

ZONING ORDINANCE
FOR
OWENTON, KENTUCKY

Ordinance Number 292 (January, 1965)

As amended by:

Ordinance Number 518 (April, 1990)

Ordinance Number 522 (July, 1990)

Ordinance number 708 (June, 2012)

The preparation of the original (1965) document was financially aided through a Federal Grant from the Urban Renewal Administration of the Housing and Home Finance Agency, under the Urban Planning Assistance Program authorized by Section 701 of the Housing Act of 1954, as amended.

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Zoning Ordinance for the City of Owenton, Kentucky

Article 1

Enacting Clause, Title, Purpose

11. Enacting Clause

The City Council of Owenton, Kentucky, as authorized by the Kentucky Revised Statutes, Sections ~~100.500 through 100.600~~ Chapter 100, ordains as follows:

12. Title

This ordinance is entitled "Zoning Ordinance for the City of Owenton, Kentucky," and may be referred to as the Zoning Ordinance. The Zoning map referred to herein is entitled "Zoning Map for Owenton, Kentucky," and may be referred to as the "Zoning Map". The Owenton Zoning Map is hereby made a part of this ordinance. There is on file with the Owenton City Clerk one copy of the map and text, comprising together the official Zoning Ordinance for the City of Owenton, Kentucky. A certified copy of the map and text are on file with the Planning Commission. The Chairman of the Planning Commission shall be responsible for maintaining the currency of both the official Zoning Map and the certified copy, according to Section VI F of this ordinance.

13. Purpose

The purpose of this ordinance is to promote the general welfare by establishing and regulating zoning districts throughout the City of Owenton for the specific purposes detailed in the Kentucky Revised Statutes, Section ~~100.520~~203. In establishing the zoning districts, this ordinance seeks the general welfare, in other words, by designating sufficient space for all necessary uses of the land, by protecting the permitted uses in each district from the undesirable effects of conflicting uses, and by ensuring the stable value of all permitted development. This ordinance further seeks the general welfare by protecting the efficiency and encouraging the improvement of traffic circulation and access to the land in all districts in order that daily travel and commerce may increase in safety and may be carried forth with a minimum of delay for the benefit of all activities and persons in the City of Owenton.

14 Interpretation

14.1 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.

14.2 Permit or License in Violation

If any permit or license is issued in violation of any provision of this ordinance, or purports to authorize the doing of any act not permitted by any provision of the ordinance, said permit or license shall be void.

Article II

General Regulations

General regulations apply to all districts. Where requirements of a general regulation and a district regulation differ, the more restrictive requirement shall prevail.

21. Definitions

The words which are defined are those which have special or limited meanings as used in this zoning ordinance and might not otherwise be clear. Words whose meanings are self-evident as used in this zoning ordinance are not defined here.

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

Words used in the future tense include the present;

Words used in the present tense include the future;

Words used in the singular include the plural;

Words used in the plural include the singular;

Words used in the masculine include the feminine;

Words used in the feminine include the masculine;

The word "shall" is mandatory'

The word "may" shall be deemed as permissive."

The words which are defined are those which have special or limited meanings as used in this zoning ordinance and might not otherwise be clear. Words whose meanings are self-evident as used in this zoning ordinance are not defined here.

- A. Accessory Structure or Use: any structure or use, other than the principle structure or use, directly incidental to or required for the enjoyment of the permitted use of any premises; also as specifically designated under the zoning district regulations of this zoning ordinance. It is subordinate to and serves the principal building or principal use.
- B. Agriculture: the use of the land only – minus agricultural structures – for the cultivation of crops or the raising of animals or preservation in its natural state.

- C. Agricultural Structure: any structure or building accessory to the principle agricultural use of the land.
- D. Alteration: any change or addition to the load-bearing members or the foundation of a structure.
- E. Building: any structure which fully encloses space for occupancy by persons or their activities
- F. Commercial Floor Area: floor area of buildings which is devoted to the storage and display of merchandise, the performance of consumer services, or the circulation and accommodation of customers.
- G. Consumer Services: sale of any service to individual customers for their own personal benefit, enjoyment, or convenience, and for fulfillment of their own personal needs. For example, consumer services include the provision of personal services such as cleaning, barbering, and the provision of lodging, entertainment, specialized instruction, financial services, automobile storage, transportation and similar services.
- H. Dwelling and Dwelling Unit: a dwelling is a building providing shelter, sanitation, and the amenities for permanent habitation. It does not include mobile homes, temporary lodging, or sleeping rooms. A dwelling unit means the dwelling accommodations designed for one individual or family unit maintaining separate independent housing.
- I. Fence: A structure made of wire, wood, metal, masonry, or other material, including hedges.
- J. Height of Structure: the vertical distance measured from the average finished grade at the front building line to the highest point of the structure.
- K. Home Occupations: professional offices, studios, personal services, and the renting of sleeping rooms maintained or conducted within a dwelling. Such activities occupy no more than twenty-five percent of the total floor area of a dwelling. The selling of any merchandise is not a home occupation.
- L. Industry, Heavy: those industries whose processing of products results in the emission of any atmospheric pollutant, light flashes or glare, odors, noise, or

vibration which may be heard or felt off the premises, and those industries which constitute a fire or explosion hazard.

- M. Local Information Sign: a sign indicating directions to a local commercial, industrial, or other establishment.
- N. Lot: a parcel of land under one ownership devoted to a common use or occupied by a single principle building plus accessory structures. Agricultural tracts are not included.
 - a. Corner Lot: a lot which abuts on two intersecting streets at their intersection.
 - b. Double-Frontage Lot: any lot other than a corner lot which abuts on two streets.
- O. Lot-Line: the boundary dividing a lot from a right-of-way, adjoining lot, or other adjoining tract of land. Front, rear, and side lot lines are self explanatory.
- P. Lot of Record: a lot which is recorded in the office of the County Clerk.
- Q. Mobile Home: any vehicle or similar portable structure used or so constructed as to permit its being used as a conveyance upon streets and as a dwelling for one or more persons.
- R. Nonconforming Structure or Use: a structure or use of any premises which does not conform to all provisions of this zoning ordinance but which existed before its designation as non-conforming by the adoption or amendment of this ordinance.
- S. Nonretail Commercial: commercial sales and service to customers who intend resale of the products or merchandise sold or handled.
- T. Outdoor: refers to that which is not within a building.
- U. Planned-Development Project: a complex of structures and uses planned as an integral unit of development rather than as single structures on single lots.
- V. Premises: a lot or other tract of land under one ownership and all the structures on it.

- W. Processing: manufacturing, packaging, repairing, cleaning, and any other similar original or restorative treatment applied to raw materials, products, or personal property. Processing does not refer to the fabrication of structures.
- X. Public –Service Building: any building necessary for the operation and maintenance of a utility.
- Y. Retail Sales: sale of any product or merchandise to customers for their own personal consumption and use, not for resale.
- Z. Road: a traffic-carrying way. As used in this zoning ordinance, a road may be privately owned.
- AA. Sleeping Room: a single room rented for dwelling purposes but without the amenities for separate and independent housekeeping.
- BB. Special Use: a use which must receive special approval by the Planning Commission, or by the Board of Adjustment if delegated, in order to be permitted in a zoning district.
- CC. Street: any highway or other public traffic-carrying way. An arterial street is any numbered Federal, State, or County Highway or as designated by the Planning Commission.
- DD. Structure: any combination of materials fabricated to fulfill a function in a fixed location on the land; including building.
- EE. Trailer: any vehicle or similar portable structure used or so constructed as to permit its being used as a conveyance to transport cargo other than persons upon the streets and highways. The term "trailer" does not mean "mobile home" as defined and used in this ordinance.
- FF. Use: broadly, refers to the activities which take place on any land or premises and/or to the structures located thereon and designed for those activities.
- GG. Variance: a departure from strict conformance with the dimension and area regulations which may be approved by the Board of Adjustment.
- HH. Yard: the open space surrounding the principle building on any lot, unoccupied and unobstructed by any portion of that building from the ground to the sky

except where specifically permitted by this zoning ordinance. Yards are further defined as follows:

- a. Front Yard: that portion of the yard extending the full width of the lot and measured between the front lot line and a parallel line tangent to the nearest part of the principle building, which line shall be designated as the front yard line.
- b. Rear Yard: that portion of the yard extending the width of the lot and measured between the rear lot line and a parallel line tangent to the nearest part of the principle building.
- c. Side Yards: those portions of the yard extending from the front yard to the rear yard and measured between the side lot line and parallel lines tangent to the nearest parts of the building.

22. Application of Regulations

All existing and future structures and uses of premises within the City of Owenton shall conform with all applicable provisions of this ordinance. Each zoning district is established to permit only those uses specifically listed as permitted, except as hereinafter provided under the nonconforming provisions, and is intended for the protection of those uses.

22.1. Except as hereinafter provided, no public or private structures, shall be used for any purpose other than that permitted in the zone in which such structures or land is to be located or is located. All of the required lot area shall be in one (1) zone.

22.2. Except as hereinafter provided, no public or private structures, may exceed the height and bulk limit herein established for the zone in which such structure is to be located or is located.

22.3. Except as herein provided, no part of any yard, or other open space, of 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 building, structure, or use.

22.4. Every public or private building or other structure hereafter erected shall be located on a lot as herein defined and in no case shall there be more than one (1) principal building and permitted accessory structure on one (1) lot, except as

hereinafter provided, nor shall any building be erected on any lot which does not abut a deeded and accepted public right-of-way.

22.5. All areas of the city which have been previously approved by the city legislative body for development as a P Zone, pursuant to DATE, and in which substantial construction and development have occurred within one (1) year of the enactment of this section, shall be designated on the zoning map; and the development of such areas may continue according to the approved plans and specifications, with any amendments thereof, conforming to the provisions of this ordinance.

23. General Regulations for Structures and Uses

23.1 NONCONFORMING LOTS OF RECORD:

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

- B. If two (2) or more lots or combination 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 the 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.

- C. Where a single nonconforming lot of record exists having a lot area less than required by the particular zone district wherein said lot is located, development may be permitted on the lot, provided: the lot is located on from all adjacent and contiguous parcels; the 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 applications for dimensional variance shall be submitted to review and approval by the Board of Adjustment in accordance with Article V Section 54.2 E.

23.2 NONCONFORMING USES

- A. 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.
- B. CHANGE FROM ONE NONCONFORMING USE TO ANOTHER: As regulated by Special Use permits in Article II Section 23.7. of this ordinance.
- C. TERMINATION: In all cases, the Board of Adjustment shall hold a public hearing in accordance with the applicable requirements of Article V Section 54 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 basis, in writing, for such determination.
1. Non-operative, non-used, 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 non-use were beyond the owner's/operator's control.
 2. 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 Adjustment that this structure should not be reconstructed.
 3. 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 a

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 Adjustment that this structure should not be reconstructed.

4. Whenever said nonconforming use is determined to be detrimental or injurious to the public health, safety, or general welfare.

23.3 NONCONFORMING STRUCTURES

- A. 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.

- B. TERMINATION: In the cases, the Board of Adjustment shall hold a public hearing in accordance with the applicable requirements of Article V Section 54 of this ordinance. Following that 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 basis, in writing, for such determination.
 1. Not meeting the requirements for sign regulations, as regulated in Article X of this ordinance.
 2. Non-use or abandonment of said nonconforming sign for a period of twelve (12) consecutive months.

- C. ZONE CHANGE: The foregoing provision shall also apply to signs which become legally nonconforming due to zone changes which take place thereafter:
 1. Not meeting the requirements for sign regulations, as regulated in Article X of this ordinance.

2. Non-use or abandonment of said nonconforming sign for a period of twelve (12) consecutive months.

23.4 **BUILDING REGULATIONS AND WATER AND SANITARY SEWER SERVICE**

- A. BUILDING REGULATIONS: All structures shall be designed, erected, or altered in accordance with the legislative body's building codes.
- B. WATER AND SANITARY SEWER SERVICE: No dwelling may be constructed in any zone unless such building is connected to a water and sanitary sewer system of adequate capacity and design, and approved by county health officer.

Where existing dwellings are presently unserved by a public sanitary sewer system and a public water supply, and are located within one-hundred (100) feet of an existing or newly extended sanitary sewer or water line, as determined by the legislative body and/or the county health officer, said building shall be required to connect with the public sanitary sewer and water system and the private sewage disposal system and private water supply shall be prohibited.

23.5 Regulation of Principle Buildings

Unless a plat has been approved for a planned development project, only one principle building and its permitted accessory structures may be erected on any lot of record. Temporary structures are permitted during construction.

23.6 Planned Development Project

A planned development project which may depart from the literal conformance with the regulations for individual lot development may be permitted in those zoning districts where it is designated as a special use under the zoning district regulations or may be permitted in any district after an amendment to the zoning ordinance. All planned development projects shall be subject to the following regulations:

- A. Procedure: When a planned development project is proposed, the procedure and standards for subdivision approval as set forth in the Owenton Subdivision Regulations shall be followed in their entirety. A preliminary plat and final plat, both approved by the Owenton Planning Commission may establish a schedule of reasonable fees to

be charged for plat review. The project shall be developed according to the approved final plat. Building permits and certifications of occupancy shall be required for each building according to Section 52 and 53 of this order.

- B. Uses: The uses of premises in a planned development project shall conform with the permitted uses of the zoning district in which it is located when it is permitted as a special use. If a planned development project is proposed which includes mixed uses or other uses that are not permitted in the zoning district where it is proposed or uses not permitted in the zoning district, the project may be permitted after an amendment to the zoning map designating the proposed location as a planned development district in conformance with Article VI, paragraph E of this order.

The amendment may be made after the conditional approval of the preliminary plat and shall be valid only for that project as approved.

- C. Standards: In any planned development project, although it is permissible to depart from literal conformance with the individual lot dimension and area regulations, there shall be no diminution of the total equivalent lot area, parking area, and loading and unloading area requirements that would be necessary for the equivalent amount of individual lot development. The Planning Commission may allow reductions in these requirements however, upon proof by the developer that efficiencies of large-scale development may permit such reductions without destroying the intent of this ordinance.
- D. Special Conditions: The Planning Commission shall attach reasonable special conditions to insure that there shall be no departure from the intent of this zoning ordinance. The planned development project shall conform with all such conditions. Because a planned development project is inherently more complex than individual lot development and because each such project must be tailored to the topography and neighboring uses, the standards for such projects cannot be inflexible.

The following standards define the typical special conditions the Planning Commission shall attach in addition to the standards for lot, parking, and loading and unloading area defined in paragraph C

above. The Planning Commission may also attach any other reason special conditions.

1. It is desirable that access points to all arterial streets shall be located no more frequently than once every eighth to quarter mile. The Planning Commission may approve the platting of temporary access points in conformance with Section 25.1 of this zoning ordinance.
2. Wherever there is an abrupt change in uses- i.e. residential to commercial – it is desirable that a buffer area of open space or protective planting be placed between them which will protect each use from the undesirable affects of the other.
3. Parking and other public areas used at night shall be adequately lighted, and private areas shall be adequately protected from such lighting and any other lighting from public areas. Public streets may also require protection from excessive glare of lighted areas.
4. It is desirable that all planed-development projects be constructed promptly after approval of the final plat. Construction shall be initiated within one year after approval of the final plat.

23.7 SPECIAL-USE REGULATION

Special uses may be permitted in districts as designated under the zoning-district regulations but only when specifically approved by the Planning Commission. The Planning Commission may portion of its authority for approval or disapproval of special uses with the exception of planned-development projects to the Board of Adjustment and may also withdrawal shall be affected by written notice to the Board of Adjustment and by recording in the official minutes of the Planning Commission. All special uses shall be subject to the following regulations unless otherwise stated in this order:

- A. All districts: The following special uses only may be approved in all zoning districts:
 1. Non-local public utility and private transmission lines and pipes.

2. Radio, television, and telephone transmission towers.
 3. Large utility structures and public-service buildings.
 4. Expansion of railroads and appurtenances.
- B. Specified districts: Other special uses may be approved in only those zoning districts where they are designated as special uses under the zoning-district regulations of this ordinance.
- C. Procedure: In applying for a special-use building permit the applicant shall submit a plan to the Enforcement Officer and follow all procedures set forth in paragraph 52.3 A: procedure for building permit application. The Enforcement Officer shall refer the application to the Planning Commission, or to the Board of Adjustment in cases where the authority has been delegated to it. The Planning Commission may establish a schedule of reasonable fees to be charged for special-use building permits. The applicant shall meet with the Planning Commission or the Board of Adjustment, either of which may attach reasonable special conditions to an approval of a special use to insure that there shall be no departure from the intent of this zoning ordinance. These special conditions may be similar to the conditions that may be required for planned-development projects. Effect of the special use on surrounding uses shall be considered in determining whether a special use shall be approved or disapproved. The Planning Commission, or the Board of Adjustment, if delegated, may approve the application and may issue written authorization to the Enforcement Officer to issue a building permit in full conformance with Section 52.3. The special use if approved shall conform with all attached conditions.

23.8 OUTDOOR SWIMMING POOLS

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

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

- B. Except as herein provided, no swimming pool, including the apparatus and equipment pertaining to the operation of the swimming pool shall be permitted within any required yards of the lot nor within the limits of any public utility right-of-way easement.
- C. No person, firm, or corporation shall maintain or operate a swimming pool without said pool having a fence, including self-latching gate or door. Said fence shall not be less than four (4) feet in height and of such construction that a small child may not reach the pool from a street or adjacent property without opening a gate or scaling a wall or fence.
- D. Glare from flood lights used to illuminate the swimming pool area for night swimming shall be directed away from adjacent properties.
- E. All swimming pools, including the apparatus and equipment pertaining to the operation of the swimming pool, shall be constructed and erected in accordance with all applicable codes, ordinances, and regulations of the city. Any water used in the operation of swimming pool, other than a public source, shall be approved by the appropriate health department.

23.9 SANITARY LANDFILL REGULATIONS:

Sanitary Landfills are not permitted within any zone in the City of Owenton.

24 COORDINATION WITH KENTUCKY REVISED STATUTES ON SPECIFIC USES

24.1 MOBILE HOMES

The following regulations shall apply to all mobile homes 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 County health officer, and

safety requirements applicable to a conventional dwelling, shall be equally applicable to a mobile home.

- C. The mobile home shall be permanently installed and adequately anchored on a foundation made of concrete or concrete block.

- 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.

In all cases of interpretation arising under this provision, the Owenton Planning Commission shall decide the applicability of the Ordinance to the particular case.

24.2 JUNKYARDS

No person shall operate any junkyard which is situated closer than two-thousand (2000) 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 been obtained from the Kentucky Department of Transportation, Bureau of Highways, in accordance with KRS 177.905 to 177.950.

25 GENERAL REGULATIONS FOR LOTS AND YARDS

25.1 CO-ORDINATION WITH SUBDIVISION REGULATIONS

In all cases where the ownership of land is divided for the purpose of eventual development of lots of any kind- residential, commercial, or industrial – the provisions of the Owenton subdivision Regulations shall apply in addition to the provisions of this ordinance. It is desirable that access points to the major streets serving all zoning districts shall be located no more frequently than once every eighth- to quarter- mile. Topography and traffic volumes shall determine the exact locations, heavy volumes requiring greater spacing. Along and major street where subdivided land and its minor streets are not sufficiently developed to permit acceptably spaced access points, the Planning Commission may approve the platting of temporary access points and may require that

temporary access points shall be eliminated by the developer when minor streets or marginal access streets are extended to the permanent access points.

25.2 OBSTRUCTIONS TO VISION AT STREET INTERSECTIONS

A. Within the area defined by the intersection of any two right-of-way lines of streets or a street and railroad and a straight line intersecting those two right-of-way lines at points twenty feet from their intersection, no obstructions of vision between a height of two and one half feet and twelve feet above the imaginary plan defined by those three points of intersection are permitted.

B. INTERFERENCE WITH TRAFFIC SIGNS AND/OR 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.

C. VISION CLEARANCE AT CORNERS AND CURB CUTS

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 and curb cuts in any zone.

25.3 FRONT YARD REGULATION FOR DOUBLE-FRONTAGE LOTS

Double-frontage lots shall, on both of the streets involved, meet the front-yard regulations of the district in which they are located.

25.4 FRONT YARD REGULATIONS FOR CORNER LOTS

Corner lots shall meet the front-yard regulation on the side facing the principal street, but a ten-foot reduction in the front yard regulation is permitted on the side facing the secondary street, providing such reduction does not result in a side yard less than that otherwise required by this ordinance.

25.5 APPLICATION OF YARDS TO ONE BUILDING ONLY

No part of a yard required for any building may be included as fulfilling the yard requirements for an adjacent building.

25.6 USE OF YARDS FOR ACCESSORY BUILDINGS

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

25.7 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 have 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 a specified herein for the zone, all of the uses and structures contained on the remaining portion of the area shall be subject to compliance with all other provisions of this ordinance. In the event that the uses and structures cannot comply in such circumstances, the property owner shall seek relief from the Board of Adjustment, as provided for in Article V Section 54.3 D of this ordinance.

25.8 UTILITIES LOCATION

Electrical transformer stations, gas regulator stations, sewage and water treatment plants, pumping stations, stand pipes 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 Article II Section 23.7 of this ordinance. The locations of such facilities shall be in accordance with Kentucky Revised Statutes, and all other pertinent regulations, and the following requirements:

- A. Such facilities shall be essential for the immediate area or for the proper functioning of the total utility system of which the element is a part.

- B. A building or structure, except an enclosing fence, shall be set back at least fifty (50) feet from any property line.
- C. Such facilities shall be enclosed by a protective fence as regulated by Article X.
- D. Open spaces on the premises shall be suitable landscaped and maintained and a screening area according to Article XI Section 111 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.

25.9 UNSIGHTLY OR UNSANITARY STORAGE

No rubbish, salvage materials, junk, or miscellaneous refuse shall be openly stored or kept in the open, and weeds shall not be allowed to go uncut within any zones, when the same may be construed to be a menace to public health and safety by the appropriate health department, or have a depressing influence upon property values in the neighborhood, in the opinion of the Enforcement Officer. Storage areas shall be adequately enclosed with a solid fence or wall, as regulated by Article X and an approved permanent planting screen, may be required as regulated by Article XI Section 111 of this Ordinance.

26 GENERAL REGULATIONS FOR VEHICLES

26.1 OFF-STREET PARKING SPACE REGULATIONS FOR AUTOMOBILES

- A. Existing parking space: Existing off-street parking provided for any building or use at the time of adoption of this ordinance shall not thereafter be reduced if such reduction results in parking area less than that required by this ordinance. Any existing building or use not provided with conforming parking space shall be provided with off-street parking space in conformance with this ordinance at the time of any structural alteration of the building or expansion of the use.

- B. Required off-street parking space: When any building is built or any use of the land is initiated, there shall be provided sufficient off-street parking space on the premises so that no automobile parking on any street will result from the normal activity. If the off-street parking is generated more often than six times during a six-month period, this shall be considered as resulting from normal activity, and additional off-street parking shall be provided. The Board of Adjustment shall interpret the amount of parking space required for any building or use, assisted by the following standards, whenever the Enforcement officer is unable to apply the following standards literally or determines a parking-space deficiency according to the standard above. In either case, he shall apply to the Board for an original interpretation.
- C. Off-street parking standards: The following standards comprise the minimum off-street parking requirements for the several common types of building and uses listed:
1. Dwelling: One parking space per dwelling unit.
 2. Indoor retail businesses: One parking space for each 100 square feet of commercial floor area plus one space for every truck operated by the business.
 3. Industrial plants: one parking space for every two employees at maximum employment on a single shift plus one space for every truck operated by the plant.
 4. Places for public assembly, institutions, and recreational facilities: one parking space for every five persons based on maximum capacity.
 5. Additional parking standards: The Board of Adjustment may raise the standards listed above when necessary to conform with paragraph B and shall use similar criteria of floor area, employment, or capacity to interpret standards for buildings and uses not specifically listed above.

26.2 Off-Street Loading and Unloading Space Regulations for Trucks

All buildings and uses which generate regular trucking traffic shall be provided with sufficient off-street loading and unloading space on the premises so that they will generate no loading or unloading activity on their required parking spaces or on any street. The Board of Adjustment shall interpret the amount of loading and unloading space required for any building or use whenever the Enforcement Officer is unable to apply this standard literally and applies to the Board for an original interpretation.

26.3 Additional Parking, Loading, and Unloading Regulations

- A. Arrangement of off-street parking space: Off-street parking space required for any building or use may be located within walking distance or four hundred feet from the premises it serves but detached there from and may be consolidated into a large parking area serving other buildings and uses if approved by the Board of Adjustment. The Enforcement Officer shall apply to the Board for an original interpretation when building permits are requested in such cases. The Board may not authorize the total amount of parking space required for all buildings and uses to be diminished except as follows: if a consolidated parking area serves buildings and uses which do not generate automobile parking at the same times – i.e.: churches and stores – total parking space may be diminished to the maximum required by those buildings and uses which do generate the parking of automobiles at the same time.
- B. Proof of availability: The Board of Adjustment may require a plat, deed, and any other proof necessary to show that required parking space, if located off the premises it serves, is controlled by and available the applicant for a building permit.
- C. Surfacing of parking, loading, and unloading spaces: Parking loading, and unloading spaces and the access thereto shall be surfaced in a manner adequate to eliminate dust and mud.

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

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

- B. The outside storage in excess of seventy-two (72) hours, 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 to be located in the side yard of the lot following review and approval by said board. The board may impose certain requirements (such as provided in Article V Section 54.3 of this ordinance) to insure that said vehicle and related equipment is properly screened from view of adjacent property. In no case shall more than one of the aforementioned vehicles or similar type equipment be permitted outside of an enclosed building on any lot or parcel of land.
- C. It shall be unlawful to park or to keep any truck of in excess of 16,000 pounds gross vehicle weight, at any place on property located in a residential district zone, except in a completely enclosed garage.
- D. Any property which does not comply with the provisions of Section 26.4,A., at the time of adoption of this ordinance, shall be given a period of sixty (60) days from the date of adoption of this ordinance to comply with all of the provisions of this section. Further, any property which does not comply with the provisions of Section 26.4,B., and 26.4,C., of this ordinance at the time of it's adoption shall be given a period of six (6) months from the date of adoption of this ordinance to comply with all of the provisions of these sections.
- E. it shall be unlawful to park any vehicle containing hazardous materials when said vehicle is required to be placarded by the U.S. Department of Transportation, in any zone except for loading, and unloading purposes.

27. EXCEPTIONS

27.1 Use Exceptions

Several types of structures and uses which are not listed as permitted uses in any district are nevertheless not prohibited from any district. These structures and uses, with required permits are:

- A. No building permit or certificate of occupancy required:

1. Local public-utility distributing and collecting structures such as pipes and transmission lines, transformers, meters, etc. Large utility structures such as substations are permitted only as special uses.
 2. Public streets and all appurtenances necessary for traffic-direction and safety.
 3. Private drives, private parking areas, and the parking of vehicles incidental to the principle use on the same premises.
 4. Real-estate signs located on the premises being advertised for sale or for rent.
 5. Signs not over four square feet in area identifying permitted home occupations on the same premises.
 6. Horticulture and landscaping of any premises.
 7. Agricultural but not including agricultural structures.
- B. Building permit required: no certificate of occupancy required.
1. Local information signs: All such signs shall meet the following standards:
 - a. Ten square feet in area is the maximum size permitted for such signs.
 - b. The edge of such signs shall be not more than six feet from the ground.
 - c. Local information signs must be located within three miles along any street from the establishment to which they are indicating directions.
 - d. Local information signs must be located off the right-of-way and at least one hundred feet from intersecting street right-of-way.

27.2 Height Exceptions

The height limitations of this ordinance shall not apply to such things as church or ornamental spires, silos, flag poles, various types of towers, smoke stacks, other related structures, and necessary mechanical appurtenances, etc. provided they are not occupied by human beings regularly except for maintenance, 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. The Board of Adjustment shall interpret whether or not height regulations apply whenever there is doubt.

27.3 AREA EXCEPTIONS

- A. For the purpose of side yard regulations, the following dwellings with common party wall shall be considered as one (1) occupying one (1) lot: two-family and multi-family dwellings.
- B. In the case of a court apartment or multi-family dwellings, side yards may be used as rear yards provided that:
1. The required side yard shall be increased by one (1) foot for each entrance or exit opening into or served by such yard.
 2. All other requirements, including front, side, and rear yards shall be complied with in accordance with the regulations of the district in which said court apartments or multi-family dwellings are located.
 3. Rear yards shall be complied with in accordance with the regulations of the district in which said court apartments or multi-family dwellings are located.
 4. Every part of a required minimum yard or court shall be open from its lowest point to the sky unobstructed, except for permitted obstructions in minimum required yards, as specified in this ordinance.
- C. In the case of Planned Development areas, no yard requirements will be utilized in the preparation and adoption of the preliminary

development plan, except as indicated by the Planned
Development regulations.

27.4 OTHER EXCEPTIONS:

Service stations or gasoline filling stations shall be so constructed that the
center lines of the pumps shall be at least twenty-five (25) feet from any
street right-of-way.

Article III

Establishment of Zoning Districts

31. Establishment and Designation

The City of Owenton is divided into four zoning districts as shown on the Zoning Map for Owenton, Kentucky, and these districts are designated as follows:

Residential Districts

- R-1 Low Density
- R-2 High Density

Commercial Districts

- C-1 Central Business
- C-2 General Business

Industrial District

- I Light Industry

Planned Development District

- P Planned Development Project

32. Interpretation of Zoning-District Boundaries

The following rules shall be used to interpret the exact location of the zoning-district boundaries shown on the zoning map:

- A. Where zoning-district boundary follows a street or railroad right-of-way, that right-of-way is the boundary of the district.
- B. Where a zoning-district boundary approximately follows a lot or property line, the line is the boundary of the district.
- C. Where a zoning-district boundary follows a stream or the shore of a body of water, that stream or shore line is the boundary of the district.
- D. Where a zoning-district boundary does not clearly follow any of the features mentioned above, its exact location on the ground shall be determined by measurement according to the map scale.

- E. In any case where the exact location of a boundary is not clear, the Board of Adjustment shall use these rules to determine the exact location upon application by the Enforcement Officer for an original interpretation.

33. Areas Unassigned to a Zoning District

In case any area hereafter becomes part of the incorporated area of Owenton, the Planning Commission shall initiate the amendment procedure within one month after the date of annexation of such area in order to assign such area to a zoning district. Building permits shall not be issued for such area until it is assigned to a zoning district.

Article IV

Zoning District Regulations

41. Residential Districts

The following regulations shall apply in residential districts, in accordance with the specifications given in the Schedule of Dimension and Area Regulations:

41.1 Permitted Uses

- A. Single-family dwellings in R-1 or R-2 districts.
- B. Double-family dwellings in R-1 or R-2 districts.
- C. Multiple-family dwellings in R-2 districts.
- D. Manufactured or Modular dwellings in R-1 or R-2 districts.

41.2 Accessory Structures and Uses Permitted

- A. Private pools, fenced or covered so as to prevent unauthorized or accidental use. See Article II section 23.8
- B. Garage or other building not used as a dwelling and accessory to the principal use.
- C. Renting of sleeping rooms, to a maximum of three such rooms in any one building.
- D. Home occupations. Permitted home occupations may be identified on the premises according to Section 27.1 A-5. No displays or changes in façade shall indicate from the exterior that the building is being utilized partly for a non-residential purpose. See also Article VIII

41.3 Special Uses

- A. Nonprofit public or private facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, etc.
- B. Planned-development project for residential use only. The procedure under Section 23.6 shall be followed.

- C. Pre-school, day care or other child care facility or hospice licensed under the laws and regulations of the Commonwealth of Kentucky and any other applicable administrative agencies. (Ord. 518, April 1990)
- D. Multi-family dwellings may be permitted in R-1 district upon recommendation of the Board of Adjustment and approval of the city council. (Ord. 522, July 1990)

41.4 Dimension and Area Regulations for Lots and Structures

The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimension and Area Regulations in Figure 4-1. The applicable regulations shall be observed in all residential districts.

42. Commercial Districts

The following regulations shall apply in all commercial districts:

42.1 Permitted Uses

- A. Retail sales: Processing of products is permitted only in all products processed are sold at retail on the premises.
- B. Consumer services: Processing is permitted only if all such processing is performed as a consumer service for retail customers served on the premises.
- C. Professional, business, and government offices and laboratories
- D. Churches and other organizational meeting places.

42.2 Accessory Structures and Uses Permitted

- A. Signs – See Article X
- B. Dwelling units occupying the same building as the principal commercial use.
- C. Garage or other building not used as a dwelling and accessory to the principal use.

42.3 Special Regulations

- A. There shall be no outdoor storage or display of merchandise, and no outdoor processing or services shall be rendered in any commercial district unless authorized as a special use. All structures accessory to an

outdoor special use shall be located at least twenty-five feet from front lot lines.

42.4 Special Uses

- A. Public facilities such as libraries, parks, recreational facilities, hospitals, institutions, public communications media, etc.
- B. Planned-development project for commercial use only. The procedure under paragraph 23.6 shall be followed.
- C. Outdoor storage, display, processing, or services rendered.

42.5 Dimension and Area Regulations for Lots and Structures

The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimension and Area Regulations in Figure 4-1. The applicable regulations shall be observed in all commercial districts.

43. Industrial District

The following regulations shall apply in all industrial districts:

43.1 Permitted Uses

- A. Nonretail commercial
- B. Light industry. The Board of Adjustment shall distinguish between light and heavy industry according to the definition in Section 21 of this zoning ordinance upon application by the Enforcement Officer when the classification is in doubt.
- C. Research laboratories.

43.2 Accessory Structures and Uses Permitted

- A. Signs identifying the industrial activity on the same premises. See Article X
- B. Dwelling unit for caretaker or watchman employed by the industrial firm.
- C. Garages and other buildings and uses accessory to the principal use.

43.3 Special Regulations

- A. There shall be no outdoor storage, display, or processing of products in any industrial district unless authorized as a special use. All structures

accessory to an outdoor special use shall be located at least twenty-five feet from lot lines.

B. PERFORMANCE STANDARDS FOR INDUSTRIAL ZONES see Article XI

43.4 Special Uses

- A. Heavy industry.
- B. Outdoor storage, display, or processing
- C. Planned-development project for industrial use only. The procedure under Section 23.6 shall be followed.

43.5 Dimension and Area Regulations for Lots and Structures

The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimension and Area Regulations in Figure 4-1. The applicable regulations shall be observed in all industrial districts.

44. Planned-Development District

The following regulations shall apply in all planned-development districts:

44.1 Permitted Uses

- A. Agricultural structures
- B. Farm dwellings

44.2 Special Uses

- A. Planned-development project for residential, commercial, or light industrial uses. The procedure under Section 23.6 shall be followed.
- B. Residential or commercial subdivision.

44.3 Special Regulations

- A. The initial final plat of planned-development project or subdivision in a planned-development district shall comprise at least five acres wholly within a planned-development district and shall show the proposed design for development and use that entire project area. Such a project may thereafter be expanded on adjacent land according to the planned-development or subdivision procedure as applicable with no minimum acreage requirement, provided the expansion is for the same principal use as the initial five-acre development and may be incorporated as an

integral extension of the original plan. The effect of a planned-development project on surrounding uses and the recommendations of all officially adopted plans shall be considered in determining the approval or disapproval of the project.

- B. The Planning Commission shall require the dedication or reservation of rights-of-way, as authorized by the subdivision regulations, to provide access to interior land in planned-development districts. All access to arterial streets serving planned-development districts shall be approved according to the standards defined by Section 25.1 of this zoning ordinance.
- C. When a tract of land under five acres in a planned-development district is under one ownership, and that owner has owned adjoining land at any time since the effective date of this zoning order, such a tract may be platted as a planned-development project or subdivision.

44.4 Dimension and Area Regulations

Figure 4-1: Schedule of Dimension and Area Regulations

Districts	R-1	R-2	C-1	C-2	I	P
Maximum Height	30'				30 ft. or half the right-of-way of street in front, whichever is greater*	Dimensions, area, and set backs determined by the type of planned development
Minimum Lot, 1-Family unit	12,000 sq. ft.	6,000 sq. ft.		75 ft.*		
Minimum Lot, 2-Family unit	16,000 sq. ft.	8,000 sq. ft.				
Minimum Lot, multi-unit	N/A	10,000 sq. ft.				
Maximum Lot coverage	30%					
Minimum frontage, 1-	75 ft.	50 ft.				

Family unit			
Minimum frontage, 2-Family unit	75 ft.	50 ft.	
Minimum frontage, multi-unit	100 ft.	60 ft.	
Minimum Setback, Front yard	25 ft. or half the right-of-way of street in front, whichever is greater*		
Side Yard	10 ft.	5 ft.*	25 ft. on any side adjacent to a differently zoned district*
Rear Yard	30 ft.*	25 ft.*	
Regulation of accessory buildings	10 ft. from any lot line or other building; 30 ft. high or less		Accessory buildings must conform to same yard and height standards as the principal buildings

* The Planning Commission may require larger setbacks on Federal, State, and County highways and roads.

The regulations on the dimensions and area for lots and structures are set forth in the Dimension and Area Regulations in Figure 4-1. The applicable regulations shall be observed in all planned-development districts, according to the type development in the planned district.

Article V

Administration

51. Enforcement Officer

The City of Owenton shall appoint an Enforcement Officer, who may be a member of the Commission, and who shall be charged and provided with the authority to enforce the ordinances, regulations, and codes governing land development and use and to issue building permits and certificates of occupancy. The Planning Commission may establish a schedule of reasonable fees to be charged for the issuance of such permits and certificates by the Enforcement Officer. The Enforcement Officer, in the performance of his duties and functions, may enter upon any land and make examinations and surveys that do not occasion damage or injury to private property.

52. Building and Zoning Permits

52.1 Required Prior to Construction or Alteration

- A. BUILDING PERMIT REQUIRED: It shall be unlawful to commence any excavation or construction or alteration of any structure until the Enforcement Officer has issued a building permit authorizing such work except as specified in paragraphs 27.1 and 52.2 of this zoning ordinance.
- B. 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, or shall any grading take place on any lot or parcel of ground without a permit, issued by the Building Inspector and approved by the Planning Commission. No zoning permit shall be issued except in conformity with the provisions of this ordinance, except after written orders from the Planning Commission.

52.2 Exceptions

Permits issued for the lawful rebuilding of a damaged building shall be exempt from the fee. No building permit or certificate of occupancy shall be required in the following cases:

- A. Recurring maintenance work regardless of cost.
- B. Installation of required improvements according to an approved preliminary subdivision plat or planned development plat.
- C. Excavation, construction, or alteration of these structures and uses listed in Section 27.1.

52.3 Procedure

- A. Application: In applying to the Enforcement Officer for a zoning and/or building permit the applicant shall submit:
 - 1. A complete application form, provided by the Building Inspector.
 - 2. The required fee for a building and/or zoning permit, as provided for by separate ordinance.
 - 3. A plan along with the application, drawn to scale of not less than one (1) inch to fifty (50) feet, showing the following information:

1. The location of every existing and proposed building, including dimensions and height, and the number, size, and type of dwelling units.
2. All property lines, shape and dimensions of the lot to be built upon.
3. Lot width at building setback line.
4. Minimum front and rear yard depths and side yard widths.
5. Existing topography, with a maximum of five (5) foot contour intervals.
6. Total lot area, in square feet.
7. Location and dimensions of all access points, driveways, off-street parking spaces.
8. A drainage plan of the lot and it's 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.
9. All sidewalks, walkways, and open spaces.
10. Location, type, and height of all walls, fences, and screen planting.
11. Location of all existing and proposed streets, including right-of-way and pavement widths.
12. All existing and proposed water, and sanitary, and storm sewer facilities to serve the lot, indicating all pipe sizes, types, and grades and the County Health Officer's certificate approving proposed water and sewage facilities must accompany applications in accordance with paragraph 23.4 of this ordinance.

The Building Inspector may waive any of the above requirements for items unnecessary to process the application such as: fences, outbuildings, etc.

- B. Permanent file: The Enforcement Officer shall keep a permanent file of all applications with accompanying plans and all permits issued.
- C. ISSUANCE OF ZONING PERMIT: The Building Inspector shall either approve or disapprove the application (when required by this ordinance – e.g., Development Plan submitted required – the planning commission, approval or disapproval shall be required). If disapproved, one (1) copy of the submitted plans shall be returned to the applicant marked “Disapproved” and shall indicate the reason for such disapproval thereon. Such disapproval shall be attested by the Building Inspector’s signature. The other copy, similarly marked, shall be retained by the Building Inspector.
- D. Validity: The issuance of a building permit by the Enforcement Officer shall not waive any provision of this ordinance.
- E. Duration: A permit shall become void six months from the date of issuance unless renewed by the Enforcement Officer on a presentation of valid reason for such renewal.
- F. FAILURE TO COMPLY: Failure to obtain a zoning permit shall be a violation of this ordinance and punishable under Article V Section 56.2 of this ordinance.

52.4 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 Building Inspector, authorized only use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangements, or construction. Use, arrangements, or construction at variance with that authorized shall be deemed in violation of this ordinance and punishable as provided in Article V Section 56.2 of this ordinance.

53. Certificates of Occupancy

53.1 Required Prior to Occupancy, Change of Use, and Under Other Conditions

It shall be unlawful to use any newly erected or altered structure or to change the use of any premises even though no structure was erected or altered until

the Enforcement Officer has issued a certificate of occupancy authorizing such use. The Planning Commission may authorize the Enforcement Officer to require that nonconforming uses or any existing uses shall maintain valid certificates or occupancy identifying them as nonconforming or permitted uses as applicable.

53.2 Procedure

- A. Application: In applying to the Enforcement Officer for a certificate of occupancy, the applicant shall notify the Enforcement Officer in writing of the date on which the use of any new or altered structure or the new use of any premises will be ready to commence. The County Health Officer's certificate must accompany applications according to paragraph 23.4 of this order.
- B. Permanent file: The Enforcement Officer shall keep a permanent file of all applications and all certificates issued.
- C. Issuance: If the newly erected or altered structure and the new use of premises conform with all applicable provisions of this ordinance and all other applicable ordinances, regulations, and codes, the Enforcement Officer shall issue a certificate of occupancy authorizing the use thereof. If the structure or use fails to conform, the Enforcement Officer shall deliver written notice to the applicant stating the reasons for the refusal. The Enforcement Officer shall inspect a new structure or the premises for which a new use is proposed and shall issue or refuse a certificate of occupancy within three days after the date on which the new use is ready to commence.
- D. Validity: The issuance of a certificate of occupancy by the Enforcement Officer shall now waive any provision of this ordinance.

54. Board of Adjustment

54.1 Appointment and Organization

A Board of Adjustment of five members (hereinafter known as the Board) shall be appointed in conformance with the Kentucky Revised Statutes, Section 100.560~~217~~, and shall conduct meetings and business in conformance with the Kentucky Revised Statutes Sections 100.221 and 61.800-850 and following.

54.2 Powers and Duties

The Board shall have the following powers and duties:

- A. Bylaws: The Board shall adopt bylaws for its own government.
- B. Administrative review: The Board shall hear and decide upon appeals from decisions of the Enforcement Officer. The Board shall decide on questions involving literal interpretations of this ordinance and shall interpret the exact location of district boundaries according to Article III Section 32 of this ordinance, shall interpret the amount of off-street parking, loading and unloading space required to Sections 26.1 through 26.3, and shall make only those other interpretations and decisions specifically delegated to it by the provisions of this ordinance.
- C. Special Uses: The Board shall have the authority to approve or disapprove applications for only those special uses upon which it has been specifically delegated to act by the Planning Commission in conformance with Section 23.7 of this ordinance.
- D. Variances: The Board may vary the strict application of only the dimension and area regulations provided that unique conditions prevent strict conformance and would thus deprive the owner of the reasonable use of hi premises. The Board shall not grant a variance unless all of the following conditions are met:
 - 1. Physical conditions are unique to the lot or structure in question and do not apply to neighboring lots or structures in the same district.
 - 2. Strict application of the dimension and area regulations would deprive the owner of the reasonable use of his lot or structure equivalent to the use of neighboring lots and structures in the same district.
 - 3. The unique conditions are not the result of actions taken subsequent to the enactment of this ordinance.
 - 4. The granting of the variance will be in harmony with the intent of this ordinance and will not be detrimental to any neighboring premises.
- E. Special Variances: The Board may grant a variance when the following special condition is present in lieu of the four general conditions listed

above:

- A. If an undeveloped lot of record, existing before the enactment of this ordinance, is too small to allow conformance with the dimension and area regulations and if the owner has owned no adjoining lot since that date, the Board may grant a variance to allow the owner the reasonable use of his premises. When adjoining undersized lots of record are under the same ownership, they shall not be used or sold separately except in conformance with the dimension and area regulations of this ordinance.

54.3 Procedure

An application to the Board for an original interpretation or decision or an appeal from a decision of the Enforcement Officer shall be made in writing on forms prescribed by the Board. An appeal must be filed within sixty days after the Enforcement Officer has refused a building permit or certificate of occupancy or the right to appeal shall be waived. The Enforcement Officer shall transmit to the Board the complete record of the decision appealed. The Board shall hold a hearing at which all pertinent evidence concerning the interpretation, decision, or appeal shall be examined, and the Board shall make their decision within two weeks after the hearing. The following rules shall govern all decisions made by the Board:

- A. Limits of authority: The Board shall act only within the strict limits of its authority as defined in this ordinance. The Board has no authority to vary the use regulations or other regulations not specifically mentioned. The Board shall not hold hearings on applications or appeals seeking decisions that the Board is not authorized to make.

B. CONDITIONAL USES

- 1. DETERMINATION: Subject to the requirements of Section 23.7, the Board of Adjustment may authorize a conditional use to be located within any zone in which such conditional use is permitted, if the evidence presented by the applicant is such as to establish, beyond any reasonable doubt.

- a. 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

b. 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.

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

a. The Board of Adjustment may approve, modify, or deny any application for a conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the board's minutes and on the conditional use permit, along with the reference to the specific section in the zoning regulation listing the conditional use under consideration. In addition, a certificate of Land Use Restriction shall be filed pursuant to Article V Section 52.3 of this ordinance. The board shall have the power to revoke conditional use permits, or variances for noncompliance with the condition thereof. Furthermore, the board shall have the right of action to compel offending structures of uses removed at the cost of the violator and may have judgment in personam for such cost.

b. 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.

c. In any case, where a conditional use permit has not been exercised within the limit set by the board, or within

twelve (12) consecutive calendar months from date of issuance, such conditional use permit shall not revert to its original designation, unless there has been a public hearing. Exercised as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement has been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed. When construction is not a part of the use, exercised shall mean the use is in operations in compliance with the conditions as set forth in the permit.

- d. The Building Inspector 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.

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

- f. The board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing. If the board of Adjustment finds that the facts alleged in the report of the Building Inspector are true and that the landowner has taken no steps to comply with them between the date of the report

and the date of the hearing, the Board of Adjustment may authorize the Building Inspector 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.

3. Once the Board of Adjustment has completed a conditional use permit, and all the conditions required are of such type that they can be completely and permanently satisfied, the Building Inspector, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file. Thereafter said usage, if it continues to meet the other requirements of this ordinance, will be treated as a permitted use.

 4. When an application is made for a conditional use permit for land located within or abutting any residential zoning district, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant, administrative official, an owner of every parcel of property adjoining the property to which the application applies, and such other persons as this ordinance or Board of Adjustment bylaws shall direct. Written notice shall be by first class mail with certification by the board's secretary or other officer that the notice was mailed. It shall be the duty of the applicant to furnish the board the name and address of an owner of each parcel of property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.
- C. Vote required: The concurring vote of four members of the Board shall be necessary to reverse, affirm, or modify any order or decision of an administrative official.

- D. Additional powers: In exercising the above powers, the Board shall have all the powers of the Enforcement Officer in addition to its other powers and duties.

55. Clarification of Administrative Jurisdictions

The following is a recapitulation of the administrative agencies, with jurisdiction and the extent of such jurisdictions, concerning the administration of this zoning ordinance:

- A. The Enforcement Officer has initial authority for the literal enforcement of this zoning ordinance. He has no discretionary authority to allow any departure from the literal conformance with this ordinance.
- B. The Board of Adjustment has authority to hear appeals from decisions by the Enforcement Officer and to make literal interpretations of the pertinent provisions to correct any possible misinterpretation by the Enforcement Officer. The Board also has the authority to make only those initial discretionary interpretations and decisions and allow only those departures from a literal conformance which are specifically delegated to it.
- C. The Circuit Court has jurisdiction to determine all questions and issue properly brought before it on appeal from decisions of the Board of Adjustment or the Planning Commission, according to Kentucky Revised Statutes 100.590347 or 100.089.
- D. The Planning Commission, in addition to its other responsibilities concerning adoption and amendment of this order and subdivision plat review and approval, has the authority and responsibility for approval or disapproval of planned-development projects and special uses. This responsibility – like that of subdivision plat review – involves guiding the initial disposition of nonagricultural land development, including the proper arrangement of streets in relation to other existing or planned streets, provision of adequate open space, and the avoidance of congestion; consequently, it is equivalent to the Planning Commission's primary responsibility for subdivision plat review and approval. The Planning Commission may delegate any portion of its authority for approval of special uses only, but not planned-development projects, to the Board of Adjustment.

56. Violations

56.1 Remedies

The Enforcement Officer shall issue notice to violators of all violations of this ordinance and shall order that such violations cease. In cases of possible violation where the Enforcement Officer cannot determine if there is a literal violation, he shall apply to the Board of Adjustment for an interpretation. If necessary, the City Attorney or other city official may institute appropriate action in court to eliminate the threat or existence of any violation of this ordinance in accordance with the Kentucky Revised Statutes paragraph 100.980(3).

56.2 Penalties

Fines and other penalties may be imposed upon violators according to the provisions of the Kentucky Revised Statutes paragraph 100.990(1).

Article VI

Amendments

To make any amendments to this zoning ordinance, either to the text or to the map, the following procedure shall be followed. If any given use is not permitted in a given zoning district by the provisions of this ordinance, it may not be permitted by any agency unless the zoning ordinance is amended according to the amendment procedure.

- A. Review by Planning Commission: No amendment shall be made without first being reviewed by the Planning Commission.
- B. Public Hearings: A public hearing shall be held as required by KRS 100.211-213 before amendment of this ordinance. At least fifteen days before the hearing one notice shall be published in a paper of general circulation in the city, stating the time and place of the hearing. The Planning Commission may establish a schedule of reasonable fees to be paid by the applicant for a zoning amendment.
- C. Recommendation to City Council: The Planning Commission shall submit its recommendation to the City Council. The Planning Commission may recommend modifications to proposed amendments and may also initiate proposed amendments.
- D. Action by City Council: Adoption of the Planning Commission's recommendation may be by a majority of all members of the City Council. To overrule the Planning Commission's recommendation a recorded vote of not less than two-thirds of the entire membership of the City Council shall be necessary.
- E. Planned-development-district amendment: If a planned-development project is proposed which includes a use not permitted in the district containing the proposed location, the amendment procedure may be initiated after conditional approval of the preliminary plat. A map amendment may be made to designate the proposed location as a planned-development district. Thereafter the planned-development-project procedure shall be followed, and the map amendment, if approved, shall be valid only for that specific project as approved by the Planning Commission in conformance with Section 23.6 of this ordinance.
- F. Currency of zoning map: The Planning Commission chairman shall insure that amended zoning-district boundaries are accurately placed on the certified copies of the zoning map and shall initial and date all such additions to the map.

Article VII

Legal Status

71. Conflict with Other Instruments

In case of conflict between this ordinance or any part thereof and the whole or part of any existing or future ordinance of the City of Owenton or the whole or part of any existing or future private covenants or deeds, the most restrictive in each case shall apply.

72. Validity

If any provision of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this ordinance.

73. Repealer

Any previously adopted ordinance entitled Zoning Ordinance for the City of Owenton, Kentucky, together with all amendments thereto, is hereby repealed and declared to be of no effect.

74. Effective Date

This ordinance shall take effect and be in force immediately after its adoption.

ARTICLE VIII

SPECIAL REQUIREMENT GOVERNING HOME OCCUPATIONS

81 Home Occupation requirements

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 the home and customer is contacted in other than that location). The following requirements shall apply to home occupations when permitted herein:

- 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, 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. No equipment or process which creates noise, vibration, glare, fumes, odors, or electrical interference, detectable to the normal senses off the lot, shall be used in such home occupation. In the case of electrical interference, no equipment or process which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises, shall be used.

ARTICLE IX

91 FENCES, WALLS AND OBSTRUCTION TO VIEW REGULATIONS

Fences shall be constructed so that all structural members shall be located on the inside if the fence. The inside shall be the side which faces the property owned by the person building the fence.

91.1 VISION CLEARANCE TO CORNER

Except as herein provided, no fence, wall, hedge, or other obstruction, above a height of thirty-six (36) inches, as measured above the curb level, shall be erected, placed, maintained, or continued in any zone, within that triangular portion of a corner lot formed by measuring fifty (50) feet from the intersection of the right-of-way lines of two (2) streets or of the right-of-way line of a street intersection 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.

91.2 CLASSIFICATION OF FENCES AND WALLS

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

1. Masonry walls
2. Ornamental (iron or wood) (eighty (80) percent open)
3. Woven wire (eighty (80) percent open); and chain link
4. Wood or other materials (more than fifty (50) percent open)
5. Solid Fences, wood or other materials (less than fifty (50) percent open)
6. Hedges
7. Barbed wire or sharp pointed fences
8. Earthen or concrete walls intended to contain or redirect flooding waters

91.3 GENERAL REGULATIONS

- A. CORNER LOTS: Except as herein provided, a fence of class 2, 3, or 4 may extend to the minimum side yard setback, on the side street side. Fences of class 1, 5, or 6 shall not extend beyond the corner of the house nearest the side street.

- B. DOUBLE FRONTAGE LOTS: Except as herein provided, a fence of class 1, 2, 3, 4, 5, and 6 may extend only to the minimum front yard setback, for that zone.

- C. INTERIOR LOTS: Except as herein provided, all permitted fences shall extend to the property line or extend no further than the minimum side yard setback for that zone.

91.4 RESIDENTIAL ZONES

Fences and/or walls within all residential (R) zones, including their applicable overlay zone, shall conform to the following requirements:

- A. The requirements for the Residential (R) Zones for residential uses only, are as set forth and depicted on Figure 1 of this ordinance.
- B. The location, height, and type of all fences and/or walls within any area zoned with a RCD Overlay shall be as approved in the development plan.
- C. For all non-residential uses conditionally permitted in any residential zone herein, the requirements are as follows:
 - 1. Fences and/or walls may be erected in side or rear yards, up to a maximum height of seventy-two (72) inches, provided, however, for the following exceptions.
 - 2. General purpose recreational areas may be enclosed with fences and/or walls of Class 1, 2, 3, 4, 6, or 7, up to maximum height of ninety-six (96) inches.
 - 3. Class 3 fence (or a combination of 3 and 7) may be erected to enclosed tennis courts or as backstops for baseball and/or softball fields, up to a maximum height of one hundred forty-four (144) inches.
 - 4. In the case of corner lots, as governed by Article II Section 25, fences of class 2 or 3 or 4 only may be erected, as regulated by the applicable provisions of this section.
 - 5. For all uses in any residential zones herein, a classes 1, 2, 3, 4, and 6 fence may be allowed within the front yard according to the following requirements.

- i. May only be located along, the lot line or right of way line.
- b. Any portion of a front yard fence that exceeds forty-eight (48) inches in height shall be 80 percent open.

91.5. COMMERCIAL AND INDUSTRIAL ZONES

- A. 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:
 - 1. Except as provided for in Article IX Section 91.1, fences of class 1, 2, 3, 4, 5, or 6 may be erected in side and rear yards of commercial zones, up to a maximum heights of seventy-two (72) inches. In the case of corner lots, as governed by Article II Section 25, fences of class 2 or 3 only, may be erected up to a maximum height of seventy-two (72) inches.
 - 2. No fence shall be permitted within the minimum front yard.
- B. Except as noted in Article IX Section 91.1, fences of classes 1, 2, 3, 4, 5, or 6 may be erected up to a maximum height of eighty-four (84) inches in all industrial zones in side and rear yards and not more than forty-eight (48) inches in height in the minimum front yard depth.

91.6 MEASUREMENT OF ALL FENCE AND/OR WALL HEIGHTS AND/OR LOCATIONS

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

91.7 . HEIGHT OF ANY BARBED WIRE OR SHARP POINTED FENCES

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.

91.8 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 application zone. Said measurement shall be made at and along the location of the fence and retaining wall.

91.9 ELECTRIFIED FENCES

No fence carrying an electrical charge shall be permitted in any zone, unless area is being used for agricultural purposes.

ARTICLE X

SIGN REGULATIONS

101.1 Intent

The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community and/or county, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign and advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, and curb the deterioration of the natural environment and enhance community development.

101.2 General Sign Regulations

- A. All signs, unless otherwise specified in these regulations, shall be set back from the established right-of-way of any road or highway a minimum of five (5) feet from the front property line and no closer than three (3) from any side property line. Placement is determined by the closest portion of the sign to the setback minimum.
- B. All signs of any type in any zone, other than real estate signs as provided for in this section and others specifically excluded, require a sign permit to be obtained from the Administrative Official prior to construction or installation. Installation of a permanent sign prior to the obtaining of the required sign permit shall constitute a violation of these regulations and shall be assessed a penalty of 100% of the scheduled permit fee in addition to the scheduled permit fee.
- C. No sign or billboard, other than real estate signs advertising the sale, rental or leasing of the premises, shall be permitted in any residential zone. Said real estate signs shall not exceed four (4) square feet in area and shall be displayed at least five (5) feet from all lot lines. Real estate signs shall only be placed on lots which they advertise.
- D. Advertising signs, structures, or lights for support and illumination of signs, where permitted, shall in no case be placed in or extend over the street right-of-way.

- E. No signs (other than those erected by governmental agencies) may be erected in a public right of way or attached to any utility poles.
- F. Flashing signs shall not be permitted in any zone, whether permanent or temporary, on or off premise. Flashing signs shall be defined as a sign, the illumination of which is not kept constant in intensity at all times when in use. Illuminated signs which indicate time, temperature, weather or similar public service information, shall not be considered flashing signs.

101.3 Exempt Signs

The following signs are exempt from regulation under this section and are exempt from permitting:

- A. Signs not exceeding four (4) square feet that are normally associated with residential use, such as used those used for property identification, signs on mailboxes, signs related to private parking, trespassing, etc.
- B. Signs erected by or on behalf of or pursuant to the authorization of a government body, including legal authorization of a government body, which includes legal notices, and informational signs.
- C. Any official informational or directional sign or historic marker erected by a governmental agency.
- D. Cultural decorations or displays of noncommercial nature, mounted on private residential property, which pertain to cultural observances;

101.4 Temporary Signs

Temporary signs are signs which are placed, constructed or erected for a limited period of time. The following types of signs are considered temporary and may be erected under the provisions of this ordinance. Temporary signs do not require a permit from the Enforcement Officer and under no circumstances shall they be permitted to remain for more than sixty (60) days.

- A. Yard sale signs may be posted no earlier than seven (7) days prior to the start of the yard sale and must be removed no later than two (2) days following the final day of the yard sale. Under no circumstances shall yard sale signs be posted on utility poles.
- B. Temporary signs not exceeding thirty-two (32) square feet in surface area, announcing or relating to a sales campaign, drive or event of a civic, philanthropic, educational or religious organization, or seasonal agricultural sales or events, provided the sign is posted no earlier than

forty-five (45) days prior to the event and removed within seven (7) days after the end of the event or season.

- C. Temporary signs relating to the future tenants of the premises where the sign is located. Total display period shall not exceed six (6) months prior to occupancy of the premises under construction.
- D. Temporary signs relating to the future tenants of the premises where the sign is located. Total display period shall not exceed six (6) months prior to occupancy of the premises under construction.
- E. Temporary signs that relate to construction work in progress or upcoming work on-site where the sign is to be located. This may include identification of persons or businesses involved in the development of the site. Display time for this sign type is sixty (60) days plus the construction period.

101.5 Signs within Residential Districts

Signs are permitted in residential zones only in accordance with the following provisions:

- A. Temporary signs pertaining to the lease or sale of a building or land may be erected as provided in Section 101.2 of these regulations. Real Estate signs shall not be displayed on and/or over city or public property except by the appropriate public agency.
- B. Temporary signs, for one (1) year, may be erected to advertise a new subdivision of five (5) or more lots, provided that the sign is no larger than sixty (60) square feet in area, is not internally illuminated, advertises only the subdivision in which it is located and is erected only at a dedicated street entrance.
- C. One identifying sign of not more than thirty (30) square feet in area may be erected for churches, libraries, schools, parks, hospitals for human care, and other public facilities of a similar nature. Such sign shall be solely for the purpose of displaying the name of the institution and its activities or services. It may be illuminated or electronic, but shall not be flashing.
- D. Directional signs, not exceeding two (2) square feet in area shall be permitted only on major thoroughfare approaches to institutions listed in three (3) above. No such signs shall be permitted on minor residential streets.

- E. One (1) indirectly lighted name plate sign for a dwelling group of four (4) or more dwellings not exceeding six (6) square feet in area. Such signs may indicate only the names of buildings or of occupant of the buildings.
- F. Accessory uses for professional offices or home occupations shall be permitted one (1) indirectly lighted name plate (sign) not over two (2) square feet in area.
- G. One (1) indirectly illuminated sign which advertises a Bed & Breakfast establishment not exceeding twelve (12) square feet in size. Placement on premises shall be regulated by the Board of Adjustments and Appeals.

101.6 Signs within Business Districts

In all business districts, each business shall be permitted to have permanent outside signs. Signs permitted under this section shall be limited to those as described below:

- A. Each business shall be entitled to have one (1) sign which is mounted flush against a building (wall-mount) for each building face that fronts a public street. The depth of such a sign from a face to the building shall not exceed two (2) feet. The area of such a flush mount sign shall be limited to a total surface area equivalent to two (2) square feet of sign area for each linear foot of building width occupied by such enterprise. In the event that the area shall exceed eighty (80) square feet, then a variance application must be made to and approved by the Board of Adjustments and Appeals.
- B. Additionally, one (1) free-standing sign structure shall be permitted for each lot of one hundred (100) foot frontage or less and one (1) additional freestanding sign structure for each additional one hundred (100) feet of lot frontage on a separate road frontage. In the instance where multiple businesses cohabitate a site parcel (as in a development plan), each business shall be entitled to free standing sign which shall be co-located upon a single pylon or marquee type sign and are limited to seventy two (72) square feet in size. Placement of the pylon or marquee sign shall be reviewed and approved by the Planning Commission during the development approval process. All such freestanding signs shall be set back five (5) feet, or more, from the front property line.
- C. Free standing signs shall not exceed a height of twenty-five (25) feet.
- D. No illuminated business signs within a business zone shall be located closer than thirty (30) feet to a residential zone.

- E. Signs, awnings, marquees and outdoor advertising structures under the following conditions:
1. Such awnings shall extend no further than four and one-half (4 1/2) feet from the front of a building or to within one (1) foot of the curb of the street to which the awning fronts.
 2. Awnings and marquees shall have a clearance of eight (8) feet above the sidewalk and shall not be supported from the sidewalk.

101.7 Signs within Industrial Districts

- A. All signs permitted in Business Districts are also permitted in Industrial Districts and subject to the requirements thereof.
- B. One (1) sign structure for identification and direction purposes may be erected at access points to public streets provided that such signs are no larger than seventy two (72) square feet in area. Applicants who desire a sign larger than seventy two (72) square feet in area may obtain a permit with increase setbacks on a 2 to 1 ratio. For each two (2) square feet of signage in excess of the maximum, the setback shall be increased one (1) foot from the minimum five (5) feet setback requirement.
- C. No illuminated business signs within an industrial zone shall be located closer than thirty (30) feet to a residential zone.

101.8 Prohibited Signs

The regulations contained in this section apply to all zoning districts and include permanent and temporary signs:

- A. Off-premise signs, including billboards
- B. Any non-governmental sign located within a right of way.
- C. Signs which constitute a traffic hazard or which can be construed as a hindrance to public safety.
- D. Signs which may be confused as traffic control devices or signs which imitate emergency or road equipment vehicles.
- E. Signs which block or obstruct the sight distance of oncoming or turning vehicles.

- F. Mobile or portable signs.
- G. Animated, projecting, revolving, and moving signs, including those which create the appearance of animation, projection, revolving or other movement, or utilize flashing or intermittent lights, or lights of changing degrees of intensity:
1. Automatic changeable copy signs that conform with Section 101.10 are not subject to this limitation
- H. Any sign or banner that is attached to any utility pole or regulatory sign within a right of way.
- I. 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, limits access highway, or turnpike, except as provided for in KRS 177.830 – 177.890 and approved of by the Kentucky Department of Transportation, Bureau of Highways, District Office Number 6, as amended.

101.9 Sign Maintenance

- A. Should any sign become insecure or in danger of falling or otherwise unsafe in the opinion of the Zoning Administrator, the owner thereof, or the person or firm maintaining the same, shall upon written notice from the Zoning Administrator, in the case of immediate danger forthwith and in any case within fourteen (14) days, secure the same in a manner to be approved by the Zoning Administrator or remove such sign. If such order is not complied with within fourteen (14) days, the Zoning Administrator shall remove or cause removal of such sign at the expense of the owner or lessee thereof.
- B. All signs for which a permit is required, together with all their supports, braces, guys, and anchors, shall be kept in good repair. The Zoning Administrator shall order the removal of any sign that is not maintained in accordance with the provisions of this section. Such removal shall be at the expense of the owner or lessee.
- C. Any sign now or hereafter existing which no longer advertises a bona fide business shall be taken down and removed by the owner, his agent, or person having the beneficial use of the building, structure, or lot. Upon failure to comply with such notice within the time specified in such order, the Zoning Administrator is hereby authorized to cause the removal of such sign, and any expense incidental thereto shall be paid by the owner of the building, structure, or lot to which the sign is attached. The Board

of Zoning Adjustment may waive this requirement only for historic preservation purposes and when the owner can prove the need for the waiver to qualify for funding or tax credits.

101.10 Flashing Signs, Moving Signs, and Changeable Copy Signs.

- A. General rule. Signs that move, flash or simulate movement are prohibited except as allowed under this section. A changeable copy sign is considered a different classification of sign under this Article; conversion of an existing sign to a changeable copy sign or to add changeable copy elements to it is allowed only if the modified sign will conform with all standards in this Section and with all other applicable standards related to the location, height, size and other characteristics of the sign;
- B. Rules for changeable copy signs allowed under this Article: Automatic changeable copy signs shall be allowed only in those districts in which "changeable copy sign, automatic" is listed as a permitted sign type and shall be subject to the following additional restrictions;
1. Such technology shall be programmed so that the message or image on the sign changes no more often than every eight (8) seconds.
 2. There shall be no effects of movement, flashing, scintillation, or similar effects in the individual images.
 3. Changes of image shall be substantially instantaneous as seen by the human eye and shall not use fading, rolling, window shading, dissolving or similar effects as part of the change.
 4. Video technology in signs shall use automatic level controls to reduce light levels at night and under cloudy or other darkened conditions, in accordance with the following standards.
 - a. All electronic or digital display unit message boards shall have installed ambient light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the electronic board based on ambient light renditions.
 - b. Maximum brightness levels for electronic or digital display boards shall not exceed five thousand (5,000) nits when measured from the billboard's face at its maximum brightness, during daylight hours and five hundred (500) nits when measured from the board face at its maximum brightness between dusk and dawn, i.e., the time of day between sunrise and sunset.

5. Any sign using electronic or electro-mechanical technology for changeable copy message boards, which malfunctions, fails, or ceases to operate in its usual or normal programmed manner causing therein motion, movement, flashing or any other similar effects, shall be repaired or disconnected within forty-eight (48) hours by the owner or operator of such billboard.
6. The area of a sign consisting of electronic or electro-mechanical message board elements shall not constitute more than two hundred (200) square feet of a sign.
7. The following limitations shall apply to the location of signs using electronic or electro-mechanical technology for a message board:
 - a. A sign on which the electronic or electro-mechanical message board includes one hundred (100) or more square feet of sign area shall not be erected within five hundred (500) feet of property falling in one of the City of Erlanger residential zoning districts, although this restriction shall not apply to mixed use districts and commercial districts allowing residential uses.
 - b. A sign on which the electronic or electro-mechanical message board includes twenty (20) or more square feet of sign area but less than one hundred (100) square feet of sign area shall not be erected within two hundred (200) square feet of property falling in one (1) of the City of Erlanger residential zoning districts, although this restriction shall not apply to mixed use districts and commercial districts allowing residential use.
 - c. A sign on which the electronic or electro-mechanical message board includes less than twenty (20) square feet of sign area shall not be erected within one hundred (100) feet of property zoned and used exclusively for single-family uses; it is the express intent of this provision to allow the use of such technology on signs for institutional uses located in residential districts, provided that the required separation is maintained between the sign and any property zoned and exclusively used for a single-family use.

101.11 Violations

In any case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of these Regulations, the Enforcement or Administrative Official shall notify by registered mail or written notice served personally to the owner or lessee thereof to alter such sign as to comply with

these Zoning Regulations and to secure the necessary permit, therefore, or to remove the sign. If such order is not complied with within fourteen (14) days, the Zoning Administrator shall remove such sign at the expense of the owner or lessee thereof.

Article XI

PERFORMANCE STANDARDS FOR INDUSTRIAL ZONES

111.1 APPLICATION OF PERFORMANCE STANDARDS

After effective date of this ordinance, any used established or changed to, and any building, structure, or tract of land developed, constructed or used for any permitted or permissible principle or accessory use in all industrial zones shall comply with all of the performance standards herein set forth for the city involved. If any existing use or building or other structure is extended, enlarges, or reconstructed, the performance standards for the city involves shall apply with respect to such extended, enlarged, or reconstructed portion or portions of such use or buildings or other structure.

111.2 TIME SCHEDULE FOR COMPLIANCE OF PERFORMANCE STANDARDS

Except for standard regulations 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 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 Building Inspector a program and schedule for achieving compliance, such program and schedule to contain a fate on or before which full compliance will be attained and such other information as the Building Inspector may require. If approved by the Building Inspector, such date will be the date on which the person shall comply.

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

111.3 PERFORMANCE STANDARDS

- A. BUILDING ENCLOSURES: Except as herein provided, every use permitted in the Industrial Zones shall be operated either within a completely enclosed building or within an area screened from view of the nearest lot line according to Article IX or Article V section 54.3 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 Building Inspector. If said area is to be landscaped, it

shall be landscaped attractively with lawn, trees, shrubs, etc., Any areas left in a natural state shall be properly maintained in a well kept condition.

- C. 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.
- D. HUMIDITY, HEAT OR GLARE: In the industrial zone, 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. Any activity producing heat or glare is not perceptible at or beyond an residential, heat, or glare may be required before the issuance of a building permit.
- E. EXTERIOR LIGHTING: Any lights used for illumination, except for overhead street lighting and warning, or traffic signals shall direct light away from the adjoining zones.
- F. EMISSIONS AND OPEN BURNING: No emissions of particulate matter, sulfur compound, carbon monoxide, hydrocarbon, 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.
- G. RADIATION: In all industrial zones, all sources of ionizing radiation shall be registered or licenses by the Kentucky State Department of Health and operated in accordance with their regulations.
- H. ELECTRICAL RADIATION: In all industrial zones, any electrical radiation shall not adversely affect, at any point on or beyond the lot line, and 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.
- I. STORAGE: Except as herein provided, 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 of the nearest lot line in accordance with Section 9.17 and Article XIV.

- J. FIRE AND EXPLOSIVE HAZARDS: Storage, utilization, or manufacture of solid materials or products including free burning shall not be permitted in any zone nor shall the storage utilization, or manufacture of flammable or explosive vapors or gasses be permitted in any zone, unless written permission has been granted by the appropriate state and local agencies and city fire department (i.e., the state fire marshal or his designee and the Owenton Building Inspector and the Owenton Fire Department Chief).
- K. WASTE: Within the industrial zones, no waste material or refuse shall be dumped upon or permitted to remain upon any part of the property outside of the buildings constructed thereon. All sewage and industrial waste shall be treated and disposed of in such a manner so as to comply with the standards of the appropriate authority. All plans for waste disposal facilities shall be required before the issuance of any building permit. In the Industrial zone, all waste shall be disposed of in accordance with the Solid Waste Regulations of the Kentucky Department of Natural Resources and Environmental Protection.
- L. MINING AND RECLAMATION: All methods of operation, construction of roads, back-filling, 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 regulations of the Kentucky Water Pollution Control Commission.
- M. 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 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 XII

MANUFACTURED HOMES

- A. “Manufactured Home” means a single family residential dwelling constructed in accordance with the federal act, manufactured after June 15, 1976, and designed to be used as a single family residential dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

CLASS I MANUFACTURED HOME

A Class I Manufactured home is one which:

- A. Is certified by the Manufactured Housing Association and the Kentucky Department of Housing, Building and Construction as meeting all federal and Kentucky Construction and Safety Standards. (herein called “construction safety standards”)
- B. Is installed in accordance with the following requirements (herein called “acceptable installation standards”)
1. It shall be permanently attached and installed on a permanent foundation in accordance with the manufactures installation specifications, which installation specification shall have been approved by the U.S. Department of Housing and Urban Development, and in accordance with the local building code applicable to single-family dwellings.
 2. All wheels, trailer tongue and hitch assemblies shall be removed prior to installation.
 3. It shall be permanently connected to an approved water and sewer system and shall comply with all public health requirements governing plumbing installations; and
- C. When installed, meets all of the following standards (herein called “acceptable appearance standards”) designed to achieve acceptable similarity in appearance between the manufactured home and the site built home in this community:
1. A poured concrete or masonry block skirting wall shall be constructed beneath and along the entire perimeter of the manufactured home, even if said wall is not structurally required by the manufacturer’s installation

specifications. Foundation vents and access panel shall be provided in accordance with the local code applicable to single-family dwellings.

2. The minimum width of the main body of the manufactured home as assembled on the site shall not be less than twenty-four (24) feet as measured across sixty-five (65) percent of the total length of the home.
3. The roof shall have a pitch of not less than two and one-half (2 ½) feet of rise for each twelve (12) feet of horizontal run, and eaves that shall overhang six (6) inches on the gable and eaves sides, is constructed of roofing materials acceptable under, and installed in accordance with the local code applicable to single-family dwellings.
4. All exterior walls shall be constructed of 2/6 framing and non-reflecting siding materials which will have the appearance of wood or masonry, regardless of their actual composition, and shall be applied in accordance with the local code applicable to single-family dwellings.
5. All exterior doors shall have at least a 3'X3' landing on the exterior side and shall have handrails and or guardrails in accordance with the local code applicable to single-family dwellings.
6. Minimum Lot area of not less than ½ acre, or not less than 21,780 Sq. Ft.

Original 1965 Ordinance Certified by Planning Commission

Date 8/30/1965

Chairman C. E. Brumback

Adopted by City Council

Date 9/07/1965

Mayor A. W. Thomas

(see original for signatures)

Amended 2012 Ordinance Certified by Planning Commission

Date 6/30/2012

Chairman D. HENSLEY

Adopted by City Council

Date 6/30/2012

Mayor H.D. WEST

(see original for signatures)