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ORDINANCE NO. 12-1974

OFFICIAL ZONING ORDINANCE AND OFFICIAL MAP

AN ORDINANCE DIVIDING THE CITY OF PARK HILLS, COMMONWEALTH OF KENTUCKY, INTO ZONES. ZONES OF SUCH SHAPE AND AREA AS ARE DEEMED BEST SUIT ED 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 FOR RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER PURPOSES; PRESCRIBING PENALTIES FOR THE VIOLATIONS; PROVIDING FOR ENFORCEMENT; A BOARD OF ADJUSTMENT AND REPEALING ALL REGULATIONS, RESOLUTIONS, ORDERS, ORDINANCES AND/OR CODES IN CONFLICT WITH THIS ORDINANCE.

BE IT ORDAINED by the Board of Council of the City of Park Hills, Commonwealth of Kentucky, as follows:

ARTICLE I

The within Ordinance states the title and general description of the Official Zoning Regulations and Official Map of the city of Park Hills, Kentucky.

The entire text and official map are located at the following address:

City Clerk's Office
City Building
1106 Amsterdam Road
Park Hills, Kentucky

The Official Zoning Ordinance and Official Map are incorporated herein by reference and may be examined at the above office during business hours without charge. Copies of the Official Zoning Ordinance and Map may be obtained by payment of the copying charge.
ARTICLE II

AUTHORITY AND PURPOSE

SECTION 2.0 AUTHORITY: The Board of Council of the City of Park Hills 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 Comprehensive Plan for the City of Park Hills 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 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 of Park Hills 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 Park Hills, Kentucky and shall be known, referred to, and recited to as the "OFFICIAL ZONING ORDINANCE OF THE CITY OF PARK HILLS".
ARTICLE IV

INTERPRETATION

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

SECTION 4.1 PERMIT OR LICENSE IN VIOLATION: Notwithstanding any other provisions of this Ordinance or any other ordinances, rules, codes, permits or regulations of the City of Park Hills; 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 of Park Hills 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 Board of Council of the City of Park Hills to enact each section, and portion thereof, individually, and each such section shall stand alone, if necessary, and be in force notwithstanding the 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 and not directory;
The word "may" shall be deemed as permissive.

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

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

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

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

ALLEY: All public rights - of - way at the rear of the lot which normally affords a secondary means of access to abutting property.
AMERICAN ASSOCIATION OF NURSERYMEN, INC. (STANDARDS): The Association's Horticultural Standards Committee maintains and revises horticultural standards (see American Standards for Nursery Stock) to comply with the standards procedures of the American National Standards Institute.

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

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

APARTMENT HOUSE: See DWELLINGS, MULTIPLE.

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

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

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

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

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

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

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

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, OR BOARD: Board of Adjustment, City of Park Hills, Commonwealth of Kentucky.

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

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

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

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

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

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

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

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

BUILDING INSPECTOR: The official or officials appointed by the City of Park Hills for carrying out the Building Codes.

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

BUILDING, MAIN: See BUILDING, PRINCIPAL.

BUILDING PERMIT: A permit issued by the City of Park Hills Building Inspector authorizing the construction or alteration of a specific building, structure, sign, or fences on a specific tract.

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

BUILDING SITE: One contiguous piece of land that meets all of the provisions of the city of Park Hills Ordinances, Regulations, and Codes for building on said site. For the purpose of this Ordinance, the entire amount of ground being called a building site shall be in one (1) specific zone category and this shall not be construed to mean merely a residential, commercial, industrial, etc., but specifically Residential R-1C, R-1D, R-2, Commercial NC, HC etc.

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

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

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

CARPORT: See GARAGE, PRIVATE.

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

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

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

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

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

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

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

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

COMMISSION (PLANNING COMMISSION): The Kenton County and Municipal Planning and Zoning Commission, Kenton County, Commonwealth of Kentucky.

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

COMPREHENSIVE 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; and
e. May include any additional elements such as, without being limited to, community renewal, housing, flood control, pollution, conservation, natural resources, and others.

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

CONDITIONAL USES: A use which may be suitable as determined by the Board of Adjustment in zones herein defined, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on locations, size, extent, and character of performance are imposed.

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 Adjustment which justifies the issuance of the permit; and
b. A statement of the specific conditions which must be met in order for the use to be permitted.

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

COUNCILMEN: Board of City Council, city of Park Hills, Commonwealth of Kentucky.

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

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

CURB CUT: Any interruption, or break in the line of a street curb in order to connect a driveway to a street, or otherwise to provide vehicular access to abutting property.
CURB LEVEL: The level of the established curb in front of the building measured at the center of such front. Where no curb has been established, the Park Hills City Engineer shall authorize and approve the establishment of such curb level or its equivalent for the purpose of this Ordinance.

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

DECIDUOUS TREE: Not persistent; annual shedding of leaves.

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

DISTRICT: For purposes of this Ordinance, synonymous with "zone".

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

DORMITORY: A building used to provide residences for a group of persons (including students, faculty, or staff) of whom all are exclusively associated with an institution for higher education.

DRIVE - IN EATING OR DRINKING PLACE: An activity which provides food and/or drink items, specifically prepared and/or packaged in such a way as to permit consumption outside the building, either on or off the premises.

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

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

DWELLING, SINGLE - FAMILY: A detached residential building designed, arranged, or used for or occupied exclusively by one (1) family, but shall not include house trailers.

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

DWELLING, TRAILER: See MOBILE HOME.

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

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

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

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

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

EATING ESTABLISHMENTS -- RESTAURANTS:

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

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

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

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

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

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. This definition is not meant to include buildings.

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

FILLING STATION: See SERVICE STATION.

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

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

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

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

FRATERNITY/SORORITY HOUSE: A building used by a fraternity or sorority to provide living quarters for some or all members, as well as to provide study, meeting, recreational and other facilities.
FREQUENCY: The number of oscillations per second in a sound wave. This is an index of the pitch of the resulting sound.

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

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

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

GROUP HOUSING: See DWELLING, GROUP HOUSE.

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

HOME OCCUPATION: An accessory use customarily conducted entirely within a dwelling, as permitted herein, and carried on solely by the inhabitants thereof.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LOT, CORNER: A "corner lot" is a lot situated at the intersection of two streets or on a curved street on which the interior angle of such intersection or curved 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 lines to the midpoint of the rear lot lines.

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

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

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

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

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

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

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

LOT OF RECORD: A designated fractional part or subdivision of a block, according to a specific recorded plat or survey, the map of which has been officially recorded in the office of the Kenton County Clerk, Commonwealth of Kentucky.

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

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

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

MINIMUM FRONT YARD DEPTH: The minimum distance required by this Ordinance to be maintained within the lot between a line parallel to the street right-of-way line and the front line as defined herein.

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

MOBILE HOME: Any coach, cabin, mobile home or other mobile structure in a single unit which is intended for, designed for, and used for the fixed residence of a person, a family, or a household, mounted upon wheels or supports, or supported and/or capable of being moved or transported by another vehicle. For the purpose of this Ordinance, the removal of wheels and/or the permanent or semi-permanent attachment of a foundation to said mobile 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.

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

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

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

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

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

a. The area shall consist of at least 20 acres that are geographically contiguous;

b. The area shall have direct access from local streets to one or more collector and/or arterial streets;

c. The area shall not be part of another designated neighborhood for which permits for which permanent entrance signs have been issued; and

d. The area shall either have been developed as one planned complex, subdivision or center, or it shall have established its identity as a neighborhood through activities of a community association, neighborhood festivals or other continuing activities separate from the desire for an entrance sign.
NITA measure of luminance. One nit is equal to one candela per square meter (1cd/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 lot requirements specified for the zone in which it is located.

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

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

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

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

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

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

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

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

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

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

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

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

PERFORMANCE STANDARDS: A 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 development on a relatively large tract of land which permits a developer to provide a variety of housing types with an integrated design and layout all within one area. Depending on the scale of the site, other land uses such as shopping areas may also be included. The objective of PUD is to reduce individual dwelling unit cost for the buyer - renter, yet provide amenities of open space and recreation with the same site design.

PUBLIC BUILDING: Any building open to the general use, participation, or enjoyment of the public or operated for the public’s benefit and owned and/or operated by a City, County, State, or Federal Government or by a public utility corporation or municipal district or authority.

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

RECREATION, COMMERCIAL: Recreation facilities open to the general public for a fee or restricted to members when operated for profit as a business.
RECREATION, PRIVATE, NON-COMMERCIAL: Clubs or recreation facilities, operated by a non-profit organization and open only to bona fide members of such non-profit organization and their guests.

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

REST HOME: A rest home or convalescent home for the aged or mentally or physically informed is any place of abode, building, institution, residence, or home used for the reception and care, for a consideration, of three (3) or more persons, who by reason of age, mental, or physical infirmities, are not capable of properly caring for themselves.

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

SCHOOLS, PRIVATE: An institution or a place for instruction or education belonging to and maintained by a private organization other than those types defined in this Ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is 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: A public thoroughfare, constructed within the boundaries of an officially deeded and accepted public right - of - way, which affords principal means of access to abutting property.

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

STREET, COLLECTOR: Public thoroughfares which serve to collect and distribute traffic, primarily from local residential streets to arterial streets.

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

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

STREET, LOCAL: Facilities which are designed to be used primarily for direct access to abutting properties and leading 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 erected, the use of which requires more or less permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including buildings, mobile homes, signs, and fences, but not including earthworks, ditches, canals, dams, reservoirs, pipelines, telephone or telegraph or electric power lines, driveways, or curbs.

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

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

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

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

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

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

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

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

TOURIST COURT: See MOTELS.

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

TRAILER: See CAMPING/VACATION MOBILE UNIT.

VARIANCE, DIMENSIONAL: A departure from the terms of this Ordinance pertaining to height, width of structures, and size of yards and open spaces where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape, or topography, and not as a result of the actions of the applicant, the literal enforcement of the zoning regulations would result in unnecessary and undue hardship.

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

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

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

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

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

ZONE: An established area within the city of Park Hills for which the provisions of this Ordinance are applicable. (Synonymous with the word "DISTRICT").

ZONING ADMINISTRATOR: The official or officials appointed by the city of Park Hills for carrying out the provisions and enforcement of this Ordinance.
ARTICLE VIII

ESTABLISHMENT OF ZONES

SECTION 8.0  ZONES: For the purpose and intent of this Ordinance, the city of Park Hills, Commonwealth of Kentucky, is hereby divided into the following zones:

- CO  Conservation Zone
- R-1C  Single - Family Residential One - C Zone
- R-1D  Single - Family Residential One - D Zone
- R-1E  Single - Family Residential One - E Zone
- R-1EE  Single and Two - Family Residential One - EE Zone
- R-1FF  Single and Two - Family Residential One - FF Zone
- R-2  Multi - Family Residential - Two Zone
- R-3  Multi - Family Residential - Three Zone
- NC  Neighborhood Commercial Zone
- HC  Highway Commercial Zone
- PO  Professional Office Zone
- INST  Institutional Zone

SECTION 8.1  OFFICIAL ZONING MAP OR MAPS: The zones are bounded and defined as shown on the map (or maps) entitled, "OFFICIAL ZONING MAPS OF THE CITY OF PARK HILLS, KENTUCKY", and shall so remain on file in the City Building of the city of Park Hills.

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

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

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

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

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

A. Boundaries indicated as approximately following the rights - of - way of a street, alley, or other public way, shall be construed to follow such rights - of - way lines and when said rights - of - way are officially vacated, the zones bordering such rights - of - way shall be extended out to the centerline of said vacated rights – of - way.
B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
C. Boundaries indicated as approximately following political boundary lines shall be construed as following such boundary lines.
D. Boundaries indicated as approximately following the rights - of - way 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, (or maps) shall be construed as following such ground elevation lines.
G. Boundaries indicated as approximately parallel to features indicated in Rules A through F of this section, shall be construed as parallel to such features. Boundaries indicated as approximate extensions of features indicated in Rules A through F of this section, shall be construed as being extensions of such features. Distances not specifically indicated on the Official Zoning Map (or maps) shall be determined by the scale of the map (or maps), if an accurate legal description cannot be determined from the original zoning case.

SECTION 8.5 AREAS NOT INCLUDED WITHIN ZONES: In any case where property has not been included within a zone, such property shall be considered to be in the CO zone until otherwise classified.
ARTICLE IX

GENERAL REGULATIONS

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

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

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

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

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

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

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

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

D. Open spaces on the premises shall be suitably landscaped and maintained and a screening area according to Section 9.16 of this Ordinance may be required in and along any yard.

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

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

SECTION 9.6 RAILROAD RIGHTS - OF - WAY LOCATION: Railroad rights - of - way, exclusive of such uses as marshaling yards, passenger and freight terminals, maintenance shops, fueling facilities and round houses, may be located in any zone of this Ordinance providing said railroad rights - of - way meet the requirements of those sections of the Kentucky State Law which regulates such uses and approved by the Kenton County and Municipal Planning and Zoning Commission and the City Council of Park Hills.

SECTION 9.7 EXCAVATION OR MOVEMENT OF SOIL: Notwithstanding other provisions of this Ordinance, no governmental entity or other person or entity shall strip, excavate, fill, or otherwise move soil for sale or for any other purpose, except for minor changes such as: the filling of small pockets in lots, flower beds, and other similar operations, in any zone set forth in this Ordinance without first insuring that all requirements of the Subdivision Regulations of the city of Park Hills, if applicable, have been fulfilled and then obtaining a permit from the Building Department for such stripping, excavating, filling, or other means of soil movement. The Building Department shall issue the required permit only after being informed by letter from the city of Park Hills who shall consult the city engineer that the resulting change of grade in the affected area will not be against the best interests of the local area. The provisions of this section shall not be construed to prohibit normal excavation or grading incidental to the construction or alteration of a building on the premises for which a building permit has been granted as required otherwise in this Ordinance, but shall include all road cuts thereto.
SECTION 9.8 UNSIGHTLY OR UNSANITARY STORAGE: No rubbish, salvage materials, junk, or miscellaneous refuse shall be openly stored or kept in the open, and no weeds shall 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. Regular salvage and junkyards shall be adequately enclosed with a solid fence or wall, as regulated by Article XVI of this Ordinance, and an approved permanent planting screen, may also be required as regulated Section 9.16 of this Ordinance.

SECTION 9.9 JUNKYARD LOCATION: No person shall operate or cause to operate any junkyard which is located in the city of Park Hills.

SECTION 9.10 APPLICATION OF ZONING REGULATIONS:

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

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

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

D. Except as herein provided, no part of any yard, or other open space, or off-street parking or loading and/or unloading space about or in connection with any building, structure, or use permitted by this Ordinance shall be considered to be part of a required yard, or other open space, or off-street parking or loading and/or unloading space for any other building, structure, or use.
E. Every public or private building or other structure hereafter erected shall be located on a lot, as herein defined, and in no case shall there be more than one (1) principal building and permitted accessory structures on one (1) lot, except as hereinafter provided, nor shall any building be erected on any lot which does not abut at least twenty (20) feet on a deeded and accepted public right-of-way. In the case of two contiguous flag lots, said twenty (20) foot frontage may be reduced to ten (10) feet of frontage per parcel, provided the contiguous lots share a common unobstructed easement of access to the publicly dedicated street of at least twenty (20) feet in width and further provided said common easement shall be located within said twenty (20) foot strip. In no case shall more than two flag lots be contiguous to each other at the publicly dedicated street. Flag lots shall only be used in those locations where due to geometric, topographic, and other physical features, it would be impractical to extend a publicly dedicated street to serve lots located in said areas, as determined by the planning commission.

F. Accessory structures and uses including off-street parking and loading and/or unloading areas shall not be permitted within any required minimum front yard or side yard (on each side of the lot), except in the NC and HC zones as provided herein. Accessory structures and uses including off-street parking and loading and/or unloading areas shall be permitted to extend into the minimum rear yard area, as defined herein, in all zones, but by never more than ten (10) feet.

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

1. In All Minimum Required Yards or Courts - awnings and canopies excluding carports; driveways, providing they are not closer than five (5) foot to the property line to which they run approximately parallel to, steps, four (4) feet into the minimum required yards which are necessary for access to a lot from a street or alley; fire escapes, chimneys, and air conditioning equipment projecting eighteen (18) inches or less into the minimum required yards; arbors and trellises, flag poles, bird baths, fences and walls, subject to the requirements in Article XVI of this Ordinance.

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

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

SECTION 9.11 NONCONFORMING LOTS, NONCONFORMING USES, NONCONFORMING STRUCTURES, REPAIRS AND MAINTENANCE, AND NONCONFORMING SIGNS:

A. NONCONFORMING LOTS OF RECORD:

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

2. Where a nonconforming lot of record exists having a lot area and/or frontage less than required by the particular zone district wherein said lot is located, development may be permitted on the lot, provided: the lot is located on an existing and improved public street; the adjacent parcels exist as developed building lots or dedicated street rights-of-ways 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 on said lot, an application for a variance shall be submitted for review and approval by the Board of Adjustment in accordance with Article XIX of this Ordinance.

B. NONCONFORMING USES:

1. CONTINUANCE: Except as herein specified, the lawful use of any public or private 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 unless and until the use is brought into conformance with all provisions of this Ordinance.

2. CHANGE FROM ONE NONCONFORMING USE TO ANOTHER: Any nonconforming use may be changed to another nonconforming use providing the new nonconforming use is in the same or a more restrictive classification (i.e., providing that, in the opinion of the Board of Adjustment, the new nonconforming use will be more in conformance with the intent of the regulations of the zone affected, than the old nonconforming use).
3. **TERMINATION:** Any one of the following acts or conditions shall terminate, immediately, the right to operate a public or private nonconforming use:

   a. Changing to a conforming use.

   b. Abandonment.

   c. Nonoperative, or nonused for a period of six (6) or more consecutive calendar months, providing or for eighteen (18) calendar months during any three (3) consecutive calendar year period.

   d. Whenever the structure, in which the nonconforming use is operated, is damaged in any manner whatsoever and the cost of repairing such damage exceeds fifty (50) percent of the market value of such structure as of the date of such damage of the structure in which the nonconforming use is operated.

   e. Whenever the structure, in which the nonconforming use is operated, becomes obsolete or substandard under any applicable ordinance of the city of Park Hills and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds fifty (50) percent of the market value of such structure as of the date of the official order under the applicable ordinance.

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

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

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

C. **NONCONFORMING STRUCTURES:**

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

   a. Changing to a conforming structure.

   b. Abandonment.

   c. Nonoperative or not used for a period of eighteen (18) consecutive calendar months.

   d. Whenever the nonconforming structure is damaged in any manner whatsoever and the cost of repairing such damage exceeds fifty (50) percent of the market value of such structure as of the date of such damage of the nonconforming structure.

   e. Whenever the nonconforming structure becomes obsolete or substandard under any applicable ordinance of the city and the cost of placing such nonconforming structure in lawful compliance with the applicable ordinance exceeds fifty (50) percent of the market value of such nonconforming structure as of the date of the official order under the applicable ordinance.

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

   g. Whenever the city of Park Hills, Commonwealth of Kentucky, or any other governmental entity, acquires title to said nonconforming structure or the land upon which it is located.

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

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

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring, to a safe condition, of any building, structure, or part thereof, declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
E. NONCONFORMING SIGNS:

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

2. TERMINATION: Any one of the following acts or conditions shall terminate, immediately, the right to operate or maintain a nonconforming sign:
   a. Not meeting the time requirements for sign regulations, as regulated in Section 15.1, B. of this Ordinance.
   b. Changing to a conforming sign.
   c. Abandonment.
   d. Nonoperative or nonuse of said nonconforming sign for a period of six (6) consecutive calendar months or for eighteen (18) calendar months during any three (3) calendar years.

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

SECTION 9.12 EXCEPTIONS AND MODIFICATIONS:

A. EXCEPTIONS TO HEIGHT LIMITATIONS: The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, smoke stacks, radio and TV towers, conveyors, flag poles, masts, and aerials, penthouses, scenery lofts, standpipes, parapet walls, outdoor theater screens, and other related structures, and necessary mechanical appurtenances, provided their construction is in accordance with existing or hereafter adopted ordinances of the city of Park Hills, Commonwealth of Kentucky, and is acceptable to the Federal Aviation Agency and the Federal Communication Commission.

B. AREA EXCEPTIONS:

1. For the purpose of side yard regulations, the following dwellings with common party walls shall be considered as one (1) building occupying one (1) lot: Two - family and multi - family dwellings.
2. In the case of a court apartment or multi-family dwellings, side yards may be used as rear yards provided that:

a. The required side yard shall be increased by one (1) foot for each entrance or exit opening into or served by such yard.

b. The width of the court shall not be less than two and one-half (2-1/2) times the width of the side yard as required in the district in which such court apartments or multi-dwellings are located.

c. Where a roadway is provided in the court, the width allowed for such roadway shall be in addition to that required in the foregoing regulation.

d. All other requirements, including front, side, and rear yards shall be complied with in accordance with the regulations of the district in which such court apartments or multi-family dwellings, are located.

e. Every part of a required minimum yard or court shall be open from its lowest point to the sky unobstructed, except for permitted obstructions in minimum required yards as specified in Section 9.10, G. of this Ordinance.

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

D. FRONT YARD VARIANCE:

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

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

E. EXCEPTION TO AREA, AND YARD REGULATIONS:
1. Where existing or proposed development within the multi-family (R-2 and R-3) and commercial (NC, PO, SC, and LHS) Zones is to be subdivided, the minimum area and yard requirements may be less than required by this ordinance provided that:

   a. The maximum density of the zone is not exceeded and/or the minimum site for the total development must not be less than that required by the respective zone.

   b. A community association or other responsible entity is established prior to the approval by the planning commission of any subdivision of land. The association shall be obligated and empowered to own, operate, and maintain all common areas (as specifically identified on the submitted site plan required by Item c. of this section) including such items as open space, recreational facilities, access drives, parking areas, pedestrian walkways, etc., and all facilities constructed thereon.

   c. A site plan, as regulated by the applicable requirements of Section 9.12 of this ordinance, including the proposed area and yard requirements for the development, is submitted for review and approval by the planning commission.

2. In addition, the planning commission may waive the requirement that all lots abut a minimum frontage along a dedicated right-of-way provided that those lots that do not abut a dedicated right-of-way are assured an unencumbered and maintained accessway by the association to a dedicated right-of-way.

F. SIDE YARD VARIANCE:

On a lot within any residential zone, where an existing principal structure that was lawfully placed when constructed but that does not comply with the minimum required side yard setback for that zone, additions to the principal structure may be made which have the same side yard setback as the existing structure, provided that in no case shall a side yard depth be less than five (5) feet.

G. FRONT AND SIDE YARD VARIANCE FOR VERTICAL EXPANSIONS:

On a lot within any residential zone, an existing principal structure that was lawfully placed when constructed but that does not comply with the required building setbacks may be expanded vertically, provided that all other requirements of this ordinance are met and in no case shall a side yard depth be less than five (5) feet or a front yard depth less than twelve (12) feet.
SECTION 9.13 CONDITIONAL USES:

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

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

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

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

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

1. The Board of Adjustment may approve, modify, or deny any application for a conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be approved, 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, said conditional use permit shall be recorded in the office of the County Clerk and one copy of said permit attached to the deed for the property for which it is issued. The Board shall have the power to revoke conditional use permits, or variances for noncompliance with the condition thereof. Furthermore, the Board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.

2. 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 of Park Hills.
3. In any case where a conditional use permit has not been exercised within twelve (12) consecutive calendar months from date of issuance, if no specific time limit has been set, such conditional use permit shall not revert to its original designation, unless there has been a public hearing. Exercised as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement has been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed. When construction is not a part of the use, exercised shall mean that the use is in operation in compliance with the conditions as set forth in the permit.

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

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

The Board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing. If the Board of Adjustment finds that the facts alleged in the report of the 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 with the county clerk, as required in KRS 100.344. Thereafter, said use, if it continues to meet the other requirements of this Ordinance, will be treated as a permitted use.

SECTION 9.14 BUILDING REGULATIONS: No structure shall be designed, erected, or altered, except in accordance with the following regulations:

A. PUBLIC WATER AND SANITARY SEWERS: No building may be constructed in any zone unless such building is connected to a public water and centralized sewer system and approved by the proper authorities.

SECTION 9.15 MOVE AND SET:

A. No building, structure, or improvement shall be moved or set from or upon land located in any area or transported upon any public street, road, or highway in the city of Park Hills, until and unless a building permit to move and set and a transport permit has been obtained therefore and said building, structure, or improvement complies with the provisions of this section.

B. All buildings, structures, and improvements shall comply with the city of Park Hills Building Code.

C. PROCEDURE:

1. Any person who wishes to obtain a building permit, to move and set in compliance herewith shall apply at the office of the Building Inspector requesting an inspection of the building, structure, or improvement to be moved and set, and that an application for such permit be filed with the Building Inspector.

2. The applicant shall submit, with his application for said building permit, a plot plan, footing and foundation plan, and construction plans for any new construction. Said plans shall comply with the city of Park Hills Building Code.

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

4. Upon receipt of the foregoing items, the Building Inspector shall inspect said building, structure, or improvements, and the proposed location where same will be set within the city of Park Hills and determine that the proposed development complies with Building Code.
5. The move and set shall be referred to the Zoning Administrator for approval or denial of compliance with this Ordinance.

6. Upon approval by the Zoning Administrator and Building Inspector, a permit shall be issued to permit the move and set. The city of Park Hills Engineer shall then be notified of same and shall issue a transport permit. The city of Park Hills Engineer, or his agent, will designate the route to be traveled. The transport permit is good only for the date specified on permits except Saturday, Sunday, or holidays. The transport permit will not be issued if ninety (90) consecutive calendar days or more have lapsed from the date of inspection by the Building Inspector.

7. There will be a building permit fee of fifty dollars ($50.00) to cover the costs of investigation and inspection for determining the structural soundness of buildings, structures, or improvements to be moved which fee is payable in advance and must accompany the application provided for herein. The inspection shall determine what will be necessary to bring buildings, structures, or improvements into compliance with the city of Park Hills Building Code should the building not comply. This fee is not returnable. If buildings, structures, or improvements are found to be capable of complying with the city of Park Hills Building Code, and this Ordinance, a building permit will be issued at the regular fees as determined by the valuation of said building, structure, or improvements as published in the Building Code. This fee is in addition to the fifty dollars ($50.00) fee first listed.

8. The transport permit provided for in this section shall not be in lieu of any building permits which may be required by the city.

9. No transport or building permit to move and set shall be issued until the applicant has first obtained the necessary permits from the telephone company, public utilities companies, railroad companies, and the State Highway Department of Kentucky and the Kenton County Road Supervisor unless it can be shown by the applicant, that these agencies are not interested in the matter.

10. No transport or building permit to move and set shall be issued for any building, structure, or improvement exceeding the dimensions as approved by the Zoning Administrator and Building Inspector.

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

SECTION 9.16 LANDSCAPE REGULATIONS

A. PURPOSE: The purpose of these regulations is to promote and to protect the health, safety and welfare of the community through reduction of noise, air, and visual pollution, air temperature and headlight glare and to improve the aesthetic character of the community by improving the appearance of vehicular use areas and property adjoining public/private road rights-of-way and driveways, preserving existing trees, and requiring screening between land uses.

B. WHO PROVIDES LANDSCAPING: Landscaping required to fulfill these regulations shall be provided by the property owner. If an adjacent property has landscaping fulfilling perimeter landscaping requirements, the requirement for perimeter landscaping along the common boundary may be waived if deemed appropriate by the Zoning Administrator.

C. TYPES OF LANDSCAPING REQUIRED: Landscaping required per these regulations includes perimeter landscaping, vehicular use area (parking lot) or interior landscaping, and landscaping for screening of dumpsters.

D. LANDSCAPE REQUIREMENTS TABLE: The Landscape Requirements Table (Table 9-1) contains landscape requirements for perimeter, vehicular use or interior landscaping per these regulations.

E. SITES AFFECTED: Landscaping as required in the Landscape Requirements Table (Table 9-1), shall be required as follows:

1. All new building development and construction or development requiring a zoning map amendment, except for single and two-family residential.

2. EXISTING DEVELOPED SITES:

   a. New parking lot construction, including the expansion, moving or relocation of existing parking. This requirement shall only affect those newly paved areas of five (5) spaces or larger, or any paved area larger than 1500 square feet. The number of parking spaces added shall also include any spaces added within one (1) calendar year prior to the building permit application for the new spaces. This requirement shall, in no instance, be deemed as retroactively affecting sites prior to the adoption of this amendment.
b. Substantial additions to an existing building - Substantial building additions will be defined per the criteria established below:

<table>
<thead>
<tr>
<th>Where Existing Structure Is</th>
<th>Substantial Increase An Addition Of</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 1,000 sq. ft.</td>
<td>50% or greater</td>
</tr>
<tr>
<td>1,001 - 10,000 sq. ft.</td>
<td>20% or greater</td>
</tr>
<tr>
<td>10,001 - 25,000 sq. ft.</td>
<td>15% or greater</td>
</tr>
<tr>
<td>25,001 - 50,000 sq. ft.</td>
<td>10% or greater</td>
</tr>
<tr>
<td>50,001 sq. ft. and above</td>
<td>5% or greater</td>
</tr>
</tbody>
</table>

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

c. When a land use changes to a different land use.

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

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

- **PLANT LIST A:** SHADE TREES (Mature height greater than 30 ft.)
- **PLANT LIST B:** FLOWERING AND NON - FLOWERING TREES (Mature height less than 30 ft. for use under power lines.)
- **PLANT LIST C:** EVERGREEN/BROADLEAF TREES
- **PLANT LIST D:** DECIDUOUS SHRUBS
- **PLANT LIST E:** EVERGREEN/BROADLEAF SHRUBS
- **PLANT LIST F:** STREET TREES
- **PLANT LIST G:** UNACCEPTABLE SHRUBS AND TREES
Please note that with the exception of Plant List G, Unacceptable Plants, the Plant Lists included in the manual are only suggestions of use groups that have been successful in this region for urban landscaping. The choice of plant materials is not limited to those of the lists, but all plants and trees specified on landscape plans that are not included must have proven acceptability in this region. No shrubs and trees on Plant List G will be permitted.

G. MISCELLANEOUS REGULATIONS

1. EASEMENTS, RIGHTS-OF-WAY, AND SETBACKS: Landscaping must be placed in the required area between the property line and the front, rear and side yard setbacks, except as permitted herein. Required landscaping may be placed wholly or partially in utility or other easements providing all requirements can be fulfilled and approval is granted by the holder of the easements. Trees placed under overhead utility wires must be from List B. The rights-of-way of any public street may also be utilized for the required landscaping provided that approval is granted by the appropriate government. It must be noted that an Encroachment Permit shall be required from the Kentucky Transportation Cabinet to plant within state right-of-way. When rights-of-ways are used for required landscaping it shall be the responsibility of the property owner to maintain said landscaping and to replace any required landscaping subsequently removed by the Kentucky Transportation Cabinet or local legislative bodies.

2. SIGHT TRIANGLE: That area at street or drive intersections where all landscaping is prohibited, except ground covers and trees that are without limbs, with a ground clearance seven feet (see Figure 9-2).

3. JOINT DRIVEWAYS: If two properties share a driveway or vehicular use area and have a written reciprocal access agreement, no vehicular use area screening shall be required along the paved portion of the common boundary. Interior landscape shall be required on the property submitting plans.

4. DUMPSTERS: Shall be screened on at least three (3) sides according to Table 9-2.

When dumpsters located less than ten (10) feet from an unwindowed portion of a building on the same property, landscape screening may be waived by the Zoning Administrator for the side of the dumpster facing that building wall. Fencing shall be required on that side.
5. **CONFLICTS IN REQUIREMENTS:** When an activity or land use falls under more than one of the categories listed in the table, the most stringent of the requirements shall be applied.

H. **LANDSCAPE MATERIALS**

1. **WALLS AND FENCES:** When walls or fences are used to fulfill screening requirements, they shall be indicated on the landscape plan. They are to be of weather-proof materials. This includes the use of synthetic or other construction materials or pressure treated lumber or painting of lumber if it is not redwood or cedar and using aluminum or galvanized hardware. Chain link fences with wood or synthetic slat material shall not be used to meet the requirements of these regulations.

2. **PLANTS AND TREES:** All plants are to be healthy and part of the acceptable plants listed in the Planting Manual. All plants must be replaced if they die. A plant manual should be obtained from the legislative body that outlines recommended plant material.

   a. **Quality:** Plant materials used in conformance with provision of this ordinance shall comply with the American Standards for Nursery Stock (ANSI Z60.1-1990, or most current edition) as prepared and published by the American Association of Nurserymen which is on file at the City Hall. In addition all plant materials shall have passed any inspection required under state and/or local regulations.

   b. **Deciduous Trees (trees which normally shed their leaves in the fall):** Shall be species having an average mature crown spread of greater than fifteen (15) feet in Kenton County and having trunk(s) which can be maintained with a minimum of seven (7) feet of clear wood in areas which have visibility requirements. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by a grouping of the same so as to create the equivalent of a fifteen (15) foot crown spread. A minimum of six to eight (6-8) feet overall height or a minimum caliper (trunk diameter, measured by 6 inches above ground for trees up to 4 inches caliper) of at least 1 1/2 inch immediately after planting shall be required. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than fifteen (15) feet from such public works, unless the tree root system is completely contained within a barrier for which the minimum interior container dimensions shall be five feet square and five feet deep and for which the construction requirements shall be four (4) inches thick reinforced concrete.
c. Evergreen Trees: Shall be a minimum of five (5) feet high with a minimum caliper of 1-1/2 inches immediately after planting.

d. Shrubs and Hedges: Shall be at least 15" - 20" in average height when installed. All plants shall conform to opacity, mature height, and other requirements within four (4) years after the date of the final approval of each planting or replanting. Privet, Ligustrum species cannot meet the opacity requirements and may not be used to satisfy the requirements of this Article. The height of the planting shall be measured from the level of the surface of the vehicular use area at the edge closest to the screening.

e. Grass or Ground Cover: Grass of the fescus (Gramineak) or Bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns in Kenton County, and may be sodded, plugged, sprigged, or seeded; except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted not more than 15 inches on center and in such a manner as to present and have 75% of complete coverage after two complete growing seasons.

3. EARTH MOUNDS: Earth mounds shall be constructed with slopes which allow easy maintenance of grass or other ground cover. Differences in elevation between areas requiring screening does not constitute an earth mound.

4. MAINTENANCE AND INSTALLATION: All landscaping materials shall be installed according to accepted planting procedures (see Planting Manual). The Owner of the property shall be responsible for the continued property maintenance of all landscaping materials, including existing trees, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three months. Topping trees or cutting of limbs to stubs larger than three (3) inches in diameter within the tree crown to such a degree as to remove the normal canopy shall not be considered proper for the maintenance of trees as required by this Article. Tree pruning cuts shall be made sufficiently close to the trunk or parent limb without cutting into the branch collar or leaving a protruding stub so that closure can readily start under normal conditions. All branches that are so heavy as to cause bark splitting or peeling are to be precut. Violation of these installation and
maintenance provisions shall be grounds for the legislative body to refuse a building occupancy permit, require replacement of the landscape material or institute legal proceedings to enforce the provisions of this Article.

I. SUBMISSION REQUIREMENTS

1. LANDSCAPE PLAN CONTENT: The landscape plan shall be drawn to a scale no smaller than 1" = 100'-0" and shall include: all property lines; a north arrow; a scale; all easements; all existing and proposed structures and their uses; dumpsters; all vehicular use areas, labeled as to size and number of parking spaces; the names and addresses of the owners and plan preparers; and either topographic contour or spot elevations where elevation changes occur in areas to be landscaped.

2. TREE PROTECTION PLAN: Identify all trees within the disturbed limits that are to be preserved and are to be part of the required landscaping. Such trees shall be protected during the construction phase, per guidelines in the Planting Manual and Landscape Ordinance Guidelines, Section II, C.

3. BUILDING OR ZONING PERMIT: A building or zoning permit shall not be issued until the required landscape plans have been approved.

4. CERTIFICATE OF OCCUPANCY: A temporary Certificate of Occupancy may be issued even though the required landscaping has not yet been installed. A final Certificate of Occupancy shall not be issued unless either:

   a. All landscaping has been installed and accepted by the Building or Zoning Inspector, or

   b. A full cash bond, irrevocable letter of credit (on an approved bank), or other form of acceptable surety has been posted in an amount equal to the cost of contracting the purchase and installation of the landscaping, plus 10%.

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

J. PLANTING ADJUSTMENTS
1. The Zoning Administrator shall have the authority to grant a waiver of any of the requirements in this section upon receipt of a written request which outlines the rationale for the planting adjustment. The Zoning Administrator shall review each written request and grant a waiver only: (1) under unusual or extreme circumstances which cause an unreasonable hardship such as the size of the lot; (2) when an innovative or alternative approach can be made which still meets the intent and purpose of this section; or (3) when the requirements of this section are impractical or unreasonable because of the existence of conditions specified in subsection J., 4. Of this section. All decisions made by the Zoning Administrator may be appealed to the Board of Adjustment, pursuant to this ordinance and Kentucky Revised Statutes.

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

   a. An applicant, at the time of filing of the application for a map amendment, Stage I Development Plan review, or Stage II Development Plan review, may elect to have any planting adjustments for the same development to be heard and finally decided by the planning commission at the same public hearing set for the map amendment, Stage I Development Plan review, or Stage II Development Plan review, or by the Zoning Administrator as otherwise provided for in this section.

   b. The planning commission shall review each adjustment request per the requirements of this ordinance and shall forward its findings to the Zoning Administrator. The ruling on the planting adjustment request shall be binding on the Zoning Administrator.

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

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

   a. The need for the adjustment is due to circumstances typical of the land in the general vicinity of the site or in the same zone.

   b. The strict application of the Landscape Ordinance would deprive the applicant of a reasonable use of the land or create an unnecessary hardship.
c. Circumstances necessitating an adjustment are not the result of an action by the applicant subsequent to the passage of the Landscape Ordinance.

d. Adherence to the Landscape Ordinance will adversely affect the health, safety and welfare of the public or will adversely alter the general character of the general vicinity.

e. When an innovative or alternative approach can be made which still meets the intent and purpose of this section.

f. The existence of significant grade separations between adjoining developments or properties.

g. The horizontal distance between the proposed development and the adjoining property.

h. The existence of natural features (water bodies, tree lines, creeks or streams) that are proposed to be maintained.

i. The different land use intensities that can be found within the same land use categories (i.e., a small single tenant office use or a 24 hour gasoline/convenience store can both be developed in a commercial zone).
### TABLE 9-1
LANDSCAPE REQUIREMENTS TABLE

<table>
<thead>
<tr>
<th>DEVELOPING ZONE/USE</th>
<th>ADJOINING ZONE/USE</th>
<th>MINIMUM PLANTING STRIP</th>
<th>PLANT MATERIAL/OPTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any commercial, institutional, or professional office zone or land use</td>
<td>Any residential zone or land use</td>
<td>20 feet</td>
<td>Choose one of the following:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1. 1 tree per 35 linear feet, or fraction thereof, from List A* (shade trees), plus double row hedge from List E (evergreen/broadleaf shrubs)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2. 1 tree per 20 linear feet, or fraction thereof, from List B (flowering and non-flowering trees), plus double row hedge from List E (evergreen/broadleaf shrubs)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>3. 1 tree per 40 linear feet, or fraction thereof, from List A (shade trees), plus a hedge from List D, plus a 6 foot wall, fence, or earth mound</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>4. 1 tree per 40 linear feet, or fraction thereof, from List B (flowering and non-flowering trees), plus a hedge from List D, plus a 6 foot wall, fence, or earth mound</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>5. Double row, staggered planting of trees from List C at 15 feet on center</td>
</tr>
</tbody>
</table>

* Plant lists can be found in the "Planting Manual And Landscape Regulation Guidelines"
1. Unless otherwise specified, trees do not have to be equally spaced, but may be grouped.
2. Interior requirements are not required on parking lots smaller than 5 spaces, and/or 1,500 square feet of paved area. Interior landscape areas must be 100 square feet minimum in size. Plants may be no closer than 36 inches to pavement in the vehicle use area unless concrete wheel stops are used to prevent plant damage by cars. Six inch (minimum) curb required around all landscaped islands.
3. If the vehicle use area is located in the front side or rear yard, the required vehicular use area landscaping and the 5 feet perimeter screening easement will be included as counting towards the total front yard landscaping required.
4. In all cases where an earth mound or berm is used, the easement provided must be adequate to accommodate a mound with a maximum side slope of 2.5 to 1.
5. The Zoning Administrator may allow a mixture or combination of tree categories, provided that the required number of trees is provided.
6. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established by the zoning district.
<table>
<thead>
<tr>
<th>DEVELOPING ZONE/USE</th>
<th>ADJOINING ZONE/USE</th>
<th>MINIMUM PLANTING STRIP</th>
<th>PLANT MATERIAL/OPTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any industrial zone or land use</td>
<td>Any residential zone</td>
<td>75 feet side and rear yard</td>
<td>Double row of staggered trees from List C (evergreen/broadleaf trees) at 15 feet on center, plus a 36 foot wide, 6 foot tall, earthen berm</td>
</tr>
<tr>
<td>Any commercial or professional office zone</td>
<td></td>
<td>50 feet side and rear yard</td>
<td>Double row of staggered trees from List C (evergreen/broadleaf trees) at 15 feet on center</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>STORAGE YARD: A hedge from List E (evergreen/broadleaf shrubs) facing the front yard only and/or any public/private street plus a 6 foot fence or wall</td>
</tr>
</tbody>
</table>

* Plant lists can be found in the "Planting Manual And Landscape Regulation Guidelines".
1. Unless otherwise specified, trees do not have to be equally spaced, but may be grouped.
2. Interior requirements are not required on parking lots smaller than 5 spaces, and/or 1,500 square feet of paved area. Interior landscape areas must be 100 square feet minimum in size. Plants may be no closer than 36 inches to pavement in the vehicle use area unless concrete wheel stops are used to prevent plant damage by cars. Six inch (minimum) curb required around all landscaped islands.
3. If the vehicle use area is located in the front side or rear yard, the required interior vehicular use area landscaping and the 5 feet perimeter screening easement will be included as counting towards the total front yard landscaping required.
4. In all cases where an earth mound or berm is used, the easement provided must be adequate to accommodate a mound with a maximum side slope of 2.5 to 1.
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6. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established by the zoning district.
Table 9-1 (continued)

<table>
<thead>
<tr>
<th>DEVELOPING ZONE/USE</th>
<th>ADJOINING ZONE/USE</th>
<th>MINIMUM PLANTING STRIP</th>
<th>PLANT MATERIAL/OPTIONS</th>
</tr>
</thead>
</table>
| Any multi-family residential (3 units per building or greater density) zone or land use | Any single family residential zone or land use | 20 feet | Choose one of the following:  
1. 1 tree per 45 linear feet, or fraction thereof, from List A* (shade trees), plus a double row hedge from List E (evergreen/broadleaf shrubs)  
2. 1 tree per 20 linear feet, or fraction thereof, from List B (flowering and non-flowering trees), plus a double row hedge from List E (evergreen/broadleaf shrubs)  
3. A hedge from List D (deciduous shrubs), plus a 6 foot wall, fence, or earth mound  
4. Continuous double row, staggered planting of trees from List C (evergreen/broadleaf trees) at 15 feet on center |
| Any commercial, professional office or industrial zone or land use | The public right-of-way, public or private street | 10% of each yard area must be landscaped | Trees, shrubs, planting beds, and/or perennials in a motif designed by the owner. A minimum of 3 trees shall be planted per 100 linear feet, or fraction thereof, of road frontage. This is not in addition to other required landscaping. |

* Plant lists can be found in the "Planting Manual And Landscape Regulation Guidelines"  
1. Unless otherwise specified, trees do not have to be equally spaced, but may be grouped.  
2. Interior requirements are not required on parking lots smaller than 5 spaces, and/or 1,500 square feet of paved area. Interior landscape areas must be 100 square feet minimum in size. Plants may be no closer than 36 inches to pavement in the vehicle use area and/or concrete wheel stops are used to prevent plant damage by cars. Six inch (minimum) curb required around all landscaped islands.  
3. If the vehicle use area is located in the front, side or rear yard, the required interior vehicular use area landscaping and the 5 feet perimeter screening easement will be included as counting towards the total front yard landscaping required.  
4. In all cases where an earth mound or berm is used, the easement provided must be adequate to accommodate a mound with a maximum side slope of 2.5 to 1.  
5. The Zoning Administrator may allow a mixture or combination of tree categories, provided that the required number of trees is provided.  
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### Table 9-1 (continued)

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

* Plant lists can be found in the “Planting Manual And Landscape Regulation Guidelines.”  
1. Unless otherwise specified, trees do not have to be equally spaced, but may be grouped.  
2. Interior requirements are not required on parking lots smaller than 5 spaces, and/or 1,500 square feet of paved area. Interior landscape areas must be 100 square feet minimum in size. Plants may be no closer than 36 inches to pavement in the vehicle use area unless concrete wheel stops are used to prevent plant damage by cars. Six inch (minimum) curb required around all landscaped islands.  
3. If the vehicle use area is located in the front, side or rear yard, the required interior vehicle use area landscaping and the 5 feet perimeter screening easement will be included as counting towards the total front yard landscaping required.  
4. In all cases where an earth mound or berm is used, the easement provided must be adequate to accommodate a mound with a maximum side slope of 2.5 to 1.  
5. The Zoning Administrator may allow a mixture or combination of tree categories, provided that the required number of trees is provided.  
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### Table 9-1 (continued)

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

---

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

1. Unless otherwise specified, trees do not have to be equally spaced, but may be grouped.
2. Interior requirements are not required on parking lots smaller than 5 spaces, and/or 1,500 square feet of paved area. Interior landscape areas must be 100 square feet minimum in size. Plants may be no closer than 36 inches to pavement in the vehicle use area unless concrete wheel stops are used to prevent plant damage by cars. Six inch (minimum) curb required around all landscaped islands.
3. If the vehicle use area is located in the front, side or rear yard, the required interior vehicular use area landscaping and the 5 feet perimeter screening easement will be included as counting towards the total front yard landscaping required.
4. In all cases where an earth mound or berm is used, the easement provided must be adequate to accommodate a mound with a maximum side slope of 2:5 to 1.
5. The Zoning Administrator may allow a mixture or combination of tree categories, provided that the required number of trees is provided.
6. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established by the zoning district.
FIGURE 9-1
REQUIRED PERIMETER LANDSCAPING FOR BUILDING ADDITIONS

ADDITION #1
REQUIRES PERIMETER LANDSCAPING AS FOLLOWS

Public Or Private Street

Commercial

Residential

Commercial

Residential

10'

Existing
Commercial
Building

20'

ADDITION #2
REQUIRES PERIMETER LANDSCAPING AS FOLLOWS

Public Or Private Street

Commercial

Residential

Commercial

Residential

10'

Existing
Commercial
Building

30'

Building Addition

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

ADDITION #3
REQUIRES PERIMETER LANDSCAPING AS FOLLOWS

Public Or Private Street

Commercial

Existing Commercial Building

Residential

Commercial

Residential

20'

20'

ADDITION #4
REQUIRES PERIMETER LANDSCAPING AS FOLLOWS

Public Or Private Street

Commercial

Existing Commercial Building

Residential

Commercial

Residential

20'

20'

Building Addition

Landscaping Area
FIGURE 9-2
CITY STREETS/STATE HIGHWAY SIGHT TRIANGLES

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

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

<table>
<thead>
<tr>
<th>(X) SIGHT DISTANCE</th>
<th>POSTED SPEED LIMIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>484 feet</td>
<td>55 miles per hour</td>
</tr>
<tr>
<td>396 feet</td>
<td>45 miles per hour</td>
</tr>
<tr>
<td>308 feet</td>
<td>35 miles per hour</td>
</tr>
<tr>
<td>220 feet</td>
<td>25 miles per hour</td>
</tr>
<tr>
<td>132 feet</td>
<td>15 miles per hour</td>
</tr>
</tbody>
</table>
### TABLE 9-2
**DUMPSTER SCREENING TABLE**

<table>
<thead>
<tr>
<th>DUMPSTER* OCCURS IN</th>
<th>WHICH ADJOINS</th>
<th>REQUIRED SCREENING**</th>
</tr>
</thead>
<tbody>
<tr>
<td>any zone or land use other than residential</td>
<td>any zone or land use other than residential</td>
<td>fencing per plant manual</td>
</tr>
<tr>
<td>any residential land use or zone</td>
<td>any zone or land use</td>
<td>fencing per plant manual plus hedge on three sides from list D or E</td>
</tr>
<tr>
<td>any zone or land use</td>
<td>any residential land use or zone</td>
<td>fencing per plant manual plus hedge on three sides from list D or E</td>
</tr>
</tbody>
</table>

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

** If a dumpster is oriented towards a street or toward the nearest perimeter of the site, and can be seen from the street or the adjoining property, that side must also be screened
SECTION 9.17 OUTDOOR SWIMMING POOLS:

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

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

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

3. Swimming pools which are constructed in-ground shall be required to have a fence or wall, including a self-closing or self-latching door or gate around the pool or the property on which the pool is located of at least four (4) feet in height, but not exceeding seven (7) feet (only classes 1, 3, 4, or 5 fences are permitted, as regulated in Article XVI of this Ordinance) and of such construction that a small child may not reach the pool from the street or any adjacent property without scaling a fence or wall or opening a gate or door.

4. Swimming pools which are located above-ground shall be required to have a fence or wall, including a self-closing or self-latching door or gate around the pool or property upon which the pool is located, of at least four (4) feet in height, but not exceeding seven (7) feet (only classes 1, 3, 4, and 5 are permitted, as regulated by Article XVI of this Ordinance) and of such construction that a small child may not reach the pool from the street or any adjacent property without scaling a fence or wall or opening a gate or door. Said wall may be the wall of the above-ground pool, providing, however that said wall is at least four (4) feet in height.

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

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

6. All swimming pools, including the apparatus and equipment pertaining to the operation of the swimming pool, shall be constructed and erected in accordance with all applicable codes, ordinances, and regulations of the city of Park Hills. Any water used in the operation of a swimming pool, other than from a public source, shall be approved by the appropriate
Health Department. The swimming pool shall have a filtration system approved by the appropriate Health Department.

7. All swimming pools existing at the time of adoption of this Ordinance which are unprotected by a surrounding fence or wall, including gates or doors, as regulated by subsections A., 3 and A., 4 of this section of the Ordinance, shall be required to comply with the provisions of this section within sixty (60) days after adoption of this Ordinance.

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

1. Except as herein provided, no swimming pool, including the apparatus and equipment pertaining to the operation of the swimming pool shall be permitted within any required yards of the lot or within the limits of any public utility right-of-way easement.

2. The swimming pool, or the property on which the pool is located, shall be surrounded by a fence or wall (only classes 1, 3, 4, and 5 fences are permitted, as regulated by Article XVI of this Ordinance) at least five (5) feet in height, but not exceeding the height as permitted herein, and of such construction that a small child may not reach the pool from the street or from adjacent property without opening a door or gate or scaling a wall or fence.

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

4. All swimming pools including the apparatus and equipment pertaining to the operation of the swimming pool shall be constructed and erected in accordance with all applicable codes, ordinances, and regulations of the city of Park Hills. Any water used in the operation of the swimming pool, including the filtration system, other than from a public source, shall be approved by the appropriate Health Department.

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

SECTION 9.18 SITE PLAN REQUIREMENTS: No building shall be erected or structurally altered nor shall any grading take place on any lot or parcel in zones where a site plan is required, except in accordance with the regulations of this section and an
approved site plan as hereinafter required. Before a permit is issued for construction, one (1) copy of the site plan of the area at a scale no smaller than one (1) inch equals one hundred (100) feet shall be filed with the city of Park Hills and one (1) copy with Planning and Development Services of Kenton County setting forth, identifying, and locating the following:

A. Total area in development project including legal description.

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

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

D. Existing topography with a maximum of two foot contour intervals. Where existing ground is on a slope of less than two (2) percent, either one foot contours or spot elevations where necessary, but not more than fifty (50) feet apart in both directions.

E. The proposed finished grade of the development area shown by contours with intervals not larger than two (2) feet, supplemented where necessary by spot elevations.

F. The location of every existing and proposed building in the described parcel or parcels, the use or uses to be continued therein, the number of buildings including dimensions and height, the gross floor area and number of floors.

G. Location and dimensions of all curb cuts, driving lanes, off - street parking and loading and/or unloading areas, including number of spaces, angle of stalls, grades and illumination facilities.

H. All walks, malls, and other open spaces and recreational areas.

I. Location of all walls, fences, and screen plantings.

J. Location, size, height, and orientation of all signs.

K. Types of surfacing proposed on the various off - street parking and driveways including cross sections and drainage plans.

L. Location of all existing and proposed streets, highways, and alleys.

M. All existing and proposed water and sanitary sewer lines, indicating pipe sizes, types, and grades.
N. A drainage plan of the area showing size and location of each existing and proposed structure. The approximate volume of water generated by development of the subject area and the proposed method of disposing of said water. Provisions shall be included for adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.

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

1. Residential area, in order of priority, by type of dwelling unit;

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

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

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

P. Such other information with regard to the development area as may be required by the Planning Commission to determine conformance with this Ordinance.

All such site plans shall be reviewed by the legislative body, or its duly authorized representative, and the factual determination approving or rejecting such plans shall be made in accordance with requirements of this or other applicable sections of this Ordinance and the Area-Wide Comprehensive Plan for Kenton County as adopted by the Kenton County and Municipal Planning and Zoning Commission. However, no action of approving or rejecting any site plan shall be taken unless and until a review of the proposal has been made and submitted by Planning and Development Services of Kenton County.

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

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

After final approval, the subject area may be developed in stages, provided all of the procedures required by the legislative body or its duly authorized representative have been complied with.
SECTION 9.19 REGULATIONS CONCERNING AIR RIGHTS: Any proposed use of air rights, as defined herein, shall be in the form of a site plan, as regulated in Section 9.18 of this Ordinance, submitted to the Planning Commission for its review.

SECTION 9.20 REGULATIONS CONCERNING DESIGN AND CONSTRUCTION OF IMPROVEMENTS: Proposed development requiring the construction of streets (including curb and gutters), sidewalks, sewers (sanitary & storm), water lines or other 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, as adopted by the Kenton County and Municipal Planning and Zoning Commission.

SECTION 9.21 REGULATIONS PERTAINING TO PARKING OR STORING OF INOPERABLE VEHICLES, TRAILERS, MOBILE HOMES, CAMPER, AND OTHER SUCH TYPE EQUIPMENT:

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

B. It shall be unlawful for any person, or persons, to live in any boat, automobile, camper, mobile home, or truck, within the limits of the city of Park Hills.

C. Except as provided for herein, it shall be unlawful to store any trailer, mobile home, camper, boat, or other such type equipment within any place or location in the city of Park Hills. Said storage shall be restricted only within the rear yard of any lot, as herein defined, except that said storage may be permitted by the Zoning Administrator, on some other portion of the lot, due to extraordinary and topographic conditions or some other extraordinary condition of the site that would not allow said storage within the rear yard.

SECTION 9.22 REGULATIONS OF SEXUALLY ORIENTED BUSINESSES

A. The City of Park Hills, 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 Park Hills, 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 Park Hills 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 Park Hills to balance the Constitutional rights of businesses that present sexually oriented entertainment with the City of Park Hills 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 Park Hills 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 Park Hills recognizes that some of the cited studies included bars without sexually oriented entertainment among the businesses studied; the City of Park Hills 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 Park Hills 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 Park Hills 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 Park Hills 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 Park Hills 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.
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 Park Hills finds that the following principles are essential to effective zoning controls of sexually oriented businesses:

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

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

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

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

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 Park Hills.

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

City of Park Hills currently has no area zoned for any type of commercial use.

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

City of Park Hills has within its limited commercial areas only small, local businesses generally serving the convenience needs of residents.
AC. City of Park Hills 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 Park Hills can not recall ever receiving any applications for or inquiries about the establishment of any sexually oriented business in the City of Park Hills.

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

AF. City of Park Hills 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 Park Hills 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 Park Hills therefore finds that there are no suitable locations for sexually oriented businesses in the City of Park Hills 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 Park Hills 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. SADOMASCHISTIC 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 Park Hills and county-wide under Kenton County Ordinance No. 451.9, establishing licensing requirements for sexually oriented businesses and service oriented escort bureaus. No Zoning Permit shall be issued for the following prohibited businesses:

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

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 at least 30 footcandles measured 3 feet from the floor.

AN. SEVERABILITY: It is hereby declared to be the intention of the City of Park Hills 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 Park Hills without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

SECTION 9.23 SPECIAL REQUIREMENTS GOVERNING HOME OCCUPATIONS: Home occupations shall include the use of the premises for services rendered other than by direct contact with customers, employees, or independent contractors at that location (for example, where the bulk of the business is by telephone - actual work is performed in home and customers are contacted at other than that location). The following requirements shall apply to home occupations when permitted herein and shall be a part of the occupational license:
A. No persons other than members of the family residing in 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) shall be used in the conduct of the home occupation.

C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, such as the parking or utilization of trucks, that will indicate from the exterior that the building is being utilized, in part, for any purpose other than that of a dwelling unit, except that a name plate, as regulated by Article XV, entitled Sign Regulations, of the Park Hills Official Zoning Ordinance, shall be permitted.

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

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

F. No traffic or parking of vehicles shall be generated by such home occupation in greater volumes or type (e.g., trucks) than would normally be expected in a residential neighborhood.

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 shall be used that creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

SECTION 9.24 OUTDOOR DISPLAYS

Outdoor retail sales and display areas must comply with the following standards:

A. LOCATION OF SALES AREA. Outdoor sales areas must be contiguous, located entirely on private property, and outside of any required side and rear setbacks. In zones without required setbacks, outdoor sales areas may not be located within 10 feet of any street-facing lot line.

B. MAXIMUM SIZE. Except for vehicle-sales uses, outdoor sales areas may not exceed 15 percent of the floor area of the uses they serve, unless otherwise expressly stated in the Zoning Ordinance.
C. LOCATION OF MERCHANDISE. Merchandise may not be displayed where it will encroach upon driveways, walkways, sidewalks, public rights of way, or landscaped areas. Merchandise may not obstruct sight distance or otherwise create hazards for vehicular or pedestrian traffic.

D. HEIGHT OF MERCHANDISE. Individual items displayed may not exceed 10 feet in height above grade. Stacked items may not exceed a total of 6 feet in height above grade.

E. LITTER. A permanent trash receptacle must be installed at each entrance and exit to an outdoor sales area.

F. SCREENING. All outdoor sales areas must be screened from adjacent public streets by decorative walls, fences, or landscaping that are at least 3 feet in height and located in a landscaped area at least 10 feet in width adjacent to a street property line, unless otherwise expressly stated in this chapter.

G. EXCEPTIONS. The standards of this subsection do not apply to the sales of food, flowers, newspapers, and periodicals from a pedestrian-oriented storefront and the temporary or seasonal sales of pumpkins or Christmas trees.
ARTICLE X

ZONES

SECTION 10.0  CO (CONSERVATION) ZONE

A. PERMITTED USES:

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

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls, as regulated by Article XVI of this Ordinance.
3. Signs, as regulated by Article XV of this Ordinance.

C. CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of such use shall have been applied for and approved of by the Board of Adjustment, as set forth in Section 9.13 of this Ordinance:

1. Golf driving ranges.
2. Riding academies and stables.
3. The following uses are permitted in connection with streams, rivers, lakes, or other bodies of water, providing that the development of all permitted facilities in or adjacent to navigable waters shall be approved by the Corps of Engineers, Department of the Army, and such statement of approval or denial shall be submitted to the Board of Adjustment at the time of submittal for a conditional zoning certificate:

   a. Boat harbors and marinas - The following uses shall be permitted as accessory uses in connection with any boat harbor or marina and primarily intended to serve only persons using the boat harbor or marina:

      (1) Boat fueling, service, and repairs.
      (2) Sale of boat supplies.
      (3) Grocery store.
      (4) Club house and lockers.
      (5) Restaurant.
b. Public boat landing or launching facilities.
c. Dockage facilities.
d. Off-street parking facilities and temporary parking of boat trailers - including spaces large enough to accommodate automobiles pulling boat trailers.

D. TEMPORARY USES: No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses be permitted until and unless the location of such use and a temporary permit for said location and use shall have been applied for and approved by the Board of Adjustment and subject to such conditions and/or restrictions as may be deemed necessary by the Board to protect the surrounding development and/or to reasonably insure a reasonable and justifiable operation:

1. Extraction of minerals and other similar items.
2. Sanitary landfill, provided such does not create a water diversion which would endanger adjacent areas and further provided that such sanitary landfill would not create and undesirable odors or any unsightly area to adjacent properties and/or buildings and further that such sanitary landfill, according to a registered civil engineering report, would not cause contamination of any water body.

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

1. Minimum Lot Area - Five (5) acres.
2. Minimum Lot Width at Building Setback Line - Three hundred (300) feet.
3. Minimum Front Yard Depth - One hundred (100) feet.
5. Minimum Rear Yard Depth - Fifty (50) feet.
6. Maximum Building Height - Twenty - five (25) feet.

F. OTHER DEVELOPMENT CONTROLS:

1. All "Uses Permitted", "Conditional Uses", and "Temporary Uses", permitted in this zone shall require a certificate of approval from the city engineer, certifying his approval of the type of and manner of construction to be built (insuring that such construction shall not cause flood hazards, soil erosion, adverse changes in the natural drainage courses, or unnecessary destruction of natural features) which completed certificate shall be submitted to the appropriate officer or board, as required herein, at time of request.
2. Dwelling units are not permitted in this zone.
3. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance.

4. With the exception of subsection D. of this section of the Ordinance, no outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.

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

6. Screening and landscaping shall be provided, as regulated by Section 9.16 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.

7. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
SECTION 10.1  R-1C (SINGLE - FAMILY RESIDENTIAL - ONE C) ZONE

A.  PERMITTED USES:


B.  ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls, as regulated by Article XVI of this Ordinance.
3. Home occupations, subject to the restrictions and limitations established in Section 9.23 of this Ordinance.
4. Signs, as regulated by Article XV of this Ordinance.

C.  CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment, as set forth in Section 9.13:

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

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

1. Minimum Lot Area - Twelve thousand five hundred (12,500) square feet.
2. Minimum Lot Width at Building Setback Line - Eighty-five (85) feet.
3. Minimum Front Yard Depth - Thirty-five (35) feet.
5. Minimum Rear Yard Depth - Twenty-five (25) feet.
6. Maximum Building Height - Thirty-five (35) feet.

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

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

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any residential zone.
4. Screening and landscaping shall be provided, as regulated by Section 9.16 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
SECTION 10.2  R-1D (SINGLE - FAMILY RESIDENTIAL - ONE D) ZONE

A.  PERMITTED USES:

1.  Single - family residential dwellings (detached)
2.  Planned Unit Development (PUD) as regulated by Article XI of this Ordinance.

B.  ACCESSORY USES:

1.  Customary accessory buildings and uses.
2.  Fences and walls, as regulated by Article XVI of this Ordinance
3.  Home occupations, subject to the restrictions and limitations established in Section 9.23 of this Ordinance.
4.  Signs, as regulated by Article XV of this Ordinance.

C.  CONDITIONAL USES:  No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment, as set forth in Section 9.13:

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

D.  AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:  No building shall be erected or structurally altered hereafter, except in accordance with the following regulations:
1. Minimum Lot Area - Nine thousand (9,000) feet.
2. Minimum Lot Width at Building Setback Line - Seventy (70) feet.
3. Minimum Front Yard Depth - Thirty (30) feet.
5. Minimum Rear Yard Depth - Twenty-five (25) feet.
6. Maximum Building Height - Thirty-five (35) feet.

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

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

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any residential zone.
4. Screening and landscaping shall be provided, as regulated by Section 9.16 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
SECTION 10.3  R-1E (SINGLE - FAMILY RESIDENTIAL - ONE E) ZONE

A. PERMITTED USES:

2. Planned Unit Development (PUD), as regulated by Article XI of this Ordinance.

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls, as regulated by Article XVI of this Ordinance
3. Home occupations, subject to the restrictions and limitations established in Section 9.23 of this Ordinance.
4. Signs, as regulated by Article XV of this Ordinance.

C. CONDITIONAL USES:  No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment, as set forth in Section 9.13:

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

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:  No building shall be erected or structurally altered hereafter, except in accordance with the following regulations:
1. Minimum Lot Area - Seven thousand five hundred (7,500) square feet.
2. Minimum Lot Width at Building Setback Line - Seventy (70) feet.
3. Minimum Front Yard Depth - Thirty (30) feet.
5. Minimum Rear Yard Depth - Twenty-five (25) feet.
6. Maximum Building Height - Thirty-five (35) feet.

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

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

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any residential zone.
4. Screening and landscaping shall be provided, as regulated by Section 9.16 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
SECTION 10.4 R-1EE (SINGLE AND TWO - FAMILY RESIDENTIAL - ONE EE) ZONE

A. PERMITTED USES:

2. Two - family residential dwellings.
3. Planned Unit Development (PUD), as regulated by Article XI of this Ordinance.

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls, as regulated by Article XVI of this Ordinance.
3. Home occupations, subject to the restrictions and limitations established in Section 9.23 of this Ordinance.
4. Signs, as regulated by Article XV of this Ordinance.

C. CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment, as set forth in Section 9.13:

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

1. Minimum Lot Area:
   
   Single - family - Seven thousand five hundred (7,500) square feet.
   Two - family - Eleven thousand five hundred (11,500) square feet.

2. Minimum Lot Width at Building Setback Line:
   
   Single - family - Sixty (60) feet.
   Two - family - Eighty (80) feet.

3. Minimum Front Yard Depth:
   
   Single and two - family - Thirty (30) feet.

4. Minimum Side Yard Width on Each Side of Lot:
   
   Single and two - family - Seven (7) feet.

5. Minimum Rear Yard Depth:
   
   Single and two - family - Twenty - five (25) feet.

6. Maximum Building Height:
   
   Single and two - family - Thirty - five (35) feet.

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

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

F. OTHER DEVELOPMENT CONTROLS:
1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any residential zone.
4. Screening and landscaping shall be provided, as regulated by Section 9.16 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
SECTION 10.5  R-1FF (SINGLE AND TWO - FAMILY RESIDENTIAL - ONE FF) ZONE

A. PERMITTED USES:

2. Two - family residential dwellings.

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls, as regulated by Article XVI of this Ordinance.
3. Home occupations, subject to the restrictions and limitations established in Section 9.23 of this Ordinance.
4. Signs, as regulated by Article XV of this Ordinance.

C. CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment, as set forth in Section 9.13:

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

   a. Golf courses.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No building shall be erected or structurally altered hereafter, except in accordance with the following regulations:
1. Minimum Lot Area:
   Single - Family - Six thousand (6,000) square feet.
   Two - Family - Nine thousand (9,000) square feet.

2. Minimum Lot Width at Building Setback Line:
   Single - Family - Fifty (50) feet.
   Two - Family - Seventy (70) feet.

5. Minimum Rear Yard Depth - Twenty-five (25) feet.
6. Maximum Building Height - Thirty-five (35) feet.

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

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

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any residential zone.
4. Screening and landscaping shall be provided, as regulated by Section 9.16 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
SECTION 10.6 R-2 (MULTI - FAMILY RESIDENTIAL - TWO) ZONE

A. PERMITTED USES:

1. Multi - family residential dwellings.
2. Planned Unit Development (PUD), as regulated by Article XI of this Ordinance.

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls, as regulated by Article XVI of this Ordinance.
3. Home occupations, subject to the restrictions and limitations established in Section 9.23 of this Ordinance.
4. Signs, as regulated by Article XV of this Ordinance.

C. CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment, as set forth in Section 9.13:

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

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

1. Minimum Lot Area - Twenty thousand (20,000) square feet for the first four (4) dwelling units or less in one building; four thousand (4,000) square feet shall be provided for every dwelling unit thereafter in the same building. In the case of this zone, more than one principal building, as defined herein, may be permitted on one lot.

2. Minimum Lot Width at Building Setback Line - One hundred (100) feet.

3. Minimum Front Yard Depth - Forty (40) feet.


5. Minimum Rear Yard Depth - Thirty (30) feet.

6. Maximum Building Height - Forty-five (45) feet or three (3) stories.

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

1. Minimum Lot Area - Twenty-two thousand five hundred (22,500) square feet.

2. Minimum Lot Width at Building Setback Line - One hundred fifty (150) feet.

3. Minimum Front, Side (on each side of lot), and Rear Yard Depths - Fifty (50) feet.

4. Maximum Building Height - Forty (40) feet or three (3) stories.

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance.

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

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

4. Screening and landscaping shall be provided, as regulated by Section 9.16 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.

5. A site plan, as regulated by Section 9.18 of this Ordinance, shall be required for any use permitted in this zone.
SECTION 10.7 R-3 (MULTI - FAMILY RESIDENTIAL - THREE) ZONE

A. PERMITTED USES:

1. Multi-family residential dwellings.
2. Planned Unit Development (PUD), as regulated by Article XI of this Ordinance.

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls, as regulated by Article XVI of this Ordinance.
3. Home occupations, subject to the restrictions and limitations established in Section 9.23 of this Ordinance.
4. Signs, as regulated by Article XV of this Ordinance.

C. CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment, as set forth in Section 9.13:

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

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No building shall be erected or structurally altered hereafter, except in accordance with the following regulations:
1. Minimum Lot Area - Twelve thousand five hundred (12,500) square feet for the first four (4) dwelling units or less in one building; two thousand (2,000) square feet shall be provided for every dwelling unit thereafter in the same building. In the case of this zone, more than one principal building, as defined herein, may be permitted on one lot.

2. Minimum Lot Width at Building Setback Line - One hundred (100) feet.

3. Minimum Front Yard Depth - Forty (40) feet.


5. Minimum Rear Yard Depth - Thirty (30) feet.

6. Maximum Building Height - Forty - five (45) feet or three (3) stories.

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

1. Minimum Lot Area - Twenty - two thousand five hundred (22,500) square feet.

2. Minimum Lot Width at Building Setback Line - One hundred fifty (150) feet.

3. Minimum Front, Side (on each side of lot), and Rear Yard Depths - Fifty (50) feet.

4. Maximum Building Height - Forty (40) feet or three (3) stories.

F. OTHER DEVELOPMENT CONTROLS:

1. Off - street parking and loading and/or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance.

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

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

4. Screening and landscaping shall be provided, as regulated by Section 9.16 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.

5. A site plan, as regulated by Section 9.18 of this Ordinance, shall be required for any use permitted in this zone.
SECTION 10.8  NC (NEIGHBORHOOD COMMERCIAL) ZONE

A. PERMITTED USES:

1. Animal clinics.
2. Apparel shop.
3. Art galleries.
4. Art supplies.
5. Bakery and bakery goods store, provided the products are sold exclusively on the premises.
6. Banks and other financial institutions, including savings, loan, and finance companies with drive - in windows.
7. Barber and beauty shops.
8. Book, stationery, or gift shop.
9. Camera and photographic supplies.
10. Candy store, soda fountain, ice cream store, including drive-thrus and excluding drive – ins.
11. Delicatessen store.
12. Drug store, including drive-thrus.
13. Dry cleaning and laundry pick - up station.
14. Eating and drinking places, including drive-thrus and excluding drive – ins.
15. Florist shop.
16. Food store and supermarkets.
17. Furniture store.
18. Garden supplies.
19. Glass, china, or pottery store.
20. Haberdashery.
21. Hardware store.
22. Health spas.
23. Hobby shop.
24. Hospitals.
25. Household and electrical appliance store, including incidental repair.
26. Interior decorating studio.
27. Jewelry store, including repair.
29. Leather goods and luggage store.
30. Library.
31. Locksmith shop.
32. Music, musical instruments, and records, including incidental repair.
33. Offices.
34. Off - street parking lots and/or garages.
35. Opticians and optical goods.
36. Package liquor and wine store, excluding drive-ins and drive-thrus.
37. Paint and wallpaper store.
38. Pet shop, excluding boarding and outside runs.
39. Police and fire stations.
40. Post office.
41. Radio and television store (including repair).
42. Shoe store and shoe repair.
43. Sporting goods.
44. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance.
45. Tailor shop.
46. Toy store.
47. Variety store, including notions and "five and ten" stores.
49. Outdoor dining in connection with a restaurant provided that such outdoor dining area meets the following minimum requirements:
   a. Such area shall be designed to identify clearly the limits of the outdoor dining area, which shall not include any drive-thru facility.
   b. Entertainment, music, and sound amplifying systems shall comply with the Park Hills ordinance governing Noise Control.
   c. Such area shall not be permitted to locate within any minimum required side, or rear yard.
   d. Outdoor dining areas shall be operated no later than 10:00 p.m. on Sunday through Thursday, inclusive, and no later than 11:00 p.m. on Friday and Saturday.

B. ACCESSORY USES:

1. Customary accessory uses.
2. Fences and walls, as regulated by Article XVI of this Ordinance.
3. Signs, as regulated by Article XV of this Ordinance.

C. CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of said use shall have been applied for and approved by the Board of Adjustment, as set forth in Section 9.13 of this Ordinance:

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

D. AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered hereafter, except in accordance with the following regulations:
1. Minimum Lot Area - Ten thousand (10,000) square feet.
2. Minimum Lot Width at Building Setback Line - Fifty (50) feet.
3. Minimum Front Yard Depth - Fifty (50) feet.
4. Minimum Side Yard Width - No restrictions, except when adjacent to a street, road, highway, or other right - of - way, then the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the Park Hills Building Code, shall be required. In the event a side yard is provided, it shall never be less than fifteen (15) feet.
5. Minimum Rear Yard Depth - Fifteen (15) feet.
6. Maximum Building Height - Forty - five (45) feet.
7. In the case of this zone, more than one principal building, as herein defined, may be constructed on one lot.

E. OTHER DEVELOPMENT CONTROLS:

1. Animal clinics and hospitals are limited to making outside runs during daytime hours.
2. Off - street parking and loading and/or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance.
3. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
4. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right - of - way, or into any residential zone.
5. Screening and landscaping shall be provided, as regulated by Section 9.16 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
6. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
7. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off - street parking, loading, or unloading areas, and the outdoor play areas of nursery schools.
8. A site plan, as regulated by Section 9.18 of this Ordinance, shall be required for any use permitted in this zone.
SECTION 10.9 HC (HIGHWAY COMMERCIAL) ZONE

A. PERMITTED USES:

1. Automotive service and repair.
2. Bank, and other financial institutions including loan, savings, and finance companies, with drive-in windows.
3. Catering.
5. Eating and drinking places, including drive-ins, and drive-thrus.
6. Household and electrical appliances, sales and service.
7. Motor vehicle parts, wholesale and retail sales.
8. Off-street parking lots and/or garages.
10. Privately owned and/or operated recreational uses, including, but not limited to, indoor soccer, cheerleading, and gymnastic facilities.
12. Storage facilities.
13. Home improvement design, sales, service and installation, including the fabrication of such products.
14. Professional Offices

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls, as regulated by Article XVI of this Ordinance.
3. Signs, as regulated by Article XV of this Ordinance.
4. Uses as listed below, included within and entered from within, any motel or hotel building, as a convenience to the occupants thereof, and their customers, provided that the accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays for any accessory uses shall be visible from outside the building:
   a. Barber shop.
   b. Beauty shop.
   c. News and confectionery stands.
   d. Eating establishments and taverns.

C. CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of said use is applied for and approved by the Board of Adjustment, as set forth in Section 9.13 of this Ordinance:
1. Service stations (including auto repairing, providing all repair work except that of a minor nature -- e.g., change of fan belt, minor carburetor adjustment, tire removal and/or replacement, windshield wiper replacement, etc. -- is conducted wholly within a completely enclosed building and providing further that such service station is located adjacent to an arterial street).

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

1. Minimum Lot Area - Ten thousand (10,000) square feet. In the case of this zone, more than one principal building, as herein defined, may be permitted on one lot.
2. Minimum Lot Width at Building Setback Line - Fifty (50) feet.
3. Minimum Front Yard Depth - Fifty (50) feet.
4. Minimum Side Yard Width on Each Side of Lot - No restrictions, except when adjacent to a street, road, highway, or other right - of - way, then the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the Park Hills Building Code, shall be required. In the event a side yard is provided, it shall never be less than fifteen (15) feet.
5. Minimum Rear Yard Depth - Fifteen (15) feet.
6. Maximum Building Height - Forty - five (45) feet.
7. In the case of this zone, more than one principal building, as herein defined, may be constructed on one lot.

E. OTHER DEVELOPMENT CONTROLS:

1. Off - street parking and loading and/or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers, except for home improvement design, sales, service and installation uses, which shall meet the following standards:
   a. The outdoor storage and display of materials shall not exceed 25 percent of the gross floor area of the principal structure, and in no case be greater than 1,000 square feet.
   b. Any outdoor storage and display must be within the side or rear yard and no further than 50 feet from the building, and at least 50 feet from any right-of-way.
   c. The outdoor storage and display of materials shall not exceed 8 feet in height.
   d. The outdoor storage and display area shall be screened by one of the following:
Article X  Zones

i. 1 tree per 35 feet of linear boundary, or fraction thereof, from either List A (shade trees or List B (flowering and non-flowering trees), plus a single row hedge from either List D (deciduous shrubs) or List E (evergreen/broadleaf shrubs)

ii. A double row, staggered planting of trees from List C (evergreen/broadleaf trees) at 15 feet on center

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

4. Screening and landscaping shall be provided, as regulated by Section 9.16 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.

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

6. A site plan, as regulated by Section 9.18 of this Ordinance shall be required for any use in this zone.

7. Off - street parking and loading and/or unloading areas may be located in front and side yard areas in this zone provided that no off - street parking areas shall be closer than fifteen (15) feet to the streets, road, highway, or right - of - way line or boundary line of any adjacent district. This fifteen (15) foot area shall remain open and unobstructed except items specifically permitted in yards in this Ordinance.

8. Business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off - street parking, loading and/or unloading areas, providing, however, that temporary parking of vehicles to be repaired or serviced may be allowed if stored within an area completely enclosed on all sides by a fence or wall, as regulated by Article XVI of this Ordinance. The outdoor storage and display of materials is permitted for home improvement design, sales, service and installation uses is permitted pursuant to the requirements of subsection E., 2., above. The fabrication associated with home improvement design, sales, service and installation uses must be within a completely enclosed structure.
SECTION 10.10  PO (PROFESSIONAL OFFICE) ZONE

A.  PERMITTED USES:

1.  Banks and other financial institutions, including loan, savings, and finance companies with drive-in windows.
2.  Clinics - medical or dental.
3.  Offices.
4.  Off-street parking lots and/or garages.
5.  Police and fire stations.
6.  Post office.

B.  ACCESSORY USES:

1.  Customary accessory buildings and uses.
2.  Fences and walls, as regulated by Article XVI of this Ordinance.
3.  Signs, as regulated by Article XV of this Ordinance.
4.  Uses as listed below, included within and entered from within, any office building, as a convenience to the occupants thereof, their patients, clients, or customers, provided that the accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays for any of the accessory uses shall be visible from outside the building:
   a.  A prescription pharmacy.
   b.  Barber shop.
   c.  Beauty shop.
   d.  Coffee shop or refreshment stand.
   e.  Medical or dental laboratory.
   f.  News and confectionery stands.
   g.  Eating and drinking places (excluding drive-ins or carry-outs).

C.  AREA AND HEIGHT REGULATIONS: No building 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 (100) feet.
3.  Minimum Front Yard Depth - Fifty (50) feet.
4.  Minimum Side Yard Width - Fifteen (15) feet.
5.  Minimum Rear Yard Depth - Twenty - five (25) feet.
6.  Maximum Building Height - Forty - five (45) feet.

D.  OTHER DEVELOPMENT CONTROLS:
1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance.

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

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

4. Screening and landscaping shall be provided, as regulated by Section 9.16 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.

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

6. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of off-street parking, loading, or unloading areas.

7. A site plan, as regulated by Section 9.18 of this Ordinance shall be required for any use permitted in this zone.
SECTION 10.11 INST (INSTITUTIONAL) ZONE

A. PERMITTED USES:

1. Churches and other buildings for the purpose of religious worship or assembly.

2. Public and parochial schools, colleges and universities, including those structures and facilities used by such schools for related purposes, including recreation and the housing of students, guests, and the employees of the schools. Permitted uses include, but are not limited to, administrative buildings, classrooms, lecture halls, laboratories, libraries, athletic fields and facilities, swimming pools, dormitories, theatres, cafeterias, alumni centers, book stores, outdoor fundraising activities, faculty and staff housing, student and faculty centers, nursery schools, and maintenance buildings.

3. Hospitals, including those structures used by the hospital for related purposes, including recreation and housing of employees, guest, and students of the hospital. This includes administrative buildings, classrooms, lecture halls, laboratories, libraries, dormitories, faculty and staff housing, student and faculty centers, and maintenance buildings.

4. Convents, including cemeteries operated in connection therewith.

5. Nursing homes, convalescent homes, rest homes, and homes for the aged.

6. Municipal buildings and police and fire stations.

7. Publicly or privately owned parks, playgrounds and community recreation centers.

B. ACCESSORY USES:

1. Customary accessory buildings, structures, improvements, and uses, including operations required to maintain or support any use permitted in this zone on the same property as the permitted use.

2. Boundary fences and walls, as regulated by Article XVI, of this ordinance.

3. Signs, as regulated by Article XV (including Section 15.7 (F)), of this ordinance.

C. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

1. Minimum Lot Area – One (1) acre.

2. Minimum Lot Width at Building Setback Line - One hundred (100) feet.

3. Minimum Front Yard Depth – Fifty (50) feet.


5. Minimum Rear Yard Depth – Fifty (50) feet.

6. Maximum Building Height – Sixty (60) feet.
7. In the case of this zone, more than one building may be constructed on one lot. Improvements existing at the time of establishment of this zone shall be exempt from the requirements of this section (Section 10.11.,C.).

D. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance, except that Section 13.0.,L and Section 13.1 of Article XIII shall not apply.

2. No outdoor storage of any items, which are to be sold or any components which will be manufactured, processed, packed or assembled to create an item to be sold or used, shall be permitted in this zone.

3. The following shall be prohibited: emission of noise which is noxious enough to destroy the enjoyment of dwellings or other uses of property in the city by interfering with the ordinary comforts of human existence, including noises created by the operation or causing the operation of any whistle, rattle, bell, gong, clapper, drum, horn, piano, radio, calliope, phonograph, stereo, loud speaker, public address system, or other sound-producing or sound-amplifying instrument, or by the calling, shouting, or in any other way or manner creating noise or sound in such a manner as to disturb the peace and quiet of a neighborhood or to interfere with the transaction of business or other ordinary pursuits. Any sound-producing or sound-amplifying instruments shall be pointed or directed away from residential areas. Nothing herein shall be construed to prohibit the reasonable use of automobiles and ordinary noises attendant thereto, or the holding of athletic contests with ordinary music and other noises attendant thereto, or lawful public meetings, parades or celebration.

4. Lighting of one athletic field shall be permitted, subject to the following restrictions:
   a. In order to control spill and glare, lighting shall not exceed 4 poles, 72 luminaries, with a lighting level of no more than 55 constant horizontal foot candles. Lighting specifications shall conform to Musco Green Generation Lighting Technology or substantially similar specifications.
   b. Lights shall not be used on Sundays.
   c. No more than twelve (12) football games per season shall be played per year using lights.
   d. Lights shall be turned off on or before 11:00 p.m. on Fridays and on or off before 10:00 p.m. on any other day of the week.
   e. For athletic contests played at night, adequate security and traffic control measures shall be implemented as reasonably determined by the city police chief. If determined necessary by the police chief, no fewer than three (3), and up to four (4), off-duty policemen shall be engaged and assigned to provide security during night football games.
ARTICLE XI

PLANNED UNIT DEVELOPMENT REGULATIONS (PUD)

SECTION 11.0 GENERAL REQUIREMENTS:

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

B. GENERAL: Areas of land to be developed under the provisions of the section of the Ordinance shall be controlled not only by the zoning district requirements in which they are located, but also by the requirements of this section of the Ordinance. After review and approval of the PUD by the Planning Commission, the Commission may alter certain area and height regulations and minimum livable floor space per unit (but maintaining the same densities as set forth in each zoning district) and applicable requirements of the Subdivision Regulations with the intent of providing for the most efficient layout of the PUD and its proper integration with the surrounding development.

C. ZONES PERMITTING PLANNED UNIT DEVELOPMENT: A Planned Unit Development may be permitted in any zone where it is listed as a "Permitted Principal Use", provided all conditions or provisions as set forth in this section are met and a public hearing is held in accordance with requirements of KRS Chapter 424 on the preliminary development plan.

D. APPLICATION AND PROCESSING: The purpose of these procedures is to permit an initial review of and a public hearing upon the proposal by the Planning Commission at an early opportunity, while the details of the plan remain flexible and before the applicant has invested a larger sum of money in the engineering and architectural services needed to provide the detail necessary for final plan and plat approval. Applications for Planned Unit Development shall be processed in two stages:
1. A preliminary development plan in conformity with the requirements of subsection E., shall be filed with the Planning Commission and processed as follows:

   a. The planning commission shall hold a public hearing in accordance with the requirements of KRS Chapter 424. Upon holding such hearing, the planning commission shall recommend to the local governing body the appropriate action to be taken with regard to the Preliminary Development Plan. The recommendation of the Planning Commission may include approval, approval with conditions, or disapproval.

   b. The local governing body shall review the recommendation of the Planning Commission and take final action on the Preliminary Development Plan.

2. After approval of the Preliminary Development Plan, by the local governing body, a Final Plat and Final Development Plan, in conformity with the requirements of subsection F., shall be filed with the Planning Commission and processed according to the applicable requirements of the subdivision regulations.

E. PRELIMINARY DEVELOPMENT PLAN REQUIREMENTS: A preliminary development plan shall be submitted, identifying and providing the following:

1. An aerial photograph of the subject property.

2. A plan(s) of the subject property drawn to a scale of not greater than one (1) inch equals one hundred (100) feet, showing:

   a. The total area in the project.

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

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

   d. Existing topography with a maximum of five (5) foot contour intervals. Where existing ground is on a slope of less than two (2) percent, the plan shall show either one (1) foot contours or spot elevations where necessary, but not more than fifty (50) feet apart
in all directions.

e. The location of every existing and proposed building on the subject property including existing and proposed residential uses by housing type, and public uses by type and function.

f. All walks, malls, parking areas, water bodies, open areas, recreational areas, including swimming pools, golf courses, tennis courts, playgrounds, etc.

g. Types of surfacing proposed on off-street parking and driveway areas.

h. Location of all proposed streets, highways, and alleys with approximate dimensions.

i. All existing and proposed utility lines indicating where applicable pipe sizes, types, and grades.

j. Accessibility of fire protection.

k. A preliminary schedule of development including the staging and phasing of:

(1) Residential areas, in order of priority, by type of dwelling unit.

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

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

(4) The construction of the non-residential buildings, in order of priority.

F. FINAL DEVELOPMENT PLAN AND FINAL PLAT REQUIREMENTS: Except for the manner of submission and processing of subdivision plats, the standard subdivision regulations of Kenton County shall be waived where applicable and the requirements of this section shall be substituted therefore. The final plat shall consist of the elements hereinafter set forth, copies of which, if approved by the Planning Commission, shall be recorded in the County Clerk's office. The elements of the final plat shall consist of:
1. Plat or plats of the subject property drawn to a scale of not greater than one (1) inch equals one hundred (100) feet, suitable for recording and which will be recorded in the office of the County Clerk, after final approval by the Planning Commission. The plat or plats shall conform to the applicable requirements of the subdivision regulations, unless specifically waived by the Planning Commission, and in addition thereto the following:

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

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

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

2. In addition to and along with the final plat, the applicant shall also submit a final development plan, at a scale of not greater than one (1) inch equals one hundred (100) feet, which shall set forth, identify, and locate the following:

   a. The proposed finished grade of the subject property shown by contours with intervals not larger than two (2) feet supplemented where necessary, by spot elevations.

   b. All walks, malls, and other open areas, including recreational areas, swimming pools, golf courses, tennis courts, playgrounds, etc.

   c. The location and type of all walls, fences, screen plantings, and landscaping.

   d. The location, size, height, and orientation of all signs.

   e. The types of surfacing proposed on the various off-street parking and driveways indicating cross sections and drainage plans.

   f. Location and cross section drawings of all proposed streets, highways, alleys, and walkways, indicating the proposed surfacing and drainage plans.

   g. A plan showing all existing and proposed utilities, indicating, where
applicable, pipe sizes, types, and grades.

h. A drainage plan of the natural and storm sewer system of the area showing: size and location of each existing and proposed structure, the approximate volume of runoff water generated by development of the subject area and the proposed method of disposing of said water. Provisions shall be included for adequate control of erosion, hillside slippage, and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.

i. Plans and drawings required by subsection F., 2., a. through h. above may be combined in any suitable and convenient manner so long as the data required is clearly indicated on one or more of said plans. A separate plan or drawing for each element is not necessary, but may be provided at the option of the applicant.

j. A final schedule of development staging and phasing as set forth in subsection E., 2., k. of this Ordinance.

k. Sketches of the exteriors of several representative buildings in the project. It is intended that neither uniformity of architectural style or unnecessary diversity thereof be a prerequisite to approval, but the developer is encouraged to exercise ingenuity in achieving a harmonious entity without undue attention to consistency. The purpose of this subsection is to permit development flexibility greater than that permitted by other sections of this Ordinance.

l. The final development plan, after approval by the Planning Commission, shall be delivered to the local governing body who shall approve and grant permits only in accordance with the approved development plan and other plans as required by this Ordinance.

G. RESIDENTIAL USES AND DENSITIES: All types of residential housing units (attached or detached) may be permitted within a PUD upon approval of the Planning Commission, including but not limited to, single - family, two - family, and multi - family units. Dwelling unit density will be the number of units to be developed per gross acre within the total project area, excluding that land devoted to commercial uses and streets. The density of dwelling units in a PUD may not exceed the density which is permitted within the zoning district in
question should the area develop in a conventional manner under the restrictions of that zoning district.

H. PUBLIC USES: Public and semi-public structures and uses may be permitted in the PUD upon approval of the Planning Commission. These uses may be delineated on the final and preliminary Development Plan and shall be limited to one or more of the following uses:

1. Schools (elementary and secondary).
2. Churches.
3. Community centers.
5. Fire or police stations.
7. Parks.

I. AREA REQUIREMENTS: No Planned Unit Development shall be permitted on less than four (4) acres of land. However, development of a smaller tract adjacent to a pre-existing Planned Unit Development district may be permitted, when approved by the Planning Commission, if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.

J. ALTERATIONS: No use shall be established or changed or any structure constructed or altered after final approval of the development plan and final plat, by the Planning Commission.

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

L. EXPIRATION: In any case when a Planned Unit Development permit has not been used within one (1) year from the date of granting by beginning of construction of the improvements which are the subject of this permit, the permit shall automatically terminate and be of no further effect. However, the Planning Commission may extend this time for additional periods upon written request of the applicant.

M. APPROVAL: All such development plans and plats shall be reviewed by the Planning Commission and the factual determination approving or rejecting such plans and plats shall be made in accordance with requirements of this or other applicable ordinances and the Comprehensive Plan.
N. REVOCATION: Any Planned Unit Development permit or portion thereof may be revoked by the same procedures applicable to the revocation of conditional use permits.
ARTICLE XII

HILLSIDE DEVELOPMENT CONTROLS

SECTION 12.0 GENERAL REQUIREMENTS:

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 twenty (20) percent or greater) that said development shall occur in a manner harmonious with adjacent lands so as to minimize problems of drainage, erosion, earth movement, and other natural hazards.

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

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

2. No excavation, removal or replacement of any soil, foundation placement, or construction of buildings or structures of any nature within the area identified in (1) above, may occur until plans and specifications for such work have been submitted in the form of a site plan as regulated by Section 9.18 of this Ordinance. In addition to site plan requirements, the following shall also be submitted:

   a. Plan(s) which show existing topography and the proposed physical changes necessary for construction, indicating grading (cutting and filling) compaction, erosion ponds, areas to be defoliaged, and any other pertinent information which will change the natural physical features of the site or general area.
   b. Subsurface investigation of the area under consideration, including test borings, laboratory tests, and engineering analysis should be
made by a qualified registered civil engineer, indicating that the building and physical changes proposed in the area will be completed in a manner which will minimize hillside slippage and soil erosion.

3. The site plan and other information required in Subsection 2. of this section of the Ordinance, and any other ordinance of the city of Park Hills shall be reviewed by the city engineer and will indicate to the city council or its duly authorized representative that all structures so proposed, or any other activity that may change the natural features of the area so proposed and designed will be constructed in such a manner that will prevent any hillside slippage or erosion. On the advice of the city engineer, the city council or its duly authorized representative may approve the issuance of a permit for use of the site in accordance with the approved site plans.

4. If the proposed development does not meet the requirements of this section of the Ordinance, the site may only be developed for those open type uses, excluding structures, as permitted in the CO (Conservation) Zone.
ARTICLE XIII

OFF-STREET PARKING REGULATIONS

In all zones, off-street parking facilities for the storage or parking of motor vehicles for use of occupants, employees, and patrons of the buildings 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 13.0 GENERAL REQUIREMENTS:

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

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

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

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

2. Where single, two, or multi-family dwellings, which are permitted herein
and are existing at the time of adoption of this Ordinance, occupy a lot of such size that off-street parking could not be provided on the same lot or zoning lot as the use being served, said off-street parking may be permitted to locate within a distance not to exceed three hundred (300) feet from said dwelling or dwellings upon approval of the Planning Commission. In addition, said off-street parking lot shall be located in the same zone as the use being served and constructed in accordance with Section 13.0 of this Ordinance.

D. COLLECTIVE PARKING PROVISION: Collective off-street parking facilities may be provided, however, such facilities shall be no less than the sum of such facilities as would otherwise be individually required.

E. ACCESS: Parking lots or areas adjacent to streets, roads, highways, or deeded rights-of-way shall have driveways or openings not less than twelve (12) feet in width and no more than thirty (30) feet in width at the curb line. These curb cuts shall be so located as to minimize traffic hazards and congestion. There shall not be more than two (2) accesses from any one property to a public street, road, highway, or deeded right-of-way for each four hundred (400) feet of street frontage. All such parking lots or areas shall have a protective wall or bumper block around each parking lot and said parking lots shall be so designed that all vehicles leaving the facility will be traveling forward to approaching traffic.

No residential driveway width at street, road, highway, or deeded rights-of-way junctions shall be more than twenty (20) feet.

F. APPROVAL OR MODIFICATION OF CURB CUTS REQUIRED: Detailed plans shall be submitted to the Planning Commission, or its duly authorized representative, in the form of a site plan as regulated by Section 9.18 of this Ordinance, for approval of all curb cuts, driveway openings, including modifications thereto, before a permit may be obtained therefore.

For the purpose of minimizing the interference of traffic and congestion on the major street system as identified in the Area-Wide Comprehensive Plan, as adopted by the Kenton County and Municipal Planning and Zoning Commission, the City Council, or its duly authorized representative, shall limit the number of curb cuts along said streets. The number of curb cut intersections with major streets shall be spaced at a distance of not less than four hundred (400) feet apart. Access to abutting properties fronting on said major streets shall be provided by a frontage or service road connecting to the curb cut intersection. If the developer can show sufficient proof in the form of a development plan that spacing of curb cuts less than four hundred (400) feet apart will not impede the movement of traffic flow along said major street, then the City Council, or its duly
authorized representative, may vary these requirements accordingly.

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

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

1. Ninety (90) degree (perpendicular) parking - Twenty - four (24) feet (either one (1) or two (2) way circulation).

2. Sixty (60) degree (angle) parking - Twenty - one (21) feet (one - way circulation), twenty (20) feet (two - way circulation).

3. Forty - five (45) degree (angle) parking - Fifteen (15) feet (one - way circulation), twenty (20) feet (two - way circulation).

4. Thirty (30) degree (angle) parking - Thirteen (13) feet (one - way circulation), twenty (20) feet (two - way circulation).

5. Zero (0) degree (parallel) parking - Twelve (12) feet (one - way circulation).

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

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

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

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

L. PARKING PLAN APPROVAL REQUIRED: Plans for all parking lot facilities, including parking garages, excepting that required for single and two - family development, 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 of Park Hills. Such plans shall show the number of spaces and arrangements or parking aisles, location of driveway entrances and exits, 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, base and subbase in accordance with Article XIII, Section 13.0, M. of this Ordinance, proposed grade of parking lot, storm drainage facilities, location of lighting facilities and such other information or plans as the circumstances may warrant.

M. SURFACING OF NEW OFF - STREET PARKING: All new off - street parking facilities, available for public use, shall be surfaced with asphalt concrete or Portland Cement concrete and shall be designed and constructed in accordance with the standards and procedures herein established.

1. Asphalt Concrete Pavement:

   a. General Design Requirements –

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

      (2) Paved areas shall be so designed and constructed that water will quickly drain from the surface and be conducted away from the surface and be conveyed away from the area through approved systems. Transverse and/or longitudinal slopes of not less than 5/8 inch in ten (10) feet shall be provided. For large paved areas, approved catch basins and storm drainage systems shall be provided.
(3) When the pavement includes a granular base, and the pavement is not constructed over granular subgrade, perimeter subsurface drainage shall be provided to prevent lateral flow of water into the base course and to provide for removal of seepage water that may enter the base.

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

b. Construction Materials and Procedures -

(1) Subsurface Drainage:

(a) Drainage tile, 6 - inch perforated tile, or other approved types of similar capacity, where required by the Planning Commission, or its duly authorized representative, shall be bedded at a depth of not less than twelve (12) inches below the bottom elevation of the granular base course. Aggregate for bedding and backfill shall all pass a 3/8 inch sieve and have not more than five (5) percent passing a No. 200 sieve. The slope of subsurface drains shall be not less than six (6) inches per one hundred (100) feet. All such drains shall be properly connected to outlet drains or to open ditches.

(b) All catch basins, in pavement with granular base, shall be constructed with weep holes, at subbase level, to provide for drainage of seepage water from the granular layer. Weep holes shall be constructed of pipe, or other material, having an opening not less than 1.5 inches clear opening. Suitable provision shall be made to prevent clogging of the opening.
Three or more weep holes shall be suitably located around the perimeter of each catch basin.

(2) Base courses shall consist of one or more of the following materials. Construction procedures shall conform to the requirements applicable to the base course selected.

(a) Asphalt Concrete Base Course - Materials and construction shall conform to the current requirements of the Kentucky Department of Highways Specifications for Asphalt Concrete Base Course, Class I, except as noted herein.

(aa) Composition requirements of the mixture shall conform to the gradation limits for Asphalt Concrete Base Course I or II set forth in Table 2 of this Ordinance. Asphalt content used shall fall within the range shown and shall be approved by the Planning Commission, or its duly authorized representative.

(bb) Uncrushed gravel and natural sand may be used as aggregate provided all other requirements of the specification are complied with.

(b) Asphalt Treated Base Course - Materials and construction procedures shall conform to the following requirements:

(aa) Aggregates may be crushed or uncrushed material conforming to the gradation requirements, shown in Table 2 of this Ordinance for either Base III or Base IV. The aggregate shall be composed of hard durable particles and shall contain no more than a total of five (5) percent deleterious substances. In addition, the Sand Equivalent of the aggregate shall not be less than twenty - five (25) when tested in accordance with AASHO Designation: T 176-56. The contractor shall set a single gradation and asphalt content, within the specified limits, as the Job Mix Formula to be
used on the project. This formula must be approved by the Planning Commission, or its duly authorized representative, prior to use. Gradation and asphalt content may vary during construction within the following tolerances:

<table>
<thead>
<tr>
<th>Material</th>
<th>Tolerance</th>
</tr>
</thead>
<tbody>
<tr>
<td>% Passing 3/4&quot; or 3/8&quot; Sieve</td>
<td>+/- 10%</td>
</tr>
<tr>
<td>% Passing No 8 Sieve</td>
<td>+/- 8%</td>
</tr>
<tr>
<td>% Passing No. 50 Sieve</td>
<td>+/- 6%</td>
</tr>
<tr>
<td>% Passing No. 100 Sieve</td>
<td>+/- 3%</td>
</tr>
<tr>
<td>% Asphalt</td>
<td>+/- .4%</td>
</tr>
</tbody>
</table>

(bb) Other construction requirements shall conform to those specified by the Kentucky Department of Highways for Asphalt Concrete except that a gradation unit on the plant shall not be required provided the aggregate can be controlled by other means to produce a consistently uniform gradation.

(c) Crushed Stone Base Course:

(aa) Crushed Stone Base Course shall conform to all the current requirements of the Kentucky Department of Highways for Dense Graded Aggregate Base Course.

(3) Asphalt Concrete Surface Course - Materials and construction shall conform to the current requirements of the Kentucky Department of Highways for Asphalt Concrete Surface, Class I. Surface Course Mixture composition may conform to requirements of either Surface Course I or II as set forth in Table 2 of this Ordinance. Minimum course thickness shall be stated in Table 1 of this Ordinance.

(4) Asphalt Prime and Tack Coat:

(a) Asphalt Prime shall conform to the Kentucky Department of Highways’ requirement for Cutback Asphalt Emulsion Primer Type L. Prime shall be applied to the surface of granular base course at a rate of 0.20 to 0.40 gallons per square yard, as
directed by the City Engineer, in conformance with requirements of the referred to specifications.

(b) Tack Coat shall consist of SS-1h, meeting the current requirements of the Kentucky Department of Highways. It shall, when directed by the Planning Commission, or its duly authorized representative, be diluted with equal parts of water. Application equipment and procedure shall conform to the requirements of the Kentucky Department of Highways for Tack Coats. Tack coat shall be applied, upon direction of the Planning Commission, or its duly authorized representative, to the surface of asphalt courses that have become dusty or dry from traffic use before the subsequent course could be placed or in other circumstances when the Planning Commission, or its duly authorized representative, so directs.

2. Soil - Cement Base Course (with Asphalt Concrete Surface):

a. Description: Soil - cement base course shall consist of soil and cement uniformly mixed, moistened, compacted, finished, and cured in accordance with the specifications herein, and it shall conform to the lines, grades, thickness, and typical cross section shown on the plans.

b. Materials:

(1) Cement: Cement shall comply with the latest specifications for cement, AASHO M85, M134, M151; or ASTM C150, C175, C205; or Federal SS-C-192b, SS-C-218 for the type specified. One cubic foot of Portland Cement shall be considered to weigh 94 lb. and 1 bbl. of cement shall be considered to weigh 376 lb.

(2) Water: Water shall be free from substances deleterious to the hardening of the soil - cement.

(3) Soil: Soil shall consist of the material existing in the area to be paved, of approved selected soil, or of a combination of these materials proportioned as directed. The soil shall not contain gravel or stone retained on a 3 - inch sieve or more
than 45 percent retained on a No. 4 sieve.

c. Construction Methods:

(1) Preparation: Unsuitable soil or material shall be removed and replaced with acceptable soil. The subgrade shall be firm and able to support without displacement the construction equipment and the compaction hereinafter specified. Soft or yielding subgrade shall be corrected and made stable, before construction proceeds.

(2) Pulverization: The soil shall be so pulverized that, at the completion of moist - mixing, 100 percent by dry weight passes a 1 - inch sieve, and a minimum of 80 percent passes a No. 4 sieve, exclusive of gravel or stone retained on these sieves.

(3) Cement Application, Mixing, and Spreading: Mixing of the soil, cement, and water shall be accomplished either by the mixed - in - place or the central - plant - mixed method.

No cement or soil - cement mixture shall be spread when the soil or subgrade is frozen or when the air temperature is less than 40 degrees F. in the shade.

The percentage of moisture in the soil, at the time of cement application, shall not exceed the quantity that will permit a uniform and intimate mixture of soil and cement during mixing operations; and it shall not exceed the specified optimum moisture content for the soil - cement mixture.

Any soil - and - cement mixture that has not been compacted and finished shall not remain undisturbed for more than thirty (30) minutes. The soil - cement base course shall have a thickness of not less than six (6) inches.

(4) Compaction: At the start of compaction, the percentage of moisture in the mixture and in unpulverized soil lumps, based on oven - dry weights, shall not be below or more than two percentage points above the specified optimum moisture content, and shall be less than that quantity which will cause the soil - cement mixture to become unstable during compaction and finishing. The specified optimum
moisture content and density shall be determined in the field by a moisture-density test, AASHO T134-57 or ASTM D553-57, on representative samples of soil-cement mixture obtained from the area being processed.

Prior to the beginning of compaction, the mixture shall be in a loose condition for its full depth. The loose mixture then shall be uniformly compacted to the specified density within two (2) hours. During compaction operations, shaping may be required to obtain uniform compaction and required grade and cross section.

(5) Finishing: After compaction the surface of the soil-cement shall be shaped to the required lines, grades, and cross section. If necessary, during shaping operations, the surface of the base shall be lightly scarified to remove any tire imprints or smooth surfaces left by equipment. The resulting surface shall then be compacted to the specified density. Rolling shall be supplemented by boom-dragging if required.

The moisture content of the surface material must be maintained at not less than its specified optimum moisture content during finishing operations. Surface compaction and finishing shall be done in such a manner as to produce, in not longer than two (2) hours, a smooth dense surface free of compaction planes, cracks, ridges, or loose material.

Any portion of the soil-cement that has a density of five (5) lb. or more below the specified shall be corrected or replaced to meet the specifications.

(6) Curing: After the soil-cement has been finished as specified herein, it shall be protected against drying for seven (7) days by the application of bituminous material. The curing material shall be applied as soon as possible but not later than 24 hours after the completion of finishing operations. The finished soil-cement shall be kept continuously moist until the curing material is placed.

The bituminous material specified shall be uniformly applied to the surface of the completed soil-cement at the rate of
approximately 0.2 gal. per square yard with approved heating and distributing equipment.

At the time the bituminous material is applied the soil - cement surface shall be dense, shall be free of all loose and extraneous material, and shall contain sufficient moisture to prevent penetration of the bituminous materials. Water shall be applied in sufficient quantity to fill the surface voids of the soil - cement immediately before the bituminous curing material is applied.

The curing material shall be maintained by the contractor during the seven (7) day protection period so that all of the soil - cement will be covered effectively during this period.

Sufficient protection from freezing shall be given the soil - cement for seven (7) days after its construction and until it has hardened.

(7) Surfacing: Asphal tic Concrete shall be applied to the soil - cement base course as regulated in Section 13.0, M., 1., b., (3) of this Ordinance.

3. Concrete Parking Areas:

a. General Requirements - Thickness of concrete parking shall be:

(1) A minimum of five (5) inches for passenger cars and panel or pick - up trucks parking.

(2) A minimum of six (6) inches for driveways accommodating light trucks and for light truck parking.

(3) A minimum of seven (7) inches for heavier commercial or industrial needs.

b. General Requirements - Concrete Mix (for areas subject to freeze - thaw conditions):

(1) Minimum Cement Content - 564 lb./cu. yd. (6 U.S. bags).

(2) Maximum Size of Aggregate - 1-1/2 inches.
(3) Maximum Water Content - 0.49 lb./1 lb. of cement (5.5 gal./bag).

(4) Maximum Slump - four (4) inches.

(5) Air Entrainment

<table>
<thead>
<tr>
<th>Maximum Size Aggregate (inches)</th>
<th>Entrained Air (Percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-1/4</td>
<td>5 +/- 1</td>
</tr>
<tr>
<td>3/4, 1</td>
<td>6 +/- 1</td>
</tr>
<tr>
<td>3/8, 1/2</td>
<td>7-1/2 +/- 1</td>
</tr>
</tbody>
</table>

c. Construction Procedures:

(1) All soft and yielding material and other portions of the subgrade which will not compact readily when rolled or 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).

(2) Longitudinal joint spacing shall not exceed 12.5 feet.

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

(4) All transverse construction joints shall have a depth equal to one - fourth of the pavement thickness.

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

(6) Pavement joints must be continuous through the curbs.

(7) Where curbs are required, they shall be cast integrally.

(8) The pavement shall be struck - off, consolidated, and finished, to the grades shown on the plans. All catch basins and manhole castings shall be boxed out and separated from the pavement with expansion joint material. All except
premolded or sawed joints shall be edged with a tool having a maximum radius of 1/8 inches. 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 seven (7) days.

N. DESIGN AND MAINTENANCE:

1. Screening and Landscaping: All automobile parking areas containing more than four (4) parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a residential zone by a solid wall, fence, or densely planted compact hedge as regulated by Section 9.16 of this Ordinance. Ground cover shrubs and trees shall be located and maintained so as to not interfere with vehicular and pedestrian traffic on the property or with sight distance clearance at entrances and exits.

2. Lighting: Any lighting used to illuminate off-street parking areas shall be directed away from property in any residential zone in such a way as not to create a nuisance.

3. Ingress and egress to parking areas shall be limited to driveway entrances and exits specified in parking area plans as approved by the Zoning Administrator. Each required parking space shall be connected with a deeded public right-of-way (by means of adequate aisles as required in Section 13.0, H.) which offers adequate ingress and egress for automobiles.

4. Parking lots, garages, and storage area shall be so designed and constructed so that all maneuvering into and out of each parking space takes place entirely within property lines of lots, garages, and/or storage areas.
TABLE 1

THICKNESS REQUIREMENTS OF SURFACE AND BASE COURSES FOR AUTOMOBILE AND TRUCK PARKING FACILITY PAVEMENTS

<table>
<thead>
<tr>
<th>TYPE OF VEHICLE</th>
<th>SOIL CLASSIFICATION</th>
<th>ASPHALT BASE</th>
<th>GRANULAR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Type I or II</td>
<td>Type III or IV</td>
</tr>
<tr>
<td>Automobile</td>
<td>A</td>
<td>1-4</td>
<td>2-4</td>
</tr>
<tr>
<td>Parking Facilities</td>
<td>B</td>
<td>1-5</td>
<td>2-5</td>
</tr>
<tr>
<td>Truck</td>
<td>A</td>
<td>1-6</td>
<td>2-6</td>
</tr>
<tr>
<td>Parking Facilities</td>
<td>B</td>
<td>1-7</td>
<td>2-7</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>1-8</td>
<td>2-8</td>
</tr>
</tbody>
</table>

1. Thickness of surface and base is shown for each Soil Classification and Street Classification. The first number indicates the minimum thickness of Asphalt Concrete which may be comprised of Asphalt Concrete Surface Course, Type I or II, if the surface course does not exceed two (2) inches. When surface thickness is more than two (2) inches, Asphalt Concrete Base I or II, as specified in Table 2, may be used for all but the upper one (1) inch wearing course which must be Asphalt Concrete Surface Course I or II, as specified in Table 2. The second figure indicates the thickness of base course of the type indicated. For example, 1-4 indicates one (1) inch surface and four (4) inches base.

2. Soils are classified into three (3) groups indicating their relative effectiveness as subgrade.

A  Granular soils that drain well; sand, gravel, or combination of sand and gravel.

B  Silty clays, or lean clays, that retain considerable strength when wet. These are average subgrade soils.

C  Heavy clay soils that lose most of their strength when wet.
### TABLE 2
**COMPOSITION LIMITS FOR ASPHALT MIXTURES**

<table>
<thead>
<tr>
<th>SIEVE SIZE</th>
<th>ASPHALT CONCRETE</th>
<th>ASPHALT TREATED BASE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Base I</td>
<td>Base II</td>
</tr>
<tr>
<td>1 1/2&quot;</td>
<td>100</td>
<td>-</td>
</tr>
<tr>
<td>1&quot;</td>
<td>85-100</td>
<td>100</td>
</tr>
<tr>
<td>3/4&quot;</td>
<td>-</td>
<td>80-100</td>
</tr>
<tr>
<td>1/2&quot;</td>
<td>50-80</td>
<td>-</td>
</tr>
<tr>
<td>3/8&quot;</td>
<td>-</td>
<td>54-76</td>
</tr>
<tr>
<td>No. 4</td>
<td>30-50</td>
<td>37-57</td>
</tr>
<tr>
<td>No. 8</td>
<td>25-45</td>
<td>25-45</td>
</tr>
<tr>
<td>No. 16</td>
<td>15-35</td>
<td>15-35</td>
</tr>
<tr>
<td>No. 50</td>
<td>5-20</td>
<td>5-20</td>
</tr>
<tr>
<td>No. 100</td>
<td>3-10</td>
<td>3-10</td>
</tr>
<tr>
<td>No. 200</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>% Asphalt</td>
<td>3.5-6.0</td>
<td>4.0-7.0</td>
</tr>
</tbody>
</table>
SECTION 13.1 SPECIFIC OFF - STREET PARKING REQUIREMENTS:
The amount of off - street parking space required for uses, buildings, or additions thereto, shall be determined according to the following requirements, and the space, so required, shall be stated in the application for a zoning and building permit and shall be reserved for such use. Where more than one use is located in the same building, each individual use shall be in accordance with the off - street parking requirements of this section of the Ordinance.

<table>
<thead>
<tr>
<th>TYPES OF USES</th>
<th>REQUIRED NUMBER OF SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Airport, railroad passenger stations and bus terminal</td>
<td>One (1) parking space per each four (4) seating accommodations for waiting passengers, plus one (1) parking space per each two (2) employees on shift of largest employment.</td>
</tr>
<tr>
<td>B. Automobile laundry</td>
<td>One (1) parking space for each employee, plus one (1) space per owner or manager, and reservoir space equal to five (5) times the capacity of the laundry.</td>
</tr>
<tr>
<td>C. Automobile Service station</td>
<td>One (1) parking space for each gas pump island, plus two (2) parking spaces for each working bay, plus one (1) parking space for each employee on shift of largest employment.</td>
</tr>
<tr>
<td>D. Beauty parlor and/or barber shops</td>
<td>Two (2) parking spaces per barber and/or beauty shop operator.</td>
</tr>
<tr>
<td>E. Bowling establishments</td>
<td>Five (5) parking spaces for each lane, plus one (1) parking space for each two (2) employees on shift of largest employment.</td>
</tr>
<tr>
<td>F. City and/or county government offices</td>
<td>One (1) parking space for each two hundred (200) square feet of gross floor area.</td>
</tr>
<tr>
<td>G. Commercial or trade schools</td>
<td>One (1) parking space for each two (2) students, based on design capacity of the school, plus one (1) parking space for each employee.</td>
</tr>
<tr>
<td>TYPES OF USES</td>
<td>REQUIRED NUMBER OF SPACES</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>H. Convalescent homes, nursing homes, rest homes, homes for the aged, and orphanages</td>
<td>One (1) parking space for each two (2) beds, plus one (1) parking space for each two (2) employees or staff members, including nurses, on shift of largest employment, plus one (1) parking space per doctor.</td>
</tr>
<tr>
<td>I. Dance halls, pool and billiard halls, and exhibition halls without fixed seats</td>
<td>Three (3) parking space for each fifty (50) square feet of floor area used for dancing or assembly.</td>
</tr>
<tr>
<td>J. Dormitories, Fraternities, and Sorority Houses</td>
<td>One (1) parking space per sleeping guest or member, plus one (1) parking space per owner or operator, plus one (1) parking space per employee.</td>
</tr>
<tr>
<td>K. Dwellings: One-Family</td>
<td>Two (2) parking spaces.</td>
</tr>
<tr>
<td>K. Dwellings: Two-Family</td>
<td>Four (4) parking spaces, with individual access for each dwelling unit.</td>
</tr>
<tr>
<td>L. Dwellings: Multi-Family</td>
<td>Two (2) parking spaces for each dwelling unit.</td>
</tr>
<tr>
<td>M. Establishments for sale and consumption on the premises of alcoholic beverages, food, and refreshments, or for take home food service</td>
<td>One (1) parking space for each A. Thirty-two (32) square feet of floor area in a drive-in restaurant B. One hundred forty-three (143) square feet of floor area in a carry-out restaurant C. Forty-two (42) square feet in a combination restaurant D. Seventy-eight (78) square feet of floor area in a sit-down restaurant</td>
</tr>
<tr>
<td>N. Fire stations</td>
<td>One (1) parking space per each person on duty on largest shift.</td>
</tr>
<tr>
<td>O. Hospitals</td>
<td>One (1) parking space for each two (2) beds, plus one (1) parking space for each two (2) employees or staff members, including nurses, on shift of largest employment, plus one (1) parking space per doctor.</td>
</tr>
<tr>
<td>TYPES OF USES</td>
<td>REQUIRED NUMBER OF SPACES</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>P. Laundromats</td>
<td>One (1) parking space for each two (2) washing machines.</td>
</tr>
<tr>
<td>Q. Libraries, museums and art galleries</td>
<td>One (1) parking space per each four (4) seats in rooms for public assembly or one (1) parking space for each fifty (50) square feet of gross floor area for use by the public, whichever is greater, plus one (1) parking space for each two (2) employees on shift of largest employment.</td>
</tr>
<tr>
<td>R. Medical offices and/or clinics</td>
<td>Five (5) parking spaces per each practitioner, plus one (1) parking space per each two (2) employees, or one (1) parking space per each two hundred (200) square feet of gross floor area in the building, plus one (1) parking space for each two (2) employees, whichever is greater.</td>
</tr>
<tr>
<td>S. Mortuaries or funeral homes</td>
<td>One (1) parking space for each four (4) seats in the main chapel or public assembly area based on maximum seating capacity, plus one (1) parking space for each funeral vehicle and employee, or in the case of no fixed seats, one (1) parking space for each fifty (50) square feet of floor area in parlor or service rooms, or one (1) parking space for each four (4) persons, based on design capacity of building, whichever is greater, plus one (1) parking space for each funeral vehicle and employee.</td>
</tr>
<tr>
<td>T. Offices for professional, business, and financial, real estate and business purposes other than medical offices and/or clinics</td>
<td>One (1) parking space for each two hundred (200) square feet of gross floor area.</td>
</tr>
<tr>
<td>TYPES OF USES</td>
<td>REQUIRED NUMBER OF SPACES</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>U. Post offices</td>
<td>One (1) parking space for each four hundred (400) square feet of gross floor area, plus one (1) parking space for each two (2) employees on shift of largest employment.</td>
</tr>
<tr>
<td>V. Private clubs, boarding houses, and lodge halls</td>
<td>One (1) parking space for each guest sleeping room, or one (1) parking space per each four (4) fixed seats in the main assembly area, whichever is greater, plus one (1) parking space for each two (2) employees, or in the case of no fixed seats, one (1) parking space for each two (2) employees.</td>
</tr>
<tr>
<td>W. Retail and personal service stores</td>
<td>One (1) parking spaces for each one hundred twenty - five (125) square feet of gross floor area.</td>
</tr>
<tr>
<td>X. Schools – elementary, junior high and equivalent, private or parochial schools</td>
<td>One (1) parking space per teacher and administrator, or one (1) 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>Y. Schools – senior high, trade and vocational, colleges and universities, and equivalent private or parochial schools</td>
<td>Six 6 parking spaces per each room to be used for class instruction or administrative offices, or one (1) parking space for each three (3) 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>Z. Shopping centers</td>
<td>One (1) parking space for each one hundred twenty - five (125) square feet of gross floor area.</td>
</tr>
<tr>
<td>AA. Stadium and sports arenas</td>
<td>One (1) parking space for each four (4) seats, based on maximum seating capacity, plus one (1) parking space for each two (2) employees on shift of largest employment.</td>
</tr>
<tr>
<td>TYPES OF USES</td>
<td>REQUIRED NUMBER OF SPACES</td>
</tr>
<tr>
<td>---------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>BB. Theaters, auditoriums, churches, and places of assembly with fixed seats</td>
<td>One (1) parking space for each four (4) seats, based on maximum seating capacity, plus one (1) additional parking space for each two (2) employees on shift of largest employment.</td>
</tr>
<tr>
<td>CC. Theaters, auditoriums, churches, and places of assembly with fixed seats</td>
<td>One (1) parking space per four (4) people in designed capacity of building, or one (1) parking space per one hundred (100) square feet in main auditorium or assembly area, whichever is greater, plus one (1) parking space for each two (2) employees on shift of largest employment.</td>
</tr>
<tr>
<td>DD. Tourist homes, cabins, motels or hotels</td>
<td>One (1) parking space for each sleeping room or suite, plus one (1) parking space per each two (2) employees on shift of largest employment.</td>
</tr>
<tr>
<td>EE. Industrial establishments, including manufacturing, research, and testing laboratories</td>
<td>Two (2) parking spaces for each three (3) employees – the total number of parking spaces being the total number of employees on any two (2) consecutive shifts having the largest number of employees, based on design capacity, plus one (1) parking space for each company vehicle operating from the premises.</td>
</tr>
<tr>
<td>FF. Wholesale establishments, warehouses, and storage buildings</td>
<td>One (1) parking space for each employee, plus one (1) parking space for each company vehicle operating from the premises.</td>
</tr>
</tbody>
</table>
ARTICLE XIV

OFF - STREET LOADING AND/OR UNLOADING REGULATIONS

SECTION 14.0 For all buildings and structures erected, altered, or extended, and all uses of land established as specified herein, after the effective date of this Ordinance, off-street loading and/or unloading facilities shall be provided as required by the regulations herein. However, where a building permit has been issued prior to the date of the adoption of this Ordinance, and provided that construction has not begun within ninety (90) days of such effective date, off-street loading and/or unloading facilities, in the amounts required by this Ordinance, shall prevail.

SECTION 14.1 OFF - STREET LOADING AND/OR UNLOADING - USE AND BULK REGULATIONS: Off-street loading and/or unloading facilities shall be provided in accordance with the following regulations:

A. SPACES REQUIRED: Every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehousing, department stores, wholesale stores, retail stores, market, hotel, hospital, laundry, dry cleaning, dairy, mortuary, and other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise, and having up to five thousand (5,000) square feet of gross floor area, shall be provided with at least one loading and/or unloading space. One additional loading and/or unloading space shall be provided for every additional 10,000 square feet, or fraction thereof, of gross floor area in the building.

If sufficient proof can be shown that less than these requirements (only that part which has to do with over five thousand (5,000) square feet) will be satisfactory for the operation in question, the Planning Commission may reduce these requirements.

B. SIZE OF OFF - STREET LOADING AND/OR UNLOADING SPACE: Each off-street loading and/or unloading space shall be at least twelve (12) feet in width and at least forty-eight (48) feet in length, exclusive of aisle and maneuvering spaces and shall have a vertical clearance of at least fourteen (14) feet, provided however, that when it is demonstrated that a particular loading and/or unloading space will be used by shorter trucks, the Planning Commission may reduce the minimum length to thirty-five (35) feet.

C. LOCATION: All required loading and/or unloading spaces shall be located on the same zoning lot as the use served. No loading and/or unloading space for vehicles over two-ton capacity shall be closer than fifty (50) feet to any property.
in a residential zone unless completely enclosed by a fence, wall, or screen as regulated by Article XVI of this Ordinance. No loading and/or unloading space shall be located in any required yards except as herein provided.

D. ACCESS: Each required off-street loading and/or unloading space shall be designed with direct access, via an approved access drive, to a deeded right-of-way which offers satisfactory ingress and egress for trucks. Access drives or aisles shall be laid out with a width of at least twenty-four (24) feet for two-way circulation.

Off-street loading and/or unloading space shall be so designed and constructed so that all maneuvering for loading and/or unloading can take place entirely within the property lines of the premises. Such off-street loading and/or unloading space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street, road, highway, or deeded right-of-way.

E. ENLARGEMENT OF BUILDING: The off-street loading and/or unloading requirements, as listed in this article of the Ordinance, shall apply at any time any building is enlarged or increased in capacity by adding floor area.

F. DESIGN AND MAINTENANCE:

1. Surfacing - All open off-street loading and/or unloading spaces shall be paved subject to the provisions in Article XIII, Section 13.0, M., 3. of this Ordinance.

2. Lighting - Any lighting used to illuminate off-street loading and/or unloading areas shall be directed away from property in any residential zone in such a way as not to create a nuisance.

3. Space allocated to any off-street loading and/or unloading space shall not be used to satisfy the space requirements for any off-street parking facilities or portion thereof.

G. OFF-STREET LOADING AND/OR UNLOADING PLAN APPROVAL REQUIRED: Plans for all loading and/or unloading facilities shall be submitted to the Zoning Administrator for review and for compliance with the provisions of this Ordinance and such other pertinent ordinances of the city of Park Hills. Such plans shall show the exact proposed layout of all loading and/or unloading areas, drives and accessories, entrances and exits, type of surface to be used, typical cross sections of pavement, base and subbase, location of lighting facilities, storm drainage facilities, proposed grade of off-street loading and/or unloading
area, and such other information or plans as the circumstances may warrant.
ARTICLE XV

SIGN REGULATIONS

SECTION 15.1 SHORT TITLE: This Article shall be known as the Sign Article of the City of Park Hills.

SECTION 15.2 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 Park Hills. 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 Park Hills 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 Park Hills), 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 Park Hills in particular, there are other considerations that the City of Park Hills 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 Park Hills 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 Park Hills 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 Park Hills 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 Park Hills 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 Park Hills to remove them or force their removal.

11. The City of Park Hills 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 the Park Hills City Council members and their professional staff members that property owners are judicious and appropriate in posting such signs. The City of Park Hills 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 Park Hills has recognized the multiple values of signs in the built environment, Park Hills 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 Park Hills. 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 Park Hills 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 Park Hills, including its many valued businesses and the thousands of visitors who arrive or pass through the City of Park Hills each month.

SECTION 15.3 TEMPORARY SIGNS

A. One temporary sign will be permitted on each lot in a non-residential zone, subject to the following standards and conditions:

1. It shall not exceed twelve (12) square feet in area;
2. It shall be attached at all four corners or otherwise firmly affixed to a wall of the principal building or it may be freestanding;
3. If it is freestanding, it shall be supported by one or more posts or similar devices in the ground and shall not exceed six (6) feet in height;
4. In no case shall such a sign be affixed to a tree or other natural feature, a fence, a utility pole, or a fixture or structure on the property other than the principal building;
5. If freestanding, it shall be set back a minimum of ten (10) feet from any property line;
6. It shall not be separately illuminated;
7. If the message relates to an event, such sign shall be removed within seven (7) days following the conclusion of the event;
8. Such a sign may bear any noncommercial message or a commercial message;

SECTION 15.4 SCOPE, AUTHORITY AND APPLICABILITY

A. SCOPE: This Article is adopted pursuant to KRS 100.

B. AUTHORITY: This Article regulates signs, as defined herein, when mounted, located, or displayed on property located within the incorporated limits of the City of Park Hills, on land that is either private land or public land over which the City of Park Hills 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 Park Hills, except as otherwise provided herein. All signs displayed in the City of Park Hills shall comply with all requirements of this Article and all other applicable law. Permits shall be required for all signs in the City of Park Hills, 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 Park Hills, 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:
Article XV  Sign Regulations  15-5

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 Park Hills; 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 Park Hills, 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 Park Hills, 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 conservation and agricultural 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, 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 15.6, D.;

2. Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural alterations;

3. Installation of permanent signs smaller than four square feet where such signs are allowed by this Article, and involve no electrical installation; and

4. Installation of temporary signs not larger than four square feet, where such signs are allowed by this Article and conform with this Article in all respects.

I. PRODUCT DISPLAYS, SALES DEVICES, MENU BOARDS

1. Nothing in this Article shall prohibit or limit the outdoor display of products where allowed under the zoning ordinance, although a particular product may be a thing which would be prohibited by this Article if used as a sign and although one or more such products may have on them permanent labels that might otherwise fall under this Article. This Article shall, however, apply to any sign, banner, pennant, or other attention-attracting device affixed to a product displayed outdoors. For example, the label “Chevrolet” on an automobile or “John Deere” on a tractor shall not be considered a sign for purposes of this Article, but a separate sign attached to such a product shall be considered a sign and subject to regulation.

2. Signs on gasoline pumps, vending machines, news racks and similar machines and devices used for the sale or dispensing of products shall be allowed without a sign permit if they do not flash and if they are either not legible from any public right-of-way, public property or private property other than the site on which the sign is located; or they consist entirely of letters, numerals or symbols that are less than four inches in height. All other signs on vending machines, gas pumps, news racks and similar machines and devices shall be considered “signs” and shall be subject to all of the regulations of this Article.

3. In districts where drive-through and drive-up facilities are allowed, menu boards or other instructional or informational devices related to the drive-through or drive-up facilities shall be allowed without a sign permit, provided that such device is less than 12 square feet in size, and that the only words, numerals, symbols or pictures on such device that are legible from any location other than the site on which it is located shall include no commercial message but shall simply identify the device as a “menu,” “directory,” “instructions,” “information” or something similar or a logo that is no larger than one foot in any dimension. In such districts, directional information and logos installed on drive-through canopies are also permitted and are not considered signs.

SECTION 15.5 PROHIBITED SIGN TYPES
A. Unless specifically authorized by another section of this Article, or by other law, the following sign types are prohibited at all times and in all zones.

1. New billboards;
2. 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 15.6, 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 in area;
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 15.6 INSTALLATION, DESIGN AND CONSTRUCTION STANDARDS

A. LOCATION

1. No sign shall be located within a right-of-way and no 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.

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 100 or more square feet of sign area shall not be erected within 500 feet of property falling in one of the City of Park Hills or other jurisdiction’s residential zoning districts, although this restriction shall not apply to mixed use districts and commercial districts allowing residential uses.

(2) A sign on which the electronic or electro-mechanical message board includes 20 or more square feet of sign area but less than 100 square feet of sign area shall not be erected within 200 feet of property falling in one of the City of Park Hills or other jurisdiction’s residential zoning districts,
although this restriction shall not apply to mixed use districts
and commercial districts allowing residential use.

(3) A sign on which the electronic or electro-mechanical
message board includes less than 20 square feet of sign
area shall not be erected within 100 feet of property zoned
and used exclusively for single family uses; it is the express
intent of this provision to allow the use of such technology on
signs for institutional uses located in residential districts,
provided that the required separation is maintained between
the sign and any property zoned and exclusively used for a
single-family use.

SECTION 15.7 SIGNS ALLOWED IN CONSERVATION, AGRICULTURAL AND
RURAL DISTRICTS (CO Zone)

A. WALL SIGNS

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

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

B. DETACHED SIGNS

1. Each lot shall be allowed a total of four detached signs, including not more
than one permanent detached sign, and temporary detached signs (up to
a total of four detached signs at any time), each not exceeding six (6)
square feet in area and not exceeding six (6) feet in height. Such signs
shall not be illuminated. The only commercial messages allowed on such
signs are messages related to commercial activity lawfully conducted on
the premises, including the sale of agricultural products, the lawful,
occasional sale of personal property (such as through a garage sale or
yard sale) or the sale, rental or lease of the premises.

2. Signs related to the sale of personal property (not including agricultural
products) shall be removed within twenty-four hours after the end of the
sale. Signs related to the sale, lease or rental of the premises shall be
removed no later than the date on which the deed, lease or other
document representing the transaction is completed. Any such sign may
contain any message other than a commercial message. If a message
relates to an election or special event, such sign shall be removed within
seven (7) days following the conclusion of such election or other event.
C. 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 shall 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 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>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum size</td>
</tr>
<tr>
<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>Maximum number</td>
</tr>
<tr>
<td>One per building street frontage</td>
</tr>
<tr>
<td>Permitted illumination</td>
</tr>
<tr>
<td>Concealed source only</td>
</tr>
<tr>
<td>Changeable copy</td>
</tr>
<tr>
<td>Not allowed</td>
</tr>
<tr>
<td>Maximum Letter Size</td>
</tr>
<tr>
<td>Thirty-six (36) inches</td>
</tr>
</tbody>
</table>

F. OTHER SIGNS

1. Other signs as permitted pursuant to Section 15.4, F., Signs Subject to Other Standards, and Section 15.4, G., Signs Allowed Without a Permit.

SECTION 15.8 SIGNS ALLOWED IN SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICTS (R-1C, R-1D, R-1E, R-1EE, and R-1FF 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 lot in a residential district shall be allowed a total of four detached signs, including not more than one permanent detached sign, and
temporary detached signs (up to a total of four detached signs at any time), each not exceeding six (6) square feet in area and not exceeding six (6) feet in height. Such signs shall not be illuminated. The permanent sign shall not contain a commercial message, and no more than two (2) signs on a lot in a residential district at any one time, including all wall signs, detached signs, temporary signs, and others, may contain commercial messages. The only commercial messages allowed on such signs are messages related to commercial activity lawfully conducted on the premises, including the lawful, occasional sale of personal property (such as through a garage sale or yard sale) or the sale, rental or lease of the premises.

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

C. 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 shall 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 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>
<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>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 Letter Size</td>
<td>Thirty-six (36) inches</td>
</tr>
</tbody>
</table>

F. OTHER SIGNS
1. Other signs as permitted pursuant to Section 15.4, F., Signs Subject to Other Standards, and Section 15.4, G., Signs Allowed Without a Permit.

SECTION 15.9 SIGNS ALLOWED IN MULTI-FAMILY RESIDENTIAL DISTRICTS (R-2 and R-3 Zones)

A. WALL SIGNS

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

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

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

B. DETACHED SIGNS

1. Permanent detached signs are allowed in these zoning districts subject to the following limitations. The principal detached sign may contain a commercial message related to the rental, lease or occupancy of the premises. No other commercial message is allowed on the permanent signs allowed under this table.
2. In addition to these permanent detached signs, each separately owned or controlled lot in such a residential district shall be allowed a total of four detached signs, including not more than one permanent detached sign, and temporary detached signs (up to a total of four detached signs at any time), each not exceeding six (6) square feet in area and not exceeding six (6) feet in height. Such signs shall not be illuminated. The permanent sign shall not contain a commercial message, and no more than two (2) signs on a lot in a residential district at any one time, including all wall signs, detached signs, temporary signs, and others, may contain commercial messages. The only commercial messages allowed on such signs are messages related to commercial activity lawfully conducted on the premises, including the lawful, occasional sale of personal property (such as through a garage sale or yard sale) or the sale, rental or lease of the premises.

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

C. 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:

<table>
<thead>
<tr>
<th>Principal</th>
<th>Directory</th>
<th>Additional</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum number</td>
<td>One per street frontage per site</td>
<td>One per vehicle entrance per public entrance per building</td>
</tr>
<tr>
<td>Maximum size</td>
<td>25 square feet</td>
<td>Six square feet</td>
</tr>
<tr>
<td>Maximum height</td>
<td>6 feet</td>
<td>4 feet</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</td>
</tr>
<tr>
<td>Permitted illumination</td>
<td>External or internal, direct or concealed source</td>
<td>Concealed source only</td>
</tr>
<tr>
<td>Changeable copy</td>
<td>Not allowed</td>
<td>Not allowed</td>
</tr>
</tbody>
</table>
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 shall 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 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>
<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>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 Letter Size</td>
<td>Thirty-six (36) inches</td>
</tr>
</tbody>
</table>

F. OTHER SIGNS

1. Other signs as permitted pursuant to Section 15.4, F., Signs Subject to Other Standards, and Section 15.4, G., Signs Allowed Without a Permit.

SECTION 15.10 SIGNS ALLOWED IN OFFICE DISTRICTS (PO Zone)

A. WINDOW AND WALL SIGNS

1. Window and permanent wall signs are allowed for nonresidential uses in these districts, subject to the following limits. No wall sign shall extend above the top of the wall of the building, including parapets and architectural extensions.

<table>
<thead>
<tr>
<th>Window</th>
<th>Wall</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum size</td>
<td>25 percent of window area on that building wall</td>
<td>See total</td>
</tr>
<tr>
<td>Maximum number</td>
<td>Area limit only</td>
<td>One per building street frontage</td>
</tr>
<tr>
<td>Permitted illumination</td>
<td>No separate illumination</td>
<td>Indirect white light</td>
</tr>
<tr>
<td>Changeable copy</td>
<td>Not allowed</td>
<td>Not allowed</td>
</tr>
</tbody>
</table>

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

B DETACHED SIGNS

1. Permanent detached signs are allowed in these zoning districts subject to the following limitations.

<table>
<thead>
<tr>
<th></th>
<th>Principal</th>
<th>Directory</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum number</td>
<td>One per street frontage per site</td>
<td>One per vehicle entrance</td>
<td>One per public entrance</td>
</tr>
<tr>
<td>Maximum size</td>
<td>25 square feet</td>
<td>Six square feet</td>
<td>Six square feet</td>
</tr>
<tr>
<td>Maximum height</td>
<td>8 feet</td>
<td>4 feet</td>
<td>4 feet</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</td>
<td>25 feet</td>
</tr>
<tr>
<td>Permitted illumination</td>
<td>External or internal, direct or concealed source</td>
<td>Concealed source only</td>
<td>Concealed source only</td>
</tr>
<tr>
<td>Changeable copy</td>
<td>Automatic allowed; may cover up to 25 percent of sign face</td>
<td>Not allowed</td>
<td>Only manual changeable copy is allowed; may cover entire sign face</td>
</tr>
</tbody>
</table>

C. DIRECTORY (WALL) SIGNS

1. One directory sign on a wall, not exceeding six square feet in area, is allowed per public entrance for a nonresidential building. Such sign shall not be legible from the public right-of-way and shall be illuminated by direct white light only.

D. INSTITUTIONAL SIGNS
1. Any school, house of worship, recreation center or other institutional use permitted in the zoning district may have one detached sign, not to exceed forty (40) square feet in area. This may include changeable copy signs, not to exceed thirty percent (30%) of the sign area. Such signs may be illuminated.

2. Each such use shall also be allowed one wall sign for each public entrance to a building; such wall signs shall not exceed four (4) square feet each and shall not be illuminated.

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>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum size</td>
</tr>
<tr>
<td>Maximum number</td>
</tr>
<tr>
<td>Permitted illumination</td>
</tr>
<tr>
<td>Changeable copy</td>
</tr>
<tr>
<td>Maximum Letter Size</td>
</tr>
</tbody>
</table>

E. OTHER SIGNS

1. Other signs as permitted pursuant to Section 15.4, F., Signs Subject to Other Standards, and Section 15.4, G., Signs Allowed Without a Permit.

SECTION 15.11 SIGNS ALLOWED IN GENERAL BUSINESS AND COMMERCIAL DISTRICTS

A. WINDOW AND WALL SIGNS

1. NC Zoning Districts
a. Window and permanent wall signs are allowed for nonresidential uses in these districts, subject to the following limits. No wall sign shall extend above the top of the wall of the building, including parapets and architectural extensions.

<table>
<thead>
<tr>
<th></th>
<th>Window</th>
<th>Wall</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum size</td>
<td>25 percent of window area on that building wall</td>
<td>See total</td>
<td>Two (2) square feet of sign area per lineal foot of building width on the side of building on which sign is located</td>
</tr>
<tr>
<td>Maximum number</td>
<td>Area limit only</td>
<td>One per building street frontage</td>
<td>N/A</td>
</tr>
<tr>
<td>Permitted illumination</td>
<td>No separate illumination</td>
<td>Illumination from a concealed source only</td>
<td>N/A</td>
</tr>
<tr>
<td>Changeable copy</td>
<td>Not allowed</td>
<td>Not allowed</td>
<td>N/A</td>
</tr>
</tbody>
</table>

2. HC Zoning Districts

a. Window and permanent wall signs are allowed for nonresidential uses in these districts, subject to the following limits. No wall sign shall extend above the top of the wall of the building, including parapets and architectural extensions.

<table>
<thead>
<tr>
<th></th>
<th>Window</th>
<th>Wall</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum size</td>
<td>25 percent of window area on that building wall</td>
<td>See total</td>
<td>Two (2) square feet of sign area per lineal foot of building width on the side of building on which sign is located</td>
</tr>
<tr>
<td>Maximum number</td>
<td>Area limit only</td>
<td>One per building street frontage</td>
<td>N/A</td>
</tr>
<tr>
<td>Permitted illumination</td>
<td>External or internal, concealed or direct source</td>
<td>External or internal, concealed or direct source</td>
<td>N/A</td>
</tr>
<tr>
<td>Changeable copy</td>
<td>Not allowed</td>
<td>Automatic allowed; may cover up to 25 percent of area of sign face</td>
<td>N/A</td>
</tr>
</tbody>
</table>

B. POLE OR GROUND SIGNS

1. NC Zoning Districts
a. Pole or principal ground signs are allowed in these zoning districts subject to the following limitations.

<table>
<thead>
<tr>
<th></th>
<th>Principal</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum number</td>
<td>One per street frontage</td>
<td>One per vehicle entrance in NSC district; not allowed in NC district</td>
</tr>
<tr>
<td>Maximum size</td>
<td>25 square feet</td>
<td>Six square feet</td>
</tr>
<tr>
<td>Maximum height</td>
<td>20 feet</td>
<td>4 feet</td>
</tr>
<tr>
<td>Minimum setback from nearest right-of-way</td>
<td>5 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>Minimum setback, other</td>
<td>Five feet from any other property line; 50 feet from nearest single-family residential district</td>
<td>Five feet from any other property line; 15 feet from nearest single-family residential district</td>
</tr>
<tr>
<td>Permitted illumination</td>
<td>Concealed source only</td>
<td>Concealed source only</td>
</tr>
<tr>
<td>Changeable copy</td>
<td>Not allowed</td>
<td>Not allowed</td>
</tr>
</tbody>
</table>

2. HC Zoning Districts

a. Pole or principal ground signs are allowed in these zoning districts subject to the following limitations.

<table>
<thead>
<tr>
<th></th>
<th>Principal</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum number</td>
<td>One per street frontage</td>
<td>One per vehicle entrance</td>
</tr>
<tr>
<td>Maximum size</td>
<td>60 square feet</td>
<td>Four square feet</td>
</tr>
<tr>
<td>Maximum height</td>
<td>20 feet</td>
<td>4 feet</td>
</tr>
<tr>
<td>Minimum setback from nearest right-of-way</td>
<td>5 feet</td>
<td>5 feet</td>
</tr>
<tr>
<td>Minimum setback, other</td>
<td>Five feet from any other property line; 50 feet from nearest single-family residential district</td>
<td>Five feet from any other property line; 15 feet from nearest single-family residential district</td>
</tr>
<tr>
<td>Permitted illumination</td>
<td>External or internal, exposed or concealed source</td>
<td>Concealed source only</td>
</tr>
<tr>
<td>Changeable copy</td>
<td>Automatic allowed; may cover up to 25 percent of sign face allowed</td>
<td>Not allowed</td>
</tr>
</tbody>
</table>

C. DETACHED SIGNS NOT LEGIBLE FROM THE RIGHT-OF-WAY

1. HC Zoning Districts

a. To improve wayfinding on multi-user sites, the following detached signs are allowed in addition to those allowed under subsection B of this Section. One detached sign not legible from the right-of-
way, not exceeding twenty (20) square feet in area and not exceeding six feet in height shall be allowed for each ten separate nonresidential uses or per vehicle entrance, whichever is less. One additional such sign shall be allowed for each two drive-through lanes. Such sign shall be set back from the public right-of-way a minimum of fifty (50) feet, from any other property line a minimum of thirty (30) feet, and from a residential zoning district a minimum of fifty (50) feet. Such sign shall not contain changeable copy and the sign may be internally illuminated or externally illuminated from an exposed or concealed source.

D. WALL SIGNS NOT LEGIBLE FROM THE RIGHT-OF-WAY

1. For any building containing three or more uses of any type sharing a common entrance or hallway, one additional wall sign shall be allowed at each public entrance providing access to such uses. Such sign shall bear no commercial message related to activities, goods or services not offered on the premises. The sign shall not be legible from the public right-of-way. The sign shall not be separately illuminated. The sign shall not be more than four square feet in area. The purpose of this section is to allow for directory signs, listing tenants or occupants, but the sign may bear any message other than a commercial message not related to commercial activities on the premises.

E. INSTITUTIONAL SIGNS

1. Any school, house of worship, recreation center or other institutional use permitted in the zoning district may have one detached sign, not to exceed forty (40) square feet in area. This may include changeable copy signs, not to exceed thirty percent (30%) of the sign area. Such signs may be illuminated.

2. Each such use shall also be allowed one wall sign for each public entrance to a building; such wall signs shall not exceed four (4) square feet each and shall not be illuminated.
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>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum size</strong></td>
</tr>
<tr>
<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><strong>Maximum number</strong></td>
</tr>
<tr>
<td>One per building street frontage</td>
</tr>
<tr>
<td><strong>Permitted illumination</strong></td>
</tr>
<tr>
<td>Concealed source only</td>
</tr>
<tr>
<td><strong>Changeable copy</strong></td>
</tr>
<tr>
<td>Not allowed</td>
</tr>
<tr>
<td><strong>Maximum Letter Size</strong></td>
</tr>
<tr>
<td>Thirty-six (36) inches</td>
</tr>
</tbody>
</table>

F. OTHER SIGNS

1. Other signs as permitted pursuant to Section 15.4, F., Signs Subject to Other Standards, and Section 15.4, G., Signs Allowed Without a Permit.

SECTION 15.12 MASTER SIGNAGE PLANS

A. PURPOSE AND INTENT

1. It is the purpose of the City of Park Hills to require owners, lessees and managers of sites containing multiple signs requiring permits to plan and design signs that are compatible with the buildings on the site, thus enhancing the appearance of the site and of the streetscape that includes it. This Section spells out specific criteria for review for compliance with the section, but the City of Park Hills recognizes that the consideration of issues of design necessarily requires some exercise of judgment, within the specific criteria set out in this Section. Although the City of Park Hills has provided a remedy of appeal for an applicant aggrieved by an action on a proposed master signage plan, it is the intent of the City of Park Hills that the primary remedy for such an applicant is the erection and installation of all of the signs allowed by right, under other sections of this Article. It is thus the intent of the City of Park Hills, that to the extent that it can guide the scope of review of a court considering an appeal, a court considering an appeal under this Section reverse or remand the decision of the Zoning Administrator only if it finds that such action is arbitrary and capricious.
**B. APPLICABILITY**

1. The owner of any site that includes more than one tenant or occupant shall apply for approval of a Master Signage Plan before applying for a sign permit for any detached sign.

**C. PROCEDURE**

1. The submittal of a Master Signage Plan shall be considered a Stage II Development Plan.
2. The owner(s) shall apply to the planning commission’s duly authorized representative.
3. Where an application for approval of a Master Signage Plan is submitted simultaneously or as part of another Stage II Development Plan, the two shall be processed together. Where an application includes properties not under common ownership, all property owners shall sign the application or shall submit documents granting the applicant the authority to process such an application.
4. The planning commission’s duly authorized representative shall review the submitted Stage II Development Plan with regard to its compliance with the required elements of this Section, for Master Signage Plans, other applicable elements of this Article, and other applicable regulations, and its conformity with any approved Stage I Development Plan for the property. In approving the Master Signage Plan, the planning commission’s duly authorized representative may authorize minor adjustments from the Stage I Development Plan.
5. If a Master Signage Plan application is denied, the applicant may submit a new application with a revised plan at any time.
6. Any person aggrieved by the action of the planning commission’s duly authorized representative on a Master Signage Plan may appeal the decision by filing an application with the Planning Commission.

**D. APPLICATION CONTENTS**

1. The application for approval of a Master Signage Plan shall contain at least the following information. Where the application is submitted simultaneously with an application for a Stage II Development Plan approval, the Master Signage Plan may refer to portions of the Stage II Development Plan application or approved Stage I Development Plan for related requirements:
   
a. If the site has not been improved, all information required by Section 9.18 for a Stage II Development Plan;
b. If the site has been improved, as-built conditions, showing all buildings and other improvements and all parking areas and vehicle entrances;
c. A proposed design plan showing signage design at a scale of ½” = 1 ft.
d. Computation of the maximum area for all signs, the height of signs and the number of detached signs allowed on the development site(s) included in the plan under this Article, including incentives authorized below;
e. For properties with multiple tenants or multiple occupants entitled to signs, an allocation of the allowed signage among the eligible tenants or users;
f. An accurate indication on the plot plan of the current or proposed location of each present and future sign of any type, whether requiring a permit or not, except that signs not requiring permits need not be shown;
g. The color schemes and design features (excluding specific messages) for proposed signs; and
h. The signatures of all owners or their authorized agents in such form as the legislative body may require.

E. AMENDMENTS

1. A Master Signage Plan may be amended by filing a new Master Signage Plan that conforms to all requirements of this Section in effect at the time of submittal.

F. PROVISIONS FOR NONCONFORMING SIGNS

1. A Master Signage Plan for a property already containing signs on the date of submission of the application shall include a schedule for bringing all signs on the development site into conformance with the Master Signage Plan by a specified date. The conformance schedule included in such Master Signage Plan shall be considered a condition of approval of the Master Signage Plan.

G. CRITERIA FOR APPROVAL

1. A Master Signage Plan shall be approved if and only if the planning commission’s duly authorized representative finds that the proposed plan meets all of the standards set out in this Article. If the planning commission’s duly authorized representative finds that the proposed plan substantially meets such standards, it may approve the proposed plan subject to conditions that will cause it to meet these standards.
Otherwise, the planning commission’s duly authorized representative shall deny the application for plan approval:

a. Each proposed sign conforms with all applicable standards of this Article;
b. The total amount of signage proposed for any building, wall, site, or portion of a site, conforms with all applicable standards of this Article;
c. The proposed plan contains all of the information required by subsection D of this Section
d. The proposed allocation of allowed signage among eligible tenants, which shall be proportional to one of or a combination of the following criteria:

   (1) The number of public entrances to space leased to or controlled by each tenant or occupant;
   (2) The linear feet of frontage of the space leased to or controlled by each tenant or occupant along the wall(s) containing public entrances; and/or
   (3) The façade area of the building elevation(s) containing the public entrances to the spaces leased to or controlled by each tenant or occupant.

e. All proposed signs shall be part of a common design scheme, meeting at least the following criteria:

   (1) The materials and design of all wall signs shall follow one design scheme;
   (2) The materials and design of freestanding signs shall follow one design scheme, which may or may not be the same as the design scheme for wall signs;
   (3) Each design scheme shall require consistency among signs for at least three of the following criteria: lighting design; color schemes; materials; shape; proportion; and/or type faces;
   (4) If the design schemes for the wall signs and freestanding signs are different, they shall have in common at least two of the following criteria: lighting design; color schemes; materials; proportion; and
   (5) The design scheme for freestanding signs shall use building materials, colors and, where applicable, architectural design features consistent with the materials, colors and architectural design features of the principal building on the site.
Article XV  Sign Regulations

H. EFFECT

1. After approval of a Master Signage Plan, no permit shall be issued for a sign on the site(s) subject to the Master Signage Plan except in accordance with such plan, and no sign shall be erected, placed, painted, or maintained, except in accordance with such plan, and such plan may be enforced in the same way as any provision of this Article. In case of any conflict between a provision of a Master Signage Plan and one or more provisions of this Article, this Article shall prevail.

I. SPECIAL SEVERABILITY PROVISIONS

1. The severability provisions of Section 15.16. A., 11., are limited by this subsection. If any procedural aspect of this Section is found by a court of competent jurisdiction to be unconstitutional, it is the intent of the City of Park Hills that this entire Section, but only this Section, should be stricken as unconstitutional, but that any plans previously approved under it should remain in effect, allowing the signs shown on such plans as lawful nonconforming signs, regardless of whether such signs have been erected on the date of such decision. If any substantive part of the standards and criteria for approval of this Section is found by a court of competent jurisdiction to be unconstitutional it is the intent of the City of Park Hills that such part be stricken and that the rest of this Section remain in full force and effect, in accordance with the principles set out in more detail in Section 15.16, A., 11.

SECTION 15.13 PERMIT REQUIREMENTS AND PROCEDURES

A. Unless a particular sign is exempt from the permit requirement under an explicit provision of this Article or other applicable law, then a permit for such sign is required.

1. WHEN REQUIRED

a. Replacements

(1) If any sign is removed and any new sign is erected in its place, a permit shall be obtained the same as if a new sign were erected at a new location, subject to all requirements enumerated herein.

b. Maintenance
(1) If any sign is removed for maintenance and replaced on the same supports, a new permit will not be deemed necessary if the size or type of sign is not changed.

c. Relocation of Signs

(1) If any sign is removed from one location and erected at a new location, a new permit shall be obtained.

d. Alteration

(1) Alteration or enlargement of any sign shall require a permit the same as for a new sign. Any change in technology for a sign shall be considered an alteration; this shall expressly apply but not be limited to the conversion of a sign to changeable copy technology of any type.

2. APPLICATION

a. No permit shall be granted until and after an application has been filed with the designated administrative official, showing the plans and specifications, including application fees, dimensions, materials, and details of construction of the proposed structure and meeting all provisions of this Article.

3. APPLICATION FORM

a. The Zoning Administrator shall prepare and provide a form to be used as an application for a sign permit. The same form may constitute a permit, when duly approved. Multiple signs may be listed on a single permit only when they are all on the same lot or parcel, or are part of a single, comprehensive development.

4. INFORMATION ON APPLICATION

a. The sign application form shall include the following information:

(1) Name and contact information for the applicant, and if separate, the name, address and consent of the property owner;

(2) Street address and Property Identification Number (PIDN) of the site;

(3) Accurate site plan to scale describing the design, dimensions, proposed placement, structural and electrical characteristics and appearance of the sign(s), including the
location of existing buildings, signs and other structures on the same site as the proposed sign(s);

(4) If the plans and drawings require an engineer’s or architect’s seal, signature or certificate, such shall show current Kentucky registration or licensure;

(5) Any signs or other structures to be removed or relocated;

(6) Dimensions and heights of all existing and proposed sign(s);

(7) Information regarding electrification, trenching, demolition, plumbing, temporary street closure, or encroachment into the public right of way;

(8) Any known uncorrected violations of zoning laws on the site;

(9) Name, address and any licensing/bonding information for any sign contractors;

(10) Technical drawings, specifications, structural safety calculations for the sign structure;

(11) 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 a deemed public nuisances and a violation of the zoning ordinance, and may be abated in the same manner as any public nuisance or zoning ordinance violation.

SECTION 15.14 APPEALS

A. Decisions on sign permit applications, as well as directives, orders, notices and all other sign-related decisions of the Zoning Administrator may be appealed to the Board of Adjustment.

1. INITIATION OF APPEAL

a. An appeal under this Article may be initiated by following the procedures set forth in KRS §100.261, within the time allowed by that section.

2. HEARING ON APPEAL

a. Within 60 working days of timely receipt of a notice of appeal, the Board of Adjustment shall hear the appeal in an open, public, duly
noticed hearing. The appellant and all other persons wishing to be heard shall be allowed to present evidence and argument. The Board will base its decision on the law and the evidence presented at the hearing. The Board will issue a written decision within 30 calendar days of the hearing, and the written decision shall state the decision and the facts and law supporting the decision.

3. WAIVER OF TIME
   
a. Any of the timeliness requirements of this Section may be waived by the appellant.

4. JUDICIAL REVIEW
   
a. The decision of the Board of Adjustment is final. Further review may be had in Kenton County Circuit Court, pursuant to the Kentucky law of civil procedure.

5. STATUS PENDING APPEAL
   
a. While any sign related matter is on appeal, the status quo of the subject sign(s) shall be maintained, except when, by virtue of physical condition, the sign poses an immediate threat to the public health, safety and welfare, in which case the threat may be abated in the same manner as any other immediate threat to the public health, safety and welfare.

SECTION 15.15 DEFINITIONS AND MEASUREMENTS

A. MEASUREMENTS

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

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

3. Computation of Area of Multifaced Signs

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

a. Sign height shall be measured from the elevation at the base of the 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 15.16 POLICIES AND RULES OF CONSTRUCTION

A. This Article shall be administered, enforced and construed in accordance with the following policies.

1. DISCRETIONARY REVIEW
   a. When one or more signs are part of a project or development, or a variance, conditional use permit, exception or special use permit is sought for sign(s), which requires discretionary review, then the sign shall be reviewed without regard to the graphic design or visual image on the display face of the sign, and discretion shall be restricted to structural, location and other non-communicative aspects of the sign. This provision does not override the billboard policy.

2. MESSAGE NEUTRALITY
   a. It is the City of Park Hills 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 Park Hills 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 Park Hills, 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 Park Hills 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 Park Hills affirmatively declares that it would have adopted this billboard policy even if it were the
only provision in this Article. The City of Park Hills 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 Park Hills message neutrality and message substitution policies. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this Article, or whenever a sign does not qualify as a “structure” as defined in the building code then in effect, then the Zoning Administrator shall approve, conditionally approve or disapprove the application based on the most similar sign type that is expressly regulated by this Article, in light of the policies stated in this Section.

7. NONCOMMUNICATIVE ASPECTS

a. All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination,
spacing, orientation, etc., stand enforceable independently of any permit or approval process.

8. MIXED USE ZONES AND OVERLAY ZONES

a. In any zone where both residential and non-residential uses are allowed, the sign-related rights and responsibilities applicable to any particular parcel or land use shall be determined as follows: (1) if specific sign regulations are provided in the zoning district, those regulations shall be applied; or (2) if no sign regulations are provided in the zoning district, residential uses shall be treated as if they were located in a zone where a use of that type would be allowed as a matter of right, and nonresidential uses shall be treated as if they were located in a zone where that particular use would be allowed, either as a matter of right or subject to a conditional use permit or similar discretionary process.

9. PROPERTY OWNER'S CONSENT

a. No sign may be displayed without the consent of the legal owner(s) of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property and all parties and persons holding a present right to possession, control or use of the property. The signature of the property owner or authorized agent will be required on all applications for sign permits.

10. LEGAL NATURE OF SIGN RIGHTS

a. As to all signs attached to real property, the signage rights, duties and obligations arising from this Article attach to and travel with the land or other property on which a sign is mounted or displayed. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this Article or other law), or the ownership of sign structures. This provision does not apply to hand held signs or other images which are aspects of personal appearance.

11. SEVERABILITY

a. Generally

   (1) If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of
Article XV   Sign Regulations 15-40

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 15.16, A., 11., b.

b. Severability Where Less Speech Results

(1) Without diminishing or limiting in any way the declaration of severability set forth above in subsection A of this Section or elsewhere in this Article or this Code, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article is declared unconstitutional, such declaration shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise additional standards.

c. Severability of Provisions Pertaining to Prohibited Signs

(1) Without diminishing or limiting in any way the declaration of severability set forth above in subsection A of this Section, or elsewhere in this Article or in this Code, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article or any other laws declared unconstitutional by valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article that pertains to prohibited signs, including specifically those signs and sign types prohibited and not allowed under Section 15.5 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 15.16, A., 11., b.

d. Severability of Prohibition on Off-premise Signs
(1) If any part section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article and/or another 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.

SECTION 15.17 SIGNS ALLOWED IN THE INSTITUTIONAL ZONING DISTRICT (INST)

A. APPLICATION

All sites shall be required to have an approved master signage plan, in accordance with Section 15.12 of this zoning ordinance.

B. WINDOW AND WALL SIGNS

1. Window and permanent wall signs are allowed for uses in these districts, subject to the following limits. No wall sign shall extend above the top of the wall of a building, including parapets and architectural extensions.

<table>
<thead>
<tr>
<th></th>
<th>Window</th>
<th>Wall</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum size</td>
<td>25 percent of window area on that building wall</td>
<td>See total</td>
<td>Two (2) square feet of sign area per lineal foot of building width on the side of building on which sign is located</td>
</tr>
<tr>
<td>Maximum number</td>
<td>Area limit only, as approved in the master signage plan</td>
<td>Area limit only, as approved in the master signage plan</td>
<td>N/A</td>
</tr>
<tr>
<td>Permitted illumination</td>
<td>No separate illumination</td>
<td>Illumination from a concealed source only</td>
<td>N/A</td>
</tr>
<tr>
<td>Changeable copy</td>
<td>Not allowed</td>
<td>Not allowed</td>
<td>N/A</td>
</tr>
</tbody>
</table>
2. Signage located on windscreens associated with athletic facilities on the campus of a public or private school shall be permitted. The maximum permitted area of said signs shall not exceed four (4) square feet of sign area per lineal foot of width on the side of the structure to which the sign is located. Said signs shall be reviewed by the zoning administrator for compliance with the maximum permitted area requirements but shall not be required as part of a master signage plan.

C. DETACHED SIGNS

Principal ground signs are allowed subject to the following limitations.

<table>
<thead>
<tr>
<th></th>
<th>Principal</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum number</td>
<td>Ground signs, as approved in the master signage plan</td>
<td>Ground signs for directional and way-finding purposes, as approved in the master signage plan</td>
</tr>
<tr>
<td>Maximum size</td>
<td>60 square feet</td>
<td>20 square feet</td>
</tr>
<tr>
<td>Maximum height</td>
<td>12 feet</td>
<td>6 feet</td>
</tr>
<tr>
<td>Minimum setback</td>
<td>Five (5) feet from any property line; 50 feet from the nearest single-family residential district</td>
<td>Five (5) feet from any property line; 15 feet from the nearest single-family residential district</td>
</tr>
<tr>
<td>Permitted illumination</td>
<td>External or internal, exposed or concealed source</td>
<td>Internal or concealed source only</td>
</tr>
<tr>
<td>Changeable copy</td>
<td>Manual and automatic allowed; may cover up to 30% of the sign face allowed. Automatic changeable copy signs are subject to the restriction set forth in Section 15.6.D., of this zoning ordinance</td>
<td>Not allowed</td>
</tr>
</tbody>
</table>

D. DETACHED SIGNS NOT LEGIBLE FROM THE RIGHT-OF-WAY
To improve wayfinding on institutional sites with multiple buildings as well as to allow permitted uses to create a campus environment, an unlimited number of wall or detached ground signs shall be permitted provided that said signs shall not be seen or visible at any time from any public right–of-way, Said signs which are permanent shall not be larger than twenty (20) square feet and shall be setback one-hundred feet from the nearest property line. Signs may be internally illuminated or externally illuminated from an exposed or concealed source.

E. TEMPORARY BANNERS

1. Any institutional use on a site larger than five acres may erect up to three (3) temporary banners on the site which shall not require a zoning permit, subject to the following conditions:
   a. Such banners shall be anchored to a pole or building at the top and bottom, so that the end of the banner does not flap in the wind, like a flag or pennant;
   b. Such banners may be attached to poles serving another purpose, such as supporting parking lot or street lights, or to separate poles used only for the banners;
   c. Such banners shall be setback twenty (20) feet from all right-of-way and property lines.
   d. If the banners are attached to separate poles, those poles shall not exceed 10 feet in height.
   e. Such banners shall not exceed 50 square feet in area on one side;
   f. Each such banner may contain a message on each side. Messages on such banners may include messages related to the activities or services of the institution or other non-commercial messages. No such banner shall in any case include any commercial message unrelated to the institutional use;
   g. Such banners shall not be separately illuminated; and
   h. Such banners may be visible from the public right-of-way but shall not be legible from any location except the site used by the institution.

F. OTHER SIGNS

1. Other signs as permitted pursuant to Section 15.4, F., Signs Subject to Other Standards, and Section 15.4, G., Signs Allowed Without a Permit.
ARTICLE XVI

FENCES, WALLS, AND OBSTRUCTION TO VIEW REGULATIONS

SECTION 16.0 VISION CLEARANCE AT CORNERS AND RAILROAD CROSSINGS:
No fence, wall, hedge, or other obstruction, above a height of thirty-six (36) inches, as measured above the curb level, shall be erected, placed, maintained, or continued in any zone, within that triangular portion of a corner lot formed by measuring fifty (50) feet from the intersection of the right-of-way lines of two (2) streets or of the right-of-way line of a street intersection with a railroad right-of-way line and joining these points with a straight line. No type of tree, or planting, or other obstruction, shall be planted, placed, maintained, or continued in such a manner which would obstruct the vision clearance at corners and railroad crossings.

SECTION 16.1 CLASSIFICATION OF FENCES AND WALLS:
A. The following shall be the classification of fences and walls for this Ordinance:
   1. Masonry walls.
   2. Ornamental iron (eighty percent (80%) open).
   3. Woven wire (eighty percent (80%) open).
   4. Wood or other materials (more than fifty percent (50%) open).
   5. Solid fences - wood or other materials (less than fifty percent (50%) open).
   6. Hedges.
   7. Earthen or concrete walls, intended to contain or redirect flooding waters.

SECTION 16.2 CONSERVATION ZONE:
A. Fences and/or walls within the conservation zone shall conform to the following requirements:
   1. Section 16.0 except that in front yards class 2 or 3 fences may be erected up to a maximum height of ninety-six (96) inches.
   2. Side and rear yard, class 1, 2, 3, 4, 5, or 6 fences and/or walls may be erected up to a maximum height of ninety-six (96) inches.
   3. Class 7 walls shall be permitted, but shall conform to requirements of the Corps of Engineers and/or city engineer, whichever is applicable.

SECTION 16.3 RESIDENTIAL ZONES:
A. Fences and/or walls within the R-1C, R-1D, R-1E, R-1EE, R-1FF, R-2, R-3 Zones shall conform to the following requirements:
1. Section 16.0 and the requirements set forth and depicted on Figure 1 of this Ordinance for residential uses only.

2. For all non-residential uses permitted conditional uses permitted herein:
   a. Fences of class 2 or 3 only shall be permitted in front yards, including the front yard of corner lots as governed by Section 16.0. Said fences may be erected up to a maximum height of eighty-four (84) inches.
   b. Classes 1, 2, 3, 4, 5, or 6 fences or walls may be erected in side or rear yards, up to a maximum height of ninety-six (96) inches, except for side yard or rear yards of corner lots as governed by Section 16.0. In the case of these corner lots class 2 or 3 fences only, may be erected, up to a maximum height of eighty-four (84) inches.

SECTION 16.4 COMMERCIAL AND INSTITUTIONAL ZONES: Fences and/or walls within the NC, HC, PO, and INST Zones, including those permitted with all conditionally permitted uses in these zones shall conform to the following requirements:

A. Fences of class 2 or 3 only shall be permitted in front yards of the NC, HC, and PO Zones including the front yard of corner lots as governed by Section 16.0. Said fences may be erected up to a maximum height of eighty-four (84) inches.

B. Classes 1, 2, 3, 4, 5, or 6 fences or walls may be erected in side or rear yards, up to a maximum height of ninety-six (96) inches, except for side or rear yards of corner lots as governed by Section 16.0. In the case of these corner lots, class 2 or 3 fences only, may be erected up to a maximum height of ninety-six (96) inches.

C. In the INST Zone only, classes 1, 2, 3, 4, 5, or 6 fences or walls used in conjunction with an athletic facility such as a tennis court, football, baseball, may be erected in front, side or rear yards, up to a maximum height of one-hundred and forty-four (144) inches.

SECTION 16.5 MEASUREMENT OF ALL FENCE AND/OR WALL HEIGHTS AND/OR LOCATIONS:

A. All fences and/or wall heights shall be measured along the fence or wall locations.

B. All locations for distance measurements shall be measured from lot lines.
SECTION 16.6 BARBED WIRE OR SHARP POINTED FENCES: Barbed wire spiked, pointed, and protruding metal or other material, stone with embedded glass and protruding metal, and electrified fences of any type are prohibited. The aforementioned fences shall be considered nonconforming uses and shall not be replaced, or altered except in conformance with the regulations of this section of the Ordinance.

SECTION 16.7 HEIGHT OF FENCES ATOP RETAINING WALLS: A combination fence and retaining wall may be erected. The retaining wall portion may be erected up to the level of the higher finished grade. The fence portion must be 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 16.8 STRUCTURAL ELEMENTS OF FENCES: Fences shall be constructed so that all structural members shall be located on the inside of the fence. The inside shall be the side that faces the property owned by the person building the fence.
ARTICLE XVII

ADMINISTRATION

SECTION 17.0 ENFORCING OFFICER: A Zoning Administrator (official or officials appointed by the city of Park Hills, Commonwealth of Kentucky for carrying out the provisions and enforcement of this Ordinance) shall administer and enforce this Ordinance. He may be provided with assistance of such other persons as the city of Park Hills directs.

If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, he shall take such action as is permitted by law.

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

All questions of interpretation and enforcement shall be first presented to the Zoning Administrator and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board of Adjustment shall be to the courts, as provided by State Statutes, Commonwealth of Kentucky.

SECTION 17.1 ZONING PERMITS: Zoning permits shall be issued in accordance with the following provisions:

A. ZONING PERMIT REQUIRED: No public or private building or other structure shall be erected, moved, added to, structurally altered, or changed from one permitted use to another, nor shall any grading take place on any lot or parcel of ground without a permit, issued by the Zoning Administrator. No zoning permit shall be issued except in conformity with the provisions of this Ordinance, except after written orders from the Board of Adjustment.

B. APPLICATION FOR ZONING PERMITS: All applications for zoning permits shall be accompanied by:

1. A completed application form, provided by the Zoning Administrator (in triplicate - See Appendix A).

2. The required fee for a zoning permit, as provided for in Section 20.0 of this Ordinance.
3. An site plan or site plan, if required by this Ordinance; or

4. A plot plan in triplicate drawing at a scale of not less than one (1) inch equals one hundred (100) feet, showing the following information as required by this Ordinance.

a. The location of every existing and proposed building with number of floors and gross floor area, the use or uses to be contained therein, the number of structures including dimensions and height, and the number, size, and type of dwelling units.

b. All property lines, shape and dimensions of the lot to be built upon.

c. Lot width at minimum building setback line.

d. Minimum front and rear yard depths and side yard widths.

e. Existing topography, with a maximum of two (2) foot contour intervals. Where existing ground is on a slope of less than two (2) percent, either one foot contours or spot elevations not more than fifty (50) feet apart shall be required.

f. The proposed finished grade of the development area shown by contours with intervals not larger than two (2) feet, supplemented, where necessary, by spot elevation.

g. Total lot area, in square feet.

h. Location and dimensions of all curb cuts, driving aisles, off – street parking and loading and/or unloading spaces including number of spaces, angle of stalls, and illumination facilities.

i. Layout, type of surfacing, cross sections, and drainage plans for all off - street parking facilities.

j. A drainage plan of the lot area including provisions for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.

k. All sidewalks, walkways, malls, and open spaces.
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l. Location, type, and height of all walls, fences, and screen plantings.

m. Location, size, height, class and orientation of all signs.

n. Location of all existing and proposed streets, including rights-of-way and pavement widths.

o. All existing and proposed water, and sanitary, and storm sewer facilities indicating all pipe sizes, types, and grades.

p. And such other information as may be required by the Zoning Administrator to determine conformance with and provide enforcement of this Ordinance and State Statutes of the Commonwealth of Kentucky.

C. ISSUANCE OF ZONING PERMIT: The Zoning Administrator shall either approve or disapprove the application (when required by this ordinance -- e.g., site plan submitted required -- the City Council, or its duly authorized representative, approval or disapproval shall also be required). If disapproved, two (2) copies of the submitted plans shall be returned to the applicant marked "Disapproved" and shall indicate the reasons for such disapproval thereon. Such disapproval shall be attested by the Zoning Administrator's signature. The other copy, similarly marked, shall be retained by the Zoning Administrator.

If approved, two (2) copies of the submitted plans shall be returned to the applicant, marked "Approved". Such approval shall be attested by the Zoning Administrator's signature. The other copy, similarly marked, shall be retained by the Zoning Administrator. The Zoning Administrator shall also issue a zoning permit to the applicant at this time and shall retain a duplicate copy for his records.

D. FAILURE TO COMPLY: Failure to obtain a zoning permit shall be a violation of this Ordinance and punishable under Section 17.9 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 thereof, 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.

F. ZONING PERMITS ISSUED PRIOR TO THE ADOPTION OF THIS ORDINANCE: Zoning permits issued in conformance with the Zoning Ordinance
of the city of Park Hills prior to the date of adoption of this Ordinance, whether consistent or inconsistent with this Ordinance, shall be valid for a period of ninety (90) consecutive calendar days from the time of issuance of the permit. If a building permit has not been obtained within said ninety (90) consecutive calendar day period, the zoning permit shall be void and a new permit, consistent with all provisions of this Ordinance shall be required.

SECTION 17.2 BUILDING PERMITS: Building permits shall be issued in accordance with the following provisions:

A. BUILDING PERMITS REQUIRED: No public or private 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 20.0 of this Ordinance.

4. A site plan or site plan, if required by this Ordinance; or

5. Plans, in duplicate, approved by the Zoning Administrator and including any additional information required by the Building Code and/or Building Inspector, as may be necessary to determine conformance with, and provide for the enforcement of, the building code and the State Statutes of the Commonwealth of Kentucky.

C. ISSUANCE OF BUILDING PERMIT: The Building Inspector shall either approve or disapprove the application. If disapproved, one (1) copy of the submitted plans shall be returned to the applicant marked "Disapproved" and shall indicate the reasons for such disapproval thereon. Such disapproval shall be attested by the Building Inspector's signature. The second copy, similarly marked, shall be retained by the Building Inspector.

If approved, one (1) copy of the submitted plans shall be returned to the applicant marked "Approved". Such approval shall be attested by the Building Inspector's
signature. The second copy, similarly marked, shall be retained by the Building Inspector. The Building Inspector shall also issue a building permit to the applicant at this time and shall retain a duplicate copy for his records.

D. COMPLIANCE: It shall be unlawful to issue a building permit, or occupancy permit, to build, create, erect, change, alter, convert, or occupy any building or structure hereafter, unless a zoning permit has been issued in compliance with this Ordinance.

E. BUILDING PERMITS ISSUED PRIOR TO THE ADOPTION OF THIS ORDINANCE: Building permits issued in conformance with the Building Code of the city of Park Hills prior to the date of adoption of this Ordinance, whether consistent or inconsistent with this Ordinance, shall be valid for a period of ninety (90) consecutive calendar days from time of issuance of the permit. If construction in connection with such a permit has not been started within such a ninety (90) consecutive calendar day period, the permit shall be void and a new permit, consistent with all provisions of this Ordinance and the Building Code, shall be required. For purposes of this section, construction shall be deemed to have been started at the time of completion of the foundation.

F. EXPIRATION OF BUILDING PERMIT: If the work described in any building permit has not begun within ninety (90) consecutive calendar days from the date of issuance thereof, said permit shall expire and be canceled by the Building Inspector and no construction shall be permitted until a new building permit has been obtained.

For purposes of this section, construction shall be deemed to have been started at the time of completion of the foundation. If after the work described in the building permit has been started, the building permit shall expire after a period of eighteen (18) months, providing that a six (6) month extension may be permitted if sufficient proof can be demonstrated why the work described in the building permit was not completed as herein specified.

G. CONSTRUCTION AND USE: To be as provided in application, plans, permits, zoning permits and building permits, issued on the basis of plans and applications, approved by the Zoning Administrator and/or Building Inspector, authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed in violation of this Ordinance and punishable as provided in Section 17.9 of this Ordinance.
SECTION 17.3 CERTIFICATE OF OCCUPANCY: It shall be unlawful for an owner to use or permit the use of any building or premises thereof, hereafter created, changed, converted, or enlarged, wholly or partly, until a certificate of occupancy, which shall be a part of the building permit, shall have been issued by the Building Inspector. Such certificate shall show that such building or premises or part thereof, and the proposed use thereof, are in conformity with the provisions of this Ordinance. It shall be the duty of the Building Inspector to issue a certificate of occupancy, provided that he has checked and is satisfied that the building and proposed use thereof, conform with all the requirements of this Ordinance and the Building Code. No permit for excavation or construction shall be issued by the Building Inspector before he is satisfied that the plans, specifications, and intended use conform to the provisions of this Ordinance.

SECTION 17.4 CERTIFICATE OF OCCUPANCY FOR EXISTING BUILDING: Upon written request from the fee owner, the Building Inspector shall issue a certificate of occupancy for any building or premises existing at the time of enactment of this Ordinance, certifying, after inspection, the extent and kind of use made of the building or premises, and whether such use conforms with the provisions of this Ordinance.

SECTION 17.5 CERTIFICATE OF OCCUPANCY FOR LAWFUL NONCONFORMING USES AND STRUCTURES: A certificate of occupancy shall be required of all lawful nonconforming uses of land or buildings created by this Ordinance. A fee, as provided for in Section 20.0 of this Ordinance, shall be charged for said certificate.

Applications for such certificates of occupancy for nonconforming uses of land and buildings shall be filed with the Building Inspector by the owner or lessee of the land or building occupied by such nonconforming uses within six (6) consecutive calendar months of the effective date of this Ordinance. Failure to apply for such certificate of occupancy will place upon the owner and lessee the entire burden of proof that such use of land or buildings lawfully existed on the effective date of this Ordinance.

It shall be the duty of the Building Inspector to issue a certificate of occupancy for lawful nonconforming uses upon application and such certificate shall identify the extent to which the nonconforming use exists at the time of issuance of such certificate.

SECTION 17.6 DENIAL OF CERTIFICATE OF OCCUPANCY: Except as herein stated, a certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this Ordinance and to plans for which the building permit was issued.

SECTION 17.7 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, for a nominal charge, on request, to any person having a proprietary building affected by such certificate of occupancy.
SECTION 17.8 COMPLAINTS REGARDING VIOLATIONS: Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and bases thereof, shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate, and take action thereon, as provided by this Ordinance and the State Statutes, Commonwealth of Kentucky.

SECTION 17.9 PENALTIES: Any person or entity who violates any of the provisions of this Ordinance shall, upon conviction, be fined not less than ten (10) but no more than five hundred (500) dollars for each conviction. Each day of violation shall constitute a separate offense.
ARTICLE XVIII

AMENDMENT PROCEDURE INCLUDING BUT NOT LIMITED TO CHANGE IN ZONING

SECTION 18.0 DECLARATION OF PUBLIC POLICY: This Ordinance, and as herein use, the term Ordinance shall be deemed to include the official zoning map or maps, shall not be amended except to correct a manifest error in the Ordinance, or, because of changed or changing conditions in a particular area or in the city generally, to rezone an area or to extend the boundary of an existing zone so as not to be in conflict with the area - wide comprehensive plan as adopted by the Kenton County and Municipal Planning and Zoning Commission or to change the regulations and restrictions thereof, only as necessary to the promotion of the public health, safety, or general welfare. Subject to the limitations of the foregoing Declaration of Public Policy, an amendment to this Ordinance may be initiated by Board of Council or the Planning Commission on their own motion, or in the manner and pursuant to the procedure hereinafter set forth, may be initiated by any person, firm, or corporation filing an application therefore with the city.

SECTION 18.1 LIMITATIONS ON ALL PROPOSED AMENDMENTS: All proposed amendments to this Ordinance regardless of how or by whom initiated, shall be subject to the following limitations:

A. ADMINISTRATIVE EXAMINATION: No amendment to this Ordinance shall be adopted until the amendment has been examined by the Planning Commission as hereinafter set forth. Before any amendment is granted, the planning commission, or Board of Council, must find that the amendment is in agreement with the adopted comprehensive plan, for the city of Park Hills or in the absence of such a finding, that one or more of the following apply, and such finding shall be recorded in the minutes and records of the planning commission or Board of Council:

1. That the original zoning classification given to the property is was inappropriate or improper.

2. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the community's comprehensive plan and which have substantially altered the basic character of such area.

The Commission shall review the proposal, and shall within sixty (60) consecutive calendar days from the date of its receipt, advise the Board of
Council, after a public hearing, whether it recommends approval or disapproval of the change and if it recommends disapproval, state the reasons for such recommendation.

B. UNIFORMITY OF ZONE REGULATIONS AND RESTRICTIONS: No amendment to this Ordinance shall be adopted whereby the regulations and restrictions established thereby are not uniform for each zone having the same classification and bearing the same symbol or designation on the official zoning map.

C. 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. 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 within the city limits which is contiguous to the area being changed and which land already bears the zoning classification sought for the area being changed. For the purpose of this section neither continuity nor abutment shall be destroyed by the existence of a street, or alley. Subject to the foregoing limitations, every zone shall be of at least the following size:

The zoning map or maps 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 Comprehensive Plan for the city of Park Hills.

SECTION 18.2 PUBLIC HEARING REQUIRED, NOTICE GIVEN: No amendment, including, but not limited to, changes of zoning to this Ordinance, shall become effective until after a public hearing has been held by the Planning Commission in relation thereto at which hearing parties in interest and citizens shall have an opportunity, to be heard. Notice of the time and place of such hearings shall be published at least once, but may be published two or more times in a newspaper of general circulation in the city 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.

Additionally, where a hearing is scheduled on a proposal to amend any zoning map, plat, plan, text, or regulation, the following notice shall be given in addition to any other notice required by statute by local regulation or ordinance to be given: (1) notice of the hearing shall be posted conspicuously on the property, the classification of which is proposed to be changed; and (2) notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by registered mail to the owners of all property
adjoining the property the classification of which is proposed to be changed. It shall be the duty of the person or persons proposing the amendment to furnish to the Planning Commission the names and addresses of the owners of all adjoining property.

Where property adjoins a street or alley, the classification of which is to be changed, the property abutting the opposite side of such street or alley shall be considered adjoining property.

SECTION 18.3 APPLICATION FOR AMENDMENTS:

A. BY WHOM MADE: The owner, legal representative, Planning Commission, Board of Council, or Fiscal Court may apply for an amendment to this Ordinance.

B. FILING OF APPLICATION: All applications for amendments to this Ordinance shall be filed in writing with the Zoning Administrator to be transmitted to the Planning Commission on forms furnished by the Zoning Administrator (in triplicate - see Appendix A) The fee required for applying for such amendment shall be as provided in Section 20.0 of this Ordinance.

SECTION 18.4 EXAMINATION OF APPLICATIONS: Upon receipt of an application for an amendment, properly and completely completed as herein set forth, the Zoning Administrator shall transmit copies of the application to the Planning Commission, which, after examination of the application, may require, if considered necessary, that the applicant furnish additional information of a pertinent and reasonable nature.

SECTION 18.5 DISPOSITION OF APPLICATIONS:

A. ADMINISTRATIVE DISPOSITION: Upon receipt of an application for an amendment from the Zoning Administrator, the Planning Commission shall hold at least one (1) public hearing on the proposed amendment. After consideration of the proposed amendment, the Planning Commission shall forward written notice of its findings and recommendations concerning the application to the Board of Council along with a copy of the application.

B. LEGISLATIVE DISPOSITION: Within a reasonable time after receipt of the Planning Commission’s recommendations and findings concerning the application and a copy of the application, the Board of Council shall act on such application. A majority of the entire legislative body shall be required to override the recommendation of the Planning Commission.
ARTICLE XIX

BOARD OF ADJUSTMENT

SECTION 19.0 ESTABLISHMENT OF BOARD OF ADJUSTMENT; MEMBERSHIP; APPOINTMENT; TERMS; VACANCIES; OATHS; COMPENSATION; REMOVAL; OFFICERS:

A. Board of Adjustment is hereby established for the city of Park Hills.

B. The Board of Adjustment shall consist of five (5) members, all of whom must be citizen members and not more than two (2) of whom may be citizen members of the Planning Commission.

C. The mayor shall be the appointing authority of the Board of Adjustment, subject to the approval of the Board of Council.

D. The term of office for the Board of Adjustment shall be four (4) years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one (1), two (2), three (3), and four (4) years, respectively.

E. Vacancies on the Board of Adjustment shall be filled within sixty (60) calendar days by the mayor. If the mayor fails to act within that time, the Planning Commission shall fill the vacancy. When a vacancy occurs, other than through expiration of the term of office, it shall be filled for the remainder of that term.

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 he resides.

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 Board of Council, for inefficiency, neglect of duty, malfeasance, or conflict of interest. The mayor exercising the power to remove a member from the Board of Adjustment, shall submit a written statement to the Planning Commission setting forth the reasons and the statement shall be read at the next meeting of the Board of Adjustment which shall be open to the general public. The member so removed shall have the right of appeal from the
removal to the circuit court of the county in which he resides.

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

SECTION 19.1 MEETINGS OF BOARDS; QUORUM; MINUTES; BYLAWS; FINANCES; SUBPOENA POWER; ADMINISTRATION OF OATHS:

A. The Board of Adjustment shall conduct meetings at the call of the chairman, who shall give written or oral notice to all members of the Board at least seven (7) days prior to the meeting, which notice shall contain the date, time, and place for the meeting, and the subject or subjects which will be discussed.

B. A simple majority of the total membership of the Board of Adjustment, as established by regulation or agreement, shall constitute a quorum. Any member of the Board of Adjustment who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself from voting on the question.

C. The Board of Adjustment shall adopt bylaws for the transaction of business and shall keep minutes and records of all proceedings including regulations, transactions, findings, and determinations and the number of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact, all of which shall, immediately after adoption, be filed in the office of the Board of Adjustment. A transcript of the minutes of the Board of Adjustment shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

D. The Board of Adjustment shall have the right to receive, hold, and spend funds which it may legally receive from any and every source in and out of the Commonwealth 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.

SECTION 19.2 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 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 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 20.0 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 any hearing by the Board, any 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 19.3 APPEALS FROM PLANNING COMMISSION, OR BOARD OF ADJUSTMENT: Any appeal from Planning Commission, or Board of Adjustment action may be taken in the following manner:

A. Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission or Board of Adjustment may appeal from the action to the circuit court of the county in which the land lies. Such appeal shall be taken within thirty (30) consecutive calendar days after the final action of the Planning Commission or Board of Adjustment. Final action shall not include the Planning Commission's recommendations made to other governmental bodies.

B. All appeals shall be taken in the appropriate circuit court within thirty (30) consecutive calendar days after the action or decision of the Planning Commission or Board of Adjustment and all decisions, which have not been appealed within thirty (30) consecutive calendar days shall become final. After the appeal is taken, the procedure shall be governed by the rules of civil procedure. When an appeal has been filed, the clerk of the circuit court shall issue a summons to all parties, including the Planning Commission in all cases, and shall cause it to be delivered for service as in any other law action.

SECTION 19.4 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 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 19.5 POWERS OF BOARD OF ADJUSTMENT: Upon appeals, the Board of Adjustment shall have the following powers:

A. To hear and decide on applications for dimensional variances where, by reason of the exceptional narrowness, shallowness, or unusual shape of a site on the effective date of this Ordinance, or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height or width of building or size of yards, but not population density) of the zoning ordinance would deprive the applicant of reasonable capacity to make use of the land.

B. To hear and decide appeals, where it is alleged, by the appellant, that there is an error in any order, requirement, decision, grant, or refusal made by a Zoning Administrator in the enforcement of this Ordinance. Such appeal shall be taken within sixty (60) 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 9.13 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 for the city of Park Hills, requests for the change from one nonconforming use to another.

SECTION 19.6 DIMENSIONAL VARIANCES; CHANGE FROM ONE NONCONFORMING USE TO ANOTHER; CONDITIONS GOVERNING APPLICATIONS; PROCEDURES:

A. DIMENSIONAL VARIANCES: Before any dimensional variance is granted, the Board of Adjustment must find all of the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance. Such dimensional variance shall not be granted by the Board of Adjustment unless and until:
1. A written application for a dimensional variance (including the required fee per Section 20.0 of this Ordinance) is submitted demonstrating:

   a. That specific conditions and circumstances exist which are unique to the applicant's land and do not exist on other land in the same zone.

   b. That the manner in which the strict application of the provisions of this Ordinance would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other land owners in the same zone.

   c. That the unique conditions and circumstances are not the result of actions of the applicant taken subsequently to the adoption of this Ordinance.

   d. Reasons that the dimensional variance will preserve, not harm the public safety and welfare, and will not alter the essential character of the neighborhood.

   e. That granting the dimensional variance requested will not confer on the applicant any special privilege that is not conferred by this Ordinance to other lands, structures or buildings in the same zone. No nonconforming use of neighboring lands, structures, or buildings in the same zone shall be considered grounds for the issuance of a dimensional variance.

2. Notice of public hearing shall be given in accordance with Section 19.2 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 variance:

   a. The Board of Adjustment shall make findings that the requirements of this section have been met by the applicant for a variance.

   b. 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.
5. In granting any dimensional 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 dimensional variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 17.9 of this Ordinance.

B. DIMENSIONAL VARIANCE CANNOT CONTRADICT ZONING REGULATIONS: The Board of Adjustment shall not possess the power to grant a dimensional 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 requirements in the zone in question.

C. DIMENSIONAL VARIANCE RUNS WITH LAND: A dimensional variance applies to the property for which it is granted and not to the individual who applied for it. A dimensional variance also runs with the land is transferable to any future owner of land, but it cannot be transferred by the applicant to a different site.

D. CHANGE FROM ONE NONCONFORMING USE TO ANOTHER: No change from one nonconforming use to another will be granted by the Board of Adjustment, unless and until:

1. 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:

   a. That the new nonconforming use shall generate less vehicular traffic (automobile and truck) than the prior nonconforming use;

   b. That the new nonconforming use is of a nature which will emit less noise and air pollution than the prior nonconforming use;

   c. 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 area-wide comprehensive plan as adopted by the Kenton County and Municipal Planning and Zoning Commission, and also, more in conformance with the uses permitted in the zone in which the use is located, than the prior nonconforming use.

2. Any change of nonconforming use granted, permitted, or allowed by the
Board of Adjustment shall conform to and be governed by this Ordinance, including, but not limited to, parking requirements, sign regulations and yard requirements, and all other pertinent ordinances of the city of Park Hills.

3. 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.

4. The Board of Adjustment, in granting, permitting, or allowing a change of nonconforming uses, may attach such conditions thereto as it may deem necessary and proper and the action, limitations, and conditions imposed, if any, shall be in writing, directed to the applicant, with a copy to be furnished to the city clerk, Building Inspector, and Administrative Officer. Violations of any of the conditions, as may be set for by the Board of Adjustment, shall be deemed a violation of this chapter and subject to the penalties described in this Ordinance.

5. The change of nonconforming use, as may be granted, permitted, or allowed by the Board of Adjustment, applies to the subject property and not to the individual who applied and, therefore, cannot be transferred by the applicant to a different property.

6. Unless otherwise specified at the time the change of nonconforming use is granted, permitted, or allowed, it applies to the subject property for an indefinite period of time. However, in the case where the change of nonconforming use has not occurred within a year after the date of granting thereof, then, without further action, the change of nonconforming use permit shall be null and void and reapplication to the Board of Adjustment shall have to be made.

7. The procedures for applying to the Board of Adjustment for a change in nonconforming use and the fees charged for such applications shall be the same as provided by Section 20.0, A., 2. of this Ordinance.

8. Notice of public hearing shall be given in accordance with Section 18.2 of this Ordinance.

9. The public hearing shall be held. Any person may appear in person, by agent, or by attorney.

10. Prior to granting a change from one nonconforming use to another, the Board of Adjustment shall make findings that the requirements of this and other applicable sections of this Ordinance have been met by the
applicant.

SECTION 19.7 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 terms of this Ordinance, reverse or affirm wholly or partly, or may modify the order, requirements, decision, or determination, as ought to be made, and to that end shall have powers of the Zoning Administrator, from whom the appeal is taken.

B. A simple majority of the total membership of the Board of Adjustment, as established by regulation or agreement, shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, 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.
ARTICLE XX

FEES, CHARGES, AND EXPENSES

SECTION 20.0 SCHEDULE OF FEES, CHARGES, AND EXPENSES: The city of Park Hills hereby establishes the following schedule of fees, charges, and expenses, for zoning permits, building permits, appeals, zoning applications, and other matters pertaining to this Ordinance.

A. ZONING PERMIT:

1. New Construction
   a. Residential Uses
      (1) For the first three (3) dwelling units - Fifteen dollars ($15.00).
      (2) For each additional dwelling unit over three (3) - one dollar ($1.00).
      (3) Total fee shall not exceed one hundred dollars ($100.00).
   b. Commercial and Industrial Uses
      (1) Where total building area is five thousand (5,000) square feet or less - thirty-five dollars ($35.00).
      (2) For each one thousand (1,000) square feet or fraction thereof over five thousand (5,000) square feet - three dollars ($3.00).
      (3) The total fee shall not exceed two hundred fifty dollars ($250.00).

2. Alterations, additions, or changes from one permitted use to another
   a. Changes in uses or changes to buildings wherein the zoning classification and dimensions are not changed - No fee.
   b. For each increase in building area of one hundred fifty (150) square feet or fraction thereof - six dollars ($6.00).
   c. For each additional one hundred (100) square feet or fraction
thereof over one hundred fifty (150) square feet - two dollars ($2.00).

3. Fences - Any fence permitted or required by this Ordinance - five dollars ($5.00).

4. Signs - as provided for in Section 15.5 of this Ordinance.

5. The fee for a conditional zoning certificate, shall be thirty - five dollars ($35.00) and in addition if the Board of Adjustment deems it necessary to cause special studies to be made, the applicant shall bear all direct and related costs.

B. BUILDING PERMIT: The fee for a building permit shall be as provided for in the Building Code of the city of Park Hills or as otherwise established by the Board of Council.

C. CERTIFICATE OF OCCUPANCY FOR NONCONFORMING USES AND STRUCTURES: The fee for a certificate of occupancy permit for lawful nonconforming uses and structures shall be five dollars ($5.00).

D. MOVE AND SET PERMIT: As provided in Section 9.15, C., 7. of this Ordinance.

E. APPEALS: The fee for all appeals to the Board of Adjustment (except as set forth in Section 20.0, A., 5. of this Ordinance) shall be fifty dollars ($50.00).

F. AMENDMENTS TO THIS ORDINANCE: The fee for applying for an amendment to this Ordinance (including a map amendment) shall be as required by the Planning Commission. A separate application shall be required for each proposed amendment.

G. FEES NOT RETURNABLE: Fees required in any of the foregoing regulations or in any parts of this Ordinance shall not be returnable for any cause, regardless of outcome of decision on any application, except that the Zoning Administrator shall refund one - half (1/2) of the fee paid for filing rezoning application, if such application is withdrawn prior to the publication of notice of public hearing before the Planning Commission. No fee, or part thereof, shall be refunded once an application has been advertised for public hearing before the Planning Commission.
APPENDIX A

ZONES AS REGULATED BY OTHER LEGISLATIVE BODIES

SECTION 10.10  R-1F (RESIDENTIAL ONE-F) ZONE (Kenton County)

A. PERMITTED USES
   1. Single-family residential dwellings (detached)
   2. Qualified manufactured homes, subject to the compatibility standards established in Section 9.32 of this ordinance

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

C. CONDITIONAL USES: The following uses, or any customary accessory buildings or uses, subject to the approval of the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:
   1. Cemeteries
   2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
   3. Fire and police stations, providing they are located adjacent to an arterial street
   4. Funeral homes, provided they are located adjacent to an arterial street
   5. Governmental offices
   6. Institutions for higher education, providing they are located adjacent to an arterial street
   7. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
   8. Nursery schools
   9. Public and parochial schools;
   10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
   11. Recreational uses other than those publicly owned and/or operated, as follows:
Appendix A   Zones Regulated By Other Legislative Bodies

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES

1. Minimum lot area - Six thousand (6,000) square feet
2. Minimum lot width at building setback line - Fifty (50) feet
3. Minimum front yard depth - Twenty-five (25) feet
4. Minimum side yard width - Total: Ten (10) feet; One Side: Five (5) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES

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

F. OTHER DEVELOPMENT CONTROLS

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

### SUMMARY OF AMENDMENTS

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