

ZONING ORDINANCE  
FOR THE  
CITY OF EARLINGTON, KENTUCKY

CONTENTS

SECTION	PAGE
1	TITLE, INTENT AND PURPOSE ..... 1
	A. TITLE ..... 1
	B. INTENT AND PURPOSE ..... 1
2	DISTRICTS AND BOUNDARIES ..... 3
	A. DISTRICTS ..... 3
	B. DISTRICT BOUNDARIES ..... 3
3	GENERAL PROVISIONS ..... 4
	A. EXCEPTIONS ..... 4
	B. ITEMS NOT SUBJECT TO SECTION 3-B ..... 6
	C. SOIL ANALYSIS REQUIREMENT ..... 6
4	USE REGULATIONS ..... 6
	A. DISTRICT REGULATIONS ..... 6
	1) RU RURAL DISTRICT ..... 6
	2) RC CONSERVATION DISTRICT ..... 7
	3) R-1, 4-2, AND 4-3 RESIDENTIAL DISTRICTS ..... 7
	4) R-4 AND R-5 RESIDENTIAL DISTRICTS ..... 8
	5) R-6 AND R-7 RESIDENTIAL DISTRICTS ..... 8
	6) C-1 NEIGHBORHOOD COMMERCIAL DISTRICT ..... 9
	7) C-2 GENERAL COMMERCIAL DISTRICT ..... 9

	8) C-3 PLANNED COMMERCIAL DISTRICT .....	10
	9) C-4 CENTRAL BUSINESS DISTRICT .....	11
	10) M-1 LIGHT INDUSTRIAL DISTRICT .....	12
	11) M-2 GENERAL INDUSTRIAL DISTRICT .....	12
	12) M-3 RESTRICTED INDUSTRIAL DISTRICT .....	12
	13) MEDICAL OVERLAY DISTRICT .....	13
	<b>B. OTHER USE REGULATIONS .....</b>	<b>14</b>
	1) LARGE - SCALE RESIDENTIAL DEVELOPMENTS ...	14
	2) ACCESSORY BUILDINGS AND USES .....	16
	3) SIGN REGULATIONS .....	17
	4) MOBILE HOME REGULATIONS .....	19
	5) REGULATIONS REGARDING NONCONFORMING USES .....	20
5	<b>HEIGHT REGULATIONS .....</b>	<b>21</b>
	<b>A. MAXIMUM HEIGHT LIMITS .....</b>	<b>21</b>
	<b>B. EXCEPTIONS TO SECTIONS 5A .....</b>	<b>21</b>
	<b>C. SPECIAL REGULATIONS .....</b>	<b>22</b>
6	<b>YARD REGULATIONS .....</b>	<b>23</b>
	<b>A. MINIMUM YARD REGULATIONS .....</b>	<b>23</b>
	<b>B. ADDITIONAL REQUIREMENTS .....</b>	<b>24</b>
	<b>C. EXCEPTIONS .....</b>	<b>25</b>
7	<b>DENSITY REGULATIONS .....</b>	<b>26</b>
	<b>A. MINIMUM LOT AREA WIDTH .....</b>	<b>26</b>

	B. EXCEPTIONS .....	27
	C. MAXIMUM FLOOR AREA RATIOS .....	28
8	OFF - STREET PARKING AND LOADING REGULATIONS ..	28
	A. REQUIREMENTS .....	28
	B. RULES FOR COMPUTING PARKING SPACES .....	29
	C. LOCATION OF REQUIRED PARKING SPACES .....	30
	D. MINIMUM IMPROVEMENT AND MAINTENANCE STANDARDS .....	30
	E. OFF - STREET LOADING REQUIREMENTS .....	31
9	ADMINISTRATION .....	31
	A. BOARD OF ADJUSTMENT .....	31
	1) CREATION OF BOARD .....	31
	2) ELECTIONS AND MEETINGS .....	32
	3) APPEALS .....	32
	4) POWERS OF THE BOARD .....	33
	B. ENFORCEMENT OF THE ORDINANCE .....	34
	1) ADMINISTRATION OFFICER .....	34
	2) PERMITS .....	35
	C. BOUNDARIES OF DISTRICTS .....	38
	D. INTERPRETATION .....	39
	E. AMENDMENT .....	39
10	DEFINITIONS .....	39
11	INTERPRETATION AND CONFLICT .....	46

12	FEES .....	47
	A. NEW CONSTRUCTION BUILDING PERMITS .....	47
	B. REMODEL BUILDING PERMITS .....	47
	C. OTHER FEES .....	48
13	VIOLATIONS AND PENALTY .....	48
14	SEPARABILITY AND REPEAL OF EXISTING ORDINANCE .....	49
	A. SEPARABILITY .....	49
	B. REPEAL OF EXISTING ORDINANCE .....	49
15	WHEN EFFECTIVE .....	49

CITY OF EARLINGTON  
INDIVIDUAL MOBILE HOME ORDINANCE

CONTENTS

<u>ARTICLE</u>		<u>PAGE</u>
1	TITLE .....	50
	SECTION 1 - SHORT TITLE .....	50
	SECTION 2 - INTERPRETATION AND CONFLICT .....	50
2	DEFINITIONS .....	50
	SECTION 1 - INTERPRETATION OF WORDS OR PHRASES ..	50
3	PROHIBITIONS .....	51
	SECTION 1 - GENERAL PROHIBITIONS .....	51
	SECTION 2 - EXCEPTION .....	51
4	PERMITS .....	51
	SECTION 1 - INDIVIDUAL MOBILE HOMES .....	51
	SECTION 2 - PROCEDURE .....	52
	SECTION 3 - FEES .....	52
5	DEVELOPMENT STANDARDS .....	52
	SECTION 1 - GENERAL PROVISIONS .....	52
	SECTION 2 - OTHER PROVISIONS .....	53
6	NUMBER OF PRINCIPAL USES PER LOT .....	54
	SECTION 1 - NUMBER OF USES PER LOT .....	54

7	GENERAL EXCEPTIONS .....	54
	SECTION 1 - EXISTING MOBILE HOMES .....	54
	SECTION 2 - REPLACEMENT .....	54
8	ENFORCEMENT OF THIS ORDINANCE .....	54
9	AMENDMENT .....	54
10	EFFECTIVE DATE .....	55

## ZONING

AN ORDINANCE IN THE MATTER OF ADOPTING ZONING REGULATIONS, PROVIDING FOR ADMINISTRATION AND ENFORCEMENT THEREOF, AND FIXING A PENALTY FOR VIOLATIONS.

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

### Section 1. Title, Intent and Purpose.

A. Title. These regulations may be referred to as the "Zoning Regulations".

### B. Intent and Purpose.

- 1) These regulations are related to the comprehensive plans which has been prepared for the County of Hopkins. Said comprehensive plan includes estimates of population growth, land use surveys, a land use plan, plans for major thoroughfares, other transportation facilities, community facilities and a public works program.
- 2) Need for public services and facilities in both size and location depends upon the character and intensity of land use. Regulation of the use of land is thus fundamental to a coordinated optimum physical development of the community. The land use regulations are intended to be the foundation of the entire process of improvement of the physical environment.
- 3) The regulations are intended to preserve and protect existing property uses and values against adverse or unharmonious adjacent uses.
- 4) The land use regulations divide the area into a number of zoning districts.
  - (a) Because of poor drainage, steep slopes and other adverse natural conditions, some land areas should be kept in their natural state. These would be placed in a Conservation District.
  - (b) The comprehensive plan included careful estimates of the land area requirements for the various land uses such as commerce, residence, industry, transportation and public uses. These urban uses should be directed into that land area where they may be most efficiently served by public services and facilities such as sewers, water, schools, parks and the like. Remaining lands should be reserved for rural uses. Consequently, the regulations include Rural Districts for nonurban land uses.

- (c) In the past, residential neighborhoods have deteriorated because they were invaded by small isolated commercial uses and by more intensive residential uses such as duplexes or apartment buildings. The great majority of the local population desires to, and does, live in single-family homes which they own and which are located on fairly large lots. The regulations establish residential districts particularly designed to provide maximum protection for single-family homes.
- (d) Other residential districts within the towns are established for two-family homes and for apartments. Density, yard, and parking regulations would insure good living conditions in these areas. Much of present day building is by large projects instead of lot by lot. The regulations provide for "large scale developments" (10 acres or more) which may be located in any residential district with conformity of the plan to the overall density standards of the district. This introduces an important measure of flexibility into the regulations.
- (e) Commercial districts recognize the different types of commercial areas that will be needed by the future growth of the community. There is a zoning district for the neighborhood commercial area, i.e., the grocery store-drugstore complex serving the adjacent residential neighborhoods. For the more widely used commercial areas along major streets and highways, there is a general commercial district. There is also a special "planned district" for the shopping centers.
- (f) For industry there are three districts: a "light" industrial district for nonobnoxious manufacturing, a "general" or relatively unrestricted industrial district, and provisions for a "planned" industrial district.
- (g) The regulations emphasize character as well as location and density of the land uses. Advertising is carefully controlled.
- (h) The regulations are reasonable in relation to existing conditions. Yard dimensions are adjusted to peculiarities of existing lots. Lots that are now too small may be used. Nonconforming uses existing at the time of the adoption hereof are permitted to continue.
- (i) All uses are required to provide their own off-street parking (with a few exceptions). Over a period of years enforcement of this requirement will enable streets to be used primarily for traffic movement.



- (j) Each of the regulations has been designed to work harmoniously with the others with the totality providing that minimum degree of land use control essential to the realization of the optimum urban environment.

Section 2. Districts and boundaries.

A. District. The City of Earlington is hereby divided into four types of districts:

- R Districts - Residential
- C Districts - Commercial
- M Districts - Industrial
- MD Districts - Medical Overlay

The three types of districts are further divided into the following specific districts:

- RU Rural
- RC Conservation
- R-1 Residential
- R-2 Residential
- R-3 Residential
- R-4 Residential
- R-5 Residential
- R-6 Residential
- R-7 Residential
- C-1 Neighborhood Commercial
- C-2 General Commercial
- C-3 Planned Commercial
- C-4 Central Business
- M-1 Light Industrial
- M-2 General Industrial
- M-3 Planned Industrial

B. District Boundaries.

- (1) The boundaries of the districts are shown upon the map attached hereto and made a part hereof, which map is designated as the "District Map". The district map and all notations, references and other information shown thereon are a part of this Ordinance and have the same force and effect as if the district map and all the notations, references and other information shown thereon were all fully set forth or described herein, the original of which district map is properly attested and is on file with the city clerk (treasurer) of the City of Earlington, Kentucky.

- (2) Whenever any street, alley or other public way is vacated by official action of the appropriate governing body, the zoning district adjoining each side of such street, alleys, or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.
- (3) Where uncertainty exists with respect to the boundaries of various districts, as shown on the maps accompanying and made a part of this ordinance, the following rules shall apply.
  - (a) Where a boundary line is given a position within a street, road, or alley, or non-navigable stream, it shall be deemed to be in the center of the street, road, alley or stream and if the actual location of such street, road, alley or stream varies slightly from the location as shown on the district map, then the actual location shall control.
  - (b) Where a boundary line is shown as being located a specific distance from a street or road line or other physical feature, this distance shall control.
  - (c) Where a boundary line is shown adjoining or co-incident with a railroad, it shall be deemed to be in the center of the railroad right-of-way and distances measured from a railroad shall be measured from the center of the designated main line track.
  - (d) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, such boundaries shall be construed to the lot lines and where the districts are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the maps.
  - (e) In the unsubdivided property, unless otherwise indicated, the district boundary line shall be determined by the use of the scale contained on such maps.

### Section 3. General Provisions.

#### A. Except as hereinafter provided:

- 1) Except as noted under (9) below, no building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.

- 2) No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located.
- 3) No building shall be erected, converted, enlarged, re-constructed or structurally altered except in conformity with the area regulations of the district in which the building is located.
- 4) The density and yard regulations of this ordinance are minimum regulations for each and every building existing at the effective date of this ordinance and for any building hereafter erected or structurally altered. No land required for yards or other open spaces about an existing building or any building hereafter erected or structurally altered shall be considered a yard or lot area for more than one building. Provided however, that no yard regulations shall be enforced for buildings erected and used for agricultural activities.
- 5) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on a lot except as otherwise provided in this ordinance.
- 6) No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of this ordinance.
- 7) Cooperatives, condominiums and all other forms of property ownership do not affect the provisions of these regulations and all requirements shall be observed as though the property were under single ownership.
- 8) All inhabited trailers shall be located in a trailer court that has received a conditional use permit as required by Section 4-B. No trailer outside an approved trailer court shall be connected to utilities except those trailers being offered for sale and not inhabited.
- 9) Except for regulations related to buildings in flood-ways or flood plains, and setback lines for the protection of existing and proposed streets and highways, no regulations imposed as to building permits, certificates of occupancy, height, yard, location or courts requirements for agricultural buildings shall apply to land used solely for agricultural, farming, dairying, stock raising, or similar purposes.
- 10) Any use not specifically delineated herein shall be approved by the Hopkins County Joint Planning Commission before any building permit shall issue or before any property may be used for any use not specifically herein.

- B. It is provided however that any use existing at the time of the adoption of this ordinance is hereby declared and found to be a conforming use and therefore not subject to the provisions of Section 3-A above. Any such existing use may be enlarged, reconstructed or structurally altered, without regard to the limitations contained therein, except as hereinafter provided.
- C. Reference is made here to a requirement of the subdivision regulations that, in addition to conforming with the zoning requirements herein, land developers must obtain a soil analysis, available without charge from the Soil Conservation District, and documents prepared by them for the Commission showing characteristics of the soil regarding their suitability for mining, agriculture and urban uses as background data for Planning Commission determinations.

#### Section 4. Use Regulations.

- A. District Regulations. In the following established districts, a building or premise shall be used only for the following purposes:

##### 1) RU Rural District

###### Permissive Uses:

- a) Agricultural activity.
- b) Single-family dwelling.
- c) Park or forest preserve.
- d) Church.
- e) Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes.
- f) Large-scale residential development in accordance with the provisions of Section 4-B1 hereof.
- g) Golf courses except miniature course or driving range.
- h) Roadside stand for the display or sale of agricultural products raised on the premises.
- i) Greenhouse or nursery.
- j) Public building or facility erected by and governmental agency.

###### Conditional Uses:

- a) Airport.
- b) Public building erected by any governmental agency.
- c) Hospital, nursing home and educational, religious and philanthropic institution on sites of not less than five acres.
- d) New cemetery on site of not less than 20 acres or enlargement of existing cemetery.

- e) Privately operated outdoor recreational facility, including riding stable, lake, swimming pool, tennis court, skating rink, and golf course on site of not less than five acres.
- f) Drive-in theater.

2) RC Conservation District.

Permissive Uses:

- a) Agricultural activity.
- b) Single-family dwellings.
- c) Park or forest preserve.
- d) Church.
- e) Golf course, except driving range.
- f) Public building or facility erected by any governmental agency.

Conditional Uses:

- a) Privately operated outdoor recreational facility, including riding stable, lake, swimming pool, tennis court and golf course on site of not less than five acres.
- b) Motel, resort and incidental facilities, including swimming pool, restaurant, incidental retail sales and services, and personal services for the use of guests only on a site of not less than five acres, provided they are protected from flooding.
- c) Guest ranch, hunting and fishing resort, ski resort and incidental facilities, including swimming pool, restaurant, incidental retail sales and services and personal services, on site of not less than 20 acres provided they are protected from flooding.
- d) Marina, yacht club, boat house or bait shop.
- e) Cemetery.

3) R-2, R-2, and R-3 Residential Districts.

Permissive Uses:

- a) Single-family dwelling.
- b) Public park or playground.
- c) Church.
- d) Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes.
- e) Golf course, except miniature course and driving tees operated for commercial purposes.
- f) Large-scale residential development in accordance with the provisions of Section 4-B1.

Conditional Uses:

- a) Privately operated lake, swimming pool, or tennis court on site of not less than five acres.
- b) Public building erected by any governmental agency.
- c) Hospital, nursing home, nursery school, and educational, philanthropic or religious institution on site of not less than five acres, provided not more than 50 percent of the site area may be occupied by buildings, and provided further that the building shall be set back from all required yard lines an additional foot for each foot of building height.
- d) Private recreational facility where buildings do not occupy more than 10 percent of the site area.
- e) Greenhouse or nursery.
- f) Trailer court in accordance with the provisions of Section 4-B1.
- g) Day care center.

4) R-4 and R-5 Residential Districts.

Permissive Uses:

- a) Any use permitted in the R-3 District.
- b) Two-family dwelling.

Conditional Uses:

- a) Any conditional use permitted in the R-3 District.
- b) Trailer court in accordance with the provisions of Section 4-B.
- c) Public building erected by any governmental agency.
- d) Professional residential office.
- e) Professional office.
- f) Day care center.

5) R-6 and R-7 Residential Districts.

Permissive Uses:

- a) Any use permitted in the R-3 District.
- b) Two-family or multiple dwelling.
- c) Rooming house or boarding house.
- d) Private club, fraternity, sorority, or lodge, excepting when the chief activity of which is a service customarily carried on as a business.

Conditional Uses:

- a) Any conditional use permitted in the R-3 District.
- b) Trailer court in accordance with the provisions of Section 4B.
- c) Public building erected by any governmental agency.
- d) Professional residential office.



- e) Professional office.
- f) Day care center.

6) C-1 Neighborhood Commercial District.

Permissive Uses:

- a) Any permissive use of the R-1 District, e
- b) Automobile parking lot or storage or par
- c) Bank or financial institution.
- d) Dressmaking, tailoring, shoe repairing, re  
bicycles, catering and bakery with sale of
- e) Mortuary.
- f) Office or office building.
- g) Barbershop, beauty shop, beauty parlor, photographic or art studio, messenger,  
taxicab, newspaper or telegraphic branch, service station, laundry or dry  
cleaning receiving station, restaurant.
  
- h) Private school.
- i) Retail store, in connection with which there shall be no slaughtering of animals  
or poultry, nor commercial fish cleaning and processing on the premises, and  
provided further than no single store shall contain a floor area in excess of  
20,000 square feet.
- j) Theater, not including drive-in theater.
- k) Bar or tavern.
- l) Self-service laundry or cleaning establishment.

Conditional Uses:

- a) Automobile service station.
- b) General service and repair establishments, including dyeing or cleaning works or  
laundry, plumbing and heating, printing, painting, upholstery or appliance repair.
- c) Hotel and Motel.
- d) Residence, when located on the second story or above.
- e) Veterinary clinics.
- f) Animal hospitals
- g) Kennels.

7) C-2 General Commercial District.

Permissive Uses:

- a) Any permissive use of the C-1 District, but with no limit on the amount of floor  
area in any retail store.
- b) Automobile or trailer display and salesroom.
- c) Bowling alley or billiard parlor.

- d) Business or commercial school.
- e) Dancing or music academy.
- f) Display and salesroom.
- g) Farm implements, sale and sale repair.
- h) Farm store or feed store, including accessory storage of liquid or solid fertilizer.
- i) Frozen food locker.
- j) Hotel.
- k) Laboratory, research, experimental or testing.
- l) Motel.
- m) Milk distributing station.
- n) Public garage, filling station and automobile repair shop, or parking lot.
- o) Radio or television broadcasting station or studio.
- p) Veterinarian, animal hospital or kennel.
- q) Used car, trailer or boat sale or storage lot.
- r) Dyeing, cleaning, laundry, printing, plumbing, tinsmithing, tire sales and service, upholstering and other general service or repair establishment. Not more than ten percent of lot or tract occupied by such establishment shall be used for the open and enclosed storage of materials or equipment.

Conditional Uses:

- a) Drive-in establishment, including restaurant and theater.
- b) Lumberyard.
- c) Bakery.
- d) Bottling works.
- e) Wholesale establishment or warehouse in a completely enclosed building.
- f) Truck or bus terminal.
- g) Trailer court in accordance with the provisions of Section 4-B.
- h) Private club, fraternity, sorority, or lodge.

8) C-3 Planned Commercial District.

Conditional Uses:

A building or premises may be used only for the retail sale of merchandise; services, general and professional offices; recreational, except outdoor theaters; parking areas and other facilities ordinarily accepted as shopping center areas.

Before land is used for a building erected or used for any of the above purposes, a preliminary plan and a final plan shall be approved by the Planning Commission for all contiguous property within this district in any one location. The Planning Commission shall have 40 days to consider and approve or reject a preliminary plan, with or without modifications, although this period may be extended by agreement of the parties concerned. Rejection of a preliminary or final plan by the Planning Commission may be



appealed to the City Council. Final plans will be approved when in accordance with approved preliminary plans. From time to time the proponents may make minor changes in the approved final plan so long as such changes have been approved by the Planning Commission. What constitutes a "minor" change will be determined in the sole discretion of the Planning Commission. No building or occupancy permits shall be issued for any building or use that is not in accordance with an approved final plan.

The preliminary plan shall:

- a) Be drawn to scale;
- b) Show boundaries of property to be developed;
- c) Show the proposed size, location, use and arrangement of parking stalls and number of cars. Entrance and exit driveways and their relationship to existing and proposed streets;
- d) Indicate location, type, use and size of structure on adjacent properties within 200 feet of the proposed development;
- e) Provide for the dedication of any rights-of-way for the widening, extension or connection of major streets as shown on the official plan; and
- f) Indicate the stages, if any which will be followed by construction.

The final plan shall be the standard plot plan required to obtain a building permit, except that it shall show the use or types of uses to be accommodated in each building or portion thereof.

9) C-4 Central Business District.

Permissive Uses:

- a) Any permissive use of the C-2 General Commercial District.

Conditional Uses:

- a) Wholesale merchandising or storage warehouse.
- b) Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, and printing and finishing of textiles and fibers into fabric goods.
- c) Compounding of cosmetics, toiletries, drugs, and pharmaceutical products.
- d) Manufacture or assembly of boats, bolts, nuts, screws, and rivets, ornamental iron products, firearms, electrical appliances, tools, dies, machinery and hardware products, sheet metal products and vitreous enameled metal products.
- e) Manufacture or assembly of medical and dental equipment, drafting, optical and musical instruments, watches, clocks, toys and games and electrical or electronic apparatus.
- f) Manufacture or storage of food products, including beverage blending or bottling, bakery products, candy manufacturing, fruit and vegetable processing and canning, packing and processing of meat and poultry products, but no distilling of beverages or slaughtering of poultry or animals.

- g) Manufacture of boxes, crates, furniture, baskets, and other wood products of a similar nature.

10) M-1 Light Industrial District.

Permissive Uses:

- a) Any use permitted in the C-2 General Commercial District.
- b) Processing and assembly of plants which are not obnoxious or offensive due to omission of noise, odor, dust, gas, smoke, glare or vibration, except that no dwelling other than that for a resident watchman or caretaker employed on the premises shall be permitted.

11) M-2 General Industrial District.

Permissive Uses:

Any use except the following conditional uses and except that no dwelling other than that for a resident watchman or caretaker employed on the premises shall be permitted.

Conditional Uses:

- a) Acid manufacture.
- b) Automobile wrecking, cars and parts, storage and sale.
- c) Cement, lime, gypsum or plaster of Paris manufacture.
- d) Distillation, manufacture or refining of bones, coal, or tar asphalt.
- e) Explosives, manufacture or storage.
- f) Fat, grease, lard or tallow rendering or refining.
- g) Fertilizer manufacture (from organic matter).
- h) Glue or size manufacture.
- i) Garbage, offal or dead animal reduction or dumping.
- j) Junk and salvage (metal, paper, rags, waste, or glass) storage, treatment, or baling.
- k) Paper manufacture.
- l) Petroleum or asphalt refining.
- m) Petroleum products terminal.
- n) Smelting of tin, copper, zinc, or iron ores.
- o) Storage or processing of rawhides or fur.
- p) Stockyards or slaughter of animals (except poultry).

12) M-3 Restricted Industrial District.

Conditional Uses:

The use regulations are the same as those in the M-1 Light Industrial District, except that:

- a) No building shall be erected, converted, reconstructed, or structurally altered for church, school, institutional or residential purposes, except for resident watchman or caretakers employed on the premises.
- b) No premises may be used for auto wrecking, junk yard and similar storage or salvage; or for extraction of gravel, sand or other raw material.
- c) Accessory open storage is enclosed in a building or by a concrete or masonry wall not less than six feet in height.
- d) No premises are used for extraction of raw materials.
- e) Fuel oil storage tanks are placed underground.
- f) No premises are used for bulk storage of oils; petroleum or similar flammable liquids and chemicals, or for the storage of explosives.

**Plan Required:**

No unincorporated area shall be included within the M-3 Restricted Industrial District until a plan for the development of such area shall have been approved by the Planning Commission. The procedures for the approval of the plan and the information and details that shall be furnished the Planning Commission are the same as those provided in Section 4-A6 for the Planned Commercial District.

**13) Medical Overlay District**

Any use proposed for this district shall first be approved by the Planning Commission after a Public Hearing is held.

**Permissive Uses:**

Any use permitted in the underlying zoning districts.

**Conditional Uses:**

A building, lot or premises may be used only for medically related purposes such as the following.

- 1) Doctor's office.
- 2) Medical and dental clinic.
- 3) Multiple family housing units intended for patients, hospital employees and so forth.
- 4) Pharmacies.
- 5) Chapels.
- 6) Hospital and/or surgical supply businesses.
- 7) Nursing homes or convalescent centers.
- 8) Parking lots and facilities related to any of the above uses.

### Plan Required:

Yard density and height regulations shall conform to the requirements of the R-7 District for residential use and the C-1 District for all uses other than residential. Before land is used or a building erected or used for any of the above purposes, a preliminary plan and a final plan shall be approved by the Planning Commission. The Planning Commission shall have 40 days to consider and approve or reject a preliminary plan, with or without modifications, although this period may be extended by agreement of the parties concerned.

Rejection of a preliminary plan to the Planning Commission may be appealed to the City council. Final plans will be approved when in accordance with approved preliminary. There may be minor changes in the approved preliminary plans as long as such changes have been approved by the Planning Commission. What constitutes a minor change will be determined by the sole discrimination of the Planning Commission. No building or occupancy permits shall be issued for any building or use that is not in accordance with the approved plan.

When reviewing any plan for final approval, the Planning Commission shall consider the following before granting final approval and it shall determine that the proposed plan is adequate and suitable to provide the intent and purpose of this Ordinance.

- a. Location and arrangement of off-street parking.
- b. Location of access drives to a from the street, including, in the case of corner lots, the possible limitations of access of one street only.
- c. Location and arrangement of all loading areas.
- d. Interior lot circulation.
- e. Screening and landscaping.
- f. Suitability of the site to the type of use.
- g. Location intensity, type, size and direction of outdoor lighting.
- h. Location of areas of outdoor display and storage.

### B. Other Use Regulations.

#### 1) Special Provisions for Large-Scale Residential Developments.

- a) Large-Scale Residential Developments, where permitted, are subject to the following conditions;

The development shall have a minimum area of thirty (30) acres.

The housing type, minimum lot area, yard, height, and accessory uses shall be determined by the requirements and procedure set out below which shall prevail over conflicting requirements of this ordinance or the ordinance governing the subdivision of land.

The Final Development Plan shall follow all applicable procedures, standards and requirements of the ordinance governing the subdivision of land. The final Development Plan shall be prepared by and have the seal of an architect or engineer duly registered to practice in this state. No building permit shall be issued until a final plat of the proposed development is approved and recorded.

The Planning Commission shall review the conformity of the proposed development with the standards of the official county plan and recognized principals of civic design, land use planning and landscaping architecture. The minimum yard and maximum height requirements of the district in which the yards shall be provided around the boundaries of the area being developed. The Planning Commission may impose conditions regarding the layout, circulation and performance of the proposed development and may required that appropriate deed restrictions be filed enforceable by the county for a period of twenty years from date of filing. A plat of development shall be recorded regardless of whether a subdivision is proposed and such plat shall show building lines, common land, streets, easements, and other applicable features required by the ordinance regulating the subdivision of land.

The number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per family required by the district or districts in which the area is located. Net development or districts in which the area is located. Net development area shall be determined by subtracting the area set aside for churches, schools, or other nonresidential uses form the gross development area and deducting twenty percent of the remainder for streets, regardless of the amount of land actually required for streets. The area of land set aside for common space or recreational use shall be included in determining the number of dwelling units permitted.

The minimum lot area and minimum lot frontage of single-family dwelling lots established within the development shall not be less than two-thirds of the normal minimum lot area and minimum lot frontage of the single-family district in which the lot is located. In no case shall a single-family lot be created with an area of less than 10,000 square feet or a frontage of less than 80 feet.

For each 100 dwelling units in the development plan they may not exceed one acre for commercial use. Commercial uses shall conform with the requirements of the C-1 Commercial District. If the area to be developed contains more than 1,000 acres they



are not to exceed 10 percent of the gross area used for industrial purposes. Such industrial development shall be in accordance with the use regulations and other conditions set out for the M-1 Light Industrial District.

The Planning Commission may hold one or more public hearings on a Final Development Plan. The recommendation of the commission shall be forwarded to the Council who shall approve or disapprove the action of the Planning Commission with or without modification and after public hearing. After approval by the Council and after any required restrictions are in effect, building permits may be issued enabling the approved Final Development Plan to be carried out.

2) Accessory building and use are permitted when in accordance with the following:

a) In the RC and all other Residential Districts, accessory buildings and uses are limited to:

A noncommercial greenhouse that does not exceed in floor area twenty-five percent of the ground floor area of the main building.

A private residential garage used only for the housing of noncommercial passenger automobiles and with a floor area of not to exceed 450 square feet. An additional floor area of 200 square feet may be provided for each 3,000 square feet of lot area by which such lot exceeds 6,000 square feet, provided that no garage shall exceed 1,000 square feet nor house more than five such automobiles.

Home occupation.

Vegetable or flower garden.

Tennis court, swimming pool, garden house, pergola, ornamental gate, barbecue oven, fireplace, and similar uses customarily accessory to residential uses.

b) In the Commercial and Industrial Districts, there may also be:

Parking lots and garages conforming with the requirements of Section 8 hereof. Use of not to exceed 40 percent of the floor area of a building for incidental storage or light industrial activity.

c) There shall be the following additional regulations for accessory buildings:

No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used. However, nothing shall prevent the use of a temporary construction shed or road wagon for the storage of tools, material and equipment of a contractor during building construction.

No accessory building may be erected in front of a main building unless the accessory building is attached to the main building by a common wall. Accessory buildings may not be used for dwelling purposes.

3) Regulations regarding signs shall be as follows:

a) The following signs are allowed in all districts:

Temporary signs not exceeding 12 square feet in area advertising the sale or lease of real estate when located upon property to which the sign refers and when not located closer than 10 feet to a lot line, which signs shall be moved upon sale or lease of the property.

Temporary ground signs advertising future use of development of property on which such signs are located may be maintained subject to the provisions of this section, provided such signs do not exceed 250 square feet in area or remain longer than six months. "For Rent" and "For Lease" signs in commercial and industrial districts for new buildings shall not exceed 48 square feet or remain more than 90 days after the building is completed.

Church or public bulletin boards not exceeding 12 square feet in area.

Traffic and public signs.

b) In the RC Conservation District, the following signs are also permitted.

1) Ground or post signs pertaining to activities conducted on the property.

2) Ground or post signs advertising activities or providing information of direct interest to the traveling public, including points of interest, recreation and scenic areas, places for camping, lodging, eating, sale of farm supplies and vehicular service and repair.

3) Signs, not exceeding 400 square feet in area, except along interstate highways, in which case a sign may not exceed 1600 square feet in area and must be at least 660 feet from nearest highway right-of-way (as regulated by state or federal statutes); illuminated by flood lights only, spaced no closer than 500 feet apart as measured along a road or highway frontage, not closer than 250 feet to a highway intersection and not closer than 25 feet to a highway next to a road intersection.

c) In the C-1, C-2, C-3, C-4 and M-1 and M-3 Districts, there may be roof signs, wall signs, projecting signs, post signs, marquee signs and awning signs. The total square foot area of floor signs, wall signs, projecting signs, marquee signs, and awning signs shall not exceed one-third of the total square foot area of the face of the building on which they are placed. There shall not be more than one post sign for each business. No post sign shall extend closer than ten (10) feet to a side lot line. All portions of post signs must be erected and maintained behind the property line.

d) In the M-2 District, there may be any sign allowed in Paragraph (c) and ground signs; provided, that no ground sign shall exceed 400 square feet in area; not more than one ground sign for each 400 feet of street frontage when located at least 400 feet apart on such lot or tract of land; and no ground sign when erected on a lot fronting on intersecting streets shall be erected within 50 feet of the intersection of the streets.

e) The following additional sign regulations shall be observed:

**Ground Signs:** No ground signs shall be at any point over 45 feet above the ground level and shall have an open space of three feet between the lower edge of such sign and the ground level, 50 percent of which space may be filled in with a platform and decorative lattice work of light wooden or metal construction. Every ground sign shall be stoutly constructed in a secure and substantial manner. The ends of all such signs shall be at least six feet distant from any wall or fence or any obstruction that would prevent a clear passage around the ends and shall be at least 10 feet distant from any lot line.

**Wall Signs:** No wall sign shall extend beyond the building more than 12 inches. No wall sign shall be so erected as to cover the doors or windows of any building or otherwise prevent free ingress or egress to or from any window, door or any fire escape of any building.

**Projecting Signs:** Projecting signs may extend not more than six feet six inches from the building into the front yard.



Post Signs: No post sign shall extend downward nearer than ten feet to the ground or pavement above walkway. The maximum square foot area for each face of a post sign shall not exceed a total area of 250 square feet per face or a total of 500 square feet for all faces.

Marquee Signs: Marquees may extend eight feet into a front yard. Marquees shall not be less than 11 feet above the ground at its lowest level. A sign may be placed upon a marquee provided such sign does not extend more than three feet above nor one foot below such marquee.

Portable Signs: Portable signs are prohibited except that there may be such portable signs on parking lots as permitted by the Building Inspector as being necessary to the satisfactory operation of the lot and except that each filling station may have one portable sign not exceeding 12 square feet of total sign area restricted solely to stating the price of gasoline. Portable signs shall be set 10 feet from the street line.

Paper, Poster and Certain Signs or Devices Prohibited: Paper posters applied directly to the wall or building or pole or other support, and letters or pictures in the form of advertising, printed or applied directly on the wall of a building are prohibited. Temporary signs may be displayed in or attached to the inside of show or display windows provided the total sign area does not exceed 20 percent of the show or display window area. Signs or devices which by color, location or design resemble or conflict with traffic control signs or devices are prohibited. No sign shall contain flashers, animators or mechanical movements or contrivances of any kind, excepting clocks, and thermometers.

4) Regulations regarding trailers shall be as follows:

a) All inhabited trailers shall be located in a trailer court which has received a conditional use permit and which conforms with the requirements of the following paragraphs. No trailer outside of an approved trailer court shall be connected to utilities except those trailers being offered for sale and not inhabited. Utilities shall be connected to inhabited trailers in accordance with the City of Earlington's Individual Mobile Home Ordinance.

b) Trailer courts shall meet the following minimum standards:

Each lot provided for the occupancy of a single mobile home unit shall have an area of not less than five thousand (5,000) square feet and width of not less than fifty (50) feet, and no park shall be permitted an average density of trailer lots of more than eight (8) per acre, and each trailer court shall provide an area of not less than five (5) acres.

All trailer court shall provide lots sufficient in size that no trailer or any structure, addition or appurtenance thereto is located less than ten (10) feet from the nearest adjacent court boundary or lot line.

Space between trailers may be used for the parking of motor vehicles if the space is clearly designated and the vehicle is parked at least ten (10) feet from the nearest adjacent court boundary or lot line.

Each trailer site shall abut or face a clear unoccupied space, driveway, roadway, or street of not less than twenty (20) feet in width, which shall have unobstructed access to a public highway, street or alley.

The trailer court shall be surrounded by a landscaped strip of open space thirty (30) feet wide along the street frontage of all streets and fifteen (15) feet wide along all other lot lines or street frontage.

5) Nonconforming uses are regulated:

- a) Nonconforming Use of Buildings. Except as otherwise provided herein, the lawful use of a building existing at the effective date of this ordinance may be continued although such use does not conform to the provisions thereof. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.
- b) Discontinuance of Nonconforming Uses. No building or portion thereof used in whole or in part for a nonconforming use in a Residential District, which remains idle or unused for a continuous period of two years, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the Residential District in which it is located.
- c) Nonconforming Advertising Signs. All advertising signs in violation of the provisions of Section 4-B hereof shall be removed and said signs brought into conformity with all requirements of Section 4-B on or before a date not later than five years from the effective date of this ordinance.
- d) Conditional Uses Not Nonconforming. Existing uses eligible for conditional use permits shall not be nonconforming uses but shall require a conditional use permit for any alteration, enlargement, or extension.

- e) Intermittent Use. The casual, intermittent, temporary, or illegal use of land or building shall not be sufficient to establish the existence of a nonconforming use and the existence of a nonconforming use on the part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.
- f) Existence of a Nonconforming Use. Whether a nonconforming use exists shall be a question of fact and shall be decided by the Board of Adjustment after public notice and hearing and in accordance with the rules of the Board.
- g) Nonconforming Uses not Validated. A nonconforming use in violation of a provision of the ordinance which this ordinance repeals shall not be validated by the adoption of this ordinance.
- h) Replacement. In cases where nonconforming use status applied to a structure and premises in combination, removal or destruction of the structure shall not eliminate the nonconforming status and may be reconstructed.
- i) Enlargement. Existing structures devoted to a use not permitted by this ordinance or by amendment thereto in the district in which it is located may be enlarged, extended, or structurally altered in accordance with the provisions of this ordinance.

## Section 5. Height Regulations.

A. Maximum height limits established for buildings and structures are as follows:

- 1) Thirty-five feet in the RU, RC, R-1, R-2, R-3, R-4, R-5, R-6 and C-1 Districts.
- 2) One hundred fifty feet in the R-7 and C-4 Districts.
- 3) Forty-five feet in the C-2, C-3, M-1, M-2 and M-3 Districts.

B. The above height limits may be exceeded in the following instances:

- 1) Public, semipublic, or public service buildings, hospitals, institutions, agricultural buildings, or schools when permitted in a district, may be erected to a height not exceeding 110 feet, and churches and temples may be erected to a height not exceeding 75 feet if the building is set back from each yard line at least one foot for each foot of additional building height above the height limit otherwise permitted in the district in which the building is built.

2) Television and radio towers, church spired, belfries, monuments, tanks, water and fire towers, stage towers, or scenery lofts, cooling towers, ornamental towers, and spires, chimneys, elevator bulkheads, stacks, conveyors, and flag poles may be authorized by the City Council.

3) Buildings in the M-2 District may be increased in height one foot for each foot the building is set back from all yard lines up to a maximum height of 100 feet, provided that the gross floor area provided, exclusive of enclosed garages, does not exceed the number of square feet of land area of the lot on which the building is placed.

C. The following special regulations shall apply to any land airport other than a helicopter landing facility, owned and operated by a public agency.

1) Within the air space above the approach zone to each end of a runway designed to be used for instrument landings, no building or structure shall be erected or altered to project above a plane with a slope of 1 (vertical) to 50 (horizontal) projected from a point 200 feet beyond the end of the runway for a distance of 10,000 feet, said plane to be in the shape of a symmetrical trapezoid 1,000 feet in width at its lowest point and 4,000 feet in width at its highest point; combined with a second plane with a slope of 1 (vertical) to 4 (horizontal) extending from the upper edge of the first plane for an additional distance of 40,000 feet in width at its lowest point and 16,000 feet in width at its highest point.

2) Within the air space above the approach zone to each end of a runway not designed to be used for instrument landings, no building or structure shall be erected or altered to project above a plane with a slope of 1 (vertical) to 50 (horizontal) projected from a point 200 feet beyond the end of the runway for a distance of 10,000 feet, said plane to be a symmetrical trapezoid (\*) feet wide at its lowest point and (\*) feet wide at its highest point.

3) Within the established transition zones adjacent to each instrument and noninstrument runway and approach zone, no building or structure shall be erected or altered to project above a plane with a slope of 1 (vertical) to 7 (horizontal). Transition zones extend outward and upward from a line (\*) feet on either side of the centerline of noninstrument runways for the length of such runway plus 200 feet on each end; and 500 feet on either side of the centerline of instrument runways from the length of such runway plus 200 feet on each end; to a height 150 feet above the elevation of the airport reference point. In addition, transition zones are established adjacent to both instrument and noninstrument approach zones which flare outward and upward

(\*) The applicable distance in feet must be based on runway lengths as set forth in Section 77.25 of Part 77 of the Federal Aviation Regulations.

symmetrically along the entire length of each approach zone to where they intersect the surfaces of the horizontal and conical zones.

- 4) Within (\*) feet from the established airport reference point, no building or structure shall be erected or altered to project above a horizontal plane 150 feet above the established airport elevation. This horizontal zone does not include the approach or transition zones.
- 5) Within the conical zone, which commences at the periphery of the horizontal zone and extends outward there from a distance of (\*) feet, no building or structure shall be erected or altered to project above a plane with a slope of 1 (vertical) to 20 (horizontal).
- 6) Nothing in this subparagraph shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 20 feet above the surface of the land.
- 7) Violations of this Section shall be removed at owner's expense or by the City at the owner's expense within a reasonable time.

(\*) The applicable distance in feet must be based on runway lengths as set forth in Section 77.25 of Part 77 of the Federal Aviation Regulations.

#### Section 6. Yard Regulations.

A. Minimum yard Regulations. The following minimum yards, measured in feet, shall be provided within the districts indicated below:

District	Front Yard	Side Yard	Rear Yard
RC	50	20	↑ 50
R-1	30	(5 one side) 15 total	50
R-2	35	(5 one side) 15 total	30
R-3	35	(5 one side) 15 total	35
R-4	30	(5 one side) 15 total	<del>30</del> 35
R-5	30	(5 one side) 15 total	30
R-6	30	10	30
R-7	30	**	30
C-1	20	*	20
C-2	10	*	20
C-3	10	As required	As required
C-4	0	*	0
M-1, M-2, M-3	25	*	25



- \* None except where adjacent to R District, then 10 feet.
- \*\* Ten Feet plus one foot each story above third. Twenty feet maximum.

Whenever a lot abuts upon a public alley, one-half of the width may be considered as a portion of the required yard. For the purpose of side yard regulations, a two-family dwelling or multiple dwelling shall be considered as one building occupying one lot.

B. Additional Requirements. The following additional yard requirements must also be observed.

- 1) On lots fronting on two nonintersecting streets, a front yard must be provided on both streets.
- 2) On corner lots there must be a front yard on both streets. On corner lots that are lots of record the buildable width cannot be reduced to less than 28 feet, except that they shall be a yard along the side street of such a lot of at least five feet.
- 3) Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.
- 4) In the C and M Districts there may be more than one building on a lot provided that the required yards be maintained around the group of buildings.
- 5) There may be two or more related multi-family, hotel, motel, or institutional buildings on a lot; provided that (a) the required yards be maintained around the group of buildings, and (b) buildings that are parallel or that are within 45 degrees of being parallel be separated by a horizontal distance that is at least equal to the height of the highest building.
- 6) Those parts of existing buildings that violate yard regulations may be repaired and remodeled, but not reconstructed or structurally altered.
- 7) Required front yards shall be devoted entirely to landscaped area except for guest parking and the necessary paving of driveways and sidewalks to reach parking or loading areas in the side or rear yards.
- 8) Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line to the nearest line of the building.

- 9) The minimum width of side yards for schools, libraries, churches, community buildings and other public and semi-public buildings in residential districts shall be 25 feet, except where a side yard is adjacent to a commercial or industrial district, in which case the width of that yard shall be as required in the district in which the building is located.
- 10) No sign, fence, wall, shrub or other obstruction to vision exceeding three feet in height above the established street grade shall be erected, planted or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points 30 feet distance from the intersection of the street lines.

#### C. Exceptions to Yard Requirements.

- 1) Where, on the effective date of this ordinance, 40 percent or more of a frontage was occupied by two or more buildings, then the front yard is established in the following manner:
  - a) Where the building farthest from the street provides a front yard not more than ten feet deeper than the building closest to the street, then the front yard for the frontage is and remains as average of the then existing front yards.
  - b) Where this (a) is not the case and a lot is within 100 feet of a building on each side, then the front yard is a line drawn from the closest front corners of these two adjacent buildings.
  - c) Where neither (a) or (b) is the case, and the lot is within 100 feet on an existing building on one side only, then the front yard is the same as that of the existing adjacent building.
- 2) Sills, belt courses, window air-conditioning units, chimneys, cornices, and ornamental features may project into a required yard a distance not to exceed 24 inches.
- 3) Filling station pumps and pump islands may occupy required yards provided, however, that they are not less than 15 feet from all lot lines.
- 4) Signs in accordance with Section 4-B.
- 5) Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half feet when so placed as to not obstruct light and ventilation may be permitted by the Administrative Officer.

- 6) Open, unenclosed porches (not glassed in) may extend 10 feet into a front yard.
- 7) Terraces which do not extend above the level of ground (first) floor may project into a required yard, provided these projections be a distance or at least two feet from the adjacent side lot line.
- 8) No side yards are required where dwellings are erected above commercial and industrial structures, except such side yard as may be required for a commercial or industrial building on the side of a lot adjoining a Residential District.
- 9) Accessory buildings may be located in a rear yard but may not occupy more than 30 percent of a rear yard.
- 10) Any accessory building closer than 10 feet to a main building shall be considered as part of the main building and shall be provided with the side and rear yards required for the main building.
- 11) Except as provided under (12) below, an accessory building more than 10 feet from a main building may be erected within two feet of a side or rear lot line, but must be located at least 60 feet from the front street line.
- 12) Where a garage is entered from an alley, it must be kept 10 feet from the alley line.
- 13) On corner lots the minimum buildable width of 28 feet for main buildings is reduced to 22 feet for accessory buildings.

Section 7. Density Regulations.

A. Minimum Lot Area Width. The following minimum lot areas and lot widths must be provided in the districts indicated.

District	Lot Width in feet	Lot Area in Sq. Feet	Lot Area per Family in Sq. Feet
RC	200	435,600	435,600
RU	200	130,680	435,600
R-1	100	43,560	43,560
R-2	75	15,000	15,000
R-3	50	9,500	9,500
R-4	60	7,500	3,750
R-5	60	6,000	3,000
R-6	60	6,000	3,000



R-7	100	15,000	800
C-1	None	None	NA
C-2	None	None	NA
C-3	None	None	NA
C-4	None	None	NA
M-1	None	None	NA
M-2	None	None	NA
M-3	None	None	NA

B. Exceptions to Lot Area and Width Requirements. The minimum lot area and lot width requirements established above may be modified as follows:

- 1) Where a lot of record at the time of the effective date of this ordinance has less area or width than herein required in the district in which it is located, and the owner of such lot does not own any other parcel or tract adjacent thereto, said lot may nevertheless be used for a one-family dwelling or for any nondwelling use permitted in the district in which it is located.
- 2) The number of permitted dwelling units for multiple dwellings may be increased in the following instances.
  - a) By 20 percent if architectural plans for the project are reviewed by a city-appointed consulting architect and his recommendations followed with the cost of such review paid by the applicant.
  - b) By 10 percent if soundproofing between apartments is provided at or in excess of an Impact Noise Rating (I.N.R.) of +5 as described in the publication of the Federal Housing Administration entitled, "A guide to Impact Noise Control in Multi-Family Dwellings", dated January, 1963.
  - c) By five percent if a landscaped buffer area not used for off-street parking, with a minimum depth of 10 feet or a masonry wall six feet in height is provided on all lot lines that are also district boundaries with a less restricted zoning district.
  - d) By 10 percent if the project provides at least two off-street parking spaces are enclosed or in an underground structure.
  - e) By five percent if all the required parking spaces are enclosed or in an underground structure.
  - f) By 10 percent if the project includes a club, tennis court, swimming pool or other major recreation facility occupying at least two-tenths (0.2) of a square foot of land area for each square foot of floor area in the buildings.

- 6) School - For high schools, colleges and universities, 10 spaces per classroom; plus one for each 5 seats in the auditorium; for elementary schools two parking spaces per classroom plus one for each 5 seats in the auditorium.
- 7) Hospital - Two parking spaces for each bed.
- 8) Sanitarium or institutional home - One parking space for each three beds.
- 9) Funeral Homes - 25 parking spaces for each chapel plus one for each funeral home vehicle plus one for each family residing on the premises.
- 10) Auditoriums, theaters, and other places of public assembly - One parking space for each five seats.
- 11) Community center, library, museum, or similar public or semi-public building - One parking space for each 300 square feet of floor area in the building.
- 12) Hotel or motel - Five parking spaces plus one space for each sleeping room or suite.
- 13) Medical office building - Buildings in which 20 percent or more of the gross area is occupied by members of the healing profession. One parking space for each 200 square feet of the gross area used for this purpose.
- 14) Manufacturing or industrial establishment, research, or testing laboratory, creamery, bottling plant, warehouse or other similar establishments - Two parking spaces for every three employees on the maximum shift, plus space to accommodate all trucks and other vehicles used in connection therewith.
- 15) All nonresidential buildings, except those above specified - One space for each 300 square feet of floor area.

B. Rules for Computing Parking Spaces. In computing the number of required off-street parking spaces the following rules shall apply:

- 1) Floor area shall mean the gross floor area of the specific use, excluding any floor or portion thereof used for parking, as herein defined.
- 2) Where fractional spaces result, the parking spaces required shall be the nearest whole number.
- 3) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

- g) By five percent if the buildings proposed in the project meet the requirements of the Department of Defense, Office of Civil Defense and can be officially designated as Fallout Shelters having a capacity equal to or greater than the number of resident allowed in the project.

The above percentages are to be applied individually and not cumulatively.

- 3) Lot area per family requirements shall not apply to dormitories, fraternities, sororities, nursing homes or other similar group quarters where no cooking facilities are provided in individual rooms or apartments.

C. **Maximum Floor Area Ratios.** The following maximum floor areas ratios are established for certain permitted uses in specified districts.

- 1) For residential, hotel, motel, and office building uses there shall be maximum floor area ratio of 1.5 except that where the building is set back from one or more of the required yard lines the floor area of such building may be increased by six square foot of additional floor area for each square foot of additional area left open over and above the required front, side and rear yards required by Section 6.
- 2) Maximum floor areas provided for in this section may be further increased by one square foot of floor area for each square foot of open space that is landscaped and planted and not paved.

Section 8. Off-street parking and loading regulations.

A. **Off-Street Parking Requirements.** Off-street parking spaces shall be provided as follows:

- 1) Single-family and two-family dwellings - One space for each bathroom or fraction thereof in the dwelling unit.
- 2) Multiple dwellings - One and one-half spaces for each dwelling unit.
- 3) Rooming and boardinghouses, sororities, and fraternities - One parking space for each 200 square feet of floor area.
- 4) Private club or lodge - One parking space for each 400 square feet of floor area.
- 5) Church or temple - One parking space for each four seats in the main auditorium.

4) Whenever a building or use constructed or established after the effective date of these regulations is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of these regulations is reconstructed or enlarged to the extent of 20 percent or more in floor area, said building or use in its entirety shall then and thereafter comply with the parking requirements set forth herein. Any enlargement or change in use of less than 20 percent of the gross floor area shall be provided with parking based on the enlargement or change.

C. Location of Required Parking Spaces: All parking spaces required herein shall be located as follows:

1) The parking spaces required for residential buildings or uses shall be located on the same lot with the building or use served. The parking spaces required for any other building or use may be located on an area within 300 feet of said building and two or more owners of buildings may join together in providing the required parking spaces. Where the required parking spaces are not located on the same lot with the building or use served, the usage of the lot or tract upon which said parking spaces are provided shall be restricted by an instrument of record describing the premises for which said parking is provided and assuring the retention of such parking so long as required by this ordinance.

D. Minimum Improvement and Maintenance Standards. Parking lots and garages shall conform with the following improvement and maintenance standards.

- 1) Such lot shall be surfaced either with concrete not less than six inches in thickness or with bituminous surface of not less than two inches in depth, or with any surfacing adjudged by the Commission to be equal or superior to either of these types.
- 2) Adequate provisions shall be made for the disposal of storm water and shall insure that such water shall not flow onto adjoining property or adjacent sidewalks in a quantity or manner that would be detrimental thereto, or inconvenient to persons using the sidewalk.
- 3) The location and width of entrances and exists to and from the lot or garage shall be as determined by the Planning Commission, but there shall not be more than one entrance and one exit, or one combined entrance and exit, along any one street unless same is deemed necessary by the Planning Commission for the alleviation of traffic congestion and interference of traffic movement along such street.

- 4) The location of each parking space and the location and direction of movement along the driveways providing access thereto shall be indicated by painting upon the surface, by raised directional signs, or by markers or other similar measures placed in the surfacing, subject to the approval of the Planning Commission.
- 5) Whenever the parking lots or garages are to be used during darkness, a system of floor lighting shall be installed to provide an adequate standard of illumination over the entire parking lot. All floor lights shall be shielded so that minimum glare will extend to adjacent property, subject to the approval of the Planning Commission.
- 6) A sign, the size and character of which shall be subject to the approval of the Planning Commission, shall be installed showing the ownership of the lot or garage and the permitted use thereof. If the lot or garage is so operated that a charge is made for the use of the parking facilities, the rates for parking shall be legibly shown upon the sign.

E. Off-street Loading Requirements. Off-street loading spaces shall be provided in accordance with the following requirements.

- 1) Office buildings and hotels, one space for each 5,000 feet up to 50,000 square feet of gross floor area; two spaces for the 50,000 to 200,000 square feet of gross floor area; one additional space for each 75,000 square feet of gross floor area above 200,000 square feet.
- 2) Retail or service establishment or wholesale commercial use, one space for each 2,000 to 20,000 square feet of gross floor area; two spaces for each 20,000 to 100,000 square feet of gross floor area; one additional space for each 75,000 square feet of gross floor area above 100,000 square feet.
- 3) Manufacturing or industrial use, one space for each 5,000 to 25,000 square feet of gross floor area; one additional space for each 75,000 square feet of gross floor area above 25,000 square feet.
- 4) No building or part thereof heretofore erected, which is used for any of the purposes specified above, shall hereafter be enlarged or extended unless off-street loading space is provided in accordance with the provisions of this section.

## Section 9. Administration.

### A. Board of Adjustment

- 1) A board of Zoning Adjustment is hereby created. Such board shall consist of three members to be appointed by the Mayor with the approval of the City Council of whom shall be residents and all or whom shall be persons with knowledge of construction,



architecture, engineering, real estate or law. The terms of all members shall be four, except that of the members first appointed shall serve for a term of two years, one shall serve for a term of three years and one shall serve for a term of four year. Thereafter, appointment shall be for terms of four years. All members of the Board of Adjustment shall, before entering upon their duties, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any judge, notary public, clerk of a court, or justice of the peace within the district or county in which he resides. Any member of a Board of Adjustment may be removed by the appropriate appointing authority for inefficiency, neglect of duty, malfeasance or conflict of interest. Any appointing authority who exercises the power to remove a member of the Board of Adjustment shall submit a written statement to the Board setting forth the reasons for removal, and the statement shall be read at the next meeting of the Board of Adjustment which shall be open to the general public. The member so removed shall have the right of appeal from the removal to the Circuit Court of the County in which he resides. Each member shall serve until his successor is appointed and qualified.

- 2) The Board shall annually elect a Chairman, Vice-Chairman, and Secretary and adopt by-laws and rules in accordance with the provisions of this ordinance. Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be transacted at such meeting.

The Board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

- 3) 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 zoning enforcement officer, by filing with said officer and with the Board a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. Such appeal shall be taken within 60 days. Said officer shall forthwith transmit the Board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At any hearing by the Board any interested person may appear and enter his appearance, and all shall be given an opportunity to be heard. The Board shall fix a reasonable time for hearing the appeal and give public notice to the appellant and the administrative official at least one week prior to the hearing, and shall decide it within 60 days. The affected party may appear at the hearing in person or by attorney from the date such notice of approval is filed with the Board.

4) The powers of the Board are:

a) To interpret the ordinance, being:

To hear the decide appeals where it si alleged there is an error in any order, requirement, decision or determination made by the Administrative Officer in the enforcement of this ordinance.

To permit the extension of a district where the boundary line of a district divides a lot held in a single ownership at the time of the passage of this ordinance.

To interpret the provision of this ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts accompanying and made a part of this ordinance where the street layout on the ground varies from the street layout as shown on the map aforesaid.

b) To permit the following two exceptions:

Use of premises for public utility and railroad purposes or for a radio or television tower or broadcasting station.

Reconstruction of a nonconforming building that would otherwise be prohibited by Section 4-B(5), where such action would not constitute continuation of a monopoly.

c) To permit the following two variations:

Vary the yard regulations where there is an exceptional and unusual physical condition of a lot, which condition is not generally prevalent in the neighborhood and which condition when related to the yard regulations of this ordinance would prevent a reasonable or sensible arrangement of buildings on the lot.

Vary the parking regulations where an applicant demonstrates conclusively that the specific use of a building would make unnecessary the parking spaces required by this ordinance, but providing that such a reduction not be more than 50 percent of the usual requirement.

d) To grant conditional use permits:

To hear and decide upon applications for conditional use permits specifically listed in the district regulations of this ordinance. Before authorizing the issuance of such a conditional use permit, the Board may impose such conditions as will, in the Board's judgment, insure that:

The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood.

The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

Adequate utilities access roads, drainage, and/or other necessary facilities will be provided.

Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public street.

The conditional use shall in all other respects conform to the applicable regulations of the district in which it is located and the Board shall find that there is a public necessity for the conditional use.

#### B. Enforcement of the ordinance.

1) An Administration Officer shall be appointed by the City Council, which officer shall serve at the pleasure of the Council.

a) Duties: It shall be the duty of the Administrative Officer to enforce this ordinance. The Administrative Officer shall receive applications required by this ordinance, issue permits and furnish the prescribed certificate. He shall examine premises for which permits have been issued, and shall make necessary inspections to see that the provisions of law are complied with. He shall enforce all laws relating to the construction, alteration, repair, removal, demolition, equipment, use and occupancy, location and maintenance of buildings, and structures except as may be otherwise provided for. He shall, by the Mayor or Council, or when the interested of the municipality so required, make investigations in connection with matters referred to in this ordinance and render written reports on the same. For the purpose of enforcing compliance with law, he shall issue such notices or orders as may be necessary.

b) Inspections: Inspections shall be made by the Administrative Officer or a duly appointed assistant.



- c) Rules: For carrying into effect its provisions, the Administrative Officer may adopt rules consistent with this Ordinance.
- d) Records: The Administrative Officer shall keep careful and comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued. He shall retain on file copies of all papers in connection with building or structure to which they relate may be in existence. All such records shall be open to public inspection at reasonable hours, but shall not be removed from the office of the Administrative Officer.
- e) Cooperation of Other Officials: The Administrative Officer may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of the Engineer in fixing grades, of the City Police in enforcing orders, of the Attorney in prosecuting violations and of other officials.

## 2) Permits.

- a) When Required. It shall not be lawful to construct, alter, repair, remove or demolish, or to commence the construction, alteration, removal, or demolition of a building or structure, without first filing with the Administrative Officer an application in writing and obtaining a formal permit.
- b) Form: An application for a permit shall be submitted in such form as the Administrative Officer may prescribe. Such application shall be made by the owner or lessee, or agent of either, or the architect, engineer, or builder employed in connection with the proposed work. If such application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee, or the person making the application that the proposed work is authorized by the owner in fee and that the person making the application is authorized by the owner to make such an application. Such application shall contain the full names and addresses of the applicant and of the owner, and; if the owner is a corporate body of its responsible officers. Such application shall describe briefly the proposed work and shall give such additional information as may be required by the Administrative Officer for an intelligent understanding of the proposed work. Such application shall be accompanied by payment of such fees as the Council may determine from time to time.
- c) Plans: Application for permits shall be accompanied by such drawings of the proposed work, drawn to scale, including such floor plans, sections, elevations and structural details, as the Administrative Officer may require.

- d) Plot Diagram: There shall also be filed a plot diagram in a form and size suitable for filing permanently with the permit record, drawn to scale, with all dimensions figured, showing accurately the size and exact location of all proposed new construction or, in the case of demolition of such construction as is to be demolished, and of all existing buildings prepared by, and signed by, a registered surveyor engineer or architect.
- e) Amendments: Nothing in this section shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.
- f) Completion of Existing Buildings: Nothing contained in this ordinance shall required any change in the plans, construction, size or designated use of a building, for which a valid permit has been issued or lawful approval given before the effective date of this ordinance; provided, however, construction under such permit or approval shall have been started within six months and the ground story framework, including structural parts of the second floor, shall have been completed within one year and the entire building completed within two years after the effective date of this ordinance.
- g) Action on Application: it shall be the duty of the Administrative Officer to examine applications for permits within a reasonable time after filing. If after examination, he finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, he shall approve such application and issue a permit for the proposed work as soon as practicable. If his examination reveals otherwise, he will reject such application, noting his finding in a report to be attached to the application and delivering a copy to the applicant.
- h) Approval in Part: Nothing in this section shall be construed to prevent the Administrative Officer from issuing a permit for the construction of part of a building or structure before the entire plans and detailed statements of said building or structure have been submitted or approved, if adequate plans and detailed statements have been found to comply with this ordinance.
- i) Condition of the Permit: All work permitted under a permit issued by the Administrative Officer shall conform to the approved application and plans, and approved amendments thereof. The location of all new construction as shown on the approved plot diagram, or an approved amendment thereof, shall be strictly adhered to. It shall be unlawful to reduce or diminish the area of a lot or plot of which a plot diagram has been filed and has been used as the basis for a

permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

- j) Signature to Permit: Every permit issued by the Administrative Officer under the provisions of this ordinance shall have sig signature affixed thereto; but this shall not prevent him from authorizing a subordinate to affix such signature.
- k) Limitation: A permit under which no work is commenced within one (1) year after issuance shall expire by limitation.
- l) Posting of Permit: A copy of the permit shall be kept on the premises open to public inspection during the prosecution of the work and until the completion of same. The Administrative Officer may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. The Administrative Officer shall be given at least 12 hours notice of the starting of work under a permit.
- m) Revocation: The Administrative Officer may revoke a permit or approval issued under the provisions of this ordinance in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.
- n) Certificate of Occupancy for a Building: No building shall be occupied before a Certificate of Occupancy has been issued. Certificate of Occupancy for a new building or the reconstruction or alteration of an existing building shall be applied for coincident with the application for a building permit and said certificate shall be issued within three days after the request for same shall have been made in writing to the Administrative Officer after the erection or alteration of such building or part thereof shall have been completed, in conformity with the provisions of these regulations. Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued exceeding one year, during the completion of alterations or during partial occupancy. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the tenants relation to the use or occupancy of the premises or any other matter covered by this ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

- o) Certificate of Occupancy for Land: Certificate of Occupancy for the use of vacant land or the change in the character of the use of land as herein provided shall be applied for before any such land shall be occupied or used, and a Certificate of Occupancy shall be issued within three (3) days after the application is made, provide such use is in conformity with the provisions of these regulations.
- p) Content of Certificate of Occupancy: Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and ordinances and with the provision of these regulations. A record of all certificated shall be kept on file in the office of the Administrative Officer and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected. No fee shall be charged for a Certificate of Occupancy.
- q) Certificate of Occupancy for Nonconforming Uses: A Certificate of Occupancy shall be required for all nonconforming uses. Application for such certificate for nonconforming uses shall be filed within 12 months from the effective date of this ordinance.
- r) Excavation Permit: No permit for excavation for any building shall be issued before the application has been made for certificate for occupancy.

C. Boundaries of Districts. Where uncertainty exists with respect to the boundaries of the various districts as shown on the District Map accompanying and made a part of this ordinance, the following rules apply:

- 1) The district boundaries are either streets or alleys otherwise shown, and where the districts designated on the map accompanying and made a part of this ordinance are bounded approximately by streets or alley lines, the street or alley shall be construed to be the boundary of the district.
- 2) Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines and where the districts designated on the District map accompanying and made a part of this ordinance are bounded approximately by lot lines and lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.
- 3) In unsubdivided property, the district boundary lines on the map accompanying and made a part of this ordinance shall be determined by use of the scale appearing on the map.



D. Interpretation. In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, except that if this ordinance imposes a greater restriction, this ordinance shall control.

E. Amendment of this Ordinance.

1) The City Council may, from time to time, on its own motion or on petition, amend, supplement or change the boundaries or regulations herein or subsequently established. Before acting upon any amendment or change the matter shall be referred to the Planning Commission for study and report. The Commission shall hold a public hearing upon the proposed amendment or change after notice as required by KRS, Chapter 424. If no report is received from the Commission in sixty (60) days it may be assumed that said Commission has approved the amendment.

2) Before any action shall be taken as provided in this section, the party or parties proposing or recommending a change in the district regulations or district boundaries shall deposit with the City Clerk the sum of Fifty Dollars (\$50.00) to cover the approximate cost of this procedure and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted.

Section 10. Definitions:

For the purpose of this ordinance certain terms are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the work "building" shall include the words "structure" and "premises", the work "shall" is mandatory and not directory; the words "used" or "occupied" include the words "intended", "designed" or "arranged to be used or occupied"; the work "lot" includes the words "plot" or "parcel"; and the work "person" includes a firm, association, organization, partnership, trust company, or corporation as well as an individual. Any word not herein defined shall be as defined in any recognized standard English dictionary.

Accessory Building: A subordinate building, the use of which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

Accessory Use: A subordinate use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

Agricultural Activity: Agricultural activity is the use of land solely for agricultural, farming, dairying, stock-raising or similar purposes.

**Alley:** A public or private thoroughfare which affords only a secondary means of access to abutting property.

**Apartment:** See Dwelling Unit.

**Automobile Service Station:** Any land, building, structure, or premises, used for the sale at retail of motor vehicle fuels, oils, or accessories, or for servicing or lubricating motor vehicles or installing or repairing parts and accessories, but not including the repairing or replacing of motors, bodies, or fenders of motor vehicles or painting motor vehicles, public garages, and the open storage of rental vehicles or trailers.

**Basement:** A story having part but not more than one-half of its height below grade. A basement is counted as a story for the purposes of height regulation if subdivided and used for dwelling purposes other than by a janitor employed on the premises.

**Board:** Means Board of Adjustment established in Section 9.

**Boardinghouse:** A building, other than a hotel or apartment hotel, where for compensation and by prearrangement for definite periods, lodging, meals, or lodging and meals provided for three or more persons.

**Building:** Any structure having a roof supported by columns or walls for the shelter or enclosure of persons or property.

**Building, height of:** the vertical distance from the grades to (a) the highest point of a flat roof, (b) the deck line of a mansard roof, or (c) the average height between eaves and ridge for gable, hip, and gambrel roofs.

**Buildable width:** The width of the lot left to be built upon after the side yards are provided.

**Cellar:** That part of a building having more than one-half of its height below the average grade of the adjoining ground.

**Clinic:** An establishment where patients are not lodged overnight but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.

**Club:** Buildings and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.



**Conditional Use:** A use allowed in a zoning district after a permit is granted by the Board of Adjustment according to provisions of Section 9 and by the Planning Commission according to provisions of Section 4.

**Commercial Fee Lot:** An area of land devoted to raising and feeding of livestock where the operation is not a part of normal agricultural activity.

**Commission:** Means Joint Planning Commission of Hopkins County, Kentucky.

**City:** Means City of Earlington, Kentucky.

**City Council:** Means the council of the City of Earlington, Kentucky.

**Court:** An open space more than one-half surrounded by buildings.

**Day care center** shall mean a principal use of a lot containing a facility which employs licensed, professional care and provides supervision for four or more unrelated individuals for a fee. The supervision shall comply with all state and federal laws and regulations.

**District:** Means a part of the county wherein regulations of this ordinance are uniform.

**Dwelling:** Any building or portion thereof which is designed and used exclusively for residential purposes.

**Dwelling, Single-family:** A building designed for or occupied exclusively by one family.

**Dwelling, Two-family:** A building designed for or occupied exclusively by two families.

**Dwelling, Multiple:** A building designed for or occupied exclusively by three or more families.

**Dwelling Unit:** One or more rooms is a dwelling occupied or intended to be occupied as separate living quarters by a single family as defined herein.

**Family:** One or more persons related by blood, marriage, or adoption, occupying a dwelling unit as an individual house-keeping organization. A family may not include more than two persons not related by blood, marriage or adoption.

**Farm:** See Agricultural Activity.

**Fence:** A structure other than a building for enclosure or screening.

**Floor Area:** The square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement or cellar when said basement or cellar space is used for storage or incidental uses.

**Floor Area Ratio:** The floor area of the building divided by the area of the lot.

**Frontage:** All the property on one side of a street or highway, between two intersecting streets (crossing or terminating) or for a distance of 400 feet on either side of a proposed building or structure, measured along the line of the street, or if the street is dead-end of the street, but not including property more than 400 feet distant on either side of the proposed building or structure.

**Garage, Private:** A detached accessory or portion of a main building housing the automobiles of the occupants of the premises, but not commercial vehicles.

**Garage, Public:** A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing, or parking motor-driven vehicles. The term repairing shall not include an automotive body repair shop nor the rebuilding, dismantling, or storage of wrecked or junked vehicles.

**Garage, Storage:** Any building or premises, used for housing only motor-driven vehicles, other than trucks and commercial vehicles.

**Grade:** The average level of the finished surface of the ground adjacent to the exterior walls of the building.

**Home Occupation:** Any occupation or profession carried on by a member of the immediate family, residing on the premises, in connection with which there is used no sign other than a nameplate, not more than one square foot in area, or no display that will indicate from the exterior that the building is being utilized in whole or part for any purpose other than that of a dwelling; there is no commodity sold upon the premises except that prepared on the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except such as is customary for purely domestic household purposes.

**Hotel:** A building which is open to transient guests in contradistinction to a boardinghouse or lodging house as herein defined.

**Institution:** A nonprofit establishment for public use.

**Junkyard:** A lot, land or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.

**Kennel:** An establishment where small animals are boarded for compensation or where dogs are bred or raised on a commercial scale.

**Landscaped Area:** An area that is permanently devoted and maintained to the growing of shrubbery, grass and other plant material.

**Loading Space:** A space within the main building or on the same lot for the standing, loading, or unloading of trucks, having a minimum area of 540 square feet, a minimum width of 12 feet, a minimum depth of 35 feet, and a vertical clearance of at least 14.5 feet connected with a street serving the premises.

**Lodging or Rooming House:** Same as "Boardinghouse".

**Lot:** A parcel of land occupied or which may be hereafter occupied by a building and its accessory buildings, together with such open spaces and parking spaces or areas as are required under these regulations, and having its principal frontage upon an officially approved street or place.

**Lot, Corner:** A lot abutting upon two or more streets at their intersections.

**Lot, Depth:** the mean horizontal distance between the front and rear lot lines.

**Lot, Interior:** A lot other than a corner lot.

**Lot, Double Frontage:** A lot having a frontage on two non-intersecting roads, as distinguished from a corner lot.

**Lot, Width:** The width of a lot at the front yard line.

**Lot of Record:** A lot or parcel of land the plat or deed of which has been officially recorded prior to the adoption of this ordinance.

**Motel, Motor court, Motor Lodge, or Tourist Court:** Any building or group of buildings containing guest rooms or dwelling units, some or all of which have separate entrance leading directly from outside of the building with garage or parking space conveniently located on the lot, and designed, used, or intended wholly or in part for the accommodation of automobile transients.

**Nursing Home:** A home for the aged or infirm in which three or more persons not of the immediate family are received, kept or provided with food and shelter, or care for compensation; but not including hospitals clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick and injured.

**Open Area:** That part of a lot on which no part of a building or structure extends above the following elevations:

- a) Two feet above the highest curb elevation of the street or streets that bound the lot;
- b) One foot above the adjacent curb elevation for each one and one-fourth foot the building or structure is set back from the street lot line, except that no portion of the structure shall exceed 12 feet above the adjacent curb elevation. This provision shall not apply to walls or structures that do not extend more than four feet above the adjacent curb elevation.

**Parking Space:** A surfaced area, not less than nine feet wide and twenty feet long, enclosed or unenclosed, sufficient in size to store one automobile together with a driveway connecting the parking space with a street, road, or alley and permitting ingress and egress of that automobile without the necessity of moving any other automobile.

**Premises:** A lot together with all buildings and structures thereon.

**Professional Office:** One in which a business in which gain or livelihood depends on and requires specialized knowledge and often long intensive academic preparation; and usually follows a line of conduct and requires adherence to technical or ethical standards. Included in this definition, but not limited, are the following professional business activities: Accounting, chiropractry, dentistry, practice of medicine, landscape architecture, land surveying, practice of law, optometry, osteopathy, physiotherapy, podiatry, professional planning, engineering, psychology, architecture or real estate.

**Professional Residence Office:** A residence in which the occupant has a professional office which is clearly secondary to the dwelling used for dwelling purposes and does not change the residential character thereof, and where not more than three (3) persons are working.

**Sign:** An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, person, institution or business.

**Ground Sign:** Any sign, erected, constructed or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial and reading matter when such sign is supported by two or more uprights, posts, or braces placed upon or affixed in the ground and not attached to any part of a building.

**Roof Sign:** Any sign erected, constructed, or maintained upon the roof of any building.

**Wall Sign:** Any painted sign or poster on any surface or plane that may be affixed to the front, side or rear wall of any building.

**Post Sign:** Any letter, word, model sign, device or representation used in the nature of an advertisement or announcement not attached to a building and which is supported by a single stationary pole or post.

**Marquee Sign:** Any sign affixed to a marquee over the entrance to a building and supported from the building.

**Sign Area:** The total area of the space to be used for advertising purposes, including the spaces between open-type letters and figures, including the background structure or other decoration or addition which is an integral part of the sign. Such supports shall be excluded in determining the area of a sign. A double-faced sign shall have twice the total area of a single-faced sign.

**Advertising Device:** Banners affixed on poles, wires, or ropes and streamers, wind operated devices, flashing lights and other similar devices.

**Standard Tree:** A standard tree is a tree with a minimum caliper of 2½ inches, 10 to 12 feet high, of a deciduous hardwood variety normally capable of attaining a 25-foot (inch) diameter when the tree is 20 years old.

**Standard Shrub:** A standard shrub is any bush or small evergreen tree occupying a space of at least 18 cubic feet.

**Street:** A public way which affords the principal means of access to abutting property.

**Street Center Line:** the street center line is a line halfway between the street lines.

**Street Line:** A property line between a street and the adjoining property.

**Structure:** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences and signs.

**Structural Alteration:** Any change except those required by law or ordinance, which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders, not including openings in bearing wall as permitted by other ordinances.

**Tourist Home:** An establishment used for dwelling purposes in which rooms, with or without meals, are offered to transient guests for compensation.



**Town House:** A building that has one-family dwelling units erected in a row as a single building on adjoining lots, each being separated from the adjoining unit or units by a masonry party wall or walls extending from the basement floor to the roof along the dividing lot line, and each such building being separated from any other building by space on all sides.

**Trailer or Mobile Home:** A vehicle equipped for use as a dwelling and designed to be hauled along a highway.

**Trailer or Mobile Home Court:** An area where one or more inhabited trailers can be or are intended to be parked.

**Yard:** An open space, other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this ordinance.

**Yard, Front:** A yard across the full width of the lot extending from the front line of the main building to the front line of the lot. On corner lots the front yard shall face the shortest street dimension of the lot, except that if the lot is square or almost square, i.e. has dimensions in a ratio from 3:2 to 3:3, then the front yard may face either street.

**Yard, Side:** A yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line.

**Yard, Rear:** A yard extending the full width of the lot between a principal building and rear lot line.

**Yard, Width and Depth:** the shortest horizontal distance from a lot line to the main building.

#### Section 11. Interpretation and conflict.

In interpreting and applying the provisions of these Regulations, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by these Regulations to interfere with or abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued and not in conflict with any of the provisions of these Regulations, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with these Regulations; nor is it intended by these Regulations to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where these Regulations impose a greater restriction upon the use of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such ordinances or agreements, the provisions of these Regulations shall control.

Section 12. Fees.

A fee shall accompany each application for the following amount shown:

1) Residential:

a) Single family:

1. Less than 1,300 sq. ft. of floor space----- \$ 50.00
2. 1,300 or more sq. ft. of floor space----- 100.00  
plus \$10.00 for each 100 sq. ft. or fraction  
thereof over 1,300 sq. ft. with a maximum of  
\$200.00.

b) Multifamily:

1. Two-family unit-----\$100.00
2. Each additional unit under the same roof— 25.00

2) Commercial:

- a) Less than 5,000 sq. ft. of floor space-----\$100.00
- b) 5,000 or more sq. ft. of floor space ----- 100.00  
plus \$10.00 for each 1,000 sq. ft. or fraction  
thereof over 5,000 sq. ft.

3) Industrial:

- a) Less than 10,000 sq. ft. of floor space----- \$200.00
- b) 10,000 or more sq. ft. of floor space----- 200.00  
plus \$10.00 for each 1,000 sq. ft. or fraction  
thereof over 10,000 sq. ft.

B. Remodel building permits.

1) Residential:

- a) Single family, structural alteration, room addition, carport,  
garage, porch addition or enclosure, swimming pool and  
any other construction that extends into the yard  
area----- \$ 25.00
- b) Multifamily (each unit) structural alteration, room  
addition, carport, garage, porch addition or enclosure  
swimming pool, and any other construction that  
extends into the yard area----- 25.00



Section 14. Separability and Repeal of Existing Ordinance.

A. Separability. If any section, subsection, paragraph, sentence, clause or phrase of these Regulations shall, for any reason, be held to be unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these Regulations which shall continue in full and effect.

B. Repeal of Existing Ordinance. The Zoning Ordinance of the City of Earlington adopted in August of 1964 and all amendments thereto are hereby repealed effective the \_\_\_\_\_ day of \_\_\_\_\_, 1980.

Section 15. When Effective.

This Ordinance shall be in full force and in effect on the 8 day of July, 1980.

Planning Commission

Public Hearing \_\_\_\_\_  
Recommendation \_\_\_\_\_

Earlington City Council

Public Hearing \_\_\_\_\_  
First Reading \_\_\_\_\_

\_\_\_\_\_  
Margaret DeMoss  
City Clerk

\_\_\_\_\_  
William Cunniff  
Mayor