

2020 Highland Heights Zoning Ordinance



Highland Heights, Kentucky

OFFICIAL ZONING ORDINANCE 2020

CITY OF HIGHLAND HEIGHTS

Approved by the Highland Heights Planning Commission – November 10, 2020

Adopted by the Highland Heights City Council – December 15, 2020

AMENDMENTS:

Article 10 Professional Office Building (PO) Zone Text Amendment: The zoning regulations were amended to include additional office-related, service, and/or commercial uses within the PO Zone. Amendments affected the Uses Permitted, Accessory Uses, Conditional Uses, Area and Height Regulations, and Other Development Controls sections of the PO Zone. Public Hearing Date July 13, 2021, Planning Commission approval August 10, 2021. Highland Heights City Council adoption **September 16, 2021.**



2020 Highland Heights Zoning Ordinance

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ARTICLE 1

A ZONING ORDINANCE

SECTION 1.0: An Ordinance dividing the city of Highland Heights, Commonwealth of Kentucky, into zones. Zones of such shape and area as is deemed suited to carry out these regulations: Regulating the location, heights, number of stories and size of building and other structures; regulating the size of yards and other open spaces and the density and distribution of population and uses of buildings, structures and land for residential, commercial, industrial, and other purposes; prescribing penalties for the violations; providing for enforcement; a board of adjustments and repealing all regulations, resolutions, orders, ordinances and/or codes in conflict with this ordinance.

BE IT ORDAINED by the City Council of the city of Highland Heights, Commonwealth of Kentucky, as follows:

ARTICLE 2

PURPOSE AND AUTHORITY

SECTION 2.0 AUTHORITY: The City Council of the city of Highland Heights in pursuance of the authority of Kentucky Revised Statutes (K.R.S. 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 Highland Heights to promote the public health, safety, morals, and general welfare of the city, to facilitate orderly and harmonious development and the visual or historical character of the city, and to regulate the density of population and intensity of land use in order to provide for adequate light and air. In addition, this Ordinance has been prepared to provide for vehicle off-street parking and loading and/or unloading space, as well as to facilitate fire and police protection, and to prevent the overcrowding of land, blight, danger, and congestion in the circulation of people and commodities, and the loss of life, health, or property from fire, flood or other dangers. The zoning regulations and districts as herein set forth are also employed to protect highways, and other transportation facilities, public facilities, including schools and public grounds, the central business district, natural resources and other specific areas in the city of Highland Heights which needs special protection by the city.

ARTICLE 3
SHORT TITLE

SECTION 3.0 SHORT TITLE: This Ordinance shall be effective throughout the city of Highland Heights, Kentucky, and shall be known, referred to and recited to as the "OFFICIAL ZONING ORDINANCE OF THE CITY OF HIGHLAND HEIGHTS".

ARTICLE 4

INTERPRETATION

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

SECTION 4.1 PERMIT OR LICENSE IN VIOLATION: Notwithstanding any other provisions of this ordinance or any other ordinances, rules, codes, permits, or regulations of the city of Highland Heights; 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 5

CONFLICT

SECTION 5.0 CONFLICT: All ordinances and parts of ordinances of the city of Highland Heights in conflict herewith are hereby repealed; providing, however, that such repeal shall not effect or prevent the prosecution or punishment of any person for any act done or committed in violation of any such ordinances and parts there of hereby repealed prior to the effective date of this Ordinance.

ARTICLE 6

SEVERABILITY CLAUSE

SECTION 6.0 SEVERABILITY CLAUSE: That should any Article, Section, sub-section, sentence, clause, or phrase of this Ordinance, for any reason, be held unconstitutional or invalid, such decision or holding shall not affect the validity of the remaining portions hereof. It being the intent of the City Council of the city of Highland Heights to enact each section, and portion thereof, individually, and each such section shall stand alone, if necessary, and be in force not withstanding the invalidity of any other Section or provision.

ARTICLE 7

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 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; and
- E. is of a size such that the projected area in any vertical plane is greater than 15 square feet or have a total surface area of greater than 36 square feet.

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 sorting 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.

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 conveyer, blower, steam cleaning device, or other mechanical devices. Thus 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 this purpose of this Ordinance, coin operated devices, of the above nature, which are operated on a self service basis shall be constructed to be the same.

AUTOMOBILE PARTS AND ACCESSORIES: A retail establishment that sells parts, components and accessories for motor vehicles but that does not conduct automotive repair activities, pursuant to the definition of “automotive repair facility,” and that does not conduct wholesaling or warehousing and distribution activities. This type of establishment can include incidental changing of wiper blades, batteries or air filters in the parking lot.

AUTOMOBILE REPAIR: A business establishment that repairs, rebuilds, reconditions, or services automobiles or automotive parts, including but not limited to any of the following activities: body and paint work; engine repair or rebuilding; installation, repair, or reconditioning of tires, brakes, transmissions, mufflers, automotive electrical or air conditioning systems, automotive upholstery, or automotive glass, changing of oil, other fluids, and filters; emissions testing and vehicles inspections all on an individual vehicle basis.

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 from the premises.

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.

BOARD OF ADJUSTMENT OR BOARD: Board of Adjustment, city of Highland Heights, 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 definite periods.

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

and incidental to grading or to building construction on the premises.

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

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

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

BUILDING AREA OR LOT COVERAGE BY BUILDING: That portion of a lot or building site that can be legally occupied by the ground floor of the principal building or use and all permitted, accessory uses 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 Highland Heights 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 Highland Heights' Building Inspector authorizing the construction or alteration of a specific building, structure, sign or fence on a specific tract.

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

BUILDING SITE: One continuous piece of land that meets all of the provisions of the city

of Highland Heights' 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 constructed to mean merely a residential, commercial, industrial, etc., but specifically Residential R-1A, R-1B, R-2, CBD-1, CBD-2, etc.

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

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

CARPORT: *See* GARAGE, PRIVATE.

CELLAR: The 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.

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.

CITY: The City of Highland Heights, Kentucky.

CLINIC, ANIMAL: A building used by a group of professional medical persons for the healing arts or treatment of small animals on an out-patient/in-patient, but 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.

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

COMMISSION (PLANNING COMMISSION): The Highland Heights Planning Commission, Campbell County, Kentucky.

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

- A. A statement of goals and objectives, principles, policies, and standards;
- B. A land use plan element;

- C. A transportation plan element;
- D. A community facilities plan element;
- E. May include any additional elements, such as, without being limited to, community renewal, housing, flood control, pollution, conservation, natural resources, and others.

COMPUTER STORE – RETAIL: Business in which computers, computer components, and software are available for retail sales. Service and upgrades are secondary to the retail aspect of the operation.

COMPUTER STORE – SERVICE: Business in which computer repair, service, and/or consulting is offered as the primary function of the business with the sale of components and other repair items being a part of that service. Software is secondary to the service aspect of the business.

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

CONDITIONAL USE: A use which may be suitable as determined by the Board of Adjustments 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.

CONVENIENCE STORE: A small retail store that has in stock and sells grocery and deli items, and other day-to-day goods, on the general scale of couple of thousand square feet of shopping space. A convenience store may offer the retail sale of motor fuels, and a filling station canopy as an accessory use or conditional uses if permitted in the subject zoning district.

COUNCILMEN: Members of the City Council, city of Highland Heights, Commonwealth of Kentucky.

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 properties.

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 City Engineer shall authorize and approve the establishment or such curb level or its equivalent for the purpose of the Ordinance.

DAY CARE CENTER: Any facility or home that cares for more than six children or adults unrelated to the operator on a regular basis, for the purpose of child care or adult care, including education, accessory buildings and play areas. Day care centers are sometimes referred to as Nursery Schools, are also regulated by state laws and do not include overnight accommodations.

DAY CARE, FAMILY: A home that regularly cares for six or less unrelated (unrelated to the operator) children or adults for the purpose of child care or adult care on a non-residential basis. A family day care facility must be accessory to a residential use.

DAY CARE FOR PETS: A facility that cares for household pets, typically oriented toward dogs for the purpose of daily care within normal daytime business hours, but not including overnight accommodations or care. These facilities may also be regulated by state laws, and may include outdoor excurses areas subject to board of health standards and/or buffering requirements.

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”.

DEEDED AND ACCEPTED RIGHT-OF-WAY: An appropriation of land to some public uses, made by the owner of the fee and accepted for such use by and in behalf of the public.

DISH: That part of a satellite signal receiving station characteristically shaped like a saucer or dish.

DISH-TYPE SATELLITE SIGNAL RECEIVING STATION: A signal receiving device (antenna, dish antenna, or dish-type antenna) the purpose of which is to receive communications or other signals from satellites in each orbit or other extraterrestrial sources. The device usually has a low-noise amplifier (LNA) which is situated at the focal point of the receiving component, and the purpose of which is to magnify, store, transfer and/or transmit electronic of light signals.

DECOMPOSE BY DETONATION: Refers to the detonation of explosives as part of blasting and to those uses that utilize blasting during processing, manufacturing, compounding, packing or assembling.

DISTRICT: For purpose of this Ordinance, Synonymous with “Zone”.

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

DRIVE-IN, EATING OR DRINKING PLACE: *See* EATING ESTABLISHMENTS— RESTURANTS.

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

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

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

DWELLING, DOUBLES: *See* DWELLING, TWO

FAMILY. DWELLING, DUPLEXES: *See* DWELLING,

TWO FAMILY.

DWELLING, GROUP HOUSE: A building that has not less than three (3) one-family housekeeping units erected in a row as a single building on one lot or one adjoining lot, 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, RESIDENTIAL CARE FACILITY: A residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities. “Person with a disability” means a person with a physical, emotional, or mental disability, including, but not limited to, an intellectual disability, cerebral palsy, epilepsy, autism, deafness or hard of hearing, sight impairments, and orthopedic impairments, but not including convicted felons or misdemeanants on probation or parole or receiving supervision or rehabilitation services as a result of the prior conviction, or mentally ill persons who have pled guilty but mentally ill to a crime or not guilty by reason of insanity to a crime. “Person with a disability” does not include persons with current, illegal use of or addiction to alcohol or any controlled substance. “Services” means, but is not limited to supervision, shelter, protection, rehabilitation, personal development,

and attendant care.

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

DWELLING, TRAILER: *See* MOBILE HOME.

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

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

EARTH STATION: *See* Dish-Type Satellite Receiving Station.

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

EATING ESTABLISHMENTS - RESTAURANTS:

- A. **Fast Service Restaurants** - Those restaurants which have limited variety of menu and use limited food preparation techniques to serve food quickly. The food is often dispensed in disposable material, there is less need for storage (food or china) and less elaborate scullery area (Dishwashing machinery) is needed.
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 and seating arrangements, whether interior or exterior. This category would also include cafeteria type self-service, sit down restaurants. The menu will have a variety of preparation techniques; scullery areas, china storage, and larger food storage facilities will be necessary.
- C. **Fast Food Restaurants** – A restaurant which provides ready-made food or readily prepared made to order food served in a disposable containers or wrappers. They typically include drive-through service, and orders are generally not taken at the customer’s table. Fast Food restaurants are typically franchised and include corporate trademarks and standardized corporate architecture.

- D. Combination - A restaurant which provides any combination of sit-down service plus the capability of providing carry-out, drive-through, 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 for the public health, safety, or general welfare. This definition is not mean to include buildings.

FAMILY: Any number of persons related by blood, legal adoption, or marriage, or group of not more than three (3) persons (excluding servants or caretakers) who need not be related by blood or marriage, living together in a single housekeeping unit as their common home for the time, not different from usual residential property use in scale and land use impacts including building ingress and egress, driveways, minimum yard requirements, and access to on-street parking. The impact should not be as much as that of multi-family dwelling units which have a different level of infrastructure, design, building code, vehicular access and parking requirements and are permitted in distinct zoning districts. Family is distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity or sorority house, rehabilitation, or component of the criminal justice system.

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

FLOOD 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 center lines 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 center line 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 appertains to a residential commercial, or office use 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 member ship 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 on one (1) side of the right-of-way of a street, measured along the right-of-way line of the street between the lot lines as extended to intersect said right-of-way line of said street. In no case shall the line along an alley be considered as acceptable for 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 two (2) ton capacity. This definition shall not include a public garage.

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

GASOLINE FILLING STATION: A facility that primarily offers the retail sale of gasoline and similar fuels. A gasoline filling station may offer automotive wash services if permitted in the particular zone as a principally permitted, accessory, or conditional use. Gasoline filling stations can include the sale of packaged food and drinks, and similar convenience goods as accessory and incidental to the principle fuel islands.

GROUP HOUSING: *See* DWELLING, GROUP HOUSE.

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

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.

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 not have outside runs.

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 provision made for cooking in any of the rooms as specified.

HOUSEHOLD: One or more individuals occupying a single dwelling unit.

HOUSE TRAILER: *See* MOBILE HOME.

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 an auto wrecking yard or other 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 or a portion of a building 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 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 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.

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

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

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

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

LOT AREA: The total area of a horizontal plane bounded by the front, side and rear lot lines, but not including any area occupied by rights-of-way, flood plains, the water 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 in which the interior angle of such intersection or curved street does not exceed one hundred thirty-five (135) degrees.

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

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

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

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

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

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

LOT WIDTH: The width of a lot as measured along the minimum building front set back line.

LOT, ZONING: A “zoning lot or lots” is a single tract of land located within a single block, which (at a 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.

MASSAGE THERAPIST: One who has received a diploma or other recognized credentials, issued by a recognized school of massage which has been approved by the American Massage and Therapy Association of like institution.

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

MINIMUM BUILDING SETBACK LINE: A line parallel to the front, side and/or rear lot line and setback 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 lot 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.

MOBILE HOME PARK: An 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 with this definition.

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

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

related to the context specified herein.

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 health department.

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

NURSERY SCHOOL: See Day Care Center definition.

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

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

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

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

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

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

SCHOOLS, PUBLIC: An institution or place for instruction of education belonging to the public and established and conducted under public authority in the various districts, counties

or cities and maintained at the public expense by taxation, and open with or without charge to the public for their attendance. This does not include schools owned and/or conducted by private parties though said schools may be open to the public generally and though tuition may be free. Schools in the aforementioned category of public schools shall include all public cottage or kindergarten, elementary, junior high, high school, junior colleges, college and universities, but no others.

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

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

SIGN: Any work, lettering, figures, numbers, phrases, sentences, emblems, devices (including loud speakers), designs, pictures, trade names or trademarks, by which is affixed to, or represented directly or indirectly upon a building, structure, vehicle (including portable type vehicles) or piece of land and which directs attention to an object, place, activity, person, firm, corporation, institution, business, service, commodity or a product, which are visible from the rights-of-way of any street, road, highway, or pedestrian area, and designed to attract attention. The term "sign" shall not include the flag, pennant or insignia of any nation, state, county, city, or other political unit, or any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, monument, event or any type of traffic or warning sign or signal or the usual house or building number or a sign posted on a service or delivery type vehicle.

SIGN, ANIMATED: Any sign having a conspicuous and intermittent variation in the illumination or physical position of any part of the sign.

SIGN, BUSINESS: A sign which directs attention to a business, profession or industry located upon the premises where such sign is displayed or to which it is affixed to type of products sold, manufactured or assembled and/or to service or entertainment offered upon said premises, but not pertaining to an advertising sign if such activity is only minor and incidental to the principal use of the premises.

SIGN, CANOPY: Any sign affixed directly to any canopy.

SIGN, FLASHING: Any sign having a conspicuous and intermittent variation in the illumination of the sign.

SIGN FLAT: Any sign which is attached directly, in a rigid manner and parallel to the building wall and shall not extend outward from the building wall more than twelve (12) inches, except, however, if the sign is illuminated, the reflectors shall project not more than

four (4) feet beyond the face of the sign. Such sign or signs shall not extend beyond the top or ends of the wall surface on which they are placed.

SIGN, GROSS AREA OF: The entire area within a single continuous perimeter enclosing the extreme limits of a sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

SIGN, GROUND: Any sign erected, constructed, or maintained directly upon the ground or upon uprights or braces placed in the ground with a maximum permitted ground clearance of three (3) feet.

SIGN, IDENTIFICATION: A sign used to identify: the name of the individual, family, organization, or enterprise occupying the premises; the profession of the occupant; the name of the building on which the sign is displayed.

SIGN, INDIVIDUAL LETTER: Letters and/or numbers individually fashioned from metal, glass, plastic, or other materials and attached directly to the wall of a building, but not including a sign painted on a wall or other surface.

SIGN, POLE: Any sign affixed to a free-standing supporting pole or poles, embedded in, and extending upward from the ground with a minimum ground clearance of three (3) feet.

SIGN, PROJECTING: Any sign projecting from the face of a building and securely attached to the building by bolts, anchors, chains, guys, or to posts, poles, or angle irons attached directly to the building.

SIGN, WINDOW: Any type of sign or outdoor advertising device which is attached to a window of any building, but shall not extend past the limits of said window. For the purpose of Article 14, SIGN REGULATIONS, the word window shall be construed to mean any glass which comprises part of the surface of the wall regardless of its move-ability.

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) 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 or occupants of the premises and not kept for compensation, hire or sale.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor

and the ceiling next above it. For purposes of this ordinance, abasement shall be counted as a story.

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

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

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 in general with grade separations at major intersections.

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

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

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

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

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 re-subdivision and when appropriate to the context shall relate to the process of subdivision or to the land subdivided.

SWIMMING POOL: Any structure or device of any kind that is intended for swimming purposes, including but not limited to any pool or tank of any material or type of construction,

or any depression or excavation in any natural or constructed material or type of berm of any material or type of construction; including all appurtenances to such structure or device and all appliances used in connection there-with; which structure or device is intended to cause, or would cause if completely filled, the retaining of water to a greater depth than seventeen (17) 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-private, 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 church, club, country club or regular attendants at such school and by individual guests (as distinguished from groups of any kind) of the foregoing with no payment of any kind or in any form being charged or being received for such use.
- C. Public: a swimming pool operated by a unit of government or quasi-public organization for the general public.
- D. Commercial: a swimming pool operated for profit, open to the public upon payment (of an hourly, a daily, weekly, monthly, annual, or other fee).

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

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

TOURIST COURT: *See* MOTELS.

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

TRAILER: *See* CAMPING/VACATION MOBILE UNIT.

USE, PERMITTED: A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such district(s).

VARIANCE, DIMENSIONAL: A departure from the terms of this zoning ordinance pertaining to the heights or width or 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.

YARD: An open space of 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 Yards”.

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 for which the provisions of this ordinance are applicable. (Synonymous with the word “District”).

ZONING ADMINISTRATOR: The official or officials appointed by the city for carrying out the provisions and enforcement of this ordinance.

ARTICLE 8

ESTABLISHMENT OF ZONES

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

R RECREATION ZONE;
R-RE RESIDENTIAL RURAL ESTATE AND AGRICULTURE ZONE;
R-1B RESIDENTIAL ONE B ZONE;
R-1C RESIDENTIAL ONE C ZONE;
R-1D RESIDENTIAL ONE D ZONE;
R-1E RESIDENTIAL ONE E ZONE;
R-1EF RESIDENTIAL ONE EF ZONE;
R-1F RESIDENTIAL ONE F ZONE;
R-1G RESIDENTIAL ONE G ZONE;
R-1H RESIDENTIAL ONE H ZONE;
R-2 RESIDENTIAL TWO ZONE;
R-3 RESIDENTIAL THREE ZONE;
PUD PLANNED UNIT DEVELOPMENT OVERLAY ZONE;
SC SHOPPING CENTER ZONE;
GC GENERAL COMMERCIAL ZONE;
PO PROFESSIONAL OFFICE ZONE;
LSC LIMITED SERVICE COMMERCIAL ZONE;
I INDUSTRIAL ZONE;
MLU MIXED LAND USE ZONE;
ROD REDEVELOPMENT OVERLAY DISTRICT 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 MAP OF THE CITY OF HIGHLAND HEIGHTS, KENTUCKY", and shall so remain on file in the office of the city Zoning Administrator.

SECTION 8.2 CHANGES ON ZONING MAP: If, in accordance with the provisions of this ordinance and the Kentucky Revised Statutes, changes area 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) promptly after the amendment to this ordinance has been approved by the legislative body. Such change shall not become effective until said changes have been made on sail map (or maps). In addition, no building, structure, sign or fence permit shall be approved or issued until the OFFICIAL ZONING MAP (or maps) indicate the proper zoning for the used intended as indicated upon the application for the 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 procedures set forth in this ordinance.

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

SECTION 8.3 REPLACEMENT OF OFFICIAL ZONING MAP: In the event that the Official Zoning Map (or maps) become damaged, destroyed, lost, or are deemed necessary to be replaced due to the age of the map or corrections in location of right-of-way or subdivisions, the city of Highland Heights 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 thereof.

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 boundary of a street, road, or highway 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 parallel to features indicated in Rules A through E, of this section, shall be construed as parallel to such features. Boundaries indicated as approximate extensions of features indicated in Rules A through E or 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 ANNEXED TERRITORY: AREAS NOT INCLUDED WITHIN ZONES:

In any case where territory is annexed to the City of Highland Heights, the zoning classification for such territory shall be the same as it was under the unit of government which exercised jurisdiction of such territory prior to its annexation. That all regulations, resolutions and ordinances necessary to administer the said zoning shall be adopted into this ordinance by reference until the action provided for below is complete.

Within a period of sixty (60) calendar days after a territory is finally annexed to the City of Highland Heights, the Planning Commission shall initiate action to amend its comprehensive plan, to include the annexed territory in accordance with requirements of KRS Chapter 100.

Following said action, the Planning Commission shall further take action to review the appropriate zoning classification for said territory in accordance with the City's adopted comprehensive plan for implementing changes, if any, appropriate or necessary, in accordance with KRS Chapter 100.

If any other case where territory has not been included within a zone, such territory shall be considered to be in the Recreation, R Zone until otherwise classified.

ARTICLE 9

GENERAL PERFORMANCE STANDARDS

SECTION 9.0 PURPOSE: General regulations 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 in the remaining portion of the area shall be subject to compliance with all 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 17.5 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. Article 11 of this ordinance contains specific sight distance requirements for new development.

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. 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 above element is a part.

- B. A building or structure, except an enclosure 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 11.
- D. Open spaces on the premises shall be suitably landscaped and maintained and a screening area according to Section 9.17 of this ordinance may be required in and along any yard.
- E. The stored 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 Planning Commission 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.

SECTION 9.7 EXCAVATION, MOVEMENT OF SOIL, TREE REMOVAL, AND EROSION AND SEDIMENTATION CONTROL:

- A. No governmental entity or other person or entity shall strip, excavate, fill, or otherwise move soil, trees, or other vegetation for sale, or any other purpose, except for minor changes such as the filling of small pockets in lots, removal of vegetation which is diseased or endangering the public safety, flower beds and other similar operations, in any zone set forth in this ordinance without first insuring that all requirements of the Subdivision Regulations of the city, if applicable, have been fulfilled and then obtaining a permit from the Zoning Administrator for such stripping, excavation, filling, or other means of soil movement including wholesale removal of trees and other vegetation. Each proposed plan for site grading or disturbance must be examined to determine applicability of the requirements of the Sanitation District of Northern Kentucky #1.
- B. The Zoning Administrator may issue the required permit after determining that the resulting change in grade or removal of trees and other vegetation in the affected area will be in conformance with all applicable provisions of this ordinance. The provisions of this section shall not be construed to prohibit normal excavation or grading incidental to the construction or alteration of a building on the premises for which a building permit has been granted as required otherwise in this ordinance.
- C. Erosion and Sedimentation Control: Controls for excavation, movement of soil, tree removal and effective erosion and sediment controls shall be planned and

applied according to the following principles:

1. The smallest practical area of land should be exposed at any one time during development.
 2. When land is exposed during development, the exposure should be kept to the shortest practical period of time.
 3. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
 4. Sediment basins (debris basins or silt traps) shall be installed and maintained to remove sediment from run-off water from land undergoing development.
 5. Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development.
 6. Permanent final vegetation and structures shall be installed as soon as practical in the development.
 7. The development shall be fitted to the topography and soils so as to create the least erosion potential; and
 8. Wherever feasible, natural vegetation shall be retained and protected.
- D. Stormwater retention and/or detention shall be required whenever the amount of stormwater runoff from a site is increased by new development. The following criteria shall be used in planning and designing the required stormwater retention and/or detention areas: Each proposed plan for storm water detention or retention must be examined to determine applicability of the requirements of the Sanitation District of Northern Kentucky #1 and other agencies with stormwater regulatory authority.
1. Calculate the Pre-Development Site Runoff Rate based on the "Rational Method", $Q=CIA$ based on the existing site conditions and a 25 year storm frequency.
 2. Calculate the Post-Development Site Runoff Rate using the "Rational Method", $Q=CIA$ based on the proposed site conditions and a 50 year storm frequency.
 3. The Allowable Discharge Rate from the retention and/or detention area cannot exceed the Pre-Development Site Runoff Rate calculated for the site.
 4. The amount of detention volume required for a subdivision or development must not be less than the Post-Development Runoff Rate minus the Pre-Development Runoff Rate multiplied by the recruited detention time of 30 minutes.
 5. Fencing may be required around the detention and/or retention facilities when the location is not easily observed or in the opinion of the engineer is necessary.
- E. All excavations within the public rights-of-ways should be back filled full depth with flash fill, or an equal product approved in writing by the City Engineer. This

requirement shall be applicable to the repair of existing utilities, or for the construction of any new utilities under the existing or proposed paving and any utilities within three (3) feet of the paving limits. Paved area shall include but not be limited to streets, sidewalks, driveways, aprons, and curbs.

SECTION 9.8 OUTSIDE 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 to have an impact on the vitality of the district, adjacent land uses, or public view in the opinion of the Zoning Administrator.

Regular salvage and junk yards shall be adequately enclosed with a solid fence or wall as regulated by Article 11 of this ordinance and an approved permanent planting screen may also be required as regulated in Section 9.17 of this ordinance.

Outside storage, display, and loading areas are permitted only when listed as a permitted use in the applicable zoning district, provided such activities are an integral function of the principal use, located in the side or rear yard, and not located in a required landscaped area. Such areas shall be screened and enclosed with a wall structure constructed of decorative masonry, brick, stucco or material that is the same or compatible with the principal building, and attached to the principal building on the site. Metal fixtures must be architectural grade.

All construction materials not committed to a current on-site project, automobile parts, disabled vehicles, barrels, buckets, tarp-covered materials, commercial products, new or reclaimed lumber, electronics, wire and similar new or used items cannot be stored outside unless accessory to an approved industrial or commercial use and sufficiently screened per approved plans and permits.

Trash, items that are in not in working order, and miscellaneous refuse shall not be stored in the open. Grass and weeds shall be kept in mowed condition under 8 inches in lawn areas that are not part of an officially-conserved easement or ownership through a public or private, nonprofit environmental reclamation/preservation project.

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

SECTION 9.10 APPLICATION OF ZONING REGULATIONS:

- A. Except as herein provided, no public or private structures except the service facilities or 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 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 structures is to be located or is located.
- C. Except as hereinafter provided, no lot area shall hereafter be so reduced or diminished that the yards or other open spaces shall 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 hereinafter 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, structures 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 space for any other building, structure or use.
- E. Every public or private building or other structures hereafter erected shall be located on a lot as herein defined and in no case shall there be more than one (1) principal building and permitted accessory structures on one (1) lot, except as hereinafter provided, nor shall any building be erected on any lot which does not abut at least twenty-five (25) feet on a deeded and accepted public right-of-way. 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. The minimum lot area and setback requirements for flag lots shall be 2.5 times the requirements for residential zones. In no case shall more than two flag lots be contiguous to each other at the publicly dedicated street.
- F. Accessory structures and uses (excluding off-street parking, loading and/or unloading areas, fences and signs) shall not be permitted within any required minimum front yard or side yard (on each side of the lot) in any zones. Accessory structures and uses (excluding off-street parking, loading and/or unloading, fences and signs) shall be permitted to extend into the minimum rear yard areas, as defined herein, in all zones, but must be set back from the rear lot line a minimum of ten (10) feet, and required minimum side yard clearances must be maintained. Location of off-street parking, loading and/or unloading areas, fences, and signs are governed by their respective sections, as provided herein. No temporary or portable structure, carport, shipping container, cargo container, tent, or air supported structure shall be erected in the front

yard of any residential zone for a period exceeding 7 days. Temporary and portable structures in the side or rear yards of residential zones can be erected for a period not to exceed 30 days provided they meet the required yard setback for the zone. Used truck or trailer bodies and cargo/shipping containers are prohibited from being used as permanent accessory structures in residential zones. PODS type storage units can be used for a period not to exceed 30 days, and can be in front of the house provided they are not in the right-of-way and they do not reduce the sight distance at any adjoining street or driveway.

- 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 required minimum yards or courts specified:
1. In All Minimum Required Yards or Courts – Awnings and canopies; 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 projecting eighteen (18) inches or less into the minimum required yards; arbors and trellises; flag poles; and bird baths; fences and walls, subject to the requirements in Article 11 of this ordinance; off-street parking, as provided for in Article 12 of this ordinance.
 2. In Minimum Front Yard Depths – One-story bay windows projecting three (3) feet or less into the minimum rear yard; overhanging eaves and gutters projecting three (3) feet or less into the minimum required side yard; driveways.
 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 three (3) feet or less into the minimum required rear yard; air conditioning equipment.
 4. In Minimum side Yard Width – Air conditioning equipment, excluding compressor for central air conditioning unit, overhanging eaves and gutters projecting eighteen (18) inches or less into the minimum required side yard; driveways.
 5. Off-street parking as provided in Section 12.0, C, 1.

SECTION 9.11 SPECIAL REQUIREMENTS GOVERNING HOME OCCUPATIONS:

The following requirements shall apply to home occupations when permitted herein:

- A. No persons other than members of the family residing on the premises shall be engaged in such operation. Off-site employees or private contractors shall not visit the residence more than once a week.
- 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, and 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 that will indicate from the exterior that the building is being utilized in part for any purpose other than that of dwelling unit, except that a name plate as regulated by Article 14 of this ordinance, shall be permitted.
- D. No home occupation shall be conducted in any accessory building nor shall there be any exterior storage of any materials on the premises.
- E. There shall be no commodity sold upon the premises in connection with such home occupation.
- F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. Visitors to the home occupation business shall not leave vehicles parked on site or on the street and then leave the site in another vehicle.
- G. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises, shall be used. The home occupation shall not have any service contractor types of vehicles such as work vans and work trucks that do not have the appearance of regular passenger vehicles parked on the street, and no construction equipment including tractors, chippers, stump grinders, back-hoes, dozers, ditch cutters, skid steers and similar equipment is allowed to be stored or parked on the premises.

Home occupations shall include the use of the premises for such things as:

1. Professional offices where the service rendered is by other than direct contact with customers at that location (for example, where the bulk of the business is by telephone actual work is performed in home and customer is contacted in other than that location); and
2. Also would be inclusive of persons engaged in the preparation of a commodity (such as certain clothing items by a seamstress, certain candy items or bakery items, etc.) to be sold at locations other than on the premises.
3. The residence used as a home occupation is to be used as an office and not as a contractor business so that tools and equipment are not evident.

Home occupations shall include the use of the premises by a physician, surgeon, dentist, lawyer, clergyman or other professional persons for consultation or emergency treatment, but not for the general practice of the profession.

**SECTION 9.12 NONCONFORMING LOTS, NONCONFORMING USES,
NONCONFORMING STRUCTURES, REPAIRS AND MAINTENANCE,
AND NONCONFORMING SIGNS:**

A. NONCONFORMING LOTS OF RECORD:

1. Any lot of record which does not meet the minimum requirements of this ordinance shall be considered a nonconforming lot of record.
2. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, not shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.
3. Where a single nonconforming lot of record exists having a lot area 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 a deeded and accepted right-of-way; the lot is of separate ownership from all adjacent and contiguous 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 dimensional variance from any minimum yard, setback, etc., is necessary to develop on said lot, an application for dimensional variance shall be submitted for review and approval by the board of adjustments in accordance with Article 17 of this ordinance.

B. NONCONFORMING USES:

1. **CONTINUANCE:** Except as herein provided, the lawful use of 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 – it shall become a legal nonconforming use. However, no nonconforming use may be enlarged or extended beyond its area of use at the time it becomes a legal nonconforming use, unless and until the use is brought into conformance with all provisions of this ordinance.
2. **CHANGE FROM ONE NONCONFORMING USE TO ANOTHER:**
As regulated by Article 17, Section 17.6 D, of this ordinance.
3. **TERMINATION:** In all cases, the Board of Adjustments shall hold a public hearing in accordance with the applicable requirements of Section 18.2 of this ordinance. Following that hearing, the Board may terminate the right to operate a nonconforming use based on any of the following the Board shall

state its:

- a. Non-operative, non-used, or abandoned for a period of twelve (12) consecutive months providing that the Board of Adjustment may allow the continuation of such nonconforming use if it is determined that reasons for such nonuse were beyond the owners/operators control.
 - b. Whenever the structure, in which the nonconforming use is operated, is damaged in any manner whatsoever and the cost of repairing such damage exceeds fifty (50) percent of the market value of such structure in which the nonconforming use is operated and a determination is made by the Board of Adjustments that this structure should not be reconstructed.
 - c. Whenever the structure, in which the nonconforming use is operated becomes obsolete or substandard under any applicable ordinance of the city and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds fifty (50) percent of the market value of such structure as of the date of the official order under the applicable ordinance and a determination is made by the Board of Adjustments that this structure should not be reconstructed.
 - d. Whenever said nonconforming use is determined to be detrimental or injurious to the public health, safety, or general welfare.
4. ZONE CHANGE: The foregoing provisions shall apply to uses which become legally nonconforming due to zone changes which take place thereafter.

C. NONCONFORMING STRUCTURES:

1. CONTINUANCE: Except as herein provided, any lawful nonconforming structure existing at the time of adoption of this ordinance, may be occupied, operated, and maintained in a state of good repair, but no nonconforming structure shall be enlarged or extended unless the enlargement or extension can be, and is, made in compliance with all of the provisions of this ordinance.
2. TERMINATION: In all cases the Board of Adjustments shall hold a public hearing in accordance with the applicable requirements of Section 17.2 of this ordinance. Following that hearing, the Board may terminate the right to operate a nonconforming structure based on any of the following conditions, and if the decision is to do so, the Board shall state its bases, in writing, for such determination:
 - a. Whenever the nonconforming structure is damaged in any manner whatsoever and the cost of repairing such damage exceeds fifty (50) percent of the market value of such structure and a determination is made by the Board of Adjustments that the structure should not be reconstructed.
 - b. Whenever the nonconforming structure becomes obsolete or substandard under any applicable ordinance of the city and the cost of

- placing such nonconforming structure in lawful compliance with the applicable ordinance exceeds fifty (50) percent of the market value of such nonconforming structures as of the date of the official order under the applicable ordinance and a determination is made by the Board of Adjustments that the structure should not be reconstructed.
- c. Whenever said nonconforming structure is determined to be detrimental or injurious to the public health, safety, or general welfare.
3. ZONE CHANGE: The foregoing provisions shall apply to structures which become legally nonconforming due to zone changes which take place thereafter.

SECTION 9.13 EXCEPTIONS AND MODIFICATIONS:

A. EXCEPTIONS TO HEIGHT LIMITS:

1. The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, chimneys, smoke stacks, radio and TV towers, conveyors, flag poles, masts and aerials, penthouses, scenery lofts, standpipes, parapet walls, outdoor theatre screens, other similar structures and necessary mechanical appurtenances; provided their construction is in accordance with existing or hereafter ordinances of the city, and is accepted to the Federal Aviation Agency and the Federal Communications Commission.
2. In the districts where permitted as conditional uses, public or semi-public buildings or hospitals may be erected to a height not exceeding seventy-five (75) feet when the front, side and rear yards are increased an additional foot for each foot such buildings exceed the maximum height permitted in that district.

B. EXCEPTIONS TO AREA AND YARD REGULATIONS:

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 multifamily 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 yards.
 - b. The width of the court shall not be less than two and one-half (2 ½) times the width of the side yard as required in the district in which said court apartment or multi-family dwellings are located.
 - c. Where a roadway is provided in the court, the width allowed for such roadway shall be in addition to the required in the foregoing

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- 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 said court apartments or multi-family dwellings are located.
 - e. Every part of a required minimum yard or court shall be open front, its lowest point to the sky obstructed, except for permitted obstructions in minimum required yards as specified in Section 9.10 (G) of this ordinance.
3. Where existing or proposed development within the multi-family (R-2 and R-3) and commercial (SC, GC, PO, MLU, ROD, and LSC) Zones are 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 the 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 subdivided 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 the facilities constructed thereon.
 - c. A site plan as regulated by the applicable requirements of Article 15 of this ordinance, including the proposed area and yard requirements for the development, is submitted for review and approval by the planning commission.
 - d. In addition, the planning commission may waive the requirement that all lots about a minimum frontage along a dedicated right-of-way are assured an unencumbered and maintained access way by the association to a dedicated right-of-way in accordance with Subsection 9.13, B, paragraph 3, b, above 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. Where the average depth of existing front yards within three hundred (300) feet of the lot in question and within the same block front, is greater than the minimum front yard depth required by this ordinance, the required minimum front yard depth on such lot shall be modified to be the average depth of said existing front yards.

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

SECTION 9.14 CONDITIONAL USES:

A. **DETERMINATION:** The Board of Adjustment may authorize a conditional building and use to a located within any zone in which the particular conditional use is permitted by the 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 of 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 Adjustments shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the zoning regulations which may be suitable only in specific locations in the zone only if certain conditions are met:

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

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

(b) If the applicant submits a modified plan to the relevant regulatory authorities in order to comply with all of the requirements of building,

housing, and other regulations that expands the applicant's conditional use beyond the previously established geographic boundaries of the original conditional use permit, then the expanded conditional use shall be reviewed by the board. This review shall be limited to an examination solely of the expanded geographic boundaries of the modified plan. The board may deny the applicant's conditional use permit for the expanded geographic area.

(c) The applicant shall have the duty of informing the board of modifications made in accordance with paragraph (b) of this subsection, within fourteen (14) days of their submission. The applicant's failure to provide the board with notification shall be grounds for the board to revoke the conditional use permit, after a hearing before the board.

(3) In any case where a conditional use permit has not been exercised within the time limit set by the board, or within one (1) year if no specific time limit has been set, such conditional use permit shall not revert to its original designation unless there has been a public hearing. "Exercised," as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement have 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 under contract, in development, are 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 administrative official shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions listed on the conditional use permit, the administrative official shall report the fact in writing to the chairman of the board of adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the chairman of the board of adjustment. The board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one (1) week prior to the hearing. If the board of adjustment finds that the facts alleged in the report of the administrative official are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the board of adjustment may authorize the administrative official to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

(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 administrative official, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file. Thereafter said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.

(6) When an application is made for a conditional use permit for land located within or abutting any residential zoning district, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant, administrative official, the mayor and city clerk of any city with a population of less than three thousand (3,000) based upon the most recent federal decennial census so affected within any county containing a consolidated local government, an owner of every parcel of property adjoining the property to which the application applies, and such other persons as the zoning ordinance, regulations, or board of adjustment bylaws shall direct. Written notice shall be by first-class mail with certification by the board's secretary or other officer that the notice was mailed. It shall be the duty of the applicant to furnish to the board the name and address of an owner of each parcel of property as described in this subsection. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.

(7) When any property within the required notification area for a public hearing upon a conditional use permit application is located within an adjoining city, county, or planning unit, notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by first-class mail to certain public officials, as follows: (a) If the adjoining property is part of a planning unit, notice shall be given to that unit's planning commission; or (b) If the adjoining property is not part of a planning unit, notice shall be given to the mayor of the city in which the property is located or, if the property is in an unincorporated area, notice shall be given to the judge/executive of the county in which the property is located.

SECTION 9.15 BUILDING REGULATIONS: All single-family residential and accessory structures shall be designed, erected, or altered in accordance with the city's housing and building codes. Commercial, Office, Industrial, and multi-family structures are

reviewed by the Campbell County Building Inspection Department, and/or the State of Kentucky.

A. ALL ZONES:

1. PUBLIC WATER AND SANITARY SEWERS: No building may be constructed in any zone except the R-RE Zone unless such building is connected to a public water and centralized sanitary sewer system of adequate capacity and design, and approved by the proper authorities. In the case of the R-RE Zone, private sewage disposal systems may be permitted, provided they are approved in accordance with the requirements of the Northern Kentucky District Health Department. Where existing buildings are presently unserved by a public sewer system and are located within a reasonable distance, as determined by the Planning Commission and/or the Northern Kentucky District Health Department, of an existing or newly extended sewer line, said building shall be required to connect with the private sewer system shall be prohibited.

SECTION 9.16 MOVE AND SET:

- A. REQUIREMENTS: No building, structure, or improvement shall be moved or set from or upon land located in any area or transported upon any public street in the county, until and unless both: (1) a building pen-nit to move and set; and (2) a transport permit, have been obtained, and said building, structure, or improvement complies with the provisions of this section.
- B. COMPLIANCE: All buildings, structures, and improvements shall comply with the county's housing and building code, and all other applicable codes and regulations.
- C. PROCEDURE – PERMITS: The applicant shall submit to the building inspector, the following:
1. An application for a building permit requesting an inspection of the building, structure, or improvement to be moved or set.
 2. A plot plan, footing and foundation plan, and construction plans for any new construction.
 3. A statement from the applicable city(s) insuring that all past and current taxes have been paid.
 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 and determine if the proposed development will comply will all applicable codes and regulations.
 5. The move and set shall be referred to the Zoning Administrator for approval or denial of compliance with this ordinance.
 6. Upon approval of the Zoning Administrator and the Building Inspector, a

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

7. 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 Kentucky Department of Transportation, and the county road supervisor, whichever are applicable.

D. FEES:

1. There will be a building investigation fee as established by the city to cover the costs of investigation and inspection for determining the structural soundness of buildings, structures, or improvements to be moved, the fee is payable in advance and must accompany the application provided for herein. The inspection shall determine what will be necessary to bring buildings, structures, or improvements into compliance with all applicable codes and regulations should the building not comply. This fee is not returnable. If buildings, structures, or improvements are found to be in compliance with the city's applicable codes and regulations, a building permit to move and set will be issued and the fee will be based on the cost of the new foundations and all work necessary to place the building or structure in its completed condition in the new location. This fee in addition to the building investigation fee.
2. No person, corporation, or company shall transport, move, or set any building, structure, or improvement in the city until and unless such person, corporation, or company shall post with the building inspector a good and sufficient indemnity bond in the amount of five thousand dollars (\$5,000.00) in favor of the city. Such bond shall be made by a surety corporation authorized to do business in the state of Kentucky.

SECTION 9.17 BUFFER AND SCREENING AREAS: Screening areas shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of any development.

- A. **SCREENING AREA REQUIREMENTS:** All screening areas shall be approved by the Zoning Administrator (or Planning Commission, where required by this ordinance), according to a submitted Site Development plan as regulated by ARTICLE 15 of this ordinance. Screening areas shall be designed, provided, and maintained according to the following:

1. Where vegetative and/or topographic conditions that provide a natural

screening and buffer exist prior to development of properties in question, every effort shall be made to retain such conditions. In such cases additional screening may not be required, provided that provision is made for maintenance of such condition to the satisfaction of the city.

2. Wherever screening is required in this ordinance, all trees shall be evergreen.
 3. All trees shall be a minimum of six (6) feet in height when planted, unless otherwise required according to the submitted development plan.
 4. All hedges shall be a minimum of three (3) feet in height when planted unless otherwise required according to the submitted development plan.
 5. Decorative fence and/or stone wall can be used to supplement or replace evergreen plantings upon approval by the Planning Commission.
 6. All trees, shrubs, and other planting materials shall be living plants (not artificial) and shall be suitable to the Northern Kentucky area and the specific conditions of the site in question, such as but not limited to, soil conditions, slopes, reduction of noise pollution, maintenance necessary, and the type of screening needed. The city may require review of the proposed screening plan from the U.S. Soil Conservation Service, the Campbell County Agricultural Extension Service.
 7. Screening areas are to be provided within the required minimum yard setbacks as required in each district's regulations. In the case where property is located adjacent to another governmental jurisdiction, screening requirements shall be the same as if the zone in the adjacent city (or a zone containing the most similar types of permitted uses as provided herein) were located within the city.
 8. In the case where a zoning map change occurs resulting in adjacency to a different zoning district than was previously the case, and where development has already occurred on property in the unchanged district, required additional setbacks and screening requirements (as required in each district's regulations) shall be provided for the property in the district where the zone change occurred.
- B. **PROVISIONS AND MAINTENANCE:** Required screening areas shall be provided as a condition of development by the owner and/or developer. All required screening (including the planting of trees and other vegetation) shall be maintained by the property owner.
- C. **INCLUSION OF SITE PLAN AND/OR SUBDIVISION IMPROVEMENT DRAWINGS:** Areas to be set aside as screening areas shall be identified on the required site plans, as regulated in ARTICLE 15, and where applicable, on the improvement drawings as regulated by the Subdivision Regulations. Sufficient bond, adequate to cover the required improvements as determined by the city may be required to be posted. It shall be unlawful to occupy any premises unless the required screening has been installed in accordance with the requirements as provided herein.

SECTION 9.18 OUTDOOR SWIMMING POOLS:

- A. **PRIVATE SWIMMING POOLS:** All private swimming pools seventeen (17) inches or more in depth 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 the required building setbacks for the zoning district, 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-locking 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, 2, 4, or 5 are permitted as regulated in Article 11 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-locking door or gate, around the pool or property on which the pool is located, at a minimum four (4) feet in height, but not exceeding seven (7) feet (only class 1, 3, 4, and 5 are permitted as regulated by Article 11 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 wall or fence 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 about the surrounding ground level. In addition, any access to above ground pools by means of a ladder or stairway, shall be provided with a self-closing or self-locking 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 applicable codes, ordinances, and regulations of the city. Any water used in the operation of the pool, other than from a public source, shall be approved by the appropriate Health Department.
 7. Swimming pools must be maintained in a clean and sanitary condition (suitable for swimming) so as not to create a nuisance or a hazard to others, and to prevent it from becoming a breeding site for unwanted pests, such as mosquitoes. If the pool cannot be maintained in this condition, then it shall be covered with a safety cover that will support the weight of an adult. Standing water on pool covers shall be kept drained.

- 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 the required building setbacks for the zoning district, 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, or 5 are permitted as regulated by Article 11 of this ordinance) at least five (5) feet in height, but not exceeding the height as herein required, 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 applicable codes, ordinances and regulations of the city. Any water used in the operation of the swimming pool, 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 properties though the emission of noises, voices, or music which is loud enough to cause complaints from said adjacent residential property owners.

SECTION 9.19 See ARTICLE 15 for review requirements

SECTION 9.20 REGULATIONS CONCERNING AIR RIGHTS: Any proposed use of air rights, as defined herein, shall be in the form of a development plan (as regulated in Section 9.19 of this ordinance) submitted to the Planning Commission for its review.

SECTION 9.21 REGULATIONS PERTAINING TO PARKING OR STORING OF TRAILERS, MOBILE HOMES, CAMPERS, INOPERABLE VEHICLES, AND OTHER SUCH TYPE EQUIPMENT IN A RESIDENTIAL DISTRICT:

- A. No motor vehicle, bus, boat, camper, mover, tractor, ATV, ORV, or trailer which is inoperable shall be stored in 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 vehicles regularly used by members of a resident family or their guests. All vehicles shall be duly registered and licensed vehicles of the State of which the owner is a resident.
- B. It shall be unlawful for any person or persons to live in any boat, automobile, RV, camper, trailer, tent, bus, or truck, within the limits of the city. It shall be unlawful for any person or persons to keep or park any RV, camper, or boat in the front yard of any premises in a residential district for a period of more than forty-eight (48) hours per

week. Said forty-eight hour period shall be for the purpose of loading or unloading of same. Out of town guest(s) visiting a resident of the City of Highland Heights shall be permitted to park a RV or camper in the driveway of the residents' home for a period of not more than seven (7) days. Beyond the seven day period the guest must notify the City Police Department for permission to continue parking the RV or camper for an extension of not more than seven additional days. Parking a RV, camper, or boat on a City street in front of the home visited shall not exceed a period of seventy-two (72) hours.

- C. Except as herein provided, it shall be unlawful to park or store any trailer, camper, boat, RV, ATV, ORV, or PWC in any residential district, except in the side or rear yard of a lot as defined in this ordinance. In no case shall more than two (2) of the listed vehicles be permitted in any yard unless in a completely enclosed building. An ATV, ORV, PWC with their specific trailers are considered one unit while they are in/on the trailer.
- D. It shall be unlawful for a property owner or a resident to park or keep in any residential district any truck and/or trailer, such as wreckers, dump trucks, tracked vehicles, buses, construction vehicles, and equipment carriers, bottle delivery trucks, and refrigerated trucks. No truck longer than 27 feet or in excess of 15,000 pounds GVWR (gross vehicle weight rating) may be parked in a residential district, regardless of whether it is a commercial vehicle, except in the case of Recreational Vehicles as permitted in this Section 9.21.
- E. All parking shall be on a hard surface, which can include existing gravel areas, except that small boats, or utility trailers weighing less than 1,200 pounds GVWR (Gross Vehicle Weight rating) may be parked or stored on grass in a rear or side yard of a residential lot. All new or expanded spaces shall be surfaced with asphalt or concrete. Pavers may be permitted when installed in accordance with industry standards and approved by the City's Zoning Administrator. Gravel is not permitted for any new or expanded driveway or parking area.
- F. Upon adoption of this ordinance, for all new structure or parking construction, not more than 25 percent of the front yard may be used for driveway or parking in any single-family detached residential zone, unless approved by the Board of Adjustment.
- G. The Board of Adjustment may grant a waiver to comply with the provisions of Section 9.21 based on hardship caused by conditions of lot dimension and/or topography, or for other unique circumstance where the strict compliance of this Section would cause undue hardship, which in the opinion of the Board would outweigh its benefits to the community.

ATV – All Terrain Vehicle for the purpose of this ordinance shall include off road vehicles with 3 or more wheels or tracks that is designed to carry an operator and passenger(s).

BOAT – A watercraft of any size designed to float or plane, to provide passage across water.

CAMPER – Any travel trailer, camper, pop up camper, tent camper, truck camper designed for use in sleeping.

ORV – An Off Road Vehicle is one that is generally not driven on streets, and can include golf carts, dune buggies, tractors, dirt bikes, cars and trucks converted to off road use, construction equipment, power driven tools.

PWC – Personal Water Craft is a recreational watercraft that the rider rides or stands on, rather than inside of, as in a boat.

RV – Recreational Vehicle is any vehicle, whether towed or driven that has a kitchen, bathroom, bedroom, and living area. Recreational vehicles include: motorhome (class A, B, and C), travel trailer, fifth wheel trailer, popup trailer, and slide-in camper.

TRAILER – an unpowered vehicle pulled by a powered vehicle. It can be used for hauling.

SECTION 9.22 REGULATIONS CONCERNING DESIGN AND CONSTRUCTION

OF IMPROVEMENTS: Where deemed necessary by the Planning Commission, proposed development, requiring the construction of streets (including curb and gutters), sidewalks, sewers (sanitary and 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 Highland Heights Subdivision Regulations.

SECTION 9.23 HILLSIDE DEVELOPMENT CONTROLS:

- A. This section is designed to ensure, when development is proposed in those areas of the community which have physical characteristics limiting development will occur in a manner harmonious with adjacent lands so as to minimize problems of drainage, erosion, earth movement, and other natural hazards.
- B. Areas of land on which development is physically restricted due to excessive hillside slopes shall be limited according to the following requirements, notwithstanding any other section of this or any other ordinance adopted by the city:
 1. All land areas located within the city and identified on the comprehensive plan as "Physically Restrictive Development Areas" and any other areas which have slopes of 20 percent or greater shall require approval before development may occur. In those areas which are identified in the comprehensive plan as "Physically Restrictive Development Areas" and containing slopes less than 20 percent, the requirements contained herein may be waived; if, after review of the proposed site plan by the engineer, it is deemed that said development will not result in hillside slippage or soil erosion.

2. No excavation, removal or placement of any soil, foundation placement, or construction of buildings or structures of any nature within the area identified in (1) above, may occur until plans and specifications for such work have been submitted in the form of a development plan as regulated by Section 9.19 of this ordinance. In addition to development plan requirements, the following shall also be submitted:
 - a. Plan(s) which show existing topography and the proposed physical changes necessary for construction, indicating grading (cutting and filling) compaction, erosion ponds, areas to be defoliated, and any other pertinent information which will change the natural physical features of the site or general area.
 - b. Subsurface investigation of the area under consideration, including test borings, laboratory tests, engineering tests, and a geological analysis should be made by a qualified registered civil engineer and a geologist indicating that the building and physical changes proposed in the area will be completed in a manner which will minimize hillside slippage or soil erosion.
3. The development plan and other information required in Section 9.23, B, 2 of this section of the ordinance shall be reviewed by the city engineer who will recommend to the Planning Commission, or its duly authorized representative, what effect the proposed development will have on hillside slippage and soil erosion. After consideration of the recommendations, the Planning Commission, or its duly authorized representative, may grant a permit for use of the site in accordance with the submitted plans.
4. If, after review of the plans required by this section of the ordinance, the Planning Commission, or its duly authorized representative, determines that said proposed plans will not minimize hillside slippage, the Planning Commission shall deny a permit for the development of said land, and the site shall be limited to those open type uses, excluding structures, as permitted or conditionally permitted in the Recreation Zone.

SECTION 9.24 DEVELOPMENT PHASING:

Phasing of new development shall be as approved on the subject Concept Development Plan.

SECTION 9.25 This Section not currently used.**SECTION 9.26 DISH TYPE SATELLITE RECEIVING STATION REGULATION:**

- A. Ground Mounted Stations: An earth station shall be considered accessory structure with the following additional requirements:
 1. The height of the earth station, should the dish antenna be turned

- perpendicular to the ground, shall not exceed 15 feet from the ground to the highest point on the dish antenna.
2. The “dish” antenna shall not exceed 10 feet in diameter.
 3. Wiring between an earth station and receiver shall be placed beneath the surface of the ground.
 4. The distance of any guy anchorage, edge of the dish or other associated equipment shall be at least 10 feet from side or rear lot lines.
- B. **Roof Mounted Stations:** Roof mounted stations may be mounted directly upon the roof of a primary structure and shall not be mounted upon appurtenances such as chimneys, towers, trees, poles, or spires. A roof mounted station shall not exceed more than 3 feet above on roof upon which it is mounted, and shall not exceed 3 feet in diameter.

SECTION 9.27 SIDEWALKS:

- A. All proposed residential, commercial, industrial and office subdivisions of developments within the City limits shall have sidewalks on each side of all proposed or existing public streets.

SECTION 9.28 UNDERGROUND UTILITIES:

- A. All proposed residential, commercial, industrial and office subdivisions or developments within the corporate limits of the City shall have their utilities underground where same is deemed feasible by the local utility company and the City Engineer.

SECTION 9.29 CELLULAR TOWERS AND OTHER UTILITIES

- A. **PURPOSE:** The purposes of these regulations are: to provide for the safest and most efficient integration of cellular antenna towers for cellular telecommunications services or personal communications services within the community; to provide for such facilities in coordination with the recommendations of the comprehensive plan; and to allow for such facilities with the intention of furthering the public health, safety and general welfare.
- B. **PRE-APPLICATION CONFERENCE:** Applicants are encouraged to notify the planning commission's duly authorized representative: to discuss proposals; allow for early coordination; and to identify those items which are in conformance/nonconformance with the comprehensive plan zoning ordinance, and the provisions of these regulations.
- C. **DEFINITIONS:** For the purposes of these regulations, the following definitions shall apply:

1. **CELLULAR ANTENNA TOWER:** A tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services whether temporary or permanent.
 2. **CELLULAR TELECOMMUNICATIONS SERVICES:** a retail telecommunications service that uses radio signals transmitted through cell sites; and mobile switching stations.
 3. **CO-LOCATION:** Locating two (2) or more transmission antennas or related equipment on the same cellular antenna tower.
 4. **PERSONAL COMMUNICATION SERVICE:** As defined in 47 U.S.C. sec. 332(c).
 5. **UNIFORM APPLICATION:** means an application for a certificate of convenience and necessity issued under KRS 278.020 submitted by a utility to the Public Service Commission to construct an antenna tower for cellular telecommunications services or personal communications service .in a jurisdiction, that has adopted planning and zoning regulations in accordance with KRS Chapter 100, except for any county that contains a city of the first class.
 6. **UTILITY:** Any person except a city, who owns, controls, or operates or manages any facility used or to be used for or in connection with:
 - a. The generation, production, transmission, or distribution of electricity to or for the public, for compensation, for lights, heat, power, or other uses;
 - b. The production, manufacture, storage, distribution, sale or furnishing of natural or manufactured gas, or a mixture of same, to or for the public, for compensation, for light, heat, power or other uses;
 - c. The transporting or conveying of gas, crude oil, or other fluid substance by pipeline to or for the public, for compensation;
 - d. The diverting, developing, pumping, impounding, distributing or furnishing of water to or for the public, for compensation;
 - e. The transmission or conveyance over wire, in air, or otherwise, of any message by telephone or telegraph for the public;
 - f. The treatment of sewage for the public, for compensation.
- D. **GENERAL:** Cellular antenna towers for cellular telecommunications services or personal communications services may be allowed in any zone as a conditional. use after a planning commission review in. accordance with the following procedures to ascertain agreement with the adopted comprehensive plan and the regulations contained within the zoning ordinance, a hearing with the city's board of adjustment

and after being granted a Certificate of Necessity and Convenience by the Public Service Commission.

- E. **APPLICABILITY:** Every utility, or a company that is engaged in the business of providing the required infrastructure to a utility, that proposes to construct an antenna tower for cellular telecommunications services or personal communications services shall submit a copy of the utility's completed uniform application to the planning commission within five (5) consecutive days of applying to the Public Service Commission for a certificate of necessity and convenience.
- F. **APPLICATION REQUIREMENTS:** Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall include a twenty five hundred dollar (\$2,500.00) fee to assist the commission in verifying the applicant's information in its application and the following:
1. All information that the applicant is required to submit to the Public Service Commission, per the requirements of the uniform application.
 2. A copy of the applicant's FCC license, or, if the applicant is not an FCC license holder, a copy of at least one letter of commitment from an FCC license holder to locate at least one antenna on the applicant's tower.
 3. Unless co-locating, certification, supported by evidence, that co-location of the proposed facility with an existing approved tower or facility cannot be accommodated. The applicant's certification shall include a listing of all existing towers and facilities within a two (2) mile radius of the proposed tower location, a description of each existing site, and a discussion of the ability or inability to collocate on each existing site, according to the following:
 - a. No existing towers or facilities are located or proposed to be located within a two (2) mile radius of the proposed tower location.
 - b. Existing towers or facilities are not of sufficient height to meet the applicant's engineering requirements.
 - c. Existing towers or facilities do not have sufficient structural strength to support the applicant's proposed antenna(s) or related equipment.
 - d. The applicant's planned equipment would cause frequency interference with other existing or planned equipment of the tower or facility, or the existing or planned equipment of the tower or facility would cause frequency interference with the applicant's planned equipment, and which cannot be reasonably prevented.
 - e. Unwillingness of the owner/owners of the existing tower/towers or facility/facilities to entertain a co-location proposal.

4. Unless co-locating, certification, supported by evidence, that the proposed site is the only appropriate site for the location of the facility. The applicant's certification shall include a listing of all potential sites within a two (2) mile radius of the proposed tower location, a description of each potential site, and a discussion of the ability or inability of the site to host such a facility, according to the following:
 - a. Unwillingness of the site owner(s); to entertain such a facility.
 - b. Topographic limitations of the site.
 - c. Adjacent impediments that would obstruct adequate transmission.
 - d. Physical site constraints that would preclude the construction of such a facility.
5. A statement demonstrating that the proposal is in agreement with the adopted comprehensive plan and is in conformity with these regulations.
6. A development plan, drawn to a scale not smaller than one (1) inch equals one hundred (100) feet, showing the following information, where applicable. The planning commission's duly authorized representative may waive the submission of such data involving detailed engineering study until such time as the application has been approved.
 - a. The total area of the site in question;
 - b. All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated or abandoned;
 - c. Existing topography, and approximate delineation of any topographical changes shown by contour with intervals not to exceed five (5) feet;
 - d. Location, height, arrangement, and identification of all nonresidential buildings, structures and uses on the subject property and, where applicable, location and arrangement of all lots with lot dimensions;
 - e. Location and arrangement of all common open space areas, and methods of ownership and operation and maintenance of such lands, shall be identified;
 - f. Landscaping features, including identification of planting areas and the location, type, and height of walls and fences;
 - g. Location of signs, indicating their orientation, size, and height;
 - h. All utility lines and easements:
 - (1) Water distribution systems, including line sizes, width of easements, type of pipe, .location of hydrants, and valves, and other appurtenances;
 - (2) Sanitary sewer system, including pipe sizes, width .of easements, gradients, type of pipes, invert elevations, location

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- and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances;
- (3) Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins;
 - (4) Other utilities (e.g. electric, telephone, etc.) including the type of service and the width of easements;
- i. Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions and the number and arrangement of off-street parking and loading and/or unloading spaces;
 - j. Circulation System:
 - (1) Pedestrian walkways, including alignment, grades, type of surfacing, and width;
 - (2) Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections;
- G. PROCESSING OF APPLICATION: Applications for the construction of cellular, antenna towers for cellular telecommunications services or personal communications services shall, be processed as follows:
- 1. New Sites
 - a. At least one (1) public hearing on the proposal shall be held, at which hearing interested parties and citizens' shall have the opportunity to be heard. Notice of the time and place of such hearing shall be published at least once, but may be published two (2) or more times, in a newspaper of general circulation in the county, provided that one (1) publication occurs not less than seven (7) calendar days nor more than twenty-one (21) calendar days before the occurrence of such hearing.
 - b. Notice of the hearing shall be posted conspicuously on the property in question, for fourteen (14) consecutive days prior to the hearing. Said posting shall consist of one or more signs, constructed of durable material, and clearly depicting the following information: "(Name of utility) proposes to construct a telecommunications ("tower" or "monopole") on this site" Four, (4) inch high lettering); and address, including telephone number, of the planning commission where additional information regarding hearing may be obtained.

- c. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by first class mail; with certification by the commission secretary, or other officer of the planning commission that the notice was mailed to an owner of every parcel of property within five hundred (500) feet of the base of the proposed tower or monopole. It shall be the duty of the person(s) proposing the facility to furnish to the planning commission the names and addresses of said property owners. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.
- d. Upon holding such hearing, the planning commission shall, within sixty (60) days commencing from the date that the application is received by the planning commission, or within a date specified in a written agreement, between the planning commission and the applicant, make its final decision to approve or disapprove the uniform application. The planning commission shall submit to the Public Service Commission, along with their action, the basis for their decision within sixty (60) days.

2. Previously Approved Sites

- a. For facilities located on previously approved sites, an officer of the planning commission shall review the application for its conformity with these regulations and the regulations contained within the applicable local zoning ordinance.
- b. If an officer of the planning commission determines that the application is in conformity with these regulations and the regulations contained within the applicable local zoning ordinance, an administrative approval may be granted. This administrative approval shall not be considered final until it is ratified by a vote of the full commission.
- c. If an officer of the planning commission determines that the application is not in conformity with these regulations and the regulations contained within the applicable local zoning ordinance, a public hearing, pursuant to Section 1a of these regulations, shall be scheduled.

- H. DESIGN STANDARDS: At the time of application submittal, the applicant shall provide information demonstrating compliance with the following requirements. Where the planning commission, or its duly authorized representative, finds that circumstances or conditions relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable, the planning commission, or its duly authorized representative, may modify or waive such requirement, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver.
1. All structures, except fences, shall be located at least fifty (50) feet from the property line or lease line of any residentially zoned property.
 2. A cellular antenna tower, or alternative antenna tower structure, may be constructed to a maximum height of two hundred (200) feet regardless of the maximum height requirements listed in the specific zoning district. This also applies to any tower taller than fifteen (15) feet constructed on the top of another building or structure, with the height being the overall height of building/structure and tower together, measured from the grade to the highest point. The planning commission may allow antennas greater than two hundred (200) feet in height upon review of the applicant's justification that the additional height meets the criteria identified in Subsection F, above.
 3. When any cellular antenna tower, or alternative antenna tower structure, is taller than the distance from its base to the nearest property line or lease line, the applicant shall furnish the planning commission with a certification from an engineer registered in the Commonwealth of Kentucky that the tower will withstand winds of seventy (70) mile per hour, in accordance with current ANSI/EIA/TIA standards.
 4. Cellular antenna towers shall not be illuminated, except in accord with other state or federal regulations.
 5. The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, ingress/egress shall only be from approved access points.
 6. A minimum of one (1) off-street parking spaces, per provider, shall be provided on the site.
 7. Woven wire or chain link (eighty (80) percent open) or solid fences made from wood or other materials (less than fifty (50) percent open), shall be used to enclose the site. Such fences shall not be less than four (4) feet in height nor more than eight (8) feet in height. The use of barbed wire or

sharp pointed fences shall be prohibited. Such fence may be located within the front, side, or rear yard.

8. Screening shall be required where the site in question abuts residentially zoned property. Screening shall be provided by evergreen trees, with a minimum height of six (6) feet, planted in a staggered pattern at a maximum distance of fifteen (15) feet on center. The screening shall be placed in an area between the property line, or lease line, and a ten (10) foot setback.
 9. Any site to be purchased or leased for the installation of a cellular antenna tower, or alternative antenna tower, and ancillary facilities, shall comply with the minimum lot size requirements of the zone in which the facility is to be located, provided that such area shall not be required to exceed one-half (1/2) acre.
 10. Surfacing of all driveways and off-street parking areas shall comply with the requirements of the zoning ordinance.
 11. There shall be no signs permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs which are required by federal, state, or local agency. Such signs shall not exceed five (5) square feet in area.
 12. All new cellular antenna towers shall be designed and constructed to accommodate a minimum of three (3) service providers.
 13. All option and site lease agreements shall not prohibit the possibility of co-location.
- I. **CRITERIA:** Evaluation of the proposal shall be based upon the following criteria:
1. Agreement with the various elements of the adopted comprehensive plan, and where applicable, any other adopted plan.
 2. Extent to which the proposal is consistent with the purposes of these regulations.
 3. Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g. topography, natural features, streets, relationship of adjacent uses, etc.)
 4. Extent to which the proposal responds to the impact of the proposed development on adjacent land uses, especially in terms of visual impact.
 5. Extent to which the proposed cellular tower is camouflaged (i.e., use of

"stealth technology").

6. Extent to which the proposed facility is integrated with existing structures (i.e. buildings, signs).
- J. **AMENDMENTS:** Any amendments to plans, except for minor adjustments as determined by the planning commission, or its duly authorized representative, shall be made in accordance with the procedure required by Subsection F, above, subject to the same limitations and requirements as those under which such plans were originally approved.

SECTION 9.30 LANDSCAPING PLAN REQUIRED:

All development projects requiring a development plan approval by the Planning Commission shall provide a complete landscape plan for the site in question. Requirements are described in ARTICLE 12. Such plans shall be prepared by a landscape professional, either a landscape architect, or a landscape company. The landscape professional responsible for the preparation of the landscape plan for the site in Question shall be required to certify to the City Zoning Administrator that all landscape elements and features have been made in accordance with the approved plan. The landscape professional shall be required to recertify 12 months following the original certification that all landscape elements and features are being maintained and/or replaced as needed. The applicants, their successors, and assigns shall be responsible for the maintenance and upkeep of all elements of the approved landscape plan throughout the lifetime of the project.

SECTION 9.31 TRAFFIC IMPACT ANALYSIS (TIA):

Traffic studies may be required by the Planning Commission in order to adequately assess the impact of a development proposal on the existing and/or planned street system. The applicant/developer should meet with the Planning Commission prior to submitting a development application to determine the need for a TIA, and the TIA should be submitted at the same time as a development application. The primary responsibility for assessing the traffic impacts associate with a proposed development will rest with the developer, while the Planning Commission serves in a review capacity. The traffic study will be the responsibility of the applicant and must be prepared by a professional individual or firm with adequate experienced in Transportation Engineering and Planning. Upon submission of a TIA, and in accordance with the Institute of Transportation Engineers standards, the Planning Commission will review the study data sources, methods, and findings. the Planning Commission can require revisions to the TIA to address issues. . The TIA shall take into account the details of the proposed development, the development phasing and timing, anticipated future development in the area, roadway conditions, multi-modal needs, 24 hour and peak hour trip generation, traffic volumes, existing and projected traffic distribution, trip assignment, percentage of large vehicles, lane configuration, intersection design, driveway design, sight distance, on-site traffic circulation,

compliance with local and state codes, status of planned or funded improvements, and ultimately the improvements needed to support the proposed development. Throughout the TIA, assumptions must be detailed and described. The study should also specify which transportation improvements will be the responsibility of the developer to implement.

ARTICLE 10
ZONING DISTRICTS

SECTION 10.0 R RECREATION ZONE:

A. USES PERMITTED:

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

B. ACCESSORY USES:

1. Customary accessory buildings and uses
2. Fences and walls as regulated by Article 11 of this ordinance
3. Signs as regulated by Article 14 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 by the Board of Adjustment as set forth in Section 9.14 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 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. Advertising of any included or accessory uses shall be within the building and shall not be visible from outside the building
 - (1) boat fueling, service and repairs
 - (2) sale of boat supplies
 - (3) grocery store

- (4) restaurant
 - (5) club house and lockers
 - b. Public boat landing or launching facilities
 - c. Dockage facilities
 - d. Off-street parking facilities and temporary parking of boat trailers including 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, not 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 restriction as may be deemed necessary by the Board to protect the surrounding development and 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 a sanitary landfill would not create any undesirable odors or any unsightly area to adjacent properties and/or buildings and further that such sanitary landfill, according to a registered civil engineer 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
 - 4. Minimum Side Yard Width on Each Side of Lot – Fifty (50) 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 constructions shall not cause flood hazard, soil erosion, adverse changes in natural drainage courses or unnecessary destruction of natural features), which completed certificate shall be submitted to the appropriate Officer or Board, as required herein, at time of request
 - 2. Dwelling units are not permitted in this zone
 - 3. Off-street parking and loading or unloading shall be provided in accordance

with Articles 12 and 13 of this ordinance

4. No outdoor storage of any material (useable or waste) shall be permitted in this zone except within enclosed metal containers
5. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any residential zone
6. Where any yard of any use permitted abuts a residential zone, a minimum yard requirement of one hundred (100) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area as regulated by Section 9.17 of this ordinance
7. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone

SECTION 10.1 R-RE RESIDENTIAL RURAL ESTATE AND AGRICULTURAL ZONE:

- A. **USES PERMITTED:** (Agricultural buildings, uses and accessory uses cannot be regulated by zoning, except for setback requirements. The following regulations therefore, apply only to those non-agricultural buildings, uses and accessory uses, permitted herein – except item 10.1, D. 2, which applies to all uses:
1. Single Family Dwelling (detached)
 2. Sale of products that are raised, produced, and processed on the premises, providing that no roadside stands of any type for the sale or display of agricultural products shall be permitted within fifty (50) feet from any street, road, highway, or right-of-way line
 3. Greenhouses and nurseries, including both wholesale and retail sales of products grown on the premises provided that the storage of manure shall not be permitted nearer the front of a street, road, highway, or right-of-way line than one hundred (100) feet, or not nearer a side lot line than fifty (50) feet
 4. Stables and riding academies, both public and private
- B. **ACCESSORY USES:**
1. Customary accessory buildings and uses
 2. Fences and walls as regulated by Article 11 of this ordinance
 3. Some occupations subject to the restrictions and limitations established in Section 9.11 of this ordinance
 4. Signs as regulated by Article 14 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 accessory buildings and uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustments as set for in Section 9.14.

1. Cemeteries
 2. Churches and other buildings for the purpose of religious worship providing they are located adjacent to an arterial street
 3. Institutions for higher education providing they are located adjacent to an arterial street
 4. Institutions for human medical care – hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located on arterial streets
 5. Day Care Center, Day Care for Pets.
 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 public swimming pools and libraries
 9. Recreational uses, other than those publicly owned and/or operated as follows:
 - a. golf courses
 - b. country clubs
 - c. semi-public swimming pools
- D. **AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:** No building shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. Minimum Lot Area – Three (3) acres
 2. Minimum Lot Width at Building Setback Line – Three hundred (300) feet
 3. Minimum Front Yard Depth – Seventy-five (75) feet
 4. Minimum Side Yard Width on Each Side of Lot – Seventy-five (75) feet
 5. Minimum Rear Yard Depth – Twenty-five (25) feet
 6. Maximum Building Height – Thirty-five (35) feet or two and one-half (2 1/2) stories
- E. **AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:** No conditional building and/or use shall be erected or structurally altered hereafter except in accordance with the regulations in Section 10.1, D.
- F. **OTHER DEVELOPMENT CONTROLS:**
1. Off-street parking and loading or unloading shall be provided in accordance with Articles 12 and 13 of this ordinance
 2. With the exception of Subsection D of this Section of the Ordinance no outdoor storage of any materials (usable or waste) shall be permitted in this zone except within enclosed containers
 3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any residential zone
 4. Where land in this zone is abutting a residential zone, a minimum yard

requirement of one hundred (100) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area as regulated by Section 9.17 of this Ordinance

SECTION 10.2 R-1B RESIDENTIAL ONE – B ZONE:

A. PERMITTED USES:

1. Single family dwelling (detached)

B. ACCESSORY USES:

1. Customary accessory buildings and uses
2. Fences and walls as regulated by Article 11 of this ordinance
3. Home occupations subject to the restrictions and limitations in Section 9.11 of this ordinance
4. Signs as regulated by Article 14 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 and customary accessory buildings and uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment as set forth in Section 9.14.

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street
3. Funeral homes, providing they are located adjacent to an arterial street
4. Institutions for higher education, provided they are located adjacent to an arterial street
5. Institutions for human medical care – hospitals, clinic, sanitariums, convalescent homes, nursing homes, homes for the aged and philanthropic institutions providing they are located adjacent to an arterial street
6. Day Care Center
7. Police and fire stations and city buildings provided they are located adjacent to an arterial street
8. Public and parochial schools
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries
10. Recreational uses, other than those publicly owned and/or operated as follows:
 - a. golf courses
 - b. country clubs
 - c. semi-public swimming pools

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

1. Minimum Lot Area – One-half (1/2) acre
 2. Minimum Lot Width at Building Setback Line – One hundred (100) feet
 3. Minimum Front Yard Depth – Forty (40) feet
 4. Minimum Side Yard With on Each side of the Lot – Fifteen (15) feet
 5. Minimum Rear Yard Depth – Twenty-five (25) feet
 6. Maximum Building Height – Thirty-five (35) feet or two and a half (2-1/2) stories
- E. **AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:** No conditional building and/or use shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. Minimum Lot Area – Twenty-two thousand five hundred (22,500) square feet
 2. Minimum Lot Width at Building Setback Line – One hundred fifty (150) feet
 3. Minimum Front, Side (on each side of lot) and Rear Yards - Fifty (50) feet
 4. Maximum Building Height – Thirty-five (35) feet or two and one-half (2-1/2) stories
- F. **OTHER DEVELOPMENT CONTROLS:**
1. Off-street parking and loading or unloading shall be provided in accordance with Articles 12 and 13 of this ordinance
 2. No outdoor storage beyond thirty (30) days of any material (usable or waste) shall be permitted in this zone including buckets, barrels, tubs, totes and similar containers.
 3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property
 4. Where any yard of any conditionally use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this ordinance shall be provided

SECTION 10.3 R-1C RESIDENTIAL ONE – C ZONE:

- A. **USES PERMITTED:**
1. Single family dwelling (detached)
- B. **ACCESSORY USES:**
1. Customary accessory buildings and uses
 2. Fences and walls as regulated by Article 11 of this ordinance
 3. Home occupations subject to the restrictions and limitations established in Section 9.11 of this ordinance
 4. Signs as regulated by Article 14 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 and uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment as set forth in Section 9.14.

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship providing they are located adjacent to an arterial street
3. Funeral homes, providing they are located adjacent to an arterial street
4. Institutions for higher education providing they are located adjacent to an arterial street
5. Institutions for human medical care – hospitals, clinic sanitariums, convalescent homes, nursing homes, homes for the aged and philanthropic institutions providing they are located adjacent to an arterial street
6. Day Care Center
7. Police and fire stations and city buildings provided they are located adjacent to an arterial street
8. Public and parochial schools
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries
10. Recreational uses other than those publicly owned and/or operated as follows:
 - a. golf courses
 - b. country clubs
 - c. semi-public swimming pools

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

1. Minimum Lot Area – Twelve thousand five hundred (12,500) square feet
2. Minimum Lot Width at Building Setback Line – Eighty (80) feet
3. Minimum Front Yard Depth – Thirty-five (35) feet
4. Minimum Side Yard Width on Each Side of Lot – Twelve feet (12)
5. Minimum Rear Yard Depth – Twenty-five (25) feet
6. Maximum Building Height – Thirty-five (35) feet or two and one-half (2 1/2) stories

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

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

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading or unloading shall be provided in accordance with Articles 12 and 13 of this ordinance
2. No outdoor storage beyond thirty (30) days of any material (usable or waste) shall be permitted in this zone including buckets, barrels, tubs, totes, and similar containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any residential zone
4. Where any yard of any conditional use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this ordinance shall be required

SECTION 10.4 R-1D RESIDENTIAL ONE – D ZONE:**A. USES PERMITTED:**

1. Single family dwelling, detached

B. ACCESSORY USES:

1. Customary accessory buildings and uses
2. Fences and walls as regulated by Article 11 of this ordinance
3. Signs as regulated by section 14 of this ordinance
4. Home occupations subject to the restrictions and limitations established in Section 9.11 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 and uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment as set forth in Section 9.14 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. Funeral homes, providing they are located adjacent to an arterial street
4. Fire and police stations and city buildings providing they are located adjacent to an arterial street
5. Institutions for higher education providing they are located adjacent to an arterial street
6. 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
7. Day Care Center

8. Public and parochial schools
 9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries
 10. Recreational uses other than those publicly owned and/or operated as follows:
 - a. golf courses
 - b. country clubs
 - c. semi-public swimming pools
- D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No buildings shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. Minimum Lot Area – Nine thousand (9,000) square feet
 2. Minimum Lot Width at Building Setback Line – Seventy (70) feet
 3. Minimum Front Yard Depth – Thirty (30) feet
 4. Minimum Side Yard Width on Each Side of Lot – Ten (10)
 5. Minimum Rear Yard Depth – Twenty-five (25) feet
 6. Maximum Building Height – Thirty-five (35) feet or two and one-half (2 1/2) stories
- E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES: No conditional building and/or use shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. Minimum Lot Area – Twenty-two thousand five hundred (22,500) square feet
 2. Minimum Lot Width at Building Setback Line – One hundred fifty (150) feet
 3. Minimum Front, Side (on each side of lot) and Rear Yards – Fifty (50) feet
 4. Maximum Building Height – Thirty-five (35) feet or two and one-half (2-1/2) stories
- F. OTHER DEVELOPMENT CONTROLS:
1. Off-street parking and loading or unloading shall be provided in accordance with Articles 12 and 13 of this ordinance
 2. No outdoor storage beyond thirty (30) days of any material (usable or waste) shall be permitted in this zone including buckets, barrels, tubs, totes and similar containers.
 3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any residential zone
 4. Where any yard of any conditional use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this ordinance shall be required

SECTION 10.5 R-1E RESIDENTIAL ONE-E ZONE:**A. USES PERMITTED:**

1. Single family dwellings, detached

B. ACCESSORY USES:

1. Customary accessory buildings and uses
2. Fences and walls as regulated by Article 11 of this ordinance
3. Signs as regulated by Article 14 of this ordinance
4. Home occupations subject to the restrictions and limitations established in Section 9.11 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 uses shall have been applied for and approved of by Board of Adjustment as set forth in Section 9.14 of this ordinance.

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship providing they are located adjacent to an arterial street
3. Fire and police stations and city buildings providing they are located adjacent to an arterial street
4. Funeral homes providing that they are located on the corner lot of the intersection of an arterial street and another public street
5. Institutions for higher education providing they are located adjacent to an arterial street
6. 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
7. Day Care Center
8. Public and parochial schools
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries
10. Recreational uses other than those publicly owned and/or operated as follows:
 - a. golf courses
 - b. country clubs
 - c. semi-public swimming pools

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

1. Minimum Lot Area – Seven thousand five hundred (7,500) square feet
 2. Minimum Lot Width at Building Setback Line – Sixty (60) feet
 3. Minimum Front Yard Depth – Thirty (30) feet
 4. Minimum Side Yard Width on each Side of Lot – Eight (8) feet
 5. Minimum Rear Yard Depth – Twenty-five (25) feet
 6. Maximum Building Height – Thirty-five (35) feet or three 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 Yards – Fifty (50) feet
 4. Maximum Building Height – Thirty-five (35) feet or two and one-half (2-1/2) stories
- F. **OTHER DEVELOPMENT CONTROLS:**
1. Off-Street parking and loading or unloading shall be provided in accordance with Articles 12 and 13 of this ordinance
 2. No outdoor storage beyond thirty (30) days of any material (useable or waste) shall be permitted in this zone including buckets, barrels, tubs, totes, and similar containers.
 3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property
 4. Where any yard of any conditional use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this ordinance shall be required

SECTION 10.6 R-1EF RESIDENTIAL ONE - EF ZONE:

- A. **USES PERMITTED:**
1. Single family dwellings, detached
- B. **ACCESSORY USES:**
1. Customary accessory buildings and uses
 2. Fences and walls as regulated by Article 11 of this ordinance
 3. Signs as regulated by Article 14 of this ordinance
 4. Home occupations subject to the restrictions and limitations established in Section 9.11 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 customary accessory buildings or uses be permitted until and unless the location of said uses shall have been applied for and approved by the Board of Adjustment as set forth in Section 9.14 of this ordinance.

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship providing they are located adjacent to an arterial street
3. Fire and police stations and city buildings providing they are located adjacent to an arterial street
4. Funeral homes, providing they are located adjacent to an arterial street
5. Institutions for higher education providing they are located adjacent to an arterial street
6. 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
7. Day Care Center
8. Public and parochial schools
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries
10. Recreational uses other than those publicly owned and/or operated as follows:
 - a. golf courses
 - b. country clubs
 - c. semi-public swimming pools

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

1. Minimum Lot Area – Seven thousand five hundred (7,500) square feet
2. Minimum Lot Width at Building Setback Line – Fifty (50) feet
3. Minimum Front Yard Depth – Twenty (20) feet
4. Minimum Side Yard Width on each Side Lot – Eight (8) feet
5. Minimum Rear Yard Depth – Twenty-five (25) feet
6. Maximum Building Height – Thirty-five (35) feet or three 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 Yards – Fifty (50) feet
4. Maximum Building Height – Thirty-five (35) feet or two and one-half (2-1/2) stories

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading or unloading shall be provided in accordance with Articles 12 and 13 of this ordinance
2. No outdoor storage beyond thirty (30) days of any material (useable or waste) shall be permitted in this zone including buckets, barrels, tubs, totes, and similar containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property
4. Where any yard of any conditional use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this ordinance shall be required.

SECTION 10.7 R-1F RESIDENTIAL ONE - F ZONE:**A. USES PERMITTED:**

1. Single family dwellings, detached

B. ACCESSORY USES:

1. Customary accessory buildings and uses
2. Fences and walls as regulated by Article 11 of this ordinance
3. Signs as regulated by Article 14 of this ordinance
4. Home occupations subject to the restrictions and limitations established in Section 9.14 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 uses shall have been applied and approved by the Board of Adjustment as set forth in Section 9.14 of this ordinance.

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship providing they are located adjacent to an arterial street
3. Fire and police stations and city buildings providing they are located adjacent to an arterial street
4. Funeral homes, providing they are located adjacent to an arterial street
5. Institutions for higher education providing they are located adjacent to an arterial street
6. 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
7. Day Care Center

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8. Public and parochial schools
 9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries
 10. Recreational - uses other than those publicly owned and/or operated as follows:
 - a. golf courses
 - b. country clubs
 - c. semi-public swimming pools
- D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No buildings shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. Minimum Lot Area – 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 on each Side Lot – Five (5) feet
 5. Minimum Rear Yard Depth – Twenty-five (25) feet
 6. Maximum Building Height – Thirty-five (35) feet or three 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 Yards – Fifty (50) feet
 4. Maximum Building Height – Thirty-five (35) feet or two and one-half (2-1/2) stories
- F. OTHER DEVELOPMENT CONTROLS:
1. Off-street parking and loading or unloading shall be provided in accordance with Articles 12 and 13 of this ordinance
 2. No outdoor storage beyond thirty (30) days of any material (useable or waste) shall be permitted in this zone including buckets, barrels, tubs, totes, and similar containers.
 3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property
 4. Where any yard of any conditional use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this ordinance shall be required

SECTION 10.8 R-1G RESIDENTIAL ONE-G ZONE:**A. USES PERMITTED:**

1. Single family dwellings, detached

B. ACCESSORY USES:

1. Customary accessory buildings and uses
2. Fences and walls as regulated by Article 11 of this ordinance
3. Signs as regulated by Article 14 of this ordinance
4. Home occupations subject to the restrictions and limitations established in Section 9.14 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 uses shall have been applied and approved by the Board of Adjustment as set forth in Section 9.14 of this ordinance.

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship providing they are located adjacent to an arterial street
3. Fire and police stations and city buildings providing they are located adjacent to an arterial street
4. Funeral homes, providing they are located adjacent to an arterial street
5. Institutions for higher education providing they are located adjacent to an arterial street
6. 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
7. Day Care Center
8. Public and parochial schools
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries
10. Recreational - uses other than those publicly owned and/or operated as follows:
 - a. golf courses
 - b. country clubs
 - c. semi-public swimming pools

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

1. Minimum Lot Area – Five thousand (5,000) square feet

2. Minimum Lot Width at Building Setback Line – Forty (40) feet
 3. Minimum Front Yard Depth – Twenty (20) feet
 4. Minimum Side Yard With on each Side Lot – Five (5) feet
 5. Minimum Rear Yard Depth – Twenty-five (25) feet
 6. Maximum Building Height – Thirty-five (35) feet or three 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 Yards – Fifty (50) feet
 4. Maximum Building Height – Thirty-five (35) feet or two and one-half (2-1/2) stories
- F. OTHER DEVELOPMENT CONTROLS:
1. Off-street parking and loading or unloading shall be provided in accordance with Articles 12 and 13 of this ordinance
 2. No outdoor storage beyond thirty (30) days of any material (useable or waste) shall be permitted in this zone including buckets, barrels, tubs, totes, and similar containers.
 3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property
 4. Where any yard of any conditional use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this ordinance shall be required

SECTION 10.9 R-1H RESIDENTIAL ONE-H ZONE:

- A. USES PERMITTED:
1. Single family dwellings, detached
- B. ACCESSORY USES:
1. Customary accessory buildings and uses
 2. Fences and walls as regulated by Article 11 of this ordinance
 3. Signs as regulated by Article 14 of this ordinance
 4. Home occupations subject to the restrictions and limitations established in Section 9.14 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 uses shall have

been applied and approved by the Board of Adjustment as set forth in Section 9.14 of this ordinance.

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship providing they are located adjacent to an arterial street
3. Fire and police stations and city buildings providing they are located adjacent to an arterial street
4. Funeral homes, providing they are located adjacent to an arterial street
5. Institutions for higher education providing they are located adjacent to an arterial street
6. 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
7. Day Care Center
8. Public and parochial schools
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries
10. Recreational - uses other than those publicly owned and/or operated as follows:
 - a. golf courses
 - b. country clubs
 - c. semi-public swimming pools

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

1. Minimum Lot Area – Four thousand (4,000) square feet
2. Minimum Lot Width at Building Setback Line – Forty (40) feet
3. Minimum Front Yard Depth – Twenty (20) feet
4. Minimum Side Yard With on each Side Lot – Five (5) feet
5. Minimum Rear Yard Depth – Twenty-five (25) feet
6. Maximum Building Height – Thirty-five (35) feet or three 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 Yards – Fifty (50) feet
4. Maximum Building Height – Thirty-five (35) feet or two and one-half (2-1/2) stories

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading or unloading shall be provided in accordance with Articles 12 and 13 of this ordinance
2. No outdoor storage beyond thirty (30) days of any material (useable or waste) shall be permitted in this zone including buckets, barrels, tubs, totes, and similar containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property
4. Where any yard of any conditional use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this ordinance shall be required

SECTION 10.10 R-2 RESIDENTIAL TWO ZONE:**A. USES PERMITTED:**

1. Multi-family dwellings

B. ACCESSORY USES

1. Customary accessory buildings and uses
2. Fences and walls as regulated by Article 11 of this ordinance
3. Signs as regulated by Article 14 of this ordinance

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

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street
3. Fire and police stations, provided they are located adjacent to an arterial street
4. Institutions for higher education, provided they are located adjacent to an arterial street
5. Institutions for human medical care – hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located adjacent to an arterial street
6. Day Care Center
7. Public and parochial schools
8. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries

9. Recreational uses other than those owned and/or operated as follows:
 - a. golf courses
 - b. country clubs
 - c. semi-public swimming pools

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

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 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
4. Minimum Side Yard Width on Each Side of Lot – Fifteen (15) feet
5. Minimum Rear Yard Depth – Thirty (30) feet
6. Maximum Building Height – Three (3) stories or forty (40) feet

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

1. Minimum Lot Area – Twenty-two thousand five hundred (22,500) square feet
2. Minimum Lot Width at Building Setback Line – One hundred fifty (150) feet
3. Minimum Front, Side (on each side of lot) and Rear Yards – Fifty (50) feet
4. Maximum Building Height – Forty (40) feet or three (3) stories

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading or unloading shall be provided in accordance with Articles 12 and 13 of this ordinance
2. No outdoor storage beyond thirty (30) days of any material (usable or waste) shall be permitted in this zone including buckets, barrels, tubs, totes, and similar containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of way or into and adjacent property
4. Where any yard of any use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this ordinance shall be required
5. A development plan, as regulated by ARTICLE 15 of this ordinance, shall be required for any use permitted in this zone
6. Any portion of the land to be developed having slopes greater than 25% may not be included in the determination of the total number of dwelling units to be permitted on the site. In order to help control the erosion, minimize unstable hillside conditions and minimize increase in storm water runoff, existing vegetation shall be left undisturbed wherever possible. This

development/density control shall not be construed to include the slopes for constructed improvements or grade changes within the development

SECTION 10.11 R-3 RESIDENTIAL THREE ZONE:

A. USES PERMITTED:

1. Multi-family dwellings

B. ACCESSORY USES:

1. Customary accessory buildings and uses
2. Fences and walls as regulated by Article 11 of this ordinance
3. Signs as regulated by Article 14 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 of uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment as set forth in Section 9.14 of this ordinance.

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

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

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 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
 4. Minimum Side Yard Width on Each Side of Lot – Fifteen (15) feet
 5. Minimum Rear Yard Depth – Thirty (30) feet
 6. Maximum Building Height – Three (3) stories or forty (40) feet
- E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES: No conditional building and/or use shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. Minimum Lot Area – Twenty-two thousand five hundred (22,500) square feet
 2. Minimum Lot Width at Building Setback Line – One hundred fifty (150) feet
 3. Minimum Front, Side (on each side of lot) and Rear Yards – Fifty (50) feet
 4. Maximum Building Height – No building shall exceed forty (40) feet or three (3) stories in height unless such building is set back from the street right-of-way line a distance of not less than one-half (1/2) its height and is set back from all other property lines a distance of fifteen (15) feet from side yard and twenty-five (25) feet from rear yard, plus two (2) feet on each side and rear yards for each foot of height in excess of forty (40) feet. In addition to the above requirements any such building shall provide a pad to support a fire truck within (20) feet of said building
- F. OTHER DEVELOPMENT CONTROLS:
1. Off-street parking and loading or unloading shall be provided in accordance with Articles 12 and 13 of this ordinance
 2. No outdoor storage beyond thirty (30) days of any material (usable or waste) shall be permitted in this zone including buckets, barrels, tubs, totes, and similar containers.
 3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of way or into and adjacent property
 4. Where any yard of any use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this ordinance shall be required
 5. A development plan, as regulated by ARTICLE 15 of this Ordinance, shall be required for any use permitted in this zone.
 6. Any portion of the land to be developed having slopes greater than 25% may not be included in the determination of the total number of dwelling units to be permitted on the site. In order to help control the erosion, minimize unstable hillside conditions and minimize increases in storm water runoff, existing vegetation shall be left undisturbed whenever possible. This development/density control shall not be construed to include the slopes for constructed improvements or grade changes within the development.

SECTION 10.12 PUD PLANNED UNIT DEVELOPMENT OVERLAY ZONE:

- A. **PURPOSE:** The purpose of the Planned Unit Development (PUD) Overlay Zone are to: promote flexibility in design and permit planned diversification in the relationships between location of and types of uses and structures; promote the advantages of modern large scale site planning for community development through the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses, and utilities; preserve, to the greatest extent possible, the existing landscape features and amenities, and to utilize such features in a harmonious fashion; provide for more useable and suitably located recreation facilities, other public and common facilities than would otherwise be provided under conventional land development procedures, but always with the intention of furthering the public health, safety, and general welfare.
- B. **GENERAL:** A Planned Unit Development Overlay Zone may be permitted only to be superimposed over any of the Residential (R) Zones, provided that all conditions or provisions of this section of the ordinance, the applicable requirements of the subdivision regulations, and any additional requirements as may be determined necessary to provide for the most efficient layout of the PUD and its proper integration with the surrounding development are met; and a public hearing is held on the PUD application.
- C. **APPLICATION AND PROCESSING:** Applications for Planned Development Overlay Zone shall be processed through the normal zoning map amendment process, including the submittal of a Concept Development Plan as described in ARTICLE 15. Subsequent stages of review shall include application for Site Development Plan review as described in ARTICLE 15 of this order.

Record Plat: The applicant shall submit a record plat, in conformance with the approved Site Development Plan, at a scale not smaller than one (1) inch equals fifty (50) feet. If the record plat is submitted in sections, an index shall be developed showing the entire PUD. The particular number of sections, and the relationship of each adjoining section shall be clearly shown by a small key map on each section submitted. The record plat shall conform to the applicable requirements of the Subdivision Regulations, unless specifically waived by the Planning Commission, and in addition thereto, the following:

- a. All areas reserved for common ownership with an indication of the properties the owners will share in common
- b. Such lot or parcel lines indicating tracts which are now in separate ownership or which may be transferred to other ownership during or after development. (Resubdivision of large lots containing several buildings may be accomplished at a later date upon application and approval.)
- c. Indication of areas to be developed for residential (by type of housing unit), commercial, public and semi-public uses

- F. **RESIDENTIAL USES AND DENSITIES:** All types of residential housing units (attached or detached) may be permitted within a PUD Overlay Zone, including but not limited to, single-family, two-family, and multi-family units. The density of dwelling units in a PUD shall be determined by the density (dwelling units per net acre) as calculated from the existing residential (R) zone superimposed by the PUD overlay zone. This density shall be applied to the total project area excluding that land devoted to commercial uses and streets (public and private).
- G. **COMMERCIAL USES:** Commercial uses intended primarily for the service and convenience of residents of the PUD may be permitted within the project area provided a market analysis is made justifying the need for said uses. These commercial uses shall be grouped in complexes clearly delineated on the Concept Development Plan, and may include one or more of the following uses:
1. Bakery shop
 2. Bank
 3. Beauty or barber shop
 4. Business or professional office
 5. Clothing store
 6. Delicatessen, grocery, meat, fruit, or vegetable market
 7. Drug store
 8. Hardware store
 9. Laundry
 10. Restaurant
 11. Shoe repair shop

Another use may be substituted on the approved Concept Development Plan for a use previously approved providing it is one of the above listed uses and providing said use will not involve any building expansion beyond that approved in the approved Concept Development Plan and further providing that said use is approved by the Zoning Administrator.

- H. **PUBLIC AND SEMI-PUBLIC USES:** Public and semi-public structures and uses may be permitted in the PUD. These uses shall be delineated on the Concept Development Plan and shall be limited to one or more of the following uses:
1. Churches
 2. Community centers, including day care facilities
 3. Country clubs
 4. Fire and police stations
 5. Libraries
 6. Open space – recreation areas
 7. Schools (elementary and secondary), Day Care Center
- I. **AREA REQUIREMENTS:** No PUD overlay zone shall be permitted on less than five (5) acres of land. However, development of a smaller tract adjacent to an existing PUD

overlay zone, may be permitted, if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.

- J. HEIGHT, YARD AND SETBACK REGULATIONS: Requirements shall be as approved in the Concept Development Plan.
- K. OFF-STREET PARKING AND LOADING AND/OR UNLOADING: Off-Street parking and, when applicable, loading and/or unloading shall be provided in accordance with Articles 12 and 13 of this ordinance.
- L. FENCES, WALLS, AND SIGNS: The location, height, and type of all fences, walls and signs shall be as approved in the Concept Development Plan.
- M. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.
- N. DESIGN FEATURES AND COMMON OPEN SPACE – RECREATION AREA: At least twenty percent (20%) of the total acreage of the proposed PUD shall be retained as common open space and recreation area, and dedicated to a public and/or private entity for operation and maintenance. Such open space and recreation areas shall be physically situated so as to be readily accessible, available to, and useable by all residents of the PUD. Common open space and recreation area shall be that part of the total project exclusive of dwellings, streets, parking areas, single-family lots, commercial areas, and other non-open space and non-recreationally oriented facilities. Extra right-of-way width along streets to provide greenways with multipurpose paths, park areas, or to protect stream corridors may be proposed for this purpose. Open Space areas are encouraged to have street frontage and visibility. Any site proposed to be publicly dedicated or donated for park or open space purposes shall comply with city or county requirements for acceptance of such dedications or donations.

Multi-Modal transportation system: Such elements shall be incorporated throughout the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such elements may include provisions for mass transit stops or stations, bus pull-outs on main streets or US 27, car-pool lots, wide urban sidewalks, pedestrian and bicycle paths and lanes, bicycle parking areas, etc. Multi-modal facilities should be connected with the pedestrian systems and open spaces in the development and adjacent development.

Preservation of Existing Site Features: Existing topography, significant tree cover, tree lines along property lines, cemeteries, and water courses shall be largely preserved and incorporated into the project design. Multi-story buildings and parking garages are encouraged in order to cluster density and utilize these features

as amenities for the development. Section 9.23, Hillside Development Controls is especially important to consult for the PUD zone.

Landscaping and Lighting: For sites fronting on U.S. 27, each landscaping and lighting theme shall include gray, real limestone laid in an Ashlar pattern, black wrought-iron fixtures, and white painted trim, consistent with the standards of Article 12 of this order. All retaining walls must meet this design standard.

Pedestrian Orientation: All three redevelopment areas shall provide supporting pedestrian infrastructure. This may be accomplished through multi-purpose paths along main routes and open spaces, and that connect all major destinations within the development and adjoining areas. Secondary walks shall connect all buildings to the multi-purpose paths. The development shall provide for a pedestrian environment that includes properly located street trees (in addition to other required landscaping), decorative street lights, street furniture, and appropriate seating areas. Path and street intersections shall be properly designed for safety. Commercial and Office development should place buildings in close proximity to the street with parking areas to the side and rear of buildings, with integral curb sidewalks. Each development proposal must demonstrate in detail how the project will be made walkable throughout. Proposed commercial and residential uses shall be connected in a visible and safe manner.

- O. **CONSISTENCY WITH THE ADOPTED COMPREHENSIVE PLAN:**
A submitted Concept Development Plan must describe the size, scale, site conditions, design, uses, and impacts of a proposed development, and successfully demonstrate consistency with the Adopted Concept Development Plan.
- P. **AMENDMENTS:** Any amendments to plans, except for the minor adjustments which may be permitted by the Planning Commission, shall be made in accordance with the procedure required by this ordinance, subject to the same limitations and requirements as those under which such plans were originally approved.
- Q. **EXPIRATION:** Any amendment to PUD Overlay Zone shall be subject to the time constraint, as noted below. Upon expiration of said time period and any extensions thereto, the legislative body may initiate a request for a public hearing by the Planning Commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether said PUD overlay zone should revert to its original zoning designation. A public hearing may be initiated if either of the following conditions apply:
1. Site Development Plan has not been approved by the Planning Commission within a period of twelve (12) consecutive months from the date of the approved Concept Development Plan on Overlay Zone Amendment by the legislative body; provided that an extension may be permitted upon approval of the legislative body or their duly authorized representative if sufficient proof can be demonstrated that prevailing conditions have not changed

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

SECTION 10.13 – Not Currently Used

SECTION 10.14 SC SHOPPING CENTER ZONE:

A. USES PERMITTED: The following retail and service businesses:

1. Advertising agencies
2. Animal clinic
3. Antique shops
4. Apparel shops
5. Art supplies
6. Automobile laundry
7. Automotive parts and accessories store, new
8. Automotive service and repair
9. Bakery and bakery goods store, provided the products are sold exclusively on the premises
10. Banks and other financial institutions including savings, loan, and finance companies, with drive-in windows
11. Barber shops
12. Beauty shops
13. Billiard or pool hall
14. Book, stationary or gift shops
15. Bowling alley
16. Indoor recreation facilities such as racquetball, pickleball, arcades, virtual games, fitness clubs, self-defense, dance, yoga
17. Business or professional college
18. Camera and photographic supplies
19. Candy store, soda fountain, ice cream store
20. Carpet and rug store
21. Clinics – medical or dental
22. Clubs (including businessmen's, YMCA-YWCA)

23. Computer store - retail
24. Delicatessen store
25. Department store
26. Drug store
27. Dry cleaning and laundry pickup station
28. Eating and drinking places, including fast food with drive through window, exclusively drive-through, pick-up style food service, and exclusively restaurant-style delivery service. See development controls in subsection E, no. 8.
29. Employment agencies
30. Florist shop
31. Food store, Grocery, "Big Box" and supermarket, Convenience Stores without fuel sales (see Conditional Uses)
32. Furniture store
33. Garden supplies
34. Glass, china, or pottery store
35. Haberdashery
36. Hardware store
37. Health clinics and health spas
38. Hobby shop
39. Home Improvement Center Use/General Building Supplies
40. Household and electrical appliance store including incidental repair
41. Interior decorating store
42. Jewelry store including repair
43. Laboratories, medical and dental
44. Laundromats, self service washing and drying
45. Leather goods and luggage store
46. Library
47. Locksmith shop
48. Day Care Center, Day Care for Pets
49. Office appliances and supplies
50. Offices
51. Off-street, parking lots and/or garages
52. Opticians and optical goods
53. Package liquor and wine store
54. Paint and wallpaper store
55. Pet shop excluding boarding and outside runs
56. Police and fire stations
57. Post office
58. Radio and television store including repair
59. Shoe store and shoe repair
60. Sporting goods
61. Studios for professional work on teaching of any form of fine arts, photography, music, drama, or dance
62. Tailor shops
63. Theaters, excluding drive-ins

64. Toy stores
65. Travel bureau
66. Variety stores including notions and “Five and Ten” stores

**B. ACCESSORY
USES:**

1. Customary accessory uses
2. Fences and walls as regulated by Article 11 of this ordinance
3. Signs as regulated by Article 14 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 9.14 of this ordinance.

1. Automobile maintenance shops (including auto repairing, providing all repair except that of a minor nature (e.g., oil changes, exhaust, brakes, change of fan belt, minor carburetor adjustment, tire removal and/or replacement, windshield wiper replacement, etc.) is conducted wholly within a completely enclosed building and providing further that such service station is located adjacent to an arterial street as identified in the city’s adopted comprehensive plan
2. Fuel Sales as part of a Convenience Store, Food Store, Supermarket, Grocery, or “Big Box store”
3. Gasoline Filling Station

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

1. Minimum Building Site Area – Ten (10) acres. (In the case of this zone (SC) more than one principal building, as defined herein, may be permitted to be constructed within the minimum building site area.)
2. Minimum Yard Requirements – Fifty (50) feet for each front, side (on each side of the building site) and rear yards
3. Maximum Building Height – Forty (40) feet or three (3) stories, unless such building is set back from the street right-of-way a distance of not less than one-half (1/2) its height and is set back from all other property lines a distance of fifteen (15) feet from side yard and twenty-five (25) feet from rear yard plus two (2) feet on each side and rear yard for each foot of height in excess of forty (40) feet. In addition to the above requirement any such building shall provide a pad to support a fire truck within twenty (20) feet of said building

E. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles 12 and 13 of this ordinance
2. No outdoor storage of any material (useable 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 areas and additional setbacks shall be provided in accordance with Section 9.17 of this ordinance and as approved by the Planning Commission
5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone
6. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas, provided that lawn and garden, and landscape materials and seasonal merchandise may be displayed and sold in specific designated areas other than in a completely enclosed building as depicted on the Site Development Plan, as approved by the Planning Commission
7. A Site Development plan, as regulated by ARTICLE 15 of this ordinance, shall be required for any use in this zone. Such Site Development plan shall include the layout of the entire area of the shopping center and shall take into consideration good shopping center design including internal and external pedestrian and vehicular access, and functional relationship of uses within the shopping center.
8. Restaurant drive-through facilities shall be designed for sufficient vehicle stacking, screening from public roadways, architectural treatment consistent with the building, safety and visibility for pedestrians, and low volume control on speakers consistent with no. 5 of this subsection.

SECTION 10.15 - Not Currently Used**SECTION 10.16 GC GENERAL COMMERCIAL ZONE:**

- A. **PURPOSE:** The purposes of the General Commercial (GC) Zone are to: provide those retail businesses and services oriented to meeting the needs of the residents in the area and the surrounding neighborhood(s), and to promote the development of a local commercial area as part of a total design concept coordinating the uses provided, off- street parking and vehicular and pedestrian access.
- B. **PERMITTED USES:**
 1. Advertising agencies
 2. Apparel shop
 3. Art supplies
 4. Bakery and bakery goods store providing that the products are sold exclusively

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- on the premises
 - 5. Banks and other financial institutions including savings, loan, and finance companies with drive-in windows
 - 6. Barber and beauty shops
 - 7. Book, stationary or gift shop
 - 8. Bowling Alley
 - 9. Camera and photographic supplies (including incidental repair)
 - 10. Candy store, soda fountain, ice cream store, excluding drive-ins
 - 11. Computer store – retail
 - 12. Computer store - service
 - 13. Delicatessen
 - 14. Drug store
 - 15. Dry cleaning establishments
 - 16. Eating and drinking places, excluding fast-food, franchise style drive-in restaurants (see Conditional Uses)
 - 17. Family dining style restaurants, including the provision of a drive-in window that is clearly incidental to the sit-down portion of the restaurant operation.
 - 18. Florist shop
 - 19. Food stores and supermarkets, Grocery Stores, Convenience Stores without fuel sales (see Conditional Uses)
 - 20. Furniture store
 - 21. Garden supplies
 - 22. General building supply
 - 23. Glass, china or pottery store
 - 24. Haberdashery
 - 25. Hardware store
 - 26. Health clinics and health spas
 - 27. Hobby shop
 - 28. Household and electrical appliance store including incidental repair
 - 29. Interior decorating studio
 - 30. Jewelry store, including repair
 - 31. Laundromats, self-service washing and drying
 - 32. Leather goods and luggage store
 - 33. Library
 - 34. Locksmith shop
 - 35. Motels
 - 36. Music, musical instruments and record store (inc. incidental repair)
 - 37. Offices
 - 38. Off-street parking lots and/or garages
 - 39. Opticians and optical supplies
 - 40. Package liquor and wine store
 - 41. Paint and wallpaper store
 - 42. Pet shop, excluding boarding and outside runs
 - 43. Photography, music, drama, or dance studio
 - 44. Police and fire stations
 - 45. Post office

46. Radio and television store (including repair)
47. Shoe store and shoe repair
48. Sporting goods
49. Tailor shop
50. Toy store
51. Variety store, including notions and “Five and Ten” stores
52. Indoor recreation facilities such as racquetball, pickleball, arcades, virtual games, fitness clubs, self-defense, dance, yoga

C. ACCESSORY
USES:

1. Customary accessory uses
2. Fences and walls as regulated by Article 11 of this ordinance
3. Signs as regulated by Article 14 of this ordinance

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

1. Automobile Laundry
2. Day Care Center, Day Care for Pets
3. Automobile Repair - Service stations (including auto repairing, providing all repair except that of a minor nature (e.g. change of fan belt, minor carburetor adjustment, oil changes, tire removal and/or replacement, windshield wiper replacement, etc.) is conducted wholly within a completely enclosed building
4. Fuel Sales incidental to Convenience Store, Grocery, Supermarket, or Food Store
5. Fast Food, franchise style restaurants with drive-through windows, exclusively drive-through, pick-up food service, and exclusively restaurant-style delivery service. See development controls subsection F, no. 8.

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 Per Structure – Fifteen thousand (15,000) square feet. In the case of this zone (GC) City Council, upon recommendation of the Planning Commission, may permit more than one principal building, as defined herein, to be constructed on one lot provided the density requirements of this zone are not exceeded
2. Minimum Lot Width at Building Setback – Seventy-five (75) feet
3. Minimum Front Yard Depth – Thirty (30) feet per building, five (5) stories or less in height. One (1) additional foot of front yard depth shall be required for

- each additional story over five (5) stories
4. Minimum Side Yard Width:
 - a. For buildings five (5) stories or less in height – No restrictions except when adjacent to a street, road, highway, or other right-of-way when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the Building Code, shall be required. In the event a side yard is provided it shall never be less than fifteen (15) feet
 - b. For buildings six (6) stories in height a fifteen (15) foot minimum side yard width shall be required except where adjacent to a street, road, highway, or other right-of-way when the required width shall be the same as required for a minimum front yard depth in this zone
 5. Minimum Rear Yard Depth – Fifteen (15) feet for buildings five (5) stories of less in height. One (1) additional foot of rear yard depth shall be required for each additional story over five (5)
 6. Maximum Percentage of Lot Coverage – No restriction except as required by the yard requirements of this zone
 7. Maximum Building Height – No building shall exceed forty (40) feet or three (3) stories in height unless such building is set back from the street right-of-way line a distance of not less than one-half (1/2) its height and is set back from all other property lines a distance of fifteen (15) feet from side yard and twenty-five (25) feet from rear yard, plus two (2) feet on each side and rear yards for each foot of height in excess of forty (40) feet. In addition to the above requirements any such building shall provide a pad to support a fire truck within twenty (20) feet of said building

F. OTHER DEVELOPMENT
CONTROLS:

1. Off-street parking and loading or unloading shall be provided in accordance with Articles 12 and 13 of this ordinance
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property
4. Where land in this zone is abutting a residential zone, a minimum yard requirement of fifty (50) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area as regulated by Section 9.17 of this ordinance
5. A Site Development plan as regulated by ARTICLE 15 of this ordinance shall be required for any use in 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 and loading and/or unloading areas
 8. Restaurant drive-through facilities shall be designed for sufficient vehicle stacking, screening from public roadways, architectural treatment consistent with the building, safety and visibility for pedestrians, and low volume control on speakers consistent with no. 5 of this subsection.

SECTION 10.17 PO (PROFESSIONAL OFFICE BUILDING) ZONE:

A. USES PERMITTED:

1. Animal clinics and veterinary services, excluding outside runs and boarding
2. Banks and other financial institutions, including loan, savings, credit union, and finance companies, and including drive-through teller services.
3. Clinics – medical or dental Offices, and medical or dental laboratory not exceeding fifteen (15) percent of the gross floor area of the principal permitted use (See Conditional Uses also)
4. Computer store – service
5. Florists, excluding greenhouses
6. Massage therapist clinic
7. Off–street parking lots and/or garages
8. Opticians
9. Police and fire Stations
10. Post offices and store-front packaging services excluding outside activity
11. Prescription pharmacy
12. Business and personal credit, title, and collection services
13. Security brokers, investment services
14. Insurance agents, title, and broker services
15. Real estate services, developer, and builder offices excluding outside storage
16. Photographic studio, blueprinting, duplicating, and information transfer services
17. Direct mail and advertising services
18. News agencies
19. Employment Services
20. Finance, business, and management consulting services and associations
21. Media production, publishing, and distribution services
22. Legal, engineering, architectural, accounting, auditing services
23. Education and scientific research labs
24. Charitable and social services administration services but not retail of items
25. Professional membership, labor, and civic associations
26. Media and communications excluding exterior towers and similar structures
27. Management and administration offices for commercial and retail businesses
28. Business colleges and trade schools excluding outside equipment training
29. Indoor recreation facilities such as racquetball, pickleball, arcades, virtual

- games, fitness clubs, self-defense, dance, yoga
- 30. Retail sale and repair of office supplies and equipment
- 31. Shoe repair, shoe-shining, hat cleaning, garment repair services
- 32. Dry Cleaning and Tailor shop, (drop off and pick up only, not self-service)
- 33. Design studios, including interior decorators
- 34. Hardware stores with interior display and storage only
- 35. Insurance carriers, agents, and claims adjusting services
- 36. Radio, TV, watch, clock, jewelry repair services
- 37. Travel arranging and tickets, event or promotional booking
- 38. Libraries and museums
- 39. Art, music, and dance schools
- 40. Art and craft galleries and similar exhibit space
- 41. News and confectionary stands
- 42. Retail sales of specialty clothing
- 43. Art, craft, and hobby supplies and products
- 44. Gifts, Boutiques
- 45. Toy stores
- 46. Florists excluding greenhouses
- 47. Sporting goods (interior display only and not including motorized recreation vehicles)
- 48. Books, stationary, newspapers, greeting cards, magazines, and electronic media
- 49. Pet shops including fish and aquariums

B. ACCESSORY USES:

- 1. Customary accessory buildings and uses
- 2. Fences and Walls as regulated by Article 11 of this ordinance
- 3. Signs as regulated by Article 14 of this ordinance
- 4. Uses as listed below as a convenience to the occupants thereof, their patients, clients, or customers provided that the accessory uses shall not exceed fifteen (15) percent of the gross floor area of each permitted use in the building. The total of all accessory uses shall not exceed forty-five (45) percent:
 - a. Barber shop
 - b. Beauty shop
 - c. Coffee shops or refreshment stands
 - d. Eating establishments and taverns
- 5. Eating and drinking places as an accessory use are permitted to locate outside an office building within a free-standing building, provided all of the following conditions and other applicable sections of this ordinance are met:
 - a. The total development, including principal and accessory uses, comprises a minimum building site of three (3) acres
 - b. A pedestrian and vehicular circulation plan, in accordance with Section

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- 12.0. L. of this ordinance is submitted and approved by the Zoning Administrator. Said plan shall provide for the safe movement of vehicular and pedestrian traffic to and from within the site
 - c. Such an accessory use shall be developed only in conjunction with a principally permitted use (except off-street parking lots and/or acres) and shall not exceed twenty-five percent (25%) of the gross floor area of the permitted use(s)
 - d. Signs are provided in accordance with the requirements of Section 1.7, as it applies to the General Commercial Zone
 - e. Where such an accessory use is abutting a residential zone, a minimum yard requirement of fifty (50) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area as regulated by Section 9.17 of this ordinance
6. Single-family dwelling unit, provided the building is designed for such use.
- 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 building or uses be permitted until and unless the location of said use have been applied for and approved by the Board of Adjustment as set forth in Section 9.14 of this ordinance.
1. Barber Shop and Beauty Salon
 2. Consignment shop
 3. Drug Store
 4. Medical and Dental Laboratory of a scale larger than Uses Permitted #3
 5. Day Care Center, Pet Day Care as defined in these regulations
 6. Window cleaning, disinfection, exterminating, and similar building uses
- D. **AREA AND HEIGHT REGULATIONS:**
1. Minimum Lot Area – Fifteen thousand (15,000) square feet
 2. Minimum Lot Width at Building Setback Line – One hundred (100) feet
 3. Minimum Front Yard Depth - Thirty (30) feet
 4. Minimum Side Yard Width - Fifteen (15) feet
 5. Minimum Rear Yard Depth - Twenty-five (25) feet
 6. Maximum Building Height – No building shall exceed forty (40) feet or three (3) stories in height unless such building is set back from the street right-of-way line a distance of not less than one-half (1/2) its height and is set back from all other property lines a distance of fifteen (15) feet from side yard and twenty-five (25) feet from rear yard, plus two (2) feet on each side and rear yards for each foot of height in excess of forty (40) feet. In addition to the above requirements any such building shall provide a pad to support a fire truck within twenty (20) feet of said building

7. Single-family dwelling unit (Accessory Use No. 6) shall meet the minimum requirements of the Residential One-F (R-1F) zoning district.

E. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles 12 and 13 of this ordinance
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property
4. Screening areas and additional setbacks shall be provided in accordance with Section 9.17 of this ordinance
5. A Site Development plan, as regulated by ARTICLE 15 of this ordinance shall be required for any use in this zone
6. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from any building 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 and loading and/or unloading areas
8. Commercial-oriented uses # 30 through #49 in the Uses Permitted subsection A shall contain a maximum building-floor area of ten thousand (10,000) square feet so that the character of the office district is maintained.

SECTION 10.18 LSC LIMITED SERVICE COMMERCIAL ZONE:

- A. **PURPOSE:** The purpose of the Limited Service Commercial (LSC) Zone is to provide for a specialized neighborhood oriented services, with a variety of office, business, and commercial uses which relate to the existing and planned development and require maximum restriction to avoid conflicts with circulation and adjacent land uses.
- B. **PRINCIPLE PERMITTED USES:** The permitted uses are generally small in floor area and because of their hours of operation, traffic generation, appearance, etc., are more compatible with residential uses than other type of retail operations. These uses may be free-standing, but are usually part of a shopping center.
 1. Business and cleaning services including, but not limited to, packaging and mailing; building maintenance; blue printing and photo copying; office equipment rental and leasing; carpet and upholstery cleaning; business supply services and other similar establishments engaged in rendering services to businesses or households on a fee or contract basis
 2. Computer store – retail
 3. Computer store – service

4. Financial establishments including banks with drive-in windows, savings and loan association; credit unions; finance companies, loan offices, and safe deposit companies
 5. Food store and supermarkets including grocery stores and drug stores, and Convenience Stores without fuel sales.
 6. Home furnishings; home improvements; and miscellaneous materials and equipment stores; including, but not limited to, appliance and appliance repair stores; auto accessory stores, with no on premises installation; bicycle shops; business machine shops; carpeting and floor covering stores; curtain and drapery stores; fabric stores; hardware stores; glass shops; sewing shops; lawnmowers and snow blower sales; music, record, and musical instruments stores; glass and wall paper stores; sporting goods stores; stereo, radio, and telephone stores; and video stores. This category does not include lumberyards; building material sales, motorcycle shops or lawnmower repair
 7. Offices, including medical or dental clinics, opticians, and massage therapist clinics
 8. Personal services including, but not limited to, beauty and barber shops; laundry and dry cleaning establishments' photo studios and photo finishing; shoe repair; tailoring, watch, clock and jewelry repair; clothing rental; and other services performed for person or their apparel
 9. Post office
 10. Restaurant eating and drinking places provided that such use is conducted within a completely enclosed building and is at least two hundred (200) feet from any residential district. This category does not include fast food service restaurants and drive through facilities
 11. Specially food stores specializing in any special type or class of food, including, but not limited to, bakeries; candy, nut and cheese shops; confectionary store; coffee and tea shops; dairy and ice cream stores; delicatessens; fruit and vegetable stores; international food stores; nutritional health foods; and wine shops. These uses do not include restaurants or carry-outs or convenient food stores. These uses do not include stores with drive-up or drive through facilities
 12. Specially retail commercial establishments and boutiques including but not limited to antique stores; apparel stores; art galleries, art supplies, book and magazine stores; card and stationary shops; cosmetic stores; craft and hobby stores; camera and photo supply stores; florist; furriers; gift shops; toy shops; interior decorating accessories; leather goods stores; picture framing shops; and tobacco shops. These uses do not include stores with drive-in or drive through facilities
- C. **CONDITIONAL USES:** No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or 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 Adjustments, as set forth in Section 9.14 of this ordinance.

1. Day Care Center, Day Care for Pets
2. Indoor Recreation facilities such as racquetball, pickle ball, arcades, virtual games, fitness clubs, self-defense, dance, yoga

D. ACCESSORY USES:

1. Customary accessory uses
2. Fence and walls as regulated by Article 11 of this ordinance
3. Signs as regulated by Article 14 of this ordinance

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 – Twenty-two thousand five hundred (22,500) square feet
2. Minimum Lot Width at Setback Line – One hundred (100) feet
3. Minimum Front Yard Depth – Thirty (30) feet
4. Minimum Side Yard Width – Fifteen (15) feet
5. Minimum Rear Yard Depth – Twenty-five (25) feet
6. Maximum Building Height - No building shall exceed forty (40) feet or three (3) stories in height unless such building is set back from the street right-of-way line a distance of not less than one-half (1/2) its height and is set back from all other property lines a distance of fifteen (15) feet from side yard and twenty-five (25) feet from rear yard, plus two (2) feet on each side and rear yards for each foot of height in excess of forty (40) feet. In addition to the above requirements any such building shall provide a pad to support a fire truck within twenty (20) feet of said building

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles 12 and 13 of this ordinance
2. Parking for floor area specifically allocated for general and/or medical office use within the development shall be provided in accordance with the requirements of Article 12 and 13 of these uses
3. Outdoor storage of any material (useable or waste) shall be permitted in this zone within enclosed container with proper solid screening and landscaping
4. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or onto any adjacent property
5. Screening areas and additional setbacks shall be provided in accordance with Section 9.17 of this ordinance
6. When a structure directly abuts a residential district, side and rear yard setbacks shall be used as yard space only, free from loading areas, driving aisles, parking and anything else associated with the operation of the development, including any mechanical equipment associated therewith
7. Structures directly abutting residence districts shall be made as possible architecturally compatible with the character of the adjoining residences through facade improvements, screening, fencing, and landscaping. All

- mechanical equipment on the roof of buildings shall be screened from view of adjacent residential districts
8. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone
 9. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas
 10. A Site Development plan, as regulated by ARTICLE 15 of this ordinance shall be required for any use in this zone

SECTION 10.19 MLU MIXED LAND USE ZONE:

- A. **PURPOSE:** The purpose of the MLU zone is to provide for the coordination of new university-related and new-urbanism style, private development to enable separate projects to fit together in terms of building scale, site design, and transportation layout. The MLU zone will help create a more urban, cohesive, well-planned development pattern than currently exists in Highland Heights, and will support a strong business district, special events, and unique residential needs for both the city and the university. The MLU is intended to connect and blend university and private developments together. The MLU zone provides an opportunity for some limited housing to be designed into the new urban fabric or for well-designed, self-contained university housing developments. It is therefore primarily intended for the portions of the city west of the I-471/U.S. 27 corridor, including the Gateway West and Town Center redevelopment areas identified in the adopted Comprehensive Plan to avoid increasing congestion at the intersection of those two major transportation routes. The MLU zone is also intended to enable and encourage redevelopment addressed by the Highland Heights Tax Increment Financing District (TIF).
- B. **GENERAL:** A Mixed Land Use Zone may be permitted provided that all conditions or provisions of this section of the ordinance, the applicable requirements of the subdivision regulations, and any additional requirements as may be determined necessary to provide for the most efficient layout of the MLU Zone and its proper integration with the surrounding development are met; and a public hearing is held on the MLU application. The proposed development shall address impacts on adjoining land uses and be consistent with adopted land use and infrastructure plans for the area, and should examine the Highland Heights Tax Increment Financing District.

CONSISTENCY WITH THE ADOPTED COMPREHENSIVE PLAN:

Submitted Concept Development Plans or Site Development Plans must describe the size, scale, site conditions, design, uses, and impacts of a proposed development, and successfully address the following standards:

1. Land Uses:

Land-use arrangement and development layout depend on the special redevelopment area that the subject application site is within:

Town Center Area: Developments proposed in the **Town Center** area shall provide a combination of residential, commercial, and/or office uses in an urban, rather than suburban density and design. Multi-story buildings should be a part of these proposals, ideally with a mix of uses within the same buildings. Office and residential uses are strongly advocated above commercial uses to decrease dependence on the automobile and provide a greater density in the business district. Developments in the Town Center shall have a pedestrian orientation, where it is possible to live, work, shop, and recreate in the same immediate vicinity without dependence on the automobile. Wide, urban sidewalks shall be provided along all streets throughout the development.

Gateway West Area and areas west of U.S. 27: Developments shall indicate how the proposed development will be consistent with the future employment/business park type of development envisioned for this area. Proposed commercial and residential uses shall support and connect to the employment uses.

Permitted Uses:

1. Principally-Permitted Uses within the General Commercial (GC) zone, excluding Motels. Restaurants must be designed into a multi-use building and not free-standing.
 2. Principally-Permitted Uses within the Professional Office (PO) zone;
 3. Hotels within the same building structure as other land uses;
 4. Meeting and training facilities;
 5. Day Care Center
 6. Residential dwelling units designed into and compatible with the rest of the proposed development and designed to minimize impact on adjacent single-family residential uses.
 7. Learning for continuing education programs
 8. Manufactured, assembly and storage of electronic and radio frequency equipment and related products which are, in part, related to a cooperative program with an accredited college or university and located on a single tract of land not less than twenty (20) acres
 9. Offices and research laboratories
2. **Pedestrian Orientation:** All proposed development in the MLU zone shall provide supporting pedestrian infrastructure. This may be accomplished through multi-purpose paths along main routes and open spaces, and that connect all major destinations within the development and adjoining areas. Secondary walks shall connect all buildings to the multi-purpose paths. The development shall provide for a pedestrian environment that includes properly located street trees (in addition to

other required landscaping), decorative street lights, street furniture, and appropriate seating areas. Path and street intersections shall be properly designed for safety. Commercial and office development should place buildings in close proximity to the street with parking areas to the side and rear of buildings, with integral curb sidewalks. Each development proposal must demonstrate in detail how the project will be made walkable throughout. Proposed commercial and residential uses shall be connected in a visible and safe manner.

3. **Open Space:** At least 20% of the total acreage of the proposed MLU development shall be retained as open space, recreation areas, or public plazas. This figure can be relaxed as part of a Concept Development Plan review if the development is properly designed as an urban redevelopment project that successfully addresses open space and buffering needs through approved building architecture (see item #7 in this section). Such open space/recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all activities within the MLU development. Open space and recreation areas shall be that part of the total project exclusive of parking areas, access drives and normal street rights-of-way. These spaces may be provided in the form of greenways, parks, plazas, arcades, commons, trails, sports courts, or other athletic and recreational areas. Extra right-of-way width along streets to provide greenways with multipurpose paths, park areas, extended storm water retention areas, or to protect stream corridors may be proposed for this purpose. Open Space areas are encouraged to have street frontage and visibility. Any site proposed to be publicly dedicated or donated for park or open space purposes shall comply with city or county requirements for acceptance of such dedications or donations.
4. **Multi-Modal transportation system:** Such elements shall be incorporated throughout the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such elements may include provisions for mass transit stops or stations, bus pull-outs on main streets or US 27, car-pool lots, wide urban sidewalks, pedestrian and bicycle paths and lanes, bicycle parking areas, etc. Multi-modal facilities should be connected with the pedestrian systems and open spaces in the development and adjacent development.
5. **Preservation of Existing Site Features:** Existing topography, significant tree cover, tree lines along property lines, cemeteries, and water courses shall be largely preserved and incorporated into the project design. Multi-story buildings and parking garages are encouraged in order to cluster density and utilize these features as amenities for the development.
6. **Landscaping and Lighting:** Each landscaping and lighting theme shall include gray, real limestone laid in an Ashlar pattern, black wrought-iron fixtures, and white painted trim, consistent with the standards of Article 12 of this order. All retaining walls must meet this design standard. Substantial landscaping shall be provided with emphasis given to the required streetscape areas and buffer zones

for adjacent land uses. An overall landscaping package, meeting ARTICLE 12 shall be submitted that includes the retention of existing healthy trees and properly-designed street tree plantings, and provides number, type, and size of plants. Decorative, low level lighting shall be provided that is consistent with the land use and architecture of the proposed development.

Town Center area: Proposed developments can have relaxed requirements on landscaping if the proposed development is urban in character with multi-story buildings and ten (10) foot or less front setback from the public street right-of-way, and provides a complete architectural theme and additional architectural detail. The development shall provide urban-scale and urban-style street lighting that directs lighting downward and is consistent with the building architecture. Building-mounted lighting shall not cause glare on the street or adjacent uses.

7. **Architecture:** A consistent architectural theme shall be provided. For attached residential units, commercial, and office developments, the building materials shall contain or accurately replicate brick, stone, and natural wood materials. Concrete masonry units are not permitted on any façade. Roof designs shall contain three dimensional pitched roof forms with architectural grade roofing and/or the use of defined parapets with cornice lines. Long building facades and roof planes shall be interrupted with design features such as corners, dormers, and gables. All buildings, including accessory structures shall include architectural detailing, and use a consistent design treatment on all facades. Architectural guidelines or building prototypes shall be submitted with the overall MLU application. Developments should be mixed-use in character with multi-level buildings where commercial services are proposed. Commercial roof equipment, including HVAC, must be screened by use of parapets that coordinate with the approved building design. Development layout design shall provide for building entrances that directly face streets with reduced setbacks, commercial display windows, projecting signs, awnings at the street facade, and designed outdoor seating and gathering spaces at the street level. The city of Highland Heights can contract with architectural expertise to assist in the review of proposed building architecture.
8. **Historic Features:** The applicant shall demonstrate how features on the project site will be reasonably incorporated into the overall project design, re-used, or properly documented.
9. **Signage:** A consistent signage theme shall be provided that could be carried forth in future phases or adjacent sites in the redevelopment area. Flexibility from the normal sign regulations can be granted if a well-designed package is submitted. Signage shall visually correlate with the development architectural theme by the use of consistent design details, materials, and colors. Signage style can vary depending on which redevelopment area the subject application is located: Building mounted signs shall be the predominate signage. Any

freestanding signs shall be monument style and planned well at the Concept Development Plan stage, thereby avoiding the need for excess signage.

Town Center area: Urban style development should employ the use of projecting signs (described in Article 14) for store frontages in place of monument signage. This must be designed and submitted at the Concept Development Plan stage so that it is well thought-out, thereby avoiding the need for excess signage. As described in Article 14, sandwich-board style signs are permitted for first floor commercial uses when incorporated as part of a multi-use, multi-story building.

10. **Transportation Connections and Entry Points:** Streets, sidewalks, and paths shall connect to adjoining properties and developments, including future development property. Connections shall be in accordance with the County's adopted Transportation Plan and any planned greenways, trails, bikeways, and/or sidewalks. Each redevelopment area has specific needs:

Gateway East area: Development along the north side of U.S. 27 must provide for through-road connection(s) to the future redevelopment areas near I-471. If parcels along U.S. 27 develop before other parts of this area, they must demonstrate on the submitted plans the provision for the future street alignments through the use of reserved right-of-way areas, construction of initial sections of the street, or driveway alignment(s) that can later be reconstructed to public street standards by future developers. This road system should intersect U.S. 27 across from the existing Lowes Drive unless the development can demonstrate a better location and design.

Gateway West area: Developments shall address the potential of re-location and redesign of Sunset Drive as a thoroughfare connecting U.S. 27 and Three Mile Road. Each developer should work with the city and state officials in helping to determine the future alignment and methods of enabling needed area for future design and construction. This item needs to be addressed on the submitted Concept Development Plan, and may include the provision for a section-by-section construction that enables future developments to connect and extend.

Town Center area: Development shall employ a grid street pattern that is able to be extended beyond the development's limits. There shall be only a minimal use of cul-de-sacs or other dead-end streets within this redevelopment area where connections are not feasible.

- C. **APPLICATION AND PROCESSING:** Applications within an existing Mixed Land Use Zone shall include a Concept Development Plan and be processed as described in ARTICLE 15. Upon approval, all subsequent development shall submit Site Development Plans in accordance with ARTICLE 15.

- D. **PUBLIC AND SEMI-PUBLIC USES:** Public and semi-public structures and uses may be permitted in the MLU Zone. These uses shall be delineated on the plan and shall be limited to one or more of the following uses:
1. Churches
 2. Community centers, including day care facilities
 3. Country clubs
 4. Fire or police stations
 5. Government offices
 6. Libraries
 7. Open space/recreation areas
 8. Schools (elementary and secondary)
- E. **AREA REQUIREMENTS:** No MLU Zone shall be permitted on less than 2 acres of land. However, development of a small tract adjacent to an existing MLU Zone may be permitted, if the proposed development conforms to and extends the original developments as if the new area had been a part of the original development.
- F. **ACCESS REGULATIONS:** Access shall be provided to the site via a major arterial or collector street, as identified within the locally adopted comprehensive plan and access management requirements in ARTICLE 12.
- G. **COORDINATION WITH ADJACENT LAND USES:** Proposed developments in the MLU zone shall demonstrate how the street and driveway system connects correctly to existing and planned adjacent uses, and how the visual impact of the proposed development on adjacent uses is addressed. The Planning Commission can require a one hundred (100) foot building setback and a fifty (50) foot paved area setback where greater than 3-story buildings are proposed adjacent to single-family residential development. The Planning Commission can also require a fifty (50) foot parking setback and additional landscaping and tree plantings where more than two tiers of parking stalls adjoin existing single-family residential development.
- H. **OFF-STREET PARKING AND LOADING AND/OR UNLOADING:** Off-street parking and when applicable, loading and/or unloading facilities, shall be provided in accordance with Articles 12 and 13 of this ordinance.
- I. This sub-section not currently used.
- J. This sub-section not currently used.
- K. **FENCES, WALLS, AND SIGNS:** The location, height, and type of all fences, walls, and signs shall be approved in the plan.
- L. **EROSION AND SEDIMENTATION CONTROL:** Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.

- M. This sub-section not currently used.
- N. **AMENDMENTS:** Any amendments to plans, except for the minor adjustments which may be permitted by the planning commission, shall be made in accordance with the procedure required by Article 15.
- O. **EXPIRATION:** Development plans within the MLU Zone shall be subject to the time constraints, as noted below. Upon expiration of said time period and any extensions thereto, the legislative body may initiate a request for a public hearing by the planning commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining the appropriateness of the approved development plan. A public hearing may be initiated if either of the following conditions apply:
1. Site Development Plan has not been approved by the planning commission within a period of 24 consecutive months from the date of the approved Concept Development Plan, except as agreed upon for the phasing of development by the legislative body; provided that an extension may be permitted upon approval of the legislative body or their duly authorized representative if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the approved Concept Development Plan obsolete.
 2. Substantial construction has not been initiated within a period of 12 consecutive months from the date of approval of the Site Development Plan by the planning commission; provided that an extension may be permitted upon approval of the legislative body or its duly authorized representative if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the approved Concept Development Plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the approved Concept Development Plan.

SECTION 10.20 I INDUSTRIAL ZONE:

- A. **USES PERMITTED:** The following industrial uses are permitted:
1. Contractors offices, equipment repair shop, materials storage and accessory storage yards, including the storage of general construction equipment and vehicles
 2. Warehousing or wholesaling
- B. **ACCESSORY USES:**
1. Customary accessory buildings and uses including operations required to maintain or support any use permitted in this zone on the same lot as the

permitted use, such as maintenance shops, power plants, and machine shops. An accessory building shall have a floor area of less than twenty-five (25) percent of the principle building

2. Fences and walls as regulated by Article 11 of this Ordinance
3. Signs as regulated by Article 14 of this Ordinance
4. Uses, as listed below, included within and entered from within any use permitted in this zone as a convenience to the occupants thereof, and their customers providing such 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 shall be visible from outside the building.
 - a. Cafeterias
 - b. Coffee shops or refreshment stands
 - c. Soda or dairy bars

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 Per Principal Building:** Fifteen thousand (15,000) square feet. The Planning Commission may permit more than one principal building, as defined herein, to be constructed on one lot provided the density requirements of this zone are not exceeded
2. **Minimum Lot Width at Building Setback Line:** Seventy-five (75) feet
3. **Minimum Side Yard Width:**
 - a. No restrictions except when adjacent to a street, road, highway, or other right-of-way when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the Building Code, shall be required. In the event a side yard is provided, it shall never be less than fifteen (15) feet
4. **Minimum Rear Yard Depth:** Fifteen (15) feet
5. **Maximum Percentage of Lot Coverage:** No restrictions except as required by the yard requirement of this zone
6. **Maximum Building Height:** Forty (40) feet or three (3) stories

D. **OTHER DEVELOPMENT CONTROL:**

1. Off-street parking and loading or unloading shall be provided in accordance with articles 12 and 13 of this Ordinance
2. 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
3. Where any yard of any use permitted in this zone abuts a residential zone, a minimum requirement of fifteen (15) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area as regulated by Section 9.17 of this ordinance

4. A development plan as regulated by ARTICLE 15 of this ordinance shall be required for any use in this zone

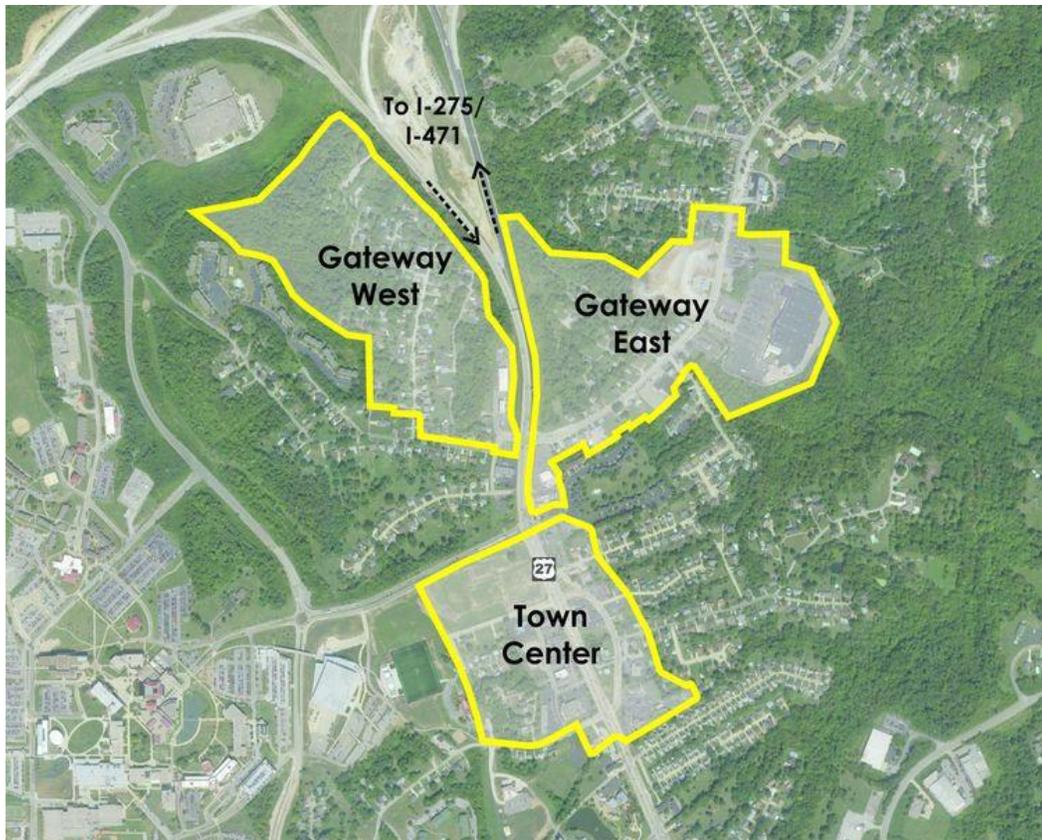
SECTION 10.21 – Not Currently Used

SECTION 10.22 ROD REDEVELOPMENT OVERLAY DISTRICT ZONE:

- A. **PURPOSES:** The Redevelopment Overlay District (ROD) Zone is designed to foster the development of three (3) strategically located redevelopment areas in Highland Heights. These three redevelopment areas are described in the text and maps of the 2012 Comprehensive Plan, Chapter 4 Redevelopment as Gateway East, Gateway West, and Town Center. The primary purpose of the Redevelopment Overlay District is to effect the redevelopment of each of the three areas individually in a manner consistent with the land use development policies of the Comprehensive Plan. The ROD zone also provides a vehicle to collaborate with the adopted Highland Heights Tax Increment Financing District (TIF). The ROD zone offers flexibility in density and development layout while requiring higher design standards and review. Proposed development in the ROD must fit in with the surrounding area and help promote a strong business and/or residential district. The ROD zone is intended to allow for mixed-use development if designed properly. A potential advantage of the ROD zone is that a developer could propose limited and properly-designed commercial and/or office uses within a new, predominantly detached single-family residential development or include some residential dwelling units within commercial and/or office development.
- B. **GENERAL:** The rezoning of a development area shall require the approval of a Concept Development Plan for the site that demonstrates in detail how the proposed development will fit in with adjacent land uses and future development patterns of the area as called out in the 2012 Highland Heights Comprehensive Plan. The implementation steps that may be required in carrying out the economic development of these three proposed redevelopment areas are described in detail in the Comprehensive Plan.

APPLICATION AND PROCESSING: Applications for Redevelopment Overlay Zone shall be processed through the normal zoning map amendment process, including the submittal of a Concept Development Plan as described in ARTICLE 15. Applications for redevelopment within an existing ROD zone shall also follow a public hearing process and review of a Concept Development Plan as described in Article 15. Subsequent stages of review shall include application for Site Development Plan review as described in ARTICLE 15 of this order.

1. The Redevelopment Overlay District (ROD) Zone is intended, but not limited to the three redevelopment areas depicted on the 2012 Highland Heights Comprehensive Plan, Redevelopment Areas Map below:



2. The rezoning of a development site shall be contingent upon the following requirements:
 - a. That a Concept Development Plan for the redevelopment area has been formulated by the applicant and submitted for approval
 - b. That in accordance with ARTICLE 15 of this ordinance, notification shall be given to owners of property that abut a proposed ROD zone for which a Concept Development Plan & Rezoning application has been submitted to the Planning & Zoning Commission for consideration
 - c. The Concept Development Plan is of sufficient detail to satisfy the requirements of ARTICLE 15 of this ordinance
 - d. The proposed uses depicted on the Concept Development Plan are appropriate for the site and consistent with the land use development guidelines outlined in the Comprehensive Plan
 - e. The proposed Concept Development Plan has to the extent possible, been formulated by an interdisciplinary design team comprising such discipline as architecture and landscape design, engineering design, and urban planning
 - f. The proposed Concept Development Plan has adequately addressed the development issues raised in the Comprehensive Plan in a manner that will enhance the image of Highland Heights

3. The application shall be first referred to the City Planner, the City Engineer and the City Zoning Administrator and other relevant departments for review. The reviewers shall present reports at the scheduled and advertised public hearing for the request. Such reports shall be made available to the applicant, and to adjoining property owners upon request
 4. The Concept Development Plan shall establish how the redevelopment site shall be developed, indicating the type of uses, specifying the types of building, and design features including layout, architecture, signage, drainage, and placement of utilities; provided that all utilities, for which the developer is responsible, are placed underground
 5. The Concept Development Plan shall include a schedule indicating when various site improvements are anticipated to be started and completed over the life of the development project. If the development is to be carried out in phases, then the development scheduled shall include a performance schedule for each phase
 6. Rezoning of a redevelopment site to a ROD zone shall be carried out in accordance with Section 16 of this ordinance
 7. Changes may not be made to an approved Concept Development Plan except for minor changes as determined by the Zoning Administrator without resubmitting a revised Concept Development Plan to the Planning and Zoning Commission pursuant to ARTICLE 15 of this ordinance
 8. Following approval of a Concept Development Plan, the applicant shall:
 - a. Submit a Site Development Plan(s) in accordance with ARTICLE 15 of this ordinance within twelve (12) months following Concept Development Plan approval
 - b. And shall commence construction within twelve months following Site Development Plan approval
 9. Should the applicant fail to meet the specified time deadline(s) the Concept Development Plan shall become null and void and the zoning on site shall revert back to its original classification. The Planning and Zoning Commission may grant the applicant a one-year time extension provided the applicant can show good cause for an extension.
- D. PERMITTED USES: The following permitted uses in a Redevelopment Overlay District Zone shall be as approved on the Concept_Development Plan, provided that such uses are consistent with the purpose and intent of the Comprehensive Plan for the area in question. Uses permitted in the Redevelopment Overlay District Zone may include mixed uses including:
1. Uses permitted in Section 10.16 General Commercial (GC) Zone and uses permitted in Section 10.17 Professional Office (PO) Zone, as defined in Section G. 2, Consistency with the Adopted Comprehensive Plan, Land Uses.
 2. Uses permitted in Sections 10.2 through 10.9 Residential One Zones

- E. **ACCESSORY USES:** Customary accessory buildings and uses shall be as approved on the Concept Development Plan.
- F. **LAND COVERAGE, DENSITY AND INTENSITY OF USE:** A submitted request and development plan shall be consistent with the purpose and intent of the adopted Comprehensive Plan for the redevelopment area in question.
1. The placement of buildings and other features of the built environment shall be as approved on the Concept Development Plan
 2. Building height and setback requirements shall be as approved on the Concept Development Plan.
 3. Residential development may be approved at fifty (50) percent greater intensity than an existing underlying residential zone would allow if the planning commission determines that the proposed development meets the following section G, Consistency with the Adopted Comprehensive Plan.
 4. Commercial and Office development may be approved by the planning commission at fifty (50) percent greater intensity than the GC or PO zones would typically allow if the proposed buildings are multi-story and include a parking garage or at least one level of parking under the subject buildings, and the scale, massing, and architecture of the proposed buildings compliment both the adopted Comprehensive Plan objectives and the adopted TIF District objectives.
- G. **CONSISTENCY WITH THE ADOPTED COMPREHENSIVE PLAN:**
A submitted Concept Development Plan must describe the size, scale, site conditions, design, uses, and impacts of a proposed development, and successfully address the following standards:

1. Land Uses:

Land use arrangement and development layout should be approved only if they are consistent with the adopted Comprehensive Plan for the special redevelopment area that the subject site is within:

Town Center Area: Developments proposed in the **Town Center** area shall provide a combination of residential, commercial, and/or office uses in an urban, rather than suburban density and design. Multi-story buildings should be a part of these proposals, ideally with a mix of uses within the same buildings. Office and residential uses are strongly advocated above commercial uses to decrease dependence on the automobile and provide a greater density in the business district. Developments in the Town Center shall have a pedestrian orientation, where it is possible to live, work, shop, and recreate in the same immediate vicinity without dependence on the automobile. Land Uses shall be

connected with wide, urban sidewalks along all streets throughout the development.

Gateway West Area: Developments proposed in the **Gateway West** area shall indicate how the proposed development will be consistent with the future employment/business park type of development envisioned for this area. Proposed commercial, office, and Residential-One zones uses shall support and connect to the employment uses.

Gateway East Area: Developments proposed on the north side of U.S. 27 shall emphasize residential development and a population base that support further redevelopment of office and limited commercial uses in that corridor. Proposed residential (R-1) uses shall occupy at least eighty (80) percent, and General Commercial (GC) and/or Professional Office (PO) uses shall occupy no more than twenty (20) percent of the land area of the proposed development. Redevelopment must minimize impacts on existing residential uses that are not part of the development. The ROD zone does not allow for existing houses to be converted to commercial or office uses. Measures shall be taken to assure compatibility of land uses with adjacent sites. Such measures may include the provision of buffer zones, common open space and landscape features.

2. **Pedestrian Orientation:** All three redevelopment areas shall provide supporting pedestrian infrastructure. This may be accomplished through multi-purpose paths along main routes and open spaces, and that connect all major destinations within the development and adjoining areas. Secondary walks shall connect all buildings to the multi-purpose paths. The development shall provide for a pedestrian environment that includes properly located street trees (in addition to other required landscaping), decorative street lights, street furniture, and appropriate seating areas. Path and street intersections shall be properly designed for safety. Commercial and Office development should place buildings in close proximity to the street with parking areas to the side and rear of buildings, with integral curb sidewalks. Each development proposal must demonstrate in detail how the project will be made walkable throughout. Proposed commercial and residential uses shall be connected in a visible and safe manner.
3. **Open Space:** All developments shall provide usable open space(s), in an amount over and above setback and buffer yard areas and open areas required by the underlying zone. These spaces may be provided in the form of greenways, parks, plazas, arcades, commons, trails, sports courts, or other athletic and recreational areas. Extra right-of-way width along streets to provide greenways with multipurpose paths, park areas, or to protect stream corridors may be proposed for this purpose. Open Space areas are encouraged to have street frontage and visibility. Any site proposed to be publicly dedicated or donated for park or open space purposes shall comply with city or county requirements for acceptance of such dedications or donations.

4. **Multi-Modal transportation system:** Such elements shall be incorporated throughout the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such elements may include provisions for mass transit stops or stations, bus pull-outs on main streets or US 27, car-pool lots, wide urban sidewalks, pedestrian and bicycle paths and lanes, bicycle parking areas, etc. Multi-modal facilities should be connected with the pedestrian systems and open spaces in the development and adjacent development.
5. **Preservation of Existing Site Features:** Existing topography, significant tree cover, tree lines along property lines, cemeteries, and water courses shall be largely preserved and incorporated into the project design. Multi-story buildings and parking garages are encouraged in order to cluster density and utilize these features as amenities for the development.
6. **Landscaping and Lighting:** Each landscaping and lighting theme shall include gray, real limestone laid in an Ashlar pattern, black wrought-iron fixtures, and white painted trim, consistent with the standards of Article 12 of this order. All retaining walls must meet this design standard. There are specific requirements per the following areas defined in the adopted Highland Heights Comprehensive Plan:

Gateway East and Gateway West areas: Substantial landscaping shall be provided with emphasis given to the required streetscape areas and buffer zones for adjacent land uses. An overall landscaping package shall be submitted that includes the retention of existing healthy trees and properly-designed street tree plantings, and provides number, type, and size of plants. Decorative, low level lighting shall be provided that is consistent with the land use and architecture of the proposed development.

Town Center area: Proposed developments can have relaxed requirements from Article 12 requirements on landscaping if the proposed development is urban in character with multi-story buildings and ten (10) foot or less front setback from the public street right-of-way, and provides a complete architectural theme and additional architectural detail. The development shall provide urban-scale and urban-style street lighting that directs lighting downward and is consistent with the building architecture. Building-mounted lighting shall not cause glare on the street or adjacent uses.

7. **Architecture:** A consistent architectural theme shall be provided. For attached residential units, commercial, and office developments, the building materials shall contain or accurately replicate natural brick, stone, and natural wood materials. Concrete masonry units are not permitted on any façade. Roof designs shall contain three-dimensional pitched roof forms with architectural grade roofing and/or the use of defined parapets with cornice lines. Long building facades and roof planes shall be interrupted with design features such

as corners, dormers, and gables. All buildings, including accessory structures shall include architectural detailing, and use a consistent design treatment on all facades. Architectural guidelines or building prototypes shall be submitted with the overall ROD application. Developments should be mixed-use in character with multi-level buildings where commercial services are proposed. Commercial roof equipment, including HVAC, must be screened by use of parapets that coordinate with the approved building design. Development layout design shall provide for building entrances that directly face streets with reduced setbacks, commercial display windows, projecting signs, awnings at the street facade, and designed outdoor seating and gathering spaces at the street level. The city of Highland Heights can contract with architectural expertise to assist in the review of proposed building architecture.

- 8. Historic Features:** The applicant shall demonstrate how features on the project site will be reasonably incorporated into the overall project design, re-used, or properly documented.
- 9. Signage:** A consistent signage theme shall be provided that could be carried forth in future phases or adjacent sites in the redevelopment area. Flexibility from the normal sign regulations can be granted if a well-designed package is submitted. Signage shall visually correlate with the development architectural theme by the use of consistent design details, materials, and colors. Signage style can vary depending on which redevelopment area the subject application is located:

Gateway East and Gateway West areas: Building mounted signs shall be the predominate signage. Any freestanding signs shall be monument style and planned well at the Concept Development Plan stage, thereby avoiding the need for excess signage.

Town Center area: Urban style development should employ the use of projecting signs for store frontages in place of monument signage. This must be designed and submitted at the Concept Development Plan stage so that it is well thought-out, thereby avoiding the need for excess signage. As described in Article 14, sandwich-board style signs are permitted for first floor commercial uses when incorporated as part of a multi-use, multi-story building.

- 10. Transportation Connections and Entry Points:** Streets, sidewalks, and paths shall connect to adjoining properties and developments, including future development property. Connections shall be in accordance with the County's adopted Transportation Plan and any planned greenways, trails, bikeways, and/or sidewalks. Each redevelopment area has specific needs:

Gateway East area: Development along the north side of U.S. 27 must provide for through-road connection(s) to the future redevelopment areas near I-471. If parcels along U.S. 27 develop before other parts of this area, they must

demonstrate on the submitted plans the provision for the future street alignments through the use of reserved right-of-way areas, construction of initial sections of the street, or driveway alignment(s) that can later be reconstructed to public street standards by future developers. This road system should intersect U.S. 27 across from the existing Lowes Drive unless the development can successfully demonstrate a better location and design.

Gateway West area: Developments shall address the potential of re-location and redesign of Sunset Drive as a thoroughfare connecting U.S. 27 and Three Mile Road. Each developer should work with the city and state officials in helping to determine the future alignment and methods of enabling needed area for future design and construction. This item needs to be addressed on the submitted Concept Development Plan, and may include the provision for a section-by-section construction that enables future developments to connect and extend.

Town Center area: Development shall employ a grid street pattern that is able to be extended beyond the development's limits. There shall be only a minimal use of cul-de-sacs or other dead-end streets within this redevelopment area where connections are not feasible.

- H. **EROSION & SEDIMENTATION CONTROLS:** Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.
- I. **AREA REQUIREMENTS:** No separate or disconnected Redevelopment Overlay District Zone shall be established for only a portion of a redevelopment site, or area that is smaller than three (3) acres in size. It is the intent that each redevelopment area is developed in accordance with the adopted Comprehensive Plan and any applicable, adopted corridor plan. In the absence of a detailed corridor plan, the applicant shall demonstrate how the proposed development would accommodate the transportation connections, access, buffering, and aesthetic needs of the immediate area. Piecemeal and disjointed development of such areas are not to be permitted.

ARTICLE 11

**FENCES, WALLS, AND OBSTRUCTION TO VIEW
REGULATIONS**

**SECTION 11.0 VISION CLEARANCE AT CORNERS AND RAILROAD
CROSSINGS:**

Potential obstructions such as trees, hedges, walls, buildings, utility boxes, dumpsters, bollards, fences, and berms shall not be located within a triangular area to be kept clear. Guidelines for evaluation include: driver's eyes location 18 feet back from the edge of thoroughfare, driver's eye 3.5 feet above pavement, and sighted object 2 feet above pavement on the thoroughfare. Consistent with typical Kentucky Transportation Cabinet (KYTC) requirements, the distance required for a clear sight area shall achieve 5 seconds of vehicle driver reaction time – dependent on the speeds present on the larger thoroughfare. A line shall be drawn from the driver's eyes location to the point needed for 5 seconds of reaction time, both left and right on the thoroughfare. No new driveways shall be permitted to encroach on this requirement. A proposed development with a new or modified driveway shall be reviewed by the Planning Commission and KYTC (when a state-maintained roadway) to ensure that no sight distance obstructions will exist or are proposed. Unmarked railroad crossing areas may be subject to additional requirements depending on railroad company or KYTC regulations.

SECTION 11.1 CLASSIFICATION OF FENCES AND WALLS:

- A. The following shall be the classification of fences and walls for this Ordinance:
 - 1. Masonry walls as required in Article 12
 - 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. Barbed wire or sharp pointed fences
 - 8. Earthen or concrete walls intended to contain or redirect flooding waters

SECTION 11.2 RECREATION ZONES:

- A. Fences and/or walls within the recreation zone shall conform to the following requirements:
 - 1. Section 11.0 except that in front yards class 2 or 3 fences may be erected up to maximum height of ninety-six (96) inches

2. Side and rear yard, class 1, 2, 3, 4, 5, 6, or 7 fences and/or walls may be erected up to a maximum height of ninety-six (96) inches
3. Class 8 walls shall be permitted but shall conform to requirements of the Corps of Engineers and/or City Engineer, whichever is applicable

SECTION 11.3 RESIDENTIAL ZONES:

A. Fences and/or walls within the residential zone shall conform to the following requirements:

1. The requirements for the Residential (R) Zones for residential uses only: Fences, walls, and hedges are not permitted within the front yard setbacks and corner side yard setbacks.
2. This sub-section not currently used.
3. For all nonresidential uses conditionally permitted in any residential zone herein, the requirements are as follows:
 - a. Fences, walls, and hedges are not permitted within the front yard setbacks and corner side yard setbacks.
 - b. Classes 1, 2, 3, 4, 5, or 6 fences and/or walls may be erected in side or rear yards up to a maximum height of eighty-four (84) inches; provided, however for the following exceptions:
 - (1) General purpose recreational areas may be enclosed with fences or walls of class 1, 2, 3, 4, 5, 6, or 7 up a maximum height of ninety- six (96) inches
 - (2) Class 2 fences (or a combination of 3 and 7) may be erected to enclose tennis courts or as backstops for baseball and/or softball fields up to a maximum height of one hundred forty-four (144) inches
 - (3) In the case of corner lots, as governed by Section 11.0, fences of class 2 or 3 only may be erected as regulated by the applicable provisions of this section

SECTION 11.4 COMMERCIAL ZONES: Fences and/or walls within all commercial zones including those permitted with all conditionally permitted uses in these zones shall conform to the following requirements. The location, height, and type of all fences and/or walls within any area zoned MLU, PUD overlay, or with an ROD Overlay shall be as approved by the Planning Commission.

- A. In front yards of commercial zones class 2 or 3 fences may be installed with approval of the Planning Commission at Site Development Plan review stage, and that Section 11.0 shall prevail at all intersections and driveway entrances.
- B. 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, except that Section 11.0 shall prevail at all intersections and driveway entrances.

- C. All dumpsters located within the city limits and within the general public's view, excluding compactor style dumpsters, shall be enclosed by a structure, (of minimum construction) consisting of solid wood, brick, and/or Ashlar style rock wall, as specified in Article 12 and approved through Site Development Plan Review, with three (3) foot clearance on all sides and shall totally enclose the dumpster and be at least one (1) foot higher than said dumpster. Each enclosure shall have a latch of four feet from the ground on the gate and to be secured at all times.

SECTION 11.5 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 11.6 HEIGHT OF ANY BARBED WIRE OR SHARP POINTED FENCES:

In zones, where permitted, barbed wire or sharp pointed fences shall not be less than a height of seventy-two (72) inches.

SECTION 11.7 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 11.8 ELECTRIFIED FENCES: No fence carrying an electrical charge shall be permitted in any zone except when such fence is used in conjunction with an agricultural use and provided the fence is not located along the perimeter with adjacent property or street.

SECTION 11.9 PERMIT REQUIRED FOR ERECTION OF FENCES: No fence shall be erected, except as exempted or specified within this ordinance, until all required fees have been paid to the proper authorities or their agents and the necessary permits have been issued for such by the Zoning Administrator and the Building Inspector, in accordance with Sections 15.1 and 15.2 of this ordinance.

SECTION 11.10 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 which faces the property owned by the person building the fence.

SECTION 11.11 DILAPIDATED FENCES: If thirty percent (30%) or more of the fence is gone or in disrepair the entire fence must be removed or repaired.

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ARTICLE 12

OFF-STREET PARKING AND LANDSCAPING REGULATIONS

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

SECTION 12.0 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:
 - 1. Off-street parking facilities (subject to additional restrictions according to screening requirements in Section 9.17, and other requirements of this ordinance) shall be located as follows:
 - a. Single family Residential Zones (R-RE and R-1): Off-street parking may be permitted in driveways in the minimum required front and side yards and in the rear yards, provided that all off-street parking facilities are set back a minimum of ten (10) feet from the rear lot line, and meet all other requirements of this ordinance. No off-street parking area located in the front or side yards of a single family residential zone may exceed four hundred (400) square feet (two (2) parking spaces) except; however, the Zoning Administrator may allow additional off-street parking spaces to be located thereon provided that:
 - (1) A plan of the proposed parking area is submitted and approved by the Zoning Administrator
 - (2) All other requirements of this ordinance are met.

- (3) All parking must be on a hard surface, such as asphalt, concrete, or pavers designed for that purpose and accessed by a paved driveway, not on grass, dirt, gravel or crushed stone.
 - b. Multi-Family Zones (R-2, R-3, R-4): Off-street parking shall be permitted only in side or rear yards, provided that off-street parking facilities shall be set back a minimum of ten (10) feet from the rear lot line. Off-street parking may be permitted in required front yards if approved by the Planning Commission according to the development plan as required in Section 9.19. All parking must be on a hard surface, such as asphalt, concrete, or pavers designed for that purpose and accessed by a paved driveway, not on grass, dirt, gravel or crushed stone.
 - c. PUD: Off-street parking shall be permitted according to approval of a final development plan.
 - d. GC, LSC, SC, PO, and I Zones: Off-street parking may be permitted in minimum required front, side, and rear yards, provided that all off-street parking facilities shall be set back a minimum of five (5) feet from street right-of-way lines.
2. All off-street parking facilities shall be located on the same lot as the building served, except for the following:
 - a. Multi-family dwellings, where permitted in this ordinance, and any use permitted in an industrial zone, may supply off-street parking within three hundred (300) feet from such lots or zoning lot served, upon approval of the Planning Commission, providing that such off-street parking is located within a compatible zoning district with the establishment being served and that off-street parking requirements of this ordinance are complied with at all times. The applicant shall demonstrate that legal pedestrian connections are maintained between the establishment and the off-site parking.
 - b. Where existing residential uses occupy a lot of such size that off-street parking could not be provided on the same lot as the use being served, said off-street parking may be permitted to locate within a distance not to exceed three hundred (300) feet from said dwelling or dwellings upon approval of the Zoning Administrator. In addition, said off-street parking ~~let~~ shall be located in the same zone as the use being served and constructed in accordance with other applicable requirements of this ordinance.
 - c. Off-street parking, as required for “conditional use” permitted in the residential (R) zones, may be permitted to locate on another lot or zoning lot than the building or use being served is located, when approved by the Board of Adjustment, provided that said parking is located within reasonable walking distance of the use or building being served and available at all times without restrictions for said purposes.

- D. Shared Parking Facilities may be permitted by the Zoning Administrator if the applicant demonstrates in detail that the dates and hours of parking need do not predominantly overlap, and a written agreement is produced among the two or more parties.
- E. Driveway Provisions – Except for residential (R-RE and R-1) zones, 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-six (36) feet in width at the curb, excluding curb radius. These curb cuts shall be so located as to minimize traffic hazards and congestion. All such parking lots or areas shall have a protective wall or bumper block around each parking lot and said parking lots shall be so designed that all vehicles leaving the facility will be traveling forward to approaching traffic.

No single family residential driveway width at street, road, highway, or deeded rights-of-way junctions shall be less than nine (9) feet nor more than twenty (20) feet, excluding curb radius, providing that this width may be increased if sufficient proof can be demonstrated after review and approval of the Zoning Administration.

- 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 development plan as regulated by Section 9.19 of this ordinance, for approval of all curb cuts, driveway openings, including modifications thereto, before a permit may be obtained therefore.

For the purpose of minimizing the interference of traffic and congestion on the major street system as identified in the city's comprehensive plan, the Planning Commission shall limit the number and width of curb cuts along said streets to avoid unsafe conditions with turning movements or sight line issues and to protect the capacity of the thoroughfare. The number of curb cut intersections with major streets shall be spaced at a distance of not less than six hundred (600) 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 hundred (600) feet apart will not impede the movement of traffic flow along said major street, then the Planning Commission may vary these requirements accordingly.

Where adjoining uses are compatible, and to where topography and distance will allow, the Planning Commission may require that a driveway be constructed as a part of the development to connect to an adjacent parking lot, or that a cross access easement and driveway stub be created to allow the future construction of a driveway when adjacent development occurs at a later date.

Proposed driveways and streets shall align directly across from each other and from existing street intersections to enable normal, safe turning movements. The Planning

Commission can require changes to a proposed development's layout to achieve this requirement.

- 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 Space and Access Drives Defined – For the purpose of this ordinance, one (1) parking space shall be a minimum of one hundred eighty (180) square feet in area, exclusive of access drives or aisles, and shall be a minimum of nine (9) feet in width and twenty (20) feet in length. When cars can park adjacent to a landscaped area, or a minimum 6 foot wide sidewalk at the end of the stalls, the depth of the affected parking spaces can be reduced to 18 feet provided the bumpers can overhang the curb or sidewalk. 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. Eighteen (18) feet (one-way circulation), twenty (20) feet (two-way circulation).
 3. Forty-five (45) degree (angle) parking. Thirteen (13) feet (one-way circulation), twenty (20) feet (two-way circulation).
 4. Thirty (30) degree (angle) parking. Eleven (11) 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 placed or 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 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 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 Highland Heights. Such plans shall show the number of spaces and arrangements of parking aisles, location of shelters for parking attendant, location of signs, typical cross sections of pavement, base and sub-base in accordance with Article 12 Section 12.0 M, of this Ordinance, proposed grades of 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 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. Pavers may be permitted when installed in accordance with industry standards and approved by the City’s Zoning Administrator. The Planning Commission may approve gravel parking lots or staging areas for Industrial, Commercial or Maintenance department uses when the lots are not used for public parking purposes and are not immediately visible from a public thoroughfare or adjacent residential land uses.
1. **Asphalt and Concrete Pavement:**

General Design Requirements: The applicant shall demonstrate to the City of Highland Heights that the proposed parking/driveway area will meet the requirements of the Campbell County Zoning Regulations and Building Code and their references, as well as any required review by the Sanitation District No. 1 of Northern Kentucky.
- N. **Design and Maintenance:**
1. **Lighting:** Any lighting used to illuminate off-street parking areas shall be directed downward or away from any residential uses in such a way as not to create a nuisance. The Planning Commission can require shields or lighting fixture modifications to avoid or correct negative impacts.
 2. **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 right-of-way (by means of adequate aisles as required by Section 12.0, H) which offers adequate ingress and egress for automobiles.
 3. **Parking lots, garages and storage areas** shall be so designed and constructed so that all maneuvering into and out of each parking space takes place entirely within property lines of lots, garages and/or storage areas.
- O. **Parking and Passenger Loading Zone Requirements for Disabilities:**
1. All accessible parking for the disabled shall conform to the applicable

requirements in the 2014 Kentucky Building Code and consult the 2010 American Disabilities Act Standards for Accessible Design. Detailed building code requirements that pertain to handicapped parking and accessibility are administered by Campbell County Building Department. References are provided here for site planning purposes.

In any commercial or employment district, or wherever any townhouse or multi-family housing is provided, parking spaces for disabled people shall be provided as indicated on the following table:

Required Parking Spaces	Spaces for the Disabled
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20 plus 1 for each 100 over 1,000

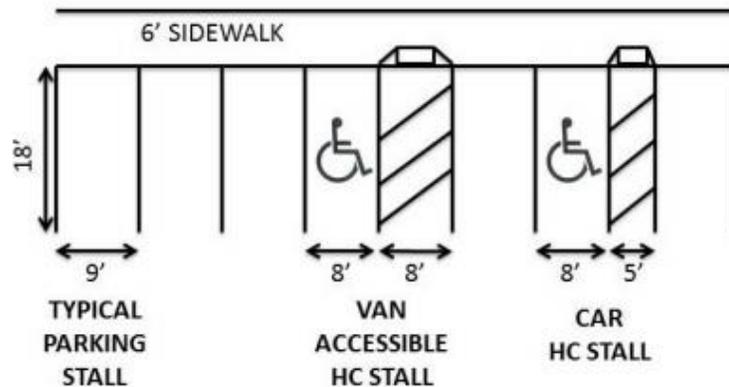
Exceptions

- A. This chart does not apply to parking spaces used exclusively for buses, trucks, other delivery vehicles, law enforcement vehicles or vehicular impound and motor pools where lots accessed by the public are provided with an accessible passenger loading zone.
- B. Groups R-2 and R-3 - At least 2%, but not less than one, of each type of parking space provided for occupancies in Group R-2 and R-3, which are required Accessible, Type A or Type B dwelling or sleeping units, shall be accessible. Where parking is provided within or beneath a building, accessible parking spaces shall also be provided within or beneath the building.
- C. Hospital outpatient facilities - At least 10%, but not less than one, of care recipient and visitor parking spaces provided to serve hospital outpatient facilities shall be accessible.
- D. Rehabilitation facilities and outpatient physical therapy facilities - At least 20%, but not less than one, of the portion of care recipient and visitor parking spaces serving rehabilitation facilities specializing in treating conditions that affect mobility and outpatient physical therapy facilities shall be accessible. Van spaces - For every six (6) or fraction of six (6) accessible parking spaces, at least one (1) shall be a van accessible parking space. Van-accessible parking spaces shall be a minimum of eleven (11) feet in width and shall have an access aisle that is a minimum of five (5) feet in width. Access aisles shall extend the full length of the parking spaces they serve and shall be marked to discourage parking in them. Exception - Van parking spaces shall be permitted to be a

minimum of eight (8) feet in width where the adjacent access aisle is a minimum of eight (8) feet in width.

3. Car spaces - Car parking spaces shall be a minimum of eight (8) feet in width and shall have an access aisle that is a minimum of five (5) feet in width. Access aisles shall extend the full length of the parking spaces they serve and shall be marked to discourage parking in them.

Example for Site Development Plan Purposes:



4. Location - Accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance. In parking facilities that do not serve a particular building, accessible parking spaces shall be located on the shortest route to an accessible pedestrian entrance to the parking facility. Where buildings have multiple entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances.
5. Accessible routes within the site shall be provided from public transportation sites, accessible parking, accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance served. Exception - Other than in buildings or facilities containing or serving Type B units, an accessible route shall not be required between site arrival points and the building or facility entrance if the only means of access between them is a vehicular way not providing for pedestrian access.
6. At least one accessible route shall connect accessible buildings, accessible facilities, accessible elements and accessible spaces that are on the same site. Exception - An accessible route is not required between accessible buildings, accessible facilities, accessible elements and accessible spaces that have, as the only means of access between them, a vehicular way not providing for pedestrian access.
7. Where accessible parking spaces are required to be identified by signs, the signs shall include the International Symbol of Accessibility complying with Section 703.6.3.1 of ICC/ANSI A117.1-2003. Signs identifying van parking

spaces shall contain the designation “van accessible”. Such signs shall be 60 inches minimum above the floor of the parking space, measured to the bottom of the sign.

Example of Disabled Parking Signage:



Sign



Pavement Marking

8. Passenger loading zones are typically required at institutional facilities such as assisted living facilities, hospitals and nursing homes. Passenger loading zones, when voluntarily provided, should also comply with these provisions:
 - A. Passenger loading zones shall provide a vehicular pull-up space 8 feet minimum in width and 20 feet minimum in length. The space does not have to be marked because vehicles will only temporarily stop to load and unload passengers.
 - B. Passenger loading zones shall have an adjacent access aisle. The access aisle shall adjoin an accessible route. Access aisles serving vehicle pull-up spaces shall be 5 feet minimum in width. Access aisle shall be marked to discourage parking in them.

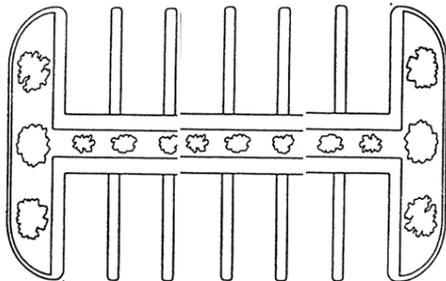
SECTION 12.1 LANDSCAPING AND SCREENING

- A. Screening next to residential zoning: All proposed open automobile parking areas containing more than four (4) parking spaces shall be effectively screened on each side of a new development adjoining or fronting on any property situated in a residential zone by a combination of berms, natural limestone walls, decorative fences, evergreen trees and/or densely planted compact hedges as also regulated by Section 9.17 of this ordinance. A minimum twenty (20) foot wide buffer area will be set aside for this purpose. The Planning Commission may require more width in areas of topographic issues. Ground cover, shrubs and trees shall be located and maintained so as not to interfere with vehicular and pedestrian traffic on the property or with sight distance clearance at entrances and exits. Where grading has occurred within twenty (20) feet

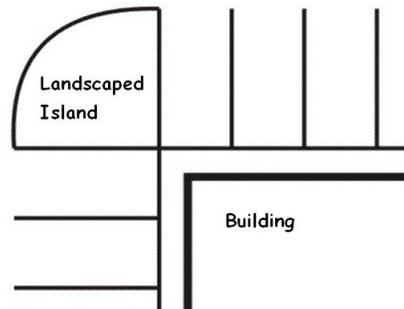
of residential zoning to enable new development or stormwater detention areas, but has no parking or building space planned, native grass, tree, and shrub plantings shall be installed. Grass should be a native variety and designed to minimize erosion, such as a type of wild grain. The trees and shrubs may be seedlings or whips planted in a density acceptable to the Campbell County Conservation District. General recommendations on tree types in these areas are Sycamore and Dogwood along creek channel areas, and Oak species, Red Cedar, and Redbud on slope areas.

- B. **Parking Lot Islands:** New development shall provide landscaped islands of two general types: spaces at corners of buildings, and linear islands between rows of parking. Each new development shall provide one corner landscaped island per building corner where parking is at or near right angles, and one linear island for every second row of parking aisles with parking spaces on both sides of the aisle. A diagram is included below.
- C. Each corner island will have one ornamental or shade tree, and a combination of decorative plantings of grass, ground cover plants, mulch or natural limestone. Maximum height of shrubs, grass, wall features is 2 feet, and minimum height of tree branches and tree foliage is to be maintained at 6 feet. A diagram is included below.

Linear island every other double-row:

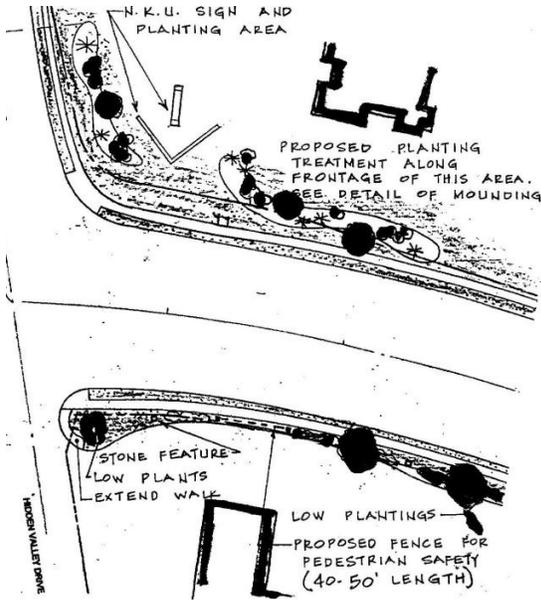


Corner island, no spaces at corner:

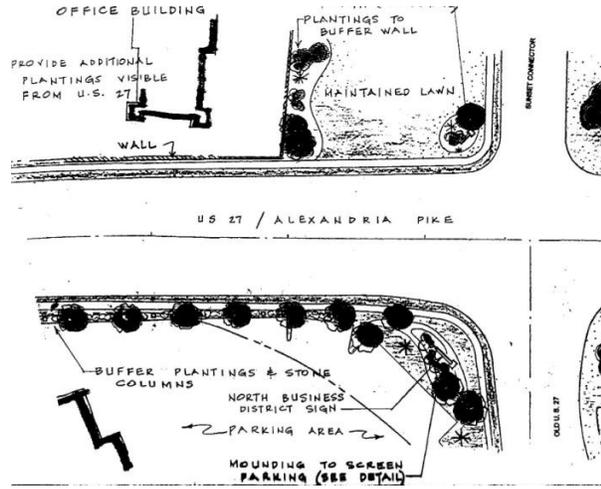


- D. **Perimeter of new parking areas:** 10 foot wide landscaped area punctuated by driveways, one shade tree for every 40 feet of perimeter of the parking area – utilities permitting. The Planning Commission may require berms and/or evergreen trees and evergreen shrubs along major road frontages without blocking the minimum sight-distance triangle that is defined in Section 11.0.
- E: **Building landscaping:** One ornamental tree is required per every 20 feet of building frontage. Coverage of shrubs and decorative grasses is required. Where the rear or side façade/loading entrance of a commercial or office building is visible from a public street or major development drive, the developer shall provide a screening of hedges immediately against the wall where doorways and utilities allow. Knockout roses are a shrub type recommended as vegetation in these narrow spaces.

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- F. These regulations refer to the following basic types of new development landscaping: shade trees, ornamental trees, evergreen trees, deciduous shrubs, evergreen shrubs, grasses, ground cover plants and flowers, mulch and natural limestone products. These types should be described on submitted plans. The developer shall attempt to use plants that are intended for an exposed, difficult mini-climate that includes poor soils, shallow planting zone, exposure to sun, and extreme hot and cold temperatures.
- G. **Size of Plants:** Shade and ornamental trees shall be two and a half inch caliper (measured at chest height). Evergreen trees shall be minimum six feet in height, and shrubs shall be eighteen inches in height at planting.
- H. Landscaping requirements can be relaxed for new development in the **Town Center Area** if the development proposal is comprised of multi-story and multi-use buildings with small or zero setbacks, and the planning commission and city are satisfied that additional attention is being made to building architecture throughout the development.
- I. This sub-section not currently used.
- J. **Watering and Maintenance:** Arrangements shall be made to water plant materials throughout the first year, and as needed in dry periods during months of July through October thereafter. Mulch beds and plants are to be maintained in good condition, replaced as necessary.
- K. **Stone Walls:** Each new development along U.S. 27 within the City of Highland Heights is required to provide Ashlar-style natural limestone walls or concrete retaining walls faced with stone to match, in order to support the business image and climate of the corridor. The adopted Streetscape Plan for the U.S. 27 Corridor was developed to help create a stronger business environment by making the area a more attractive and desirable business address. As pointed out in that plan, it has been shown from a number of studies that high quality urban environmental design represents a sound business investment. Good design and sense of place pay their way in business activity, and together represent a sound investment from both a fiscal and community spirit perspective. The intent is to require stone walls and/or accent features as a part of new development or redevelopment that complement existing or planned structures such as signage, landscaping, and buildings. A general layout is required as part of any Concept Development Plan, and specific design plans are required at Site Development Plan review stage.



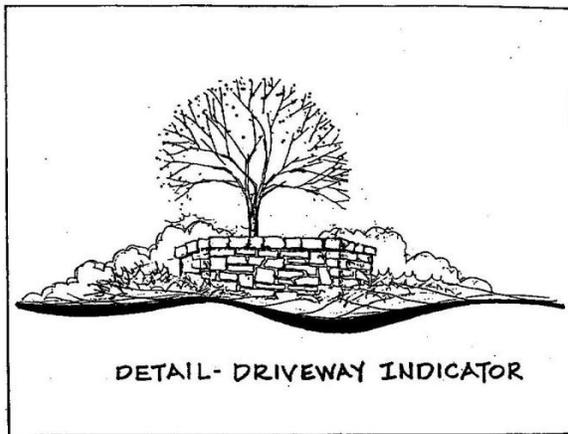
Layout Example 1



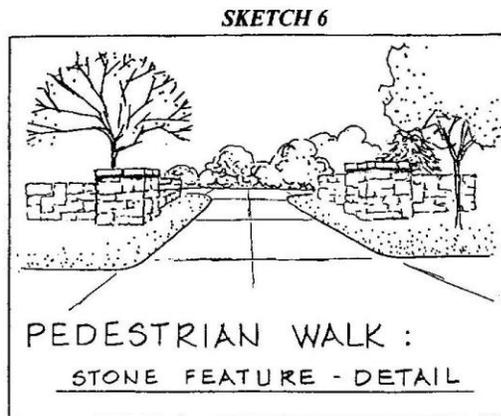
Layout Example 2

The following two sketches appear in the U.S.27 Corridor Streetscape Plan, and are presented here as examples of the objectives for private development sites throughout the U.S. 27 corridor:

RECOMMENDED THAT A LANDSCAPE FEATURE AS DEPICTED IN SKETCH 6 BE ERECTED ADJACENT TO CERTAIN STREETS AS A WAY OF DEFINING RESIDENTIAL STREETS FROM COLLECTOR STREETS AND/OR COMMERCIAL AND MIXED USE AREAS.



SKETCH 3



SKETCH 6

Each new development or redevelopment proposal along U.S.27 or along major proposed interior development roadways shall meet the following standards:

- a) One stone feature is to be provided for each site entry or driveway onto public roadway and provide low landscaping at base.
- b) Incorporate stone walls into signage plans or accent the proposed signage.
- c) No obstruction of sight triangle, as defined in Section 11.0.
- d) Natural limestone, Ashlar-style stacked construction or concrete retaining wall with natural appearing stone face. Plain concrete block or stacked or interlocking masonry units made to look like stone are not permitted. Example of Ashlar-style stone wall:



- e) Drainage carefully designed and then reviewed by the City Engineer.
- f) Provide proper attention to cap stone construction to prevent mortar decay and disintegration.
- g) Only approved signage is permitted; no additional or temporary signage is permitted on walls.
- h) When over minimum structure height, the Building Inspector shall review the proposed wall.
- i) The Kentucky Transportation Cabinet has jurisdiction to review and issue encroachment permits on anything in state road rights-of-way.

SECTION 12.2 PARKING REQUIREMENTS BY LAND USE: The amount of required 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 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.

TYPE OF USES	REQUIRED NUMBER OF PARKING SPACES
A. Airport, railroad passenger stations and bus terminals	One (1) parking space per each four (4) seating accommodations for waiting passengers, plus one (1) parking space for each two employees on shift of largest employment.
B. Automobile laundry	One (1) parking space for each employee plus one (1) space per owner or manager and reservoir space equal to five (5) times capacity of laundry.
C. Automobile service stations, Convenience Stores with gas pumps	One (1) space per two gas pumps, two (2) spaces per work bay, one (1) space per employee, largest shift, one (1) space per 250 s.f. retail area.
D. Beauty parlors and barber shops	Two (2) parking spaces per barber and/or beauty shop operator.
E. Bowling establishments	Five (5) parking spaces for each lane; plus one (1) space for each two employees on shift of largest employment.
F. City, county, and federal government office building	One (1) parking space for each two hundred (200) square feet of gross floor area.
G. Commercial or trade schools	One (1) parking space for each two (2) students based on design capacity of school, plus one (1) parking space for each employee.
H. Convalescent homes, nursing homes, rest homes, homes for the aged and orphanages. Senior/Retirement – see GG.	One (1) parking space for each two (2) beds, plus one (1) space for each two (2) employees or staff members, including nurses, on the shift of largest employment, plus one (1) parking space per doctor.

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| I. | Dance halls, pool and billiard halls and exhibition halls without fixed seats | One (1) parking space for each one hundred (100) square feet of floor area used for dancing or assembly, or one (1) space for each four (4) persons, based on design capacity, whichever is greater, plus one (1) space for each two (2) employees on shift of largest employment. |
| J. | Dormitories, fraternities, sorority houses and other group housing | One (1) parking space per each two (2) residents plus one (1) parking space per owner or operator, plus one (1) parking space per employee; or one (1) parking space for each two (2) seats for membership meetings, whichever is greater based on design capacity. |
| K. | Dwellings: One-family
Two-Family | Two (2) parking spaces.
Four (4) parking spaces, with individual access for each dwelling unit, or a joint access in which no parking is permitted on the access drive. |
| L. | Dwellings: Multi-family | Two (2) parking spaces per unit, except in developments with forty (40) total units or more, one and one-half (1-1/2) parking spaces for one bedroom units only, if approved by the Planning and Zoning Commission. |
| M. | Establishments for sale and consumption on the premises of alcoholic beverages, food and refreshments, or for carry out services | One (1) parking space per two (2) employees on largest shift, pick-up service spaces, plus one space for each:
A. One hundred forty (140) square feet of gross floor area in a carry-out only restaurant.
B. Forty (40) square feet of net floor area or two (2) seating accommodations, based on maximum seating capacity, whichever is greater, in any restaurant with a bar.
C. Sixty-five (65) square feet of net floor area or two (2) seating accommodations based on maximum seating capacity, whichever is greater, in a high-turnover sit-down restaurant.
D. Sixty (60) square feet of gross floor area for any Fast Food Service Restaurant. |
| N. | Fire Stations | One (1) parking space per each person on duty on largest shift. |
| O. | Hospitals | One (1) parking space for each two (2) beds, plus |

- one (1) space for each two (2) employees or staff members, including nurses, on the shift of largest employment, plus one (1) parking space per doctor.
- P. Laundromat One (1) parking space for each two (2) washing machines.
- Q. Libraries, museums and art galleries One (1) parking space per each four (4) seats in rooms for public assembly or one (1) parking for each fifty (50) square feet of gross floor area for use by the public, whichever is greater, plus space for each two (2) employees on shift of employment.

TYPE OF USES	REQUIRED NUMBER OF PARKING SPACES
R. Medical and dental offices and clinics	One space per one hundred, fifty (150) sq. ft. of gross floor area.
S. Mortuaries or funeral homes	One (1) parking space for each three (3) 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 parlors or service rooms, or one (1) parking space for each three (3) persons based on designed capacity of building, whichever is greater, plus one (1) parking space for each funeral vehicle and employee.
T. Offices for professional, business and financial, real estate and business purposes other than medical offices and/or clinics	One (1) parking space for each two hundred (200) square feet of gross floor area.
U. Post Offices	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 the shift of largest employment.
V. Private clubs, boarding houses, and lodge halls	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.
W. Retail and personal service stores	One (1) parking space per two hundred and fifty (250)sq. ft. of gross floor area.

TYPE OF USES	REQUIRED NUMBER OF PARKING SPACES
X. Schools – Elementary, junior high and equivalent private or parochial schools	One (1) parking space per teacher and administrator or one (1) space for four (4) seats in the auditorium, stadium, and other places of assembly or facilities available to the public based on the maximum seating capacity, whichever is greater.
Y. Schools – senior high, trade and vocational, college and universities, and equivalent private and parochial schools	Six (6) spaces per each room to be used for class instructions or administrative offices of one (1) space for each four (4) seats in the auditorium, stadium, and other places of assembly or facilities available to the public based on the maximum seating capacity, whichever is greater.
Z. Shopping centers	Five and one-tenth (5.1) parking spaces for each 1,000 square feet of gross leasable area. One parking space for each 182 square feet of gross leasable area.
AA. Stadium and sports arenas	One (1) parking space for each four (4) seats based on a maximum seating capacity, plus one (1) space for each two (2) employees on shift of largest employment.
BB. Theaters, churches, auditoriums, and places of assembly with fixed seats	One (1) parking space for each four (4) seats based on a maximum seating capacity, plus one (1) space for each two (2) employees on shift of largest employment.
CC. Theaters, auditoriums, churches and places of assembly without fixed seats	One (1) parking space for each four (4) people in designed capacity of building, or one 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 at largest employment.
DD. Tourist homes, cabins, motels, or hotels	One (1) parking space for each sleeping room or suite, plus one (1) space per each two (2) employees on shift of largest employment.

TYPE OF USES	REQUIRED NUMBER OF PARKING SPACES
EE. Industrial establishments, including manufacturing, research and testing laboratories	Two 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.
FF. Wholesale establishments, warehouse and storage buildings	One (1) parking space for each employee, plus one (1) parking space for each company vehicle operating from the premises.
GG. Senior or Retirement Housing	One (1) parking space for each housing unit.

For uses unlisted in these Article 12 regulations, the Zoning Administrator can require any of the following information in the form of a study prepared by the applicant to help make a determination of number of parking spaces to provide: type of use and estimated number of total trips generated during peak conditions (inbound and outbound); estimated parking duration per vehicle trip (turn-over rates); estimated number of trips generated and average parking duration per trip; estimated number of employees – typically (one (1) parking space to be provided for each two (2) employees based on shift of maximum employment).

ARTICLE 13

OFF-STREET LOADING AND/OR UNLOADING REGULATIONS

SECTION 13.0: 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, when 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 13.1 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 of distribution of vehicles, materials, or merchandise and having up to 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 space, 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 lots 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 11 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 twelve (12) feet for one-way circulation and 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 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 XII Section 12.0 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 Highland Heights. Such plans shall show the exact proposed layout of all loading and/or unloading space, drives and accessories, entrances and exists, type of surface to be used, typical cross sections of pavement, base and sub-base, 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 14

SIGN REGULATIONS

SECTION 14.0 PURPOSE AND SCOPE OF REGULATIONS: The regulations set forth herein shall apply and govern in all zones. These regulations help protect the public health, safety, morals, general welfare, and orderly and harmonious development of Highland Heights by identifying or announcing land uses to the general public and directing the public to these land uses without negatively affecting the character and health of residential neighborhoods or the vitality and aesthetics of business districts. To accomplish this purpose, these regulations treat signs as structures and establish types, sizes and setbacks of signs for different land uses, while affecting the sign display only to avoid distractions for the safety of the public entering or passing by. Sign regulations can also help protect highways and other transportation facilities, public facilities and central business districts of Highland Heights. Sign clutter has been demonstrated through studies to negatively affect the vitality of developed areas and to increase hazards to the motoring public and to pedestrians. KRS Chapter 100 allows for the protection from overcrowding, blight, danger, and congestion. KRS 100 also states that the usage of any structure shall be guided by the architecture, size, and the land uses present in the area.

SECTION 14.1 GENERAL REGULATIONS APPLICABLE TO ALL SIGNS:

- A. All signs shall be accessory to and contribute to the vitality of the land use that they serve while minimizing motorist confusion and pedestrian hazards. Separate business shall be construed to mean space allotted to the operation of one firm, company, or corporation having separate ownership or separate rental or lease, except in a case where a business occupies more than one store front within a single building, the Planning Commission may permit an additional sign for each store front access provided that the applicant can show to the satisfaction of the Commission that additional business signage is appropriate for the type of business activities planned for the commercial space. The overall impact, or number of signs should not exceed what would otherwise be permitted if each store front were leased to separate owners or businesses. A professional office, or manufacturing building with interior access to each business shall have only one such sign regardless of how many firms, companies, or corporations having separate ownership, rental or lease within said building.

- B. No sign shall be erected, maintained, or continued unless it is in full compliance with the regulations for the zone in which it is located, all applicable provisions and regulations of this ordinance or any other applicable laws, codes or ordinances of the city. The Zoning Administrator shall have the duty and authority to remove or cause to have removed any sign not in full compliance with all applicable provisions and regulations of this ordinance or any other applicable laws, codes, or ordinances of the city when the owner or agent has failed to comply within the time specified by the

Zoning Administrator to make said sign comply. Said owner or agent shall bear full costs of such removal.

- C. No signs shall be erected, maintained, replaced, relocated, repaired, or restored within a specified distance of the rights-of-way of interstate highways and limited access highways as regulated by the Kentucky Transportation Cabinet.
- D. All new signs shall comply to these regulations when erected.
- E. No sign shall constitute a nuisance because of light, glare, focus, noise, animation, flashing, intensity of illumination as to unduly disturb the use of surrounding properties, as determined by the Zoning Administrator or cause a traffic hazard, shall be erected, maintained, or continued in any zone.
- F. To avoid competition with emergency vehicle sirens and the potential for sound traveling off-site and constituting a nuisance to adjacent land uses, no radio, phonograph, tape recorder, whistle, bell, gong, siren, or other sound or noise-making or transmitting device or instrument shall be allowed, permitted, or continued in connection with any sign or may it be used separately for advertising purposes in any zone.
- G. No sign shall be erected, maintained, or continued which covers any window, doorway, or any other opening which provides ventilation or exit facilities.
- H. No sign shall be erected, maintained, or continued which is misleading or distracting in terms of contributing to driver error, pedestrian hazard, or deterioration and blight of the business or residential neighborhood as determined by the Zoning Administrator.
- I. This sub-section not currently used.
- J. No sign shall be erected, maintained or continued over or into any street, public way or alley, unless specifically provided for within this ordinance and by the owner of the right-of-way.
- K. Signs shall not be installed upon any curbstone, lamp post, telephone pole, telegraph pole, electric light or power pole, hydrant, bridge, culvert, public drinking fountain, public trash container, courtesy benches, rest station building, tree, sidewalks so as to block travel, street or traffic-control sign.
- L. No sign shall be erected, maintained, or continued upon the inside of a curve of a street which causes any interference to sight distance as specified in Section 9.3 and Section 11.0 of these zoning regulations.
- M. To avoid traffic distractions, no sign shall be erected, maintained or continued which displays flashing or intermittent lights, or lights changing degrees or intensity.

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- N. No sign shall be erected, maintained, or continued in any zone which does not comply fully with vision clearance at corners as specified in Section 11.0 of this ordinance.
- O. To achieve accurate public direction and accessory status of signs, no sign shall be erected, maintained or continued unless the sign complies with all of the following regulations:
1. Is erected and maintained to advertise a use specifically permitted in the zone in which the sign is located, or for a nonconforming use subject to the limitations contained in Section 9.12, Subsection C, 2 of this ordinance regarding nonconforming uses.
 2. Is clearly incidental, customary to and commonly associated with the operation of the use being advertised.
 3. Is established and controlled under and by the same ownership as the use being advertised.
 4. Is limited in location to the premises on which the use being advertised is located.
 5. Is designed to provide the general public with the name, design, logo, picture, contact information and address of owner, operator, builder, sales agent, managing agent, lessor, lessee of the premises or of the land uses (including merchandise handled or services rendered) on the premises on which such sign is located.
 6. This sub-section not currently used.
- P. When any sign becomes defective or dangerous as determined by the Building Inspector, the Zoning Administrator shall have the power and the authority to remove or cause to have removed such sign when the owner or agent has failed to comply within the time specified by the Zoning Administrator to repair or make said sign safe or has failed to satisfy the Building Department that the sign is not defective or dangerous. The owner or agent of said sign shall bear the full costs of such removal. If the Building Department determines that said sign is of possible immediate danger to persons or vehicles, which may be passing nearby, the Zoning Administrator may place or cause to have placed, signs or barriers indicating such danger.
- Q. This sub-section not currently used.
- R. The Zoning Administrator shall have the power and authority to remove or cause to be removed any and all signs which the City Engineer determines to be a traffic hazard, when the owner or agent responsible for the maintenance of said sign has failed to eliminate such traffic hazards within two (2) weeks from the date that the written notice is mailed by the Zoning Administrator. Said owner or agent shall bear the full costs of such removal and can be billed accordingly.
- S. Permanent signs shall be considered structures and shall be in conformance with the City's Building Code and shall be subject to the inspection and approval by the Building Inspector.

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- T. Except as herein provided, signs shall be permanently attached to the ground or on the building which the sign is to serve. Signs located on portable type vehicles shall not be permitted or continued in any zone, except that portable or temporary signs may be permitted to advertise public, semi-public, charitable or religious fund raising programs or events. Said sign may be erected thirty (30) consecutive calendar days prior to the day of the program or event and removed by the owner or agent within two (2) consecutive days following the day of the program.
- U. A temporary banner type sign attached to the building may be used to advertise special sales or changes in operation. A banner type sign shall meet the requirements of Section 14.7, F (class 6) except that the total area of the temporary and permitted permanent class 5 and 6 signs shall not exceed one hundred fifty (150) percent of the area allowed for a class 5 or 6 sign. Temporary banner signs shall not be displayed for more than total of ninety (90) days per year for any business. A permit is required for each temporary banner sign.
- V. A permit for a temporary or promotional sign may be issued for a period not to exceed thirty (30) days. A period of ninety (90) days must elapse before another such permit is issued for the same business, agency, or to the same individual. The maximum size of temporary or promotional sign is thirty two (32) square feet. The City may furnish a postcard form to business owners throughout the city to notify owners that there is a review process and permit required for temporary or promotional signs. The postcard form would describe the regulations, process, and current fee amount. The applicant that is proposing a temporary or promotional sign is required to fill in the postcard form and submit it to the city with a fee for review. If approved, the permit will remain on file for the thirty (30) day sign placement period, at which time the city will mail the permit to the business owner as notification that the permit has expired. Subsequent permit applications for a temporary or promotional sign after the required ninety (90) days shall indicate the previous approvals and note the dates. The applicant shall bear the full costs of such removal and shall be billed accordingly.
- W. Advertising and directional signs on vehicles or trailers: To avoid causing motorist and pedestrian confusion and hazards and to establish the permanence of the land use and its structures, no supplemental advertising or directional signs shall be displayed on any vehicles or trailers located on (or off) the property. This section is directed towards the practice of attaching signs to vehicles or trailers that are parked in a location that will provide signage that is additional to what is permitted by the sign ordinance. This shall not be construed to prevent or restrict the use of delivery or service vehicles.
- X. Electronic message signs shall be allowed only by approval of the Planning Commission under the following conditions. The Commission may permit such a sign only when the Commission finds that it would not detract from adjoining and nearby properties and the public welfare, or from traffic safety and visibility, and when the following design standards are met:

1. Electronic message signs may be permitted only Class 7, Class 8 and Class 9 signs.
2. No portion of the electronic message display or board including the color or other background elements shall be permitted to change more than once per minute.
3. That not more than seventy-five percent (75%) of the sign area may be devoted to electronic message display of board area.
4. Any apparent motion of visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or board of light, expanding, contracting, or rotating shapes or other similar animated effects shall not be permitted, including running or scrolling messages.
5. Only one electronic message sign may be permitted per zoning lot for each public street on which the development fronts.
6. All electronic message signs shall have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night.

SECTION 14.2 SIGNS NOT REQUIRING A PERMIT:

- A. The following signs shall be permitted in any zone without an application or fee, and carry the responsibility of its erection, maintenance, and its compliance with all applicable safety provisions and regulations of this ordinance, and of any other applicable laws, codes or ordinances regulating same.
 1. Short-term temporary signs may be erected on private property, or in the public right-of-way if allowed by the right-of-way owner, but not into or over the street or sidewalk. Short-term temporary signs may not exceed sixteen (16) square feet in outside area; single or double faced; maximum height of six (6) feet and may only be erected for the length of the referenced event. Examples of short-term temporary signs are real estate sales, open houses, yard sales, political signs, and residential family events. These signs shall not be animated; may be illuminated by only concealed lighting, and only until 10:00 p.m. Such signs shall be removed by the owners or agents within ten (10) consecutive calendar days after the event is finished.
 2. Professional name plates that serve a doorway, not exceeding one (1) square foot in outside area, single or double faced, shall not be animated or illuminated in order to not overwhelm the character of the building or district.
 3. Bulletin board not over twelve (12) square feet in outside area; single or double faced; maximum height of eight (8) feet for assembly-type land uses when the same is located on the premises of said land use. Said sign shall not be animated; may be illuminated but only by concealed lighting, and only until 10:00 P.M. in order to not overwhelm the character of the building or district.
 4. Signs not over twenty (20) square feet in outside area; single or double faced; maximum height of eight (8) feet; denoting the (person-firm) architect, engineer or contractor when placed upon the premises where construction

work is being performed. Said sign shall be removed by owner or agent within ten (10) consecutive calendar days after completion of project of that (person-firms) part of project.

5. Memorial signs or tablets, constructed of bronze, brass, marble, stone or other incombustible materials, and not more than two square feet.
6. Traffic signs, provided that said signs are designed and located in accordance with the "Manual on Uniform Traffic Control Devices" as prepared by the National Joint Committee on Uniform Traffic Control Devices, U.S. Department of Commerce, Bureau of Public Roads and other governmental single house number, name plates and other legal notices railroad crossing signs and other signs indicating danger and/or aid to service or safety.
7. Temporary signs where permitted or required by the Zoning Administrator, to fulfill requirements of this ordinance or other resolutions or regulations imposed by a governmental entity.
8. Awnings shall be supported without posts by an iron bracket, or be an iron framework attached firmly to the building. The frames and supports for all such awnings shall be securely attached to the walls of the building upon which such awnings shall be placed, and no such awning shall project more than ten (10) feet beyond the building lines. The lower most point of the frame of such awning shall not be less than eight (8) feet about the sidewalk and the lowest part of the curtain scallop or valence shall be at least seven (7) feet above the sidewalk when in use. The bracket or other devices, frames and supports for the Purpose used in the method of attaching same to the building shall be such as to clear the heads of pedestrians at the building line. The sidewalk and walkway must be left wholly unobstructed to insure the safety of pedestrians and shall be subject to the approval of the Zoning Administrator.
9. Signs on awning structures or awnings other than canopy or marquees, provided, however, that such signs shall not be animated, not illuminated and are designed to provide the name of the building, the name of the owner or occupant of said building and the street address.
10. Repainting or cleaning of an advertising structure or the changing of the advertising copy or message thereon, unless a structural change is made.
11. Sign inside a building, but shall not include signs within open malls or open courts.
12. Portable or temporary signs may be permitted to advertise fund-raising programs. Said sign may be erected fourteen (14) consecutive calendar days prior to the day of the program and removed by the owner or agent within two (2) consecutive days following the day of the program. These signs must be not located on the public right-of-way, and shall not block visibility (see Section 11.0), and shall be a maximum of thirty-two (32) square feet.
13. This sub-section not currently used.
14. This sub-section not currently used.
15. This sub-section not currently used.

SECTION 14.3 SIGN PERMIT REQUIRED FOR ERECTION OF SIGNS:

- A. No sign requiring a permit per this Article shall be erected until all required fees have been paid to the proper authorities or their agents and a permit has been issued for such by the Zoning Administrator and/or Building Department.
 - 1. Before any sign receives a permit for the Building Department, the Planning Commission shall have first reviewed and approved the sign for compliance with City comprehensive planning and zoning standards and controls.
 - 2. If any sign is removed and a 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.
 - 3. 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.
 - 4. If the sign is removed from one location and erected at a new location, a new permit shall be obtained.
 - 5. Alteration or enlargement of any signs shall require a permit the same as for a new sign.
 - 6. No permit shall be granted until after an application has been filed with the Building Inspector showing the plans and specifications, including dimensions, materials, and details of construction of proposed structure not until all provisions herein have been met.

SECTION 14.4 APPLICATION FOR SIGN PERMIT:

- A. Application for a sign permit shall be made and submitted at the office of the Zoning Administrator on the appropriate forms furnished by said Administrator.
- B. If any information is left off of the application or if any of the submitted information is misrepresented on the application, the permit shall be denied or shall become null and void if already issued, regardless of actual construction being started or completed.
- C. 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 ordinance and the owner or agent shall be given a two (2) week notice to remove said sign or correct the error.

SECTION 14.5 SIGN PERMIT FEES: Sign permit fees shall be as determined by the legislative body.

SECTION 14.6 PERMITTED USE AND LOCATION OF SIGNS REQUIRING PERMIT:

The following classes of signs may be erected and maintained in the following zone district:

- A. Residential development/uses: All residential zones (R-RE through R-3), principally-

permitted and conditional uses:

1. Permitted signs:
 - a. Ground mounted sign, Class 7 sign, but not to exceed five feet in height to identify the name of the residential development, subject to Planning Commission approval;
 - b. Building-mounted sign, Class 5, for the rental or maintenance or management office of a multi-family rental or condominium development, but size not to exceed one-quarter of the subject building frontage and twenty (20) inch letter height, subject to Planning Commission approval.
 - c. Parking and Directional Signs, Class 3

- B. Commercial/Retail building/use: Including all retail zones (except SC-Shopping Center), and including the GC, LSC, MLU, PUD, and ROD District:
 1. Permitted Signs:
 - a. Freestanding Monument signs: Class 7, Pole-mounted signs Class 8 as specified in each zone
 - b. Building-mounted sign: Class 5, or Class 6
 - c. Window Advertising signs: Class 2
 - d. Parking and Directional Signs, Class 3
 - e. Sandwich board signs: Class 1 for MLU and ROD zoning districts

- C. Shopping Center – SC Zone:
 1. Permitted signs:
 - a. Freestanding signs: Class 9, Pole Class 8 or Ground Mounted Class 7
 - b. Building sign: Class 5
 - c. Window Advertising signs: Class 2
 - d. Parking and Directional Signs, Class 3

- D. Office Building/use: In all PO, MLU, ROD or Commercial retail zones, and Conditional Uses in Residential Zones:
 1. Permitted signs:
 - a. Freestanding signs: Class 8
 - b. Building sign: Class 5 or Class 6, relating to office building use
 - c. Window Advertising signs: Class 2
 - d. Parking and Directional Signs, Class 3

- E. Manufacturing of Industrial Use – MLU, or I-Zone:
 - 1. Permitted signs:
 - a. Freestanding signs: Class 8
 - b. Building sign: Class 5 or Class 6
- F. Planned Development: PUD, MLU, or ROD District Zones: The Planning Commission may make modifications to the sign applications in a PUD, MLU, or ROD district per the commissions Site Development Plan approval process provided that any modification shall further the purpose and intent of the district and improve the overall design integrity of the development building or site in question.

SECTION 14.7 CLASSIFICATION OF SIGNS REQUIRING PERMIT: The following classification of signs shall be deemed to include all signs permitted in any zone unless other signs are specifically listed and provided for. Classification of all signs shall be determined by the zoning administrator. (Permitted use and location of signs – See Section 14.6).

- A. Class 1, Sandwich Board/A-Frame signs: These signs can be permitted within the MLU, ROD, and PUD overlay districts to help the vitality of the urban business district and support the city streetscape. The maximum number allowed will be one per business, and the maximum size shall be 24 inches wide by 36 inches high on each side. These signs shall identify temporary events, such daily lunch specials, sales, gatherings, etc. They shall be located within 20 feet of the business for which it advertises, and not impede pedestrian circulation or vehicular line of sight. They shall be placed on the ground, and not mounted on a pole or raised off the ground. These signs shall be located in well lit areas when used during evening and night hours.
- B. Class 2, Window Advertising signs: These signs do not require a permit when installed in windows, but shall not interfere with safe building ingress or egress.

The commercial advertising and sales materials shall not be displayed on any building, structure, or premises except as provided in these regulations.
- C. Class 3, Parking and directional signs, permanent or temporary, of not more than two (2) square feet in area and four (4) feet in height are allowed, provided that such signs are not illuminated. These signs do not need approval by the Planning Commission or Zoning Administrator.
- D. Class 4, Building-Mounted Projecting signs: These signs can be permitted by the Planning Commission in the MLU and ROD overlay zoning districts when the development has been constructed in conformance with an approved Concept Development Plan. One sign is permitted per individual business establishment. Maximum size of such a sign is eight (8) square feet. Signs cannot project more than four (4) feet into the right-of-way or interfere with pedestrian traffic on sidewalks.

Signs that project into a right-of-way will require written permission from the owner of the right-of-way. The bottom of the sign shall be located a minimum of ten (10) feet above the ground. The maximum permitted size for projecting signs is 32 square feet. The maximum projection from the building wall face is five (5) feet. Maximum letter height is 32 inches. Business logos may exceed the 32 inch height requirement provided that its size shall be governed by what is considered an appropriate scale and harmony for the building as approved by the Planning Commission, and provided further that the permitted overall maximum sign area is not exceeded. No sign shall be permitted to be located above the parapet wall on flat roofed buildings nor shall a sign be located on any roof plane of a pitched roof building or on or above the ridge line. These signs shall not be animated, nor internally illuminated. They may be lighted from an external source if the light source is designed in a manner correct to the intended building architecture in the MLU or ROD zone. Projecting signs shall be compatible with the style and character of other signs of the development. Projecting signs may be utilized to identify special service entrances to a business activity (i.e. garden store, auto service), provided that such signs do not exceed twelve (12) inches in height.

- E. Class 5, Building-Mounted Individual Letter signs shall meet the following specifications, and shall be primarily business or identification signs, as defined herein.
1. Individual Letters (flat wall sign and cabinet signs not permitted), single faced only.
 2. Maximum size of individual sign –
 - a. One square feet for each linear foot of building wall upon which the sign or signs are to be located.
 - b. Maximum size of letters shall not exceed 40 inches in height. Business logos may exceed the 40 inches height restriction provided that its size shall be governed by what is considered an appropriate scale and harmony for the building as approved by the Planning Commission, and provided further that the permitted overall maximum sign area is not exceeded.
 - c. The total size for individual letter signs shall be computed by taking the area enclosed within a rectangle that is needed to completely encompass each letter or insignia of the sign and including the area necessary for proper spacing of individual letters.
 3. Maximum height above grade at top of sign – attached flat to building, but shall not exceed above or beyond any wall of the building as defined in Section 7.0 of this Ordinance.
 4. Limitation on number of signs – only one sign for each lot on which the primary permitted use is located except that where a building has more than one store front as in an attached shopping complex or an attached group of buildings only one such sign shall be permitted for each individual separate

business. Separate business shall be construed to mean space allotted to the operation of one firm, company, or corporation having separate ownership, if separate rental or lease, except in a case where a business occupies more than one store front within a single building, the Planning Commission may permit an additional sign for each store front access provided that the applicant can show to the satisfaction of the Commission that additional business signage is appropriate for the type of business activities planned for the retail space. The overall impact, or number of signs should not exceed what would otherwise be permitted if each store front were leased to separate owners or businesses. A professional office, or manufacturing building with interior access to each business within such a complex shall not be considered as containing separate business for this purpose, but shall have only one such sign regardless of how many firms, companies or corporations having separate ownership, rental or lease within said building. A Class 5 sign may be utilized to identify special service service/entrance of any business activity (i.e., garden store, auto service) provided that such signs do not exceed 12 inches in height.

5. Other limitations –

- a. Shall neither be flashing or animated; however it may include the ability to change the message
- b. May be illuminated, but only from a concealed light source
- c. In all shopping complex of unified buildings, small tenant signs must be similar in height and construction. Major tenants shall be permitted unique signs – provided they are compatible with the style and character of other signs of the complex

F. Class 6, Building-Mounted Flat Wall and Cabinet signs: shall be primarily business or identification signs, as defined herein.

1. Structural type – flat, cabinet type sign, single faced only
2. Maximum size of single sign –
 - a. One square feet of area for each linear foot of building wall upon which the sign or signs are to be located
 - b. Maximum size of letters shall be 40 inches in height
3. Maximum height above grade at top of sign – attached flat to building but shall not extend or beyond any wall of any of the building as defined in Section 7.0 of this Ordinance
4. Limitation on number of signs – one wall mounted sign for each lot on which the primary permitted use is located, except when a building has more than one street frontage a second wall mounted sign may be permitted by the Planning Commission when demonstrated to the Commission that the additional sign would not adversely impact neighboring properties. Where a building has more than one such sign shall be permitted for each individual separate business. Separate business shall be constructed to mean space

allotted to the operation of one firm, company, or manufacturing building with interior access to each business within such a complex shall not be considered as containing separate businesses for this purpose, but shall have only one such sign regardless of how many firms, companies or corporations having separate ownership, rental or lease within said building. A Class 6 sign may be utilized to identify special service/entrance of any business activity (i.e., garden store, auto service) provided that such letters do not exceed 12 inches in height as approved per development plan approval by the planning and zoning commission.

5. Other limitations –
 - a. Shall neither be flashing nor animated; however may include the ability to change the message
 - b. May be illuminated, but only from a concealed light source
 - c. In all shopping complex of unified buildings, small tenant signs must be similar in height and construction. Major tenants may be permitted unique signs provided that such signs are compatible with the style and character of other signs in the complex and with the design of the building

G. Class 7, Monument, Ground-Mounted shall be primarily business or identification signs, as defined herein.

1. Structural type – Monument, ground mounted sign; single or double face.
2. Maximum size of single sign - 40 square feet for individual business, and eighty (80) square feet for two or more businesses.
3. Maximum height above grade at top of sign – Eight (8) feet above finished grade. The height of a ground sign shall be measured from the finished grade of the lot, and may not be elevated by mounding or berms, or other structural means to otherwise increase the height of said sign. Provided that when the base of a sign is below the elevation of the abutting street, the Planning Commission may allow an adjustment of the height of the sign per site development approval. A ground-mounted monument sign can be designed into or placed on top of a structural retaining wall. In this case maximum area standards shall apply, and the maximum height shall be (4) four feet above the top of the wall (consistent with typically required fence height).
4. Limitations – Only one free-standing, ground-mounted monument sign may be erected for each lot or building site upon which the primary uses are located regardless of the number of buildings on the site or lot, except when a building has more than one street frontage having not less than 75 feet of frontage on a second street a second sign may be permitted by the Planning Commission when demonstrated to the satisfaction to the Commission that a second monument sign is necessary for the convenience and safety of the general public.

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5. Other limitations –
 - a. Such a sign may neither be flashing nor animated; however, may include the ability to change the message.
 - b. No part of any ground sign shall be closer than five (5) feet from any property line.
 - c. All signs shall be located in such a manner that they are wholly visible from the centerline of the abutting street which the sign faces from a minimum distance of 250 feet. No sign shall be located in such a manner that it partially or wholly obstructs adjacent signs, as viewed from the centerline of the abutting street from a minimum distance of 250 feet.
 - d. May be illuminated but only from a concealed light source.

 - H. Class 8: Pole Sign, ground mounted: The following signs meeting the following specifications shall constitute Class 8 and shall be only business or identification signs, as defined herein.
 1. Structural type ground mounted sign, single or double faced, a pole mounted sign may only be permitted by the Planning Commission to identify a large commercial/retail business establishment, that has more than a one hundred (100) foot front setback or a topographic restriction that inhibits visibility of the subject building. This type of sign can also be permitted when visibility of the business establishment would otherwise be impaired or restricted by a ground-mounted monument sign relative to traffic safety, in respect to Article 11.
 2. Maximum size of a single sign. Thirty-five (35) square feet.
 3. Maximum height above grade at top of sign shall not exceed fourteen (14) feet in height, with a minimum ground clearance of 8 feet.
 4. Limitations –
 - a. One (1) monument type sign per business lot or building site regardless of the number of buildings, provided a secondary sign having frontage on a secondary street may be permitted by the Planning Commission in conjunction with the stage two site development plan when it has been demonstrated to the satisfaction of the Commission that a secondary sign is necessary and appropriate for the convenience and the safety of the general public and/or consistent with the urban design principals and objectives of the comprehensive plan.
 - b. One (1) sign may be permitted for identification purposes of a residential development in accordance with an approved Site Development Plan.

 5. Other limitations –
 - a. Shall neither be flashing nor animated

- b. May be illuminated, but only from a concealed light source
 - c. No part of any ground sign shall be closer than 5 feet from any public right-of-way or 20 feet from any property line
- I. Class 9: Shopping Center sign: The following free standing signs meeting the following specifications shall constitute Class 9, and shall be permitted only in a shopping center district, shall be a business identification sign as defined herein.
- 1. Structural type – pole or ground signs, single or double faced.
 - 2. Maximum size of single sign. One hundred fifty (150) square feet, except that each major business located within a shopping center may be permitted one ribbon sign (identification sign) attached to a Class 9 sign, provided that said signs are uniform in size and appearance. Maintaining their required 8 feet of ground clearance; and provided further that each such sign does not exceed a maximum size of 25 square feet; or that the total sign area of the sign does not exceed 280 square feet per sign face.
 - 3. Maximum height above grade at top of sign.
 - a. Twenty-two feet – pole sign. The height of a pole mounted sign shall not exceed 22 feet above ground level as measure from the center line of the abutting arterial street where the said sign is to be located.
 - b. Fourteen feet above finished grade for a ground mounted monument sign. The height of a ground mounted sign shall be measure from the finished grade of the lot, any may not be elevated by mounding or berming, or other structural means to otherwise increase the height of said sign.
 - 4. Limitations – One class 9 sign may be located along each abutting arterial street identifying the shopping center, provided that the second sign at the secondary point of access does not exceed 150 total square feet in area size (per sign face).
 - 5. Other limitations –
 - a. Shall be neither flashing nor animated; however, may include the ability to change the message
 - b. May be illuminated, but only from a concealed light source
 - c. No Class 9 sign shall be placed closer than 10 feet from any property line
 - d. No pole sign shall be at its lowest point, less than eight (8) feet from the ground
 - e. All signs shall be located in such a manner that they are wholly visible from the centerline of the abutting street from a minimum distance of 250 feet. No sign shall be located in such a manner that it partially or wholly obstructs adjacent signs, as viewed from the centerline or the abutting street from a minimum distance of 250 feet

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- J. Class 10: This classification is reserved for future needs or innovations in the adopted zoning regulations.
- K. Class 11, Canopy or Marquee signs: shall be only business or identification signs, as defined herein:
1. Structural type – Canopy (marquee) and canopy sign.
 2. Maximum height above grade at sign – No such canopy (marquee) or canopy sign shall be less than ten (10) feet between the ground level and the lowest point or bottom edge of said canopy (marquee) or canopy sign, and there may be placed an illuminated fascia sign with may extend the entire length and width of the canopy provided such sign does not extend more than four (4) feet above nor more than one (1) foot below such canopy but, under no circumstances, shall the sign or signs in single face be over one hundred fifty (150) square feet in outside area.
 3. Other limitations – The Building Inspector shall not issue any permit for the erection or maintenance of a canopy or canopy sign until after an application has been filed with the department for such a permit, which the application shall set forth in detail the plans and specifications and location of said canopy or canopy sign. When required by the Zoning Administrator, said applicant shall furnish complete proof, in the form of engineering calculations, stress diagrams, etc., that the building to which the canopy (marquee) or canopy sign is to be attached is so built that the addition of the canopy (marquee) or canopy sign to the building will, in no case, stress the building supporting said canopy (marquee) or canopy sign beyond the limits of safety, as defined by the Building Code. Canopies may extend outward from the building to within two (2) feet of the property line.

SECTION 14.8 APPEAL PROCESS FOR EXISTING USES

A. An owner of an existing business who believes the sign ordinance does not provide them with adequate exposure may make an appeal to the Board of Adjustments to propose changing an existing sign or building a new one. The Board of Adjustments, consistent with Article 17 must determine that there are specific reasons that the strict application of the current sign ordinance would be a hardship on the existing business. This appeal process is not to be used for the creation of new businesses or developments that are required to submit a Concept Development Plan as part of the normal Zoning Amendment process.

B. The applicant is required to submit an appeal on the forms provided by the City of Highland Heights, and pay the fees established for this appeal process.

ARTICLE 15
ADMINISTRATION AND
DEVELOPMENT SUBMITTAL REQUIREMENTS

SECTION 15.0 ENFORCING OFFICER: A Zoning Administrator (official of officials appointed by the city of Highland Heights, Commonwealth of Kentucky for carrying out the provisions and enforcements of this Ordinance) shall administer and enforce this Ordinance. He may be provided with assistance of such other persons as the city of Highland Heights directs.

If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation and order the action necessary to correct it. Violations that can be quickly corrected and can be considered routine property or other type maintenance including but not limited to cutting long grass or the removal of weeds, removal of debris, removal of illegal signs, improper parking, improper recreational vehicle or boat storage shall be corrected within seven (7) consecutive calendar days. Violations determined by the Zoning Administrator to be more than routine property or other type maintenance can be given up to thirty (30) consecutive calendar days to correct the violation at the discretion of the Zoning Administrator. Anyone that does not comply within the allowed period for compliance will be in violation of this Ordinance and liable to be penalized as per Section 15.9 of this Ordinance.

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; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

It is the intent of this Ordinance that 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 Statues, Commonwealth of Kentucky.

It is further the intent of this Ordinance that the duties of the Zoning Administrator in connection with this Ordinance shall not include hearing and deciding questions or interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in Section 17.2-17.9 of this Ordinance. Under this Ordinance the City Council shall have only the duties of one (1) considering and adopting or rejecting this Ordinance, proposed amendments or the repeal of one (1) considering and adopting or

rejecting this Ordinance, as provided by law and two (2) of establishing a schedule of fees and charges as stated in Section 18.0 of this Ordinance.

SECTION 15.1 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, or 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 in Section 18.0 of this Ordinance
 3. A development plan, if required by this Ordinance
 4. A plot plan in triplicate, drawing at a scale of not less than one (1) inch to one hundred (100) feet showing the following information as required by this Ordinance:
 - a. The location of every existing and proposed building with the number of floors and gross floor area, the use or uses to be contained therein, the number of structures including dimensions, height, and 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 (1) foot contours or spot elevations not more than fifty (50) feet apart shall be required
 - f. The proposed finished grade of the development area shown by contours with intervals not larger than two (2) feet, supplemented, where necessary by spot elevations
 - g. Total lot area in square feet
 - h. Location and dimension of all curb cuts, driving aisles, 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 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 and practices and measures which will be implemented during all phases of clearing, grading, and construction
- k. All walks, malls, and open spaces
- l. Location, type and height of all walls, fences and screen plantings
- m. Location, size, height, class and orientation of all signs
- n. Location of all existing and proposed streets including rights-of-way and pavement widths
- o. All existing and proposed water and sanitary 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 for enforcement of this Ordinance and State Statutes of the Commonwealth of Kentucky

C. **ISSUANCE OF ZONING PERMIT:** After thorough study of the submitted information the Zoning Administrator shall either approve or disapprove the application (when required by this Ordinance (e.g., Development Plan submitted required) Planning Commission 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 15.9 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 Highland Heights 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 such 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 15.2 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 18.0 of this Ordinance
 4. A development plan, if required by this Ordinance
 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:** After thorough study of the submitted information, 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 Highland Heights 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 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 one hundred and eighty (180) consecutive calendar days from the date of issuance thereof, said permit shall expire and be cancelled by the Building Inspector and no construction shall be permitted until a new building permit has been obtained. If the work has begun, but has ceased for a period of one hundred and eighty (180) days and no further work is apparent, then the building permit shall expire.
- G. **CONSTRUCTION AND USE:** To be as provided in application, plans, and permits, zoning permits and building permits issued on the basis of plans and applications, approved by the Zoning Administrator and/or Building Inspector, authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement or construction at variance with that authorized shall be deemed in violation of this ordinance and punishable as provided in Section 15.9 of this ordinance.

SECTION 15.3 CERTIFICATE OF OCCUPANCY: It shall be unlawful for an owner to use or permit the use of any building or premises or part thereof, hereafter created, changed, converted or enlarged, wholly or partly, until a certificate of occupancy, which shall be a part of the building permit, shall have been issued by the Building Inspector. Such certificate shall show that such building or 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 the 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 Instructor before he is satisfied that the plans, specifications and intended use conform to the provisions of this ordinance.

SECTION 15.4 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 15.5 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 18.0 of this ordinance shall be charged for said certificate.

Applications for such certificates of occupancy for non-conforming 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 twelve (12) 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 15.6 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 15.7 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 normal charge, on request to any person having a proprietary building affected by such certificate of occupancy.

SECTION 15.8 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 basis 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 15.9 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.

SECTION 15.10 ZONING MAP AMENDMENT AND OVERLAY ZONE REVIEW PROCESS AND SITE DEVELOPMENT PLAN REVIEW

1. Concept Development Plan and Zoning Map Amendment – Application for amendment to another zoning district or development within the PUD, MLU, ROD overlay zones shall include a Concept Development Plan in accordance with the requirements of this ARTICLE.

- a. The Planning Commission shall hold a public hearing on the proposed application, duly noticed, in accordance with the requirements of KRS Chapters 100 and 424, and review said zoning map amendment application, or application for development within the respective overlay zone with regard to its compliance with the stated purposes, the required elements of the Concept Development Plan and other applicable requirements of this section. Upon holding such hearing, the Planning Commission shall make one of the following recommendations to the legislative body: approval, approval with condition or disapproval. The Planning Commission shall submit along with their recommendations a copy of the Concept Development Plan and the findings that support their recommendation.
- b. The legislative body shall, within forty-five (45) days after receiving the recommendations of the Planning Commission, review said recommendations and take action to approve or disapprove said application. Such action may incorporate any conditions imposed by the legislative body, and agreed to by the applicant. Approval of a zoning map amendment or development in an overlay zone shall require that development be in conformance with the approved Concept Development Plan.

When Zoning Map Amendments are approved the official zoning map shall reflect the approved zoning, and when overlay zones are approved, the official zoning map shall reflect that for the area as shown on the approved Concept Development Plan.

2. Construction Development Plans: Before site work, a Site Development Plan and record plat shall be developed in conformity with the approved Concept Development Plan and in accordance with the requirements of Subsection 15.12 B and submitted to the Planning Commission for its review and approval (in the absence of an approved Grading Plan under the Subdivision Regulations). Except for the manner of submission and processing, the Subdivision Regulations may be waived, where applicable, and the requirements of Subsection 15.12 B shall be substituted therefore. Those requirements not specifically waived by the Planning Commission shall conform with the Subdivision Regulations.
 - a. The Planning Commission shall review the submitted Site Development Plan with regard to its compliance with the required elements of Subsection 15.12 B for Site Development Plans, other applicable elements of this ordinance, other applicable regulations, and its conformity with the approved Concept Development Plan. The Planning Commission, in approving the Site Development Plan, may authorize minor adjustments from the approved Concept Development Plan, provided that the adjustments do not: affect the spatial relationship of structures, change land uses, increase overall density,

alter circulation patterns (vehicular and pedestrian), or decrease the amount and/or usability of open space or recreation areas or affect other applicable requirements of this ordinance.

Upon Planning Commission approval of the Site Development Plan, a copy of said plan, shall be forwarded to the Zoning Administrator, who shall grant permits only in accordance with the approved Site Development Plan and other plans as may be required by this ordinance.

- b. Upon approval of the Site Development Plan, the Planning Commission, shall review the submitted record plat(s) with regard to its compliance with the applicable requirements of the Subdivision Regulations, and its conformity with approved plans. Upon Planning Commission approval of the record plat, copies of said plat, certified by the Planning Commission, and suitable for recording, shall be forwarded by the Planning Commission to the office of the County Clerk to be recorded.

SECTION 15.11 REQUIRED NOTICE FOR APPROVAL OF ZONING MAP AMENDMENTS AND CONCEPT DEVELOPMENT PLANS WITHIN AN EXISTING OVERLAY ZONE:

- A. Whenever this ordinance requires the approval by the Planning and Zoning Commission or a development plan then notice shall be given to property owners who abut the property upon which the development plan is applicable. Said notice shall be delivered to the abutting property owners by first class regular mail not more than twenty-one (21) days and not less than seven (7) days prior to the public meeting at which the Planning Commission will consider approval of the development plans.
- B. The chairman of the Planning and Zoning Commission or the Zoning Administrator in reviewing development plans, may authorize minor changes from the approved development plan, provided that the adjustments do not: Substantively affect the spatial relationship of the structures; change land uses, increase overall density, alter circulation patterns (vehicular and pedestrian), decrease the amount of and/or usability of open space or recreation areas, or affect other applicable requirements of this ordinance.
- C. Any amendments to development plans, except for the minor changes which may be permitted by the Planning and Zoning Commission or the Zoning Administrator as noted in Section B shall constitute a major change and shall be made only in accordance with the procedure required by this Ordinance in Section 15.10 (1), addressing Concept Development Plans subject to the same limitations and requirements imposed when such plans were originally approved.

SECTION 15.12 DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS:

- A. **CONCEPT DEVELOPMENT PLAN REQUIREMENTS:** The Concept Development Plan shall identify and provide the following information:
1. Plan(s) of the subject property drawn to a scale not smaller than one (1) inch equals one hundred (100) feet showing:
 - a. The total area in the project
 - b. The present zoning of the subject property and all adjacent properties
 - c. All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned
 - d. Existing and proposed topography shown by contour with intervals not to exceed five (5) feet
 - e. All existing and proposed housing units on the subject property:
 - (1) Detached housing – location, arrangement and number of all lots, including a typical section(s) identifying approximate lot sizes and dimensions, and setbacks and height of buildings
 - (2) Attached housing – location, height, and arrangement of buildings, number of units within each building and all lot lines with approximate dimensions where applicable
 - f. Location, arrangement, height and identification of all existing and proposed nonresidential buildings and uses on the subject property
 - g. The amount of area proposed for common open space, including the location and arrangement of recreational facilities, identification of unique natural features to be retained and a statement indicating the means of maintaining all common areas
 - h. Location of proposed pedestrian walkways, identifying type of surfacing and approximate grades
 - i. Location of proposed streets identifying approximate dimensions of pavement and right-of-way widths, type of surfacing and approximate grades
 - j. Location of off-street parking, loading and/or unloading and driveway areas, identifying the number of off-street parking spaces to be provided, type of surfacing and approximate dimensions
 - k. Location of all existing and proposed water, sanitary, sewer and storm drainage lines, indicating approximate pipe sizes and grades. Indication should also be given regarding the provision of electric and telephone service
 - l. Certification from appropriate water and sewer agencies that services will be available.

- m. Location of signs, indicating their orientation and approximate size and height
- n. Identification of the soil types and geologic formations on the subject property, indicating anticipated problems and proposed methods of handling said problems
- o. Landscaping features including identification of planting areas and the location, type, and approximate height of fences and walls
- p. A schedule of development, including the staging and phasing of:
 - (1) Residential areas, in order of priority, by type of dwelling unit
 - (2) Streets, utilities, and other public facility improvements, in order of priority
 - (3) Dedication of land to public use or set aside for common ownership
 - (4) Nonresidential buildings and uses, in order of priority

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

B. SITE DEVELOPMENT 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 development plan is required, except in accordance with the regulations of this section and an approved development plan. The Site Development Plan shall conform to the following requirements:

- 1. Site Development Plan: This plan shall be in general conformance with the approved Concept Development Plan at a scale not smaller than one (1) inch equals thirty (30) feet that identifies and provides the following information:
 - a. The existing proposed finished topography of the subject property shown by contours with intervals not to exceed two (2) feet.
 - b. All housing units on the subject property:
 - (1) Detached housing – location, arrangement and number of lots, including exact lot dimensions and setbacks, and maximum height of buildings
 - (2) Attached housing – location, height, and arrangement of all buildings indicating the number of units in each building, and where applicable, location and arrangement of all lots with exact lot dimensions
 - c. Location, height, arrangement and identification of all nonresidential buildings and uses on subject property and, where applicable, location and arrangement of all lots with exact lot dimensions

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- d. All common open space area, including accurate lot dimensions and the location and arrangement of all recreational facilities
 - e. Landscaping features, including identification of planting areas and the location, type and height of walls and fences
 - f. Location of signs indicating their orientation and size and height
 - g. All utility lines and easements:
 - (1) Water distribution systems including line sizes, width of easements, type of pipe, location of hydrants and valves, and other appurtenances
 - (2) Sanitary sewer system, including pipe sizes, width of easements, gradients, type of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances
 - (3) Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, and data indicating the quantity of storm water entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet) the quantity of storm water generated by development of the subject area, and the quantity of storm water to be discharged at various points to areas outside the subject property
 - (4) Other utilities (e.g., electric, telephone, etc.) including the type of service and the width of easements
 - h. Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking, and loading and/or unloading spaces
 - i. Circulation system:
 - (1) Pedestrian walkways, including alignment, grades, type of surfacing and width
 - (2) Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections
 - j. Provisions for control of erosion, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction
 - k. The schedule of development staging and phasing in accordance with the requirement in Subsection D, 3, and as approved on Concept Development Plan
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1. An approved site development plan shall be declared null and void if no site work has occurred within twenty-four (24) months of its approval date, unless the applicant or property owner petitions the Planning Commission for an extension in one (1) year increments.

SECTION 15.13 CERTIFICATE OF LAND USE RESTRICTION REQUIRED

- (1) The county clerk shall, upon receipt of a recording fee pursuant to KRS 64.012, file and maintain among the official records of his office certificates of land use restriction completed according to this section and KRS 100.3682 to 100.3684. The certificates shall be in the form designated in KRS 100.3683; shall be completed and filed by the secretary of the planning commission, board of adjustment, legislative body, or fiscal court which finally adopts or imposes the land use restriction described in the certificate; and shall be filed within thirty (30) days of the date upon which the body takes final action to impose or adopt the restriction. The certificate shall set forth the name and address of the property owner; the address of the property; the name of the subdivision or development, if there is one; the name and address of the body which maintains the original records containing the restriction; and shall indicate the type of land use restriction adopted or imposed upon the subject property on or after October 1, 1988, including variances, conditional use permits, conditional zoning conditions, unrecorded preliminary subdivision plats, and development plans; but not including zoning map amendments which impose no limitations or restrictions upon the use of the subject property other than those generally applicable to properties within the same zone and not including any recorded subdivision plat. The county clerk shall index the certificates by property owner and, if applicable, name of subdivision or development. The county clerk shall maintain in his office a record of the name and address of the agency having custody of the official zoning map for each planning unit within the county. All zoning map amendments shall be reflected on the official zoning map within thirty (30) days of the date upon which final action approving the amendments is taken by the planning unit. (2) The planning unit shall collect the county clerk's filing fee for the certificate from the applicant at the time any proceeding is initiated which may result in the imposition, adoption, amendment, or release of any land use restriction provided for in this chapter; and the planning unit may also charge the applicant a fee for the reasonable cost of completing and filing the certificate, not to exceed ten dollars and fifty cents (\$10.50), in addition to any other applicable filing or administrative fee, to compensate the planning unit for completing and filing the certificate. The fees permitted by this subsection shall be refunded to the applicant in the event no land use restriction is imposed or adopted as a result of the proceeding. (3) When a restriction reflected on the certificate is amended, a new certificate shall be filed. In the case of such amendment or in the event the original restriction is released, the previous certificate shall be released by the secretary of the body which amended or released the restriction in the same manner as

releases of encumbrances upon real estate. (4) The failure to file, to file on time, or to complete the certificate properly or accurately shall not affect the validity or enforceability of any land use restriction or regulation. Any improper filing may be cured by a subsequent proper filing. Nothing herein shall affect the running of time for any appeal or other act for which a time limit is prescribed by this chapter.

ARTICLE 16
AMENDMENT PROCEDURE

SECTION 16.0 AMENDMENT PROCEDURE:

- A. **FILING OF AMENDMENT APPLICATION:** All applications for zoning map 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 for in Section 18.0 of this ordinance.

- B. **PLANNING COMMISSION REVIEW REQUIRED:** A proposal to amend the text of any zoning regulation may originate with the planning commission or the city council. A proposal for a zoning map amendment may originate with the Planning Commission, the legislative body, or with the owner of the property in question. Regardless of the origin of the proposed amendment, it shall be referred to the Planning Commission for its action before adoption.

- C. **PUBLIC HEARING REQUIRED, NOTICE GIVEN:** The Planning Commission shall hold at least one public hearing on the proposed amendment, at which hearing parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published at least once, but may be published two or more times in a newspaper of general circulation in the 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.

- D. **OTHER HEARING REQUIREMENTS, ZONING MAP AMENDMENT:** In addition to the public hearing notice required in Section 16.0, C, above, the following notices shall also be given when a proposal is submitted to amend the official zoning map:
 - 1. Notice of the hearing shall be posted conspicuously on the property, the classification of which is proposed to be changed. Said posting shall consist of one or more signs clearly depicting the following information: current zoning classification of property; proposed zoning classification; legal description of proposed zone change area; date and time of public hearing; and address, including telephone number where additional information regarding hearing may be obtained; and
 - 2. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by first class mail to the owners of all property adjoining the property, the classification of which is proposed to change. Where said property adjoins a street or alley, property abutting the opposite side of such

street or alley shall be considered adjoining property. It shall be the duty of the person or persons proposing the amendment to furnish to the Planning Commission the names and addresses of the owners of all adjoining property.

- E. **FINDINGS NECESSARY FOR MAP AMENDMENT:** Before any map amendment is granted, the Planning Commission, or legislative body, must find that the amendment is in agreement with the adopted comprehensive plan by the Planning Commission for the city, or in the absence of such a finding, that one or more of the following apply, including the making of a written report, setting forth explicitly, the reasons and substantiation as to how each would apply, and such finding and report shall be recorded in the minutes and records of the Planning Commission or legislative body:
1. That the original zoning classification given to the property was inappropriate or improper; and
 2. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the comprehensive plan and which have substantially altered the basic character of such area.
- F. **MINIMUM SIZE OF NEW ZONES:** No zoning map amendment to this ordinance shall be adopted whereby the zoning classification of an area is changed in such a manner as to create a free standing zone of less than five (5) acres, except where specific area restrictions are stipulated in this ordinance, or as outlined in the adopted comprehensive plan by the Planning Commission. For the purpose of computing the total size of an area to be rezoned for compliance herewith, there shall be added to such area:
1. the area of public rights-of-way interior to the area being changed
 2. one-half the area of public rights-of-way abutting the area being changed
 3. the area of any land which is contiguous to the area being changed (including land located outside the city but contiguous to the city's corporation line) and which land already bears the zoning classification sought for the area being changed except that in the case of computing the size of an area to be zoned for commercial, (i.e., LSC and PO Zones) any of the commercial zones may be used, interchangeably to compute one contiguous area. For the purpose of this section, neither continuity nor abutment shall be destroyed by the existence of a street, alley, or city's corporation line
- G. **PLANNING COMMISSION ACTION:** Following the public hearing held by the Planning Commission on the proposed amendment, the Commission shall, within sixty (60) calendar days from the date of its receipt, advise the legislative body whether it approved or disapproved of the amendment to the zoning regulation, including a statement setting forth explicitly the reasons and substantiation for such action and, in the case of a map amendment, the submission of a written report as required in Section 16.0, E.

- H. **LEGISLATIVE BODY DISPOSITION:** Within forty-five consecutive calendar days after receipt of the Planning Commission’s recommendations and findings concerning the application and a copy of the application, the legislative body shall act on such application. A majority of the entire legislative body shall be required to override the recommendations of the Planning Commission.
- I. **SUBMISSION OF DEVELOPMENT PLAN AS CONDITION TO COMMERCIAL OR MULTI-FAMILY RESIDENTIAL ZONING MAP AMENDMENT:** Any request for a zoning map amendment to any commercial (SC, GC, MLU, ROD, PUD, LSC) or multi- family residential zone (i.e., R-2, R-3,) shall be made in accordance with all applicable requirements of this ordinance, including the following:

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

Concept Development Plan and Zoning Map Amendment – Application for a zoning map amendment shall include a development plan in accordance with the applicable requirements of Section 10.12, D, or this ordinance.

- a. The Planning Commission shall hold a public hearing on the proposed application in accordance with the requirements of KRS Chapter 424, and review said application with regard to the required elements of the Development Plan, and other applicable requirements of this section. Upon holding such a hearing, the Planning Commission shall make one of the following recommendations to the legislative body: approval, approval with condition(s), or disapproval. The Planning Commission shall submit, along with their recommendations a copy of the Development Plan and the bases for their recommendation.
- b. The legislative body shall, within forty-five (45) days after receiving the recommendations of the Planning Commission, review said recommendations and take action to approve or disapprove the proposed development plan. Such approval may incorporate any conditions imposed by the legislative body. However, should the legislative body take action to impose different conditions than were reviewed and considered by the Planning Commission, then said conditions shall be resubmitted to the Planning Commission for further review and recommendations in accordance with Section 17.0, I, a.
- Approval of the zoning map amendment shall require the development be in accordance with the approved development plan. The legislative body shall forward a copy of the approved development plan to the Zoning Administrator of the city’s duly authorized representative for further processing in accordance with the applicable requirements for a development plan, as regulated by Section 9.19 of this ordinance.

Zoning Map Amendment – Upon approval of the Zoning Map Amendment, the official zoning map shall be amended for the area as shown on the approved development plan.

2. Site Development Plan – Before a permit is issued for constructions, a site plan shall be developed in conformity with the approved development plan and in accordance with the applicable requirements of Section 9.19 of this ordinance, and submitted to the Zoning Administrator of the city’s duly authorized representative for review and approval. The site plan may be developed and submitted in sections, in accordance with the phasing identified in the approved development plan. The Zoning Administrator of the city’s duly authorized representative may authorize minor adjustments from the approved development plan, provided that the adjustments do not: affect the spatial relationship of structures, change land uses, increase overall density, alter circulation patterns (vehicular and pedestrian), decrease the amount and/or usability of open space or recreation areas, or affect other applicable requirements of this ordinance.

Amendments - Any amendments to plans, except for the minor adjustments which may be permitted by the Zoning Administrator as noted above, shall be made in accordance with the procedure required by this ordinance, subject to the same limitations and requirements as those under which such plans were originally approved.

Expiration - The zoning map amendment shall be subject to the time constraint, as noted below. Upon expiration of said time period and any extensions thereto, the legislative body may initiate a request for a public hearing by the Planning Commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether said zoning map amendment should revert to its original designation. A public hearing may be initiated if either of the following conditions apply:

- a. A site plan has not been approved by the Zoning Administrator within a period of twelve (12) consecutive months from the date of final approval of the zoning map amendment by the legislative body; provided that an extension may be permitted upon approval of the legislative body or its duly authorized representative, if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the approved development plan obsolete.
- b. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the site plan by the Zoning Administrator; provided that an extension may be permitted upon approval of the legislative body or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant’s control, and that prevailing conditions have not changed appreciably to

render the approved development plan obsolete. The amount of construction that constitutes initiating substantial construction shall be as approved in the approved development plan.

ARTICLE 17

BOARD OF ADJUSTMENT

SECTION 17.0 ESTABLISHMENT OF BOARD OF ADJUSTMENT; MEMBERSHIP; APPOINTMENT; TERMS; VACANCIES; OATHS; COMPENSATION; REMOVAL; OFFICERS:

- A. The Board of Adjustment is hereby established for the Highland Heights, pursuant to K.R.S. 100.217.
- B. The Board of Adjustment shall consist of either three (3), five (5), or seven (7) members, all of whom must be citizen members and not more than two (2) of, whom may be citizen members of the Planning Commission.
- C. The mayor shall be the appointing authority of the Board of Adjustment subject to the approval of the City 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 City 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 his term.

SECTION 17.1 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, 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, for the purpose of carrying out the provisions of this chapter.
- 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. The sheriff shall serve such subpoenas. The Circuit Court may, upon application by the board compel obedience to such court or such subpoena by proceedings of contempt.
- 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 17.2 PROCEDURE FOR ALL APPEALS TO BOARD: Appeals to the Board of Adjustment may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of any zoning enforcement officer. Such appeal shall be taken within thirty (30) calendar days after the appellant or his agent receives notice of the action of the official, by filing with the Zoning Administrator and with the Board, a notice of such appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. A fee, as required by Section 18.0 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 the opportunity to be heard.

The board of adjustment shall fix a reasonable time for hearing the appeal and give public notice 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 17.3 APPEALS FROM PLANNING COMMISSION, BOARD OF ADJUSTMENT, OR LEGISLATIVE BODY: Any appeal from the 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 of 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 the 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 17.4 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 17.5 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 9.12 of this Ordinance.
- D. To hear and decide, in accordance with the provisions of this ordinance, requests for interpretation of the official zoning map or for decisions upon other special questions upon which said board is authorized to act upon.
- E. To hear and decide, in accordance with the provisions of this ordinance and the adoption of the comprehensive plan for the city, requests for the change from one nonconforming use to another.

SECTION 17.6 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 application 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 as specified in Section 18.0 of this ordinance) and a development plan subject to the applicable requirements of Section 15.12, are submitted.

2. Notice of public hearing shall be given in accordance with Section 17.2 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 dimensional variance:
 - a. The Board of Adjustment shall make findings that the requirements of this section have been met by the applicant for a dimensional variance
 - b. The Board of Adjustment shall further make a finding that reasons set forth in the application justify the granting of dimensional variance and that the dimensional variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - c. Findings Necessary for Granting Variances

Before any variance is granted, the board must find that the granting of the variance will not adversely the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:

- (a) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
- (b) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
- (c) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

The board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulations from which relief is sought.

5. In granting any dimensional variance, the Board of Adjustment can 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 15.9 of this ordinance.

- B. DIMENSIONAL VARIANCE CANNOT CONTRADICT ZONING REGULATION:**
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.

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- 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 runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site.
- D. **CHANGE FROM ONE NONCONFORMING USE TO ANOTHER:** A nonconforming use shall not be changed to another nonconforming use without the specific approval of the Board of Adjustment, as provided herein.
1. The lawful use of a building or premises, existing at the time of the adoption of any zoning regulations affecting it, may be continued, although such use does not conform to the provisions of such regulations, except as otherwise provided herein.
 2. The Board of Adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes it use nonconforming was adopted, nor shall the board permit a change from one (1) nonconforming uses to another unless the new nonconforming use is in the same or a more restrictive classification, provided, however, the board of adjustments may grant approval, effective to maintain nonconforming-use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming uses, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons.
 3. Any use which has existed illegally and does not conform to the provisions of the zoning regulations, and has been in continuous existence for a period of ten (10) years, and which has not been the subject of any adverse order or other adverse action by the administrative official during said period, shall be deemed a nonconforming use. Thereafter, such use shall be governed by the provisions of subsection (2) of this section.
1. The Board of Adjustment shall have the power to hear and decide on applications to convert or change an existing nonconforming use to another nonconforming use, subject to the following:
 - a. A written application for a change from one nonconforming use to another (including the required fee as specified in Section 18.0 of this ordinance) and a site development plan, if applicable, subject to the

- applicable requirements of Section 15.12, shall be submitted to the Board
- b. Notice of public hearing shall be given in accordance with Section 17.2 of this ordinance
 - c. The public hearing shall be held. Any person may appear in person, or by agent or by attorney
 - d. Prior to granting a change from one nonconforming use to another, the Board of Adjustment shall find that the new nonconforming use is in the same or more restrictive classification of use as the prior nonconforming use. In the determination of the same or more restrictive classification of use, the applicant shall establish and the Board of Adjustment shall consider:
 - (1) That the new nonconforming use shall generate less vehicular traffic (automobile and truck) than the prior nonconforming use
 - (2) That the new nonconforming use is of a nature which will emit less noise and air pollution than the prior nonconforming use
 - (3) That the new nonconforming use will be more in character with the existing neighborhood than the prior nonconforming use, in that it is more in conformance with the adopted comprehensive plan of the city, and also, more in conformance with the uses permitted in the zone in which the use is located than the prior nonconforming use
 - e. Any change of nonconforming use granted by the Board of Adjustment shall conform to the requirements of this ordinance, including, but not limited to: parking requirements, sign regulations and yard requirements, and all other pertinent ordinances of the city
 - f. The Board of Adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at which time its use became nonconforming
 - g. The Board of Adjustment, in granting a change of nonconforming uses, may attach such conditions thereto as it may deem necessary and proper; and the action, limitations and conditions imposed, if any, shall be in writing, directed to the applicant, with a copy to be furnished to the Zoning Administrator
 - h. The change of nonconforming use as may be granted by the Board of Adjustment applies to the property for which it is granted and not to the individual who applied and, therefore, cannot be transferred by the applicant to a different property
 - i. In the case where the change of nonconforming use has not occurred within one (1) year after the date of granting thereof, said use shall be governed according to the requirements of Section 9.12

SECTION 17.7 CONDITIONAL USE PERMITS: Conditional use permits shall not be issued without the specific approval of the Board of Adjustment, as provided for herein.

- A. The Board of Adjustment shall have the power to hear and decide on applications for conditional use permits, subject to the following:
 - 1. A written application for a conditional use permit (including the required fee, as specified in Section 18.0 of this ordinance) and a site development plan subject to the applicable requirements of Section 15.12, shall be submitted to the Board
 - 2. Notice of public hearing shall be given in accordance with Sections 17.2 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 conditional use permit, the Board of Adjustment shall find that the application for a conditional use permit meets the requirements of this ordinance, Section 9.14

SECTION 17.8 DECISIONS OF THE BOARD OF ADJUSTMENT:

- A. In exercising the aforementioned powers, the Board of Adjustment may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm wholly or partly, or may modify the order, requirements, decision, or determination as made by the Zoning Administrator, from whom the appeal is taken.
- B. A 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, so long as such action is in conformity with the provisions of this ordinance; or to decide in favor of the applicant on any manner upon which it is required to pass under this ordinance, or to affect any variation in the application of this ordinance.
- C. The details of the decision of the Board shall be forwarded to the Zoning Administrator.
- D. A Certificate of Land Use Restriction is required, see Section 15.13 of this ordinance.

ARTICLE 18

FEES, CHARGES, AND EXPENSES

SECTION 18.0 SCHEDULE OF FEES, CHARGES, AND EXPENSES: The schedule of fees, charges, and expenses shall be as established by separate city ordinances.

APPENDIX A – The Highland Heights city office contains the appropriate forms.

APPENDIX B – Summary of Amendments to be attached when ordinances are approved.

APPENDIX C – Parking Lot Construction standards. Development and Construction of parking lots and driveways shall follow the current requirements of the City of Highland Heights, the Campbell County Building Inspector, and/or the Kentucky Transportation Cabinet as determined by the Planning Commission.