

**ZONING ORDINANCE FOR THE CITY OF  
LAWRENCEBURG AND ANDERSON COUNTY  
KENTUCKY**

**2006**

Merged, Revised, and Prepared by the  
LAWRENCEBURG/ANDERSON COUNTY JOINT PLANNING COMMISSION

And

THE BLUEGRASS AREA DEVELOPMENT DISTRICT

ADOPTED BY:

LAWRENCEBURG CITY COUNCIL

And

ANDERSON COUNTY FISCAL COURT

**Amendment: (Article II, #62 Home Occupation)**

Anderson County Fiscal Court 02/14/07

City of Lawrenceburg 12/04/06

**Amendment: Article VI, Section 641.3 & Section 651.1d**

Anderson County Fiscal Court 06/05/08

**Amendment: Article VX**

Anderson County Fiscal Court – August 2010

City of Lawrenceburg – November 2010

**Amendment: Article VI (Section 651(4))**

Anderson County Fiscal Court – 11/23/11

City of Lawrenceburg – 12/12/11

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# ARTICLE I

## TITLE, INTERPRETATION, AND ENACTMENT

### 100 Title

This Ordinance shall be known and referred to as the "Zoning Ordinance for the City of Lawrenceburg and for Anderson County". It may be cited as the "City/County Zoning Ordinance" or the "Zoning Ordinance."

The maps referred to herein are entitled the "Zoning Map for the City of Lawrenceburg, Kentucky" and the "Zoning Atlas for Anderson County, Kentucky". They may be cited as the "Lawrenceburg Zoning Map" or the "City Zoning Map" and the "Anderson County Zoning Atlas" or the "County Zoning Atlas".

Certified copies of this Ordinance and the maps are on file with the Lawrenceburg City Clerk's Office or Anderson County Clerk's Office as appropriate. Additional copies of this Ordinance are available from the County Planning Office.

### 110 Authority

Authority for this Ordinance is granted by the Kentucky Revised Statutes, Section 100.201 through Section 100.271. The Lawrenceburg/Anderson County Planning Commission, the Lawrenceburg City Council, and Anderson County Fiscal Court have fulfilled the requirements set forth as prerequisite to the adoption of this Ordinance.

### 120 Goal and Objective

The goal of this Ordinance is to establish a joint program of zoning for the City of Lawrenceburg and Anderson County. The objective of this Ordinance is to guide the use of land and the location and design of structures in a manner that will stabilize property values, assist in achieving a sound growth policy, promote an orderly pattern of land use, and direct development of community facilities and services within the jurisdictions of the City of Lawrenceburg and Anderson County.

### 130 Purpose

The zoning regulations and districts set forth herein have been made in accordance with the Lawrenceburg/Anderson County Comprehensive Plan Update prepared by the Joint Planning Commission to:

- a. Promote the general welfare, health, safety and convenience of the citizens of Lawrenceburg and Anderson County;
- b. Execute the provisions of the Lawrenceburg/Anderson County Comprehensive Plan Update regarding growth and development in Lawrenceburg and the unincorporated areas of the County, to ensure suitable and satisfactory arrangements between the various types of land use;
- c. Lessen traffic congestion and secure safety from fire, flood and other dangers throughout Anderson County;

- d. Facilitate the adequate provision of transportation, schools, recreation, and other public improvements stemming directly or indirectly from the use of land throughout Anderson County.

**140 Jurisdiction**

This Ordinance shall apply to all lands within the corporate limits of Lawrenceburg and all of the unincorporated areas of Anderson County.

**150 Interpretation**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals and general welfare. Whenever the requirements of this Ordinance differ from the requirements of any other lawfully adopted rules, regulations, resolutions, or ordinances the most restrictive, or that imposing higher standards, shall govern. Interpretation of zoning district boundaries on the legally adopted zoning maps and/or atlas shall be interpreted as set forth in Section 620 of this Article.

**160 Separability Clause**

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared unconstitutional or invalid.

**170 Repeal of Conflicting Resolution and Ordinances, Effective Date**

All ordinances, resolutions, or parts of same in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect. Any previously adopted ordinances entitled Zoning Ordinance for the City of Lawrenceburg, Kentucky, and/or Zoning Ordinance for Anderson County, Kentucky, together with all amendments thereto, are hereby repealed, and declared to be of no effect. This Ordinance shall become effective from and after the date of its approval and adoption as provided by law.

**180 Continuity**

Nothing in this Ordinance shall change the effective date of a violation of any provision of any previously adopted Zoning Ordinance that continues to be a violation of any provision of this Ordinance.

# ARTICLE II

## TERMS AND DEFINITIONS

### 200 Interpretation of Terms and Definitions

Unless the context otherwise requires, the following definitions shall be used in the interpretation of this Ordinance. The words, which are defined, are those having special or limited meanings in this Ordinance. Words with self-evident meanings are not defined here.

For the purpose of this Ordinance, certain words shall be interpreted as follows:

- a. Words used in the present tense include the future tense; words used in the singular include the plural and the plural include the singular;
- b. the word "shall" is mandatory; the word "may" is permissive; the word "should" is preferred;
- c. the word "building" includes the word "structure";
- d. the "lot" includes the words "plot" and "parcel";
- e. the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual;
- f. the word "submission" indicates a complete filing as called for by the Ordinance; and
- g. the words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied".

These definitions shall be first used in the interpretation of any words or phrases used in this Ordinance. Any words or phrases not defined in this Ordinance shall be given the definition provided in KRS Chapter 100 (planning and zoning statutes) or KRS Chapter 219 (mobile and recreational vehicle park). Words neither defined in this Ordinance nor in KRS 100 and KRS 219 shall be given their ordinary meaning and usage.

### 210 Terms and Definitions

#### 1. *Accessory Use or Structure*

Any use or structure on the same lot with, and of a nature customarily incidental to or subordinate to, the principal use or structure.

#### 2. *Administrative/Enforcement Officer*

The Administrative/Enforcement Officer is an individual who shall be appointed by the Mayor of Lawrenceburg and/or the County Judge-Executive of Anderson County, to administer this Ordinance. This officer may also be known as the Building Inspector, Enforcement Officer, Zoning Administrator or various other titles descriptive of the work performed. The duties and titles may be split between one (1) or more persons as required.

3. *Agricultural Use*

The use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building for sale or lease to the public (per KRS 100.111(2)).

4. *Agricultural Structure*

Any structure or building, other than a dwelling, accessory to the principle use of the land.

5. *Alley*

Any public or private way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

6. *Alteration*

Any change or addition to the supporting members or foundation of a building or other structure.

7. *Anchoring System*

An approved system of straps, cables, turnbuckles, chains, ties, or other approved materials used to secure a manufactured home.

8. *ANSI/NFPA 501A Standard for Installation of Manufactured Homes*

Model national standards (including all authorized successor documents) for installation of manufactured homes, as adopted and copyrighted by the National Fire Protection Association and the Manufactured Housing Institute.

9. *Apartment*

A room or suite of rooms in a multi-family building, consisting of at least one (1) habitable room, together with a kitchen or kitchenette and sanitary facilities.

10. *Approving Authority*

The Lawrenceburg/Anderson County Planning Commission unless a different agency is specifically designated by ordinance.

11. *Automobile or Trailer Sales Area*

An open area, other than a street, used for display, sale, or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done. No vehicles shall be placed or displayed forward of the building line required for the district.

12. *Automotive Repair, Major*

Repair of motor vehicles or trailers, including rebuilding or reconditioning of engines and/or transmissions; collision services including body, frame or fender straightening or repair; overall painting or paint shop and vehicle steam cleaning.

13. *Automotive Repair, Minor*

Incidental minor repairs, upholstery, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1 1/2) tons capacity, but not including any operation named under "Automotive Repair, Major," or any other similar thereto. Cars or trucks being repaired or under repair shall not be stored outside the building for more than 48 hours.

14. *Automotive Wrecking*

The dismantling or disassembling of used motor vehicles, or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts.

15. *Basement*

A story whose floor line is below grade at any entrance or exit and whose ceiling is not more than five (5) feet above grade at any such entrance or exit.

16. *Bed and Breakfast*

A residential unit where four (4) or fewer sleeping rooms are provided for transient persons for compensation, and in which meals may be served to overnight guests.

17. *Billboard*

A sign, or structure, which directs attention to a business, commodity, service, activity or entertainment not conducted, sold or offered upon the premises upon which the sign is located (See Article XI).

18. *Board*

The Board of Adjustment for Lawrenceburg, Kentucky and/or the Board of Adjustment for Anderson County, Kentucky.

19. *Boarding or Lodging House*

A dwelling or part thereof occupied by a single housekeeping unit where meals and lodgings are provided for four (4) or more persons (not transients) for compensation by previous arrangement.

20. *Buildable Lot Area*

The part of a lot not included within the open areas required by this Ordinance.

21. *Building*

Any structure having enclosed space and a roof.

a. *Building, Accessory*

A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental to and accessory to that of the main building or use.

b. *Building, Principal*

A building in which is conducted the main or principal use of the lot on which said building is situated.

22. *Building, Height of*

The vertical distance from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

23. *Building Lines (See also Setback Lines)*

Lines and/or utility easements and rights-of-way beyond which no building or part thereof shall project, except as otherwise provided by this Ordinance.

24. *Building Permit*

A permit issued by the Administrative/Enforcement Officer authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

25. *Business*

The following definitions of varying types of business uses may be used to clarify permitted and conditional uses in the various commercially zoned district.

a. *Business, Convenience or Neighborhood*

Commercial establishments, which cater to, and can be located in close proximity to, or within, residential districts, without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, video rental stores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pick up facilities, and grocery stores, if less than 10,000 square feet in floor area. Uses in this classification tend to serve the day-to-day needs of the neighborhood.

b. *Business, General*

Commercial uses, which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving the day-to-day needs of the community, also supply more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture; department stores, and discount stores.

c. *Business, Highway*

Commercial uses which generally require locations on or near major thoroughfares and/or their intersections and which tend to serve the motoring public. Highway business uses include, but need not be limited to, such activities as gas stations, auto and truck sales and service, restaurants, including drive through restaurants, motels, and commercial recreation.

d. *Business, Office/Professional*

Quasi-commercial uses which may often be transitional between retail business and/or manufacturing and residential uses. Office/professional generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting. Institutional offices of a charitable, philanthropic, religious, or educational nature are also included in this classification.

26. *Certificate of Occupancy*

A certificate issued by the Administrative/Enforcement Officer, after construction has taken place, which certifies that the building meets minimum standards for human occupancy.

27. *Clinic*

A place used for the diagnosis and treatment of sick, ailing, infirmed and/or injured persons and those who are in need of medical or surgical attention, but limited to outpatients only.

28. *Commercial Floor Area*

Building floor area devoted to the display of merchandise, the performance of consumer services, or the circulation and accommodation of customers.

29. *Common Open Space*

An open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and/or owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and/or owners of the development.

30. *Commission, Planning*

Planning Commission of Lawrenceburg and Anderson County, Kentucky; also known as the Joint Planning Commission or the Commission.

31. *Comprehensive Plan*

A plan prepared to serve as a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate manner within the planning area and adopted by the Planning Commission in accordance with KRS 100. This plan also establishes the goals, objectives, and policies of the community.

32. *Conditional Use*

A use specifically permitted in a zoning district, other than a principally permitted use, requiring a conditional use permit and the review and approval of the Board of Zoning Adjustment. A conditional use is permitted but could impair the integrity and character of the zone in which it is located, or of adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those set forth by the Zoning Ordinance.

33. *Conditional Use Permit*

Legal authorization to undertake a conditional use, issued by the Administrative Official pursuant to authorization by the Board of Zoning Adjustment, consisting of two parts:

- a. A statement of the factual determination of the Board of Zoning Adjustment, which justifies the issuance of the permit; and
- b. A statement of the specific conditions, which must be met in order for the use to be permitted.

34. *Consolidation*

The joining together of two or more contiguous lots for the purpose of sale, lease or building development.

35. *Convalescent or Nursing Home*

An establishment which provides full-time convalescent or chronic care or both for three (3) or more individuals who are not related by blood or marriage to the operator and who by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home. Hospital or sanitarium shall not be construed to be included in this definition.

36. *Court*

An open, unoccupied and unobstructed space other than a yard, on the same lot with a building or a group of buildings.

37. *Council, City*

Legislative body for the City of Lawrenceburg, Kentucky.

38. *Coverage*

The percentage of the lot area covered by the building including all overhanging roofs.

39. *Density*

A unit of measurement; the number of dwelling units per acre of land.

a. Gross density - the number of dwelling units per acre of land to be developed.

b. Net density - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

40. *Developer*

The legal or beneficial owner or owners of all land proposed to be included in a development including the holder of options or contracts to purchase or other such persons having a proprietary interest in such land.

41. *Development Plan*

A presentation in the form of sketches, maps, and drawings (plans and profiles) of a proposed use and/or structure by the owner of the land that sets forth in detail the intended development. Development plans are required by the Planning Commission for certain zoning map amendments and building permits. Types of development plans include conceptual, preliminary and final.

42. *Dimensional Variance*

See Variance, Dimensional.

43. *District*

An area or zone of the municipality for which regulations governing the use of premises and structures or the height and area of buildings are uniform.

44. *Dwelling*

A building or structure which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

a. *Dwelling, Multi-Family*

A building or portion thereof designed for or occupied by three (3) or more families living independently of each other.

b. *Dwelling, Single-Family*

A building designed for or occupied exclusively for residential purposes by one (1) family.

c. *Dwelling, Two-Family (also known as Duplex)*

A building designed to be occupied by two (2) families living independently of each other.

45. *Dwelling Group*

A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

46. *Dwelling Unit*

One or more rooms designed for or used by one (1) family for living or sleeping purposes, having one (1) kitchen or kitchenette, and maintaining separate and independent housekeeping.

47. *Easement*

A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.

48. *Family*

A person living alone, or two or more persons related by blood, marriage, or adoption, or not more than five (5) unrelated persons, occupying a single dwelling unit. Such occupancy shall be for non-profit purposes, as distinguished from a group occupying a boarding house, lodging house, hotel, or motel.

49. *Filing*

Filing with the Lawrenceburg City Clerk or Anderson County Clerk unless a different city or county official is designated by ordinance.

50. Filling Station or Gas Station

Buildings or premises where gasoline, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises, but not including major automobile repairs.

51. *Final Approval*

The official action of the planning commission taken on a final subdivision plat or development plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion per this ordinance.

52. *Fiscal Court*

The chief legislative body of Anderson County.

53. *Floor Area, Total*

The area of all floors of a building including finished attics, finished basements and covered porches.

54. Foundation Siding/Skirting

A type of wainscoting constructed of fire and weather resistant materials, such as aluminum, particleboard, treated pressed wood, or other approved materials, enclosing the entire undercarriage of a manufactured home.

55. *Frontage*

The front of a lot shall be construed to be the portion nearest the street. The frontage is the length of the front lot line measured at the street right-of-way line. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street shall be required to meet frontage requirements. Yards shall be provided as discussed later in this section.

56. *Garage, Private*

A detached accessory building or a portion of the principal building used by the occupants of the premises for the shelter or storage of vehicles owned or operated by the occupants of the principal building.

57. *Garage, Public*

A building or structure used for the parking or temporary storage of passenger vehicles on an intended profit basis.

58. *Garage, Service Station*

Buildings and premises where gasoline, oil, grease, batteries, tires, motor vehicle accessories, maps and informational materials, and food, drink, and similar convenience goods for service station customers, may be supplied and dispensed at retail, and where minor automotive services may be rendered and sales made. Minor servicing of motor vehicles shall not include major mechanical and body work, including the storage of automobiles not in operating condition or other work involving off-site noise, glare, fumes, smoke, or other characteristics.

59. *Governing Body*

The chief legislative body of the City of Lawrenceburg (City Council) or of Anderson County (Fiscal Court) or another jurisdiction as indicated.

60. *Height of Structure*

The vertical distance measured from the average finished grade at the front building line to the highest point of a structure (See Building, Height of).

61. *Home Occupation*

An occupation or profession carried on within a dwelling by the occupant thereof which is clearly incidental and secondary to the use of the dwelling for residential purposes, permitted as a conditional use in Section 660 of this ordinance, provided that:

- a. No more than one (1) person other than members of the family residing on the premises shall be engaged in such occupation;
- b. 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 other than one non-illuminated sign four (4) square feet in area mounted flat against the outside wall of the main or accessory building;
- c. Such use shall not require structural alterations or involve construction not customary in dwellings;
- d. No more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of such home occupation;
- e. No traffic generated by such home occupation shall be in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance and shall not be in the required front yard;
- f. A customary home occupation is primarily of a service character such as:
  - i. An office or studio of a physician, dentist, artist, lawyer, engineer, architect, Realtor, or insurance agent;
  - ii. a teacher, provided that musical instruction is limited to one pupil at a time;
  - iii. child care centers, day cares;
  - iv. beauty parlors, barber shops, schools of any kind with organized classes, provided that the display and/or trading of wholesale or retail merchandise is clearly incidental to the primary service being provided;
- g. There shall be no commodities sold except those which are produced on the premises or as meet conditions otherwise set forth in this definition.
- h. No home occupation shall generate off-site noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses. No equipment or process shall be used which creates visual or audible interference in any off-site radio or television receivers, or causes off-site fluctuations in line voltage.
- i. All such home occupations shall require a conditional use permit and approval of the Board of Adjustment. The Board may attach certain conditions to its approval, which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate.

62. Home Occupation, Agricultural

Any occupation as defined in "Home Occupation" which occurs in the residential dwelling on the farm, plus any occupation conducted in an accessory building in any agricultural zone, provided that:

- a. No more than three (3) persons other than members of the family residing on the premises shall be engaged in such occupation;
- b. 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 other than one non-illuminated sign, not exceeding eight (8) square feet in area, and not placed in such a manner as to create a traffic visibility problem or obstruction;\*

63. Hospital or Sanitarium

An establishment which provides accommodations, facilities and services over a continuous period of twenty-four (24) hours or more for observation, diagnosis and care of two (2) or more individuals suffering from illness, injury, deformity or abnormality or from any condition requiring medical services. Convalescent homes and nursing homes shall not be construed to be included in this definition.

64. *Hotel or Motel*

A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreation facilities. Boarding houses, lodging houses, and bed and breakfast facilities shall not be construed to be included in this definition.

65. *Housing or Building Regulations*

Regulations adopted by the local governing body which regulate housing, building, or other safety codes, including but not limited to plumbing and electrical codes, the Kentucky Building Code (KBC) and the One- and Two-Family Dwelling Code.

66. *Industry, Heavy*

Those industries whose processing of products may result in the emission of atmospheric pollutants, light flashes or glare, odor, noise, vibration, and/or electrical interference which may be heard and/or felt off the premises, and those industries which constitute a fire or explosion hazard.

67. *Industry, Light*

Those industries whose processing of products results in none of the conditions described for heavy industry.

\*Amended 2007 & 2008 Anderson Co. Fiscal Court – Lawrenceburg City Council

68. Junk Yard

A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such uses when conducted entirely within a completely enclosed building, and not including pawn shops, and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations.

69. Kennel

*a. Commercial*

A compound where three or more dogs over four months of age are kept and where the owner is actively engaged in buying dogs for resale, consistently selling offspring of the owner's dogs, and/or boarding dogs which are not owned by the owner for compensation.

*b. Noncommercial*

A compound in or adjoining a private residence where hunting or other dogs are kept for the hobby of the householder or for protection of the householder's property. The occasional sale of pups by the keeper of a noncommercial kennel does not change the character of residential property.

70. Kentucky Building Code (KBC) and Kentucky Residential Code (KRC)

The state building codes adopted by local jurisdictions for the purpose of protecting the health, safety, and welfare of residents in all dwelling units in that jurisdiction-

71. Land Use Plan

The Plan adopted by the local Planning Commission as a part of or separate from the Comprehensive Plan proposing the most appropriate, economic, desirable and feasible patterns for the general location, character, extent and inter-relationship of a community's public and private land.

72. Limited Food Service

The preparation and service of food carried on within a residential unit by the occupant thereof for compensation, provided that such food service shall not be available to the general public, but shall be provided to private groups on a pre-arranged basis.

73. *Loading Space, Off-Street*

An off-street space logically and conveniently located for bulk pickups and deliveries, scaled to the delivery vehicles to be used, and accessible to such vehicles when required off-street parking spaces are filled. Such spaces are typically on the same lot with a building or contiguous to a group of buildings and accessory buildings providing for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials. Such space shall abut on a street, alley or other appropriate means of access. Required off-street loading space is not to be included in off-street parking space or computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way and shall not obstruct the sidewalk in any way.

74. *Local Information Sign*

A sign indicating directions to a local commercial, industrial, or other type establishment.

75. *Lot*

A parcel of land established by plat, subdivision, or as otherwise permitted by law to be used, developed, or built upon as a unit. Such lot shall be of sufficient size to meet minimum zoning requirements for use, coverage, area, and to provide such yards and open spaces as herein required and shall have frontage on an improved public street. Tracts intended for use primarily for agricultural purposes are not included in this definition. See Exhibits 2-1 and 2-2 for Lot Terms and Lot Types.

- a. *Lot, Corner:* A lot which abuts on two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.
- b. *Lot, Interior:* A lot other than a corner lot.
- c. *Lot, Through:* A lot having frontage on two parallel or approximately parallel streets; also known as a double-frontage lot.

76. *Lot Area*

The computed area contained within the lot lines.

77. *Lot Depth*

The average horizontal distance between the front and rear lot lines.

78. *Lot Lines*

The property lines bounding a lot.

- a. *Lot Line, Front:* The property line separating the lot front and the street.
- b. *Lot Line, Rear:* The lot line opposite and most distant from the front lot line.
- c. *Lot Line, Side:* Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

79. *Lot, Minimum Area of*

The area of a lot computed exclusively of any portion of the right-of-way of any public or private street.

80. *Lot Width*

The average width of the lot measured at right angles to its depth.

81. *Lot of Record*

Recorded lot on file in the County Court Clerk's Office.

82. *Manufactured Home*

A single-family residential dwelling constructed after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Act, and denoted to be used as a single-family dwelling with or without permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air conditioning, and electrical systems contained therein.

83. *Manufactured Housing Construction and Safety Standards Code*

Title VI of the 1974 Housing and Community Development Act (42 U.S.C. 5401 et seq.), as amended (previously known as the Federal Mobile Home Construction and Safety Act), rules and regulations adopted there under, and approved by an agent of the U.S. Department of Housing and Urban Development.

84. *Map*

A map of the jurisdiction indicating district boundaries according to this ordinance; also known as zoning map or zoning atlas.

85. *Mini-Warehouse*

A building divided into cubicles or compartments, which are rented or leased to the general public for storage of goods, each cubicle or compartment constitutes a unit.

86. *Manufactured Home Park*

An area of land upon which two or more occupied mobile homes are placed, either free of charge or for revenue purposes, provided that a qualified manufactured home and another manufactured home together shall not be deemed a manufactured home community. Also known as a manufactured home land-lease community.

87. *Municipal Authority*

The City Council of Lawrenceburg, Kentucky.

88. *Nonconforming Use or Structure*

An activity or a building, sign, structure or a portion thereof which lawfully existed before the adoption or amendment of the Zoning Ordinance, but which does not conform to all of the regulations contained in the Zoning Ordinance which pertain to the zone in which it is located (See Article V).

89. *Open Space*

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment of owners and occupants of land adjoining or neighboring such open space. Such areas may be improved with only those buildings, structures, recreation facilities, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

90. *Parking Space*

A space with a minimum rectangular dimension of not less than nine (9) feet in width and nineteen (19) feet in length for ninety degree parking. See Article X for more detail regarding standards and requirements for off-street parking, loading, and unloading.

91. *Permanent Foundation*

A system of supports that is capable of transferring, without failure, into the soil or bedrock the maximum design load imposed by or upon the structure; is constructed of concrete; and is placed at a depth below grade adequate to prevent frost damage.

92. *Plan*

The provisions for development of a planned unit development including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the plan" when used in this act shall mean the written and graphic materials referred to in this definition.

93. *Planned Unit Development*

An area with specified minimum contiguous acreage of five (5) acres to be developed as a single entity according to a plan containing one or more residential clusters, which may include commercial, public or quasi-public uses in such ranges of ratios of nonresidential uses to residential uses as shall be specified in the Zoning Ordinance (Article XII) primarily for the benefit of the residential development.

94. *Planning Commission*

The Lawrenceburg/Anderson County Planning Commission, established pursuant to Chapter 100 of the Kentucky Revised Statutes.

95. *Plat*

A map or maps of a subdivision showing lot lines therein and fulfilling the requirements of the locally adopted Subdivision Regulations.

96. *Principal Permitted Use*

A use which is permitted outright in a district for which a zoning certificate may be issued by the Administrative Official in accordance with the provisions of the Ordinance.

97. *Principal Use of Structure*

The primary use of the land or the main structure on a lot, which determines the primary activity, that takes place on the land or in the structure.

98. *Preliminary Approval*

The conferral of certain rights, pursuant to this ordinance and the adopted subdivision regulations, prior to final approval after specific elements of a subdivision plat have been agreed upon by the planning commission.

99. *Premises*

A lot, or other tract of land, under one ownership and all structures on it.

100. *Public Open Space*

An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, state or county agency, or other public body for recreational or conservation uses.

101. *Qualified Manufactured Home*

A manufactured home that meets all of the following criteria:

- a. Is manufactured on or after July 15, 2002;
- b. Is affixed to a permanent foundation and is connected to the appropriate facilities and is installed in compliance with KRS 227.570;
- c. Has a measurement of at least twenty (20) feet at its smallest width measurement or is two (2) stories in height and oriented on the lot or parcel so that its main entrance door faces the street;
- d. Has a minimum total living area of nine hundred (900) square feet;
- e. and is not located in a manufactured home land-lease community.

102. *Quasi-public Use*

Churches, Sunday schools, parochial schools, colleges, hospitals, and other public facilities of an educational, religious, charitable, philanthropic, or related non-profit nature.

103. *Recreational Vehicle*

A portable vehicular structure not built to the Federal Manufactured Housing Construction and Safety Standards Code (or the obsolete ANSI 119.1 Mobile Home Design and Construction Standard) designed for travel, recreational camping or vacation purposes, either having its own motor power or mounted onto or drawn by another vehicle, and including but not limited to travel and camping trailers, truck campers, and motor homes.

104. *Residential Cluster*

An area developed as a single entity according to a plan containing residential housing units in which the individual lots have a common or public open space area.

105. Residential Unit

Any unit designed for use by one family for living purposes being self-contained, and being either in a detached, semi-detached, attached, multi-family or multi-story structure.

106. *Right-of-way*

A strip of land taken or dedicated for use as a public way. In addition to the roadway itself, the right-of-way normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features as required by topography or treatment such as grade separation, landscaped areas, viaducts, and bridges.

107. *Setback Line*

The distance between a given lot line, easement, or right-of-way line and any structure -- front, rear, or side as specified.

108. *Sidewalk*

That portion of the road right-of-way outside the roadway which is improved for the use of pedestrian traffic.

109. *Signs*

See Article XI.

110. *Site Plan*

Similar to a development plan, but not as much detail is required. A site plan shows a lot with the location of all existing and proposed structures, yard setbacks, driveways, parking spaces, means of ingress and egress, drainage facilities, street grades and proposed finished grades, and any other information that may be reasonably required in order to make an informed decision. To obtain a building permit for low density housing from the Administrator/Enforcement officer, a site plan is required. For all other building permits, a final development plan is necessary.

111. *Story*

That portion of a building, other than a basement, included between the surface of any floor and the ceiling next above it.

112. *Street*

A public right-of-way, that provides a public means of vehicular and pedestrian access to abutting property. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term. The right-of-way limits of any street shall include the street pavement, curb, and gutter (or open ditches) and may provide space for the location of utilities. The right-of-way limits of any street shall be coincidental to the property line of the adjacent or the abutting lot. Streets are classified specifically herein as follows and as seen in Exhibit 2-3.

a. Expressways

Expressways rank first in the classification of streets and are used only for vehicular movement without access to abutting properties. Interchange of traffic between expressways and other streets (only arterial streets when possible) is accomplished by grade-separated interchange with merging deceleration and acceleration lanes.

b. Arterials

Arterial streets rank second in the classification of streets, and are primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route. Access to abutting properties, if permitted, should be provided by means of a marginal access street in order to serve several abutting properties, rather than provide each abutting property its own individual access thereto. Arterial streets are the link between expressways and collector streets, and generally rank next to expressways in traffic volume, speed limit control, and right-of-way limits.

c. Collector Streets

Collector streets rank third in the classification of streets, and they are principally used for vehicular movement; however, access to abutting properties is planned and controlled so that minimum disturbance is made to the traffic flow on said collector street. Collectors are the link between arterial and minor streets, and generally rank next to minor streets in right-of-way lengths and speed control. Collector streets typically include the principle entrance and circulation routes within residential subdivisions.

d. Minor or Local Streets

Minor streets rank fourth in the classification of streets and are used primarily for providing access to abutting properties. Vehicular movement on minor streets should have an origin or destination in the immediate vicinity, whereas all types of through-traffic should be eliminated. Minor streets are the primary link between generator points (homes, offices, stores, etc.) and collector streets. Minor streets require the least amount of vehicular movement and may be further classified into five categories as follows:

i. Continuing Streets

Continuing streets are minor streets having two open ends; each end generally connecting with different streets. One or more streets may intersect such a street between its two open ends, and property abuts both sides of such a street.

ii. Marginal Access Streets

Marginal access streets are minor streets generally having two or more access points to the major street system by connecting to a street of higher classification. Property abuts only one side of such a street whereas the other side thereof should generally be parallel and adjacent to a street of higher classification. Marginal access streets are sometimes called access or frontage roads.

iii. Loop Streets

Loop streets are minor streets having two open ends, each generally connecting with the same street. No other streets intersect between its two ends and property abuts on both sides thereof.

*iv. Cul-de-Sacs*

Cul-de-Sacs are minor streets having only one open end providing access to another street, and a closed end providing a turn-around circle for vehicular movement. No streets of this type shall dead-end at the closed end, unless future plans provide for its continuation to an open end or a turn-around circle. Temporary turn-around circles may be required when deemed necessary by the Commission.

*v. Alleys*

Alleys are streets generally having two open ends with each end connecting to different streets. Such streets generally provide service and access to the rear of abutting properties on both sides.

*113. Structural Alteration*

Any change, other than incidental repairs, in the supporting members of a building, such as bearing walls, columns, beams, or girders.

*114. Structure*

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

*115. Subdivision*

The division of a parcel of land into three (3) or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural purposes into lots or parcels of five (5) acres or more and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided. Any division or re-division of land into parcels of less than one acre occurring within twelve (12) months following the division of the same land shall be deemed a subdivision within the meaning of this act.

*116. Subdivision Regulations*

The regulations governing the subdivision of land within the City of Lawrenceburg and Anderson County and as adopted by the Lawrenceburg/Anderson County Planning Commission.

*117. Support System*

A pad or a combination of footings, piers, caps, plates, and shims, which, when properly installed, support the manufactured or certified mobile home.

*118. Variance, Dimensional*

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

119. Warehouse

A building where goods may be stored commercially

120. *Yard*

An open space or lot other than a court, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.

- a. *Yard, Front:* That portion of the yard extending the full width of the lot and extending between the front lot line and the nearest part of the principal building.
- b. *Yard, Rear:* That portion of the lot extending the full width of the lot and extending between the rear lot line and the nearest part of the principal building.
- c. *Yard, Side:* Those portions of the yard extending from the nearest part of the principal building to the side lot line.

## **ARTICLE III**

# **ADMINISTRATION AND ENFORCEMENT**

### **300 Administrative/Enforcement Officer**

Provisions of this Ordinance shall be enforced by an Administrative/Enforcement Officer who may be designated as provided in Article II, Definition 2 of this Ordinance and per KRS 100.271 to administer said Ordinance. The Administrative/Enforcement Officer may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of the Chief of Police and/or County Sheriff's Office in enforcing orders, of the City and/or County Attorney in prosecuting violations, and of other officials.

The Administrative/Enforcement Officer may be authorized to issue building permits and/or certificates of occupancy in accordance with the literal terms of this Ordinance, but shall not have the power to permit any construction, or to permit any use or any change of use which does not conform to the literal terms of this Ordinance.

The primary duties of the Administrative/Enforcement Officer shall be as follows:

1. Accurate records shall be kept in a permanent file for the issuance of building permits, inspections, violations, stop orders, condemnations and other permits and actions as required.
2. Upon finding that any provisions of this Ordinance are being violated, the person or persons responsible for such violation shall be notified by the Administrative/Enforcement Officer through hand delivery or registered mail ordering the discontinuation of any illegal use of land, buildings, and/or structures.
3. Whenever a violation of this Ordinance occurs, or is alleged to occur, any person may submit a complaint, in writing, to the Administrative/Enforcement Officer. The Officer shall record such complaints and shall follow up on such report within five (5) working days. The Officer shall then respond to the complainant and those responsible for the violation, if applicable, in writing within ten (10) working days of the formal complaint.
4. All actions shall be taken as authorized by this Ordinance and KRS 100 to ensure compliance with or to prevent violations of this Ordinance, including the issuance of stop work orders and orders to remove or discontinue use of illegal structures and/or land uses.

Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

### **310 Building Permits**

It shall be unlawful to commence the excavation for or the construction of any building, including accessory buildings, or to commence the moving, alteration, or demolition of any building, including accessory buildings, until the Administrative/Enforcement Officer has issued a building permit for such work.

Building permits shall be required for all structures conforming with the definition of "building" as defined in Article II of this Ordinance.

No building permit shall be required in the following cases:

- a. Recurring maintenance work
- b. Installation of required improvements (i.e., streets, utilities, sidewalks, grading, drainage, etc.) according to an approved subdivision plat

### **320 Procedure**

a. Application.

1. Low density residential development: To apply for a building permit from the Administrative/Enforcement Officer for a single-family or two-family residential dwelling, the applicant shall submit the plans as required in Kentucky Residential Code. For a single mobile home or manufactured home, the applicant shall submit the plans as required by BOCA (Building Officials Code Administration) and HUD (Housing and Urban Development). Along with the filing application and fee, the Codebooks require a site plan and building architectural/structural plans that are drawn to scale with sufficient clarity, details and dimensions to show the nature and extent of the work proposed; plus any other information necessary for determining compliance with this order. The Lawrenceburg Municipal Water Company, applicable rural water district, or the County Health Department's certification approving proposed water and/or sewerage facilities must accompany applications as per Section 880 of this Ordinance, except where such lot is a part of an approved subdivision and on a public sewage treatment system.
2. All other development. To apply for a building permit from the Administrative/Enforcement Officer for multi-family residential, business or industrial development, a planned unit development, a mobile home park, or any construction in a floodplain, the applicant must first submit a detailed development plan with the Anderson County/Lawrenceburg Joint Planning Commission. See Article XIII of this Ordinance for the Development Plan application procedure and requirements.

Development projects to be done in phases must first be approved as a conceptual development plan by the Planning Commission. Phases, when ready for a building permit, will submit a detailed development, as in Article XIII of this Ordinance.

Upon approval of the final development plan by the Planning Commission, the applicant may submit for a building permit from the Administrative/Enforcement Officer. Included with the application for a building permit shall be a copy of the approved development plan, additional plans as required by the Kentucky Building Code, plus any other information necessary for determining compliance with this order.

- b. Issuance: If the proposed construction or alteration conforms with all applicable ordinances, regulations and codes, the Administrative/Enforcement Officer shall issue a building permit authorizing such construction or alteration. If proposed construction or alteration fails to conform the Administrative/Enforcement Officer shall refuse to issue a building permit and shall cause delivery of written notice to the applicant stating the reasons for refusal. The Administrative/Enforcement Officer shall act upon applications for building permits within two (2) weeks from the date of their submission.
- c. Restraint of Construction Without Permit: If no building permit has been issued and a builder begins or continues to build, a restraining order may be obtained upon application to the proper court of record. Evidence of the lack of a building permit shall establish a prima-facie case for the issuance of the restraining order.
- d. Validity: The issuance of a building permit shall not waive any provisions of this regulation.
- e. Duration: A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the construction or alteration authorized therein. The Administrative/Enforcement Officer may renew a building permit without fee upon review before it becomes void. If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be revoked by the Administrative Official and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

### **330 Enforcement by Commission**

The Planning Commission may bring action for all appropriate relief including injunctions against any governmental bodies or any person who violates the provisions of this Ordinance.

### **340 Enforcement/Penalties**

- a. Correction Period: All violations of this Ordinance shall be corrected within a period of thirty (30) days after the order to correct is issued by the Administrative/Enforcement Officer or in such longer period of time, not exceeding six (6) months, as the Administrative/Enforcement Officer may determine. A violation not corrected within the allowed time for correction shall be reported to the City and/or County Attorney who shall initiate prosecution procedures.
- b. Violation a Misdemeanor: Every person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance or any permit, license, or exception granted hereunder, or any lawful order of the Administrative/Enforcement Officer, the Board of Adjustment, the Planning Commission, the City Council, or the Fiscal Court issued in pursuance of this Ordinance shall be guilty of a Class B misdemeanor. Each day of violation shall constitute a separate offense.
- c. Remedies: The Administrative/Enforcement Officer, the Board of Adjustment, the Planning Commission, the City Council, the Fiscal Court, or any interested party may institute an injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance.

### **350 Fee Schedule**

The City Council and Fiscal Court shall establish schedules of fees, charges, and expenses and a collection procedure for building permits, certificates of occupancy, appeals, and other matters pertaining to this ordinance. The schedules of fees shall be posted in the offices of the Administrative/Enforcement Officers, and may be altered or amended only by official action of the appropriate legislative body. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

# ARTICLE IV

## BOARD OF ADJUSTMENT

### **400 Establishment of Board**

A Board of Adjustment for each jurisdiction shall be established before the City/County Zoning Ordinance shall be legally enforced. The Boards established shall consist of three (3), five (5), or seven (7) citizen members, two of whom may be citizen members of the Planning Commission from the appropriate jurisdiction. A "citizen member" means any member of the Planning Commission or Board of Adjustment who is not also an elected or appointed official or employee of the City or County. The term of office for members of the Board shall be four years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one, two, three, and four years respectively. Vacancies on the Boards shall be filled within sixty days by the respective legislative body. If the Mayor or Judge-Executive fails to act within that time, the Planning Commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

All members of the Boards shall, before entering upon their duties, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before a judge, county judge-executive, notary public, clerk of a court, or justice of the peace of Anderson County.

Reimbursement for expenses or compensation or both may be authorized for members of the Board.

Any member of the Boards may be removed by the appointing authority for inefficiency, neglect of duty, malfeasance, or conflict of interest. The appointing authority, who exercises the power to remove a Board member, shall submit a written statement to the Planning Commission setting forth the reasons for removal and the statement shall be read at the next meeting of the Board of Adjustment. The member so removed shall have the right of appeal to the Circuit Court of Anderson County.

The Boards shall annually elect a chairman and vice-chairman and any other officer it deems necessary. Any officer shall be eligible for re-election at the expiration of his term.

### **410 Meetings of Board, Quorum, Minutes, Bylaws**

The Boards shall conduct meetings at the call of the chairman who shall give written or oral notice to all members of the board at least seven days prior to the meeting which notice shall contain the date, time and place for the meeting, and the subject or subjects which will be discussed.

A simple majority of the total membership, as established by regulation or agreement, shall constitute a quorum. Any member of the Board who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself from voting on the question.

The Board shall adopt bylaws for the transaction of business and shall keep minutes and records of all proceedings, including regulations, transactions, findings, and determinations and the number of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact, all of which shall, immediately after adoption, be filed in the office of the Board. If the Board has no office, such records may be kept in custody of an officer of the board and shall be available to the general public. A transcript of the minutes of the Board shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

#### **420 Other Rights and Powers of Board**

- a. The Board of Adjustment may employ or contract with planners or other persons, as it deems necessary to accomplish its assigned duties.
- b. The Board shall have the right to receive, hold, and spend funds, which it may legally receive from any and every source in and out of the Commonwealth of Kentucky, including the United States Government, for the purpose of carrying out its duties.
- c. The Board shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before it. The Chief of Police and/or Sheriff shall serve such subpoenas. The Circuit Court may, upon application by the Board, compel obedience to such court or such subpoena by proceedings of contempt.
- d. The Chairman of the Board, or in his absence, the Acting Chairman, shall have the power to administer an oath to witnesses prior to their testifying before the board on any issue.

#### **430 Conditional Use Permits**

The Board shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the Zoning Ordinance and which may be suitable only in specific locations in the district and only if certain conditions are met.

- a. The Board may approve, modify or deny any application for a conditional use permit. Before granting any such permits, the Board are required to consider the comments of all adjoining property owners. If it approves such permit it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the Board's minutes and on the conditional use permit, along with a reference to the specific section in the Zoning Ordinance listing the conditional use under consideration. The Board shall have power to revoke conditional use permits, or variances, for noncompliance with the condition thereof. Furthermore, the Board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in person for such cost.
- b. Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing and other regulations.

- c. In any case where a conditional use permit has not been exercised within the time limit set by the Board, or within one year, if no specific time limit has been set, such conditional use permit shall not revert to its original designation unless there has been a public hearing. Exercised, as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement has been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed. When construction is not a part of the use, exercised shall mean that the use is in operation in compliance with the conditions as set forth in the permit.
- d. The Administrative/Enforcement Officer shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions, which are listed on the conditional use permit, the Administrative/Enforcement Officer shall state conditions on the conditional use permit, and copy of the report shall be furnished to the landowner at the same time that it is furnished to the Chairman of the Board. If the Board finds that the facts alleged in the report of the Administrative/Enforcement Officer 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 may authorize the Administrative/Enforcement Officer 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.
- e. Once the Board has approved a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the Administrative/Enforcement Officer, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the County Clerk, as required in KRS 100.237. Thereafter said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.

#### **440 Dimensional Variance**

The Board shall have the power to hear and decide on applications for dimensional variances where, by reason of the exceptional narrowness, shallowness, or unusual shape of a site on the effective date of this Ordinance, or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height or width of building or size of yards, but not population density) of this Ordinance would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same district. The Board may impose any reasonable conditions or restrictions on any variance it decides to grant.

Before any variance is granted, the Board must find all of the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance.

- a. The specific conditions in detail which are unique to the applicant's land and which do not exist on other land in the same zone.

- b. The manner in which the strict application of the provisions of the Ordinance would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone.
- c. That the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the Ordinance.
- d. Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood.
- e. Consideration of all adjoining property owner's comments regarding the variance request.

The Board shall not possess the power to grant a variance to permit a use of any land, building, or structure, which is not permitted by the Ordinance in the district in question, or to alter density requirements in the district in question.

A dimensional variance applies to the property for which it is granted, and not to the individual who applied for it. A variance also runs with the land and is transferable to any future owner of the land, but the applicant cannot transfer it to a different site.

#### **450 Recording of Variances and Conditional Use Permits**

All variances and conditional use permits approved by the Board of Adjustment shall be recorded at the expense of the applicant in the Office of the County Court Clerk.

#### **460 Existing Nonconforming Use, Continuance, Change**

The lawful use of a building or premises, existing at the time of the adoption of the Zoning Ordinance affecting it may be continued, although such use does not conform to the provisions of such regulation, except as otherwise provided herein (See Article V for details).

The Board of Adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the Ordinance, which makes its use nonconforming, was adopted. Nor shall the Board permit a change from one nonconforming use to any other nonconforming use.

#### **470 Administrative Review**

The Board shall have the power to hear and decide cases where it is alleged by an applicant that there is error in any order, requirement, decision, grant, or refusal made by the Administrative/Enforcement Official in the enforcement of this Ordinance. A request for review shall be taken within thirty days after the applicant or his agent receives notice of the action alleged to be in error.

## **480 Procedure for All Appeals to Board**

Appeals to the Board may be taken by any person, or entity, claiming to be injuriously affected or aggrieved by an official action or decision of any officer enforcing this Ordinance. Such appeal shall be taken within thirty days after the appellant or his agent receives notice of the action appealed from by filing with said officer and with the appropriate Board a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. Said officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At any hearing by the Board any interested person may appear and enter his appearance, and all shall be given opportunity to be heard.

The Board shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the Administrative/Enforcement Official at least one week prior to the hearing, and shall decide it within sixty days. The affected party may appear at the hearing in person or by attorney.

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission or Board of Adjustments may appeal from the action to the circuit court of the county in which the land lies.

All appeals shall be taken in the circuit court within thirty days after the action or decision of the Planning Commission or Board of Adjustment and all decisions, which have not been appealed within thirty days, shall become final. After the appeal is taken the procedure shall be governed by the rules of civil procedure. When an appeal has been filed, the Clerk of the Circuit Court shall issue a summons to all parties, including the Planning Commission in all cases, and shall cause it to be delivered for service as in any other law action.

# ARTICLE V

## NONCONFORMING LOTS, STRUCTURES, AND USES

### **500 Intent**

It is the intent of this ordinance to permit nonconforming lots, structures, and/or uses to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded, extended, or be used as grounds for adding structures or uses prohibited elsewhere in the same district.

### **510 Nonconforming Lots of Record**

In any district in which single-family dwellings are permitted, a single-family dwelling and permitted accessory uses may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area and width or both that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width or both of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

### **520 Nonconforming Structures and Uses**

Nonconforming structures and uses shall be allowed to continue to exist as per KRS 100.253 as follows:

- a. The lawful use of a building or premises, existing at the time of adoption of any zoning regulations affecting it may be continued, although such use does not conform to the provisions of such regulations, and
- b. The board of adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one (1) nonconforming use to another unless the new nonconforming is in the same or in a more restrictive classification.

### **530 Ordinary Repair and Maintenance**

Work may be done on ordinary repair and maintenance, or on repair or replacement of non-load-bearing walls, fixtures, wiring, or plumbing. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition a building or other structure in accordance with the order of an appropriate public agency which declares such building or other structure to be unsafe and orders its restoration to a safe condition.

# ARTICLE VI

## ESTABLISHMENT OF DISTRICTS

### 600 General Regulation

No land shall be used or occupied and no structure shall be erected, altered, used or occupied except for the principal uses permitted for each of the thirteen (13) zoning districts created by this Ordinance together with lawfully permitted conditional uses and/or accessory uses as listed in the following Sections of this Ordinance.

### 610 Official Zoning Map

The official City Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk and bear the seal of the City under the following words: "This is to certify that this is the City Zoning Map referred to in Section 610 of the City/County Zoning Ordinance adopted by the Lawrenceburg City Council on \_\_\_\_\_ as part of Ordinance No. \_\_\_\_ of the City of Lawrenceburg".

The official County Zoning Map shall be identified by the signature of the County Judge-Executive, attested by the County Clerk and bear the seal of the County under the following words: "This is to certify that this is the County Zoning Map referred to in Section 610 of the City/County Zoning Ordinance adopted by Anderson County Fiscal Court on \_\_\_\_\_ as part of Ordinance No. \_\_\_\_ of Anderson County".

No changes shall be made in the City or County Zoning Maps except in conformity with the procedures set forth in this Ordinance.

If the City or County Zoning Map becomes damaged, destroyed, lost, or difficult to interpret, the City Council or the Fiscal Court, as appropriate, may, by resolution, adopt a new City or County Zoning Map. The new map may correct original drafting errors or other errors or omissions but the corrections shall not be in effect amendments of the original map including amendments thereto. A replacement map shall also contain the following additional words: "this map supersedes and replaces the City(County) Zoning Map adopted (date of adoption of the map being replaced)."

### 620 Interpretation of District Boundaries

Boundaries of districts established under provisions of this ordinance are shown on the City and County Zoning Maps on file in the office of the City Clerk, Lawrenceburg, Kentucky or the office of Anderson County Clerk, Lawrenceburg, Kentucky.

Boundaries of districts shown on the City or County Zoning Maps shall be interpreted as follows:

1. Boundaries indicated as approximately following the centerlines of streets, highways, alleys, and railroad tracks shall be construed to follow such lines.
2. Boundaries indicated, as approximately following plotted lot lines shall be construed as following such lot lines.
3. Boundaries indicated, as approximately following City Corporation limits or county boundaries shall be construed as following such corporation or county line.
4. Boundaries indicated as approximately following shore lines shall be construed to follow such shore lines, and in the event of a change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, lakes, or other bodies of water shall be construed to follow such center lines.
5. Boundaries indicated as parallel to or extensions of features indicated in 620 (a) through 620 (d) above, shall be so construed. The scale of the City or County Zoning Map shall determine distances, unless specifically shown on the map.
6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 620(a) through 620(e) concerning the exact location of any district boundary line or portion thereof, the location of such district boundary or portion thereof shall be determined by the Board of Adjustment.

Where a district boundary line on the City or County Zoning Map divides a lot of single ownership which was recorded at the time of enactment of this Ordinance, the Board of Adjustment may permit the extension of the regulations for either portion of the lot a distance not to exceed 50 feet into the remaining portion of the lot.

Whenever any street, alley, public way, or public easement is vacated through legal action, the abutting districts shall be extended, depending on the land to which the vacated lands revert.

**630 Annexation**

The zoning classification for territory proposed for incorporation through annexation may be amended in accordance with KRS 100.209.

**640 Districts Established**

The following zoning district classifications are established for Lawrenceburg and Anderson County, Kentucky:

- A-1        Agricultural District
- A-2        Small Community District
- R-1        Residential - Low Density Residential District
- R-2, R-2a   Residential - Two-Family Residential District
- R-3        Residential - Multi-Family Residential District
- MH        Manufactured Home Park District
- B-1        Business - Neighborhood Business District
- B-2        Business - Central/General Business District
- B-3        Business - Highway Service Business District
- B-4        Business- Rural General Business District
- I-I        Industrial - Light Industrial District

I-2 Industrial - Heavy Industrial District  
F Flood Plain District

## **641 Expressly Prohibited Uses in All Districts**

1. Exterior Storage of non-operating or non-licensed Vehicles: No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant, or otherwise shall allow any partially dismantled, wrecked, junked, discarded or otherwise non-operating motor vehicle to remain on such property longer than ten (10) days; except that this section shall not apply to historic motor vehicles registered and licensed in conformance with KRS 186.043, property where such use is allowed under zoning ordinances, or other applicable laws, or to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property. This section shall further not apply with regard to any vehicle on the premises of a business enterprise operated in a lawful place, other than in a residential district, and operated in a lawful manner, when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the county government or any other public agency or entity. Nothing in this Ordinance shall be taken to lessen the requirements of the County or City Nuisance Ordinance(s) and when this Ordinance is in conflict, the stricter of the two shall prevail.
2. Duty of Maintenance of Private Property: No person owning, leasing, occupying, or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such persons are located. Nuisances shall consist of, but shall not be limited to, abandoned buildings, abandoned mobile homes, and garbage dumps.
3. Mobile Homes constructed prior to June 15, 1976, or otherwise not in compliance with the National Manufactured Home and Construction and Safety Standards Act, provided that such structures existing at the adoption of this ordinance remain as non-conforming structures (*and provided that replacement of such non-conforming structures with the smallest size manufactured at the time, which is no less square footage that the existing structure, shall not be deemed an enlargement or expansion of the non-conforming use.*\*)

## **642 Expressly Permitted**

Temporary offices of construction companies on or near a construction site are allowed in all zones subject to the approval of the building inspector.

## **650 Agricultural District**

The intent of the Agricultural District is to preserve, promote and protect the rural character of the land, including agricultural uses, significant natural features, wooded areas, the watercourses, and to minimize erosion of soil, siltation and pollution of streams and lakes.

## **651 Agricultural District (A-1)**

The purpose of A-1 districts is to preserve agricultural endeavors and open space within Anderson County.

1. Permitted Uses
  - a. Land used exclusively for agriculture, farming, dairying, stock raising;
  - b. Horticultural services;

*\*Amended 2008 Anderson Co. Fiscal Court*

- c. Hunting, trapping, game preserves, forestry;
  - d. Single-family detached dwellings, including Qualified Manufactured Homes, but not other manufactured homes; *(with the exception of Manufactured Homes which were manufactured during 2002 or after and are in compliance with the inspection and installation requirements of this Ordinance applicable to Qualified Manufactured Homes and are no smaller than fourteen feet (14') in width. \*)*
  - e. Churches & cemeteries.
2. Permitted Accessory Uses
- a. Accessory uses in connection with agriculture, farming, dairying, stock raising or similar uses, such as tenant homes, agriculture structures, stables, and parking areas;
  - b. Roadside stands offering for sale only agricultural products grown on the premises;
  - c. Keeping of roomers or boarders by a resident family;
  - d. Swimming pools and tennis courts for private use;
3. Conditional Uses

The following uses are special exceptions and require written approval of the Board of Adjustment. The Board may attach certain conditions to its approval which it feels are necessary to preserve and protect the agricultural character of the district in which the proposed use would locate.

- a. Hospitals, nursing homes, convalescent homes, rest homes, orphanages, rehabilitation homes; churches, schools;
- b. Sewage disposal plants and water treatment plants;
- c. Extraction of crude petroleum or natural gas; extraction, storing, and processing or minerals or raw materials;
- d. Veterinarian clinics;
- e. Agricultural home occupations as defined in Article II, Definition 61 of this Ordinance;
- f. Recreational facilities, including playgrounds, golf courses, country clubs, sportsman's farms, riding stables, fishing lakes and private clubs, restaurants for private clubs, horse training track;
- g. Recreational vehicle park, subject to section 930(3) of this regulation; and
- h. Additional dwelling units, including manufactured homes used as dwelling units by members of farm owner's immediate family or full-time employees of the farm operation. If said unit is a manufactured home, it must be removed once a qualified occupant is no longer in residence and shall be installed subject to section 940 of this ordinance. All units may only be severed from the farm if the proposed lot would conform to the applicable zoning requirements. Additional dwelling units must have a sanitary waste disposal system approved by the Anderson County Health Department.

*\*Amended 2008 Anderson Co. Fiscal Court*

#### 4. Development Standards (A-1)

Minimum lot area	
No public sewer	2 acres
<u>On public sewer</u>	<u>1 acre*</u>
Minimum lot frontage	50 feet
Min. width at building line	150 feet
Minimum front yard*	80 feet
Minimum side yard (each side)*	25 feet
Minimum rear yard*	50 feet
Maximum building height	N/A
Signs	See Article XI
Parking	See Article X

NOTE: see Article VII for special agricultural exemptions.

\* Minimum side and rear yard requirements measured from the property line on all sides. Front yard setbacks are measured from the public road right-of-way.

### 652 Small Community District (A-2)

The purpose of the A-2 district is to preserve and allow continued limited growth in areas of the county that have developed as small communities, typically including single-family residential development and related commercial and industrial development. See special conditions below.

#### 1. Permitted Uses

- a. All uses permitted in the R-1 district; and
- b. Retail and consumer oriented business development typical of that permitted in the neighborhood business district (B-1), excluding office and non-retail development.

#### 2. Accessory Uses

All accessory uses permitted in the R-1 and B-1 districts.

#### 3. Conditional Uses

The following uses are special exceptions and require written approval of the Board of Adjustment. The Board may attach certain conditions to its approval which it feels are necessary to preserve and protect the rural residential character of the district in which the proposed use would locate.

- a. All conditional uses permitted in the R-1 and B-1 districts.

\*Amended 2011 – Anderson County Fiscal Court/Lawrenceburg City Council

4. Special Conditions of the A-2 District

No lots in this district, regardless of size, shall be deemed to qualify for the definition of agricultural use required for the special exemptions noted in Article VII. This district shall provide existing rural settlements with protection from incompatible development while allowing limited small lot residential development and commercial development meeting the daily needs of the local community to continue to expand. Land intended to remain primarily agricultural in nature shall remain zoned A-1 until such time as a proposed change in land use compatible with the existing small community is imminent

5. Development Standards (A-2)

Minimum lot area	
no public sewer	1 acre*
on public sewer	1/2 acre
Minimum lot frontage	100 feet
Min. width at the building line	100 feet
Minimum front yard	80 feet
Minimum side yard (each)	15 feet
Minimum rear yard	30 feet
Maximum building height	N/A
Signs	See Article XI
Parking	See Article X

\* Lot must meet all site, size, and dimension requirements of the local Health Department

**660 Residential Districts**

The purpose of residential districts is to establish and preserve single and multi-family home neighborhoods as desired by large numbers of people free from other uses except those, which are both compatible with and convenient to the residents of such a district.

**661 Low Density Residential District (R-1)**

The low-density residential classification is the most restrictive residential district. The principal land use in this district is for single-family dwellings and for associated religious, recreational, educational and public facilities necessary to provide for a balanced and attractive low-density residential area. Lands in this district are to be protected from encroachment of uses detrimental to and not performing a function appropriate to the residential environment. Property values are stabilized and orderly growth promoted by providing adequate light, air and open space and through consideration of proper function relationships of each permitted use.

1. Permitted Uses

- a. Detached single-family dwellings, which are not manufactured homes.

2. Accessory Uses

Accessory uses and buildings may be permitted only as customarily incidental to any of the permitted and conditional uses listed above; provided that such accessory uses shall not involve the conduct of any business, trade, or industry. Accessory uses and structures may include the following:

- a. The taking of boarders or roomers by the family resident on the premises, provided that no new living unit with separate kitchen and bathroom facilities is created (maximum of three rooms for this purpose);

- b. Detached garage for the storage of automobiles, recreational equipment, and incidental equipment;
  - c. Private swimming pools, provided that they meet the side yard requirements of principal buildings and are fenced to prevent free access to small children in conformance with the requirements in Section 840 of this Ordinance; and
  - d. Storage buildings.
3. Conditional Uses
- The following uses are special exceptions and require written approval of the Board of Adjustment. The Board may attach certain conditions to its approval, which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate. Conditional uses shall be so located, site-planned, and designed as to avoid undue noise, nuisances, and dangers.
- a. Churches, parish houses, schools and other places of worship located not less than twenty (20) feet from any other lot in any R- District;
  - b. Public parks, playgrounds, golf courses, country clubs, and other public recreational facilities; provided that any principal building used therefore shall be located not less than forty (40) feet from any other lot in any R-1 District;
  - c. Schools and colleges for academic instruction located not less than forty (40) feet from other R- District lots;
  - d. Public libraries, public museums, and similar public cultural uses, located not less than twenty (20) feet from other R- District lots;
  - e. Private non-commercial recreation areas and facilities not listed above including tennis courts, club swimming pools; provided that no such swimming pool shall be located nearer than one hundred (100) feet from any other R- District lot;
  - f. Funeral homes and cemeteries;
  - g. Hospitals and clinics for human care, nursing and convalescent homes, physicians offices, religious and charitable institutions, provided that any buildings which are used for the permanent care of drug addicts or the mentally impaired shall be at least one hundred (100) feet from any R- District lot;
  - h. Philanthropic institutions and clubs, except a club, which is customarily carried on as a commercial activity;
  - i. Non-commercial kennel on the premises of a residence occupied by the owner or tenant as a dwelling house;
  - j. Bed and breakfast operations; and
  - k. Home occupations as defined in Article II of this Ordinance.

4. Special Use

A Planned Unit Development for residences shall be permitted as a special use in conformance with Article XII of this Ordinance.

5. Development Standards (R-1)

	<u>Dwellings</u>	<u>Conditional Uses</u>
Minimum lot area		
on public sewer	11,000 sq. ft.	16,000 sq. ft.
no public sewer	43,560 sq. ft.	43,560 sq. ft.
Min. width at building line	75 feet	100 feet
Minimum front yard	35 feet	35 feet
Minimum side yard		
(each side)	12 feet	12 feet
Accessory building	5 feet	5 feet
Minimum rear yard	25 feet	25 feet
Accessory building	5 feet*	5 feet*
Maximum building height		
Principal structure	N/A	N/A
Accessory structure	15 feet or 1 story	15 feet or 1 story
Max. percentage of lot covered		
by buildings	40%	40%
Signs	See Article XI	See Article XI
Parking	See Article X	See Article X

\*Rear yards are measured from the property line, unless there are utility easements along the rear property line; all structures must be located a minimum of five feet from the easement.

**662 Two-Family Residential District (R-2, R-2a)**

The two-family residential district is intended to provide for medium population density. Single-family and two-family dwelling units are the principal uses permitted along with the associated uses referred to in Section 661 as being necessary to provide a balanced and attractive residential area. The purpose of this district is to establish and preserve single-family home neighborhoods at a higher density than the R-1 district, which shall be free from other uses except those, which are both compatible with and convenient to the residents.

1. Permitted Uses, R-2

- a. Detached single-family dwellings which are not manufactured homes,
- b. Detached two-family dwellings (duplexes); and
- c. Attached single family dwellings having a common vertical wall on the property lien of two separate lots, provided that only one dwelling shall be on each lots, and no more than two dwelling shall be attached, and
- d. Other principal permitted uses in R-1.

2. Permitted Uses, R-2a

- a. Detached single-family dwellings which are not manufactured homes; and
- b. Other principal permitted uses in R-1.

3. Accessory Uses

Accessory uses and buildings may be permitted as customarily incidental to any of the permitted principal and conditional uses listed above. Accessory uses permitted are those permitted in the R-1 zone.

4. Conditional Uses

- a. Any use conditionally permitted in an R-1 residential district and subject to the requirements thereof as provided in Section 661(3);
- b. Childcare facilities; and
- c. Nursing homes, rest homes, and funeral homes will be permitted, provided that the lot on which such use is located fronts on a designated state or federal highway, or a street designated as an arterial or collector in the Comprehensive Plan.

5. Special Use

A Planned Unit Development for residences shall be permitted as a special use in conformance with Article XII of this ordinance.

6. Development Standards

	<u>R-2 Single Family and R-2a</u>	<u>R-2 Two Family</u>
Minimum lot area		
on public sewer	7,200 sq. ft.	10,200 sq. ft. †
no public sewer	43,560 sq. ft.	43,560 sq. ft.
Min. lot width at building line	60 feet	70 feet
Minimum front yard	30 feet	30 feet
Minimum side yard (each side)	8 feet	8 feet
Accessory building	5 feet	5 feet
Minimum rear yard	25 feet	25 feet
Accessory building	5 feet*	5 feet*
Maximum building height:		
Principal structure	N/A	N/A
Accessory structure	15 feet or 1 story	15 feet or 1 story
Max. percentage of lot covered by buildings	40%	40%
Signs	See Article XI	See Article XI
Parking	See Article X	See Article X

\*Rear yards are measured from the property line, unless there are utility easements along the rear property line; all structures must be located a minimum of five feet from the easement.

† Special provision for single-family attached residences: Single-family attached residences shall be permitted on individual lots of 4,200 square feet, 30 feet wide at building line, and attached to one other single-family unit; provided that each structure of two units shall comply with all R-2 Two Family standards. The division of an existing building shall no result in any violation of the Kentucky Residential Code.

## 663 Multi Family Residential District (R-3)

The intent of the R-3 district is to establish and preserve residential neighborhoods of different or mixed densities of residential units and to exclude uses, which are not compatible with residential uses. The principal use of land may include two-family residential units to multi-family dwellings, including townhouses. Uses are also permitted on a conditional or accessory basis that complements the more intense residential use that is intended in an R-3 district.

### 1. Permitted Uses

- a. All uses permitted in the R-2 district, and
- b. Multi-family dwellings including townhouses and condominiums. Multiple structures may be constructed upon the same lot, provided that the total minimum lot size shall be calculated based sum of the lot sizes that would be required for each building, is placed on separate lots.

### 2. Accessory Uses

Accessory uses and buildings may be permitted as customarily incidental to any of the permitted principal and conditional uses listed above. Accessory uses permitted are those permitted in the R-1 zone.

### 3. Conditional Uses

Any use conditionally permitted in an R-2 residential district and subject to the requirements thereof as provided in Section 662(3).

### 4. Special Use

A Planned Unit Development for residences shall be permitted as a special use in conformance with Article XII of this Ordinance.

### 5. Development Standards (R-3)

	<u>Single Family</u>	<u>Multi-family</u>
Minimum lot area on public sewer	7,200 sq. ft.	7,200 sq. ft. for the first unit plus 2,000 sq.ft for each additional dwelling
no public sewer	43,560 sq. ft.	Not permitted
Min. lot width at building line	60 feet	60 feet plus Minimum front yard
yard	25 feet	25 feet
Minimum side yard (each side)	8 feet	8 feet
Accessory building	5 feet	5 feet
Minimum rear yard	25 feet	25 feet
Accessory building	5 feet*	5 feet*
Max. percentage of lot covered by buildings	40 %	40%
Signs	See Article XI	See Article XI
Parking	See Article X	See Article X

\*Rear yards are measured from the property line, unless there are utility easements along the rear property line; all structures must be located a minimum of five feet from the easement.

## 664 Manufactured Home Park District (MH)

The intent of the manufactured home park district (MH) is to establish and protect residential neighborhoods for manufactured homes in manufactured home parks in an appropriate, safe, sanitary, and attractive environment. All manufactured home parks shall abut and have access to an arterial or collector street and shall be further regulated by the provisions of the Kentucky Mobile Home and Recreational Vehicle Park statute as derived from Chapter 219.310 through 219.410 of the Kentucky Revised Statutes and as discussed in Article IX of this Ordinance.

All manufactured home parks shall be located and served by a public sewage collection and treatment system.

### 1. Permitted Uses

- a. Manufactured home dwellings in manufactured home parks.

### 2. Accessory Uses

Accessory uses and buildings may be permitted only as customarily incidental to any of the permitted and conditional uses listed above; provided that such accessory uses shall not involve the conduct of any business, trade, or industry. Accessory uses and structures may include the following, provided that they meet the yard requirements of the principle buildings:

- a. Detached garage or storage building for the storage of automobiles, recreational equipment, and incidental equipment;
- b. Private swimming pools, provided that they are fenced to prevent free access to small children in conformance with the requirements in Section 840 of this Ordinance; and
- c. Self-service laundry facilities, childcare facilities, and recreational facilities where intended for the common use of mobile home park residents.

### 3. Conditional Uses

Conditional uses are special exceptions and require written approval of the Board of Adjustment. The Board may attach certain conditions to its approval, which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate. Conditional uses shall be so located, site-planned, and designed as to avoid undue noise, nuisances, and dangers.

- a. Any use conditionally permitted in an R-1 residential district and subject to the requirements thereof as provided in Section 661(3) are also permitted in the MH zone.

### 4. Development Standards (MH)

All manufactured home parks shall consist of a minimum of five (5) acres and no park shall have a density of more than seven (7) dwellings per gross acre. The following development standards shall apply:

Minimum lot area	
on public sewer	five (5) acres; at least 3,000 sq. ft. per dwelling
no public sewer	Not Allowed
Min. width at building line	100 feet
Minimum front yard	50 feet
Minimum side yard (each side)	25 feet

Max. percentage of lot covered by buildings	40%
Signs	See Article XI
Parking	See Article X

Note: All mobile home parks shall provide a 25-foot buffer area between the mobile homes and any abutting residential district and a 50-foot buffer along any public road.

**670 Business Districts**

The intent of the business districts is to accommodate existing and future business development in such locations and with such regulations so as to provide availability and accessibility for the success of business operations, to encourage the development of new business at appropriate locations, and to preserve and protect existing and future development of all kinds through the use of limited access points, service roads, parking and loading areas, screening, and other regulations.

**671 Neighborhood Business District (B-1)**

The intent of the Neighborhood/General Business District (B-1) is to establish and preserve general commercial areas consisting of shopping centers, commercial strips, and rural general stores where customers reach individual business establishments primarily by automobile, while minimizing the undesirable impact on adjacent residential districts.

1. Permitted Uses

- a. Offices of business professional, or financial organizations, of individuals, of labor unions, or of civic, social, fraternal, and/or other non-profit organizations;
- b. Laboratories and other research facilities where all activity and equipment, including ventilators and other equipment on roofs, is housed in a fully enclosed building or screened so as not to be visible from off the lot, and where no noise or odors are created which are discernible beyond the boundaries of the lot;
- c. Banks, barber and beauty shops; general and specialty food stores; specialty beverage stores (*applicable in the incorporated areas of the County only*); drugstores; restaurants; clothing and dry good stores; appliance stores; bakeries; dry cleaning and laundry establishments; gas stations; veterinarians and kennels when housed in a fully enclosed building; motels; clinics; funeral homes; indoor theaters and other places of amusement including bowling lanes, lighted golf courses, skating arenas and the like; however, meat and poultry shops where slaughtering is done on the premises is excluded.

2. Special Provisions for Shopping Centers

Shopping centers comprised of a building or group of buildings to house three or more permitted commercial activities shall be permitted as a special use in conformance with the provisions for Planned Unit Developments as specified in Article XII of this Ordinance.

3. Conditional Uses

Conditional uses are special exceptions and require written approval of the Board of Adjustment. The Board may attach certain conditions to its approval, which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate. Conditional uses shall be so located, site-planned, and designed as to avoid undue noise, nuisances, and dangers.

- a. Schools;
- b. Drive-in theaters;
- c. Auto, truck, and farm implement sales and repair, home sales;
- d. Public facilities such as libraries, churches, parks, recreation facilities, and hospitals, and daycare facilities, fitness centers;
- e. Residential uses as provided in Section 663 - Multi-family Residential District (R-3) *(applicable in the incorporated areas of the County only)*.

4. Accessory Uses

Any accessory use or building customarily incidental to the above permitted uses is permitted, including dwelling units occupying the same building as the principal commercial use for the express use of the owner and/or operator of the permitted commercial use.

5. Required Conditions

- a. Screening:

Where a side lot line is shared with an adjoining residential lot, a well-maintained compact hedge, a solid fence or similar solid screening device at least six (6) feet in height shall be installed to screen the business use from the adjoining lot in the residential district. The screen shall begin at the front building line and extend along the common side lot line to the rear property line.

b. Access to Highways and Streets:

Before any building permit for any structure in a B-1 district may be issued the prospective builder or operator of the proposed B-1 activity shall submit a sketch of the layout and design of the proposed structure and/or use and its access points to the highway and/or street to the Planning Commission. The Planning Commission may require that when two or more consumer commercial establishments adjoin along one side of any street or highway that they share access points to the street. When more than four consumer commercial establishments adjoin along any highway or street, a service road parallel to the highway or street may be required to be built, at the expense of all adjoining consumer commercial establishments, to provide service to all consumer commercial establishments on the same side of the street or highway. This road shall have access to the highway or street at no more than two points for every four consumer commercial establishments. The provisions of Article VIII of this Ordinance shall also apply in a B-1 district. Parking and off-street loading requirements are provided in Article X of this Ordinance.

c. All businesses, services, or processing shall be conducted wholly within a completely enclosed building except in filling stations.

d. Processing is permitted if all such processing is performed as a consumer service for retail customers served on the premises. Processes and equipment employed in goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, gas fumes, noise, vibration, refuse matter, or water-carried waste.

6. Development Standards (B-1)

Minimum lot area	
on public sewers	none; except as specified for P.U.D. shopping centers
no public sewers	43,560 sq. ft.
Min. width at building line	50 feet
Minimum front yard	50 feet, or one-half of the street right- of-way, whichever is greater
Minimum side yard	5 feet; 25 feet on side adjacent to any residential district
Minimum rear yard	30 feet
Max. percentage of lot covered by buildings	75%
Signs	See Article XI
Parking	See Article X

## 672 Central/General Business District (B-2)

The intent of the Central Business District (B-2) is to establish and preserve a central business district convenient and attractive for a wide range of retail uses and business, government and professional offices and places of amusement in a setting conducive to and safe for a high volume of pedestrian traffic.

### 1. Permitted Uses

The following uses are permitted in the B-2 zoning district:

- a. Offices;
- b. Hotels, motels, and tourist homes;
- c. Establishments selling goods and services at retail and conducted entirely within an enclosed building;
- d. Theaters and other places of amusement conducted entirely within an enclosed building;
- e. Bus and taxi stations;
- f. Hospitals;
- g. Barber and beauty shops, fitness centers;
- h. Banks and other financial institutions;
- i. Dry cleaning and laundry establishments;
- j. Social and fraternal clubs and lodges;
- k. Governmental and social service offices; Manufacturing of articles to be sold at retail on the premises providing that any such manufacturing or processing shall be incidental to a retail sales business or service, and shall employ not more than five persons in such manufacturing; wholesale sales and distribution of such goods is also permitted; and

In no case, shall the following uses be permitted within the Central Business District:

Meat and poultry shops where slaughtering is done on the premises; new or used motor vehicle sales, farm implement, boat, mobile home, or motorcycle sales, drive-in theaters, drive-in restaurants, or any other similar uses which the Board of Adjustment determines to be detrimental to the district as a pedestrian-oriented retail consumer-service district.

### 2. Conditional Uses

The following uses are special exceptions and require written approval of the Board of Adjustment:

- a. Churches and other places of worship; parish houses; schools; daycare facilities;
- b. Public libraries;
- c. Passive recreation and/or public parks;
- d. Service stations;
- e. Funeral homes;

- f. Philanthropic institutions and clubs, including a club of which the chief activity is customarily carried on as a business;
- g. The use of upper floors as residential dwellings by the owner of the business on the lower floors, the owner of the building, or as rental property; and
- h. Specialty beverage stores.

The Board of Adjustment may attach certain conditions to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate.

3. Required Conditions

All permitted and conditional uses within the Central Business District (B-2) shall be conducted wholly within an enclosed building except for off-street parking and loading facilities provided for under Article X of this Ordinance.

4. Development Standards (B-2)

Minimum lot area	none
Min. yard requirements	none; except 25 feet on the side abutting any residential district
Max. percentage of lot covered by buildings	100%
Signs	See Article XI
Parking	See Article X

**673 Highway Service District (B-3)**

The intent of the Highway Service District (B-3) is to establish and preserve areas at intersections with arterial roads and freeways for businesses serving the travel related needs of the community and the traveling public. Consideration should be given to avoid endangering movement through the intersection and causing undesirable impact on adjacent areas.

1. Permitted Uses

- a. New and used automobile sales;
- b. Automobile and truck service stations, filling stations, repair shops, public garages;
- c. Restaurants, including drive-in restaurants;
- d. Hotels and motels;
- e. Retail sales, specialty stores, department stores, and fitness centers;
- f. Specialty beverage stores;

- g. Commercial greenhouses, and mini-warehouses;
  - h. Financial institutions;
  - i. Business offices; and
  - j. Similar businesses.
2. Conditional Uses
- The following uses are special exceptions and require written approval of the Board of Adjustment:
- a. Home sales;
  - b. Warehouses;
  - c. Outdoor storage facilities;
  - d. Non-retail (wholesale) sales;
  - e. Dwelling units occupying the same building as and clearly accessory to the principal commercial use and being for the use of the owner and/or operator of the permitted commercial use;
  - f. Churches and other places of worship, schools, and daycare facilities;
  - g. Public libraries;
  - h. Public parks, commercial public recreational facilities, and places of amusement and entertainment;
  - i. Public utilities;
  - j. Funeral homes; cemeteries;
  - k. Roadside stands;
  - l. Clubs, including a club of which the chief activity is customarily carried on as a business; and
  - m. Recreational vehicle park.

The Board of Adjustment may attach certain conditions to its approval, which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate.

3. Required Conditions/Minimum Design Standards

- a. Access:

Access to business establishments in the B-3 district shall either be from parallel frontage roads or driveways. All intersections of frontage roads or driveways with arterials streets shall provide acceleration and deceleration lanes of not less than 150 feet and eleven feet wide. No entrance or exit shall be closer than 200 feet to any intersection on an arterial road or to the access road of any freeway. Entrances off controlled access streets shall require both a permit from the District 7 office of the Kentucky Transportation Cabinet and the approval of the Planning Commission.

b. Landscaping:

A landscaped planting strip at least twenty feet in width shall be provided along boundaries of a B-3 District adjacent to any residential zone or any property being used for residential or institutional purposes. This area shall be planted with native trees or shrubs in a manner approved by the Planning Commission.

4. Development Standards (B-3)

Minimum lot area	
on public sewer	none
no public sewer	43,560 sq. ft.
Min. width at building line	150 feet
Minimum front yard	65 feet
Minimum side yard	10 feet; 30 feet on any side adjacent to any residential district
Minimum rear yard	30 feet
Max. percentage of lot covered by buildings	60%
Signs	See Article XI
Parking	See Article X

**674 Applicable to all Business Districts**

1. Accessory Uses

- a. Signs, only one of which on the premises may be detached from the principle building; all signs must comply with the Regulations set forth in Article XI;
- b. Garages or other building not used as a dwelling and accessory to the principle;
- c. Wholesale merchandise or services, which are clearly incidental and subordinate to the principle retail use on the premises;
- d. Accessory buildings in all Business Districts shall be permitted in rear yards only and must comply with the minimum yard requirements for the principal structures in that zoning district. On any corner lot adjoining in the rear another lot, which is in a residential district, accessory buildings shall conform to the side yard requirements for the residential district.

No building in the rear of a main or principal building on the same lot shall be used for residential purposes unless it conforms to all requirements of this Ordinance.

2. Outdoor Storage

- a. There shall be no outdoor storage of merchandise and no outdoor processing in any commercial district unless authorized as a conditional use.

**680 Industrial Districts**

**681 Light Industrial District (I-1)**

The intent of the Light Industrial District (I-1) is to establish and preserve areas for industrial and certain related uses of such nature that they do not create serious problems of compatibility with other types of land uses. Such establishments should be clean, quiet, and free from hazardous or objectionable levels of noise, odor, dust, smoke, or glare. This district is further intended to provide a transitional use between heavy industrial uses (I-2) and business and residential uses.

## 1. Permitted Uses

Manufacturing; wholesaling; warehousing; bulk storage; laundries; cleaning and dyeing plants; bottling works; building material yards; dairies; food processing; printing; vehicle or equipment repair or service; research laboratories; accessory buildings; mini-warehouses.

Retail sale of commodity manufactured, fabricated, or processed on the premises; gas stations; restaurants; sale and service of agricultural and construction equipment.

The forgoing use authorizations do not include any of such uses which emit any fumes, vibrations, smoke, noise, or glare, except the noise of vehicles coming and going, which is detectable from off the premises by the senses of normal human beings. All operations, including the storage of anything except merchandise displayed for sale, are to be conducted in a fully enclosed building or entirely behind walls or fences which conceal them from visibility from sites off the lot.

Other industrial uses not listed above shall be considered conditional uses and will require written approval of the Board of Adjustment.

## 2. Conditional Uses

The following uses are special exceptions and require written approval of the Board of Adjustment.

Trucking terminals; junkyards; single family homes, including mobile homes, for use by on-site caretakers or security personnel employed by the industrial development; drive-in theaters; gasoline, oil, or alcohol storage above ground in excess of 500 gallons if Board of Adjustment review determines that such proposed use will not constitute a fire hazard. All permitted or conditional uses in any business zone; schools; churches; day care facilities.

The Board may attach certain conditions to its approval, which it feels are necessary to preserve and protect the character of the district in which the proposed use could locate.

## 3. Required Conditions

### a. Yards:

On lots adjacent to a residential district, all buildings shall be located so as to provide a minimum yard of one hundred (100) feet.

### b. Storage Facilities:

No materials or supplies shall be stored or permitted to remain on any part of the property outside the buildings constructed thereon without proper screening and adequate distances from adjoining properties.

c. Waste Disposal:

No waste material or refuse shall be dumped upon or permitted to remain upon any part of an industrial property outside of buildings constructed thereon. In addition, the property shall not be used by an industry whose primary business requires industrial sewerage, unless the governing municipal body authorizes the use of its sewage disposal facilities or said industry constructs its own sewage disposal plant.

4. Development Standards

Minimum lot area	none
Minimum front yard	50 feet
Minimum side yard	none; except 100 feet if adjacent to residential district
Minimum rear yard	none; except 100 feet if adjacent to residential district
Max. percentage of lot covered by buildings	75%
Signs	See Article XI
Parking	See Article X

**682 Heavy Industrial District (I-2)**

The intent of the Heavy Industrial District (I-2) is to establish and preserve areas for necessary industrial and related uses of a nature that they require isolation from many other kinds of land use.

1. Permitted Uses

- a. Any use permitted in the I-1 Light Industrial District; except that no building, structure, or portion thereof shall be erected, constructed or used for any dwelling use.

2. Conditional Uses

The following uses are special exceptions and require written approval of the Board of Adjustment:

- a. Stockyards; feed lots; slaughter houses; fat-rendering;
- b. Foundries;
- c. Manufacture and distillation of alcohol and alcoholic beverages;
- d. Sanitary landfills;
- e. Extraction, processing, and storage of minerals or raw materials;
- f. Chemical manufacture; or
- g. Other uses that the Board of Adjustment determines emit detrimental or obnoxious noise, vibration, smoke, odor, dust, or other objectionable conditions beyond the confines of its property. The Board may grant such approval if it determines that the proposed use will not extend its detrimental effects beyond the limits of the heavy industrial district in which it is located.
- h. Churches; schools; day care facilities;
- i. All permitted or conditional uses in any business zone.

The Board may attach certain conditions to its approval, which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate as well as the adjacent zoning districts.

3. Required Conditions

a. Yards:

On lots adjacent to a residential district, all buildings shall be located so as to provide a minimum side yard of one hundred (100) feet.

b. Loading Docks:

No loading dock shall be constructed fronting on any public street or roadway.

c. Storage Facilities:

No materials or supplies shall be stored or permitted to remain on any part of the property outside the buildings constructed thereon without proper screening and adequate distances from adjoining properties.

d. Waste Disposal:

No waste material or refuse shall be dumped upon or permitted to remain upon any part of an industrial property outside of buildings constructed thereon. In addition, the property shall not be used by an industry whose primary business requires industrial sewerage, unless the governing municipal body authorizes the use of its sewage disposal facilities or said industry constructs its own sewage disposal plant.

e. Junk yards, salvage and scrap iron yards and similar uses shall be enclosed by an acceptable fence, wall or other screening not less than six (6) feet in height. The Board of Adjustment shall determine the acceptability of said screening.

f. Extraction of minerals, stripping of soil, sand and gravel pits, (not including any processing), shall require that any power-driven or power-reproducing machinery or equipment shall not be housed or operated less than one thousand (1,000) feet from any R-District.

4. Development Standards

Minimum lot area	none
Minimum front yard	50 feet
Minimum side yard	none; except 100 feet if adjacent to residential district
Minimum rear yard	30 feet; except 100 feet if adjacent to any residential district
Max. percentage of lot covered by buildings	75%
Signs	See Article XI
Parking	See Article X

**690 Flood Plain District (F)**

The intent of the Flood Plain District (F) is to restrict the use of the flood plains of natural drainage-ways to those uses that will not be greatly damaged by floods or moving waters. The purpose is to minimize the costs of flood damage to individual property owners and the general public and avoid impeding the flow of floodwaters.

1. Permitted Uses

The Flood Plain District is a zone that may be superimposed over any other zoning district wherein the provisions of the other zoning district are applicable as well as the provisions contained herein.

2. District Regulations

Areas designated "F" (Flood Plain District) shall be based upon areas determined to be in "flood prone" areas under the Department of Housing and Urban Development (HUD) National Flood Insurance Program and such other areas as determined by the Planning Commission to be subject to flooding. Within such designated area, no permanent structures for residential, agricultural, commercial, industrial, or public use shall be placed without first securing a building permit and demonstrating provisions to protect such structure from flood damage.

No building permits shall be issued within the 100-year floodplain unless the structures are flood proofed and meet all other the state and federal flood insurance requirements

# ARTICLE VII

## APPLICATION OF REGULATIONS

### **700 Application of Regulations**

All existing and future structures and uses of premises within Anderson County shall conform to all applicable provisions of the Zoning Ordinance. Each zoning district is established to permit only those uses specifically listed as permitted uses or accessory uses, except as provided under the nonconforming or conditional use provisions, and is intended for the protection of those uses. No other uses are permitted except as specifically permitted elsewhere in this ordinance.

### **710 Special Provisions for Agricultural Areas**

For the purposes of this ordinance and per KRS 100.203 (4), land which is used solely for agricultural, farming, dairying, stock raising or similar purposes, shall have no regulations imposed as to building permits, height, yard, location or court requirements for agricultural buildings except that:

1. Setback lines and/or buffer zones shall be required for the protection of existing and proposed streets and highways. In connection therewith, all requirements of the Kentucky Transportation Cabinet, Bureau of Highways Regulations as regarding distance, sight and drainage shall be compiled with; and
2. All buildings or structures in a designated floodway or floodplain, or which tend to increase flood heights or obstruct the flow of flood waters may be fully regulated.

Mobile homes and other dwellings may be permitted as a part of agricultural use of the land but shall have regulations imposed which are applicable, such as zoning, building, and certificates of occupancy.

### **720 Subdivision of All Land**

Landowners or developers desiring to subdivide agricultural land for any non-agricultural use must conform with the Lawrenceburg/Anderson County Subdivision Regulations, including design and processing requirements and must conform with the dimension requirements and other special requirements as may be imposed by the Commission.

In all cases, where the ownership of any land is divided for the purpose of eventual development of all kinds (residential, commercial, industrial), the provisions of the Subdivision Regulations of Lawrenceburg/Anderson County and amendments thereto shall apply in addition to the provision of the Zoning Ordinance.

### **730 Certificate of Land Use Restriction**

Whenever a legislative body approves a Zoning Map amendment, whenever the Planning Commission approves a development plan or subdivision plat, and whenever the Board of Adjustments approves a variance or conditional use permit, a Certificate of Land Use Restriction as detailed on the following page shall be filed with the County Clerk (per KRS 100.3683).

# CERTIFICATE OF LAND USE RESTRICTION

1. Name and address of property owner(s)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Address of Property  
or development (If applicable)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Name of Subdivision

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Type of Restriction(s) (Check all that apply)

- Zoning Map Amendment to \_\_\_\_\_ Zone
- Conditional Zoning Condition
- Development Plan
- Unrecorded Subdivision Plat
- Variance
- Conditional Use Permit
- Other (Specify) \_\_\_\_\_

5. Name and address of Planning Commission, Board of Adjustment, legislative body which maintains the original records containing the restriction.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Completing Official

\_\_\_\_\_  
Name and Title of Completing Official (type or print)

# ARTICLE VIII

## SUPPLEMENTAL DISTRICT REGULATIONS

### 800 **Applicability**

Except as hereinafter specified, the provisions of this Article shall apply to all districts.

The provisions of this Ordinance affect every building and use. No building or land shall be used, and no building shall be erected, moved, altered, or demolished, except in conformity with these regulations. No excavation, cut or fill of earth or debris, shall be undertaken unless a permit is issued in conformance with the provisions of this Ordinance.

### 810 **Yard Regulations**

1. Any part of any yard, open space, off-street parking or loading space required in connection with any building to comply with these regulations shall not be included as part of any yard, open space, or parking or loading space for any other building unless approved as a variance by the Board of Adjustment.
2. A yard or lot existing at the time of adoption of this Ordinance, or created subsequently, shall not be reduced in dimension or area below the minimum requirements set forth in these regulations.
3. Front yards for corner and/or through lots shall be of the depth required by this Ordinance for the district in which the lots are located. The side yard adjacent to the other street shall be of the depth required by this Ordinance for front yards in the district in which the lot adjacent to the corner and/or through lot is located.
4. Front yards and side yards for corner lots shall be measured from the street right-of-way line. This provision shall not be construed as requiring the dedication of any property to the public.
5. Steps, terraces, decks, carports, bay windows, fire escapes, balconies, open porches, and other unenclosed architectural features may extend into required yard space not more than nine (9) feet, provided that no such projection shall be less than five (5) feet from a side lot line. Enclosing such projection into yard space is prohibited.
6. Notwithstanding other provisions of this Ordinance \*in the incorporated areas of the County, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half (2 1/2) feet in height. In Planned Unit Developments requiring Development Plan review, the Planning Commission may permit fences, walls, and hedges above two and one-half (2 1/2) feet in height in the front yard.

### **811 Setback Lines, Exceptions**

Front yard setback lines may be varied where the average depth of principal buildings on adjoining properties is less or greater than the depth prescribed elsewhere in this Ordinance. In such case, the front yard in question shall not be less than the average depth of existing front yards on the two (2) lots immediately adjoining.

### **820 Lot Access Requirements**

Every building hereafter erected or moved shall be on a lot adjacent to a public street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking. Access to buildings in a Planned Unit Development shall be approved by the Planning Commission.

The following restrictions regarding lot access control shall apply in all business and industrial zoning districts:

1. Lots with less than 100 feet of frontage on a public street shall have no more than one (1) point of access to the public street. Lots with more than 100 feet but less than 400 feet shall have no more than two (2) points of access to the public street. Lots with more than 400 feet of frontage shall have no more than two (2) points of access for each 400 feet of frontage.
2. The location of access drives for lots with 400 or more feet of frontage shall be approved by the Planning Commission.

The following restrictions regarding lot access control shall apply in *all* zoning districts:

1. No point of access shall be allowed within twenty (20) feet of the intersection of the right-of-way lines of intersecting streets.
2. No curbs on public streets or public rights-of-way shall be cut, removed, or altered, nor shall any curb or pavement be constructed within the right-of-way without written approval of the Administrative/Enforcement Officer and/or city engineer or county road supervisor.
3. An access drive shall not exceed twenty (20) feet in width for one-way and/or one-lane ingress or egress. Two-way and/or two-lane access drives shall not exceed thirty-five (35) feet in width.

### **830 Accessory Buildings**

Accessory buildings shall be permitted in rear yards only and must be at least five (5) feet from any other buildings on the same lot and five (5) feet from all adjoining lots: unless otherwise specified in this Ordinance. On any corner lot adjoining in the rear another lot, which is in a residential district, accessory buildings shall conform to the side yard requirements for the residential district.

No buildings in the rear of a main or principal building on the same lot shall be used for residential purposes unless it conforms to all requirements of this Ordinance.

#### **840 Swimming Pools**

All private in-ground and above-ground pools except as noted below must be covered or completely enclosed, including a gate, with a minimum of a four foot fence so as to prevent unauthorized or accidental access by children. Aboveground pools greater than four feet in height with a retractable or removable ladder and all pools smaller than 100 square feet and 18" in depth or less and not containing any recirculating equipment shall be exempt from this requirement.

The Administrative/Enforcement Officer shall have the authority to waive this requirement in light of extenuating circumstances regarding a particular piece of property such as natural barriers preventing access and location on large fenced lots.

All public swimming pools must meet all applicable state regulations regarding fencing.

#### **850 Exceptions to Height Limitations**

The height limitations contained in this Ordinance shall not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

#### **860 Subdivision or Consolidation of Lots**

In all cases where the ownership of land is divided or consolidated for the purpose of eventual development of lots, the provisions of the Subdivision Regulations shall apply in addition to the provisions of this Ordinance.

#### **870 Visibility at Intersections**

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2 1/2) feet and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the edge of the street pavement and a line joining points along said pavement fifty (50) feet from the point of intersection.

The above provisions do not apply to the Central Business District or to any location requiring a retaining wall. The Board of Adjustment may either reduce or increase the requirements of this section in the interest of public safety upon finding that special conditions exist.

#### **880 Water Supply and Sewage Disposal**

No building or dwelling can be constructed without water supply and sewage disposal facilities, which have been approved by the County Health Department. Wherever public water and sewer mains are accessible, buildings shall be connected to such mains. Reasonable accessibility will be determined by the proximity of the land being developed to existing lines and the capacity of the system. In every case, individual water supply and sewage disposal must meet the requirements set by the County Health Department and/or the city's or rural utility's water and sewer department manager. A certificate showing approval of proposed and/or completed water and sewerage facilities must accompany applications for all subdivision plats.

## **890 Excavation and Grading**

The excavation of natural materials, filling of land, or grading shall be permitted without a conditional use permit only to the degree necessary to permit construction of buildings, streets, or accessory uses for which a building permit has been granted. Materials used for fill shall be natural materials only, such as sand, gravel or dirt, and shall not consist of rubbish, refuse, garbage or decomposable animal or vegetable materials. Any excavation, filling, or grading which is not clearly necessary and incidental to an approved construction project shall require a conditional use permit. Regrading shall be undertaken at a time, which is customary to the overall construction timetable of similar projects.

# ARTICLE IX

## MANUFACTURED HOMES

### 900 Intent

It is the intent of this Article to encourage provision of alternative, modest housing in residential areas by permitting the use of certain manufactured homes. It is further the intent of this Article is to guide the establishment of manufactured home parks and recreational vehicle parks in areas providing a residential setting, convenient to major arterials, and with maximum compatibility with the adjacent uses.

### 930 Manufactured Home Park and Recreational Vehicle Park

#### 1. Manufactured Home Parks

##### .a. Basic requirements

- i. Manufactured home parks shall comply with the regulations of the Kentucky Mobile Home and Recreational Vehicle Park Law, as set forth in Chapter 219 of the Kentucky Revised Statutes.
- ii. All manufactured home parks shall abut upon an arterial or collector thoroughfare and shall be located in the MH zone.
- iii. No person shall operate a park without having first obtained a permit, as provided for in KRS 219.310 to 219.410.
- iv. An application for a permit to construct a mobile home park shall be submitted to the Planning and Zoning Commission and shall contain the same information as that submitted to the Kentucky State Bureau for Health Services. In addition, the following information shall be presented to the Commission:
  - Proof of receipt of KRS 219 Mobile Home Park Permit.
  - A development plan showing all of the requirements for a development plan, as described in Article XIII; plus existing facilities and proposed facilities, as follows:
    - The number, location and size of all lots for certified mobile homes.
  - A detailed drawing of the foundation for the placement of certified mobile homes within the mobile home park. All certified mobile homes shall be installed as per Section 940 of this Ordinance.
  - The location and width of roadways, driveways and walkways; the number, location and size of all off-street automobile parking spaces (see supplementary provisions below).
  - The location of parking, street lighting and electrical systems; detail drawings of water supply if sources other than approved public water supply system; detail drawings of sewage disposal facilities if other than a public sewage disposal system is to be used; the location and size of all existing or proposed water and sewer lines, vents and riser pipes.

- A separate floor plan of all buildings and other improvements either existing or proposed.
- Size and location of playground and other public areas to be provided within the park.

d. Location and General Layout

- i. Every manufactured home park shall be located on a well-drained area, not subject to flooding, and the premises shall be properly graded so as to prevent the accumulation of storm or other waters.
- ii. Each dwelling or lot shall be numbered and displayed in some systematic order, both on the plan and on the site.
- iii. Each manufactured home lot shall contain a minimum of 4,000 square feet.
- iv. Each dwelling shall contain at least 500 square feet of floor area. All manufactured homes shall be located at least five (5) feet from another manufactured home and shall have side yards totaling at least twenty (20) feet. Each home lot must have a front yard of at least fifteen (15) feet and a rear yard of ten (10) feet.
- v. All lots shall abut upon a park street. For a two-way street, the minimum paved width shall be 18 feet with no parking allowed on either side. If parking is permitted on one side, the paved width shall be 28 feet; and if parking is permitted on both sides, the minimum paved width shall be 36 feet. The minimum right-of-way for a two-way street shall be 50 feet, and 40 feet for a one-way street. Park streets, driveways and walkways shall be of all-weather paved construction, maintained in good condition, and have natural drainage, and shall be maintained free of holes.
- vii. The area provided for the placement of the dwelling shall be improved to provide a base for a permanent, fixed foundation for the placement of each manufactured home. The foundation shall be constructed in such a manner that it will not heave, shift or settle unevenly under the weight of the home due to frost action, inadequate drainage, vibration, or other forces acting on the mobile home. All mobile homes shall be equipped with tie-downs as recommended by the Manufactured Housing Association, and shall be required to use them. Placement of all certified mobile homes shall comply with Section 940 of this Ordinance.
- viii. Each mobile home lot shall be provided with a sewer and water connection approved by the County Health Officer.

e. Utility Systems

i. Water Supply

All manufactured home parks shall be connected to an approved public water supply.

The water supply shall be capable of supplying a minimum of 150 gallons per day per mobile home.

Water distribution and connections shall comply with the State Plumbing Code.

ii. Sewage and Waste Disposal

All sewage shall be disposed of into a public sewage treatment system.

The sewer service connection between the mobile home and the sewer opening shall have a nominal inside diameter of at least three inches, with a slope of at least one-quarter inch per foot. All joints shall be watertight.

All materials used for sewer connections shall be semi-rigid, corrosion resistant, non-absorbent and durable. The inner surface shall be smooth.

The sewer outlet shall be capped when not in use.

The waste systems and connections shall comply with the State Plumbing Code.

iii. Refuse Handling

The permit holder shall be responsible for the storage and disposing of refuse and shall conduct same so as to create no health hazards, rodent harborage, insect breeding areas, accidents or fire hazards, or air pollution.

iv. Electrical Distribution System

Every manufactured home park shall contain an electrical wiring system, consisting of wiring, fixtures, equipment and appurtenances which shall be installed in accordance with local and state codes and regulations governing systems of like nature.

f. Responsibilities of Permit Holder:

The person to whom a permit is issued for a manufactured home park shall operate the park in compliance with this ordinance and KRS 219, and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair, and in a clean and sanitary condition.

The park management shall notify park occupants of all applicable provisions of this ordinance and KRS 219, and inform them of their duties and responsibilities under this ordinance.

The park management shall be responsible for the proper placement of each certified mobile home in accordance with Section 940 of this Ordinance. This includes placing it upon a firm, fixed foundation, securing its stability with an approved anchoring system and installing all utility connections.

g. Supplementary Provisions and Regulations:

The Commission may impose such other conditions, as it deems necessary to ensure that the park will not adversely affect the public health, safety or general welfare.

The developer in designing the park and the Commission in reviewing the park proposal shall give special attention to ensuring that the park is compatible with existing and planned land use and with circulation patterns of adjoining properties.

Off-street parking shall be provided according to the following requirements:

\* 2 spaces for each lot;

\* 1 space for each full-time park employee;

\* 1 space for each 400 square feet of gross floor area for any structure used for office, recreational or cultural activities;

\* 1 space for each 4 home lots for use by guests;

\* 2 parking spaces required for each home should be located on the home's lot; all other required spaces should be located in bays convenient to facilities.

h. Existing Parks

Any park presently holding a valid construction or operating permit on the effective date of this ordinance and which does not fully meet the design and construction requirements of this ordinance may continue to operate so long as the facilities in the park are capable of being maintained in a safe and sanitary manner and no public health nuisance is allowed to exist.

3. Recreational Vehicle Parks

a. Definition

Recreational vehicle parks are designed to accommodate recreational vehicles for short periods of time, ranging from one (1) night to several weeks.

b. Basic Requirements

i. Size:

The minimum size of a recreational vehicle park shall be not less than ten (10) acres.

ii. Density:

Minimum lot area per recreational vehicle space shall be not less than 2,500 square feet and not more than 18 spaces per gross acre, except that 20% of the lots may be as small as 1,200 square feet in area, but tent campers may only use these. Each tent camper lot must be provided with a water spigot and drain, an electrical outlet and a covered garbage receptacle.

iii. Location:

Recreational vehicle parks shall be located adjacent to and have access to a major thoroughfare or collector street. There shall be no entrance or exit from or onto a minor street.

c. Zoning

Recreational vehicle parks may be permitted as a conditional use in A-1 and B-3 districts provided they meet the following criteria, and provided further that they are approved by the Commission:

That the proposed park will contribute to the welfare and convenience of the traveling public seeking this type of accommodations.

That the park will not be detrimental to the health, safety or general welfare of persons who live in the adjacent areas.

That the park will comply with all city, county, state or federal regulations. Documentation of such compliance shall be required of applicants for recreational vehicle park construction permits.

That the park will comply with all adopted plans (prepared by or for governmental agencies) for the neighborhood or community.

d. Compliance with State Standards

Recreational vehicle parks shall comply with all requirements and standards as stated in the Mobile Home and Recreational Vehicle Act of 1972, KRS 219.310 to 219.410. Documentation of such compliance shall be required of applicants for recreational vehicle park construction permits.

e. Existing Recreational Vehicle Parks

Any recreational vehicle park presently holding a valid construction or operating permit on the effective date of this ordinance which does not fully meet the design and construction requirements of this ordinance may continue to operate so long as the facilities in the park are capable of being maintained in a safe and sanitary manner and no public health nuisance is allowed to exist.

## 940 **Manufactured Home Installation Requirements**

### 1. Installation Standards

#### a. Qualified Manufactured Homes

Manufactured homes as defined in the Zoning Ordinance as requiring a permanent foundation must be set onto an excavated area, with foundations, footings and crawl space or basement walls constructed in accordance with the terms of the Kentucky Residential Code.

#### b. Other Manufactured Homes

All manufactured homes not requiring a permanent foundation shall have an approved foundation siding/skirting enclosing the entire perimeter of the home. Foundation siding/skirting and back-up framing shall be weather-resistant, non-combustible or self-extinguishing materials, which blend with the exterior siding of the home. Below grade level and for a minimum distance of six (6) inches above finish grade, the materials shall be unaffected by decay or oxidation. The siding shall be installed in accordance with manufacturer's recommendations or approved equal standards.

The siding shall be ventilated by openings, which shall have a net area of not less than one and one-half (1 1/2) square feet for each twenty-five (25) linear feet of exterior perimeter. The openings shall be covered with corrosion resistant wire mesh not larger than one half (1/2) inch in any dimension. The underfloor area shall be provided with an eighteen (18) inch by twenty-four (24) inch minimum size access crawl hole, which shall not be blocked by pipes, ducts, or other construction interfering with the accessibility of the underfloor space, or other approved access mechanism.

### 2. Support System

All HUD-Code Manufactured Home load-bearing foundations shall be installed in conformance with the regulations in the Kentucky Residential Code and with the manufacturer's installation specifications.

All Manufactured Homes not placed on a permanent foundation, shall be installed on a support system in conformance with the manufacturer's installation specifications or with the Support Systems regulations in the ANSI/NFPA 501A 1977 Installation Standards.

3. Location Permits in lieu of building permits.

a. Requirements

Prior to the location, relocation or establishment of any manufactured home, the homeowner or authorized representative shall secure from the appropriate Administrative/Enforcement Officer a Location Permit, which states that the building and its location conform with the Comprehensive Plan. Each application for a Location Permit shall be accompanied by:

- i. Those plot plans as required for all dwelling units, but which at a minimum include elevations or photographs of all sides of the home, exterior dimensions, roof materials, foundation siding or permanent perimeter enclosure treatment, foundation siding or perimeter retaining wall treatment, foundation construction and materials, exterior finishes & the like;
- ii. Health department approval for any sewage disposal or water supply, where applicable;
- iii. Mobile home park permit approval, where applicable;
- iv. A copy of the approved instructions, which will be used for installation purposes, where applicable;
- v. Such other information, as may be required by the Administrative/Enforcement Officer for proper enforcement of this ordinance; and
- vi. An agreement signed by the homeowner or authorized representative pledging compliance with the terms set by the Planning Commission in the Location Permit.

b. Issuance of Permit

After receipt of the information required for a Location Permit, the Administrative/Enforcement Officer shall review the standards set in this ordinance. If the applicant has met all required standards, then within three (3) working days the Location Permit shall be issued by the Administrative/Enforcement Officer.

c. Additional Action Necessary

If after receipt of the information required for the Location Permit, the Administrative/Enforcement Officer finds that the applicant has not fully met the standards set in the ordinance, and the changes or additional actions needed are deemed by the designated administrator to be relatively minor or simple, within three (3) working days a conditional approval can be issued, with the stated conditions which must be met prior to occupancy spelled out, and the reasons for change clearly stated in writing. If the applicant agrees in writing to the further conditions, the effect being an amendment to the application to conform to the requirements, approval is given and the applicant proceeds. If the applicant does not agree, the application is denied, with reasons stated in writing.

d. Denial of Permit

If any of the major elements are clearly out of line with the standards, within three (3) working days issuance of the Location Permit will be denied, with a written statement specifying the reasons for the denial.

4. Failure to Obtain Required Permits

Failure to obtain either a Location Permit or a Certificate of Occupancy shall be violation of this ordinance and punishable under the provisions of this ordinance.

**950 Temporary Use of Manufactured Homes**

1. Circumstances for Permit Issuance

Subject to conditions, fees, and standards otherwise required by this Ordinance, a temporary use permit may be issued as follows:

- a. to an applicant to use a manufactured home as a caretaker's quarters or construction office at a job site in business and industrial zones only, and
- b. to an applicant in an A-1 district who is in the process of building a conventional dwelling for the purpose of using the home as a temporary dwelling for a maximum of 1 calendar year during the course of construction of a permanent dwelling; such permit shall be void after one year or upon issuance of a Certificate of Occupancy; such home shall be removed from the property within thirty days of the permit becoming void.

2. Length of Permit

A temporary use permit may be issued, at the discretion of the Administrative/Enforcement Officer, for a period not to exceed one (1) year. The temporary permit may be renewed for additional six (6) month periods upon showing of good cause, and with permission to do so. However, at the discretion of the Administrative/Enforcement Officer, a temporary use permit may be issued to an applicant for a health or age related circumstance for a period coterminous with the health or age related circumstance.

3. Permit Expiration

At the time the temporary permit expires, the manufactured or certified mobile home and all appurtenances shall be removed from the property within thirty (30) days.

4. Utility Requirements

Manufactured used for temporary uses shall have an approved water supply, sewage disposal system, and utility connections, where appropriate.

5. Permit Fee

The Administrative/Enforcement Officer shall issue a temporary use permit. The fee shall be twenty-five dollars (\$25.00) and is in addition to all other required permits for utilities and sewage disposal systems.

**960 Penalty for Violation**

1. Failure to Comply

Each day of non-compliance with the provisions of this ordinance constitutes a separate and distinct ordinance violation. Judgment of up to five hundred dollars (\$500) per day may be entered for a violation of this ordinance.

2. Subject to Removal

A home, sited upon property in violation of this ordinance, shall be subject to removal from such property; however, the homeowner must be given a reasonable opportunity to bring the property into compliance before action for removal can be taken. If action finally is taken by the appropriate authority to bring into compliance, the expenses involved may be made a lien against the property.

3. Removal Method

The Administrative/Enforcement Officer may institute a suit in an appropriate court for injunctive relief to cause such violation to be prevented, abated or removed.

# ARTICLE X

## OFF-STREET PARKING AND LOADING

### **1000 Existing Parking Spaces**

No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this ordinance. 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, expansion of the use, or change in the use.

### **1010 Required Off-Street Parking Spaces**

No building shall be erected, substantially altered, nor any new use of the land initiated without sufficient off-street parking space on the premises so that no additional automobile parking on any street will result from the normal activity. If the off-street parking capacity is exceeded and 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 Administrative/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.

Whenever a building or structure constructed after the effective date of this ordinance is changed or enlarged in floor area, number of employees, number of housing units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change; provided that whenever a building or structure existing prior to the effective date of this ordinance is enlarged to the extent of fifty (50) percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

## 1020 Parking Space Dimensions and Setbacks

A parking space shall have minimum rectangular dimensions as follows:

<u>Type of Parking</u>	<u>Width (feet)</u>	<u>Length (feet)</u>
ninety degree	9	19
parallel	9	23
sixty degree	10	19
forty-five degree	12	19

All dimensions shall be exclusive of driveways, aisles, and other circulation areas. No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital, or other institution for human care on an adjacent lot unless separated by an acceptably design screen. No parking area may be located in the front yard area of any single family residence. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right-of-way.

## 1030 Off-Street Parking Standards

The following standards comprise the minimum off-street parking requirements for the several common types of building and uses listed:

- A. Dwellings: Two (2) parking spaces per dwelling unit.
- B. Motels, Hotels: One parking space per sleeping room plus one space for each two employees.
- C. Indoor Retail Businesses: One parking space for each 250 square feet of commercial floor area plus one space for every vehicle operated by the business.
- D. Finance, Insurance, and Professional Offices: One parking space per 300 square feet of floor area used to conduct the business, up to 6,000 square feet; one parking space for each 1,500 square feet of floor area in excess of 6,000 square feet.
- E. Industrial Plants: One parking space for every two employees at maximum employment on a single shift plus one space for every vehicle operated by the plant.
- F. Places for public assembly, institutions, and recreational facilities: One parking space for every five person based on maximum capacity.
- G. Additional parking standards: The Board of Adjustment may alter the standards listed above when necessary to conform with Section 1010 and shall use similar criteria of floor area, employment, or capacity to interpret standards for buildings and uses not specifically listed above.

## 1040 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 Administrative/Enforcement Officer is unable to apply this standard literally and applies to the Board for an original interpretation.

A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than fifteen (15) feet. Off-street loading spaces shall be provided and maintained on the same lot for every principle use requiring delivery of goods. One such loading space shall be required for a principle use of up to 5,000 square feet; one additional loading space shall be required for each additional 10,000 square feet or fraction thereof.

## **1050 Additional Parking, Loading, and Unloading Regulations**

### **A. Arrangement of required off-street parking space:**

Off-street parking space requirements for any apartments, dormitories, or any similar attached dwelling uses shall be located not more than three hundred (300) feet from the principle use they serve and may be detached therefrom.

Off-street parking space requirements for any commercial, industrial, or institutional uses shall be located not more than seven hundred (700) feet from the principle use they serve and may be detached therefrom. Such required parking spaces may be consolidated into a large parking area serving other buildings and uses if approved by the Board of Adjustment. The Administrative/Enforcement Officer shall apply to the Board for an original interpretation when building permits are requested in such cases.

Parking spaces for all detached single-family residences shall be located on the same lot as the use, which they are intended to serve.

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 or 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 to the applicant for a building permit.

### **C. Surfacing of parking, loading, unloading and vehicular access areas:**

All areas utilized for parking, loading, unloading and/or the access thereto, including all driveways, aisles, and other circulation areas, shall be surfaced with an acceptable impervious material to provide a durable and dust-free surface. This requirement shall be enforced in all zones.

### **D. Drainage for parking, loading, unloading and vehicular access areas:**

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

E. Maintenance of parking, loading, unloading and vehicular access areas:

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash and other debris.

F. Lighting of parking, loading, unloading and vehicular access areas:

Any parking area, which is intended for use during non-daylight hours, shall be properly illuminated to avoid accidents. Any lighting devices used to illuminate a parking area shall be placed or directed so as to permit the beams or illumination to be directed or beamed away from a public street, highway, sidewalk, or adjacent premises so as to minimize glare or reflection that may constitute a traffic hazard or nuisance.

G. Screening and/or landscaping of parking, loading, unloading and vehicular access areas:

Whenever a parking area is located in or adjacent to a residential district, it shall be effectively screened on all sides, which adjoin or face any property used for residential purposes by an acceptably designed wall, fence, or planting screen. Such fence, wall, or planting screen shall not be less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition. The space between such fence, wall, or planting screen and the lot line of the adjoining property in any residential district shall be landscaped with grass, shrubs, or evergreen ground cover, and maintained in good condition. In the event that the terrain or other natural features are such that the erection of such fence, wall, or planting screen will not serve its intended purpose, then no such fence, wall or planting screen shall be required.

H. Access and Aisle Requirements:

All parking areas shall be designed in such a manner that any vehicle entering or exiting from or onto a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or exiting such lot shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access from a public or private street.

The exits and entrances to the parking area shall be clearly marked. The minimum width of aisles providing interior vehicular circulation to individual parking spaces shall be as specified below. Only one-way traffic shall be permitted in aisles serving single-row parking spaces at any angle other than ninety degrees.

<u>Parking Angle</u>	<u>Aisle width (feet)</u>
parallel	12
30 degree	12
45 degree	13
60 degree	18
90 degree	24
two-way	24

Parking areas having more than one aisle or driveway shall have directional signs or markings in each aisle or driveway.

I. Striping Requirements:

All parking areas with a capacity of over twelve (12) vehicles shall be striped with double lines six (6) inches both sides of center between stalls to facilitate movement into and out of parking stalls.

J. Wheel Blocks:

Whenever a parking lot extends to the property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

K. Disabled Vehicles:

The parking of a disabled vehicle within a residential or commercial district for a period of more than two (2) weeks shall be prohibited, unless such vehicle is stored in a garage or other accessory building.

### **1060 Parking, Storage, Or Use of Major Recreational Equipment**

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building or in the required off-street parking area so long as it does not extend beyond the building setback line. However, such equipment may be parked anywhere on residential premises for a period not to exceed 24 hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

### **1070 Parking and Storage of Certain Vehicles**

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

### **1080 Local Ordinances**

Nothing in this Article shall be construed to be in conflict with any other city or county ordinances regarding the parking of vehicles on city streets or county roads or regarding abandoned vehicles and/or nuisance ordinances.

# ARTICLE XI

## SIGNS AND BILLBOARDS

### 1100 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 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.

### 1110 General Sign Regulations

#### 1. Billboards

For the purpose of this ordinance, billboards shall be defined as a freestanding sign advertising a business, commodity, service, activity, or entertainment not taking place on the premises upon which the billboard is located. No new billboards shall be permitted in any zone in Anderson County.

#### 2. Signs

##### a. Setbacks

All signs, unless otherwise specified in this ordinance, shall be set back from the established right-of-way of any road or highway at least as far as three-quarters of the required front yard depth for the principal building in the zone in which it is located.

##### b. Real Estate Signs

No sign, other than real estate signs advertising the sale, rental or leasing of the premises, shall be permitted in any residential zone except as provided in Section 1120. Said real estate signs shall not exceed two feet by three feet (2'x3') in area and shall be displayed at least ten (10) feet from all lot lines.

##### c. Projecting Signs

No projecting sign shall be erected or maintained from the front or face of any building for a distance greater than two feet, including those projecting from the face of any theater, hotel, or motel marquee. No sign shall be placed on the roof of any building. Awnings shall be construed as part of the building to which they are attached and a sign may be mounted flush thereto.

d. Banners and Pennants

No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of the sign.

e. Window Signs

No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape nor shall any sign be erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than twenty (20) percent of any window surface.

f. Wall Signs

No building wall shall be used for display of advertising except that pertaining to the use carried on within such building.

3. Illuminated Signs

Any illuminated sign or lighting device shall employ only light emitting a constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams or illumination to be directed or beamed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance nor shall any sign be erected or maintained which would involve lighting or motion resembling traffic or directional signals or warnings or display words such as "stop" or "danger".

All wiring, fittings, and materials used in construction, connection, and operation of the electrically illuminated signs shall be in accordance with the provisions of the National Electric Code or the local electric code in effect.

4. Temporary Signs

All temporary signs must be set back a minimum of 10 feet from the edge of the pavement and may not be located in any public right-of-way. Political and yard sale signs shall not exceed four feet by four feet (4'x4') in size and must abide by all regulations regarding visibility at intersections in Section 870 of this Ordinance. Under no circumstances shall political or yard sale signs be posted on utility poles. All violations of these requirements will be penalized as per Section 340 of this Zoning Ordinance.

Provisions regarding the regulation of other temporary signs apply as required in other sections of this Article.

5. Government Signs

Any official informational or directional sign or historic marker erected by a governmental agency is permitted in all zones and does not require a location or building permit.

6. Sign Area

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

7. Lack of Conflict

In no way shall the provisions of this Article be taken to be in conflict with and state or federal regulations regarding obstructions or the placement of structures in state or federal rights-of-way. In all cases, the most restrictive provision will apply.

## 1120 Residential Districts

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

1. Signs pertaining to the lease or sale of a building or land may be erected temporarily as provided in Section 1110(2) of this Ordinance.
2. Temporary signs, for one 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. Permanent signs for the same purpose and with the same other restrictions are additionally limited to a size no greater than thirty (30) square feet in area.
3. One non-illuminated sign may be erected in conjunction with the construction of a building to identify the owner, architect, engineer, contractor and others instrumental in the construction of the building provided that such sign is not more than twelve (12) square feet in area, no more than fifteen (15) feet above the ground, and is removed within thirty (30) days of receiving the Certificate of Occupancy.
4. One identifying sign of not more than fifteen (15) square feet in area may be erected for churches and/or other places of worship, libraries, schools, parks, hospitals for human care, social clubs, societies, 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 and shall be located on the premises of such institution. It may be illuminated but shall not be flashing. Such sign shall be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign does not obstruct traffic visibility at street or highway intersections.
5. Directional signs, not exceeding two (2) square feet in area shall be permitted only on major thoroughfare approaches to institutions listed in (4) above. No such signs shall be permitted on minor residential streets.
6. One (1) indirectly lighted name plate sign for a dwelling group of four (4) or more dwellings not exceeding two feet by three feet (2'x3') in area. Such signs may indicate only the names of the buildings or of the occupant of the buildings.
7. Accessory uses for home occupations as specified in the definitions of this Ordinance and in Section 661 shall permit one (1) non-illuminated name plate/sign not over two (2) square feet in area mounted flat against the outside wall of the main or accessory building.

8. Freestanding signs shall not exceed a height of twenty-five (25) feet.

### **1130 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:

1. Each business shall be entitled to have one sign which is mounted flush against a building. 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 1 1/2 square feet of sign area for each lineal foot of building width occupied by such enterprise. In the event that the area shall exceed 50 square feet, then an additional application must be made and approved by the appropriate Board of Zoning Adjustment. Awnings shall be construed as part of the building to which they are attached and a sign may be mounted flush thereto.
2. 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 structure for each additional one hundred (100) feet of lot frontage. Any such freestanding sign structures in a B-1 or B-2 District shall be no more than 72 square feet in area nor shall two or more smaller signs be so arranged and integrated as to create a single sign in excess of 72 square feet. In a B-3 District, such freestanding signs shall not exceed three (3) square feet for each lineal foot of lot frontage with a maximum of 300 square feet for any single sign. All such freestanding signs shall be set back twenty-five (25) feet, or more, from the front property line.

The dimensions of any two-faced or multi-sided sign must be determined by measuring the surface area on one side of the sign. Free standing signs shall not exceed a height of 25 feet in B-1 and B-2 Districts and shall not exceed a height of 100 feet in B-3 Districts.

All freestanding signs designed to face into a residential district shall be located fifty (50) feet or more from the residential district.

If a business is adjacent to more than one street or highway, additional free-standing signs may be allowed upon application to and receiving approval of the same from the Board of Zoning Adjustments.

3. Each neighborhood business area built as a Planned Unit Development may have one free-standing identification sign for each street on which it fronts, set back at least twenty-five (25) feet from the front property line and presenting only the name of the shopping center, the businesses located therein, and the hours of business. Each such sign shall not exceed 300 square feet in area.
4. Real estate signs advertising the sale, rental or leasing of the premises, shall be permitted in any business zone provided that such signs shall not exceed four feet by three feet (4'x3') in area and shall be displayed at least ten (10) feet from all lot lines.

### **1140 Industrial Districts**

1. All signs permitted in business districts are also permitted in I-1 and I-2 Districts and subject to the requirements thereof.
2. 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 fifty (50) square feet in area.
3. Free standing sign structures shall not exceed a height of 100 feet.

**1150 Maintenance**

Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Administrative Official, proceed at once to put such a sign in a safe and secure condition, or remove the sign.

**1160 Violations**

In any case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Ordinance, the Administrative/Enforcement Officer shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this ordinance. Failure to comply with any of the provisions of this Article shall be deemed a violation, and shall be punishable under Section 340 of this Ordinance.

# ARTICLE XII

## PLANNED UNIT DEVELOPMENTS

### **1200 Objectives for Planned Unit Developments**

It shall be the policy of the City of Lawrenceburg and Anderson County to promote progressive development of land and construction thereon by encouraging planned unit developments (P.U.D.s) to achieve a maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, building setbacks, and area requirements; a more useful pattern of open space and recreation areas, and if permitted as part of the project, more convenience in location of accessory commercial uses and services; a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents disruption of natural drainage patterns; a more efficient use of land that is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets; and a development pattern in harmony with land use density and community facilities objectives. All Planned Unit Development projects shall be subject to the following regulations.

The City and County area also prepared to accept a greater population density in undeveloped areas than that reflected by present zoning provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

### **1210 Provisions Governing Planned Unit Developments**

Because of the special characteristics of planned unit developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Article of the ordinance, and those of other Articles of the Ordinance, the provisions of this Article shall prevail for the development of land for Planned Unit Developments. Subjects not covered by this Article shall be governed by the respective provisions found elsewhere in this Ordinance.

### **1220 Uses Permitted**

Compatible residential, commercial, industrial, public, and quasi-public uses may be combined in P.U.D. areas provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare. Lot area and other yard requirements of the residential districts established in Article VI shall apply except as modified in Section 1260.

## **1230 Project Ownership**

The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.

## **1240 Common Open Space and Disposition Thereof**

A minimum of twenty (20) percent of the land developed in any planned unit development project may be reserved for common open space and recreational facilities for the residents or users of the area being developed. The required amount of common open space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the City and/or County and retained as common open space for parks, recreation, and related uses. All land dedicated to the City and/or County must meet the Planning Commission's requirements as to size, shape, and location. Public utility and similar easements and right-of-ways, for water courses and other similar channels are not acceptable for common open space dedication to the City and/or the County unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Planning Commission. The responsibility for the maintenance of all open spaced shall be specified by the developer before approval of the final development plan.

## **1250 Utility Requirements**

Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems, which can be effectively screened, may be excepted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

## **1260 Minimum Project Area**

The gross area of a tract of land to be developed in a planned unit development district shall be a minimum of five (5) acres, provided however, that smaller parcels may be considered on the basis of their potential to satisfy the objectives of this Article as stated in Section 1200.

When the planned unit development proposes a mixture of residential uses with commercial and/or industrial uses, the Planning Commission may limit the development to not more than eight (8) percent of the tract to commercial uses and not more than twelve (12) percent of the tract to industrial uses.

### **A. Minimum Lot Sizes**

Lot area per dwelling unit may be reduced by not more than forty (40) percent of the minimum lot area required in the District Regulations in Article VI. A planned unit development need not conform to the density requirements of Article VI. A diversification of lot sizes is encouraged.

Lots widths may be varied to allow for a variety of structural design. It is also recommended that setbacks be varied.

B. Height Requirements

For each foot of building height over the maximum height regulations specified in Article VI, the distance between such buildings and the side or rear property lines of the planned unit development project area shall be increased by one (1) foot addition to the side and rear yard required in the districts.

C. Parking

Off-street parking, loading, and service areas shall be provided in accordance with Article X of this Ordinance. However, off-street parking and loading areas shall not be permitted within fifteen (15) feet of any residential use.

D. Perimeter Yards

Notwithstanding the provisions of this Article, every lot abutting the perimeter of the planned unit development district shall maintain all yard requirements specified in Article VI for the applicable conventional zoning district.

E. Lots to Abut Upon Common Open Space

Every property developed under the planned unit development approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged. In areas where town houses are used, there shall be no more than eight (8) town house units in any contiguous group.

## **1270 Procedure for Application and Approval of Planned Unit Developments**

All proposed planned unit development shall follow the procedure for zoning map amendments as set forth in Article XIV. The Planning Commission shall hold a public hearing on the zoning map amendment of the proposed planned unit development to aid them in deciding the merits of the proposed project. Nothing herein should be construed to mean that the landowner has the inherit right to develop a planned unit development. The Planning Commission has the power to decide whether or not to allow the planned unit development based on their experience, knowledge, public hearing and the standards set forth herein. Accompanying all applications for a zoning map amendment shall be a development plan, and include calculations for overall density, parking requirements and other material the Commission may reasonably require

Upon approval of a final development plan, the Official Zoning Map shall be annotated for the land area involved so that the district name includes the notation, "P.U.D."

A building permit shall be required for each building in accordance with Article III of this Ordinance. Approval of a planned unit development shall expire if no substantial work on the site has begun within one year of original approval or if the project is abandoned for more than twenty-four consecutive months. Abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved planned unit development plat. All approved planned unit development plats shall be recorded with a Certificate of Land Use Restriction in the County Clerk's office per KRS 100.3681.

## ARTICLE XIII DEVELOPMENT PLANS

### 1300 General

This article sets forth the content and procedure for submission, review, and approval of all development plans and site plans as follows:

A development plan is intended to provide a single, uniform procedure for total review of a proposed development. In this manner, the Planning Commission can review all aspects of a proposal simultaneously.

Where appropriate, the Planning Commission may review a previously completed sketch, preliminary and/or final subdivision plat instead of the development plan.

Once approved by the Planning Commission, the development plan shall be followed, and shall run with the land.

### 1310 Applicability

A development plan shall be submitted to the Planning Commission with an application for a zoning map amendment or prior to an issuance of a building permit.

#### *A. Zoning Map Amendments*

The submission and approval of a development plan shall be required in conjunction with all zone changes. A public hearing on the Zoning Map Amendment shall not be held until a development plan has been submitted to the Commission.

In a rezoning request for a single-family residential or two-family residential lot in any zone, a site plan may be submitted instead of a development plan. The site plan that is submitted in conjunction with a request for rezoning shall follow the same submittal, review and approval process as development plans.

For a zoning map amendment of a development that is proposed to be built in phases, an overall conceptual development plan for the entire property shall be required. Upon approval of the conceptual development plan and zoning map amendment, a final development plan, in full detail, shall be submitted for each phase before building or construction permits are issued.

All other applicants for rezoning must submit a preliminary or final development plan. If a preliminary development plan is submitted and approved, then a final development plan must be submitted before building or construction permits are issued.

#### *B. Building Permits*

The submission and approval of a final development plan shall be required before the issuance of a building permit for the following types of development in any zone: multi-family residential, any business, any industry, planned unit development, mobile home park, or any construction in a floodplain.

An application for a development that is proposed to be built in phases, shall submit an overall conceptual development plan for the entire property. A final development plan, in full detail, shall be submitted for each phase before building or construction permits are issued.

## **1320 Development Plans Procedure**

### *A. Application*

To request Planning Commission action on a development plan, the developer must submit to the Planning Commission a completed application form, filing fees and copies of the plan as required by the Commission's adopted filing and fee schedules (see Article I of Subdivision Regulations for application procedures).

### *B. Review*

The development plan shall be reviewed by the Technical Review Committee when it normally meets at its adopted scheduled time. The meeting is open to the developer or his/her representative. Recommendations and comments from the Committee are available within a couple of days after the meeting. Corrected copies are required to be submitted as required by the Commission's normal adopted filing schedule, in order for the corrected copies to be distributed to the Planning Commissioners for their review.

### *C. Planning Commission Action*

The Planning Commission shall consider no development plan for approval until it has been reviewed by the Technical Review Committee. All development plans shall be approved or disapproved within ninety (90) days of the date they are formally filed at the Planning and Zoning Office, unless the developer agrees to a longer time. If the Commission fails to approve a development plan and the appropriate legislative body approves the Zoning Map amendment, then the Commission has sixty (60) days to take action upon the plan.

The Commission will review the development plan and the recommendations from the Technical Review Committee before making a decision at its normally scheduled meeting time. The Planning Commission will act for approval, conditional approval (with conditions noted), postponement or disapproval. The Commission may modify or disapprove the development plan if it finds the plan does not comply with the Comprehensive Plan, Zoning Ordinance, or when applicable, the Subdivision Regulations. It may also modify or disapprove the plan if it finds there are existing or potentially substantial conditions such as flooding, poor drainage, traffic, topographic or similar problems with the suitability or compatibility of the development of the subject property.

## **1330 Site Plans**

A site plan is submitted with an application for a zoning map amendment for single or two family residential zones. The intent of the site plan is to show the basic features of the site design, such as location of buildings, access and drainage without an undue expense on the part of the applicant.

## **1340 Conceptual Development Plans**

A conceptual development plan shall be submitted for a zoning map amendment or building permit that involves a development that is to be done in phases. A conceptual development plan shall provide enough information concerning the entire development (all phases) to give the Commission adequate data upon which they can review the plan and make recommendations to the legislative body. Major aspects of development, such as land use compatibility, site suitability, drainage, access, circulation, layout and number of units shall be addressed.

Upon approval of a conceptual development plan by the Planning Commission, it shall be required that a preliminary or final development plan be submitted to the Planning Commission for phase one within two (2) years of the approval of the conceptual development plan. Otherwise, the conceptual development plan shall be deemed as disapproved by the Commission. It is required that the preliminary and final development plans be substantially consistent with the major aspects of the approved development plan, as determined by the Planning Commission. A copy of the approved conceptual development plan shall accompany the submittal of a preliminary or final development plan for each phase.

# ARTICLE XIV AMENDMENTS

## **1400 General**

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the legislative body may, by ordinance, after receiving a recommendation thereon from the Planning Commission, and subject to procedures by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

## **1410 Application for Amendment**

A proposal for amendment to the Official Zoning Map may originate with the Planning Commission, the City Council, the Fiscal Court, any other governmental body, the owner of the subject property, or by a person having written authorization from the owner of the subject property. A proposal for amendment to the text of this ordinance may originate with any person or governmental body. Regardless of the origin of the proposed amendment an application must be filed with the Planning Commission requesting the proposed amendment in such form and accompanied by such information as required by this ordinance and the Planning Commission. A development plan or site plan shall be prepared in accordance with Article XIII of this Ordinance, which when approved by the Commission, shall be followed. At the time of filing an application, a non-returnable filing fee shall be paid according to the schedule of fees; however, there shall be no filing fee for an amendment requested by the City Council, the Fiscal Court, the Planning Commission or any governmental agency. Upon the filing of an application for a map amendment by a governmental body, the Planning Commission shall promptly notify the owner of the subject property by registered mail or certified mail, return receipt requested.

## **1420 Planning Commission Procedure**

Upon the filing of an application for an amendment to the Official Zoning Map or the text of this ordinance, the Planning Commission shall study and review the application as provided in this ordinance and the bylaws of the Planning Commission. As part of the application for a Zoning Map Amendment, the development plan or site plan shall be reviewed in accordance with Article XIII of this Ordinance.

The Planning Commission shall then hold at least one (1) public hearing after notice as required by KRS 424 and KRS 100 and shall make findings of fact and a recommendation for approval or disapproval of the proposed amendment to the various legislative bodies involved. A tie vote shall be subject to further consideration by the Planning Commission for a period not to exceed thirty (30) days, at the end of which if the tie has not been broken, the application shall be forwarded to the or legislative body without a recommendation for approval or disapproval.

## 1430 Notice of Public Hearing

Notice of the time, place and reason for the required public hearing shall be given by one publication in the newspaper of general circulation in the County, not earlier than twenty-one (21) days or later than seven (7) days before the public hearing in accordance with KRS 424.130 and KRS 100.211.

Any published notice shall include the street address of the property in question, or if one is not available or practicable due to the number of addresses involved, a geographic description sufficient to locate and identify the property, and the names of two (2) streets on either side of the property which intersect the street on which the property is located; and when the property in question is located at the intersection of two (2) streets, the notice shall designate the intersection by name of both streets rather than name two (2) streets on either side of the property.

When a hearing is scheduled on a proposal by a property owner to amend any zoning map, the following notice shall be given in addition to any other notice required by statute, local regulation or ordinance:

1. Notice of the hearing shall be posted conspicuously on the property the classification of which is proposed to be changed for fourteen (14) consecutive days immediately prior to the hearing. Posting shall be as follows:
  - a. The sign shall state "zoning change" and the proposed classification change in letters three (3) inches in height. The time, place and date of hearing shall be in letters at least one (1) inch in height; and
  - b. The sign shall be constructed of durable material and shall state the telephone number of the Planning Commission Office; and
  - c. It shall be the responsibility of the applicant to post the sign conspicuously on the property. The Administrative/Enforcement Officer shall certify to the Planning Commission at the hearing that placement occurred pursuant to the provisions of this ordinance.

The Lawrenceburg/Anderson County Planning Commission provides the required signage for use by the property owner requesting the zone change with a refundable deposit.

2. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by first class mail, with certification by the commission secretary or other officer of the Planning Commission that the notice was mailed to an owner of every parcel of property adjoining the property the classification of which is proposed to be changed. It shall be the duty of the person or persons proposing the map amendment to furnish to the Planning Commission the names and addresses of the owners of all adjoining property. Records maintained by the Property Valuation Administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairman of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the Property Valuation Administrator's records as having the same address.

In addition to the public notice requirements of this section, when the Planning Commission or legislative body of any planning unit originates a proposal to amend the zoning map of that unit, notice of the public hearing shall be given at least thirty (30) days in advance of the hearing by first class mail to an owner of every parcel of property the classification of which is proposed to be changed. Records by the Property Valuation Administrator may be relied upon to determine the identity and address of said owner.

#### **1440 Public Hearing on Application**

After notice of the public hearing as provided for above, the Planning Commission shall hold a public hearing on the proposed amendment.

#### **1450 Recommendation of Commission for Zoning Map Amendment**

Before recommending to the City Council or Fiscal Court that an application for amendment to the Zoning Map be granted, the Planning Commission, or the legislative body must find that the map amendment is in agreement with the community's Comprehensive Plan, or in the absence of such a finding, that:

1. The original zoning classification given to the property was inappropriate or improper, and that the proposed classification is proper, or
2. That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the Comprehensive Plan adopted by the Planning Commission and which have substantially altered the basic character of the area.

The Planning Commission shall also determine, as part of its findings, the suitability, compatibility and feasibility of any proposed development of said property.

The Planning Commission shall have the power to hear and finally decide applications for variances or conditional use permits in conjunction with a requested zoning map amendment if the proposed development requires both a map amendment and one or more variances or conditional use permits (per KRS 100.203(5)). Recommendations regarding these permits shall be a part of the record forwarded to the City Council and/or Fiscal Court.

The findings of fact and recommendation shall include a summary of the evidence and testimony presented by the proponents and opponents of the proposed amendment. A tie vote shall be subject to further consideration by the planning commission for a period not to exceed thirty (30) days, at the end of which if the tie has not been broken, the application shall be forwarded to the fiscal court of the legislative body without a recommendation of approval or disapproval.

After voting to recommend that an application for amendment to the Official Zoning Map be granted or denied, the Planning Commission shall forward its findings of fact and recommendation in writing to the City Council, if the subject property is within the territorial jurisdiction of the City at the time the Planning Commission's recommendation is made thereon, or the Fiscal Court, as appropriate.

#### **1460 Action by Legislative Body on Zoning Map Amendments**

The City Council and/or Fiscal Court shall not act upon a proposed amendment to the Official Zoning Map until it has received the written findings of fact and recommendation thereon from the Planning Commission. Pursuant to KRS 100.211(1), it shall take a majority of the entire legislative body or fiscal court to override the recommendation of the Planning Commission and it shall take a majority of the entire legislative body or fiscal court to adopt a zoning map amendment whenever the Planning Commission forwards the application to the legislative body without a recommendation of approval or disapproval due to a tie vote. Unless a majority of the entire legislative body votes to override the Planning Commission's recommendation, such recommendation shall become final and effective and if a recommendation of approval was made by the Planning Commission, the ordinance of the fiscal court or legislative body adopting the zoning map amendment shall be deemed to have passed by operation of law.

The fiscal court or the legislative body shall take final action upon a proposed zoning map amendment within ninety (90) days of the date upon which the Planning Commission takes its final action upon such proposal. The legislative body shall also notify the Administrative/Enforcement Officer and the Chairman of the Planning Commission as to when the proposed map amendment will be reviewed by the legislative body prior to the legislative body's final action and subsequently when action has been taken. The planning commission shall complete and file for recording with the County Clerk, a Certificate of Land Use Restriction for any map amendment approved with conditions by the fiscal court and/or legislative body.

#### **1470 Recommendation of Commission for Text Amendment**

After voting to recommend that an application for amendment to the text of this ordinance be granted or denied, the Planning Commission shall forward its recommendation in writing to the City Council and the Fiscal Court. In the case of a proposed amendment originating with a legislative body, the Planning Commission shall make its recommendation within sixty (60) days of the date of its receipt of the proposed amendment.

#### **1480 Action by Legislative Bodies on Text Amendments**

The City Council and Fiscal Court shall not act upon a proposed amendment to the text of this ordinance until it shall have received the written recommendation thereon from the Planning Commission. If the proposed amendment originated with the Planning Commission, it shall take a majority of the entire City Council or Fiscal Court to override the recommendation of the Planning Commission. If the proposed amendment originated with a legislative body, it shall take an affirmative vote of the majority of the legislative body to adopt the proposed amendment. The legislative body shall take final action within ninety (90) days of the date upon which the Planning Commission takes its final action upon such proposal.

#### **1490 Special Conditions to the Granting of Zoning Changes**

As a condition to the granting of any zoning change, the Planning Commission may require the submission of a development plan as per Article XIII, which where agreed upon, shall be followed. As a further condition to the granting of a zoning change, the planning unit may require that substantial construction be initiated within two years; provided that such zoning change shall not revert to its original designation unless there has been a public hearing.

# ARTICLE XV WIRELESS COMMUNICATION FACILITIES\*

## 1500 PURPOSE\*

The purpose of these regulations is to manage the placement of cellular communication towers in unincorporated Anderson County and incorporated Lawrenceburg to provide adequate cellular telecommunication service while protecting the public and preserving the character and value of surrounding property. The Lawrenceburg-Anderson County Joint Planning Commission (hereafter called "Planning Commission"), Anderson County Fiscal Court and Lawrenceburg City Council have the authority to plan for and regulate the siting of cellular antenna towers in accordance with locally adopted planning or zoning regulations, pursuant to KRS100.987(1).

## 1510 DEFINITIONS\*

For the purposes of these regulations, the following definitions shall apply:

CELLULAR ANTENNA TOWER: A tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal wireless services (hereafter called "tower").

CELLULAR TELECOMMUNICATIONS SERVICE: A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

CO-LOCATION: Locating two (2) or more transmission antennas or related equipment on the same cellular antenna tower.

GUYED TOWER: A transmission tower supported by thin guy wires.

MONOPOLE TOWER: A slender self-supporting transmission tower.

PERSONAL COMMUNICATION SERVICE: As defined by 47 U.S.C. sec. 332(c).

UNIFORM APPLICATION: An application to construct a cellular antenna tower submitted to a planning commission in conformity with KRS 100.9865 and 100.987.

UTILITY: As defined by KRS 278.010(3).

ANTENNAS OR RELATED EQUIPMENT: Transmitting, receiving or other equipment, other than towers, used to support cellular telecommunications service or personal communication service.

*\*Amended 2010 Anderson Co. Fiscal Court – Lawrenceburg City Council*

## **1520 GENERAL\***

1. A cellular antenna tower is permitted in the A-1 (agricultural) district or in any (B) business or (I) industrial district, except within districts containing the Central Business District, historic districts or scenic highways. Location of cellular antenna towers in (R) residential districts, (A-2) small community districts, historic districts and scenic highway viewsheds is prohibited.
2. Any request for review of a proposal to construct a cellular antenna tower or to reconfigure, enlarge or reconstruct an existing cellular antenna tower shall be made only in accordance with these regulations and shall comply with any local ordinances concerning land use, subject to the limitations imposed by 47 U.S.C. sec. 332 (c) and KRS 278.030, 278.040 and 278.280.
3. Co-location of cellular service facilities is preferred. Co-location objectives may be satisfied by configuration of new facilities for future use by multiple carriers or by co-location on existing facilities. The Planning Commission may deny a uniform application to construct a cellular antenna tower based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures.
4. In the event of co-location, a utility shall be considered the primary user of the cellular antenna tower if the utility is the owner of the tower and if no other agreement exists that prescribes an alternate arrangement between the parties for use of the tower. Any other entity that co-locates transmission or related facilities on a cellular antenna tower shall do so in a manner that does not impose additional costs or operating restrictions on the primary user.
5. If the proposed site of a cellular antenna tower is on property subject to an existing Conditional Use Permit, the property owner shall obtain approval of a modification request from the Board of Adjustment (BOA). Review of the Conditional Use Permit plan shall be limited to a determination of the impact of the cellular antenna tower construction on the requirements of the Conditional Use Permit. The modification request shall be filed simultaneously with the request to locate the cellular antenna tower. The property owner shall be responsible for making any required alterations for the modification of a Conditional Use Permit, or shall obtain a variance or waiver of any Permit requirement affected by the location of the cellular antenna tower on the site.
6. All information contained in the application and any updates, except for any map or other information that specifically identifies the proposed location of the cellular antenna tower then being reviewed, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The Planning Commission shall have no authority to grant any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction. Any person violating this subsection shall be guilty of official misconduct in the second degree as provided under KRS 522.030.

*\*Amended 2010 Anderson Co. Fiscal Court – Lawrenceburg City Council*

7. The Planning Commission may appoint an enforcement officer who shall have the authority to issue citations for violations of this chapter, following procedures contained within KRS 431.015. Should a citation be issued, the defendant shall appear within a designated time pursuant to the citation.

## **1530 UNIFORM APPLICATION REQUIREMENTS\***

Any utility or company engaged in the business of providing the required infrastructure to an applicant proposing to construct a cellular antenna tower for cellular telecommunications services or personal wireless services within the jurisdiction of the Planning Commission shall submit a copy of the applicant's completed uniform application to construct an antenna tower for cellular telecommunications services or personal wireless services to the Planning Commission. A uniform application shall include:

### **1. General Information Requirements**

- A. The full name, address, phone number and other contact information of the applicant.
- B. The applicant's articles of incorporation, if applicable.
- C. Clear directions from the county seat to the proposed site, including highway numbers and streets names, if applicable, with the name and telephone number of the person who prepared the directions.

### **2. Site Description Requirements**

- A. A site development plan or survey, drawn to a scale no less than one (1) inch equals two hundred (200) feet, signed and sealed by a professional engineer registered in Kentucky, that shows the proposed location of the cellular antenna tower and:
  - i. all easements and existing structures and every owner of real estate within five (500) feet of the proposed site on the property on which the tower will be located; and
  - ii. all easements and existing structures within two hundred (200) feet of the access drive, including the intersection with the public street system.
- B. A written report, prepared by a professional engineer or land surveyor, of findings as to the proximity of the proposed site to flood hazards areas.
- C. A brief description of the character of the general area in which the cellular antenna tower is proposed to be constructed, including:
  - i. the existing land use and zoning classification for the site and directly adjacent properties, and
  - ii. the future land use of the site and directly adjacent properties as designated by the current Comprehensive Plan of the planning jurisdiction.
- D. A map of the area in which the is proposed to be located, drawn to scale and clearly depicting the necessary search area within which an antenna tower should, pursuant to radio frequency requirements, be located.

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- E. A statement that the applicant has considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided.
- F. A grid map that shows the location of all existing cellular antenna towers and the general position of proposed construction sites for new cellular antenna towers within an area that includes:
  - i. Anderson County; and
  - ii. a one-half (1/2) mile area outside of the boundaries of Anderson County, if that area contains either existing or proposed construction sites for cellular antenna towers.
- G. The lease or sale agreement for the property on which the cellular antenna tower is proposed to be located or, if the agreement has been filed in abbreviated form with the county clerk, a copy of the agreement as recorded by the county clerk and, if applicable, the portion of the agreement demonstrating compliance with KRS 100.987(2). Such lease or sale agreement must include a provision that specifies, in the case of abandonment, a process by which the utility will dismantle and remove the tower, including a timetable for removal.

**3. Design and Construction Requirements**

- A. The identity and qualifications of each person directly responsible for the design and construction of the proposed cellular antenna tower.
- B. A geotechnical investigation report, signed and sealed by a professional engineer registered in Kentucky, which includes boring logs and foundation design recommendations.
- C. A vertical profile sketch of the cellular antenna tower, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas.
- D. The foundation design plans for the cellular antenna tower and a description of the standard according to which the tower was designed, signed and sealed by a professional engineer registered in Kentucky.

**4. Co-Location Requirements**

A statement indicating that the applicant has:

- A. Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or on existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities, and identifies the location of the tower or suitable structure on which the applicant will co-locate its transmission and related facilities; or

- B. Unsuccessfully attempted to co-locate on cellular antenna towers designed to host multiple wireless service provider's facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities, with supporting radio frequency analysis, where applicable. Statement shall:
  - i. Identify the location of the towers or other structures on which the applicant attempted to co-locate; and
  - ii. List the reasons why the co-location was unsuccessful in each instance.

## **1540 NOTICE AND POSTING REQUIREMENTS\***

- 1. At least one (1) public hearing on each application to construct a cellular antenna tower shall be held, at which time interested parties and citizens shall have the opportunity to be heard. It is the responsibility of the applicant to fulfill the following notification and posting requirements:
  - A. A statement that every person who, according to the records of the property valuation administrator, owns property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed, has been:
    - i. Notified by certified mail, return receipt requested, of the proposed construction, which notice shall include a map of the location of the proposed construction;
    - ii. Given the telephone number and address of the Planning Commission; and
    - iii. Informed of his or her right to participate in the Planning Commission's proceedings on the application.
  - B. A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners.
  - C. A statement that the Anderson County Judge Executive, the Mayor of Lawrenceburg, the Anderson County Board of Magistrates and the Lawrenceburg City Council have been notified, in writing, of the proposed construction, along with a copy of the notice sent to the public officials to each.
  - D. A statement that:
    - i. A written notice, of durable material at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower on this site" and including the addresses and telephone numbers of the applicant and the Planning Commission, has been posted and shall remain in a visible location on the proposed site until final disposition of the application;

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- ii. A written notice, at least two (2) feet by four (4) feet in size, stating that “[Name of applicant] proposes to construct a telecommunications tower near this site” and including the addresses and telephone numbers of the applicant and the Planning Commission, has been posted on the public road nearest the site; and
- iii. Notice of the location of the proposed construction has been published in a newspaper of general circulation in Anderson County.

## **1550 APPLICATION AND EVALUATION PROCESS\***

1. After an applicant’s submission of the uniform application to construct a cellular antenna tower, the Planning Commission shall:
  - A. Review the uniform application in light of its agreement with the Comprehensive Plan and the Zoning Ordinance for the City of Lawrenceburg and Anderson County.
  - B. Make its final decision to approve or disapprove the uniform application.
  - C. Advise the applicant in writing of its final decision within sixty (60) days from the date that the uniform application is submitted to the Planning Commission or within a date certain specified in a written agreement between the Planning Commission and the applicant. If the Planning Commission fails to issue a final decision within sixty (60) days or fails to comply with the date certain agreement, the uniform application shall be deemed to be approved.
2. No permit for construction for a cellular or personal wireless services antenna tower shall be issued until the Planning Commission approves the uniform application or until the sixty (60) day time period has expired, whichever occurs first.
3. The applicant shall notify the Public Service Commission within ten (10) working days of the approval of an application for the construction of a cellular antenna tower by the Planning Commission. The notice to the Public Service Commission shall include a map showing the location of the construction site. The applicant shall be prohibited from beginning construction on the tower until such notice has been made.
4. Upon disapproval of a uniform application by the Planning Commission, it shall issue a written decision stating the reasons for disapproval and may make suggestions which, in its opinion, better accomplish the objectives of the Comprehensive Plan and the Zoning Ordinance for the City of Lawrenceburg and Anderson County.
5. The Planning Commission's Technical Review Committee will review the application and forward its comments to the Commission. The Planning Commission’s evaluation shall be based on the following criteria:
  - A. The applicants' willingness to co-locate additional transmitting or related equipment on any new or existing towers.

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- B. The conformity of the uniform application with the various elements of the Lawrenceburg-Anderson County Comprehensive Plan, and where applicable, any other adopted plans.
  - C. The extent to which the proposal is consistent with the purposes of these regulations.
  - D. The adequacy of the proposed site, considering such factors as its size and its compliance with the Design Standards listed in Section 1560 of these regulations.
  - E. The impact(s), including visual impact(s), of the proposed development on adjacent land uses.
  - F. The extent to which the proposed facility integrates with existing structures.
6. A party aggrieved by a final action of the Planning Commission may bring an action for review in any court of competent jurisdiction.
7. In regulating the placement of cellular antenna towers, the Planning Commission shall not:
- A. Regulate the placement of a cellular antenna tower on the basis of the environmental effects of radio frequency emissions, to the extent that these facilities comply with the regulations of the Federal Communications Commission concerning radio frequency emission;
  - B. Institute a moratorium upon the siting of cellular antenna towers;
  - C. Charge an application fee that exceeds an amount that is reasonably related to expenses associated with processing an application to construct a cellular antenna tower, and to issue any necessary permits including any required building permit, up to a maximum of two thousand five hundred dollars (\$2500);
  - D. Regulate the placement of antennas or related equipment on an existing structure; or
  - E. Require the submission of application materials in addition to those required by KRS 100.9865 and 100.987, unless agreed by both parties.

## **1560 DESIGN STANDARDS\***

The uniform application shall demonstrate compliance with the following design requirements:

- 1. The site configuration should be formed by logical boundaries (e.g., topography, natural features, streets, relationship to adjacent uses, etc.).
- 2. A cellular antenna tower or alternative antenna tower structure may not exceed a height of three hundred (300) feet when located in business, industrial or agricultural districts.

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3. When a cellular antenna tower is to be located in a business, industrial or agricultural district adjacent to residential districts, small community districts, historic districts or the Central Business District, the tower may not exceed a height of two hundred (200) feet, and shall be a monopole structure or co-located on an existing structure.
4. Specified maximum heights additionally apply to any tower taller than fifteen (15) feet constructed on the top of another building or structure, and shall limit the height of the overall building/structure and tower as measured from grade to the highest point.
5. Upon review of the applicant's justification, the Planning Commission may allow antenna towers greater than three hundred (300) feet in height if the structure meets all other criteria identified in these regulations.
6. All cellular antenna towers shall meet the current ANSI/EIA/TIA 222-F standards and other applicable federal and state standards, which compliance shall be certified by an engineer registered in the Commonwealth of Kentucky.
7. Cellular antenna towers shall not be illuminated unless required by state or federal law or regulation.
8. The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification or repairs. To accommodate such visits, access shall be permitted only from approved access points.
9. The site shall be enclosed by a security fence appropriate to the adjacent land use and not less than eight (8) feet tall. Barbed wire or sharp pointed fences are prohibited.
10. All cellular antenna towers and sites shall be designed and constructed to minimize negative aesthetic, environmental and visual impacts. Visual screening shall be required along property lines of the site adjoining a residential district, small community district, historic district or the Central Business District. Options for screening include but are not limited to fencing, plant material or berms.
11. No cellular antenna tower may be constructed on a site of less than five thousand (5,000) square feet in area.
12. Surfaces of all driveways and off-street parking areas shall comply with the requirements of the applicable local zoning ordinance.
13. No signs are permitted except those displaying emergency information, owner contact information, warning or safety instructions, or information required by a federal, state or local agency. No signs shall exceed five (5) square feet in area.
14. All new cellular antenna towers and sites shall be designed and constructed so as to reasonably accommodate the aerial and ground equipment of at least three (3) service providers.

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15. All new cellular antenna towers shall accommodate and permit, free of charge, the co-location of telecommunications equipment required by police, fire and emergency medical services so long as these items do not interfere with existing and future communications needs of the structure's primary owner.
16. No option, site lease or sale agreement shall prohibit co-location.
17. All cellular antenna towers shall be constructed and maintained in either galvanized steel finish or light gray or light blue painted finish. Other finishes are prohibited unless specifically required by the FAA.
18. In residential districts, small community districts, historic districts and the Central Business District, all cellular antenna towers and related structures shall comply with the yard setbacks for that district.
19. In agricultural districts other than small community districts, all cellular antenna towers and related structures shall have a front yard setback of two hundred (200) feet and adhere to all other yard setbacks for that district.
20. In all business, industrial and professional office districts, excluding historic districts and the Central Business District, all cellular antenna towers and related structures shall have a front yard setback of one hundred twenty-five (125) feet and adhere to the yard setbacks for that district. Towers shall be located so as to achieve the lowest possible visual impact.
21. All antenna towers and related structures except fences shall be located at least one thousand (1000) feet from a scenic highway, or at a shorter distance if the surrounding natural topography is adequate to visually screen the tower.
22. Should the Planning Commission or its duly authorized representative find that circumstances or conditions relating to a particular application are such that one or more of these requirements are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, or that special conditions or circumstances make one or more said requirements unreasonable, it may modify or waive such requirement(s), either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, who shall submit a written justification for each requested modification or waiver.

## **1570 EXISTING TELECOMMUNICATIONS FACILITIES\***

Telecommunications facilities in existence on the date of the adoption of this ordinance which comply with this ordinance are subject to the following provisions:

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1. Existing telecommunication facilities may not be expanded or replaced without complying with this ordinance, except as further provided in this section.
2. Existing telecommunications facilities which are hereafter damaged or destroyed for any reason or cause may be repaired and restored to their former use, location and physical dimensions upon receipt of a building permit.
3. The owner of a telecommunications facility existing at the time of the enactment of this ordinance may replace, repair, rebuild or expand the facility to accommodate co-located antennas or facilities or to upgrade the facility's current engineering, technological or communications standards by obtaining a building permit. Conformance to the provisions of this ordinance, including but not limited to provisions of this ordinance regarding notice to local zoning authorities or posting of signs, is not required so long as such facility is not increased in height by more than 20% and setbacks are not decreased by more than 20% from the height or setback existing at the time of the enactment of this ordinance.
4. Any such replacement, repair, reconstruction or enlargement shall comply with the design standards described in Section 1560 above.
5. When an existing telecommunications facility is not used for a period of at least twelve (12) months, the provisions of this ordinance shall apply to any subsequent use.

#### **1580 MAINTENANCE AND REMOVAL PROCEDURES\***

1. Any contract with an owner of property upon which a cellular antenna tower is to be constructed shall include a provision that specifies, in the case of abandonment, a process for dismantling and removing the tower, including a timetable for removal.
2. If the use of any cellular antenna, cellular antenna tower or alternative cellular antenna tower structure is discontinued, the owner shall provide the Planning Commission with a copy of the notice to the FCC of intent to cease operations within 30 days of filing with the FCC. If the cellular antenna, cellular antenna tower or alternative cellular antenna tower structure will not be reused, the owner shall have 180 days from notice to the Planning Commission to obtain a demolition permit and complete the removal the antenna or tower.
3. If the cellular antenna, cellular antenna tower or alternative cellular antenna tower structure is to be reused, the owner shall have no more than twelve (12) months from submittal of the above notice to the Planning Commission to commence new operation of the antenna or tower. Upon failure to commence new operation within twelve (12) months, the cellular antenna, cellular antenna tower or alternative cellular antenna tower structure shall be presumed abandoned, and the owner shall obtain a demolition permit within 90 days of the expiration of the twelve (12) month period. The owner shall be required to remove the antenna or tower within 60 days of obtaining the demolition permit.

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4. If the owner of a cellular antenna, cellular antenna tower or alternative cellular antenna tower structure fails to remove an antenna or tower in compliance with these requirements, the Planning Commission may, on grounds of public safety, health, and welfare, cause the demolition and removal of the antenna or tower and recover the costs of demolition and removal from the utility last operating the facility or from the owner of the land upon which the facility is located.

#### **1590 SEVERABILITY\***

If any clause, section or other part of this ordinance shall be held invalid or unconstitutional by any court or other competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

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