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ARTICLE I

A ZONING ORDINANCE

SECTION 1.0 AN ORDINANCE DIVIDING THE CITY OF LAKESIDE PARK, STATE OF KENTUCKY, INTO ZONES. ZONES OF SUCH SHAPE AND AREAS 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 LAKESIDE PARK STATE OF KENTUCKY, AS FOLLOWS:
ARTICLE II

AUTHORITY AND PURPOSE

SECTION 2.0 AUTHORITY: The City of Lakeside Park 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 overcrowding of land, blight, danger, and congestion in the circulation of people and commodities, and the loss of life, health, or property from fire, flood, or other dangers. The zoning regulations and districts, as herein set forth, are also employed to protect highways, and other transportation facilities, public facilities, including schools and public grounds, the central business district, natural resources and other specific areas 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 Lakeside Park, Kentucky and shall be known, referred to, and recited to as the "OFFICIAL ZONING ORDINANCE OF THE CITY OF LAKESIDE PARK".
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 health, safety, 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: If any permit or license is issued in violation of any provision of this ordinance, or purports to authorize the doing of any act not permitted by any provision of the ordinance, said permit or license shall be void.
ARTICLE V

CONFLICT

SECTION 5.0 CONFLICT: All ordinances and parts of ordinances of the city in conflict herewith are hereby repealed, providing, however, that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any such ordinances and parts thereof hereby repealed prior to the effective date of this ordinance.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

SEVERABILITY CLAUSE

SECTION 6.0 SEVERABILITY CLAUSE: That should any article, section, subsection, sentence, clause, or phrase of this ordinance, for any reason, be held unconstitutional or invalid, such decision or holding shall not affect the validity of the remaining portions hereof. It being the intent of the City of Lakeside Park 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.

ACCESS POINT: An access point is:

a. A driveway, a local street, or collector street intersecting an arterial street;
b. A driveway or a local street intersecting a collector street; or
c. A driveway or a local street intersecting a local street.

ACCESSORY STRUCTURE OR USE, CUSTOMARY: A "customary accessory structure or use" is one which:

a. is subordinate to and serves the principal structure or principal use;
b. is subordinate in area, extent, or purpose to the principal structure or principal use served;
c. contributes to the comfort, convenience, or necessity of occupants of the principal structure or principal use served; and
d. is located on the same lot as the principal structure 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 structure or use served.

ACRE, NET: The total area of a lot or building site, exclusive of streets, expressed in acres.

AGRICULTURAL USE: 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 Article VII 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 afford 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.

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

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

a. a permanent structure sign which is used for the display of offsite commercial messages;

b. a permanent structure sign which constitutes a principal, separate or secondary use, as opposed to an accessory use, of the parcel on which it is located; or

c. an outdoor sign used as advertising for hire, i.e., on which display space is made available to parties, other than the owner or operator of the sign or occupant of the parcel (not including those who rent space from the sign owner, when such space is on the same parcel as the sign), in exchange for a rent, fee or other consideration.

BLOCK FRONT: All the property located along one side of a street between two intersecting streets or between any combination of intersecting streets, railroad right-of-ways, watercourses or other features or natural barriers which permanently interrupt the continuity of development.

BOARD OF ADJUSTMENT: Board of Adjustment of the legislative body.

BUFFER AREA: A landscaped area of land intended to separate two (2) or more uses or structures which are incompatible with each other, 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, any addition to a building, any movement of a building from one location to another, or any change of occupancy of a building.

BUILDING AREA: That portion of a lot or building site that can be legally occupied by the ground floor of the principal structure or use and all permitted accessory structures or 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.

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 surface of a flat roof; to the deck line of a mansard roof; or to the average height level between eaves and ridge for gable, hip, and gambrel roofs.

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

BUILDING, MINIMUM 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.

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

BUILDING PRINCIPAL: see STRUCTURE PRINCIPAL.

BUILDING SITE: One contiguous piece of land that meets all of the provisions of the legislative body's ordinances, regulations, and codes for building on said site.

BUSINESS: A commercial or industrial establishment selling commodities and/or providing a service. For the purpose of this ordinance, businesses located within the same building and tenant space shall be considered one (1) business.

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, projecting from a building facade, open on three (3) sides, serving the purpose of protecting pedestrians from rain, snow, sun, or hail.

CARPORT: See GARAGE, PRIVATE.

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.

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

CITY: City of Lakeside Park, state of Kentucky

CLUB: A building, or portion thereof, used by an association of persons for some common objective, usually jointly supported and meeting periodically.

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 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.

COMPOST CONTAINER: An area or containment bin not to exceed one hundred (100) square feet in area or four (4) feet in height for decaying organic matter. For the purposes of this ordinance a compost container shall be considered an accessory structure.
COMPREHENSIVE 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, 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 adjustment, 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.

CONGREGATE HOUSING: A facility for four or more persons who are at least 55 years of age, within which are provided living and sleeping facilities, shared meal preparation services, common dining areas, laundry services, and/or common recreation or social facilities. This use may include convalescent and nursing facilities.

CURB CUT: Any interruption, or break in the line of a street curb intended to provide vehicular access to a street. In the case of streets without curbs, curb cuts shall represent construction of any vehicular access which connects to said street.
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, access points, a plan for screening or buffering, utilities, existing manmade and natural conditions, and all other conditions agreed to by the applicant.

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

DOMESTIC ANIMALS: Animals that are customarily kept for personal use or enjoyment within the home. Domestic animals shall include, but not be limited to, dogs, cats, birds, fish, and similar animals.

DORMITORY: A building, or portion thereof, providing living quarters for individuals or groups as an associated use to a college, university, boarding school, orphanage, convent, or other similar use.

DWELLING: A building, or portion thereof, which is intended for, designed for, and used for residential purposes, but for the purposes of this ordinance, shall not include a hotel, motel, nursing home, tourist cabins, bed and breakfast establishments, dormitories, or military barracks.

DWELLING, ATTACHED, SINGLE - FAMILY: A building containing two (2) or more dwelling units, each of which has independent access to the outside of the building to ground level and which are attached to each other by party walls without openings.

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

DWELLING, TRAILER: See MOBILE HOME.

DWELLING, TWO - FAMILY: A building designed, arranged, or used for two (2) dwelling units.

DWELLING, MULTI - FAMILY: A building designed, arranged, or used for three (3) or more dwelling units.

DWELLING UNIT: A building, or portion thereof, providing exclusive 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: An establishment selling food items, ordered from a menu and prepared on the premises, for immediate consumption, without drive - thru facilities. Eating Establishments -- Restaurants shall include the following:

a. Sit - Down -- A restaurant which provides seating arrangements designed primarily for consumption of food on the premises, with or without incidental carry - out service.

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.

FACADE: Any exterior wall of a building which is exposed to public view or any wall which is viewed by persons not within the building.

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 erected to enclose or screen areas of land.

FILLING STATION: See SERVICE STATION.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from: (a) the overflow of inland waters; (b) the unusual and rapid accumulation of runoff of surface waters from any source; and (c) mudslides (i.e., mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground.

FLOOD - 100 YEAR FREQUENCY: The highest level of flooding that, on the average, is likely to occur once every 100 years.
FLOODPLAIN OR FLOOD PRONE AREA: Any normally dry land area that is susceptible to being inundated by water from any source.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

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.

FLOOR AREA RATIO: Determined by dividing the gross floor area of all buildings on a lot by the gross area of that lot.

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

FRATERNITY/SORORITY HOUSE: A building, or portion thereof, 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.

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

GARAGE, PRIVATE: A building used for the storage of motor vehicles and clearly accessory to the principal permitted use.
HANDICAPPED PERSON: A person with a physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, autism, hearing and sight impairments, and orthopedic impairments, but not including convicted felons or misdemeanants on probation or receiving supervision or rehabilitation services as a result of their prior conviction, or mentally ill persons who have plead guilty but mentally ill to a crime or not guilty by reason of insanity to a crime. "Handicapped person" does not include persons with current, illegal use of or addiction to alcohol or any controlled substance as regulated under KRS Chapter 218A.

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 further meeting all requirements of this ordinance.

HOUSE TRAILER: See MOBILE HOME.

HOUSING FOR THE ELDERLY: A building, or portion thereof, containing dwelling units which are restricted to persons 55 years or older. This use does not include developments which contain convalescent or nursing facilities.

LEASABLE AREA, GROSS: The total floor area of a building designed and intended 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 then five feet and less then six feet tall.

LEGISLATIVE BODY: The City of Lakeside Park.

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

LOADING AND/OR UNLOADING SPACE: A space used for the temporary standing, loading and/or unloading of vehicles.

LOCATION: To establish in a certain place.
LOT: A parcel of land or any combination of several lots of record, occupied or intended to be occupied by a principal building or group of buildings, 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.

LOT, CORNER: A lot situated at the intersection of two (2) streets or on a curved street in which the interior angle of such intersection or curved street 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 line to the midpoint of the rear lot line.

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

LOT, FLAG: A lot which abuts a public street, via a narrow strip of land, at least 20 feet in width.

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

LOT LINE, FRONT: The common boundary line of a lot and a street right-of-way line. In the case of a corner lot or a double frontage lot, the common boundary line and that street right-of-way line toward which the principal or usual entrance to the principal building faces. In the case of a flag lot, the interior line most parallel to and nearest the 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.

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 horizontal distance of a lot, as measured between the side lot lines along the building front setback line.
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.

MINIMUM LIVING AREA: The sum of the gross horizontal area of the several floors of a dwelling unit or units exclusive of porches, balconies, basements, and garages measured from the exterior walls or from the center lines of walls or partitions separating dwelling units.

MOBILE HOME: Any coach, cabin, or other structure which is intended, designed, and used for the fixed residence of a person, family, or a household, built on a permanent chassis, 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 structure shall not change its classification. For purposes of this ordinance, double width structures, which are fabricated on individual chassis with wheels, and are designed to be joined, shall be considered a mobile home.

MODULAR HOUSING: Housing which is manufactured off-site, often mass-produced, and designed so that sections are interchangeable. For purposes of this ordinance, this definition shall not include mobile homes.

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

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

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

NEIGHBORHOOD CONCEPT PLAN: Written and graphic materials providing guidelines for development or redevelopment of a defined area that would provide for the further detailing and implementation of the Adopted Comprehensive Plan. Such plan may include approximate delineation of such features as public ways (vehicular and pedestrian traffic flow), parking facilities, utilities, density of development, and generalized land use.

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

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 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, trees, shrubs, or flowers. 

NURSING HOME: See CONGREGATE HOUSING.

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 right - of - way of a street, or alley, used for temporary parking of motor vehicles.

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

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 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.

RESIDENTIAL CARE FACILITY: A residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for handicapped persons.

RESIDENTIAL CLUSTER DEVELOPMENT (RCD): A unified land development which permits a clustering of attached and detached single-family residential dwellings, with common recreation/open spaces, through flexible regulations which encourage creative design to preserve the natural features, foliage, and other characteristics of the site.

REST HOME: See CONGREGATE HOUSING.

RIGHTS - OF - WAY: A general term denoting land, property, or interest therein, usually in a strip and dedicated or devoted to such use as a street, alley, or railroad.

SCHOOLS, PAROCHIAL: A facility, belonging to and maintained by a religious organization, providing a curriculum of elementary and/or secondary academic instruction.

SCHOOLS, PRIVATE: A facility, belonging to and maintained by a private organization, providing a curriculum of elementary and/or secondary academic instruction.
SCHOOLS, PUBLIC: A facility, belonging to and maintained under public authority and open to the public for their attendance, providing a curriculum of elementary and/or secondary academic instruction.

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: 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, or portion thereof, structure, or land, used for the dispensing, sale, or offering for sale, at retail, of any motor vehicle fuels. Service stations, in conjunction with the dispensing of motor vehicle fuels, may also dispense, sell, or offer for sale at retail, motor vehicle oil, or accessories and in connection with which is performed general motor vehicle 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, AWNING, CANOPY, OR MARQUEE: Any sign which is painted, stamped, perforated, or stitched, or otherwise applied on the valance of an awning.

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, PORTABLE: Any sign that is not permanently affixed to a building, other unmovable structure, or the ground.
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.

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, PRIVATE: A paved private thoroughfare which affords access to abutting property for users of such property. For the purposes of density calculations, a private street shall constitute the areas of its paved surface and sidewalks or the private right -of-way if designated on the recorded plat.

STREET, PUBLIC: A public thoroughfare constructed, or intended to be constructed, within the boundaries of an officially deeded and accepted public right -of-way, which affords principal 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.
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, as identified in the adopted comprehensive plan.

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

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

STREET, FRONTAGE ROAD (SERVICE OR ACCESS ROAD): A street adjacent to a freeway, expressway, or arterial, separated therefrom by a dividing strip and providing access to abutting properties.

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

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 made, the use of which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including: buildings and signs.

STRUCTURE PRINCIPAL: The structure on a lot used to accommodate the primary use to which the premises is devoted.

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 use 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; any division or redivision of land into parcels of less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this ordinance.

SUPPORT CLUB: A building, or portion thereof, used by a non-profit, charitable club whose primary purpose is the giving of support through fellowship, counseling, and education to individuals facing and/or overcoming a problem or disability. Such club
may not permit the use of alcohol or drugs on its premises. Such club may not use the premises as a residence for any individual or permit any individual to sleep there overnight.

SWIMMING POOL: 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; any depression or excavation in any natural or constructed material; any dike or berm of any material or type of construction; including all appurtenance 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.

Swimming pools shall be deemed to consist of the following classes:

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.

b. Semi - public: when consisting of an accessory structure appurtenant to a multiple dwelling, hotel, motel, church, school, club, etc., and used only as such by persons who reside or are housed on the same lot or who are regular members of such organizations.

c. Public: a swimming pool operated by a unit of government for the general public.

d. Commercial: a swimming pool operated for profit, open to the public upon payment of a fee.

SWIMMING POOL INGROUND: A swimming pool of which the average depth below the surrounding grade exceeds that depth extending above grade, provided also that the maximum elevation of the pool shall not exceed an average of eighteen (18) inches above ground level.

TAVERN: A building, or portion thereof, used by an establishment whose primary business is selling alcoholic beverages by the drink for consumption on the premises.

TENANT SPACE: An area owned or rented/leased within a building, completely separated from another area by a permanent wall, and having an individual entrance/exit to the outside or to a common corridor.

TRAILER: Any vehicle and/or equipment that is designed to be pulled behind another vehicle on roadways for the purpose of carrying items, vehicle, equipment and/or supplies. This definition specifically excludes trailers used in conjunction with lawn tractors and mowers for home use. Also, see CAMPING/VACATION MOBILE UNIT.
USE, PERMITTED: A use which may be lawfully established in a particular zone, provided it conforms with all requirements of such zone.

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.

WALL LINE OF HOUSE: The main structural exterior wall excluding functional or decorative protrusions, such as unenclosed porches, chimneys, steps, bay windows, condensing units, etc.

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 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, 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 VIII
ESTABLISHMENT OF ZONES

SECTION 8.0 ZONES: For the purpose of this ordinance, the city may be divided into the following zones:

- R-1BC (Residential One - BC) Zone
- R-1C (Residential One - C) Zone
- R-1D (Residential One - D) Zone
- R-1E (Residential One - E) Zone
- R-1EE (Residential One - EE) Zone
- R-1G (Residential One - G) Zone
- R-2 (Residential Two) Zone
- R-3 (Residential Three) Zone
- RCD (Residential Cluster Development)

SECTION 8.1 OFFICIAL ZONING MAP: The zones are bounded and defined as shown on the map entitled "OFFICIAL ZONING MAP OF THE CITY OF LAKESIDE PARK 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 legislative body.

SECTION 8.2 CHANGES ON ZONING MAP: Where changes are made in zone boundaries, in accordance with the provisions of this ordinance and Kentucky Revised Statutes, such changes shall be made on the Official Zoning Map promptly after the amendment to this ordinance has been approved by the legislative body. PDS shall be provided a certified copy of the amendment to this ordinance in order that the Official Zoning Map may be changed.

No changes of any nature shall be made on the Official Zoning Map which are not in conformity with the procedures set forth in this ordinance.

SECTION 8.3 REPLACEMENT OF OFFICIAL ZONING MAP: In the event that the Official Zoning Map 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 which shall supersede the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Zoning Map 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 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 Subsections A through F, 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: Property which has not been included within a zone, either through error or omission, or when an area is annexed or proposed to be annexed to 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: Except as herein provided, general regulations shall apply to all zones.

SECTION 9.1 REDUCTION IN BUILDING SITE AREA: Except as herein provided, 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 Article XVIII of this ordinance.

SECTION 9.2 INTERFERENCE WITH TRAFFIC CONTROL DEVICES: 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 control devices of any kind.

SECTION 9.3 VISION CLEARANCE AT CORNERS, CURB CUTS, AND RAILROAD CROSSINGS: No structure, vehicle, tree, planting, vegetation, sign, 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:

A. On lots having frontage on more than one street, the minimum front yard depth shall be provided for each street, in accordance with the provisions of this ordinance.

B. On double frontage lots, once a front lot line is established by construction of a principal structure, all subsequent principal structures shall face the same established front lot line.

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 9.12 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 of this ordinance.

D. Open spaces on the premises shall be landscaped and maintained according to Section 9.15 of this ordinance.

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 EXCAVATION, MOVEMENT OF SOIL, TREE REMOVAL, AND EROSION AND SEDIMENTATION CONTROL

A. No governmental entity or other person or entity shall strip, excavate, fill, or otherwise move soil, trees, or other vegetation, except for minor changes such as the filling of small depressions, removal of vegetation which is diseased or endangering the public safety, without first insuring that all requirements of the Subdivision Regulations, if applicable, have been fulfilled and then obtaining a permit from the building inspector.

B. The building inspector may issue the required permit after determining that the resulting change in grade, or removal of trees and other vegetation, in the affected area will be in conformance with all applicable provisions of this ordinance. The provisions of this section shall not be construed to prohibit normal excavation or grading which is 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.

C. Erosion and Sedimentation Control: Erosion and sedimentation controls for excavation, movement of soil, and tree removal, shall be planned and applied according to the following:
1. The smallest practical area of land shall be exposed at any one time during development.

2. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.

3. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.

4. Sediment basins (debris basins or silt traps) shall be installed and maintained to remove sediment from run-off waters from land undergoing development.

5. Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development.

6. Permanent final vegetation and structures shall be installed as soon as practical in the development.

7. The development shall be fitted to the topography and soils so as to create the least erosion potential.

8. Wherever feasible, natural vegetation shall be retained and protected.

**SECTION 9.7 UNSIGHTLY OR UNSANITARY STORAGE**

A. 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.

B. All uses that maintain garbage dumpsters on site shall provide a screened enclosure by means of a Class 1, 4, 6 fence/wall, or a combination thereof, equal in height to the dumpster. Such enclosure may only open to the interior of the site on which it is located. All such garbage collection areas shall be located in the rear yard and setback a minimum of fifteen (15) feet from any property line, unless site limitations such as topography, yard area, or access prevent such placement, as determined by the Zoning Administrator.

**SECTION 9.8 APPLICATION OF ZONING REGULATIONS**
A. Except as herein provided, no public or private structures or land shall be used for any purpose other than that permitted in the zone in which such structures or land is located or is to be located.

B. Except as herein provided, every structure hereafter erected shall be located on a lot, as herein defined, and in no case shall there be more than one (1) principal structure on one (1) lot, nor shall any structure be erected on any lot which does not abut a public right - of - way. Except as herein provided, access to the lot shall be provided via a paved (Portland cement or asphalt cement per appendix A) driveway from that portion of the lot which abuts the public right of way. All flag lots must be a part of a new subdivision development and part of the preliminary and final plats submitted to the planning commission. No identification plats shall be permitted to allow for flag lots. Flag lots shall be permitted only within areas proposed for development which are greater than three (3) acres in size.

C. Except as herein provided, accessory structures and uses shall not be permitted within any front yard or minimum required side yard in any zone. Accessory structures and uses may be permitted to extend into the minimum required rear yard, as defined herein, in all zones, provided that such structures are set back from the rear lot line a minimum of ten (10) feet, and minimum required side yard clearances are maintained. Location of off - street parking, loading and/or unloading areas, fences, and signs, shall be governed by their respective sections, as provided for herein.

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

1. In All Minimum Required Yards - Driveways, providing they are not closer than one (1) foot to the property line to which they run approximately parallel to, except that in the event that a common driveway will be used to serve two (2) or more lots, then driveways may be permitted to abut the property line; 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 and chimneys, projecting not more than eighteen (18) inches into the minimum required yards; arbors and trellises, flag poles, bird baths, trees, plants, shrubberies, ornaments, utility poles and wires, and outdoor furniture.

2. In Minimum Required Front Yards - Bay windows, projecting three (3) feet or less into the minimum required front yard; overhanging eaves and gutters, projecting not more than three (3) feet into the minimum required front yard; awnings, and canopies, extending not more than four (4) feet into the minimum required front yard.
3. In Minimum Required Rear Yards - Bay windows, overhanging eaves, gutters, and air conditioning equipment, projecting not more than four (4) feet into the minimum required rear yard; awnings and canopies, provided they do not extend more than ten (10) feet into the minimum required rear yard; uncovered porches, decks, or patios, provided they are less than eighteen (18) inches above grade at the highest point and they do not extend more than ten (10) feet into the minimum required rear yard.

4. In Minimum Required Side Yards - Air conditioning equipment, excluding compressor for central air conditioning unit, overhanging eaves, gutters, awnings, and canopies, projecting not more than thirty (30) inches into the minimum required side yard, but never closer than three (3) feet to the side lot line.

SECTION 9.9 SPECIAL REQUIREMENTS GOVERNING HOME OCCUPATIONS:
Home occupations shall include the use of a residential structure 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 other than at that location). The following requirements shall apply to home occupations, where permitted herein:

A. No persons other than members of the family residing on the premises shall be engaged in such operation.

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) and only one floor level shall be used in the conduct of the home occupation.

C. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation, that will indicate from the exterior that the structure 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 structure 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 than would normally be expected in the vicinity where such home occupation is located.

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.

SECTION 9.10 NONCONFORMING LOTS, NONCONFORMING USES, NONCONFORMING STRUCTURES, REPAIRS AND MAINTENANCE, AND NONCONFORMING SIGNS

A. NONCONFORMING LOTS:

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

2. If two (2) or more lots with continuous frontage are in single ownership and 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 minimum requirements for lot width and area, as established by this ordinance, the nonconforming lots of record may be developed, provided: the lot is on an existing and improved public street; a minimum of fifty - one (51) percent of the lots located on the same side of the street within the same block front are developed; and the development proposed is in conformance with all other requirements of this ordinance. Where a minimum fifty - one (51) percent of the lots located on the same side of the street within the same block front are not developed, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold which does not meet the minimum lot width and minimum area 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.

3. Where a single nonconforming lot of record exists, development may be permitted on the lot, provided: the lot is located on an existing and improved public street; the lot is of separate ownership from all adjacent and contiguous parcels; the adjacent and contiguous parcels exist as developed building lots or dedicated street rights - of - way, precluding acquisition of additional area to achieve conformity; and development proposed on the lot is in conformance with all other requirements of this ordinance. Where a variance from any minimum yard, setback, etc., is
necessary to develop said lot, an application for such variance shall be submitted to the board of adjustment in accordance with Article XVIII of 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 may be enlarged or extended beyond its area of use at the time it becomes a 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: As regulated by Section 18.6, D. of this ordinance.

3. TERMINATION: In all cases, the board of adjustment shall hold a public hearing in accordance with the applicable requirements of Section 18.2 of this ordinance. Following that hearing, the board may terminate the right to operate a nonconforming use based on any of the following conditions, and if the decision is to do so, the board shall state its bases, in writing, for such determination.

   a. Nonoperative, nonused, or abandoned for a period of twelve (12) consecutive months, providing that the board of adjustment may allow the continuation of such nonconforming use if it is determined that reasons for such nonuse were beyond the owners'/operators' control.

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

   c. 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 determined by the accessed value of the Property Valuation Administrator) as of the date of the official order under the applicable ordinance and a
d. Whenever said nonconforming use is determined to be detrimental or injurious to the public health, safety, or general welfare.

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

C. NONCONFORMING STRUCTURES

1. CONTINUANCE: Except as herein provided, any nonconforming structure, existing at the time of adoption of this ordinance, 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. However, if such a structure is removed or destroyed, other than by intentional means of the owner, the structure may be reconstructed, but shall not be enlarged, extended, or moved, except as provided in Section 9.10.D.

2. TERMINATION: In all cases the board of adjustment shall hold a public hearing in accordance with the applicable requirements of Section 18.2 of this ordinance. Following that hearing, the board may terminate the right to reconstruct the nonconforming structure based on any of the following conditions, and if the decision is to do so, the board shall state its bases, in writing, for such determination.

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

b. 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 determined by the assessed value of the Property Valuation Administrator) 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.
c. Whenever said nonconforming structure is determined to be detrimental or injurious to the public health, safety, or general welfare.

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

D. REPAIRS AND MAINTENANCE: On any structure 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, 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, except as provided herein.

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 9.10, B., 3., or 9.10, C., 2.

Existing nonconforming free standing garages may be replaced and/or removed and replaced, either by natural causes or by intentional means of the owner, with an expanded garage provided the new or replaced garage does not exceed one story in height, does not exceed in total space more than 150% of the garage being replaced, not to exceed 600 square feet in gross floor area or a maximum coverage of ten (10) percent of the available yard area in which said structure is to be located, whichever is less. Such an increase in gross floor area shall be allowed only one time. In all cases, the floor area of such structure shall be less than the gross floor area of the principal structure. Said structure shall be in compliance with all other provisions of this Code and architecturally and aesthetically compatible with the dwelling on the lot.

E. NONCONFORMING SIGNS

1. CONTINUANCE: Except as herein provided, any nonconforming sign, existing at the time of adoption of this ordinance, may be continued provided, however, that no such sign shall be changed in any manner unless it is changed in compliance with all provisions of this ordinance.

2. TERMINATION: In all cases the board of adjustment shall hold a public hearing in accordance with the applicable requirements of Section 18.2 of this ordinance. Following that hearing, the board may terminate the right to operate a nonconforming sign based on any of the following conditions and, if the decision is to do so, the board shall state its bases, in writing, for such determination.
a. Not meeting the requirements for sign regulations, as regulated in Article XIV of this ordinance.

b. Nonuse or abandonment of said nonconforming sign for a period of twelve (12) consecutive months.

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

SECTION 9.11 EXCEPTIONS AND MODIFICATIONS

A. EXCEPTIONS TO HEIGHT LIMITS

1. The height limitations of this ordinance shall not apply to such things as church spires, various types of towers, smoke stacks, other related structures, and necessary mechanical appurtenances, provided their construction is in accordance with existing or hereafter adopted ordinances of the legislative body, and is acceptable to the Federal Aviation Agency and the Federal Communication Commission.

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

C. FRONT YARD VARIANCE

1. 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 required by this ordinance, the minimum required front yard depth on such lot shall be modified to be the average depth of said existing front yards.

   a. For the purposes of determining front yard setbacks in Section 9.11, C., 1., a proposed new road shall not be considered an interruption in the existing block front.

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

D. SIDE YARD VARIANCE: Where a nonconforming lot of record exists in any residential zone, no side yard shall be required to exceed the average width of existing side yards with the side having the least width, on the same side of the
street within the same block, when fifty-one (51) percent or more of the lots within the same block are improved with residential buildings; provided that no side yard width shall be less than five (5) feet, except as authorized by the Board of Adjustment.

E. EXCEPTION TO MINIMUM FRONTAGE, AREA AND YARD REGULATIONS

1. In any subdivision of an existing or proposed development, in any multi-family or commercial zones described herein, zoning, building, and occupancy permits may be issued in the following circumstances, for lots which do not abut a minimum frontage along a dedicated right-of-way, or lots with a lot area, yard areas, or yard sizes which are less than the minimums therefore required by the area and height regulations established herein for the zone in which such development is located:

   a. A development plan conforming to the provisions of Section 9.17 of this ordinance, including all existing and proposed lot and yard areas and sizes in the development, is reviewed and approved by the Planning Commission.

   b. The area of the total development of which such lot is a part, is not less than the minimum total area required for such a development in the zone in which it is located.

   c. The density of the total development of which such lot is a part, is not greater than the maximum density allowed for such a development in the zone in which it is located.

   d. Such lot abuts upon areas within such development, which are either used or proposed for use in common by, or for the benefit of, the owners or tenants of such lot and other lots or areas abutting upon such common area, hereinafter identified and referred to as "benefited abutting property", according to the provisions of legally enforceable agreements or land use restrictions, approved by the Planning Commission and recorded in the office of the County Clerk of Kenton County, Kentucky, which include provisions that:

      (1) Specifically identify such common areas by a metes and bounds description thereof.

      (2) Specifically identify the owners of such common areas by name and address, and which identify and establish the obligation and duty of such owners, jointly and severally, to cause such common areas and all improvements thereon, including, without limitation, all motor vehicle access drives
and parking areas, pedestrian walkways, other paved surfaces, signs, recreational facilities and open spaces, and other aesthetic and environmental amenities, to be maintained and repaired at least to the extent required by any and all governmental agencies having jurisdiction thereof, or any use or activity conducted thereon.

(3) Specifically identify the owners of the benefited abutting property by name and address, and the joint and several obligation thereof to pay a proportionate part of all costs of the aforedescribed maintenance and repair of such common areas and the improvements thereon, secured by a lien therefore in favor of the owners of the common areas upon that portion of the benefited abutting property in which they have an ownership interest.

(4) Specifically identify and establish a legally enforceable right of the city and its successors to enter upon such common areas, through officers, agents, servants, employees and independent contractors thereof, and cause to occur thereon the aforedescribed maintenance and repair of such common areas and the improvements thereon, at the joint and several cost and expense of the owners of any interest in the benefited abutting property, with the payment thereof secured by a lien in favor of the city upon such common areas benefited abutting property.

(5) Identify and establish a legally enforceable right of the owners of each lot or parcel of real estate in such development which does not abut upon a dedicated right-of-way to a paved and unobstructed right-of-way and easement from each of such lots across, over and through such common areas, for motor vehicles and pedestrian access thereto from a dedicated right-of-way.

SECTION 9.12 CONDITIONAL USES

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

1. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community; and
2. That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

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

1. The board of adjustment may approve, modify, or deny any application for a conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the board's minutes and on the conditional use permit, along with a reference to the specific section in the zoning regulation listing the conditional use under consideration. In addition, a certificate of Land Use Restriction shall be filed pursuant to Section 9.25 of this ordinance. The board shall have the power to revoke conditional use permits 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 person 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 permit.

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 adjustments.

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 9.13 BUILDING REGULATIONS AND WATER AND SANITARY SEWER SERVICE

A. BUILDING REGULATIONS: All structures shall be designed, erected, or altered in accordance with the applicable housing and building codes.

B. WATER AND SANITARY SEWER SERVICE: No building may be constructed in any zone unless such building is connected to a public water and central sanitary sewer system of adequate capacity and design, and approved by proper authorities.

1. Where existing structures are presently not served by a public sanitary sewer system, and is located within a reasonable distance of an existing or newly extended sanitary sewer line, as determined by the legislative body and/or the Northern Kentucky District Board of Health, said development shall be required to connect with the public sanitary sewer system and the on-site disposal system shall be discontinued.

SECTION 9.14 MOVE AND SET

A. REQUIREMENTS: 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 of the ordinance.

B. COMPLIANCE: All alterations and improvements made shall comply with the applicable housing and building code, and all other applicable codes and regulations.

C. PROCEDURE - PERMITS

1. The applicant shall submit to the building inspector, the following:
   a. An application for a building permit requesting an inspection of the building, structure, or improvement to be moved or set;
   b. A plot plan, footing and foundation plan, and construction plans for any new construction;
   c. A statement from the applicable legislative body(s) insuring that all past and current taxes have been paid.

2. 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.

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

4. 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 the 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.

5. No transport or building permit to move and set shall be issued until the applicant has first obtained the necessary permits from all applicable agencies.

D. FEES
1. 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.

2. No person, corporation, or company shall transport, move, or set any building, structure, or improvement in the jurisdiction of 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 legislative body, which shall cover the cost of any damage or claim to damage to public improvements (e.g., street pavement, curb and gutter, catch basins, sewers) and other damage to private property resulting from the move and set. Such bond shall be made by a surety corporation authorized to do business in the state of Kentucky.

SECTION 9.15 SCREENING AREA: Screening areas shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of any development.

A. SCREENING AREA REQUIREMENTS: All screening areas shall be approved by the zoning administrator (or planning commission, where required by this ordinance) according to a submitted site plan, as regulated by the applicable requirements of Section 9.17 of this ordinance. Screening areas shall be designed, provided, and maintained according to the following:

1. Where vegetative and/or topographic conditions that provide a natural screening and buffer exist prior to development of properties in question, such conditions shall be retained. In such cases, additional screening may not be required, provided that provision is made for maintenance of such areas to the satisfaction of the Legislative Body.

2. Whenever screening is required, it shall be provided as follows:

   a. Except when prohibited herein, all screening shall be provided by the construction of a Class 1 or Class 4 fence, as regulated by Article XIII of this ordinance, and/or evergreen trees;
b. All trees shall be a minimum of ten (10) feet in height when planted, however, smaller trees (a minimum of five feet in height) may be utilized in combination with berms (e.g., earthen mounds) to provide the minimum 10 - foot height requirement; berms must be covered with suitable vegetation, such as grass, ivy, and/or shrubs, to preclude erosion of the berm;

c. Trees which are intended to provide screening to separate multi-family development from single - family development, shall not be planted further than ten (10) feet apart; parking facilities which are located adjacent to the single - family areas shall be additionally screened to a minimum height of three (3) feet (via an earth berm, depressed parking, solid fence, etc., as regulated by Article XIII of this ordinance) to reduce automobile headlight glare onto adjacent property;

d. Trees which are intended to separate commercial and industrial development from residential development (single - family and multi - family) shall not be planted further than 10 feet apart; parking facilities which are located adjacent to residential areas shall be additionally screened to a minimum height of three (3) feet (via an earth berm, depressed parking, solid fence, etc., as regulated by Article XIII of this ordinance) to reduce automobile headlight glare onto adjacent property.

3. All trees, shrubs and other planting materials shall be living plants (not artificial) and shall be suitable to the Northern Kentucky Area and the specific conditions of the site in question, such as, but not limited to, soil conditions, slopes, reduction of noise pollution, maintenance necessary, and the type of screening needed.

4. Screening areas shall be provided in such a manner as to obscure the view into the development from adjacent properties. In those cases where property is adjacent to property within another governmental jurisdiction, screening shall be provided in the same manner as would be required if the adjacent area was within the jurisdiction of this legislative body.

5. In the case where a zoning map change occurs, resulting in adjacency to a different zoning district than was previously the case, and where development has already occurred on property in the unchanged district, required additional setbacks and screening requirements (as required in each district's regulations) shall be provided for the property in the district where the zone change has occurred.
B. PROVISION AND MAINTENANCE: Required screening areas shall be provided as a condition of development by the owner and/or developer. All required screening (including the planting of trees and other vegetation) shall be maintained by the property owner. Any alteration, removal, or additional plantings shall be approved by the Zoning Administrator.

C. INCLUSION ON SITE PLAN AND/OR SUBDIVISION IMPROVEMENT DRAWINGS: Areas to be set aside as screening areas shall be identified on the required development plans, as regulated in Section 9.17 of this ordinance, and where applicable, on the improvement drawings as regulated by the subdivision regulations. Sufficient bond, adequate to cover the required improvements as determined by the legislative body, may be required to be posted. It shall be unlawful to occupy any premises unless the required screening has been installed in accordance with the requirements as provided herein.

SECTION 9.16 OUTDOOR SWIMMING POOLS

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

1. Only in-ground pools shall be permitted.

2. Shall be permitted to locate in the rear yard no closer than ten (10) feet to any property line. The Board of Adjustment may allow pools to be located in the side yard if they determine that due to topography, unusual lot shape, or insufficient rear yard area, location of the pool in the rear yard is not possible.

3. Swimming pools which are constructed in-ground shall be required to have a fence, including a self-closing or self-latching door or gate around the pool or the property on which the pool is located and such fence shall be set back at all points at least four (4) feet from the pool. Such fence shall be at least four (4) feet in height, but not more than six (6) feet in height (only classes 2 or 3 fences are permitted, as regulated in Article XIII of this ordinance). If a class 2 or class 3 fence is used, it shall be set back at least ten (10) feet from the property line. Such fences shall be constructed in such a manner that a child may not reach the pool from the street or any property without climbing the fence or opening the gate or door.

4. Glare from lights used to illuminate the swimming pool area shall be directed away from adjacent properties.

5. 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.

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

SECTION 9.17 DEVELOPMENT PLAN REQUIREMENTS: No structure shall be erected or structurally altered nor shall any grading take place on any lot or parcel in zones where a development plan is required, except in accordance with the regulations of this section and an approved development plan as hereinafter required. Before a permit is issued for construction, one copy of the development plan, 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, the building inspector, and the zoning administrator. The development plan shall identify and locate, where applicable, the information as listed in Section 9.18, B. -- Stage II Development Plan Requirements.

All such development 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 and other applicable sections of this ordinance, and the comprehensive plan. However, no action of approving or rejecting any development plan shall be taken unless and until a review of the proposal has been made by Planning and Development Services of Kenton County staff.

All development 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 phases, provided all of the procedures required by the planning commission, or its duly authorized representative, have been complied with.

SECTION 9.18 DEVELOPMENT PLAN REQUIREMENTS - STAGES I, II, AND RECORD PLAT:

A. STAGE I DEVELOPMENT PLAN REQUIREMENTS: The Stage I Development Plan shall identify and provide, where applicable, the following information:
1. Plan(s) of the subject property, drawn to a scale not smaller than one (1) inch equals forty (40) feet, that identifies and provides the following information:

a. The total area in the project;

b. The present zoning of the subject property and all adjacent properties;

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

d. Existing topography and approximate delineation of any topographical changes shown by contour with intervals not to exceed five (5) feet;

e. Delineation of all existing and proposed residential areas in the project with a statement indicating net density of the total project:

   (1) Detached housing - location and approximate number of lots, including a typical section(s) identifying lot sizes and dimensions and height of buildings;

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

f. Delineation of all existing and proposed nonresidential uses in the project:

   (1) Commercial and industrial uses - location and type of all uses, including approximate number of acres, gross floor area, and height of buildings;

   (2) Open Space/Recreation - the approximate amount of area proposed for common open space, including the location of recreational facilities and identification of unique natural features to be retained;

   (3) Other public and semi - public uses - location and type of all uses, including approximate number of acres, gross floor area, and height of buildings;
g. Location of all existing and proposed pedestrian walkways, identifying approximate dimensions;

h. Location of all existing and proposed off-street parking and loading and/or unloading areas, identifying the approximate number of spaces;

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

j. Location of all existing and proposed water, sanitary sewer, and storm drainage lines, indicating approximate pipe sizes; electric and phone service.

k. Certification from appropriate water, sewer, electric and phone agencies indicating that services are available.

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

m. 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
   (4) Nonresidential buildings and uses, in order of priority.

The aforementioned information 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.

B. STAGE II DEVELOPMENT PLAN REQUIREMENTS: The Stage II Development Plan shall identify and provide, where applicable, the following requirements:

1. Plan(s) of the subject property drawn to a scale of not smaller than one (1) inch equals forty (40) 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, or its duly authorized representative;

b. All housing units on the subject property:

(1) Detached housing - Location, arrangement, and number of all lots, including lot dimensions 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. Location and arrangement of all common open space areas and recreational facilities, including lot dimensions. Methods of ownership, operation, and maintenance of such lands shall be identified;

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, size, and height;

g. All utility lines and easements:

(1) Water distribution system, 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 and location 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 off-street 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. 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
(4) Non-residential buildings and uses, in order of priority.

The aforementioned information 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.

C. RECORD PLAT REQUIREMENTS: The applicant shall submit a Record Plat, in conformance with the approved Stage II Development Plan. 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.

SECTION 9.19 REGULATIONS CONCERNING AIR RIGHTS: Any proposed use of air rights, as defined herein, shall be in the form of a development plan, as regulated in Section 9.17 of this ordinance, submitted to the planning commission, or its duly authorized representative, for review.

SECTION 9.20 REGULATIONS CONCERNING DESIGN AND CONSTRUCTION OF IMPROVEMENTS: Any proposed development requiring the construction of streets (including curb and gutters), sidewalks, sewers (sanitary & storm), water lines, or other public improvements, which does not constitute a subdivision, as herein defined, shall be required to be designed and constructed in accordance with the applicable articles and sections of the Subdivision Regulations, unless specifically waived by the planning commission.

SECTION 9.21 REGULATIONS PERTAINING TO PARKING OR STORING OF TRAILERS, RECREATIONAL VEHICLES, CAMPERS, INOPERABLE VEHICLES, AND OTHER SUCH TYPE EQUIPMENT

A. No vehicle which is abandoned, non-functional, in a state of disrepair, or lacking a valid license, shall be stored in excess of seventy-two (72) hours in any residential zone, unless it is in a completely enclosed building.

B. It shall be unlawful for any person(s) to live in any boat, automobile, camper, recreational vehicle, or truck, within the jurisdiction of the legislative body.

C. It shall be unlawful to park and or store any trailer (garden trailer exempted), recreational vehicle, camper, boat or other such type vehicle or equipment, within any place or location within the city, unless properly screened from view of adjacent property such as provided in Section 9.15 herein, as determined and approved by the board of adjustment between September 15th and May 15th. Such vehicles may be stored in a completely enclosed building.
D. It shall be unlawful to keep or park overnight any vehicle, other than an automobile, pick-up truck, van, or SUV designed and licensed as a non-commercial passenger vehicle at any place on property located in a residential district zone, except in a completely enclosed building.

E. Between May 15th and September 15th, any trailer (garden trailer exempted), recreational vehicles, camper, boat or other such type vehicle or equipment may be parked on private property for a period of time not to exceed five (5) calendar days for loading and unloading such vehicles.

F. As used in this subsection a trailer is defined in Section 7.1 of the Lakeside Park Zoning Ordinance.

G. Any property owner may, after receiving written approval of all the immediate adjacent landowners and submitting the same to the City Clerk, apply to the City to obtain a special use permit allowing the parking of such trailer, recreational vehicle, camper or boat for a period not to exceed nine (9) days. No property owner shall be granted more than one (1) special use permit in any calendar year.

H. In no event shall such a vehicle or trailer or part thereof extend over or beyond any property or right-of-way line.

SECTION 9.22 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 is in a manner which is 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:

1. Development proposed on land areas identified on the Comprehensive Plan as "Developmentally Sensitive Areas", and any other areas which have slopes of 20 percent or greater, shall require approval from the planning commission, or its duly authorized representative, before development may occur.

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 Subsection A., 1., above, may occur until plans and specifications for such work have been
submitted in the form of a development plan as regulated by Section 9.19 of this ordinance. In addition to development 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. Information defining results of 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 development plan and other information required by this Section, shall be reviewed by Planning and Development Services of Kenton County staff, 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, the planning commission, or its duly authorized representative, upon approval of the Legislative Body may authorize use of the site in accordance with the submitted plans.

4. If, after review of the plans required by this section the planning commission, or its duly authorized representative, determines that said proposed plans will not minimize hillside slippage and/or soil erosion, the planning commission, or its duly authorized representative, shall deny a permit for the development of said land.

SECTION 9.23 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, 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 9.24  CONTROL OF OBSTACLES IN PUBLIC RIGHTS - OF - WAY

A. PURPOSE: To control the items or obstacles that are permitted in the public rights - of - way (sidewalks, alleys, streets) for the safety of pedestrian and vehicular traffic movement and the beautification of the community in general.

B. PERMITTED ITEMS: The following items are permitted to be installed or constructed within public rights - of - way.

1. Mail collection boxes
2. Telephone poles
3. Electric line poles
4. Fire hydrants
5. Traffic and street identification signs
6. Traffic control devices
7. Street lights and street light poles
8. Trash cans and plastic bags, on days of pick - up only
9. Historical markers
10. Communications or T.V. transformers

SECTION 9.25  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 9.26  REGULATIONS CONCERNING TELEVISION AND RADIO STATIONS

A. TELEVISION: Earth stations for the reception and/or transmittal of TV signals, programs, messages, etc., may be installed as accessory structures in any zone, in compliance with the following regulations:

1. Such structures, including support equipment, shall not be permitted within any front yard or side yard in any zone. Such structures may be permitted to extend into the minimum required rear yard, as defined herein, in all
zones, provided that such structures are set back from the rear lot line a minimum of ten (10) feet, and side yard clearances are maintained.

2. Structures may be ground mounted or roof mounted, provided that maximum height limitations are maintained. If the structure is roof mounted, it shall be located in a manner so as to detract as little as possible from the architectural character of the building.

3. Structures shall be constructed to withstand a wind load of eighty (80) miles per hour and prior to construction applicant shall present an engineer's certificate or manufacturers certification in which it is certified that the structure is built to withstand wind loads of eighty (80) miles per hour.

4. Structures shall be grounded electrically and shall not cause to disturb, restrict, or impede the reception of equipment on adjoining properties.

B. RADIO: Earth stations for the reception and/or transmittal of radio signals, programs, messages, etc., may be installed as accessory structures in any zone, in compliance with the following regulations:

1. Such structures, including tower, mast, antenna, guy wires, support equipment, etc., shall not be permitted within any front yard or side yard in any zone. Such structures may be permitted to extend into the minimum required rear yard as defined herein, in all zones, provided that such structures are set back from the rear lot line a minimum of ten (10) feet, and side yard clearances are maintained.

2. Such structures, including tower, mast, antenna, guy wires, support equipment, etc., shall not exceed seventy (70) feet in height, as measured from ground level to the highest point of the structure.

3. Structures shall be constructed to withstand a wind load of eighty (80) miles per hour and prior to construction applicant shall present an engineer's certificate or manufacturers certification in which it is certified that the structure is built to withstand wind loads of eighty (80) miles per hour.

4. Structures shall be grounded electrically and shall not cause to disturb, restrict, or impede the reception of equipment on adjoining properties.

SECTION 9.27 REGULATIONS OF SEXUALLY ORIENTED BUSINESSES

A. The City of Lakeside Park, 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 Lakeside Park, 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 Lakeside Park 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
Lakeside Park to balance the Constitutional rights of businesses that present sexually oriented entertainment with the City of Lakeside Park 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 Lakeside Park 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 Lakeside Park recognizes that some of the cited studies included bars without sexually oriented entertainment among the businesses studied; the City of Lakeside Park 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 Lakeside Park 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 Lakeside Park 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 Lakeside Park 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 Lakeside Park 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 Lakeside Park 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 businesss.

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 Lakeside Park.

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

Z. City of Lakeside Park currently has no area zoned for any type of commercial use.
AA. City of Lakeside Park currently has only limited areas zoned for commercial use, and those areas are small and adjacent to residential areas.

AB. City of Lakeside Park has within its limited commercial areas only small, local businesses generally serving the convenience needs of residents.

AC. City of Lakeside Park 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 Lakeside Park can not recall ever receiving any applications for or inquiries about the establishment of any sexually oriented business in the City of Lakeside Park.

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

AF. City of Lakeside Park 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 Lakeside Park 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 Lakeside Park therefore finds that there are no suitable locations for sexually oriented businesses in the City of Lakeside Park 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 Lakeside Park 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 entertainer at a sexually oriented business that is required to be licensed: dancing, singing, talking, modeling (including lingerie or photographic), gymnastics, acting, other
forms of performing, or individual conversations with customers for which some type of remuneration is received.

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

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

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

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

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

13. ESTABLISHMENT – any business regulated by this Section.

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

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

16. FREQUENTLY – two or more times per month.

17. MASSAGE – touching, stroking, kneading, stretching, friction, percussion, and vibration, and includes holding, positioning, causing movement of the soft tissues and applying manual touch and pressure to the body (excluding an osseous tissue manipulation or adjustment).
18. MASSAGE PARLOR – any business offering massages that is operated by a person who is not a state licensed “massage therapist” or that provides massages by persons who are not state licensed massage therapists.

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

20. MASSAGE THERAPIST – a person licensed as a massage therapist in accordance with the provisions of Kentucky Rev. Statues §309.350 et seq.

21. MEDIA – anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, CD-ROMS, DVDs, other magnetic media, and undeveloped pictures.

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

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

24. MEDIA STORE, SEXUALLY ORIENTED – an establishment that rents and/or sells sexually oriented media, and that meets any of the following three tests:

a. More than forty percent (40%) of the gross public floor area is devoted to sexually oriented media; or

b. More than forty percent (40%) of the stock in trade consists of sexually oriented media; or

c. It advertises or holds itself out in any forum as a “XXX,” “adult” or “sex” business, or otherwise as a sexually oriented business, other than sexually oriented media outlet, sexually oriented motion picture theater, or sexually oriented cabaret.
25. MODELING STUDIO, SEXUALLY ORIENTED – an establishment or business that provides the services of live models modeling lingerie, bathing suits, or similar wear to individuals, couples, or small groups in a space smaller than 600 feet.

26. MOTEL, SEXUALLY ORIENTED – a hotel, motel, or similar commercial establishment that meets any of the following criteria:

   a. Offers accommodations to the public for any form of consideration and provides patrons with sexually oriented entertainment or transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas;”

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

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

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

29. MOTION PICTURE THEATER, SEXUALLY ORIENTED – a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are frequently shown that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” or that are marketed as or offered as “adult,” “XXX,” or sexually oriented. Frequently shown films, motion pictures, videocassettes, slides or other similar photographic reproductions as characterized herein do not include sexually oriented speech and expressions that take place inside the context of some larger form of expression.
30. **NUDE MODELING STUDIO** – any place where a person who appears in a state of nudity or semi-nudity and is to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. “Nude model studio” shall not include a proprietary school licensed by the Commonwealth of Kentucky or a college, junior college, or university supported entirely or in part by public taxation; a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

31. **NUDITY OR STATE OF NUDITY** – the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the areola or nipple, or the showing of the covered male genitals in a discernibly turgid state. See also, Semi-nude.

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

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

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

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

36. **PRIMARY ENTERTAINMENT** – entertainment that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.
37. PROTECTED LAND USE – residential zoning district, school, religious institution, park, library, public recreation area, or day care center.

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

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

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

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

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

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

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

42. SEXUALLY ORIENTED BUSINESS – an inclusive term used to describe collectively the following businesses: sexually oriented cabaret or theater; sexually oriented entertainment; sexually oriented motion picture theater; sexually oriented motion picture arcade; sexually oriented encounter center; sexually oriented media store; sexually oriented escort bureau; bathhouse; massage parlor; sex shop; sexually oriented modeling studio; or any other such business establishment whose primary purpose is to offer sexually oriented entertainment or materials. This collective term does not describe a specific land use and shall not be considered a single use category for purposes of the County or any applicable municipal zoning code or other applicable ordinances.
43. SEXUALLY ORIENTED BUSINESS LICENSE – any license applied for under the countywide licensing ordinance, Kenton County Ordinance No. 451.9 as amended, establishing licensing requirements for sexually oriented businesses and service oriented escort bureaus, adopted in 2004.

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

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

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

AK. PROHIBITED USES: The following uses are prohibited in the City of Lakeside Park 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 Lakeside Park 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 Lakeside Park without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.
ARTICLE X

ZONES

SECTION 10.0  R-1BC (RESIDENTIAL ONE - BC) ZONE

A. PURPOSE: This zone is established to provide a residential environment whose dwelling types and densities are typical of a suburban character.

B. PERMITTED USES

1. Single-family residential dwellings (detached)
2. Municipally owned or operated parks, playgrounds, or other community facilities

C. ACCESSORY USES

1. In-ground swimming pools, tennis courts, decks/patios, and gazebos.
2. Fences and/or walls, as regulated by Article XIII of this ordinance
3. Home occupations, as regulated by Section 9.9 of this ordinance
4. Signs, as regulated by Article XIV of this ordinance
5. Children swing sets
6. Customary accessory structures and uses (above ground swimming pools, detached garages, and detached storage facilities are prohibited)

D. CONDITIONAL USES: The following uses, or any customary accessory structures or uses, subject to the approval by the board of adjustment, as set forth in Sections 9.12 and 18.7 of this ordinance:

1. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street
2. Fire and police stations, provided they are located adjacent to an arterial street
3. Parochial, private, and public schools

E. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES

1. Minimum lot area - Fifteen thousand (15,000) square feet
2. Minimum lot width at building setback line - One hundred (100) feet
3. Minimum front yard depth - Thirty (30) feet
4. Minimum side yard width - Fifteen (15) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet
F. 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, and rear yard depths - Fifty (50) feet
4. Maximum building height - Thirty - five (35) feet

G. OTHER DEVELOPMENT CONTROLS

1. Off - street parking and loading and/or unloading areas 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 any use located within this zone onto any street or into any adjacent property.
4. Where any yard of any conditionally permitted use in this zone abuts property in a residential zone, a minimum ten (10) foot wide screening area, as regulated by Section 9.15 of this ordinance, shall be provided.
5. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.
6. A residential front yard setback is established when on the same street there are two or more contiguous houses on one or more lots which abut a developed or undeveloped lot, the front yard setback shall conform to the setback established by the two or more contiguous structures.
SECTION 10.1  R-1C (RESIDENTIAL ONE - C) ZONE

A. PURPOSE: This zone is established to provide a residential environment whose dwelling types and densities are typical of a suburban character.

B. PERMITTED USES

1. Single-family residential dwellings (detached)
2. Municipally owned or operated parks, playgrounds, or other community facilities

C. ACCESSORY USES

1. In-ground swimming pools, tennis courts, decks/patios, and gazebos
2. Fences and/or walls, as regulated by Article XIII of this ordinance
3. Home occupations, as regulated by Section 9.9 of this ordinance
4. Signs, as regulated by Article XIV of this ordinance
5. Children swing sets
6. Customary accessory structures and uses (above ground swimming pools, detached garages, and detached storage facilities are prohibited)

D. CONDITIONAL USES: The following uses, or any customary accessory structures or uses, subject to the approval by the board of adjustment, as set forth in Sections 9.12 and 18.7 of this ordinance:

1. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street
2. Fire and police stations, provided they are located adjacent to an arterial street
3. Parochial, private, and public schools

E. 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 - Seventy (70) feet
3. Minimum front yard depth - Thirty (30) feet
4. Minimum side yard width - Ten (10) feet
5. Minimum rear yard depth - Twenty - five (25) feet
6. Maximum building height - Thirty - five (35) feet

F. 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, and rear yard depths - Fifty (50) feet
4. Maximum building height - Thirty-five (35) feet

G. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas 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 any use located within this zone onto any street or into any adjacent property.
4. Where any yard of any conditionally permitted use in this zone abuts property in a residential zone, a minimum ten (10) foot wide screening area, as regulated by Section 9.15 of this ordinance, shall be provided.
5. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.
6. A residential front yard setback is established when on the same street there are two or more contiguous houses on one or more lots which abut a developed or undeveloped lot, the front yard setback shall conform to the setback established by the two or more contiguous structures.
SECTION 10.2  R-1D  (RESIDENTIAL ONE - D) ZONE

A. PURPOSE: This zone is established to provide a residential environment whose dwelling types and densities are typical of a suburban character.

B. PERMITTED USES

1. Single-family residential dwellings (detached)
2. Municipally owned or operated parks, playgrounds, or other community facilities

C. ACCESSORY USES

1. In-ground swimming pools, tennis courts, decks/patios, and gazebos
2. Fences and/or walls, as regulated by Article XIII of this ordinance
3. Home occupations, as regulated by Section 9.9 of this ordinance
4. Signs, as regulated by Article XIV of this ordinance
5. Children swing sets
6. Customary accessory structures and uses (above ground swimming pools, detached garages, and detached storage facilities are prohibited)

D. CONDITIONAL USES: The following uses, or any customary accessory structures or uses, subject to the approval by the board of adjustment, as set forth in Sections 9.12 and 18.7 of this ordinance:

1. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street
2. Fire and police stations, provided they are located adjacent to an arterial street
3. Parochial, private, and public schools

E. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES

1. Minimum lot area - Nine thousand (9,000) square feet
2. Minimum lot width at building setback line - Sixty-five (65) feet
3. Minimum front yard depth - Thirty (30) feet
4. Minimum side yard width - Ten (10) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

F. 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, and rear yard depths - Fifty (50) feet
4. Maximum building height - Thirty - five (35) feet

G. OTHER DEVELOPMENT CONTROLS

1. Off - street parking and loading and/or unloading areas 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 any use located within this zone onto any street or into any adjacent property.
4. Where any yard of any conditionally permitted use in this zone abuts property in a residential zone, a minimum ten (10) foot wide screening area, as regulated by Section 9.15 of this ordinance, shall be provided.
5. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.
6. A residential front yard setback is established when on the same street there are two or more contiguous houses on one or more lots which abut a developed or undeveloped lot, the front yard setback shall conform to the setback established by the two or more contiguous structures.
SECTION 10.3  R-1E (RESIDENTIAL ONE - E) ZONE

A. PURPOSE: This zone is established to provide a residential environment whose dwelling types and densities are typical of a suburban character.

B. PERMITTED USES

1. Single-family residential dwellings (detached)
2. Municipally owned or operated parks, playgrounds, or other community facilities

C. ACCESSORY USES

1. In-ground swimming pools, tennis courts, decks/patios, and gazebos
2. Fences and/or walls, as regulated by Article XIII of this ordinance
3. Home occupations, as regulated by Section 9.9 of this ordinance
4. Signs, as regulated by Article XIV of this ordinance
5. Children swing sets
6. Customary accessory structures and uses (above ground swimming pools, detached garages, and detached storage facilities are prohibited)

D. CONDITIONAL USES: The following uses, or any customary accessory structures or uses, subject to the approval by the board of adjustment, as set forth in Sections 9.12 and 18.7 of this ordinance:

1. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street
2. Fire and police stations, provided they are located adjacent to an arterial street
3. Parochial, private, and public schools

E. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES

1. Minimum lot area - Seven thousand five hundred (7,500) square feet
2. Minimum lot width at building setback line - Fifty (50) feet
3. Minimum front yard depth - Twenty-five (25) feet
4. Minimum side yard width - Eight (8) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

F. 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, and rear yard depths - Fifty (50) feet
4. Maximum building height - Thirty - five (35) feet

G. OTHER DEVELOPMENT CONTROLS

1. Off - street parking and loading and/or unloading areas 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 any use located within this zone onto any street or into any adjacent property.
4. Where any yard of any conditionally permitted use in this zone abuts property in a residential zone, a minimum ten (10) foot wide screening area, as regulated by Section 9.15 of this ordinance, shall be provided.
5. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.
6. A residential front yard setback is established when on the same street there are two or more contiguous houses on one or more lots which abut a developed or undeveloped lot, the front yard setback shall conform to the setback established by the two or more contiguous structures.
SECTION 10.4 R-1EE (RESIDENTIAL ONE - EE) ZONE

A. PURPOSE: This zone is established to provide a residential environment whose dwelling types and densities are typical of a suburban character.

B. PERMITTED USES

1. Single-family residential dwellings (detached)
2. Municipally owned or operated parks, playgrounds, or other community facilities

C. ACCESSORY USES

1. In-ground swimming pools, tennis courts, decks/patios, and gazebos
2. Fences and/or walls, as regulated by Article XIII of this ordinance
3. Home occupations, as regulated by Section 9.9 of this ordinance
4. Signs, as regulated by Article XIV of this ordinance
5. Children swing sets
6. Customary accessory structures and uses (above ground swimming pools, detached garages, and detached storage facilities are prohibited)

D. CONDITIONAL USES: The following uses, or any customary accessory structures or uses, subject to the approval by the board of adjustment, as set forth in Sections 9.12 and 18.7 of this ordinance:

1. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street
2. Fire and police stations, provided they are located adjacent to an arterial street
3. Parochial, private, and public schools

E. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES

1. Minimum lot area - Seven thousand five hundred (7,500) square feet
2. Minimum lot width at building setback line - Sixty (60) feet
3. Minimum front yard depth - Twenty-five (25) feet
4. Minimum side yard width - Eight (8)
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

F. 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, and rear yard depths - Fifty (50) feet
4. Maximum building height - Thirty-five (35) feet

G. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas 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 any use located within this zone onto any street or into any adjacent property.
4. Where any yard of any conditionally permitted use in this zone abuts property in a residential zone, a minimum ten (10) foot wide screening area, as regulated by Section 9.15 of this ordinance, shall be provided.
5. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.
6. A residential front yard setback is established when on the same street there are two or more contiguous houses on one or more lots which abut a developed or undeveloped lot, the front yard setback shall conform to the setback established by the two or more contiguous structures.
SECTION 10.5  R-1G (RESIDENTIAL ONE - G) ZONE

A. PURPOSE: This zone is established to provide a residential environment whose dwelling types and densities are typical of an urban character.

B. PERMITTED USES

1. Single - family residential dwellings (detached)
2. Municipally owned or operated parks, playgrounds, or other community facilities

C. ACCESSORY USES

1. In - ground swimming pools, tennis courts, decks/patios, and gazebos
2. Fences and/or walls, as regulated by Article XIII of this ordinance
3. Home occupations, as regulated by Section 9.9 of this ordinance
4. Signs, as regulated by Article XIV of this ordinance
5. Children swing sets
6. Customary accessory structures and uses (above ground swimming pools, detached garages, and detached storage facilities are prohibited)

D. CONDITIONAL USES: The following uses, or any customary accessory structures or uses, subject to the approval by the board of adjustment, as set forth in Sections 9.12 and 18.7 of this ordinance:

1. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street
2. Fire and police stations, provided they are located adjacent to an arterial street
3. Parochial, private, and public schools

E. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES

1. Minimum lot area -Five thousand (5,000) square feet
2. Minimum lot width at building setback line - Fifty (50) feet
3. Minimum front yard depth - Twenty - five (25) feet
4. Minimum side yard width - Five (5) feet
5. Minimum rear yard depth - Twenty - five (25) feet
6. Maximum building height - Thirty - five (35) feet

F. 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, and rear yard depths - Fifty (50) feet
4. Maximum building height - Thirty-five (35) feet

G. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas 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 any use located within this zone onto any street or into any adjacent property.
4. Where any yard of any conditionally permitted use in this zone abuts property in a residential zone, a minimum ten (10) foot wide screening area, as regulated by Section 9.15 of this ordinance, shall be provided.
5. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.
6. A residential front yard setback is established when on the same street there are two or more contiguous houses on one or more lots which abut a developed or undeveloped lot, the front yard setback shall conform to the setback established by the two or more contiguous structures.
SECTION 10.6  R-3 (RESIDENTIAL THREE) ZONE

A. PURPOSE: This zone is established to provide a residential environment of multiple dwelling units whose densities are typical of an urban character.

B. PERMITTED USES

1. Multi-family residential dwellings
2. Municipally owned or operated parks, playgrounds, or other community facilities

C. ACCESSORY USES

1. In-ground swimming pools, tennis courts, decks/patios and gazebos.
2. Fences and/or walls, as regulated by Article XIII of this ordinance
3. Home occupations as regulated by Section 9.9 of this ordinance
4. Signs, as regulated by Article XIV of this ordinance
5. Children swing sets
6. Customary accessory structures and uses (above ground swimming pools, detached garages, and detached storage facilities are prohibited)

D. CONDITIONAL USES: The following uses, or any customary accessory structures or uses, subject to the approval by the board of adjustments, as set forth in Sections 9.12 and 18.7 of this ordinance:

1. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street
2. Fire and police stations, provided they are located adjacent to an arterial street
3. Parochial, private, and public schools

E. 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 - One hundred (100) feet
3. Minimum front yard depth - Forty (40) feet
4. Minimum side yard width - Fifteen (15) feet
5. Minimum rear yard depth - Thirty (30) feet
6. Maximum building height - Forty (40) feet
7. Maximum density - Twenty (20) dwelling units per net acre
8. In the case of this zone, more than one principal structure, as defined herein, may be permitted on one lot

F. 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, and rear yard depths - Fifty (50) feet 
4. Maximum building height - Forty (40) feet 

G. OTHER DEVELOPMENT CONTROLS 

1. Off - street parking and loading and/or unloading areas 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 any use located within this zone onto any street or into any adjacent property. 
4. Where any yard of any use permitted or conditionally permitted in this zone abuts property in a single - family residential zone, a minimum ten (10) foot wide screening area, as regulated by Section 9.15 of this ordinance, shall be provided. 
5. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered. 
6. A development plan, as regulated by Section 9.17 of this ordinance, shall be required for any use permitted in this zone. 
7. When a residential front yard setback has been established by two or more contiguous houses which abut a developed or undeveloped lot on the same street, the front yard setback shall conform to the setback established by the two or more contiguous structures.
SECTION 10.7 RCD (RESIDENTIAL CLUSTER DEVELOPMENT)

A. PURPOSE: The purposes of the Residential Cluster Development (RCD) Overlay Zone are to: provide a means whereby clusters of attached and detached single-family residential units may be constructed in the Residential (R-1) Zones, and therein, through a development plan, permit a wide flexibility in the design, location, siting of the building, and yard and setback requirements in order to provide for, to the greatest extent possible, the preservation of hillside areas and other natural geographic and topographic features, and to provide for more usable and suitably located recreation facilities and open space than would otherwise be provided under conventional R-1 residential land development procedures, but always with the intention of furthering the public health, safety, and general welfare.

B. PERMITTED USES:

1. Attached single-family residential dwellings -- condominium or landominium development.
2. Detached single-family residential dwellings not to exceed ten percent (10%) in number of the total number of single-family dwelling units approved and shown on the site plan for the project.
3. Municipally owned or operated parks, playgrounds, or other community facilities

C. ACCESSORY USES:

1. In-ground swimming pools, tennis courts, decks/patios, and gazebos;
2. Fences and walls as regulated by Article XIII of this ordinance;
3. Signs, as regulated by Article XIV of this ordinance;
4. Home occupations, subject to the restrictions and limitations established in Section 9.9 of this ordinance.
5. Children swing sets
6. Customary accessory structures and uses (above ground swimming pools, detached garages, and detached storage facilities are prohibited)

D. 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 uses shall have been applied for in Section 9.12 of this ordinance.

1. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street. (This does not include day care centers operated in conjunction with the church.)
E. COMMON OPEN SPACE: A minimum of twenty percent (20%) of the total acreage exclusive of the street right-of-way areas shall be retained as common open space and deeded to a legally established association of owners of the dwelling units in the development for operation and maintenance. This common open space shall not consist of isolated or fragmented pieces of land which serve no useful purpose. Included in this common open space may be such uses as pedestrian walkways, parkland, swimming pools, tennis courts, and other similar recreational and open space lands exclusive of off-street parking areas and street right-of-way.

F. SITE AREA REQUIREMENTS: This Residential Cluster Development Zone (RCD) shall not be permitted on less than eight (8) acres of land.

G. DENSITY, HEIGHT, AND SETBACK REGULATIONS: No buildings shall be erected or structurally altered hereafter, except in accordance with the following regulations:

1. Density - The density of single-family dwelling units in the project shall not exceed 5.5 units per acre. This density shall be applied to the total project area exclusive of street right-of-way areas.
2. Maximum Building Height - Thirty-five (35) feet above average grade level.
3. Maximum Dwelling Units Per Structure - Four (4) units.
4. Setback from street right-of-way line shall be a minimum of 30 feet.

H. 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. Garages shall be attached to the dwelling unit.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers located at and serving each dwelling unit.
3. No private 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. Prior to the initial conveyance of a dwelling unit in the project to an individual owner, a legal document establishing an association of homeowners shall be prepared by the owner/developer of the proposed RCD tract of land and approved by the city council of Lakeside Park. Such document, in addition to establishing said association and providing for operation and maintenance of the common open space areas, shall also include provisions relative to maintenance of parking areas, drives and structures, the establishment and collection of dues and fees, and any
other matters necessary to the proper operation and maintenance of the association of owners and the RCD development tract.

I. APPLICATION AND PROCESSING The City of Lakeside Park may zone an area RCD prior to the submission of a development plan. Submission of a development plan, in accordance with this section, however, shall be required prior to the issuance of any zoning or building permits. The purpose of the following procedures is to permit an initial review of and a public hearing upon the proposal by the planning commission an early opportunity, while the details of the plan remain flexible and before the applicant has invested a large sum of money in the engineering and architectural services needed to provide the detail necessary for final plat and plan approval. Applications for the Residential Cluster Development (RCD) Zone shall be processed as follows:

1. An application for approval of the Preliminary Development Plan for an RCD area and an application for an RCD zone change, where applicable, shall be first filed with the city's zoning administrator for his signature and to establish a date for the pre-application conference. The zoning administrator shall hold the application until after said conference.

2. Pre-application Conference: The applicant shall be required to meet the zoning administrator, representatives of the planning commission, and the Lakeside Park City Council prior to submitting the RCD preliminary development plan to the planning commission for public hearing review. The purpose of this pre-application conference shall be to familiarize the applicant with all the necessary steps, all applicable rules and regulations and to pre-review the applicant's thinking and concepts with the appropriate city officials. The applicant shall present a general outline of his approach to the RCD and the city officials shall give to the applicant an initial reaction which is not legally binding but which is advisory in character. After said conference, the application shall be returned to the applicant to file with the planning commission.

3. The planning commission shall hold a public hearing on the proposed application (preliminary development plan and, where applicable, the zoning map amendment) duly noticed in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purposes of the RCD Overlay Zone, the required elements of the Preliminary Development Plan (Section 9.18A), and other applicable requirements of this section. Upon holding such hearing, the planning commission shall make one of the following recommendations to the city council: approval, approval with conditions, or disapproval. The planning commission shall submit to the Lakeside Park City Council and its zoning administrator, along with
recommendations, a copy of the Preliminary Development Plan and the bases for their recommendation.

4. The legislative body shall, within ninety (90) days after receiving the recommendations of the planning commission, review said recommendations and take action to approve or disapprove said RCD application (preliminary development plan, and where applicable, the zoning map amendment). Such action may incorporate any conditions imposed by the city. However, should the city council 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 subsection H., 3., above. Approval of the RCD Zone, where applicable, shall require that development be in conformance with the approved Preliminary Development Plan.

The city council shall forward a copy of the approved plan to the planning commission for further processing in accordance with the requirements for the final development plan and record plat.

Zoning Map Amendment - Upon approval of the RCD Zone, where applicable, the official zoning map shall be amended for the area as shown on the approved preliminary development plan.

5. A final development plan and record plat shall be developed in conformance with the approved preliminary development plan and in accordance with the requirements of Sections 9.18 B & C, and submitted to the planning commission and its engineer for review and approval. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of Section 9.18, B & C, shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.

a. The planning commission shall review the submitted final development plan with regard to its compliance with the required elements of Section 9.18, B., for final development plans, other applicable elements of this ordinance, and its conformity with the approved preliminary development plan. The planning commission, in approving the Final Development Plan, may authorize minor adjustments from the approved preliminary 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) or decrease the amount and/or usability of open space or recreation areas, or affect
other applicable requirements of this ordinance. Upon planning
commission approval of the Final Development Plan, a copy of said
plan shall be forwarded to the city council for their final approval.
Within forty - five (45) days after receiving notice of planning
commission action on the Final Development Plan, the city council
shall take final action on the plan and forward notification of said
action to the planning commission. The city shall grant permits only
in accordance with the approved Final Development Plan.

b. Upon approval of the Final Development Plan by the city council,
the planning commission shall review the submitted record plat(s),
with regard to its compliance with the required elements of Section
9.18, C., the applicable requirements of the subdivision regulations,
and its conformance with the approved Final Development 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 to the office of the County Clerk to be
recorded. The owner/developer or his engineer shall provide a
copy of the approved record plat to the City of Lakeside Park.

J. AMENDMENTS: Any amendments to plans shall be made in accordance with
the procedure required by this ordinance, subject to the same limitations and
requirements as those under which such plans were originally approved.

K. EXPIRATION: The approved plan and any amendment thereto 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 RCD Overlay
Zone should revert to its original or another appropriate zoning designation. A
public hearing may be initiated if either of the following conditions apply:

1. A Final Development Plan has not been approved by the planning
commission within a period of twelve (12) consecutive months from the
date of the Preliminary Development Plan approval 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 approved Preliminary Development Plan
obsolete.

2. Substantial construction has not been initiated within a period of twelve
(12) consecutive months from the date of approval of the Final
Development Plan by the City of Lakeside Park, 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 the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the approved Final Development Plan obsolete. The amount of construction constituting initiating substantial construction shall be as set forth in, and approved as part of, the Final Development Plan.
SECTION 10.8 R-2 (RESIDENTIAL TWO) ZONE

A. PURPOSE: The purposes of this zone are to: promote flexibility in design and permit planned diversification in the relationships between the location 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, existing landscape features and amenities, and to utilize such features in an harmonious fashion; provide for more usable and suitably located recreation facilities, and 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. APPLICATION AND PROCESSING: The purpose of these procedures is to permit an initial review of and a public hearing upon the proposal by the Planning Commission at an early opportunity, while the details of the plan remain flexible. Applications shall be processed as follows:

1. Stage I Development Plan - Except as provided for in Section 17.0, I., of this ordinance, applications for a map amendment to zone an area R-2 shall be accompanied by a Stage I Development Plan, as regulated by Section 9.18, A., of this ordinance, along with supporting information/documentation pertaining to each of the criteria items identified in Subsection M., below. If an area, however, is currently zone R-2, the submission of the Stage I Development Plan, for review by the planning commission and the legislative body, shall not be required until the area is proposed to be developed. Development shall include 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 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 R-2 Zone, the required elements of the Stage I Development 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 Development Plan and the bases for their recommendation.
b. The legislative body shall, within ninety (90) days after receiving the recommendations of the planning commission, review said recommendations and take action to approve or disapprove said application. Such action may incorporate any conditions imposed by the planning commission. However, should the legislative body take action to impose different conditions that 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 B., 1., a., above. Approval of the R-2 Zone shall require that development be in conformance with the approved Stage I Development Plan.

The legislative body shall forward a copy of the approved Stage I Development Plan to the planning commission, or its duly authorized representative, for further processing, in accordance with the requirements for Stage II Development Plan and Record Plat.

2. Stage II Development Plan and Record Plat - A Stage II Development Plan and Record Plat shall be developed in conformance with the approved Stage I Development Plan and in accordance with the requirements of Section 9.18, B. of this ordinance, and submitted to the planning commission, or its duly authorized representative, 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 Section 9.18, C. of this ordinance shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.

a. The planning commission, or its duly authorized representative, shall review the submitted Stage II Development Plan with regard to its compliance with the required elements of Section 9.18, C. of this ordinance, other applicable elements of this ordinance, other applicable regulations, and its conformity with the approved Stage I Development Plan. Minor adjustments from the approved Stage I Development Plan may be permitted, provided that the adjustments do not effect the special 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 its review of the Stage II Development Plan, the planning commission, or its duly authorized representative, 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 II Development Plan and the bases for their recommendation.

b. The legislative body shall, within ninety (90) days after receiving the recommendations of the planning commission, or its duly authorized representative, review said recommendations and take action to approve or disapprove said application. Such action may incorporate any conditions imposed by the planning commission, or its duly authorized representative. However, should the legislative body take action to impose different conditions than were reviewed and considered by the planning commission, or its duly authorized representative, then said conditions shall be resubmitted to the planning commission, or its duly authorized representative, for further review and recommendation, in accordance with Subsection B., 2., a., above.

The legislative body shall forward a copy of the approved Stage II Development Plan to the planning commission, or its duly authorized representative, for further processing.

c. Upon approval of the Stage II Development Plan, by the legislative body, a copy of said plan shall be forwarded to the zoning administrator, who shall grant permits only in accordance with the approved Stage II Development Plan and other regulations, as may be required by this ordinance.

d. Upon approval of the Stage II Development Plan, by the legislative body, the planning commission, or its duly authorized representative, shall review the submitted Record Plat, if applicable, with regard to its compliance with the required elements of the subdivision regulations, and its conformance with the approved Stage II Development Plan.

Upon approval of the Record Plat, by the planning commission, or its duly authorized representative, copies of said plat, certified by the planning commission, and suitable for recording, shall be forwarded to the office of the County Clerk to be recorded.

C. PERMITTED USES AND DENSITIES:

1. Attached single-family residential dwellings, two-family residential dwellings, and multi-family residential dwellings may be permitted within a R-2 Zone. In the case of this zone, more than one principal building, as defined herein, may be permitted on one lot.
2. The maximum density of the R-2 Zone shall be 13.0 dwelling units per net acre. This density shall be applied to the total project area excluding that land devoted to nonresidential uses and streets (public and private).
3. Municipally owned or operated parks, playgrounds, or other community facilities

D. ACCESSORY USES:
1. Inground swimming pools, tennis courts, decks/patios, and gazebos.
2. Fences and walls, as regulated by Article XIII of this ordinance.
3. Signs, as regulated by Article XIV of this ordinance.
4. Home occupations, subject to the restrictions and limitations established in Section 9.9 of this ordinance.
5. Children swing sets
6. Customary accessory structures and uses (above ground swimming pools, detached garages, and detached storage facilities are prohibited)

E. 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 uses shall have been applied for in Section 9.14 of this ordinance.
1. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street.
2. Fire and police stations, providing they are located adjacent to an arterial street.
3. Public and parochial schools.

F. AREA REQUIREMENTS
1. No R-2 Zone shall be permitted on less than four (4) acres of land. However, an area of less than four (4) acres may be zoned R-2, provided it is adjacent to an area with an existing approved Stage I Development Plan and is currently zoned R-2.

2. The minimum area for submission of a Stage I Development Plan, within an existing R-2 Zone, shall be not less than two (2) acres. However, a Stage I Development Plan may be submitted for an area of less than two (2) acres, provided it is adjacent to an area with an existing approved Stage I Development Plan and is in agreement with all other requirements of the R-2 Zone.

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

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

J. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.6 of this ordinance.

K. COMMON OPEN SPACE/RECREATION AREA: At least twenty percent (20%) of the total acreage of the proposed R-2 Zone 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 activities within the zone. Common open space/recreation areas shall be that part of the total project exclusive of buildings, streets, parking areas, single-family residential lots, commercial areas, and access drives.

L. SCREENING: Shall be as approved in the plan.

M. CRITERIA: Evaluation of the proposed development plan shall be based upon the following criteria:

1. Agreement with the various elements of the Kenton County Comprehensive Plan and where applicable, any Officially adopted Neighborhood Concept Plan by the planning commission or the legislative body, or other adopted plan.

2. Extent to which the proposed development plan is consistent with the purpose of the R-2 Zone.

3. Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by the logical boundaries (based on topography, natural features, streets, relationship of adjacent uses, etc.).

4. Nature and extent of the proposed uses in relation to the unique characteristics of the site; the current or anticipated need for such use(s) and the specific size and locale of the market area from which the specific uses of the site will draw or serve.
5. Extent to which the proposed design, as indicated in the Stage I Development Plan, is compatible and coordinated with existing and/or proposed development contiguous to the site. Compatibility and coordination with existing and/or proposed development shall be reviewed in terms of intensity of land use type in relation to the general character of the surrounding areas, including coordination of vehicular and pedestrian circulation; the scale (e.g., height and mass of structures) of the proposed development; location of open spaces and size of setbacks; provisions of screening areas or utilization of natural features; the transition of land use types based on the proposed design; and the impact of the proposed development on adjacent uses, such as noise, visual impact, hours or operation, traffic circulation, etc.

6. Amount of traffic that would be generated by the proposed operation and the ability of the existing highway system to adequately handle said traffic. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.

7. Extent to which the design of the internal street system provides for the efficient and safe movement of traffic within and adjacent to the site.

8. Extent to which all necessary public utilities and facilities are available to service the development including police and fire protection, water and sewer services, and other services normally provided within the area. Where deficiencies exist, improvements that would correct such deficiencies may be considered.

N. AMENDMENTS: Any amendments to plans, except for the minor adjustments which may be permitted by the planning commission, or its duly authorized representative, and the legislative body, shall be made in accordance with the procedure required by Subsection B., subject to the same limitations and requirements as those under which plans were originally approved.

O. EXPIRATION: Development plans within the R-2 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 R-2 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 legislative body, within a period of twenty-four (24) consecutive months from the date of the approved Stage I Development Plan and map 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 approved Stage I Development 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 Development Plan by the legislative body, provided that an extension may be permitted upon approval of the legislative body, or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the approved Stage II Development Plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the approved Stage II Development Plan.

P. OTHER DEVELOPMENT CONTROLS:

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

2. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.

3. Where any yard of any use permitted or conditionally permitted in this zone abuts property in a single - family residential zone, a ten (10) foot wide screening area, as regulated by Section 9.15 of this ordinance, shall be required.
ARTICLE XI

OFF - STREET PARKING AND ACCESS CONTROL REGULATIONS

In all zones, off - street parking facilities for use by 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 required off - street parking spaces required, if such spaces result in fractional parts thereof, the number of said required spaces shall be construed to be the next highest whole number.

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

C. LOCATION OF OFF - STREET PARKING FACILITIES

1. Off - street parking facilities shall be located as follows:

   a. Single - Family Residential Zones:

      (1) Off - street parking may be permitted in driveways in the front, side, and rear yards of permitted uses in these zones, provided all requirements of this ordinance are met. Additionally, off - street parking located in the rear yard shall be set back a minimum of ten (10) feet from the rear lot line. No off - street parking area, for permitted uses, located in the front yard in a single - family residential zone, may exceed four hundred (400) square feet (two parking spaces) except, however, the zoning administrator may allow additional off - street parking spaces to be located thereon, provided that the additional parking spaces will not cause the ratio of
unpaved area to paved area (parking and driveway areas) in the front yard to be less than 3:1.

(2) Off-street parking may be permitted in the side and rear yards of conditional uses in these zones, provided all requirements of this ordinance are met. Additionally, off-street parking, located in the rear yard, shall be set back a minimum of ten (10) feet from the rear lot line. Off-street parking may be permitted in the front yard, only if approved by the Board of Adjustment.

b. Multi-Family Residential Zones:

(1) Off-street parking may be permitted in the side and rear yards of permitted uses in these zones, provided all requirements of this ordinance are met. Additionally, off-street parking located in the rear yard shall be set back a minimum of ten (10) feet from the rear lot line. Off-street parking may be permitted in front yards, only if approved according to an approved development plan.

(2) Off-street parking may be permitted in the side and rear yards of conditional uses in these zones, provided all requirements of this ordinance are met. Additionally, off-street parking, located in the rear yard, shall be set back a minimum of ten (10) feet from the rear lot line. Off-street parking may be permitted in the front yard, only if approved by the Board of Adjustment.

c. Special Development Zones - Off-street parking shall be located as designated on the approved plan.

2. All off-street parking facilities shall be located on the same lot as the building served, except for the following:

a. Permitted uses within multi-family zones may supply off-street parking within three hundred (300) feet from such lot served, upon approval of the zoning administrator, provided that such off-street parking facilities are unable to be provided on the same lot, or contiguous to the same lot, as the building being served. In addition, said off-street parking shall be located in the same zone as the use being served.

b. Existing single, two, or multi-family dwellings, which are permitted uses herein and occupy a lot of such size that off-street parking
could not be provided on the same lot as the use being served, said off-street parking may be permitted to locate within 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.

c. Off-street parking, as required for a conditional use, may be permitted to locate on a lot other than the lot on which the building or use being served is located, when approved by the Board of Adjustment, provided that said off-street parking is located at the most convenient and visible area nearest to the use or building being served and available at all times without restrictions for said purposes, except as provided for under Section 11.0, E. of this ordinance.

D. COLLECTIVE PARKING PROVISION: Collective off-street parking facilities may be provided, however, the area for such parking facilities shall not be less than would otherwise be individually required.

E. DRIVEWAYS NOT COMPUTED AS PART OF REQUIRED PARKING AREA: Entrances, exits, or driveways shall not be computed as any part of a required off-street parking area, except in the case of single-family residential zones, where access driveways may be used for parking.

F. 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.

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

H. PARKING PLAN APPROVAL REQUIRED: Plans for all off-street parking 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 circumstances may warrant. Where such parking plans include provisions for access points to adjacent streets, then said plans shall also be prepared in accordance with the requirements of Section 11.3 of this ordinance.

I. Off-Street Parking Space Shall Not Be Reduced - The required parking spaces as set forth and designated in this ordinance shall not be reduced.

SECTION 11.1 DESIGN AND LAYOUT OF OFF-STREET PARKING AREAS

A. SIZE OF OFF-STREET PARKING SPACES: For the purposes of this ordinance, one (1) off-street parking space shall be a minimum of ten (10) feet in width and twenty (20) feet in length, exclusive of access drives or aisles. Such parking space shall have a vertical clearance of at least seven (7) feet.

B. WIDTH OF ACCESS DRIVES

1. All off-street parking areas shall be laid out with the following minimum aisle or access drive widths:

   a. Ninety (90) degrees (perpendicular) parking -- Twenty-four (24) feet (either one or two way circulation)
   b. Sixty (60) degree (angle) parking -- Eighteen (18) feet (one way circulation only)
   c. Forty-five (45) degree (angle) parking -- Thirteen (13) feet (one way circulation only)
   d. Thirty (30) degree (angle) parking -- Eleven (11) feet (one way circulation only)
   e. Zero degree (parallel) parking -- Twelve (12) feet (one way circulation only)

2. Except as herein provided, the minimum width of access drives or aisles, as provided for in Section 11.1, B., 1. of this ordinance, shall be required whether the access drive or aisle provides access to an off-street parking area or individual off-street parking spaces.

3. When any combination of these types of parking is used (facing the same aisle) the most restricted aisle or access drive width requirements shall prevail. In addition, a two (2) foot overhang may be permitted on the external sides of a parking area.

C. ACCESS TO OFF-STREET PARKING SPACES: Each required off-street parking space shall be connected with a deeded public right-of-way by means of aisles or access drives. The off-street parking area shall be so designed to
ensure that all maneuvering into and out of each off-street parking space shall take place entirely within property lines of lots, garages, and/or storage areas.

D. OFF-STREET PARKING AREAS IN MULTI-FAMILY ZONES: All such off-street parking areas shall have a protective wall and/or bumper blocks around the perimeter of said off-street parking area and shall be so designed that all vehicles leaving the facility will be traveling forward to approaching traffic. All off-street parking areas shall be effectively screened on each side adjoining or fronting on any property situated in a zone permitting single-family residential dwellings, by a solid wall, fence, or densely planted compact hedge, as regulated by Section 9.15 of this ordinance. Ground cover shrubs and trees shall be located and maintained so as to not interfere with vehicular and pedestrian traffic on the property or with sight distance clearance at entrances and exits.

E. LIGHTING: Any lighting used to illuminate off-street parking areas shall not glare upon any right-of-way or adjacent property.

F. PAVING OF NEW OFF-STREET PARKING AREAS

1. All new off-street parking areas shall be paved with asphalt concrete or Portland Cement concrete and shall be designed and constructed in accordance with Appendix A of this ordinance. The zoning administrator may, however, allow parking lots to be paved with gravel for a period of up to one (1) year to allow settling when such lot is constructed on a former building site, or when weather conditions prevent immediate paving with a hard surface. Under no circumstances shall an off-street parking area used for more than one (1) year without being paved in accordance with the above requirements.
SECTION 11.2 SPECIFIC OFF - STREET PARKING REQUIREMENTS: The amount of required off - street parking 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>
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<tbody>
<tr>
<td>City and/or county government facilities</td>
<td>One (1) parking space for each two hundred (200) square feet of gross floor area.</td>
</tr>
<tr>
<td>Congregate housing and orphanages</td>
<td>One (1) parking space for each bed, 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.</td>
</tr>
<tr>
<td>Dwellings: One-Family</td>
<td>Two (2) parking spaces. Four (4) parking spaces, with individual access for each dwelling unit, or a joint access in which no parking is permitted on the access drive.</td>
</tr>
<tr>
<td>Dwellings: Two-Family</td>
<td>Two (2) parking spaces for each dwelling unit</td>
</tr>
<tr>
<td>Dwellings: Multi-Family</td>
<td>Two (2) parking spaces for each dwelling unit</td>
</tr>
<tr>
<td>Fire stations</td>
<td>One (1) parking space for each person on duty on largest shift.</td>
</tr>
<tr>
<td>Post offices</td>
<td>One parking space for each two hundred (200) square feet of gross floor area, plus one (1) parking space for each two (2) employees on shift of largest employment, plus one (1) parking space for each vehicle operating from the premises.</td>
</tr>
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### TYPES OF USES

<table>
<thead>
<tr>
<th>Types of Uses</th>
<th>Required Number of Spaces</th>
</tr>
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<tbody>
<tr>
<td>Schools - elementary, junior high, and equivalent, private or parochial</td>
<td>One (1) parking space per teacher and administrator, 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>
</tr>
<tr>
<td>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>
</tr>
<tr>
<td>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 parking space for each two (2) employees on shift of largest employment.</td>
</tr>
<tr>
<td>Churches, and place of assembly without fixed seats</td>
<td>One (1) parking space per four (4) people in designated capacity of the 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>
</tr>
</tbody>
</table>
SECTION 11.3  ACCESS CONTROL REGULATIONS

A. PURPOSE: In order to promote greater safety of passage between streets and land, improve the convenience and ease of movement of travelers on streets, permit reasonable speeds and economy of travel, and increase and protect the capacity of streets, the location and design of access points shall be in accordance with the following access control regulations. These regulations shall apply to all arterial and collector type streets, as identified in the adopted comprehensive plan.

B. PROVISION OF RESERVED TURNING LANES: At those access points where vehicles turning to and from arterial and collector streets will substantially affect the roadway capacity, reserved turn lanes shall be constructed by the developer.

C. PROVISION OF FRONTAGE ROAD: Where possible, provision for the construction of a frontage road shall be made. However, access to arterial or collector streets via an intersecting street or a common driveway shall be investigated if such a design is not reasonable.

D. COORDINATION OF ACCESS POINTS: Access points on opposite sides of arterial and collector streets shall be located opposite each other, otherwise turning movement restrictions may be imposed by the planning commission, or its duly authorized representative, or the zoning administrator, whichever is applicable. In addition, in order to maximize the efficient utilization of access points, access drives shall be designed, located, and constructed in a manner to provide and make possible the coordination of access with, and between, adjacent properties developed (present or future) for similar uses. As a condition of approval for construction, use, or reuse of any access road, the zoning administrator may require that unobstructed and unencumbered access, in accordance with the provisions of this ordinance, be provided from any such access point to adjacent properties.

E. SPACING RESTRICTIONS FOR SIGNALIZED ACCESS POINTS: Except when approved by the Kentucky Transportation Cabinet, access points which will warrant signalization shall be spaced a minimum distance of one quarter (1/4) mile apart. The exact location of the signal light shall be determined by a traffic engineering study which shall at least account for the following variables:

1. Speed
2. Traffic signal phasing
3. Traffic signal cycle length
4. Roadway geometrics
5. Accident experience
Provision for all turning movements to maintain the design capacity of the roadway shall be required.

F. SIGHT DISTANCE: The location of access points shall comply with safe sight distance requirements, as provided for in Table 1 of this ordinance. The centerline of all access points shall intersect as nearly at a ninety (90) degree angle as possible, but in no case shall the angle of intersection be less than seventy-five (75) degrees or greater than one hundred five (105) degrees, unless approved by the planning commission, or its duly authorized representative, or the zoning administrator, whichever is applicable, due to certain exceptional conditions.

G. LOCATION OF UNSIGNALIZED ACCESS POINTS

1. Arterial Streets
   a. Unsignalized access points shall be spaced a minimum distance of six hundred (600) feet apart, measured from point of curb return to point of curb return. Turning restrictions and/or reserved lanes may be required.
   b. One (1) access point per tract will be permitted. However, if the spacing requirements for a direct access point onto an arterial street, as provided for in Section 11.3, G., 1., a. of this ordinance, cannot be met, then an access point may be located on a frontage road, on an intersecting local street, or share a common driveway that meets the spacing requirements. In order for the intersecting local street or frontage road to function properly, access onto them shall be controlled as follows:

      (1) Access points onto local streets which intersect an arterial street shall be spaced a minimum distance of one hundred (100) feet, measured from point of curb return to point of curb return, from the arterial street.

      (2) In areas zoned to permit commercial, industrial, or multi-family residential uses, access points from adjacent properties onto frontage roads, shall be spaced a minimum distance of one hundred (100) feet, measured from point of curb return to point of curb return, from intersections of the frontage road with local or collector streets.

   c. Where the frontage of a tract is greater than five hundred (500) feet an additional access point may be permitted. However, the type of
access will depend on the spacing requirements as provided for in Section 11.3, G., 1., a. of this ordinance.

(1) If the frontage of the tract is long enough, then at least one (1) of the access points may have direct access onto the arterial street, provided the spacing meets the requirements of Section 11.3, G., 1., a. of this ordinance, and all other requirements of this section of the ordinance. In the case where the frontage allows only one (1) point of direct access, due to spacing restrictions as provided for herein, the second access point shall be via a frontage road, an intersecting local street, or share a common driveway that meets the spacing restrictions, as provided for herein.

d. If a tract of land has no means of access that would meet the requirements of this section of the ordinance, one (1) access point shall be permitted. However, all such access points shall be considered temporary and may be terminated, reduced, limited to certain turning movements, or caused to be relocated by the zoning administrator at such time as the particular use served by the access point changes and/or the property is otherwise provided an alternate means of access via a frontage road, an intersecting local street, or sharing of a common driveway. Provisions for the construction of a frontage road, restricted turning movements, or other improvements, may be required, as a condition to approval, in order to minimize the number of access points and congestion to the adjacent street. In all cases where said access points are classified as temporary, such designation shall be noted on the development plan or site plan submitted for a zoning permit and also upon the deed of the property in question.

2. Collector Streets

a. On two - lane roadways, one (1) access point per tract will be allowed. However, if the frontage is greater than five hundred (500) feet, an additional access point may be permitted. Furthermore, the minimum spacing between adjacent access points on this type of facility shall be one hundred (100) feet, measured from point of curb return to point of curb return, except in the case where the street intersects another collector street or arterial street, then said access points shall be spaced a minimum of three hundred (300) feet, measured from point of curb return to point of curb return, from the intersection.
b. On multi-lane roadways, the spacing is dependent on whether or not a barrier median exists (prohibiting left-turn movements). If a barrier median exists, access points may be spaced as close as three hundred (300) feet apart, measured from point of curb return to point of curb return. However, certain turning movements may be prohibited. If a barrier median does not exist, then the minimum spacing of access points shall be six hundred (600) feet apart, measured from point of curb return to point of curb return. However, certain turning movements may be prohibited.

c. One (1) access point per tract will be permitted. However, if the spacing requirements for a direct access point onto a collector street, as provided for in Section 11.3, G., 2., a. of this ordinance, cannot be met, then an access point may be located on a frontage road, on an intersecting street, or share a common driveway that meets the spacing requirements.

d. If a tract of land has no means of access that would meet the requirements of this section of the ordinance, one (1) access point shall be permitted. However, all such access points shall be considered temporary and may be terminated, reduced, limited to certain turning movements, or caused to be relocated by the zoning administrator at such time as the particular use served by the access point changes and/or the property is otherwise provided an alternate means of access via a frontage road, an intersecting local street, or sharing of a common driveway. Provisions for the construction of a frontage road, restricted turning movements, or other improvements, may be required, as a condition to approval, in order to minimize the number of access points and congestion to the adjacent street. In all cases where said access points are classified as temporary, such designation shall be noted on the development plan or site plan submitted for a zoning permit and also upon the deed of the property in question.

3. Local Streets

a. All tracts of land located along local streets shall be permitted to have one access point. However, if a tract of land located along a local street contains road frontage that is greater than or equal to 100 feet, an additional access point may be permitted. Furthermore, the minimum spacing between adjacent access points on this type of facility shall be 60 feet, measured from point of curb return to point of curb return. In no case shall the impervious surface ratio exceed the requirements of Section 11.0, C., 1., a., (1).
H. WIDTH OF ACCESS POINTS

1. In single-family residential zones, no access point width shall be less than nine (9) feet nor more than twenty (20) feet. In all other zones, access points shall not be less than twelve (12) feet nor more than forty-eight (48) feet in width. The width shall be measured from the point of curb return to point of curb return, or edge of pavement if no curb exists, excluding the curb radius.

2. The zoning administrator may enlarge up to twenty (20) percent the width to provide for a more efficient and safe channelization and/or flow of traffic. Any further enlargement or reduction must be approved by the legislative body.

I. EXCEPTIONS TO ACCESS POINT REQUIREMENTS: Where situations develop that may require special treatment, the requirements as provided for in Section 11.3., B. - H. of this ordinance may be varied, provided that a traffic engineering report is prepared by a qualified traffic engineer, establishing that the special treatment will have no adverse effects on the roadway safety and capacity.

J. ACCESS POINT PROBLEM AREAS: If, after special study, it is determined that the type of use or activity proposed would have an adverse effect on the safety and capacity of the adjacent roadway, the access point spacing requirements, as contained in this section of the ordinance, may be increased in order to adequately solve the traffic movement.

K. APPROVAL OF ACCESS POINTS REQUIRED: Plans for all access points, and modifications thereto (including plans to use existing access points where a change of use for any tract of land would generate more traffic than the previous use, thus producing an adverse effect on the adjacent roadway), shall be submitted to the zoning administrator and Planning and Development Services of Kenton County staff, at a scale not less than 1 inch = 100 feet. No action of approving or rejecting these plans by the zoning administrator shall be taken until a review and recommendation of said plans has been made by Planning and Development Services of Kenton County staff. Such plans shall show the location of all access points on the site in question, and access points on the same side of the street as the site in question within six hundred (600) feet in either direction. The proposed access point shall include typical cross-sections of pavement, the base and sub-base, proposed grade, storm drainage, and such other information or plans as the circumstances may warrant. If such access points are being located in conjunction with off-street parking and/or loading and unloading facilities, then said plans shall also include off-street parking and off-
street loading and/or unloading plans, in accordance with Sections 11.0 and 12.0 of this ordinance.

L. APPROVAL OF ACCESS POINTS ALONG STATE MAINTAINED ROUTES BY KENTUCKY DEPARTMENT OF TRANSPORTATION: Plans for all access points to be constructed along a state maintained route shall be submitted to the Kentucky Department of Transportation for review and approval during the same time as plans are submitted to the zoning administrator, as provided for in Section 11.3, K. of this ordinance. No access point plans shall be approved, or permits issued, for construction by the zoning administrator, until said access point plans have been approved by the Kentucky Department of Transportation.
### TABLE 1A

SIGHT DISTANCE FOR VEHICLES EXITING FROM ACCESS POINTS ONTO ADJACENT ROADS

*see Figure 1A*

<table>
<thead>
<tr>
<th>VEHICLE TYPE</th>
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<th>30 MPH</th>
<th>40 MPH</th>
<th>50 MPH</th>
<th>60 MPH</th>
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<tr>
<td></td>
<td>2 lane</td>
<td>4 or 6 lane</td>
<td>2 lane</td>
<td>4 or 6 lane</td>
<td>2 lane</td>
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<td>DL</td>
<td>DR</td>
<td>DL</td>
<td>DR</td>
<td>DL</td>
</tr>
<tr>
<td>Passenger Car</td>
<td>150 130</td>
<td>130 130</td>
<td>360 260</td>
<td>220 260</td>
<td>530 440</td>
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<tr>
<td>Truck</td>
<td>300 200</td>
<td>200 200</td>
<td>500 400</td>
<td>400 400</td>
<td>850 850</td>
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</table>
TABLE 1B
LEFT TURN SIGHT DISTANCE FOR VEHICLES ENTERING ACCESS POINTS
see Figure 1B

<table>
<thead>
<tr>
<th>VEHICLE TYPE</th>
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<th>40 MPH</th>
<th>50 MPH</th>
<th>60 MPH</th>
</tr>
</thead>
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<tr>
<td></td>
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<td>Lane</td>
<td>Lane</td>
<td>Lane</td>
<td>Lane</td>
</tr>
<tr>
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<td></td>
<td>270</td>
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<td>390</td>
<td>420</td>
<td>520</td>
</tr>
<tr>
<td>Truck</td>
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<td>400</td>
<td>480</td>
<td>570</td>
<td>620</td>
</tr>
<tr>
<td></td>
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<td>810</td>
<td>880</td>
<td>950</td>
<td>1000</td>
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<tr>
<td></td>
<td>1100</td>
<td>1200</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes:

S=Sight distance along major route to safely turn left into access point.

Figures given are measured from a vehicle ten (10) feet back of the pavement edge.

Figures given are in feet.

Values are for urban conditions. On rural streets, distances are to be increased by ten (10) percent to allow for greater reaction time.

The sight distances apply when street grades are zero (0) percent to three (3) percent, either up or down. When an upgrade is steeper than three (3) percent, adjustments are to be made to compensate for the longer time required to reach the speed of highway traffic. The time is less than shown when the highway is descending. Adjustment factors apply to grades only in that portion of the road between the access points and the downstream point at which a vehicle emerging from the access points has been able to accelerate to within ten (10) miles per hour of the route speed.

When the street, in the section to be used for acceleration after leaving the access point, ascends at three (3) percent to four (4) percent, then sight distances in the direction of approaching ascending traffic are to be increased by a factor of 1.4. When the access point ascends at five (5) percent to six (6) percent, sight distances should be increased by a factor of 1.7.

When the street, in the section to be used for acceleration after leaving the access point, descends at three (3) percent to four (4) percent, then sight distances in the direction of approaching descending traffic are to be reduced by a factor of 0.6. If the road descends at five (5) percent to six (6) percent, sight distances should be reduced by a factor of 0.5.

When the criteria for sight distances to the right cannot be met, the need can be eliminated by prohibiting left turns by exiting vehicles.
FIGURE 1A
SIGHT DISTANCE FOR VEHICLES EXITING FROM ACCESS POINTS
refer to Table 1A

FIGURE 1B
LEFT TURN SIGHT DISTANCE FOR VEHICLES ENTERING ACCESS POINTS
refer to Table 1B
ARTICLE XII

OFF - STREET LOADING AND/OR UNLOADING REGULATIONS

SECTION 12.0 GENERAL REQUIREMENTS

A. GENERAL: 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.

B. SPACES REQUIRED

1. Every building, or part thereof, erected and occupied for uses permitted in commercial and industrial zones, including conditional uses permitted in residential zones, 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) off-street loading and/or unloading space. A study shall be prepared by the company or operator to determine the additional loading and/or unloading space needs over and above the first space required for the specific use proposed. In determining the number of spaces needed, the study shall take into the consideration the following:

   a. estimated and projected arrival and departure rates for scheduled and unscheduled trucks
   b. estimated and projected length of truck stop duration for loading and/or unloading of each truck
   c. estimated number of trips by vehicle type (i.e., two axle vehicles, semi-tractor trailers, etc.) and size

   The zoning administrator shall review the study of estimated and projected loading and/or unloading needs and make a determination if the number of spaces provided are adequate for the use proposed.

2. If it is determined by the zoning administrator, based on existing conditions of the proposed site, the design of the building, and the
completed needs study, that additional off-street loading and/or unloading spaces are needed to accommodate the facilities than could be reasonably provided, the zoning administrator shall require that additional off-street parking areas, properly designed to handle the parking of trucks, including the maneuvering of the trucks to and from the space, be provided for the storage of trucks waiting to be loaded and/or unloaded.

3. If, after approval by the zoning administrator of the number of spaces and any storage of truck parking needed to accommodate the off-street loading and/or unloading of trucks for a specific use, a need exists, based on operation of the specific use, to provide additional off-street loading and/or unloading spaces or storage of trucks than was previously determined, the zoning administrator may require that corrective action be taken to eliminate any deficiencies as follows:

a. limit the time and interval of arrival and departure of trucks, commensurate with the need
b. require additional off-street loading and/or unloading spaces, or require that adequate off-street parking areas be provided for the storage of trucks waiting to be loaded and/or unloaded

C. ADDITIONAL LOADING AND/OR UNLOADING SPACES TO BE PROVIDED: Whenever the intensity of use of any building, structure, or premises is increased through addition of gross floor area, change of use, or increased activity, additional off-street loading and/or unloading spaces shall be provided in accordance with the requirements of Section 12.0, B. of this ordinance, if it is determined by the zoning administrator that the existing spaces are not adequate to serve such increase in intensity.

D. LOCATION OF OFF-STREET LOADING AND/OR UNLOADING AREA: All off-street loading and/or unloading spaces shall be located on the same lot as the use served. No Off-street loading and/or unloading 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.

E. DRIVEWAYS NOT COMPUTED AS PART OF REQUIRED LOADING AND/OR UNLOADING AREA: Entrances, exits, or driveways shall not be computed as any part of a required off-street loading and/or unloading space.

F. OFF-STREET LOADING AND/OR UNLOADING SPACE TO BE USED FOR LOADING AND/OR UNLOADING ONLY: Any off-street loading and/or
unloading space shall be used for loading and/or unloading 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 in violation of the provisions of this ordinance.

G. NO BUILDING TO BE ERECTED IN OFF- STREET LOADING AND/OR UNLOADING SPACE: No building of any kind shall be erected in any off- street loading and/or unloading space.

H. OFF- STREET LOADING AND/OR UNLOADING SPACE SHALL NOT BE REDUCED: The required parking spaces, as set forth and designated in this ordinance, shall not be reduced, except as provided for in this ordinance.

I. LOADING AND/OR UNLOADING PLAN APPROVAL REQUIRED: Plans for all off- street 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 legislative body. Such plans shall show the number and location of off- street loading and/or unloading spaces, including necessary maneuvering areas of trucks, dock and apron approach, arrangements of access aisles, location of access points onto adjacent streets, provisions for truck circulation, location of curbs on or adjacent to the property, utilities, location of signs, typical cross - sections of pavement, including base and sub - base, proposed grade of lot, storm drainage facilities, location and type of lighting facilities, and such other information or plans as the circumstances may warrant. Where such loading and/or unloading plans include provisions for access points to adjacent streets, then said plans shall also be prepared in accordance with the requirements of Section 11.3 of this ordinance.

SECTION 12.1 DESIGN AND LAYOUT OF OFF- STREET LOADING AND/OR UNLOADING AREAS

A. SIZE OF OFF- STREET LOADING AND/OR UNLOADING SPACE: Each off- street loading and/or unloading space shall be at least fourteen (14) feet in width and at least sixty (60) feet in length, exclusive of aisle and maneuvering spaces. Such space shall have a vertical clearance of at least fifteen (15) feet, provided, however, that when it is demonstrated that a particular off- street loading and/or unloading space will be used by shorter trucks, as provided for in Section 12.0, B. of this ordinance, the zoning administrator may reduce the minimum length to not less than thirty - five (35) feet.

B. 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, with intersection radii not to be less than fifty (50) feet.

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 being served. 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 or street.

C. OTHER DESIGN FEATURES: Docks are to be designed to facilitate efficient loading and/or unloading. Platform heights shall be forty-four (44) inches for light pickup and delivery trucks and forty-eight (48) to fifty-two (52) inches for heavy trucks and trailers. The dock area shall be at least twice the total body floor area of the largest number of trucks that can be docked at one time. Minimum dock overhead clearance (including pipes, lights, etc.) shall be twelve (12) feet.

D. PAVING OF OFF-STREET LOADING AND/OR UNLOADING AREAS: All off-street loading and/or unloading areas, including spaces, maneuvering, and storage areas for truck parking shall be paved with asphalt concrete or portland cement concrete and shall be designed and constructed in accordance with Appendix A of this ordinance.

E. LIGHTING: Any lighting used to illuminate off-street loading and/or unloading areas shall not glare upon any right-of-way or adjacent property.

F. SCREENING AND LANDSCAPING: All off-street loading and/or unloading areas, including storage of parked trucks, shall be effectively screened on each side adjoining or fronting on any property situated in a residential zone, as regulated by Section 9.15 of this ordinance. Ground cover shrubs and trees shall be located and maintained so as to not interfere with vehicular and pedestrian traffic on the property or with sight distance clearance at entrances and exits.
ARTICLE XIII

FENCES, WALLS, AND OBSTRUCTION TO VIEW REGULATIONS

SECTION 13.0 VISION CLEARANCE AT CORNERS: 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 or curved street formed by measuring fifty (50) feet from the intersection of the right-of-way lines of two (2) streets and joining these points with a straight line. No type of tree, planting, or other obstruction, shall be planted, placed, maintained, or continued in such a manner which would obstruct the vision clearance at corners.

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, woven wire and chain link (eighty percent (80%) open)
3. Wood or other materials (more than fifty percent (50%) open)
4. Wood or other materials (less than fifty percent (50%) open)
5. Barbed wire or sharp pointed fences are not permitted
6. Hedges (with no structural support)

SECTION 13.2 RESIDENTIAL ZONES

A. Fences and/or walls within all residential (R) zones shall conform to the following requirements:

1. Except Classification 6 (landscaped), no fences or walls shall be erected in the front yard of any residence.

2. Side yard fences shall not extend beyond the front line of the residence toward the street.

3. At corner lots, both street areas are to be considered front yards.

4. Corrals or fenced enclosures for animals or protection of areas shall conform to height limitations indicated in this ordinance and be subject to side and rear yard dimensional setbacks.
5. Gates shall conform to height limitations.

SECTION 13.3  FENCE AND WALL REGULATIONS:

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<th>CLASSIFICATION</th>
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<td>Swimming Pools</td>
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SECTION 13.4 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 from the natural grade at the fence or wall line. Columns, pillars, posts, spindles, etc., on top of fence or wall shall not exceed ten (10) inches in height and shall be spaced no less than six (6) feet apart.

B. All locations for distance measurements shall be measured from lot lines.

SECTION 13.5  HEIGHT OF FENCES ATOP RETAINING WALLS: A combination fence and retaining wall may be erected. The retaining wall portion may be erected up to the level of the higher finished grade. The fence portion must be 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.

SECTION 13.6  ELECTRIFIED FENCES: No fence and/or wall carrying an electrical charge shall be permitted in any zone except when such fence and/or wall is used in conjunction with an agricultural use, and provided the fence and/or wall is not located along the perimeter with adjacent property.

SECTION 13.7  PERMIT REQUIRED FOR ERECTION OF FENCES: No fence and/or
wall 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.

SECTION 13.8 STRUCTURAL ELEMENTS OF FENCES: Fences and/or walls shall be constructed so that all structural members shall be located on the inside of the fence and/or wall. The inside shall be the side which faces the property owned by the person building the fence and/or wall.

SECTION 13.9 DILAPIDATED FENCES: If thirty percent (30%) or more of a fence and/or wall is missing or in disrepair, the entire fence and/or wall must be removed or repaired.
ARTICLE XIV

SIGN REGULATIONS

SECTION 14.1 SHORT TITLE: This Article shall be known as the Sign Article of the City of Lakeside Park.

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 Lakeside Park. 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.

As a basis for adopting these regulations, the City of Lakeside Park finds:

1. Signs are an essential form of communication in the built environment, providing way-finding guides to residents, visitors, public safety officials, customers and potential customers of local businesses, delivery people and others.

2. Signs also provide communication on public issues, as the U.S. Supreme Court found in City of LaDue v. Gilleo: Signs that react to a local happening or express a view on a controversial issue both reflect and animate change in the life of a community. Often placed on lawns or in windows, residential signs play an important part in political campaigns, during which they are displayed to signal the resident's support for particular candidates, parties, or causes. They may not afford the same opportunities for conveying complex ideas as do other media, but residential signs have long been an important and distinct medium of expression.

3. Retailers and other businesses depend on signs to help people find their businesses, and, in a large and expensive media market like that of Cincinnati (a market which includes Lakeside Park), many small businesses depend on signs as one of the most affordable forms of advertising.

4. Although signs thus serve many important purposes in society in general and in Lakeside Park in particular, there are other considerations that the City of Lakeside Park weighs heavily.

5. Signs may distract drivers and lead to deaths and injuries to pedestrians and cyclists as well as to drivers and passengers and to property damage. Moving, flashing and rapidly changing signs are particularly distracting to
drivers. A proliferation of signs on a particular site can have the same effect as moving signs, as drivers try to sort through the visual cacophony to find the information that they want or need.

6. The Lakeside Park City Council, with the advice of the Kenton County Planning Commission and its professional staff, and with input from residents through the Direction 2030: Your Voice. Your Choice, planning process, has placed an increasing emphasis on preserving the sense of place and the design of the built environment; limiting the size, height and number of signs is an important tool in preserving a sense of place, a tool that accompanies the County’s standards for landscaping.

7. Direction 2030: Your Voice. Your Choice recommends that policies, regulations and incentives be developed and implemented that preserve and improve the existing community fabric.

8. Balancing these competing considerations is particularly difficult in residential areas, where people value both their pleasing and visually appealing environments and their ability to communicate their opinions regarding candidates and public issues through yard signs.

9. In updating its ordinance in 2016 after the Supreme Court’s landmark decision in Reed v. Town of Gilbert, the Lakeside Park City Council, working with PDS staff and an outside consultant, has made a major effort to limit content as a factor in its sign regulations. After due consideration, however, it has concluded that one way to leave room for extensive free expression through signs in residential areas while limiting total sign clutter is to maintain significant limits on commercial signs in residential areas. Recognizing the importance of “for sale” and “for lease” signs in maintaining the occupancy of healthy neighborhoods (see the U.S. Supreme Court decision in Linmark Associates, Inc. v. Willingboro), those signs must remain. There is a similar utility in providing for yard sale signs, which allow people to dispose of unwanted items without sending them to a landfill.

10. Although as the Court found in Reed v Gilbert, time limits on signs can be arbitrary, as the Court recognized in 2009 in Pleasant Grove v. City of Summum, a significant distinction between speakers expressing an opinion and signs is that “Speakers, however long-winded, will eventually come to the end of their remarks.” Members of the Lakeside Park City Council have long noted that signs for political campaigns as well as those advertising pancake breakfasts and spaghetti dinners for civic organizations are often abandoned after the events, contributing to clutter long after they have served their purpose. Although such signs were once typically paper or cardboard that would eventually decay, many today are plastic and will remain until removed. Thus, despite the expressed concern of the Supreme Court with time limits, the Lakeside Park City Council finds that it has a substantial governmental interest in clarifying the status of signs for past events that thus no longer serve a purpose so
that there is a legal basis for the City of Lakeside Park to remove them or force their removal.

11. The City of Lakeside Park has long allowed unlimited numbers of small signs bearing non-commercial messages to allow merchants and others to designate handicapped parking places, provide directions to ATMs and restrooms, warn of guard dogs and other hazards and provide a variety of other place-based information. With the prohibition of commercial messages on such signs, it has been the observation of Lakeside Park City Council members and their professional staff members that property owners are judicious and appropriate in posting such signs. The City of Lakeside Park thus finds that it has a substantial interest in allowing merchants and property owners freely to post necessary informational signs but without allowing an endless proliferation of commercial messages.

12. Although in findings above the City of Lakeside Park has recognized the multiple values of signs in the built environment, Lakeside Park officials after consultation with the Planning Commission and representatives of cities and towns in the County concluded several years ago that there is no place for signs of overwhelming size and no relation to context in an urban and urbanizing environment like Lakeside Park. Although previous versions of these regulations followed the pattern of state and federal laws by defining such billboard as “off-site” signs, this ordinance addresses the same issue by establishing a form of circuit breaker size limit, prohibiting very large signs on small lots, on vacant lots, or on lots with only small buildings.

13. These are complex public policy issues, and the Lakeside Park City Council, with the help of its professional planners, attorneys and outside consultant, has attempted to balance the competing considerations in a way that it believes best protects the public health, safety and welfare of the citizens of Lakeside Park, including its many valued businesses and the thousands of visitors who arrive or pass through the City of Lakeside Park each month.

SECTION 14.3 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 Lakeside Park, on land that is either private land or public land over which the City of Lakeside Park 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 Lakeside Park, except as otherwise provided herein. All signs displayed
in the City of Lakeside Park shall comply with all requirements of this Article and all other applicable law. Permits shall be required for all signs in the City of Lakeside Park, 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 Lakeside Park, 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 Lakeside Park; 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 installed by employees or officials of the City of Lakeside Park, 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/or provide contact information regarding the facility; and
6. Signs installed by a transit company with a franchise or other right to operate in the City of Lakeside Park, 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, of which not more than 25 percent may be used for a commercial message (e.g., “Enter” or “Exit” signs);
3. Detached signs smaller than seven square feet, allowed in residential zoning districts;
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, 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, 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 14.5, 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, 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.

SECTION 14.4 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. Any freestanding sign of which the area exceeds 10 percent of the area of the site or parcel on which it is located; or two percent of the lawful, as-built floor area of the principal building on the site; note that this is intended as a circuit-breaker and that all signs are subject to other size and dimensional requirements in this ordinance;
3. Portable signs, including folding portable signs and flashing portable signs;
4. Pennants, banners, streamers, balloons, and similar devices;
5. 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 14.5, D. are not subject to this limitation;
6. 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;
7. Signs on vacant lots in non-residential zones larger than 12 square feet;
8. 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
9. Signs using sounds, music, sound effects, noises, or other sound or noise-making or transmitting device or instruments;

SECTION 14.5 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 wall sign shall extend above the top of the wall of the building, including parapets and architectural extensions.
6. No sign shall be located within eight vertical feet or four horizontal feet of overhead electrical or other wires.
7. No sign shall be located within the public right-of-way unless installed by the City.

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 property 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. The property owner may assign such responsibility to a tenant or other party, but the property owner shall remain accountable for the maintenance.

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 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 14.6 SIGNS ALLOWED IN SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICTS (R-1BC, R-1C, R-1D, R-1E, R-1EE, R-1G, and RCD Zones)

A. WALL SIGNS

1. One wall sign, not exceeding one (1) square foot in area, is allowed for each dwelling unit. Such sign may contain a noncommercial message or a commercial message related to an activity lawfully conducted on the premises, including a lawful home occupation. The sign shall not be separately illuminated.

2. For permitted uses other than single-family residences, one wall sign per use not more than two (2) square feet in area is allowed, provided that such sign contains no commercial message and is not illuminated.
B  DETACHED SIGNS

1. Each occupied lot in a residential district shall be allowed a total of four detached signs, including not more than one permanent detached sign, and temporary detached signs (up to a total of four detached signs at any time), each not exceeding six (6) square feet in area and not exceeding six (6) feet in height. Such signs shall not be illuminated. The permanent sign shall not contain a commercial message, and no more than two (2) signs on a lot in a residential district at any one time, including all wall signs, detached signs, temporary signs, and others, may contain commercial messages. The only commercial messages allowed on such signs are messages related to commercial activity lawfully conducted on the premises, including the lawful, occasional sale of personal property (such as through a garage sale or yard sale) or the sale, rental or lease of the premises.

2. Signs related to the sale of personal property shall be removed within twenty-four hours after the end of the sale. Signs related to the sale, lease or rental of the premises shall be removed no later than the date on which the deed, lease or other document representing the transaction is completed. Any such sign may contain any message other than a commercial message. If a message relates to an election or special event, such sign shall be permitted no more than sixty (60) days prior to such event and shall be removed within seven (7) days following the conclusion of such election or other event.

C. 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.

D. 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.

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 manual or automatic 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.

3. A permanent wall sign is allowed for institutional uses in these districts, subject to the following limits. No sign shall extend above the top of the wall of the building, including parapets and architectural extensions.

<table>
<thead>
<tr>
<th>Wall</th>
<th>Maximum size</th>
</tr>
</thead>
<tbody>
<tr>
<td></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, with a maximum size of 150 square feet</td>
</tr>
<tr>
<td></td>
<td>One per building street frontage</td>
</tr>
</tbody>
</table>
Permitted illumination | Concealed source only
---|---
Changeable copy | Not allowed
Maximum Letter Size | Thirty-six (36) inches

F. OTHER SIGNS

1. Other signs as permitted pursuant to Section 14.3, F., Signs Subject to Other Standards, and Section 14.3, G., Signs Allowed Without a Permit.

SECTION 14.7 SIGNS ALLOWED IN MULTI-FAMILY RESIDENTIAL DISTRICTS (R-2 and R-3 Zones)

A. WALL SIGNS

1. One wall sign, not exceeding one (1) square foot in area, is allowed for each dwelling unit. Such sign may contain a noncommercial message or a commercial message related to an activity lawfully conducted on the premises, including a lawful home occupation. The sign shall not be separately illuminated.

2. For permitted uses other than single-family residences, one wall sign per use not more than two (2) square feet in area is allowed, provided that such sign contains no commercial message and is not illuminated.

3. For any building containing three or more dwelling units sharing a common entrance or hallway, one additional wall sign shall be allowed at each public entrance. Such sign shall bear no commercial message. The sign shall not be legible from the public right-of-way. The sign shall not be separately illuminated. The sign shall not be more than four square feet in area. The purpose of this section is to allow for directory signs, listing tenants or occupants, but the sign may bear any message other than a commercial message.

B. DETACHED SIGNS

1. Permanent detached signs are allowed in these zoning districts subject to the following limitations. The principal detached sign may contain a commercial message related to the rental, lease or occupancy of the premises. No other commercial message is allowed on the permanent signs allowed under this table.

<table>
<thead>
<tr>
<th>Maximum number</th>
<th>Principal</th>
<th>Directory</th>
<th>Additional</th>
</tr>
</thead>
<tbody>
<tr>
<td>One per street frontage per site</td>
<td>One per vehicle entrance</td>
<td>One per public</td>
<td></td>
</tr>
<tr>
<td>Principal</td>
<td>Directory</td>
<td>Additional</td>
<td></td>
</tr>
<tr>
<td>----------------------------</td>
<td>----------------------------</td>
<td>-------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>entrance per building</td>
<td></td>
</tr>
<tr>
<td>Maximum size</td>
<td>25 square feet</td>
<td>Six square feet</td>
<td></td>
</tr>
<tr>
<td>Maximum height</td>
<td>6 feet</td>
<td>4 feet</td>
<td></td>
</tr>
<tr>
<td>Minimum setback from nearest property line</td>
<td>5 feet from front property line; 10 feet from any other property line</td>
<td>15 feet; 25 feet</td>
<td></td>
</tr>
<tr>
<td>Permitted illumination</td>
<td>External or internal, direct or concealed source</td>
<td>Concealed source only; Concealed source only</td>
<td></td>
</tr>
<tr>
<td>Changeable copy</td>
<td>Not allowed</td>
<td>Not allowed; 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 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 permitted no more than sixty (60) days prior to such event and shall be removed within seven (7) days following the conclusion of such election or other event.

C. 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.

D. 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.

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 manual or
automatic 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.

3. A permanent wall sign is allowed for institutional uses in these districts, subject to the following limits. No sign shall extend above the top of the wall of the building, including parapets and architectural extensions.

<table>
<thead>
<tr>
<th>Wall</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum size</td>
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</tr>
<tr>
<td>Maximum number</td>
<td>One per building street frontage</td>
</tr>
<tr>
<td>Permitted illumination</td>
<td>Concealed source only</td>
</tr>
<tr>
<td>Changeable copy</td>
<td>Not allowed</td>
</tr>
<tr>
<td>Maximum Size Letter Size</td>
<td>Thirty-six (36) inches</td>
</tr>
</tbody>
</table>

F. OTHER SIGNS

1. Other signs as permitted pursuant to Section 14.3, F., Signs Subject to Other Standards, and Section 14.3, G., Signs Allowed Without a Permit.

SECTION 14.8 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) 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;

(12) The length of each occupant's/tenant's lineal wall frontage;

(13) 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 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 14.9 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 14.10 DEFINITIONS AND MEASUREMENTS

A. MEASUREMENTS

1. Area of Signs Other than Wall Signs
   a. The gross surface area of a sign, except wall signs, is the entire area contained within a single continuous perimeter enclosing the extreme limits of such sign. For detached signs composed of more than one sign cabinet or module, the gross surface area shall include the sum of the area in each cabinet or module only. If a sign has more than one face, the gross surface area shall be equal to the maximum area of the sign face or faces visible from any ground position along any public right-of-way at any one time.
b. The perimeter of a sign will not include lighting fixtures, pole covers, landscaping, framing, decorative roofing, moldings or aprons or other architectural or decorative embellishments, provided they contain no written copy, logos or symbols.

2. Area of Wall Signs
a. The gross surface area of a wall sign is the entire area contained within a single continuous perimeter composed of any straight line geometric figure(s) which encloses the extreme limits of the advertising message(s). If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, color or embellishment, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined area of the individual figures shall be considered the total sign area.

3. Computation of Area of Multifaced Signs

a. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.
4. Measurement of Height of Sign

a. Sign height shall be measured from the elevation at the base of the sign to the highest point of the highest element of the sign, excluding any incidental structural element, such as an uplift cable for a projecting sign. Where the sign is located on a mound or berm, the average elevation of the land 20 feet to each side of the sign shall be used as a basis for measuring height.
SECTION 14.11 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 Lakeside Park 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 Lakeside Park 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 Lakeside Park, 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 Lakeside Park 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 Lakeside Park affirmatively declares that it would have adopted this billboard policy.
policy even if it were the only provision in this Article. The City of Lakeside Park 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 Lakeside Park 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. 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.

9. 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.

10. 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 14.11, A., 10., 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 14.11, A., 10., 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

The regulations governing performance standards for Industrial Zones are not applicable to the City of Lakeside Park at this time.
ARTICLE XVI

ADMINISTRATION

SECTION 16.0 ENFORCING OFFICER: A zoning administrator shall administer and enforce this ordinance. He/she may be provided with assistance of such other persons as the legislative body directs. The legislative body may employ a staff or contract with planners, engineers, or other persons, as it deems necessary, to accomplish the duties of zoning administrator.

If the zoning administrator finds that any of the provisions of this ordinance are being violated, he/she shall take such action as is permitted by law. In any civil or criminal proceeding to enforce any provision of this ordinance, or any amendment thereof, any person in violation thereof, shall be liable to the city, and the city shall recover therefrom any and all costs and expenses incurred therein, including, without limitation, court costs, fees of attorneys and experts, and the time and expenses of all city employees involved therein, which shall be included in any judgment in regard thereto.

In addition to the foregoing, the zoning administrator shall have the authority to order discontinuance of any illegal use of land, buildings, structures, signs, fences, additions, alterations, or structural changes thereto, or any illegal work being done.

All questions of interpretation and enforcement shall be first presented to the zoning administrator. All questions of interpretation shall be based upon the most stringent application of the regulations. 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 zoning 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.

2. The required fee for a zoning permit, as provided for in Section 19.0 of this ordinance.

3. Stage II Development Plan, if required by this ordinance, or a plot plan, in duplicate, drawn at a scale of not less than one (1) inch to forty (40) feet, showing the following information, where applicable:
   a. The location of every existing and proposed structure, 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 five (5) foot contour intervals.
   f. Total lot area, in square feet.
   g. Location and dimensions of all access points, driveways, off-street parking spaces.
   h. 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.
   i. All sidewalks, walkways, and open spaces.
   j. Location, type, and height of all walls, fences, and screen plantings.
   k. Location of all existing and proposed streets, including rights-of-way and pavement widths.
   l. All existing and proposed water, sanitary, and storm sewer facilities to serve the lot, including all pipe sizes, types, and grades.

C. ISSUANCE OF ZONING PERMIT: The zoning administrator 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 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" to be kept at building site. 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.

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 the 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 approved Stage II Development Plan or Plot Plan.
5. Plans in duplicate, indicating 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 ZONING PERMIT: The zoning administrator 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 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" to be kept at building site. 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.

D. COMPLIANCE: It shall be unlawful to issue a building permit, or an 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 the time of issuance of the building 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 building permit shall be void and a new building 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

1. Building permits for the complete construction of any principal structure for any use identified as a permitted use, in any zone described and identified as a multi-family zone or a single-family residential zone, or the construction of any additions to any principal structures for any use
identified as a permitted use in any zone, shall expire, terminate, and be canceled by the building inspector, unless the foundation of the construction, and work authorized thereby, has been completed within ninety (90) consecutive calendar days after the date on which the building permit was issued, and all of the construction, and work authorized thereby, has been completed within three hundred sixty-five (365) consecutive calendar days after the date on which such building permit was issued.

2. Building permits for any construction, other than the complete construction of any principal structure for any use identified as a permitted use in any zone, or any additions thereto, shall expire, terminate, and be canceled by the building inspector, unless the construction, and work authorized thereby, is completed within one hundred eighty (180) consecutive calendar days after the date on which the building permit was issued.

3. Any dates established hereby for the expiration, termination, and cancellation of any building permit may be extended by the building inspector for any circumstances beyond the control of the person to whom the permit was issued, in which event the permit shall expire, terminate, and be canceled by the building inspector at the end of such extended period of time.

G. CONSTRUCTION AND USE: To be as provided in applications, plans, and 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 structure 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 structure 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/she has checked and is satisfied that the structure, 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 structure or land existing at the time of enactment of this ordinance, certifying, after inspection, the extent and kind of use made of the structure 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 structures 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 structures shall be filed with the building inspector by the owner or lessee of the land or structure 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 or lessee the entire burden of proof that such use of land or structures 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 structure 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 structure 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 such complaint, immediately investigate, and take action thereon, as provided by this ordinance and the Kentucky Revised Statutes.
SECTION 16.9 PENALTIES

A. Any person or entity who violates any of the provisions of this ordinance shall be subject to both the criminal and civil penalties provided herein.

B. Any person or entity who violates any of the provisions of this ordinance, except for Section 9.25 of this ordinance, shall, upon conviction, be guilty of a Class A misdemeanor, punishable by a fine of not less than ten dollars ($10.00) but no more than five hundred dollars ($500.00) for each criminal offense.

C. Any person who intentionally violates any of the provisions of Section 9.25 of this ordinance shall be guilty of a Class A misdemeanor, punishable by a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00).

D. CIVIL FINES

1. Any violation of this ordinance is hereby classified as a civil offense, pursuant to KRS 65.8808 and Lakeside Park Ordinance Number 42000, as amended, and such classification is intended, and shall be construed, to provide an additional or supplemental means of obtaining compliance with the applicable provisions of this ordinance, and nothing contained herein or in Lakeside Park Ordinance Number 4-2000, as amended, shall prohibit the enforcement of this ordinance by any other means authorized by law.

2. If a citation for a violation of this ordinance is not contested by the person charged with the violation, the civil fine to be imposed for each offense shall be seventy-five dollars ($75.00).

3. If a citation is contested and a hearing before the Code Enforcement Board is required, the maximum civil fine which may be imposed at the discretion of the Code Enforcement Board shall be one hundred fifty dollars ($150.00).

4. Such civil penalty or penalties shall be in the nature of a debt owed to the City of Lakeside Park, Kentucky. The city has a lien upon the real property for all penalties, interest, fees, commissions, charges, and other expenses including court costs and attorneys fees incurred in the process of collecting such civil penalty or penalties arising from any violation of the provisions of this ordinance or in the procurement or abatement of any
violation or violations of this ordinance.

E. Any person or entity who appears to be in violation of any of the provisions of this ordinance or related codes or regulations shall receive a written Notice of Violation from the City and shall be given fourteen (14) days from the date the Notice of Violation is delivered either in person, by certified mail, or by posting in a prominent location on the premises on which the violation exists in order to remedy the violation of this ordinance. If the violation has not been remedied within said fourteen (14) days, the Code Enforcement Officer may issue a citation.

F. Each day a violation of the ordinance continues after the end of that grace period shall constitute a separate and distinct offense that is subject to a separate and distinct citation and penalty, whether it is civil or criminal.

G. The remedies provided herein do not preclude the use of any other remedies by any interested parties either at law or in equity.
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 that an application has been submitted and promptly forwarding the application to the 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 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, any fiscal court or 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. Records by the property valuation administrator may be relied
D. OTHER HEARING REQUIREMENTS, ZONING MAP AMENDMENT: In addition to the public hearing notice required in Section 17.0, C. of this ordinance, the following notices shall also be given when a proposal is submitted by a property owner to amend the official zoning map:

1. Notice of the hearing shall be posted conspicuously on the property, the classification of which is proposed to be changed, for fourteen (14) consecutive days immediately prior to the hearing. Said posting shall consist of one or more signs, constructed of durable material, and clearly depicting the following information: the words "ZONING CHANGE" (three (3) inch high lettering); current zoning classification of property and proposed zoning classification (three (3) inch high lettering); date, place, and time of public hearing (one (1) inch high lettering); and address, including telephone number, of the planning commission where additional information regarding hearing may be obtained; and

2. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by first class mail, with certification by the commission secretary, or other officer of the planning commission, that the notice was mailed to an owner of every parcel of property adjoining the property, the classification of which is proposed to be changed. Where said property adjoins a street or alley, property abutting the opposite side of such street or alley shall be considered adjoining property. It shall be the duty of the person(s) proposing the amendment to furnish to the planning commission the names and addresses of the owners of all adjoining property. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two or more coowners of an adjoining property who are listed in the property valuation administrator’s records as having the same address.

3. 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:

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. 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 of this ordinance, 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. of this ordinance. 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, MULTI - FAMILY RESIDENTIAL, OR INDUSTRIAL ZONING MAP AMENDMENT: Any request for a zoning map amendment, excluding those submitted by the legislative body (other than for a zone change for land under city ownership that the city intends to develop) and the planning commission, to any commercial zone, multi - family residential zone, or industrial zone shall be made in accordance with all applicable requirements of this ordinance, including the following:

1. APPLICATION AND PROCESSING: Application for a zoning map amendment shall be processed in two stages:

a. In addition to the amendment application filing requirements, as provided for in Section 17.0, A. of this ordinance, an application for a zoning map amendment shall also be filed with the zoning administrator and shall include a Development Plan indicating the applicable requirements of Section 9.18, A. or B. of this ordinance. The zoning administrator may waive the submission of such data involving detailed engineering study until such time as the zoning amendment has been granted.

b. The planning commission shall hold a public hearing on the proposed application and review said application with regard to the required elements of the Development Plan, and other applicable requirements of this ordinance. Upon holding such a hearing, the planning commission shall make one of the following recommendations to the legislative body: approval, approval with condition(s), or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Development Plan and the bases for their recommendation.
c. The legislative body shall, within ninety (90) consecutive days after receiving the recommendations of the planning commission, review said recommendations and take action to approve or disapprove the proposed Development Plan. Such approval may incorporate any conditions imposed by the planning commission. However, should the legislative body take action to impose different conditions than were reviewed and recommended by the planning commission, then said conditions shall be resubmitted to the planning commission for further review and recommendations, in accordance with the process required for the initial review.

Approval of the zoning map amendment shall require that development be in accordance with the approved Development Plan. Additionally, upon approval of the zoning map amendment, the official zoning map shall be amended for the area as shown on the approved development plan.

d. The legislative body shall forward a copy of the approved Development Plan to the zoning administrator, or the city's duly authorized representative, for further processing, in accordance with the applicable requirements of this ordinance.

e. If the detailed engineering data required under Section 9.18, A. or B. of this ordinance had been waived by the zoning administrator in the initial submission of the Development Plan, then such data shall be submitted for review in accordance with the requirement of Section 9.17 of this ordinance before a permit may be issued for construction.

The zoning administrator, in reviewing the Development Plan, may authorize minor adjustments from the approved development plan, provided that the adjustments do not affect the spatial relationship of structures, change land uses, increase overall density, alter circulation patterns (vehicular and/or pedestrian), decrease the amount and/or usability of open space or recreation areas, or affect other applicable requirements of this ordinance.

2. 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.
3. **EXPIRATION:** The zoning map amendment shall be subject to the time constraints as noted below. Upon expiration of said time period, and any extensions thereto, the legislative body may initiate a request for a public hearing by the planning commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether said zoning map amendment should revert to its original designation. A public hearing may be initiated if substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Development Plan by the legislative body, provided that an extension may be permitted upon approval of the legislative body, or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the approved Development Plan obsolete. The amount of construction that constitutes initiating substantial construction shall be as approved in the Development Plan.

**SECTION 17.1 PLANNING AND DEVELOPMENT SERVICES OF KENTON COUNTY STAFF REVIEW AND RECOMMENDATION REQUIRED PRIOR TO OR AT THE SCHEDULED PUBLIC HEARING:** Planning and Development Services of Kenton County staff, pursuant to KRS 147.673, shall review and make recommendations upon all applications to the local planning commission 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 members to the board of adjustment, subject to the approval of the legislative body.

D. The term of office for the board of adjustment members 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, in exercising the power to remove a member from the board of adjustment, shall submit a written statement to the planning commission setting forth the reasons and the statement shall be
read at the next meeting of the board of adjustment which shall be open to the general public. The member so removed shall have the right of appeal from the removal to the circuit court of the county in which he resides.

I. The board of adjustment shall elect annually a chairman, vice-chairman, and secretary, and any other officers it deems necessary, and any officer shall be eligible for re-election at the expiration of their term.

SECTION 18.1 MEETINGS OF BOARDS; QUORUM; MINUTES; BYLAWS; FINANCES; SUBPOENA POWER; ADMINISTRATION OF OATHS

A. The board of adjustment shall conduct meetings at the call of the chairman, who shall give written or oral notice to all members of the board at least seven (7) days prior to the meeting, which notice shall contain the date, time, and place for the meeting, and the subject or subjects which will be discussed. Written notice of the meeting containing date, time, and place of the meeting, shall also be provided to the applicant, by first class mail, at least seven (7) days prior to the meeting.

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, BOARD OF ADJUSTMENT, OR LEGISLATIVE BODY: Any appeal from the planning commission, 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 shall appeal from the final action to the circuit court of the county in which the property, which is the subject of the commission's action, lies. Such appeal shall be taken within thirty (30) days after such action. Such action shall not include the commission's recommendations made to other governmental bodies. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. After the appeal is taken, the procedure shall be governed by the rules of civil procedure. When an appeal has been filed, the clerk of the circuit court shall issue a summons to all parties, including the planning commission in all cases, and shall cause it to be delivered for service as in any other law action.
B. Any person or entity claiming to be injured or aggrieved by any final action of the board of adjustment shall appeal from the action to the circuit court of the county in which the property, which is the subject of the action of the board of adjustment, lies. Such appeal shall be taken within thirty (30) consecutive calendar days after the final action of the 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.

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 or text 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: 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 the 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 9.12 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 Development Plan, subject to the applicable requirements of Section 9.17 of this ordinance, 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 of this ordinance 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 the 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 for herein.

1. The board of adjustment shall have the power to hear and decide on applications to convert or change a 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 Development Plan, if applicable, subject to the applicable requirements of Section 9.17 of this ordinance, 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. 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 for 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 Development Plan subject to the applicable requirements of Section 9.17 of this ordinance, shall be submitted to the board.

2. Notice of public hearing shall be given in accordance with Sections 18.2 and 9.12 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 9.12 of this ordinance.

SECTION 18.8 DECISIONS OF THE BOARD OF ADJUSTMENT

A. In exercising the aforementioned powers, the board of adjustment may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm wholly or partly, or may modify the order, requirements, decision, or determination as made by the zoning administrator, from whom the appeal is taken.

B. A 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 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.
APPENDIX A

SPECIFICATIONS FOR PAVING OF OFF-STREET PARKING AND LOADING AND/OR UNLOADING AREAS

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.

A. ASPHALT CONCRETE PAVEMENT

1. General Design Requirements
   a. 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.

   b. 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.

   c. 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.

   d. 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.
2. Construction Materials and Procedures

a. Base courses shall consist of the following materials. Construction procedures shall conform to the requirements applicable to the base course selected.

(1) 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.

b. 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.

c. 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.

d. Asphalt Prime and Tack Coat

(1) 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.

(2) 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.

B. CONCRETE PAVING
1. General Requirements - Thickness of concrete shall be:
   a. A minimum of four (4) inches for driveways and parking areas serving single and two-family residential dwellings.
   b. A minimum of five (5) inches for passenger cars and panel or pickup trucks serving industrial, commercial, and multi-family residential developments.
   c. A minimum of six (6) inches for light trucks serving industrial, commercial, and multi-family residential developments.
   d. A minimum of seven (7) inches for heavier commercial or industrial needs.

2. General Requirements
   b. Maximum Size of Aggregate - 1-1/4 inches.
   c. Maximum Water Content - 0.49 lb./1 lb. of cement (5.5 gal./bag).
   d. Maximum Slump - five (5) inches when using hand-finishing techniques, three (3) inches when using a mechanical finishing machine.
   e. 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".
   f. Air Entrainment

<table>
<thead>
<tr>
<th>Maximum Size Aggregate (inches)</th>
<th>Entrained Air (Percent)</th>
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<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>

3. Construction Procedures
a. All soft and yielding material and other portions of the subgrade which will not compact readily when rolled or taped, shall be removed and replaced with suitable material, placed and compacted. The subgrade shall be thoroughly compacted with suitable equipment so as to have uniform density at moisture contents of not less than standard optimum (AASHO-T98).

b. Longitudinal joint spacing shall not exceed 15 feet and be designed in accordance with the joint details in Figure A-2.

c. Transverse joint spacings shall be at regular intervals of twenty (20) feet.

d. All transverse construction joints shall be designed in accordance with the joint details in Figure A-2.

e. Form offsets at radius points shall be at least two (2) feet.

f. Pavement joints must be continuous through the curbs.

g. Where curbs are required, they shall be cast integrally.

h. 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.
### TABLE A
ZONE REGULATIONS SUMMARY FOR PERMITTED USES
CITY OF LAKESIDE PARK*

<table>
<thead>
<tr>
<th>ZONE REQUIREMENTS</th>
<th>SINGLE-FAMILY</th>
<th>SINGLE AND TWO-FAMILY</th>
<th>MULTI-FAMILY</th>
<th>CONDOMINIUM</th>
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<tr>
<td>ZONE REQUIREMENTS</td>
<td>R-1BC</td>
<td>R-1C</td>
<td>R-1D</td>
<td>R-1E</td>
</tr>
<tr>
<td>Minimum Lot Area (in square feet)</td>
<td>15,000</td>
<td>12,500</td>
<td>9,000</td>
<td>7,500</td>
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<tr>
<td>Minimum Living Area (in square feet)</td>
<td>2,200</td>
<td>1,900</td>
<td>1,600</td>
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<tr>
<td>Minimum Lot Width At Building Setback Line (in feet)</td>
<td>100</td>
<td>70</td>
<td>60</td>
<td>50</td>
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<tr>
<td>Minimum Front Yard Depth (in feet)</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>25</td>
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<tr>
<td>Minimum Side Yard Width On Each Side Of Lot (in feet)</td>
<td>15</td>
<td>10</td>
<td>10</td>
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</table>

* For complete detailed requirements of each zone, see Article X.

1. Zone requires minimum development site of 8 acres.
2. Setback from street right-of-way line shall be a minimum of 30 feet.
# APPENDIX C

## SUMMARY OF AMENDMENTS

<table>
<thead>
<tr>
<th>ORDINANCE NUMBER</th>
<th>PAGES AFFECTED</th>
<th>DATE OF APPROVAL</th>
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