

OFFICIAL ZONING ORDINANCE
CITY OF
WILLIAMSTOWN, KENTUCKY

PREPARED BY:

NORTHERN KENTUCKY AREA DEVELOPMENT DISTRICT

FROM THE MODEL FURNISHED BY THE NORTHERN
KENTUCKY AREA PLANNING COMMISSION

SEPTEMBER 1980

CITY OF WILLIAMSTOWN
OFFICIAL ZONING ORDINANCE
PREPARED FOR
WILLIAMSTOWN CITY COUNCIL

BY
NORTHERN KENTUCKY AREA DEVELOPMENT DISTRICT
Florence, Kentucky
Mayor Herbert Caldwell, Chairman
Gene Archbold, Executive Director

UNDER SUPERVISION AND ADMINISTRATION OF THE
DEPARTMENT FOR LOCAL GOVERNMENT, COMMONWEALTH OF KENTUCKY

SEPTEMBER 1980

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ARTICLE I

A ZONING ORDINANCE

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLIAMSTOWN, KENTUCKY, AS FOLLOWS:

ARTICLE II

AUTHORITY AND PURPOSE

SECTION 2.0 AUTHORITY: THE CITY COUNCIL OF THE CITY OF WILLIAMSTOWN, BY THE AUTHORITY OF KENTUCKY REVISED STATUTES (KRS 100.201 – 109.991) HEREBY ORDAINS AND ENACTS INTO LAW THE FOLLOWING ARTICLES AND SECTIONS.

SECTION 2.1 PURPOSE: THE ZONING REGULATIONS AND DISTRICTS AS HEREIN SET FORTH HAVE BEEN PREPARED IN ACCORDANCE WITH THE ADOPTED COMPREHENSIVE PLAN TO PROMOTE THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE CITY, TO FACILITATE ORDERLY AND HARMONIOUS DEVELOPMENT AND THE VISUAL OR HISTORICAL CHARACTER OF THE CITY, AND TO REGULATE THE DENSITY OF POPULATION AND INTENSITY OF LAND USE IN ORDER TO PROVIDE FOR ADEQUATE LIGHT AND AIR. IN ADDITION, THIS ORDINANCE HAS BEEN PREPARED TO PROVIDE FOR VEHICLE OFF-STREET PARKING AND LOADING AND/OR UNLOADING SPACE, AS WELL AS TO FACILITATE FIRE AND POLICE PROTECTION, AND TO PREVENT THE OVERCROWDING OF LAND, LIGHT, DANGER, AND CONGESTION IN THE CIRCULATION OF PEOPLE AND COMMODITIES, AND THE LOSS OF LIFE, HEALTH OR PROPERTY FROM FIRE, FLOOD OR OTHER DANGERS. THE ZONING REGULATIONS AND DISTRICTS AS HEREIN SET FORTH ARE ALSO EMPLOYED TO PROTECT HIGHWAYS, AND OTHER TRANSPORTATION FACILITIES, PUBLIC FACILITIES, INCLUDING SCHOOLS AND PUBLIC GROUNDS, THE CENTRAL BUSINESS DISTRICT, NATURAL RESOURCES AND OTHER SPECIFIC AREAS OF THE CITY WHICH NEED SPECIAL PROTECTION BY THE CITY.

ARTICLE III

SHORT TITLE

SECTION 3.0 SHORT TITLE: THIS ORDINANCE SHALL BE EFFECTIVE
THROUGHOUT RECITED TO AS THE “OFFICIAL ZONING ORDINANCE OF THE CITY
OF WILLIAMSTOWN, KENTUCKY.

ARTICLE IV
INTERPRETATION

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

SECTION 4.1 PERMIT OR LICENSE IN VIOLATION: 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. To the extent it purports to authorize an act or use in violation of this ordinance.

ARTICLE V

CONFLICT

SECTION 5.0 CONFLICT: All ordinances and parts of ordinances of the city in conflict herewith are hereby repealed; providing, however, that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any such ordinances and parts thereof hereby repealed prior to the effective date of this ordinance. However, this ordinance shall not repeal any other ordinances of the City of Williamstown, which imposes a greater restriction on the use of a particular parcel of land within the City of Williamstown. The adoption of this ordinance, however, specifically repeals ordinance number entitled "Zoning Order" adopted on the 7th day of July, 1980.

ARTICLE VI

SEVERABILITY CLAUSE

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

ARTICLE VII

DEFINITIONS

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

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

ACCESS AISLE: That part of an off-street parking area used to maneuver a motor vehicle into or out of an off-street parking space. **NOTE: Article VII, Section 7.0, Amended by Ordinance 1999-01**

ACCESS DRIVE: An open, surfaced area, other than the rights-of-way of a street, alley, or other public way, utilized by a motor vehicle for ingress and/or egress to an off-street parking area. **NOTE: Article VII, Section 7.0, Amended by Ordinance 1999-01**

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

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

ACCESS POINT: An access point is:

- (1) A driveway, a local street, or a collector street intersecting an arterial street;
- (2) A driveway or a local street intersecting a collector street; or
- (3) A driveway or a local street intersecting a local street.

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

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

ALLEY: Public rights-of-way which normally affords a secondary means of access to abutting property.

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

APARTMENT HOUSE: See DWELLINGS, MULTI-FAMILY.

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

AUTOMOBILE AND TRAILER SALES AREAS: Any area used for the display, sale, or rental of new or used automobiles or trailers, and where only minor incidental repair of such automobiles or trailers may take place.

BARN- A building located on land utilized for a bona fide agricultural use, as defined in KRS 100.111 (2) and is used to house horses, tack, livestock, farm machinery, farm tools, harvested crops (such as, but not limited to hay, tobacco and other agricultural products), or other customary uses, but shall not be used for human habitation, and shall not include high intensity factory farm structures. **NOTE: Article VII, Section 7.0, Amended by Ordinance 2003-14**

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

BED AND BREAKFAST INN: A dwelling unit occupied by the property's owner containing one or more guest rooms used by travelers and transient guests as a temporary dwelling for an overnight stay(s), including food preparation and service to said guests. **NOTE: Article VII, Section 7.0, Amended by Ordinance 2003-13**

BOARD OF ADJUSTMENTS: Board of Adjustments of the legislative body.

BODY ART (TATOO) SERVICES: Provision of any of the following procedures: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the Commonwealth of Kentucky, which may not be performed in a body art services establishment. **Note: Added by Ord. 2014-10**

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, addition, or rearrangement in the walls, beams, columns, or girders of a building, or an addition to a building or movement of a building from one location to another. This definition shall include any change in the intensity of the use of a building.

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

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

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

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

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

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

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

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

legislative body's ordinances, regulations, and codes for building on said site.

CAMPING/VACATION MOBILE UNIT: Any coach, truck, cabin, trailer, 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, whether permanent or temporary, or supported and/or capable of being moved by its own power or transported by another vehicle.

CANOPY (MARQUEE): A roof-like structure open on three (3) sides serving the purpose of protecting pedestrians from rain, snow, sun or hail, which structure projects from a building.

CARPORT: See GARAGE, PRIVATE.

CHILD DAY CARE CENTER: See NURSERY SCHOOL.

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

CLINIC, ANIMAL: A building used by medical persons for the treatment of small animals on an out-patient basis only, without animal runs.

CLUB: An association of persons for some common objective usually jointly supported and meeting periodically.

COMMISSION (PLANNING COMMISSION OR PLANNING AND ZONING COMMISSION): The Grant County Planning Commission, Grant County, State of 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 relations. It shall contain, as a minimum, the following elements:

- A. A statement of goals and objectives, principals, 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.

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

CONDITIONAL USE: A use which is essential to or which would promote the public health, safety or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed within this ordinance.

CONDITIONAL USE PERMIT: Legal authorization to undertake a conditional use, issued by the zoning administrator, pursuant to authorization by the board of adjustments, consisting of two parts:

- a. A statement of the factual determination by the board of adjustments which justifies the issuance of the permit; and
- b. A statement of the specific conditions which must be met in order for the use to be permitted.

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

CURB CUT: Any interruption, or break in the line of a street curb in order to provide vehicular access to a street. In the case of streets without curbs, curb cuts shall represent construction of any vehicular access which connects to said street.

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

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

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

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

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

DWELLING, TRAILER: See MOBILE HOME.

DWELLING, MODULAR: A detached single family dwelling, a modular dwelling shall meet the following requirements:

1. It is transported to a site on a trailer, in 1 or more sections;

2. It is designed for assembly on-site and attachment to a permanent foundation;
3. It does not have an axle, hitch, chassis or other equipment designed to make it transportable without the use of a trailer; and,
4. Meets the minimum requirements of the Kentucky Residential Building Code.

NOTE: Article VIII, Dwelling, Modular, Amended by Ordinance 2006-18.

DWELLING, TWO-FAMILY: A residential building designed, arranged, or used exclusively by two (2) families, each of which has independent access to each dwelling unit, living independently of each other.

DWELLING, MULTI-FAMILY: A residential building having three (3) or more dwelling units, as separate housekeeping units, each of which has independent access to each dwelling unit.

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

EASEMENT: A right, distinct from the fee simple 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 restaurant is an establishment selling food items ordered from a menu and primarily prepared on the premises for immediate consumption.

- A. Carry out – A fast service restaurant which does not have sit down eating arrangements and consumption of food on the premises is prohibited (or discouraged).
- B. Drive-in – A restaurant where consumption of food on the premises is encouraged (in car, no seating facilities) and where food is provided by “car-hop” or self-service.
- C. Sit-Down Restaurants – Those restaurants which provide seating arrangements.
- D. Combination – A restaurant which provides any combination of sit down, carry-out, and/or drive-in, services.

ECO-TOURISM- low-impact, non-motorized recreational activities that occur in natural areas, and minimally impact the environment in which they are located. Activities may include zip lines, mountain biking, hiking, or similar activities which primarily promotes the local culture, flora, and fauna as the main attraction, and stresses environmental awareness and man's relationship with nature. **NOTE: Article VII, Amended by Ordinance 2010-10**

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies, including but not limited to: underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems; including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, and other similar equipment and accessories reasonably necessary for furnishing adequate service or for the public health, safety, or general welfare.

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

FENCE: A structure made of wire, wood, metal, masonry, or other material, including hedges.

FILLING STATION: See SERVICE STATION.

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

FLOOD – 100 YEAR FREQUENCY: The highest level of flooding that, on the average, is likely to occur once every 100 years.

FLOOD PLAIN OR FLOOD PRONE AREA: Any normally dry land area that is susceptible to being inundated by water from any source.

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

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

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

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

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

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

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 intersecting lot lines. In no case shall the line along an alley be considered as acceptable for frontage.

GARAGE, PRIVATE: A building used primarily for the storage of vehicles and clearly accessory to the principal use permitted.

HOME OCCUPATION: An accessory use customarily conducted entirely within a dwelling, as permitted herein and further meeting all requirements of this ordinance.

HOSPITAL (HUMAN CARE): A building used by medical persons for treatment of persons generally on an in-patient basis.

HOSPITAL (ANIMAL): A building used by medical persons for treatment of animals generally on an in-patient basis.

HOTEL-MOTEL: A building or buildings to be used for the temporary abiding place for travelers and transient guests.

HOUSE TRAILER: See MOBILE HOME.

JUNK YARD: An open area where waste materials are bought, sold, exchanged, stored, shredded, baled, packed, disassembled, etc., including, but not limited to, scrap metals, paper, rags, rubber tires, bottles, inoperative motor vehicles, or inoperative farm or construction machinery.

KENNEL: Any area specifically used for the raising, boarding, or harboring of small domestic animals.

LABORATORY, MEDICAL OR DENTAL: A building or a portion of a building used for providing bacteriological, biological, medical, x-ray, pathological, and similar analytical or diagnostic services to doctors or dentists.

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

LEASABLE AREA, GROSS: The total floor area designed for tenant occupancy and exclusive use, including but not limited to; basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

LEGISLATIVE BODY: The City Council of the City of Williamstown.

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

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

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 or uses and such access, yards, and open spaces required under this ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MOBILE HOME PARK: Any lot, parcel, or premises, subdivided, designed, maintained, intended, and/or used to accommodate ten (10) or more mobile homes, and meets the requirements as specified in this ordinance. For the purpose of this ordinance, any lot or premises used for the wholesale or retail sale of mobile homes shall not be included within this definition. Double width mobile structures, which are fabricated on individual chassis with wheels and are designed to be joined, shall be considered a mobile home for purposes of this ordinance.

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

NKADD: Northern Kentucky Area Development District

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

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

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

NURSERY SCHOOL: Any building used for the daytime care or education of preschool age children with or without compensation, and including all accessory buildings and play areas.

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, alley, or place, used for temporary parking of motor vehicles.

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

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

PERFORMANCE STANDARDS: Criteria established to control, but not limited to; building enclosure, landscaping, noise, odorous matter, exterior lighting, vibration, smoke, particulate matter, gasses, radiation, storage, fire, and explosive hazards, and humidity, heat, or glare generated by or inherent in, uses of land or buildings.

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

QUASI GOVERNMENTAL ORGANIZATION: A not for profit organization that receives all or part of its funding from governmental sources, which includes, but is not limited to, county

fair boards or community action groups. **NOTE: Article VIII, Quasi Governmental Organization, Amended by Ordinance 2008-01**

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

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

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

SCHOOLS, PUBLIC: An institution or place for instruction or education belonging to and maintained under public authority and open to the public for their attendance.

SERVICE FACILITIES, PUBLIC UTILITIES: Service facilities include all facilities of public utilities operated by municipalities or 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.

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

SIGN: Any combination of letters, pictures, characters, or other display used to identify or direct attention to some activity or direction.

SIGN, ADVERTISING: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered:

- a. Only elsewhere than upon the premises where such sign is located or to which it is affixed; or
- b. As a minor and incidental activity upon the premises where the sign is located.

SIGN, BUSINESS: A sign which directs attention to a business, profession, industry, to type of products sold, manufactured, or assembled, and/or to service or entertainment offered upon said premises and located upon the premises where such sign is displayed.

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

SIGN, FLAT: Any sign which is attached directly, in rigid manner and parallel to the building wall.

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

SIGN, AREA OF: The entire area within a single continuous perimeter enclosing the limits of a sign. However, such perimeter shall not include any structural elements lying outside the limits of such a 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, 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 freestanding supporting pole or poles, embedded in, and extending upward from the ground with a ground clearance exceeding 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 XIV, SIGN REGULATIONS, the word “window” shall be construed to mean any glass which comprises part of the surface of the wall regardless of its movability.

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

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. For purposes of this ordinance, a basement shall be counted as a story.

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

STREET, PRIVATE: A paved private roadway 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 or the private right-of-way if designated on the recorded plat.

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

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

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

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

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

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

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

STRUCTURE: Anything constructed or erected, the use of which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including such as: buildings, mobile homes, signs, fences, etc.

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

SWIMMING POOL, OUTDOOR: Any structure or device of any kind that is intended for swimming purposes, including but not limited to: any pool or tank of any material or type of construction, or any depression or excavation in any natural or constructed material, or any dike or berm of any material or type if construction; including all appurtenances to such structure or device and all appliances used in connection therewith; which structure or device is intended to

cause, or would cause if completely filled, the retaining of water to a greater depth than eighteen (18) inches at any point. Any such structure or device shall be deemed to be included within the meaning of the term “structure” as used in this ordinance.

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

- a. Private: when consisting of an accessory structure appurtenant to a one-family or a two-family dwelling and used only as such by persons residing on the same lot and their private guests.
- b. Semi-public: when consisting of an accessory structure appurtenant to a dwelling, hotel, motel, church, school, club, etc., and used only as such by persons who reside or are housed on the same lot or who are regular members of such organizations.
- c. Public: a swimming pool operated by a unit of government for the general public.
- d. Commercial: a swimming pool operated for profit, open to public upon payment of a fee.

TRAILER: See CAMPING/VACATION MOBILE UNIT.

USE, PERMITTED: A use which may be lawfully established, if permitted, in a particular zone provided it conforms with all requirements of such zone.

VARIANCE, DIMENSIONAL: A departure from the terms of this ordinance, as approved by the board of adjustments, pertaining to height or width of structures and size of yards and open spaces (but no population density) 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 DEPTH, FRONT: An area extending the full width of the lot or building site measured between a line parallel to the street right-of-way line intersecting the foremost point of any building excluding steps and unenclosed porches and the front lot line, as defined herein.

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

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

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

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

ARTICLE VIII
ESTABLISHMENT OF ZONES

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

A1 – Agricultural
R1 – Residential
R1B – Residential
R2 – Residential
R3 – Residential
R4 – Resort
R5 – Mobile Homes on Individual Lots
R6 – Multi-Family
RMPH – Residential Mobile Home Park
HC – Highway Commercial
NC – Neighborhood
CBD – Central Business District
M/P – Medical/Professional
PUD – Planned Unit Development
I-1 – Light Industry
I-2 – Heavy Industry
C-O – See Section 8.5 of Ordinance

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

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

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

- C. Boundaries indicated as approximately following political boundary lines shall be construed as following such boundary lines.
- D. Boundaries indicated as approximately following the rights-of-ways of railroad lines shall be construed as following such lines.
- E. Boundaries indicated as approximately following the centerlines of streets, streams, rivers, ditches, gullies, ravines, or other bodies of water shall be construed to follow such centerlines.
- F. Boundaries indicated as approximately following a topographic elevation, determined by the scale of the map shall be construed as following such ground elevation lines.
- G. Boundaries indicated as approximately parallel to features indicated in Rules A through F of this section, shall be construed as parallel to such features. Boundaries indicated as approximate extensions of features shall be so construed. Distances not specifically indicated of the Official Zoning Map shall be determined by the scale of the map, if an accurate legal description cannot be determined.

SECTION 8.5 AREAS NOT INCLUDED WITHIN ZONES: When an area is annexed to or otherwise becomes a part of legislative body, or in any case where property within the legislative body has not been included within a zone, either through error or omission, such property shall be officially included in the “C-O” Zone until otherwise classified.

Within sixty (60) calendar days after an annexed area officially becomes a part of the legislative body, or an error or omission is recognized, the legislative body shall take action to initiate a zone change review of the area in question, as per Article XVII, to insure its appropriate zoning classification in conformity with the officially adopted comprehensive plan.

ARTICLE IX

GENERAL REGULATIONS

SECTION 9.0 PURPOSE: General regulations shall apply to all districts.

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

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

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

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

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

- A. Such facilities shall be essential for the immediate area or for the proper functioning of the total utility system of which the element is a part.
- B. A building or structure, except as enclosing fence, shall be set back at least thirty-five (35) feet from any property line.

- C. Such facilities shall be enclosed by a protective fence as regulated by Article XIII.
- D. Open spaces on the premises shall be suitable landscaped and maintained and a screening area in accordance with Section 9.17 of this ordinance may be required in and along any yard.
- E. The storage of vehicles and equipment on the premises, unless enclosed or screened, shall be prohibited.
- F. The surrounding area shall not be adversely affected by, and shall be protected from noise, odor, glare, dust, gas, smoke, and vibration by such suitable means and conditions as the board of adjustment may specify.

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

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

- A. No governmental entity or other entity shall strip, excavate, fill, or otherwise move soil, trees or other vegetation except for minor changes such as: the filling of small depressions, removal of vegetation which is diseased or endangering the public safety, etc. without first insuring that all requirements of the Subdivision Regulations of the legislative body, if applicable, have been fulfilled and then obtaining a permit from the building inspector.
- B. The building inspector may issue the required permit after determining that the resulting change in grade or removal of trees and other vegetation in the affected area will be in conformance with all applicable provisions of this ordinance. The provisions of this section shall not be construed to prohibit normal excavation or grading incidental to the construction or alteration of a building on the premises for which a building permit has been granted as required otherwise in this ordinance.
- C. Erosion and Sedimentation Control: Erosion and sedimentation controls for excavation, movement of soil, and tree removal, shall be planned and applied according to the following:
 - 1. The smallest practical area of land shall be exposed at any one time during development.
 - 2. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.

3. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
4. Sediment basins (debris basins or silt traps) shall be installed and maintained to remove sediment from run-off waters from land undergoing development.
5. Provisions shall be made to accommodate the increased run-off caused by changed soil and surface conditions during and after development.
6. Permanent final vegetation and structures shall be installed as soon as practical in the development.
7. The development shall be fitted to the topography and soils so as to create the least erosion potential.
8. Wherever feasible, natural vegetation shall be retained and protected.

SECTION 9.8 UNSIGHTLY OR UNSANITARY STORAGE: No rubbish, salvage materials, junk, or miscellaneous material shall be openly stored or kept in the open and weeds shall not be allowed to go uncut within any zones when the same may be construed to be a menace to public health and safety by the appropriate health department, or have a depressing influence upon property values in the neighborhood, in the opinion of the legislative body. When a violation of this section of the ordinance occurs, the legislative body shall take the necessary action to either directly bill said person or persons for the cost of removing of rubbish, salvage material and cutting weeds, or have the cost of such labor for removing same attached to and made a part of said person or persons' tax bill. Salvage and junkyards, where permitted in this ordinance, shall be adequately enclosed with a solid fence or wall, as regulated by Article XIII and an approved permanent planting screen may be required as regulated in Section 9.17 of this ordinance.

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

SECTION 9.10 APPLICATION OF ZONING REGULATIONS:

- A. Except as herein provided, no part of any yard, or other open space, or off-street parking or loading and/or unloading space about or in connection with any building, structure, or use permitted by this ordinance shall be considered to be part of a required yard, or other open space, or off-street parking or loading and/or unloading space for any other building, structure or use.
- B. Except as herein provided, every structure hereafter erected shall be located on a lot as herein

- C. defined and in no case shall there be more than one (1) principal building and permitted accessory structures on one (1) lot.
- D. Permitted Obstructions in Minimum Required Yards: Except as herein provided, the following shall not be considered to be obstructions when located in the required minimum yards specified.
 - 1. In All Minimum Required Yards – Driveways providing they are not closer than two (2) feet to the property line to which they run approximately parallel to; steps four (4) feet or less above grade projecting not more than four (4) feet into the minimum required yards which are necessary for access to a lot from a street or alley; fire escapes and chimneys projecting not more than eighteen (18) inches into the minimum required yards; arbors and trellises; flag poles; bird baths; trees; plants; shrubbery; ornaments; utility poles and wires; and outdoor furniture; fences and walls, subject to the requirements in Article XIII; and off-street parking as provided for in Article XI of this ordinance.
 - 2. In Minimum Front Yard Depths – Bay windows projecting three (3) feet or less into the minimum required yard; overhanging eaves and gutters projecting not more than three (3) feet into the minimum required front yard; window air conditioning units; and awnings and canopies extending not more than three (3) feet into the minimum required front yard.
 - 3. In Minimum Rear Yard Depths – Bay windows, overhanging eaves, and gutters, and air conditioning equipment projecting not more than three (3) feet into the minimum required rear yard; awning and canopies provided they not extend more than ten (10) feet into the minimum required rear yards. Accessory use storage buildings in residential and agricultural zones, provided they are not less than five feet (5') from the rear property line.
 - 4. In Minimum Side Yard Width – Window air conditioning units; and overhanging eaves And gutters projecting not more than eighteen (18) inches into the minimum required side yard; awning and canopies providing that they extend not more than two (2) feet into the minimum required side yard. Accessory use storage buildings in residential and agricultural zones, provided they are not less than five feet (5') from the side property line.

SECTION 9.11 SPECIAL REQUIREMENTS GOVERNING HOME OCCUPATIONS: Home occupations shall include the use of the premises for services rendered other than by direct contact with customers at that location (for example, where the bulk of the business is by telephone – actual work is performed in home and customer is contacted in other than that location). The following requirements shall apply to home occupations when permitted herein:

- 1. Upon premises located more than five hundred (500) feet measured along the primary street right of way from the nearest CBD (Central Business District) Zone or NC (Neighborhood Commercial) Zone or other Business or Commercial Industrial Zone:
 - A. No persons other than members of the family residing in the premises shall be engaged in such operation.

- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than twenty-five (25) percent of the gross floor area of any one floor of the dwelling unit (including the basement or cellar) shall be used in the conduct of the home occupation.
 - C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation that will indicate from exterior that the building is being utilized in part for any purpose other than that of a dwelling unit, except that a name plate as regulated by Article XIV of this ordinance, shall be permitted.
 - D. No home occupation shall be conducted in any accessory building, nor shall there be any exterior storage of any materials on the premises.
 - E. There shall be no commodity sold upon the premises in connection with such home occupation.
 - F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
 - G. No equipment or process which creates noise, vibration, flare, fumes, odors, or electrical interference, detectable to the normal senses off the lot, shall be used in such home occupation. In the case of electrical interference, no equipment or process which creates visual or audible interference in any radio or television receivers off the premises, or cause the fluctuations in line voltage off the premises, shall be used.
2. Upon premises located within five hundred (500) feet, measured along the primary street right of way, from the nearest CBD (Central Business District) Zone or NC (Neighborhood Commercial) Zone or other Business or Commercial or Industrial Zone.

In such an area Home Occupations shall include the use of the premises, in conjunction with its residential use, for services by the occupants thereof in the manufacture, assembly, or other means of creation of furniture, crafts, clothing and similar items or business, personal or professional services and the display, sale, shipment and delivery of such items and services including, but not limited to, on-site sales subject, however, to the following conditions.

- A. At least sixty-six and two thirds percent (66 2/3%) of the persons engaged in the operation of such home occupations shall be members of the family residing in the premises.
- B. Not more than fifty (50) percent of the gross floor area of the dwelling unit including

the basement, cellar and any attached garage shall be used in the conduct of the home occupation.

- C. There shall be no substantial change in the outside appearance of the building(s) or premises with only minor visible evidence of the conduct of such home occupation being apparent from the exterior of such premises.
- D. Home occupation shall not be conducted in detached accessory buildings nor shall any material or unfinished products of such home occupation be stored in any exterior manner.
- E. One Class 3 sign as defined in Article 14 of this Ordinance, identifying the home occupation, shall be permitted.

NOTE: Article IX, Section 9.11 Amended by Ordinance 1995-13.

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

A. NONCONFORMING LOTS OF RECORD:

- 1. Any lot or record which does not meet the 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, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.
- 3. Where a single nonconforming lot of record exists having lot area less than required by the particular zone district where in said lot is located, development may be permitted on the lot, provided: the lot is located on an existing and improved public street; the lot is adjacent and contiguous parcels exist as developed building lots or dedicated street right-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 XVIII of this ordinance.

B. NONCONFORMING USES:

1. CONTINUANCE: Except as herein provided, the lawful use of any structure or land existing at the time of the adoption of this ordinance may be continued although such use does not conform to the provisions of this ordinance – it shall become a legal nonconforming use. However, no nonconforming use or structure may be enlarged or extended beyond its area of use at the time it becomes a legal nonconforming use, unless and until the use is brought into conformance with all provisions of this ordinance.
2. CHANGE FROM ONE NONCONFORMING USE TO ANOTHER: As regulated by Article XVIII, Section 18.6, 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 conditions, and if the decision is to do so, the board shall state its bases, in writing, for such determination.

- a. Nonoperative, nonused, or abandoned for a period of twelve (12) consecutive months providing that the board of adjustments 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 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 18.2 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 structure 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 reconsidered.
 - 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.
- E. REPAIRS AND MAINTENANCE: On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the cubic content of the building, as it existed at the time of passage or amendment of this ordinance which rendered it nonconforming, shall not be increased.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring, to a safe condition, of any building, structure, or part thereof declared to be unsafe by any official charge with protecting the public safety, except for the conditions as stated in Section 9.12, B, 3, b, or 9.12 C, 2, b.

- E. NONCONFORMING SIGNS:
 - 1. CONTINUANCE: Except as herein provided, any lawful nonconforming sign existing at the time of adoption of this ordinance, may be continued provided, however, that no such sign shall be changed in any manner unless it is changed in compliance with all provisions of this ordinance.
 - 2. TERMINATION: In all cases the board of 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 sign based on any of the following conditions and, if the decision is to do so, the board shall state its basis, in writing, for such determination.
 - a. Not meeting the requirements for sign regulations, as regulated in Article XIV of this ordinance; or
 - b. Nonuse or abandonment of said nonconforming sign for a period of twelve (12) consecutive months.

3. ZONE CHANGE: The foregoing provisions shall also apply to signs which become 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 such things as: church spires, various types of towers, smoke stacks, silos, elevators, other related structures and necessary mechanical appurtenances, etc., provided their construction is in accordance with existing or hereafter adopted ordinances of the city, and is acceptable to the Federal Aviation Agency and the Federal Communication Commission.

- B. OTHER EXCEPTIONS: Service stations shall be so constructed that the centerlines of the dispensing equipment shall be at least fifteen (15) feet from any street right-of-way line.

C. FRONT YARD VARIANCE:

1. Where the average depth of existing front yards within three hundred (300) feet of the lot in question and within the same block front, is greater than the minimum front yard depth required by this ordinance, the 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%) 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: Subject to the requirements of Section 18.7, the board of adjustments may authorize a conditional use to be located within any zone in which such conditional use is permitted, if the evidence presented by the applicant clearly shows:

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

B. **CONDITIONAL USE PERMITS:** In accordance with K.R.S. 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 herein which may be suitable only in specific locations in the zone and only if certain conditions are met:

1. The board of adjustments may approve, modify, or deny any application for a conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be granted, or conditions of a continuing nature. Any such conditions shall be recorded in the board's minutes and on the conditional use permit, along with a reference to the specific section in the zoning regulation listing the conditional use under consideration. In addition, said conditional use permit shall be recorded in the office of the county clerk and one copy of said permit attached to the deed for the property for which it is issued. The board shall have power to revoke conditional use permits, or variance 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 persona for such cost.
2. Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of this ordinance, the building code, housing code, and other regulations of the city.
3. In any case where a conditional use permit has not been exercised within the time limit set by the board or within twelve (12) consecutive calendar months from date of issuance, such conditional use permit shall not revert to its original designation unless there has been a public hearing. Exercised as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement has been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed. When construction is not a part of the use, exercised shall mean that the use is in operation in compliance with the conditions as set forth in the permit.
4. The Zoning Administrator shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permits.

If the landowner is not complying with all of the conditions listed on the conditional use permit, the zoning administrator shall report the fact in writing to the chairman of the board of adjustments and to the legislative body. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional

use permit, and a copy of the report shall be furnished to the landowner at the same time it is furnished to the chairman of the board of adjustments.

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

5. Once the board of adjustments has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the zoning administrator, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the county clerk, as required in KRS 100.344. Thereafter said use, if it continues to meet the other requirements of this ordinance will be treated as a permitted use.

SECTION 9.15 BUILDING REGULATIONS AND WATER SANITARY SEWER SERVICE:

- A. BUILDING REGULATIONS: All structures shall be designed, erected, or altered in accordance with the legislative body's housing and building codes.
- B. WATER AND SANITARY SEWER SERVICE: All new subdivisions and/or new developments must have centralized sewers, unless proven to the satisfaction of the city council of the City of Williamstown that to do such would be fiscally impractical.
- C. Where existing buildings are presently unserved by a public sanitary sewer system and are located within a reasonable distance of an existing or newly extended sanitary sewer line, as determined by the legislative body and/or the Grant County Board of Health, said building shall be required to connect with the public sanitary sewer system and the private sewage disposal system shall be prohibited.

SECTION 9.16 MOVE AND SET:

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

B. COMPLIANCE: All buildings, structures, and improvements shall comply with one legislative body's housing and building code, and all other applicable codes and regulations.

C. PROCEDURE-PERMIT: 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 legislative body(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 of Williamstown and determine if the proposed development will comply with all applicable codes and regulations.
5. The move and set application shall be referred to the zoning administrator for approval or denial of compliance with this ordinance.
6. Upon approval by the zoning administrator and building inspector, a building permit to move and set shall be issued. The legislative body's engineer shall then be notified of same and shall issue a transport permit. The legislative body's engineer or his agent will designate the route to be traveled. The transport permit is good only for the date specified on permit. The transport permit will not be issued if ninety (90) consecutive calendar days or more have lapsed from the date of inspection by the building inspector. The transport permit provided for in this section shall not be in lieu of any other permits which may be required by the legislative body.
7. 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 legislative body to cover the costs of investigation and inspection for determining the structural soundness of buildings, structures, or improvements to be moved, the fee is payable in advance and must accompany the application provided 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 legislative body's applicable codes and regulations, a building permit to move and set will be issued and the fee will be based on the cost of new foundations and all work necessary to place the building or structure in its completed condition in the new location. This fee is in addition to the building investigation fee.

2. No person, corporation, or company shall transport, move, or set any building, structure, or improvement in the legislative body, until and unless such person, corporation, or company shall post with the building inspector a good and sufficient indemnity bond in the amount of five thousand dollars (\$5,000.00) in favor of the legislative body. Such bond shall be made by a surety corporation authorized to do business in the state of Kentucky.

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

- A. **SCREENING AREA REQUIREMENTS:** All screening areas shall be approved by the zoning administrator (or planning commission, where required by this ordinance) according to a submitted site plan as regulated by the applicable requirements of Section 9.19 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 of Williamstown zoning administrator.
 2. Wherever screening is required in this ordinance, all trees shall be evergreen.
 3. All trees shall be a minimum of ten (10) feet in height when planted, unless otherwise required according to the submitted site plan.
 4. All hedges shall be a minimum of three (3) feet in height when planted unless otherwise required according to the submitted site plan.
 5. 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 legislative body may require review of the proposed screening plan from the U.S. Soil Conservation Service, the applicable County Agricultural Extension Service.

6. Screening areas are to be provided within the required minimum yard setback 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 legislative body (or a zone containing the most similar types of permitted uses as provided herein were located within this legislative body.
 7. 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 regulations shall be provided for the property in the district where the zone change occurred.
- B. **PROVISION AND MAINTENANCE:** Required screening areas shall be provided as a condition of development by the owner and/or developer. All required screening (including the planting of trees and other vegetation) shall be maintained by the property owner.
- C. **INCLUSION ON 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 Section 9.19, 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 legislative 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 shall be regulated according to the following requirements:
1. Swimming pools shall be permitted to locate only to the rear of the principal permitted use. No swimming pool or associated equipment shall be permitted within any required yards, nor within any public utility right-of-way easement, except that swimming pools may be permitted to extend into the minimum rear yard, provided they are set back twenty (20) feet from the rear lot line. In-ground swimming pools located within the Agriculture-One (A-1) District may be located within the required fifty feet (50') side yard setback, provided the side yard setback for the swimming pool is not less than 10 feet (10').
- NOTE: Article 9, Section 18, Amended by Ordinance 2006-22**
2. Swimming pools which are constructed in-ground shall be required to have a fence a wall, including a self-closing or self-locking door or gate around the pool or the property on which the pool is located. Such fence or wall shall be at least four (4) feet, but not more than seven (7) feet in height (only classes 1, 3, 4 or 5 fences are permitted, as regulated in Article XIII of this ordinance); such fences or walls shall be constructed

in such a manner that a small child may not reach the pool from the street or any adjacent property without climbing the fence or wall or opening the gate or door.

3. 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 upon which the pool is located. Such fence or wall shall be at least four (4) feet, but not more than seven (7) feet in height (only classes 1, 3, 4, and 5 are permitted as regulated by Article XIII of this ordinance). Such fence or wall shall be constructed in such a manner that a small child may not reach the pool from the street or any adjacent property without scaling a fence or wall or opening the gate or door. Said wall may be the wall of the above ground pool providing that said wall is at least four (4) feet in height above the surrounding ground level.

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.

4. Glare from lights used to illuminate the swimming pool area shall be directed away from adjacent properties.
5. All swimming pools and associated equipment shall be constructed and erected in accordance with all applicable codes, ordinances, and regulations of the City of Williamstown. Water used in the swimming pool which is obtained from other than a public source, shall be approved by the Grant County Health Department.
6. All swimming pools existing at the time of adoption of this ordinance which are unprotected by a surrounding fence or wall, including gates or doors, as regulated herein, shall be required to comply with the provisions of this ordinance section within sixty (60) days after its adoption.

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

1. Except as herein provided, no swimming pool and associated equipment shall be permitted within any required yards or within the limits of any public utility right-of-way easement.
2. The swimming pool or the property on which the pool is located shall be surrounded by a fence or wall, including a self-closing or self-locking door or gate (only classes 1, 3, 4, and 5 fences are permitted, as regulated by Article XIII of this ordinance). Such fence or wall shall be at least five (5) feet in height, but not exceeding the height as permitted herein, and of such construction that a small child may not reach the pool from the street or from adjacent property without climbing the wall or fence or opening a door or gate.

3. Glare from lights used to illuminate the swimming pool area shall be directed away from adjacent properties.
4. All swimming pools and associated equipment of the swimming pool shall be constructed and erected in accordance with all applicable codes, ordinances and regulations of the City of Williamstown. Water used in the operation of the swimming pool, which is obtained from other than a public source, shall be approved by the Grant County Health Department.
5. No mechanical device for the reproduction or amplification of sounds used in connection with swimming pools shall create a nuisance to adjacent residential properties.

SECTION 9.19 SITE PLAN REQUIREMENTS: No building shall be erected or structurally altered nor shall any grading take place on any lot or parcel in zones where a site plan is required, except in accordance with the regulations of this section and an approved site plan as hereinafter required. Before a permit is issued for construction, one copy of the site plan of the area at a scale no smaller than one (1) inch to one hundred (100) feet shall be filed with the Grant County Planning Commission and one (1) copy with the building inspector and the zoning administrator of the City of Williamstown. The site plan shall identify and locate, where applicable, the information as listed in Section 9.20, B—Stage 11 plan requirements.

All such site plans shall be reviewed by the legislative body or its duly authorized representative, and the factual determination approving or rejecting such plans shall be made in accordance with requirements of this and other applicable section of this ordinance, and the comprehensive plan for Grant County.

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

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

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

SECTION 9.20 PLAN REQUIREMENTS – STAGES I, II AND RECORD PLAT:

- A. **STAGE I – PLAN REQUIREMENTS:** The Stage I 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 topography, and approximate delineation of any topographical changes shown by contour with intervals not to exceed twenty (20) feet;
- e. Delineation of all existing and proposed residential areas in the project with a statement indicating net destiny of the total projects:
 - (1) Detached housing – location and approximate number of lots, including a typical section(s) identifying approximate lot sizes and dimensions, and setback and height of buildings.
 - (2) Attached housing – location and description of the various housing types (i.e., townhouse, fourplex, garden apartment, etc.) including approximate heights of typical structures, and the approximate number of units by housing type.
- f. Delineation of all existing and proposed nonresidential uses in the project:
 - (1) Commercial uses – location and type of all uses including approximate number of acres, gross floor area and heights of buildings.
 - (2) Open Space-Recreation – The approximate amount of area proposed for common open space, including the location of recreational facilities, and identification of unique natural features to be retained.
 - (3) Other public and semi-public uses – location and type of all uses, including approximate number of acreage, and height of buildings.
- g. Location of proposed pedestrian walkways, identifying approximate dimensions;
- h. Location of proposed streets, identifying approximate dimensions of pavement, right-of-way widths and grades.
- i. Location of all existing and proposed water, sanitary sewer, and storm drainage lines, indicating approximate pipe sizes. Indication should also be given regarding the provision of electric and telephone service.

- j. Certification from appropriate water and sewer agencies that services will be available.
- k. Identification of the soil types and geologic formations on the subject property, indicating anticipated problems and proposed methods of handling said problems.
- l. Other information that may be determined necessary for description and/or to insure proper integration of the proposed project in the area.
- m. A schedule of development, including the staging and phasing of:
 - (1) Residential area, in order of priority, by type of dwelling unit;
 - (2) Streets, utilities, and other public facility improvements, in order of priority;
 - (3) Dedication of land to public use or set aside for common ownership
 - (4) Nonresidential buildings and uses, in order of priority.

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

B. STAGE II – PLAN REQUIREMENTS: The Stage II Plan shall conform to the following requirements:

- 1. Plan(s) of the subject property drawn to a scale of not smaller than one (1) inch equals one hundred (100) feet, that identifies and provides the following information.
 - a. The existing and proposed finished topography of the subject property shown by contours with intervals not to exceed twenty (20) feet. Where conditions exist that may require more detailed information on the proposed topography, contours with intervals of less than twenty (20) feet may be required by the planning commission.
 - b. All housing units on the subject property:
 - (1) Detached housing – Location, arrangement, and number of all lots, including lot dimensions and setbacks, and maximum height of buildings;
 - (2) Attached housing – Location, height, and arrangement of all buildings indicating the number of units in each building, and, where applicable, location, arrangement and dimensions of all lots.
 - c. Location, height, arrangement and identification of all nonresidential buildings and uses on the subject property and, where applicable, location and arrangement of all lots with lot dimensions.

- d. Location and arrangement of all common open space areas, and recreational facilities, including lot dimensions. Methods of ownership and operation and maintenance of such lands shall be identified.
- e. Landscaping features, including identification of planting areas and the location, type and height of walls and fences.
- f. Location of signs indicating their orientation 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 of inlets and catch basins, location and size of retention and/or sedimentation basins, and data indicating the quantity of storm water entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet), the quantity of storm water generated by development of the subject area, and the quantity of storm water to be discharged at various points to areas outside the subject property.
 - (4) Other utilities (e.g., electric, telephone, etc.) including the type of service and width 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. A schedule of development, including the staging and phasing of:

- (1) Residential area, in order of priority, by type of dwelling unit;
- (2) Streets, utilities, and other public facility improvements, in order of priority;
- (3) Dedication of land to public use or set aside for common ownership;
- (4) Nonresidential buildings and uses, in order of priority.

The aforementioned information required may be combined in any suitable and convenient manner so long as the data required is clearly indicated.

C. **RECORD PLAT REQUIREMENTS:** The applicant shall submit a Record Plat, in conformance with the Stage II approved plans. If the Record Plat is submitted in sections, an index shall be developed showing the entire plan area. The particular number of the section, and the relationship of each adjoining section shall be clearly shown by a small key map on each section submitted. The Record Plat shall conform to the applicable requirements of the subdivision regulations, unless specifically waived by the planning commission.

SECTION 9.21 REGULATIONS CONCERNING AIR RIGHTS: Any proposed use of air rights as defined herein, shall be in the form of a site plan (as regulated in Section 9.19 of this ordinance) submitted to the planning commission, or its duly authorized representative, for its review.

SECTION 9.22 REGULATIONS CONCERNING DESIGN AND CONSTRUCTION OF IMPROVEMENTS: Any proposed development requiring the construction of streets (including curb and gutters) sidewalks, sewers (sanitary & storm) water lines or other improvements, which does not constitute a subdivision, as herein defined, shall be required to be designed and constructed in accordance with the applicable articles and sections of the Subdivision Regulations, unless specifically waived.

SECTION 9.23 REGULATIONS PERTAINING TO PARKING OR STORING OF TRAILERS, MOBILE HOMES, CAMPERS, INOPERABLE VEHICLES, AND OTHER SUCH TYPE OF EQUIPMENT:

- A. No motor vehicle which is inoperable shall be stored on any lot in the R-1, R-2 or R-3 residential zone or parcel of ground beyond 48 hours, unless it is in a completely enclosed building.
- B. It shall be unlawful for any person(s) to live in any boat, automobile, camper, or truck, within the jurisdiction of the legislative body.
- C. The outside storage of any trailer, mobile home, recreational vehicle, camper, boat, or similar type equipment shall be restricted to the rear yard of all lots within the jurisdiction of the legislative body, except as herein provided and in cases where, due to unique

conditions, topographic or other, which do not allow use of the rear yard, the board of adjustment may permit such storage on another part of the lot, excluding the front yard, provided the area is properly screened from view, when determined necessary by the board, according to the requirements of this ordinance.

SECTION 9.24 HILLSIDE DEVELOPMENT CONTROLS:

- A. This section is designed to ensure, when development is proposed in those areas of the community which have physical characteristics limiting development (hillside slopes of 20 percent or greater) that said development shall occur in a manner harmonious with adjacent lands so as to minimize problems of draining, 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 to the following requirements:
 - 1 Development proposed on land areas which have slopes of 20 percent or greater shall require approval before development may occur.
 - 2 No excavation, removal or placement of any soil, foundation placement, or construction of buildings, or structures of any nature within the area identified above, may occur until plans and specifications for such work have been submitted in the form of a site plan as regulated by Section 9.19 of this ordinance. In addition to site plan requirements, the following shall also be submitted:
 - a. Plan(s) which show existing topography and the proposed physical changes necessary for construction, indicating grading (cutting and filling) compaction, erosion sedimentation basins, areas to be defoliated, and any other pertinent information which will change the natural physical features of the site or general area.
 - b. Information defining results of subsurface investigation of the area under consideration, including test borings, laboratory tests, engineering tests, and a geological analysis. Such investigation shall be made by a qualified, registered civil engineer and a geologist, indicating that any structural or physical changes proposed in the area will be completed in a manner which will minimize hillside slippage and/or soil erosion.
 - 3 The site plan and other information required in this Section shall be reviewed by a qualified engineer approved by the city, who will recommend to the legislative body, or its duly authorized representative, what effect the proposed development will have on hillside slippage and/or soil erosion.

After consideration of the recommendations, the legislative body or it's duly authorized representative, may authorize 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 legislative body or its duly authorized representative, determines that said proposed plans will not minimize hillside slippage, the legislative body shall deny a permit for the development of said land.

SECTION 9.25 GENERAL MOBILE HOME AND MODULAR DWELLING
REGULATIONS:

1. The following regulations shall apply to all mobile homes located individually or in a mobile home park. Requirements of the zone in which said mobile homes are permitted shall also apply:
 - A. The mobile home shall, at a minimum, be equipped with plumbing and electrical connections designed for attachment to appropriate external systems.
 - B. All health, sanitation (including sewers and/or private secondary sewage treatment plants approved by the Grant County Health Department and safety requirements applicable to a conventional dwelling, shall be equally applicable to a mobile home.
 - C. The mobile home shall be set and adequately anchored on a concrete or hard surfaced slab in accordance with the Kentucky Mobile Home and Recreational Vehicle Park regulations. See Section 9.12 B 3 (Page 9-6 and 9-7)
 - D. Any person, firm, or corporation desiring to locate a mobile home shall apply for a zoning/building permit, and an occupancy permit. Applicable permits must be approved prior to the installation and occupancy of any mobile home. The proper permits must be displayed in a conspicuous location in each mobile home, signifying that all permits have been approved by the building inspector and zoning administrator.
2. The following regulations shall apply to all modular dwellings located on individual lots. Requirements of the zone in which said modular dwellings are permitted shall also apply:
 - A. A modular dwelling shall be installed upon a permanent masonry foundation that is fully enclosed, provided that sufficient screens and grates may penetrate the foundation for ventilation purposes;
 - B. A modular dwelling shall have a slanted roof with a pitch of not less than 5/12;
 - C. A modular dwelling shall not be built upon a permanent chassis, and shall have all towing hitches, wheels, and other accessories used for the transportation of the residence removed at the time of installation on the foundation.

- D. A dwelling unit that is built off-site, and must have certification that it meets the minimum requirements of the Kentucky Residential Building Code

NOTE: Article 9, Section 25, Amended by Ordinance 2006-20

SECTION 9.26 LAND USED SOLELY FOR AGRICULTURAL PURPOSES: Any land which is used solely for agricultural, farming, dairying, stock raising, or similar purposes (exclusive of land and building used for residences, except as herein provided) shall have no regulations imposed as to building permits, certificates of occupancy, height, yard location, or courts' requirements for agricultural buildings, including and limited to one mobile home used as a dwelling unit, except that:

- a. Setback lines shall be required for the protection of existing and proposed streets and highways, as required for the zone in which the use is located;
- b. That all buildings or structures in a designated floodway or flood plain or which tend to increase flood heights or obstruct the flow of flood waters shall be in accordance with this ordinance.

NOTE: Dwelling unit must be occupied by owner, tenant and/or employee. Mobile homes or other dwelling, for rental purposes, are prohibited. –see also dwelling unit definition in the A-1 agricultural zone.

SECTION 10

A-1 (AGRICULTURAL-ONE) ZONE:

A. PERMITTED USES:

1. Agricultural activities including crops, dairying, and the raising of live-stock;
2. Single-family dwellings or modular dwellings (detached) occupied by owner, tenant, and/or employees;

NOTE: Article 10, Section A-1, Paragraph A, Subparagraph 2 Amended by Ordinance 2006-19

3. Sale on premises of agricultural products produced on the premises;
4. Regulations for single-family dwellings same as R-2, except Item D below.

B. ACCESSORY USES:

1. Accessory buildings which are not a part of the main buildings, including barns, sheds, and other farm buildings;
2. Signs identifying the farm activity conducted on the premises.

C. CONDITIONAL USES: The following uses or any customary accessory buildings and uses, subject to the approval by the Board of Adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

1. Cemeteries;
2. Churches and other buildings for the purpose of religious worship, including one (1) single family home or one (1) single or double-wide mobile home for use as a parsonage; **NOTE: Article 10, Section A-1, Paragraph C, Subparagraph 2 Amended by Ordinance 1998-13 and 2011-09.**
3. Governmental offices;
4. Nursery schools and children day care;
5. Police and fire stations, provided they are located adjacent to an arterial street;
6. Public and parochial schools;
7. Veterinarians' offices and animal hospital for large and small animals, including outside runs;
8. Automobile junk yards, as provided for in Section 9.9 of this ordinance, provided all such storage is entirely within an enclosed fence or wall, meeting the requirements of Section 13, or properly screened according to the requirements of Section 9.17;
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;

Agriculture-1 Continued

10. Recreational uses, other than those publicly owned and/or operated, as follows:

- a. Golf courses;
- b. Country clubs;
- c. Swimming pools;
- d. Tennis courts/clubs;
- e. Fishing lakes;
- f. Gun clubs and ranges;
- g. Youth camps.
- h. Campgrounds

**NOTE: Article 10, Section A-1, Paragraph C, Subparagraph 10, Item h
Amended by Ordinance 2010-16**

11. Free-standing billboards;

12. Bed and Breakfast Inn

**NOTE: Article 10, Section A-1, Paragraph C, Subparagraph 12
Amended by Ordinance 2003-13**

13. Nurseries and Greenhouses, selling agricultural products grown or produced at locations other than the premises the nursery or greenhouse is located.

**NOTE: Article 10, Section A-1, Paragraph C, Subparagraph 13
Amended by Ordinance 2004-14**

14. Dog and Cat Kennels, for the purpose of the temporary boarding, keeping, or sheltering of dogs and/or cats. Outside runs may be permitted during daylight hours.

**NOTE: Article 10, Section A-1, Paragraph C, Subparagraph 14
Amended by Ordinance 2006-08**

15. Eco-Tourism

**NOTE: Article 10, Section A-1, Paragraph C, Subparagraph 15
Amended by Ordinance 2010-11**

16. Inside Boat Storage

**NOTE: Article 10, Section A-1, Paragraph C, Subparagraph 15
Amended by Ordinance 2010-16**

17. Retail trade for the sale of hay, grain, feed and other farm and garden supplies and agriculture-related equipment, excluding vehicles

**NOTE: Article 10, Section A-1, Paragraph C, Subparagraph 17, Amended by
Ordinance 2015-13**

18. Contractors' offices and accessory storage yard, including storage of general equipment and vehicles related to the use, provided all such equipment and vehicles are either stored in an enclosed building or stored entirely within an enclosed fence or wall, meeting the requirements of Section 13, or property is screened according to the requirements of Section 9.17.

**NOTE: Article 10, Section A-1, Paragraph C, Subparagraph 18, Amended by
Ordinance 2016-06**

19. Boat and/or pontoon rentals;

Agriculture-1 Continued

20. Short-term vacation/housing rentals, not to exceed 10 consecutive days;
21. Special events venue, including charitable events, receptions, parties, corporate picnics, weddings, or any other events/activities which are considered by the Board of Adjustment to be of the same general character as listed herein, are allowed but the number of such events may not exceed seven per week or with more than two held on any one day as stipulated and approved by the Board of Adjustment; and
22. Wineries and related accessory buildings and uses with or without overnight housing facility

NOTE: Article 10, Section A-1, Paragraph C, Subparagraph 19-22, Amended by Ordinance 2016-11

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

1. Minimum lot area – 22,500
2. Minimum lot width at building setback line – 150’
3. Minimum front yard depth – 35’
4. Minimum side yard width on each side of lot – 30’

NOTE: Article 10, Section A-1, Paragraph D, Subparagraph 4, Amended by Ordinance 2008-03

5. Minimum rear yard depth – 50’
5. Maximum building height – 65’

NOTE: Article 10, Section A-1, Paragraph D, Subparagraph 6, Amended by Ordinance 2011-09

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:

1. Minimum lot area – 1 acre
2. Minimum lot width at building setback line – 75’
3. Minimum front yard depth – 35’ from right-of-way
4. Minimum side yard width on each side of lot – 15’
5. Minimum rear yard depth – 25’
6. Maximum building height – 65’

NOTE: Article 10, Section A-1, Paragraph E, Subparagraph 6, Amended by Ordinance 2011-09

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No lighting shall be permitted which would glare from this zone onto any street or into any residential zone.

G. EXCEPTIONS: Land used solely for farming, dairying, and stock raising shall have no regulations imposed as to building permits for agricultural buildings except that:

Agriculture-1 Continued

1. Setback line of 35 feet or greater, but not less than one-half the width of the right-of-way of the abutting street or highway, shall be required of all buildings; and
2. That all buildings or structures in a designated floodway or flood plain which tend to increase flood heights or obstruct the flow of flood waters shall be subject to regulations by the Planning Commission and, therefore, subject to the review and approval of the Planning Commission of Grant County.
3. Centralized sewers are not required in this zone.
4. For mobile homes, see Section 9.25 (page 9-24).

H. EXCEPTIONS AND MODIFICATIONS:

1. All off-road lots must abut a dedicated publicly maintained right-of-way a minimum of at least one hundred (100) feet in width except for those pre-existing prior to the adoption or amendment of this Ordinance. All lots that pre-existed the adoption of this Ordinance that do not abut at least one hundred (100) feet on a publicly maintained right-of-way, must meet the following criteria:
 - a. Each lot shall be limited to one (1) residential dwelling unit per lot.
 - b. Each newly created lot subdivided from the parent tract after the adoption or amendment of this Ordinance must contain a minimum of five (5) acres per lot.
 - c. Each parent tract existing prior to the adoption or amendment of this Ordinance shall be limited to three (3) out-conveyance lots provided that each out-conveyance lot must have an easement for ingress and egress or use a common easement for ingress and egress duly recorded in the Grant County Clerk's Office prior to the date of the adoption of this Ordinance.

NOTE: Article 10, Section A-1, Paragraph H, Added by Ordinance 2013-27

SECTION 10 R-1 (RESIDENTIAL ONE) ZONE:

A. PERMITTED USES:

1. Single-family residential dwellings (detached)

B. ACCESSORY USES:

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

C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses, subject to the approval of the Board of Adjustment as set forth in Sections 9.14 and 18.7 of this ordinance.

1. Churches and other buildings for the purpose of religious worship. **NOTE: Article 10, Section R-1, Paragraph C, Part 1, Amended by Ordinance 2011-09.**
2. Governmental offices.
3. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
4. Recreational uses other than those publicly owned and/or operated, as follows:
 - a. Golf courses
 - b. Country clubs
 - c. Swimming pools

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

1. Minimum Lot Area – Fifteen thousand (15,000) square feet
2. Minimum Lot Width at Building Setback Line – One hundred (100) feet
3. Minimum Front Yard Depth – Thirty-five (35) feet
4. Minimum Side Yard Width – Fifteen (15) feet
5. Minimum Rear Yard Depth – Twenty-five (25) feet
6. Maximum Building Height – Sixty-five (65) feet

NOTE: Article 10, Section R-1, Paragraph D, Part 6, Amended by Ordinance 2011-09.

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:
(See Section R-1)

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

Residential-1 Continued

4. Maximum Building Height – Sixty-five (65) feet
NOTE: Article 10, Section R-1, Paragraph E, Part 4, Amended by Ordinance 2011-09

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (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, or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be required.
5. All new subdivisions must have centralized sewers, unless proven to the satisfaction of the city council of the City of Williamstown that to do such would be fiscally impractical.

SECTION 10

R-1 B (RESIDENTIAL ONE – B) ZONE:

A. PERMITTED USES:

1. Single-family residential dwellings (detached)
2. Any use by a political subdivision as permitted in KRS 100.361 (2)
3. Any use by a public utility as accepted in KRS 100.324

B. ACCESSORY USES:

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

C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses, subject to the approval of the Board of Adjustment as set forth in Section 9.14 and 18.7 of this ordinance.

1. Recreational uses other than those publicly owned and/or operated, as follows:
 - a. Golf courses
 - b. Country clubs
 - c. Swimming pools

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

1. Minimum lot area – Nine Thousand (9,000) square feet
2. Minimum lot width at building setback line – seventy-five (75) feet;
3. Minimum front yard depth – twenty-five (25) feet;
4. Minimum side yard width – there shall be a minimum side yard on each side of any building or structure of fifteen (15) feet measured from the side lot line to the nearest building or structure, except that garages or carports may extend an additional five (5) feet into one side yard;
5. Minimum rear yard depth – twenty-five (25) feet; and
6. Maximum building height – sixty-five (65) feet

NOTE: Article 10, Section R-1B, Paragraph D, Part 6, Amended by Ordinance 2011-09

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES (See Section R-1 B (C)):

1. Minimum lot area – twenty-two thousand five hundred (22,500) 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; and

Residential-1 B Continued

4. Maximum building height – sixty-five (65) feet

NOTE: Article 10, Section R-1B, Paragraph E, Part 4, Amended by Ordinance 2011-09

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII;
2. No outdoor storage of any material (useable or waste) shall be permitted in this zone, except within enclosed containers;
3. No lighting shall be permitted which would glare from a use in this zone onto any street or into any adjacent property;
4. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulation by Section 9.17 of this ordinance, shall be required; and
5. All new subdivisions must have centralized sewers, unless proven to the satisfaction of the City Council of the City of Williamstown that to do such would be fiscally impractical. Subdivisions in existence prior to the adoption of this zoning ordinance are not required to have centralized sewers except as provided in Section 9.15 (C);

SECTION 10. - R-2 (RESIDENTIAL TWO) ZONE:

A. PERMITTED USES:

1. Single-family residential dwellings (detached)
2. Two-family dwellings

B. ACCESSORY USES:

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

C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses, subject to the approval of the Board of Adjustment as set forth in Sections 9.14 and 18.7 of this ordinance.

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship. **NOTE: Article 10, Section R-2, Paragraph C, Part 2, Amended by Ordinance 2011-09.**
3. Governmental offices;
4. Fire and police stations, 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, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street.
7. Nursery schools, children day care within the residence limited to not more than 10 children and as regulated by State licensure requirements;
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. Swimming pools
11. Funeral homes, provided they are located adjacent to an arterial street;
12. Three (3) or four (4) family dwelling units;
13. Veterinarian offices, no outside runs or storage of animals;
14. Short-term vacation/housing rentals, not to exceed 10 consecutive days; and
15. Children day care/adult day care centers as regulated by State licensure requirements

NOTE: Article 10, Section R-2, Paragraph E, Part 7, 14, and 15 Amended by Ordinance 2016-12

Residential-2 Continued

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

1. Minimum Lot Area-ten thousand (10,000) square feet
2. Minimum Lot Width at Building Setback Line-Seventy-five (75) feet for single family, one hundred (100) feet for two-family.
3. Minimum Front Yard Depth-Twenty (20) feet
4. Minimum Side Yard Width-Fifteen (15) feet-except garage or carport may extend up to five (5) feet of lot line on one side.
5. Minimum Rear Yard Depth-Twenty-five (25) feet
6. Maximum Building Height-Sixty-five (65) feet

NOTE: Article 10, Section R-2, Paragraph D, Part 6, Amended by Ordinance 2011-09

E. AREA HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:
(See Section R-2 (c))

1. Minimum Lot Area-Twenty-two thousand five hundred (22,500) square feet
2. Minimum Lot Width at Building Set-back 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-Sixty-five (65) feet

NOTE: Article 10, Section R-2, Paragraph E, Part 4, Amended by Ordinance 2011-09

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (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, or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, regulated by Section 9.17 of this ordinance, shall be required.
5. All new subdivisions must have centralized sewers, unless proven to the satisfaction of the city council of the City of Williamstown that to do such would be fiscally impractical. Subdivisions in existence prior to the adoption of this zoning ordinance are not required to have centralized sewers except as provided in Section 9.15 C.

SECTION 10.

R-3 (RESIDENTIAL THREE) ZONE:

A. PERMITTED USES:

1. Any use permitted in R-1 Single-family dwellings detached;
 - a. Two-family dwellings; and
 - b. Multi-family dwellings- maximum eight (8) dwelling units per lot
2. The following uses permitted as home occupations only:
 - a. Tourist homes and boarding houses;
 - b. Beauty shop, barber shop;
 - c. Custom dressmaking, millinery, tailoring; sewing of fabrics for custom apparel and custom home furnishings;
 - d. Laundering, pressing;
 - e. Foster family care, limited to not more than four (4) children simultaneously;
 - f. Office in which goods, wares, or merchandise are not commercially created, stored, or sold; and
 - g. Tutoring, limited to not more than four (4) children simultaneously

NOTE: Article 10, Section R-3, Paragraph A, Amended by Ordinance 2000-10

B. ACCESSORY USES:

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

C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses, subject to the approval of the Board of Adjustment as set forth in Sections 9.14 and 18.7 of this ordinance.

1. Cemeteries;
2. Churches and other buildings for the purpose of religious worship; **NOTE: Article 10, Section R-3, Paragraph C, Part 2, Amended by Ordinance 2011-09.**
3. Governmental offices;
4. Fire and police stations, 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, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street;
7. Nursery schools and children day care within the residence limited to not more

Residential-3 Continued

- than 10 children and as regulated by State licensure requirements;
- 8. Public and parochial schools;
- 9. Publicly owned and/or operated parks, playgrounds, golf course, 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. Swimming pools
- 11. Funeral homes, provided they are located adjacent to an arterial street;
- 12. Veterinarian offices, no outside runs or storage of animals;
- 13. Offices in which goods, wares or merchandise are not created or stored, providing they are located adjacent to an arterial street;
- 14. Dog Grooming within the residence limited to the following:
 - a. No boarding of dogs or overnight stays;
 - b. Dogs are not permitted to remain outside;
 - c. Paved off-street parking must be provided; and,
 - d. The use must conform to the home occupation requirements provided in Article IX, Section 11, Paragraph 1, of this Ordinance;
- 15. Beauty shop, barber shop, provided the use is located on an arterial street;
- 16. Therapeutic massage by practitioner licensed by the State of Kentucky, provided the use is located on an arterial street;
- 17. Automotive Detailing Shops;
- 18. Short-term vacation/housing rentals, not to exceed 10 consecutive days;
- 19. Children day care/adult day care centers as regulated by State licensure requirements

NOTE: Article 10, Section R-3, Paragraph C, Amended by Ordinance2 1998-19, 2000-10, 2004-22, 2004-29, 2006-12, 2009-11, and 2016-13

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

- 1. Every single-family dwelling shall be located on a lot of not less than 6,000 square feet, multi-family dwellings on a lot of not less than 9,000 square feet for two-family units, plus 3,000 square feet for each additional unit up to eight dwelling units;
- 2. Minimum lot width at building setback line – sixty-five (65) feet;
- 3. Minimum front yard depth – twenty (20) feet;
- 4. Minimum side yard width – there shall be a minimum side yard on each side of any building or structure of ten (10) feet measured from the side lot line to the nearest building or structure, except that garages or carports may extend an additional five (5) feet into one side yard;
- 5. Minimum rear yard depth – twenty-five (25) feet; and

Residential-3 Continued

6. Maximum building height – sixty-five (65) feet
NOTE: Article 10, Section R-3, Paragraph D, Part 6, Amended by Ordinance 2011-09

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES (See Section R-3 (C)):

1. Minimum lot area – twenty-two thousand five hundred (22,500) 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; and
4. Maximum building height – sixty-five (65) feet
NOTE: Article 10, Section R-3, Paragraph E, Part 4, Amended by Ordinance 2011-09

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII;
2. No outdoor storage of any material (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 or into any adjacent property;
4. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulation by Section 9.17 of this ordinance, shall be required; and
5. All new subdivisions must have centralized sewers, unless proven to the satisfaction of the City Council of the City of Williamstown that to do such would be fiscally impractical. Subdivisions in existence prior to the adoption of this zoning ordinance are not required to have centralized sewers except as provided in Section 9.15 (C);

SECTION 10

R-4 (RESORT RESIDENTIAL FOUR) ZONE:

The R-4 (Resort Residential Four) Zone is established to provide locations for a mixed use of dwellings and resort uses for properties immediately adjacent to or in close proximity to either a body of water, to include by not limited to a lake or river, or an amusement/entertainment attraction area in order to provide housing and subordinate activities and/or services for the body of water and/or amusement/entertainment attraction area.

A. PERMITTED USES

1. Any use permitted in R-2 Residential Zone
2. Uses relative to a resort area, such as boat docks, marinas, and minor retail shops

NOTE: Article 10, Section R-4, Paragraph A, Parts 2 and 3, Amended by Ordinance 2021-23

B. ACCESSORY USES:

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

C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses, subject to the approval of the Board of Adjustment as set forth in Sections 9.14 and 18.7 of this ordinance.

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship. **NOTE: Article 10, Section R-4, Paragraph C, Part 2, Amended by Ordinance 2011-09.**
3. Governmental offices;
4. Fire and police stations, 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, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street.
7. Nursery schools and children/adult day care centers as regulated by State licensure requirements;
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. Swimming pools
 - d. Campgrounds and/or RV Parks, not to exceed 14 consecutive days
 - e. Any other type of recreational use deemed workable and suitable in this zone
11. Funeral homes, provided they are located adjacent to an arterial street;

Resort Residential Four (R-4) Zone Continued

12. Short-term vacation/housing rentals, not to exceed 10 consecutive days; and
13. The regulations for this zone are formulated with the intent to suit the peculiar topography of most of the land and building sites immediately surrounding or contiguous to the large lakes in the City of Williamstown and including lakes to be built. These lakes must have protection from contamination and pollution, so it shall be the obligation of the land owners and the commission to review each application for construction with the problem in mind. Minimum dimensions may be raised if necessary to achieve the goal of non-pollution of the lake in case of any one or all applications.

NOTE: Article 10, Section R-4, Paragraph C, Parts 7, 12, and 13 Amended by Ordinance 2016-14; Parts 10d and 10e Amended by Ordinance 2021-23

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

1. Minimum Lot Area-Single family dwellings shall be located on a lot of not less than six thousand (6000) square feet; two-family dwellings shall be located on a lot of not less than nine thousand (9,000) square feet, plus three thousand (3,000) square feet per dwelling unit up to four.
 2. Minimum Lot Width at Building Setback Line-The minimum lot width for single-family dwellings shall be fifty (50) feet at the building setback line; and for two-family dwellings the minimum width at the setback line shall be seventy-five (75) feet.
 3. Minimum Front Yard Depth-Twenty (20) feet
 4. Minimum Side Yard Width-There shall be a minimum side yard on each side of any building or structure of ten (10) feet measured from the side of any lot line to the nearest building or structure, except that garages or carports may extend an additional five (5) feet into one side yard.
 5. Minimum Rear Yard Depth –Twenty-five feet (25')
 6. Maximum Building Height - Sixty-five (65) feet
- NOTE: Article 10, Section R-4, Paragraph D, Part 6, Amended by Ordinance 2011-09.**
7. No sewer or other apparatus can be built within sixty-five feet (65') of the high water mark on any lake.

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:

1. Minimum Lot Area – Twenty-two thousand five hundred (22,500) square feet
 2. Minimum Lot Width at Building Setback Line – One hundred fifty (150) feet
 3. Minimum Front, Side (on each side of lot) and Rear Yards – Fifty (50) feet
 4. Maximum Building Height – Sixty-five (65) feet
- NOTE: Article 10, Section R-4, Paragraph E, Part 4, Amended by Ordinance 2011-09.**

Resort Residential Four (R-4) Zone Continued

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (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, or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be required.
5. All new subdivisions must have centralized sewers, unless proven to the satisfaction of the city council of the City of Williamstown that to do such would be fiscally impractical. Subdivisions in existence prior to the adoption of this zoning ordinance are not required to have centralized sewers except as provided in Section 9.15C.
6. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any new construction of recreational, resort, and/or commercial use in this zone.
NOTE: Article 10, Section R-4, Paragraph F, Part 6, Amended by Ordinance 2021-23

G. USES PROHIBITED:

Trolley cars, bus bodies, bread trucks, truck trailers, and other similar conveyances that have been converted into either temporary or permanent living quarters.

SECTION 10

R-5 (MOBILE HOME RESIDENTIAL FIVE) ZONE:

A. PERMITTED USES:

1. Mobile homes on individual lots
2. Single-family residential dwellings (detached)
3. Any use permitted in R-3 Residential Zone

B. ACCESSORY USES:

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

C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses, subject to the approval of the Board of Adjustment as set forth in Section 9.14 and 18.7 of this ordinance.

1. Cemeteries
 2. Churches and other buildings for the purpose of religions worship. **NOTE: Article 10, Section R-5, Paragraph C, Part 2, Amended by Ordinance 2011-09.**
 3. Governmental offices;
 4. Fire and police stations, 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, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street.
 7. Nursery schools and children/adult day care centers as regulated by State licensure requirements;
 8. Public and parochial schools;
 9. Publicly owned and/or operated parks, playgrounds, golf course, 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. Swimming pools
 11. Funeral homes, provided they are located adjacent to an arterial street; and
 12. Short-term vacation/housing rentals, not to exceed 10 consecutive days
- NOTE: Article 10, Section Mobile Home/Residential R-5, Paragraph C, Parts 7 and 12 Amended by Ordinance 2016--15**

Mobile Home/Residential-5 Continued

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

1. Minimum Lot Area – Six thousand (6,000) square feet
2. Minimum Lot Width at Building Setback Line – Fifty (50) feet
3. Minimum Front Yard Depth – Twenty (20) feet
4. Minimum Side Yard Width – Ten (10) feet
5. Minimum Rear Yard Depth – Twenty-five (25) feet
6. Maximum Building Height – Sixty-five (65) feet

NOTE: Article 10, Section R-5, Paragraph D, Part 6, Amended by Ordinance 2011-09.

7. Maximum Density – 3.5 dwelling units per net acre

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:
(See Section R-5 (C))

1. Minimum Lot Area – Twenty-two thousand five hundred (22,500)
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 – Sixty-five (65) feet

NOTE: Article 10, Section R-5, Paragraph E, Part 4, Amended by Ordinance 2011-09.

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (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, or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be required.
5. All new subdivisions must have centralized sewers, unless proven to the satisfaction of the city council of the City of Williamstown that to do such would be fiscally impractical. Subdivisions in existence prior to the adoption of this zoning ordinance are not required to have centralized sewers except as provided in Section 9.15 C.

SECTION 10. RMHP (RESIDENTIAL MOBILE HOME PARK) ZONE:

A. USES PERMITTED:

1. Mobile Home Parks
Subject to section 9.25

- B.
1. Customary accessory buildings and uses;
 2. Structures and uses related to and for the exclusive use of residents of the mobile home park as follows, but excluding any commercial operations:
 - a. Recreational facilities and areas;
 - b. Rental or sales offices for lots in the mobile home park;
 - c. Community center;
 - d. Laundry facilities
 3. Fences and walls, as regulated by Article XIII of this ordinance.
 4. Signs, as regulated by Article XIV of this ordinance.

C. 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 Site for a Mobile Home Park – Five (5) acres. The width of said park shall have a minimum distance of three hundred (300) feet, as measured along a deeded right-of-way. The park shall be a platted subdivision with lots and streets in accordance with the provisions of this section and the Grant County Subdivision Regulations, approved by the planning commission. The park may be phased to achieve completion of the five acre minimum area through review of the phasing process by the planning commission.
2. Minimum Lot Area – Four thousand (4,000) square feet.
3. Minimum Lot Width at Building Setback Line – Fifty (50) feet
4. Minimum Front Yard Depth – Twenty (20) feet.
5. Minimum Side Yard Width on Each Side of the Lot – Fifteen (15) feet except for carports and accessory buildings (5 feet).
6. Minimum Rear Yard Depth – Fifteen (15) feet.
7. Maximum Building Height – Sixty-five (65) feet.

NOTE: Article 10, Section RMHP, Paragraph C, Part 7, Amended by Ordinance 2011-09.

Residential Mobile Home Park Continued

D. OTHER DEVELOPMENT CONTROLS:

1. Minimum Setback of all Buildings and Structures within Mobile Home Parks at all Parks at all Park Boundary Lines – thirty-five (35) feet.
2. Patio – A patio slab of at least one hundred eighty (180) square feet shall be provided on each mobile home lot and conveniently located at the entrance of each mobile home. The patio may extend five (5) feet into the side yard.
3. Streets -
 - a. Streets shall be provided and placed on the site where necessary to furnish principal traffic ways for convenient access to each mobile home and other important facilities in the area.
 - b. Ingress and egress to the individual lots shall be only over a road or street.
4. Recreational Area – There shall be required that not less than ten (10) percent of the gross area of the mobile home park to be set aside, designed, constructed, and equipped as a recreational area.
5. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
6. Personal goods and articles, other than cars, fuel tanks, boats, lawn furniture and similar items, too large to reasonably enclose, shall be stored on the mobile home lot only in a completely enclosed structure.
7. No lighting shall be permitted which would glare from its zone onto any street, road, highway, deeded right-of-way, or onto any residential zone.
8. Where any yard of any use permitted in this zone abuts any other residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance shall be required.
9. A site plan, as regulated by Section 9.19 of this ordinance shall be required for any use in this zone.
10. The wheels shall be removed from each mobile home occupying a lot in the park.
11. Mobile home installations shall comply with all requirements of Section 9.27 of this ordinance.

Residential Mobile Home Park Continued

12. Mobile home parks having facilities for 20 or more mobile homes shall provide a 6" water main and fire hydrants within 750' of each mobile home.

SECTION 10.

R-6 RESIDENTIAL SIX 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 XIII of this Ordinance.
 3. Signs as regulated by Article XIV of this Ordinance.
- C. CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any 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. Cemeteries.
 2. Churches and other buildings for the purpose of religious worship. **NOTE: Article 10, Section R-6, Paragraph C, Part 2, Amended by Ordinance 2011-09.**
 3. Fire and police stations providing they are located adjacent to an arterial street.
 4. Institutions for higher education providing they are located adjacent to an arterial street.
 5. Institutions for human medical care – hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located adjacent to an arterial street.
 6. Nursery school and children day care
 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. office building
 - e. any other recreational use compatible to the facility.
- D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No buildings shall be erected or structurally altered hereafter except in accordance with the following regulations.
1. Minimum Lot Area-Twenty thousand (20,000) square feet for the first four (4) dwelling units or less in one building; three thousand five hundred (3,500) square feet shall be provided for every dwelling unit thereafter in the same building. In the case of this zone, more than one principal building as defined herein may be permitted on one lot.

Residential-6 Continued

2. Minimum Lot Width at Minimum Building Setback Line—One hundred (100) feet.
3. Minimum Front Yard Depth – Forty (40) feet.
4. Minimum Side Yard Width on Each Side of Lot – Fifteen (15) feet.
5. Minimum Rear Yard Depth – Thirty (30) feet.
6. Maximum Building Height – Sixty-five (65) feet.

NOTE: Article 10, Section R-6, Paragraph D, Part 6, Amended by Ordinance 2011-09.

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

1. Minimum Lot Area – Twenty-two thousand five hundred (22,500) square feet.
2. Minimum Lot Width at Minimum Building Setback Line – One hundred fifty (150) feet.
3. Minimum Front, Side (on each side of lot) and Rear Yards – Fifty (50) feet.
4. Maximum building height – Sixty-five (65) feet.

NOTE: Article 10, Section R-6, Paragraph E, Part 4, Amended by Ordinance 2011-09.

- F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading or unloading shall be provided in accordance with Articles XI and XII 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 adjacent property.
4. Where any yard or 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.

Residential-6 Continued

5. A site plan, as regulated by Section 9.19 of this Ordinance, shall be required for any use permitted in this zone.
- G. **CONDITIONAL USES:** The following uses subject to the approval by the Board of Adjustment, as set forth in Section 9.14 and 18.7 of this ordinance are permitted.
1. Development of a tract or parcel of land containing in excess of two (2) acres by constructing and maintaining thereon single and multiple residential housing units, together with utilities, streets, parking areas, sidewalks, green spaces, landscaping, and appurtenances structures, subject to the following limitations and conditions:
 - (a) All building an improvements contained within the boundary of the development shall be for the exclusive use of the residents of the development, their guests and for management and maintenance purposes and no business activities, other than rentals, shall be permitted;
 - (b) No conditional use permit shall be granted under this Paragraph (Paragraph G) for an area of two (2) acres or less;
 - (c) No conditional use permit shall be granted under this Paragraph (Paragraph G) unless the title to the entire development parcel is held by a single entity; and unless that entity shall enter into a covenant with the Board of Adjustments of the City of Williamstown and with the City of Williamstown that the development parcel will not be subdivided in any manner while any use is made thereof under or pursuant to a conditional use permit under this Paragraph of this Zoning Ordinance or of any zoning ordinance hereafter adopted by the governing body of the City of Williamstown or its successors;
 - (d) No conditional use shall be granted under this Paragraph (Paragraph G) until after the developer has presented to the Board of Adjustment a complete development plan containing all engineering and other details as required by Article IX, Sections 9.20, 9.22, and 9.24 of this Ordinance, and such plan and the details therein shall be made of part of the conditional use permit, if a permit is required.
 - (e) No conditional use permit shall be granted under this Paragraph unless the Board of Adjustment finds from the evidence presented that the proposed development will provide decent safe housing for the occupants of the development and adequate provision has been made in the development plan, which shall be a part of the conditional use permit for the health, safety and welfare of the occupants of the development and that their environment will be comfortable and attractive, and the development will not have a substantial adverse effect on the use and

Residential-6 Continued

enjoyment of other lands within the vicinity of the proposed development.

- (f) **MINIMUM LAND AREA PER RESIDENTIAL UNIT:** A minimum of two Thousand six hundred (2,600) square feet of gross land area shall be required for each residential unit constructed or to be constructed on the development site for which the conditional use permit is sought. Such area may be utilized for buildings, structures, streets, drives, walks, parking areas, landscaping, green areas, and similar uses, as the Board of Adjustment may reasonably require or permit:
 - (i) A minimum lot width on the public street or road of Two Hundred (200) feet (measured at the building set back line) shall be required;
 - (ii) A minimum front yard set back (depth) on any frontage on a public road or street of thirty-five (35) feet shall be required;
 - (iii) A minimum side yard width on each side of the parcel for which the conditional use permit is sought abuts lands owned by others or not subject to the conditional use permit, of twenty-five (25) feet shall be required;
 - (iv) No building exceeding thirty-five (35) feet in height, measured from the lowest point of the finished ground level to the highest point of the structure, shall be permitted;
 - (v) Any other provisions of this ordinance relating to vehicle parking spaces, to the contrary notwithstanding, the Board of Adjustment may grant a conditional use permit for this zoning classification, which provides parking areas of not less than:
 - (a) A minimum parking space of nine (9) feet by nineteen (19) feet per vehicle and a minimum of one and four-tenths (1.4) parking spaces per dwelling unit;
 - (vi) All other development controls as provided in Paragraph F above shall apply.

NOTE: Article X, Section 10.R-6, Paragraph G, Amended by Ordinance 82-215.

SECTION 10

HC (HIGHWAY COMMERCIAL) ZONE:

The B-1 Highway Commercial Zone is established to provide locations for businesses oriented primarily toward serving the motoring public and for those businesses which due to their nature are best suited to locations along major streets or highways.

A. PERMITTED USES

1. Advertising agencies
2. Antique shops
3. Apparel shop
4. Art supplies
5. Auto laundry
6. Automobile service and repairs, providing that all business activities shall be conducted within a completely enclosed building
7. Automobiles, motorcycles, and truck sales, new or used
8. Bait shops and sporting equipment sales
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. Boat and other marine equipment sales and service, new and used
14. Book, stationery, or gift shop
15. Bowling alleys
16. Camera and photographic supplies
17. Candy store, soda fountain, ice cream store, excluding drive-ins
18. Carpet and rug stores
19. Carry-out Convenience stores, including LNG services (liquified natural gas)
20. Catering
21. Chiropractic Services
22. Cinema/movie theatre
23. Dental offices
24. Drycleaners and laundries
25. Eating and drinking places, including drive-ins and drive-thrus
26. Employment agencies
27. Florist shop
28. Food store and supermarkets
29. Fueling station, including LNG services (liquified natural gas), and/or electric recharging stations
30. Funeral home

Highway-Commercial Continued

31. Furniture store
32. Garden Centers/Greenhouses
33. General merchandise store
34. Governmental offices
35. Health clubs
36. Hobby shop
37. Hotels, motels, tourist centers
38. Household, electrical, and electronic appliance store, including incidental repair
39. Jewelry store, including repair
40. Laundromats, self-service washing and drying
41. Library
42. Locksmith shop
43. Lumber and hardware
44. Massage therapy
45. Medical Supply Sales
46. Mental health and counseling services (outpatient only)
47. Mobile home and trailer sales, rental and service (new and used)
48. Museums and art galleries
49. Music, musical instruments, and records, including incidental repair
50. Office appliances and supplies
51. Office buildings
52. Off-street parking lots and garages
53. Opticians and optical goods and services
54. Paint and wallpaper store
55. Pet grooming
56. Pet shop, excluding boarding and outside runs
57. Pharmacies
58. Police and fire stations
59. Radio and television store, including repair
60. Recreation and entertainment facilities
61. Recreational uses
62. Self-storage Rental Units
63. Shipping and mail service
64. Shoe store and shoe repair
65. Shopping centers
66. Skating rinks, golf driving ranges, miniature and par-3 golf courses
67. Spas and salons
68. Sporting goods
69. Studios for professional work or teaching of any form of fine arts, photography, drama, or dance

Highway-Commercial Continued

70. Tailor shop
71. Tool rental
72. Toy stores
73. Travel agency
74. Variety store, including notions and "five and ten" stores
75. Veterinarian offices and outside runs
76. Video sales and rental
77. Vocational or trade schools, or other specialized educational facilities
78. Rental car agency
79. City/County-Routed bus terminal
80. Taxi terminal
81. Wedding chapel with or without reception center
82. Packaged liquor, wine, and malt beverage store to include drive-through and/or drive-up window
83. Microbrewery
84. Mobile food trucks and/or food carts, as regulated by all State licensures and Health Department

NOTE: Article 10, Section HC, Paragraph A, Part 21 Amended by Ordinance 2003-14, Part 22 and 23 Amended by Ordinance 2004-10, Part 17 Amended by 2011 11, Parts 24-28 Amended by Ordinance 2011-20, Parts 1-66 amended by Ordinance 2012-12, Parts 51 and 78-84 Amended by Ordinance 2016-16

B. ACCESSORY USES:

1. Customary accessory buildings and related uses both for permitted and conditional uses.
2. Fences and walls, as regulated by Article XIII of this ordinance.
3. Signs, as regulated by Article XIV of this ordinance.
4. Swimming pools, indoor and outdoor, in connection with motels or hotels.
5. Uses as listed below, included within and entered from within, any motel or hotel building, as a convenience to the occupants thereof, and their customers providing that the accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building.
 - a. barber shops
 - b. beauty shops
 - c. news, confectionery stands, and gift shops
 - d. restaurants

C. CONDITIONAL USES: The following uses subject to the approval by the Board of Adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

1. Service stations (including auto repairing, providing all repair work except that of a minor nature—e.g., change of fan belt, minor carburetor adjustment, tire

Highway-Commercial Continued

removal and/or replacement, windshield wiper replacement, etc.—is conducted wholly within a completely enclosed building.

2. Mobile homes or dwellings when used in conjunction with business.
3. Churches.
4. Child /Adult Day Care Centers as regulated by State Licensures
5. Facilities for human medical care, including hospitals, clinics, imaging centers, laboratories, and similar ancillary health care services.

NOTE: Article 10, Section HC, Paragraph C, Part 4 and 5 Amended by Ordinance 2011-11; Part 3 Amended by Ordinance 2012-12; Part 5 Amended by Ordinance 2013-04; Part 4 and 5 Amended by Ordinance 2016-16

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

1. Minimum Lot Area – Twenty thousand (20,000) square feet
2. Minimum Lot Width at Building Setback Line – One hundred (100) feet
3. Minimum Front Yard Depth – Thirty-five (35) feet
4. Minimum Side Yard Width on Each Side of Lot – A minimum side yard of Fifteen (15) feet is required for all highway commercial uses as measured from the property line to the nearest building or structure.
5. Minimum Rear Yard Depth – A minimum rear yard of fifteen (15) feet shall be required for all structures in the B-1 Highway Commercial Zone as measured from the rear property line to the nearest building or structures.
6. Maximum Building Height – Sixty-five (65) feet
7. In the case of this zone, more than one principal building, as herein defined, may be constructed on one lot.

NOTE: Article 10, Section HC, Paragraph D, Part 6, Amended by Ordinance 2011-09.

E. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in Accordance Articles XI and XII 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, or into any adjacent property.
4. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of ninety (90) feet for each side and/or rear yard which abuts said zone shall be provided, fifteen (15) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance.

Highway-Commercial Continued

This area shall remain open and not permit off-street parking and loading and/or unloading.

5. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use in this zone.

NOTE: Article 10, Section HC, Paragraph E, Part 5 Amended by Ordinance 2004-10 and Ordinance 2012-08

6. 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.

CBD (CENTRAL BUSINESS DISTRICT) ZONE:

A. PERMITTED USES:

1. Apparel shop
2. Art supplies
3. Bakery and bakery goods store, provided the products are sold exclusively on the premises
4. Banks and other financial institutions, including savings, loan and finance companies with drive-in windows.
5. Barber and beauty shops
6. Book, stationery or gift shop including printing
7. Camera and Photographic supplies
8. Candy store, soda fountain, ice cream store, excluding drive-ins
9. Delicatessen
10. Drug store
11. Eating and drinking places, excluding drive ins but to include outdoor dining, while meeting the following requirements:
 - a. such area shall be designed to clearly identify the limits of the outdoor seating area, which shall not include any drive through or drive in facility;
 - b. such area shall not exceed twenty-five (25) percent of the maximum seating capacity of the indoor seating area; and
12. Florist shop
13. Food store and supermarkets
14. Furniture store
15. Garden supplies
16. Glass, china, or pottery store
17. Hardware store and lumber
18. Hobby shop
19. Household and electrical appliance store, including incidental repair
20. Interior decorating studio
21. Jewelry store, including repair
22. Leather goods and luggage store
23. Library
24. Locksmith shop
25. Music, musical instruments and records, including incidental repair
26. Offices including publishing and distribution of newspapers, except medical professional offices
27. Opticians and optical goods and services
28. Paint and wallpaper store
29. Parking lots
30. Pet shop, excluding boarding and outside runs
31. Police and fire stations
32. Post office
33. Radio and television store (including repair)
34. Recreation and entertainment facilities

Central Business District Continued

35. Shoe store and shoe repair
36. Sporting goods
37. Studios for professional work or teaching of any form of fine arts
38. Tailor shop
39. Theaters, excluding drive-ins
40. Toy store
41. Variety store, including notions and “Five and Ten” stores, gift shops and department stores
42. Dwelling over business establishment
43. Dry Cleaners and laundries
44. Chiropractic services
45. Mental health and counseling services (outpatient only)
46. Dental offices
47. Massage therapy
48. Business storage and office for business
49. Museums
50. Wedding chapel with or without reception center
51. Packaged liquor, wine, and malt beverage stores, excluding drive through or drive-up windows
52. Microbrewery
53. Mobile food trucks and/or food carts, as regulated by all State Licensures and Health Department
54. Carry-out convenience stores

NOTE: Article 10, Section CBD, Paragraph A, Part 26, Amended by Ordinance 2011-10; Parts 27 and 44-47 Amended by Ordinance 2011-21; Part 48 Amended by Ordinance 2011-29; Parts 11 and 49-54 Amended by Ordinance 2016-18; Part 11 Amended by Ordinance 2021-22

B. ACCESSORY USES:

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

C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses subject to the approval by the Board of Adjustment as set forth in Section 9.14 and 18.7 of this ordinance:

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

Central Business District Continued

2. Veterinarian offices, no outside runs or storage of animals.
3. Churches.
4. Child/Adult Day Care Centers as regulated by State Licensures
5. Building and/or property on which occasional outside or inside auctions are held for general merchandise, not to include auctioning of animals

NOTE: Article 10, Section CDB, Paragraph C, Part 3 and 4, Amended by Ordinance 2011-10; Part 5 Amended by Ordinance 2011-29

6. Body art (tattoo) services as long as no new body art (tattoo) service establishment is located within 1,000 feet of a lot containing an existing body art (tattoo) service establishment
7. Short-term vacation/housing rentals over business establishment, not to exceed 10 consecutive days.
8. Multi-purpose outdoor eating food court with common ownership of one or more eateries. The outdoor eating food court shall utilize the net floor area to calculate the occupant load as regulated within the Kentucky Building Code

NOTE: Article 10, Section CBD, Paragraph C, Part 6, Added by Ordinance 2014-01 and Amended by Ordinance 2014-09; Part 4 and 7 Amended by Ordinance 2016-18; Part 8 Amended by Ordinance 2021-22

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

1. Minimum Lot Area – None
2. Minimum Lot Width at Building Setback Line – None
3. Minimum Front Yard Depth – None
4. Minimum Side Yard Width – None
5. Minimum Rear Yard Depth – None
6. Maximum Building Height – Sixty-five (65) feet
7. In the case of this zone, more than one principal building, as herein defined, may be constructed on one lot.

NOTE: Article 10, Section CBD, Paragraph D, Part 3, Amended by Ordinance 2011-09.

E. OTHER DEVELOPMENT CONTROLS:

1. No off-street parking facilities are required for commercial establishments within the B-2 Central Business District Commercial Zone. All other uses and structures including public and semi-public uses and structures shall comply with the parking requirements established in Article XI of this ordinance.
2. No outdoor storage of any material (useable or waste) shall be permitted in this zone except within enclosed containers.

Central Business District Continued

3. No lighting shall be permitted which would glare from this zone onto any street, or into any residential zone.
4. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use in the zone.

NOTE: Article 10, Section CBD, Paragraph E, Part 4, Amended by Ordinance 2021-22

SECTION 10.13**NC (NEIGHBORHOOD COMMERCIAL) ZONE:****A. PERMITTED USES:**

1. Apparel shop
2. Art supplies
3. Bakery and bakery goods store, provided the products are sold exclusively on the premises
4. Banks and other financial institutions, including savings, loan, and finance companies with drive-in windows
5. Barber and beauty shops
6. Book, stationery, or gift shops, including printing
7. Camera and photographic supplies
8. Candy store, soda fountain, ice cream store, excluding drive-ins
9. Delicatessen
10. Drug store
11. Eating and drinking places, excluding drive-ins
12. Florist shop
13. Food store and supermarkets
14. Furniture store
15. Garden supplies
16. Glass, china, or pottery store
17. Haberdashery
18. Hardware store
19. Hobby shop
20. Household and electrical appliance store, including incidental repair
21. Interior decorating studio
22. Jewelry store, including repair
23. Leather goods and luggage store
24. Library
25. Locksmith shop
26. Music, musical instruments, and records, including incidental repair
27. Offices, except medical professional offices
28. Opticians and optical goods and services
29. Dry cleaners and laundries
30. Paint and wallpaper store
31. Pet shop, excluding boarding and outside runs
32. Police and fire stations
33. Post office
34. Radio and television store (including repair)
35. Shoe store and shoe repair
36. Sporting goods
37. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
38. Tailor shop

Neighborhood-Commercial Continued

39. Toy store
40. Variety store, including notions and “Five and Ten” stores
41. Child/Adult Day Care Centers as regulated by State licensure requirements
42. Chiropractic services
43. Mental health and counseling services (outpatient only)
44. Dental offices
45. Massage therapy
46. Carry-out convenience stores

NOTE: Article 10, Section NC, Paragraph A, Part 2 Amended by Ordinance 2000-08; Parts 27 and 42-45 Amended by Ordinance 2011-19; Parts 41 and 46 Amended by Ordinance 2016-17

B. ACCESSORY USES:

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

C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses subject to the approval by the Board of Adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

1. Service stations (including auto repairing, providing all repair except that of a minor nature – e.g., change of fan belt, minor carburetor adjustment, tire removal and/or replacement, windshield wiper replacement, etc. – is conducted wholly within a completely enclosed building and providing further that such service station is located adjacent to an arterial street, as identified in the adopted comprehensive plan).
2. Churches
3. Packaged liquor, wine, and malt beverage store to include drive-through and/or drive-up window

NOTE: Article 10, Section NC, Paragraph C, Subparagraph 2 Amended by Ordinance 2011-19; Subparagraph 3 Amended by Ordinance 2016-17

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

1. Minimum Lot Area – Ten thousand (10,000) square feet
2. Minimum Lot Width at Building Setback Line – Seventy (70) feet
3. Minimum Front Yard Depth – Fifty (50) feet
4. Minimum Side Yard Width – No restrictions, except when adjacent to a street, road, or highway, 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,

Neighborhood-Commercial Continued

as required by the building code, shall be required. In the event a side yard is provided, it shall never be less than fifteen (15) feet.

5. Minimum Rear Yard Depth – Fifteen (15) feet
6. Maximum Building Height – Sixty-five (65) feet

NOTE: Article 10, Section NC, Paragraph D, Part 6, Amended by Ordinance 2011-09.

7. In the case of this zone, more than one principal building, as herein defined, may be constructed on one lot.

E. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII 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, or into any residential zone.
4. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of ninety (90) feet for each side and/or rear yard which abuts said zone shall be provided, fifteen (15) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance. This area shall remain open and not permit off-street parking and loading and/or unloading.
5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
6. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas.
7. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.

SECTION 10.

M P (MEDICAL/PROFESSIONAL OFFICE) ZONE

The Medical/Professional Office Zone is established to provide a mixture of medical and professional land uses that are essential to maintaining and enhancing the quality of life within Williamstown.

A. PERMITTED USES

1. Assisted Living Facilities
2. Convalescent, nursing and rest homes
3. Day care centers (child or adult)
4. Drug stores; Pharmacies
5. Local, State, and Federal government offices
6. Health spas
7. Hospitals
8. Mental health facilities, inpatient
9. Offices and clinics of physicians, dentists and other health care practitioners
10. Opticians and optical goods and services
11. Outpatient care facilities
12. Police and fire stations
13. Professional offices for attorneys, accountants, engineers, etc.
14. Rehabilitative facilities
15. Residential care homes for up to five individuals
16. Chiropractic services
17. Mental health services and counseling (outpatient only)
18. Massage therapy

NOTE: Article 10, Section MP, Paragraph A, Parts 8, 10, 16-18, Amended by Ordinance 2011-18.

B. ACCESSORY USES

1. Customary accessory buildings and related uses for both permitted and conditional uses.
2. Fences and walls, as regulated by Article XIII of this Ordinance
3. Signs, as regulated by Article XIV of this Ordinance
4. Off-street parking lots and/or garages, as regulated by Article XI of this Ordinance

C. CONDITIONAL USES: The following uses subject to the approval of the Board of Adjustment, as set forth in Article IX, Section 14, and Article XVIII, Section 7, of this Ordinance

1. Churches
2. Emergency shelter facilities
3. Parking garages as a principal use

Medical/Professional Continued

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

1. Minimum Lot Size – 20,000 square feet
2. Minimum Lot Width at Building Setback Line – 100 feet
3. Minimum Front Yard Depth – Forty feet (40')
4. Minimum Side Yard Width – Twenty feet (20')
5. Minimum Rear Yard Depth – Twenty-five feet (25')
6. Maximum Building Height – Sixty-five feet (65')

NOTE: Article 10, Section MP, Paragraph D, Part 6, Amended by Ordinance 2011-09

- E. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this Ordinance
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property
4. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty feet (50') for each side and/or rear yard which abuts said zone shall be provided, fifteen feet (15') of which shall be maintained by a screening area, as regulated by Article IX, Section 17, of this Ordinance. This area shall remain open and not permit off-street parking and loading and/or unloading
5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred feet (500') from the boundary of any residential or agricultural zone.
6. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use in this zone.

NOTE: Article 10, Section MP, Paragraph E, Part 6, Amended by Ordinance 2004-03 and 2012-09

SECTION 10. PLANNED UNIT DEVELOPMENT (PUD) ZONE:

PURPOSE: The purpose of this district is to provide large scale, unified land development which permits a mixture of land uses, clustering of residential units of varying types, and common recreation/open spaces, as well as a mixture of commercial/retail development that would be consistent with surrounding land uses and through the use of flexible regulations creative design to preserve the natural features of the site would be encouraged. The lots in this district must have municipally supplied water system and municipally supplied wastewater disposal system.

- A. **PERMITTED USES AND AREA & HEIGHT REQUIREMENTS:** The following uses are permitted:
- a. Single-family dwellings (Detached); Area requirements shall be the same as the R-1-B Zoning District, except as provided for in Paragraph E, Part 1, below.
 - b. Multi-family dwellings, provided that no more than twenty-five percent (25 %) of the total PUD shall be utilized for this type of housing and that the area requirements shall be the same as the R-3 Zoning District.
 - c. Public and privately owned and operated parks and playgrounds to include but not limited to, golf courses, riding stables, fishing lakes and rental cabins.
 - d. Commercial development, provided that the development:
 1. Shall be limited to use and area requirements of the Highway Commercial (HC) Zoning District and/or as approved on the Site Development Plan.
 2. Shall file a Site Plan, as required by Section 9.19 of this Ordinance, for each commercial development area within the PUD
 - e. Theme Park defined as a theme park that will attract those persons interested in tourism, cultural and/or historical venues and/or fun themed activities, provided that the development:
 1. Shall file a Phase One (1) and Phase Two (2) Site Plan.

NOTE: Article 10, Section PUD, Paragraph A, Subparagraph D and E Amended by Ordinance 2011-23.

- B. **ACCESSORY USES:** Accessory uses, buildings, and structures customarily incidental and subordinate to any of the permitted uses.
1. Private parking and garage;
 2. Structures such as fences and walls (As regulated by Article XIII);
 3. Buildings such as storage sheds, private greenhouses and gazebos;
 4. Private swimming pools, sauna, or bathhouse as regulated by Section 9.19 of this ordinance.
 5. Signs, as regulated by Article XIV.
 6. Home occupations, subject to the restrictions and limitations established in Section 9.11 of this ordinance.
 7. Any use customarily used and in conjunction with permitted uses within this District.

NOTE: Article 10, Section PUD, Paragraph B, Part 7, Amended by Ordinance 2011-23.

Planned Unit Development Continued

C. **CONDITIONAL USES:** The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustments.

1. Bed and Breakfasts;
2. Churches and other buildings of worship.

NOTE: Article 10, Section PUD, Paragraph C, Part 2, Amended by Ordinance 2011-09.

3. Day care center;
4. Funeral homes provided that they are located adjacent to an arterial street;
5. Government offices;
6. Nursery schools;
7. Police and fire stations, provided that they are located on an arterial street;
8. Recreational Vehicle Parks, but shall not include mobile or manufactured homes.

D. **REQUIRED BUFFER SPACE:**

There shall be reserved, within the tract to be developed on a planned unit basis, a minimum land area ranging from ten (10%) percent to twenty (20%) percent of the entire tract depending upon the location and character of the land to be set aside, as open space or buffer zone or as required by the Planning & Zoning Commission and legislative bodies any necessary compliance with applicable Subdivision Regulations.

NOTE: Article 10, Section PUD, Paragraph D, Amended by Ordinance 2011-23.

E. **OTHER DEVELOPMENT CONTROLS:**

1. The area and height regulations for single family dwellings (detached) may be changed from those required in R-1B zoning and shall be as approved in the submitted Development Plan, provided, however, that the minimum lot width at the front yard minimum setback line for the dwelling shall not be less than fifty feet (50'), the side yard setback shall not be less than five feet (5'), and provided that any area where the side yard setback is less than ten feet (10'), the side wall of all dwellings shall meet the requirements of the current edition of the Kentucky Residential Code and/or the current edition of the Kentucky Building Code.
2. Off-street parking and loading and unloading shall be provided in accordance with Article XI and Article XII, of this Ordinance, or as indicated on the approved Site Development Plan.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any other zone.
4. A zoning and building permit must be obtained for each structure.
5. No outside storage of any kind is permitted, but the developer may include in the approved development plan a centralized storage area for residents of the development.
6. A State-One Development, as required by Section 9.19 of this Ordinance, shall be submitted for preliminary and final approval by the Grant County Planning Commission and the appropriate legislative body – Williamstown City Council.
7. Minimum size of any PUD Zone shall be 20 acres unless the development is adjacent to an existing PUD Zone and extends the existing development.

Planned Unit Development Continued

8. Intensity – Residential land use intensity shall be that level in the R-1B zone. Commercial land use shall be that level in the H-C (Highway-Commercial) zone. A mixed land use development of residential/commercial shall be reviewed in conjunction with Stage-One Development Plan, relative to intensity.

NOTE: Article 10, Section PUD, Amended by Ordinance 2004-09

Article 10, Section PUD, Paragraph E, Subparagraphs 4, 6, and 8 Amended by Ordinance 2011-23.

SECTION III Planned Unit Development Criteria

Development Plan proposals in a Planned Unit Development shall be primarily evaluated against the criteria listed below. The Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal. The examples listed in this section are for illustrative purposes. Specific solutions used to fulfill these criteria are contingent upon the size, scale, site conditions, design, uses and impacts of a proposed development.

1. Mixed Use Development and Pedestrian Orientation: Planned Unit Developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites. The additional intensity allowed in a Planned Unit Development shall only be permitted when a true mixed use and/or an amenity – oriented development with community and recreation facilities as described in this standard is provided.

In general, planned developments shall have a pedestrian/customer orientation, where it is possible to live, work, shop, and play in the same immediate vicinity without a required dependence on the automobile. This may be accomplished through the use of comprehensive pedestrian circulation networks including multipurpose paths and walks along main routes and open spaces such as stream corridors, between major destinations within the development and adjoining areas, secondary walk connections to the multipurpose paths, the creation of a designed pedestrian environment including street trees in addition to other required landscaping, decorative street lights and other street furniture, and seating areas, and the use of integral curb walks where appropriate along streets. Disruptions in major paths due to street and drive intersections shall be minimal. Additionally, in commercial areas, pedestrian orientation can be accomplished by placing buildings in close proximity to the street with parking areas to the side and rear of buildings, mixing uses within the same multi-story buildings, building entrances directly facing streets with reduced setbacks, architectural design which employs display windows, projecting signs, and awnings at street level, and designed outdoor seating and gathering spaces at the street level. Each development proposal must demonstrate in detail how the project will be made walkable throughout.

2. Compatibility of Uses: Measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites. Such measures may include the provisions of buffer zones, common open space areas and landscape features, transitional

Planned Unit Development Continued

land uses, or a mixed-use development in which no specific type of land use is dominate. When applicable, the design methods recommended in the “Development Layout, Lot Sizes, and Setbacks” section of the Comprehensive Plan’s Land Use Element shall be employed. Compatibility measures/mitigation measures shall exceed the usual minimum standards of this order when needed to address impacts of the proposed development.

3. Open Space: Useable open space(s), in an amount over and above setback and buffer yard areas and open areas required by the underlying zone, shall be provided. These spaces may be provided in the form of greenways, parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space. The use of single loaded streets to provide greenways with multi-purpose 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 publically dedicated or donated for park or open space purposes shall comply with the appropriate legislative body’s requirements for acceptance of such dedications or donations.
4. Multi-Modal Transportation System: Planned developments shall incorporate multi-modal transportation elements through 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 multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc. Multi-modal facilities are encouraged to be combined with the pedestrian systems and open spaces described in Sections 1 and 3.
5. Preservation of Existing Site Features: Existing topography, significant tree cover, tree lines along property lines, cemeteries, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article. The retention of such features may also fulfill portions of the requirements in Section 3 “Open Space” and Section 6 “Landscaping.”
6. Landscaping: Substantial landscaping shall be provided in a planned development with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects. The retention of existing healthy, substantial trees should occur wherever possible. Properly designed street tree plantings may be permitted to fulfill some landscaping requirements as part of an overall amenity package.
7. Architecture: Sites which are subject to architectural requirements through adopted overlay districts or land use studies shall follow said requirements. For all other sites, a consistent architectural theme shall be provided in planned developments. The theme shall largely use traditional, regionally influenced architectural forms and elements and shall allow variations within it. Traditional styles such as Georgian, Federal, I-House, Cape Cod, Craftsman, Tudor, Queen Anne, Italianate, early 20th century commercial structures, and local farm structures may be used as models. The architectural theme shall

Planned Unit Development Continued

also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic.

For attached or multi-family residential developments and commercial or office developments, the predominant building materials shall have a solid appearance, such as could be achieved with brick, stone, and architectural grade cast concrete products designed to replicate natural materials. Roof designs shall have a finished appearance through the use of 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 through the use of three dimensional jogs in the building footprint and secondary roof forms such as hips, dormers, and gables. Such buildings shall include architectural detailing for cosmetic enhancement, largely use natural colors, and use a consistent design treatment on all facades. The use of architectural guidelines or building prototypes is required for all multi-phased projects.

Developments should be mixed-use in character with multi-level buildings where commercial services are proposed. Walkability must be planned for when locating commercial and residential uses in proximity to each other. Office and residential uses are strongly advocated above commercial uses in business districts and decrease dependence on the automobile.

8. Historic and Prehistoric Features: Historic and prehistoric features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible.
9. Signage: A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Signage shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors. The use of signage design guidelines is required for multi-phased projects and regulated by Article XIV.
10. Transportation Connections and Entry Points: The provision of transportation connections (street connections, pedestrian paths, multi-purpose trails, sidewalks, and bicycle facilities) shall be provided in all planned development unless physically unfeasible or unsafe. This shall include connections to adjoining properties and developments, and inter-connectivity within the development itself, and contain minimal use of cul-de-sacs or other dead-end types of streets only when necessary. Transportation connections shall account for the County's adopted Transportation Plan and any adopted greenway, trails, bikeway, and/or pedestrian plans. In addition, the various entry points (streets, paths, etc.) into a planned development shall be marked or otherwise defined through the use of landscaping, low-key signage on retaining walls, architectural or sculptural elements, archways, markers, etc. Any structures used to demarcate entry points shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors.
11. Conformance with Comprehensive Plan: All planned developments shall conform to the

Planned Unit Development Continued

provisions of the adopted Comprehensive Plan and take into account the limitations of existing or planned infrastructure.

NOTE: Article 10, Section PUD, Section III, Amended by Ordinance 2011-23.

SECTION 10.

I-1 (INDUSTRIAL ONE) ZONE:

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

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

NOTE: Article 10, Section I-1, Paragraph A, Subparagraph 1, Part o, Amended by Ordinance 1999-27

2. Animal hospital
3. Bottling and canning works
4. Building materials, sales yards
5. Bus line shops and storage
6. Carting, express, hauling, or storage yards
7. Coal, coke, or wood yards
8. Contractors' offices and accessory storage yards, including storage of general construction equipment and vehicles
9. Crating services
10. Fire stations
11. Freight terminals
12. Governmentally owned and/or operated city, county, and state garages

Industrial-1 Continued

13. Industrial engineering consultant offices
14. Laboratories, offices, and other facilities for research, both basic and applied, conducted by or for an industrial organization or concern, whether public or private
15. Laundries and dry cleaning plants, involving laundering and dry cleaning of articles delivered to the premises by commercial vehicles
16. Machine shops
17. Printing, engraving, and related reproduction processes
18. Public utilities' rights-of-way and pertinent structures
19. Publishing and distribution of books, newspapers, and other printed materials
20. Railroad facilities, exclusive of marshalling yards, maintenance and fueling facilities
21. Schools for industrial or business training
22. Truck terminals
23. Warehousing or wholesaling
24. Central warehousing and distribution facilities

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
2. Fences and walls as regulated by Article XIII of this ordinance
3. Signs as regulated by Article XIV of this ordinance
4. Uses, as listed below, including 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; and
 - c. Soda or dairy bars

C. AREA AND HEIGHT 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 – fifty (50) feet
4. Minimum Side Yard Width on Each Side of Lot – twenty-five (25) feet
5. Minimum Rear Yard Depth – twenty-five (25) feet; no rear yard is required where a rail spur forms the rear property line

Industrial-1 Continued

6. Maximum Building Height – sixty-five (65) feet

NOTE: Article 10, Section I-1, Paragraph C, Part 6, Amended by Ordinance 2011-09.

D. CONDITIONAL USE

1. Bulk storage and dispensing of bottle gas and petroleum products
2. Any other use peculiar adaptable to I-1.

NOTE: Article 10, Section I-1, Paragraph D, Subparagraph 2, Amended by Ordinance 1999-27

E. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No lighting shall be permitted which would glare from this zone onto any street or into any adjacent property.
3. Where any yard of any use permitted, in this zone abuts a residential zone, a minimum 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 site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use in this zone.

SECTION 10.

1-2 INDUSTRIAL ZONE

A. USES PERMITTED: The following uses are permitted providing all uses are in compliance with the performance standards as regulated in Article XV of this Ordinance.

1. Except for those that decompose by detonation, the manufacturing, compounding, processing, packing, or assembling of the following uses:
 - a. Acetylene, butane and bottled gas including bulk storage.
 - b. Brewing and distilling of alcohol.
 - c. Brick, tile or terra cotta.
 - d. Candy and confectionery products, food and beverage products excluding the rendering or refining of fats and oils.
 - e. Cement, concrete and concrete products.
 - f. Cigars and cigarettes and tobacco products.
 - g. Cosmetics, pharmaceuticals and toiletries.
 - h. Animated and/or illuminated billboards and other commercial advertising structures.
 - i. Electric appliances, television sets, phonographs, household appliances.
 - j. Electrical and non-electrical machinery, equipment and supplies.
 - k. Fountain and beverage dispensing equipment.
 - l. Furniture.
 - m. Instruments of professional, scientific, photographic and optical.
 - n. Lumber mills and storage yards.
 - o. Metal, metal finishing and metal products, excluding blast furnaces or drop forges.
 - p. Musical instruments, toys, novelties, jewelry, rubber or metal stamps.
 - q. Office equipment.
 - r. Oil cloth or linoleum.
 - s. Plastic and plastic products.
 - t. Pottery and figurines.
 - u. Products from the following previously prepared materials: paper, glass, cellophane, leather, feathers, fur, precious or semi-precious metals, hair, horn, shell, tin, steel, wood, plastics, rubber, bone, cork, felt, fibers, yarn, wool, tobacco.
 - v. Rubber and rubber products.
 - w. Stone and monument works employing power driven tools.
 - x. Vinegar and yeast.
 - y. Sand and gravel including storage.

**NOTE: Article 10, Section I-2, Paragraph A, Subparagraph 1, Part B
Amended by Ordinance 2011-22**

2. Bag, carpet and rug cleaning.
3. Bottling and canning works.

Industrial-2 Continued

4. Building materials sales yards.
5. Bulk storage stations.
6. Bus line shops and storage.
7. Carting, express, hauling or storage yards.
8. Coal, coke, or wood yards.
9. Contractors offices and accessory storage yards including storage of general constructions equipment and vehicles.
10. Crating services.
11. Flour mills.
12. Freight terminals.
13. Governmentally owned and/or operated city, county or state garages.
14. Industrial engineering consultant offices.
15. Laboratories, offices and other facilities for research, both basic and applied, conducted by or for an industrial organization or concern, whether public or private.
16. Laundries and dry cleaning plants involving laundering and dry cleaning of articles delivered to the premises by commercial vehicles.
17. Machine shops.
18. Plating plants.
19. Printing, engraving and related reproduction processes.
20. Public utilities rights-of-way and pertinent structures.
21. Publishing and distribution of books, newspapers, and other printed materials.
22. Railroad facilities including passengers and freight terminals, marshalling yard, maintenance shops, and round house.
23. Schools for industrial or business training.

Industrial-2 Continued

24. Trucking terminals.
25. 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.
2. Fences and walls as regulated by Article XIII of this Ordinance.
3. Signs as regulated by Article XIV of this Ordinance.

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4. Uses, as listed below, including 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. CONDITIONAL USES: The following uses subject to the approval by Board of Adjustment, as set forth in Sections 9.14 and 18.7 of this Ordinance:

Except for those that decompose by detonation, the manufacturing, compounding, processing, packing or assembling of the following uses:

1. Chemicals including ammonia, bleach, bluing, calcimine, chlorine, corrosive acid or alkali, dyes.
2. Fertilizer, gypsum, lime or plaster of paris.
3. Iron, steel, aluminum foundry or forge works and heavy weight casting.
4. Blast furnaces or drop forges.
5. Paint, oil, shellac, turpentine, lacquer, varnish, gasoline.
6. Paper, paperboard, pulp.
7. Petroleum refining and products including bulk storage, provided bulk is related to refining.
8. Rolling mills.
9. Rubber and rubber products.
10. Soap and soap products.
11. Forge plants.
12. Foundries.
13. Sanitary landfill sites.

Industrial-2 Continued

14. Processing of junk, waste, discarded or salvaged materials, machinery, or equipment, including automobile wrecking or dismantling.
15. Asphalt plant, but only when the following conditions are met:
 - a. That no asphalt plant be conducted closer than one thousand (1,000) feet from any existing residence on another lot under different ownership.
 - b. Noise, Air & Water Quality – The facility shall be operated at all times in compliance with applicable Federal, State, and local laws and regulations on noise, air and water quality.
 - c. Development Plan – The development plan shall indicate all existing contours, shows with intervals sufficient to show existing drainage courses, retention, stormwater and sedimentation basins; and the names and locations of all streams, creeks or other bodies of water within five hundred (500) feet.
 - d. Drainage and Erosion Control – All operations shall have adequate drainage, erosion, and sediment control measures incorporated in the site/development plan(s). If, in the event, adequate drainage, erosion, and sediment control cannot be provided, permits may be denied.
 - e. Roads – All access roads which intersect with a State highway or public street shall be paved with an all-weather surface of either asphalt or concrete for the entire length of road from State highway or street to the active loading point.
 - f. Screening – Screening shall be provided as defined in accordance with Williamstown and Subdivision Regulations.
 - g. Transportation Plan – A Transportation Plan shall be planned (in relationship to the arterial roadway system) to minimize the impact of traffic, dust, and vehicle noise on areas outside the site and shall include the following information:
 - 1) Product shipping and deliveries;
 - 2) Mode of transportation;
 - 3) Route(s) to and from the site;
 - 4) Schedule and frequency of shipments;
 - 5) Delivery and shipping spillage control methods;
 - 6) Employee parking.
 - h. Storage – Storage and/or stockpiles of hazardous materials shall be in a completely closed building. Outdoor storage, except aggregate, sand and recycled asphalt material, shall be enclosed on at least three sides by a solid wall or fence, not less than six (6) feet nor greater than eight (8) feet in height, and shall be placed at designated site(s) on the development plan. At the cessation of operation, all storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of 18 inches of

Industrial-2 Continued

topsoil and/or other soil-making materials, and planted in accordance with the Zoning Ordinance.

- i. Excess Product and Waste – Excess product and waste, when disposed of on site, shall be in a designated area so as to prevent erosion and contamination of streams and waterways. At the cessation of operation, all outdoor storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of 18 inches of topsoil and/or other soil-making materials, and planted in accordance with the Zoning Ordinance.
2. Mining and/or quarry of non-metallic minerals, but only when the proposal complies with the requirements of the Mining and Quarry Ordinance 2011-_____ and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider:
 - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
 - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
 - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
3. Sexually oriented businesses without the serving of food and/or alcohol. The Ordinance adopted by the Grant County Fiscal Court is adopted by reference herein and incorporated as if fully set forth herein the full text is available at the zoning administrators office for review and reference.

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

1. Minimum Lot Area – One (1) acre (forty-three thousand five hundred sixty (43,560) square feet).
2. Minimum Lot Width at Minimum Building Setback Line – One hundred fifty (150) feet.
3. Minimum Front Yard Depth – Thirty-five (35) feet.
4. Minimum Side Yard Width – Twenty-five (25) feet; twenty-five (25) feet is required where a side yard abuts a street, road highway or deeded right-of-way.
5. Minimum Rear Yard Depth – None.
6. Maximum Building Height – Fifty (50) feet.

Industrial-2 Continued

E. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading or unloading shall be provided in accordance with Articles XI and XII of this Ordinance.
2. No lighting shall be permitted which would glare from this zone onto any street, 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, all buildings, outside storage areas, loading and working areas (except accessory parking) in conjunction with uses which are permitted in the I-2 zone shall be located at least three hundred (300) feet from any residential zone and at least one hundred (100) feet from any other zone. Each side and/or rear yard which abuts said residential 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 site plan as regulated by Section 9.19 of this Ordinance shall be required for any use in this Zone.
5. All driveways and stacking areas shall be paved or sealed to prevent dust.
6. No waste shall remain overnight at the site.
7. This use shall be conducted only between the hours of 7:00 a.m. – 7:00 p.m.
8. The operator shall identify and employ misting, spritzing, masking agents, or absorption agents to control offensive odors.
9. The Board of Adjustment shall specifically consider and be able to find that the proposed use will not constitute a nuisance by creating excessive noise, water pollution, odor, truck traffic, vermin or other disease vectors, dust or other public health hazards. The Board shall also be able to find that the applicant has demonstrated specific measures in their application and plans that assure compliance with the applicable state environmental performance standards of 401 KAR 47:030.
10. Outside storage and working areas (except accessory parking) shall be enclosed by a solid wall or fence, not less than six (6) feet in height.

NOTE: Article 10, Section I-2, Paragraph C, Subparagraph 15 – Subparagraph 16, Part 10, Amended by Ordinance 2011-22

SECTION III

1. Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited.

NOTE: Article 10, Section I-2, Section III, Paragraph 1 Amended by Ordinance 2011-22.

ARTICLE XI

OFF-STREET PARKING AND ACCESS CONTROL REGULATIONS

In all zones, off-street parking facilities for the storage or parking of motor vehicles for use of occupants, employees, and patrons of the building hereafter erected, altered, or extended, and all uses of the land after the effective date of this ordinance, shall be provided and maintained as herein prescribed. However, where a building permit has 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. Quasi-governmental organizations shall be exempted from the off-street parking regulations provided for in this Article.

NOTE: Article 11, Preamble, Amended by Ordinance 2008-04

SECTION 11.0 GENERAL REQUIREMENTS:

- A. Computation of Parking Spaces – In determining the number of parking spaces required, if such spaces result in fractional parts thereof, the number of said spaces required shall be construed to the next highest whole number.
- B. Additional Parking Spaces to be Provided – Whenever the intensity of use of any building, structure, or premises shall be increased through addition of dwelling units, gross floor area, seating capacity, change of use, or other units of measurement specified herein – additional parking spaces shall be provided in the amounts hereafter specified for that use, if the existing parking space is inadequate to serve such increase in intensity of use.
- C. Location of Off-Street Parking Facilities:
 - 1. Except as provided for in the zones, off-street parking facilities shall be located as follows:
 - a. Single-Family and Two Family Dwelling Residential Uses Within the A-1, R-1, R-2, R-3, R-4, R-5, R-6 Zones: Off-street parking may be permitted in driveways in the front, side, and rear yards of permitted uses in these zones, provided all requirements of this ordinance are met. Additionally, off-street parking located in the rear yard shall be set back a minimum of twenty (20) feet from the rear lot line. No off-street parking area, located in the front yard of a single-family residential zone, may exceed 400 square feet (two parking spaces) except, however, the zoning administrator may allow additional off-street parking spaces to be located thereon provided that the additional parking spaces will not cause the ratio of unpaved area to be paved area (parking and driveway areas) in the front yard to be less than 3:1. Parking for single-family and two family dwellings may be designed to allow vehicles to back into streets when maneuvering out of parking spaces or

Article XI Continued

driveways. In all R-1 zones, no parking on street right-of-way shall be allowed except for guests, parties, etc.

- b. Multi-Family Residential Within the R-3, R-4, R-6 Zones: Off-street parking may be permitted in side or rear yards of permitted uses in these zones, 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, only if approved according to an approved development plan.
- c. Special Development Zones – (MHP): Off-street parking shall be located as designated on the approved plan.
- d. Commercial and Industrial Zones – (1) Except as herein provided, off-street parking may be permitted in minimum required front, side, and rear yards of these zones, provided that all off-street parking facilities shall be set back a minimum of fifteen (15) feet from any street right-of-way lines.
- e. Commercial, Home Occupation, and Other Non-Residential Uses Within the A-1, R-1, R-2, R-3, R-4, R-5, R-6 Zones: Off-street parking may be permitted in side or rear yards of permitted uses in these zones, 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, only if approved according to an approved development plan.

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

- a. Permitted uses locating within multi-family and industrial zones may supply off-street parking within three hundred (300) feet from such lot served, upon approval of the zoning administrator, providing that such off-street parking facilities are unable to be provided on the same lot or contiguous to the same lot as the building being served. In addition, said off-street parking shall be located in the same zone as the use being served.
- b. Existing single, two, or multi-family dwellings, which are permitted uses herein 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 no to exceed three hundred (300) feet from the said dwelling or dwellings upon approval of the zoning administrator. In addition, said off-street parking lot shall be located in the same zone as the use being served.

Article XI Continued

- c. Off-street parking, as required for “conditional uses” may be permitted to locate on another 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. Collective Parking Provision – Collective off-street parking facilities may be provided; however, the area for such parking facilities shall not be less than would otherwise be individually required.
- c. Driveways Not Computed as Part of Required Parking Area – Entrances, exits, or driveways shall not be computed as any part of a required parking lot or area, except in the case of single-family and two-family residential zones, where excess driveways may be used for parking.
- f. Off-Street Parking Space to be Used for Parking Only – Any vehicle parking space shall be used for parking only. Any other use of such space, including repair work or servicing of any kind other than in an emergency, or the requirement of any payment for the use of such space, shall be deemed to constitute a separate commercial use in violation of the provisions of this ordinance.
- g. No Building to be Erected in Off-Street Parking Space – No building of any kind shall be erected in any off-street parking lot except a parking garage containing parking spaces equal to the requirement set forth in this section of the ordinance or a shelter house booth for a parking attendant providing the number of spaces required are not reduced.
- h. Parking Plan Approval Required – Plans for all parking lot facilities, including parking garages, shall be submitted to the zoning administrator for review and for compliance with the provisions of this ordinance and such other pertinent ordinances of the city. Such plans shall show the number of spaces and arrangements of parking aisles, location of access points onto adjacent streets, provisions for vehicular and pedestrian circulation, location of sidewalks and curbs on or adjacent to the property, utilities, location of shelters for parking attendant, location of signs, typical cross-sections of pavement, including base and subbase, proposed grade of parking lot, storm drainage facilities, location and type of lighting facilities and such other information or plans as the circumstances may warrant. Where such parking plans include provisions for access points to adjacent streets, then said plans should also be prepared in accordance with the requirements of Section 11.2

SECTION 11.1 DESIGN AND LAYOUT OF OFF-STREET PARKING AREAS:

- A. Size of Off-Street Parking Spaces – For the purposes of this ordinance, one (1) parking space shall be a minimum of one hundred sixty-two (162) square feet in area, exclusive of access drives or aisles, and shall be a minimum of Nine (9) feet in width and eighteen (18) feet in length. Such parking space shall have a vertical clearance of at least seven (7) feet.
- B. Width of Access Aisles – All off-street parking areas shall be laid out with the following minimum access aisle widths:
1. Ninety (90) degree (perpendicular) parking - - twenty-two (22) feet (either one or two-way circulation);
 2. Sixty (60) degree (angle) parking - - fifteen (15) feet (one-way circulation only);
 3. Forty-five (45) degree (angle) parking - - twelve (12) feet (one-way circulation only);
 4. Thirty (30) degree (angle) parking - - eleven (11) feet (one-way circulation only);
 5. Zero (0) degree (parallel) parking - - twelve (12) feet (one-way circulation only).

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

NOTE: Article XI, Section 11.1, Item A and B, amended by Ordinance 2015-19

- C. Width of Access Drives – All access drives providing motor vehicles ingress and/or egress to an off-street parking area and-or connecting an off-street parking area to another off-street parking area shall be laid out with a minimum width of twenty (20) feet.
- D. Access to Off-Street Parking Spaces – Each required parking space shall be connected with a deeded public right-of-way by means of aisles or access drives as required by Section 11.1, B. The parking area shall be so designated to ensure that all maneuvering into and out of each parking space shall take place entirely within property lines of lots, garages, and/or storage areas, except parking permitted under Subparagraphs a & b in Section 11.0, Paragraph C of this Article may be designed to allow vehicles to back into a public street or right-of-way.
- E. Off-Street Parking Areas in Multi-Family, Commercial, or Industrial Zones – All such parking areas shall have a protective wall and/or bumper blocks around the perimeter of said parking area and shall be so designed that all vehicles leaving the facility will be

Article XI Continued

traveling forward to approaching traffic. All parking shall be effectively screened on each side adjoining or fronting on any property situated in a zone permitting single-family residential development, by a solid wall, fence, or densely planted compact hedge as regulated by Section 9.17 of this ordinance. Ground cover shrubs and trees shall be located and maintained so as to not interfere with vehicular and pedestrian traffic on the property or with sight distance clearance at entrances and exits.

- F. Lighting – Any lighting used to illuminate off-street parking areas shall not glare upon any right-of-way or adjacent property.
- G. Paving of New Off-Street Parking Area – All new off-street parking areas, access, aisles, and access drives shall be paved with asphalt concrete or Portland Cement concrete and shall be designed and constructed in accordance with Appendix A, within 15 months of occupancy of building.

NOTE: Article XI amended by 1998-18 and 1999-02

SECTION 11.2 SPECIFIC OFF-STREET PARKING REQUIREMENTS: The amount of off-street parking space required for uses, buildings, or additions and changes in intensity of uses thereto shall be stated in the application for a zoning and building permit and shall be reserved for such use. Where more than one use is located in the same building, each individual use shall be in accordance with the off-street parking requirements of this section of the ordinance.

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 per each two (2) employees on shift of largest employment.
B. Automobile laundries	One (1) parking space for each employee, plus one (1) space per owner or manager and reservoir space equal to five (5) times the capacity of laundry.
C. Automobile service stations	One (1) space for each gas pump island, plus two (2) spaces for each working bay, plus one (1) parking space for each employee on largest shift.
D. Beauty parlors and/or barber shops	Two (2) parking spaces per barber and/or beauty shop.

Article XI Continued

TYPE OF USES	REQUIRED NUMBER OF PARKING SPACES
E. Bowling establishments	Five (5) parking spaces for each lane; plus one (1) space for each two (2) employees on shift of largest employment.
F. City and/or county government offices	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	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.
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 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 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 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 for every dwelling unit

Article XI Continued

TYPE OF USE	REQUIRED NUMBER OF PARKING
M. Establishments for sale and consumption on the premises of food and refreshments, or for take home food services.	One (1) parking space for each: A. 30 square feet of gross floor area in a drive-in restaurant; B. 140 square feet of gross floor area in a carry-out restaurant; C. 40 square feet of gross floor area or two (2) seating accommodations, based on maximum seating capacity, whichever is greater, in a combination restaurant; D. Two (2) seating accommodations, based on maximum seating capacity in a sit-down restaurant; plus one (1) parking space per each (2) employees on shift of largest employment in any type 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. Laundromats	One (1) parking space for each two (2) washing machines, plus one (1) parking space for each employee.
Q. Libraries, museums, and art galleries	One (1) parking space for each four (4) seats in rooms for public assembly or one (1) parking space for each fifty (50) square feet of gross floor area for use by the public, whichever is greater, plus one (1) space for each two (2) employees on shift of largest employment.
R. Medical offices and/or clinics	Five (5) parking spaces per each practitioner, plus one (1) parking space per each two (2) employees or one (1) parking space per each two hundred (200) square feet of gross floor area in the building, plus one (1) parking space for each two (2) employees, whichever is greater.

Article XI Continued

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| S. Mortuaries or funeral homes | One (1) parking space for each four (4) seats in the main chapel or public assembly area based on maximum seating capacity, plus one (1) parking space for each funeral vehicle and employee, or in the case of no fixed seats, one (1) parking space for each fifty (50) square feet of floor area in parlors or service rooms, or one (1) parking space for each four (4) 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 two hundred (200) square feet of gross floor area, plus one (1) parking space for each two (2) employees on the shift of largest employment; plus one (1) space for each vehicle operating from the premises |
| 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 | 5.5 spaces per 1000 square feet of gross leasable area. |
| X. Schools – Elementary, Junior high and equivalent, private or parochial schools | One (1) parking space per teacher and administrator or one (1) space for each four (4) seats in the auditorium, stadium, and other places of assembly or facilities available to the public based on maximum seating capacity, whichever is greater. |

Article XI Continued

TYPE OF USE	REQUIRED NUMBER OF PARKING
Y. Schools – Senior high, trade and vocational, colleges and universities, and equivalent private or parochial schools	Six (6) spaces per each room to be used for class instruction or administrative offices or one (1) space for each four (4) seats in the auditorium, stadium, and other places of assembly or facilities available to the public, based on maximum seating capacity, whichever is greater.
Z. Shopping Centers	4 parking spaces per 1000 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, auditoriums, churches 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) additional 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 per four (4) people in designed capacity of building, or one (1) parking space per one hundred (100) square feet in main auditorium or assembly area, whichever is greater, plus one (1) parking space for each two (2) employees on shift of largest employment.
DD. Tourist homes, cabins, motels or hotels, excluding areas used for meeting rooms and places of assembly.	One (1) parking space for each sleeping room or suite, plus one (1) space per each two (2) employees on shift of largest employment.
EE. Industrial establishments, including manufacturing, research and testing laboratories	Two (2) parking spaces for each three (3) employees – the total number of parking spaces being the total number of employees on any two (2) consecutive shifts having the largest number of employees, based on design capacity, plus one (1) parking space for each company vehicle operating from the premises.

Article XI Continued

TYPE OF USE	REQUIRED NUMBER OF PARKING
FF. Wholesale establishments, warehouses, and storage buildings	One (1) parking space for each employee, plus one (1) parking space for each company vehicle operating from the premises.
GG. All Other Uses Not Listed Herein	Based on study to be prepared by owner or operator; number of spaces to be required determined according to: (a) type of use and estimated number of total trips generated during peak conditions (inbound and outbound) (b) Estimated parking duration per vehicle trip (turnover rates); (c) Based on estimated number of trips generated and average parking duration per trip, calculate number of spaces required; (d) Estimated number of employees – (one (1) space to be provided for each two (2) employees based on shift of maximum employment).

ARTICLE XII

OFF-STREET LOADING AND/OR UNLOADING REGULATIONS

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

SECTION 12.0 GENERAL REQUIREMENTS—

A. Spaces Required-

1. Every building or part thereof, erected and occupied for uses permitted in commercial and industrial zones, including “conditional uses” permitted in residential zones, involving the receipt or distribution of vehicles, materials, or merchandise and having up to 5,000 square feet of gross floor area shall be provided with at least one loading and/or unloading space. A study shall be prepared by the company or operator to determine the additional loading and/or unloading space needs over and above the first space required for the specific use proposed. In determining the number of spaces needed, the study shall take into consideration the following:
 - a. estimated and projected arrival and departure rates for scheduled and unscheduled (random) trucks;
 - b. estimated and projected length of truck stop duration for loading and/or unloading of each truck;
 - c. Estimated number of trips by vehicle type (i.e., two axle vehicles, semi-tractor trailers, etc.) and size

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

2. If it is determined by the zoning administrator, based on existing conditions of the proposed site, the design of the building, and the completed needs study, that additional loading and/or unloading spaces are needed to accommodate the facilities than could be reasonably provided, the zoning administrator shall require that additional parking areas, properly designed, to handle the parking of necessary trucks including the maneuvering of the trucks to and from the space, be provided for the storage of trucks waiting to be loading and/or unloading.
3. If after approval by the zoning administrator of the number of spaces and any storage of truck parking needed to accommodate the loading and/or unloading of trucks for a specific use, a need exists, based on operation of the specific use, to provide additional

Article XII Continued

off-street loading and/or unloading spaces or storage of trucks than was previously determined, the zoning administrator may require that corrective action be taken to eliminate any deficiencies as follows:

- a. limit the time and interval of arrival and departure of trucks, commensurate with the need; or
 - b. require necessary additional loading and/or unloading spaces, or require that adequate parking areas are provided for the storage of trucks waiting to be loaded and/or unloaded.
- B. Additional Loading and/or Unloading Spaces to be provided – Whenever the intensity of any use of a building or premises is increased through addition of gross floor area, change of use or increased activity, additional loading and/or unloading spaces shall be provided in accordance with the requirements of Section 12.0, A, above, if it is determined by the zoning administrator that the existing spaces are not adequate to serve such increase in intensity.
- C. Location of Off-street Loading and/or Unloading Area – All loading and/or unloading Spaces shall be located on the same lot as the use served. However, permitted uses located in industrial zones may provide parking areas for the storage of trucks waiting to be loaded and/or unloaded within three hundred (300) feet from each lot served, upon the approval of the zoning administrator, providing that said off-street storage of trucks are unable to be provided on the same lot or contiguous to the same lot as the use being served and further provided that said storage of trucks are located in the same zone as the use being served. Loading and/or unloading areas may be located in the side and minimum required rear yards, provided that all loading and/or unloading facilities shall be set back a minimum of ten (10) feet from the rear lot line and minimum side yard clearance are maintained.
- D. Driveways not Computed as Part of Required Loading and/or Unloading Area – Entrances, exits, or driveways shall not be computed as any part of a required loading and/or unloading space.
- E. Off-Street Loading and/or Unloading Space to be Used for Loading and/or Unloading Only Any loading and/or unloading space shall be used for loading and/or unloading only. Any other use of such space, including repair work or servicing of any kind other than in an emergency, or the requirement of any payment for the use of such space, shall be in violation of the provisions of this ordinance.
- F. No Building to be Erected in Off-Street Loading and/or Unloading Space – No building or any kind shall be erected in any off-street loading and/or unloading space.

Article XII Continued

- G. Off-Street Loading and/or Unloading Space Shall not be Reduced – The required parking spaces as set forth and designated in this ordinance, shall not be reduced, except as provided for in this ordinance.
- H. 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 legislative body. Such plans shall show the number and location of loading and/or unloading spaces, Including necessary maneuvering of trucks and dock and apron approach, and arrangements of access aisles, location of access points onto adjacent streets, provisions for truck circulation, location of curbs on or adjacent to the property, utilities, location of signs, typical cross-sections of pavement, including base and subbase, proposed grade of lot, storm drainage facilities, location and type of lighting facilities and such other information or plans as the circumstances may warrant. Where such loading and/or unloading plans include provisions for access points to adjacent streets, then said plans shall also be prepared in accordance with the requirements of Section 11.3

ARTICLE XIII

FENCES, WALLS AND OBSTRUCTIONS TO VIEW REGULATIONS

SECTION 13.0 VISION CLEARANCE AT CORNERS AND RAILROAD CROSSINGS:

Except as herein provided, no hedge, or other structure, or other obstruction above a height of thirty-six (36) inches as measured above the curb level shall be erected, placed, maintained, or continued in any zone within that triangular portion of a corner lot formed by measuring fifty (50) feet from the intersection of the rights-of-way line of two (2) streets or of the right-of-way line of a street intersection with a railroad right-of-way line and joining these points with a straight line. No type of tree or planting or other obstruction shall be planted, placed, maintained, or continued in such a manner which would obstruct the vision clearance at corners and railroad crossings.

SECTION 13.1 CLASSIFICATION OF FENCES AND WALLS:

A. The following shall be the classification of fences and walls for this ordinance:

1. Masonry walls;
2. Ornamental iron (eighty percent (80%) open);
3. Woven wire (eighty percent (80%) open); and chain link;
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 wall intended to contain or redirect flooding waters.

SECTION 13.2 CONSERVATION & AGRICULTURAL ZONES:

- A. Fences and/or wall within the conservation and/or agricultural zones shall conform to the following requirements:
1. Except as provided for in section 13.0, class 2 or 3 fences may be erected in front yards up to a maximum height of ninety-six (96) inches.
 2. Side and rear yard, class 1, 2, 3, 4, 5, 6, or 7 fences and/or walls may be erected up to a maximum height of ninety-six (96) inches.
 3. Class 8 walls shall be permitted but shall conform to requirements of the Corps of Engineers and/or county engineer, whichever is applicable.

SECTION 13.3 RESIDENTIAL ZONES:

- A. Fences and/or walls within all Residential Zones including their applicable overlay zone, shall conform to the following requirements:

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1. The requirements for the Residentail ® Zones for residential uses only, are as set forth and depicted on Figure 1 (pg. 13-4) of this ordinance.
2. The location, height, and type of all fences and/or walls within any area zoned with a Mobile Home Park (MHP) Overlay shall be as approved by the City Legislative Body.
3. For all nonresidential uses conditionally permitted in any residential zone herein, the requirements are as follows:
 - a. Fences of class 2 or 3 only shall be permitted in front yards, including the front yard of corner lots as governed by Section 13.0. Said fences may be erected in side or rear yards up to a maximum height of seventy-two (72) inches.
 - b. Classes 1, 2, 3, 4, 5, 6 fences and/or walls may be erected in side or rear yards up to a maximum height of seventy-two 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 to a maximum height of ninety-six inches; and
 - (2) Class 3 fences (or a combination of 3 and 7) may be erected to enclose tennis courts or as backstops for baseball and/or softball fields up to a maximum height of one hundred and forty-four (144) inches; and
 - (3) In the case of corner lots, as governed by Section 13.0, Fences of class 2 or 3 only may be erected, as regulated by the applicable provisions of this section.

SECTION 13.4 COMMERCIAL AND INDUSTRIAL ZONES: Fences and/or walls within all commercial and industrial zones, including those permitted with all conditionally permitted uses in this zone shall conform to the following requirements:

- A. Except as provided for in Section 13.0, fences of classes 1, 2, 3, 4, 5, or 6 may be erected in side, and rear yards of commercial zones up to a maximum height of seventy-two (72) inches. In the case of corner lots, as governed by Section 13.0, fences of class 2 or 3 only, may be erected up to a maximum height of seventy-two (72) inches. In minimum front yards, fences of classes 1, 2, 3, 4, 5, or 6 may be erected up to a maximum height of 48 inches (except as noted in Section 13.0).
- B. Except as noted in Section 13.0, fences of classes 1, 2, 3, 4, 5, or 6 may be erected up to a maximum height of 84 inches in all industrial zones in side and rear yards and not more

Article XIII Continued

than 48 inches in height in the minimum front yard depth. Except for the I-P Zone, classes 2 or 3 fences may be erected up to a maximum height of 72 inches in the minimum front yard depth in all industrial zones.

SECTION 13.5 MEASUREMENT OF ALL FENCE AND/OR WALL HEIGHTS AND/OR LOCATIONS:

- A. All fences and/or wall heights shall be measured along the fence or wall locations.
- B. All locations for distance measurements shall be measured from the lot lines.

SECTION 13.6 HEIGHT OF ANY BARBED WIRE OR SHARP POINTED FENCES:

- A. In all zones, barbed wire or sharp pointed fences, where permitted, must start a minimum of sixty (60) inches above ground level, except that said fences may be located in areas used for agricultural purposes without any restrictions to height.

SECTION 13.7 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 13.8 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 13.9 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 Section 16.1 and 16.2 of this ordinance.

SECTION 13.10 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.

ARTICLE XIV

SIGN REGULATIONS

SECTION 14.0 SCOPE OF REGULATIONS: The regulations set forth herein shall apply and govern signs in all zones except as otherwise specifically provided within this ordinance.

SECTION 14.1 GENERAL RULES, REGULATIONS, AND LIMITATIONS:

- A. All business and identification signs, shall be deemed accessory uses and all advertising signs shall be deemed nonaccessory uses.
- 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 legislative body. 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 legislative body when the owner or agent has failed to comply within the time specified by the zoning administrator to make the sign comply. Said owner or agent shall bear full costs of such removal and shall be billed accordingly.
- C. No signs shall be erected, maintained, replaced, relocated, repaired, or restored within a distance of six hundred sixty (660) feet of the right-of-way of any interstate highways, limited access highway or turnpike, except as provided for in KRS 177.830-177.890 and approved by the Kentucky Department of Transportation, Bureau of Highways, District Office Number 6, as amended.
- D. **TIME SCHEDULE FOR COMPLIANCE OF SIGN REGULATIONS:** Compliance with the provisions of this article of the ordinance shall be according to the following time schedule:
 - 1. All new signs comply when erected.
 - 2. Advertising signs, as defined herein, which become nonconforming after the effective date of this ordinance, and located in any residential zone, shall be required to conform to the requirements of this ordinance within twelve (12) consecutive calendar months after the effective date of this ordinance.
 - 3. Advertising signs, as defined herein, which become nonconforming after the effective date of this ordinance, and located in any zone other than a residential zone, shall be required to conform to the requirements of this ordinance within thirty-six (36) consecutive calendar months after the effective date of this ordinance.

Section XIV Continued

4. Business and identification signs, as herein defined, which become nonconforming after the date of this ordinance, shall be required to conform to the requirements of this ordinance within sixty (60) consecutive calendar months after the effective date of this ordinance.
- E. No sign constituting 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 causing a traffic hazard, shall be erected, maintained, or continued in any zone.
- F. 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 constricts the flow of air through any window or door.
- H. No sign shall be erected, maintained, or continued which is misleading, fraudulent, obscene, immoral, indecent, or unsightly in character, as determined by the zoning administrator.
- I. No advertising sign, except those of a governmental entity, shall be erected, maintained, or continued unless the following provision is complied with; and said provision shall go into effect ninety (90) consecutive calendar days after the effective date of this ordinance:
 1. The name of the company or person owning, maintaining, or erecting said sign is plainly displayed thereon.
- J. No sign shall be erected, maintained, or continued over or into any street, public way, or alley right-of-way, unless specifically provided for within this ordinance.
- K. It shall be unlawful and a violation of this ordinance for any person to fasten, place, paint, or attach in any way: any sign, handbill, poster, advertisement, or notice of any kind, whether political or otherwise, or cause the same to be done in or 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, or in or upon any portion of any public sidewalk, street, or sign, except as specifically permitted within this ordinance.
- 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 in the opinion of the zoning administrator.

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- M. No sign shall be erected, maintained, or continued displaying flashing or intermittent lights of changing degrees of intensity, with changes alternating on not less than a five second cycle.
- N. No sign shall be erected, maintained, or continued in any zone which does not comply fully with Article 13, Section 0, of this ordinance, except as specifically permitted within this ordinance.
- O. Except for temporary type signs, all 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.
- P. No sign shall be erected, maintained, or continued in any zone except as provided for in Section 14.1 D, 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, E, 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 limited in subject matter to the name, design, picture or phone number and address of owner, operator, builder, sales agent, managing agent, lesser, lessee, of the premises or of the activities (including merchandise handled or services rendered) on the premises on which such sign is located, except as provided for in this Article, and does not include any general commercial advertising unrelated to or extending in substantial degrees beyond the specifically permitted subject; and
 - 6. Compliance with the exemptions listed in Section 14.2 of this article of the ordinance.
- Q. When any sign becomes defective or dangerous, as determined by the building department, 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

Article XIV Continued

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 and shall be billed accordingly. 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 shall place or cause to have placed, signs or barriers indicating such danger.

- R. Whenever any sign which does not comply with the provisions and regulations of this ordinance, collapses, burns, or if said sign is removed from its location, except for normal maintenance, said sign shall not be replaced or reconstructed, except in full compliance with all of the provisions and regulations of this ordinance.
- S. The zoning administrator shall have the power and authority to remove or cause to have removed any and all signs which have been determined 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 shall be billed accordingly.
- T. Except as otherwise specified in this ordinance, signs shall be in conformance with the building code, where applicable, and shall be subject to the inspection and approval by the building inspector.
- U. Shopping Complex, for the purposes of this Article, shall be defined as two or more commercial establishments planned and constructed on a single lot, with off-street parking and loading/unloading facilities provided on the lot, and related in location, size, and type of shops to the trade area which the unit serves.
- V. Portable signs are expressly prohibited in all zones including signs placed on vehicles or Trailers which are parked or located for the primary purpose of supplementing or Replacing on-site signage. This does not apply to signs or lettering on vehicles operating during the normal course of business.
NOTE: Article XIV, Section 14.1, Paragraph V, Amended by Ordinance 2012-20.
- W. Off-premises signs are expressly prohibited in all zones, except as permitted under Section 2, Paragraph K, Section 2, Paragraph L, and Section 2, Paragraph M, of this Article.
- X. Projecting signs in the Central Business District may extend over the sidewalk, provided that a minimum distance of twelve (12) feet is maintained between the top of the sidewalk and the bottom of the sign.

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SECTION 14.2 SPECIAL SIGNS: The following signs may be permitted in any zone without a fee, and do not require an application for a sign permit, as provided in Section 14.4. No part of any special sign shall be closer than five (5) feet from any property line or right-of-way line, except as herein provided.

A. Real Estate Signs.

1. Residential Zones and the Agricultural-1 Zone. One (1) real estate sign per lot, not exceeding twelve (12) square feet in outside area; single or double faced; maximum height of eight (8) feet, which advertises the sale, rental or lease of the premises on which said sign is located. Lots with a road frontage of one hundred fifty feet (150') or more, or lots with a road frontage on two or more streets may have two signs, however, no lot shall have more than two (2) signs total. Said sign shall not be animated; may be illuminated but only by concealed lighting, and only until 10:00 PM. Such signs shall be removed by owners or agent within ten (10) consecutive calendar days after the sale, rental, or lease of the premises.
2. Lots in the Agricultural- 1 Zone with Ten or More Acres. One (1) real estate sign per lot, not exceeding thirty-two (32) square feet in outside area; single or double faced; maximum height of eight (8) feet, which advertises the sale, rental or lease of the premises on which said sign is located. Lots with a road frontage on two or more streets may have two signs, however, no lot shall have more than two (2) sign total. Said sign shall not be animated; may be illuminated but only by concealed lighting, and only until 10:00 PM. Such signs shall be removed by owner(s) or agent within ten consecutive calendar days after the sale, rental, or lease of the premises.
3. Commercial and Industrial Zones. One (1) real estate sign per lot, not exceeding thirty-two (32) square feet in outside area; single or double faced; maximum height of eight (8) feet, which advertises the sale, rental or lease of the premises on which said sign is located. Lots with a road frontage of one hundred fifty feet (150') or more, or lots with a road frontage on two or more streets may have two signs, however, no lot shall have more than two (2) signs total. Said sign shall not be animated; may be illuminated but only by concealed lighting, and only until 10:00 PM. Such signs shall be removed by owner(s) or agent within ten (10) consecutive calendar days after the sale, rental, or lease of the premises.
4. Any lot or subdivision abutting or adjoining Interstate 75. One (1) real estate sign per lot or subdivision, not exceeding sixty-four square feet in outside area; single or double faced; maximum height of twelve (12) feet, which advertises the sale, rental or lease of the premises on which said sign is located. Said sign shall be subject to KRS 177.830-177.890 and approved by the Kentucky Department of Transportation, Bureau of Highways, District Office Number 6. Said sign shall not be animated; may be illuminated but only by

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concealed lighting, and only until 10:00 PM. Such signs shall be removed by the owner(s) or agent within ten (10) consecutive calendar days after the sale, rental, or lease of the premises.

- B. Professional name plates not exceeding one (1) square foot in outside area; single or double faced. Shall not be animated or illuminated.
- C. Bulletin board not over eighteen (18) square feet in outside area; single or double faced; maximum height of eight (8) feet, for public, charitable, or religious institutions when the same is located on the premises of said institution. Said sign shall not be animated; may be illuminated, but only by concealed lighting, and only until 10:00 PM.
- D. Signs not over thirty-two (32) 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 or that person/firm's part of the project.
- E. Memorial signs or tablets, containing the name of the building and the date of erection when built into the walls of the building and constructed of bronze, brass, marble, stone, or other incombustible materials.
- F. Traffic and directional signs, provided that said signs are designed and located in accordance with the "Manual on Uniform Traffic Control Devices for Streets and Highways", U.S. Department of Transportation, Federal Highway Administration.
NOTE: Article XIV, Section 14.2, Paragraph F, Amended by Ordinance 2013-03.
- G. 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.
- H. Repainting or cleaning of an advertising structure or the changing of the advertising copy or message thereon, unless a structural change is made.
- I. Signs inside a building, but shall not include signs within open malls or open courts.
- J. Political Signs – Temporary political signs may be permitted in all zones in accordance with the following regulations:
 - 1. On each lot there may be located one (1) political sign per candidate supporting the candidacy of any person for local, state, or national office, or any local or state issue.

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2. Permission to install the sign must be obtained from the occupant of the premises.

3. No political sign shall exceed twelve (12) square feet in size, however, with the exception that each candidate may have up to six (6) political signs that have a total of thirty-two (32) square feet in size per sign.

NOTE: Article XIV, Section 14.2, Paragraph J, Item 3, Amended by Ordinance 2012-20.

K. Signs advertising special events for public, charitable, or religious institutions when the sign is located on the premises of said institution, and not exceeding thirty-two (32) square feet in size. Signs advertising special events may be permitted not more than two weeks prior to the date of the beginning of the event, and must be removed not more than three days after the event ends.

L. Banners erected by the City of Williamstown within street rights-of-way advertising special events for public, charitable, or religious institutions when the banner is secured to the City's utility poles.

M. Signs erected by the City of Williamstown, or other governmental agencies, or chamber of commerce(s) within street rights-of-way or on private property for the purpose of directing traffic to particular commercial or nonprofit establishments. Signs shall not interfere with vehicular sight distances. Signs in State right-of-ways shall be subject to approval by the Kentucky Department of Transportation Bureau of Highways, District Office Number 6.

N. Signs erected at the entrance of single or multi-family residential developments for the purpose of denoting the name of the development or subdivision.

O. Signs located within the interior of a building, including signs in window.

P. Temporary signs will be permitted on each lot in a non-residential zone, subject to the following standards and conditions:

1. The total square footage for temporary signs posted on a building lot in a non-residential zone, in the aggregate, shall not exceed thirteen (13) square feet, with no individual sign exceeding six (6) square feet.

2. A temporary sign shall be designed to be stable under all weather conditions, including high winds.

3. No temporary sign shall be illuminated or painted with light-reflecting paint.

4. In no case shall such a sign be affixed to a tree, other natural feature or utility pole.

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5. It shall not be separately illuminated;
6. If the message relates to an event or special sales promotion, such sign may be permitted not more than two weeks prior to the date of the beginning of the event, and must be removed not more than three days after the event ends. The sign shall not remain erected for more than a total of three weeks for any event or special sales promotion.
7. Such a sign may bear any noncommercial message or a commercial message related to a commercial activity lawfully conducted on the lot where the sign is located; the sale or lease of the premises shall be considered a lawful use of any premises for purposes of this regulation.

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

1. It shall not exceed 18 square feet in area;
2. It shall be attached at all four corners or otherwise firmly affixed to a wall of the principal building or it may be freestanding;
3. If it is freestanding, it shall be supported by two or more posts or similar devices in the ground and shall not exceed six (6) feet in height;
4. In no case shall a banner be affixed to a tree, other natural feature, or utility pole;
5. It shall not be separately illuminated;
6. If the message relates to an event or special sales promotion, such banner may be permitted not more than two weeks prior to the date of the beginning of the event, and must be removed not more than three days after the event ends. The banner shall not remain erected for more than a total of three weeks for any event or special sales promotion and shall not exceed 30 square feet.
7. Such a banner may bear any noncommercial message or a commercial message related to commercial activity lawfully conducted on the lot where the banner is located; the sale or lease of the premises shall be considered a lawful use of any premises for purposes of this regulation

NOTE: Article XIV, Section 14.2, Items P & Q Amended by Ordinance 2012-20.

R. Temporary signs will be permitted on each lot in the Central Business District, subject to the following standards and conditions:

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1. The total square footage for temporary signs posted on a Central Business District lot, in the aggregate, shall not exceed fifteen (15) square feet. No more than one (1) temporary sign shall be permitted for any business.
2. The temporary sign shall be portable having a height not greater than five (5) feet and a width not greater than three (3) feet. The sign shall be an "A" frame style or similar.
3. The temporary sign shall be located not more than five (5) feet from the door of the business it serves and shall not extend into the pathway of the walking public on the sidewalk or into the street.
4. The temporary sign shall be displayed only during the hours the business is open and removed at all other times.

SECTION 14.3 SIGN PERMIT REQUIRED FOR ERECTION OF SIGNS: No sign 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 a permit has been issued for such by the building department.

- A. If any sign is removed and any new sign is erected in its place, a permit shall be obtained the same as if a new sign were erected at a new location subject to all requirements enumerated herein.
- B. If any sign is removed for maintenance and replaced on the same supports, a new permit will not be deemed necessary if the size or type of sign is not changed.
- C. If any sign is removed from one location and erected at a new location, a new permit shall be obtained.
- D. Enlargement of any sign shall require a permit the same as for a new sign.
- E. No permit shall be granted until and 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 nor until all provisions herein have been met.

SECTION 14.4 APPLICATION FOR A 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 required 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

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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 permits 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 FEE: The fee for a sign permit shall be as provided for in the building code or as otherwise established by the legislative body.

SECTION 14.6 CLASSIFICATION OF SIGNS: 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. The classification of all signs shall be determined by the zoning administrator. (Permitted use and location of signs – see Section 14.7)

- A. Class 1: The following signs meeting the following specifications shall constitute Class 1 and shall be only business or identification signs, as defined herein:
 - 1.. STRUCTURAL TYPE – Flat or window sign; single faced only.
 - 2. MAXIMUM SIZE OF SIGN – One (1) square foot.
 - 3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN – Attached directly to building parallel to wall face.
 - 4. LIMITATIONS ON NUMBER OF SIGNS – One (1) sign for each separate use that is a permitted use.
 - 5. OTHER LIMITATIONS – Shall be neither animated nor illuminated.
- B. Class 2: The following signs meeting the following specifications shall constitute Class 2 and shall be only business or identification signs, as defined herein:
 - 1. STRUCTURAL TYPE – Only one of the following type signs are permitted in Class 2 per each individual use: Flat, window, or projecting sign; single or double-faced.
 - 2. MAXIMUM SIZE OF SINGLE SIGN – Two (2) square feet.
 - 3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN – Attached to building and projecting no more than eighteen (18) inches from the wall face of

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the building.

4. LIMITATIONS ON NUMBER OF SIGNS – One (1) sign for each separate use that is a permitted use.
 5. OTHER LIMITATIONS – Shall be neither animated nor illuminated.
- C. Class 3: The following signs meeting the following specifications shall constitute Class 3 and shall be only business or identification signs, as defined herein:
1. STRUCTURAL TYPE – Flat, ground or pole sign; single or double faced.
 2. MAXIMUM SIZE OF SINGLE SIGN – Six (6) square feet in outside area.
 3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN – Twelve (12) feet.
 4. LIMITATIONS ON NUMBER OF SIGNS – One (1) sign for each curb cut plus any number within the off-street parking areas.
 5. OTHER LIMITATIONS –
 - a. May be illuminated but only from a concealed light source and shall not be flashing, glaring, nor animated.
 - b. Shall be limited in subject matter to off-street parking directions and instructions and shall have no merchandise, manufacturing, or service advertising.
 - c. No part of any ground or pole sign shall be closer than five (5) feet from any property line or right-of-way line.
- D. Class 4: The following signs meeting the following specifications shall constitute Class 4 and shall be only business or identification signs, as defined herein:
1. STRUCTURAL TYPE – Only one (1) of the following signs are permitted in this class per each individual use: Flat, projecting, window, or ground sign; single or double faced, in addition one (1) marquee sign is allowed per use.
 2. MAXIMUM SIZE OF SINGLE SIGN - Twenty-five (25) square feet in outside area, except as specified in Paragraph D Part (4) of this section.
 3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN – twenty (20) feet.
 4. LIMITATIONS ON NUMBER OF TOTAL AREAS OF SIGNS – The total area of all signs in a single designated land area shall not exceed in square feet the

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product of the number of acres, or fraction of acres, in the designated land area multiplied by twenty-five (25), provided, however, that the aggregate area of any such sign or signs may have an area of at least twenty-five (25) square feet, and provided further, that no single sign shall have an area of more than thirty-five (35) square feet on premises of already developed use or an area of not more than seventy-five (75) square feet on premises not developed.

5. OTHER LIMITATIONS –

- a. Shall not be animated; may be illuminated, but only from a concealed light source and only until 10:00 PM.
- b. Shall be temporary only; for advertising development, new construction, or the sale, lease, rental, remodeling, and rebuilding of designated structures or a designated land area. Permits shall be temporary, and shall be valid for a period not exceeding one hundred eighty-two (182) consecutive calendar days, but are renewable one (1) time only for an additional one hundred eighty-two (182) consecutive calendar days. Such signs shall be removed within ten (10) consecutive calendar days after the completion of the project.
- c. Shall be located only on the premises of the property being referred to.
- d. No part of any ground sign shall be closer than five (5) feet from any property line or right-of-way line.

E. Class 5: The following signs meeting the following specifications shall constitute Class 5 and shall be only business or identification signs, as defined herein:

1. STRUCTURAL TYPE – Individual letters only; single faced only
2. MAXIMUM SIZE OF SINGLE SIGN –
 - a. Two (2) square foot of area for each horizontal linear foot of building wall upon which the sign or signs are located.
 - b. 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.

NOTE: Article XIV, Section 14.6, Paragraph (E), Items (a and b), Amended by Ordinance 2013-16.

3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN – Attached flat to

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building, but shall not extend above the top or ends of the wall surface on which the sign is placed.

4. LIMITATIONS ON NUMBER OF SIGNS – One (1) sign for each street frontage of the lot on which the primary permitted use is located, except that where a complex of buildings is an attached shopping complex or an attached group of buildings, only one (1) such sign shall be permitted for each individual separate business building. Separate business building shall be construed to mean space allotted to the operation of one (1) firm, company, or incorporation having separate ownership, or separate rental or lease. A professional office building within such complex if permitted within the zone under consideration, shall not be considered as containing separate businesses for this purpose, but shall have only one (1) such sign regardless of how many firms, companies, or incorporations having separate ownership, rental or lease within said office building.
 5. OTHER LIMITATIONS –
 - a. Shall be neither flashing, nor animated.
 - b. May be illuminated, but only from a concealed light source.
 - c. Shall not extend outward from the building wall more than twelve (12) inches except that if the sign is illuminated the reflectors may project not more than four (4) feet beyond the face of the sign.
- F. Class 6: The following signs meeting the following specifications shall constitute Class 2 and shall be only business or identification signs, as defined herein:
1. STRUCTURAL TYPE – Flat sign; single faced only
 2. MAXIMUM SIZE OF SINGLE SIGN – Two (2) square foot of area for each horizontal linear foot of building wall upon which the sign or signs are to be located.
 3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN – Attached to building, but shall not extend above the top or ends of the wall surface on which the sign is placed.
 4. LIMITATIONS ON NUMBER OF SIGNS – One (1) sign for each street frontage of the lot on which the primary permitted use is located except that where a complex of buildings are so constructed and maintained that said complex of buildings is an attached shopping complex or an attached group of

Article XIV Continued

buildings, only one (1) such sign shall be permitted for each individual separate business building. Separate business building shall be construed to mean space allotted to the operation of one (1) firm, company, or incorporation having separate ownership, or separate rental or lease. A professional office building within such a complex, if permitted within the zone under consideration, shall not be considered as containing separate businesses for this purpose, but shall have only one (1) such sign regardless of how many firms, companies, or incorporations having separate ownership, rental, or lease within said office buildings.

NOTE: Article XIV, Section 14.6, Paragraph (F), Item 2, Amended by Ordinance 2013-16.

5. OTHER LIMITATIONS –

- a. Shall be neither flashing nor animated;
- b. May be illuminated, but only from a concealed light source;
- c. Shall not extend outward from the building wall more than twelve (12) inches except that if the sign is illuminated the reflectors may project not more than four (4) feet beyond the face of the sign.

G. Class 7: The following signs meeting the following specifications shall constitute Class 7 and shall be only business or identification signs, as defined herein:

1. STRUCTURAL TYPE – Pole sign or ground sign, single or double faced.
2. MAXIMUM SIZE OF SINGLE SIGN – Sixty (60) square feet.
3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN – Pole: twenty (20) feet; ground: ten (10) feet.
4. LIMITATIONS ON NUMBER OF SIGNS – One (1) sign may be erected for each street frontage of the lot or building site on which the primary permitted use is located.

5. OTHER LIMITATIONS –

- a. Such sign shall be neither flashing nor animated.
- b. No part of any ground or pole sign shall be set back closer than five (5) feet from any property line or right-of-way line.
- c. All signs shall be located in such a manner that they are wholly visible from the centerline of the abutting street which 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.

Article XIV Continued

H. Class 8: 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 sign; single or double faced.
2. MAXIMUM SIZE OF SINGLE SIGN – Twenty-five (25) square feet.
3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN – Ten (10) feet
4. LIMITATIONS –
 - a. One (1) sign may be erected for each street frontage of the lot or building site on which the primary permitted use is located
 - b. One (1) sign may be erected for identification purposes of a residential development for each major entrance.
5. OTHER LIMITATIONS –
 - a. Shall be neither flashing nor animated;
 - b. May only be illuminated from a concealed light source;
 - c. No part of any ground sign shall be closer than five (5) feet from any property line or right-of-way line.

I. Class 9: The following signs meeting the following specifications shall constitute Class 9 and shall be only business or identification signs, as defined herein:

1. STRUCTURAL TYPE – Pole or ground signs; single or double faced.
2. MAXIMUM SIZE OF SINGLE SIGN – Two hundred (200) square feet. Unless approved by the Board of Adjustment.
3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN – Thirty (30) feet.
4. LIMITATION –
 - a. One (1) sign may be erected on each abutting major street identifying a shopping complex.
 - b. One (1) sign may be erected along each abutting arterial street entrance into an Industrial Zone for the purposes of identifying an industrial development.

Article XIV Continued

5. OTHER LIMITATIONS –
 - a. Shall be neither flashing nor animated;
 - b. May only be illuminated from a concealed light source;
 - c. No part of any ground or pole sign shall be closer than five (5) feet from any property line or right-of-way line.
- J. Class 10 Sign: The following signs meeting the following specifications shall constitute Class 10 and shall only advertising signs, as defined herein:
 1. STRUCTURAL TYPE – Ground sign; single or double faced, and single or double stacked.
 2. MAXIMUM SIZE OF SINGLE SIGN – Three hundred fifty (350) square feet.
 3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN – One hundred (100) feet.
 4. LIMITATION ON NUMBER OF SIGNS – No sign shall be located closer than two hundred (200) feet from any residential zone as measured along both sides of the street on which the sign abuts;
 - a. A conditional use must be obtained for any Class 10 sign;
 - b. The sign must be a maximum distance of seven hundred fifty (750) feet from the point of ingress/egress of an interstate;
 - c. Signs must be on the site of the existing business which the sign identifies or advertises
 - d. Only one (1) pole for a Class 10 sign may be erected on any lot, providing that such sign shall meet the minimum requirements of lot area, lot width, front, side and rear setbacks for the particular zone where such signs are permitted;
 - e. Advertising signs shall be located that the entire sign display area is visible at a minimum viewing distance of two hundred and fifty (250) feet, as measured along the centerline of the street on which said sign is facing.
5. OTHER LIMITATIONS –
 - a. No ground sign shall exceed thirty (30) feet in length, except when adjoining such other ground sign at an acute angle.

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NOTE: Article XIV, Section 14.6, Paragraph (J) Amended by Ordinance 1995-21.

K. Class 11 sign: The following signs meeting the following specifications shall constitute Class 11 and shall be only advertising signs as defined herein:

1. STRUCTURAL TYPE – Outdoor advertising, single faced;
2. MAXIMUM SIZE OF SINGLE SIGN – Twelve hundred (1,200) square feet;
3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN – Fifty (50) feet;
4. Shall be neither flashing or animated;
5. May be illuminated from a concealed light source;
6. LIMITATION ON NUMBER OF SIGNS – One sign may be located on any Industrial-One (I-1) zoned property:
 - a. A conditional use must be obtained for any Class 11 sign;
 - b. Class 11 signs must advertise an existing business on an off-premise property;
 - c.
 - d. Only one (1) sign may be erected on any I-1 lot and said sign shall meet the minimum requirements for lot area, lot width, front, side, and rear yard setbacks for the particular zone where such signs are permitted.
7. OTHER LIMITATIONS:
 - a. No ground sign shall exceed fifty (50) feet in length
 - b. May only be allowed as a conditional use in Industrial-One (I-1) zone.

NOTE: Article XIV, Section 14.6, Paragraph (K) Amended by Ordinance 2004-04.

L. Class 12 sign: The following signs meeting the following specifications shall constitute Class 12 and shall be only advertising signs as defined herein:

1. STRUCTURAL TYPE – Barn Sign, flat single faced;
2. MAXIMUM SIZE OF SINGLE SIGN –Four (4) square feet of sign area for each horizontal linear foot of barn wall upon which the sign or signs are to be located;

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3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN – Attached or painted on the barn, but shall not extend above the top of the wall surface on which the sign is placed;
4. Shall be neither flashing or animated;
5. May be illuminated from a concealed light source;
6. LIMITATION ON NUMBER OF SIGNS –
 - a. One sign may be located on a barn that is located on any property meeting the definition of an agricultural use as defined by KRS 100.111 (2); and,
 - b. A conditional use permit shall be obtained for any Class 12 sign prior to installation of said sign.

NOTE: Article XIV, Section 14.6, Paragraph (L) Amended by Ordinance 2004-31.

M. Class 13 sign: The following signs meeting the following specifications shall constitute Class 13 and shall be only off-premise signs as defined herein:

1. STRUCTURAL TYPE – Flat, double faced;
2. MAXIMUM SIZE OF SINGLE SIGN –Six (6) square feet
3. HEIGHT ABOVE GRADE– Sign shall be either not less than Ten (10) feet (measured from the bottom of the sign), or more than Three (3) feet (measured from the top of the sign) above the grade of the point of intersection of the two centerlines of the streets where the sign is located.
4. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN – Three (3) feet
5. LIMITATION ON NUMBER OF SIGNS –
 - a. One off-premise sign per property, not to exceed one off-premise sign per each street intersecting the major arterial street.
6. OTHER LIMITATIONS –
 - a. Sign shall be placed so that it does not obscure the sight distance of a mid-size automobile operator from being able to observe a motor vehicle 200 feet away in either direction, or interfere with the visibility of vehicles entering streets.

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- b. Limit of one (1) sign per each intersecting street (ie: one sign for a tee intersection, two signs for a full street intersection).
- c. The sign must be contiguous to the street on which the sign the business being advertised is located.
- d. The off-premise sign owner must have the written permission of the property owner on which the sign is located.
- e. Shall be allowed on properties adjacent to major arterial roads only (ie: Highways 25, 22, and 36.
- f. Shall be placed on private property only, five feet from the street right-of-ways, or if the street right-of-way is not established, then not closer than thirty-five feet from the centerline of that street.
- g. Off-premise signs shall be limited to the name and address of the organization or business, and shall not advertise products, commodities, or services sold.
- h. Off-premise signs shall be limited to an organization or business that is located on the cross street at which the sign is located.
- i. Shall not interfere with, or be placed in an off-street parking area.
- j. Shall be neither animated nor illuminated.

NOTE: Article XIV, Section 14.6, Paragraph (M) Amended by Ordinance 2008-02, and Ordinance 2009-02.

N. Class 14 sign: The following signs meeting the following specifications shall constitute Class 14 signs and shall be utilized as detached signs to improve wayfinding where the signs are not legible from the right-of-way, as described herein:

- 1. STRUCTURAL TYPE - Pole sign or ground sign; single or double-faced
- 2. MAXIMUM SIZE OF SINGLE SIGN –
 - a. Directional/wayfinding: One hundred five (105) square feet
 - b. Business Identification: Ninety (90) square feet
- 3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN –
 - a. Directional/wayfinding: Twenty (20) feet
 - b. Business Identification: Ten (10) feet

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4. LIMITATION ON NUMBER OF SIGNS –

- a. A conditional use must be obtained for any Class 14 sign;
- b. One (1) directional/wayfinding sign may be erected for each street frontage of the lot or building site on which the primary permitted use is located;
- c. One (1) business identification sign may be erected for the primary permitted use on the primary street frontage of the lot or building site

5. OTHER LIMITATIONS –

- a. Shall be neither flashing or animated;
- b. May be illuminated, but only from a concealed light source;
- c. No part of any pole or ground sign shall be set back closer than five (5) feet from any property line nor set within the public right-of-way

NOTE: Article XIV, Section 14.6, Paragraph (N) Added by Ordinance 2013-28.

O. Class 15: The following signs meeting the following specifications shall constitute Class 15 and shall be only business or identification signs, as defined herein:

- 1. STRUCTURAL TYPE – Pole sign or ground sign, single or double faced.
- 2. MAXIMUM SIZE OF SINGLE SIGN – Seventy-five (75) square feet.
- 3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN – Pole: twenty (20) feet; ground: ten (10) feet.
- 4. LIMITATIONS ON NUMBER OF SIGNS – One (1) sign may be erected for each street frontage of the lot or building site on which the primary permitted use is located.

5. OTHER LIMITATIONS –

- a. Such sign shall be neither flashing nor animated;
- b. May only be illuminated from a concealed light source; and
- c. No part of any ground or pole sign shall be set back closer than five (5) feet from any property line or right-of-way line.

NOTE: Article XIV, Section 14.6, Paragraph O, Added by Ordinances 2016-19.

P. Class 16: The following signs meeting the following specifications shall constitute Class 16 and shall be only business or identification signs for the primary usage for properties bordering

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or along the interstate, as defined herein:

1. STRUCTURAL TYPE – Pole sign, single or double faced;
2. MAXIMUM SIZE OF SINGLE SIGN – five hundred (500) square feet;
3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN – 200 feet;
4. LIMITATIONS ON NUMBER OF SIGNS – One sign may be located on any Highway-Commercial (HC) zoned property bordering or along the interstate:
 - a. A Conditional use must be obtained for any Class 16 sign;
 - b. The sign must be a maximum distance of seven hundred fifty (750) feet from the point of ingress/egress of an interstate; and
 - c. Only one (1) pole for a Class 16 sign may be erected on the Highway-Commercial lot, providing that such sign shall meet the minimum requirements of lot area, lot width, front, side and rear setbacks for the zone
5. OTHER LIMITATIONS –
 - a. Such sign shall be neither flashing nor animated;
 - b. May only be illuminated from a concealed light source; and
 - c. No part of any ground or pole sign shall be set back closer than five (5) feet from any property line or right-of-way line

NOTE: Article XIV, Section 14.6, Paragraph P, Added by Ordinance 2016-19.

SECTION 14.7 PERMITTED USE AND LOCATION OF SIGNS: The following classes of signs may be erected and maintained in the following zones. Any sign class that is enclosed with parentheses may be permitted as an alternative to the sign class preceding it, however, in the instance where:

ZONES	USES	PERMITTED SIGN CLASSES
A-1	(1) Any use permitted in this zone	4
	(2) In addition to sign classes permitted in (1):	
	(a) Signs for greenhouses, nurseries where permitted herein and other products produced on premises;	8
	(b) Conditional uses permitted in these zones	5 & 8 or 6 & 8

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ZONES	USES	PERMITTED SIGN CLASSES
R-1, R-1B R-2, R-3, R-4, R-5 RMHP	(1) Any use permitted in these zones (2) In addition to sign classes permitted in (1): (a) Conditional uses permitted in these zones (b) Off-street parking areas for conditionally permitted uses (c) Signs for identification of a residential subdivision	4 5 & 8 or 6 & 8 3 8
R-6	(1) Any use permitted in this zone (2) In addition to sign classes permitted in (1): (a) Off-street parking areas (b) Conditional uses permitted in these zones (c) Signs for identification of a multi-family residential development	4 3 5 & 8 or 6 & 8 8
CBD	(1) Any permitted or conditionally permitted use in these zones (2) In addition to sign classes permitted in (1): (a) Off-street parking areas (b) And all other uses permitted in these zones (c) Signs for identification of shopping complex	1,2, & 4, 3 5 or 6* 9
NSC, HC MP	(1) Any permitted or conditionally permitted use in these zones (2) In addition to sign classes permitted in (1): (a) Off-street parking areas (b) And all other uses permitted in these zones (c) Signs for identification of shopping complex	1,2,4, & 7 or 15 3 5 or 6* 9

Class 10 and Class 16 signs are permitted as a conditional use in the Highway Commercial Zone.

Class 14 signs are permitted as a conditional use in the Highway-Commercial and Medical-Professional Zone.

PUD	(1) Any residential use permitted in this zone (2) In addition to sign classes permitted in (1): (a) Signs for identification of a multi-family residential development	4 8
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ZONES	USES	PERMITTED SIGN CLASSES
PUD	(1) Any commercial development permitted uses, parks/playgrounds and theme park permitted uses, or conditionally permitted uses in this zone	1, 2, 4, & 7 or 15
	(2) In addition to sign classes permitted in (1):	
	(a) Off-street parking areas	3
	(b) And all other uses permitted in (1) of this zone	5 or 6*
	(c) Signs for identification of shopping complex	9

Class 10 signs are permitted as a conditional use for commercial uses within the PUD Zone.

As an alternative to the sign requirements listed above for commercial uses within a PUD Zone, landowners of projects over ten (10) acres may apply to the Williamstown Board of Adjustment for a public hearing in which a sign plan shall be considered for said commercial property. Signs shall be considered in relation to the scope and impact of the proposed use, and must adhere to the standards for signs contained in Article XIV, Section 14.1, of this ordinance.

I-1	(1) Any permitted or conditionally permitted use in 1,2 & 4 these zones	
I-2	(2) In addition to sign classes permitted in (1):	
	(a) Off-street parking areas	3
	(b) And all other uses permitted in these zones	5 & 7 or 6 & 7*
	I Signs for identification of an industrial development or park	9

Class 11 signs are permitted as a conditional use in the Industrial-One (I-1) Zone only.

* A combination of classes 5 and 6 signs may be used provided that the combined total number of square feet of sign area uses shall not exceed two (2) square foot of area for each horizontal linear foot of building wall upon which the sign or signs are to be located.

NOTE: Article XIV Amended by Ordinance 1995-21, 1998-06, and 2004-05; Article XIV, Section 14.7, Amended by Ordinance 2013-03, 2013-16, 2013-28, and 2016-19.

ARTICLE XV

PERFORMANCE STANDARDS FOR INDUSTRIAL ZONES

SECTION 15.0 APPLICATION OF PERFORMANCE STANDARDS: After the effective date of this ordinance, any use established or changed to, and any building, structure, or tract of land developed, constructed or used for any permitted or permissible principal or accessory use in all industrial zones (I-1 and I-2) shall comply with all of the performance standards herein set forth for the district involved. If any existing use or building or other structure is extended, enlarged, or reconstructed, the performance standards for the district involved shall apply with respect to such extended, enlarged, or reconstructed portion or portions of such use or building or other structure.

SECTION 15.1 TIME SCHEDULE FOR COMPLIANCE OF PERFORMANCE STANDARDS: Except for standards regulated and enforced by the State of Kentucky, compliance with the provisions of this article of the ordinance shall be according to the following time schedule:

- A. All new installations shall comply as of going into operation.
- B. All existing installations not in compliance as of the effective date of the ordinance shall be in compliance within one (1) calendar year of the effective date of this ordinance unless the owner or person responsible for the operation of the installation shall have submitted to the zoning administrator a program and schedule for achieving compliance, such program and schedule to contain a date on or before which full compliance will be attained and such other information as the zoning administrator may require. If approved by the zoning administrator, such date will be the date on which the person shall comply.

The zoning administrator may require persons submitting such program to submit subsequent periodic reports on progress in achieving compliance.

SECTION 15.2 PERFORMANCE STANDARDS:

- A. **BUILDING ENCLOSURES:** In the I-1 and I-2 industrial districts, permitted uses shall be operated either within a completely enclosed building or within an area screened from view at the nearest district boundary, according to Section 9.17 and Article XIV of this ordinance.
- B. **LANDSCAPING:** In all industrial districts, all required yards shall either be open landscaped and grassed areas or be left in a natural state, if acceptable to the legislative body. If said area is to be landscaped, it shall be landscaped attractively with lawn, trees, shrubs, etc., according to the initially submitted plans which were first approved of for the development of such tract as a permitted use.

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In areas to be used for off-street parking, the parking arrangement and surfacing must likewise have been approved of for the development of such tract as a permitted use. Any landscaped areas shall be properly maintained thereafter in a sightly and well kept condition. Parking areas shall likewise be maintained in good condition. Any areas left in a natural state shall be properly maintained in a well kept condition.

- C. NOISE: For the purpose of measuring the intensity and frequencies of a sound, a sound level meter and an octave band analyzer shall be employed that conforms to specifications published by the American National Standards Institute (specifications for Sound Level Meters S1.4 – 1971, and Specifications for Octave, Half Octave and Third Octave Band Filter Sets S1.11 – 1966, American National Standards Institute, 1430 Broadway, New York, New York 10018, or the latest edition of such standards, shall be used). In the enforcement of the regulation, noises produced by the operation of motor vehicles or other transportation facilities shall not be included in determining the maximum permitted decibel level.

In the I-1 district the sound pressure of noise radiated from any activity shall not exceed the values given in Table 3 of this section in any octave band frequency at any point on or beyond any lot line. If the I-1 district adjoins a residential district, the maximum sound pressure level at any point on the district boundary shall be reduced by six decibels from the maximum listed in Table 3.

In the I-2 district, the sound pressure of noise radiated from any activity shall not exceed the value given in Table 3 of this section in any octave band frequency at any point on or beyond the nearest district boundary. If said district adjoins a residential district, the maximum sound pressure shall be reduced by six (6) decibels from the maximum listed in Table 3 of this section.

In all districts, industrial noise shall be muffled so as not to become objectionable due to intermittence, beat, frequency, or shrillness.

- D. ODOROUS MATTER: No emission of odorous matter shall be allowed in excess of ambient air quality standards as set forth by regulations adopted by the Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution, Cincinnati Air Quality Region.
- E. Humidity, Heat or Glare: In the I-1 districts, any activity producing humidity, in the form of steam or moist air or producing heat or glare, shall be carried on in such a manner that the steam, humidity, heat or glare is not perceptible at any lot line. In the I-2 district, any activity producing heat or glare shall be carried on in such a manner that the steam, humidity, heat or glare is not perceptible at or beyond any residential or commercial district boundary. Detailed plans for the elimination of humidity, heat or glare may be required before the issuance of a building permit.

TABLE 1

MAXIMUM PERMISSIBLE SOUND LEVEL AT SPECIFIED POINTS OF MEASUREMENT FOR NOISE RADIATED CONTINUOUSLY FROM A FACILITY

OCTAVE BAND (CYCLES PER SECOND)		SOUND PRESSURE LEVEL (DECIBELS*)
20 -	75	69
75 -	150	54
150 -	300	47
300 -	600	41
600 -	1,200	37
1,200 -	2,400	34
2,400 -	4,800	31
4,800 -	10,000	28
10,000 -	20,000	26**
20,000 -	30,000	25**
30,000 -	40,000	24**
40,000 -	50,000	23**

* According to the following formula, Sound Pressure Level in Decibels equals 10 Log Where P2 equals 0.0002 dynes/cm² P1/P2

** To avoid possible interference with animal experiments.

TABLE 2

CORRECTION IN MAXIMUM PERMITTED SOUND PRESSURE LEVEL IN DECIBELS TO BE APPLIED TO TABLE 3

TYPE OF OPERATION OF CHARACTER OF NOISE	CORRECTION IN DECIBELS
Noise source operates less than 20% of any one hour period	plus 5*
Noise source operates less than 5% of any one hour period	plus 10*
Noise source operates less than 1% of any hour period	plus 15*
Noise of impulsive character (hammering, etc.)	minus 5

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TYPE OF OPERATION OF CHARACTER OF NOISE	CORRECTION IN DECIBELS
Noise of periodic character	minus 5

* Apply one of these corrections only.

TABLE 3

MAXIMUM PERMITTED SOUND PRESSURE
LEVEL IN DECIBELS

OCTAVE BAND (CYCLES PER SECOND)	SOUND PRESSURE LEVEL (DECIBELS)*
0 - 74	79
75 - 149	74
150 - 299	66
300 - 599	59
600 - 1,199	53
1,200 - 2,399	47
2,400 - 4,799	41
4,800 and over	39

* According to the following formula, Sound Pressure Level in Decibels equals $10 \log \frac{P_1}{P_2}$ where P_2 equals 0.0002 dynes/cm²

- F. EXTERIOR LIGHTING: Any lights used for exterior illumination, except for overhead street lighting and warning, or traffic signals shall direct light away from the adjoining zones.
- G. VIBRATION: Vibrations shall be measured at the lot line in the l-1 districts and at the nearest district boundary in the l-2 district. No vibration is permitted which is discernible to the human sense of feeling for three minus or more duration in any one hour. Vibration shall not produce, at any time, an acceleration of more than 0.1 gravities or shall result in any combination of amplitudes and frequencies beyond the “safe” range of

Article XV Continued

Table 7, United States Bureau of Mines Bulletin No. 442, "Seismic Efforts of Quarry Blasting", on any structure. The methods and equations of said Bulletin No. 442, or any subsequent revision or amendment thereto, shall be used to compute all values for the enforcement of these provisions. Detailed plans for the elimination of vibrations may be required before the issuance of any building permit.

- H. EMISSIONS AND OPEN BURNING: No emission of particulate matter, sulphur compound, carbon monoxide, hydro-carbon, nitrogen oxide, and open burning shall be allowed in all industrial zones in excess of regulations adopted by the Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution.
- I. RADIATION: In all industrial zones, all sources of ionizing radiation shall be registered or licensed by the Kentucky State Department of Health and operated in accordance with their regulations.
- J. ELECTRICAL RADIATION: In all industrial zones, any electrical radiation shall not adversely affect, at any point on or beyond the lot line, any operation or equipment other than those of the creation of the radiation. Avoidance of adverse effects from electrical radiation by appropriate single or mutual scheduling of operations is permitted.
- K. STORAGE: In the I-1 and I-2 zones, storage of materials, supplies, and products on the property outside the building, constructed thereon is permitted to the side and rear of the property providing that the storage of materials, supplies, and products are within an area screened from view at the nearest district boundary, in accordance with Section 9.17 and Article XV.
- L. FIRE AND EXPLOSIVE HAZARDS: In the I-2 zone only, storage, utilization, or manufacture of solid materials which requires free burning and intense burning may be allowed if permitted in said zones, providing that said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible walls and protected throughout by an automatic fire extinguishing system. In the I-2 zone only, the storage, utilization, or manufacture of flammable liquids, or materials which produce flammable or explosive vapors or gases may be allowed if permitted in said zones, provided that storage, handling, and use shall be in accordance with Standards of American Insurance Association for Storage, handling, and use shall be in accordance with Standards of American Insurance Association for Storage, Handling, and Use of Flammable Liquids, "American Insurance Association", Pamphlet No. 30, June, 1959, or any subsequent revision or amendment thereto.
- M. WASTE: Within the I-1 and I-2 zones, all waste shall be disposed of in accordance with the Solid Waste Regulations of the Kentucky Department of Natural Resources and Environmental Protection.

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- N. MINING AND RECLAMATION: All methods of operation, construction of roads, backfilling, grading, blasting, water impoundments, treatment facilities, and reclamation must be in conformance with the regulations adopted by the Department for Natural Resources and Environmental Protection, Division of Reclamation. Any excavation or processing operations shall be subject to the regulation of the Kentucky Water Pollution Control Commission.
- O. BLASTING AND EXPLOSIVES: All blasting and the use of explosives must be conducted in accordance with the regulations set forth by the Department of Mines and Minerals, Division of Explosives and Blasting (pursuant to the authority of KRS 351.310 to 351.340 and 351.990) and in accordance with the Standards of Safety for Explosives, for the state of Kentucky, prepared by the Department of Public Safety, Division of Fire Prevention (pursuant to the authority of KRS 227.300).

ARTICLE XVI

ADMINISTRATION

SECTION 16.0 ENFORCING OFFICER: A zoning administrator (official or officials appointed by the legislative body for carrying out the provisions and enforcement of this ordinance) shall administer and enforce this ordinance. He may be provided with assistance of such other persons as the legislative body directs.

If the zoning administrator finds that any of the provisions of this ordinance are being violated, he shall take such action as is permitted by law.

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

All questions of interpretation and enforcement shall be first presented to the zoning administrator, and that such questions shall be presented to the board of adjustment only on appeal from the decision of the zoning administrator, and that recourse from the decisions of the board of adjustment shall be to the courts, as provided by the Kentucky Revised Statutes.

It shall be illegal for any person or entity to interfere with the zoning administrator's performance of his duties as defined herein.

SECTION 16.1 ZONING PERMITS: Zoning permits shall be issued in accordance with the following provisions:

- A. **ZONING PERMIT REQUIRED:** No land shall be used or building or other structure shall be erected, moved, added to, structurally altered, or changed from one permitted use to another, nor shall any grading take place on any lot or parcel of ground without a permit issued by the zoning administrator. No zoning permit shall be issued except in conformity with the provisions of this ordinance, except after written orders from the board of adjustment.
- B. **APPLICATION FOR ZONING PERMITS:** All applications for zoning permits shall be accompanied by:
 - 1. A completed application form provided by the zoning administrator (in duplicate – see Appendix “A”).
 - 2. The required fee for a zoning permit as provided for in Section 19.0 of this ordinance.
 - 3. An approved development plan or site plan, if required by this ordinance; or

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4. A plot plan in duplicate drawing at a scale of not less than one (1) inch to fifty (50) feet, showing the following information as required by this ordinance.
 - a. The location of every existing and proposed building, including dimensions and height, and the number, size, and type of dwelling units.
 - b. All property lines, shape and dimensions of the lot to be built upon.
 - c. Lot width at building setback line.
 - d. Minimum front and rear yard depths and side yard widths.
 - e. Existing topography with a maximum of five foot contour intervals.
 - f. Total lot area in square feet.
 - g. Location and dimensions of all access points, driveways, off-street parking spaces.
 - h. A drainage plan of the lot and its relationship to adjacent properties, including spot elevations of the proposed finished grade, and provisions for adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.
 - i. All sidewalks, walkways and open spaces.
 - j. Location, type and height of all walls, fences and screen plantings.
 - k. Location of all existing and proposed streets, including rights-of-way and pavement widths.
 - l. All existing and proposed water and sanitary and storm sewer facilities to serve the lot, indicating all pipe sizes, types, and grades.
- C. ISSUANCE OF ZONING PERMIT: The zoning administrator shall either approve or disapprove the application (when required by this ordinance – e.g., Development Plan submitted required – the planning commission, or its duly authorized representative, approval or disapproval shall also be required). If disapproved, one (1) copy of the submitted plans shall be returned to the applicant marked ‘Disapproved’ and shall indicate the reasons for such disapproval thereon. such disapproval shall be attested by the zoning administrator’s signature. The other copy, similarly marked, shall be retained by the zoning administrator.

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If approved, one (1) copy of the submitted plans shall be returned to the applicant, marked "approved". Such approval shall be attested by the zoning administrator's signature. The other copy similarly marked, shall be retained by the zoning administrator. The zoning administrator shall also issue a zoning permit to the applicant at this time and shall retain a duplicate copy for his records.

- D. **FAILURE TO COMPLY:** Failure to obtain a zoning permit shall be a violation of this ordinance and punishable under Section 16.9 of this ordinance.
- E. **EXPIRATION OF ZONING PERMIT:** If a building permit, as required herein, has not been obtained within ninety (90) consecutive calendar days from the date of issuance of zoning permit, said zoning permit shall expire and be cancelled by the zoning administrator and a building permit shall not be obtainable until a new zoning permit has been obtained.

SECTION 16.2 BUILDING PERMITS: Building permits shall be issued in accordance with the following provisions:

- A. **BUILDING PERMITS REQUIRED:** No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the building inspector. No building permit shall be issued except in conformity with the provisions of this ordinance, except after written orders from the board of adjustment.
- B. **APPLICATION FOR BUILDING PERMITS:** All applications for building permits shall be accompanied by:
 - 1. A completed application form provided by the building inspector;
 - 2. An approved zoning permit;
 - 3. The required fee for a building permit as provided for in Section 19.0 of this ordinance;
 - 4. An approved development plan or site plan, if required by this ordinance; or
 - 5. Plans in duplicate approved by the zoning administrator and including any additional information required by the building code and/or building inspector, as may be necessary to determine conformance with and provide for the enforcement of the building code and the Kentucky Revised Statutes.

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- C. **ISSUANCE OF BUILDING PERMIT:** The building inspector shall either approve or disapprove the application. If disapproved, one (1) copy of the submitted plans shall be returned to the applicant marked “disapproved” and shall indicate the reasons for such disapproval thereon. Such disapproval shall be attested by the building inspector’s signature. The second copy similarly marked, shall be retained by the building inspector.

If approved, one (1) copy of the submitted plans shall be returned to the applicant marked “approved”. Such approval shall be attested by the building inspector’s signature. the second copy, similarly marked, shall be retained by the building inspector. The building inspector shall also issue a building permit to the applicant at this time and shall retain a duplicate copy for his records.

- D. **COMPLIANCE:** It shall be unlawful to issue a building permit or occupancy permit, to build, create, erect, change, alter, convert, or occupy any building or structure hereafter, unless a zoning permit has been issued in compliance with this ordinance.
- E. **BUILDING PERMITS ISSUED PRIOR TO THE ADOPTION OF THIS ORDINANCE:** Building permits issued in conformance with the building code of the legislative body prior to the date of adoption of this ordinance, whether consistent or inconsistent with this ordinance, shall be valid for a period of 180 consecutive calendar days from time of issuance of the permit. If construction in connection with such a permit has been started within such a 180 consecutive calendar day period, the permit shall be void and new permit, consistent with all provisions of this ordinance and the building code shall be required. For purposes of this section, construction shall be deemed to have been started at the time of completion of the foundation.
- F. **EXPIRATION OF BUILDING PERMIT:** If the work described in any building permit has not begun within ninety (90) consecutive calendar days from the date of issuance thereof, said permit shall expire and be cancelled by the building inspector and no construction shall be permitted until a new building permit has been obtained, except, the applicant may have an option of one renewal according to the terms of the permit for an additional period of 90 consecutive calendar days, provided said option is invoked, in writing, 5 days prior to the expiration of the original permit to the building inspector.

For purposes of this section, construction shall be deemed to have been started at the time of completion of the foundation. If after the work described in the building permit has been started, the building permit shall expire after a period of 18 months, providing that an extension may be permitted if sufficient evidence can be demonstrated why the work described in the building permit was not completed as herein specified.

- G. **CONSTRUCTION AND USE:** To be as provided in application, plans, permits, zoning permits and building permits issued on the basis of plans and applications approved by the zoning administrator and/or building inspector authorize only the use, arrangement,

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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 by Section 16.9 of this ordinance.

SECTION 16.3 CERTIFICATE OF OCCUPANCY: It shall be unlawful for an owner to use or permit the use of any building or land or part thereof, hereafter created, changed, converted or enlarged, wholly or partly, until a certificate of occupancy, which shall be a part of the building permit, shall have been issued by the building inspector. Such certificate shall show that such building or land or part thereof and the proposed use thereof are in conformity with the provisions of this ordinance. It shall be the duty of the building inspector to issue a certificate of occupancy, provided that he has checked and is satisfied that the building and the proposed use thereof conform with all requirements of this ordinance and the building code.

SECTION 16.4 CERTIFICATE OF OCCUPANCY FOR EXISTING BUILDING: Upon written request from the fee owner, the building inspector shall issue a certificate of occupancy for any building or land existing at the time of enactment of this ordinance, certifying, after inspection, the extent and kind of use made of the building or land, and whether such use conforms with the provisions of this ordinance.

SECTION 16.5 CERTIFICATE OF OCCUPANCY FOR LAWFUL NONCONFORMING USES AND STRUCTURES: A certificate of occupancy shall be required of all lawful nonconforming uses of land or buildings created by this ordinance. A fee as provided for in Section 19.0 of this ordinance shall be charged for said certificate.

Applications for such certificates of occupancy for nonconforming uses of land and buildings shall be filed with the building inspector by the owner or lessee of the land or building occupied by such nonconforming uses within six (6) consecutive calendar months of the effective date of this ordinance. Failure to apply for such certificate of occupancy will place upon the owner and lessee the entire burden of proof that such use of land or buildings lawfully existed on the effective date of this ordinance.

It shall be the duty of the building inspector to issue a certificate of occupancy for lawful nonconforming uses upon application and such certificate shall identify the extent to which the nonconforming use exists at the time of issuance of such certificate.

SECTION 16.6 DENIAL OF CERTIFICATE OF OCCUPANCY: Except as herein stated, a certificate of occupancy shall not be issued unless the proposed use of a building or land conforms the applicable provisions of this ordinance and to plans for which the building permit was issued.

SECTION 16.7 CERTIFICATE OF OCCUPANCY RECORDS: A record of all certificates of occupancy shall be kept on file in the offices of the building inspector and copies shall be

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furnished, on request, to any person having a proprietary building affected by such certificate of occupancy.

SECTION 16.8 COMPLAINTS REGARDING VIOLATIONS: Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully causes and bases thereof shall be filed with the zoning administrator. The zoning administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance and the Kentucky Revised Statutes.

SECTION 16.9 PENALTIES: Any person or entity who violates any of the provisions of this ordinance shall upon conviction be fined not less than ten (10) but no more than five hundred (500) dollars for each conviction. Each day of violation shall constitute a separate offense.

SECTION 16.10 INTENT CONCERNING DETERMINATIONS INVOLVED IN ADMINISTRATION AND ENFORCEMENT OF PERFORMANCE STANDARDS: It is the intent of this ordinance that:

- A. Where investigation can be made by the zoning administrator or other designated employee, using equipment normally available to the legislative body, such investigation shall be so made before notice of violation is issued.
- B. Where technical complexity, no availability of equipment, or extraordinary expense makes it unreasonable, in the opinion of the zoning administrator, for the legislative body to maintain personnel or equipment necessary for making difficult or unusual determinations, procedures shall be established for:
 - 1. Causing corrections in apparent violations of performance standards;
 - 2. For protecting individuals from arbitrary, capricious and unreasonable administration and enforcement of performance standard regulations; and
 - 3. For protecting the general public from unnecessary costs for administration and enforcement.
- C. If the zoning administrator finds, after investigations have been made by qualified experts, that there is a violation of the performance standards, he shall take or cause to be taken lawful action to cause correction to, within limits set by such performance standards.

SECTION 16.11 DUTIES OF ZONING ADMINISTRATOR REGARDING PERFORMANCE STANDARDS: If, in the judgment of the zoning administrator, there is probably violation of the performance standards as set forth, the following procedures shall be followed:

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- A. The zoning administrator shall give written notice, by registered mail, certified mail or hand delivered with a signed receipt, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the zoning administrator believes there is a violation in fact, and shall require an answer of correction of the alleged violation to the satisfaction of the zoning administrator within thirty (30) consecutive calendar days of receipt of such notification. The notice shall state that failure to reply or to correct the alleged violation to the satisfaction of the zoning administrator within thirty (30) consecutive calendar days of receipt of said notice constitutes admission of violation of the terms of this ordinance.
- B. The notice shall further state that upon request of those to whom said notice is directed, a technical investigation will be made by a qualified expert or experts and that if violations as alleged are found, costs of such investigations shall be charged against those responsible for the violations, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the investigation will be paid by the legislative body.
- C. If there is no reply within thirty (30) consecutive calendar days of receipt of said notice, but the alleged violation is corrected to the satisfaction of the zoning administrator, he shall note "violation corrected" on his copy of the notice, and shall retain it among his official records, taking such other action as may be warranted.
- D. If there is no reply within thirty (30) consecutive calendar days of receipt of said notice and the alleged violation is not corrected to the satisfaction of the zoning administrator within the established time limit, he shall proceed to take or cause to be taken, such action as is warranted by continuation of a violation after notice to cease.
- E. If a reply is received within thirty (30) consecutive calendar days of receipt of said notice indicating that the alleged violation will be corrected to the satisfaction of the zoning administrator, but requesting additional time, the zoning administrator may grant an extension if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health, or property.
- F. If a reply is received within thirty (30) consecutive calendar days of receipt of said notice requesting technical determination as provided in this ordinance, and if the alleged violations continue, the zoning administrator shall call in properly qualified experts to investigate and determine whether violations exist.

If expert findings indicate violations of the performance standards, the costs of the investigations shall be assessed against the properties or persons responsible for the violations in addition to such other penalties as may be appropriate under the terms of Section 16.9 of this ordinance.

If no violation is found, the costs of the investigations shall be paid by the legislative body without assessment against the properties of persons involved.

ARTICLE XVII

AMENDMENT PROCEDURE

SECTION 17.0 AMENDMENT PROCEDURE

- A. **FILING OF AMENDMENT APPLICATION:** All applications for amendments to this ordinance shall be filed, in writing, with the zoning administrator, to be transmitted to the planning commission on forms furnished by the zoning administrator (in duplicate). The fee required for applying for such amendment shall be as provided for by the planning commission.
- B. **PLANNING COMMISSION REVIEW REQUIRED:** A proposal for an amendment to this ordinance 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 county, provided that one publication occurs not less than seven (7) calendar days nor more than twenty-one (21) calendar days before the occurrence of such hearing.
- D. **OTHER HEARING REQUIREMENTS, ZONING MAP AMENDMENT:** In addition to the public hearing notice required in Section 17.0, C, above, the following notices shall also be given when a proposal is submitted to amend the official zoning map:
 - 1. Notice of the hearing shall be posted conspicuously on the property, the classification of which is proposed to be changed, for fourteen (14) consecutive days immediately prior to the hearing. Said posting shall consist of one or more signs, constructed of durable material and clearly depicting the following information: the words "ZONING CHANGE" (three (3) inch high lettering); current zoning classification of property and proposed zoning classification (three (3) inch high lettering); date, place, and time of public hearing (one (1) inch high lettering); and address, including telephone number, of the planning commission where additional information regarding hearing may be obtained; and
 - 2. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by registered mail, by certified mail, return receipt requested, or hand delivered with receipt of delivery, to the owners of all property adjoining the property, the classification of which is proposed to be changed. Where said property adjoins a street or alley, property abutting the opposite side of such street

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or alley shall be considered adjoining property.

It shall be the duty of the person(s) proposing the amendment to furnish to the planning commission the names and addresses of the owners of all adjoining property.

- E. **FINDINGS NECESSARY FOR MAP AMENDMENT:** Before any map amendment is granted, the planning commission, or legislative body, must find that the amendment is in agreement with the adopted comprehensive plan, or in the absence of such a finding, that one or more of the following apply, including the making of a written report, setting forth explicitly, the reasons and substantiation as to how each would apply, and such finding and report shall be recorded in the minutes and records of the planning commission or legislative body.
1. That the original zoning classifications 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 amendment to this ordinance shall be adopted whereby the zoning classification of an area is changed unless the total area being applied for meets the following requirements as to minimum size: the zoning map shall not be amended, changed, or modified in such manner as to create a free standing zone of less than five (5) acres, except where specific area restrictions are stipulated in this ordinance, or as outlined in the adoption 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 jurisdiction of the legislative body but contiguous thereto and which land already bears the zoning classification sought for the area being changed. For the purpose of this section, neither continuity nor abutment shall be destroyed by the existence of a street, alley, or city's corporation line.
- G. **PLANNING COMMISSION ACTION:** 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 17.0, E, above.

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- H. LEGISLATIVE BODY DISPOSITION: Within a reasonable time after receipt of the planning commission's recommendations and findings concerning 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, INSTITUTIONAL, INDUSTRIAL, OR MULTI-FAMILY RESIDENTIAL ZONING MAP AMENDMENT: Any request for a zoning map amendment to create or enlarge any commercial (i.e., NC, CBD, HC, etc.), institutional (M P), industrial (ie: I-1, I-2), planned unit development, or multi-family residential (i.e., R-2, R-3, etc.) zoning district 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 process in two stages:
 - a. Application for a zoning map amendment shall be filed with the zoning administrator as required by Section 17.0, A. It is highly recommended that a Development Plan be submitted in accordance with the applicable requirements of Section 9.20, B, of this ordinance. The zoning administrator may waive the submission of such data involving detailed engineering study until such time as the zoning amendment has been granted. If a Development Plan is not submitted, then the zoning map amendment application will be reviewed from the perspective of a "worst case scenario."
 - b. The planning commission shall hold a public hearing on the proposed application. If a Development Plan is submitted with the zoning map amendment , the planning commission shall review said application with regard to the required elements of the Development Plan, and other applicable requirements of this section. If a Development Plan is not submitted with the zoning map amendment, then the planning commission shall consider the impact of every use permitted or conditionally permitted within the requested zoning district on the health safety and welfare of the surrounding neighborhood. Upon holding such a hearing, the planning commission shall make one of the following recommendations to the legislative body: approval, approval with condition(s), or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Development Plan and the bases for their recommendation.
 - c. The legislative body shall, within ninety (90) consecutive days after receiving the recommendations of the planning commission, review said zoning map amendment. If a zoning map amendment is accompanied by a Development Plan, then the zoning map amendment shall not be approved

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unless the Development Plan is found to meet all requirements for Section 9.20 B. If the zoning map amendment is not accompanied by a Development Plan, the zoning map amendment shall not be approved unless it is found that all of the permitted and conditionally permitted uses in the zoning district being considered would not adversely effect the health, safety, and welfare of the surrounding neighborhood.

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

- d. The legislative body shall forward a copy of the approved Development Plan to the zoning administrator or the city's duly authorized representative, for further processing in accordance with the applicable requirements of this ordinance.
- e. If the detailed engineering data required under 9.20, B, had been waived by the zoning administrator in the initial submission of the Development Plan, then such data shall be submitted for review in accordance with the Site Plan requirement of Section 9.19 before a permit may be issued for construction.

The zoning administrator, in reviewing the Site Plan, may authorize minor adjustments from the approved development plan, provided that the adjustments do not: affect the special 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.

NOTE: Article XVII, Section 17.0, Paragraph I Amended by Ordinance 2004-26

- 2. **AMENDMENTS:** Any amendments to plans, except for the minor adjustments which may be permitted by the zoning administrator as noted above, shall be made in accordance with the procedure required by this ordinance, subject to the same limitations and requirements as those under which such plans were originally approved.
- 3. **EXPIRATION:** The zoning map amendment shall be subject to the time constraints as noted below. Upon expiration of said time period and any extensions thereto, the legislative body may initiate a request for a public hearing by the planning commission, in accordance with the requirements of KRS Chapter 100, for the purposes of determining whether said zoning map amendment should

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revert to its original designation. A public hearing may be initiated if substantial construction has not been initiated within a period of twelve (12) consecutive months form the date of approval of the Development Plan by the legislative body or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the approved Development Plan obsolete. The amount of construction that constitutes initiating substantial construction shall be as approved in the Development Plan.

ARTICLE XVIII
BOARD OF ADJUSTMENT

SECTION 18.0 ESTABLISHMENT OF BOARD OF ADJUSTMENT; MEMBERSHIP; APPOINTMENT; TERMS; VACANCIES; OATHS; COMPENSATION; REMOVAL; OFFICERS.

- A. A Board of Adjustment is hereby established.
- B. The Board of Adjustment shall consist of either three (3), five (5), or seven (7) members, all of whom must be citizen members and not more than two (2) of whom may be citizen members of the Planning Commission.
- C. The mayor shall be the appointing authority of the Board of Adjustment, subject to the approval of the legislative body.
- D. The term of office for the Board of Adjustment shall be four (4) years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one (1), two (2), three (3), and four (4) years, respectively.
- E. Vacancies on the Board of Adjustment shall be filled within sixty (60) calendar days by the appropriate appointing authority. If the authority fails to act within that time, the planning commission shall fill the vacancy. When a vacancy occurs, other than through expiration of the term of office, it shall be filled for the remainder of that term.
- F. All members of the Board of Adjustment shall, before entering upon their duties, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any judge, notary public, clerk of court, or justice of the peace, within the district or county in which they reside.
- G. Reimbursement for expenses or compensation or both may be authorized for members on the Board of Adjustment.
- H. Any member of the Board of Adjustment may be removed by the mayor, subject to the approval by the legislative body, for inefficiency, neglect of duty, malfeasance, or conflict of interest. The mayor exercising the power to remove a member from the Board of Adjustment shall submit a written statement to the Planning Commission setting forth the reasons and the statement shall be read at the next meeting of the Board of Adjustment which shall 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.

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- 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 reelection at the expiration of this term.

SECTION 18.1 MEETINGS OF BOARD; 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 shall contain the date, time, and place for the meeting, and the subject or subjects which will be discussed.
- B. A simple majority of the total membership of the Board of Adjustment, as established by regulation or agreement shall constitute a quorum. Any member of the Board of Adjustment who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself from voting on the question.
- C. The Board of Adjustment shall adopt bylaws for the transaction of business and shall keep minutes and records of all proceedings including regulations, transactions, findings, and determinations and the number of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact, all of which shall, immediately after adoption, be filed in the office of the Board of Adjustment. A transcript of the minutes of the Board of Adjustment shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.
- D. The Board of Adjustment shall have the right to receive, hold, and spend funds which it may legally receive from any and every source in and out of the State of Kentucky, including the United States Government.
- E. The Board of Adjustment shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before it.
- F. The chairman of the Board of Adjustment shall have the power to administer an oath to witnesses prior to their testifying before the board on any issue.
- G. When an application is made to the Board of Adjustment for a conditional use permit, variance, appeal to the Board, or other action before the Board of Adjustment, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the following: the applicant, the city administrative official, the mayor, the city clerk, and to the owner of each parcel of property adjoining the property to which the application applies. The date of the letter and the date of the Board meeting, weekends, and holidays shall be included in counting the fourteen (14) days. Written notice shall be

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by first class mail with certification by the zoning administrator that the notice was mailed. It shall be the duty of the applicant to furnish the board or its administrator the name and address of an owner of each parcel of property as described in this subsection. Records maintained by the Grant County 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 single 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. A single notice may be mailed to the owners of two or more adjoining properties that are under the same ownership. A charge of \$5.00 per each adjoining land owner shall be made in addition to the applicable fees contained in Article XIX, of this ordinance, for the appropriate type of hearing before the Board of Adjustment. For the purposes of this paragraph, street right-of-ways, easements, and railroads shall not be considered a barrier to an adjoining property.

NOTE: Article XVIII, Section 1, Amended by Ordinance 2006-21

SECTION 18.2 PROCEDURE FOR ALL APPEALS TO BOARD: Appeals to the Board of Adjustment may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action or decision of the zoning administrator. Such appeal shall be taken within thirty (30) calendar days after the appellant or his agent receives notice of the action to be appealed from, by filing with said zoning administrator and with the board, a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. A fee, as required by Section 19.0 of this ordinance shall also be given to the zoning administrator at this time. Said zoning administrator shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At any hearing by the board, an interested person may appear and enter his appearance, and shall be given an opportunity to be heard.

The Board of Adjustment shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the zoning administrator at least one (1) calendar week prior to the hearing, and shall decide on the appeal within sixty (60) consecutive calendar days. The affected party may appear at the hearing in person or by attorney.

SECTION 18.3 APPEALS FROM PLANNING COMMISSION OR BOARD OF ADJUSTMENT: Any appeal from planning commission or board of adjustment action may be taken in the following manner:

- A. Any person or entity claiming to be injured or aggrieved by any final action of the planning commission or board of adjustment may appeal from the action to the circuit

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court of the county in which the land lies. Such appeal shall be taken within thirty (30) consecutive calendar days after the final action of the planning commission or board of adjustment. Final action shall not include the planning commission's recommendations made to other governmental bodies.

- B. All appeals shall be taken in the appropriate circuit court within thirty (30) consecutive calendar days after the action or decision of the planning commission or board of adjustment and all decisions, which have not been appealed within thirty (30) consecutive calendar days shall become final. After the appeal is taken, the procedure shall be governed by the rules of 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 18.4 STAY OF PROCEEDINGS: An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning administrator from whom the appeal is taken, certifies to the board of adjustment, after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, the proceedings shall not be stayed other than by a court of record on application, or on notice to the zoning administrator from whom the appeal is taken and on due cause shown.

SECTION 18.5 POWERS OF BOARD OF ADJUSTMENT: Upon appeals, the board of adjustment shall have the following powers:

- A. To hear and decide on applications for 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 a 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 9.14 of this ordinance.

Article XVIII Continued

- D. To hear and decide, in accordance with the provisions of this ordinance, requests for interpretation of the official zoning map or for decisions upon other special questions upon which said board is authorized to act upon.
- E. To hear and decide, in accordance with the provisions of this ordinance and the adopted comprehensive plan, requests for the change from one nonconforming use to another.

SECTION 18.6 DIMENSIONAL VARIANCES; CHANGE FORM ONE
NONCONFORMING USE TO ANOTHER; CONDITIONS GOVERNING APPLICATIONS;
PROCEDURES

- A. DIMENSIONAL VARIANCES: Before any dimensional variance is granted, the board of adjustment must find all of the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance. Such dimensional variance shall not be granted by the board of adjustment unless and until:
 - 1. A written application for a dimensional variance (including the required fee as per Section 19.0 of this ordinance) and a site plan, subject to the application requirements of Section 9.19, are submitted demonstrating:
 - a. That specific conditions and circumstances exist which are unique to the applicant's land and do not exist on other land in the same zone;
 - b. That the manner in which the strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other land owners in the same zone;
 - c. That the unique conditions and circumstances are not the result of actions of the applicant taken subsequently to the adoption of this ordinance;
 - d. Reasons that the dimensional variance will preserve, not harm, the public safety and welfare, and will not alter the essential character of the neighborhood; and
 - e. That granting the dimensional variance requested will not confer on the applicant any special privilege that is not conferred by this ordinance to other lands, structures or buildings in the same zone. No nonconforming use of neighboring lands and structures in the same zone shall be considered grounds for the issuance of a dimensional variance.

Article XVIII Continued

2. Notice of public hearing shall be given in accordance with Section 18.2 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 a dimensional variance and that the dimensional variance is the minimum variance that will make possible the reasonable use of the land, building, or structure, and under no circumstances shall the board of adjustment:
 1. Grant a dimensional variance which would vary by more than fifty (50) percent of the applicable regulation when the development is occurring in newly platted areas; and
 2. Grant a dimensional variance which would vary by more than fifty (50) percent of the average height, yard, and setback of existing surrounding development when the proposed construction occurs on lots or parcels of land already platted and where more than fifty-one (1) percent of said lots or parcels of land are improved with structures. If less than fifty-one (51) percent of the surrounding lots or parcels of land are improved with structures, then said development shall be governed by the requirements of Section 18.6.
 - c. The board of adjustment shall further make a finding that the granting of the dimensional variance will be in harmony with the general purpose and intent of this ordinance as well as the adopted comprehensive plan, and will not be injurious to the neighborhood, or otherwise, detrimental to the public welfare.
5. In granting any dimensional variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the dimensional variance is granted, shall be deemed a violation of this ordinance and punishable under Section 16.9 of this ordinance.

Article XVIII Continued

- 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 of dwelling unit requirements in the zone in question.
- C. **DIMENSIONAL VARIANCE RUNS WITH LAND:** A dimensional variance applies to the property for which it is granted and not to the individuals who applied for it. A dimensional variance also runs with the land and is transferable to any future owner of land, but it cannot be transferred by the applicant to a different site.
- D. **CHANGE FROM ONE NONCONFORMING USE TO ANOTHER:** A nonconforming use shall not be changed to another nonconforming use without the specific approval of the board of adjustment, as provided herein.
1. The board of adjustment shall have the power to hear and decide on applications to convert or change an existing nonconforming use to another nonconforming use, subject to the following:
 - a. A written application for a change from one nonconforming use to another (including the required fee as per Section 19.0 of this ordinance) and a site plan, if applicable, subject to the applicable requirements of Section 9.19, shall be submitted to the board;
 - b. Notice of public hearing shall be given in accordance with Section 18.2 of this ordinance;
 - c. The public hearing shall be held. Any person may appear in person, by agent, or by attorney;
 - d. Prior to granting a change from one nonconforming use to another, the board of adjustment shall find that the new nonconforming use is in the same or more restrictive classification of use as the prior nonconforming use. In the determination of the same or more restrictive classification of use, the applicant shall establish and the board of adjustment shall find:
 - (1) That the new nonconforming use shall generate less vehicular traffic (automobile and truck) than the prior nonconforming use;
 - (2) That the new nonconforming use is a nature which will emit less noise and air pollution than the prior nonconforming use;
 - (3) That the new nonconforming use will be more in character with the existing neighborhood than the prior nonconforming use, in that it is more in conformance with the adopted comprehensive plan, and

Article XVIII Continued

also, more in conformance with the uses permitted in the zone in which the use is located, than the prior nonconforming use.

- e. Any change of nonconforming use granted by the board of adjustment shall conform to the requirements of this ordinance, including, but not limited to: parking requirements, sign regulations and yard requirements, and all other pertinent ordinances of the legislative body.
- f. The board of adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at which time its use became nonconforming.
- g. The board of adjustment, in granting a change of nonconforming uses, may attach such conditions thereto as it may deem necessary and proper; and the action, limitations and conditions imposed, if any, shall be in writing, directed to the applicant, with a copy to be furnished to the zoning administrator.
- h. The change of nonconforming use, as may be granted by the board of adjustment, applies to the property for which it is granted and not to the individual who applied and, therefore, cannot be transferred by the applicant to a different property.
- f. In the case where the change of nonconforming use has not occurred within one year after the date of granting thereof, the change of nonconforming use permit shall be null and void and reapplication to the board of adjustment shall have to be made.

SECTION 18.7 CONDITIONAL USE PERMITS: Conditional use permits shall not be issued without the specific approval of the board of adjustment, as provided herein.

- A. The board of adjustment shall have the power to hear and decide on applications for conditional use permits, subject to the following:
 - 1. A written application for a conditional use permit (including the required fee, as per Section 19.0 of this ordinance) and a site plan subject to the applicable requirements of Section 9.19, shall be submitted to the board;
 - 2. Notice of public hearing shall be given in accordance with Section 18.2 of this ordinance;
 - 3. The public hearing shall be held. Any person may appear in person, or by agency, or by attorney;

Article XVIII Continued

4. Prior to granting a conditional use permit, the board of adjustment shall find that the application for a conditional use permit meets the requirements of this ordinance and Section 9.14.

SECTION 18.8 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 matter 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.

ARTICLE IXX

SCHEDULE OF FEES

SECTION 19.1 Each applicant at the time of making an application for a conditional use request, variance, appeal to the Board of Adjustment or for any other license, permit, or authorization required by the provisions of this ordinance shall deliver to the City Clerk of the City of Williamstown the appropriate sum set out below.

SECTION 19.2 No application for a permit, certificate, variance, order of Board of Adjustment or any other license, permit or authorization required or permitted by this zoning ordinance shall be accepted for scheduling a hearing before the Board of Adjustment unless or until all costs, charges, fees or expenses hereinafter have been fully paid.

SECTION 19.3 The following fees are charged for the purposes enumerated:

A. SPECIAL MEETINGS

Special called meetings	\$500.00
Each adjoining property owner	5.00

B. CONDITIONAL USE APPLICATIONS

1.	In agricultural zone	\$100.00
	Publication	75.00
	Clerical	20.00
	Each adjoining property owner	5.00
2.	In all residential zones	\$150.00
	Publication	75.00
	Clerical	20.00
	Each adjoining property owner	5.00
3.	In H.C./N.C./N.S.C. C.B.D. zones	\$200.00
	Publication	75.00
	Clerical	20.00
	Each adjoining property owner	5.00
4.	In industrial zones	\$300.00
	Publication	75.00
	Clerical	20.00
	Each adjoining property owner	5.00

Article IXX Continued

C. APPEALS AND VARIANCES

1.	Agricultural and residential uses	\$100.00
	Publication	75.00
	Clerical	20.00
	Each adjoining property owner	5.00
2.	All other uses	\$200.00
	Publication	75.00
	Each adjoining property owner	5.00

D. SIGN PLAN

1.	Commercial uses within PUD Zone of projects over 10 acres (in accordance with Article XIV, Section 14.7)	\$500.00
	Publication	75.00
	Clerical	20.00
	Each adjoining property owner	5.00

E. COPIES OF DOCUMENTS

1.	Zoning ordinance	\$ 30.00
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F. All permits for new construction of inhabitable buildings will require approval of the Grant County Health Department before permits will be issued.

G. All fees are payable at the time the application is filed or action is requested and shall not be refundable.

H. No application shall be accepted by the City of Williamstown Board of Adjustment nor any action taken by the City of Williamstown Board of Adjustment until the required fee has been paid.

NOTE: Article IXX Amended by Ordinances 81-205, 1991-323, 2006-23, and 2015-14.

WILLIAMSTOWN ZONING PERMIT APPLICATION

**CITY OF WILLIAMSTOWN
400 NORTH MAIN STREET
WILLIAMSTOWN, KENTUCKY 41097
(859) 824-6351**

NAME _____

ADDRESS _____

PHONE # _____ **DATE** _____

ADDRESS OF PROPERTY FOR PERMIT _____

PRESENT ZONING OF PROPERTY _____

DIMENSIONS OF PROPERTY (LOT) _____

TOTAL SIZE OR AREA OF PROPERTY _____

INTENDED USE OF PROPERTY _____

MINIMUM SIDE YARD WIDTH _____

DISTANCE OF BUILDING SETBACK _____

REAR YARD DEPTH _____

IS CITY SEWER AVAILABLE? _____

IS PRIVATE SEWER SYSTEM NEEDED? _____

HAS HEALTH DEPT. APPROVED SEWER SYSTEM? _____

***ZONING APPROVAL MUST FIRST BE OBTAINED BEFORE THE BUILDING
PERMIT PROCESS BEGINS.***

Signature of Applicant

Date

APPROVED _____

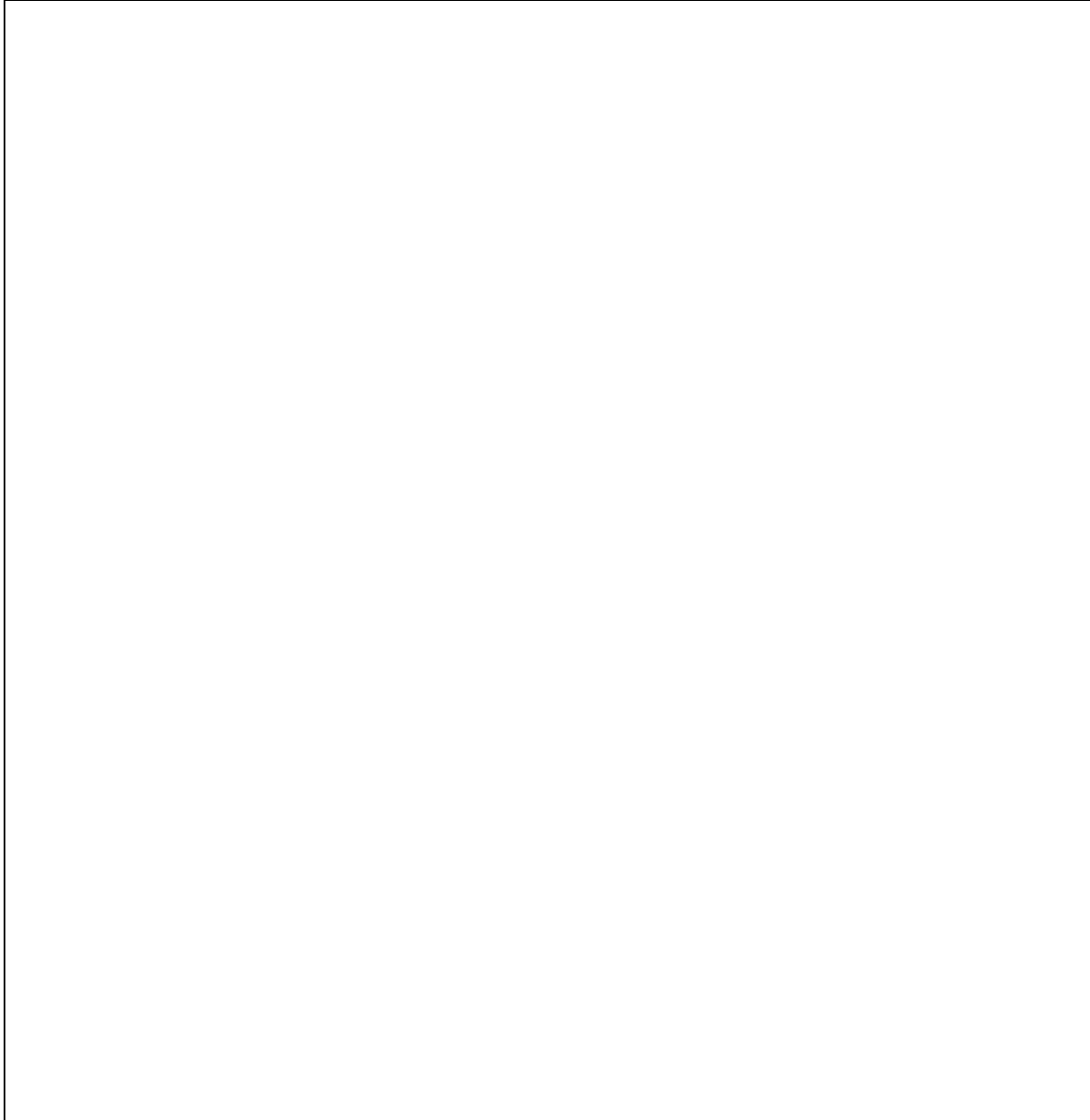
REJECTED _____

Zoning Administrator

Date

COMMENTS _____

Please show measurements from the building to all property lines and street. If there are any other buildings, show them on the diagram along with measurements from them to the property lines and reference them to the main building on the lot.



PROPERTY LINE

**THE CITY OF WILLIAMSTOWN
KENTUCKY**

APPLICATION FOR SIGN PERMIT

PERMIT NUMBER _____

DATE _____

I, _____, owner, agent of owner, hereby make application for a sign permit as described below and do agree that all provisions of applicable regulations, ordinances, state laws will be complied with whether specified herein or not.

1. **ADDRESS (location of sign)** _____
2. **PROPERTY OWNER NAME** _____
3. **SIZE OF SIGN: HEIGHT:** _____ **WIDTH:** _____ **LENGTH:** _____
4. **HEIGHT ABOVE GROUND:** _____
5. **EXACT WORDING ON SIGN:** _____
6. **WILL THE SIGN BE PERMANENT?** _____
7. **WILL THE SIGN BE ILLUMINATED?** _____
8. **WILL THE PROPERTY OWNER OWN THE SIGN?** _____
(property on which sign is located)
9. **NAME OF SIGN MANUFACTURER:** _____
10. **NAME OF INSTALLATION CONTRACTOR:** _____

NOTE: NO WORK IS TO BE STARTED UNTIL PERMIT HAS BEEN ISSUED

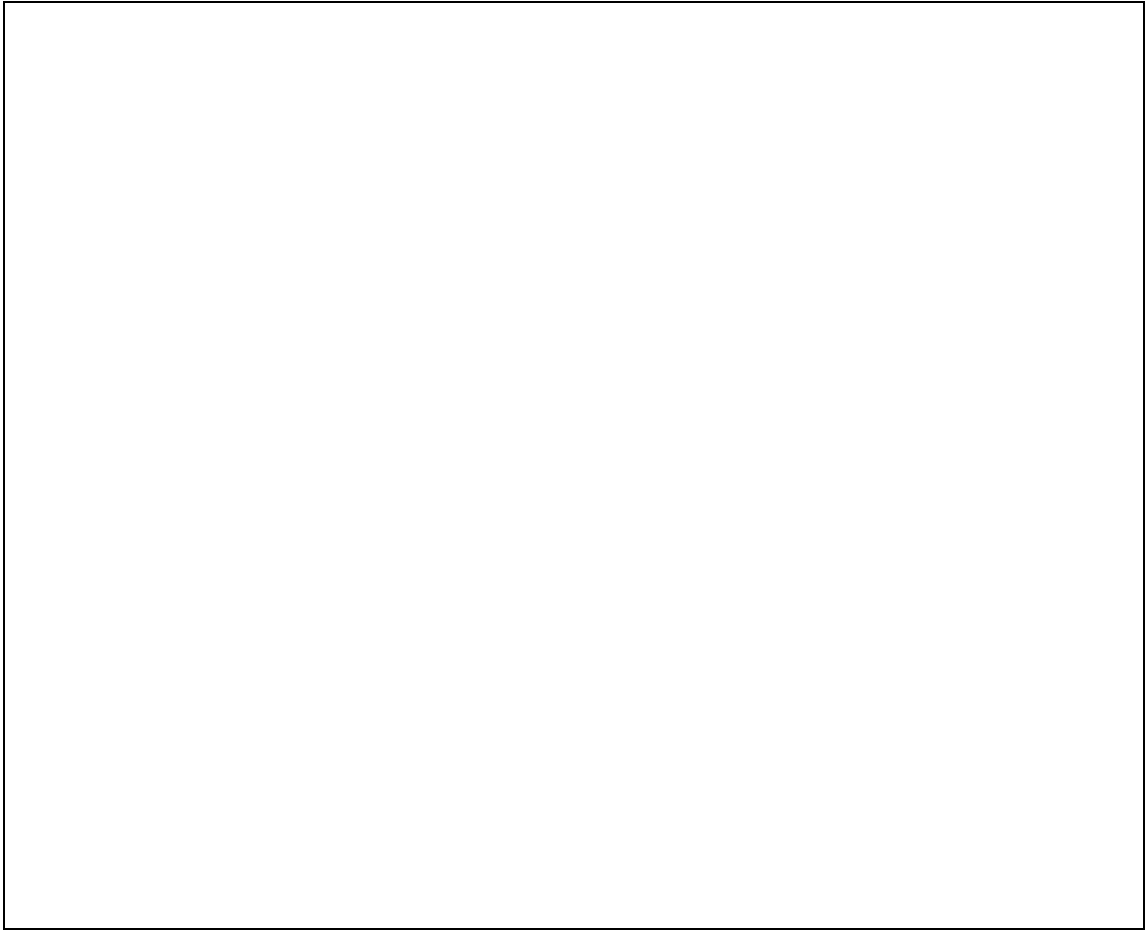
In making application for this sign permit, the applicant states that the information given is, to the best of their knowledge, true and accurate. It is understood and agreed by the applicant that any error, misrepresentation of fact, either with or without intention on their part, such as might, if known, cause a refusal of the Building Department to issue approval of this application, or any alteration or change in the plans made without the approval of the Building Inspector subsequent to the issuance of the Sign Permit, shall constitute grounds for the revocation of such permit.

DATE _____ APPLICANT _____

APPROVED: _____ DATE _____
Zoning Administrator

**PLEASE SKETCH THE APPROXIMATE LOCATION OF THE SIGN WITH
REFERENCE TO THE BUILDING AND PROPERTY LINE GIVEN BELOW.**

PROPERTY LINE



BYLAWS OF THE BOARD OF ADJUSTMENT OF THE CITY OF WILLIAMSTOWN, KENTUCKY

ARTICLE I: PURPOSE AND OBJECTIVE

The purpose and objective of the Board of Adjustment of the City of Williamstown, Kentucky is to perform and carry out the duties and responsibilities placed upon this public board by the Kentucky Revised Statutes and zoning regulations adopted pursuant to such statutes. It is the objective of this Board of Adjustment to perform its duties and responsibilities in accordance with applicable law and to provide and promote the public welfare in this regard.

ARTICLE II: OFFICERS AND THEIR DUTIES

Section I. In accordance with applicable law, the officers of this Board of Adjustment shall be a chairman, vice-chairman, and a secretary, and any other officers that this Board of Adjustment may deem necessary from time to time. These officers shall be elected annually and any officer shall be eligible for re-election at the expiration of his or her term. Any member of the Board may be eligible for election as an officer.

Section II. The chairman shall be the presiding officer at all meetings and hearings of the Board of Adjustment and shall perform his or her duties in accordance with proper parliamentary procedure. Under this parliamentary procedure, the chairman's duties are, generally, as follows:

1. To open and call the meetings or hearings to order;
2. Announce the items on the agenda or business to be conducted;
3. Recognize members of the Board of Adjustment or members of the general public who are being entitled to the floor for comments or discussion to expedite the performance of duties and responsibilities of the Board of Adjustment in an orderly manner;
4. To see that all questions or motions which are presented for a vote are presented clearly and to announce the result of any vote taken;
5. The chairman is specifically allowed to vote as any other member of the Board of Adjustment;
6. To generally expedite in a clear manner proceedings before the Board of Adjustment;
7. To authenticate by his or her signature when necessary, all acts, orders and proceedings of the Board of Adjustment.
8. To decide on all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board in session at the time.

Board of Adjustment Bylaws Continued

9. To rule motions in or out of order, including the right to rule out of order any motion(s) patently offered for obstructive or dilatory purposes.
10. To determine when a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground.
11. To call a brief recess at any time.
12. To adjourn in an emergency.

Section III. The vice-chairman shall assist the chairman in any way possible upon request and shall automatically assume the duties of the chairman in his or her absence.

Section IV. The duties of the secretary of the Board of Adjustment are as follows:

1. To see that accurate records and minutes of each meeting or hearing of the Board of Adjustment are maintained, and to authenticate by his or her signature the approved minutes of the Board of Adjustment;
2. To see that an accurate roll of the members is maintained and reflected in the minutes as records of the Board of Adjustment of each meeting or hearing;
3. To see that the records and minutes of the meetings or hearings of the Board of Adjustment accurately reflect the number of votes for and against each question or motion put to a vote before the Board of Adjustment;
4. To review the records and minutes of the Board of Adjustment so that they indicate any absences or disqualifications from voting by members of the Board of Adjustment when a question or motion is put to a vote; and
5. Any other duties pertaining to the maintaining of accurate records and minutes of the Board of Adjustment which may be assigned to him or her.

ARTICLE III: NOMINATION AND ELECTION OF OFFICERS

Section I. Nomination of officers of the Board of Adjustment shall be made by its members at the first meeting of each year, which will be designated at its annual meeting.

Section II. Election of officers may take place immediately following nominations, but in no event shall the election of officers occur later than the next meeting of the Board of Adjustment. Voting shall take place through either voting by voice; show of hands; rising; written ballot; roll call; or general consent.

Board of Adjustment Bylaws Continued

Section III. A member nominated receiving a majority vote of the entire membership of the Board of Adjustment shall be declared elected for that particular office and shall serve a term of one (1) year or until his or her successors shall be properly nominated and elected.

Section IV. If a member of this Board of Adjustment resigns their officer position during their term of office, nominations for the election of a new officer for the position vacated shall take place at the next meeting of the Board of Adjustment. If a member of the Board of Adjustment resigns their membership to the Board of Adjustment, nominations for the election of a new officer for the position vacated shall take place at the next meeting following the acceptance of the resignation by the Mayor. The election of the new officer shall take place as provided for in Section II, of this Article.

Section V. When a vacancy of an officer's position occurs, other than through expiration of that term of office, the member elected to that officer position shall serve the remainder of that term.

Section VI. Vacancies in membership of this Board of Adjustment shall be filled in accordance with applicable law.

ARTICLE IV: MEETINGS

Section I. meetings and hearings of the Board of Adjustment shall be conducted at the call of the chairman, as provided for in Article XVIII, Section 18.1, of the Williamstown Zoning Ordinance, and will be held at the Williamstown City Building, 400 North Main Street, Williamstown, Kentucky. However, the chairman can call for meetings or hearings other than provided for herein by giving the notice required under Kentucky law containing the date, time, and place for such meeting or hearing and the subject or subjects which are to be discussed or voted upon at each meeting or hearing.

Section II. Special meetings of the Board of Adjustment can be called in accordance with Kentucky law concerning special meetings.

ARTICLE V: ACTION BY THE BOARD

Section I. The Board shall proceed by motion. Any member of the Board, including the chairman, may make a motion.

1. One motion at a time. A member may make only one motion at a time.
2. Motion Requires a Second. All motions require a second before the motion is voted on.

Board of Adjustment Bylaws Continued

3. Substantive Motion. A substantive motion is out of order while another substantive motion is pending. A substantive motion shall be any motion other than the procedural motions listed in Section II of this Article.
4. Adoption by Majority Vote. A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules, the laws of Kentucky, or the regulations of the Williamstown Zoning Ordinance.
5. Debate. The chairman shall state the motion and then open the floor to debate on it. The chairman shall preside over the debate according to the following general principles:
 - A. The introducer (the member who makes the motion) is entitled to speak first;
 - B. A member who has not spoken on the issue shall be recognized before someone who has already spoken;
 - C. To the extent possible, the debate shall alternate between opponents and proponents of the measure.
6. Procedural Motions. In addition to substantive proposals, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption. In order of priority (if applicable), the procedural motions are as follows:
 - A. To Adjourn. The motion may be made only when action on a pending matter concludes, and it may not interrupt deliberation of a pending matter;
 - B. To Take a Recess;
 - C. Call to Follow the Agenda. The motion must be made at the first reasonable opportunity or it is waived;
 - D. To suspend the Rules. For adoption, the motion requires a vote equal to the number required for a quorum;
 - E. To Divide a Complex Motion and Consider it by Paragraph;
 - F. To Defer Consideration. A substantive motion consideration that has been deferred expires in sixty (60) days thereafter unless a motion to revive consideration is adopted;

Board of Adjustment Bylaws Continued

G. Call of the Previous Question. The motion is not in order until there has been at least twenty (20) minutes of debate, and every member has had an opportunity to speak once;

H. To Postpone to a Certain Time and/or Day;

I. To Refer to a Committee. Sixty (60) days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire Board, regardless of whether the committee has reported the matter back to the Board;

J. To Amend. An amendment to a motion must be pertinent to the subject matter of the motion, but it may achieve the opposite of the motion's intent. The motion may be amended and an amendment may be amended, but no further amendments may be made;

K. To Revive Consideration. The motion is in order any time within the sixty (60) days after a vote to defer consideration. A substantive motion consideration which has been deferred expires sixty (60) days thereafter unless a motion to revive consideration is adopted;

L. To Reconsider. The motion must be made by a member who voted with the prevailing side. It must be made at the same meeting the vote was taken. It cannot interrupt deliberation on a pending matter, but is in order at any time before actual adjournment;

M. To Rescind or Repeal. This motion is in order only for these measures adopted by the Board that may legally be repealed or rescinded;

N. To Ratify;

O. To Prevent Reconsideration for Twelve (12) Months. The motion is in order immediately following the defeat of a substantive motion and at no other time. For adoption the motion requires a vote equal to the number required for a quorum. It is valid for twelve (12) months or until a new board member is appointed, whichever occurs first;

P. Renewal of Motion. A motion that is defeated may be renewed at any subsequent meeting unless a motion to prevent reconsideration has been adopted;

Q. Withdrawal of Motion. A motion may be withdrawn by the introducer at any time before a vote;

Board of Adjustment Bylaws Continued

R. Duty to Vote. Every member must vote unless excused by the remaining members. A member who wishes to be excused from voting shall so inform the chairman, who shall take a vote of the remaining members present. No member shall be excused from voting except on matters involving his or her own financial interest or personal interest. In all other cases, a failure to vote by a member who is physically present or has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote;

S. The Board May Hold Executive Session as Provided by Law. The Board shall commence an executive session by a majority vote to do so and end it in the same manner, and may do so only for those purposes provided or under the Kentucky Revised Statutes;

T. Robert's Rules of Order. To the extent not provided for in these rules and to the extent that the reference does not conflict with the spirit of these rules, the Board shall refer to Robert's Rules of Order, Revised, for unresolved procedural questions.

ARTICLE VI: RULES OF CONDUCT FOR MEMBERS

Section I. Members of the Board may be removed for cause, including violation of the rules state below, as provided for by Article XVIII, Section), Paragraph H., of the Williamstown Zoning Ordinance and as provided for by K.R.S. 100.217 (8).

Section II. No Board member shall take part in the hearing, consideration, or determination of any case in which (s) he is personally or financially interested. Any Board member who has determined that (s)he has a personal or financial interest in a case shall, at the opening of the public hearing, make a request to the Chairman to be excused, at which time the Chairman shall call for a motion from the remaining Board members to excuse said member.

Section III. No Board member shall vote on any matter that decides an application, petition, or appeal unless (s) he has attended the public hearing on that application, petition, or appeal.

Section IV. No Board member shall discuss any case with any parties thereto before the public hearing on that case; provided, however, that members may receive and/or seek information pertaining to the case from any other member of the Board, its Secretary, or the Zoning Administrator before the hearing.

Section V. Members of the Board shall not express individual opinions on the proper judgment of any case with any parties thereto before that case is determined.

Board of Adjustment Bylaws Continued

ARTICLE VII: AMENDMENTS

These bylaws may be amended by a vote of a simple majority of the total membership of the Board of Adjustment.

These bylaws were originally adopted by the Board of Adjustment of the City of Williamstown, Kentucky on the 3rd day of March 1993.

These bylaws were amended by the Board of Adjustment of the City of Williamstown, Kentucky on the 30th day of June, 1997.

Ray Daugherty, Chairman

Judy Wigginton, Secretary