



**ZONING ORDINANCE
CITY OF BELLEVUE, KY**

ADOPTION AND REVISIONS



§ 158.01 ZONING CODE ADOPTED BY REFERENCE.

- (A) The “Proposed Zoning Ordinance,” as attached to Ord. 88-6-4, passed 7-6-88, and made a part hereof by reference and dated June 22, 1988, be the same and is hereby adopted as the Official Zoning Code of the City of Bellevue, Campbell County, Kentucky.
- (B) The Official Zoning Code of the City of Bellevue, Campbell County, Kentucky, shall be available for public inspection in the office of the City Clerk-Treasurer, Poplar and Van Voast Street, Bellevue, Kentucky.

(Ord. 88-6-4, passed 7-6-88; Am. Ord. 90-5-2, passed 5-23-90; Am. Ord. 91-1-1, passed 2-13-91; Am. Ord. 92-7-3, passed 7-22-92; Am. Ord. 92-9-3, passed 10-14-92; Am. Ord. 95-8-2, passed 9-13-95; Am. Ord. 95-10-2, passed 11-8-95; Am. Ord. 96-6-1, passed 6-26-96; Am. Ord. 96-6-2, passed 6-26-96; Am. Ord. 97-7-1, passed 8-27-97; Am. Ord. 98-4-1, passed 5-6-98; Am. Ord. 98-6-1, passed 8-19-98; Am. Ord. 98-6-2, passed 8-19-98; Am. Ord. 99-6-8, passed 7-21-99; Am. Ord. 99-9-2, passed 9-22-99; Am. Ord. 99-9-3, passed 9-22-99; Am. Ord. 00-2-3, passed 3-15-00; Am. Ord. 00-2-4, passed 3-15-00; Am. Ord. 00-4-1, passed 4-12-00; Am. Ord. 00-4-4, passed 5-10-00; Am. Ord. 00-4-5, passed 5-10-00; Am. Ord. 00-7-1, passed 8-9-00; Am. Ord. 2001-03-01, passed 4-11-01; Am. Ord. 2001-08-01, passed 9-12-01; Am. Ord. 2003-03-03, passed 4-9-03; Am. Ord. 2003-05-05, passed 6-11-03; Am. Ord. 2003-11-02, passed 12-10-03; Am. Ord. 2004-03-01, passed 4-14-04; Am. Ord. 2005-08-01, passed 9-14-05; Am. Ord. 2006-08-02, passed 9-13-06; Am. Ord. 2006-11-01, passed 12-13-06; Am. Ord. 2006-12-01, passed 1-10-07; Am. Ord. 2007-05-05, passed 6-13-07; Am. Ord. 2007-05-06, passed 6-13-07; Am. Ord. 2008-04-02, passed 5-14-08; Am. Ord. 2008-11-1, passed 12-10-08; Am. Ord. 2010-03-01, passed 4-14-10; Am. Ord. 2010-03-02, passed 4-14-10; Am. Ord. 2010-12-01, passed 12-22-10; Am. Ord. 2011-02-01, passed 3-9-11; Am. Ord. 2011-08-01, passed 9-14-11; Am. Ord. 2012-08-02, passed 9-12-12; Am. Ord. 2014-02-02, passed 3-12-14; Am. Ord. 2015-01-01, passed 2-18-15; Am. Ord. 2015-05-02, passed 6-10-15; Am. Ord. 2016-09-02, passed 10-12-16; Am. Ord. 2016-09-03, passed 10-12-16; Am. Ord. 2016-09-04, passed 10-12-16; Am. Ord. 2016-09-05, passed 10-12-16; Am. Ord. 2017-06-05, passed 6-21-17; Am. Ord. 2017-12-01, passed 12-13-17;

Am. Ord. 2018-09-01, passed 10-10-18;
Am. Ord. 2019-03-01, passed 4-10-19;
Am. Ord. 2019-08-02, passed 8-14-19;
Am. Ord. 2019-09-02, passed 10-9-19;
Am. Ord. 2020-09-04, passed 10-14-20; (Parking Reduction)
Am. Ord. 2020-11-01, passed 12-9-20; NOISE ORDINANCE
Am. Ord. 2021-05-03; passed ; (Flood Damage Prevention)
Am. Ord. 2021-06-05, passed 6-15-21; (Outdoor Dining)
Am. Ord. 2022-07-01, passed 08-10-22; (Signs)
Am. Ord. 2023-08-01, passed 9-13-23; (Parking)
Am. Ord. 2023-08-02, passed 9-13-23; (Form Based Code)
Am. Ord. 2024-10-01, passed 11-13-24; (Definitions)
Am. Ord. 2024-10-02, passed 11-13-24; (Historic)
Am. Ord. 2025-03-01, passed 4-9-25; (Vape)

Contents

ARTICLE I – A ZONING ORDINANCE 1
SECTION 1.0..... 1
ARTICLE II – AUTHORITY AND PURPOSE 3
SECTION 2.0 - AUTHORITY..... 3
SECTION 2.1 - PURPOSE 3
ARTICLE III – SHORT TITLE..... 5
SECTION 3.0 - SHORT TITLE 5
ARTICLE IV – INTERPRETATION 7
SECTION 4.0 - GREATER RESTRICTION 7
SECTION 4.1 - PERMIT OR LICENSE IN VIOLATION 7
ARTICLE V – CONFLICT 9
SECTION 5.0 - CONFLICT..... 9
ARTICLE VI – SEVERABILITY CLAUSE..... 11
SECTION 6.0 - SEVERABILITY CLAUSE 11
ARTICLE VII – DEFINITIONS..... 13
ARTICLE VIII – ESTABLISHMENT OF ZONES 21
SECTION 8.0 - ZONES..... 21
SECTION 8.1 - OFFICIAL MAP..... 21
SECTION 8.2 - CHANGES ON ZONING MAP..... 21
SECTION 8.3 - REPLACEMENT OF OFFICIAL ZONING MAP OR MAPS..... 22
SECTION 8.4 - RULES FOR INTERPRETATION OF ZONE BOUNDARIES..... 22
SECTION 8.5 - AREAS NOT INCLUDED WITHIN ZONES 22
ARTICLE IX – GENERAL REGULATIONS 23
SECTION 9.0 - PURPOSE 23
SECTION 9.1 - REDUCTION IN BUILDING SITE AREA..... 23
SECTION 9.2 - INTERFERENCE WITH TRAFFIC CONTROL DEVICES 23
SECTION 9.3 - VISION CLEARANCE AT CORNERS, CURB CUTS, AND RAILROAD CROSSINGS.... 23
SECTION 9.4 - FRONTAGE ON CORNER LOTS AND DOUBLE FRONTAGE LOTS 23
SECTION 9.5 - ANIMALS..... 23
SECTION 9.6 - RAILROAD RIGHT-OF-WAY LOCATION 24



SECTION 9.7 - EXCAVATION, MOVEMENT OF SOIL, TREE REMOVAL, AND EROSION AND SEDIMENTATION CONTROL 24

SECTION 9.8 - DUMPSTERS 25

SECTION 9.9 - JUNKYARD LOCATION 25

SECTION 9.10 - APPLICATION OF ZONING REGULATIONS 25

SECTION 9.11 - SPECIAL REQUIREMENTS GOVERNING HOME OCCUPATIONS 27

SECTION 9.12 - NONCONFORMING LOTS, NONCONFORMING USES, NONCONFORMING STRUCTURES, REPAIRS AND MAINTENANCE, AND NONCONFORMING SIGNS 27

SECTION 9.13 - EXCEPTIONS AND MODIFICATIONS 30

SECTION 9.14 - RESERVED 32

SECTION 9.15 - BUILDING REGULATIONS AND WATER AND SANITARY SEWER SERVICE..... 32

SECTION 9.16 - MOVE AND SET..... 32

SECTION 9.17 - BUFFER AREA 34

SECTION 9.18 - OUTDOOR SWIMMING POOLS..... 35

SECTION 9.19 - DEVELOPMENT PLAN REQUIREMENTS 37

SECTION 9.20 - DEVELOPMENT PLAN REQUIREMENTS: STAGES I, II AND RECORD PLAT 38

SECTION 9.21 - REGULATIONS CONCERNING AIR RIGHTS 41

SECTION 9.22- REGULATIONS CONCERNING DESIGN AND CONSTRUCTION OF IMPROVEMENTS..... 42

SECTION 9.23 - REGULATIONS PERTAINING TO PARKING OR STORING OF AUTOMOBILES, TRAILERS, MOBILE HOMES, CAMPER, INOPERABLE VEHICLES, AND OTHER SUCH TYPE EQUIPMENT..... 42

SECTION 9.24 - HILLSIDE DEVELOPMENT CONTROLS 42

SECTION 9.25 - MOBILE VENDING SERVICES 45

SECTION 9.26 - GENERAL MOBILE HOME REGULATIONS 46

SECTION 9.27 - TEMPORARY COMMERCIAL USES 47

SECTION 9.28 - PHASED ZONING REGULATIONS 50

SECTION 9.29 - UTILITIES LOCATION 51

SECTION 9.30 - CONTROL OF OBSTACLES IN PUBLIC RIGHTS-OF-WAY 51

SECTION 9.31 - CELLULAR ANTENNA TOWERS AND SMALL CELL TOWERS..... 53

SECTION 9.32 - REGULATIONS CONCERNING TELEVISION AND RADIO STATIONS:..... 65

SECTION 9.33 - Reserved..... 66



Table of Contents

SECTION 9.34 - REGULATION OF A BED AND BREAKFAST ESTABLISHMENT 66

SECTION 9.35 - SHORT-TERM RENTAL REGULATIONS 67

ARTICLE X – ZONES..... 69

SECTION 10.1 - CONSERVATION (CO) ZONE..... 69

SECTION 10.2 - R-1A (RESIDENTIAL ONE - A) ZONE 70

SECTION 10.3 - R-1B (RESIDENTIAL ONE - B) ZONE..... 72

SECTION 10.4 - R-1C (RESIDENTIAL ONE - C) ZONE..... 74

SECTION 10.5 - R-1H (RESIDENTIAL ONE - H) ZONE 76

SECTION 10.6 - R-2 (RESIDENTIAL TWO) ZONE 79

SECTION 10.7 R-3MF (RESIDENTIAL THREE - MULTIPLE FAMILY) ZONE 82

SECTION 10.8 - RCD (RESIDENTIAL CLUSTER DEVELOPMENT) OVERLAY 84

SECTION 10.9 - MHP (MOBILE HOME PARK) OVERLAY..... 88

SECTION 10.10 - NC-1 (NEIGHBORHOOD COMMERCIAL ONE) ZONE..... 92

SECTION 10.11 - NC-2 (NEIGHBORHOOD COMMERCIAL TWO) ZONE..... 97

SECTION 10.12 - NC-3 (NEIGHBORHOOD COMMERCIAL THREE) ZONE 101

SECTION 10.13 - SC (SHOPPING CENTER) ZONE..... 106

SECTION 10.14 - MLU (MIXED LAND USE) ZONE..... 111

SECTION 10.15 - HP (HISTORIC PRESERVATION) OVERLAY..... 118

SECTION 10.16 - I-1 (INDUSTRIAL ONE) ZONE 120

SECTION 10.17 - C-1 (COMMERCIAL ONE) ZONE 123

SECTION 10.18 – T-3 (TRANSECT- THREE) SUBURBAN ZONE - NOT USED..... 126

SECTION 10.19 – T-4 (TRANSECT 4) GENERAL URBAN ZONE..... 127

SECTION 10.20 - T-5 (URBAN CENTER TRANSECT) ZONE 128

SECTION 10.21 – T-5.3 (URBAN REVIVAL TRANSECT) ZONE 130

SECTION 10.22 - T5.5 (URBAN CENTER TRANSECT) ZONE 132

ARTICLE XI - PERFORMANCE STANDARDS FOR INDUSTRIAL ZONES 134

SECTION 11.0 - APPLICATION OF PERFORMANCE STANDARDS..... 134

SECTION 11.1 - TIME SCHEDULE FOR COMPLIANCE OF PERFORMANCE STANDARDS..... 134

SECTION 11.2 - PERFORMANCE STANDARDS..... 134

SECTION 11.3 - INTENT CONCERNING DETERMINATIONS INVOLVED IN ADMINISTRATION
AND ENFORCEMENT OF PERFORMANCE STANDARDS 136



Table of Contents

SECTION 11.4 - DUTIES OF ZONING ADMINISTRATOR REGARDING PERFORMANCE STANDARDS..... 137

ARTICLE XII - FENCES, WALLS, AND OBSTRUCTION TO VIEW REGULATIONS . 139

SECTION 12.0 - VISION CLEARANCE AT CORNERS AND RAILROAD CROSSINGS 139

SECTION 12.1 - CLASSIFICATION OF FENCES AND WALLS..... 139

SECTION 12.2 - CONSERVATION ZONE..... 139

SECTION 12.3 - RESIDENTIAL ZONES 139

SECTION 12.4 - COMMERCIAL ZONES 140

SECTION 12.5 - INDUSTRIAL ZONES 140

SECTION 12.6 - GENERAL REGULATIONS 140

ARTICLE XIII - OFF-STREET PARKING AND ACCESS CONTROL REGULATIONS 144

SECTION 13.0 - GENERAL REQUIREMENTS 144

SECTION 13.1 - DESIGN AND LAYOUT OF OFF-STREET PARKING AREA 146

SECTION 13.2 - SPECIFIC OFF-STREET PARKING REQUIREMENTS..... 148

SECTION 13.3 - ACCESS CONTROL REGULATIONS..... 151

ARTICLE XIV - OFF-STREET LOADING AND/OR UNLOADING REGULATIONS..... 156

SECTION 14.0 - GENERAL REQUIREMENTS: 156

SECTION 14.1 - DESIGN AND LAYOUT OF OFF-STREET LOADING AND/OR UNLOADING AREAS: 158

ARTICLE XV - SIGN REGULATIONS 161

SECTION 15.0 – SCOPE AND INTENT OF REGULATIONS:..... 161

SECTION 15.1 - GENERAL RULES, REGULATIONS, AND LIMITATIONS:..... 161

SECTION 15.2- SPECIAL SIGNS:..... 163

SECTION 15.3 - SIGN PERMIT REQUIRED FOR ERECTION OF SIGNS: 163

SECTION 15.4 - APPLICATION FOR A SIGN PERMIT 164

SECTION 15.5 - SIGN PERMIT FEES..... 164

SECTION 15.6 - CLASSIFICATION OF SIGNS 164

SECTION 15.7 - PERMITTED USE AND LOCATION OF SIGNS 167

SECTION 15.8 - TEMPORARY ADVERTISING DISPLAY PERMITS..... 168

ARTICLE XVI – ADMINISTRATION 171

SECTION 16.0 - ENFORCING OFFICER..... 171



Table of Contents

SECTION 16.1 - ZONING PERMITS 171

SECTION 16.2 – RESERVED 173

SECTION 16.3 - BUILDING PERMITS 173

SECTION 16.4 - CERTIFICATE OF OCCUPANCY 174

SECTION 16.5 - CERTIFICATE OF OCCUPANCY FOR EXISTING BUILDING 175

SECTION 16.6 - CERTIFICATE OF OCCUPANCY FOR LAWFUL NONCONFORMING USES AND
STRUCTURES..... 175

SECTION 16.7 - DENIAL OF CERTIFICATE OF OCCUPANCY: 175

SECTION 16.8 - CERTIFICATE OF OCCUPANCY RECORDS: 175

SECTION 16.9 - COMPLAINTS REGARDING VIOLATIONS:..... 175

SECTION 16.10 – PENALTIES: 176

SECTION 16.11 - RESERVED 176

ARTICLE XVII – PLANNING COMMISSION..... 177

SECTION 17.0 – GENERAL:..... 177

SECTION 17.1 - COMPREHENSIVE PLAN:..... 177

SECTION 17.2 – LAND USE MANAGEMENT:..... 177

SECTION 17.3 - RESERVED 180

SECTION 17.4 - RESERVED 180

ARTICLE XVIII - BOARD OF ADJUSTMENT 181

SECTION 18.0 - GENERAL..... 181

SECTION 18.1 - REQUEST FOR HEARING 181

ARTICLE XIX – MISCELLANEOUS PROVISIONS..... 185

SECTION 19.0 - APPEALS FROM PLANNING COMMISSION, BOARD OF ADJUSTMENT, OR
LEGISLATIVE BODY: 185

SECTION 19.1 - FILING OF CERTIFICATES OF LAND USE RESTRICTIONS:..... 185

SECTION 19.2 – RESERVED 185

ARTICLE XX – FEES, CHARGES AND EXPENSES 187

SECTION 20.0 - SCHEDULE OF FEES, CHARGES AND EXPENSES 187



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ARTICLE I – A ZONING ORDINANCE

SECTION 1.0

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

BE IT ORDAINED by the City Council of the City of Bellevue, Commonwealth of Kentucky, as follows:



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ARTICLE II – AUTHORITY AND PURPOSE

SECTION 2.0 - AUTHORITY

The City Council of the City of Bellevue in pursuance of the authority of Kentucky Revised Statutes (KRS 100.201-100.991) hereby ordains and enacts into law the following Articles and Sections.

SECTION 2.1 - PURPOSE

The zoning regulations and districts as herein set forth have been prepared in accordance with the adopted comprehensive plan for the City of Bellevue to promote the public health, safety, morals, and general welfare of the City, to facilitate orderly and harmonious development and the visual or historical character of the City, and to regulate the density of population and intensity of land use in order to provide for adequate light and air. In addition, this Ordinance has been prepared to provide for vehicle off-street parking and loading and/or unloading space, as well as to facilitate fire and police protection, and to prevent the overcrowding of land, blight, danger, and congestion in the circulation of people and commodities, and the loss of life, health, or property from fire, flood, or other dangers. The zoning regulations and districts as herein set forth are also employed to protect highways, and other transportation facilities, public facilities, including schools and public grounds, the central business district, natural resources and other specific areas in the City of Bellevue which need special protection by the City.



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ARTICLE III – SHORT TITLE

SECTION 3.0 - SHORT TITLE

This ordinance shall be effective throughout the City of Bellevue, Kentucky and shall be known, referred to, and recited to, as the "OFFICIAL ZONING ORDINANCE OF THE CITY OF BELLEVUE."



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ARTICLE IV – INTERPRETATION

SECTION 4.0 - GREATER RESTRICTION

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

SECTION 4.1 - PERMIT OR LICENSE IN VIOLATION

Notwithstanding any other provisions of this Ordinance or any other ordinances, rules, codes, permits or regulations of the City of Bellevue; if any permit or license is issued in violation of any provision of this Ordinance or purports to authorize the doing of any act not permitted by any provision of the Ordinance, said permit or license shall be void.



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ARTICLE V – CONFLICT

SECTION 5.0 - CONFLICT

All ordinances and parts of ordinances of the City of Bellevue in conflict herewith are hereby repealed; providing, however, that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any such ordinances and parts thereof hereby repealed prior to the effective date of this ordinance.



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ARTICLE VI – SEVERABILITY CLAUSE

SECTION 6.0 - SEVERABILITY CLAUSE

That should any Article, Section, Subsection, sentence, clause, or phrase of this Ordinance, for any reason, be held unconstitutional or invalid, such decision or holding shall not affect the validity of the remaining portions hereof. It being the intent of the City Council of the City of Bellevue to enact each section, and portion thereof, individually, and each such section shall stand alone, if necessary, and be in force notwithstanding the invalidity of any other Section or provision.



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ARTICLE VII – DEFINITIONS

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

- Words used in the future tense include the present;
- Words used in the present tense include the future;
- Words used in the singular include the plural;
- Words used in the plural include the singular;
- Words used in the masculine include the feminine;
- Words used in the feminine include the masculine;
- The word “shall” means mandatory;
- The words “may” and “should” mean permissive;

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

- A. Is subordinate to and serves the principal building or principal use;
- B. Is subordinate in area, extent, or purpose, to the principal building or principal use served;
- C. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and
- D. Is located on the same lot as the principal building or principal use served, except when such accessory off-street parking facilities as are permitted to be located elsewhere than on the same lot with the building or use served.

ACCESS POINT. An access point is:

- A. A driveway, a local street, or a collector street, intersecting an arterial street; or
- B. A driveway or a local street intersecting a collector street; or
- C. A driveway or local street intersecting a local street.

ACCESSORY UNIT. An apartment not greater than 440 square feet sharing ownership and utility connections with a principal building; it may or may not be within an outbuilding. Specific to ARTICLE XXI-Form Based Code of this ordinance.

ADDITION. An enclosed, in part or in full, roofed structure that increases the height, length, width, or gross floor area of an existing building or structure. An addition that is connected by a firewall or is separated by independent perimeter load-bearing walls shall be considered new construction.

ADJACENT GRADE LEVEL. Elevation of the ground surface adjoining the walls of the proposed structure.

ALLEY. A public right-of-way which normally affords a secondary means of access to abutting property.



ANIMATED. The use of movement, lighting, or special effects to depict action or create the appearance of movement.

APPLICATION. A completed form and all accompanying documents, exhibits, and fees.

BUILDING. A structure enclosed within exterior walls, built, erected, and framed of a combination of materials, for the shelter of persons, animals, or property of any kind and excluding any structure designed as a mobile-trailer or other type of trailer.

BUILDING HEIGHT. The vertical distance measured from the average elevation of the finished grade adjoining the building at the front building line to the highest point of the roof.

BUILDING INSPECTOR. The official or officials appointed to administer and enforce the building codes.

BUILDING PERMIT. A permit issued by the authority of the legislative body authorizing the construction or alteration of a specific building, structure, sign, or fence on a specific tract.

CARPORT. A permanent roofed structure permanently open on at least two (2) sides, designed to shelter motor vehicles.

CELLULAR ANTENNA TOWER. A structure designed, built and used in the provision of Cellular Telecommunications Services or Personal Communication Services.

CERTIFICATE OF APPROPRIATENESS, HISTORIC. A Certificate of Appropriateness, guided by the Historic Preservation Design Guidelines, is to be reviewed by the Bellevue Historic Preservation Commission when exterior alterations are visible to the public, new construction, demolition or relocation.

CERTIFICATE OF OCCUPANCY. A Certificate of Occupancy or a Certificate of Inspection issued by the proper authority at the completion of an improvement pursuant to building permit or change of occupancy.

CITIZEN MEMBER. Any member of the Planning and Zoning Commission or Board of Adjustments who is neither an elected official nor a city employee.

CIVIC SPACE. An outdoor area dedicated for public use.

CLINIC / HOSPITAL, ANIMAL. A building used by veterinary practitioners for the medical treatment of animals. including short-time boarding incidental to the treatment.

CLINIC, HUMAN CARE. A building used by medical practitioners for the healing arts or treatment of persons on an out-patient basis. Drug/Alcohol treatment or rehabilitation programs are not considered clinics under this definition.



CURB CUT. Any interruption, or break in the line of a street curb or road edging in order to connect a driveway to a street.

DAY CARE / CHILD CARE CENTER. A non-residential facility, licensed by the Commonwealth of Kentucky when required that provides care and supervision for four (4) or more persons on a less than 24-hour basis. This classification includes nursery schools, preschools, day care centers for children or adults and any other day care facility licensed by the Commonwealth of Kentucky.

DAY CARE – ADULT. A facility located in a permanent residence where a resident provides care and supervision for three (3) or fewer adults at one (1) time with no non-resident employees.

DAY CARE – CHILD. A facility located in a permanent residence in which resident provides care and supervision to more than two (2) but not more than six (6) children under seventeen (17) years of age for fewer than twenty-four (24) hours a day.

DENSITY OR NET DENSITY. A measure of dwelling units per acre.

DRIVE-THROUGH FACILITY. Facilities where food, goods and services can be purchased by motorists without leaving their vehicles.

DRIVEWAY. The means of access for vehicles to an off-street parking space, parking pad, garage, dwelling, or lot.

DWELLING, MULTI-FAMILY. A residential building having three (3) or more dwelling units as separate housekeeping units.

DWELLING, TWO-FAMILY. A residential building containing two (2) dwelling units, where households live independently of each other.

DWELLING UNIT. A building or portion thereof providing complete housekeeping facilities for one household.

EASEMENT. The right to use real property of another. Common easements are for the sharing of a driveway, the right to cross property, to provide utility service.

ELECTRONIC SMOKING RETAILER. A business operation with at least 85% of sales dedicated to the sale of vapor products.

ENGINEER: A qualified registered professional engineer in good standing with the Kentucky Board of Registration for Professional Engineers and Land Surveyors.

HOSPITAL, HUMAN CARE. A building used by practitioners of healing arts for treatment of persons generally on an in-patient or boarding basis.



HOTEL/MOTEL. A building, or group of buildings, comprised of individual sleeping or living units for the accommodation of transient guests.

KENNEL. A structure or premises used for the raising, boarding, or harboring of domestic animals including dogs and/or cats for financial or other compensation.

LABORATORY, MEDICAL, OPTICAL, OR DENTAL. A building or a portion of one where bacteriological, biological, medical, x-ray, pathological, optical and similar analytical or diagnostic services are performed.

LEASABLE AREA, GROSS. The total floor area designed for tenant occupancy expressed in square feet and measured from the centerline of joint partitions and from outside wall faces, and excluding such areas as elevators, stairways, corridors, and lobbies.

LEASABLE AREA, NET. The leasable area of a building exclusive of hallways, foyers, indoor parking, storage, or support utility areas such as; mechanicals, plumbing, heating, air conditioning, and elevators.

LOT. A parcel of land or any combination of several lots of record.

LOT AREA. The total area of a horizontal plane bounded by the front, side, and rear lot lines, including flood plains, waters of any lake, river, creek or major drainage ditch, but excluding any rights-of-way. For the purposes of this ordinance all the area shall be in one (1) specific zoning category.

LOT, CORNER. A lot bound by two (2) or more adjacent sides by streets, or by portions of such curved streets having an angle of intersection one hundred thirty-five (135) degrees or less.

LOT COVERAGE. The ground area occupied by all buildings within a lot.

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

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

LOT, FLAG. A lot with access provided directly from an improved public right-of-way, exclusive of an alley, to the bulk of the lot through the means of a panhandle access corridor, the width of which shall be no less than twenty (20) feet at any point.

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



LOT LINE, FRONT. The common boundary line of a lot and the nearest edge of the public right-of-way.

LOT LINE, FRONT, CORNER LOT. The common boundary line of a lot and the nearest edge of the public right-of-way directly opposite the main entrance to the principal structure.

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

LOT LINE, REAR. The boundary line of a lot, that is directly opposite of the front lot line and which shares a common boundary with an adjoining lot or public right-of-way.

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

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

LOT MINIMUM WIDTH. The minimum distance between side lot lines as established by this ordinance. The line from which the front yard setback and rear yard setback shall be measured.

LOT WIDTH. The horizontal distance between the side lot lines, measured at the minimum required front setback line.

MACHINE SHOP. A workshop where power tools are used for making, finishing, or repairing machines or machine parts.

MARINA. A facility for launching, mooring, berthing, storing, or securing watercraft for primarily recreational use.

MARQUEE. A permanent sign attached to and supported by the building and projects over a public way.

NONCONFORMING USE OR STRUCTURE. An activity or structure, which lawfully existed before the adoption or amendment of the Bellevue Zoning Ordinance, but which does not conform to all of the regulations contained in the Bellevue Zoning Ordinance pertaining to the zone in which it is located;

NURSERY. A place where plants are grown for sale, transplanting, or experimentation.

NURSERY SCHOOL. A school for children usually younger than five years old.

NURSING HOME. See: RESIDENTIAL CARE FACILITIES.



OFFICIAL MAP: The adopted official zoning map of the city of Bellevue as mandated in the Kentucky Revised Statutes, Chapter 100.

PARKING PAD. A private, paved surface in a residential zone used for parking or storing automobiles, boats, campers, recreational vehicles, or light-duty trucks.

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

PRINCIPAL ENTRANCE. The main point of access for pedestrians into a building.

RESTAURANTS AND EATING ESTABLISHMENT. An establishment selling food items ordered from a menu, prepared on the premises for immediate consumption. These establishments include:

- A. **CARRY OUT or DRIVE THRU.** An establishment offering food and beverages, which are prepared to be consumed off the premises;
- B. **DRIVE IN.** An establishment offering food and beverages where consumption is encouraged while in a vehicle on the premises. Food is generally provided by “car-hop” or self-service;
- C. **SIT-DOWN RESTAURANT.** Those restaurants which provide indoor seating, and prepare and sell food with full or limited table service. This establishment may contain outdoor dining areas. This classification includes cafeterias and buffet-style establishments.;

RETAIL SALES ESTABLISHMENT. An establishment engaged in sales of goods, including, but not limited to: alcoholic beverage, furniture and home furnishings, electronics, appliances, clothing and shoes, jewelry, luggage and leather goods, sporting goods and hobbies, books, periodicals and music, tobacco sales, florists, office supplies and stationery, gifts and novelties, pets, hardware, pawn shops, and auto parts stores.

SERVICE STATION. A facility providing automobile repairs and maintenance.

SETBACK. The required distance between a structure’s front, rear or side line and the lot on which it is located.

SETBACK, FRONT YARD. The distance extending the full width of the lot, measured from a point starting at the minimum lot width to the nearest point of a principal structure’s front line.

SETBACK, FRONT YARD, CORNER LOT. The distance extending the full width of the lot, measured from a point starting at the minimum lot width to the nearest point of the principal structure’s front line.



SETBACK, SIDE YARD. The distance between a side lot line and the nearest point of the principal structure or accessory structure’s side line extending from the required front yard setback to the rear yard setback.

SETBACK, REAR YARD. The distance extending the full width of the lot measured from a point starting at the minimum lot width to the nearest point of a principal structure or accessory structure’s rear line.

SHOPPING CENTER. A group of buildings and accessory spaces devoted to permitted uses under one ownership with separate establishments rented or leased, and having common parking facilities.

SHORT-TERM RENTAL. An owner-occupied residential building which includes guest-rooms or suites for rent by persons not members of the owner-occupant’s household for durations of less than fourteen (14) consecutive days.

SIGN / SIGNAGE. A communication device, structure, or fixture that incorporates graphics, symbols, or printed matter intended to direct attention to some activity, to promote the sale of a product, commodity or service, or to provide direction or identification for a premises or facility.

STREET, PRIVATE. A roadway that affords access to abutting property for private users of such property and not accepted by governmental authority for public maintenance.

STREET, PUBLIC. A roadway within the boundaries of an officially deeded right-of-way and accepted by a governmental authority, which affords principal means of access to abutting property.

STRUCTURE. Anything constructed or erected, the use of which requires a location in or on the ground or attachment to something having a permanent location in or on the ground, including, but not limited to, buildings, manufactured homes, signs, and fences, but not including earthworks, ditches, canals, dams, reservoirs, pipelines, telephone or telegraph or electric power lines, driveways, or curbs.

SUBSTANTIAL MODIFICATION. An alteration to a building that is valued at more than 50% of the assessed value of the entire building.

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

USE, PRINCIPAL. A use that is the primary function of land or structures.

VAPOR PRODUCT: As defined in KRS 438.305 (16)

VAPE SHOP: Shall have the same meaning as ELECTRONIC SMOKING RETAILER.



YARD DEPTH, FRONT. An area extending the full width of the lot or building site measured between a line parallel to the street right of way line intersecting the foremost point of any building and the front lot line.

YARD DEPTH, REAR. An area extending across the full width of the lot and measured between a line parallel to the rear lot line which intersects the rearmost point of any building and the rear lot line.

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

ZONING ADMINISTRATOR. The official or officials appointed by city council to administer and enforce the provisions of this ordinance.

ZONING MAP. The official map or maps that are part of the zoning ordinance of the City of Bellevue that delineate the boundaries of individual zones and districts.



ARTICLE VIII – ESTABLISHMENT OF ZONES

SECTION 8.0 - ZONES

For the purpose and intent of this ordinance, the City is hereby divided into the following zones:

CO	Conservation Zone
R-1A	Residential One - A Zone
R-1B	Residential One - B Zone
R-1C	Residential One - C Zone
R-1H	Residential One - H Zone
R-2	Residential Two Zone
R-3MF	Residential Three - Multiple Family Zone
NC-1	Neighborhood Commercial Zone - One
NC-2	Neighborhood Commercial Zone - Two
NC-3	Neighborhood Commercial Zone - Three
SC	Shopping Center Zone
MHP	Mobile Home Park Overlay Zone
I-1	Industrial Zone – One
C-1	Commercial - One
RCD	Residential Cluster Development Overlay Zone
PUD	Planned Unit Development Zone
MLU	Mixed Land Use Zone
HP	Historic Preservation Overlay Zone
T3	Transect Zone 3
T4	Transect Zone 4
T5	Transect Zone 5
T5.3	Transect Zone 5.3
T5.5	Transect Zone 5.5

SECTION 8.1 - OFFICIAL MAP

The zones are bounded and defined as shown on the map entitled "OFFICIAL ZONING MAP OF THE CITY OF BELLEVUE, KENTUCKY" and shall so remain on file in the office of the City clerk.

SECTION 8.2 - CHANGES ON ZONING MAP

Where changes are made in zone boundaries in accordance with the provisions of this ordinance and Kentucky Revised Statutes, such changes shall be made on the Official Zoning Map promptly after the amendment to this ordinance has been approved by the legislative body. Such changes shall not become effective until said changes have been made on said map.

No changes of any nature shall be made on the Official Zoning Map, which are not in conformity with the procedures set forth in this Ordinance.



SECTION 8.3 - REPLACEMENT OF OFFICIAL ZONING MAP OR MAPS

In the event that the Official Zoning Map (or maps) become damaged, destroyed, lost, or are deemed necessary to be replaced due to the age of the map or major corrections in location of rights-of-way or subdivisions, the City of Bellevue may, by Ordinance, cause to have prepared and by Ordinance, adopt a new Official Zoning Map (or maps) which shall supersede the prior Official Zoning Map (or maps), but no such corrections shall have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof.

SECTION 8.4 - RULES FOR INTERPRETATION OF ZONE BOUNDARIES

Rules for interpretation of zone boundaries shown on the Official Zoning Map (or maps) are as follows:

- A. Boundaries indicated as approximately following the rights-of-way boundary of a street, road or highway shall be construed to follow such rights-of-way lines and when said rights-of-way are officially vacated, the zones bordering such rights-of-way shall be extended out to the center line of said vacated rights-of-way.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following political boundary lines shall be construed as following such boundary lines.
- D. Boundaries indicated as approximately following railroad lines shall be construed as to be midway between the main tracks.
- E. Boundaries indicated as approximately following the center lines of streets, streams, rivers, ditches, ravines, or other bodies of water shall be construed to follow such center lines.
- F. Boundaries indicated as approximately parallel to features indicated in Rules A through E of this section, shall be construed as parallel to such features. Boundaries indicated as approximate extensions of features indicated in Rules A through E of this section, shall be so construed as being extensions of such features. Distances not specifically indicated on the Official Zoning Map (or maps) shall be determined by the scale of the map (or maps), if an accurate legal description cannot be determined from the original zoning case.

SECTION 8.5 - AREAS NOT INCLUDED WITHIN ZONES

Property that has not been included within a zone either through error or omission, or when an area is annexed or proposed to be annexed to the legislative body the zoning to be applied to the area shall meet the requirements of KRS 100.209 and KRS 81A.420 (1) as amended.



ARTICLE IX – GENERAL REGULATIONS

SECTION 9.0 - PURPOSE

Except as herein provided, general regulations shall apply to all zones.

SECTION 9.1 - REDUCTION IN BUILDING SITE AREA

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

SECTION 9.2 - INTERFERENCE WITH TRAFFIC CONTROL DEVICES

No sign, structure, tree, planting, or vegetation, or any portion thereof, shall protrude over or into any street so as to create confusion around, or otherwise interfere with, traffic control devices of any kind.

SECTION 9.3 - VISION CLEARANCE AT CORNERS, CURB CUTS, AND RAILROAD CROSSINGS

No structure, vehicle, tree, planting, vegetation, sign, or fence, or any type of obstacle, or any portion thereof, shall be placed or retained in such a manner which would create a traffic hazard or would obstruct the vision clearance at corners, curb cuts, or railroad crossings in any zone.

SECTION 9.4 - FRONTAGE ON CORNER LOTS AND DOUBLE FRONTAGE LOTS

On lots having frontage on more than one street, the minimum front yard setback shall be provided on at least one street frontage, with the other frontage having a minimum of one - half the required minimum front yard setback, except that when such lots abut an arterial street, as herein defined, the minimum front yard setback shall be provided for each street frontage.

SECTION 9.5 - ANIMALS

Exotic animals, farm / livestock animals, and/or wildlife are not permitted to be bred, raised, kept and/or housed on any property in any zone within the City.



SECTION 9.6 - RAILROAD RIGHT-OF-WAY LOCATION

Railroad rights-of-way, exclusive of such uses as marshaling yards, spur lines, passenger and freight terminals, maintenance shops, fueling facilities, and round houses, may be located in any zone providing said railroad rights - of - way meet the requirements of those sections of the Kentucky Revised Statutes and other pertinent state regulations.

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

- A. No governmental entity or other person or entity shall strip, excavate, fill, or otherwise move soil, trees, or other vegetation, except for minor changes such as the filling of small depressions, removal of vegetation which is diseased or endangering the public safety, without first ensuring that all requirements of the City's Tree Preservation and Replacement Ordinance (Ordinance No.91-3-1) and the Subdivision Regulations, if applicable, have been fulfilled and then obtaining a permit from the Building Inspector.
- B. The Building Inspector may issue the required permit after determining that the resulting change in grade, or removal of trees and other vegetation, in the affected area will be in conformance with all applicable provisions of this ordinance. The provisions of this section shall not be construed to prohibit normal excavation or grading which is incidental to the construction or alteration of a building on the premises for which a building permit has been granted as required otherwise in this ordinance.
- C. Erosion and Sedimentation Control: Erosion and sedimentation controls for excavation, movement of soil, and tree removal, shall be planned and applied according to the following:
 - 1. The smallest practical area of land shall be exposed at any one time during development.
 - 2. When land is exposed during development, the exposure should be kept to the shortest practical period of time.
 - 3. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
 - 4. Sediment basins (debris basins or silt traps) shall be installed and maintained to remove sediment from run - off waters from land undergoing development.
 - 5. Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development.
 - 6. Permanent final vegetation and structures shall be installed as soon as practical in the development.
 - 7. The development shall be fitted to the topography and soils so as to create the least erosion potential.
 - 8. Wherever feasible, natural vegetation should be retained and protected.



SECTION 9.8 - DUMPSTERS

All uses that maintain garbage dumpsters on site shall provide a screened enclosure by means of a Class 1, 3, 5, or 6 fence/wall, or a combination thereof equal in height to the dumpster. All such garbage collection areas shall be located in the rear yard and setback a minimum of two (2) feet from any property line, unless site limitations such as topography, yard area, or access prevent such placement, as determined by the Zoning Administrator.

SECTION 9.9 - JUNKYARD LOCATION

Where permitted herein, no person or entity shall operate any junk yard which is situated closer than two thousand (2,000) feet from the centerline of any county, state, federal, or limited access highway or turnpike, including bridges and bridge approaches, unless a permit for such operation has been obtained from the Kentucky Department of Transportation, Bureau of Highways, in accordance with KRS 177.905 to 177.950.

SECTION 9.10 - APPLICATION OF ZONING REGULATIONS

- A. Except as herein provided, no public or private structures or land shall be used for any purpose other than that permitted in the zone in which such structures or land are located or are to be located.
- B. Except as herein provided, every structure hereafter erected shall be located on a lot. In no case shall there be more than one (1) principal structure on one (1) lot, nor shall any structure be erected on a lot which does not abut a public right-of-way.
- C. Accessory structures and uses shall conform to the setback requirements in the zone in which they are located. Accessory structures and uses shall not be permitted within front yards.

Exceptions:

1. Front Yards: driveways - no closer than one (1) foot to the property line to which they run approximately parallel and shall be sloped away from neighboring properties. In the event that a common driveway will be used to serve two (2) or more lots, then driveways may be permitted to abut the property line. Awnings and canopies - extending not more than six (6) feet into the required minimum front yard setback. Fences - in accordance with Article XII. Landings - as required by the CABO One and Two Family Dwelling Code. Ramps - provided they are no closer than two (2) feet to the side lot line.
2. Side Yards: driveways and patios - no closer than one (1) foot to the property line to which they run approximately parallel and shall be sloped away from neighboring properties. In the event that a common driveway will be used to serve two (2) or more lots, then driveways may be permitted to abut the property line. Awnings and canopies - projecting not more than thirty (30) inches into the minimum side yard setback, but no closer than two (2) feet to the side lot line.



Decks - provided they are less than three (3) feet above grade and no closer than two (2) feet to the side lot line. Fences - in accordance with Article XII. Landings - as required by the CABO One and Two Family Dwelling Code. Ramps - provided they are no closer than two (2) feet to the side lot line.

3. Rear Yards: driveways, parking pads and patios - no closer than one (1) foot to the property line to which they run approximately parallel and shall be sloped away from neighboring properties. In the event that a common driveway will be used to serve two (2) or more lots, then driveways may be permitted to abut the property line. Awnings and canopies - projecting not more than ten (10) feet into the minimum rear yard setback. Carports, detached garages, sheds and similar accessory structures - may be permitted to locate “in-line” with the side principal structure line but in no case closer than two (2) feet to the side lot line and rear lot line. Carports, detached garages, sheds and similar accessory structures located along alleys shall not be required to exceed the average depth of existing rear yards on the same side of the alley within the same block, when fifty - one (51) percent or more of the lots within that block are improved with similar structures. Decks - provided they are less than three (3) feet above grade and no closer than two (2) feet to the side lot line and rear lot line. Fences - in accordance with Article XII. Landings - as required by the CABO One and Two Family Dwelling Code. Ramps - provided they are no closer than two (2) feet to the side lot line and rear lot line. Swimming pools - in accordance with Section 9.18.

D. Permitted obstructions in minimum required yards:

1. All yards: steps, four (4) feet or less above grade, and projecting not more than four (4) feet into the minimum required yards which are necessary for access to a lot from a street or alley. Chimneys, projecting not more than thirty (30) inches into the minimum required yards.
2. Front yards: Bay windows, overhanging eaves and gutters, projecting three (3) feet or less into the minimum front yard setback. Air conditioning equipment (excluding compressor for central air conditioning unit).
3. Side yards: Bay windows, overhanging eaves and gutters, projecting three (3) feet or less into the minimum side yard setback. Air conditioning equipment (excluding compressor for central air conditioning unit). Fire escapes, projecting not more than thirty (30) inches into the minimum required yards.
4. Rear yards: Bay windows, overhanging eaves, gutters, and air conditioning equipment, projecting not more than six (6) feet into the minimum rear yard setback. Fire escapes, projecting not more than thirty (30) inches into the minimum required yards.

SECTION 9.11 - SPECIAL REQUIREMENTS GOVERNING HOME OCCUPATIONS:

Home occupations shall include the use of a residential structure for services rendered, other than by direct contact with customers, at that location (for example, where the bulk of the business is by telephone - actual work is performed in home and customer is contacted other than at that location).

EXCEPTION: Child Day Care, Home.

The following requirements shall apply to home occupations, where permitted herein:

- A. No persons other than members of the family residing on the premises shall be engaged in such operation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than twenty-five (25) percent of the gross floor area of any one floor of the dwelling unit (including the basement or cellar) shall be used in the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation, that will indicate from the exterior that the structure is being utilized, in part, for any purpose other than that of a dwelling unit, except that a name plate, as regulated by Section 15.2 (B) of this ordinance, shall be permitted.
- D. A home occupation shall not be conducted in any accessory structure, nor shall there be any exterior storage of any materials on the premises.
- E. There shall be no commodity sold upon the premises in connection with such home occupation.
- F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the vicinity where such home occupation is located.
- G. No equipment or process that creates noise, vibration, glare, fumes, odors, or electrical interference, detectable to the normal senses off the lot, shall be used in such home occupation. In the case of electrical interference, no equipment or process that creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises, shall be used.

SECTION 9.12 - NONCONFORMING LOTS, NONCONFORMING USES, NONCONFORMING STRUCTURES, REPAIRS AND MAINTENANCE, AND NONCONFORMING SIGNS

A. NONCONFORMING LOTS OF RECORD

- 1. Any lot of record, which does not meet the minimum requirements of this ordinance, shall be considered a nonconforming lot of record.
- 2. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage are in single ownership and are of record at the time of passage or



amendment of this ordinance, and if all or part of the lots do not meet the minimum requirements for lot width and area, as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold which does not meet the minimum lot width and minimum area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

3. Where a single nonconforming lot of record exists development may be permitted on the lot, provided: the lot is located on an existing and improved public street; the lot is of separate ownership from all adjacent and contiguous parcels; the adjacent and contiguous parcels exist as developed building lots or dedicated street right-of-way, precluding acquisition of additional area to achieve conformity; and development proposed on the lot is in conformance with all other requirements of this ordinance. Where a variance from any minimum yard, setback, etc., is necessary to develop said lot, an application for such variance shall be submitted to the Board of Adjustment in accordance with Article XVIII of this ordinance.

B. NONCONFORMING USES

1. **CONTINUANCE:** Except as herein provided, the lawful use of any structure or land existing at the time of the adoption of this ordinance may be continued although such use does not conform to the provisions of this ordinance. However, no nonconforming use may be enlarged or extended beyond its area of use at the time it becomes a nonconforming use, unless and until the use is brought into conformance with all provisions of this ordinance.
2. **CHANGE FROM ONE NONCONFORMING USE TO ANOTHER:** As regulated by Article XVIII of this ordinance.
3. **TERMINATION:** In all cases, the Board of Adjustment shall hold a public hearing in accordance with the applicable requirements of Article XVIII of this ordinance. Following that hearing, the board may terminate the right to operate a nonconforming use based on any of the following conditions, and if the decision is to do so, the board shall state its basis, in writing, for such determination.
 - a. Nonoperative, non-used, or abandoned for a period of twelve (12) consecutive months, providing that the Board of Adjustment may allow the continuation of such nonconforming use if it is determined that reasons for such nonuse were beyond the owners'/operators' control.
 - b. Whenever the structure, in which the nonconforming use is operated, is damaged in any manner whatsoever and the cost of repairing such damage exceeds fifty (50) percent of the market value of such structure in which the nonconforming use is operated and a determination is made by the Board of Adjustment that this structure should not be reconstructed.
 - c. Whenever the structure, in which the nonconforming use is operated, becomes obsolete or substandard under any applicable ordinance of the City and the



cost of placing such structure in lawful compliance with the applicable ordinance exceeds fifty (50) percent of the market value of such structure as of the date of the official order under the applicable ordinance and a determination is made by the Board of Adjustment that this structure should not be reconstructed.

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

4. ZONE CHANGE: The foregoing provisions shall apply to uses that become nonconforming due to zone changes which take place hereafter.

C. NONCONFORMING STRUCTURES

1. CONTINUANCE: Except as herein provided, any nonconforming structure, existing at the time of the adoption of this ordinance, may be occupied, operated, and maintained in a state of good repair, but no nonconforming structure shall be enlarged or extended unless the enlargement or extension can be, and is, made in compliance with all of the provisions of this ordinance.

2. TERMINATION: In all cases, the Board of Adjustment shall hold a public hearing in accordance with the applicable requirements of Article XVIII of this ordinance. Following that hearing, the board may terminate the right to reconstruct the nonconforming structure based on any of the following conditions, and if the decision is to do so, the board shall state its basis, in writing, for such determination.

a. Whenever the nonconforming structure is damaged in any manner whatsoever and the cost of repairing such damage exceeds fifty (50) percent of the market value of such structure and a determination is made by the Board of Adjustment that the structure should not be reconstructed.

b. Whenever the nonconforming structure becomes obsolete or substandard under any applicable ordinance of the City and the cost of placing such nonconforming structure in lawful compliance with the applicable ordinance exceeds fifty (50) percent of the market value of such nonconforming structure as of the date of the official order under the applicable ordinance and a determination is made by the Board of Adjustment that this structure should not be reconstructed.

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

3. ZONE CHANGE: The foregoing provisions shall apply to structures that become nonconforming due to zone changes which take place hereafter.

D. REPAIRS AND MAINTENANCE:



On any structure devoted in whole, or in part, to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content of the building, as it existed at the time of passage or amendment of this ordinance which rendered it nonconforming, shall not be increased. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring, to a safe condition, of any building, structure, or part thereof, declared to be unsafe by any official charged with protecting the public safety, except for the conditions as stated in Section 9.12 (B)(3) or 9.12 (C)(2).

E. NONCONFORMING SIGNS

1. **CONTINUANCE:** Except as provided, any nonconforming sign, existing at the time of adoption of this ordinance, may be continued provided, however, that no such sign shall be changed in any manner unless it is changed in compliance with all provisions of this ordinance.
2. **TERMINATION:** In all cases, the Board of Adjustment shall hold a public hearing in accordance with the applicable requirements of Article XVIII of this Ordinance. Following that hearing, the board may terminate (in writing) the right to operate a nonconforming sign based on any of the following conditions:
 - a. Not meeting the requirement for sign regulations, as regulated in Article XV.
 - b. Nonuse or abandonment of nonconforming sign for twelve (12) consecutive months.
3. **ZONE CHANGE:** The foregoing provisions shall also apply to signs which become nonconforming due to zone changes or text amendments which take place thereafter.

SECTION 9.13 - EXCEPTIONS AND MODIFICATIONS

- A. **EXCEPTIONS TO HEIGHT LIMITS:** The height limitations of this ordinance shall not apply to such things as church spires, various types of towers, smoke stacks, other related structures, and necessary mechanical appurtenances, provided their construction is in accordance with existing or hereafter adopted ordinances of the City, and is acceptable to the Federal Aviation Agency and the Federal Communication Commission.
- B. **OTHER EXCEPTIONS:** Service stations shall be so constructed so that the centerlines of the pumps shall be at least twenty - five (25) feet from any street right-of-way line.
- C. **FRONT YARD VARIANCE:**
 1. Where the average depth of existing front yards within three hundred (300) feet of the lot in question and within the same block front, is greater than the minimum front yard setback required by this ordinance, the minimum required front yard depth on such lot shall be modified to be the average depth of said existing front yards.



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

D. EXCEPTION TO MINIMUM FRONTAGE, AREA, AND YARD REGULATIONS: In any subdivision of an existing or proposed development, in any multi -family or commercial zones described herein, zoning, building, and occupancy permits may be issued in the following circumstances, for lots which do not abut a minimum frontage along a dedicated right-of-way, or lots with a lot area, yard areas, or yard sizes which are less than the minimums therefore required by the area and height regulations established herein for the zone in which such development is located:

1. A development plan conforming to the provisions of Section 9.19, including existing and proposed lot and yard areas and sizes in the development, is approved by the Planning Commission.
2. The area of the total development of which such lot is a part, is not less than the minimum total area required for such a development in the zone in which it is located.
3. The density of the total development of which such lot is a part, is not greater than the maximum density allowed for such a development in the zone in which it is located.
4. Such lot abuts upon areas within such development, which are either used or proposed for use in common by, or for the benefit of, the owners or tenants of such lot and other lots or areas abutting upon such common area, hereinafter identified and referred to as "benefited abutting property", according to the provisions of legally enforceable agreements or land use restrictions, approved by the Planning Commission and recorded in the office of the County Clerk of Campbell County, Kentucky, which include provisions that:
 - a. Specifically identify such common areas by a metes and bounds description thereof.
 - b. Specifically identify the owners of such common areas by name and address, and which identify and establish the obligation and duty of such owners, jointly and severally, to cause such common areas and all improvements thereon, including, without limitation, all motor vehicle access drives and parking areas, pedestrian walkways, other paved surfaces, signs, recreational facilities and open spaces, and other aesthetic and environmental amenities, to be maintained and repaired at least to the extent required by any and all governmental agencies having jurisdiction thereof, or any use or activity conducted thereon.
 - c. Specifically identify the owners of the benefited abutting property by name and address, and the joint and several obligation thereof to pay a proportionate part



of all costs of the afore described maintenance and repair of such common areas and the improvements thereon, secured by a lien therefore in favor of the owners of the common areas upon that portion of the benefited abutting property in which they have an ownership interest.

- d. Specifically identify and establish a legally enforceable right of the City and its successors to enter upon such common areas, through officers, agents, servants, employees and independent contractors thereof, and cause to occur thereon the afore described maintenance and repair of such common areas and the improvements thereon, at the joint and several cost and expense of the owners of any interest in the benefited abutting property, with the payment thereof secured by a lien in favor of the City upon such common areas benefited abutting property.
- e. Identify and establish a legally enforceable right of the owners of each lot or parcel of real estate in such development which does not abut upon a dedicated right-of-way to a paved and unobstructed right-of-way and easement from each of such lots across, over and through such common areas, for motor vehicles and pedestrian access thereto from a dedicated right-of-way.

SECTION 9.14 - RESERVED

SECTION 9.15 - BUILDING REGULATIONS AND WATER AND SANITARY SEWER SERVICE

- A. **BUILDING REGULATIONS:** All structures shall be designed, erected, or altered in accordance with the applicable housing and building codes.
- B. **WATER AND SANITARY SEWER SERVICE:** No building may be constructed in any zone unless such building is connected to a public water and central sanitary sewer system of adequate capacity and design, and approved by proper the authorities.
- C. Where existing buildings are presently not served by a public sanitary sewer system and are located within a reasonable distance of an existing or newly extended sanitary sewer line, as determined by the City and/or the Northern Kentucky District Board of Health, said building shall be required to connect with the public sewer system and the private sewage system shall be prohibited.

SECTION 9.16 - MOVE AND SET

- A. **REQUIREMENTS:** No building, structure, or improvement shall be moved or set from or upon land located in any area or transported upon any public street, in the City, until and unless both: (1) a building permit to move and set; and (2) a transport permit, have been obtained, and said building, structure, or improvement complies with the provisions of this section of the ordinance.
- B. **COMPLIANCE:** All alterations and improvements shall comply with the applicable housing and building codes, and all other applicable codes and regulations.



C. PROCEDURE- PERMITS:

1. The applicant shall submit to the Building Inspector, the following:
 - a. An application for a building permit requesting inspection of the building, structure, or improvement to be moved or set.
 - b. A plot plan, footing and foundation plan, and construction plans for any new construction.
 - c. Statements from the applicable legislative body(s) insuring that all past and current taxes have been paid.
2. Upon receipt of the foregoing items, the Building Inspector shall inspect said building, structure, or improvements, and the proposed location where same will be set within the legislative body and determine if the proposed development will comply with all applicable codes and regulations.
3. The move and set shall be referred to the Zoning Administrator for approval or denial of compliance with this ordinance.
4. Upon approval by the Zoning Administrator and Building Inspector, a building permit to move and set shall be issued. The legislative body's engineer shall then be notified of same and shall issue a transport permit. The legislative body's engineer or his agent will designate the route to be traveled. The transport permit is good only for the date specified on the permit. The transport permit will not be issued if ninety (90) consecutive calendar days or more have lapsed from the date of inspection by the Building Inspector. The transport permit provided for in this section shall not be in lieu of any building permits that may be required by the legislative body.
5. No transport or building permit to move and set shall be issued until the applicant has first obtained the necessary permits from all applicable agencies.

D. FEES:

1. There will be a building investigation fee, as established by the legislative body, to cover the costs of investigation and inspection for determining the structural soundness of buildings, structures, or improvements to be moved. The fee is payable in advance and must accompany the application provided herein. This fee is not refundable. If any alterations or improvements to be made are found to be in compliance with the legislative body's applicable codes and regulations, a building permit to move and set will be issued and the fee will be based on the cost of new foundations and all work necessary to place the building or structure in its completed condition in the new location. This fee is in addition to the building investigation fee.



2. No person, corporation, or company shall transport, move or set any building, structure, or improvement in the jurisdiction of the legislative body, until and unless such person, corporation, or company shall post with the Building Inspector a good and sufficient indemnity bond in the amount of five thousand dollars (\$5,000.00) in favor of the legislative body, which shall cover the cost of any damage or claim to damage to public improvements (e.g., street pavement, curb and gutter, catch basins, sewers) and other damage to private property resulting from the move and set. A surety corporation authorized to do business in the Commonwealth of Kentucky shall make such bond.

SECTION 9.17 - BUFFER AREA: Buffer areas shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of any development.

A. **BUFFER AREA REQUIREMENTS:** All buffer areas shall be approved by the Zoning Administrator (or Planning Commission, where required by this ordinance) according to a submitted development plan, as regulated by the applicable requirements of Section 9.19 of this ordinance. Buffer areas shall be designed, provided, and maintained according to the following:

1. Where vegetative and/or topographic conditions that provide a natural buffer area and buffer exist prior to development of properties in question, such conditions shall be retained. In such cases, additional buffer areas may not be required, provided that a provision is made for maintenance of such areas.
2. Whenever a buffer area is required, it shall be provided as follows:
 - a. Except when prohibited herein, all buffer areas shall be provided by the construction of a Class 1 or Class 5 fence, as regulated by Article XII of this ordinance, and/or evergreen trees.
 - b. All trees shall be evergreens and planted at a minimum of ten (10) feet in height when planted, however, smaller trees (a minimum of five feet in height) may be utilized in combination with berms (e.g., earthen mounds) to provide the minimum 10 foot height requirement; berms must be covered with suitable vegetation, such as grass, ivy, and/or shrubs, to preclude erosion of the berm.
 - c. Trees which are intended to provide a buffer to separate multi-family development from single-family development, shall not be planted further than 15 feet apart; parking facilities which are located adjacent to the single-family areas shall be additionally screened to a minimum height of three (3) feet (via an earth berm, depressed parking, solid fence, etc., as regulated by Article XII of this ordinance) to reduce automobile headlight glare onto adjacent property.
 - d. Trees which are intended to separate commercial and industrial development from residential development (single - family and multi - family) shall not be



planted further than 10 feet apart; parking facilities which are located adjacent to residential areas shall be additionally screened to a minimum height of three (3) feet (via an earth berm, depressed parking, solid fence, etc., as regulated by Article XII of this ordinance) to reduce automobile headlight glare onto adjacent property.

3. All trees, shrubs, and other planting materials shall be living plants (not artificial) and shall be suitable to the Northern Kentucky area and the specific conditions of the site in question, such as, but not limited to, soil conditions, slopes, reduction of noise pollution, maintenance necessary, and type of buffer needed. Furthermore, all trees and/or plant materials shall meet or exceed the American Standard for Nursery Stock (ANSI Z 60.1-1990) or most current revision as maintained by the American Association of Nurserymen, Inc.
 4. Buffer areas shall be provided in such a manner as to obscure the view into the development from adjacent properties. In those cases where property is adjacent to property within another governmental jurisdiction, a buffer area shall be provided in the same manner as would be required if the adjacent area was within the jurisdiction of this legislative body.
 5. In the case where a zoning map change occurs, resulting in adjacency to a different zoning district than was previously the case, and where development has already occurred on property in the unchanged district, required additional setbacks and buffer requirements (as required in each district's regulations) shall be provided for the property in the district where the zone change occurred.
- B. **PROVISION AND MAINTENANCE:** The owner and/or developer shall provide buffer areas as a condition of development. The property owner shall maintain all required buffer areas (including the planting of trees and other vegetation).
- C. **INCLUSION ON DEVELOPMENT PLAN AND/OR SUBDIVISION IMPROVEMENT DRAWINGS:** Areas to be set aside as buffer areas shall be identified on the required development plans, as regulated in Section 9.19 of this ordinance, and where applicable, on the improvement drawings as regulated by the subdivision regulations. Sufficient bond, adequate to cover the required improvements as determined by the legislative body, may be required to be posted. It shall be unlawful to occupy any premises unless the required buffer area has been installed in accordance with the requirements as provided herein.

SECTION 9.18 - OUTDOOR SWIMMING POOLS:

- A. **PRIVATE SWIMMING POOLS:** All private swimming pools shall be regulated according to the following requirements:
1. Shall be permitted to locate in the rear yard no closer than three (3) feet to any property line. The Zoning Administrator may allow pools to be located in the side



yard if it is determined that due to topography, unusual lot shape, or insufficient rear yard area, location of the pool in the rear yard is not possible.

2. Swimming pools which are constructed in-ground or above-ground shall be required to have a fence or wall of class 1,3, or 5 as regulated by Article XII of this ordinance, enclosing the pool or the property on which the pool is located. Such fence or wall shall be at least four (4) feet in height, but not more than six (6) feet in height and shall be equipped with a self-closing and self-latching door or gate with latch at least four (4) feet above the ground. Such fences or walls shall be constructed in such a manner that a child may not reach the pool from the street or any property without climbing the fence or wall or opening the gate or door. The required fence or wall may be the wall of the above-ground pool, providing that said wall is at least four (4) feet in height above the surrounding ground level. Any access to an above - ground pools by means of a ladder or stairway shall be provided with a self-closing or self-latching door or gate, or some other device that would prevent a child from gaining access to the pool by means of a ladder.
3. Glare from lights used to illuminate the swimming pool area shall be directed away from adjacent properties.
4. All swimming pools and associated equipment shall be constructed and erected in accordance with all applicable codes, ordinances, and regulations of the legislative body. Water used in the swimming pool, which is obtained from other than a public source, shall be approved by the Northern Kentucky District Health Department.
5. All swimming pools existing at the time of adoption of this ordinance, which are unprotected by a surrounding fence or wall, including gates or doors, as regulated herein, shall be required to comply with the provisions of this section within thirty (30) days after its adoption.

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

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



3. Glare from lights used to illuminate the swimming pool area shall be directed away from adjacent properties.
4. All swimming pools and associated equipment shall be constructed and erected in accordance with all applicable codes, ordinances, and regulations of the legislative body. Water used in the swimming pool, which is obtained from other than a public source, shall be approved by the Northern Kentucky District Health Department.
5. No mechanical device for the reproduction or amplification of sounds used in connection with swimming pools shall create a nuisance to adjacent properties.
6. All swimming pools existing at the time of adoption of this ordinance, which are unprotected by a surrounding fence or wall, including gates or doors, as regulated herein, shall be required to comply with the provisions of this section within thirty (30) days after its adoption.

SECTION 9.19 - DEVELOPMENT PLAN REQUIREMENTS:

No structure shall be erected or structurally altered nor shall any grading take place on any lot or parcel in zones where a development plan is required, except in accordance with the regulations of this section and an approved development plan as hereinafter required. Before a permit is issued for construction, one copy of the development plan, at a scale no smaller than one (1) inch to one hundred (100) feet, shall be filed with the Building Inspector and the Zoning Administrator. The development plan shall identify and locate, where applicable, the information as listed in Section 9.20 (B) - Stage II Development Plan Requirements.

All such development plans shall be reviewed by the Planning Commission, or its duly authorized representative, and the factual determination approving or rejecting such plans shall be made in accordance with requirements of this and other applicable sections of this ordinance, and the Comprehensive Plan. When application is made for a development plan review, the applicant shall post notice of the hearing conspicuously on the property for fourteen (14) consecutive days immediately prior to the hearing. Posting shall be as follows:

1. The sign shall state “DEVELOPMENT PLAN HEARING” in capital letters three (3) inches in height. The time, place and date of the hearing shall be in letters at least one (1) inch in height; and
2. The size and number of signs shall be approved by the zoning official or designee. The sign shall be constructed of durable material and shall state the telephone number of the zoning official or designee.

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



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

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

Approved plan shall be completed within an appropriate time frame as approved in the schedule of development and determined by the Zoning Administrator. Any violation of the development plan shall be enforced under Section 16.10 of the Zoning Ordinance.

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

A. STAGE I DEVELOPMENT PLAN REQUIREMENTS: The Stage I Development Plan shall identify and provide, where applicable, the following information:

1. Plan(s) of the subject property, drawn to a scale not smaller than one (1) inch equals one hundred (100) feet, that identifies and provides the following information:
 - a. The total area in the project.
 - b. The present zoning of the subject property and all adjacent properties.
 - c. All public and private rights - of - way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned.
 - d. Existing topography and approximate delineation of any topographical changes shown by contour with intervals not to exceed five (5) feet.
 - e. Delineation of all existing and proposed residential areas in the project with a statement indicating net density of the total project:
 - Detached housing - location and approximate number of lots, including a typical section(s) identifying approximate lot sizes and dimensions and height of buildings.
 - Attached housing - location and description of the various housing types (i.e., townhouses, four-plex, garden apartment, etc.) including approximate heights of typical structures and the approximate number of units by housing type.
 - f. Delineation of all existing and proposed non - residential uses in the project:



- Commercial and industrial uses - location and type of all uses, including approximate number of acres, gross floor area, and heights of buildings.
 - Open Space/Recreation - The approximate amount of area proposed for common open space, including the location of recreational facilities, and identification of unique natural features to be retained.
 - Other public and semi - public uses - location and type of all uses, including approximate number of acres, gross floor area, and height of buildings.
- g. Location of all existing and proposed pedestrian walkways, identifying approximate dimensions.
- h. Location of all existing and proposed off-street parking and loading and/or unloading areas, identifying the approximate number of spaces.
- i. Location of all existing and proposed streets, identifying approximate dimensions of pavement, right-of-way widths, and grades.
- j. Location of all existing and proposed water, sanitary sewer, and storm drainage lines, indicating approximate pipe sizes.
- k. Certification from appropriate water and sewer agencies indicating that services are available.
- l. Identification of soil types and geologic formations on the subject property indicating anticipated problems and proposed methods of handling said problems.
- m. A schedule of development, including the staging and phasing of:
- Residential area, in order of priority, by type of dwelling unit.
 - Streets, utilities, and other public facility improvements, in order of priority.
 - Dedication of land to public use or set aside for common ownership.
 - Non-residential buildings and uses, in order of priority.

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

B. STAGE II DEVELOPMENT PLAN REQUIREMENTS: The Stage II Development Plan shall identify and provide, where applicable, the following requirements:

1. Plan(s) of the subject property drawn to a scale of not smaller than one (1) inch equals one hundred (100) feet, that identifies and provides the following information:



- a. The existing and proposed finished topography of the subject property shown by contours with intervals not to exceed five (5) feet. Where conditions exist that may require more detailed information on the proposed topography, contours with intervals of less than five (5) feet may be required by the Planning Commission, or its duly authorized representative.
- b. All housing units on the subject property:
 - Detached housing - Location, arrangement, and number of all lots, including lot dimensions and maximum height of buildings.
 - Attached housing - Location, height, and arrangement of all buildings, indicating the number of units in each building, and, where applicable, location, arrangement and dimensions of all lots.
- c. Location, height, arrangement, and identification of all non - residential buildings and uses on the subject property and, where applicable, location and arrangement of all lots with lot dimensions.
- d. Location and arrangement of all common open space areas and recreational facilities, including lot dimensions. Methods of ownership, operation, and maintenance of such lands shall be identified.
- e. Landscaping features, including identification of planting areas and the location, type, and height of walls and fences.
- f. Location of signs indicating their orientation, size, and height.
- g. All utility lines and easements:
 - Water distribution system, including line sizes, width of easements, type of pipe, location of hydrants and valves, and other appurtenances.
 - Sanitary sewer system, including pipe sizes, width of easements, gradients, type of pipes, invert elevations, location and type of manholes, the location, type, and size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances.
 - Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins, and data indicating the quantity of storm water entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet), the quantity of storm water generated by development of the subject area, and the quantity of storm water to be discharged at various points to areas outside the subject property.

- Other utilities (e.g., electric, telephone, etc.) including the type of service and the width of easements.
- h. Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking and loading and/or unloading spaces.
- i. Circulation System:
 - Pedestrian walkways, including alignment, grades, type of surfacing, and width.
 - Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections.
- j. Provisions for control of erosion, hillside slippage, and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.
- k. Location and arrangement of all lighting structures including intensity and direction of illumination.
- l. A schedule of development, including the staging and phasing of:
 - Residential area, in order of priority, by type of dwelling unit.
 - Streets, utilities, and other public facility improvements, in order of priority.
 - Dedication of land to public use or set aside for common ownership.
 - Non-residential buildings and uses, in order of priority.

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

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

SECTION 9.21 - REGULATIONS CONCERNING AIR RIGHTS:

Any proposed use of air rights, as defined herein, shall be in the form of a development plan, as regulated in Section 9.19 of this ordinance, submitted to the Planning Commission, or its duly authorized representative for review.



SECTION 9.22- REGULATIONS CONCERNING DESIGN AND CONSTRUCTION OF IMPROVEMENTS:

Any proposed development requiring the construction of streets (including curb and gutters), sidewalks, sewers (sanitary & storm), water lines, or other public improvements which does not constitute a subdivision, as herein defined, shall be required to be designed and constructed in accordance with the applicable articles and sections of the subdivision regulations, unless specifically waived by the Planning Commission.

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

- A. No motor vehicle which is abandoned, nonfunctional, in a state of disrepair, or lacking a valid license, shall be stored in excess of seventy - two (72) hours in any residential zone, unless it is in a completely enclosed building.
- B. It shall be unlawful for any person(s) to live in any boat, automobile, camper, recreational vehicle, truck, or tractor within the jurisdiction of the legislative body, except houseboats may be permitted along the Ohio River.
- C. The outside storage in excess of seventy-two (72) hours, of any trailer, mobile home, recreational vehicle, camper, boat, or similar type equipment shall be restricted to the rear yard or side yard behind the front building line of all lots within the jurisdiction of the legislative body. In no case shall more than one of the aforementioned vehicles or similar type of equipment be permitted outside of an enclosed building on any lot or parcel of land.
- D. It shall be unlawful to park or to keep a truck or tractor, in excess of 6,000 pounds gross vehicle weight, at any place on any property located in a residential district zone, except in a completely enclosed building.
- E. All motor vehicles, trailers, recreational vehicles, campers, boats and similar type equipment shall be parked or stored on a paved surface.
- F. Any property which does not comply with the provisions of this section, at the time of adoption of this ordinance, shall be given a period of sixty (60) days from the date of adoption of this ordinance to comply with all of the provisions of this section.

SECTION 9.24 - HILLSIDE DEVELOPMENT CONTROLS:

- A. This section is designed to ensure, when development is proposed in those areas of the community which have physical characteristics limiting development (hillside slopes of 20 percent or greater), that said development is in a manner which harmonious with adjacent lands so as to minimize problems of drainage, erosion, earth movement, and other natural hazards.



B. Areas of land on which development is physically restricted due to excessive hillside slopes shall be limited according to the following requirements:

1. Development proposed on land areas identified in the Comprehensive Plan as "Physically Restrictive Development Areas", and any other areas which have slopes of 20 percent or greater, shall require approval from the Planning Commission, or its duly authorized representative, before development may occur.
2. No excavation, removal, or placement of any soil, foundation placement, or construction of buildings or structures of any nature within the area identified as Physically Restrictive Development Area in Subsection A. (1), above, may occur until plans and specifications for such work have been submitted in the form of a development plan as regulated by Section 9.19 of this ordinance. In addition to development plan requirements, the following shall also be submitted:
 - a. Plan(s) which show existing topography and the proposed physical changes necessary for construction, indicating grading (cutting and filling), compaction, erosion, sedimentation basins, areas to be defoliated, and any other pertinent information which will change the natural physical features of the site or general area.
 - b. Information defining results of subsurface investigation of the area under consideration, including test borings, laboratory tests, engineering tests, and a geological analysis. Such Investigation shall be made by a qualified, registered civil engineer and a geologist, indicating that any structural or physical changes proposed in the area will be completed in a manner which will minimize hillside slippage or soil erosion.
3. The development plan, and other information required by this section, shall be reviewed by the city engineer and the city staff, who will recommend to the Planning Commission, or its duly authorized representative, what effect the proposed development will have on hillside slippage and/or soil erosion. After consideration of the recommendations, the Planning Commission, or its duly authorized representative, may authorize use of the site in accordance with the submitted plans.
4. If, after review of the plans required by this section, the Planning Commission, or its duly authorized representative, determines that said proposed plans will not minimize hillside slippage and/or soil erosion, the Planning Commission, or its duly authorized representative, shall deny a permit for the development of said land.

C. CRITERIA: Evaluation of the proposed development plan shall be based upon the following criteria:

1. PUBLIC POLICY:



- a. Public works in hillside areas should be designed to preserve the natural character of the land to the greatest extent possible. Deep or extensive excavations and fills scar the landscape and should be avoided.
- b. Excessive cutting and filling should be avoided in the construction of hillside roadways.
- c. Roadways constructed on hillsides should, wherever possible, follow the contours of the land or climb the slopes with a gentle grade.

2. REGULATING THE SUBDIVISION OF HILLSIDE LAND:

- a. Plans for hillside subdivisions should be laid out so that lots on the flatter upland portions of the site are held back from the crest of the hill.
- b. In planning hillside subdivisions, maximum existing vegetation should be retained.
- c. In planning hillside subdivisions, lots located on sloping portions of the site and at the crests of hills should be arranged so that intrusion of buildings constructed on lower elevations into the views of those above will be minimized.
- d. Hillside vegetation should not be heedlessly displaced, degraded, or destroyed.
- e. Subdivisions in hillside areas should be designed to preserve the natural character of the land, to the greatest extent possible.

3. REGULATING THE CHARACTER OF DEVELOPMENT:

- a. The visual impact of grading should be minimized by avoiding flat grading planes and sharp angles of intersection.
- b. When it is necessary to use retaining walls, their height should be minimized.
- c. When buildings are constructed on hillside sites, yards and patios should respect the natural contours, drainage patterns, and vegetation of the site.
- d. Slopes exposed in new development should be landscaped in order to mitigate visual impacts created by hillside grading.
- e. The natural slope line of the hill, as seen in profile, should be retained.
- f. Existing native vegetation should be preserved, and when disturbed, should be supplemented with new native vegetation.

- g. Trees should be planted in random clusters, not in rows, to compliment the natural pattern of tree distribution.
- h. All cuts, fills, and any other earth modifications should be replanted with appropriate native vegetation.
- i. The risk of off - site geologic property damage should be minimized by locating development away from areas that are vulnerable to sliding.
- j. Grading for buildings, driveways, outdoor use areas, utilities, etc., should be minimized to preserve the natural topography of the site.
- k. When grading operations are necessary, the smallest practical areas of land should be exposed at any one time during development and the length of exposure should be kept to the shortest practicable amount of time.

4. REGULATING EARTHWORKS:

- a. The tops and toes of excavations and their slopes should be set back from property boundaries and structures as far as necessary for the safety of adjacent properties and adequacy of foundation support and to prevent damage as a result of water runoff.
- b. No fill should be placed over trees, stumps, or other organic or unstable material.
- c. All retaining walls should be promptly backfilled.
- d. Where storm and drainage improvements are necessary, they should be designed to create a natural, rather than a man - made, appearance.
- e. In order to prevent runoff, erosion control plans should utilize existing trees and vegetation to the maximum extent possible.

SECTION 9.25 - MOBILE VENDING SERVICES

- A. Mobile vending services may be permitted only in commercial zones, provided that all of the following criteria are met:
 - 1. The mobile vending service shall be located entirely on private property, on City owned property, when in association with a Special Events Permit, and within City designated Mobile Vending Areas (MVA), and shall not be located in any required setback, sight distance triangle, buffer, or public right-of way unless permission is specifically granted by the Zoning Administrator by permit.



2. Any operator/owner of a mobile vending service shall obtain a valid Mobile Vending permit from the Zoning Administrator and a City issued occupational/business license.
3. A mobile vending permit shall be issued for one calendar year at locations permitted within Section 9.25.
4. The operator/owner of a mobile vending service shall submit to the Zoning Administrator a Certificate of Land Use & Affidavit, available from the City, which grants in writing, permission of the property owner to operate on his/her property.
5. Violators not in compliance with the term of this section are subject to fines of \$100 per day, and subject to termination of the mobile vending permit and the owner's occupational/business license. If the operator/owner of a mobile vending service is issued a notice of any municipal code violation, then the mobile vending permit is not eligible for renewal within the City for a period of one year.
6. Trash receptacles shall be provided for customers to dispose of food wrappers, food utensils, paper products, cans, bottles, food, and other such waste. Such receptacle shall be located not more than ten (10) feet from the mobile vending unit.
7. The hours of operation shall be between 6:00 a.m. and 10:00 p.m. or special conditions determined by the City.
8. The event shall not locate in any minimum required parking spaces for other businesses on the site. Parking spaces may be shared with other uses on the site, unless the Zoning Administrator determines that parking congestion problems will be present on the site. The Zoning Administrator may require additional parking to alleviate the congestion. If enough parking cannot be provided, the use may not be located on the site.
9. Any person(s) so engaged shall not be relieved from complying with the provisions of this section by reason of association with any local dealer, trader, operator, merchant, organization, or auctioneer, or by conducting the mobile vending service in connection with, as part of, or in the same name of any local dealer, trader, operator, merchant, organization, or auctioneer.
10. The mobile vending providers must meet all applicable local and state codes, regulations and licenses.

SECTION 9.26 - GENERAL MOBILE HOME REGULATIONS: The following regulations shall apply to all mobile homes located individually or in a mobile home park, where permitted herein. Requirements of the zone in which said mobile homes are permitted shall also apply:



- A. The mobile home shall, at a minimum, be equipped with plumbing and electrical connections designed for attachment to appropriate external systems.
- B. All health, sanitation (including sewers and/or private secondary sewage treatment plants approved by the Northern Kentucky District Health Department and the Sanitation District No.1 of Campbell and Kenton Counties), and safety requirements applicable to a conventional dwelling, shall be equally applicable to a mobile home.
- C. The mobile home shall be set and adequately anchored on a concrete or hard surfaced slab in accordance with the Kentucky Mobile Home and Recreational Vehicle Park regulations, and the open space between the ground and the floor of the mobile home shall be enclosed with some material such as concrete block, corrugated metal, or other durable and suitable material.
- D. Any person, firm, or corporation desiring to locate a mobile home shall apply for a zoning/building permit and an occupancy permit. Applicable permits must be approved prior to the installation and occupancy of any mobile home. The proper permits must be displayed in a conspicuous location in each mobile home, signifying that all permits have been approved by the Building Inspector and Zoning Administrator.

SECTION 9.27 - TEMPORARY COMMERCIAL USES:

PURPOSE: The purpose of this section is to benefit the public by providing access to general commercial goods and services by allowing temporary commercial displays and sales of goods and services on paved surfaced areas with adequate parking. Such temporary uses are subject to certain limitations and, if these limitations cannot be satisfied, the use is prohibited.

- A. Temporary Commercial Uses are exhibits or showings of products. Goods or equipment or services allowed as principally permitted uses in the Shopping Center (SC) Neighborhood Commercial One (NC-1), Neighborhood Commercial Two (NC-2), and Neighborhood Commercial Three (NC-3), Mixed Land Use (MLU), Sub-Urban T3, General Urban T4, Urban Center T5 and Urban Center T5.5 zoning districts. Temporary Commercial uses are permitted on paved surface areas, and are subject to the terms of section 9.27 and other provisions of the zoning regulations as applicable.
- B. The construction of Temporary Commercial Uses should be stationary in nature such as tents and buildings and not mobile in nature such as trucks, trailers or carts. Safety should be a prime consideration when evaluating the location of the Uses. The Uses must be positioned so that the existing vehicular and pedestrian traffic flow is not impeded. All applicable state and local building and health codes must also be met.
- C. Temporary Commercial Uses cannot exist or be present in any form, whether open for viewing or not, more than sixty (60) days.

- D. Prior to placing any Temporary Commercial Use on any property, the person or persons owning or having control or supervisory authority of such display shall apply and be required to obtain a permit from the Zoning Administrator for the Temporary Commercial Use.
- E. The application must contain the following information and be submitted with a site plan of the property on which the Temporary Use is to be placed:
1. Name, address, telephone number and signature of the owner of the property proposed for the Temporary Use.
 2. Name, address, telephone number, and signature of the operator of the proposed Temporary Use.
 3. A copy of a current city occupational license for the operator of the proposed Temporary Use.
 4. A site plan indicating: all existing structures on the site as well as on adjoining sites of the proposed Temporary Commercial Use; the dimensions and location of the area to be used by the Temporary Commercial Use on the site; and the front, rear and side setbacks of the area to be used for the display.
 5. The number of parking spaces to be used by the Temporary Commercial Use; the number of spaces anticipated to be used for off-street parking in conjunction with the display.
 6. Accurately state and describe the type of goods or service to be on display.
 7. State the beginning and ending date the Temporary Commercial Use is to be on the site.
 8. Depict all structures, regardless of nature, to be part of the Temporary Commercial Use, including tents, canopies, fences or barriers of any kind.
 9. Indicate traffic access to the Temporary Commercial Use.
 10. Indicate anticipated flow of pedestrian and vehicular traffic, if applicable, on the site relative to existing commercial developments and the Temporary Commercial Use.

The Zoning Administrator shall review the application and determine within three (3) working days from submittal date whether or not the plan conforms to Section 9.27 and all other applicable provisions of the zoning regulations.

- F. The Zoning Administrator is permitted to issue a permit for the Temporary Commercial use upon receiving a completed application containing all required information, the full



application fee, and approval from the Bellevue Fire Department. After reviewing the completed application, the Zoning Administrator may issue a permit if review of the application and plans submitted indicates that:

1. The Temporary Commercial Use as depicted is compatible with existing commercial development on the site.
 2. Anticipated pedestrian and vehicular traffic flow is shown to be compatible with existing traffic patterns at the site.
 3. Maximum estimated parking spaces necessary for the Temporary Commercial Use are not anticipated to significantly detract from parking area provided for existing commercial development at the site.
 4. No structure shown will block, impair or otherwise unduly inconvenience patrons of existing commercial development on the site. To ensure the safety of the individuals utilizing the site, retain a positive aesthetic view and adequate parking, the location of all proposed Temporary Uses will be evaluated in regard to pedestrian and vehicular traffic patterns, emergency access, access points, parking lots, setbacks, and existing structures.
 5. Proposed site is paved and is located in a permitted zoning district.
 6. The construction of the display area is immobile in nature such as in a building or tent and not readily mobile such as in a motor vehicle.
 7. The Zoning Administrator must approve any deviation in the location of a Temporary Commercial Use from the requirements of the zoning regulations.
- G. If the Zoning Administrator refuses to issue a permit for a Temporary Commercial Use, he shall set forth the reasons for such refusal in writing and submit the findings to the applicant contemporaneously with his refusal to issue the permit. Submission of the findings of fact upon which the refusal is based, shall be made not later than three (3) working days from the date the completed application and fee were submitted.
- H. An applicant refused a permit for the Temporary Commercial Use permit by the Zoning Administrator may appeal to the Board of Adjustment. The appeal must be made within five (5) working days from the date of the refusal and submitted to the administrative office. The Board of Adjustment shall review the appeal within thirty (30) days and shall either (1) overrule the Zoning Administrator and order the issuance of the Temporary Commercial Use permit; (2) order the issuance of the permit with any reasonable conditions; or (3) agree with the Zoning Administrator and refuse the issuance of the permit.
- I. At the time of application for a Temporary Commercial Use permit, the applicant shall pay in full to the City of Bellevue, a fee as indicated in the adopted fee schedule.



- J. The purpose of Section 9.27 is to provide access by the public to Temporary Commercial Uses of limited duration rather than to establish a regular or long-term use of land. The maximum permitted number of days that any one site shall utilize Temporary Commercial Uses shall be sixty (60) days per calendar year.
- K. This Section shall not apply to sidewalk sales by a commercial establishment which does business on the same premises, where the articles or goods on outdoor display are the same as are usually displayed for sale at its establishment on sidewalks located on the premises and not located within any right-of-way.

SECTION 9.28 - PHASED ZONING REGULATIONS:

- A. Phased zoning is an overlay type regulation to be used in cases where the timing and/or phasing of the zoning of an area is especially critical to the implementation of the adopted Comprehensive Plan. The intent of the phased zoning regulations is to encourage redevelopment of a specified area for the use and/or density designated within the Comprehensive Plan when the necessary conditions for such development are realized (e.g., demolition of existing building). Implicit in such a phased zoning approach is the premise that until such conditions are realized, the type of development designated within the Comprehensive Plan is premature; such development would be prevented by temporarily zoning the area to generally conform with the predominant existing land use, with a clear stipulation of an intended future re-zoning, which would be in compliance with the adopted Comprehensive Plan.
- B. The phased zoning regulations may be overlaid over any zoning classification by means of a zone change process. The use of the phased zoning regulations would indicate that the regulations of the overlaid zone are currently being enforced based upon the general existing land use, but upon attainment of all the requirements of the zone which corresponds to the adopted Comprehensive Plan for the type of use and/or density, the area could be re-zoned in direct compliance with the plan.
- C. Phased zones are indicated on the official zoning map by adding to the overlaid zone, the letter “P”, as a suffix enclosed in parentheses. For example, in order to properly phase its change, an area zoned R-1 C, which is identified for future use on the adopted Comprehensive Plan for "industrial" could be temporarily zoned R-1C(P), indicating that present development on the site would be in conformance with the regulations of the overlaid R-1C Zone, but that, upon the attainment of certain conditions (e.g., provision of an adequate access road, demolition of existing buildings), the area could be re-zoned through a conventional zone change procedure to an industrial zone. At the time of the zone change, the temporary R-1C(P) Zone is removed and the area is developed according to the regulations of the new zone, which is in conformance with the adopted Comprehensive Plan.
- D. The minimum size of any area to be rezoned, as regulated by this section of the ordinance, is one (1) acre, provided that all other provisions of this ordinance and the subdivision regulations are adhered to. Development of a smaller tract adjacent to an



existing zone being requested may be permitted if the proposed development conforms to and extends the original development as if the new area had been a part of the original development and provided further that the zone is in conformance with the Comprehensive Plan.

SECTION 9.29 - UTILITIES LOCATION:

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

- A. Such facilities shall be essential for the immediate area or for the proper functioning of the total utility system of which the above element is a part.
- B. A building or structure, except an enclosing fence, shall be set back at least fifty (50) feet from any property line.
- C. Such facilities shall be enclosed by a protective fence as regulated by Article XII of this ordinance.
- D. Open spaces on the premises shall be landscaped and maintained according to Section 9.17 of this ordinance.
- E. The storage of vehicles and equipment on the premises, unless enclosed or screened, shall be prohibited.
- F. The surrounding area shall not be adversely affected by, and shall be protected from, noise, odor, glare, dust, gas, smoke, and vibration by such suitable means and conditions as the Board of Adjustment may specify.

SECTION 9.30 - CONTROL OF OBSTACLES IN PUBLIC RIGHTS-OF-WAY:

- A. **PURPOSE:** To control the items or obstacles that are permitted in the public rights - of - way (sidewalks, alleys, streets) for the safety of pedestrian and vehicular traffic movement and the beautification of the community in general. Any items not addressed in this section must be approved by the city council.
- B. **PERMITTED ITEMS:** The following items are permitted to be installed or constructed within public rights-of-way:
 - 1. Mail collection boxes
 - 2. Police and fire call boxes
 - 3. Public telephone booths
 - 4. Telephone poles



5. Electric line poles
6. Fire hydrants
7. Bus stop benches, without signs
8. Bus stop shelters
9. Traffic and street identification signs
10. Traffic control devices
11. Trees and landscaping
12. Street lights and street light poles
13. Newspaper racks
14. Signs, 12 feet above ground level
15. Trash cans and plastic bags, on days of pick-up only
16. Historical markers
17. Parking meters
18. Communications or T.V. transformers

C. **RESTRICTED USES:** The display of merchandise is permitted on sidewalks, only subject to the following restrictions:

1. Only new merchandise for sale, including plants and gardening materials, may be displayed.
2. Displays are limited to the area directly in front of a commercial establishment offering the items for sale.
3. Displays may not be located within five (5) feet of the edge of the sidewalk nearest the curb, and shall allow for five (5) feet of clear width on the sidewalk in any case.
4. Displays shall not block ingress or egress to entrances or exits of adjoining buildings or properties.
5. Merchandise may not be displayed more than one-half hour prior to opening of the business and must be removed within one-half hour after closing the business each day.
6. No such displays shall engage the use of electricity, nor shall such displays be animated or use lights or noise making devices.
7. The restrictions listed above (divisions 1 through 6) shall not apply to single stands or stalls licensed to operate in public market spaces.

D. **ITEMS NOT PERMITTED:** The following items are not permitted within public rights-of-way:

1. Free standing signs. **EXCEPTION:** Sandwich Board signs may be permitted in the NC (HP) and NC-2 (HP) zoning districts according to the following requirements:

- The sign shall be of double-sided, chalkboard design.
- The sign shall be exactly two (2) feet in width and exactly four (4) feet in height.
- Only one sign per business shall be permitted.

2. Cigar or cigarette vending machines and all similar items not mentioned above.

SECTION 9.31 - CELLULAR ANTENNA TOWERS AND SMALL CELL TOWERS:

A. **PURPOSE:** It is the general purpose of these regulations to facilitate the planning and placement of Cellular Antenna Towers and Small Cell System Towers and facilities within the community in accordance with local regulations and the requirements of the most recent and applicable Kentucky Revised Statutes (KRS), Kentucky Administrative Regulations (KAR), and of the Federal Communications Commission (FCC).

These regulations are intended to:

1. Accommodate the need for Cellular Antenna Towers and Small Cell System Towers and facilities, while regulating their location;
2. Balance the visual effects of Strike a balance between the appearance of Cellular Antenna Towers and Small Cell System Towers and their surroundings and facilities through proper siting, design, and screening particularly near or in residential neighborhoods, community landmarks, historic sites and buildings and in natural scenic areas.
3. Encourage the joint use of any new and existing cellular facilities towers and/or support structures to reduce the number of sites through co-location.

B. **DEFINITIONS:** For the purposes of these regulations, the following definitions shall apply:

RIGHT-OF-WAY. The surface of and space above and below any real property in the municipality in which the federal, state, county or local, municipality, or municipal authority has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist. This includes, but is not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, bridges, or any other public place, area, or property under the control of the federal government, state, municipality, or municipal authority.

C. **APPLICABILITY:** These regulations apply to every utility or company that is engaged in the business of providing the required infrastructure to a utility that proposes to construct a wireless telecommunications facility for cellular communications or personal communications services shall submit a copy of the utility's complete uniform application, as specified below, to the Planning and Zoning Commission within five (5) days of applying to the Public Service Commission for a Certificate of Necessity and Convenience.

D. APPLICATION REQUIREMENTS PROCESS AND DESIGN STANDARDS: The application process and basic design standards required by the Planning Commission are defined herein for:

- CELLULAR ANTENNA TOWERS
- SMALL CELL SYSTEM / TOWERS

CELLULAR ANTENNA TOWERS

A. APPLICATION REQUIREMENT: Application for a Cellular Antenna Tower shall conform to the requirements as set forth in KRS 100.9865 and KRS 100.987 on a form prescribed by the Zoning Administrator. In addition to the Uniform Application requirements specified in KRS 100.985 – 100.987, Applicants for a Cellular Antenna Tower should submit the following information.

All information contained in the Application and any updates, except for any map or other information that specifically identifies the proposed location of the Cellular Antenna Tower being reviewed, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The records custodian shall deny any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction.

- B. A statement demonstrating that the proposal is in agreement with the Bellevue Comprehensive Plan, and that the Applicant has attempted to co-locate the proposed facility on an existing approved tower or facility or locate on sites that might be in better conformance with the adopted Comprehensive Plan, and that:
1. Identifies the location of the sites attempted to locate; and
 2. Lists the reasons why the co-location or locating on the alternative sites was unsuccessful in each instance.
- C. A development site plan, signed and sealed by a professional engineer registered in Kentucky, drawn to a scale not smaller than one (1) inch equals one hundred (100) feet, showing the following information, where applicable.
1. The total area of the site in question.
 2. All public and private rights-of-way and easement lines locations on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated or abandoned.
 3. Existing topography and approximate delineation of any topographical changes shown by contour with intervals not to exceed five feet (5').
 4. Location, height, arrangement, and identification of all residential and non - residential buildings, structures and uses on the subject property and, where applicable, location and arrangement of all lots with lot dimensions.



5. Location and arrangement of common open space areas, and ownership, operation and plan for the maintenance of such land shall be described.
6. Landscaping features, including identification of planting areas and the location, type and height of walls and fences.
7. Location of signs, indicating their orientation, size and height.
8. All utility lines and easements.
9. Location of all off-street parking, loading and/or unloading, and driveway areas.
10. Location and type of lighting used for area illumination.
11. If applicable, certificate of appropriateness within a historic district.

The Zoning Administrator may waive the submission of such data involving detailed engineering study until such time as the Application has been approved.

D. PROCESSING OF APPLICATION: Applications for the construction of Cellular Antenna Towers for Cellular Telecommunications Services or personal communications services shall be processed as follows:

1. New sites:
 - a. At least one (1) public hearing on the proposal shall be held, at which hearing interested parties and citizens shall have the opportunity to be heard. Notice of the time and place of such hearing shall be published at least once in a newspaper of general circulation in the County, provided that (1) publication occurs not less than seven (7) calendar days nor more than twenty-one (21) calendar days before the occurrence of such hearing.
 - b. Notice of the hearing shall be posted conspicuously on the property in question, for fourteen (14) consecutive days immediately prior to the hearing. Said posting shall consist of one (1) or more signs, constructed of durable material, and clearly depicting the following information: "(name of Utility) proposes to construct a Telecommunications ("tower" or "monopole") on this site" (a minimum of one (1) inch high lettering); date, place, and time of public hearing (one (1) inch high lettering); and address, including telephone number where additional information regarding the hearing may be obtained.
 - c. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by first class mail, with certification by the Zoning Administrator that the notice was mailed to an owner of every parcel of property within five hundred (500) feet of the base of the proposed tower or monopole. It shall be the duty of the Applicant to furnish to the Zoning Administrator with the names and addresses of said property owners. Records maintained by the Property Valuation Administrator (PVA) may be relied upon conclusively to determine the identity and address of said



owner. A joint notice may be mailed to two or more co-owners of an adjoining property who are listed in the PVA's records as having the same address.

- d. Upon holding such hearing, the Planning and Zoning Commission shall review and take action, within sixty (60) days commencing of a completed application, or within a date specified in a written agreement between the Planning and Zoning Commission and the applicant. If the Planning and Zoning Commission does not take action within sixty (60) days, or within the specified date within the written agreement between the Planning and Commission and the Utility application shall be deemed to be approved as submitted.

2. **Previously Approved Sites:** Previously approved sites can be reviewed and approved by Planning Commission's duly authorized representative under the following conditions if; (1) the proposed augmentation of the structure does not increase the height by more than thirty-three percent (33%), and (2) the proposed augmentation of the structure does not alter the lighting requirements for a structure on which lighting is currently not required.

E. DESIGN STANDARDS: At the time of application submittal, the applicant shall provide information demonstrating compliance with the following requirements:

1. All Cellular Antenna Towers shall be constructed as a Monopole structure, unless Stealth technology is used, or unless a waiver is granted.
2. All cables and wires shall be installed inside the Monopole structure.
3. Unless required by state and/or federal regulations, all Cellular Antenna Towers shall be uniform grey or black in color.
4. All structures, except fences, shall be located a minimum distance from the property line or lease line of any adjoining property that is equal to one-half (1/2) the height of the tower, but not less than fifty (50) feet.
5. A Cellular Antenna Tower, or alternative Antenna tower structure, may be constructed to a maximum height of two hundred (200) feet regardless of the maximum height requirements listed in the specific zoning district. This also applies to any tower taller than fifteen (15) feet constructed on the top of another building or structure, with the height being the overall height of the building/structure and tower together, measured from the grade to the highest point. The Planning Commission may allow antenna(s) greater than two hundred (200) feet in height upon review and approval of the applicant's justification that the additional height is required.
6. When any Cellular Antenna Tower, or alternative antenna tower structure, is taller than the distance from its base to the nearest property line or lease line, the applicant shall furnish the Planning Commission with a certification from an engineer registered in Kentucky that the tower will withstand winds of seventy (70) miles per hour.



7. Cellular Antenna Towers shall not be illuminated except in accordance with state or federal regulations.
8. The site shall be unstaffed. Personnel may periodically visit the site for maintenance equipment modification, or repairs. To accommodate such visits, ingress/egress shall only be from approved access points.
9. Woven-wire or chain-link (eighty (80) percent open) or solid fences made from wood or other materials (less than fifty (50) percent open), shall be used to enclose the site. Such fences shall not be less than eight (8) feet in height. The use of barbed wire or sharp pointed fences shall be prohibited. Such fence may be located within the front, side and rear yards.
10. Screening shall be provided by evergreen trees, with a minimum height of six (6) feet, planted in a staggered pattern at a maximum distance of fifteen (15) feet on center. The screening shall be placed in a ten foot perimeter area surrounding the facility.
11. Any site to be purchased or leased for the installation of a Cellular Antenna Tower, or alternative Antenna tower, and ancillary facilities, shall comply with the minimum lot size requirements of the zone in which the facility is to be located unless located on a pre-existing structure such as a building, water tank, etc.
12. Surfacing of all driveways and off-street parking areas shall comply with the requirements of the I Zoning Ordinance.
13. There shall be no signs permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs which are required by a federal, state, or local agency. Such signs shall not to exceed five (5) square feet in area.
14. All new Cellular Antenna Towers shall be designed and constructed to accommodate a minimum of three (3) service providers.
15. All option and site lease agreements shall contain non-exclusive co-location clauses.
16. Cell towers in residential zones shall be located on a lot, in a location that would have the least impact on the natural setting and adjacent properties and in a location most compatible with surrounding properties. The Planning Commission or their duly authorized representative shall have the authority to approve a proposed cell tower at a different location on the same property if it determines an alternative location is more appropriate.
17. A cell tower in a residential district must be camouflaged in the form of an alternative tower structure such as flag pole, light pole, or steeple so that it is compatible with the natural setting.
18. In instances where an Antenna is proposed within a historic or commercial district, the established public or private design control measures shall be followed. Efforts shall be made to adhere to any established design control measures or existing furnishing or fixture styles within the district. Where

additional local design review processes exist, such as Certificates of Appropriateness or urban design review boards, such approvals may be required.

Where the Planning and Zoning Commission, or its duly authorized representative, finds that circumstances or conditions relating to the particular application are such that one or more of the requirements listed above are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable, the Planning and Zoning Commission, or its duly authorized representative, may modify or waive such requirement. The applicant shall request any such modification or waiver, and the applicant shall submit justification for each requested modification or waiver.

F. **EVALUATION CRITERIA:** Evaluation of the proposal shall be based upon a finding of compliance with the following criteria:

1. The proposal is in agreement with the various elements of the adopted comprehensive plan.
2. Extent to which the proposal is consistent with the purposes of these regulations.
3. Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, and relationship of adjacent uses).
4. Extent to which the proposal responds to the impact of the proposed development on adjacent land uses, especially in terms of visual impact.
5. Extent to which the proposed facility is integrated with existing structures (e.g. buildings, signs).

G. **AMENDMENTS:** Any amendments to plans except for minor adjustments as determined by the Planning and Zoning Commission or its duly authorized representative, are subject to the same limitations and requirements as those under which such plans were originally approved.

The following activities shall be considered minor adjustments from the original approval of an Application for towers not located in public Rights-of-Way. Changes are measured cumulatively from the original approval of the tower or Base Station.

1. Tower height increases of less than ten (10) percent or twenty (20) feet, whichever is less.
2. Support structure height increases of less than ten (10) percent or ten (10) feet, whichever is less.

3. New equipment extensions from a tower horizontally of less than twenty (20) feet or width of tower at elevation of change.
4. Structure or new item extensions on a Non-Tower Wireless Communication Facility horizontally less than six (6) feet from existing structure.
5. The addition of four (4) or fewer new equipment cabinets within the boundaries of the leased/owned site.
6. Any excavation or deployment within the current boundaries of the leased/owned site and any access/Utility easements.
7. Concealment elements of the tower are not defeated.

Activities that comply with all other conditions in any prior approval not related to the limits set forth above.

SMALL CELL SYSTEM/TOWER

- A. **APPLICATION REQUIREMENT:** All proposed Small Cell Systems, except those exempted by Section 3.4, A., shall be subject to administrative review and approval by Zoning Administrator. The factual determination approving or rejecting such plans shall be made in accordance with requirements of this and other applicable sections of these regulations and the Comprehensive Plan. One Application for multiple proposed towers within the same Small Cell System is encouraged whenever possible. Applications are limited to ten (10) towers per Application. Multiple towers may only be included on a single Application if they are located within the same city or unincorporated area of the County.

Where the Zoning Administrator finds that circumstances or conditions relating to the particular Application are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more requirements unreasonable, the Zoning Administrator may modify or waive such requirement. Any modification or waiver, shall be requested in writing by the Applicant.

Applicants for the construction of Small Cell Systems for Cellular Telecommunications Services or Personal Communications Services may choose to provide either the Uniform Application per KRS.100.9865 or in lieu of the Uniform Application, the following information should be submitted:

1. A written description and map showing the coverage area of the provider's existing facilities in the general and site-specific areas that are the subject of the Application.
2. An affidavit of the telecommunications objectives for the proposed location, whether the proposed facility is necessary to prevent or fill a gap capacity or coverage shortfall, expand or provide new coverage, or to deploy new technology in the Applicant or provider's service area, whether it is the least obtrusive means of doing so.

3. A statement by an authorized representative that the Applicant or provider holds all applicable licenses or other approvals required by the Federal Communications Commission, the Kentucky Public Service Commission, and any other agency of state or federal government with authority to regulate telecommunications facilities that are required in order for the Applicant to construct the proposed facility.
 4. A statement by an authorized representative that the Applicant or provider is in compliance with all conditions required for such license and approvals.
 5. A full description of the number and dimensions of all Small Cell Towers proposed to be installed.
 6. A site development plan, signed and sealed by a professional engineer registered in Kentucky, showing the proposed location of the tower and existing structures within two hundred (200) feet of the proposed site. For Applications in which multiple towers are proposed, an overall site development plan showing all proposed locations within a single city or unincorporated area must be provided.
 7. A vertical profile sketch or drawing of the towers, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas and equipment enclosures.
 8. Written approval from the property owner stating the Applicant or provider has permission to construct a facility on their property. In the case of public Right-of-Way or public property, written approval must be submitted from the duly-authorized representative of the governing body holding ownership.
 9. Photographs of view shed from each proposed tower location, taken in at least four directions.
 10. Description of whether other Overhead Utilities exist within two hundred (200) feet of the proposed antenna location.
 11. If applicable, certificate of appropriateness within a historic district.
- B. **PROCESSING OF APPLICATION:** Applications for Small Cell Systems may be reviewed and approved by the Zoning Administrator. The Zoning Administrator shall review and take action on Applications for new Small Cell Systems within sixty (60) days of a completed Application. If the Zoning Administrator does not make a final decision within the required sixty (60) days, the Application shall be deemed to be approved as submitted.
- C. **SMALL CELL TOWER LOCATION AND DESIGN REGULATIONS:** A new Small Cell System is subject to design review and approval by the Zoning Administrator. The design criteria required for the new Small Cell Systems is determined by the type of location or zoning district in which the facility is to be located.
1. **NON-TOWER SMALL CELL SYSTEM LOCATION:** No administrative review is required for antennas locating on existing telecommunications structures,



water towers, buildings, Utility Poles (as defined by this regulation) or other existing structures. These non-tower locations must adhere to all other applicable federal, state, and local zoning codes, building codes or permits.

2. NEW SMALL CELL SYSTEM TOWER LOCATIONS IN ALL ZONING DISTRICTS:

- a. Temporary, mobile or wheeled cellular antenna towers shall not be permitted.
- b. New Small Cell Towers shall not exceed the maximum building height for the zoning district within which they are located. A height that is in excess of what is permitted within the zoning district may be approved by Zoning Administrator if it integrates Stealth Technology that better meets the objectives of these regulations.
- c. New Small Cell Towers shall be designed and constructed to accommodate a minimum of two (2) service providers.
- d. New Small Cell Towers may be located on public or private non-residential land or within a public Right-of-Way provided it does not interfere with other utilities, functionality of sidewalks, visibility, or other matters of public safety.
- e. New Small Cell Towers shall not be illuminated, except in accord with state or federal regulations, or unless illumination is integral to the Stealth Technology, such as a design intended to look like a street light pole.
- f. New Small Cell Towers shall not include advertisements and may only display information required by a federal, state, or local agency. Such display shall not exceed one (1) square foot in area, unless required by state or federal regulations, or unless a larger display is integral to the Stealth Technology. Such display shall not exceed the width of the pole, unless a wider sign is integral to the Stealth Technology such as a design which integrates a decorative banner.
- g. If a new Small Cell Tower is located in an area with primarily Underground Utilities, or where no adjacent Overhead Utility lines exist, it shall not utilize Overhead Utility lines.
- h. In instances where an Antenna is proposed to be constructed within a historic or commercial district, the established public or private design control measures shall be followed. Efforts shall be made to adhere to any established design control measures or existing furnishing or fixture styles within the district. Where additional local design review processes exist, such as Certificates of Appropriateness or Urban Design Review Boards, such approvals may be required.



3. NEW SMALL CELL SYSTEM TOWER LOCATIONS IN RESIDENTIAL ZONES: The regulations in this subsection apply to Small Cell Towers to be located within, or immediately adjacent to, residential zoning districts.
- a. Facilities in residential areas are strongly encouraged to be Non-Tower Wireless Communication Facilities, which are exempt from these regulations.
 - b. New Small Cell Towers and Antenna or Related Equipment shall be camouflaged by Stealth Technology. Examples of appropriate Stealth Technology for residential areas includes, at a minimum, towers with all cables, wires, Transmission Equipment, electric meters, power equipment, etc. installed inside the Small Cell Tower. Other types of Stealth Technology or other methods which will reduce the visual impact may be approved by Zoning Administrator.
 - c. All poles and antennas shall be uniform grey or black in color, unless another color is integral to the Stealth Technology as approved by the Zoning Administrator.
 - d. The use of cooling fans is discouraged. When needed, fans with lower noise profiles must be used.
 - e. New Small Cell Towers should avoid areas without Overhead Utilities. If a Small Cell Tower is located in an area with primarily Underground Utilities it must adhere to Stealth Technology that incorporates the telecommunications equipment into a streetscape amenity such as a decorative lamp post, street light or other approved design. In areas with Overhead Utilities, cylindrical antennas are required.
 - f. In residential areas, a Small Cell Tower shall not be located closer than the height of the proposed tower to an existing or proposed residential structure, or no closer than thirty (30) feet, whichever is greater.
 - g. Efforts should be made to locate new Small Cell Towers in the yard location where other Overhead Utilities are located.
 - h. New Small Cell Towers within residential areas should be located to avoid obstructing the view of building facades by placing the tower at a corner, intersection or along a lot line.
 - i. New Small Cell Tower shall not be located within five hundred (500) feet of an existing Small Cell System Tower. Multiple carriers are permitted and encouraged to locate on one tower, where possible.
 - j. Reasonable efforts shall be made to locate new Small Cell Towers in the order of hierarchy below, based on the following functional roadway classification from the most to least preferred:



- Interstate
 - Arterial
 - Collector
 - Local
4. NEW SMALL CELL SYSTEM TOWER LOCATIONS IN NON-RESIDENTIAL ZONES: The regulations in this subsection apply to towers to be located within non-residential zoning districts.
- a. In instances where a facility is proposed to be constructed in the right of way within one hundred (100) feet of a residential zone or use, even if the antenna's physical location is within a non-residential zone, regulations in subsection 3.4, C., shall be followed.
 - b. Antennas in commercial or park areas are encouraged to be installed as Non-Tower Wireless Communication Facilities, which are exempt from this regulation per Article III, Section 3.4, A.
 - c. Reasonable effort shall be given to locate new equipment based upon the following hierarchy of zones and land uses from the most to least preferred:
 - Co-locate on an existing structure whenever possible.
 - Institutional.
 - Industrial.
 - Commercial.
 - Public parks.
 - Agricultural.
 - d. Equipment enclosures, including electric meters, should be nearly the same width as the pole or as small as possible. Ground mounted equipment boxes should be screened from view with shrubs or other appropriate screening as approved by Zoning Administrator.
 - e. Shrouds, risers, and conduits shall be used to reduce the appearance of external cabling.
 - f. All poles, antennas, brackets, cabling, risers, shrouds, and conduits shall be uniform grey or black in color, or other color as approved by Zoning Administrator.
 - g. Cylindrical antennas shall be required, unless another antenna style is integral to the Stealth Technology as approved by Zoning Administrator.
 - h. There shall be no more than a four (4) inch offset between the pole and pole mounted equipment enclosures.

5. **EVALUATION CRITERIA:** Evaluation of the proposal shall be based upon the following criteria and shall be subject to administrative approval by Zoning Administrator:
 - a. The extent to which the proposal is consistent with the purposes of these regulations.
 - b. The extent to which the proposal minimizes the impact on adjacent land uses, especially in terms of visual impact.
 - c. The extent to which the proposed facility is camouflaged (e.g., use of Stealth Technology).
 - d. The extent to which the proposed facility conforms to the character of the surrounding area (e.g., buildings, street lighting, signs).

6. **AMENDMENTS TO APPROVED PLANS:** Any amendments to plans, except for the minor adjustments outlined below, are subject to the same limitations and requirements as those under which such plans were originally approved. The following activities shall be considered minor adjustments from the original approval of an Application for towers located in public rights of way. Changes are measured cumulatively from the original approval of the tower or Base Station.
 - a. Tower height increases by less than ten (10) percent or ten (10) feet, whichever is greater.
 - b. Change in the tower width of less than ten (10) percent or six (6) feet, whichever is greater.



SECTION 9.32 - REGULATIONS CONCERNING TELEVISION AND RADIO STATIONS:

- A. TELEVISION: Earth stations for the reception and/or transmittal of TV signals, programs, messages, etc., located in any zone, are required to be installed in accordance with FCC Regulations, manufacturer’s specifications and all applicable building codes.
1. EXCEPTION: In addition to the installation requirements delineated in Section 9.32 (A), earth stations located in the Historic Preservation Overlay Zone shall be installed according to the following regulations:
 - a. Such structures, including support equipment, shall not be permitted within any front yard or side yard in any zone. Such structures may be permitted to extend into the minimum required rear yard, as defined herein, in all zones, provided that such structures are set back from the rear lot line a minimum of ten (10) feet, and side yard clearances are maintained.
 - b. Structures may be ground mounted or roof mounted, provided that maximum height limitations are maintained. If the structure is roof mounted, it shall be located in a manner so as to detract as little as possible from the architectural character of the building.
- B. RADIO: Earth stations for the reception and/or transmittal of radio signals, programs, messages, etc., may be installed as accessory structures in any zone, in compliance with the following regulations:
1. Such structures, including tower, mast, antenna, guy wires, support equipment, etc., shall not be permitted within any front yard or side yard in any zone. Such structures may be permitted to extend into the minimum required rear yard, as defined herein, in all zones, provided that such structures are set back from the rear lot line a minimum of ten (10) feet, and side yard clearances are maintained.
 2. Such structures, including tower, mast, antenna, guy wires, support equipment, etc., shall not exceed seventy (70) feet in height, as measured from ground level to the highest point of the structure.
 3. Structures shall be constructed to withstand a wind load of eighty (80) miles per hour.
 4. Structures shall be grounded electrically and shall not cause to disturb, restrict, or impede reception of equipment on adjoining properties.



SECTION 9.33 - RESERVED

SECTION 9.34 - REGULATION OF A BED AND BREAKFAST ESTABLISHMENT

A bed and breakfast is an owner-occupied dwelling with units for hire and at which meals are prepared and served by the owner. The operation of a bed and breakfast is subject to the following standards and conditions:

- A. A bed and breakfast operation is required to make application to the Board of Adjustment and is subject to the conditional-use procedure set forth in Article VII (Definitions) of the Official Zoning Ordinance of the City of Bellevue [“The Code”].
- B. A bed and breakfast shall be permitted by conditional use in all zones throughout Bellevue, except in the following zones: Civic Spaces (CS), Conservation (CO), Industrial (I-1), and Mobile Home Park Overlay Zone (MHP).
- C. A bed and breakfast is permitted in single-family dwellings whether attached or detached, in an accessory unit as defined in Section 21.5 (Glossary) of the Code, in townhomes, and in condominiums, subject to limitation by private contract.
- D. A bed and breakfast is not permitted in an accessory structure, an accessory building or outbuilding, nor in an accessory unit except as described in Subsection C.
- E. A bed and breakfast in a Historic Preservation Overlay Zone, as described Section 10.15 of the Code, and the regulations and standards referred to therein, is subject to the additional guidelines administered by the Historic Preservation Commission.
- F. Meals at a bed and breakfast may be served, exclusively to paying lodgers, between 6 a.m. and 12 p.m. only.
- G. The length of stay at a bed and breakfast shall not exceed fourteen (14) consecutive days.
- H. A bed and breakfast shall have a minimum of 1,000 square feet for each guest unit, and no bed and breakfast shall have more than three (3) guest units per structure.
- I. The owner’s portion of a bed and breakfast structure shall be at least twenty-five (25) percent of the usable square footage.
- J. The owner of a bed and breakfast established prior to the enactment of this Section may reside in an adjoining dwelling. The maximum number of dwellings comprising a bed and breakfast establishment shall be is two (2).
- K. All signage shall be per ARTICLE XV – SIGN REGULATIONS and by permit where required.
- L. Off-street parking requirements are as follows:



1. One off-street parking space shall be provided for each guest room on site; and
2. When necessary, off-site may be provided as determined by Zoning Administrator. An affidavit and parking agreement with property owner of remote site shall be provided by bed and breakfast operator.

SECTION 9.35 - SHORT-TERM RENTAL REGULATIONS

A short-term rental building is an owner-occupied dwelling which includes guest-rooms or suites for rent by persons not members of the owner-occupant's household. The operation of short-term rental units is subject to the following standards and conditions:

- A. A permit from the City is required, and application is to be made to the Zoning Administrator and subject to the Conditional Use process described in Article VII (Definitions) of the Official Zoning Ordinance of the City of Bellevue.
- B. Short-term rental units are permitted in attached single-family dwellings, detached single-family dwellings, two-family dwellings, townhomes, and condominiums.
- C. Short-term rentals are not permitted in the following: bed-and-breakfast, hotel or a motel, an extended stay hotel or motel, a dwelling organized as seniors' housing, and a multi-family dwelling with separate housekeeping units.
- D. A dwelling unit for purposes of this section is the owner-occupant's principal residence for at least 180 days per calendar year.
- E. Short-term rental guests shall not stay more than fourteen (14) consecutive days in duration.
- F. Each dwelling subject used for short-term rental shall have no more than three (3) guest-rooms. Each floor shall have a functioning carbon-monoxide alarm, each hallway interconnecting guest-rooms shall have a functioning smoke detector, no guest-room shall have more than four occupants, and each guest- room shall have a functioning smoke detector.
- G. Guests may use a kitchen to prepare meals. Kitchens used by guests equipped with a stove, oven, or range shall have a fire extinguisher conspicuously displayed and a functioning smoke detector.
- H. Signs for identifying or advertising short-term rentals are not permitted. Signage SHALL be regulated by Section 15.2 (B) of this ordinance.
- I. Owners of short-term rental units must obtain an occupational/business license from the City.
- J. Each dwelling used for short-term rental shall be subject to inspection by the Building Inspector prior to the issue of an annual permit, and at the time of annual review.

- K. Violators of the term of this section are subject to fines of \$100 per day, and subject to termination of the short-term rental permit and the owner's occupational/business license.



ARTICLE X – ZONES

SECTION 10.1 - CONSERVATION (CO) ZONE

A. USES PERMITTED:

1. Publicly owned and/or operated parks and/or recreation areas.
2. Private recreational uses other than those publicly owned and/or operated such as ballfields and country clubs.

B. ACCESSORY STRUCTURES OR USES:

1. Customary accessory structures and uses.
2. Fences and walls, as regulated by Article XII.
3. Signs as regulated by Article XV.

C. AREA, HEIGHT, YARD, AND SETBACK REGULATIONS:

1. MINIMUM LOT AREA: One (1) acre.
2. MINIMUM LOT WIDTH: One hundred fifty (150) feet.
3. MINIMUM FRONT YARD SETBACK: Fifty (50) feet.
4. MINIMUM SIDE YARD SETBACK: Twenty-five (25) feet.
5. MINIMUM REAR YARD SETBACK: Fifty (50) feet.
6. MAXIMUM BUILDING HEIGHT: Twenty-five (25) feet.

D. OTHER DEVELOPMENT CONTROLS:

1. A development plan as regulated by Section 9.19 of this Ordinance shall be required for any permitted use or conditional use in this zone.
2. Off-street parking shall be provided for any use within this zone, according to the provisions of Article XIII of this Ordinance.
3. No outdoor storage of any material (useable or waste) shall be permitted in this zone, except within enclosed containers.
4. No motor vehicles that are inoperable, or mobile home or trailer shall be stored or used for storage in this zone.
5. No use producing objectionable odors, noise, or dust, shall be permitted within five hundred (500) feet from the boundary of any residential zone.



SECTION 10.2 - R-1A (RESIDENTIAL ONE - A) ZONE

A. PERMITTED USES:

1. Single-family residential dwellings (detached).

B. ACCESSORY STRUCTURES OR USES:

1. Customary accessory structures and uses.
2. Fences and walls as regulated by Article XII.
3. Signs as regulated by Article XV.
4. Home occupations, subject to the restrictions and limitations established in Section 9.11 of this Ordinance.

C. CONDITIONAL USES: The following uses or any customary accessory structures or uses, subject to the approval of the Board of Adjustment, as set forth in Article XVIII of this Ordinance:

1. Child Care Center, providing they are located adjacent to an arterial or collector street.
2. Educational facilities, providing they are located adjacent to an arterial or collector street.
3. Elderly / Retirement Housing, provided they are located adjacent to an arterial or collector street.
4. Facilities for human medical care – hospital / health care, adult day care, assisted living / residential care, human care clinic, nursing home, providing they are located adjacent to an arterial or collector street.
5. Fire and police stations, providing they are located adjacent to an arterial or collector street.
6. Governmental facilities.
7. Off-street parking lots and/or garages. The Board of Adjustment shall determine garage setbacks.
8. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
9. Religious institutions, providing they are located adjacent to an arterial or collector street.
10. Bed & Breakfast establishments, as set forth in SECTION 9.34 REGULATION OF BED AND BREAKFAST ESTABLISHMENTS of this Ordinance.

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



1. MINIMUM LOT AREA - Seven Thousand Five Hundred (7,500) square feet.
2. MINIMUM LOT WIDTH - Sixty (60) feet.
3. MINIMUM FRONT YARD SETBACK - Thirty (30) feet.
4. MINIMUM SIDE YARD SETBACK ON EACH SIDE OF LOT - Ten (10) feet.
5. MINIMUM REAR YARD SETBACK - Twenty-five (25) feet.
6. MAXIMUM BUILDING HEIGHT - Thirty-five (35) feet.

E. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance.
2. No outdoor storage shall be permitted in this zone except within enclosed containers or structures.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide buffer area, as regulated by Section 9.17 of this Ordinance, shall be required.



SECTION 10.3 - R-1B (RESIDENTIAL ONE - B) ZONE:

A. USES PERMITTED:

1. Single-family residential dwellings (detached).

B. ACCESSORY STRUCTURES OR USES:

1. Customary accessory structures and uses.
2. Fences and walls as regulated by Article XII.
3. Signs, as regulated by Article XV.
4. Home occupations subject to the restrictions and limitations established in Section 9.11 of this Ordinance.

C. CONDITIONAL USES: The following uses or any customary accessory structures or uses, subject to the approval of the Board of Adjustment, as set forth in Article XVIII of this Ordinance:

1. Child Care Center, providing they are located adjacent to an arterial or collector street.
2. Educational facilities, providing they are located adjacent to an arterial or collector street.
3. Elderly / Retirement Housing provided they are located adjacent to an arterial or collector street.
4. Facilities for human medical care – hospital / health care, adult day care, assisted living / residential care, human care clinic, nursing home, providing they are located adjacent to an arterial or collector street.
5. Fire and police stations, providing they are located adjacent to an arterial or collector street.
6. Governmental facilities.
7. Off-street parking lots and/or garages. The Board of Adjustment shall determine garage setbacks.
8. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
9. Religious institutions, providing they are located adjacent to an arterial or collector street.



10. Office; Commercial use, provided they meet the guidelines below in addition to the requirements provided by Article XVIII:
 - a. Structure was originally designed as mixed commercial use.
 - b. Specific use shall be approved by the Board of Adjustment.
 - c. Use shall not impair the character of the zone in which it is located.
 - d. Documentation shall be provided to verify the original design of the structure.
 - e. At least one residential dwelling unit shall be maintained as part of the principal structure.
 11. Bed & Breakfast establishments, as set forth in SECTION 9.34 REGULATION OF BED AND BREAKFAST ESTABLISHMENTS of this Ordinance.
- D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No building shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. MINIMUM LOT AREA - Four thousand five hundred (4,500) square feet.
 2. MINIMUM LOT WIDTH - Forty (40) feet.
 3. MINIMUM FRONT YARD SETBACK - Twenty (20) feet.
 4. MINIMUM SIDE YARD SETBACK ON EACH SIDE OF LOT - Five (5) feet.
 5. MINIMUM REAR YARD SETBACK - Twenty-five (25) feet.
 6. MAXIMUM BUILDING HEIGHT - Thirty-five (35) feet.
- E. OTHER DEVELOPMENT CONTROLS:
1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance.
 2. No outdoor storage shall be permitted in this zone except within enclosed containers or structures.
 3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
 4. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide buffer area, as regulated by Section 9.17 of this Ordinance, shall be required.



SECTION 10.4 - R-1C (RESIDENTIAL ONE - C) ZONE:

A. PERMITTED USES:

1. Single-family residential (detached).

B. ACCESSORY STRUCTURES AND USES:

1. Customary accessory structures and uses.
2. Fences and walls as regulated by Article XII.
3. Signs, as regulated by Article XV.
4. Home occupations, subject to the restrictions and limitations established in Section 9.11 of this Ordinance.

C. CONDITIONAL USES: The following uses or any customary accessory structures or uses, subject to the approval of the Board of Adjustment, as set forth in Article XVIII of this Ordinance:

1. Child Care Center, providing they are located adjacent to an arterial or collector street.
2. Educational facilities, providing they are located adjacent to an arterial or collector street.
3. Elderly / Retirement Housing, provided they are located adjacent to an arterial or collector street.
4. Facilities for human medical care – hospital / health care, adult day care, assisted living / residential care, human care clinic, nursing home, providing they are located adjacent to an arterial or collector street.
5. Fire and police stations, providing they are located adjacent to an arterial or collector street.
6. Governmental facilities.
7. Off-street parking lots and/or garages. The Board of Adjustment shall determine garage setbacks.
8. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
9. Religious institutions, providing they are located adjacent to an arterial or collector street.
10. Office; Commercial use, provided they meet the guidelines below in addition to the requirements provided by Article XVIII:
 - a. Structure was originally designed as mixed commercial use.



- b. Specific use shall be approved by the Board of Adjustment.
 - c. Use shall not impair the character of the zone in which it is located.
 - d. Documentation shall be provided to verify the original design of the structure.
 - e. At least one residential dwelling unit shall be maintained as part of the principal structure.
11. Bed & Breakfast establishments, as set forth in SECTION 9.34 REGULATION OF BED AND BREAKFAST ESTABLISHMENTS of this Ordinance.
- D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:
- 1. MINIMUM LOT AREA - Four thousand (4,000) square feet.
 - 2. MINIMUM LOT WIDTH - Forty (40) feet.
 - 3. MINIMUM FRONT YARD SETBACK - Twenty (20) feet.
 - 4. MINIMUM SIDE YARD SETBACK ON EACH SIDE OF LOT - Five (5) feet.
 - 5. MINIMUM REAR YARD SETBACK - Twenty-five (25) feet.
 - 6. MAXIMUM BUILDING HEIGHT - Thirty-five (35) feet.
- E. OTHER DEVELOPMENT CONTROLS:
- 1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance.
 - 2. No outdoor storage shall be permitted in this zone except within enclosed containers or structures.
 - 3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
 - 4. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide buffer area, as regulated by Section 9.17 of this Ordinance, shall be required.



SECTION 10.5 - R-1H (RESIDENTIAL ONE - H) ZONE:

A. PERMITTED USES:

1. Single-family residential (detached).
2. Single-family residential (attached), provided they are compatible in size and scale with the character of the area or neighborhood. All single-family residential attached dwellings shall not exceed three stories and thirty-five feet in height, shall not exceed a density of 14 dwelling units per net acre, and shall comply with all other requirements of this zone. A development plan, as regulated by Section 9.19 of this Ordinance, shall be required. Each residence shall be on a separately deeded lot not less than 2,500 square feet for interior units, and 3,500 square feet for end units. Interior units may have “zero” side yard setbacks. Exterior units shall comply with the required side yard setbacks contained in this section. No more than two interior adjacent units may be located in each grouping. The minimum lot width for interior single-family residential attached units shall be twenty-five (25) feet.

B. ACCESSORY STRUCTURES AND USES:

1. Customary accessory structures and uses.
2. Fences and walls as regulated by Article XII.
3. Signs, as regulated by Article XV.
4. Home occupations, subject to the restrictions and limitations established in Section 9.11 of this Ordinance.

C. CONDITIONAL USES: The following uses or any customary accessory structures or uses, subject to the approval of the Board of Adjustment, as set forth in Article XVIII of this Ordinance:

1. Child Care Center, providing they are located adjacent to an arterial or collector street.
2. Educational facilities, providing they are located adjacent to an arterial or collector street.
3. Elderly / Retirement Housing provided they are located adjacent to an arterial or collector street.
4. Fire and police stations, providing they are located adjacent to an arterial or collector street.
5. Facilities for human medical care – hospital / health care, adult day care, assisted living / residential care, human care clinic, nursing home, providing they are located adjacent to an arterial or collector street.
6. Governmental facilities.



7. Off-street parking lots and/or garages. The Board of Adjustment shall determine garage setbacks.
8. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
9. Religious institutions, providing they are located adjacent to an arterial or collector street.
10. Bed & Breakfast establishments, as set forth in SECTION 9.34 REGULATION OF BED AND BREAKFAST ESTABLISHMENTS of this Ordinance.
11. Office; Commercial use, provided they meet the guidelines below in addition to the requirements provided by Article XVIII:
 - a. Structure was originally designed as mixed commercial use.
 - b. Specific use shall be approved by the Board of Adjustment.
 - c. Use shall not impair the character of the zone in which it is located.
 - d. Documentation shall be provided to verify the original design of the structure.
 - e. At least one residential dwelling unit shall be maintained as part of the principal structure.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

1. MINIMUM LOT AREA - 3,500 square feet.
2. MINIMUM LOT WIDTH – Thirty (30) feet.
3. MINIMUM FRONT YARD SETBACK - Twenty (20) feet.
4. MINIMUM SIDE YARD SETBACK ON EACH SIDE OF LOT - Three (3) feet*.
5. MINIMUM REAR YARD SETBACK - Twenty-five (25) feet.
6. MAXIMUM BUILDING HEIGHT - Thirty-five (35) feet.

* Must conform to KBC fire-rating standards.

E. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance.
2. No outdoor storage shall be permitted in this zone except within enclosed containers or structures.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.



4. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide buffer area, as regulated by Section 9.17 of this Ordinance, shall be required.
5. When any yard of any single-family residential (attached) use permitted in this zone abuts property of any single-family residential (detached) use permitted in this zone or in an adjacent zone, a ten (10) foot wide buffer area, as regulated by Section 9.17 of this Ordinance, shall be required.



SECTION 10.6 - R-2 (RESIDENTIAL TWO) ZONE:

A. USES PERMITTED:

1. Single-family residential (detached).
2. Two-family residential.
3. Single-family residential (attached), provided they are compatible in size and scale with the character of the area or neighborhood. All single-family residential attached dwellings shall not exceed three stories and thirty-five feet in height, shall not exceed a density of 14 dwelling units per net acre, and shall comply with all other requirements of this zone. A development plan, as regulated by Section 9.19 of this Ordinance, shall be required. Each residence shall be on a separately deeded lot not less than 2,500 square feet for interior units, and 3,500 square feet for end units. Interior units may have “zero” side yard setbacks. Exterior units shall comply with the required side yard setbacks contained in this section. No more than two interior adjacent units may be located in each grouping. The minimum lot width for single-family residential attached units shall be twenty-five (25) feet.

B. ACCESSORY STRUCTURES AND USES:

1. Customary accessory structures and uses.
2. Fences and walls, as regulated by Article XII of this Ordinance.
3. Signs, as regulated by Article XV of this Ordinance.
4. Home occupations, subject to the restrictions and limitations established in Section 9.11 of this Ordinance.

C. CONDITIONAL USES: The following uses or any customary accessory structures or uses, subject to the approval of the Board of Adjustment, as set forth in Article XVIII of this Ordinance:

1. Child Care Center, providing they are located adjacent to an arterial or collector street.
2. Educational facilities, providing they are located adjacent to an arterial or collector street.
3. Elderly / Retirement Housing provided they are located adjacent to an arterial or collector street.
4. Facilities for human medical care – hospital / health care, adult day care, assisted living / residential care, human care clinic, nursing home, providing they are located adjacent to an arterial or collector street.
5. Fire and police stations, providing they are located adjacent to an arterial or collector street.
6. Governmental facilities.



7. Off-street parking lots and/or garages. The Board of Adjustment shall determine garage setbacks.
 8. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
 9. Religious institutions, providing they are located adjacent to an arterial or collector street.
 10. Bed & Breakfast establishments, as set forth in SECTION 9.34 REGULATION OF BED AND BREAKFAST ESTABLISHMENTS of this Ordinance.
 11. Office; Commercial use, provided they meet the guidelines below in addition to the requirements provided by Article XVIII:
 - a. Structure was originally designed as mixed commercial use.
 - b. Specific use shall be approved by the Board of Adjustment.
 - c. Use shall not impair the character of the zone in which it is located.
 - d. Documentation shall be provided to verify the original design of the structure.
 - e. At least one residential dwelling unit shall be maintained as part of the principal structure.
- D. AREA AND HEIGHT REGULATIONS: No buildings shall be erected or structurally altered hereafter, except in accordance with the following regulations:
1. MINIMUM LOT AREA. - Three Thousand Five Hundred (3,500) square feet.
 2. MINIMUM LOT WIDTH - Thirty (30) feet.
 3. MINIMUM FRONT YARD SETBACK - Ten (10) feet.
 4. MINIMUM SIDE YARD SETBACK ON EACH SIDE OF LOT - Three (3) feet.
 5. MINIMUM REAR YARD SETBACK - Twenty-five (25) feet.
 6. MAXIMUM BUILDING HEIGHT - Thirty-five (35) feet.
- E. OTHER DEVELOPMENT CONTROLS:
1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XIII XIV of this Ordinance.
 2. No outdoor storage shall be permitted in this zone except within enclosed containers or structures.
 3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.



4. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide buffer area, as regulated by Section 9.17 of this Ordinance, shall be required.
5. When any yard of any single-family residential (attached) use permitted in this zone abuts property of any single-family residential (detached) use permitted in this zone or in an adjacent zone, a ten (10) foot wide buffer area, as regulated by Section 9.17 of this Ordinance, shall be required.



SECTION 10.7 R-3MF (RESIDENTIAL THREE - MULTIPLE FAMILY) ZONE:

- A. PERMITTED USES:
 - 1. Multi-family residential dwellings.
- B. ACCESSORY STRUCTURES AND USES:
 - 1. Customary accessory structures or uses.
 - 2. Fences and walls, as regulated by Article XII.
 - 3. Signs, as regulated by Article XV.
- C. CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory structures or uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment as set forth in Article XVIII of this Ordinance:
 - 1. Child Care Center, providing they are located adjacent to an arterial or collector street.
 - 2. Educational facilities, providing they are located adjacent to an arterial or collector street.
 - 3. Elderly / Retirement Housing provided they are located adjacent to an arterial or collector street.
 - 4. Facilities for human medical care – hospital / health care, adult day care, assisted living / residential care, human care clinic, nursing home, providing they are located adjacent to an arterial or collector street.
 - 5. Fire and police stations, providing they are located adjacent to an arterial or collector street.
 - 6. Governmental facilities.
 - 7. Off-street parking lots and/or garages. The Board of Adjustment shall determine garage setbacks.
 - 8. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
 - 9. Religious institutions, providing they are located adjacent to an arterial or collector street.
 - 10. Bed & Breakfast establishments, as set forth in SECTION 9.34 REGULATION OF BED AND BREAKFAST ESTABLISHMENTS of this Ordinance.
- D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:
 - 1. MINIMUM LOT AREA - Twelve thousand five hundred (12,500) square feet for the first four (4) dwelling units or less; two thousand (2,000) square feet shall



be provided for every dwelling unit thereafter. In the case of this zone more than one principal building, as defined herein, may be permitted on one lot.

2. MINIMUM LOT WIDTH - One hundred (100) feet.
3. MINIMUM FRONT YARD SETBACK - Forty (40) feet.
4. MINIMUM SIDE YARD SETBACK ON EACH SIDE OF LOT - Fifteen (15) feet.
5. MINIMUM REAR YARD SETBACK - Thirty (30) feet.
6. MAXIMUM BUILDING HEIGHT- Forty (40) feet.

E. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance.
2. No outdoor storage shall be permitted except within enclosed containers or structures.
3. No lighting shall be permitted which would glare from this zone into a street or adjacent property.
4. Where a yard of a conditional use abuts property in a single-family residential zone, a ten-foot wide buffer area, regulated by Section 9.17 of this Ordinance, shall be required.
5. A development plan, as regulated by Section 9.19 of this Ordinance, shall be required for any use permitted in this zone, except when development is proposed under the Residential Cluster Development regulations as regulated by Section 10.8 of this Ordinance.



SECTION 10.8 - RCD (RESIDENTIAL CLUSTER DEVELOPMENT) OVERLAY:

- A. **PURPOSE:** The purposes of the Residential Cluster Development (RCD) Overlay Zone is to provide a means whereby clusters of attached and detached single-family residential units may be constructed in the R-1 Residential Zones, and therein, through a Development Plan, permit a wide flexibility in the design, location, siting of the building, and yard and setback requirements in order to provide for, to the greatest extent possible, the preservation of hillside areas, and other natural geographic and topographic features, and to provide for more useable and suitably located recreation facilities and open space than would otherwise be provided under conventional R-1 Residential land development procedures.
- B. **GENERAL:** A Residential Cluster Development Overlay Zone may be permitted only to be superimposed over any of the R-1 Residential Zones provided that all conditions or provisions of this section of the Ordinance, the applicable requirements of the Subdivision Regulations, and any additional requirements as may be determined necessary to provide for the most efficient layout of the RCD Overlay Zone and its proper integration with the surrounding development are met; and a public hearing is held on the RCD application.
- C. **APPLICATION AND PROCESSING:** Applications for Residential Cluster Development Overlay Zone shall be processed as follows in two stages:
1. **STAGE I -- Development Plan and Zoning Map Amendment Application for amendment to RCD Overlay Zone** shall include a Development Plan in accordance with the requirements of Section 9.20 (A) - Stage I Plan Requirements.
 - a. The Planning Commission shall hold a public hearing on the proposed application, duly noticed, in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purposes of the RCD Overlay Zone, the required elements of the Stage I Plan and other applicable requirements of this section. Upon holding such hearing, the Planning Commission shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The Planning Commission shall submit, along with their recommendations, a copy of the Stage I Plan and the bases for their recommendation.
 - b. The legislative body shall, within ninety (90) days after receiving the recommendations of the Planning Commission, review said recommendations and take action to approve, or disapprove said RCD application. Such action may incorporate any conditions imposed by the legislative body. However, should the legislative body take action to impose different conditions than were reviewed and considered by the Planning Commission, then said conditions shall be resubmitted to the Planning Commission for further review and recommendation in accordance with Subsection (C)(1)(a) above. Approval of the RCD



Overlay Zone shall require that development be in conformance with the Stage I Approved Plan. The legislative body shall forward a copy of the Approved Plan to the Planning Commission for further processing in accordance with the requirements for Stage II Plan and Record Plat.

Zoning Map Amendment - Upon approval of the RCD Overlay Zone, the Official Zoning Map shall be amended by adding the prefix "RCD" to the existing Residential (R-1) Zone (e.g., RCD-R-1B, RCD-R-1C, etc.) for the area as shown on the Stage I Approved Plan.

2. STAGE II-- PLAN AND RECORD PLAT - A Stage II Plan and Record Plat shall be developed in conformance with the Stage I Approved Plan and in accordance with the requirements of Section 9.20, B and C, and submitted to the Planning Commission for its review and approval. Except for the manner of submission and processing, the Subdivision Regulations may be waived, where applicable, and the requirements of Section 9.20, B and C, shall be substituted therefore. Those requirements not specifically waived by the Planning Commission shall conform to the Subdivision Regulations.

- a. The Planning Commission shall review the submitted Stage II Plan with regard to its compliance with the required elements of Section 9.20 (B), for Stage II Plans, other applicable elements of this Ordinance and other applicable regulations, and its conformity with the Stage I approved Plan. The Planning Commission, in approving the Stage I Approved Plan, may authorize minor adjustments from the Stage I Approved Plan, provided that the adjustments do not: change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian) or decrease the amount and/or usability of open space or recreation areas, or affect other applicable requirements of this Ordinance.

Upon Planning Commission approval of the Stage II Development Plan, a copy of said plan shall be forwarded to the Zoning Administrator, who shall grant permits only in accordance with the Stage II Approved Plan and other regulations as may be waived by this Ordinance.

- b. Upon approval of the Stage II Plan, the Planning Commission shall review the submitted Record Plat with regard to its compliance with the required elements of Section 9.20 (C) for Record Plats, the applicable requirements of the Subdivision Regulations, and its conformance with the Stage II Approved Plan.

Upon Planning Commission approval of the Record Plat, copies of said plat, certified by the Planning Commission, and suitable for recording, shall be forwarded by the Planning Commission to the office of the County Clerk to be recorded.

- D. RESIDENTIAL USES AND DENSITIES: Attached and detached single-family dwellings may be permitted within an RCD. The density of dwelling units in an RCD shall be determined by the density (dwelling units per net acre) as calculated from



the existing Residential (R-1) Zone superimposed by the RCD Overlay Zone. This density shall be applied to the total project area, excluding that land devoted to streets (public and private).

- E. PUBLIC AND SEMI-PUBLIC USES: Public and semi-public structures and uses may be permitted in the RCD. These uses shall be delineated on the plan and shall be limited to one or more of the following uses:
 - 1. Child Care Centers.
 - 2. Community centers.
 - 3. Country Clubs.
 - 4. Educational facilities.
 - 5. Fire or police stations.
 - 6. Governmental Facilities.
 - 7. Libraries.
 - 8. Open space recreation areas.
 - 9. Religious institutions.
- F. AREA REQUIREMENTS: No RCD Overlay Zone shall be permitted on less than five (5) acres of land. However, development of a smaller tract adjacent to an existing RCD Overlay Zone may be permitted, if the proposed development conforms to the original development as if the new area had been part of the original development.
- G. HEIGHT, YARD AND SETBACK REGULATIONS: Requirements shall be as approved in the plan.
- H. OFF-STREET PARKING AND LOADING AND/OR UNLOADING: Off-street parking and, when applicable, loading and/or unloading facilities shall be provided in accordance with Articles XIII and XIV of this Ordinance.
- I. FENCES, WALLS AND SIGNS: Location, height and type of fences, walls and signs shall be approved in the plan.
- J. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this Ordinance.
- K. COMMON OPEN SPACE--RECREATION AREA: At least twenty (20) percent of the total acreage of the proposed RCD shall be retained as common open space and recreation area, and dedicated to a public and/or private entity for operation and maintenance. Such open space and recreation areas shall be physically situated so as to be readily accessible, available to, and useable by all residents of the RCD. Common open space and recreation area shall be that part of the total project exclusive of dwellings, streets, parking areas, single-family lots,



commercial areas, and other non-open space and non-recreational oriented facilities.

- L. AMENDMENTS: Any amendments to plans, except for the minor adjustments which may be permitted by the Planning Commission, shall be made in accordance with the procedure required by this Ordinance, subject to same limitations and requirements as those under which such plans were originally approved.
- M. EXPIRATION: Any amendment to the RCD Overlay Zone shall be subject to the time constraints, as noted below. Upon expiration of said time period and any extensions thereto, the legislative body may initiate a request for a public hearing by the Planning Commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether said RCD Overlay Zone should revert to its original zoning designation. A public hearing may be initiated if either of the following conditions apply:
 - 1. Stage II Plan has not been approved by the Planning Commission within a period of twenty-four (24) consecutive months from the date of the Stage I Approved Plan and Overlay Zone amendment by the legislative body; provided that an extension may be permitted upon approval of the legislative body or their duly authorized representative if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the Stage I Approved Plan obsolete.
 - 2. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Stage II Plan by the Planning Commission; provided that an extension may be permitted upon approval of the legislative body or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the Stage I Approved Plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the Stage II Approved Plan.



SECTION 10.9 - MHP (MOBILE HOME PARK) OVERLAY:

- A. GENERAL: A Mobile Home Park (MHP) Overlay may be superimposed only over any of the residential zones, provided that all conditions or provisions of this section of the Ordinance, the applicable requirements of the Subdivision Regulations, and any additional requirements as may be determined necessary to provide for the most efficient layout of the MHP Zone and its proper integration with the surrounding development are met; and a public hearing is held on the MHP application.
- B. APPLICATION AND PROCESSING: Applications for Mobile Home Park Overlay shall be processed as follows in two stages:
1. STAGE I -- Development Plan and Zoning Map Amendment Application for amendment to MHP Overlay shall include a Development Plan in accordance with the requirements of Section 9.20, Stage I Plan Requirements.
 - a. The Planning Commission shall hold a public hearing on the proposed application in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purposes of the MHP Overlay, the required elements of the Stage I Plan and other applicable requirements of this section. Upon holding such hearing, the Planning Commission shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The Planning Commission shall submit, along with their recommendations, a copy of the Stage I Plan and the basis for their recommendation.
 - b. The legislative body shall, within ninety (90) days after receiving the recommendations of the Planning Commission, review said recommendations and take action to approve, or disapprove said MHP application. Such action may incorporate any conditions imposed by the legislative body. However, should the legislative body take action to impose different conditions than were reviewed and considered by the Planning Commission, then said conditions shall be resubmitted to the Planning Commission for further review and recommendation in accordance with Subsection (B)(1)(a), above. Approval of the MHP Overlay shall require that development be in conformance with the Stage I Approved Plan.

The legislative body shall forward a copy of the Approved Plan to the Planning Commission for further processing in accordance with the requirements for Stage II Plan and Record Plat.
 - c. Zoning Map Amendment - Upon approval of the MHP Overlay, the Official Zoning Map shall be amended by adding the prefix "MHP" to the existing Residential (R-1) Zone (e.g., MHP-R-1B, MHP-R-1C, etc.) for the area as shown on the Stage I Approved Plan.



2. STAGE II-- PLAN AND RECORD PLAT - A Stage II Plan and Record Plat shall be developed in conformance with the Stage I Approved Plan and in accordance with the requirements of Section 9.20, B and C, and submitted to the Planning Commission for its review and approval. Except for the manner of submission and processing, the Subdivision Regulations may be waived, where applicable, and the requirements of Section 9.20, B and C, shall be substituted therefore. Those requirements not specifically waived by the Planning Commission shall conform to the Subdivision Regulations:

- a. The Planning Commission shall review the submitted Stage II Plan with regard to its compliance with the required elements of Section 9.20 (B), for Stage II Plans, other applicable elements of this Ordinance and other applicable regulations, and its conformity with the Stage I Approved Plan. The Planning Commission, in approving the Stage I Approved Plan, may authorize minor adjustments from the Stage I Approved Plan, provided that the adjustments do not: change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian) or decrease the amount and/or usability of open space or recreation areas, or affect other applicable requirements of this Ordinance.

Upon Planning Commission approval of the Stage II Development Plan, a copy of said plan shall be forwarded to the Zoning Administrator, who shall grant permits only in accordance with the Stage II Approved Plan and other regulations as may be waived by this Ordinance.

- b. Upon approval of the Stage II Plan, the Planning Commission shall review the submitted Record Plat with regard to its compliance with the required elements of Section 9.20 (C) for Record Plats, the applicable requirements of the Subdivision Regulations, and its conformance with the Stage II Approved Plan.

Upon Planning Commission approval of the Record Plat, copies of said plat, certified by the Planning Commission, and suitable for recording, shall be forwarded by the Planning Commission to the office of the County Clerk to be recorded.

C. USES AND DENSITIES: Mobile homes including customary accessory structures and uses may be permitted within a MHP Overlay. The density of dwelling units in a MHP shall be determined by the density (dwelling units per net acre) as calculated from the existing Residential (R-1) Zone superimposed by the MHP Overlay. This density shall be applied to the total project area excluding that land devoted to streets (public and private). The following structures and uses related to and for the exclusive use of the residents of the Mobile Home Park (excluding, however, any commercial uses) are also permitted:

1. Rental or sales offices for lots and/or mobile homes in the Mobile Home Park.
2. Community centers.



3. Laundry facilities.
- D. PUBLIC AND SEMI-PUBLIC USES: Public and semi-public structures and uses may be permitted in the MHP. These uses shall be delineated on the plan and shall be limited to one or more of the following uses:
1. Educational Facilities.
 2. Religious Institutions.
 3. Open space recreation areas.
- E. AREA REQUIREMENTS: No MHP Overlay shall be permitted on less than ten (10) acres of land. However, development of a smaller tract adjacent to an existing MHP Overlay may be permitted, if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.
- F. HEIGHT, YARD AND SETBACK REGULATIONS: Requirements shall be as approved in the plan.
- G. OFF-STREET PARKING AND LOADING AND/OR UNLOADING: Off-street parking and, when applicable, loading and/or unloading facilities shall be provided in accordance with Articles XIII and XIV of this Ordinance.
- H. FENCES, WALLS AND SIGNS: The location, height, and type of all fences, walls, and signs shall be as approved in the plan.
- I. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this Ordinance.
- J. COMMON OPEN SPACE--RECREATION AREA: At least twenty (20) percent of the total acreage of the proposed MHP shall be retained as common open space and recreation area, and dedicated to a public and/or private entity for operation and maintenance. Such open space and recreation areas shall be physically situated so as to be readily accessible, available to, and useable by all residents of the MHP. Common open space and recreation area shall be that part of the total project exclusive of dwellings, streets, parking areas, single-family lots, commercial areas, and other non-open space and non-recreational oriented facilities.
- K. AMENDMENTS: Any amendments to plans, except for the minor adjustments which may be permitted by the Planning Commission, shall be made in accordance with the procedure required by this Ordinance, subject to same limitations and requirements as those under which such plans were originally approved.
- L. EXPIRATION: Any amendment to the MHP Overlay shall be subject to the time constraints, as noted below. Upon expiration of said time period and any extensions thereto, the legislative body may initiate a request for a public hearing by the Planning Commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether said MHP Overlay should revert to its



original zoning designation. A public hearing may be initiated if either of the following conditions apply:

1. Stage II Plan has not been approved by the Planning Commission within a period of twenty-four (24) consecutive months from the date of the Stage I Approved Plan and Overlay amendment by the legislative body; provided that an extension may be permitted upon approval of the legislative body or their duly authorized representative if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the Stage I Approved Plan obsolete.
2. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Stage II Plan by the Planning Commission; provided that an extension may be permitted upon approval of the legislative body or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the Stage I Approved Plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the Stage II Approved Plan.



SECTION 10.10 - NC-1 (NEIGHBORHOOD COMMERCIAL ONE) ZONE:

- A. PERMITTED USES:
1. Animal Grooming Service.
 2. Animal Hospital / Clinic.
 3. Antique Shop.
 4. Apparel / Clothing Shop.
 5. Art Gallery.
 6. Art / Craft / Hobby Shop.
 7. Bakery, Retail.
 8. Bank.
 9. Bar / Tavern / Saloon.
 10. Barber Shop.
 11. Beauty Salon.
 12. Bookstore / Gift Shop.
 13. Brew Pub.
 14. Coffee House.
 15. Dance Hall.
 16. Electronics Store.
 17. Exterminator / Pest Control.
 18. Funeral Home.
 19. Florist.
 20. General Store.
 21. Hardware Store.
 22. Home Decorating Store.
 23. Jewelry Store.
 24. Laundromat / Dry Cleaners.
 25. Liquor Store.
 26. Locksmith Shop.
 27. Massage Establishment.
 28. Meeting Halls / Lodges.
 29. Motorcycle Sales
 30. Movie Theater.



31. Museum.
32. Music Store.
33. Nightclub.
34. Office.
35. Office, Professional.
36. Park.
37. Pet Shop.
38. Photography, Retail Store.
39. Pool / Billiard Hall.
40. Post Office.
41. Print / Copy Shop.
42. Residential Dwelling Units, as part of the principal structure.
43. Restaurant, Carry Out.
44. Restaurant, Sit Down.
45. Sporting Goods Store.
46. Studio, Professional.
47. Sweet Shop.
48. Tailor / Sewing Shop.
49. Tanning Studio.
50. Theater.
51. Toy Store.
52. Variety Store.
53. Video Store.

B. ACCESSORY STRUCTURES AND USES:

1. Customary accessory structures and uses.
2. Fences and walls, as regulated by Article XII of this Ordinance.
3. Signs, as regulated by Article XV of this Ordinance.
4. Outdoor eating and drinking area with capacity of no more than ten (10) seats

C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses subject to the approval of the Board of Adjustment, as set forth in Article XVIII of this Ordinance:

1. Adult Day Care Facilities.



2. Assisted Living / Residential Care Facilities.
3. Bed & Breakfast establishments, as set forth in SECTION 9.34 REGULATION OF BED AND BREAKFAST ESTABLISHMENTS of this Ordinance.
4. Child Care Center.
5. Clinic, Human Care.
6. Educational Facilities.
7. Elderly / Retirement Housing.
8. Governmental Facilities.
9. Hospital / Health Care Facility.
10. Outdoor Dining Areas - provided that such area meets the following minimum requirements:
 - a. Such area shall be designed to clearly identify the limits of the outdoor dining area.
 - b. Such area shall not exceed eighty (80) percent of the maximum seating capacity of the entire premises, including indoor and outdoor seating.
 - c. Entertainment shall be permitted within the outdoor dining areas subject to applicable law.
 - d. Accessory structure associated with the use shall not be permitted to locate within any minimum required front, side, or rear yards, except where a variance has been approved by the Board of Adjustment.
11. Religious Institutions:
 - a. Are located adjacent to an arterial or collector street.
 - b. Any interior modification shall be described in the application and shall not be injurious to the historic character of the structure, woodwork, stairways, fireplaces, windows and doors, cornices, festoons, molding, chair rails, or light fixtures.
 - c. Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the neighborhood. The Historic Preservation Commission must approve such changes if the facility is located in the HP Overlay.
 - d. Off-street parking must be provided in accordance with section 13.2 (CC).
12. Off-Street Parking:
 - a. Shall not be located on Fairfield Avenue
 - b. Shall not front Fairfield Avenue unless owned by City.



- c. Screening and lighting requirements as determined by the Historic Preservation Commission.
- D. AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered hereafter except in accordance with the following regulations:
 - 1. MINIMUM LOT AREA - Three thousand (3,000) square feet.
 - 2. MINIMUM LOT WIDTH - Thirty (30) feet.
 - 3. MINIMUM FRONT YARD SETBACK - No restrictions.
 - 4. MINIMUM SIDE YARD SETBACK ON EACH SIDE OF LOT – Three (3) feet.
 - 5. MINIMUM REAR YARD SETBACK - Fifteen (15) feet.
 - 6. MAXIMUM BUILDING HEIGHT - Forty (40) feet.
 - 7. In the case of this zone, more than one principal building, as herein defined, may be constructed on one lot.
- E. OTHER DEVELOPMENT CONTROLS:
 - 1. Off-street parking and loading and/or unloading is not required, except that any existing area on site available for off-street parking shall be used. Future building additions shall not utilize any existing area available or currently used for off-street parking.
 - 2. No outdoor storage shall be permitted in this zone except within enclosed containers or structures.
 - 3. No lighting shall be permitted which would glare from this zone onto any street, or into any residential zone.
 - 4. When any permitted use in this zone abuts a residential zone, a ten (10) foot wide buffer area, as regulated by Section 9.17 of this Ordinance, shall be required.
 - 5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any Residential Zone.
 - 6. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas.
 - 7. A development plan, as regulated by Section 9.19 of this Ordinance, shall be required for any use permitted in this zone.
 - 8. Adult use bookstores / video stores, adult use entertainment establishments and/or adult use theaters are subject to the following requirements:
 - a. No adult use bookstore / video store, adult use entertainment establishment and/or adult use theater, as defined in this Ordinance, shall be located within 250 feet of any other such use, or located within 250 feet



of the boundaries of any residential zone, or 250 feet from existing residential areas defined for the purpose of this section as a block frontage developed with 50% or more residential uses; or located within 500 feet of any permanent structure used as a religious institution, or located within one thousand (1,000) feet of any educational facility.

- b. All existing operational adult use bookstore / video store, adult use entertainment establishment and/or adult use theater that do not presently meet any or all of the requirements described in part (a) above, shall be deemed a non-conforming use.
 - c. Such restriction, as related to distance requirements, shall be enforced in any and all directions, including but not limited to, north, south, east, west, and where vertical horizontal distance measurements are required, such restrictions shall likewise apply.
 - d. The measurement of distance as provided for herein shall be measured in a straight line from and to the nearest points of the respective properties as referred to herein.
9. Existing storefronts shall not be converted into Residential Dwelling Units on the 1st floor.



SECTION 10.11 - NC-2 (NEIGHBORHOOD COMMERCIAL TWO) ZONE:

A. PERMITTED USES:

1. Animal Grooming Service.
2. Animal Hospital / Clinic.
3. Antique Shop.
4. Apparel / Clothing Shop
5. Bakery, Retail.
6. Bank.
7. Barber Shop.
8. Beauty Salon.
9. Bookstore / Gift Shop.
10. Coffee House.
11. Dance Hall.
12. Drug Store / Pharmacy.
13. Electronics Store.
14. Exterminator / Pest Control.
15. Florist.
16. General Store.
17. Hardware Store.
18. Home Decorating Store.
19. Jewelry Store.
20. Laundromat / Dry Cleaners.
21. Locksmith Shop.
22. Massage Establishment
23. Music Store.
24. Office.
25. Office, Professional.
26. Pet Shop.
27. Photography, Retail Store.
28. Post Office.
29. Print / Copy Shop.
30. Residential Dwelling Units, as part of the principal structure.



31. Restaurant, Carry Out.
32. Restaurant, Neighborhood.
33. Restaurant, Sit Down.
34. Studio, Professional.
35. Sweet Shop.
36. Tailor / Sewing Shop.
37. Tanning Studio.
38. Thrift Store.
39. Toy Store.
40. Variety Store.
41. Video Store.

B. ACCESSORY STRUCTURES AND USES:

1. Customary accessory structures and uses.
2. Fences and walls, as regulated by Article XII of this Ordinance.
 1. Signs, as regulated by Article XV of this Ordinance.
 2. Outdoor eating and drinking area with a capacity of no more than ten (10) seats.

C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses subject to the approval of the Board of Adjustment, as set forth in Article XVIII of this Ordinance:

1. Adult Day Care Facility.
2. Assisted Living / Residential Care Facilities.
3. Banquet Hall
4. Child Care Center.
5. Clinic, Human Care.
6. Condominiums.
7. Educational Facilities.
8. Elderly / Retirement Housing.
9. Governmental Facilities.
10. Hospital / Health Care Facility.
11. Outdoor Dining Areas - provided that such area meets the following minimum requirements:
 - a. Such area shall be designed to clearly identify the limits of the outdoor dining area.



- b. Such area shall not exceed eighty (80) percent of the maximum seating capacity of the entire premises, including indoor and outdoor seating.
- c. Entertainment shall be permitted within the outdoor dining areas subject to applicable law.
- d. Accessory structures associated with the use shall not be permitted to locate within any minimum required front, side, or rear yards, except where a variance has been approved by the Board of Adjustment.

12. Religious Institutions.

- a. Are located adjacent to an arterial or collector street.
- b. Any interior modification shall be described in the application and shall not be injurious to the historic character of the structure, woodwork, stairways, fireplaces, windows and doors, cornices, festoons, molding, chair rails, or light fixtures.
- c. Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood. The Historic Preservation Commission must approve such changes.
- d. Off-street parking must be provided in accordance with section 13.2 (CC).

13. Bed & Breakfast establishments, as set forth in SECTION 9.34 REGULATION OF BED AND BREAKFAST ESTABLISHMENTS of this Ordinance.

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

- 1. MINIMUM LOT AREA - Three thousand (3,000) square feet.
- 2. MINIMUM LOT WIDTH - Thirty (30) feet;
- 3. MINIMUM FRONT YARD SETBACK - No restrictions.
- 4. MINIMUM SIDE YARD SETBACK ON EACH SIDE OF LOT – Three (3) feet.
- 5. MINIMUM REAR YARD SETBACK - Fifteen (15) feet.
- 6. MAXIMUM BUILDING HEIGHT - Forty (40) feet.
- 7. In the case of this zone, more than one principal building, as herein defined, may be constructed on one lot.

E. OTHER DEVELOPMENT CONTROLS:

- 1. Off-street parking and loading and/or unloading is not required, except that any existing area on site available for off-street parking shall be used. Future building additions shall not utilize any existing area available or currently used for off-street parking.



2. No outdoor storage shall be permitted in this zone except within enclosed containers or structures.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any residential zone.
4. When any permitted use in this zone abuts a residential zone, a ten (10) foot wide buffer area, as regulated by Section 9.17 of this Ordinance, shall be required.
5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
6. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas, except as herein provided.
7. A development plan, as regulated by Section 9.19 of this Ordinance, shall be required for any use permitted in this zone.
8. An adult use bookstore / video store, adult use entertainment establishment and an adult use theater are subject to the following requirements:
 - a. No adult use bookstore / video store, adult use entertainment establishment and/or adult use theater, as defined in this Ordinance, shall be located within 250 feet of any other such use, or located within 250 feet of the boundaries of any residential zone, or 250 feet from existing residential areas defined for the purpose of this section as a block frontage developed with 50% or more residential uses; or located within 500 feet of any permanent structure used as a religious institution, or located within one thousand (1,000) feet of any educational facility.
 - b. All existing operational adult use bookstore / video store, adult use entertainment establishment and/or adult use theater that do not presently meet any or all of the requirements described in part (a) above, shall be deemed a non-conforming use.
 - c. Such restriction, as related to distance requirements, shall be enforced in any and all directions, including but not limited to, north, south, east, west, and where vertical horizontal distance measurements are required, such restrictions shall likewise apply. The measurement of distance as provided for herein shall be measured in a straight line from and to the nearest points of the respective properties as referred to herein.
9. Existing storefronts shall not be converted into Residential Dwelling Units on the 1st floor.



SECTION 10.12 - NC-3 (NEIGHBORHOOD COMMERCIAL THREE) ZONE

A. PERMITTED USES:

1. Animal Grooming Service.
2. Animal Hospital / Clinic.
3. Antique Shop.
4. Apparel / Clothing Shop.
5. Arcade, Amusement.
6. Art Gallery.
7. Art / Craft / Hobby Shop.
8. Automobile Dealership.
9. Automobile Parts / Supply, Retail.
10. Automobile Repair Services.
11. Bakery, Retail.
12. Bank.
13. Bar / Tavern / Saloon.
14. Barber Shop.
15. Beauty Salon.
16. Bookstore / Gift Shop.
17. Bowling Alley.
18. Brew Pub.
19. Car Wash, Self-Service.
20. Club.
21. Coffee House.
22. Dance Hall.
23. Drug Store / Pharmacy.
24. Electronics Store.
25. Exterminator / Pest Control.
26. Florist.
27. Fortune Telling.
28. Gas Station.
29. Gas Station Minimart.
30. General Store.



31. Gun Shop / Firearms Dealer.
32. Hardware Store.
33. Home Decorating Store.
34. Jewelry Store.
35. Laboratory, Medical / Dental.
36. Laundromat / Dry Cleaners
37. Library.
38. Liquor Store.
39. Locksmith Shop.
40. Meeting Halls / Lodges.
41. Massage Establishments.
42. Movie Theater.
43. Museum.
44. Music Store.
45. Nightclub.
46. Nursery.
47. Office.
48. Office, Professional.
49. Oil Change Facility.
50. Park.
51. Pawnshop.
52. Pet Shop.
53. Photography, Retail Store.
54. Pool / Billiard Hall.
55. Post Office.
56. Print / Copy Shop.
57. Restaurant, Carry Out.
58. Restaurant, Fast Food.
59. Restaurant, Neighborhood.
60. Restaurant, Sit Down.
61. Service Station.
62. Sporting Goods Store.
63. Studio, Professional.



64. Sweet Shop.
65. Tailor / Sewing Shop.
66. Tanning Studio.
67. Tattoo Parlor / Body Piercing Studio / Body Painting Studio.
68. Theater.
69. Thrift Store.
70. Toy Store.
71. Variety Store.
72. Video Store.

B. ACCESSORY STRUCTURES AND USES:

1. Customary accessory structures and uses.
2. Fences and walls, as regulated by Article XII of this Ordinance.
3. Signs, as regulated by Article XV of this Ordinance.
4. Outdoor eating and drinking area with a capacity of no more than ten (10) seats.

C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses subject to the approval of the Board of Adjustment, as set forth in Article XVIII of this Ordinance:

1. Adult Day Care Facility.
2. Assisted Living / Residential Care Facilities.
3. Child Care Center.
4. Clinic, Human Care.
5. Educational Facilities.
6. Elderly / Retirement Housing.
7. Governmental Facilities.
8. Hospital / Health Care Facility.
9. Outdoor Dining Areas - provided that such area meets the following minimum requirements:
 - a. Such area shall be designed to clearly identify the limits of the outdoor dining area.
 - b. Such area shall not exceed eighty (80) percent of the entire premises including indoor and outdoor seating.
 - c. Entertainment shall be permitted within the outdoor dining areas subject to applicable law.



- d. Accessory structures associated with the use shall not be permitted to locate within any minimum required front, side, or rear yards, except where a variance has been approved by the Board of Adjustment.
10. Religious Institutions.
- a. Are located adjacent to an arterial or collector street.
 - b. Any interior modification shall be described in the application and shall not be injurious to the historic character of the structure, woodwork, stairways, fireplaces, windows and doors, cornices, festoons, molding, chair rails, or light fixtures.
 - c. Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood.
 - d. Off-street parking must be provided in accordance with section 13.2 (CC).
11. Bed & Breakfast establishments, as set forth in SECTION 9.34 REGULATION OF BED AND BREAKFAST ESTABLISHMENTS of this Ordinance.
- D. AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered hereafter except in accordance with the following regulations:
- 1. MINIMUM LOT AREA - Three thousand (3,000) square feet.
 - 2. MINIMUM LOT WIDTH - Thirty (30) feet.
 - 3. MINIMUM FRONT YARD SETBACK - No restrictions.
 - 4. MINIMUM SIDE YARD SETBACK ON EACH SIDE OF LOT – Three (3) feet.
 - 5. MINIMUM REAR YARD SETBACK - Fifteen (15) feet
 - 6. MAXIMUM BUILDING HEIGHT - Forty (40) feet
 - 7. In the case of this zone, more than one principal building, as herein defined, may be constructed on one lot.
- E. OTHER DEVELOPMENT CONTROLS:
- 1. Off-street parking and loading and/or unloading is not required, except that any existing area on site available for off-street parking shall be used. Future building additions shall not utilize any existing area available or currently used for off-street parking.
 - 2. No outdoor storage shall be permitted in this zone except within enclosed containers or structures.
 - 3. No lighting shall be permitted which would glare from this zone onto any street, or into any residential zone.



4. When any permitted use in this zone abuts a residential zone, a ten (10) foot wide buffer area, as regulated by Section 9.17 of this Ordinance, shall be required.
5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
6. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas, except as herein provided.
7. A development plan, as regulated by Section 9.19 of this Ordinance, shall be required for any use permitted in this zone.
8. Adult use bookstores / video stores, adult use entertainment establishments and/or adult use theaters are subject to the following requirements:
 - a. No adult use bookstore / video store, adult use entertainment establishment and/or adult use theater, as defined in this Ordinance, shall be located within 250 feet of any other such use, or located within 250 feet of the boundaries of any residential zone, or 250 feet from existing residential areas defined for the purpose of this section as a block frontage developed with 50% or more residential uses; or located within 500 feet of any permanent structure used as a religious institution, or located within one thousand (1,000) feet of any educational facility.
 - b. All existing operational adult use bookstore / video store, adult use entertainment establishment and/or adult use theater that do not presently meet any or all of the requirements described in part (a) above, shall be deemed a non-conforming use.
 - c. Such restriction, as related to distance requirements, shall be enforced in any and all directions, including but not limited to, north, south, east, west, and where vertical horizontal distance measurements are required, such restrictions shall likewise apply. The measurement of distance as provided for herein shall be measured in a straight line from and to the nearest points of the respective properties as referred to herein.

SECTION 10.13 - SC (SHOPPING CENTER) ZONE

A. PERMITTED USES:

1. Animal Grooming Service.
2. Animal Hospital / Clinic.
3. Antique Shop.
4. Apparel / Clothing Shop.
5. Arcade, Amusement.
6. Art Gallery.
7. Art / Craft / Hobby Shop.
8. Automotive Parts / Supply, Retail.
9. Automobile Repair Services.
10. Bakery, Retail.
11. Bank.
12. Bar / Tavern / Saloon.
13. Barber Shop.
14. Beauty Salon.
15. Bookstore / Gift Shop.
16. Brew Pub.
17. Car Wash, Self-Service.
18. Club.
19. Coffee House.
20. Dance Hall.
21. Department Store.
22. Drug Store / Pharmacy.
23. Electronics Store.
24. Exterminator / Pest Control.
25. Fitness Center / Health Club.
26. Florist.
27. Gas Station.
28. Gas Station Minimart.
29. General Store.
30. Grocery Store.



31. Gun Shop / Firearms Dealer.
32. Hardware Store.
33. Home Decorating Store.
34. Home Improvement Center.
35. Hotel / Motel.
36. Hotel / Motel, Extended Stay.
37. Jewelry Store.
38. Laboratory, Medical and Dental.
39. Laundromat / Dry Cleaners.
40. Lending Establishment
41. Library.
42. Liquor Store.
43. Locksmith Shop.
44. Meeting Halls / Lodges.
45. Massage Establishments.
46. Movie Theater.
47. Museum.
48. Music Store.
49. Nightclub.
50. Nursery.
51. Office Building.
52. Office, Class A
53. Office, Class B
54. Office, Class C
55. Office, Professional.
56. Oil Change Facility.
57. Park.
58. Pawnshop.
59. Pet Shop.
60. Photography, Retail Store.
61. Pool / Billiard Hall.
62. Post Office.
63. Print / Copy Shop.



64. Restaurant, Carry Out.
65. Restaurant, Fast Food.
66. Restaurant, Neighborhood.
67. Restaurant, Sit Down.
68. Service Station.
69. Shopping Center.
70. Shopping Mall.
71. Sporting Goods Store.
72. Studio, Professional.
73. Supermarket.
74. Sweet Shop.
75. Tailor / Sewing Shop.
76. Tanning Studio.
77. Tattoo Parlor / Body Piercing Studio / Body Painting Studio.
78. Theater.
79. Thrift Store.
80. Toy Store.
81. Variety Store.
82. Video Store.
83. Electronic Smoking Retailer with the following conditions:
 - a. Shall not be located within twelve hundred (1200) feet of any school or day care center
 - b. Shall not be located within six hundred (600) feet of another electronic smoking retailer
 - c. Shall not allow any minors in the building
 - d. Shall not sell alcoholic beverages
 - e. Shall not be licensed as a Food Service Establishment
 - f. Shall not have an entrance that opens to a common area with other retail establishments.
 - g. Business shall not be transacted via drive-up window, or drive-through.

B. ACCESSORY STRUCTURES AND USES:

1. Customary accessory structures and uses.
2. Fences and walls, as regulated by Article XII of this Ordinance.
3. Signs as regulated by Article XIV of this Ordinance.



4. The normal processing and assembly, within an enclosed building, of items or products for sale and/or service exclusively on the premises is permitted.
- C. **CONDITIONAL USES:** The following uses or any customary accessory buildings or uses subject to the approval of the Board of Adjustment, as set forth in Article XVIII of this Ordinance:
1. Adult Day Care Facility.
 2. Assisted Living / Residential Care Facilities.
 3. Automotive sales and leasing
 4. Child Care Center.
 5. Clinic, Human Care.
 6. Educational Facilities.
 7. Elderly / Retirement Housing.
 8. Governmental Facilities.
 9. Hospital / Health Care Facility.
 10. Marine sales and service
 11. Religious Institutions.
 12. Outdoor Dining Areas - provided that such area meets the following minimum requirements:
 - a. Such area shall be designed to clearly identify the limits of the outdoor dining area
 - b. Such area shall not exceed eighty (80) percent of the entire premises, including indoor and outdoor seating.
 - c. Entertainment shall be permitted within the outdoor dining areas subject to applicable law
 - d. Accessory structures associated with the use shall not be permitted to locate within any minimum required front, side, or rear yards, except where a variance has been approved by the Board of Adjustment.
 13. Bed & Breakfast establishments, as set forth in SECTION 9.34 REGULATION OF BED AND BREAKFAST ESTABLISHMENTS of this Ordinance.
- D. **AREA AND HEIGHT REGULATIONS:** No building shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. **MINIMUM BUILDING SITE AREA** - One (1) acre. (In the case of this zone, more than one principal building, as defined herein, may be permitted to be constructed within the minimum building site area).



2. MINIMUM YARD SETBACK REQUIREMENTS - Fifty (50) feet for each front, side (on each side of the building) and rear yards.
3. MAXIMUM BUILDING HEIGHT - Forty (40) feet.

E. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XIII and XIV.
2. No outdoor storage shall be permitted in this zone, except within enclosed containers or structures.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Where any yard of any use permitted in this zone abuts a residential zone, a ten (10) foot wide buffer area, as regulated by Section 9.17 of this Ordinance, shall be required.
5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
6. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas.
7. A development plan, as regulated by Section 9.19 of this Ordinance, shall be required for any use permitted in this zone. Such site plan shall include the layout of the entire area of the proposed shopping center and shall take into consideration good shopping design (i.e., internal and external good pedestrian, and vehicle access) and functional relationship of uses within the shopping center.



SECTION 10.14 - MLU (MIXED LAND USE) ZONE

- A. **PURPOSE:** The purpose of the Mixed Land Use Zone (MLU) is to provide for the combining of offices, residential uses and retail and service uses within a planned development. Such development is intended to be designed to provide for a group of activities that are functionally integrated relative to land uses, vehicular and pedestrian circulation and the arrangement of structures. In addition, the intent of the zone is to promote flexibility in design and planned diversification in the relationships between location of and types of uses and structures; promote the advantages of modern large scale site planning for community development through the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses, and utilities; preserve, to the greatest extent possible, the existing landscape features and amenities; and to utilize such features in a harmonious fashion; provide for more useable and suitably located open space facilities and common facilities than would otherwise be provided under conventional land development procedures, but always with the intention of furthering the public health, safety, and general welfare.
- B. **GENERAL:** A Mixed Land Use Zone may be permitted provided that conditions and provisions of this Section of the Ordinance, the applicable requirements of the Subdivision Regulations, and any additional requirements as may be determined necessary to provide for the most efficient layout of the MLU Zone and its proper integration with the surrounding development are met; and a public hearing is held on the MLU application.
- C. **APPLICATION AND PROCESSING:** Applications for Mixed Land Use Zone shall be processed in two (2) stages:
1. Stage I - Application for a map amendment to zone an area for Mixed Land Use (MLU) shall be accompanied by a development plan, in accordance with the Stage I Plan requirements, of this section. If an area, however, is zoned MLU at the time the original zoning for the area is established (through annexation) the submission of the Stage I Development Plan for review by the Planning Commission and the legislative body, shall not be required until the area is proposed to be developed.
 - a. The Planning Commission shall hold a public hearing on the proposed application (development plan Stage I and where applicable, the zoning map amendment), in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purpose of the MLU Zone, the criteria for evaluation of a MLU Zone as set forth in Subsection F, the required elements of the Stage I Development Plan and other applicable requirements of this Section. Upon holding such hearing, the Planning Commission shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The Planning Commission shall submit, along with their recommendations, a copy of the Stage I Plan and the bases for their recommendations.



permits only in accordance with the Stage II approved plan and other regulations, as may be required by this Ordinance: (2) the Planning Commission.

- c. Upon approval of the Stage II Plan, the Planning Commission shall review the submitted Record Plat, if applicable, with regard to its compliance with the required elements of Section 9.20 (C), for record plats, the applicable requirements of the Subdivision Regulations, and its conformance with the Stage II Approved Plan. Upon Planning Commission approval of the Record Plat, copies of said plat, certified by the Planning Commission, and suitable for recording, shall be forwarded to the office of the County Clerk to be recorded.

D. PERMITTED USES: The following uses are permitted in the MLU Zone. Said uses shall be clearly delineated on the Stage I and Stage II Plans:

1. Hotels / Motels – including extended stay.
2. Offices – including professional, class A, class B, and class C.
3. Parking Buildings / Garages.
4. Public and Semi-Public Facilities - including educational facilities, governmental facilities, libraries, and religious institutions.
5. Residential - including single-family, attached and detached; two-family; and multi-family.
6. Recreational Facilities - including golf courses, country clubs, community centers, and parks.
7. Restaurants – including carry out, fast food, neighborhood, sit down, and brew pubs.
8. Retail and Service Facilities.
9. The following uses are permitted providing that the development of all facilities in or adjacent to navigable waters shall be approved by the Corps of Engineers, Department of the Army, and the Division of Water, Kentucky Department for Natural Resources and Environmental Protection. Such statements of approval or denial shall be submitted to the Board of Adjustment at the time of submittal for a conditional zoning certificate.
 - a. Boat harbors and marinas. The following uses shall be permitted as accessory use in connection with any boat harbor or marina provided, they are primarily intended to serve only persons using the boat harbor or marina:
 - Boat fueling, service and repairs.
 - Sale of boat supplies.
 - Grocery Store.
 - Restaurant.



- b. Recreational boat landing, docking and launching facilities.
 - c. Off-street parking facilities including facilities for temporary parking of boat trailers.
- E. **BUFFERING:** The MLU development shall be adequately buffered from adjacent residential development in accordance with Section 9.17 of this Ordinance.
- F. **CRITERIA FOR EVALUATION OF A MLU ZONE AND STAGE I PLAN:** The criteria established in this section are to be used as a basis in reviewing any application for amendment to a MLU Zone. The criteria are as follows:
- 1. A positive finding shall be made in regard to the following factors:
 - a. The proposed application is in agreement with the planning unit's Comprehensive Plan.
 - b. The proposed development is located adjacent to an arterial and/or collector street.
 - c. Open space areas are appropriately provided. Such open space is to be well-designed and located to meet the needs of the proposed development, considering such factors as size, shape, location, and topography of the space.
 - d. The proposed development provides for a mixture of different land use types that comprise a unified development concept.
 - e. The Stage I Plan includes all applicable requirements of Section 10.13 (G).
 - 2. Consideration shall also be given to the following factors:
 - a. The adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (based on topography, natural features, streets, relationship of adjacent uses, etc.).
 - b. The nature and extent of the proposed mix of land use types, considering the types of uses proposed in relation to the unique characteristics of the site, and the current or anticipated need for such use (s).
 - c. The extent to which the proposed design, as indicated in the Stage I Plan, is compatible with adjacent properties. Compatibility shall be reviewed in terms of intensity of land use type in relation to the general character of the surrounding area, the scale (e.g., height and mass of structures) of the proposed development; location of open spaces and size of setbacks; provision of buffer areas or utilization of natural features; the transition of land use types based on the proposed design; and the impact of the proposed development on adjacent uses, such as noise, visual impact, hours of operation, traffic circulation, etc.



- d. The amount of traffic that would be generated by the proposed operation and the ability of the existing highway system to adequately handle said traffic. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.
 - e. The extent to which the design of the internal street system provided for the efficient and safe movement of traffic within and adjacent to the site, and to and from the site without adversely affecting the ability of the adjoining street system to carry traffic.
- G. DEVELOPMENT PLAN REQUIREMENTS: STAGE I -- PLAN REQUIREMENTS: The Stage I Plan shall identify and provide the following information, drawn to a scale not smaller than one (1) inch equals one hundred (100) feet:
- 1. General
 - a. The total area in the project.
 - b. The present zoning of the subject property and all adjacent properties
 - c. All public and private rights-of-way and easement lines located on the subject property.
 - d. Existing topography, shown by contour with intervals not to exceed five (5) feet.
 - e. General description (text or map) of the proposed phasing of development.
 - f. General location of proposed streets.
 - g. A conceptual diagram (except for Phase I of the proposed project, which must meet the requirements as defined herein) indicating the anticipated location of the various proposed land uses within each phase of development (including open space as required by paragraph (L) of this section) and the approximate number of acres to be utilized by each type of land use.
 - 2. Phase I - The Phase I portion of Submitted Stage I Plan shall provide at a minimum:
 - a. Location of structures and the description of the proposed development (office, hotel, retail, commercial, residential, etc.) to be located within the Phase I portion of the project.
 - b. The estimated gross floor area and/or number of rooms and/or the density of residential development of the various activities within Phase I portion of the project.
 - c. Approximate height of the proposed structures within the Phase I portion of the project.
 - d. The location and number of off-street parking spaces to be provided.

3. Subsequent phases of development shall be reviewed by the Planning Commission and the legislative body to determine the conformance of such plans to the approved Stage I plan. Plans for subsequent development of the area may be submitted for initial review in the same form as was required for Phase I of the development, with subsequent review as a Stage II, or as a direct application for Stage II review with such detail as is required by such a submission.

STAGE II - The Stage II Plan shall be prepared in accordance with the requirements of Section 9.20, B, and C, of this ordinance.

- H. HEIGHT, YARD AND SETBACK REGULATIONS: Requirements shall be as approved in the plan.
- I. OFF-STREET PARKING, LOADING AND/OR UNLOADING: Off-street parking and when applicable, loading and/or unloading facilities, shall be as approved in the plan.
- J. FENCES, WALLS AND SIGNS: The location, height, and type of all fences, walls and signs shall be as approved in the plan.
- K. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.
- L. AMENDMENTS: Any amendments to plans, except for the minor adjustments which may be permitted by the Planning Commission, shall be made in accordance with the procedure required by Subsection C. of this section.
- M. EXPIRATION: Development plans with the MLU Zone shall be subject to the time constraints, as noted below. Upon expiration of said time period and any extensions thereto, the legislative body may initiate a request for a public hearing by the Planning Commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining the appropriateness of the approved development plan. A public hearing may be initiated if either of the following conditions apply:
 1. Stage II Development Plan has not been approved by the Planning Commission within a period of twenty-four (24) consecutive months from the date of the Stage I approved plan, except as agreed upon for the phasing of development by the legislative body; provided that an extension may be permitted upon approval of the legislative body or their duly authorized representative that sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the Stage I Approved Plan obsolete.
 2. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Stage II Development Plan by the Planning Commission; provided that an extension may be permitted upon approval of the legislative body or its duly authorized representative, if



sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the Stage I Approved Plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the Stage II Approved Plan.

- N. **ACCESSORY STRUCTURES FOR CERTAIN NONCONFORMING USES:** The Zoning Administrator shall have the authority to issue zoning permits for accessory structures serving nonconforming one or two family structures meeting the following criteria:
1. Is subordinate to and serves a principal nonconforming one or two family structure.
 2. Is subordinate in area, extent, or purpose, to the principal nonconforming one or two family structure served.
 3. Contributes to the comfort, convenience, or necessity of the residents of the nonconforming one or two family structure served.
 4. Is located on the same lot as the principal nonconforming one or two family structure.
 5. Such accessory structures shall be limited to the following:
 - a. Above ground swimming pools conforming to section 9.18.
 - b. Fences conforming to Article XII.
 - c. Sheds not exceeding 120 square feet.
 - d. Satellite receiving antennas.
 - e. Decks not exceeding 160 square feet.
 6. Such accessory structures shall conform and be in compliance with all other applicable sections of the Official Zoning Regulations and codes of the City of Bellevue.



SECTION 10.15 - HP (HISTORIC PRESERVATION) OVERLAY

A. PURPOSE:

1. To preserve the structures, buildings, appurtenances, and places which are basic and of vital importance for the development of culture, because of their association with history, because of their unique architectural style and scale, including color, proportions, form, and architectural details; or because of their being a part of or related to a square, park or area of cultural, historical, or architectural importance to the City.
2. This zone is to work in conjunction with the other zones of this chapter and for the purpose of protecting and preserving the exterior of buildings, structures, appurtenances, and places.

B. PRINCIPAL PERMITTED USES AND STRUCTURES: Any permitted uses allowed in that particular zone in which the building and structure now exists and which does not destroy or change the exterior of the building or structure in accordance with the purpose of this zone.

C. PERMITTED ACCESSORY STRUCTURES AND USES: Any permitted accessory uses allowed in that particular zone in which the building or structure now exists and which does not destroy or change the appearance of the exterior of the building, structure, appurtenances, or place in accordance with the purpose of this zone.

D. CONDITIONAL USES: Same conditions or restrictions as described in part (C) above.

E. SPECIAL CONDITIONS:

1. Off-street parking as set forth in Article XIII of this ordinance.
2. No exterior alterations visible to the public, new construction, demolition or relocation shall be permitted unless a Certificate of Appropriateness has been obtained from the Bellevue Historic Preservation Commission.
3. All proposed construction within the HP Overlay shall be done in accordance with the Taylor's Daughters/Fairfield Avenue Design Review Guidelines Manual and the Bellevue Historic Preservation Ordinance. (Copies of the manual and ordinance are available at the City Building at 616 Poplar Avenue.)

F. APPLICATION OF ZONE:

1. The Historic Preservation Overlay is to work in conjunction with the existing zones set forth under this chapter and primarily with the zones listed as R-1 H, NC-1, and NC-2 but not limited to these zones.
2. The Historic Preservation Overlay can also be applied in conjunction with the other zones in this chapter CO, R1A, R1B, R1C, R-2, NC-3, SC, R3-MF, MLU, and I-1 if this zone is so deemed necessary to preserve any historical or architectural design of any building or structure.



3. This zone is not limited to the existing zones in this chapter, but to the additions of future zones added to this chapter.
4. Upon approval of the Historic Preservation Overlay, the official zoning map shall be amended by adding the suffix HP to the existing zones.



SECTION 10.16 - I-1 (INDUSTRIAL ONE) ZONE

- A. PERMITTED USES: The following uses are permitted providing all uses are in compliance with the performance standards as set forth in Article XI of this ordinance.
1. The manufacturing, compounding, processing, packaging, or assembling of the following uses:
 - a. Candy and confectionery products, food and beverage products, except the rendering or refining of fats and oils and excluding poultry and animal slaughtering and dressing.
 - b. Cosmetics, pharmaceuticals and toiletries.
 - c. Electric appliances, television sets, phonographs, household appliances.
 - d. Electrical machinery, equipment and supplies.
 - e. Fountain and beverage dispensing equipment.
 - f. Furniture.
 - g. Instruments for professional, scientific, photographic and optical use.
 - h. Metal products, and metal finishing, excluding the use of blast furnaces or drop forges.
 - i. Musical instruments, toys, novelties, jewelry, rubber or metal stamps.
 - j. Office equipment.
 - k. Pottery and figurines.
 - l. Products from the following previously prepared materials: paper, glass, cellophane, leather, feathers, fur, precious or semi-precious metals, hair, horn, shell, tin, steel, wood, plastics, rubber, bone, cork, felt, fibers, yarn, wool, tobacco.
 - m. Textile products, canvas and burlap, clothing, cotton products, hosiery and knitting mills, rope and twine.
 2. Agriculture.
 3. Bottling and canning works.
 4. Brewing or distilling of liquors.
 5. Dry Cleaning Plant.
 6. Contractors' offices including storage of general construction equipment and vehicles.
 7. Freight terminals.
 8. Governmental Facilities.



9. Home Improvement Center.
10. Industrial engineering consultant offices.
11. Laboratories, offices, and other facilities for research, both basic and applied, conducted by or for an industrial organization or concern, whether public or private.
12. Machine shops.
13. Museum
14. Pet Day Care Facility
15. Printing, engraving and related reproduction processes.
16. Publishing and distribution of books, newspapers, and other printed materials.
17. Recycling Center.
18. Schools for industrial or business training.
19. Warehouse
20. Wholesale Establishment.

B. ACCESSORY STRUCTURES AND USES:

1. Customary accessory structures and uses, including operations required to maintain or support any use permitted in this zone on the same lot as the permitted use, such as maintenance shops, power plants, and machine shops.
2. Fences and walls as regulated by Article XII of this ordinance.
3. Signs, as regulated by Article XV of this ordinance.
4. Uses, as listed below, including within and entered from within any use permitted in this zone as a convenience to the occupants thereof, and their customers providing such accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays shall be visible from outside the building.
 - a. Cafeterias.
 - b. Coffee shops or refreshment stands.
 - c. Soda or dairy bars.

C. AREA AND HEIGHT REGULATIONS:

1. **MINIMUM TRACT FOR INDUSTRIAL DEVELOPMENT** - Ten (10) Acres, except where area restrictions are less, as identified in the adopted Comprehensive Plan; however, development of a smaller tract adjacent to an existing approved site may be permitted providing the proposed development



conforms to and extends the original development as if the new site has been a part of the originally approved site plan layout.

2. MINIMUM LOT AREA WITHIN MINIMUM TRACT - One (1) acre.
3. MINIMUM LOT WIDTH - One hundred fifty (150) feet.
4. MINIMUM FRONT YARD SETBACK - Fifty (50) feet.
5. MINIMUM SIDE YARD SETBACK ON EACH SIDE OF LOT – Twenty-five (25) feet.
6. MINIMUM REAR YARD SETBACK - Fifty (50) feet. No rear yard is required where a rail spur forms the rear property line.
7. MAXIMUM BUILDING HEIGHT - forty (40) feet or three (3) stories.

D. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance.
2. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
3. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet for each side and /or rear yard which abuts said zone shall be provided, ten (10) feet if which shall be maintained as a buffer area, as regulated by Section 9.17 of this ordinance.
4. A development plan, as regulated by Section 9.19 of this ordinance, shall be required for any use in this zone.
5. All outdoor storage must be in a structure enclosed on at least three sides and buffered from public view.



SECTION 10.17 - C-1 (COMMERCIAL ONE) ZONE

A. PERMITTED USES:

1. Antique Shop.
2. Arcade, Amusement.
3. Bowling Alley.
4. Clubs.
5. Fitness Center / Health Club.
6. Library.
7. Meeting Halls / Lodges.
8. Museum.
9. Office.
10. Office, Professional.
11. Recreational Facilities.
12. Restaurant, Neighborhood.
13. Restaurant, Sit Down.
14. Sexually Oriented Business.
15. Sporting Goods Store.

B. ACCESSORY STRUCTURES AND USES:

1. Customary accessory structures and uses.
2. Fences and walls, as regulated by Article XII of this Ordinance.
3. Signs, as regulated by Article XV of this Ordinance.
4. Outdoor eating and drinking area with a capacity of no more than ten (10) seats.

C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses subject to the approval of the Board of Adjustment, as set forth in Article XVIII of this Ordinance:

1. Adult Day Care Facilities.
2. Assisted Living / Residential Care Facilities.
3. Child Care Center.
4. Clinic, Human Care.
5. Educational Facilities.



6. Elderly / Retirement Housing.
 7. Governmental Facilities.
 8. Hospital / Health Care Facility.
 9. Outdoor Dining Areas - provided that such area meets the following minimum requirements:
 - a. Such area shall be designed to clearly identify the limits of the outdoor dining area.
 - b. Such area shall not exceed eighty (80) percent of the maximum seating capacity of the entire premises, including indoor and outdoor seating.
 - c. Entertainment shall be permitted within the outdoor dining areas subject to applicable law.
 - d. Accessory structures associated with the use shall not be permitted to locate within any minimum required front, side, or rear yards, except where a variance has been approved by the Board of Adjustment.
 10. Religious Institutions:
 - a. Are located adjacent to an arterial or collector street.
 - b. Any interior modification shall be described in the application and shall not be injurious to the historic character of the structure, woodwork, stairways, fireplaces, windows and doors, cornices, festoons, molding, chair rails, or light fixtures.
 - c. Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the neighborhood. The Historic Preservation Commission must approve such changes if the facility is located in the HP Overlay Zone.
 - c. Off-street parking must be provided in accordance with section 13.2 (CC).
 11. Bed & Breakfast establishments, as set forth in SECTION 9.34 REGULATION OF BED AND BREAKFAST ESTABLISHMENTS of this Ordinance.
- D. AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. MINIMUM BUILDING SITE AREA – Five (5) acres.
 2. MINIMUM LOT WIDTH – One hundred fifty (150) feet.
 3. MINIMUM YARD SETBACK REQUIREMENTS – Fifty (50) feet for each front, side (on each side of the building) and rear yards.
 4. MAXIMUM BUILDING HEIGHT - Forty (40) feet.
- E. OTHER DEVELOPMENT CONTROLS:



1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XIII and XIV.
2. No outdoor storage shall be permitted in this zone except within enclosed containers or structures.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any residential zone.
4. When any permitted use in this zone abuts a residential zone, a twenty (20) - foot wide buffer area, as regulated by Section 9.17 of this Ordinance, shall be required.
5. No use producing objectionable odors, noise, or dust shall be permitted.
6. All uses and/or business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking, recreational facilities, outdoor dining areas, and loading and/or unloading areas.
7. A development plan, as regulated by Section 9.19 of this Ordinance, shall be required for any use or enlargement/expansion of any use permitted in this zone.



SECTION 10.18 – T-3 (TRANSECT- THREE) SUBURBAN ZONE - NOT USED



SECTION 10.19 – T-4 (TRANSECT 4) GENERAL URBAN ZONE

A residential zone with limited neighborhood friendly mixed uses.

A. PERMITTED USES:

1. One- and two-family residential (attached and detached);
2. Park, playground.

B. ACCESSORY STRUCTURES AND USES:

1. Customary accessory structures and uses;
2. Fences and walls;
3. Signs as regulated by Article XV of this Ordinance;
4. Home Occupations as regulated by ARTICLE IX, Section 9.11 of this Ordinance.

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

1. MINIMUM LOT AREA – Two thousand seven hundred (2,700) square feet;
2. MAXIMUM LOT COVERAGE – Seventy (70) percent;
3. MINIMUM FRONT YARD SETBACK – Three (3) feet;
4. MINIMUM SIDE YARD SETBACK – One side zero (0) feet, total six (6) feet;
5. MINIMUM REAR YARD SETBACK – Three (3) feet from property line or fifteen (15) feet from centerline of alley if applicable, whichever is greater;
6. MAXIMUM BUILDING HEIGHT – Forty (40) feet for primary structure, Thirty-five (35) feet for accessory structure;

D. CONDITIONAL USES: The following uses or any customary accessory structures or uses are permitted as a conditional use, subject to the approval of the Board of Adjustment, as set forth in Article XVIII of this Ordinance:

1. Child care center;
2. Fire / police station or substation;
3. Restaurant, coffee shop, or bakery, excluding drive-thru and drive-up;
4. Library or bookstore.

E. OTHER DEVELOPMENT CONTROLS

1. No outdoor storage shall be permitted in this zone except within enclosed containers or structures.
2. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.



SECTION 10.20 - T-5 (URBAN CENTER TRANSECT) ZONE

A mixed use zone focusing on compact development blended with sustainable pedestrian friendly streetscapes.

A. PERMITTED USES:

1. Single family residential (attached)
2. Multi-family residential up to 24 dwellings per acre
3. Professional office
4. Animal hospital or veterinary clinic
5. Eating and drinking establishment, including outdoor dining
6. Pharmacy
7. Retail;
8. Beauty parlor, salon or barbershop;
9. Body art practitioners;
10. Museum / library
11. Parks / playground;
12. Hotel / motel;
13. Theater / auditorium;
14. School for higher education
15. Charter schools

B. ACCESSORY STRUCTURES AND USES:

1. Customary accessory structures and uses;
2. Fences and walls, as regulated by Article XII of this Ordinance;
3. Signs as regulated by Article XV of this Ordinance.
4. Home Occupations as regulated by ARTICLE IX, Section 9.11 of this Ordinance.
5. Private off-street vehicle charging station.

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

1. MINIMUM LOT AREA – Four thousand (4,000) square feet;
2. MAXIMUM LOT COVERAGE – One Hundred (100) percent;



3. MINIMUM FRONT YARD SETBACK – None;
 4. MINIMUM SIDE YARD SETBACK – Zero;
 5. MINIMUM REAR YARD SETBACK – Three (3) feet from property line or 15 feet from centerline of alley, whichever is greater;
 6. MAXIMUM BUILDING HEIGHT – Seventy-five (75) for primary structure, Thirty-five (35) feet for accessory structure;
- D. **CONDITIONAL USES:** The following uses or any customary accessory structures or uses, subject to the approval of the Board of Adjustment, as set forth in Article XVIII of this Ordinance:
1. Child care center.
 2. Fire / police station or substation
 3. Drive up or drive thru as an accessory use to eating establishments, pharmacy, or libraries
 4. Laboratory and research facility as an accessory use to professional office
 5. Off-street vehicle charging station available to the public
- E. **OTHER DEVELOPMENT CONTROLS**
1. No outdoor storage shall be permitted in this zone except within enclosed containers or structures.
 2. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
 3. Body art practitioners may not be co-located with any establishments selling alcoholic beverages.



SECTION 10.21 – T-5.3 (URBAN REVIVAL TRANSECT) ZONE

A mixed-use zone focusing on the adaptive reuse of existing structures and in-fill development.

A. PERMITTED USES:

1. Single family residential (attached)
2. Multi-family residential up to 75 dwellings per acre
3. Professional office
4. Coffee shop, or bakery, excluding drive-thru and drive-up
5. Parks and playgrounds;

B. ACCESSORY STRUCTURES AND USES:

1. Customary accessory structures and uses;
2. Fences and walls, as regulated by Article XII of this Ordinance;
3. Signs as regulated by Article XV of this Ordinance.
4. Home Occupations as regulated by ARTICLE IX, Section 9.11 of this Ordinance.
5. Private off-street vehicle charging station.

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

1. MINIMUM LOT AREA – Four thousand (4,000) square feet;
2. MAXIMUM LOT COVERAGE – One Hundred (100) percent;
3. MINIMUM FRONT YARD SETBACK – None;
4. MINIMUM SIDE YARD SETBACK – Zero;
5. MINIMUM REAR YARD SETBACK – Three (3) feet from property line or 15 feet from centerline of alley if applicable, whichever is greater;
6. MAXIMUM BUILDING HEIGHT – Seventy-five (75) feet above grade for primary structure, Thirty-five (35) feet for accessory structure.

D. CONDITIONAL USES: The following uses or any customary accessory structures or uses, subject to the approval of the Board of Adjustment, as set forth in Article XVIII of this Ordinance:

1. Fire / police stations or substations



E. OTHER DEVELOPMENT CONTROLS

1. No outdoor storage shall be permitted in this zone except within enclosed containers or structures.
2. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.



SECTION 10.22 - T5.5 (URBAN CENTER TRANSECT) ZONE

A high-density mixed-use zone focusing on compact development with integrated civics spaces.

A. PERMITTED USES:

1. Single family residential (attached)
2. Multi-family residential
3. Professional office
4. Medical clinics
5. Eating and drinking establishments, including outdoor dining
6. Pharmacy
7. Retail;
8. Beauty parlor, salon, spa or barbershop;
9. Body art practitioners;
10. Park / playground;
11. Hotel / motel;
12. Theater / auditorium;

B. ACCESSORY STRUCTURES AND USES:

1. Customary accessory structures and uses;
2. Fences and walls, as regulated by Article XII of this Ordinance;
3. Signs as regulated by Article XV of this Ordinance.
4. Home Occupations as regulated by ARTICLE IX, Section 9.11 of this Ordinance.
5. Private off-street vehicle charging station.

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

1. MINIMUM LOT AREA – Four thousand (4,000) square feet;
2. MAXIMUM LOT COVERAGE – One hundred (100) percent;
3. MINIMUM FRONT YARD SETBACK – None;
4. MINIMUM SIDE YARD SETBACK – Zero but must conform to Kentucky Building Code fire-rating standards;



5. MINIMUM REAR YARD SETBACK – Three (3) feet from property line or 15 feet from centerline of alley, whichever is greater;
 6. MAXIMUM BUILDING HEIGHT – Ninety-five (95) feet above grade for primary structure, Thirty-five (35) feet for accessory structure;
- D. CONDITIONAL USES: The following uses or any customary accessory structures or uses, subject to the approval of the Board of Adjustment, as set forth in Article XVIII of this Ordinance:
1. Human care hospitals, skilled nursing or emergency medical facility
 2. Fire / police station or substation
 3. Drive up or drive thru for permitted uses listed in Section A.
 4. Off-street vehicle charging station available to the public.
 5. Non-hazardous laboratory and research facilities
- E. OTHER DEVELOPMENT CONTROLS
1. No outdoor storage shall be permitted in this zone except within enclosed containers or structures.
 2. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
 3. Body art practitioners may not be co-located with any establishments selling alcoholic beverages.



ARTICLE XI - PERFORMANCE STANDARDS FOR INDUSTRIAL ZONES

SECTION 11.0 - APPLICATION OF PERFORMANCE STANDARDS:

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

SECTION 11.1 - TIME SCHEDULE FOR COMPLIANCE OF PERFORMANCE STANDARDS:

Except for standards regulated and enforced by the Commonwealth of Kentucky, compliance with the provisions of this article of the Ordinance shall be according to the following time schedule:

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

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

SECTION 11.2 - PERFORMANCE STANDARDS:

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

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



- C. **NOISE:** For the purpose of measuring the intensity and frequencies of a sound, a type 1 or type 2 sound level meter shall be employed that conforms to specifications published by the American National Standards Institute (specifications for Sound Level Meters S1.4 - 1971, or the latest edition of such standards, shall be used). In the enforcement of the regulation, noises produced by the operation of motor vehicles or other transportation facilities shall not be included in determining the maximum permitted decibel level. The sound pressure of noise radiated continuously from any activity shall not exceed the value given in Tables 11-1 and 11-2 of this section, at the location of any receiving land use. If the noise is not smooth and continuous, one or more of the corrections in Table 11-2 of this section may be added or subtracted from each of the decibel levels given in Table 11-1 of this Ordinance.

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

- D. **ODOROUS MATTER:** No emission of odorous matter shall be allowed in excess of ambient air quality standards as set forth by regulations adopted by the Kentucky Natural Resources Cabinet, Division of Air Pollution, Cincinnati Air Quality Region.
- E. **HUMIDITY, HEAT OR GLARE:** In the I-1 District, any activity producing humidity, in the form of steam or moist air or producing heat or glare, shall be carried on in such a manner that the steam, humidity, heat or glare is not perceptible at any lot line. Detailed plans for the elimination of humidity, heat or glare may be required before the issuance of a building permit.
- F. **EXTERIOR LIGHTING:** Any lights used for illumination, except for overhead street lighting and warning, or traffic signals shall direct light away from the adjoining zones.
- G. **VIBRATION:** Vibrations shall be measured at the lot line in the I-1 Districts. No vibration is permitted which is discernible to the human sense of feeling for three minutes or more duration in any one hour. Vibration shall not produce, at any time, an acceleration of more than 0.1 gravities or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, United States Bureau of Mines Bulletin No.442, or any subsequent revision or amendment thereto, shall be used to compute all values for the enforcement of these provisions. Detailed plans for the elimination of vibrations may be required before the issuance of any building permit.
- H. **EMISSIONS AND OPEN BURNING:** No emission of particulate matter, sulfur compound, carbon monoxide, hydro-carbon, nitrogen oxide, and open burning shall be allowed in all industrial zones in excess of regulations adopted by the Kentucky Natural Resources Cabinet, Division of Air Pollution, Cincinnati Air Quality Region.

- I. **RADIATION:** In all industrial zones, all sources of ionizing radiation shall be registered or licensed by the Kentucky Department of Health and operated in accordance with their regulation.
- J. **ELECTRICAL RADIATION:** In all industrial zones, any electrical radiation shall not adversely affect, at any point on or beyond the lot line, any operation or equipment other than those of the creation of the radiation. Avoidance of adverse effects from electrical radiation by appropriate single or mutual scheduling of operations is permitted.
- K. **STORAGE:** In the I-1 Zone, storage of materials, supplies, and products on the property outside the building, constructed thereon is permitted to the side and rear of the property providing that the storage of materials, supplies, and products are within an area screened from view at the nearest district boundary, in accordance with Section 9.17 and Article X.
- L. **FIRE AND EXPLOSIVE HAZARDS:** In the I-1 Zone, storage, utilization, or manufacture of solid materials that require free burning and intense burning shall not be allowed. In the I-1 Zone, the storage, utilization, or manufacture of flammable liquids, or materials that produce flammable or explosive vapors or gases shall not be allowed.
- M. **WASTE:** In the I-1 Zone, all waste shall be disposed of in accordance with the Solid Waste Regulations of the Kentucky Cabinet for Natural Resources.
- N. **BLASTING AND EXPLOSIVES:** All blasting and the use of explosives must be conducted in accordance with the regulations set forth by the Department of Mines and Minerals Division of Explosives and Blasting (pursuant to the authority of KRS 351.310 to 351.340 and 351.990) and in accordance with the Standards of Safety for Explosives, for the Commonwealth of Kentucky, prepared by the Department of Public Safety, Division of Fire Prevention (pursuant to the authority of KRS 227.300).

SECTION 11.3 - INTENT CONCERNING DETERMINATIONS INVOLVED IN ADMINISTRATION AND ENFORCEMENT OF PERFORMANCE STANDARDS:

It is the intent of this ordinance that:

- A. Where investigation can be made by the Zoning Administrator or other designated employee, using equipment normally available to the legislative body, such investigation shall be so made before notice of violation is issued.
- B. Where technical complexity, nonavailability of equipment, or extraordinary expense makes it unreasonable, in the opinion of the Zoning Administrator, for the legislative body to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be established for:
 - 1. Causing corrections in apparent violations of performance standards.
 - 2. For protecting individuals from arbitrary, capricious and unreasonable administration and enforcement of performance standard regulations.



3. For protecting the general public from unnecessary costs for administration and enforcement.
- C. If the Zoning Administrator finds, after investigations have been made by qualified experts, that there is a violation of the performance standards, the administrator shall take or cause to be taken lawful action to cause correction to, within limits set by such performance standards.

SECTION 11.4 - DUTIES OF ZONING ADMINISTRATOR REGARDING PERFORMANCE STANDARDS:

If, in the judgement of the Zoning Administrator, there is probable violation of the performance standards as set forth, the following procedures shall be followed:

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



F. If a reply is received within thirty (30) consecutive calendar days of receipt of said notice requesting technical determination as provided in this ordinance, and if the alleged violations continue, the Zoning Administrator shall call in properly qualified experts to investigate and determine whether violations exist.

If expert findings indicate violations of the performance standards, the costs of the investigations shall be assessed against the properties or persons responsible for the violations in addition to such other penalties as may be appropriate under the terms of Section 16.10 of this ordinance.

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

TABLE 11-1		
MAXIMUM PERMISSIBLE SOUND PRESSURE LEVEL (DECIBELS) AT SPECIFIED POINTS OF MEASUREMENT FOR NOISE RADIATED CONTINUOUSLY FROM A FACILITY		
RECEIVING LAND USE	7 AM to 10 PM	10 PM to 7 AM
Residential	55	50
Commercial & Industrial Park	60	55
Industrial	65	65

TABLE 11-2	
CORRECTION IN MAXIMUM PERMITTED SOUND PRESSURE LEVEL IN DECIBELS TO BE APPLIED TO TABLE 11-1	
TYPE OF OPERATION	CORRECTION CHARACTER OF NOISE IN DECIBELS
Noise source operates less than 20% of any one hour period	Plus 5
Noise source operates less than 5% of any one hour period	Plus 10
Noise source operates less than 1% of any one hour period	Plus 15
Noise of impulsive character (hammering, etc.)	Minus 5
Noise of periodic character (hum, screech, etc.)	Minus 5



ARTICLE XII - FENCES, WALLS, AND OBSTRUCTION TO VIEW REGULATIONS

SECTION 12.0 - VISION CLEARANCE AT CORNERS AND RAILROAD CROSSINGS:

No fence, wall, hedge, or other structure, or other obstruction above a height of forty-two (42) inches as measured above the curb level shall be erected, placed, maintained, or continued in any zone within that triangular portion of a corner lot formed by measuring ten (10) feet from the intersection of the rights-of-way lines (Figure 12-1). No type of tree or other obstruction shall be planted, placed, maintained, or continued in such a manner that would obstruct the vision clearance at corners and railroad crossings.

SECTION 12.1 - CLASSIFICATION OF FENCES AND WALLS:

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

1. Masonry walls.
2. Ornamental iron (eighty percent (80%) open).
3. Chain link (eighty percent (80%) open), not permitted within the HP Overlay.
4. Wood, vinyl or similar (more than fifty percent (50%) open).
5. Wood, vinyl or similar (less than fifty percent (50%) open).
6. Hedges.
7. Earthen or concrete walls intended to contain or redirect flooding waters.

SECTION 12.2 - CONSERVATION ZONE:

Fences and/or walls within the conservation zone shall conform to the following requirements:

1. Front yards: Class 2, 4 and 6 fences may be erected up to a maximum height of forty-two (42) inches.
2. Side and/or rear yards: Class 1, 2, 3, 4, 5, or 6 fences and/or walls may be erected up to a maximum height of seventy-two (72) inches.
3. Front, side and/or rear yards: Class 7 walls - shall conform to requirements of the Corps of Engineers and/or City Engineer, whichever is applicable.
4. If a property is located on a lot that is formed by the intersection of two streets, a street and an alley, a street and the railroad tracks and/or a street and parking lot area, fences and walls shall conform to Section 12.0.

SECTION 12.3 - RESIDENTIAL ZONES:

Fences and/or walls within all R-1A, R-1A (RCD), R-1B, R-1C, R-1H, R-2, R-3 (MF), T3 and T4 zones shall conform to the requirements depicted on Figure 12-1 of this ordinance and the following:

1. Front yards: Class 2, 4 and 6 fences may be erected up to a maximum height of forty-two (42) inches.



2. Side and/or rear yards: Class 1, 2, 3, 4, 5, or 6 fences or walls may be erected up to a maximum height of seventy-two (72) inches.
3. If a property is located on a lot that is formed by the intersection of two streets, a street and an alley, a street and the railroad tracks and/or a street and parking lot area, fences and walls shall conform to Section 12.0.

SECTION 12.4 - COMMERCIAL ZONES:

Fences and/or walls within all NC zones, the C-1 zone, the SC zone, the T5 and T5.5 zones including those permitted with all conditionally permitted uses in these zones, shall conform to the following requirements:

1. Front yards: Class 2, 4 and 6 fences may be erected up to a maximum height of forty-two (42) inches.
2. Side and/or rear yards: Class 1, 2, 3, 4, 5, or 6 fences and/or walls may be erected up to a maximum height of ninety-six (96) inches.
3. If a property is located on a lot that is formed by the intersection of two streets, a street and an alley, a street and the railroad tracks and/or a street and parking lot area, fences and walls shall conform to Section 12.0.

SECTION 12.5 - INDUSTRIAL ZONES:

Fences or walls within the I-1 Zone shall conform to the following requirements:

1. Front, side and/or rear yards: Class 1, 2, 3, 4, 5, or 6 fences and/or walls may be erected up to a maximum height of ninety-six (96) inches except that additional height may be required by the Zoning Administrator.
2. Barbed wire topped fences may be used in this zone only in conjunction with seventy-two (72) inch high fences as determined by the Zoning Administrator.
3. If a property is located on a lot that is formed by the intersection of two streets, a street and an alley, a street and the railroad tracks and/or a street and parking lot area, fences and walls shall conform to Section 12.0.

SECTION 12.6 - GENERAL REGULATIONS:

1. Fences are permitted to be located up to the property line (the property owner shall be responsible for verifying the exact location of the property line).
2. All fences and/or wall heights shall be measured along the fence or wall locations.
3. Barbed wire or sharp pointed fences are not permitted with the exception of Section 12.5 (2).
4. A combination fence and retaining wall may be erected. The retaining wall portion may be erected up to the level of the higher finished grade. The fence portion must be of the class and height permitted within this Ordinance for the applicable zone. Said measurement shall be made at and along the location of the fence and retaining wall.



5. When an existing non-conforming fence is replaced, it shall be replaced to conform to the code requirements. When it is determined by the Building Inspector and/or Zoning Administrator that a non-conforming fence is fifty percent (50%) or more deteriorated, the property owner shall be required to remove the non-conforming fence and any replacement shall be in conformance with the existing code regulations.
6. The property owner shall be responsible for verifying and complying with any fencing restrictions that may be in his chain of title, including subdivision restrictions.
7. When a fence is installed along a public right-of-way, excluding an alley, the posts or supporting members of the fence shall face inwards towards the property being fenced in and the “finished” side shall face the public right-of-way.
8. No fence shall be located closer than twelve (12) inches to a public sidewalk.
9. Posts and pilasters may extend one (1) foot above the height limit if they are an integral part of the fence design.
10. Article XII, Figure 12-2 shall be utilized to determine fence location with respect to front, side and rear yards.
11. A fence shall be permitted to locate elsewhere than on the same lot with the building or use served provided that the lots share an edge or a boundary.



FIGURE 12-1

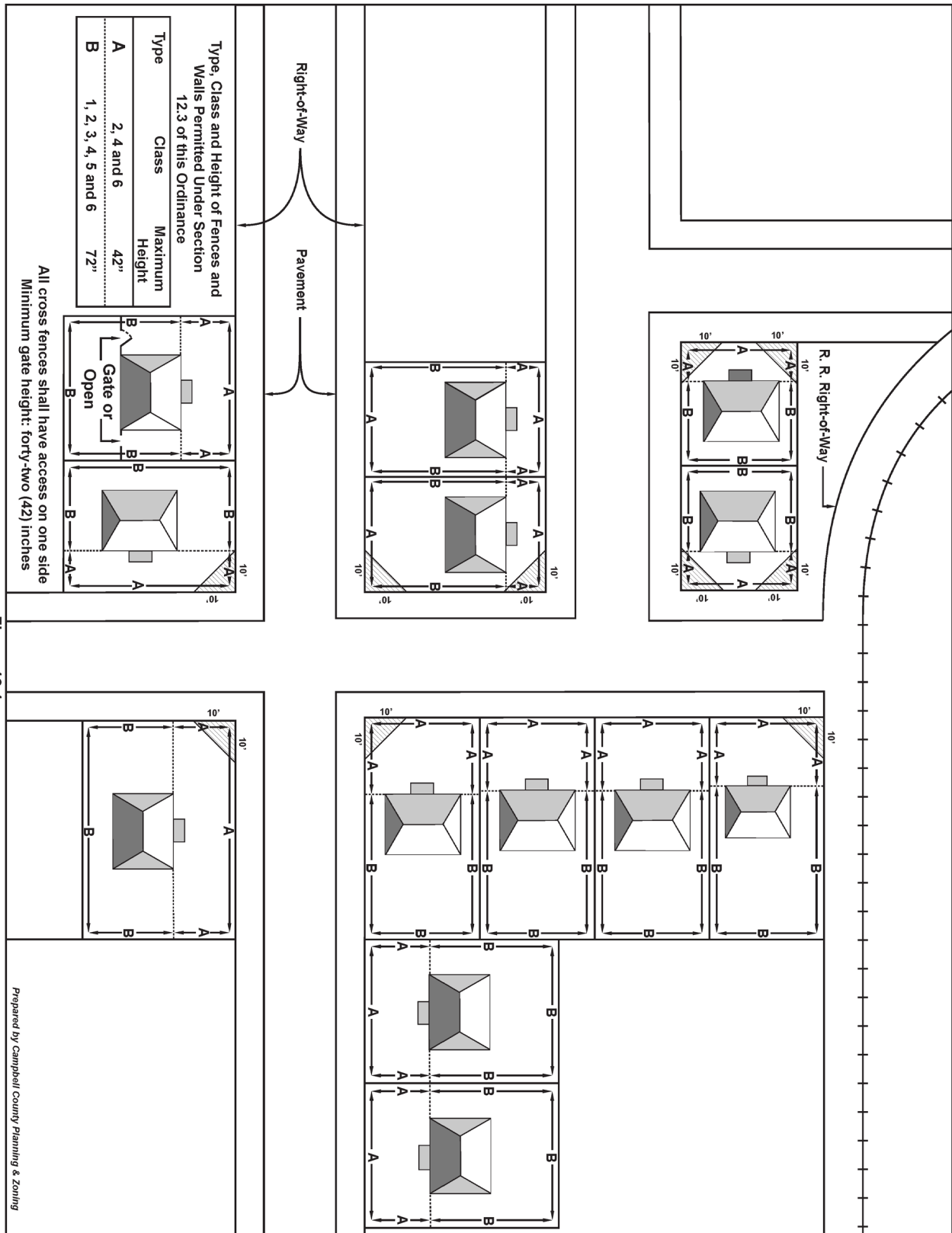
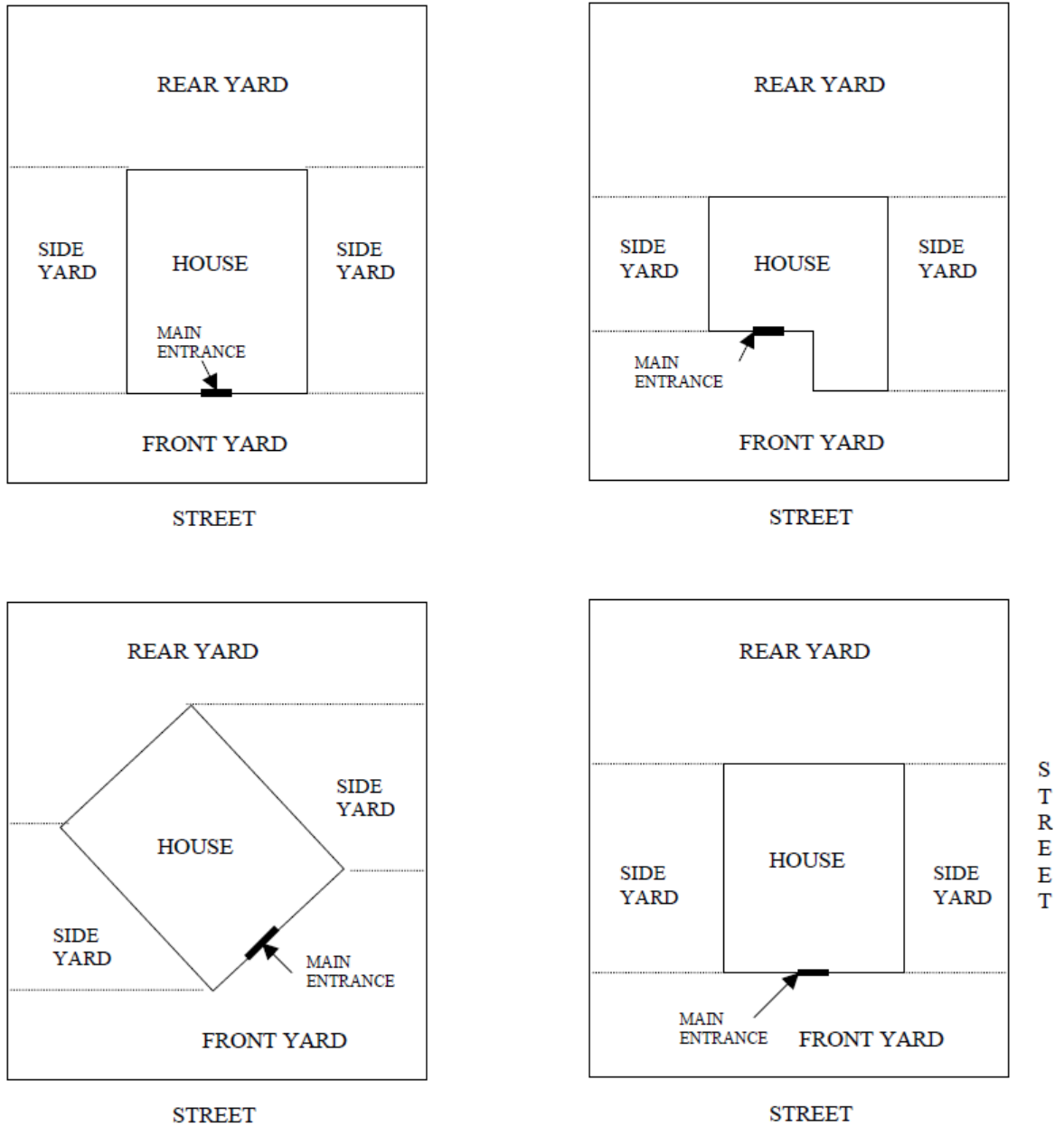


Figure 12-1

Prepared by Campbell County Planning & Zoning



FIGURE 12-2



Yard designations will change according to the location of the designed main entrance to the structure.

ARTICLE XIII - OFF-STREET PARKING AND ACCESS CONTROL REGULATIONS

Motor vehicle parking is fundamental to a high-functioning transportation system. Off-street parking facilities should accommodate residents and businesses; integrate with roads, streets, and alleys; account for the safety of pedestrians and bicyclists; and suit the aesthetics of their settings. In historic, built-out Bellevue, less than a mile square, the issue of parking requires continuous attention. With its high residential density, flourishing commercial areas, and unique historic building stock, Bellevue regulates carefully in order to achieve an off-street parking environment fair to all stakeholders.

SECTION 13.0 - GENERAL REQUIREMENTS

- A. **COMPUTATION OF PARKING SPACES** - In determining the number of parking spaces required, if such spaces result in fractional parts thereof, the number of said spaces so described shall be construed to be the next highest whole number.

- B. **ADDITIONAL PARKING SPACES TO BE PROVIDED**- Whenever the intensity of use of any building, structure, or premises increases through addition of dwelling units, gross floor area, seating capacity, change of use, or other units of measurement specified herein, additional parking spaces shall be provided in the amounts specified herein for that use.

Location of Off-Street Parking Facilities:

- 1. Off-street parking facilities shall be located as follows:
 - a. Residential Zones (R-1A, R-1B, R-1C, R-1H, R-2) - Off-street parking may be permitted in driveways in the front, side, and rear yards of uses permitted in these zones, provided all requirements of this ordinance are met. A driveway broader than ten (10) feet may be located in the front yard in these zones provided that the additional parking spaces will not cause the ratio of unpaved area to paved area in the front yard to be less than 3:1.

 - b. Multi-family Residential Zones (R-3) - Off-street parking is permitted in these zones, provided that parking facilities shall be set back a minimum of three (3) feet from the rear lot line. Off-street parking may be permitted in the front yard, only if approved as part of a development plan.

 - c. Special Development Zones (CO, RCD, PUD, MLU, MHP, T4, T5, T5.3, T5.5) - Off-street parking shall be located as designated on the approved plan.

 - d. Commercial (NC-1, NC-1, NC-3, SC, C-1) and Industrial Zones (I-1) -



Except as herein provided, off-street parking may be permitted in minimum dimensions required for front, side, and rear yards of these zones, provided that all off-street parking facilities shall be set back a minimum of five (5) feet from any street right-of-way lines.

2. All off-street parking facilities shall be located on the same lot as the building served, except for the following:
 - a. Commercial and industrial users may supply off-street parking within six hundred (600) feet from such lots served, upon approval of the Zoning Administrator.
 - b. Residential dwelling units may be supplied with off-street parking within a distance not to exceed three hundred (300) feet from said dwelling unit provided the parking is within a residential neighborhood upon approval of the Zoning Administrator.
 - c. When allowed by the terms of a conditional use permit, off-premises parking must be within reasonable walking distance.

- C. Shared Parking Provisions and Parking Credits – Shared off-street parking facilities are encouraged. Parking requirements may be reduced based upon the Parking Occupancy Rate Table when multiple users share a parking facility. Generally, each use will utilize the available parking based upon the ratio in the Parking Occupancy Rate Table.

PARKING OCCUPANCY RATE TABLE

Land Use Type	Weekday		Weekend		Overnight
	8 AM – 6 PM	6 PM – Midnight	8 AM – 6 PM	6 PM – Midnight	Midnight – 8 AM
	Residential	60%	N/A	80%	N/A
Office / Industrial	N/A	10%	5%	5%	5%
Retail / Personal Service	N/A	60%	N/A	60%	5%
Lodging	50%	N/A	50%	N/A	N/A
Dining	70%	N/A	70%	N/A	30%
Assembly Entertainment	20%	80%	80%	N/A	20%
Non-Commercial Assembly	5%	20%	N/A	60%	5%

N/A – shared parking not available during this time frame for this use

If shared parking is proposed in a development plan, the applicant shall provide a spreadsheet with calculations for specific applications based on the Parking Occupancy Rate Table. Alternative shared parking arrangements and ratios may be proposed by the applicant based upon a more detailed parking plan.

Parking Credits, as described below, are also available to encourage energy efficiency through the use of electric charging stations and bicycle facilities at commercial sites.



- Electric Vehicle Charging Station Credit - For each electric vehicle charging station available for public use, the minimum number of required off-street parking spaces may be reduced by two, provided the total number of credits does not exceed 10% of the required parking.
 - Bicycle Parking Credit - The number of required off-street parking spaces may be reduced at a ratio of one motor vehicle parking space for each four secured bicycle parking spaces provided that the total number of credits does not exceed 5% of the required parking.
- D. Driveways Not Computed As Part of Required Parking Area - Entrances, exits, or driveways shall not be computed as any part of required parking lot or area, except in the case of single-family residential zones, where access driveways may be used for parking.
- E. Off-Street Parking Space To Be Used For Parking Only - Any vehicle parking space shall be used only for parking. Any other use of such space, including a drive-through, repair work or servicing of any kind, may result in the space being considered as unavailable for parking calculations, except in an emergency.
- F. No Building To Be Erected in Off-street Parking Space - No building shall be erected in off-street parking areas without replacing elsewhere the required parking spaces for the intended use of the site.
- G. Parking Plan Approval Required - Plans for parking lot facilities, including parking garages, shall be submitted for review for compliance with this article and such other pertinent regulations that may apply. Such plans shall show the number of spaces and arrangements of parking, aisles, location of access points, provisions for vehicular and pedestrian circulation, location of sidewalks and curbs on or adjacent to the property, utilities, locations of signs, typical cross-sections of pavement, including base and proposed grade of the parking lot, storm drainage facilities, location and type of lighting facilities and such other information or plans as the circumstances may warrant.
- H. In all zones, parking facilities for the storage or parking of motor vehicles for use of occupants, employees, and patrons of the building hereafter erected, altered, or extended, and all uses of the land after the effective date of this Ordinance, shall be provided and maintained as herein prescribed. However, where a building permit has been issued prior to the date of adoption of this Ordinance and where construction has not begun within ninety (90) consecutive calendar days of the permit's effective date, off-street parking facilities in the amounts required by this Ordinance shall apply.

SECTION 13.1 - DESIGN AND LAYOUT OF OFF-STREET PARKING AREA:

- A. Size of Off-Street Parking Spaces - For the purposes of this ordinance, each parking space shall be a minimum of nine (9) feet in width and eighteen (18) feet



in length, exclusive of access drives or aisles. Such parking space shall have a vertical clearance of at least seven (7) feet.

- B. Width of Access Drives - All off-street parking areas shall be laid out with the following minimum aisle or access drive widths:
1. Ninety (90) degree (perpendicular) parking – Twenty-two (22) feet (either one- or two-way circulation);
 2. Sixty (60) degree (angle) parking – Fifteen (15) feet (one-way circulation only);
 3. Forty-five (45) degree (angle) parking – Twelve (12) feet (one-way circulation only);
 4. Thirty (30) degree (angle) parking – Eleven (11) feet (one-way circulation only);
 5. Parallel parking – Twelve (12) feet (one-way circulation).

When any combination of these types of parking is used (facing the same aisle) the most restricted aisle or access drive width requirements shall apply. In addition, a two-foot overhang may be permitted on the external sides of a parking area.

If the width of the parking space is increased (to more than nine (9) feet the drive aisle width may be decreased proportionally two (2) feet of width in drive aisle per one 1-foot increase in space width, except that a drive aisle for two-way traffic may not be decreased below twenty (20) feet in width and a drive aisle for one-way traffic may not be decreased below eleven (11) feet in width).

- C. Access to Off-Street Parking Spaces - Each required parking space shall be connected with a publicly-maintained right-of-way by means of aisles or access drives. The parking area shall be designed so that all maneuvering into and out of each parking space shall take place entirely within property lines of lots, garages, and/or storage areas.
- D. Off-Street Parking Areas in Multi-Family, Commercial, or Industrial Zones - All parking shall be effectively screened on each side adjoining a single-family residential development. Screening, ground cover shrubs and trees shall be located and maintained so as not to interfere with vehicular and pedestrian traffic or impair line of sight clearance at entrances and exits.
- E. Lighting - Any lighting used to illuminate off-street parking areas shall not glare upon any right-of-way or adjacent property.
- F. Paving of New Off-Street Parking Area - All new off-street parking areas shall be paved.



SECTION 13.2 - SPECIFIC OFF-STREET PARKING REQUIREMENTS:

- A. The amount of off-street parking space required for uses, buildings, or additions and changes in intensity of uses shall be determined according to the following requirements. Where more than one use is located in the same building, each individual use shall be in accordance with the off-street parking requirements for the use.

TYPES OF USES	REQUIRED NUMBER OF SPACES
Bus Terminals, Railroad Passenger Stations	One (1) parking space per each four (4) seating accommodations for waiting passengers, plus one (1) parking space per each two (2) employees during the shift of largest employment.
Car Wash	One (1) parking space for each two (2) employees during the shift of largest employment.
Automobile Repair Services, Gas Stations	One (1) parking space for each gas pump island, plus two (2) parking spaces for each service bay, plus one (1) parking space for each two (2) employees during the shift of largest employment.
Barber Shops Beauty Salons	Two (2) parking spaces per barber and/or salon station.
Bowling Alleys	Three (3) parking spaces for each lane plus one (1) parking space for each two (2) employees during the of largest employment.
Governmental Facilities	One (1) parking space for each three hundred (300) square feet of gross floor area, excluding storage areas.
Commercial or Trade School	One (1) parking space for each two (2) students based on design capacity of the school.
Adult Day Cares, Assisted Living/Residential Care Facilities, Child Care Centers, Nursing Home	One (1) parking space per (4) residents, plus one (1) parking space for each two (2) employees during the shift of largest employment.
Dormitories, Fraternities and Sorority Houses, and Other Group Housing	One (1) parking space per two residents, plus one (1) parking space per employee.
Single-Family Dwelling-detached	Two (2) parking spaces.



Article XIII – Off-Street Parking and Access Control Regulations

TYPES OF USES	REQUIRED NUMBER OF SPACES
Single-Family, Two-Family Dwelling- attached	One and one-half (1-1/2) parking spaces for each dwelling unit.
Multi-Family Dwelling	One parking space for every dwelling unit; plus, one guest parking space for every twenty (20) dwelling units
Senior Housing	One (1) parking space for every four (4) dwelling units, plus one (1) bus parking space for every forty (40) dwelling units.
Eating and Drinking Establishments	A minimum of one (1) parking space for every 2,000 square feet of dining space, for permitted uses, plus one (1) parking space for every three (3) seating accommodations.
Fire Stations	One (1) parking space per each person on duty on during the shift of largest employment.
Hospitals/Health Care Facilities (in-patient)	One (1) parking space for each two (2) in-patient beds, one (1) parking space for each two (2) employees during shift of largest employment.
Laundromats	One (1) parking space for each four (4) washing machines.
Museums, Art Galleries, Libraries	One (1) parking space for each 200 square feet of gross exhibit floor area, plus one (1) parking space for each two (2) employees during the shift of largest employment.
Medical Offices or Outpatient Clinics	Three (3) parking spaces per each practitioner, plus one (1) parking space for every two (2) employees.
Mortuaries or Funeral Homes	One (1) parking space for every four (4) persons, based on design capacity of building, plus one (1) parking space for every funeral vehicle and every employee.
Professional Office other than Medical Offices and/or Clinics	One (1) parking spaces per four hundred (400) square feet of gross floor area.
Post Offices	One (1) parking space for each three hundred (300) square feet of net leasable floor area open to the public.
Private Clubs, Lodge Halls	One (1) parking space for each every four (4) persons, based on design capacity of building.
Retail and Personal Services	One (1) parking spaces per one thousand (1,000) square feet of gross floor area.



TYPES OF USES	REQUIRED NUMBER OF SPACES
Schools: Elementary	One (1) parking space per every two (2) employees, and one guest space per room to be used for class instruction.
Schools: High, Post-Secondary, or Vocational	Six (6) parking spaces per each room used for class instruction
Shopping Centers, Shopping Malls	Three (3) parking spaces per one thousand (1,000) square feet of net leasable area open to the public, excluding storage and display areas.
Stadiums and Sports Arenas	One (1) parking space for every four (4) seats.
Theaters, Auditoriums, Churches, and Other Places of Assembly	One (1) parking space for every four (4) seats.
Hotels/Motels, Tourist Homes, or Cabins, excluding areas used for meeting rooms and places of assembly	One (1) parking space for three sleeping rooms.
Bed and Breakfast / Inns	One (1) parking space for two sleeping rooms.
Industrial Establishments including Manufacturing, Research, and Testing Laboratories	One (1) parking space for every two (2) employees during the shift of largest employment.
Wholesale Establishments, Warehouses, and Storage Buildings	One (1) parking space for each two (2) employees.
Alternate Calculations, or All Other Uses Not Listed	<p>Based on study to be prepared by owner or operator; number of spaces to be required.</p> <p>Herein determined according to:</p> <ol style="list-style-type: none"> 1. Type of use and estimated number of total trips generated during peak conditions (inbound and outbound); 2. Estimated parking duration per vehicle trip turnover rates; 3. Based on estimated number of trips generated and average parking duration per trip, calculate number of spaces required; 4. Estimated number of employees – one (1) space to be provided for each two (2) employees based on shift of maximum employment.



- B. In areas served by regularly scheduled public transit or an alternative vehicle station and during the operating hours of the property use, minimum off-street parking for non-residential uses may be reduced by up to fifty (50%) percent as approved in the final site plan from the otherwise applicable standards for new construction, rehabilitation or reuse of and existing structures located within six hundred (600) feet of a public transit stop.
- C. Any structure that is used for its intended original purpose in an HP (Historic Preservation Overlay) Zone, shall not be required to provide additional off-street parking.
- D. Any structure at which a lawfully permitted use has occurred for more than ten years, the user shall not be required to provide additional off-street parking when no change of use is proposed.

SECTION 13.3 - ACCESS CONTROL REGULATIONS:

In order to promote safer passage between highway and land; improve the convenience and ease of movement of travelers on the highway; permit reasonable speeds and economy of travel; and increase and protect the capacity of the highway, the location and design of access points comply with the following access control requirements. These requirements shall apply to all arterial and collector streets.

Minor Arterial – Urban: Fairfield Avenue

Urban Collector Roadway: Taylor Avenue, Covert Run Pike, Donnermeyer Drive and Riviera Drive.

- A. Provision of Reserved Turning Lanes - At those access points where vehicles turning to and from the arterial and collector streets will affect the roadway capacity, reserved turn lanes shall be constructed by the developer.
- B. Provision of Frontage Road - Where possible, provision shall be made for the construction of a frontage road. However, access to the arterial or collector streets via an intersecting street or a common driveway shall be allowed if such a frontage road is not feasible.
- C. Coordination of Access Points - Major access points on opposite sides of the arterial and collector streets shall be located opposite each other. Turning movement restrictions may be imposed by the Planning Commission or Zoning Administrator where appropriate. In addition, in order to maximize the efficient utilization of access points, access drives shall be designed, located, and constructed in a manner that will make possible the coordination of access with and between adjacent properties developed (present or future) for similar uses. As a condition of approval for construction, use, or reuse of any access road, the Zoning Administrator may require that unobstructed and unencumbered access, in accordance with the provisions of this ordinance, be provided from any such access point to adjacent properties.



- D. Spacing Restrictions for Signalized Access Points - Access points which will warrant signalization shall be spaced a minimum distance of one-quarter mile apart. The exact location of the signal light shall be determined by a traffic engineering study that shall account for the following variables at minimum:
1. Speed.
 2. Traffic signal phasing.
 3. Traffic signal cycle length.
 4. Roadway geometrics.
 5. Accident experience.

Provision for all turning movements to maintain the design capacity of the roadway shall be required.

- E. Sight Distance - The location of access points shall comply with safe sight distance requirements as provided in Table 13-1. The centerline of all access points shall intersect as nearly as possible to a ninety (90) degree angle, but in no case shall the angle of intersection be less than seventy-five (75) degrees or greater than one hundred five (105) degrees, unless approved by the Bellevue Planning and Zoning Commission or the Zoning Administrator, whichever is applicable, due to exceptional conditions.

- F. Location of Unsignalized Access Point:

1. Arterial Streets:

- a. Unsignalized access points shall be spaced a minimum distance of six hundred (600) feet apart. Turning restrictions and/or reserved turn lanes may be required.
- b. One access point per existing tract is permitted. However, if the spacing requirements for a direct access point onto an arterial street (as provided in F(1)(a), above) cannot be met, then an access point may be located on a frontage road or on an intersecting local street, or share a common driveway that meets the spacing requirements. In order for the intersecting local street or frontage road to function properly, access onto them should be controlled as follows:
 1. Access points onto local streets intersecting an arterial street shall be spaced at a minimum distance of one hundred (100) feet, measured from point of curb return to point of curb return, from the arterial street.
 2. In areas zoned to permit commercial, industrial, or multi-family residential use, access points from adjacent properties onto frontage roads shall be no less than one hundred (100) feet



measured from point of curb return from intersections of the frontage road with local or collector streets.

- c. Where the frontage of a tract is greater than five hundred (500) feet, an additional access point may be permitted; however, the type of access will depend on the space requirements in F (1)(a).

If the frontage of the tract is large enough, at least one of the access points may have direct access to the arterial street, provided the spacing between the adjacent access points meets the requirements of Section F(1)(a) and all other requirements of this section of this article. In the case where the frontage allows only one point of direct access due to spacing restrictions as provided herein, the second access point will be via a frontage road or an intersecting local street, or share a common driveway that meets the spacing restrictions as provided along the arterial street.

- d. If a tract of land has no means of access that would meet the requirements of this section of this article, one access point shall be provided. However, all such access points shall be considered a temporary right-of-way and may be terminated, reduced, limited to certain turning movements, or caused to be relocated by the Zoning Administrator at such time as the particular use served by the access point changes or the property is otherwise served by an alternate means of access via a frontage road, or there is an intersecting local street, or the sharing of a common driveway. Provisions for the construction of a frontage road, restricted turning movements, or other improvements, may be required, as a condition for approval. In order to minimize the number of access points and congestion to the adjacent street. In all cases where access points are classified as "temporary", such designation shall be duly noted on the plot plan or development plan submitted for a zoning permit and upon the deed of the property.

2. Collector Streets:

- a. On two-lane roadways, one access point per existing tract will be allowed. However, if the frontage is greater than five hundred (500) feet, an additional access point may be permitted. Furthermore, the minimum spacing between adjacent access points on this type of facility shall be one hundred (100) feet, measured from point of curb return to point of curb return, except in the case where the street intersects another collector street or arterial street, then said access points shall be spaced a minimum of three hundred (300) feet from the intersection.
- b. On multi-lane roadways the spacing is dependent on whether or not a barrier median exists (prohibiting left turn movements). If a barrier median exists, access points may be spaced as close as three hundred



(300) feet; however, certain turning movements will be prohibited. If a barrier median does not exist, then the minimum spacing of access points shall be six hundred (600) feet. In addition, some turning movements may be prohibited.

- c. One access point per existing tract will be allowed: however, if the spacing requirements for a direct access point, as provided in F (2)(a), cannot be met, then an access point may be located on a frontage road or on an intersecting street or share a common driveway that meets the spacing requirements.
- d. If a tract of land has no means of access that would meet the requirements of this section of the ordinance, one access point shall be provided. However, all such access points shall be considered a temporary right-of way and may be terminated, reduced, limited to certain turning movements or caused to be relocated by the Zoning Administrator at such time as the particular use served by the access point changes and/or the property is otherwise provided an alternate means of access via a frontage road or an intersecting local street or share a common driveway. Provisions for the construction of a frontage road, restricted turning movements, or other improvements, may be required, as a condition to approval, in order to minimize the number of access points and congestion to the adjacent street. In all cases where said access points are classified as "temporary", such designation shall be duly noted on the plot plan or development plan submitted for a zoning permit and also upon the deed of the property in question.

G. Width of Access Points:

- 1. In single-family residential zones, no access point width shall be neither less than nine (9) feet, nor more than twenty (20) feet. In all other zones, access points shall not be less than twelve (12) feet, nor more than forty-eight (48) feet in width. The width shall be as measured from the point of curb return to point of curb return (or edge of pavement if no curb exists) excluding the curb radius.
- 2. The Zoning Administrator may modify (enlarge or reduce) the width to provide for a more efficient and safe channelization and/or flow of traffic.

H. Exceptions to Access Points Requirements - Where situations develop that may require special treatment, the requirements as provided in Section 13.3, may be varied provided that a traffic engineering report is prepared by a qualified traffic engineer, establishing that the special treatment will have no adverse effects on the roadway safety and capacity.



- I. Access Point Problem Areas - If after special study, it is determined that the type of use or activity proposed would have an adverse effect on the safety and capacity of the adjacent roadway, the access point spacing requirements as contained in this section, may have to be increased in order to adequately solve the traffic movement.

- J. Approval of Access Points Required - Plans for all access points and modifications thereto, (including plans to use existing access points where a change of use for any tract of land would generate more traffic than the previous use, thus producing an adverse effect on the adjacent roadway) shall be submitted to the Zoning Administrator, at a scale not less than 1 inch = 100 feet.

Such plans shall show the location of all access points, and access points within 600 feet in either direction. The proposed access point shall include typical cross sections of pavement, the base and sub-base, proposed grade and storm drainage and such other information or plans as the circumstances may warrant. If such access points are being located in conjunction with off-street parking and/or loading and unloading facilities, then said plans shall also include parking and off-street loading and/or unloading plans, in accordance with Articles XIII and XIV of this ordinance.

- K. Approval of Access Points Along State-Maintained Routes by Kentucky Transportation Cabinet - A copy of the plans for all access points to be constructed along a state-maintained route shall also be submitted to the Kentucky Transportation Cabinet for review and approval during the same time as plans are submitted to the Zoning Administrator, as provided for in Section 13.3. No access point plans shall be approved or permits issued for construction by the Zoning Administrator, until said access point plans have been approved by the Kentucky Transportation Cabinet.



ARTICLE XIV - OFF-STREET LOADING AND/OR UNLOADING REGULATIONS

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

SECTION 14.0 - GENERAL REQUIREMENTS:

A. Spaces Required:

1. Every building or part thereof, erected and occupied for uses permitted in commercial and industrial zones, including “conditional uses” permitted in residential zones, involving the receipt or distribution of vehicles, materials, or merchandise and having up to five thousand (5,000) square feet of gross floor area shall be provided with at least one loading and/or unloading space.

A study shall be prepared by the company or operator to determine the additional loading and/or unloading space needs over and above the first space required for the specific use proposed. In determining the number of spaces needed, the study shall take into consideration the following:

- a. Estimated and projected arrival and departure rates for scheduled and unscheduled (random) trucks.
- b. Estimated and projected length of truck stop duration for loading and/or unloading of each truck.
- c. Estimated number of trips by vehicle type (i.e., two axle vehicles, semi-tractor trailers, etc.) and size.

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

2. If it is determined by the Bellevue Planning Commission, based on existing conditions of the proposed site, the design of the building, and the completed needs study, that additional loading and/or unloading spaces are needed to accommodate the facilities than could be reasonably provided, the Zoning Administrator shall require that additional parking areas, properly designed, to handle the parking of necessary trucks, including the maneuvering of the trucks to and from the space, be provided for the storage of trucks waiting to be loaded and/or unloaded.



3. If after approval by the Bellevue Planning Commission of the number of spaces and any storage of truck parking needed to accommodate the loading and/or unloading of trucks for a specific use, a need exists, based on operation of the specific use, to provide additional off-street loading and/or unloading spaces or storage of trucks than was previously determined, the Zoning Administrator may require that corrective action be taken to eliminate any deficiencies as follows:
 - a. Limit the time and interval of arrival and departure of trucks, commensurate with the need; or
 - b. Require necessary additional loading and/or unloading spaces, or require that adequate parking areas be provided for the storage of trucks waiting to be loaded and/or unloaded.

- B. Additional Loading and/or Unloading Spaces to be provided whenever the intensity of any use of a building or premises is increased through addition of gross floor area, change of use or increased activity. Additional loading and/or unloading spaces shall be provided in accordance with the requirements of Section 14.0 (A), above, if it is determined by the Zoning Administrator that the existing spaces are not adequate to serve such increase in intensity.

- C. Location of Off-Street Loading and/or Unloading Area - All loading and/or unloading spaces shall be located on the same lot as the use served. However, permitted uses located in industrial zones may provide parking areas for the storage of trucks waiting to be loaded and/or unloaded within three hundred (300) feet from each lot served, upon the approval of the Zoning Administrator, providing that said off-street storage of trucks are unable to be provided on the same lot or contiguous to the same lot as the use being served and further provided that said storage of trucks are located in the same zone as the use being served. Loading and/or unloading areas may be located in the minimum side and rear yards, provided that all loading and/or unloading facilities shall be set back a minimum of ten (10) feet from the rear lot line and minimum side yard clearances are maintained.

- D. Driveways not computed as Part of Required Loading and /or Unloading Area - Entrances, exits, or driveways shall not be computed as any part of a required loading and/or unloading space.

- E. Off-Street Loading and/or Unloading Space to be Used For Loading and/or Unloading Only - Any loading and/or unloading space shall be used for loading and/or unloading only. Any other use of such space, including repair work or servicing of any kind other than in an emergency, or the requirement of any payment for the use of such space, shall be in violation of the provisions of this ordinance.



- F. No Building to be erected in Off-Street Loading and/or Unloading Space - No building of any kind shall be erected in any off-street loading and/or unloading space.
- G. Off-Street Loading and/or Unloading Space Shall not be Reduced - The required parking spaces as set forth and designated in this ordinance, shall not be reduced, except as provided for in this ordinance.
- H. Loading and/or Unloading Plan Approval Required - Plans for all loading and/or unloading facilities shall be submitted to the Bellevue Planning Commission for review and for compliance with the provisions of this ordinance and such other pertinent ordinances of the legislative body. Such plans shall show the number and location of loading and/or unloading spaces, including necessary maneuvering of trucks and dock and apron approach, and arrangements of access aisles, location of access points onto adjacent streets, provisions for truck circulation, location of curbs on or adjacent to the property, utilities, location of signs, typical cross-sections of pavement, including base and sub-base, proposed grade of lot, storm drainage facilities, location and type of light facilities and such other information or plans as the circumstances may warrant. Where such loading and/or unloading plans include provisions for access points to adjacent streets, then said plans shall also be prepared in accordance with the requirements of Section 13.3.

SECTION 14.1 - DESIGN AND LAYOUT OF OFF-STREET LOADING AND/OR UNLOADING AREAS:

- A. Size of Off-Street Loading and/or Unloading Space - Each off-street loading and/or unloading space shall be at least fourteen (14) feet in width and at least sixty (60) feet in length, exclusive of aisle and maneuvering spaces and shall have a vertical clearance of at least fifteen (15) feet; provided, however, that when it is demonstrated that a particular loading and/or unloading space will be used by shorter trucks, as provided for in Section 14.0 (A), the Bellevue Planning Commission may reduce the minimum length to not less than thirty-five (35) feet.
- B. Access - Each required off-street loading and/or unloading space shall be designed with direct access via an approved access drive, to a deeded right-of-way that offers efficient ingress, egress, and safety for trucks. Access drives or aisles shall be laid out with a width of at least twelve (12) feet for one-way circulation and at least twenty-two (22) feet for two-way circulation with intersection radii not to be less than fifty (50) feet.
- C. Other Design Features - Docks are to be designed to facilitate efficient loading and/or unloading. Platform heights should be 44 inches for light pickup and delivery trucks and 48-52 inches for heavy trucks and trailers. The dock area should be at least twice the total body floor area of the largest number of trucks that can be docked at one time. Minimum dock overhead clearance (including pipes, lights, etc.) should be twelve (12) feet.



- D. Paving of Off-Street Loading and/or Unloading Areas - All off-street loading and/or unloading areas, including spaces, maneuvering, and storage areas for truck parking shall be paved with asphalt concrete or portland cement concrete and shall be designed and constructed in accordance with Appendix "A".
- E. Lighting - Any lighting used to illuminate off-street loading and/or unloading areas shall not glare upon any right-of-way or adjacent property.
- F. Screening and Landscaping - All loading and/or unloading areas, including storage of parked trucks, shall be effectively screened on each side adjoining or fronting on any property situated in a residential zone as regulated by Section 9.17 of this ordinance. Ground cover, shrubs and trees shall be located and maintained so not to interfere with vehicular and pedestrian traffic on the property or with sight distance clearance at entrances and exits.



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ARTICLE XV - SIGN REGULATIONS

SECTION 15.0 – SCOPE AND INTENT OF REGULATIONS:

The regulations set forth herein shall apply and govern signs in all zones except as otherwise specifically provided within this ordinance.

This article codifies content-neutral sign standards that allow for signage for residential, professional office, business, hospitality, and industrial activities while promoting

- The vintage appeal of Bellevue’s historic districts for residents and visitors;
- Minimize visual pollution;
- Reduced distracted driving and traffic hazards that can cause wrecks and injuries
- A fair environment for sign advertisers.

SECTION 15.1 - GENERAL RULES, REGULATIONS, AND LIMITATIONS:

- A. All business and identification signs shall be deemed accessory uses.
- B. No sign shall be erected, maintained, or continued unless it is in full compliance with the regulations for the zone in which it is located, all applicable provisions and regulations of this ordinance or any other applicable laws, codes, or ordinances enacted by Bellevue City Council. The Zoning Administrator shall have the duty and authority to remove or cause to be removed, any sign not in full compliance with all applicable provisions and regulations of this ordinance or any other applicable laws, codes, or ordinances of Bellevue City Council when the owner or agent has failed to comply within the time specified by the Zoning Administrator to make said sign comply. Said owner or agent shall bear full costs of such removal and shall be billed accordingly.
- C. No signs shall be erected, maintained, replaced, relocated, repaired, or restored within a distance of six hundred sixty (660) feet of the right-of-way of any interstate highway, limited access highway, or turnpike, except as provided for in KRS 177.830-177.890 and approved of by the Transportation Cabinet, Bureau of Highways, District Office Number 6, as amended.
- D. All new signs shall comply when erected or substantially improved.
- E. No sign constituting a nuisance, because of light, glare, focus, noise, animation, flashing, intensity of illumination as to unduly disturb the use of surrounding properties, as determined by the Zoning Administrator, or causing a traffic hazard, shall be erected, maintained, or continued in any zone.
- F. No radio, phonograph, tape recorder, whistle, bell, gong, siren, or other sound or noise-making or transmitting device or instrument shall be permitted or continued



in connection with any sign, or may be used separately for the purpose of advertising in any zone.

- G. No sign shall be erected, maintained, or continued which restricts the flow of air through any window or door.
- H. No sign shall be erected, maintained, or continued over or into any street, public way, or alley right-of-way, unless specifically provided for in this Ordinance.
- I. It shall be unlawful and a violation of this Ordinance for any person to fasten, place, paint, or attach in any way: any sign, handbill, poster, advertisement, or notice of any kind, whether political or otherwise, or cause the same to be done in or upon any curb-stone, lamp post, telephone pole, telegraph pole, electric light or power pole, hydrant, bridge, culvert, public drinking fountain, public trash container, courtesy benches, rest station building, tree, or in or upon any portion of any public sidewalk, street or sign, except as specifically permitted under this Ordinance.
- J. No sign shall be erected, maintained, or continued upon the inside of a curve of a street or alley that causes any interference to sight distance in the opinion of the Zoning Administrator.
- K. No sign shall be erected, maintained, or continued displaying flashing or intermittent lights, or lights changing degrees of intensity, with changes alternating on a not less than five-second cycle.
- L. No sign shall be erected, maintained, or continued in any zone which does not comply fully with Section 15.0 of this ordinance, except as specifically permitted within this Ordinance.
- M. When any sign becomes defective or dangerous, as determined by Code Enforcement Officer, the City Administrator, or the Zoning Administrator shall have the authority to remove or cause to have removed such sign when the owner or agent has failed to comply with the order within the time specified by the City Administrator or Zoning Administrator to repair or make said sign safe or has failed to satisfy the Code Enforcement Officer that the sign is not defective or dangerous. The owner or agent of said sign shall bear the full costs of such removal and shall be billed accordingly. If the Code Enforcement Officer or City Administrator determines that said sign is of immediate danger to persons or property, the Code Enforcement Officer or City Administrator shall place or cause to have placed, signs and/or barriers indicating such danger.
- N. Whenever any sign, which does not comply with the provisions and regulations of this ordinance, collapses, burns, or if said sign is removed from its location, except for normal maintenance, said sign shall not be replaced or reconstructed, except in full compliance with all the provisions and regulations of this ordinance.



- O. The Zoning Administrator shall have the authority to remove or cause to have removed any and all signs which have been determined to be a traffic hazard, when the owner or agent responsible for the maintenance of said sign has failed to eliminate the traffic hazard within two (2) weeks from the date that a written notice is given. Said owner or agent shall bear the full costs of such removal and shall be billed accordingly.
- P. Except as otherwise specified in this ordinance, signs shall be in conformance with the building code, where applicable, and shall be subject to the inspection and approval by the Code Enforcement Officer, the City Administrator, or the Zoning Administrator.

SECTION 15.2- SPECIAL SIGNS:

The following types of signs are permitted in any zone without a fee or an application for a sign permit, as provided in Section 15.4.

- A. Memorial signs or tablets, when built into the walls of the building and constructed of bronze, brass, marble, stone, or other non-combustible materials.
- B. Traffic signs, provided that said signs are designed and located in accordance with the "Manual on Uniform Traffic Control Devices for Streets and Highways", U.S. Department of Transportation, Federal Highway Administration.
- C. Temporary signs, where permitted or required by the City Administrator Zoning Administrator, to fulfill requirements of this ordinance or other resolutions or regulations imposed by a government entity.
- D. Repainting or cleaning of an advertising sign structure or the changing of the advertising copy or message thereon, unless a structural change is made.
- E. Sandwich Board signs may be installed in accordance with Section 9.30
- F. The sign shall be located only on the premises of the property being advertised.

SECTION 15.3 - SIGN PERMIT REQUIRED FOR ERECTION OF SIGNS:

No sign shall be erected, except as exempted or specified within this ordinance, until all required fees have been paid to the proper authorities or their agents and a permit has been issued.

- A. If any sign is removed and any new sign is erected in its place, a permit shall be obtained the same as if a new sign were erected at a new location subject to all requirements enumerated herein.

- B. If any conforming sign is removed for maintenance and replaced on the same supports, a new permit will not be deemed necessary if the size and type of sign is not changed.
- C. If any sign is moved from one location to another, a new permit shall be obtained.
- D. Alteration or enlargement of any sign shall require a permit the same as for a new sign.
- E. No permit shall be granted until and after an application has been filed showing the plans and specifications, including dimensions, materials, and details of construction of proposed structure nor until all provisions herein have been met.

SECTION 15.4 - APPLICATION FOR A SIGN PERMIT

- A. Application for a sign permit shall be made and submitted at the office of the Zoning Administrator on the appropriate forms furnished by said administrator.
- B. If any required information is omitted or misrepresented on the application, the permit shall be denied or be declared null and void if already issued.
- C. Any sign not erected or constructed as represented on the application upon which the permit was issued shall not be construed as a hardship case, but shall be construed as a misrepresentation of facts on the application and a violation of this ordinance, and the owner or agent shall be given a two (2) week notice to remove said sign or correct the error.

SECTION 15.5 - SIGN PERMIT FEES:

The fee for a sign permit shall be as provided for in the building code or as otherwise established by City Council.

SECTION 15.6 - CLASSIFICATION OF SIGNS:

The following classification of signs shall be deemed to include all signs permitted in any zone unless other signs are specifically listed and provided for.

- A. CLASS 1: Flat, ground / monument or pole / pylon sign; single or double faced.
 - 1. MAXIMUM SIZE OF SIGN: Six (6) square feet.
 - 2. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN: Five (5) feet.
 - 3. LIMITATION ON NUMBER OF SIGNS: One (1) sign for each curb cut plus any number within the off-street parking areas.
 - 4. OTHER LIMITATIONS:
 - a. May be illuminated but only from a concealed light source and shall not be flashing, glaring, nor animated.

- b. No part of any ground / monument or pole / pylon sign shall be closer than five (5) feet from any property line.
- B. CLASS 2: Individual letter sign; single faced only.
 - 1. MAXIMUM SIZE OF SIGN:
 - a. One (1) square foot of area for each horizontal linear foot of building wall upon which the sign or signs are to be located.
 - b. Maximum size of letters shall be thirty-six (36) inches in height.
 - 2. MAXIMUM HEIGHT: Attached flat to building, but no part of the sign shall extend above the top or ends of the wall surface on which the sign is placed.
 - 3. LIMITATIONS ON NUMBER OF SIGNS:
 - a. Buildings containing one business tenant space: One (1) sign.
 - b. Buildings containing multiple business tenants with a common entrance: One (1) sign.
 - c. Buildings containing multiple business tenants with a separate entrance for each tenant space: One (1) sign per tenant space.
 - 4. OTHER LIMITATIONS:
 - a. Shall be neither flashing, nor animated.
 - b. May be illuminated, but only from a concealed light source.
 - c. Shall not extend outward from the building wall more than twelve (12) inches.
- C. CLASS 3: Flat sign; single faced only.
 - 1. MAXIMUM SIZE OF SIGN: One (1) square foot of area for each horizontal linear foot of building wall upon which the sign or signs are to be located;
 - 2. MAXIMUM HEIGHT: Attached to building, but no part of the sign shall extend above the top or ends of the wall surface on which the sign is placed.
 - 3. LIMITATIONS ON NUMBER OF SIGNS:
 - a. Buildings containing one business tenant space: One (1) sign.
 - b. Buildings containing multiple business tenants with a common entrance: One (1) sign.
 - c. Buildings containing multiple business tenants with a separate entrance for each tenant space: One (1) sign per tenant space.
 - 4. OTHER LIMITATIONS:
 - a. Shall be neither flashing nor animated.
 - b. May be illuminated, but only from a concealed light source.
 - c. Shall not extend outward from the building wall more than twelve (12) inches.

D. CLASS 4: Flat, painted, awning or projecting sign; single or double faced.

1. MAXIMUM SIZE AND NUMBER OF SIGNS:

- a. Buildings containing one business tenant space: One (1) sign per street frontage equal to one (1) square foot per linear foot of building wall not to exceed twenty (20) square feet.
- b. Buildings containing multiple business tenants with a common entrance – one (1) sign per street frontage equal to one (1) square foot per linear foot of building wall not to exceed thirty (30) square feet.
- c. Buildings containing multiple business tenants with a separate entrance for each tenant space: One (1) sign per tenant space equal to one (1) square foot per linear foot of building wall not to exceed twenty (20) square feet.

2. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN: Attached to building, but no part of the sign shall extend above the top or ends of the wall surface on which the sign is placed. Projecting or awning signs shall be a minimum of eight (8) feet above any public sidewalk and may extend into the public right-of-way over the sidewalk up to one-half of the width of the sidewalk.

3. OTHER LIMITATIONS:

- a. Shall be neither flashing nor animated.
- b. May be illuminated.
- c. Shall not have removable or interchangeable letters.

E. CLASS 5: Ground / Monument sign; single or double faced.

1. MAXIMUM SIZE OF SIGN: Thirty (30) square feet.

2. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN: Ten (10) feet.

3. LIMITATIONS ON NUMBER OF SIGNS:

- a. One (1) sign may be erected for each street frontage of the lot or building site on which the primary permitted use is located.

4. OTHER LIMITATIONS:

- a. Shall be neither flashing nor animated;
- b. May only be illuminated from a concealed light source;
- c. No part of the sign shall be closer than five (5) feet from any property line.

F. CLASS 6: Pole / Pylon sign; single or double faced.

1. MAXIMUM SIZE OF SIGN: One hundred fifty (150) square feet.

2. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN: Thirty (30) feet.

3. LIMITATION ON NUMBER OF SIGNS:



- a. One (1) sign may be erected on each abutting major street identifying a shopping complex of three (3) or more businesses located in a unified building or an attached group of buildings.
- 4. OTHER LIMITATIONS:
 - a. Shall be neither flashing nor animated.
 - b. May only be illuminated from a concealed light source.
 - c. No part of the sign shall be closer than five (5) feet from any property line.
- G. CLASS 7: Canopy sign.
 - 1. MAXIMUM SIZE OF SIGN: One hundred and fifty (150) square feet.
 - 2. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN: Thirty (30) feet.
 - 3. OTHER LIMITATIONS:
 - a. May be illuminated.
 - b. May extend over the sidewalk within the public right-of-way provided that structure does not extend beyond the edge of the sidewalk over the street pavement.
 - c. The sign shall be attached flat to the surface of the canopy and shall not extend above or below the surface of the canopy.
- H. CLASS 8: Reader Board / Marquee sign.
 - 1. LIMITATIONS:
 - a. Only one (1) reader board / marquee sign shall be permitted.
 - b. Shall be attached to and made a part of the class 5 or class 6 signage permitted within the zone.
 - c. The reader board / marquee shall consist of up to a maximum of 50% of the total allowable square footage of the class 5 sign.
 - d. The reader board / marquee shall consist of up to a maximum of 25% of the total allowable square footage of the class 6 sign.

SECTION 15.7 - PERMITTED USE AND LOCATION OF SIGNS:

The following classes of signs may be erected and maintained in the following zones, unless otherwise specifically provided for within this Ordinance only one (1) sign per class is permitted:

- A. Conservation Zone (CO): Class 2 and Class 3
Off-street parking areas: Class 1
- B. Residential Zones (R-1A, R-1B, R-1C, R-1H, R-2, R-3): Nameplate Sign
- C. Neighborhood Commercial Zones (NC-1*, NC-2*): Class 4, Class 5, and Class 7
Off-street parking areas: Class 1

- D. Neighborhood Commercial Zone (NC-3): Class 4, Class 5, Class 7 and Class 8
Off-street parking areas: Class 1
- E. Commercial – One Zone (C-1): Class 2 or Class 3; and Class 5 and Class 8
Off-street parking areas: Class 1
- F. Shopping Center Zone (SC): Class 2 or Class 3; and Class 5, Class 6, and Class 8
Off-street parking areas: Class 1
- G. Industrial Zone (I): Class 2 or 3; and Class 6
Off-street parking areas: Class 1

* Signs within NC (HP) zones shall receive a Certificate of Appropriateness per the Taylor's Daughters/Fairfield Avenue Design Review Guidelines.

SECTION 15.8 - TEMPORARY ADVERTISING DISPLAY PERMITS:

Temporary devices for advertising or attracting attention to a permitted use in a Mixed Land Use (MLU) Zoning district, Industrial-One (I-1) Zoning district, Neighborhood Commercial-Three (NC-3) Zoning district or Shopping Center (SC) Zoning district, Commercial One (C-1) Zoning district, T5 or T5.5 Zoning district, when not part of a sign, shall be permitted in accordance with the following regulations. EXCEPTION: Grand Openings.

- A. A Temporary Advertising Display Permit shall be obtained prior to the outdoor placement of any combination of balloons, banners, pennants, flags, ribbons, streamers, spinners or other devices intended to attract attention to the use advertised.
- B. Temporary Advertising Displays shall not exceed the height limitation as specified in Section 10.16 (C)(7) for location in the Industrial-One (I-1) zone, Section 10.12 (D)(6) for location in the Neighborhood Commercial-Three (NC-3) zone and Section 10.13 (D)(3) for location in the Shopping Center (SC) zone and Section 10.17 (D)(4) for location in the Commercial-One (C)(1) zone.
- C. Posters, pennants or similar devices shall not exceed fifteen (15) square feet.
- D. Balloons or similar devices shall not exceed 545 cubic feet.
- E. Banners shall be regulated as follows:
 - 1. Buildings containing one business tenant space or buildings containing multiple business tenant spaces with a common entrance: One (1) banner shall be permitted.
 - 2. Buildings containing multiple business tenants with a separate entrance for each tenant space.
 - 3. Shall not exceed twenty (20) square feet.

4. Shall not be illuminated.
 5. Shall not extend over the public right-of-way, including public sidewalks.
 6. Shall be attached parallel to the façade of the building and shall not extend over the roof or sides of the building.
 7. In addition to the zoning districts listed in Section 15.8 above, banners may also be located in the Neighborhood Commercial-One (NC-1) and Neighborhood Commercial-Two (NC-2) zones.
- F. A Temporary Advertising Display Permit shall allow for the use of temporary advertising devices for a maximum of fifteen (15) days. An establishment shall be allowed four (4) Temporary Advertising Displays in any one calendar year.
- G. Temporary Advertising Displays shall not be permitted in any public right-of-way and shall meet safety and performance requirements as specified by the Zoning Administrator.
- H. Any time a Temporary Advertising Display becomes dilapidated, in the opinion of the Zoning Administrator, the Zoning Administrator shall require the display to be immediately repaired or removed.
- I. The fee for a Temporary Advertising Display Permit shall be as provided for in the adopted fee schedule.



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ARTICLE XVI – ADMINISTRATION

SECTION 16.0 - ENFORCING OFFICER:

A Zoning Administrator (official or officials appointed by the legislative body for carrying out the provisions and enforcement of this ordinance) shall administer and enforce this ordinance. The officer may be provided with assistance of other persons as the legislative body directs. The Zoning Administrator shall possess all the powers granted by KRS 100.271.

If the Zoning Administrator finds that any provisions of this ordinance are being violated, the officer shall take such action as is permitted by law.

In addition to the foregoing, the Zoning Administrator shall have the authority to order discontinuance of illegal use of land, buildings, structures, signs, fences or additions, alterations or structural changes thereto.

It shall be illegal for any person or entity to interfere with the Zoning Administrator in the performance of his or her duties as defined herein.

SECTION 16.1 - ZONING PERMITS:

Zoning permits shall be issued in accordance with the following provisions:

- A. **ZONING PERMIT REQUIRED:** No land shall be used or building or other structure shall be erected, moved, added to, structurally altered, or changed from one permitted use to another, nor shall any grading take place on any lot or parcel of ground without a permit approved by the Zoning Administrator. No zoning permit shall be issued except in conformity with the provisions of this Ordinance, except after written orders from the Board of Adjustment.
- B. **APPLICATION FOR ZONING PERMITS:** All applications for zoning permits shall be accompanied by:
 - 1. A completed application form provided by the Zoning Administrator.
 - 2. The required fee for a zoning permit as provided for in Section 20.0 of this ordinance.
 - 3. An approved Development Plan, if required by this ordinance.
 - 4. Two copies of a plot plan, when determined necessary by the Zoning Administrator, drawn at a scale of not less than one (1) inch to fifty (50) feet, showing the following information as required by this ordinance:



- The location of every existing and proposed building, including dimensions and height, and the number, size and type of dwelling units.
- All property lines including the shape and dimensions of the lot to be built upon.
- Lot width at building setback line.
- Minimum front, side and rear yard setbacks.
- Existing topography with a maximum of five-foot contour intervals.
- Total lot area in square feet.
- Location and dimensions of all access points, driveways, and off-street parking spaces.
- A drainage plan of the lot and its relationship to adjacent properties, including spot elevations of the proposed finished grade, and provisions for adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading, and construction.
- All sidewalks, walkways and open spaces.
- Location, type and height of walls, fences, and buffer plantings.
- Location of existing and proposed streets, including rights-of-way and pavement widths.
- All existing and proposed water, sanitary and storm sewer facilities to serve the lot, including pipe sizes, types, and grades.

C. **ISSUANCE OF ZONING PERMIT:** The Zoning Administrator shall either approve or deny the application (when required by this ordinance -- e.g., Development Plan submitted required -- the Planning Commission, or its duly authorized representative, approval or denial shall also be required). If denied, one (1) copy of the submitted plans shall be returned to the applicant marked “denied” and shall indicate the reasons for such denial thereon. Such denial shall be attested by the Zoning Administrator’s signature. The Zoning Administrator shall retain the other copy, similarly marked.

If approved, one (1) copy of the submitted plans shall be returned to the applicant, marked “approved.” Such approval shall be attested by the Zoning Administrator’s signature. The Zoning Administrator shall retain the other copy, similarly marked.



The Zoning Administrator shall also issue a zoning permit to the applicant at this time and shall retain a duplicate copy.

- D. **FAILURE TO COMPLY:** Failure to obtain a zoning permit shall be a violation of this ordinance and punishable under Section 16.10 of this ordinance.

SECTION 16.2 – RESERVED

SECTION 16.3 - BUILDING PERMITS:

Building permits shall be issued in accordance with the following provisions:

- A. **BUILDING PERMITS REQUIRED:** No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the Building Inspector. No building permit shall be issued except in conformity with the provisions of this ordinance, except after written orders from the Board of Adjustment. In accordance with KRS 100.267, if no building permit has been issued and a builder begins or continues to build, a restraining order may be obtained.
- B. **APPLICATION FOR BUILDING PERMITS:** All applications for building permits shall be accompanied by:
1. A completed application form provided by the Building Inspector.
 2. Zoning approval, if applicable.
 3. The required fee for a building permit as provided for in Section 20.0 of this ordinance.
 4. An approved Development Plan, if required by this ordinance.
 5. Plans in duplicate approved by the Zoning Administrator (if applicable) and including any additional information required by the building code and/or Building Inspector, as may be necessary to determine conformance with and provide for the enforcement of the building code and the Kentucky Revised Statutes.
- C. **ISSUANCE OF BUILDING PERMIT:** The Building Inspector shall either approve or deny the application. If denied, one (1) copy of the submitted plans shall be returned to the applicant marked “denied” and shall indicate the reasons for such denial thereon. Such denial shall be attested by the Building Inspector’s signature. The Building Inspector shall retain the second copy, similarly marked.

If approved, one (1) copy of the submitted plans shall be returned to the applicant marked “approved.” Such approval shall be attested by the Building Inspector’s



signature. The second copy, similarly marked, shall be retained by the Building Inspector. The Building Inspector shall also issue a building permit to the applicant at this time and shall retain a duplicate copy.

- D. **COMPLIANCE:** It shall be unlawful to issue a building permit or occupancy permit, to build, create, erect, change, alter, convert, or occupy any building or structure hereafter, unless zoning approval has been obtained.
- E. **BUILDING PERMITS ISSUED PRIOR TO THE ADOPTION OF THIS ORDINANCE:** Building permits issued in conformance with the building code of the legislative body prior to the date of adoption of this ordinance, whether consistent or inconsistent with this ordinance, shall be valid for a period of 180 consecutive calendar days from time of issuance of the permit. If construction in connection with such a permit has not been started within such a 180 consecutive calendar day period, the permit shall be void and a new permit, consistent with all provisions of this ordinance and the building code shall be required. For purposes of this section, construction shall be deemed to have started at the time of completion of the foundation.
- F. **EXPIRATION OF BUILDING PERMIT:** If the work described in any building permit has not begun within thirty (30) consecutive calendar days from the date of issuance thereof, said permit shall expire and be cancelled by the Building Inspector and no construction shall be permitted until a new building permit has been obtained, except, an extension may be granted if sufficient evidence can be demonstrated why the work described in the building permit was not begun. For purposes of this section, construction shall be deemed to have started at the time of completion of the foundation.

The building permit shall expire after a period of six (6) months from the date the permit was issued. The Building Inspector and/or Zoning Administrator may grant an extension if sufficient evidence can be demonstrated why the work described in the building permit was not completed as herein specified.

- G. **CONSTRUCTION AND USE:** Use, arrangement or construction at variance with that approved application and/or plans shall be deemed in violation of this ordinance and punishable as provided in Section 16.10 of this ordinance.

SECTION 16.4 - CERTIFICATE OF OCCUPANCY:

It shall be unlawful for an owner to use or permit the use of any building or land or part thereof, hereafter created, changed, converted or enlarged, wholly or partly, until a certificate of occupancy, which shall be a part of the building permit, shall have been issued by the Building Inspector. Such certificate shall show that such building or land or part thereof and the proposed use thereof are in conformity with the provisions of this ordinance. It shall be the duty of the Building Inspector to issue a certificate of occupancy,



provided that he has checked and is satisfied that the building and the proposed use thereof conform to all the requirements of this ordinance and the building code.

SECTION 16.5 - CERTIFICATE OF OCCUPANCY FOR EXISTING BUILDING:

Upon written request from the property owner, the Building Inspector shall issue a certificate of occupancy for any building or land existing at the time of enactment of this ordinance, certifying, after inspection, the extent and kind of use made of the building or land, and whether such use conforms with the provisions of this ordinance.

SECTION 16.6 - CERTIFICATE OF OCCUPANCY FOR LAWFUL NONCONFORMING USES AND STRUCTURES:

A certificate of occupancy shall be required of all lawful nonconforming uses of land or buildings created by this ordinance. A fee as provided for in Section 20.0 of this ordinance, shall be charged for said certificate.

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

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

SECTION 16.7 - DENIAL OF CERTIFICATE OF OCCUPANCY:

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

SECTION 16.8 - CERTIFICATE OF OCCUPANCY RECORDS:

A record of all certificates of occupancy shall be kept on file in the offices of the Building Inspector and copies shall be furnished, on request, to any person having a proprietary building affected by such certificate of occupancy.

SECTION 16.9 - COMPLAINTS REGARDING VIOLATIONS:

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and bases thereof, shall be filed with the Zoning Administrator. The Zoning Administrator shall record



properly such complaint, investigate, and take action thereon as provided by this ordinance and the Kentucky Revised Statutes.

SECTION 16.10 – PENALTIES:

- A. Violations of this Chapter of the City of Bellevue, Ky., Code of Ordinances (“Code”) are civil offenses, which shall be enforced through the Code Enforcement Board pursuant to the provisions of Chapter 35 of the Code.
- B. Any titled owner of real property who violates a provision in this Chapter shall be subject to a civil fine of not less than fifty dollars (\$50.00) per day per violation, but not more than one hundred dollars (\$100.00) per day per violation for the first thirty (30) days if the violation(s) remains uncorrected, and thereafter, a civil fine of not less than one hundred dollars (\$100.00) per day per violation, but not more than two hundred fifty dollars (\$250.00) per day per violation, until the violation(s) is corrected. The city may also recover any costs it incurs in abating the violation(s).
- C. Each day a violation continues after due notice has been served shall be deemed a separate offense, up to a maximum of five thousand dollars (\$5,000.00) per citation. A Code Enforcement Officer may suspend daily fines if a titled owner of real property submits documentation or provides other substantial evidence showing it has taken action to remediate the code violation(s). If so, the Code Enforcement Officer shall enter a written notation in the case file outlining the remediation efforts undertaken and the date on which the daily fines were suspended. This Officer may revoke the suspension if remediation efforts at the property have discontinued; this revocation also shall be recorded in the case file.
- D. If the property owner timely appeals violation(s) to the Code Enforcement Board, the Board may waive the fines accrued under this section if the property owner can show an attempt to remediate the code violation(s) in a timely fashion.
- E. The City of Bellevue shall possess a lien on a property for all fines, penalties, charges, attorney’s fees, and other reasonable costs associated with enforcing the provisions of this Chapter and may place a lien on subject parcel of real property with the County Clerk pursuant to Kentucky law. The lien shall be superior to and have priority over all other subsequently filed liens, except state, county, school board, and city taxes.

SECTION 16.11 - RESERVED



ARTICLE XVII – PLANNING COMMISSION

SECTION 17.0 – GENERAL:

The Planning Commission shall be Regulated by KRS 100.133 to 100.182.

SECTION 17.1 - COMPREHENSIVE PLAN:

The Planning Commission shall prepare a Comprehensive Plan, which shall serve as a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationships. The required contents, research and elements of the Comprehensive Plan shall be regulated by KRS 100.183 to 100.197.

SECTION 17.2 – LAND USE MANAGEMENT:

Land use management shall be regulated by KRS 100.201 to 100.214.

A. CONTENT OF ZONING REGULATIONS, APPEAL, AND SPECIAL PROVISIONS: Shall be regulated by KRS 100.203.

1. In accordance with KRS 100.203, an applicant, at the time of filing of the application for a map amendment, may elect to have any variances or conditional use permits for the same development to be heard and finally decided by the Planning Commission at the same public hearing set for the map amendment, or by the Board of Adjustment as otherwise provided for in this ordinance.
2. Application to review a variance and conditional use permit shall include submission of a Development Plan, in accordance with the applicable requirements of Section 9.20 (A) of this ordinance. In review and approval of said application, the Planning Commission shall assume all powers and duties otherwise exercised by the Board of Adjustment, pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.247, and 100.251.
3. When application is made for a variance or conditional use permit pursuant to this section, the zoning official or designee shall provide written notice at least fourteen (14) days in advance of the public hearing on the application to an owner of every parcel of property adjoining property to which the application applies. Written notice shall be by first-class mail with certification by the zoning official that the notice was mailed.
4. When application is made for a variance or conditional use permit pursuant to this section, the applicant shall post notice of the hearing conspicuously on the property for fourteen (14) consecutive days immediately prior to the hearing. Posting shall be as follows:
 - a. The sign shall state “VARIANCE HEARING” or “CONDITIONAL USE HEARING” (whichever applies) in capital letters three (3) inches in



height. The time, place and date of the hearing shall be in letters at least one (1) inch in height; and

- b. The size and number of signs shall be approved by the zoning official or designee. The sign shall be constructed of durable material and shall state the telephone number of the zoning official or designee.
- B. **AMENDMENT PROCEDURE:** A request for a map or text amendment shall be made by completing an application provided by the City of Bellevue. The procedure for amending the zoning map or text shall be regulated by KRS 100.211 to 100.214.
- C. **MINIMUM SIZE OF NEW ZONES:** No amendment to this ordinance shall be adopted whereby the zoning classification of an area is changed unless the total area being applied for meets the following requirements as to minimum size: the zoning map shall not be amended, changed, or modified in such a manner as to create a free standing zone of less than one (1) acre except where specific area restrictions are stipulated in this ordinance, or as outlined in the adopted Comprehensive Plan by the Planning Commission. For the purpose of computing the total size of an area to be rezoned for compliance herewith, there shall be added to such area: (1) the area of public rights-of-way interior to the area being changed; (2) one-half the area of public rights-of-way abutting the area being changed; (3) the area of any land which is contiguous to the area being changed (including land located outside the jurisdiction of the legislative body but contiguous thereto and which land already bears the zoning classification sought for the area being changed. For the purpose of this section, neither continuity nor abutment shall be destroyed by the existence of a street, alley, or City’s corporation line.
- D. **SUBMISSION OF DEVELOPMENT PLAN AS A CONDITION TO COMMERCIAL, MULTI - FAMILY RESIDENTIAL, OR INDUSTRIAL ZONING MAP AMENDMENT:** Any request for a zoning map amendment, excluding those submitted by the legislative body (other than for a zone change for land under City ownership that the City intends to develop) and the Planning Commission, to any commercial zone, multi - family residential zone, or industrial zone shall be made in accordance with all applicable requirements of this ordinance, including the following:
- 1. **APPLICATION AND PROCESSING:** Application for a zoning map amendment shall be processed in two stages:
 - a. In addition to the amendment application filing requirements, as provided for in Section 17.2 (B) of this ordinance, an application for a zoning map amendment shall also be filed with the Zoning Administrator and shall include a Development Plan indicating the applicable requirements of Section 9.20 (A) or (B) of this ordinance. The Zoning Administrator may waive the submission of such data involving detailed engineering study until such time as the zoning amendment has been granted.



- b. The Planning Commission shall hold a public hearing on the proposed application and review said application with regard to the required elements of the Development Plan, and other applicable requirements of this ordinance. Upon holding such a hearing, the Planning Commission shall make one of the following recommendations to the legislative body: approval, approval with condition(s), or disapproval. The Planning Commission shall submit, along with their recommendations, a copy of the Development Plan and the bases for their recommendation.
- c. The legislative body shall, within ninety (90) consecutive days after receiving the recommendations of the Planning Commission, review said recommendations and take action to approve or disapprove the proposed Development Plan. Such approval may incorporate any conditions imposed by the Planning Commission. However, should the legislative body take action to impose different conditions than were reviewed and recommended by the Planning Commission, then said conditions shall be resubmitted to the Planning Commission for further review and recommendations, in accordance with the process required for the initial review.
- d. The legislative body shall forward a copy of the approved Development Plan to the Zoning Administrator, or the City's duly authorized representative, for further processing, in accordance with the applicable requirements of this ordinance.
- e. If the detailed engineering data required under 9.20 (A) or (B) of this ordinance had been waived by the Zoning Administrator in the initial submission of the Development Plan, then such data shall be submitted for review in accordance with the requirements of Section 9.19 of this ordinance before a permit may be issued for construction.

The Zoning Administrator, in reviewing the Development Plan, may authorize minor adjustments from the approved Development Plan, provided that the adjustments do not: affect the spatial relationship of structures, change land uses, increase overall density, alter circulation patterns (vehicular and pedestrian), decrease the amount and/or usability of open space or recreation areas, or affect other applicable requirements of this ordinance.

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



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

SECTION 17.3 - RESERVED

SECTION 17.4 - RESERVED



ARTICLE XVIII - BOARD OF ADJUSTMENT

SECTION 18.0 - GENERAL:

The Board of Adjustment shall be regulated by KRS 100.217 to 100.263.

SECTION 18.1 - REQUEST FOR HEARING:

A request for a Board of Adjustment hearing shall be made by completing an application provided by the City of Bellevue.

A. CONDITIONAL USES:

1. DETERMINATION: The Board of Adjustment may authorize a conditional use to be located within any zone in which such conditional use is permitted, if the evidence presented by the applicant is such as to establish, beyond any reasonable doubt:
 - a. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community.
 - b. That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
 - c. Evaluation of the proposed conditional use and/or Development Plan shall be based upon the following criteria, where applicable:
 1. Design:
 - Agreement with various elements of the Comprehensive Plan, and where applicable, any other adopted plan.
 - Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g. topography, natural features, streets, relationship of adjacent uses, etc.).
 - Nature and extent of the proposed uses in relation to the unique characteristics of the site.
 - Extent to which the design of the proposed development responds to the natural and man - made features of the site.
 - Building locations should be planned to accomplish a desirable transition with open spaces, pedestrian areas, and off-street parking areas.
 - Extent to which the scale of each building relates to the natural environment.
 - The primary activity area of a building should be oriented toward a natural site amenity.



- The location of buildings should be designed to provide for an orderly rhythm by avoiding long, unbroken building facades.
- Heights of structures should be compatible with the height of existing structures adjacent to the site.

2. Circulation:

- Amount of traffic that would be generated by the proposed development and the ability of the existing street system to adequately handle said traffic. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.
- Extent to which the design of the internal street system provides for the efficient and safe movement of traffic within and adjacent to the site.
- The circulation system should follow the natural terrain of the site.
- The circulation system should provide for the continuation of existing streets and provide for the connection of proposed streets to adjoining properties.
- Extent to which the complete separation of pedestrian and vehicular circulation systems is achieved.
- Pedestrian street crossings should provide for safe crossings where there is good sight distance along the street or at a grade-separated crossing.

3. Open Space:

- Existing trees, streams, natural features, and scenic views should be preserved and maintained where feasible and practicable.
- Extent to which an overall landscaping plan is developed and achieved to compliment the overall project.
- Landscaping should be an integral part in the design of off-street parking areas to soften the impact of hard surfaced areas on adjacent areas.
- Open spaces should not be isolated from one another by unrelated physical obstructions, but rather, should be linked together by open space corridors having a reasonable width.
- Open spaces and landscaping along the perimeter of the site shall be compatible with adjoining uses and zones.

4. Public Services/Utilities:



- Extent to which all necessary public utilities and facilities are available to service the proposed development, including police and fire protection, water and sewer services, and other services normally provided within the area. Where deficiencies exist, improvements that would correct such deficiencies may be considered.

5. Signage:

- Signage should be designed to protect and enhance the visual amenities of the site.
- A sign package should be developed for the entire development that forms an integral part of the total design of the site.
- All signs should be of a complimentary scale and proportion in design and in visual relationship to the site and buildings.
- Extent to which signs define and enhance the architectural elements of a building or site.
- Extent to which signage is consolidated and coordinated with the overall site design.

2. **CONDITIONAL USE PERMITS:** The Board of Adjustment shall issue conditional use permits in accordance with KRS 100.237.

B. **VARIANCES:** An application for a variance and the findings necessary for granting a variance shall be regulated by KRS 100.241 to 100.251. When application is made for a variance, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant and an owner of every parcel of property adjoining property to which the application applies. Written notice shall be by first-class mail with certification by the Board's secretary or other officer that the notice was mailed.

C. **NONCONFORMING USE:** The existence, continuance, change, and duration of and application for a nonconforming use shall be regulated by KRS 100.253.

D. **ADMINISTRATIVE REVIEW:** Shall be regulated by KRS 100.257 to 100.263.

1. **DECISIONS OF THE BOARD OF ADJUSTMENT:**

- a. In exercising administrative review powers, the Board of Adjustment may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm wholly or partly, or may modify the order, requirements, decision, or determination as made by the Zoning Administrator, from whom the appeal is taken.
- b. A majority of board members present and voting shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, so long as such action is in conformity with the provisions of this ordinance, or to decide in favor of the applicant on



any matter upon which it is required to pass under this ordinance, or to affect any variation in the application of this ordinance.

- c. The details of the decisions of the board shall be forwarded to the Zoning Administrator.
- d. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken, certifies to the Board of Adjustment, after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and/or property. In such case, proceedings shall not be stayed other than by a court of record on application, or on notice to the Zoning Administrator from whom the appeal is taken and on due cause shown.



ARTICLE XIX – MISCELLANEOUS PROVISIONS

SECTION 19.0 - APPEALS FROM PLANNING COMMISSION, BOARD OF ADJUSTMENT, OR LEGISLATIVE BODY:

Any appeal from the Planning Commission, Board of Adjustment, or legislative body action shall be taken in accordance with KRS 100.347.

SECTION 19.1 - FILING OF CERTIFICATES OF LAND USE RESTRICTIONS:

A "Certificate of Land Use Restriction" shall be filed in the office of the county clerk by the Planning Commission, legislative body, and/or Board of Adjustment, whichever body(s) impose(s) any land use restrictions according to the provisions of KRS 100.3681 to 100.3684. The appropriate fee for recording such filing shall be collected by the body imposing the restriction. This fee shall be paid over to the county clerk. An additional fee may be imposed by the body imposing the restriction for costs of completing and filing the certificate.

SECTION 19.2 – RESERVED



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ARTICLE XX – FEES, CHARGES AND EXPENSES

SECTION 20.0 - SCHEDULE OF FEES, CHARGES AND EXPENSES:

The schedule of fees, charges, and expenses shall be as established by separate City Ordinance.

