

   (4) Any additions to the manufactured home be similarly anchored.

c. For new manufactured home parks and subdivisions; for expansions to existing manufactured home parks and subdivisions; for existing manufactured home parks and subdivisions where the repair, reconstruction or improvement of the streets, utilities, and pads equals or exceeds fifty (50) percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement has commenced; and, for manufactured homes not placed in a manufactured home park or subdivision require:

   (1) That all manufactured homes meet all of the requirements for new construction, including elevations and anchoring;
(2) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be a minimum of two feet above the base flood level; 
(3) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above grade; 
(4) The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse, and lateral movement; 
(5) Adequate surface drainage and access for a hauler are provided; 
(6) In the instance of elevation on pilings; (1) lots are large enough to permit steps; (2) piling foundations are placed in stable soil no more than ten (10) feet apart; and (3) reinforcement is provided for pilings more than six (6) feet above the ground level.

8. Recreational vehicles may be permitted to be located within the limits of the floodplain, subject to compliance with the following requirements:

a. The recreational vehicle must be on the site for less than 180 consecutive days;

b. The recreational vehicle must be fully licensed and ready for highway use; or

c. That the recreational vehicle meet the elevation and anchoring requirements for manufactured homes, as set forth in Subsection H., 7., above.

A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

9. Any existing structure or use which is located within the floodplain and which does not conform to the requirements herein shall be nonconforming and subject to the requirements of Section 9.12 of this ordinance, providing, however, any existing permitted use and structure may be modified, altered, or repaired to incorporate flood proofing measures, where such measures do not raise the level of the 100-year flood.

10. All land designated "Flood Protection Control Area" on the Official Zoning Map, but determined to be above the elevation of the 100-year flood level
may be used for any purpose for which it is zoned without further flood protection controls.

11. A survey of the site in question will be required prior to the issuance of any building permit or construction activity that would alter the site in any manner, to establish the existing elevation of the land.

12. After completion of the first floor elevation, as provided in Subsection (4) of this section, an elevation certificate shall be provided to and maintained in the offices of the Zoning Administrator - Building Official.

13. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any land below the elevation of the 100-year flood level.

14. A zoning permit, as regulated by Section 16.1 of this ordinance shall be required prior to any grading or construction within any area designated as being located within the floodplain.

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

O. STANDARDS FOR SUBDIVISION PROPOSALS

1. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood and be consistent with the need to minimize flood damage.

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

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

P. VARIANCE PROCEDURE:

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

2. The Board of Adjustment shall hear and decide appeals where it is alleged there is an error in any requirement, decision, or determination made by the Local Floodplain Coordinator in the enforcement or administration of these regulations.

3. Any person aggrieved by the decision of the Board of Adjustment may appeal such decision to the appropriate court of law, as provided in the Kentucky Revised Statutes.

4. Variances may be issued for the repair or rehabilitation of historic structures upon determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an historic structure and the variation is the minimum to preserve the historic character and design of the structure.

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

   a. The danger that materials may be swept onto other lands to the injury of others.
   b. The danger to life and property due to flooding or erosion damage.
   c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
   d. The importance of the services provided by the proposed facility to the community.
   e. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility.
   f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
   g. The compatibility of the proposed use with existing and anticipated development.
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h. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
i. The safety of access to the property in times of flood for ordinary and emergency vehicles.
j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as water, gas, electrical, and sewer systems, and streets and bridges.

6. Upon consideration of the factors listed in Subsection F., 5., and the purpose of these regulations, the Board of Adjustment may attach such conditions to the granting of the variation as it deems necessary to further the purposes of these regulations.

7. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

8. Conditions for variances:

a. Variances shall only be issued upon determination that the variation is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of an historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

b. Variations shall only be issued upon:

   (1) a showing of good and sufficient cause;
   (2) a determination that failure to grant the variance would result in exceptional hardship;
   (3) a determination that granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
d. The Local Floodplain Coordinator shall maintain the records of all appeals and report any variances to the Federal Emergency Management Agency upon request.

Q. SEVERABILITY

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

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

SECTION 9.25 PHASED ZONING REGULATIONS

A. Phased zoning is an overlay type regulation to be used in cases where the timing and/or phasing of the zoning of an area is especially critical to the implementation of the adopted comprehensive plan. The intent of the phased zoning regulations is to encourage redevelopment of a specified area for the use and/or density designated within the comprehensive plan when the necessary conditions for such development are realized (e.g., demolition of existing buildings). Implicit in such a phased zoning approach is the premise that until such conditions are realized, the type of development designated within the comprehensive plan is premature; such development would be prevented by temporarily zoning the area to generally conform with the predominant existing land use, with a clear stipulation of an intended future rezoning, which would be in compliance with the adopted comprehensive plan.

B. The phased zoning regulations may be overlaid over any zoning classification by means of a zone change process. The use of the phased zoning regulations would indicate that the regulations of the overlaid zone are currently being enforced, based upon the general existing land use, but upon attainment of all the requirements of the zone which corresponds to the adopted comprehensive plan for the type of use and/or density, the area could be rezoned in direct compliance with the plan.

C. Phased zones are indicated on the official zoning map by adding to the overlaid zone, the letter "P", as a suffix enclosed in parentheses. For example, in order to properly phase its change, an area zoned R-1C, which is identified for future use on the adopted comprehensive plan for "industrial" could be temporarily zoned R-
1C(P), indicating that present development on the site would be in conformance with the regulations of the overlaid R-1C Zone, but that, upon the attainment of certain conditions (e.g., provision of an adequate access road, demolition of existing buildings), the area could be rezoned through a zone change procedure to an industrial zone. At the time of the zone change, the temporary R-1C(P) Zone is removed and the area is developed according to the regulations of the new zone, which is in conformance with the adopted comprehensive plan.

SECTION 9.26 LAND USED FOR AGRICULTURAL PURPOSES: Pursuant to KRS 100, any land which is used for agricultural purposes (exclusive of land and building used for residences), shall have no regulations, except that:

A. Setback lines shall be required for the protection of existing and proposed streets and highways, as required for the zone in which the use is located;

B. That all buildings or structures in a designated floodway or floodplain or which tend to increase flood heights or obstruct the flow of flood waters shall be in accordance with this ordinance; and

C. All dwellings to be constructed or provided as part of land used for agricultural purposes shall meet all requirements of the zone in which said use is located and all other requirements of this ordinance.

SECTION 9.27 FILING OF CERTIFICATE OF LAND USE RESTRICTIONS

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

SECTION 9.28 REGULATIONS OF SEXUALLY ORIENTED BUSINESSES

A. The City of Bromley, together with the other cities in Kenton County together with the Kenton County Fiscal Court, after consultation among the mayors, councils, commissioners and staffs of the municipalities and the county within the County, found that a substantial need exists to revise significantly the ordinances regarding sexually oriented businesses within Kenton County.

B. The City of Bromley, in association with Planning and Development Services of Kenton County and the Fiscal Court of adjacent Campbell County its cities in the Northern Kentucky Community, retained Duncan Associates to conduct a study.
of existing sexually oriented uses and related businesses in Kenton and Campbell Counties, which is part of a single, larger community.

C. Duncan Associates assigned two nationally-known planners, Eric Damian Kelly, FAICP and Connie B. Cooper, FAICP, to conduct that study

D. Kelly and Cooper have completed that study, including the following elements:

1. Field study, involving visits to all identified existing sexually oriented businesses in Kenton and Campbell Counties;
2. Meetings with stakeholder groups involved in these businesses;
3. Consultation with the Kenton County, Campbell County Attorney, and the city attorneys for certain cities, and the community at large on this issue;
4. Consultation with the professional staff of Planning and Development Services of Kenton County on this issue;
5. Review of studies and litigation concerning sexually oriented businesses in other communities;
6. Investigation of regulatory approaches to massage therapy;
7. Review of existing ordinances in Kenton and Campbell Counties;
8. Review of similar ordinances in a number of communities outside the Commonwealth of Kentucky;
9. Review of Kentucky statutes related to regulating sexually oriented businesses.

E. Duncan Associates has summarized this work and presented recommendations to Planning and Development Services of Kenton County and Kenton and Campbell Counties and their cities in an August 2003 report entitled “Site Visit Analysis: Sexually Oriented and Related Businesses in Kenton and Campbell Counties” (hereinafter called simply the “Kelly and Cooper Study”).

F. That study has also been made available to the legislative bodies of Kenton and Campbell Counties for their consideration and use.

G. That study has been accepted and used by the Fiscal Court of Kenton County in adopting the countywide licensing ordinance, Kenton County Ordinance No. 451.9, as amended, establishing licensing requirements for sexually oriented businesses and service oriented escort bureaus in 2004.

H. The United States Supreme Court in City of Renton v. Playtime Theater, Inc., 475 U.S. 41 (1986), held that local governments may rely upon the experiences of other cities as well as on its own studies in enacting local legislation to regulate sexually oriented businesses;

I. The United States Supreme Court in Renton and other cases has held that a local government may regulate such uses through content-neutral, time, place,
and manner restrictions, so long as said regulations are designed to serve the government interest and do not unreasonably omit avenues of communication, and are aimed not at the content of protected speech within said establishments but rather at the secondary effects of said establishments on the surrounding communities.

J. The study by Kelly and Cooper found extensive physical interaction between patrons and dancers at many of the establishments in both Kenton and Campbell Counties.

K. Covington, the only municipality in Kenton County that has had sexually oriented businesses within its border, from January 1, 2002, to February 11, 2004, the police made a total of 469 calls to sexually oriented businesses in the city. The crimes committed at these establishments during this time period included robbery, assault, fraud, malicious mischief, public intoxication, and possession of illegal drugs. In addition, on June 13, 2003, Covington police arrested three individuals for prostitution-related charges at Liberty's Show Lounge, a sexually oriented cabaret in the city.

L. As the Sixth Circuit Court of Appeals noted in a decision addressing issues related to the Adult Entertainment ordinance in the City of Newport (Campbell County), there is a long history underlying efforts to regulate sex businesses in Northern Kentucky:

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

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

A 1986 report generated by the Newport Alcoholic Beverage Control Administrator indicated that of 28 adult bars opened since 1978 (including successive bars at the same site), 21 had had at least one prostitution-related conviction, and 18 had had multiple convictions. Def. Ex. K, p. 2. The report explained that "all of the prostitution in businesses with adult entertainment involved an alcoholic beverage as the median [sic] of exchange and the solicitation of such drinks by 'mixers.'" Id. In all, 98% of prostitution arrests in Newport occurred in the vicinity of these bars. Id. Adult entertainment establishments, which constituted 12% of all businesses serving alcohol, accounted for 17% of all police runs. Def. Ex. K, p. 21.
A later review, conducted in 1990 by the Newport License Inspector, documented the continued prostitution arrests occurring at several adult dancing establishments. Def. Ex. G. Moreover, the City determined that over $70,000 was expended in 1990 to target, patrol and prosecute the illicit behavior occurring in and around the bars. Def. Ex. H.

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


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

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

To do this, it must overcome the sleazy impression of Newport and Northern Kentucky that survives from "the heyday" when things ran wide open; reform candidates were literally drugged and framed for morals offenses by public officials and police officers; the members of reform citizens groups were vilified and harassed; and a "liberal" in local parlance was a person favoring the continued open and notorious violation of the gambling and morals laws.

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

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


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

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

M. The Supreme Court had earlier noted in upholding another regulation in Newport, "it is plain that, as in Bellanca, the interest in maintaining order outweighs the interest in free expression by dancing nude." Newport v. Iacobucci, 479 U.S. 92, 97, 93 L. Ed. 2d 334, 340, 107 S. Ct. 383, 386 (1986). Although the significance of the opinion itself is now questionable (see J&B Social Club # 1 v. City of Mobile, 966 F. Supp. 1131, 1135 (S.D. Ala. 1996)), the quoted part of the opinion stands unchallenged.

N. The cities of Covington and Newport continue their efforts to improve their image. Since 1985, Covington has redeveloped its riverfront, creating several new office towers, high-end condominiums, hotels, and a convention center. In Newport, in conjunction with private development and Southbank Partners, Inc., the City has built a major entertainment center along the river. This initiative has promoted improved pedestrian and transit connections in Northern Kentucky's river cities to and from the stadiums and other attractions along the Cincinnati riverfront.

O. Despite these efforts, the areas of downtown Covington and Newport away from the riverfront continue to suffer in many ways. The study by Kelly and Cooper found in the area near to existing sexually oriented uses a number of building vacancies and building maintenance falling far short of that found in the revitalized areas near the river.

P. The City of Bromley respects the Constitutional rights of its citizens, including the right to present certain types of entertainment that may not appeal to the entire population. Through this ordinance, it is the desire of the City of Bromley to balance the Constitutional rights of businesses that present sexually oriented entertainment with the City of Bromley interests in ensuring that this community not suffer from the same sorts of adverse effects that Covington and Newport have long suffered.
Q. From long experience in Covington and Newport, as well as from the following studies and others not listed, the City of Bromley also finds that such businesses may have primary and secondary effects involving crimes related to the activities in the establishments, of which prostitution and crimes of violence are those of greatest concern. See for example:

11. The Tucson “study” consisting of two memos: one from the Citizens Advisory Planning Committee, addressed to the Mayor and City Council, and dated May 14, 1990; and the other from an Assistant Chief of Police to the City Prosecutor, regarding “Adult Entertainment Ordinance,” dated May 1, 1990.

R. The City of Bromley recognizes that some of the cited studies included bars without sexually oriented entertainment among the businesses studied; the City of Bromley finds, nevertheless, that addressing the establishments that have live, sexually oriented entertainment is a more critical local issue than that of bars without such entertainment, for three reasons:
1. Bars in Kentucky are already regulated by the Commonwealth, and those state regulations directly address many of the concerns that arise with the service of alcohol;

2. The local history of prostitution and sex-related crimes has largely been related to businesses with live, sexually oriented entertainment, and not with other establishments that serve alcohol; and

3. The interaction between dancers who are paid to work with very limited clothing and the customers who pay to see them work in the establishments with live entertainment creates a sexually charged environment and the opportunity to negotiate for the provision of additional services that do not involve dancing or other protected expression and that are simply unacceptable under the standards of the County and its citizens.

S. As noted earlier in these findings, there is a long local history of prostitution and sex-related crimes at or incident to the operation of establishments with live, sexually oriented entertainment. Further, the studies shown herein provide further evidence of the potential crime-related secondary effects from such businesses. Although the methodologies and quality of these studies vary somewhat, local experience has demonstrated to the City of Bromley that the relationship between crime and such establishments is a fact in Northern Kentucky and not just a theory published in a study.

T. The City of Bromley has reviewed evidence and testimony presented at public meetings before the County, and information based on the past experiences of the Kenton and Campbell Counties and the cities of Covington and Newport, the experiences of the County Attorneys’ offices prosecuting numerous and varied offenses that have occurred in and around the sexually oriented entertainment establishments, and based upon the documented experiences of other governmental units within Kentucky and elsewhere in dealing with the impact of sexually oriented entertainment, that such businesses can, if not properly regulated, be deleterious to said community.

U. The City of Bromley finds that the countywide licensing ordinance related to sexually oriented businesses and service oriented escort bureaus adopted by the Fiscal Court of Kenton County is an effective tool for addressing the many operational issues that can arise with such businesses.

V. The City of Bromley finds that amendments to the city’s Zoning Ordinance regarding the location and design of such businesses are important variables in the nature and extent of adverse secondary effects of sexually oriented businesses on the community, and further finds that location and design are among the types of issues that are typically addressed through zoning.
W. Based on the recommendations of Kelly and Cooper, which are based on their experience in other communities and their review of the studies cited above and other local efforts to address such secondary effects, the City of Bromley finds that the following principles are essential to effective zoning controls of sexually oriented businesses:

1. Sexually oriented businesses should, to the maximum extent practicable, be separated from one another by a distance that is greater than a convenient walking distance, because experience elsewhere has shown that the location of such businesses near one another may increase the adverse secondary effects, particularly those related to crime, by a greater than arithmetic factor;

2. Sexually oriented businesses have the greatest adverse effect on residential neighbourhoods and should thus be separated to the maximum extent practicable from residential neighbourhoods;

3. Sexually oriented businesses are likely to attract criminal elements that prey on “soft targets,” including children, and it is thus important to separate sexually oriented businesses from schools, parks, recreation centers, and religious institutions, all of which are places where children are likely to congregate, often without parental protection;

4. Also because of the tendency of sexually oriented businesses to attract criminal elements that prey on soft targets, it is important to seek locations for such businesses that are not located along pedestrian routes, where young people, old people and others who are vulnerable, are likely to walk in going about their day-to-day business. Thus, locations to which the primary access is by automobile minimize the risk of persons going about their daily business encountering persons who are visiting or even loitering around the sexually oriented businesses.

X. In examining Kenton County for available sites that would be suitable for sexually oriented businesses that meet the above criteria, Kelly and Cooper identified a number of such sites in the County, none of which were located in City of Bromley.

Y. City of Bromley currently has no sexually oriented businesses in the community.

Z. City of Bromley currently has no area zoned for any type of commercial use.

AA. City of Bromley currently has only limited areas zoned for commercial use, and those areas are small and adjacent to residential areas.

AB. City of Bromley has within its limited commercial areas only small, local businesses generally serving the convenience needs of residents.
AC. City of Bromley residents in these jurisdiction with limited commercial areas must go to larger, nearby cities for most of their retail purchases and entertainment.

AD. Staff of City of Bromley can not recall ever receiving any applications for or inquiries about the establishment of any sexually oriented business in the City of Bromley.

AE. City of Bromley thus finds that the physical context and experience of the City of Bromley support the findings by Kelly and Cooper.

AF. City of Bromley finds that, in reliance on the Kelly and Cooper study, other municipalities in the County, including specifically Covington, Erlanger and Taylor Mill, all of which have large and diverse commercial or industrial areas with suitable sites that would be potentially available locations where sexually oriented businesses could legally locate.

AG. City of Bromley acknowledges that it can re-evaluate these findings if, in the future, there is a substantial change in the character of the community and the potential for suitable sites for sexually oriented businesses within the community.

AH. City of Bromley therefore finds that there are no suitable locations for sexually oriented businesses in the City of Bromley and such businesses should therefore be prohibited.

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

AJ. DEFINITIONS:

1. CABARET OR THEATER, SEXUALLY ORIENTED – a building or portion of a building which provides or allows the provision of sexually oriented entertainment to its customers or which holds itself out to the public as an establishment where sexually oriented entertainment is available. Signs, advertisements or an establishment name including verbal or pictorial allusions to sexual stimulation or gratification or by references to “adult entertainment,” “strippers,” “showgirls,” “exotic dancers,” “gentleman’s club,” “XXX” or similar terms, shall be considered evidence that an establishment holds itself out to the public as an establishment where sexually oriented entertainment is available.

2. CUSTOMER – any person who:
a. Is allowed to enter a business in return for the payment of an admission fee or any other form of consideration or gratuity; or
b. Enters a business and purchases, rents, or otherwise partakes of any material, merchandise, goods, entertainment, or other services offered therein; or
c. Enters a business other than as an employee, vendor, service person, or delivery person.

3. DAY CARE CENTER – a licensed facility providing care, protection and supervision for children 12 years old or younger or for any individual who is deemed mentally challenged.

4. DISPLAY PUBLICLY – the act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others or from any portion of the premises where items and material other than sexually oriented media are offered for sale or rent to the public.

5. ENCOUNTER CENTER, SEXUALLY ORIENTED – a business or enterprise that, as one of its principal purposes, offers: physical contact between two or more persons when one or more of the persons is in a state of nudity or semi-nudity.

6. ENTERTAINER, SEXUALLY ORIENTED – any person paid as an employee, contractor, subcontractor, or agent of the operator of a cabaret who frequently appears in a state of semi-nudity at any establishment regulated by this chapter.

7. ENTERTAINMENT, SEXUALLY ORIENTED – any of the following activities, when performed by a sexually oriented entertainers at a sexually oriented business that is required to be licensed: dancing, singing, talking, modeling (including lingerie or photographic), gymnastics, acting, other forms of performing, or individual conversations with customers for which some type of remuneration is received.

8. ESCORT – a person who is held out to the public to be available for hire for monetary consideration in the form of a fee, commission, or salary, and who for said consideration consorts with or accompanies or offers to consort with or accompany, another or others to or about social affairs, entertainments, or places of amusement or within any place of public resort or within any private quarters, and shall include a “service oriented escort;” for purposes of this ordinance, the term “escort” shall not include
any person who would be understood by a reasonably prudent person as providing “babysitting” services or working as an assisted living companion to the elderly, infirm, disabled, or handicapped, and shall further not include licensed health professionals.

9. ESCORT, SERVICE ORIENTED – an escort that:
   a. operates from an open office;
   b. does not advertise that sexual conduct will be provided to the patron or work for an escort bureau that so advertises; and
   c. does not offer to provide sexual conduct.

10. ESCORT BUREAU, SERVICE ORIENTED – an escort bureau that
   a. maintains an open office at an established place of business;
   b. otherwise operates in full accordance with the countywide licensing ordinance, Kenton County Ordinance No. 451.9, establishing licensing requirements for sexually oriented businesses and service oriented escort bureaus, as such ordinance may be amended from time to time.

11. ESCORT, SEXUALLY ORIENTED – an escort who:
   a. works for (either as an agent, employee, or independent contractor), or is referred to a patron by a sexually oriented escort bureau; or,
   b. either advertises that sexual conduct will be provided, or works for (either as an employee, agent, or independent contractor), or is referred to a patron by an escort bureau that so advertises; or,
   c. offers to provide or does provide acts of sexual conduct to an escort patron, or accepts an offer or solicitation to provide acts of sexual conduct for a fee from an escort patron or a prospective escort patron.

12. ESCORT BUREAU, SEXUALLY ORIENTED – an escort bureau that operates in any of the following manners:
   a. engages in fraudulent, misleading, or deceptive advertising that is designed to make the prospective client believe that acts of prostitution (as defined under Kentucky law) will be provided; or,
   b. collects money (whether paid in advance or paid after the promised proscribed act) for the promise of acts of prostitution by its escorts; or,
   c. uses as escorts persons known to have violated the law regarding prostitution, and refuses to cease the use of such a person; or,
d. operates an escort bureau as a “call girl” prostitution operation; or,
e. advertises that sexual conduct will be provided to a patron or customer, or that escorts which provide such sexual conduct will be provided, referred, or introduced to a patron or customer; or,
f. solicits, offers to provide, or does provide acts of sexual conduct to an escort patron or customer; or,
g. employs or contracts with a sexually oriented escort, or refers or provides to a patron a sexually oriented escort.

13. ESTABLISHMENT – any business regulated by this Section.

14. EXPLICIT SEXUAL MATERIAL – any pictorial or three dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation of unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of post-pubertal human genitals; provided, however, that works of art or material of anthropological significance shall not be deemed to fall within the foregoing definition.

15. FLOOR AREA, GROSS PUBLIC – the total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled “public”), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, and entryways serving such areas.

16. FREQUENTLY – two or more times per month.

17. MASSAGE – touching, stroking, kneading, stretching, friction, percussion, and vibration, and includes holding, positioning, causing movement of the soft tissues and applying manual touch and pressure to the body (excluding an osseous tissue manipulation or adjustment).

18. MASSAGE PARLOR – any business offering massages that is operated by a person who is not a state licensed “massage therapist” or that provides massages by persons who are not state licensed massage therapists.

19. MASSAGE THERAPY – the profession in which a certified massage therapist applies massage techniques with the intent of positively affecting the health and well being of the client.

20. MASSAGE THERAPIST – a person licensed as a massage therapist in accordance with the provisions of Kentucky Rev. Statutes §309.350 et seq.
21. MEDIA – anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, CD-ROMS, DVDs, other magnetic media, and undeveloped pictures.

22. MEDIA, SEXUALLY ORIENTED – magazines, books, videotapes, movies, slides, CDs, DVDs or other devices used to record computer images, or other media which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”

23. MEDIA STORE WITH SOME SEXUALLY ORIENTED MEDIA – a retail book, video or other media store that has sexually explicit media that constitutes more than 10 percent but not more than 40 percent of its inventory or that occupies more than 10 percent but not more than 40 percent of its gross public floor area.

24. MEDIA STORE, SEXUALLY ORIENTED – an establishment that rents and/or sells sexually oriented media, and that meets any of the following three tests:
   a. More than forty percent (40%) of the gross public floor area is devoted to sexually oriented media; or
   b. More than forty percent (40%) of the stock in trade consists of sexually oriented media; or
   c. It advertises or holds itself out in any forum as a “XXX,” “adult” or “sex” business, or otherwise as a sexually oriented business, other than sexually oriented media outlet, sexually oriented motion picture theater, or sexually oriented cabaret.

25. MODELING STUDIO, SEXUALLY ORIENTED – an establishment or business that provides the services of live models modeling lingerie, bathing suits, or similar wear to individuals, couples, or small groups in a space smaller than 600 feet.

26. MOTEL, SEXUALLY ORIENTED – a hotel, motel, or similar commercial establishment that meets any of the following criteria:
   a. Offers accommodations to the public for any form of consideration and provides patrons with sexually oriented entertainment or transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the
depiction or description of “specified sexual activities” or “specified anatomical areas;”

b. Marketed as or offered as “adult,” “XXX,” “couples,” or “sexually oriented.”

27. MOTION PICTURE ARCADE, SEXUALLY ORIENTED – a building or portion of a building wherein coin-operated, slug-operated, or for any other form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images of “specified sexual activities” or “specified anatomical areas.”

28. MOTION PICTURE ARCADE BOOTH, SEXUALLY ORIENTED – any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat customers and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or medium (including, but not limited to, film, video or magnetic tape, laser disc, CD-ROMs, books, DVDs, magazines or periodicals) to show images of “specified sexual activities” or “specified anatomical areas” for observation by customers therein. The term “booth,” “arcade booth,” “preview booth,” and “video arcade booth” shall be synonymous with the term “motion picture arcade booth.”

29. MOTION PICTURE THEATER, SEXUALLY ORIENTED – a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are frequently shown that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” or that are marketed as or offered as “adult,” “XXX,” or sexually oriented. Frequently shown films, motion pictures, videocassettes, slides or other similar photographic reproductions as characterized herein do not include sexually oriented speech and expressions that take place inside the context of some larger form of expression.

30. NUDE MODELING STUDIO – any place where a person who appears in a state of nudity or semi-nudity and is to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. “Nude model studio” shall not include a proprietary school licensed by the Commonwealth of Kentucky or a college, junior college, or university supported entirely or in part by public taxation; a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.
31. **NUDITY OR STATE OF NUDITY** – the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the areola or nipple, or the showing of the covered male genitals in a discernibly turgid state. See, also, Semi-nude.

32. **OPERATOR** – any person operating, conducting, or maintaining a business regulated under this Chapter.

33. **OWNER(S)** – the individual owner of an establishment, or if the legal owner is a corporation, partnership, or limited liability company, the term shall include all general partners, any limited partner with a financial interest of ten percent (10%) or more, all corporate officers and directors, and any shareholder or member with a financial interest of ten percent (10%) or more. “Owner” includes the spouse(s) of any of the above individuals.

34. **PERSON** – an individual, firm, partnership, joint-venture, association, independent contractor, corporation (domestic or foreign), limited liability company, trust, estate, assignee, receiver or any other group or combination acting as a unit.

35. **PREMISES** – the physical location at which a business operates; as used in this Chapter, the term shall include all parts of that physical location, both interior and exterior, which are under the control of the subject business, through ownership, lease or other arrangement.

36. **PRIMARY ENTERTAINMENT** – entertainment that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

37. **PROTECTED LAND USE** – residential zoning district, school, religious institution, park, library, public recreation area, or day care center.

38. **PUBLIC AREA** – a portion of a sexually oriented business, excluding sexually oriented motels, that is accessible to the customer, excluding restrooms, while the business is open for business.

39. **SADOMASOCHISTIC PRACTICES** – flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or naked.

40. **SEMI-NUDE OR IN A SEMI-NUDE CONDITION** – the showing of the female breast below a horizontal line across the top of the areola at its
highest point. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other apparel, provided the areola is not exposed in whole or in part.

41. SEX SHOP – an establishment offering goods for sale or rent and that meets any of the following tests:

a. It offers for sale items from any two (2) of the following categories: sexually oriented media; lingerie; leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; sexually oriented novelties; and the combination of such items constitute more than ten percent (10%) of its stock in trade or occupies more than 10 percent (10%) of its floor area;

b. More than five percent (5%) of its stock in trade consists of sexually-oriented toys or novelties; or

c. More than five percent (5%) of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

42. SEXUALLY ORIENTED BUSINESS – an inclusive term used to describe collectively the following businesses: sexually oriented cabaret or theater; sexually oriented entertainment; sexually oriented motion picture theater; sexually oriented motion picture arcade; sexually oriented encounter center; sexually oriented media store; sexually oriented escort bureau; bathhouse; massage parlor; sex shop; sexually oriented modeling studio; or any other such business establishment whose primary purpose is to offer sexually oriented entertainment or materials. This collective term does not describe a specific land use and shall not be considered a single use category for purposes of the County or any applicable municipal zoning code or other applicable ordinances.

43. SEXUALLY ORIENTED BUSINESS LICENSE – any license applied for under the countywide licensing ordinance, Kenton County Ordinance No. 451.9 as amended, establishing licensing requirements for sexually oriented businesses and service oriented escort bureaus, adopted in 2004.

44. SEXUALLY ORIENTED TOYS OR NOVELTIES – instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts or designed or marketed primarily for use to stimulate human genital organs.

45. SPECIFIED ANATOMICAL AREAS – include:
a. Less than completely and opaquely covered human genitals, pubic region, or the areola or nipple of the female breast; and
b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; and
c. Areas of the human anatomy included in the definitions of “nude” or “nudity.”

46. SPECIFIED SEXUAL ACTIVITIES – Acts of human masturbation, sexual intercourse, or sodomy. These activities include, but are not limited to the following: bestiality, erotic or sexual stimulation with objects or mechanical devices, acts of human anilingus, cunnilingus, fellatio, flagellation, masturbation, sadism, sadomasochism, sexual intercourse, sodomy, or any excretory functions as part of or in connection with any of the activities set forth above with any person on the premises. This definition shall include apparent sexual stimulation of another person’s genitals whether clothed or unclothed.

AK. PROHIBITED USES: The following uses are prohibited in the City of Bromley and county-wide under Kenton County Ordinance No. 451.9, establishing licensing requirements for sexually oriented businesses and service oriented escort bureaus. No Zoning Permit shall be issued for the following prohibited businesses:

1. Sexually oriented motion picture arcade or booth;
2. Sexually oriented encounter center;
3. Sexually oriented motel;
4. Sexually oriented massage parlor or any business offering massages that is operated by a person who is not licensed as a massage therapist in accordance with the provisions of Kentucky Rev. Statues §309.350 et seq.;
5. Sexually oriented modeling studio;
6. Sexually oriented nude modeling studio; and
7. Sexually oriented escort bureau.

AL. OTHER USES PROHIBITED: Because there are no suitable sites for such sexually oriented businesses or, in accordance with the recommendations of the consultants to Kenton County, the following additional uses are prohibited:

1. Sexually oriented media store;
2. Sex shop;
3. Service oriented escort bureau;
4. Sexually oriented motion picture theatre; and
5. Sexually oriented cabaret or theatre.
AM. STANDARDS FOR A MEDIA STORE WITH SOME SEXUALLY ORIENTED MEDIA: A retail book, video or other media store that has sexually explicit media that constitutes more than 10 percent but not more than 40 percent of its inventory or that occupies more than 10 percent but not more than 40 percent of its gross public floor area shall not be classified as a sexually oriented business but shall be subject to the following standards:

1. Separate room. The sexually explicit media shall be kept in a separate room from the rest of the inventory of the store and shall not visible outside the room;
2. Age limit. Sexually explicit media shall be available only to persons 18 years or older;
3. Access. Access to the room shall be through a solid door, accessed by an electronic control device monitored by the clerk or manager on duty through direct visual control;
4. Visibility. Customers and activities in the room shall be visible at all times to the clerk or manager on duty through a video system located at the clerk’s or manager’s counter; and
5. Lighting. The area occupied by customers shall be well lit at a lighting level of least 30 footcandles measured 3 feet from the floor.

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

ZONES

SECTION 10.0 CO (CONSERVATION) ZONE

A. PERMITTED USES

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

B. ACCESSORY USES

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

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

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

a. Boat harbors and marinas;

The following uses shall be permitted as accessory uses in connection with any boat harbor or marina provided they are primarily intended to serve only persons using the boat harbor or marina. Advertising of any included or accessory uses shall be
within the building and shall not be visible from outside the building.

(1) Boat fueling, service, and repairs
(2) Sale of boat supplies
(3) Grocery store
(4) Restaurant
(5) Club house and lockers

b. Public boat landing or launching facilities
c. Dockage facilities
d. Off-street parking facilities and temporary parking of boat trailers including facilities for temporary parking of boat trailers.

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

E. OTHER DEVELOPMENT CONTROLS

1. All "Uses Permitted", and "Conditional Uses", permitted in this zone shall require a certificate of approval from the city engineer, certifying his approval of the type and manner of construction to be built (insuring that such construction shall not cause flood hazard, soil erosion, adverse changes in natural drainage courses, or unnecessary destruction of natural features), which completed certificate shall be submitted to the appropriate officer or board, as herein required, at time of request.

2. Dwelling units are not permitted in this zone.

3. Off-street parking and loading and/or unloading shall be provided in accordance with Article XI and XII of this ordinance.

4. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.

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

6. Where any yard of any use permitted abuts a residential zone, a minimum yard requirement of one hundred (100) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance.

7. No use producing objectionable odors, noise, or dust, shall be permitted within five hundred (500) feet from the boundary of any residential zone.

8. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use in this zone.
SECTION 10.1 R-1A (RESIDENTIAL ONE-A) ZONE

A. PERMITTED USES
   1. Single-family dwellings

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

C. CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of such use shall have been applied for and approved of by the board of adjustment, as set forth in Section 9.14 of this ordinance:
   1. Cemeteries
   2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
   3. Fire and police stations, providing they are located adjacent to an arterial street
   4. Institutions for higher education, providing they are located adjacent to an arterial street
   5. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
   6. Nursery schools
   7. Public and parochial schools
   8. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, swimming pools and libraries
   9. Recreational uses other than those publicly owned and/or operated, as follows:
      a. Golf courses;
      b. Country clubs;
      c. Semi-public swimming pools

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

1. Minimum lot area - One (1) acre
2. Minimum lot width at minimum building setback line - One hundred (100) feet
3. Minimum front yard depth - Forty (40) feet
4. Minimum side yard width on each side of lot - Twenty-five (25) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet or two and one-half (2-1/2) stories

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

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

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be required
SECTION 10.2 R-1C (RESIDENTIAL ONE-C) ZONE

A. PERMITTED USES

1. Single-family dwellings

B. ACCESSORY USES

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

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

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
3. Fire and police stations, providing they are located adjacent to an arterial street
4. Institutions for higher education, providing they are located adjacent to an arterial street
5. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
6. Nursery schools
7. Public and parochial schools
8. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, swimming pools and libraries
9. Recreational uses other than those publicly owned and/or operated, as follows:
   a. Golf courses;
   b. Country clubs;
   c. Semi-public swimming pools
D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No buildings shall be erected or structurally altered hereafter, except in accordance with the following regulations:

1. Minimum lot area - Twelve thousand five hundred (12,500) square feet
2. Minimum lot width at minimum building setback line - Eighty (80) feet
3. Minimum front yard depth - Thirty-five (35) feet
4. Minimum side yard width on each side of lot - Twelve (12) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet or two and one-half (2-1/2) stories

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

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

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be required.
SECTION 10.3 R-1G (RESIDENTIAL ONE-G) ZONE

A. PERMITTED USES

1. Single-family dwellings

B. ACCESSORY USES

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

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

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
3. Fire and police stations, providing they are located adjacent to an arterial street
4. Institutions for higher education, providing they are located adjacent to an arterial street
5. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
6. Nursery schools
7. Public and parochial schools
8. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, swimming pools and libraries
9. Recreational uses other than those publicly owned and/or operated, as follows:
   a. Golf courses;
   b. Country clubs;
   c. Semi-public swimming pools
D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No buildings shall be erected or structurally altered hereafter, except in accordance with the following regulations:

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

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

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

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be required.
SECTION 10.4 R-1H (RESIDENTIAL ONE-H) ZONE

A. PERMITTED USES
   1. Single-family dwellings

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

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

   1. Cemeteries
   2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
   3. Fire and police stations, providing they are located adjacent to an arterial street
   4. Institutions for higher education, providing they are located adjacent to an arterial street
   5. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
   6. Nursery schools
   7. Public and parochial schools
   8. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, swimming pools and libraries
   9. Recreational uses other than those publicly owned and/or operated, as follows:

      a. Golf courses;
      b. Country clubs;
      c. Semi-public swimming pools
D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No buildings shall be erected or structurally altered hereafter, except in accordance with the following regulations:

1. Minimum lot area - Three thousand (3,000) square feet
2. Minimum lot width at minimum building setback line - Thirty (30) feet
3. Minimum front yard depth - Twenty (20) feet
4. Minimum side yard width on each side of lot - Five (5) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet or two and one-half (2-1/2) stories

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

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

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be required.
SECTION 10.5 R-4 (RESIDENTIAL FOUR) ZONE

A. PERMITTED USES

1. Multi-family residential dwellings

B. ACCESSORY USES

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

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

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
3. Fire and police stations, providing they are located adjacent to an arterial street
4. Institutions for higher education, providing they are located adjacent to an arterial street
5. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
6. Nursery schools
7. Public and parochial schools
8. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, swimming pools and libraries
9. Recreational uses other than those publicly owned and/or operated, as follows:
   a. Golf courses;
   b. Country clubs;
   c. Semi-public swimming pools
D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No buildings shall be erected or structurally altered hereafter, except in accordance with the following regulations:

1. Minimum lot area - Twenty thousand (20,000) square feet
2. Maximum density - Thirty (30.0) dwelling units per net acre
3. Minimum lot width at building setback line - One hundred (100) feet
4. Minimum front yard depth - Forty (40) feet
5. Minimum side yard width on each side of lot - Fifteen (15) feet
6. Minimum rear yard depth - Thirty (30) feet
7. Maximum building height - Forty (40) feet

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:

1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum lot width at minimum building setback line - One hundred fifty (150) feet
3. Minimum front, side (on each side of lot), and rear yards - Fifty (50) feet
4. Maximum building height - Forty (40) feet

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be required.
5. All development in areas defined as "flood prone" (either the floodway or floodplain) must be developed in accordance with the regulations set forth in Section 9.24 of this ordinance.
SECTION 10.6 PUD (PLANNED UNIT DEVELOPMENT) OVERLAY ZONE

A. PURPOSE: The purposes of the Planned Unit Development (PUD) Overlay Zone are to: promote flexibility in design and permit planned diversification in the relationships between location of and types of uses and structures; promote the advantages of modern large scale site planning for community development through the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses, and utilities; preserve, to the greatest extent possible, the existing landscape features and amenities, and to utilize such features in an harmonious fashion; provide for more usable and suitably located recreation facilities, other public and common facilities, than would otherwise be provided under conventional land development procedures, but always with the intention of furthering the public health, safety, and general welfare.

B. GENERAL: A Planned Unit Development (PUD) Overlay Zone may only be permitted to be superimposed over any of the Residential (R) Zones, provided that all conditions or provisions of this section of the ordinance, the applicable requirements of the subdivision regulations, and any additional requirements, as may be determined necessary to provide for the most efficient layout of the PUD and its proper integration with the surrounding development, are met; and a public hearing is held on the PUD application.

C. APPLICATION AND PROCESSING: Applications for a Planned Unit Development Overlay Zone shall be processed as follows in two stages:

1. Stage I -- Development Plan and Zoning Map Amendment - Application for amendment to PUD Overlay Zone shall include a development plan in accordance with the requirements of Subsection D.

   a. The planning commission shall hold a public hearing on the proposed application in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purposes of the PUD Overlay Zone, the required elements of the Stage I Plan, and other applicable requirements of this section. Upon holding such hearing, the planning commission shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Stage I Plan and the bases for their recommendation.

   b. The legislative body shall, within forty-five (45) days after receiving
the recommendations of the planning commission, review said recommendations and take action to approve or disapprove said PUD application. Such action may incorporate any conditions imposed by the planning commission. However, should the legislative body take action to impose different conditions than were reviewed and considered by the planning commission, then said conditions shall be resubmitted to the planning commission for further review and recommendation, in accordance with Subsection C., 1., a., above. Approval of the PUD Overlay Zone shall require that development be in conformance with the Stage I approved plan.

The legislative body shall forward a copy of the approved Development Plan, to the planning commission for further processing in accordance with the requirement for Stage II -- Development Plan and Record Plat.

Zoning Map Amendment - Upon approval of the PUD Overlay Zone, the official zoning map shall be amended by adding the prefix "PUD" to the existing residential zone (e.g., PUD-R-1B, PUD-R-1C, etc.) for the area as shown on the Stage I approved plan.

2. Stage II - Plan and Record Plat - A Stage II Plan and Record Plat shall be developed in conformance with the Stage I approved plan and in accordance with the requirements of Subsection E., and submitted to the planning commission for its review and approval. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of Subsection E shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the Subdivision Regulations. 9.20, B. and C., and submitted to the planning commission for its review.

a. The planning commission shall review the submitted Stage II Plan with regard to its compliance with the required elements of Subsection E., 1., for Stage II plans, other applicable elements of this ordinance, and other applicable regulations, and its conformity with the Stage I approved plan. In approving the Stage II plan, the city may authorize minor adjustments from the Stage I approved plan, without a public hearing. The legislative body shall determine what is a major change considering the spatial relationship of structures, a change in land uses, a change in density, a change in circulation patterns for vehicular and pedestrian traffic, or the change in open space and recreational areas and the like.
Upon planning commission approval of the Stage II Plan, a copy of said plan shall be forwarded to the city's zoning administrator, who shall grant permits only in accordance with the Stage II approved plan and other regulations, as may be required by this ordinance.

b. Upon approval of the Stage II Plan, the planning commission shall review the submitted Record Plat with regard to its compliance with the required elements of Subsection E., 2., for record plats, the applicable requirements of the subdivision regulations, and its conformance with the Stage II approved plan.

Upon planning commission approval of the record plat, copies of said plat, certified by the planning commission, and suitable for recording, shall be forwarded by the planning commission to the office of the county clerk to be recorded.

D. STAGE I -- DEVELOPMENT PLAN REQUIREMENTS: The Stage I Development Plan shall identify and provide the following information:

1. Plan(s) of the subject property, drawn to a scale not smaller than one (1) inch equals one hundred (100) feet showing:
   a. The total area in the project;
   b. The present zoning of the subject property and all adjacent properties;
   c. All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned;
   d. Existing and proposed topography shown by contour with intervals not to exceed five (5) feet;
   e. All existing and proposed housing units on the subject property:
      (1) Detached housing - location and approximate number of lots, including a typical section(s) identifying approximate lot sizes and dimensions and setback and height of buildings;
      (2) Attached housing - location and description of the various housing types (i.e., townhouses, fourplex, gardenapartment,
etc.) including approximate heights of typical structures and the approximate number of units by housing type;

f. Location, arrangement, height, and identification of all existing and proposed nonresidential buildings and uses on the subject property;

g. The amount of area proposed for common open space, including the location and arrangement of recreational facilities, identification of unique natural features to be retained and a statement indicating the means of maintaining all common areas;

h. Location of proposed pedestrian walkways, identifying approximate dimensions;

i. Location of proposed streets, identifying approximate dimensions of pavement, right-of-way widths, and grades;

j. Location of off-street parking, loading and/or unloading and driveway areas, identifying the number of off-street parking spaces to be provided, type of surfacing and approximate dimensions;

k. Location of all existing and proposed water, sanitary sewer, and storm drainage lines, indicating approximate pipe sizes and grades. Indication should also be given regarding the provision of electric and telephone service;

l. Certification from appropriate water and sewer agencies that services will be available.

m. Landscaping features including identification of planting areas and the location, type, and approximate height of fences and walls;

n. Location of signs, indicating their orientation and approximate size and height;

o. Identification of the soil types and geologic formations on the subject property, indicating anticipated problems and proposed methods of handling said problems.

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

(1) Residential area, in order of priority, by type of dwelling unit;
(2) Streets, utilities, and other public facility improvements, in order of priority;

(3) Dedication of land to public use or set aside for common ownership; and

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

E. STAGE II -- DEVELOPMENT PLAN REQUIREMENTS: The Stage II Development Plan and Record Plat shall conform to the following requirements:

1. Plan(s) of the subject property drawn to a scale of not smaller than one (1) inch equals one hundred (100) feet, that identifies and provides the following information:

   a. The existing and proposed finished topography of the subject property shown by contours with intervals not to exceed five (5) feet. Where conditions exist that may require more detailed information on the proposed topography, contours with intervals of less than five (5) feet may be required by the planning commission;

   b. All housing units on the subject property:

      (1) Detached housing - Location, arrangement, and number of all lots, including lot dimensions and setbacks, and maximum height of buildings;

      (2) Attached housing - Location, height, and arrangement of all buildings, indicating the number of units in each building, and, where applicable, location, arrangement and dimensions of all lots;

   c. Location, height, arrangement, and identification of all nonresidential buildings and uses on the subject property and, where applicable, location and arrangement of all lots with lot dimensions;

   d. All common open space areas, including accurate lot dimensions and the location and arrangement of all recreational facilities;
e. Landscaping features, including identification of planting areas and the location, type, and height of walls and fences;

f. Location of signs indicating their orientation, and size, and height;

g. All utility lines and easements:

(1) Water distribution systems, including line sizes, width of easements, type of pipe, location of hydrants and valves, and other appurtenances;

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

(3) Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins, and data indicating the quantity of storm water entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet), the quantity of storm water generated by development of the subject area, and the quantity of storm water to be discharged at various points to areas outside the subject property;

(4) Other utilities (e.g., electric, telephone, etc.) including the type of service and the width of easements;

h. Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of offstreet parking and loading and/or unloading spaces;

i. Circulation System:

(1) Pedestrian walkways, including alignment, grades, type of surfacing, and width;
(2) Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections;

j. Provisions for control of erosion, hillside slippage, and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction;

k. The schedule for development staging and phasing in accordance with the requirement in Subsection D., 3., and as approved in the Stage I approved Development Plan.

The information required by Section E., items a. through k., may be combined in any suitable and convenient manner so long as the data required is clearly indicated.

2. RECORD PLAT REQUIREMENTS: The applicant shall submit a Record Plat, in conformance with the Stage II approved Plan, at a scale not smaller than one (1) inch equals fifty (50) feet. If the Record Plat is submitted in sections, an index shall be developed showing the entire plan area. The particular number of the section, and the relationship of each adjoining section, shall be clearly shown by a small key map on each section submitted. The Record Plat shall conform to the applicable requirements of the subdivision regulations, unless specifically waived by the planning commission, and in addition thereto, the following:

a. All areas reserved for common ownership with an indication of the properties the owners will share in common.

b. Such lot or parcel lines indicating tracts which are now in separate ownership or which may be transferred to other ownership during or after development. (Resubdivision of large lots containing several buildings may be accomplished at a later date upon application and approval).

c. Indication of areas to be developed for residential (by type of housing unit), commercial, public, and semi-public uses.

F. RESIDENTIAL USES AND DENSITIES: All types of residential housing units (attached or detached) may be permitted within a PUD Overlay Zone, including but not limited to, single-family, two-family, and multi-family residential units. The density of dwelling units in a PUD shall be determined by the density (dwelling
units per net acre) as calculated from the existing residential (R) zone superimposed by the PUD Overlay Zone. This density shall be applied to the total project area excluding that land devoted to commercial uses and streets (public and private).

G. COMMERCIAL USES: Commercial uses, intended primarily for the service and convenience of residents of the PUD, may be permitted within the project area, provided a market analysis is made justifying the need for said uses.

These commercial uses shall be grouped in complexes clearly delineated on the Stage I Plan, and may include one or more of the following uses:

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

Another use may be substituted on the approved plan for a use previously approved providing it is one of the above listed uses and providing said use will not involve any building expansion beyond the approved plan and further providing that said use is approved by the zoning administrator.

H. PUBLIC AND SEMI-PUBLIC USES: Public and semi-public structures and uses may be permitted in the PUD. These uses shall be delineated on the plan and shall be limited to one or more of the following uses:

1. Churches
2. Community centers, including day care facilities
3. Country clubs
4. Fire or police stations
5. Libraries
6. Open space/recreation areas
7. Schools (nursery, elementary, and secondary)

I. AREA REQUIREMENTS No PUD Overlay Zone shall be permitted on less than twenty-five (25) acres of land. However, development of a smaller tract adjacent
to an existing PUD Overlay Zone may be permitted, if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.

J. HEIGHT, YARD, AND SETBACK REQUIREMENTS: Requirements shall be as approved in the plan.

K. OFF-STREET PARKING AND LOADING AND/OR UNLOADING: Off-street parking and, when applicable, loading and/or unloading facilities, shall be provided in accordance with Articles XI and XII of this ordinance.

L. FENCES, WALLS, AND SIGNS: The location, height, and type of all fences, walls, and signs, shall be as approved in the plan.

M. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.

N. COMMON OPEN SPACE/RECREATION AREA: At least twenty percent (20%) of the total acreage of the proposed PUD shall be retained as common open space/recreation area, and dedicated to a public and/or private entity for operation and maintenance. Such open space/recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all residents of the PUD. Common open space/recreation areas shall be that part of the total project exclusive of dwellings, streets, parking areas, single-family lots, commercial areas, and other non-open space and non-recreationally oriented facilities.

O. AMENDMENTS: Any amendments to plans shall be made in accordance with the procedure required by this ordinance and any minor amendments may be approved by the city legislative body without a hearing as provided herein and any major changes shall be heard by the city legislative body at a public hearing after due notice.

P. EXPIRATION: Any amendment to the PUD Overlay Zone shall be subject to the time constraints, as noted below. Upon expiration of said time period, and any extensions thereto, the legislative body may initiate a request for a public hearing by the planning commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether said PUD Overlay zone should revert to its original zoning designation. A public hearing may be initiated if either of the following conditions apply:
1. Stage II Development Plan has not been approved by the planning commission within a period of twelve (12) consecutive months from the date of the Stage I approved Development Plan or Overlay Zone Amendment by the legislative body; provided that an extension may be permitted upon approval of the legislative body, or their duly authorized representative, if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the Stage I approved plan obsolete.

2. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Stage II Plan by the legislative body of a particular section; provided that an extension may be permitted upon approval of the legislative body, or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the Stage I approved plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the Stage II approved plan.
SECTION 10.7 NC (NEIGHBORHOOD COMMERCIAL) ZONE

A. PERMITTED USES

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

B. ACCESSORY USES:

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

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

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

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

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

E. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any residential zone.
4. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance.
5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
6. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas.
7. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.
SECTION 10.8 IP (INDUSTRIAL PARK) ZONE

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

1. The assembling, compounding, manufacturing, packaging, or processing of the following uses:
   a. Animated and/or illuminated billboards and other commercial advertising structures
   b. Candy and confectionery products, food and beverage products, except the rendering or refining of fats and oils, excluding poultry and animal slaughtering and dressing
   c. Cigars and cigarettes
   d. Cosmetics, pharmaceuticals, and toiletries
   e. Electric appliances, television sets, phonographs, household appliances
   f. Electrical machinery, equipment, and supplies
   g. Fountain and beverage dispensing equipment
   h. Furniture
   i. Instruments of professional, scientific, photographic, and optical use
   j. Metal products and metal finishing, excluding the use of blast furnaces or drop forges
   k. Musical instruments, toys, novelties, jewelry, rubber or metal stamps
   l. Office equipment
   m. Pottery and figurines
   n. Products from the following previously prepared materials: bone, cellophane, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paper, precious or semi-precious metals, plastics, rubber, shell, steel, tin, tobacco, wood, wool, yarn
   o. Textile products including asbestos products, canvas and burlap, clothing, cotton products, hosiery and knitting mills, rope and twine

2. Bottling and canning works
3. Crating services
4. Fish farm
5. Industrial engineering consultant offices
6. Laboratories, offices, and other facilities for research
7. Machine shops
8. Major automobile repair, including body work
9. Police and fire stations
10. Printing, engraving, and related reproduction processes
11. Publishing and distribution of books, newspapers, and other printed material
12. Railroad facilities, exclusive of marshaling yards, maintenance, and fueling facilities
13. School for industrial or business training
14. Warehousing or wholesaling

B. ACCESSORY USES

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

2. Uses, as listed below, including within and entered from within any permitted use in this zone as a convenience to the occupants thereof, and their customers, provided such accessory uses shall not exceed ten percent (10%) of the gross floor area of the permitted uses in the building and no exterior advertising displays shall be visible from outside the building:
   a. Cafeterias
   b. Coffee shops or refreshment stands
   c. Soda or dairy bars

3. Fences and/or walls, as regulated by Article XIII of this ordinance
4. Signs - only business and identification signs pertaining to the identification, use, or occupation of the building, structure, or premises, as regulated by Article XIV of this ordinance, will be allowed in this zone. Advertising signs, as defined herein, are not permitted in this zone.

C. AREA AND HEIGHT REGULATIONS

1. Minimum tract for industrial development - None, except a site plan, in accordance with Section 9.19, shall be submitted to show how the proposed development will be developed as either an integral part of a much larger tract or as an adjacent tract to an existing site. Said plan shall indicate the coordination of land use and circulation (vehicular and pedestrian) with adjacent tracts of land.
2. Minimum lot area - One-half (1/2) acre
3. Minimum lot width at building setback line - One hundred (100) feet
4. Minimum front yard depth - Twenty (20) feet
5. Minimum side yard width on each side of lot - Ten (10) feet
6. Minimum rear yard depth - Twenty (20) feet
7. Maximum building height - Forty (40) feet

D. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. Storage of materials, supplies, and products is permitted only to the side and rear of the property. Such storage shall be within an enclosed structure or shall be screened from the view of adjacent properties in accordance with Section 9.19 of this ordinance.
3. No lighting shall be permitted which would glare from this zone onto any street or into any adjacent property.
4. Where any yard of any permitted use in this zone abuts a residential zone, a minimum setback requirement of thirty (30) feet shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance.
5. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.
SECTION 10.9 I-4 (INDUSTRIAL FOUR RIVER) ZONE

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

1. Bulk storage and/or transfer stations for materials, excluding types of a flammable or explosive nature
2. Self-storage units and outdoor storage of boats, vehicles, and construction equipment
3. Carting, express, hauling, or storage yards
4. Freight terminals
5. Transportation facilities, including railroad rights-of-way, marshaling yards, maintenance, and fueling facilities
6. Warehousing

B. ACCESSORY USES

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

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

1. Bulk storage and/or transfer stations for materials that are of a flammable
or explosive nature

2. Land fill site operations

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

1. Minimum site for an industrial river zone - Ten (10) acres
2. Minimum lot area - One (1) acre
3. Minimum lot width at minimum building setback line - One hundred fifty (150) feet
4. Minimum front yard depth - Fifty (50) feet
5. Minimum side yard width - Fifteen (15) feet; forty (40) feet is required where a side yard abuts a street, road, highway, or deeded right-of-way
6. Minimum rear yard depth - Twenty-five (25) feet. No rear yard is required where a rail spur forms the rear property line
7. Maximum building height - Fifty (50) feet

E. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No lighting shall be permitted which would glare from this zone onto any street or into any adjacent residential zone.
3. Where any yard of any use permitted in this zone abuts a residential zone, a minimum requirement of seventy-five (75) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance.
4. A development plan, as regulated by Section 9.19 of this ordinance, shall be required for any use in this zone, including layout of the entire minimum tract for industrial development.
5. All development in areas defined as "flood prone" (either the floodway or floodplain) must be developed in accordance with the regulations set forth in Section 9.25 of this ordinance.
6. The outdoor storage of boats, vehicles, and construction equipment must be within a fenced in area as regulated by Article XIII. In the case of this use, the requirement of Article XIV that no goods, materials, or objects shall be stacked higher than the fence shall not apply.
ARTICLE XI
OFF-STREET PARKING REGULATIONS

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

SECTION 11.0 GENERAL REQUIREMENTS

A. COMPUTATION OF PARKING SPACES: In determining the number of parking spaces required, if such spaces result in fractional parts thereof, the number of said spaces required shall be construed to be the next highest whole number.

B. ADDITION TO BUILDINGS: Whenever the intensity of use of any building, structure, or premises shall be increased through addition of dwelling units, gross floor area, seating capacity, change of use, or other units of measurement specified herein, additional parking spaces shall be provided in the amounts hereafter specified for that use, if the existing parking space is inadequate to serve such increase in intensity of use.

C. LOCATION OF OFF-STREET PARKING FACILITIES: All off-street parking facilities shall be located on the same lot or zoning lot as the building served, except for the following:

1. Multi-family dwellings where permitted in this ordinance, and any use permitted in an industrial zone may supply off-street parking within three hundred (300) feet from such lot or zoning lot served, upon approval of the planning commission, providing that such off-street parking is located within the same zone as the establishment being served and that off-street parking requirements of this ordinance are complied with at all times. Further, the applicant must also show sufficient proof that such off-street parking facilities would be impossible to provide the required off-street parking space, as required herein, on the same lot or zoning lot or contiguous to the same lot or zoning lot as the building being served.

2. Where single, two or multi-family dwellings which are permitted herein and
are existing at the time of adoption of this ordinance, occupy a lot of such size that off-street parking could not be provided on the same lot or zoning lot as the use being served, said off-street parking may be permitted to locate within a distance not to exceed three hundred (300) feet from said dwelling or dwellings upon approval of the zoning administrator. In addition, said off-street parking lot shall be located in the same zone as the use being served and constructed in accordance with Section 11.0 of this ordinance.

3. Off-street parking as required for "conditional uses" permitted in the Residential (R) Zones, may be permitted to locate on another lot or zoning lot than the building or use being served is located, when approved by the Board of Adjustment, provided that said parking is located within reasonable walking distance of the use or building served and available at all times without restrictions for said purposes.

D. COLLECTIVE PARKING PROVISION: Collective off-street parking facilities may be provided; however, such parking facilities shall be no less than the sum of such facilities as would otherwise be individually required, except as provided under Shared Parking Provision Section 11.0, E.

E. SHARED PARKING PROVISION: When any land or building is under the same ownership, or upon submission of satisfactory guarantees of the continued operation and proper maintenance of the shared parking facility, and proposed development is for two (2) or more land uses excluding residential uses, the number of minimum required parking spaces shall be computed by multiplying the minimum number of parking spaces normally required for each land use by the appropriate percentage as shown in the following shared parking credit table for each of the five (5) time periods shown. The number of parking spaces required is then determined by adding the results in each column; The column total that generates the highest number of parking spaces becomes the minimum parking requirement.
### SHARED PARKING CREDIT TABLE

<table>
<thead>
<tr>
<th>Weekday</th>
<th>Time Of Operation</th>
<th>Weekend</th>
<th>Nighttime</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAND</td>
<td>Daytime</td>
<td>Evening</td>
<td></td>
</tr>
<tr>
<td>USE</td>
<td>(6 am - (6 pm - (6 am - (6 pm - Midnight-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TYPE</td>
<td>6 pm)</td>
<td>midnight)</td>
<td>6 pm)</td>
</tr>
<tr>
<td>Office/Industrial</td>
<td>100%</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>Retail/Personal Service</td>
<td>60%</td>
<td>90%</td>
<td>100%</td>
</tr>
<tr>
<td>Hotel/Motel</td>
<td>75%</td>
<td>100%</td>
<td>75%</td>
</tr>
<tr>
<td>Restaurant</td>
<td>50%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Indoor Theater/Commercial</td>
<td>40%</td>
<td>100%</td>
<td>80%</td>
</tr>
</tbody>
</table>

1. The following requirements shall apply to any shared parking facility for mixed use development.
   a. The shared parking facility must be located within five hundred (500) feet walking distance of the entrance to the establishment to be served. Said walkway access shall provide a safe means of pedestrian access to and from the establishment being served.
   b. Reserved spaces shall not be shared.
   c. It shall be determined at the time of parking facility plan approval that shared parking is possible and appropriate at the location proposed. Particular attention is needed to assure that sufficient and convenient short-term parking will be available to commercial establishments during the weekday daytime period. The short-term shared parking spaces must be located in the most convenient and visible area of the parking facility nearest the establishment being served.
   d. Any subsequent change in use shall require the issuance of a new zoning permit and proof that minimum parking requirements, per these regulations, will be met.
   e. Shared parking may be utilized for other uses, which are not shown in the parking credit table. The applicant shall prepare a similar calculation for the proposed uses, indicating the estimated percentage of each time period, based upon current parking information. Documentation shall be submitted by the applicant to demonstrate that the normal and regular operating hours of the uses proposing a shared parking arrangement do not coincide or
overlap in any manner.

F. ACCESS: Parking lots or areas adjacent to streets, roads, highways, or deeded rights-of-way shall have driveways or openings not less than twelve (12) feet in width and no more than forty-eight (48) feet in width at the curb, excluding curve radius. These curb cuts shall be so located as to minimize traffic hazards and congestion. All such parking lots or areas shall have a protective wall or bumper block around each parking lot and said parking lots shall be so designed that all vehicles leaving the facility will be traveling forward to approaching traffic.

No residential driveway width at street, road, highway, or deeded rights-of-way junctions shall be more than twenty (20) feet, excluding curb radius, providing that this width may be increased if sufficient proof can be demonstrated after review and approval of the zoning administrator.

G. APPROVAL OR MODIFICATION OF CURB CUTS REQUIRED: Detailed plans shall be submitted to the Planning Commission, or its duly authorized representative, in the form of a site plan as regulated by Section 9.19 of this ordinance, for approval of all curb cuts, driveway openings, including modifications thereto, before a permit may be obtained therefore.

For the purpose of minimizing the interference of traffic and congestion on the major street system as identified in the city's comprehensive plan, the Planning Commission shall limit the number of curb cuts along said streets. The number of curb cut intersections with major streets shall be spaced at a distance of not less than 800 feet apart. Access to abutting properties fronting on said major streets shall be provided by a frontage or service road connecting to the curb cut intersection. If the developer can show sufficient proof in the form of a development plan that spacing of curb cuts less than 800 feet apart will not impede the movement of traffic flow along said major street, then the Planning Commission may vary these requirements accordingly.

H. DRIVEWAYS NOT COMPUTED AS PART OF REQUIRED PARKING LOT: Entrances, exits, or driveways shall not be computed as any part of a required parking lot or area.

I. OFF-STREET PARKING SPACE AND ACCESS DRIVES DEFINED: For the purposes of this ordinance, one (1) parking space shall be a minimum of two hundred (200) square feet in area, exclusive of access drives or aisles, and shall be a minimum of ten (10) feet in width and twenty (20) feet in length. Such parking space shall have a vertical clearance of at least seven (7) feet. Each parking space shall be appropriately dimensioned for automobile parking. All
parking lots shall be laid out with the following:

1. Ninety (90) degrees (perpendicular) parking -- Twenty-four (24) feet (either one or two way circulation);
2. Sixty (60) degree (angle) parking -- Eighteen (18) feet (one way circulation only);
3. Forty-five (45) degree (angle) parking -- Thirteen (13) feet (one way circulation only);
4. Thirty (30) degree (angle) parking -- Eleven (11) feet (one way circulation only);
5. Zero degree (parallel) parking -- Twelve (12) feet (one way circulation).

When any combination of these types of parking is used (facing the same aisle) the most restricted aisle or access drive width requirements shall prevail.

J. OFF- STREET PARKING SPACE TO BE USED FOR PARKING ONLY: Any vehicle parking space shall be used for parking only. Any other use of such space, including repair work or servicing of any kind other than in an emergency, or the requirement of any payment for the use of such space, shall be deemed to constitute a separate commercial use in violation of the provisions of this ordinance.

K. NO BUILDING TO BE ERECTED IN OFF-STREET PARKING SPACE: No building of any kind shall be erected in any off-street parking lot except a parking garage containing parking spaces equal to the requirements set forth in this section of the ordinance or a shelter house booth for a parking attendant providing the number of spaces required are not reduced.

L. OFF-STREET PARKING SPACE SHALL NOT BE REDUCED: The required parking area on any lot, as set forth and designated in this ordinance, shall not be reduced or encroached upon in any manner.

M. PARKING PLAN APPROVAL REQUIRED: Plans for all parking lot facilities, including parking garages, shall be submitted to the zoning administrator for review and for compliance with the provisions of this ordinance and such other pertinent ordinances of the city. Such plans shall show the number of spaces and arrangements of parking aisles, location of access points onto adjacent streets, provisions for vehicular and pedestrian circulation, location of sidewalks and curbs on or adjacent to the property, utilities, location of shelters for parking attendant, locations of signs, typical cross-sections of pavement, including base and sub-base, proposed grade of parking lot, storm drainage facilities, location and type of lighting facilities, and such other information or plans as the
N. SURFACING OF NEW OFF-STREET PARKING: All new off-street parking facilities shall be paved with asphalt or portland cement concrete and shall be designed and constructed in accordance with the standards and procedures herein established.

1. ASPHALT CONCRETE PAVEMENT

a. General Design Requirements

(1) Asphalt concrete pavements shall consist of specified thickness of asphalt concrete surface course and a base course, or courses, all constructed on prepared subgrade. Required pavement thickness shall be determined from Table A-1 of the appropriate subgrade soil and traffic use.

(2) Paved areas shall be so designed and constructed that water will quickly drain from the surface and be conducted away from the area through approved systems. Transverse and/or longitudinal slopes of not less than 5/8 inch in 10 feet shall be provided. For large paved areas, approved catch basins and storm drainage systems shall be provided.

(3) When the pavement includes a granular base, and the pavement is not constructed over granular subgrade, perimeter subsurface drainage shall be provided to prevent lateral flow of water into the base course and to provide for removal of seepage water that may enter the base.

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

b. Construction Materials and Procedures

(1) Base courses shall consist of the following materials. Construction procedures shall conform to the requirements applicable to the base course selected.
(a) Asphalt Concrete Base Course - Materials and construction shall conform to the current requirements of the Kentucky Department of Transportation, Bureau of Highways', Specifications for Asphalt Concrete Base Course, Sections 401, 403, except as noted herein.

(2) Crushed Stone Base Course - Crushed stone base course shall conform to all the current requirements of the Kentucky Department of Transportation, Bureau of Highways, for Dense Graded Aggregate Base Course, Section 303.

(3) Asphalt Concrete Surface Course - Materials and construction shall conform to the current requirements of the Kentucky Department of Transportation, Bureau of Highways, for Asphalt Concrete Surface, Type B, State Highway Designation Section 401, 402.

(4) Asphalt Prime and Tack Coat

(a) Asphalt Prime shall conform to the Kentucky Department of Transportation, Bureau of Highways' requirements for Cutback Asphalt Emulsion Primer, Type L, as per Section 407. Prime shall be applied to the surface of granular base course at a rate of 0.25 to 0.50 gallons per square yard, as directed by the legislative body's engineer or inspector.

(b) Tack Coat (SS-1h) shall meet the requirements of the Kentucky Department of Transportation, Bureau of Highways, as per Section 407. It shall be diluted with equal parts of water, when directed by the inspector. Tack coat shall be applied, upon direction of the legislative body's engineer, to the surface of asphalt courses that have become dusty or dry, at a rate of 0.10 gallons per square yard of the diluted SS-1h before the subsequent course is constructed.

2. CONCRETE PAVING FOR PARKING AND ACCESS DRIVE AREAS

a. General Requirements - Thickness of concrete parking and access drives shall be:

   (1) A minimum of four (4) inches for driveways and parking areas serving single and two-family dwellings.
(2) A minimum of five (5) inches for passenger cars and panel or pickup trucks serving industrial, commercial, and multifamily areas.

(3) A minimum of six (6) inches for light trucks serving industrial, commercial, and multi-family residential areas.

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

b. General Requirements - Concrete Paving

(1) Minimum Cement Content - 564 lb./cu.yd. of concrete (6 U.S. bags).

(2) Maximum Size of Aggregate - 1-1/4 inches.

(3) Maximum Water Content - 0.49 lb./1 lb. of cement (5.5 gal./bag).

(4) Maximum Slump - five (5) inches when using hand-finishing techniques, three (3) inches when using a mechanical finishing machine.

(5) Strength of Concrete - The concrete shall attain a minimum expected strength of concrete at 28 days of 3,500 pounds per square inch compressive strength and/or 550 pounds per square inch flexural strength "modulus of rupture".

(6) Air Entrainment

<table>
<thead>
<tr>
<th>Maximum Size of Aggregate (inches)</th>
<th>Entrained Air (Percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-1/4</td>
<td>5 + 1</td>
</tr>
<tr>
<td>3/4, 1</td>
<td>6 + 1</td>
</tr>
<tr>
<td>3/8, 1/2</td>
<td>7-1/2 + 1</td>
</tr>
</tbody>
</table>

c. Construction Procedures

(1) All soft and yielding material and other portions of the subgrade which will not compact readily when rolled or tamped, shall be removed and replaced with suitable material, placed and compacted. The subgrade shall be thoroughly compacted with suitable equipment so as to have uniform density at moisture...
contents of not less than standard optimum (AASHO-T98).

(2) Longitudinal joint spacing shall not exceed 15 feet and be designed in accordance with the joint details in Figure A-2.

(3) Transverse joint spacings shall be at regular intervals of twenty (20) feet.

(4) All transverse construction joints shall be designed in accordance with the joint details in Figure A-2.

(5) Form offsets at radius points shall be at least two (2) feet.

(6) Pavement joints must be continuous through the curbs.

(7) Where curbs are required, they shall be cast integrally.

(8) The pavement shall be struck-off, consolidated, and finished, to the grades shown on the plans. All catch basins and manhole castings shall be boxed out and separated from the pavement with expansion joint material. All except premolded or sawed joints shall be edged with a tool having a maximum radius of 1/8 inch. Sawed and formed joints shall be cleaned and sealed before opening to traffic. Final surface texture shall be that obtained with a burlap drag. Curing shall be that obtained with a uniform coverage of white membrane curing compound or by seven-day coverage of white polyethylene or waterproof paper. The completed pavement shall be closed to traffic for at least fourteen (14) days or by the time it has attained a compressive strength of 3,500 pounds per square inch and/or 550 pounds per square inch flexural strength. This traffic restriction shall apply to the contractor's construction equipment and vehicles, as well as general traffic.

O. DESIGN AND MAINTENANCE

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

2. Lighting: Any lighting used to illuminate off-street parking areas shall be
directed away from property in any residential zone in such a way as not to create a nuisance.

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

4. Parking lots, garages, and storage areas shall be so designed and constructed so that all maneuvering into and out of each parking space takes place entirely within property lines of lots, garages, and/or storage areas.
### TABLE A-1

**THICKNESS REQUIREMENTS OF SURFACE AND BASE COURSE FOR AUTOMOBILE AND TRUCK PARKING FACILITY FAVEMENTS**

<table>
<thead>
<tr>
<th>VEHICLE TYPE</th>
<th>FULL DEPTH ASPHALT CONCRETE</th>
<th>ASPHALT CONCRETE WITH GRANULAR SUBBASE</th>
<th>ASPHALT CONCRETE WITH GRANULAR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>SURFACE KDOT (1) (SEC. 401, 402) TYPE B (INCH)</td>
<td>BASE KDOT (1) (SEC. 401, 403) (INCH)</td>
<td>SURFACE KDOT (1) (SEC. 401, 402) TYPE B (INCH)</td>
</tr>
<tr>
<td>Auto Parking Facilities</td>
<td>1-1/2</td>
<td>4</td>
<td>1-1/4</td>
</tr>
<tr>
<td>Truck Parking Facilities</td>
<td>1-1/2</td>
<td>6-1/2</td>
<td>1-1/2</td>
</tr>
</tbody>
</table>

(1) Refers to the Kentucky Department of Transportation (KDOT) Bureau of Highways, Standards and Specifications for Road and Bridge Construction (1976 Edition, or as amended).
TABLE A-2

JOINT DETAILS

ALTERNATE EXPANSION JOINT

TRANSVERSE CONTRACTION (SAWED OR PREMOLDED STRIP)

EXPANSION JOINT

TRANSVERSE CONTRACTION JOINT (PLANNED - COINCIDE WITH CONTRACTION JOINT)

LONGITUDINAL CONSTRUCTION JOINT KEYWAY

TIED TRANSVERSE CONSTRUCTION JOINT (EMERGENCY - NOY COINCIDE WITH CONTRACTION JOINT)
SECTION 11.1 SPECIFIC OFF-STREET PARKING REQUIREMENTS: The amount of off-street parking space required for uses, buildings, or additions, and changes in intensity of uses thereto, shall be determined according to the following requirements, and the space, so required, shall be stated in the application for a zoning and building permit and shall be reserved for such use. Where more than one use is located in the same building, each individual use shall be in accordance with the off-street parking requirements of this section of the ordinance.

<table>
<thead>
<tr>
<th>TYPES OF USES</th>
<th>REQUIRED NUMBER OF SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Airport, railroad passenger stations</td>
<td>One (1) parking spaces for each four (4) seating accommodations for waiting passengers, plus one (1) parking space for each two (2) employees on shift of largest employment.</td>
</tr>
<tr>
<td>and bus terminals</td>
<td></td>
</tr>
<tr>
<td>B. Automobile laundries</td>
<td>One (1) parking space for each employee, plus one (1) space per owner or manager, and reservoir space equal to five (5) times the capacity of the facility.</td>
</tr>
<tr>
<td>C. Automobile Service stations</td>
<td>One (1) parking space for each gas pump island, plus two (2) parking spaces for each working bay, plus one (1) parking space for each employee on shift of largest employment.</td>
</tr>
<tr>
<td>D. Beauty parlors and barber shops</td>
<td>Two (2) parking spaces per barber and/or beauty shop operator.</td>
</tr>
<tr>
<td>E. Bowling establishments</td>
<td>Five (5) parking spaces for each lane, plus one (1) parking space for each two (2) employees on shift of largest employment.</td>
</tr>
<tr>
<td>F. City and/or county government</td>
<td>One (1) parking space for each two hundred (200) square feet of gross floor area.</td>
</tr>
<tr>
<td>G. Commercial or trade schools</td>
<td>One (1) parking space for each two (2) students, based on design capacity of the school, plus one (1) parking space for each employee.</td>
</tr>
</tbody>
</table>
TYPES OF USES

H. Convalescent homes, nursing homes, rest homes, homes for the aged, and orphanages

One (1) parking space for each two (2) beds, plus one (1) parking spaces for each two (2) employees or staff members, including nurses, on shift of largest employment, plus one (1) parking space per doctor.

I. Dance halls, pool and billiard halls, and exhibition halls without fixed seats

One (1) parking spaces for each one hundred (100) square feet of floor area used for dancing or assembly, or one (1) parking space for each four (4) persons, based on design capacity, whichever is greater, plus one (1) parking space for each two (2) employees on shift of largest employment.

J. Dormitories, Fraternities, Sorority Houses, and other group housing

A. One (1) parking space per each resident capacity of the structure, plus one (1) parking space per owner or operator, plus one (1) parking space per employee.

B. In addition to the parking required in (A) above, parking will be required for the non-resident membership of the organization, as follows:

One (1) parking space for each fifty (50) square feet of the largest floor area used for assembly, social activity, or dining; or one (1) parking space for each one hundred (100) square feet of the total of all floor area used for assembly, social activity, and dining; or one (1) parking space for each non-resident member anticipated in the fraternity membership, whichever is greater.

K. Dwellings: One-Family Two-Family

Two (2) parking spaces.

Four (4) parking spaces, with individual access for each dwelling unit.
### TYPES OF USES

<table>
<thead>
<tr>
<th>L.</th>
<th>Dwellings: Multi-Family</th>
<th>REQUIRED NUMBER OF SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>One (1) parking space for every one (1) bedroom dwelling unit and two (2) parking spaces for every dwelling unit with two (2) or more bedrooms.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>M.</th>
<th>Establishments for sale and consumption on the premises of alcoholic beverages, food, refreshments, or for take home food service</th>
<th>One (1) parking space for each two (2) employees on shift of largest employment plus one (1) parking space for each:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A. Thirty (30) square feet of gross floor area in a drive-in restaurant;</td>
<td>A. Thirty (30) square feet of gross floor area in a drive-in restaurant;</td>
</tr>
<tr>
<td></td>
<td>B. One hundred forty (140) square feet of gross floor area in a carry-out restaurant;</td>
<td>B. One hundred forty (140) square feet of gross floor area in a carry-out restaurant;</td>
</tr>
<tr>
<td></td>
<td>C. Sixty-five (65) square feet of gross floor area or two (2) seating accommodations, based on maximum capacity, whichever is greater, in a combination restaurant:</td>
<td>C. Sixty-five (65) square feet of gross floor area or two (2) seating accommodations, based on maximum capacity, whichever is greater, in a combination restaurant:</td>
</tr>
<tr>
<td></td>
<td>D. Three (3) seating accommodations, based on maximum seating capacity, in a sit-down restaurant.</td>
<td>D. Three (3) seating accommodations, based on maximum seating capacity, in a sit-down restaurant.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>N.</th>
<th>Fire stations</th>
<th>One (1) parking space for each person on duty on largest shift.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>O.</th>
<th>Hospitals</th>
<th>One (1) parking space for each two (2) beds, plus one (1) parking space for each two (2) employees or staff members, including nurses, on shift of largest employment, plus one (1) parking space per doctor.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>P.</th>
<th>Laundromats</th>
<th>One (1) parking space for each two (2) washing machines, plus one (1) parking space for each employee.</th>
</tr>
</thead>
<tbody>
<tr>
<td>TYPES OF USES</td>
<td>REQUIRED NUMBER OF SPACES</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Q. Libraries, museums, and art galleries</td>
<td>One (1) parking space for each four (4) seats in rooms for public assembly or one (1) parking space for each fifty (50) square feet of gross floor area for use by the public, whichever is greater, plus one (1) parking space for each two (2) employees on shift of largest employment.</td>
<td></td>
</tr>
<tr>
<td>R. Medical offices and/or clinics</td>
<td>Five (5) parking spaces for each practitioner, plus one (1) parking space per each two (2) employees, or one (1) parking space for each two hundred (200) square feet of gross floor area in the building, plus one (1) parking space for each two (2) employees, whichever is greater.</td>
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<tr>
<td>S. Mortuaries or funeral homes</td>
<td>One (1) parking space for each four (4) seats in the main chapel or public assembly area, based on maximum seating capacity, plus one (1) parking space for each funeral vehicle and employee, or in the case of no fixed seats, one (1) parking space for each fifty (50) square feet of floor area in parlor or service rooms, or one (1) parking space for each four (4) persons, based on design capacity of the building, whichever is greater, plus one (1) parking space for each funeral vehicle and employee.</td>
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</tr>
<tr>
<td>T. Offices for professional, business, and financial, real estate, and business purposes, other than medical offices and/or clinics</td>
<td>Three (3) parking spaces per one thousand (1,000) square feet of gross leasable area.</td>
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<tr>
<td>TYPES OF USES</td>
<td>REQUIRED NUMBER OF SPACES</td>
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<td>--------------------------------------------------</td>
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<tr>
<td>U. Post offices</td>
<td>One (1) parking space for each four hundred (400) square feet of gross floor area, plus one (1) parking space for each two (2) employees on shift of largest employment, plus one (1) parking space for each vehicle operating from the premises.</td>
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<tr>
<td>V. Private clubs, boarding houses, and lodge halls</td>
<td>One (1) parking space for each guest sleeping room, or one (1) parking space for each four (4) fixed seats in the main assembly area, whichever is greater, plus one (1) parking space for each two (2) employees, or in the case of no fixed seats, one (1) parking space for each two (2) employees.</td>
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<tr>
<td>W. Retail and personal service stores</td>
<td>Four (4) parking spaces per one thousand (1,000) square feet of gross leasable area.</td>
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<tr>
<td>X. Schools – elementary, junior high, and equivalent, private or parochial schools</td>
<td>One (1) parking space per teacher and administrator or one (1) space for each four (4) seats in the auditorium, stadium, and other places of assembly or facilities available to the public, based on maximum seating capacity, whichever is greater.</td>
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<tr>
<td>Y. Schools – senior high, trade and vocational, colleges and universities, and equivalent private or parochial</td>
<td>Six (6) parking spaces for each room to be used for class instruction or administrative offices, or one (1) parking space for each four (4) seats in the auditorium, stadium, and other places of assembly or facilities available to the public, based on maximum seating capacity, whichever is greater.</td>
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<tr>
<td>Z. Shopping centers</td>
<td>Four (4) parking spaces per one thousand (1,000) square feet of gross leasable area.</td>
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<tr>
<td>TYPES OF USES</td>
<td>REQUIRED NUMBER OF SPACES</td>
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<tr>
<td>AA. Stadium and sports arenas</td>
<td>One (1) parking space for each four (4) seats, based on maximum seating capacity, plus one (1) parking space for each two (2) employees on shift of largest employment.</td>
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<tr>
<td>BB. Theaters, auditoriums, churches, and places of assembly with fixed seats</td>
<td>One (1) parking space for each four (4) seats, based on maximum seating capacity, plus one (1) additional parking space for each two (2) employees on shift of largest employment.</td>
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<tr>
<td>CC. Theaters, auditoriums, churches, and places of assembly without fixed seats</td>
<td>One (1) parking space per four (4) people in designed capacity of building, or one (1) parking space per one hundred (100) square feet in main auditorium or assembly area, whichever is greater, plus one (1) parking space for each two (2) employees on shift of largest employment.</td>
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<tr>
<td>DD. Tourist homes, cabins, motels or hotels</td>
<td>One (1) parking space for each sleeping room or suite, plus one (1) parking space for each two (2) employees on shift of largest employment.</td>
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<tr>
<td>EE. Industrial establishments, including manufacturing, research, and testing laboratories</td>
<td>Two (2) parking spaces for each three (3) employees – the total number of parking spaces being the total number of employees on any two (2) consecutive shifts having the largest number of employees, based on design capacity, plus one (1) parking space for each company vehicle operating from the premises.</td>
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<tr>
<td>FF. Wholesale establishments, warehouses, and storage buildings</td>
<td>One (1) parking space for each employee, plus one (1) parking space for each company vehicle operating from the premises.</td>
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ARTICLE XII

OFF-STREET LOADING AND/OR UNLOADING REGULATIONS

SECTION 12.0 OFF-STREET LOADING AND/OR UNLOADING REGULATIONS: For all buildings and structures erected, altered, or extended, and all uses of land established as specified herein, after the effective date of this ordinance, off-street loading and/or unloading facilities shall be provided as required by the regulations herein. However, where a building permit has been issued prior to the date of the adoption of this ordinance, and provided that construction has not begun within ninety (90) days of such effective date, off-street loading and/or unloading facilities in the amounts required by this ordinance, shall prevail.

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

A. SPACES REQUIRED: Every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehousing, department stores, wholesale stores, retail stores, market, hotel, hospital, laundry, dry cleaning, dairy, mortuary, and other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise, and having up to five thousand (5,000) square feet of gross floor area, shall be provided with at least one (1) loading and/or unloading space. One additional loading and/or unloading space shall be provided for every additional ten thousand (10,000) square feet, or fraction thereof, of gross floor area in the building.

1. If sufficient proof can be shown that less than these requirements (only that part which has to do with over five thousand (5,000) square feet) will be satisfactory for the operation in question, the zoning administrator may reduce these requirements.

B. SIZE OF OFF-STREET LOADING AND/OR UNLOADING SPACE: Each off-street loading and/or unloading space shall be at least twelve (12) feet in width and at least sixty (60) feet in length, exclusive of aisle and maneuvering spaces and shall have a vertical clearance of at least fourteen (14) feet, provided, however, that when it is demonstrated that a particular loading and/or unloading space will be used by shorter trucks, the zoning administrator may reduce the minimum length to not less than thirty-five (35) feet.

C. LOCATION: All required loading and/or unloading spaces shall be located on the same lot as the use served. No loading and/or unloading space for vehicles over
two ton capacity shall be closer than fifty (50) feet to any property in a residential zone unless completely enclosed by a fence, wall, or screen, as regulated by Article XIII of this ordinance. No loading and/or unloading space shall be located in any required yards except as herein provided.

D. ACCESS: Each required off-street loading and/or unloading space shall be designed with direct access, via an approved access drive, to a deeded right-of-way which offers efficient ingress, egress, and safety for trucks. Access drives or aisles shall be laid out with a width of at least twelve (12) feet for one-way circulation and at least twenty-four (24) feet for two-way circulation.

1. Off-street loading and/or unloading space shall be so designed and constructed so that all maneuvering for loading and/or unloading can take place entirely within the property lines of the premises. Such off-street loading and/or unloading space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk street, road, highway, or deeded right-of-way.

E. ENLARGEMENT OF BUILDINGS: The off-street loading and/or unloading requirements, as listed in this article of the ordinance, shall apply at any time any building is enlarged or increased in capacity by adding floor area.

F. DESIGN AND MAINTENANCE

1. Surfacing: All open off-street loading and/or unloading spaces shall be paved subject to the provisions in Article XI, Section 11.0, M., 3. of this ordinance.

2. Lighting: Any lighting used to illuminate off-street loading and/or unloading areas shall be directed away from property in any residential zone in such a way as not to create a nuisance.

3. Space allocated to any off-street loading and/or unloading space: Shall not be used to satisfy the space requirements for any off-street parking facilities or portion thereof.

G. OFF-STREET LOADING AND/OR UNLOADING PLAN APPROVAL REQUIRED: Plans for all loading and/or unloading facilities shall be submitted to the zoning administrator for review and for compliance with the provisions of this ordinance and such other pertinent ordinances of the city. Such plans shall show the exact proposed layout of all loading and/or unloading spaces, drives and accessory entrances and exits, type of surface to be used, typical cross-sections of pavement, including base and subbase, location of lighting facilities, storm
drainage facilities, proposed grade of off-street loading and/or unloading area, and such other information or plans as the circumstances may warrant.
ARTICLE XIII

FENCES, WALLS, AND OBSTRUCTION TO VIEW REGULATIONS

SECTION 13.0 VISION CLEARANCE AT CORNERS AND RAILROAD CROSSINGS:
Except as herein provided, no fence, wall, hedge, or other obstruction, above a height of thirty-six (36) inches, as measured above the curb level, shall be erected, placed, maintained, or continued in any zone, within that triangular portion of a corner lot formed by measuring fifty (50) feet from the intersection of the right-of-way lines of two (2) streets or of the right-of-way line of a street intersection with a railroad right-of-way line and joining these points with a straight line. No type of tree, or planting, or other obstruction, shall be planted, placed, maintained, or continued in such a manner which would obstruct the vision clearance at corners and railroad crossings.

SECTION 13.1 CLASSIFICATION OF FENCES AND WALLS

A. The following shall be the classification of fences and walls for this ordinance:

1. Masonry walls
2. Ornamental iron (eighty (80) percent open)
3. Woven wire (eighty (80) percent open); and chain link
4. Wood or other materials (more than fifty (50) percent open)
5. Solid fences, wood or other materials (less than fifty (50) percent open)
6. Hedges
7. Barbed wire or sharp pointed fences
8. Earthen or concrete walls intended to contain or redirect flooding waters

SECTION 13.2 CONSERVATION ZONE

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

1. Section 13.0, except that in front yards class 2 or 3 fences may be erected up to a maximum height of ninety-six (96) inches.

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

3. Class 8 walls shall be permitted but shall conform to requirements of the Corps of Engineers and/or city engineer, whichever is applicable.
SECTION 13.3 RESIDENTIAL ZONES

A. Fences and/or walls within all residential (R) zones, including their applicable overlay zone, shall conform to the following requirements:

1. The requirements for the Residential (R) Zones for residential uses only, are as set forth and depicted on Figure 1 of this ordinance.

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

3. For all non-residential uses conditionally permitted in any residential zone herein, the requirements are as follows:

   a. Fences of class 2 or 3 only shall be permitted in front yards, including the front yard of corner lots, as governed by Section 13.0. Said fences may be erected up to a maximum height of seventy-two (72) inches.

   b. Classes 1, 2, 3, 4, 5, 6 fences and/or walls may be erected in rear yard, up to a maximum height of seventy-two (72) inches, provided, however, for the following exceptions:

      (1) General purpose recreational areas may be enclosed with fences and/or walls of Class 1, 2, 3, 4, 5, 6, or 7 up to a maximum height of ninety-six (96) inches.

      (2) Class 3 fences (or a combination of 3 and 7) may be erected to enclose tennis courts or as backstops for baseball and/or softball fields, up to a maximum height of one hundred forty-four (144) inches.

      (3) In the case of corner lots, as governed by Section 13.0, fences of class 2 or 3 only may be erected, as regulated by the applicable provisions of this section.

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

A. Except as provided for in Section 13.0, fences of class 1, 2, 3, 4, 5, or 6 may be erected in front, side, and rear yards of commercial zones, up to a maximum
height of seventy-two (72) inches. In the case of corner lots, as governed by Section 13.0, fences of class 2 or 3 only, may be erected up to a maximum height of seventy-two (72) inches. In all commercial and industrial zones, except NSC, SC, and IP, a combination of class 3 and 7 fence (chain link with three strands of barbed wire) may be erected, including corner lots, as governed by Section 13.0, up to a maximum height of eighty-four (84) inches.

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

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

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

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

SECTION 13.7 HEIGHT OF FENCES ATOP RETAINING WALLS:

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

B. No fence shall be erected, except as exempted or specified within this ordinance, until all required fees have been paid to the proper authorities or their agents and the necessary permits have been issued for such by the zoning administrator and the building inspector in accordance with Sections 16.1 and 16.2 of this ordinance.
Article XIII  Fences, Walls, and Obstruction To View Regulations

Figure 1
ARTICLE XIV

SIGN REGULATIONS

SECTION 14.1 SHORT TITLE: This Article shall be known as the Sign Article of the City of Bromley.

SECTION 14.2 PURPOSE AND INTERESTS SERVED

A. The purpose of this Article is to establish a comprehensive scheme for the regulation of signs within the jurisdiction of the City of Bromley. These regulations are designed to protect and promote the public health, safety and welfare by controlling the type, number, location and physical dimensions of signs, to prevent the disruptions, obstructions and hazards to vehicular and pedestrian traffic that signs may cause, and to enhance the quality of the environment in residential and nonresidential districts. More specifically, it is the purpose of this Article to:

1. Implement the plans and planning policies of the City of Bromley, together with any subsequent adopted amendments;
2. Provide liberally for the free expression of ideas through signs in residential and other areas;
3. Encourage the effective use of signs as a means of communication and to facilitate way-finding in the area planned and regulated by the City of Bromley;
4. Balance the desire and need of individuals to express their creativity in signs with the desire to maintain a pleasing visual environment for residents and the many visitors who come to the area each year;
5. Protect and enhance the value of properties and to have signage appropriate to the planned character and development of each area in the City of Bromley;
6. Balance the need for information for motorists and pedestrians with the need for traffic safety by limiting signs or characteristics of signs that may be particularly distracting to drivers;
7. Provide clear and objective sign standards;
8. Provide a clear and efficient review procedure for sign applications; and
9. Enable fair and consistent enforcement of the regulations set forth in this Article.

SECTION 14.3 TEMPORARY SIGNS

A. One temporary sign will be permitted on each lot in a non-residential zone, subject to the following standards and conditions:
1. It shall not exceed twelve (12) square feet in area;
2. It shall be attached at all four corners or otherwise firmly affixed to a wall of the principal building or it may be freestanding;
3. If it is freestanding, it shall be supported by one or more posts or similar devices in the ground and shall not exceed six (6) feet in height;
4. In no case shall such a sign be affixed to a tree or other natural feature, a fence, a utility pole, or a fixture or structure on the property other than the principal building;
5. If freestanding, it shall be set back a minimum of ten (10) feet from any property line;
6. It shall not be separately illuminated;
7. If the message relates to an event, such sign shall be removed within seven (7) days following the conclusion of the event;
8. Such a sign may bear any noncommercial message or a commercial message related to a commercial activity lawfully conducted on the lot where the sign is located; the sale or lease of the premises shall be considered a lawfull use of any premises for purposes of this regulation.

SECTION 14.4 SCOPE, AUTHORITY AND APPLICABILITY

A. SCOPE: This Article is adopted pursuant to KRS 100.

B. AUTHORITY: This Article regulates signs, as defined herein, when mounted, located, or displayed on property located within the incorporated limits of the City of Bromley, on land that is either private land or public land over which the City of Bromley has land use regulatory authority.

C. APPLICABILITY, GENERAL: This Article shall apply to all signs erected, placed, painted, installed or otherwise made visible on private or public property in the City of Bromley, except as otherwise provided herein. All signs displayed in the City of Bromley shall comply with all requirements of this Article and all other applicable law. Permits shall be required for all signs in the City of Bromley, except as specified herein. No sign, outdoor advertising, structure, billboard or display shall be erected, installed, located or maintained in any zoning district of the City of Bromley, except in conformity with these regulations. New signs, additional signs, relocations or structural alterations of existing signs also require sign permits.

D. COMPLIANCE REQUIRED: It shall be unlawful and a violation of this Article for any person to fasten, place, paint, or attach in any way: any sign, handbill, poster, advertisement, or notice of any kind, or cause the same to be done in or upon any curb-stone, lamp post, utility pole, hydrant, bridge, culvert, public drinking fountain, public trash container, courtesy benches, rest room, bus stop
kiosk or shed, station building, tree, or in or upon any portion of any public sidewalk, street, or sign, except as specifically allowed within this Article.

E. EXEMPTIONS: The following signs or sign elements are exempt from the provisions of this Article but are subject to any other applicable laws and regulations:

1. Any sign installed in a building or enclosed space and not legible from the public right-of-way or from private or public property other than the property on which it is located;
2. Any sign with a sign area of less than four square feet in area and less than four feet in height (if freestanding), that is not separately illuminated and that is not legible from the public right-of-way or from private or public property other than the property on which it is located;
3. Signs on mass transit vehicles operating in or passing through the City of Bromley; and
4. Signs on vehicles and watercraft which are regularly used in the operation of a business; signs on vehicles which are parked for long periods of time, which are not operational and/or which are not regularly used in the operation of a business at the same location where the vehicle is most frequently parked shall be considered detached signs and subject to regulation under this Article. For purposes of this subsection, a “long period of time” shall be a continuous period of 30 days or separate periods that total 40 days or more out of any 60-day period.

F. SIGNS SUBJECT TO OTHER STANDARDS: Signs listed in this Section shall be exempt from the permit requirements of this Article; but, shall, to the maximum extent allowed by law, be subject to the other standards of this Article. Where a sign is erected pursuant to a statute or a court order, the sign may exceed the size standards of this Article or otherwise deviate from the standards set forth in this Article to the extent that the statute or court order expressly required the larger size or other deviation. In all other respects, such signs shall conform to the standards of this Article. This subsection shall apply to the following types of signs:

1. Signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message;
2. Signs bearing no commercial message and installed by employees or officials of the City of Bromley, Kenton County, a state or federal agency in the course of their governmental duties;
3. Signs required by a state or federal statute;
4. Signs required by an order of a court of competent jurisdiction;
5. Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message is necessary to identify the use; and
6. Signs installed by a transit company with a franchise or other right to operate in the City of Bromley, where such signs are installed along its routes and relate to schedules or other information about the transit route.

G. SIGNS ALLOWED WITHOUT A PERMIT: The following signs or sign-like devices are allowed in all zoning districts without a sign permit and are not to be included in determination of the allowable numbers, type and area of a sign that requires a sign permit. If a sign otherwise falling under this Section is electrified, it will require an electrical permit. Signs subject to this Section shall conform to the requirements specified:

1. Address Numbers used for the purpose of identifying the address of any building shall not be counted toward allowed sign area;
2. Detached signs smaller than four square feet in area and less than four feet in height, and containing no commercial message (e.g., “Enter” or “Exit” signs);
3. Detached signs smaller than seven square feet, allowed in residential zoning districts in accordance with Sections 14.8 and 14.9;
4. Temporary signs not greater than twelve (12) square feet, allowed in non-residential zones;
5. Wall signs containing no commercial message and not larger than four square feet in area;
6. Cultural decorations or displays of noncommercial nature, mounted on private residential property, which pertain to cultural observances;
7. Cornerstones, foundation stones and memorial signs or tablets displaying the names of buildings and date of erection, when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material, provided that no such sign shall exceed six square feet in area nor shall any such sign be separately illuminated;
8. Symbols that do not bear or include any commercial message and that are integrated into the architecture of a building;
9. Gravestones not containing a commercial message, when erected in a lawful cemetery or graveyard; and
10. Graphic images which are visible only from aircraft flying above.
H. OTHER ACTIONS ALLOWED WITHOUT A PERMIT: The following signs and actions related to signs shall be exempt from the permit requirements of this Article but shall be subject to all other standards of this Article.

1. Changing of the advertising copy or message on an existing painted or printed sign, marquee, changeable copy sign or a similar compliant sign, whether electrical, illuminated, electronic message center or non-illuminated painted message, provided that the copy on an electronic message board shall not change more frequently than allowed under Section 14.6, D.;
2. Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural alterations;
3. Installation of permanent signs smaller than four square feet where such signs are allowed by this Article, contain no commercial message and involve no electrical installation; and
4. Installation of temporary signs not larger than four square feet, where such signs are allowed by this Article and conform with this Article in all respects.

I. PRODUCT DISPLAYS, SALES DEVICES, MENU BOARDS

1. Nothing in this Article shall prohibit or limit the outdoor display of products where allowed under the zoning ordinance, although a particular product may be a thing which would be prohibited by this Article if used as a sign and although one or more such products may have on them permanent labels that might otherwise fall under this Article. This Article shall, however, apply to any sign, banner, pennant, or other attention-attracting device affixed to a product displayed outdoors. For example, the label “Chevrolet” on an automobile or “John Deere” on a tractor shall not be considered a sign for purposes of this Article, but a separate sign attached to such a product shall be considered a sign and subject to regulation.
2. Signs on gasoline pumps, vending machines, news racks and similar machines and devices used for the sale or dispensing of products shall be allowed without a sign permit if they do not flash and if they are either not legible from any public right-of-way, public property or private property other than the site on which the sign is located; or they consist entirely of letters, numerals or symbols that are less than four inches in height. All other signs on vending machines, gas pumps, news racks and similar machines and devices shall be considered “signs” and shall be subject to all of the regulations of this Article.
3. In districts where drive-through and drive-up facilities are allowed, menu boards or other instructional or informational devices related to the drive-through or drive-up facilities shall be allowed without a sign permit, provided that such device is less than 12 square feet in size, and that the only words, numerals, symbols or pictures on such device that are legible
from any location other than the site on which it is located shall include no commercial message but shall simply identify the device as a “menu,” “directory,” “instructions,” “information” or something similar. If such a menu board or other device is larger than four square feet or if it is electrified, it shall require a permit.

SECTION 14.5 PROHIBITED SIGN TYPES

A. Unless specifically authorized by another section of this Article, or by other law, the following sign types are prohibited at all times and in all zones.

1. New billboards;
2. Portable signs, including folding portable signs and flashing portable signs;
3. Pennants, banners, streamers, balloons, and similar devices;
4. Animated, projecting, revolving, and moving signs, including those which create the appearance of animation, projection, revolving or other movement, or utilize flashing or intermittent lights, or lights of changing degrees of intensity; automatic changeable copy signs that conform with section 14.6, D. are not subject to this limitation;
5. Signs which are not traffic, control or safety signals, but by their shape, color, or manner of mounting or display, appear to be traffic, control or safety signals, and thus create confusion for drivers and pedestrians, as well as signs which create or constitute traffic hazards;
6. Signs on vacant lots bearing commercial messages other than those messages related to the sale or lease of the property;
7. Signs for which a separate structure is mounted on a roof or parapet; this provision does not prevent signs which are integral to the building; and
8. Signs using sounds, music, sound effects, noises, or other sound or noise-making or transmitting device or instruments.

SECTION 14.6 INSTALLATION, DESIGN AND CONSTRUCTION STANDARDS

A. LOCATION

1. No sign shall be located closer than five feet to any property line.
2. No sign shall be located so that it obstructs access to or from a doorway, fire escape or required escape window.
3. No sign shall be located so that it blocks the free air flow through windows in residential units.
4. No sign located within a clear sight triangle shall obstruct the vision of motorists or pedestrians between a height of 30 inches and 108 inches off the ground.
5. No sign shall be located within eight vertical feet or four horizontal feet of overhead electrical or other wires.

B. NO PROJECTIONS OVER STREETS OR ALLEYS: Projecting signs are allowed in some zoning districts. No sign shall project over a public right-of-way unless the sign owner has obtained an encroachment permit for such sign. No sign shall project over any portion of a right-of-way used as a street, alley or other way for vehicular travel; encroachment permits are limited to allowing projecting signs to extend over sidewalks.

C. SIGN MAINTENANCE

1. The sign owner shall be liable to maintain such sign, including its illumination sources, in neat and orderly condition and good working order at all times and to prevent the development of any deterioration in the safety of such sign.
2. Nothing in this Article shall prohibit the routine maintenance of any nonconforming sign or the changing of the copy or content of any nonconforming sign, except where such maintenance or change in copy would increase the degree of its nonconformity.

D. FLASHING SIGNS, MOVING SIGNS, AND CHANGEABLE COPY SIGNS

1. General Rule: Signs that move, flash or simulate movement are prohibited except as allowed under this section. A changeable copy sign is considered a different classification of sign under this Article; conversion of an existing sign to a changeable copy sign or to add changeable copy elements to it is allowed only if the modified sign will conform with all standards in this Section and with all other applicable standards related to the location, height, size and other characteristics of the sign.
2. Rules for Changeable Copy Signs Allowed under this Article: Automatic changeable copy signs shall be allowed only in those districts in which “changeable copy sign, automatic” is listed as a permitted sign type and shall be subject to the following additional restrictions:

   a. Such technology shall be programmed so that the message or image on the sign changes no more often than every eight seconds. 
   b. There shall be no effects of movement, flashing, scintillation, or similar effects in the individual images.
c. Changes of image shall be substantially instantaneous as seen by the human eye and shall not use fading, rolling, window shading, dissolving or similar effects as part of the change.

d. Video technology in signs shall use automatic level controls to reduce light levels at night and under cloudy or other darkened conditions, in accordance with the following standards.

(1) All electronic or digital display unit message boards shall have installed ambient light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the electronic board based on ambient light conditions.

(2) Maximum brightness levels for electronic or digital display boards shall not exceed 5,000 nits when measured from the billboard’s face at its maximum brightness, during daylight hours and 500 nits when measured from the board face at its maximum brightness between dusk and dawn, i.e., the time of day between sunrise and sunset.

e. Any sign using electronic or electro-mechanical technology for changeable copy message boards, which malfunctions, fails, or ceases to operate in its usual or normal programmed manner causing therein motion, movement, flashing or any other similar effects, shall be repaired or disconnected within 48 hours by the owner or operator of such billboard.

f. The area of a sign consisting of electronic or electro-mechanical message board elements shall not constitute more than 200 square feet of a sign.

g. The following limitations shall apply to the location of signs using electronic or electro-mechanical technology for a message board:

(1) A sign on which the electronic or electro-mechanical message board includes 100 or more square feet of sign area shall not be erected within 500 feet of property falling in one of the City of Bromley residential zoning districts, although this restriction shall not apply to mixed use districts and commercial districts allowing residential uses.

(2) A sign on which the electronic or electro-mechanical message board includes 20 or more square feet of sign area but less than 100 square feet of sign area shall not be erected within 200 feet of property falling in one of the City of Bromley residential zoning districts, although this restriction shall not apply to mixed use districts and commercial districts allowing residential use.
A sign on which the electronic or electro-mechanical message board includes less than 20 square feet of sign area shall not be erected within 100 feet of property zoned and used exclusively for single family uses; it is the express intent of this provision to allow the use of such technology on signs for institutional uses located in residential districts, provided that the required separation is maintained between the sign and any property zoned and exclusively used for a single-family use.

SECTION 14.7 SIGNS ALLOWED IN CONSERVATION, AGRICULTURAL AND RURAL DISTRICTS (CO Zone)

A. WALL SIGNS

1. One wall sign, not exceeding one (1) square foot in area, is allowed for each dwelling unit. Such sign may contain a noncommercial message or a commercial message related to an activity lawfully conducted on the premises, including a lawful home occupation. The sign shall not be illuminated.

2. For permitted uses other than single-family residences, one wall sign per use, not more than two (2) square feet in area is allowed, provided that such sign contains no commercial message and is not illuminated.

B. DETACHED SIGNS

1. Each occupied lot shall be allowed a total of four detached signs, including not more than one permanent detached sign, and temporary detached signs (up to a total of four detached signs at any time), each not exceeding six (6) square feet in area and not exceeding six (6) feet in height. Such signs shall not be illuminated. The only commercial messages allowed on such signs are messages related to commercial activity lawfully conducted on the premises, including the sale of agricultural products, the lawful, occasional sale of personal property (such as through a garage sale or yard sale) or the sale, rental or lease of the premises.

2. Signs related to the sale of personal property (not including agricultural products) shall be removed within twenty-four hours after the end of the sale. Signs related to the sale, lease or rental of the premises shall be removed no later than the date on which the deed, lease or other document representing the transaction is completed. Any such sign may contain any message other than a commercial message. If a message relates to an election or special event, such sign shall be removed within seven (7) days following the conclusion of such election or other event.
C. INCIDENTAL SIGNS

1. Additional detached signs, permanent or temporary, of not more than two (2) square feet in area and four (4) feet in height are allowed, provided that such signs contain no commercial message and are not illuminated. The intent of this regulation is to provide for signs that provide messages like "no parking", "no dumping", "beware of dog", "rest rooms", but such signs may bear any message that is not a commercial message.

D. TEMPORARY SUBDIVISION SIGNS

1. As a temporary use accessory to the permitted activity of lawful subdivision development, one temporary sign at each principal entrance to a subdivision is allowed. There shall in no case be more than one such sign for each fifty (50) lots in a proposed subdivision. Such sign shall not be illuminated and shall not exceed thirty-two (32) square feet in area. Such sign shall be removed upon the earlier of the following:

   a. Installation of a permanent neighborhood identification sign;
   b. Sale of more than ninety percent (90%) of the lots in the subdivision; or
   c. A period of two (2) years from the date of installation.

E. PERMANENT ENTRANCE SIGNS

1. Permanent neighborhood, multi-family or mobile home park monument signs, either illuminated or non-illuminated, are allowed. Such signs may include a masonry wall, landscaping or other similar materials or features. Such signs shall only be located at the principal entrance(s) to the neighborhood from a street classified on the comprehensive plan as an arterial or collector street. There shall be a maximum total sign area of fifty (50) square feet which may be used in a single sign or may be divided between a maximum of two (2) signs located on opposite sides of the same entrance. Such sign(s) shall not exceed six (6) feet in height.

F. INSTITUTIONAL SIGNS
1. Any school, house of worship, recreation center or other institutional use permitted in the zoning district may have one detached sign, not to exceed forty (40) square feet in area. This may include changeable copy signs, not to exceed thirty percent (30%) of the sign area. Such signs may be illuminated.

2. Each such use shall also be allowed one wall sign for each public entrance to a building; such wall signs shall not exceed four (4) square feet each and shall not be illuminated.

G. TRAFFIC CONTROL SIGNS

1. Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.

SECTION 14.8 SIGNS ALLOWED IN SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICTS (R-1A, R-1C, R-1G, R-1H Zones)

A. WALL SIGNS

1. One wall sign, not exceeding one (1) square foot in area, is allowed for each dwelling unit. Such sign may contain a noncommercial message or a commercial message related to an activity lawfully conducted on the premises, including a lawful home occupation. The sign shall not be separately illuminated.

2. For permitted uses other than single-family residences, one wall sign per use not more than two (2) square feet in area is allowed, provided that such sign contains no commercial message and is not illuminated.

B. DETACHED SIGNS

1. Each occupied lot in a residential district shall be allowed a total of four detached signs, including not more than one permanent detached sign, and temporary detached signs (up to a total of four detached signs at any time), each not exceeding six (6) square feet in area and not exceeding
Article XIV  Sign Regulations

1. Six (6) feet in height. Such signs shall not be illuminated. The permanent sign shall not contain a commercial message, and no more than two (2) signs on a lot in a residential district at any one time, including all wall signs, detached signs, temporary signs, and others, may contain commercial messages. The only commercial messages allowed on such signs are messages related to commercial activity lawfully conducted on the premises, including the lawful, occasional sale of personal property (such as through a garage sale or yard sale) or the sale, rental or lease of the premises.

2. Signs related to the sale of personal property shall be removed within twenty-four hours after the end of the sale. Signs related to the sale, lease or rental of the premises shall be removed no later than the date on which the deed, lease or other document representing the transaction is completed. Any such sign may contain any message other than a commercial message. If a message relates to an election or special event, such sign shall be removed within seven (7) days following the conclusion of such election or other event.

C. INCIDENTAL SIGNS

1. Additional detached signs, permanent or temporary, of not more than two (2) square feet in area and four (4) feet in height are allowed, provided that such signs contain no commercial message and are not illuminated. The intent of this regulation is to provide for signs that provide messages like “no parking”, “no dumping”, “beware of dog”, “rest rooms”, but such signs may bear any message that is not a commercial message.

D. TEMPORARY SUBDIVISION SIGNS

1. As a temporary use accessory to the permitted activity of lawful subdivision development, one temporary sign at each principal entrance to a subdivision is allowed. There shall in no case be more than one such sign for each fifty (50) lots in a proposed subdivision. Such sign shall not be illuminated and shall not exceed thirty-two (32) square feet in area. Such sign shall be removed upon the earlier of the following:

a. Installation of a permanent neighborhood identification sign;
b. Sale of more than ninety percent (90%) of the lots in the subdivision; or
c. A period of two (2) years from the date of installation.

E. PERMANENT ENTRANCE SIGNS

1. Permanent neighborhood, multi-family or mobile home park monument signs, either illuminated or non-illuminated, are allowed. Such signs may
include a masonry wall, landscaping or other similar materials or features. Such signs shall only be located at the principal entrance(s) to the neighborhood from a street classified on the comprehensive plan as an arterial or collector street.

There shall be a maximum total sign area of fifty (50) square feet which may be used in a single sign or may be divided between a maximum of two (2) signs located on opposite sides of the same entrance. Such sign(s) shall not exceed six (6) feet in height.

F. INSTITUTIONAL SIGNS

1. Any school, house of worship, recreation center or other institutional use permitted in the zoning district may have one detached sign, not to exceed forty (40) square feet in area. This may include changeable copy signs, not to exceed thirty percent (30%) of the sign area. Such signs may be illuminated.

2. Each such use shall also be allowed one wall sign for each public entrance to a building; such wall signs shall not exceed four (4) square feet each and shall not be illuminated.

G. TRAFFIC CONTROL SIGNS

1. Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.

SECTION 14.9 SIGNS ALLOWED IN MULTI-FAMILY RESIDENTIAL DISTRICTS (R-4 Zone)

A. WALL SIGNS
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1. One wall sign, not exceeding one (1) square foot in area, is allowed for each dwelling unit. Such sign may contain a noncommercial message or a commercial message related to an activity lawfully conducted on the premises, including a lawful home occupation. The sign shall not be separately illuminated.

2. For permitted uses other than single-family residences, one wall sign per use not more than two (2) square feet in area is allowed, provided that such sign contains no commercial message and is not illuminated.

3. For any building containing three or more dwelling units sharing a common entrance or hallway, one additional wall sign shall be allowed at each public entrance. Such sign shall bear no commercial message. The sign shall not be legible from the public right-of-way. The sign shall not be separately illuminated. The sign shall not be more than four square feet in area. The purpose of this section is to allow for directory signs, listing tenants or occupants, but the sign may bear any message other than a commercial message.

B DETACHED SIGNS

1. Permanent detached signs are allowed in these zoning districts subject to the following limitations. The principal detached sign may contain a commercial message related to the rental, lease or occupancy of the premises. No other commercial message is allowed on the permanent signs allowed under this table.

<table>
<thead>
<tr>
<th></th>
<th>Principal</th>
<th>Directory</th>
<th>Additional</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum number</td>
<td>One per street frontage per site</td>
<td>One per vehicle entrance</td>
<td>One per public entrance per building</td>
</tr>
<tr>
<td>Maximum size</td>
<td>25 square feet</td>
<td>Six square feet</td>
<td>Six square feet</td>
</tr>
<tr>
<td>Maximum height</td>
<td>6 feet</td>
<td>4 feet</td>
<td>4 feet</td>
</tr>
<tr>
<td>Minimum setback</td>
<td>5 feet from front property line; 10 feet from any other property line</td>
<td>15 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>Permitted</td>
<td>External or internal, direct or concealed source</td>
<td>Concealed source only</td>
<td>Concealed source only</td>
</tr>
<tr>
<td>illumination</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Changeable copy</td>
<td>Not allowed</td>
<td>Not allowed</td>
<td></td>
</tr>
</tbody>
</table>

2. In addition to these permanent detached signs, each separately owned or controlled lot in such a residential district shall be allowed a total of four detached signs, including not more than one permanent detached sign, and temporary detached signs (up to a total of four detached signs at any time), each not exceeding six (6) square feet in area and not exceeding...
Article XIV  Sign Regulations

six (6) feet in height. Such signs shall not be illuminated. The permanent sign shall not contain a commercial message, and no more than two (2) signs on a lot in a residential district at any one time, including all wall signs, detached signs, temporary signs, and others, may contain commercial messages. The only commercial messages allowed on such signs are messages related to commercial activity lawfully conducted on the premises, including the lawful, occasional sale of personal property (such as through a garage sale or yard sale) or the sale, rental or lease of the premises.

3. Signs related to the sale of personal property shall be removed within twenty-four hours after the end of the sale. Signs related to the sale, lease or rental of the premises shall be removed no later than the date on which the deed, lease or other document representing the transaction is completed. Any such sign may contain any message other than a commercial message. If a message relates to an election or special event, such sign shall be removed within seven (7) days following the conclusion of such election or other event.

C. INCIDENTAL SIGNS

1. Additional detached signs, permanent or temporary, of not more than two (2) square feet in area and four (4) feet in height are allowed, provided that such signs contain no commercial message and are not illuminated. The intent of this regulation is to provide for signs that provide messages like “no parking”, “no dumping”, “beware of dog”, “rest rooms”, but such signs may bear any message that is not a commercial message.

D. TEMPORARY SUBDIVISION SIGNS

1. As a temporary use accessory to the permitted activity of lawful subdivision development, one temporary sign at each principal entrance to a subdivision is allowed. There shall in no case be more than one such sign for each fifty (50) dwelling units in a proposed development. Such sign shall not be illuminated and shall not exceed thirty-two (32) square feet in area. Such sign shall be removed upon the earlier of the following:

   a. Installation of a permanent neighborhood identification sign;
   b. Sale of more than ninety percent (90%) of the lots in the subdivision; or
   c. A period of two (2) years from the date of installation.

E. PERMANENT ENTRANCE SIGNS

1. Permanent neighborhood, multi-family or mobile home park monument signs, either illuminated or non-illuminated, are allowed. Such signs may
include a masonry wall, landscaping or other similar materials or features. Such signs shall only be located at the principal entrance(s) to the neighborhood from a street classified on the comprehensive plan as an arterial or collector street. There shall be a maximum total sign area of fifty (50) square feet which may be used in a single sign or may be divided between a maximum of two (2) signs located on opposite sides of the same entrance. Such sign(s) shall not exceed six (6) feet in height.

F. INSTITUTIONAL SIGNS

1. Any school, house of worship, recreation center or other institutional use permitted in the zoning district may have one detached sign, not to exceed forty (40) square feet in area. This may include changeable copy signs, not to exceed thirty percent (30%) of the sign area. Such signs may be illuminated.

2. Each such use shall also be allowed one wall sign for each public entrance to a building; such wall signs shall not exceed four (4) square feet each and shall not be illuminated.

G. TRAFFIC CONTROL SIGNS

1. Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.

SECTION 14.10 SIGNS ALLOWED IN GENERAL BUSINESS AND COMMERCIAL DISTRICTS

A. WINDOW AND WALL SIGNS
1. **NC Zone**

   a. Window and permanent wall signs are allowed for nonresidential uses in these districts, subject to the following limits. No wall sign shall extend above the top of the wall of the building, including parapets and architectural extensions.

<table>
<thead>
<tr>
<th></th>
<th>Window</th>
<th>Wall</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum size</td>
<td>25 percent of window area on that building wall</td>
<td>See total</td>
<td>Two (2) square feet of sign area per lineal foot of building width on the side of building on which sign is located</td>
</tr>
<tr>
<td>Maximum number</td>
<td>Area limit only</td>
<td>One per building street frontage</td>
<td>N/A</td>
</tr>
<tr>
<td>Permitted illumination</td>
<td>No separate illumination</td>
<td>Illumination from a concealed source only</td>
<td>N/A</td>
</tr>
<tr>
<td>Changeable copy</td>
<td>Not allowed</td>
<td>Not allowed</td>
<td>N/A</td>
</tr>
</tbody>
</table>

B. **POLE OR GROUND SIGNS**

1. **NC Zone**

   a. Pole or principal ground signs are allowed in these zoning districts subject to the following limitations.

<table>
<thead>
<tr>
<th></th>
<th>Principal</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum number</td>
<td>One per street frontage</td>
<td>One per vehicle entrance in NSC district; not allowed in NC district</td>
</tr>
<tr>
<td>Maximum size</td>
<td>25 square feet</td>
<td>Six square feet</td>
</tr>
<tr>
<td>Maximum height</td>
<td>20 feet</td>
<td>4 feet</td>
</tr>
<tr>
<td>Minimum setback from nearest right-of-way</td>
<td>5 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>Minimum setback, other</td>
<td>Five feet from any other property line; 50 feet from nearest single-family residential district</td>
<td>Five feet from any other property line; 15 feet from nearest single-family residential district</td>
</tr>
<tr>
<td>Permitted illumination</td>
<td>Concealed source only</td>
<td>Concealed source only</td>
</tr>
<tr>
<td>Changeable copy</td>
<td>Not allowed</td>
<td>Not allowed</td>
</tr>
</tbody>
</table>

C. **WALL SIGNS NOT LEGIBLE FROM THE RIGHT-OF-WAY**

1. For any building containing three or more uses of any type sharing a
common entrance or hallway, one additional wall sign shall be allowed at each public entrance providing access to such uses. Such sign shall bear no commercial message related to activities, goods or services not offered on the premises. The sign shall not be legible from the public right-of-way. The sign shall not be more than four square feet in area. The purpose of this section is to allow for directory signs, listing tenants or occupants, but the sign may bear any message other than a commercial message not related to commercial activities on the premises.

D. INSTITUTIONAL SIGNS

1. Any school, house of worship, recreation center or other institutional use permitted in the zoning district may have one detached sign, not to exceed forty (40) square feet in area. This may include changeable copy signs, not to exceed thirty percent (30%) of the sign area. Such signs may be illuminated.

2. Each such use shall also be allowed one wall sign for each public entrance to a building; such wall signs shall not exceed four (4) square feet each and shall not be illuminated.

E. INCIDENTAL SIGNS

1. Additional detached signs, permanent or temporary, of not more than two (2) square feet in area and four (4) feet in height are allowed, provided that such signs contain no commercial message and are not illuminated. The intent of this regulation is to provide for signs that provide messages like “no parking”, “no dumping”, “beware of dog”, “rest rooms’, but such signs may bear any message that is not a commercial message.

F. TRAFFIC CONTROL SIGNS

1. Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.
SECTION 14.11 SIGNS ALLOWED IN INDUSTRIAL DISTRICTS (IP and I-4 Zones)

A. WALL SIGNS

1. Permanent wall signs are allowed for nonresidential uses in these districts, subject to the following limits. No wall sign shall extend above the top of the wall of the building, including parapets and architectural extensions.

<table>
<thead>
<tr>
<th></th>
<th>Window</th>
<th>Wall</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum size</td>
<td>Not allowed</td>
<td>Two (2) square feet of sign area per lineal foot of building width on the side of building on which sign is located</td>
<td>Two (2) square feet of sign area per lineal foot of building width on the side of building on which sign is located</td>
</tr>
<tr>
<td>Maximum number</td>
<td>Not allowed</td>
<td>One per street frontage</td>
<td>N/A</td>
</tr>
<tr>
<td>Permitted illumination</td>
<td>Not allowed</td>
<td>Illumination from a concealed source only</td>
<td>N/A</td>
</tr>
<tr>
<td>Changeable copy</td>
<td>Not allowed</td>
<td>Not allowed</td>
<td>N/A</td>
</tr>
</tbody>
</table>

B. POLE OR PRINCIPAL GROUND SIGNS

1. Pole or principal ground signs are allowed in these zoning districts subject to the following limitations.

<table>
<thead>
<tr>
<th></th>
<th>Principal</th>
<th>Directory</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum number</td>
<td>One per street frontage</td>
<td>One per vehicle entrance and one per public entrance per building</td>
</tr>
<tr>
<td>Maximum size</td>
<td>IP: 40 square feet I-4: 80 square feet</td>
<td>Six square feet</td>
</tr>
<tr>
<td>Maximum height</td>
<td>IP: 10 feet I-4: 20 feet</td>
<td>Six feet</td>
</tr>
<tr>
<td>Minimum setback from nearest right-of-way</td>
<td>15 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>Minimum setback, other</td>
<td>20 feet from any other property line; 100 feet from nearest single-family residential district</td>
<td>20 feet from any other property line; 50 feet from nearest single-family residential district</td>
</tr>
<tr>
<td>Permitted illumination</td>
<td>Concealed source only</td>
<td>Concealed source only</td>
</tr>
<tr>
<td>Changeable copy</td>
<td>Automatic allowed; may cover up to 25 percent of sign face allowed</td>
<td>Not allowed</td>
</tr>
</tbody>
</table>
C. DETACHED SIGNS NOT LEGIBLE FROM THE RIGHT-OF-WAY

1. To improve wayfinding on multi-user sites, the following detached signs are allowed in addition to those allowed under subsection B of this Section. One detached sign not legible from the right-of-way, not exceeding twenty (20) square feet in area and not exceeding six feet in height shall be allowed for each four separate nonresidential uses or per vehicle entrance, whichever is less. One additional such sign shall be allowed for each two drive-through lanes. Such sign shall be set back from the public right-of-way a minimum of fifty (50) feet, from any other property line a minimum of thirty (30) feet, and from a residential zoning district a minimum of fifty (50) feet. Such sign shall not contain changeable copy and the sign may be internally illuminated or externally illuminated from an exposed or concealed source.

D. INCIDENTAL SIGNS

1. Additional detached signs, permanent or temporary, of not more than two (2) square feet in area and four (4) feet in height are allowed, provided that such signs contain no commercial message and are not illuminated. The intent of this regulation is to provide for signs that provide messages like “no parking”, “no dumping”, “beware of dog”, “rest rooms”, but such signs may bear any message that is not a commercial message.

E. INSTITUTIONAL SIGNS

1. Any school, house of worship, recreation center or other institutional use permitted in the zoning district may have one detached sign, not to exceed forty (40) square feet in area. This may include changeable copy signs, not to exceed thirty percent (30%) of the sign area. Such signs may be illuminated.
2. Each such use shall also be allowed one wall sign for each public entrance to a building; such wall signs shall not exceed four (4) square feet each and shall not be illuminated.

F. TRAFFIC CONTROL SIGNS

1. Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.

SECTION 14.12 MASTER SIGNAGE PLANS

A. PURPOSE AND INTENT

1. It is the purpose of the City of Bromley to require owners, lessees and managers of sites containing multiple signs requiring permits to plan and design signs that are compatible with the buildings on the site, thus enhancing the appearance of the site and of the streetscape that includes it. This Section spells out specific criteria for review for compliance with the section, but the City of Bromley recognizes that the consideration of issues of design necessarily requires some exercise of judgment, within the specific criteria set out in this Section. Although the City of Bromley has provided a remedy of appeal for an applicant aggrieved by an action on a proposed master signage plan, it is the intent of the City of Bromley that the primary remedy for such an applicant is the erection and installation of all of the signs allowed by right, under other sections of this Article. It is thus the intent of the City of Bromley, that, to the extent that it can guide the scope of review of a court considering an appeal, a court considering an appeal under this Section reverse or remand the decision of the Zoning Administrator only if it finds that such action is arbitrary and capricious.

B. APPLICABILITY

1. The owner of any site that includes more than one tenant or occupant shall apply for approval of a Master Signage Plan before applying for a sign permit for any detached sign.

C. PROCEDURE

1. The submittal of a Master Signage Plan shall be considered a Stage II Development Plan.
2. The owner(s) shall apply to the planning commission’s duly authorized representative.
3. Where an application for approval of a Master Signage Plan is submitted simultaneously or as part of another Stage II Development Plan, the two shall be processed together. Where an application includes properties not under common ownership, all property owners shall sign the application or shall submit documents granting the applicant the authority to process such an application.

4. The planning commission’s duly authorized representative shall review the submitted Stage II Development Plan with regard to its compliance with the required elements of this Section, for Master Signage Plans, other applicable elements of this Article, and other applicable regulations, and its conformity with any approved Stage I Development Plan for the property. In approving the Master Signage Plan, the planning commission’s duly authorized representative may authorize minor adjustments from the Stage I Development Plan.

5. If a Master Signage Plan application is denied, the applicant may submit a new application with a revised plan at any time.

6. Any person aggrieved by the action of the planning commission’s duly authorized representative on a Master Signage Plan may appeal the decision by filing an application with the Planning Commission.

D. APPLICATION CONTENTS

1. The application for approval of a Master Signage Plan shall contain at least the following information. Where the application is submitted simultaneously with an application for a Stage II Development Plan approval, the Master Signage Plan may refer to portions of the Stage II Development Plan application or approved Stage I Development Plan for related requirements:

   a. If the site has not been improved, all information required by Section 9.19 for a Stage II Development Plan;
   b. If the site has been improved, as-built conditions, showing all buildings and other improvements and all parking areas and vehicle entrances;
   c. A proposed design plan showing signage design at a scale of ½” = 1 ft.
   d. Computation of the maximum area for all signs, the height of signs and the number of detached signs allowed on the development site(s) included in the plan under this Article, including incentives authorized below;
   e. For properties with multiple tenants or multiple occupants entitled to signs, an allocation of the allowed signage among the eligible tenants or users;
   f. An accurate indication on the plot plan of the current or proposed location of each present and future sign of any type, whether
requiring a permit or not, except that signs not requiring permits need not be shown;
g. The color schemes and design features (excluding specific messages) for proposed signs; and
h. The signatures of all owners or their authorized agents in such form as the legislative body may require.

E. AMENDMENTS

1. A Master Signage Plan may be amended by filing a new Master Signage Plan that conforms to all requirements of this Section in effect at the time of submittal.

F. PROVISIONS FOR NONCONFORMING SIGNS

1. A Master Signage Plan for a property already containing signs on the date of submission of the application shall include a schedule for bringing all signs on the development site into conformance with the Master Signage Plan by a specified date. The conformance schedule included in such Master Signage Plan shall be considered a condition of approval of the Master Signage Plan.

G. CRITERIA FOR APPROVAL

1. A Master Signage Plan shall be approved if and only if the planning commission’s duly authorized representative finds that the proposed plan meets all of the standards set out in this Article. If the planning commission’s duly authorized representative finds that the proposed plan substantially meets such standards, it may approve the proposed plan subject to conditions that will cause it to meet these standards. Otherwise, the planning commission’s duly authorized representative shall deny the application for plan approval:
   a. Each proposed sign conforms with all applicable standards of this Article;
   b. The total amount of signage proposed for any building, wall, site, or portion of a site, conforms with all applicable standards of this Article;
   c. The proposed plan contains all of the information required by subsection D of this Section
   d. The proposed allocation of allowed signage among eligible tenants, which shall be proportional to one of or a combination of the following criteria:
Article XIV   Sign Regulations

(1) The number of public entrances to space leased to or controlled by each tenant or occupant;
(2) The linear feet of frontage of the space leased to or controlled by each tenant or occupant along the wall(s) containing public entrances; and/or
(3) The façade area of the building elevation(s) containing the public entrances to the spaces leased to or controlled by each tenant or occupant.

e. All proposed signs shall be part of a common design scheme, meeting at least the following criteria:

(1) The materials and design of all wall signs shall follow one design scheme;
(2) The materials and design of freestanding signs bearing commercial messages shall follow one design scheme, which may or may not be the same as the design scheme for wall signs;
(3) Each design scheme shall require consistency among signs for at least three of the following criteria: lighting design; color schemes; materials; shape; proportion; and/or type faces;
(4) If the design schemes for the wall signs and freestanding signs are different, they shall have in common at least two of the following criteria: lighting design; color schemes; materials; proportion; and
(5) The design scheme for freestanding signs shall use building materials, colors and, where applicable, architectural design features consistent with the materials, colors and architectural design features of the principal building on the site.

H. EFFECT

1. After approval of a Master Signage Plan, no permit shall be issued for a sign on the site(s) subject to the Master Signage Plan except in accordance with such plan, and no sign shall be erected, placed, painted, or maintained, except in accordance with such plan, and such plan may be enforced in the same way as any provision of this Article. In case of any conflict between a provision of a Master Signage Plan and one or more provisions of this Article, this Article shall prevail.

I. SPECIAL SEVERABILITY PROVISIONS
1. The severability provisions of Section 14.16. A., 11., are limited by this subsection. If any procedural aspect of this Section is found by a court of competent jurisdiction to be unconstitutional, it is the intent of the City of Bromley that this entire Section, but only this Section, should be stricken as unconstitutional, but that any plans previously approved under it should remain in effect, allowing the signs shown on such plans as lawful nonconforming signs, regardless of whether such signs have been erected on the date of such decision. If any substantive part of the standards and criteria for approval of this Section is found by a court of competent jurisdiction to be unconstitutional it is the intent of the City of Bromley that such part be stricken and that the rest of this Section remain in full force and effect, in accordance with the principles set out in more detail in Section 14.16, A., 11.

SECTION 14.13 PERMIT REQUIREMENTS AND PROCEDURES

A. Unless a particular sign is exempt from the permit requirement under an explicit provision of this Article or other applicable law, then a permit for such sign is required.

1. WHEN REQUIRED

   a. Replacements

      (1) If any sign is removed and any new sign is erected in its place, a permit shall be obtained the same as if a new sign were erected at a new location, subject to all requirements enumerated herein.

   b. Maintenance

      (1) If any sign is removed for maintenance and replaced on the same supports, a new permit will not be deemed necessary if the size or type of sign is not changed.

   c. Relocation of Signs

      (1) If any sign is removed from one location and erected at a new location, a new permit shall be obtained.

   d. Alteration

      (1) Alteration or enlargement of any sign shall require a permit the same as for a new sign. Any change in technology for a sign shall be considered an alteration; this shall expressly
apply but not be limited to the conversion of a sign to changeable copy technology of any type.

2. APPLICATION

a. No permit shall be granted until and after an application has been filed with the designated administrative official, showing the plans and specifications, including application fees, dimensions, materials, and details of construction of the proposed structure and meeting all provisions of this Article.

3. APPLICATION FORM

a. The Zoning Administrator shall prepare and provide a form to be used as an application for a sign permit. The same form may constitute a permit, when duly approved. Multiple signs may be listed on a single permit only when they are all on the same lot or parcel, or are part of a single, comprehensive development.

4. INFORMATION ON APPLICATION

a. The sign application form shall include the following information:

   (1) Name and contact information for the applicant, and if separate, the name, address and consent of the property owner;
   (2) Street address and Property Identification Number (PIDN) of the site;
   (3) Accurate site plan to scale describing the design, dimensions, proposed placement, structural and electrical characteristics and appearance of the sign(s), including the location of existing buildings, signs and other structures on the same site as the proposed sign(s);
   (4) If the plans and drawings require an engineer’s or architect’s seal, signature or certificate, such shall show current Kentucky registration or licensure;
   (5) Any signs or other structures to be removed or relocated;
   (6) Dimensions and heights of all existing and proposed sign(s);
   (7) Information regarding electrification, trenching, demolition, plumbing, temporary street closure, or encroachment into the public right of way;
   (8) Any known uncorrected violations of zoning laws on the site;
   (9) Name, address and any licensing/bonding information for any sign contractors;
(10) Technical drawings, specifications, structural safety
calculations for the sign structure;

(11) An expressed representation that the sign will not be used
for the display of offsite commercial messages;

(12) The graphic design or proposed message of the sign is
optional with the applicant;

(13) If the sign is subject to any of the safety codes (building,
electrical, etc.), then all information required to determine
compliance with such codes or to satisfy the requirements of
such codes;

(14) The length of each occupant’s/tenant’s lineal wall frontage;

(15) Workers’ compensation and liability documents and
occupational licenses for all contractor’s.

5. INITIAL REVIEW

a. Unless a given sign is exempt from the permit requirement, all sign
permit applications shall be reviewed by the Zoning Administrator,
and approved or denied on the basis of whether the proposed sign
satisfies all requirements of this Article, and all other applicable
laws, rules and regulations. If it does, then the permit shall be
issued. If it does not, then the denial notice shall specify the point(s)
of noncompliance. Decisions on sign permit applications shall be
made in writing by the Zoning Administrator, and are subject to the
appeal procedures provided herein. When applicable, permits
under building and electrical codes then in effect are also required;
sign permits may be approved subject to compliance with building
and electrical code requirements.

6. COMPLETENESS

a. Initial review of an application will be for the purpose of determining
if the application is complete. If the application is found incomplete,
written notice of the finding of incompleteness will be given to the
applicant within fifteen working days of submission, detailing the
points of incompleteness. Notice is deemed effective when mailed
or personally delivered. After notice of incompleteness, the
applicant shall have thirty calendar days in which to resubmit the
application, with all noted items of incompleteness cured. If the
application is resubmitted within that time, no additional fee shall be
required, and the application, if complete, shall then be processed
in accordance with this Section. If no notice of incompleteness is
timely provided, the application shall be deemed complete as of the
last day on which the notice of incompleteness could have been
given.
7. **TIME FOR DECISION**

   a. The Zoning Administrator shall render a decision on each complete sign permit application within five working days of when the application was complete.

8. **NONCOMPLIANCE WITH PERMIT**

   a. All signs shall conform to the requirements of the permit, and all other applicable laws. Any sign not erected or constructed as represented on the application upon which the permit was issued shall not be construed as a hardship case, but shall be construed as a misrepresentation of facts on the application and a violation of this Article. Any noncomplying sign which is not removed or corrected within the required time shall be a deemed public nuisances and a violation of the zoning ordinance, and may be abated in the same manner as any public nuisance or zoning ordinance violation.

**SECTION 14.14 APPEALS**

A. Decisions on sign permit applications, as well as directives, orders, notices and all other sign-related decisions of the Zoning Administrator may be appealed to the Board of Adjustment.

1. **INITIATION OF APPEAL**

   a. An appeal under this Article may be initiated by following the procedures set forth in KRS §100.261, within the time allowed by that section.

2. **HEARING ON APPEAL**

   a. Within 60 working days of timely receipt of a notice of appeal, the Board of Adjustment shall hear the appeal in an open, public, duly noticed hearing. The appellant and all other persons wishing to be heard shall be allowed to present evidence and argument. The Board will base its decision on the law and the evidence presented at the hearing. The Board will issue a written decision within 30 calendar days of the hearing, and the written decision shall state the decision and the facts and law supporting the decision.

3. **WAIVER OF TIME**
a. Any of the timeliness requirements of this Section may be waived by the appellant.

4. JUDICIAL REVIEW

a. The decision of the Board of Adjustment is final. Further review may be had in Kenton County Circuit Court, pursuant to the Kentucky law of civil procedure.

5. STATUS PENDING APPEAL

a. While any sign related matter is on appeal, the status quo of the subject sign(s) shall be maintained, except when, by virtue of physical condition, the sign poses an immediate threat to the public health, safety and welfare, in which case the threat may be abated in the same manner as any other immediate threat to the public health, safety and welfare.

SECTION 14.15 DEFINITIONS AND MEASUREMENTS

A. MEASUREMENTS

1. Area of Signs Other than Wall Signs

a. The gross surface area of a sign, except wall signs, is the entire area contained within a single continuous perimeter enclosing the extreme limits of such sign. For detached signs composed of more than one sign cabinet or module, the gross surface area shall include the sum of the area in each cabinet or module only. If a sign has more than one face, the gross surface area shall be equal to the maximum area of the sign face or faces visible from any ground position along any public right-of-way at any one time.
b. The perimeter of a sign will not include lighting fixtures, pole covers, landscaping, framing, decorative roofing, moldings or aprons or other architectural or decorative embellishments, provided they contain no written copy, logos or symbols.

2. Area of Wall Signs
   a. The gross surface area of a wall sign is the entire area contained within a single continuous perimeter composed of any straight line geometric figure(s) which encloses the extreme limits of the advertising message(s). If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, color or embellishment, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined area of the individual figures shall be considered the total sign area.

3. Computation of Area of Multifaced Signs
a. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.

4. Measurement of Height of Sign

   a. Sign height shall be measured from the elevation at the base of the
Article XIV   Sign Regulations

Bromley Zoning Ordinance   November 2008   PDS

sign to the highest point of the highest element of the sign, excluding any incidental structural element, such as an uplift cable for a projecting sign. Where the sign is located on a mound or berm, the average elevation of the land 20 feet to each side of the sign shall be used as a basis for measuring height.

SECTION 14.16   POLICIES AND RULES OF CONSTRUCTION

A. This Article shall be administered, enforced and construed in accordance with the following policies.

1. DISCRETIONARY REVIEW

a. When one or more signs are part of a project or development, or a variance, conditional use permit, exception or special use permit is sought for sign(s), which requires discretionary review, then the sign shall be reviewed without regard to the graphic design or visual image on the display face of the sign, and discretion shall be restricted to structural, location and other non-communicative
aspects of the sign. This provision does not override the billboard policy.

2. MESSAGE NEUTRALITY
   a. It is the City of Bromley policy to regulate signs in a constitutional manner.

3. REGULATIONS ON OFF-SITE MESSAGES
   a. This Article distinguishes in some cases between commercial messages that relate to products or services not offered at the location of the sign (“off-site commercial messages”). The purpose of that distinction is to acknowledge the need of businesses for identification and notice of their businesses at a business location while limiting the proliferation of commercial messages generally. There is no intent to limit noncommercial messages in any way with this distinction.

4. BILLBOARD POLICY
   a. New billboards, as defined herein, are prohibited. The City of Bromley completely prohibits the construction, erection or use of any billboards, other than those which legally exist within the regulatory zoning jurisdiction of the City of Bromley, or for which a valid permit has been issued and has not expired, as of the date on which this provision is first adopted. No permit shall be issued for any billboard which violates this policy, and the City of Bromley will take immediate enforcement or abatement action against any billboard constructed or maintained in violation of this policy. In adopting this provision, the City of Bromley affirmatively declares that it would have adopted this billboard policy even if it were the only provision in this Article. The City of Bromley intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this Article may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable.

5. MESSAGE SUBSTITUTION
   a. Subject to the property owner’s consent, a noncommercial message of any type may be substituted in whole or in part for the message displayed on any sign for which the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional
approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. In addition, any on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message, provided that the sign structure or mounting device is legal without consideration of message content. This provision does not create a right to increase the total amount of signage on a parcel, lot or land use; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its mounting device; and does not allow the substitution of an off-site commercial message in place of an on-site commercial message or a noncommercial message.

6. REGULATORY INTERPRETATIONS
   a. All regulatory interpretations of this Article are to be exercised in light of the City of Bromley message neutrality and message substitution policies. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this Article, or whenever a sign does not qualify as a “structure” as defined in the building code then in effect, then the Zoning Administrator shall approve, conditionally approve or disapprove the application based on the most similar sign type that is expressly regulated by this Article, in light of the policies stated in this Section.

7. NONCOMMUNICATIVE ASPECTS
   a. All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process.

8. MIXED USE ZONES AND OVERLAY ZONES
   a. In any zone where both residential and non residential uses are allowed, the sign-related rights and responsibilities applicable to any particular parcel or land use shall be determined as follows: (1) if specific sign regulations are provided in the zoning district, those regulations shall be applied; or (2) if no sign regulations are provided in the zoning district, residential uses shall be treated as if they were located in a zone where a use of that type would be allowed as a matter of right, and nonresidential uses shall be
treated as if they were located in a zone where that particular use would be allowed, either as a matter of right or subject to a conditional use permit or similar discretionary process.

9. PROPERTY OWNER’S CONSENT

a. No sign may be displayed without the consent of the legal owner(s) of the property on which the sign is mounted or displayed. For purposes of this policy, “owner” means the holder of the legal title to the property and all parties and persons holding a present right to possession, control or use of the property. The signature of the property owner or authorized agent will be required on all applications for sign permits.

10. LEGAL NATURE OF SIGN RIGHTS

a. As to all signs attached to real property, the signage rights, duties and obligations arising from this Article attach to and travel with the land or other property on which a sign is mounted or displayed. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this Article or other law), or the ownership of sign structures. This provision does not apply to hand held signs or other images which are aspects of personal appearance.

11. SEVERABILITY

a. Generally

(1) If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article, except as limited by Section 14.16, A., 11., b.

b. Severability Where Less Speech Results

(1) Without diminishing or limiting in any way the declaration of severability set forth above in subsection A of this Section or elsewhere in this Article or this Code, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article is declared
unconstitutional, such declaration shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise additional standards.

c. Severability of Provisions Pertaining to Prohibited Signs

(1) Without diminishing or limiting in any way the declaration of severability set forth above in subsection A of this Section, or elsewhere in this Article or in this Code, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article or any other laws declared unconstitutional by valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article that pertains to prohibited signs, including specifically those signs and sign types prohibited and not allowed under Section 14.5 of this Article. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article or of any part of the Zoning Ordinance is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article, except as expressly provided in Section 14.16, A., 11., b.

d. Severability of Prohibition on Off-premise Signs

(1) If any part section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article and/or an other provisions of this Article or other provisions of Zoning Ordinance or this Code are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the limitations on off-premise signs as contained herein.
ARTICLE XV

PERFORMANCE STANDARDS FOR INDUSTRIAL ZONES

SECTION 15.0 APPLICATION OF PERFORMANCE STANDARDS: After the effective date of this ordinance, any use established or changed to, and any building, structure, or tract of land, developed, constructed, or used for any permitted or permissible principal or accessory use in the IP, I-1, I-2, or I-4 Zones shall comply with all of the performance standards herein set forth for the district involved. If any existing use, or building, or other structure is extended, enlarged, or reconstructed, the performance standards for the district involved shall apply with respect to such extended, enlarged, or reconstructed portion, or portions, of such use, or building, or other structure.

SECTION 15.1 TIME SCHEDULE FOR COMPLIANCE OF PERFORMANCE STANDARDS: Except for standards regulated and enforced by the state of Kentucky, compliance with the provisions of this article of the ordinance shall be according to the following time schedule:

A. All new installations shall comply as of going into operation.

B. All existing installations not in compliance, as of the effective date of this ordinance, shall be in compliance within one (1) calendar year of the effective date of this ordinance, unless the owner or person responsible for the operation of the installation shall have submitted to the zoning administrator a program and schedule for achieving compliance. Such program and schedule to contain a date on or before which full compliance will be attained and such other information as the zoning administrator may require. If approved by the zoning administrator, such date will be the date on which the person shall comply.

The planning commission may require persons submitting such program to submit subsequent periodic reports on progress in achieving compliance.

SECTION 15.2 EFFECTS OF CONCURRENT OPERATIONS: The sum total of the effects of concurrent operations on two or more lots should not be greater or more offensive to the senses than the standards contained herein. Compliance with the provision of these performance standards by single or mutual changes in operational levels, scheduling of operations, and other adjustments is permitted.

A. BUILDING ENCLOSURES: Every use permitted in the IP industrial district shall be operated in its entirety within a completely enclosed building. In the I-1, I-2, and I-4 industrial districts, permitted uses shall be operated either within a
completely enclosed building or within an area enclosed on all sides by a solid noncombustible fence or wall, as regulated by Article XIV of this ordinance, provided further, that no goods, material, or objects shall be stacked higher than the fence or wall.

B. LANDSCAPING: In the IP, I-1, I-2, or I-4 industrial districts, all required yards shall either be open landscaped and grassed areas or be left in a natural state, if acceptable to the planning commission. If said area is to be landscaped, it shall be landscaped attractively with lawn, trees, shrubs, etc., according to the initially submitted plans which were first approved of for the development of such tract as a permitted use.

In areas to be used for off-street parking, the parking arrangement and surfacing must likewise have been approved of for the development of such tract as a permitted use. Any landscaped areas shall be properly maintained thereafter in a sightly and well kept condition. Parking areas shall likewise be maintained in good condition. Any areas left in a natural state shall be properly maintained in a well kept condition.

C. NOISE: For the purpose of measuring the intensity and frequencies of a sound, a sound level meter and an octave band analyzer shall be employed that conforms to specifications published by the American National Standards Institute (specifications for Sound Level Meters S1.4 - 1971, or the latest edition of such standards, shall be used). In the enforcement of the regulation, noises produced by the operation of motor vehicles or other transportation facilities shall not be included in determining the maximum permitted decibel level. In the IP District, the sound pressure of noise radiated continuously from any activity shall not exceed the value given in Tables 1 and 2 of this section, in any octave band frequency at any point on or beyond any lot line. If the noise is not smooth and continuous, one or more of the corrections in Table 2 of this section shall be added or subtracted from each of the decibel levels given in Table 1 of this ordinance.

In the I-1 and I-4 District, the sound pressure of noise radiated from any activity shall not exceed the value given in Table 3 of this section in any octave band frequency at any point on or beyond any lot line. If the IP, I-1, or I-4 District adjoins a residential district, the maximum sound pressure level at any point on the district boundary shall be reduced by six (6) decibels from the maximum listed in Table 3.

In the I-2 District, the sound pressure of noise radiated from any activity shall not exceed the value given in Table 3 of this section in any octave band frequency at any point on or beyond the nearest district boundary. If an I-2 District adjoins a
residential district, the maximum sound pressure shall be reduced by six (6) decibels from the maximum listed in Table 3 of this section.

In the IP, I-1, I-2, and I-4 Districts, industrial noise shall be muffled so as not to become objectionable due to intermittence, beat, frequency, or shrillness.

D. ODOROUS MATTER: No emission of odorous matter shall be allowed in excess of ambient air quality standards, as set forth by regulations adopted by the Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution, Cincinnati Air Quality Region.

E. HUMIDITY, HEAT OR GLARE: In the IP or I-1, or I-4 districts, any activity producing humidity, in the form of steam or moist air, or producing heat or glare, shall be carried on in such a manner that the steam, humidity, heat, or glare is not perceptible at any lot line. In the I-2 District, any activity producing heat or glare shall be carried on in such a manner that the steam, humidity, heat, or glare is not perceptible at or beyond any residential or commercial district boundary. Detailed plans for the elimination of humidity, heat, or glare may be required before the issuance of a building permit.

F. EXTERIOR LIGHTING: Any lights used for exterior illumination, except for overhead street lighting and warning, or traffic signals shall direct light away from the adjoining zones in the IP, I-1, I-2, and I-4 Districts.

G. VIBRATION: Vibrations shall be measured at the lot line in the I-P, I-1, and I-4 districts and at the nearest district boundary in the I-2 District. No vibration is permitted which is discernible to the human sense of feeling for three (3) minutes or more duration in any one (1) hour. Vibration shall not produce, at any time, an acceleration of more than 0.1 gravities or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, United States Bureau of Mines, Bulletin No. 442, "Seismic Efforts of Quarry Blasting", on any structure. The methods and equations of said Bulletin No. 442, or any subsequent revision or amendment thereto, shall be used to compute all values for the enforcement of these provisions. Detailed plans for the elimination of vibrations may be required before the issuance of any building permit.

H. EMISSIONS AND OPEN BURNING: No emission of particulate matter, sulfur, compound, carbon monoxide, hydrocarbon, nitrogen oxide, and open burning shall be allowed in all industrial zones in excess of regulations adopted by the Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution, Cincinnati Air Quality Region.
I. RADIATION: In the IP, I-1, I-2, and I-4 zones, all sources of ionizing radiation shall be registered or licensed by the Kentucky State Department of Health and operated in accordance with their regulations.

J. ELECTRICAL RADIATION: In the IP, I-1, I-2, and I-4 zones, any electrical radiation shall not adversely affect, at any point on or beyond the lot line, any operation or equipment, other than those of the creation of the radiation. Avoidance of adverse effects from electrical radiation by appropriate single or mutual scheduling of operations is permitted.

K. STORAGE: In the IP Zone, no material, products, or supplies shall be stored or permitted to remain on any part of the property outside the buildings constructed thereon. In the I-1, I-2, and I-4 Zones, storage of materials, supplies, and products on the property outside the building, constructed thereon is permitted at the rear of the property providing that the storage of materials, supplies, and products are within an area enclosed on all sides by a solid noncombustible fence or wall at least six (6) feet in height, provided further that no goods, materials, or objects shall be stacked higher than the fence or wall.

L. FIRE AND EXPLOSIVE HAZARDS: In the I-2 zone only, storage, utilization, or manufacture of solid materials which requires free burning and intense burning may be allowed if permitted in said zones, provided that said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible walls and protected throughout by an automatic fire extinguishing system. In the I-2 zone only, the storage, utilization, or manufacture of flammable liquids, or materials which produce flammable or explosive vapors or gases, may be allowed if permitted in said zones, provided that storage, handling, and use shall be in accordance with Standards of American Insurance Association for Storage, Handling, and Use of Flammable Liquids, “American Insurance Association”, Pamphlet No. 30, June 1959, or any subsequent revision or amendment thereto.

M. WASTE: Within the IP, I-1, I-2, and I-4 zones, no waste material or refuse shall be dumped upon, or permitted to remain upon, any part of the part of the property outside of the buildings constructed thereon. All sewage and industrial waste shall be treated and disposed of in such a manner so as to comply with the standards of the appropriate authority. All plans for waste disposal facilities shall be required before the issuance of any building permit.

N. MINING AND RECLAMATION: All methods of operation, construction of roads, back-filling, grading, blasting, water impoundments, treatment facilities, and reclamation must be in conformance with the regulations adopted by the
Department for Natural Resources and Environmental Protection, Division of Reclamation. Any excavation or processing operations shall be subject to the regulations of the Kentucky Water Pollution Control Commission.

O. BLASTING AND EXPLOSIVES: All blasting and the use of explosives must be conducted in accordance with the regulations set forth by the Department of Mines and Minerals, Division of Explosives and Blasting (pursuant to the authority of KRS 351.310 to 351.340 and 351.990) and in accordance with the Standards of Safety for Explosives, for the state of Kentucky, prepared by the Department of Public Safety, Division of Fire Prevention (pursuant to the authority of KRS 227.300).
### TABLE 1

**MAXIMUM PERMISSIBLE SOUND PRESSURE LEVEL (DECIBELS) AT SPECIFIED POINTS OF MEASUREMENT FOR NOISE RADIATED CONTINUOUSLY FROM A FACILITY**

<table>
<thead>
<tr>
<th>OCTAVE BAND (CYCLES PER SECOND)</th>
<th>SOUND PRESSURE LEVEL (DECIBELS*)</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 - 75</td>
<td>69</td>
</tr>
<tr>
<td>75 - 150</td>
<td>54</td>
</tr>
<tr>
<td>150 - 300</td>
<td>47</td>
</tr>
<tr>
<td>300 - 600</td>
<td>41</td>
</tr>
<tr>
<td>600 - 1,200</td>
<td>37</td>
</tr>
<tr>
<td>1,200 - 2,400</td>
<td>34</td>
</tr>
<tr>
<td>2,400 - 4,800</td>
<td>31</td>
</tr>
<tr>
<td>4,800 - 10,000</td>
<td>28</td>
</tr>
<tr>
<td>10,000 - 20,000</td>
<td>26**</td>
</tr>
<tr>
<td>20,000 - 30,000</td>
<td>25**</td>
</tr>
<tr>
<td>30,000 - 40,000</td>
<td>24**</td>
</tr>
<tr>
<td>40,000 - 50,000</td>
<td>23**</td>
</tr>
</tbody>
</table>

* According to the following formula, Sound Pressure Level in Decibels equals
  \[
  10 \log \left( \frac{P_2}{P_1} \right)
  \]
  where \(P_2 = 0.0002 \text{ dynes/cm}^2\)

** To avoid possible interference with animal experiments
TABLE 2 CORRECTION IN MAXIMUM PERMITTED SOUND PRESSURE LEVEL IN DECIBELS TO BE APPLIED TO TABLE 1

<table>
<thead>
<tr>
<th>TYPE OF OPERATION OF CHARACTER OF NOISE</th>
<th>CORRECTION IN DECIBELS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noise source operates less than twenty (20) percent of any one hour period</td>
<td>plus 5*</td>
</tr>
<tr>
<td>Noise source operates less than five (5) percent of any one hour period</td>
<td>plus 10*</td>
</tr>
<tr>
<td>Noise source operates less than one (1) percent of any one hour period</td>
<td>plus 15*</td>
</tr>
<tr>
<td>Noise of impulse character (hammering, etc.)</td>
<td>minus 5</td>
</tr>
<tr>
<td>Noise of periodic character (hum, screech, etc.)</td>
<td>minus 5</td>
</tr>
</tbody>
</table>

* Apply one of these corrections only
TABLE 3 MAXIMUM PERMITTED SOUND PRESSURE LEVEL IN DECIBELS

<table>
<thead>
<tr>
<th>OCTAVE BAND (CYCLES PER SECOND)</th>
<th>SOUND PRESSURE LEVEL (DECIBELS*)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 74</td>
<td>79</td>
</tr>
<tr>
<td>75 - 149</td>
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<td>150 - 299</td>
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<td>300 - 599</td>
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<td>600 - 1,199</td>
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<td>1,200 - 2,399</td>
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<td>2,400 - 4,799</td>
<td>41</td>
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<td>4,800 and over</td>
<td>39</td>
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* According to the following formula, Sound Pressure Level in Decibels equals

\[
10 \log \left( \frac{P2}{P1} \right)
\]

where \(P2 = 0.0002 \text{ dynes/cm}^2\) and \(P1/P2\)
ARTICLE XVI

ADMINISTRATION

SECTION 16.0 ENFORCING OFFICER: A zoning administrator (official or officials appointed by the legislative body for carrying out the provisions and enforcement of this ordinance) shall administer and enforce this ordinance. He may be provided with assistance of such other persons as the legislative body directs.

If the zoning administrator finds that any of the provisions of this ordinance are being violated, he shall take such action as is permitted by law.

In addition to the foregoing, the zoning administrator shall have the authority to order discontinuance of illegal use of land, buildings, structures, signs, fences, or additions, alterations, or structural changes thereto, discontinuance of any illegal work being done.

All questions of interpretation and enforcement shall be first presented to the zoning administrator, and that such questions shall be presented to the board of adjustment only on appeal from the decision of the zoning administrator, and that recourse from the decisions of the board of adjustment shall be to the courts, as provided by the Kentucky Revised Statutes.

It shall be illegal for any person or entity to interfere with the zoning administrator's performance of his duties, as defined herein.

SECTION 16.1 ZONING PERMITS: Zoning permits shall be issued in accordance with the following provisions:

A. ZONING PERMIT REQUIRED: No land shall be used, or building or other structure shall be erected, moved, added to, structurally altered, or changed from one permitted use to another, nor shall any grading take place on any lot or parcel of ground without a permit, issued by the zoning administrator. No zoning permit shall be issued except in conformity with the provisions of this ordinance, except after written orders from the board of adjustment.

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

1. A completed application form, provided by the zoning administrator (in triplicate - See Appendix A).
2. The required fee for a zoning permit, as provided for in Section 19.0 of this
ordinance.

3. A site plan, if required by this ordinance, or

4. A plot plan, in triplicate, drawn at a scale of not less than one (1) inch to one hundred (100) feet, showing the following information as required by this ordinance.

   a. The location of every existing and proposed building with number of floors and gross floor area, the use or uses to be contained therein, the number of structures including dimensions and height, and the number, size, and type of dwelling units.
   b. All property lines, shape and dimensions of the lot to be built upon.
   c. Lot width at building setback line.
   d. Minimum front and rear yard depths and side yard widths.
   e. Existing topography, with a maximum of two (2) foot contour intervals. Where existing ground is on a slope of less than two (2) percent, either one (1) foot contours or spot elevations not more than fifty (50) feet apart shall be required.
   f. The proposed finished grade of the development area shown by contours with intervals not larger than two (2) feet supplemented where necessary by spot elevations.
   g. Total lot area, in square feet.
   h. Location and dimensions of all curb cuts, driving aisles, off-street parking and loading and/or unloading spaces, including number of spaces, angle of stalls, and illumination facilities.
   i. Layout, type of surfacing, cross sections, and drainage plans for all off-street parking facilities.
   j. A drainage plan of the lot and its relationship to adjacent properties, including spot elevations of the proposed finished grade, and provisions for adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.
   k. All sidewalks, walkways, and open spaces.
   l. Location, type, and height of all walls, fences, and screen plantings.
   m. Location, size, height, class, and orientation of all signs.
   n. Location of all existing and proposed streets, including rights-of-way and pavement widths.
   o. All existing and proposed water, and sanitary, and storm sewer facilities to serve the lot, indicating all pipe sizes, types, and grades.
   p. A schedule of development, including the staging and phasing of:
(1) Residential areas, in order of priority, by type of dwelling unit.

(2) Streets, utilities, and other public facility improvements, in order of priority.

(3) Dedication of land to public use or set aside for common ownership with a preliminary statement indicating how maintenance of the latter will be handled.

(4) The construction of nonresidential buildings, in order of priority.

q. And such other information as may be required by the zoning administrator to determine conformance with and provide for enforcement of this ordinance and the Kentucky Revised Statutes.

C. ISSUANCE OF ZONING PERMIT: The zoning administrator shall either approve or disapprove the application (when required by this ordinance -- e.g., Development Plan submitted required -- the planning commission, or its duly authorized representative, approval or disapproval shall also be required). If disapproved, one (1) copy of the submitted plans shall be returned to the applicant marked "Disapproved" and shall indicate the reasons for such disapproval thereon. Such disapproval shall be attested by the zoning administrator's signature. The other copy, similarly marked, shall be retained by the zoning administrator.

If approved, one (1) copy of the submitted plans shall be returned to the applicant, marked "Approved". Such approval shall be attested by the zoning administrator's signature. The other copy, similarly marked, shall be retained by the zoning administrator. The zoning administrator shall also issue a zoning permit to the applicant at this time and shall retain a duplicate copy for his records.

D. FAILURE TO COMPLY: Failure to obtain a zoning permit shall be a violation of this ordinance and punishable under Section 16.9 of this ordinance.

E. EXPIRATION OF ZONING PERMIT: If a building permit, as required herein, has not been obtained within ninety (90) consecutive calendar days from the date of issuance of zoning permit, said zoning permit shall expire and be canceled by the zoning administrator and a building permit shall not be obtainable until a new zoning permit has been obtained.
SECTION 16.2 BUILDING PERMITS: Building permits shall be issued in accordance with the following provisions:

A. BUILDING PERMITS REQUIRED: No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the building inspector. No building permit shall be issued except in conformity with the provisions of this ordinance, except after written orders from the board of adjustment.

B. APPLICATION FOR BUILDING PERMITS: All applications for building permits shall be accompanied by:

1. A completed application form, provided by the building inspector.
2. An approved zoning permit.
3. The required fee for a building permit, as provided for in Section 19.0 of this ordinance.
4. An development plan, if required by this ordinance: or
5. Plans in duplicate approved by the zoning administrator and including any additional information required by the building code and/or building inspector, as may be necessary to determine conformance with, and provide for the enforcement of, the building code and the Kentucky Revised Statutes.

C. ISSUANCE OF BUILDING PERMIT: The building inspector shall either approve or disapprove the application. If disapproved, one (1) copy of the submitted plans shall be returned to the applicant marked "Disapproved" and shall indicate the reasons for such disapproval thereon. Such disapproval shall be attested by the building inspector's signature. The other copy, similarly marked, shall be retained by the building inspector.

If approved, one (1) copy of the submitted plans shall be returned to the applicant marked "Approved". Such approval shall be attested by the building inspector's signature. The other copy, similarly marked, shall be retained by the building inspector. The building inspector shall also issue a building permit to the applicant at this time and shall retain a duplicate copy for his records.

D. COMPLIANCE: It shall be unlawful to issue a building permit, or occupancy permit, to build, create, erect, change, alter, convert, or occupy any building or
structure hereafter, unless a zoning permit has been issued in compliance with this ordinance.

E. BUILDING PERMITS ISSUED PRIOR TO THE ADOPTION OF THIS ORDINANCE: Building permits issued in conformance with the building code of the legislative body prior to the date of adoption of this ordinance, whether consistent or inconsistent with this ordinance, shall be valid for a period of one hundred eighty (180) consecutive calendar days from time of issuance of the permit. If construction in connection with such a permit has not been started within such a one hundred eighty (180) consecutive calendar day period, the permit shall be void and a new permit, consistent with all provisions of this ordinance and the building code, shall be required. For purposes of this section, construction shall be deemed to have been started at the time of completion of the foundation.

F. EXPIRATION OF BUILDING PERMIT: If the work described in any building permit has not begun within ninety (90) consecutive calendar days from the date of issuance thereof, said permit shall expire and be canceled by the building inspector and no construction shall be permitted until a new building permit has been obtained, except, an extension may be permitted if sufficient evidence can be demonstrated why the work described in the building permit was not begun.

For purposes of this section, construction shall be deemed to have been started at the time of completion of the foundation. If after the work described in the building permit has been started, the building permit shall expire after a period of eighteen (18) months, providing that an extension may be permitted if sufficient evidence can be demonstrated why the work described in the building permit was not completed as herein specified.

G. CONSTRUCTION AND USE: To be as provided in applications, plans, permits, zoning permits and building permits, issued on the basis of plans and applications, approved by the zoning administrator and/or building inspector, authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed in violation of this ordinance and punishable as provided in Section 16.9 of this ordinance.

SECTION 16.3 CERTIFICATE OF OCCUPANCY: It shall be unlawful for an owner to use or permit the use of any building or land, or part thereof, hereafter created, changed, converted, or enlarged, wholly or partly, until a certificate of occupancy, which shall be a part of the building permit, shall have been issued by the building inspector. Such certificate shall show that such building or land, or part thereof, and the proposed
use thereof, are in conformity with the provisions of this ordinance. It shall be the duty of
the building inspector to issue a certificate of occupancy, provided that he has checked
and is satisfied that the building and the proposed use thereof, conform with all the
requirements of this ordinance and the building code.

SECTION 16.4 CERTIFICATE OF OCCUPANCY FOR EXISTING BUILDING: Upon
written request from the fee owner, the building inspector shall issue a certificate of
occupancy for any building or land existing at the time of enactment of this ordinance,
certifying, after inspection, the extent and kind of use made of the building or land, and
whether such use conforms with the provisions of this ordinance.

SECTION 16.5 CERTIFICATE OF OCCUPANCY FOR LAWFUL NONCONFORMING
USES AND STRUCTURES: A certificate of occupancy shall be required of all lawful
nonconforming uses of land or buildings created by this ordinance. A fee, as provided
for in Section 19.0 of this ordinance, shall be charged for said certificate.

Applications for such certificates of occupancy for nonconforming uses of land and
buildings shall be filed with the building inspector by the owner or lessee of the land or
building occupied by such nonconforming uses within six (6) consecutive calendar
months of the effective date of this ordinance. Failure to apply for such certificate of
occupancy will place upon the owner and lessee the entire burden of proof that such
use of land or buildings lawfully existed on the effective date of this ordinance.

It shall be the duty of the building inspector to issue a certificate of occupancy for lawful
nonconforming uses upon application and such certificate shall identify the extent to
which the nonconforming use exists at the time of issuance of such certificate.

SECTION 16.6 DENIAL OF CERTIFICATE OF OCCUPANCY: Except as herein stated,
a certificate of occupancy shall not be issued unless the proposed use of a building or
land conforms to the applicable provisions of this ordinance and to plans for which the
building permit was issued.

SECTION 16.7 CERTIFICATE OF OCCUPANCY RECORDS: A record of all
certificates of occupancy shall be kept on file in the offices of the building inspector and
copies shall be furnished, on request, to any person having a proprietary building
affected by such certificate of occupancy.

SECTION 16.8 COMPLAINTS REGARDING VIOLATIONS: Whenever a violation of
this ordinance occurs, or is alleged to have occurred, any person may file a written
complaint. Such complaint, stating fully the causes and bases thereof, shall be filed with
the zoning administrator. The zoning administrator shall record properly such complaint,
immediately investigate, and take action thereon, as provided by this ordinance and the
Kentucky Revised Statutes.
SECTION 16.9 PENALTIES: Any person or entity who violates any of the provisions of this ordinance, shall, upon conviction be fined not less than ten (10) dollars but no more than five hundred (500) dollars for each conviction. Each day of violation shall constitute a separate offense.

SECTION 16.10 INTENT CONCERNING DETERMINATIONS INVOLVED IN ADMINISTRATION AND ENFORCEMENT OF PERFORMANCE STANDARDS: It is the intent of this ordinance that:

A. Where investigation can be made by the zoning administrator, or other designated employee, using equipment normally available to the legislative body, such investigation shall be so made before notice of violation is issued.

B. Where technical complexity, nonavailability of equipment, or extraordinary expense makes it unreasonable, in the opinion of the zoning administrator, for the legislative body to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be established for:

1. Causing corrections in apparent violations of performance standards;

2. For protecting individuals from arbitrary, capricious and unreasonable administration and enforcement of performance standard regulations; and

3. For protecting the general public from unnecessary costs for administration and enforcement.

C. If the zoning administrator finds, after investigations have been made by qualified experts, that there is a violation of the performance standards, he shall take, or cause to be taken, lawful action to cause correction to, within limits set by such performance standards.

SECTION 16.11 DUTIES OF ZONING ADMINISTRATOR REGARDING PERFORMANCE STANDARDS: If, in the judgment of the zoning administrator, there is probable violation of the performance standards as set forth, the following procedures shall be followed:

A. The zoning administrator shall give written notice, by registered mail or certified mail, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the zoning administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation, to the satisfaction of the zoning administrator, within thirty (30) consecutive calendar days of receipt of such notice.
notification. The notice shall state that failure to reply or to correct the alleged violation, to the satisfaction of the zoning administrator within thirty (30) consecutive calendar days of receipt of said notice, constitutes admission of violation of the terms of this ordinance.

B. The notice shall further state that, upon request of those to whom said notice is directed, a technical investigation will be made by a qualified expert or experts and that, if violations as alleged are found, costs of such investigations shall be charged against those responsible for the violations, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the investigation will be paid by the legislative body.

C. If there is no reply within thirty (30) consecutive calendar days of receipt of said notice, but the alleged violation is corrected to the satisfaction of the zoning administrator, he shall note "violation corrected" on his copy of the notice, and shall retain it among his official records, taking such other action as may be warranted.

D. If there is no reply within thirty (30) consecutive calendar days of receipt of said notice and the alleged violation is not corrected to the satisfaction of the zoning administrator within the established time limit, he shall proceed to take, or cause to be taken, such action as is warranted by continuation of a violation after notice to cease.

E. If a reply is received within thirty (30) consecutive calendar days of receipt of said notice indicating that the alleged violation will be corrected to the satisfaction of the zoning administrator, but requesting additional time, the zoning administrator may grant an extension if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health, or property.

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

If expert findings indicate violations of the performance standards, the costs of the investigations shall be assessed against the properties or persons responsible for the violations, in addition to such other penalties as may be appropriate under the terms of Section 16.9 of this ordinance.

If no violation is found, the cost of the investigation shall be paid by the legislative body without assessment against the properties or persons involved.
ARTICLE XVII

AMENDMENT PROCEDURE

SECTION 17.0 AMENDMENT PROCEDURE

A. FILING OF AMENDMENT APPLICATION: All applications for amendments to this ordinance shall be filed with Planning and Development Services of Kenton County. Planning and Development Services of Kenton County staff shall immediately notify the city, promptly forwarding the application to the local planning commission. A public hearing shall be scheduled to be held within forty-five (45) days of the date of receipt of the application by Planning and Development Services of Kenton County. The fee required for applying for such amendment shall be as provided for by the local planning commission and/or the legislative body.

B. PLANNING COMMISSION REVIEW REQUIRED: A proposal for a zoning map amendment to this ordinance may originate with the planning commission, legislative body, or with an owner of the property in question. A proposal to amend the text of this ordinance may originate with the planning commission or with any fiscal court or legislative body. Regardless of the origin of the proposed amendment, it shall be referred to the planning commission for its action before adoption.

C. PUBLIC HEARING REQUIRED, NOTICE GIVEN:

1. The planning commission shall hold at least one public hearing on the proposed amendment, at which hearing parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published at least once, but may be published two or more times, in a newspaper of general circulation in the county, provided that one publication occurs not less than seven (7) calendar days nor more than twenty-one (21) calendar days before the occurrence of such hearing.

2. In addition to the public notice requirements prescribed herein, when the planning commission, fiscal court, or legislative body originates a proposal to amend the zoning map, notice of the public hearing before the planning commission, fiscal court, or legislative body shall be given at least thirty (30) days in advance of the hearing by first class mail to an owner of every parcel of property the classification of which is proposed to be changed.
D. OTHER HEARING REQUIREMENTS, ZONING MAP AMENDMENT: In addition to the public hearing notice required in Section 17.0, C., above, the following notices shall also be given when a proposal is submitted by a property owner to amend the official zoning map:

1. Notice of the hearing shall be posted conspicuously on the property, the classification of which is proposed to be changed, for fourteen (14) consecutive days immediately prior to the hearing. Said posting shall consist of one or more signs, constructed of durable material and clearly depicting the following information: the words "ZONING CHANGE" (three (3) inch high lettering); current zoning classification of property and proposed zoning classification (three (3) inch high lettering); date, place, and time of public hearing (one (1) inch high lettering); and address, including telephone number, of the planning commission where additional information regarding hearing may be obtained; and

2. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by first class mail, with certification by the commission secretary or other officer of the planning commission that the notice was mailed to an owner of every parcel of property adjoining the property the classification of which is proposed to be changed. Where said property adjoins a street or alley, property abutting the opposite side of such street or alley shall be considered adjoining property. It shall be the duty of the person(s) proposing the amendment to furnish to the planning commission the names and addresses of the owners of all adjoining property. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chair-person of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.

3. If the property, the classification of which is proposed to be changed, adjoins property in a different planning unit, or property which is not part of any planning unit, notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by first class mail to certain officials, as follows:
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a. If the adjoining property is part of a planning unit, notice shall be given to that unit's planning commission; or

b. If the adjoining property is not part of a planning unit, notice shall be given to the mayor of the city in which the property is located or, if the property is in an unincorporated area, notice shall be given to the judge/executive of the county in which the property is located.

4. All procedures for public notice and publication, as well as for adoption, shall be the same as for the original enactment of a zoning regulation, and the notice of publication shall include the street address of the property in question, or if one is not available, or if it is not practicable due to the number of addresses involved, a geographic description sufficient to locate and identify the property, and the names of the two (2) streets on either side of the property which intersect the street on which the property is located. If the property is located at the intersection of two (2) streets, the notice shall designate the intersection by name of both streets rather than name the two (2) streets on either side of the property.

E. FINDINGS NECESSARY FOR MAP AMENDMENT: Before any map amendment is granted, the planning commission, or legislative body, must find that the amendment is in agreement with the adopted comprehensive plan, or in the absence of such a finding, that one or more of the following apply, including the making of a written report, setting forth explicitly, the reasons and substantiation as to how each would apply, and such finding and report shall be recorded in the minutes and records of the planning commission or legislative body.

1. That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate; and

2. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

F. MINIMUM SIZE OF NEW ZONES: No amendment to this ordinance shall be adopted whereby the zoning classification of an area is changed unless the total area being applied for meets the following requirements as to minimum size: the zoning map shall not be amended, changed, or modified in such manner as to create a free standing zone of less than five (5) acres, except where specific area restrictions are stipulated in this ordinance, or as outlined in the adopted comprehensive plan by the planning commission. For the purpose of computing
the total size of an area to be rezoned for compliance herewith, there shall be added to such area: (1) the area of public rights-of-way interior to the area being changed; (2) one-half the area of public rights-of-way abutting the area being changed; and (3) the area of any land which is contiguous to the area being changed (including land located outside the jurisdiction of the legislative body but contiguous thereto and which land already bears the zoning classification sought for the area being changed. For the purpose of this section, neither continuity nor abutment shall be destroyed by the existence of a street, alley, or city’s corporation line.

G. PLANNING COMMISSION ACTION:

1. Map Amendment: Following the public hearing held by the planning commission on a proposed map amendment, the commission shall, within sixty (60) calendar days from the date of its receipt, make findings of fact and a recommendation of approval or disapproval of the proposed map amendment to the legislative body, including a statement setting forth explicitly the reasons and substantiation for such action and, in the case of a map amendment, the submission of a written report as required in Section 17.0, E., above. The findings of fact and recommendation shall include a summary of the evidence and testimony presented by the proponents and opponents of the proposed amendment. 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 fiscal court or legislative body without a recommendation of approval or disapproval.

2. Text Amendment: Following the public hearing held by the planning commission on a proposed text amendment, the commission shall make a recommendation as to the text of the amendment and whether the amendment shall be approved or disapproved and shall state the reasons for its recommendation. In the case of a proposed text amendment originating with a legislative body or fiscal court, the planning commission shall make its recommendation within sixty (60) days of the date of its receipt of the proposed text amendment.

H. LEGISLATIVE BODY DISPOSITION:

1. Map Amendment: The legislative body or fiscal court shall take final action upon a proposed map amendment within ninety (90) days of the date upon which the planning commission takes its final action upon such proposal. It shall take a majority of the entire legislative body or fiscal court to override the recommendation of the planning commission and it shall
take a majority of the entire legislative body or fiscal court to adopt a zoning map amendment whenever the planning commission forwards the application to the legislative body or fiscal court without a recommendation of approval or disapproval due to a tie vote. Unless a majority of the entire legislative body or fiscal court votes to override the planning commission's recommendation, such recommendation shall become final and effective and if a recommendation of approval was made by the planning commission, the ordinance of the legislative body or fiscal court adopting the zoning map amendment shall be deemed to have passed by operation of law.

2. Text Amendment: It shall take an affirmative vote of a majority of the legislative body or fiscal court to adopt a proposed text amendment.

I. SUBMISSION OF DEVELOPMENT PLAN AS CONDITION TO COMMERCIAL OR MULTI-FAMILY RESIDENTIAL ZONING MAP AMENDMENT: Any request for a zoning map amendment to a commercial (i.e., NC, SC, etc.) or multi-family residential zone (i.e., R-2, R-3, etc.) shall be made in accordance with all applicable requirements of this ordinance, including the following:

1. APPLICATION AND PROCESSING: Application for a zoning map amendment shall be processed in two stages:

   STAGE I -- Development Plan and Zoning Map Amendment -Application for a zoning map amendment shall include a development plan in accordance with the applicable requirements of Section 10.5, D., of this ordinance.

   a. The planning commission shall hold a public hearing on the proposed application in accordance with the requirements of KRS Chapter 424, and review said application with regard to the required elements of the Development Plan, and other applicable requirements of the Development Plan, and other applicable requirements of this section. Upon holding such a hearing, the planning commission shall make one of the following recommendations to the legislative body: approval, approval with condition(s), or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Development Plan and the bases for their recommendation.

   b. The legislative body shall, within forty-five (45) consecutive days after receiving the recommendations of the planning commission, review said recommendations and take action to approve or
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disapprove the proposed Development Plan. Such approval may incorporate any conditions imposed by the legislative body. However, should the legislative body take action to impose different conditions than were reviewed and considered by the planning commission, then said conditions shall be resubmitted to the planning commission for further review and recommendations in accordance with Section 17.0, I., 1., a.

Approval of the zoning map amendment shall require that development be in accordance with the approved Development Plan.

The legislative body shall forward a copy of the approved Development Plan to the zoning administrator or the city's duly authorized representative, for further processing, in accordance with the applicable requirements for a site plan, as regulated by Section 9.19 of this ordinance.

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

STAGE II -- Site Plan - Before a permit is issued for construction, a site plan shall be developed in conformity with the approved development plan and in accordance with the applicable requirements of Section 9.19 of this ordinance, and submitted to the Zoning Administrator or the city's duly authorized representative for review and approval. However, no action of approving or disapproving any site plan shall be taken unless said site plan has been reviewed and recommendations have been made by Planning and Development Services of Kenton County staff. The site plan may be developed and submitted in sections, in accordance with the phasing identified in the approved development plan. The zoning administrator or the city's duly authorized representative, may authorize minor adjustments from the approved development plan, provided that the adjustments do not: affect the spatial relationship of structures, change land uses, increase overall density, alter circulation patterns (vehicular and pedestrian), decrease the amount and/or usability of open space or recreation areas, or affect other applicable requirements of this ordinance.

Amendments - Any amendments to plans, except for the minor adjustments which may be permitted by the zoning administrator as noted above, shall be made in accordance with the procedure required by this
ordinance, subject to the same limitations and requirements as those under which such plans were originally approved.

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

a. A site plan has not been approved by the zoning administrator within a period of twelve (12) consecutive months from the date of final approval of the zoning map amendment by the legislative body; provided that an extension may be permitted upon approval of the legislative body or its duly authorized representative, if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the approved development plan obsolete.

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

J. PLANNING COMMISSION - TO HEAR AND DECIDE APPLICATIONS FOR VARIANCES AND CONDITIONAL USE PERMITS:

1. In accordance with KRS 100.203, an applicant, at the time of filing of the application for a map amendment, may elect to have any variances or conditional use permits for the same development to be heard and finally decided by the planning commission at the same public hearing set for the map amendment, or by the board of adjustments as otherwise provided for in this ordinance.

2. Application to review a variance and conditional use permit shall include submission of a development plan in accordance with the applicable requirements of Section 10.5, D., of this ordinance. In review and approval
of said application, the planning commission shall assume all powers and
duties otherwise exercised by the board of adjustments pursuant to KRS
100.231, 100.233, 100.241, 100.243, 100.247, and 100.251.

3. Any judicial proceedings to appeal the planning commission's actions in
granting or denying any variance or conditional use permit shall be taken
pursuant to KRS 100.347(2).

SECTION 17.1 NORTHERN KENTUCKY AREA PLANNING COMMISSION STAFF
REVIEW AND RECOMMENDATION REQUIRED PRIOR TO OR AT THE
SCHEDULED PUBLIC HEARING: Planning and Development Services of Kenton
County Staff, pursuant to KRS 147.673, shall review and make recommendations upon
all applications to the local planning commission and the applicant, along with
supporting information and comprehensive plan documentation, prior to or at the
scheduled public hearing.

SECTION 17.2 ACTIONS OF LOCAL GOVERNMENTAL UNITS TO BE FURNISHED
TO PLANNING AND DEVELOPMENT SERVICES OF KENTON COUNTY: Pursuant to
KRS 147.705, the legislative body shall, after final adoption of any zoning ordinance or
resolution, including amendments thereto, furnish, or cause to be furnished, within sixty
(60) days after adoption, a copy of same to Planning and Development Services of
Kenton County.
ARTICLE XVIII

BOARD OF ADJUSTMENT

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

A. A board of adjustment is hereby established.

B. The board of adjustment shall consist of either three (3), five (5), or seven (7) members, all of whom must be citizen members and not more than two (2) of whom may be citizen members of the planning commission.

C. The mayor shall be the appointing authority of the board of adjustment, subject to the approval of the legislative body.

D. The term of office for the board of adjustment shall be four (4) years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one (1), two (2), three (3), and four (4) years, respectively.

E. Vacancies on the board of adjustment shall be filled within sixty (60) calendar days by the appropriate appointing authority. If the authority fails to act within that time, the planning commission shall fill the vacancy. When a vacancy occurs, other than through expiration of the term of office, it shall be filled for the remainder of that term.

F. All members of the board of adjustment shall, before entering upon their duties, qualify by taking the oath of office, prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky, before any judge, notary public, clerk of court, or justice of the peace, within the district or county in which they reside.

G. Reimbursement for expenses or compensation or both may be authorized for members on the board of adjustment.

H. Any member of the board of adjustment may be removed by the mayor, subject to the approval by the legislative body, for inefficiency, neglect of duty, malfeasance, or conflict of interest. The mayor exercising the power to remove a member from the board of adjustment, shall submit a written statement to the planning commission setting forth the reasons and the statement shall be read at the next meeting of the board of adjustment which shall be open to the general
Article XVIII  Board Of Adjustment

The member so removed shall have the right of appeal from the removal to the circuit court of the county in which he resides.

I. The board of adjustment shall elect annually a chairman, vice-chairman, and secretary, and any other officers it deems necessary, and any officer shall be eligible for re-election at the expiration of their term.

SECTION 18.1 MEETINGS OF BOARDS; QUORUM; MINUTES; BYLAWS; FINANCES; SUBPOENA POWER; ADMINISTRATION OF OATHS

A. The board of adjustment shall conduct meetings at the call of the chairman, who shall give written or oral notice to all members of the board at least seven (7) days prior to the meeting, which notice shall contain the date, time, and place for the meeting, and the subject or subjects which will be discussed.

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

C. The board of adjustment shall adopt bylaws for the transaction of business and shall keep minutes and records of all proceedings including regulations, transactions, findings, and determinations and the number of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact, all of which shall, immediately after adoption, be filed in the office of the board of adjustment. A transcript of the minutes of the board of adjustment shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

D. The board of adjustment shall have the right to receive, hold, and spend funds which it may legally receive from any and every source in and out of the state of Kentucky, including the United States Government.

E. The board of adjustment shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before it.

F. The chairman of the board of adjustment shall have the power to administer an oath to witnesses prior to their testifying before the board on any issue.
G. A board of adjustment may appoint one (1) or more of its members to act as hearing examiner to preside over a public hearing or public meeting and make recommendations to the board based upon a transcript or record of the hearing.

SECTION 18.2 PROCEDURE FOR ALL APPEALS TO BOARD: Appeals to the board of adjustment may be taken by any person or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the zoning administrator. Such appeal shall be taken within thirty (30) calendar days after the appellant or his agent receives notice of the action of the official to be appealed from, by filing with said zoning administrator and with the board, a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. A fee, as required by Section 19.0 of this ordinance, shall also be given to the zoning administrator at this time. Said zoning administrator shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At the public hearing on the appeal held by the board, an interested person may appear and enter his appearance, and all shall be given an opportunity to be heard.

The board of adjustment shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the zoning administrator at least one (1) calendar week prior to the hearing, and shall decide on the appeal within sixty (60) consecutive calendar days. The affected party may appear at the hearing in person or by attorney.

SECTION 18.3 APPEALS FROM PLANNING COMMISSION OR BOARD OF ADJUSTMENT, OR LEGISLATIVE BODY: Any appeal from planning commission or board of adjustment or legislative body action may be taken in the following manner:

A. Any person or entity claiming to be injured or aggrieved by any final action of the planning commission or board of adjustment shall appeal from the action to the circuit court of the county in which the property, which is the subject of the action of the board of adjustment, lies. Such appeal shall be taken within thirty (30) consecutive calendar days after the final action of the planning commission or board of adjustment. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. The board of adjustment shall be a party in any such appeal filed in the circuit court. Final action shall not include the planning commission's recommendations made to other governmental bodies.

B. Any person or entity claiming to be injured or aggrieved by any final action of the planning commission shall appeal from the final action to the circuit court of the county in which the property, which is the subject of the commission's action, lies.
Such appeal shall be taken within thirty (30) days after such action. Such action shall not include the commission’s recommendations made to other governmental bodies. All final actions which have not been appealed within 30 days shall not be subject to judicial review. Provided, however, any appeal of a planning commission action granting or denying a variance or conditional use permit, as provided in Section 17.0, J. of this ordinance, shall be taken pursuant to this subsection. In such case, the 30 day period for taking an appeal begins to run at the time the legislative body grants or denies the map amendment for the same development. The planning commission shall be a party in any such appeal filed in the circuit court. All appeals shall be taken in the appropriate circuit court within 30 consecutive calendar days after the action or decision of the planning commission or board of adjustments and all decisions, which have not been appealed within 30 consecutive calendar days shall become final. After the appeal is taken, the procedure shall be governed by the rules of civil procedure. When an appeal has been filed, the clerk of the circuit court shall issue a summons to all parties, including the planning commission in all cases, and shall cause it to be delivered for service as in any other law action.

C. Any person or entity claiming to be injured or aggrieved by any final action of the legislative body of any city, county, or urban-county government, relating to a map amendment, shall appeal from the action to the circuit court of the county in which the property, which is the subject of the map amendment, lies. Such appeal shall be taken within thirty (30) days after the final action of the legislative body. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. The legislative body shall be a party in any such appeal filed in the circuit court.

D. The owner of the subject property and applicants who initiated the proceeding shall be made parties to the appeal. Other persons speaking at the public hearing are not required to be made parties to such appeal.

E. For purposes of this ordinance, final action shall be deemed to have occurred on the calendar date when the vote is taken to approve or disapprove the matter pending before the body.

SECTION 18.4 STAY OF PROCEEDINGS: An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning administrator from whom the appeal is taken, certifies to the board of adjustment, after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and/or property. In such case, proceedings shall not be stayed other than by a court of record on application, or on notice to the zoning administrator from whom the appeal is taken and on due cause shown.
SECTION 18.5 POWERS OF BOARD OF ADJUSTMENT: Upon appeals, the board of adjustment shall have the following powers:

A. To hear and decide on applications for variances.

B. To hear and decide appeals, where it is alleged, by the appellant, that there is an error in any order, requirement, decision, grant, or refusal made by a zoning administrator in the enforcement of this ordinance. Such appeal shall be taken within thirty (30) consecutive calendar days.

C. To hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named herein, which may be suitable only in specific locations in the zone only if certain conditions are met, as specified in Section 9.14 of this ordinance.

D. To hear and decide, in accordance with the provisions of this ordinance, requests for interpretation of the official zoning map or for decisions upon other special questions upon which said board is authorized to act upon.

E. To hear and decide, in accordance with the provisions of this ordinance and the adopted comprehensive plan, requests for the change from one nonconforming use to another.

SECTION 18.6 VARIANCES; CHANGE FROM ONE NONCONFORMING USE TO ANOTHER; CONDITIONS GOVERNING APPLICATIONS; PROCEDURES

A. VARIANCES

1. A variance shall not be granted by the board of adjustment unless and until:

   a. A written application for a variance (including the required fee per Section 19.0 of this ordinance) and a Site Plan, subject to the applicable requirements of Section 9.19, are submitted.

   b. Notice of public hearing shall be given in accordance with Section 18.2 of this ordinance.

   c. The public hearing shall be held. Any person may appear in person, or by agent, or by attorney.

   d. Prior to granting a variance:
(1) The board of adjustment shall make findings that the requirements of this section have been met by the applicant for a variance.

(2) The board of adjustment shall further make a finding that reasons set forth in the application justify the granting of a variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

e. In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 16.9 of this ordinance.

2. Before any variance is granted, the board of adjustment must find that the granting of the variance will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:

a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;

b. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and

c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

3. The board shall deny any request for a variance arising from circumstances that are the result of willful violations of this ordinance by the applicant subsequent to the adoption of this ordinance from which relief is sought.

B. VARIANCE CANNOT CONTRADICT ZONING REGULATION: The board of adjustment shall not possess the power to grant a variance to permit a use of any
land, building, or structure which is not permitted by this ordinance in the zone in question, or to alter the density of dwelling unit requirements in the zone in question.

C. VARIANCE RUNS WITH LAND: A variance applies to the property for which it is granted and not to the individual who applied for it. A variance runs with the land and is transferable to any future owner of land, but it cannot be transferred by the applicant to a different site.

D. CHANGE FROM ONE NONCONFORMING USE TO ANOTHER: A nonconforming use shall not be changed to another nonconforming use without the specific approval of the board of adjustment, as provided herein.

1. The board of adjustment shall have the power to hear and decide on applications to convert or change an existing nonconforming use to another nonconforming use, subject to the following:

   a. A written application for a change from one nonconforming use to another (including the required fee as per Section 19.0 of this ordinance) and a Site Plan, if applicable, subject to the applicable requirements of Section 9.19, shall be submitted to the board.

   b. Notice of public hearing shall be given in accordance with Section 18.2 of this ordinance

   c. The public hearing shall be held. Any person may appear in person, by agent, or by attorney

   d. Prior to granting a change from one nonconforming use to another, the board of adjustment shall find that the new nonconforming use is in the same or more restrictive classification of use as the prior nonconforming use. In the determination of the same or more restrictive classification of use, the applicant shall establish and the board of adjustment shall find:

      (1) That the new nonconforming use shall generate less vehicular traffic (automobile and truck) than the prior nonconforming use;

      (2) That the new nonconforming use is of a nature which will emit less noise and air pollution than the prior nonconforming use;
(3) That the new nonconforming use will be more in character with the existing neighborhood than the prior nonconforming use, in that it is more in conformance with the adopted comprehensive plan, and also, more in conformance with the uses permitted in the zone in which the use is located, than the prior nonconforming use.

e. Any change of nonconforming use granted by the board of adjustment shall conform to the requirements of this ordinance, including, but not limited to, parking requirements, sign regulations and yard requirements, and all other pertinent ordinances of the legislative body.

f. The board of adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at which time its use became nonconforming.

g. The board of adjustment, in granting a change of nonconforming uses, may attach such conditions thereto as it may deem necessary and proper; and the action, limitations, and conditions imposed, if any, shall be in writing, directed to the applicant, with a copy to be furnished to the zoning administrator.

h. The change of nonconforming use, as may be granted by the board of adjustment, applies to the property for which it is granted and not to the individual who applied and, therefore, cannot be transferred by the applicant to a different property.

i. In the case where the change of nonconforming use has not occurred within one (1) year after the date of granting thereof, the change of nonconforming use permit shall be null and void and reapplication to the board of adjustment shall have to be made.

SECTION 18.7 CONDITIONAL USE PERMITS: Conditional use permits shall not be issued without the specific approval of the board of adjustment, as provided herein.

A. The board of adjustment shall have the power to hear and decide on applications for conditional use permits, subject to the following:

1. A written application for a conditional use permit (including the required fee per Section 19.0 of this ordinance) and a Site Plan subject to the applicable requirements of Section 9.19, shall be submitted to the board.
2. Notice of public hearing shall be given in accordance with Sections 18.2 and 9.14, B., 6. of this ordinance.

3. The public hearing shall be held. Any person may appear in person, or by agent, or by attorney.

4. Prior to granting a conditional use permit, the board of adjustment shall find that the application for a conditional use permit meets the requirements of this ordinance and Section 9.14.

SECTION 18.8 DECISION OF THE BOARD OF ADJUSTMENT

A. In exercising the aforementioned powers, the board of adjustment may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm wholly or partly, or may modify the order, requirements, decision, or determination as made by the zoning administrator, from whom the appeal is taken.

B. A simple majority of board members present and voting shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator, so long as such action is in conformity with the provisions of this ordinance, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.

C. The details of the decision of the board shall be forwarded to the zoning administrator.

SECTION 18.9 ACTIONS OF BOARD OF ADJUSTMENT TO BE FURNISHED TO PLANNING AND DEVELOPMENT SERVICES OF KENTON COUNTY: Pursuant to KRS 147.705, the board of adjustment shall, after final approval of any variance, change from one nonconforming use to another, conditional use permit, and other appeal, furnish, or cause to be furnished, within sixty (60) days after approval, a copy of same to Planning and Development Services of Kenton County.
ARTICLE XIX

FEES, CHARGES, AND EXPENSES

SECTION 19.0 SCHEDULE OF FEES, CHARGES, AND EXPENSES: The schedule of fees, charges, and expenses shall be as established by separate city ordinance.
APPENDIX A

ZONES AS REGULATED BY THE KENTON COUNTY FISCAL COURT

SECTION 10.3 R-1A (RESIDENTIAL ONE-A) ZONE

A. PERMITTED USES

1. Single-family residential dwellings (detached)

B. ACCESSORY USES

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

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

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

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

1. Minimum lot width at building setback line - One hundred (100) feet  
2. Minimum front yard depth - Forty (40) feet  
3. Minimum side yard width - Total: Thirty-eight (38) feet; One Side: Twelve (12) feet  
4. Minimum rear yard depth - Twenty-five (25) feet  
5. Maximum building height - Thirty-five (35) feet

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

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

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.  
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.  
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.  
4. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be required.
SECTION 10.5 R-1C (RESIDENTIAL ONE-C) ZONE

A. PERMITTED USES

1. Single-family residential dwellings (detached)

B. ACCESSORY USES

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

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

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

   a. Golf courses;
   b. Country clubs;
   c. Swimming pools;

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:
1. Minimum lot area - Twelve thousand five hundred (12,500) square feet
2. Minimum lot width at building setback line - Eighty (80) feet
3. Minimum front yard depth - Thirty-five (35) feet
4. Minimum side yard width - Total: Twenty (20) feet; One Side: Seven (7) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:

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

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be required.
## APPENDIX B

### SUMMARY OF AMENDMENTS

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