
ARTICLE 7

REGULATION FOR ZONES

SECTION 7.0 RURAL (R) ZONE:

- A. **PURPOSE:** The purpose of this district is to establish and preserve areas for agricultural, horticultural, and residential uses without permitting an type of development which would have an adverse impact upon the vitality, uses, assets or character of agricultural and residential uses in the area. The Rural Zone shall be designated by the color "Green" on the zoning map.
- B. **PERMITTED USES:**
1. Single family, two family and multi-family dwelling units.
 2. Farms of crops and livestock.
 3. Hunting.
 4. Riding and boarding stables.
 5. Bed and Breakfast facilities, as regulated by Section 6.19 of this Ordinance.
 6. Churches and other buildings for the purpose of religious worship.
 7. Underground mining.
- C. **ACCESSORY USES:** Accessory uses, buildings and structures customarily incidental and subordinate to any of the Permitted uses.
1. Privately-owned parking and garage.
 2. Fences and walls.
 3. Buildings such as storage sheds, greenhouses, gazebos.
 4. Storage of recreational vehicles.
 5. Privately-owned recreational activities (not operated as a business).
 6. Privately-owned stables or other keeping and use of pets and animals.
 7. Offices for farm management and administration of agriculture services offered on the farm premises.
 8. Signs.
 9. Home occupations, as regulated by Section 6.7 of this Ordinance.
 10. Swimming pools, as regulated by Section 6.12 of this Ordinance.
- D. **CONDITIONAL USES:** The following uses or any customary accessory buildings and uses, subject to the approval by the Board of Adjustment, as set forth in this Ordinance:
1. Cemeteries.

2. Day care centers (Child or Adult).
3. Libraries.
4. Nursery schools and child day care facilities.
5. Public and parochial schools.
6. Publicly or privately owned and/or commercially-operated parks, playgrounds, golf courses, community recreational centers, swimming pools, tennis courts/clubs, fishing lakes, gun clubs and ranges, horse riding arenas, paintball fields, canoe rentals and petting zoos.
7. Funeral homes.
8. Meat processing plants, including slaughterhouses.
9. Kennels.
10. Repair and sales of agricultural equipment and supplies.
11. Farmers markets.
12. Recreation vehicle camping grounds provided such living arrangements are of a transient or seasonal use and such use meets the requirements of KRS 219.310- KRS 219-410.
13. Home occupations conducted in an accessory structure, otherwise meeting the requirements of Section 6.7 of this Ordinance.
14. Privately-owned recreational activities (operated as a business).
15. Buildings and structures which would be accessory to a residence, on a lot without a residence.
16. Buildings and structures accessory to a residence, in the front yard of the residence, provided that a front setback of one hundred (100) feet is maintained.
17. Accessory dwelling units.

E. AREA AND HEIGHT REGULATIONS FOR PERMITTED AND CONDITIONAL USES:

1. Minimum Lot Area – no minimum requirement, except as needed to meet the requirements of this Ordinance and to meet the requirements for septic on the site as regulated by the Pendleton County Health Department or Three Rivers Health District.
2. Minimum Front Yard Depth –
 - a. In all cases no less than ten (10) feet from (i) the right-of-way line of all state or county roads and from (ii) any utility easement area; and
 - (1) On U.S. Highway 27 and the “AA” Highway – One hundred twenty-five (125) feet from edge of pavement.
 - (2) On all state roads having state designated numbers – Fifty (50) feet from edge of pavement.
 - (3) On all county roads – Thirty-five (35) feet from edge of pavement.

3. Minimum Side Yard Width, on Each Side of Lot – Five (5) feet.
4. Minimum Rear Yard Depth – Five (5) feet.
5. Minimum Setback from U.S. Highway 27, regardless whether it is front, side or rear yard – One Hundred Twenty-five (125) feet.

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking of two spaces for every dwelling unit shall be provided, and such additional spaces reasonably calculated to provide for the regular use of the property, or as otherwise required by this Ordinance.
2. No lighting shall be permitted which would glare onto any street.
3. Land used solely for agricultural purposes shall have a front yard depth of a minimum of fifty (50) feet, from any existing or proposed street or highway.
4. Any ventilation shafts, utilities, and related structures and equipment associated with underground mining shall be set back a minimum of one hundred (100) feet from any dwelling or other structure.
5. Noise from ventilation shafts and utilities related to underground mining shall be controlled by reasonably available controlled technology.

SECTION 7.1 COMMERCE ZONES: There shall be two Commerce Zones, known as the Business Zone and the Intensive Zone.

SECTION 7.2 BUSINESS (B) ZONE:

- A. **PURPOSE:** The purpose of the Business Zone is to allow various commercial and industrial uses which are not permitted in the Rural Zone, but generally operate within a completely enclosed building. The Business Zone shall be designated by the color "Yellow" on the zoning map.
- B. **PERMITTED USES:** The following uses are permitted in the Business Zone (except that Scrap Metal facilities, Salvage Yards, Material Recycling, and Landfills shall be specifically excluded from this Zone):
1. All commercial retail and service uses, including stores and shops.
 2. All industrial uses, including manufacturing, processing and assembly.
 3. All office uses.
 4. Billboards.
 5. Schools, government buildings, police and fire stations, libraries.
 6. Community centers, including day care facilities.
 7. Commercial recreation facilities.
 8. Churches and other buildings for the purpose of religious worship.
 9. All uses listed as conditional uses in the Rural Zone.
 10. Underground mining.
- C. **ACCESSORY USES:**
1. Customary accessory structures and uses, including operations required to maintain or support any use permitted in this zone on the same lot as the permitted use.
 2. Fences and/or walls.
 3. Signs.
 4. One (1) dwelling unit of the property owner, owner-operator, manager or employee of the business.
 5. Gas pumps
 6. Outdoor display for sale of vehicles and farm implements.
- D. **CONDITIONAL USES:** The following uses or any customary accessory buildings and uses, subject to the approval by the Board of Adjustment, as set forth in this Ordinance:
1. Outdoor storage of product or materials (except vehicles and farm implements).
 2. Any outdoor business operation (except gas pumps, Scrap Metal facilities, Salvage Yards, Material Recycling, and Landfills).

3. Kennels.

E. AREA AND HEIGHT REGULATIONS FOR PERMITTED AND CONDITIONAL USES:

1. Minimum Lot Area – no minimum requirement.
2. Minimum Front Yard Depth - Seventy-five (75) feet.
3. Minimum Side Yard Width, on Each Side of Lot - Five (5) feet.
4. Minimum Rear Yard Depth - Five (5) feet.
5. Maximum Building Height – Forty (40) feet.
6. Minimum Setback from U.S. Highway 27, regardless whether it is front, side or rear yard – One Hundred Twenty-five (125) feet.

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking as regulated by Article 8.
2. No lighting shall be permitted which would glare onto any street or any adjacent property.
3. Except as otherwise permitted herein, no outdoor storage of any materials, supplies, or products shall be permitted in this zone.
4. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of recreational activities.
5. No use producing emissions or that otherwise impacts ambient air quality beyond the boundary lines of the property not otherwise allowed by existing federal, state or local regulations shall be permitted.
6. Off Street loading and unloading area as regulated by Article 9.
7. All business operations shall be screened from adjacent residential uses.
8. Any ventilation shafts, utilities, and related structures and equipment associated with underground mining shall be set back a minimum of one hundred (100) feet from any dwelling or other structure.

SECTION 7.3 INTENSIVE (I) ZONE:

- A. **PURPOSE:** The purpose of the Intensive Zone is to allow various commercial and industrial uses not permitted in the Rural or the Business Zone, including outdoor business operations and storage. The Intensive Zone shall be designated by the color “Red” on the zoning map.
- B. **PERMITTED USES:**
1. All commercial retail and service uses, including stores and shops.
 2. All industrial uses, including manufacturing, processing and assembly.
 3. All office uses.
 4. Billboards.
 5. Schools, government buildings, police and fire stations, libraries.
 6. Community centers, including day care facilities.
 7. Commercial recreation facilities.
 8. Churches and other buildings for the purpose of religious worship.
 9. All uses listed as conditional uses in the Rural Zone and Business Zone.
 10. Scrap Metal facilities, Salvage Yards, Material Recycling, and Landfills existing at the adoption of this Ordinance.
 11. Mining and underground mining.
- C. **ACCESSORY USES:**
1. Customary accessory structures and uses, including operations required to maintain or support any use permitted in this zone on the same lot as the permitted use.
 2. Fences and/or walls.
 3. Signs.
 4. One (1) dwelling unit of the property owner, owner-operator, manager or employee of the business.
- D. **CONDITIONAL USES:**
1. Scrap Metal facilities.
 2. Salvage Yards.
 3. Material Recycling.
 4. Landfills.
 5. Kennels.
- E. **AREA AND HEIGHT REGULATIONS FOR PERMITTED USES AND CONDITIONAL USES:**
1. Minimum Lot Area – no minimum requirement.
 2. Minimum Front Yard Depth - Seventy-five (75) feet.

3. Minimum Side Yard Width, on Each Side of Lot - Fifty (50) feet.
4. Minimum Rear Yard Depth - Fifty (50) feet.
5. Maximum Building Height - Forty (40) feet.
6. Minimum Setback from U.S. Highway 27, regardless whether it is front, side or rear yard – One Hundred Twenty-five (125) feet.

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking of one spaces for every employee at the largest shift shall be provided, and such additional spaces reasonably calculated to provide for the regular use of the property.
2. No lighting shall be permitted which would glare onto any street or any adjacent property.
3. No use producing emissions or that otherwise impacts ambient air quality beyond the boundary lines of the property not otherwise allowed by existing federal, state or local regulations shall be permitted.
4. Off Street loading and unloading area shall be provided.
5. All business operations shall be screened from adjacent residential uses.

7.4 APPLICATION AND PROCESSING FOR COMMERCE ZONES:

- A. Applications for development within either Commerce Zone shall be processed as follows:
1. Applications for a map amendment to zone an area as a Commerce Zone shall follow the procedures set forth in this Ordinance. The application shall be accompanied by a Stage I Development Plan, as regulated by Section 11.3.A. of this Ordinance, for the entire area under single ownership.
 2. When a site is proposed to be developed within an area which is currently in a Commerce Zone, a Stage I Development Plan, as regulated by Section 11.3.A. of this Ordinance, for the entire area under single ownership, as regulated by this Ordinance, shall be submitted for review and approval by the planning commission. Development shall include: grading of any land; construction of any streets or other improvements; and the demolition, erection, physical expansion, or change of use of any structure. Development shall not include the normal maintenance (e.g., cleaning, painting, etc.) of any structure.
 - a. The planning commission shall hold a public hearing on the proposed Stage I Development Plan in accordance with the requirements of KRS Chapter 424, and review said Stage I Development Plan with regard to its compliance with the stated purpose of the Commerce Zone, the required elements of the Stage I Development Plan, applicable requirements of this section of this Ordinance, and other applicable requirements of this Ordinance. Upon holding such hearing, the planning commission shall take one of the following actions: approval, approval with conditions, or disapproval including the supporting bases for their action.
 - b. Upon approval by the commission, a copy of the approved Stage I Development Plan shall be forwarded to the Zoning Administrator, or its duly authorized representative, for further processing, in accordance with the requirements for a Stage II Development Plan.
 3. Stage II – Before development may occur in the Commerce Zones, and in other circumstances provided for in this Ordinance, a Stage II Development Plan, for the area proposed to be developed, in conformance with the approved Stage I Development Plan, and in accordance with the requirements of this Ordinance, shall be submitted to the Zoning Administrator, for review.

- a. The Zoning Administrator shall review the submitted Stage II Development Plan with regard to its compliance with the required elements of Section 11.3, B. of this Ordinance, its conformity with the approved Stage I Development Plan, applicable requirements of this section of this Ordinance, and other applicable requirements of this Ordinance. Minor adjustments from the approved Stage I Development Plan may be permitted, provided that the adjustments do not affect the spatial relationship of structures, change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian), decrease the amount and/or usability of open space or recreation areas, or conflict with other applicable requirements of this Ordinance. Following review of the submitted Stage II Development Plan, the Zoning Administrator shall approve, approve with conditions, or disapprove the Plan. Upon approval of the Stage II Development Plan, the Zoning Administrator shall grant permits only in accordance with the approved Stage II Development Plan, and other regulations as may be required by this Ordinance.