

ZONING ORDINANCE
FOR THE
CITY OF NICHOLASVILLE, KENTUCKY

Prepared by the
BLUEGRASS AREA DEVELOPMENT DISTRICT
and
CITY OF NICHOLASVILLE PLANNING COMMISSION

Adopted June 1980
Amended thru December 2024

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ABSTRACT: This Zoning Ordinance represents a revision of the original Zoning Ordinance for the City of Nicholasville. This is an adaption of the Model Zoning Ordinance prepared by BGADD, which was modified to fit local needs. This ordinance is intended to assist not only the Planning Commission and Zoning Enforcement Officer but also residents of Nicholasville in providing orderly and planned growth in Nicholasville.

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PREAMBLE

AN ORDINANCE OF THE CITY OF NICHOLASVILLE, KENTUCKY ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND THE PROVISIONS OF CHAPTER 100, SECTION 100.201, KENTUCKY REVISED STATUTES, DIVIDING THE CITY INTO ZONES AND DISTRICTS, ENCOURAGING, REGULATING, AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION AND USE OF STRUCTURES AND LAND; PROMOTING THE ORDERLY DEVELOPMENT OF RESIDENTIAL, BUSINESS, INDUSTRIAL, RECREATIONAL, AND PUBLIC AREAS; PROVIDING FOR ADEQUATE LIGHT, AIR, AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING PROPERTIES; LIMITING CONGESTION IN THE PUBLIC RIGHT-OF-WAYS; PROVIDING THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND; PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE, DEFINING THE POWERS AND DUTIES OF THE ADMINISTRATION OFFICERS AS PROVIDED HEREAFTER, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS ORDINANCE OR ANY AMENDMENT THERETO, ALL FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY, COMFORT, AND GENERAL WELFARE; AND FOR THE REPEAL THEREOF, THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF NICHOLASVILLE, COMMONWEALTH OF KENTUCKY:

ARTICLE 1 TITLE, INTERPRETATION & ENACTMENT

100 TITLE - This ordinance shall be known and may be cited to as the "Zoning Ordinance of the City of Nicholasville, Kentucky."

110 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS - In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing higher standards, shall govern.

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

130 REPEAL OF CONFLICTING ORDINANCE, EFFECTIVE DATE - All ordinances or parts of ordinances in conflict with this zoning ordinance or inconsistent with the provisions of this ordinance, including the BOCA Building Code, are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

ARTICLE 2

DEFINITIONS

200 Interpretation of Terms or Words - For the purpose of this ordinance, certain words or terms used herein shall be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
4. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied".
5. The word "lot" includes the words "plot" or "parcel".

Accessory Use or Structure - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Administrative Official/Officer – Shall be the Planning Director for the City of Nicholasville, or their designee.

(Adopted: 02-28-2022 Ordinance #066-2022)

Agriculture - The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that:

1. The operation of any such accessory use shall be secondary to that of normal agricultural activities; and
2. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within 100 feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feed yard.

Alterations, Structural - Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

Building - Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

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

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

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

Building Permit - A permit issued by the authorized officer allowing a proprietor or his agent to construct, alter or remove a building, etc., or engage in similar activity which would alter the character of the lot in question.

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

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

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

Cannabis Cultivator—An entity licensed by the State of Kentucky pursuant to the KRS and 915 KAR 1:030 to plant, grow, cultivate, raise, harvest, trim, store, test, package, label, transfer, transport, sell medicinal cannabis seed, seedlings, medicinal plant, medicinal cannabis or medicinal cannabis product to other license cannabis business in the state.

Cannabis Dispensary – An entity licensed by the State of Kentucky pursuant to the KRS and 915 KAR 1:070 to perform retail sales of medicinal cannabis to registered qualified patient or visiting qualified patient as defined by the KRS and corresponding regulations

Cannabis Processor – An entity licensed by the State of Kentucky pursuant to the KRS and 915 KAR 1:040 to process and/or packages raw medicinal cannabis plants material or plants into approved forms of medical cannabis under KRS and regulations.

Cannabis Producer – An entity licensed by the State of Kentucky pursuant to the KRS and 915 KAR 1:050 which operates as both a cannabis cultivator and processor.

Cannabis Safety Testing Facility – An entity licensed by the State of Kentucky pursuant to the KRS and 915 KAR 1:060 that provide testing services to medicinal cannabis business in the state. The entity may collect, handle, receive or conduct test on medicinal cannabis and/or medicinal cannabis products.

Cemetery - Land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Clinic - A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are provided with board or room or kept overnight on the premises.

Comprehensive Plan - A plan, or any portion thereof, adopted by the Planning Commission and/or the legislative authority of the City of Nicholasville showing the general location and extent to present and proposed physical facilities including housing, industrial and commercial uses, major streets, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

Conditional Use - A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Adjustment. Additional uses permitted in each district are presented in the Official Schedule of District Regulations.

Conditional Use Permit - A use issued by the Administrative Official upon approval by the Board of Zoning Adjustment to allow a use other than a principally permitted use to be established within the district.

Condominium - A form of ownership, typically involving individual ownership of buildings or units. Owners have full title to the individual unit/building, but share an undivided interest in shared parts of the property/land.

(Adopted: 02-28-2022 Ordinance #066-2022)

Corner Lot - See Lot Types.

Cul-de-Sac - See Thoroughfare.

Dead-End Street - See Thoroughfare.

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

- a. Gross Density - the number of dwelling units per acre of land to be developed.
- b. Net Density - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Dwelling - Any building or structure (except a house trailer or mobile home) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

Dwelling, Single Family - A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

Dwelling, Two-Family - A dwelling consisting of two dwelling units which may be either attached side by side or one above the other and each unit having a separate or combined entrance or entrances.

Dwelling, Multi-Family - A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.

Dwelling Unit - One room or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Extended Stay Hotel/Motel - A building in which lodging is offered and provided to the public in exchange for compensation and which caters primarily to those people who desire to rent lodging for weekly and/or monthly periods of up to one year.

Facade – In the context of exterior wall building materials allowed or limited by this code and for other zoning purposes, the term ‘façade’ shall pertain to all exterior walls of a building. Unless otherwise specifically limited or defined in this ordinance, façade does not have to face a public street and is not limited to the front of a building.

(Adopted: 02-28-2022 Ordinance #066-2022)

Family - One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption, or marriage, no such family shall contain over five persons.

Garages, Private - A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein:

1. Not more than one space is rented for parking to persons not resident on the premises.
2. No more than one commercial vehicle per dwelling unit is parked or stored; and,
3. The commercial vehicle permitted does not exceed two tons’ capacity.

Garage, Public - A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

Garage, Service Station - Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made:

1. Sales and service of spark plugs, batteries, and distributors parts;
2. Tire servicing and repairing, but not recapping or regrooving;

3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like;
4. Radiator cleaning and flushing;
5. Washing, polishing, and sale of washing and polishing materials;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil pumps, and lines;
8. Minor servicing and repair of carburetors;
9. Adjusting and repairing brakes;
10. Minor motor adjustment not involving removal of the head on crankcase or racing the motor;
11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principle operations;
12. Provisions of road maps and other informational material to customers, provision of restroom facilities, and
13. Warranty maintenance and safety inspections.

Uses permissible at a filling station do not include major mechanical and body work; straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage nor a body shop.

Historic District, Local - A designation that carries with it a design review process, within the purview of the Nicholasville Historic Preservation Commission, that is based on specific design guidelines for exterior work and changes to the property. Properties that are within the Historic District carry an H-1 overlay zone in addition to the underlying zoning category.

Historic District, National Register - A Federal designation, awarded by the Department of the Interior, which provides recognition of a property's archaeological, architectural or historical guidelines. (Adopted: 12-29-2012 Ordinance #856-2012)

Home Occupation - An occupation conducted in a dwelling unit, provided that:

1. No person other than members of the family residing on the premises shall be engaged in such occupation;
2. 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 and not more than 25 percent of floor area of the dwelling unit shall be used in the conduct of the home occupation;
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated, and mounted flat against the wall of the principal building;
4. A customary incidental home occupation is to be construed as an accessory use of a service character customarily conducted within a building by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than the prescribed name plat. The following uses are permitted:
 - a. The office of physician, surgeon, dentist or other professional person.
 - b. Individuals involved in teaching violin, piano or other musical instrument limited to a single pupil at a time.
 - c. Dressmaker, milliner or seamstress, each with not more than one (1) paid assistant.
 - d. Tourist homes.
 - e. Any other use which is determined to be appropriate by the Board of Adjustment.
5. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance, and shall not be located in a required front yard; and
6. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Homeless Shelters/Emergency Shelters - are a type of homeless service agency which provides temporary residence for homeless individuals and families who are experiencing “Life Emergencies”. Shelters exist to provide clients with safety and protection from exposure to the weather while simultaneously reducing the environmental impact on the community. They also provide as a food pantry/soup kitchen a place where food is offered to the hungry for free or at a below market price. They are similar to, but distinguishable from, various types of emergency shelters, which are typically operated for specific circumstances. Extreme weather conditions create problems similar to disaster management scenarios, and are handled with warming centers, which typically operate for short durations during adverse weather. (Adopted: 03-14-16 Ordinance #934-2016)

Hotel or Motel and Apartment Hotel - A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

Junk Building, Junk Shops, Junk Yards - Any land, property, structure, building, or combination of the same, used for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and/or for the sale of parts thereof.

Loading Space, Off-Street - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading spaces shall be located totally outside of any street or alley right-of-way.

Lot - For the purpose of this ordinance, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or an approved private street, and may consist of: (FIGURE 1 illustrates various lot types, page 14).

- a. A single lot of record;
- b. A portion of lot of record;
- c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

Lot Coverage - The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

Lot Frontage - The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this section.

Lot, Minimum Area Of - The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

Lot Measurements - A lot shall be measured as follows:

1. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line, provided, however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall be less than eighty (80%) percent of the required lot width.

Lot of Record - A lot which is part of a subdivision recorded in the Office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Manufacturing, Heavy - Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

Manufacturing, Light - Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

Mobile Home - Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities whether resting on wheels, jacks, blocks, or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of four thousand five hundred (4,500) pounds and an overall length of thirty (30') feet.

Mobile Home Park - Any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue

purposes; including any roadway, building structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

Nonconforming Use - A building, structure, or use of land existing at the time of enactment of this ordinance, and which does not conform to the regulations of the district or zone in which it is situated.

Nursery, Nursing Home - A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

Office – An establishment that engages in the processing, manipulation, or application of business information or professional expertise. Such an office may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor engaged in the repair of products or retail services. May include banks and bona fide financial institutions

(Adopted: 02-28-2022 Ordinance #066-2022)

Open Space - An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, any other recreational facilities that the Planning Commission deems permissive. Streets, structures for habitation, and the like shall be included.

Parking Space, Off-Street - For the purpose of this ordinance, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way and shall not include parking spaces within a garage or carport whether attached or detached.

(Adopted: 9-17-98 Ordinance #273-1998)

Planned Unit Development - An area of land, in which variety of housing types and/or related commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

Public Improvements - Those improvements required to be dedicated to the City, or other agency having jurisdiction, for use by the public, including but not limited to streets, sidewalks, drainage, preservation areas and other easements and rights-of-way, street signs and signals or water and sewer facilities as defined in this chapter or any other applicable city policy, regulation, ordinance, or law.

(Adopted: 07-02-09 Ordinance #749-2009)

Public Uses - Public parks, schools, and administrative, and cultural, buildings, and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

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

Recreation Facilities - Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

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

Seat - For the purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

Setback Line - A line established by the Subdivision Regulations and/or Zoning Ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said codes. (See Yards)

Sidewalk - That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic. (See Walkways)

Sign - Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

1. Sign, On-Premises: Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
2. Sign, Off-Premises: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
3. Sign, Illuminated: Any sign illuminated by electricity, gas or other artificial lights including reflecting or phosphorescent light.

4. Sign, Indirectly Illuminated: Any sign designed to reflect artificial light from any source.
5. Sign, Non-Illuminated: Any sign which is not artificially lighted either directly or indirectly.
6. Sign, Lighting Device: Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
7. Sign, Temporary: Temporary signs are those signs, whether they are affixed to a frame having wheels or not, which are either:
 - a) Constructed, designed or intended to be used on a limited basis as opposed to the permanently attached signs as set out below or,
 - b) Capable of being carried or otherwise portable and therefore not permanently attached to the real estate upon which it rests.

Signs which are constructed, designed or intended to be affixed to the surface of the real estate shall be deemed free-standing signs and not temporary signs, provided that it has been so permanently attached to the realty.

8. Sign, Projecting: Any sign which projects from the exterior of a building.

Small Animal Clinic - A place used for care, grooming, boarding, diagnosis, and treatment of sick, ailing, infirmed or injured small animals, and those animals who are in need of medical or surgical attention, and may include overnight observation and/or recuperation. All operations of a small animal clinic shall be conducted within a sound-insulated building and no outside pens or runs shall be permitted.

Structure - Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards.

Thoroughfare, Street, or Road - The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

1. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.

3. Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
4. Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. Dead-End Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. Local Street: A street primarily for providing access to residential, commercial, or other abutting property.
7. Loop Street: A type of local street each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1000') feet from said arterial or collector street, nor normally more than six hundred (600') feet from each other.
8. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street).

Refer to FIGURE 2, page 15 for a classification of the thoroughfare system.

Townhouse - A row of single family attached dwelling units connected by common sidewalls with each dwelling unit constructed on a single parcel.

(Adopted: 12/5/2022 Ordinance #099-2022)

Transfer Station - Facility for the compacting and reloading of refuse prior to its transportation to a permanent disposal site.

Use - The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Variance - "Variance" means a departure from dimensional terms of the zoning regulations pertaining to the height, width, length, or location of structures, and the size of yards and open spaces where such departure meets the requirements of Article 423 and KRS 100.241 to 100.247.

(Adopted: 02-28-2022 Ordinance #066-2022)

Veterinary Animal Hospital or Clinic - A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or

surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation.

Wrecker Service - The recovering or removing of wrecked, junked, abandoned, disabled or repossessed vehicles from public or private property by a person, vehicle, or piece of equipment so designed or adapted for that purpose, which will be stored on public or private premises. This shall not include a garage service station that has a tow truck and services vehicles on site.

(Adopted: 03-29-12 Ordinance #831-2012)

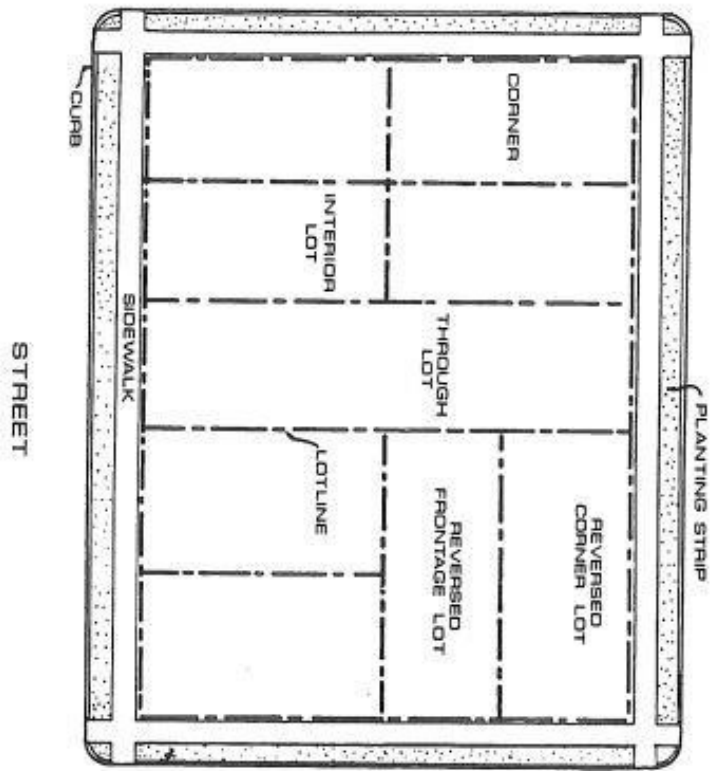
Yard - A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3') feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility. (Refer to FIGURE 3 for types of yards, page 16)

1. Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
2. Yard, Rear: A yard extending between side lot lines across the rear of the principal building.
3. Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Zone - Any area or section of the City of Nicholasville for which regulations governing the use of the buildings and premises or the height and area of buildings are uniform. The terms "Zone" and "District" are used interchangeably.

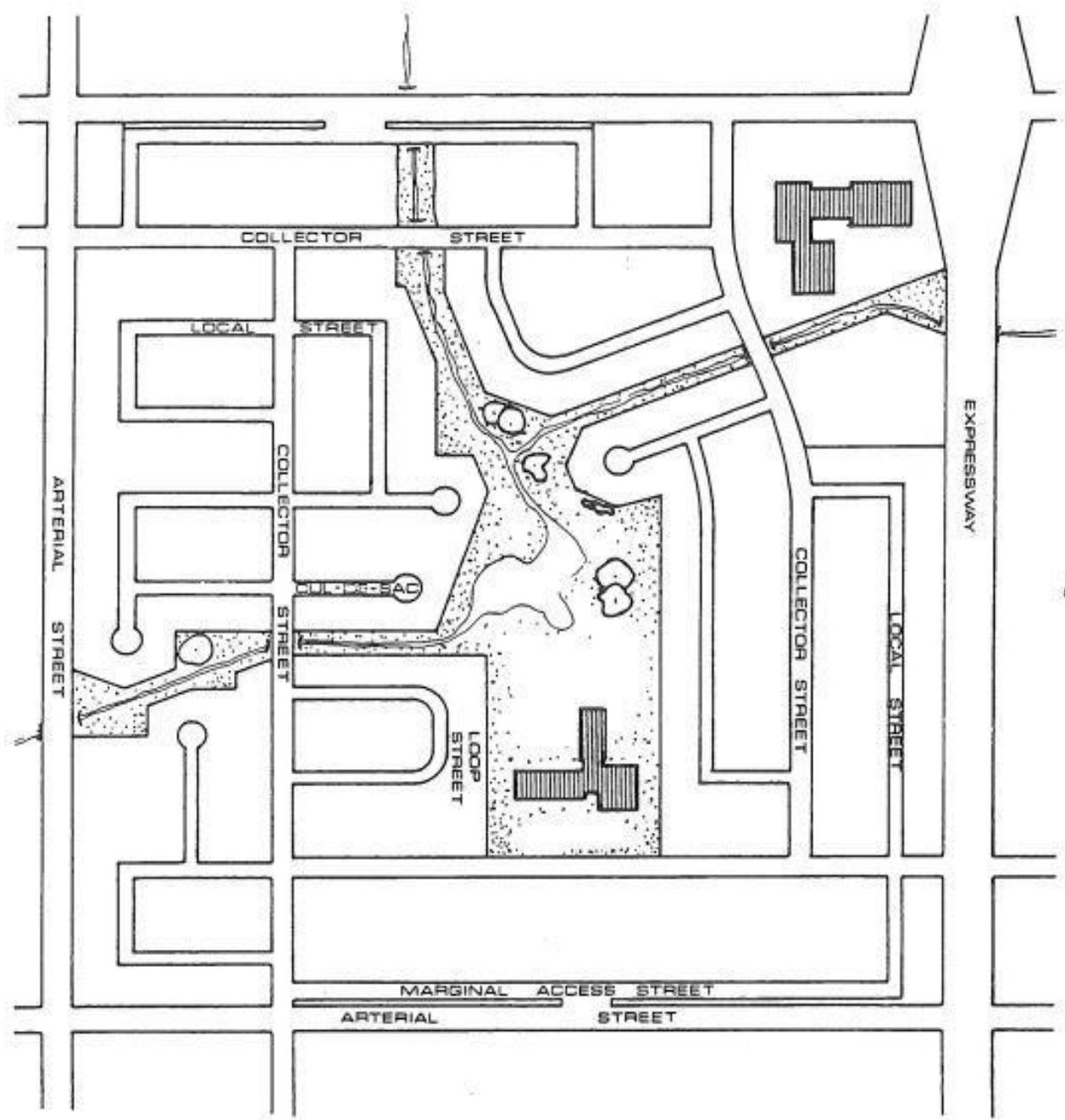
LOT TYPES

FIGURE 1



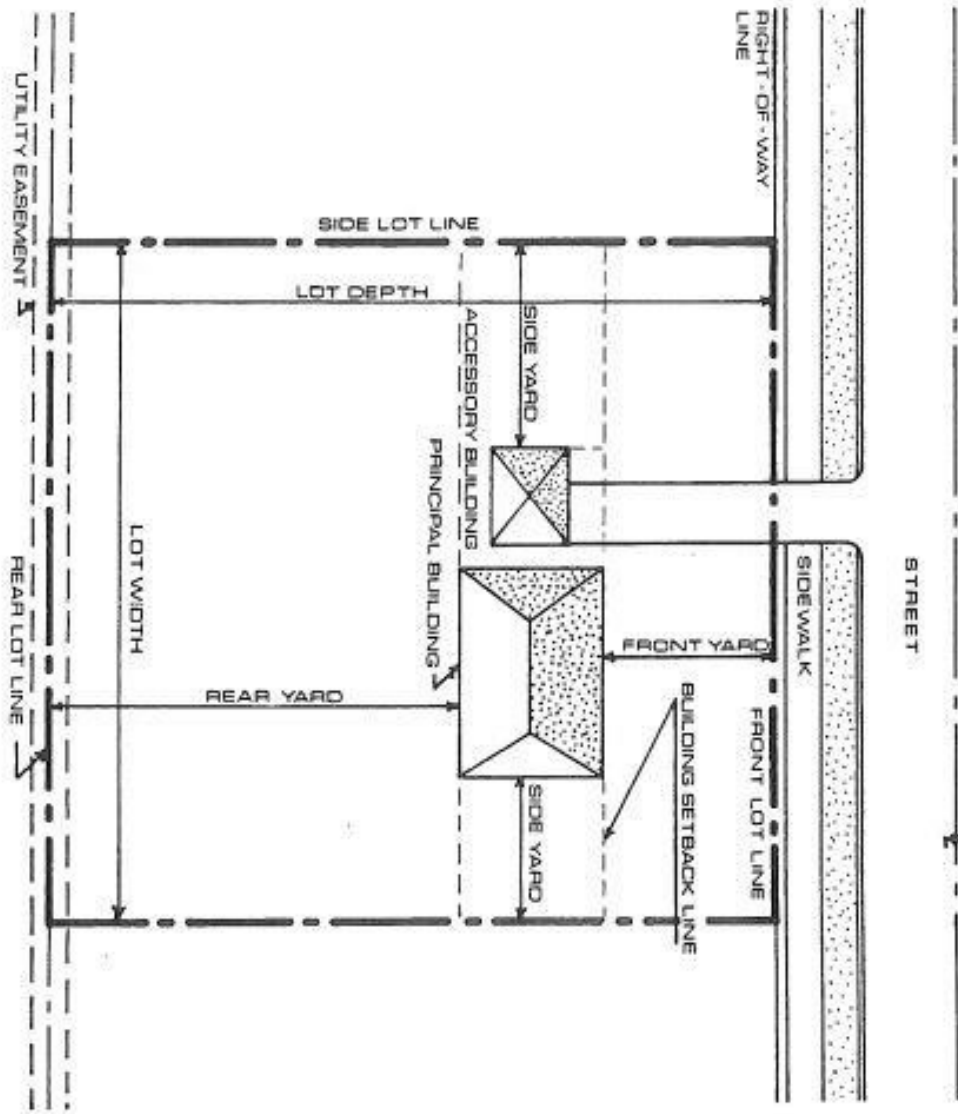
CLASSIFICATION OF THOROUGHFARES

FIGURE 2



LOT TERMS

FIGURE 3



LOT AREA = TOTAL HORIZONTAL AREA LOT COVERAGE = PERCENT OF LOT OCCUPIED BY BUILDING

NOTE: Accessory buildings as shown are not permitted. (See Section 820)

ARTICLE 3
ADMINISTRATION & ENFORCEMENT

300 ADMINISTRATIVE OFFICIAL - The Planning Director for the City of Nicholasville, or their designee, shall administer and enforce this ordinance. He/she may be provided with the assistance of such other persons as necessary.

(Adopted: 02-28-2022 Ordinance #066-2022)

For the purpose of the ordinance the Administrative Official shall have the following duties:

301 - Upon finding that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation;

302 - Order discontinuance of illegal uses of land, buildings, or structures;

303 - Order removal of illegal buildings or structures or illegal additions or structural alterations;

304 - Order discontinuance of any illegal work being done; or

305 - Take any other action authorized by this ordinance to ensure compliance with or to prevent violation(s) of this ordinance. This may include the issuance of and action on building permits and certificate of occupancy permits and such similar administrative duties as are permissible under the law.

306 - Make records of all official actions of his office relating to the administration and enforcement of the provisions of this ordinance including but not limited to written records of all complaints and actions taken with regard thereto, all violations discovered and actions taken thereto, and the final disposition of all such matters.

310 PLANNING COMMISSION - Matters of the Planning Commission, pertaining to membership, appointment, terms, vacancies, oath, compensation, removal and officers, shall be in accordance with KRS 100.133 - 100.181.

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings, including regulations, transactions, findings, and determinations, and the number of votes for and against each question, and if any member is absent or disqualified from voting, indicating the fact.

For the purpose of this ordinance the Commission shall have the following duties:

311 - Review all proposed amendments to this ordinance and make recommendations to the appropriate Legislative Body.

312 - Review all planned unit developments and mobile home park proposals and make recommendations to the appropriate Legislative Body.

320 BUILDING PERMITS REQUIRED - No building or other structure shall be erected, moved, added to or structurally altered without a permit therefore, issued by the Administrative Official. No building permit shall be issued by the Administrative Official except in conformity with the provisions of this ordinance unless he receives a written order from the Board of Adjustment in the form of an administrative review, conditional use permit, or variance as provided by this ordinance.

No utility service (electric, gas, water or other) temporary or permanent, may be connected to any building or structure within the City of Nicholasville until the utility agency has been shown or has received confirmation from the Planning Commission Office as to the existence of a valid building permit of the premises to be served.

If no building permit has been issued and a builder begins or continues to build, a restraining order may be obtained upon application to the proper court of record and evidence of the lack of a building permit shall establish a prima facie case for the issuance of the restraining order. Further legal action may be taken as necessary to insure compliance with this zoning ordinance.

321 APPLICATION FOR BUILDING PERMIT - All applications for building permits shall be accompanied by plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings, driveways, or parking areas already existing, if any; and the location and dimensions of the proposed buildings, driveways, parking areas or alteration. In addition to these requirements, any application for a building permit for a structure on a permanent foundation., shall require an engineered site plan prepared by a licensed professional engineer or licensed professional land surveyor, showing all setbacks, easements and utilities, except for decks, porches (covered or uncovered) that are open and unenclosed on three sides and can be clearly demonstrated to Staff that all applicable regulations contained within the City of Nicholasville Zoning Ordinance are met. The application shall include such other information as lawfully may be required by the Administrative Official or his designee, including existing or proposed buildings, or alteration; existing or proposed uses of the building or land; existing cemeteries; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; specific measures that will be used to control erosion and silt; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, other ordinances. One copy of the plans shall be returned to the applicant by the Administrative Official or his designee, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original copy of the plans, similarly marked shall be retained by the Administrative Official or his designee.

(Adopted: 9-20-01 Ordinance #385-2001)
(Adopted: 12-14-15 Ordinance #929-2015)

322 EXPIRATION OF BUILDING PERMIT - If the work described in any building permit has not begun within six months from the date of issuance thereof, said permit shall expire; it shall be revoked by the Administrative Official; and written notice thereof shall be given to the persons affected. If the work described in any building permit has not been substantially completed within the time noted on the building permit, said permit shall expire and be revoked by the Administrative Official and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

323 BUILDING PERMITS NON-TRANSFERABLE - A building permit is valid only for the lot to which it was issued and is non-transferable.

324 OCCUPATIONAL LICENSES REQUIRED - A building permit shall not be issued unless the necessary City of Nicholasville Occupational Licenses have been obtained by the builder (contractor).

325 REGISTRATION FOR BUILDER(S), GENERAL CONTRACTOR(S), AND SUBCONTRACTOR(S) - A building permit shall not be issued unless a list (see attached form, page 21) certified by the contractor or property owner has been submitted to the City of Nicholasville containing the names and addresses of the Builder(s), General Contractor(s), and Subcontractors(s) who will perform work and/or provide services and material to the property for which the building permit is requested.

326 SETBACK LINES - Prior to any required onsite inspection by the Administrative Official or his designee, the applicant or property owner shall locate and identify the lot corners for the purpose of verifying all setback lines. If any lot corner required for verification of setback lines is not found, or does not match the description shown on the plat of record, a permanent monument shall be placed at the corner by a registered land

surveyor in accordance with the MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN KENTUCKY and subsequent revisions.

327 EROSION AND SEDIMENTATION CONTROLS - Prior to any required onsite inspection by the Administrative Official or his designee, the applicant or property owner shall erect and maintain temporary erosion and sedimentation controls for all disturbed and/or regraded areas until final controls become effective. Silt control measures shall consist of temporary silt fences or straw bales staked in place, and shall be maintained and modified as necessary during construction to prevent off-site siltation. Any silt or mud emitted from the lot shall be immediately removed by the applicant or property owner.

328 PROHIBITION OF THE ISSUANCE OF BUILDING PERMITS - If a Certificate of

Occupancy has not been issued by the Administrative Official or his designee as required by Section 330 of this ordinance, the Administrative Official or designee shall be prohibited from issuing any additional building permits to that same owner and/or builder until a Certificate of Occupancy has been obtained for the unlawfully occupied building and/or premises.

(Adopted: 08-02-2001 Ordinance #379-2001)

329 OFF-SITE PUBLIC IMPROVEMENTS - Where off-site public improvements, to be dedicated to the City, are shown on submitted plans, no building permit shall be issued until an Irrevocable Letter of Credit from a banking institution has been filed in favor of the City of Nicholasville for the cost of the off-site public improvements. Where off-site public improvements, to be dedicated to other agencies having jurisdiction, are shown on submitted plans, no building permit shall be issued until copies of approval letters from the agencies having jurisdiction are submitted to the Planning Commission. The amount of the Irrevocable Letter of Credit to the City shall not be less than 125 % of the cost as the Planning Commission shall estimate and determine to be reasonably necessary to complete all of the off-site public improvements to be dedicated to the City. The Letter of Credit shall establish a completion date satisfactory to the City of Nicholasville. If the applicant/owner fails to complete the off-site public improvements by the completion date, or if the construction work is improper, as determined by the Planning Commission, the City shall be authorized to cause the required work, or construction of any off-site public improvements for which the Letter of Credit was posted, to be done and to draw and receive funds from the Letter of Credit issuer in an amount required for payment of all costs therefore. The Letter of Credit shall be filed with the Nicholasville Planning Commission. No Certificate of Occupancy shall be issued until the off-site public improvements to be dedicated to the City have been completed as certified by an on-site inspection by the Planning Commission.

(Adopted: 07-02-09 Ordinance #750-2009)

330 CERTIFICATES OF OCCUPANCY FOR NEW, ALTERED, OR NON-CONFORMING

USES - It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefore by the Administrative Official stating that the proposed use of the building or land conforms to the requirements of this ordinance.

No non-conforming structure or use shall be maintained, renewed, changed, or extended until a certificate of occupancy shall have been issued by the Administrative Official. The certificate of occupancy shall state specifically wherein the non-conforming use differs from the provisions of this ordinance provided that upon enactment or amendment of this ordinance, owners or occupants of non-conforming uses or structures shall have three months to apply for certificates of occupancy. Failure to make such application within three months shall be presumptive evidence that the property was in conforming use at the time of enactment or

amendment of this ordinance. (See Article 5 for explanation of non-conforming lots, uses, and structures.)

No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a certificate of occupancy, and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work.

A temporary certificate of occupancy may be issued by the Administrative Official for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

The Administrative Official shall maintain a record of all certificates of occupancy, and a copy shall be furnished upon request to any person. Failure to obtain a certificate of occupancy shall be a violation of this ordinance and punishable under Section 360 hereof.

340 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, PLATS, AND CERTIFICATES OF OCCUPANCY - Plats, building permits or certificates of occupancy issued on the basis of plans and applications approved by the Administrative Official, authorize only the use, arrangement, and construction set forth in such approved plats, plans, and applications, and no other use, arrangement, or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this ordinance, and punishable as provided by Section 360 hereof.

350 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 basis thereof shall be filed with the Administrative Official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

360 PENALTIES FOR VIOLATIONS - Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a civil offense and shall be subject to the enforcement procedures set forth in Chapter 11 of Code of Ordinances, The City of Nicholasville.

Any person who so violates this ordinance or fails to comply with any of its requirements except as provided in Section 361 herein below shall, upon conviction thereof, be fined not less than \$10.00 but no more than \$500.00 for each conviction. Each day of violation shall constitute a separate offense.

361 VIOLATIONS REGARDING LOTS OR PARCELS - Any person shall upon

conviction be fined not less than \$100.00 but no more than \$500.00 for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer where such sale or transfer, or contract thereof, constitutes a violation of this ordinance.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

370 SCHEDULE OF FEES, CHARGES, AND EXPENSES - The Board of Commissioners shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of occupancy, appeals, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the Office of the Administrative Official, and may be altered or amended only by the appropriate Legislative Body. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

380 APPLICANTS TO APPEAR AT THE SCHEDULED HEARING - It shall be the responsibility of any person requesting action by the Nicholasville Planning Commission or Board of Adjustment to appear at the scheduled hearing to request same. Failure of a person to appear either on behalf of himself or by authorized agent, shall result in the request being denied and the matter being removed from the Agenda.

The above shall not apply, however, if the applicant requests and receives either of the following prior to the hearing date:

- 1) A continuance, for good cause shown, which shall be granted at the discretion of the Administrative Officer of the Nicholasville Planning Commission, or--
- 2) A waiver of these requirements, based upon agreement with the Administrative Officer of the Nicholasville Planning Commission, that the applicant's appearance is not necessary.

A denial of any request which is caused by the applicant's violation of this section shall be treated in the same manner as any other denied request.

ARTICLE 4 BOARD OF ADJUSTMENT

400 APPOINTMENT AND PROCEEDINGS OF BOARD - Matters of the Board of

Adjustment, pertaining to membership, appointment, terms, vacancies, oath, compensation, removal and officers, shall be in accordance with KRS 100.217.

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall keep minutes of its proceedings, showing the vote upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the Office of the Board. (Note KRS 100.217).

410 PROCEDURE FOR APPEALS TO THE BOARD - Appeals to the Board of Adjustment concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by any decision of the Administrative Official. Such appeal shall be taken within thirty (30) days after the appellant or his agent receives notice of the action appealed from, by filing with said officer and with the board a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. Said officer shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At any public hearing by the board, any interested person may appear and enter his appearance, and all shall be given an opportunity to be heard.

411 STAY OF PROCEEDINGS - An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted on due cause shown by the Board of Adjustment. Notice shall be given to the Administrative Official from whom the appeal is taken and on due cause shown.

420 POWER AND DUTIES OF BOARD OF ADJUSTMENT - In exercising its duties, the Board may, as long as such action is in conformity with the terms of this ordinance reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination powers of the Administrative Official from whom the appeal is taken. The concurring vote of two-thirds of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Administrative Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variation in the application of this ordinance. For the purpose of this ordinance the Board has the following specific responsibilities:

421 ADMINISTRATIVE REVIEW AND REQUEST FOR CLARIFICATION OR INTERPRETATION

421.1 ADMINISTRATIVE REVIEW - To hear and decide appeals where it is alleged that there is an error in order, requirement, decision, or determination made by the Administrative Official. Such appeal shall be taken within thirty (30) days.

421.2 REQUEST FOR CLARIFICATION OR INTERPRETATION - Any person or agency that has made a request pursuant to the Nicholasville Zoning Ordinance which has been denied by the Administrative Officer shall be entitled to request a clarification or interpretation of the Ordinance in question, if the following conditions are met:

1. The request was made according to the procedure established by the Nicholasville Zoning Ordinance.
2. The request is denied by the Administrative Officer, Nicholasville Planning Commission.
3. The denial is based entirely upon the fact that the Ordinance in question fails to specifically address the issue presented in the request.

If a request for either an administrative review or clarification or interpretation is filed, it shall be heard at the next regular session of the Nicholasville Board of Adjustment, unless there is insufficient time to advertise same, and in that case, it shall be passed until the following regular scheduled meeting.

There shall be no charge for the filing of a request for either an administrative review, or clarification and interpretation.

422 CONDITIONAL USE PERMITS; CONDITIONS GOVERNING APPLICATIONS;

PROCEDURES - To hear and decide only such exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether conditional use permits should be granted; and to grant conditional use permits with such safeguards as are appropriate under this ordinance, or to deny conditional use permits when not in harmony with the purpose and intent of this ordinance. Conditional Use Permits shall not be granted by the Board of Adjustment unless and until:

422.1 - A written application for a conditional use permit is submitted indicating the section of this ordinance under which the permit is sought and stating the grounds on which it is requested.

422.2 - Notice shall be given per KRS 100 and KRS 424.

422.3 - The public hearing shall be held. Any party may appear in person, or by agent or attorney.

422.4 - The Board of Adjustment shall make a finding that it is empowered under the section of this ordinance described in the application to grant the conditional use permit and that the granting of the permit will not adversely affect the public interest.

422.5 - Before any conditional use permit shall be issued, the Board shall make written findings certifying compliance with the specific rules governing individual permits and that satisfactory provision arrangement has been made concerning the following, where applicable:

422.51 - ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

422.52 - off-street parking and loading areas where required, with particular attention to the items in 422.51 above and the economic, noise, glare, or odor effects of the conditional use permit on adjoining properties and properties generally in the district;

422.53 - refuse and service areas, with particular reference to the items in 422.51 and 422.52 above;

422.54 - utilities, with reference to locations, availability, and compatibility;

422.55 - screening and buffering with reference to type, dimensions, and character;

422.56 - signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

422.57 - required yards and other open space;

422.58 - general compatibility with adjacent properties and other property in the district.

422.6 - It shall be the responsibility of any person requesting action to appear at the scheduled hearing to request same (See Section 380)

423 VARIANCES; CONDITIONS GOVERNING APPLICATIONS; PROCEDURES - To

authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship or practical difficulty. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

423.1 - A written application for a variance is submitted demonstrating:

423.11 - The requested variance arises from special circumstances that are unique to the property and do not apply to land in the general vicinity, or in the same zone;

(Adopted: 02-28-2022 Ordinance #066-2022)

423.12 - The strict application of the provisions of the regulation(s) would deprive the applicant (property owner) reasonable use of the land, rights commonly enjoyed by other properties in the same vicinity, or would create an unnecessary hardship on the applicant/property owner;

(Adopted: 02-28-2022 Ordinance #066-2022)

423.13 - The special circumstances are not the result of actions of the applicant taken subsequent to the adoption or applicability of the zoning regulation from which relief is sought. The hardship shall not be self-imposed. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought; and

(Adopted: 02-28-2022 Ordinance #066-2022)

423.14 - The variance will not adversely affect the public safety or welfare, and will not alter the essential character of the general vicinity, cause a public hazard or nuisance, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. The variance shall not constitute a grant of special privilege denied to other lands, buildings, or structures in the vicinity. Adjacent non-conforming uses may not be considered grounds for the approval of a variance. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance. (Adopted: 02-28-2022 Ordinance #066-2022)

423.2 - Notice of public hearing shall be given in accordance with Section 422.2 above.

423.3 - The public hearing shall be held. Any party may appear in person, or by agent or by attorney.

423.4 - The Board of Adjustment shall make findings that the requirements of Section 423.1 have been met by the applicant for a variance;

423.5 - The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of land, building, or structure;

423.6 - The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 360 of this ordinance.

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

423.7 - It shall be the responsibility of any person requesting action to appear at the scheduled hearing to request same (See Section 380).

424 RECORDING VARIANCES, CONDITIONAL USE PERMITS - All variances and conditional use permits approved by the Board of Adjustment shall be recorded at the expense of the applicant in the Office of the Jessamine County Court Clerk.

430 APPEALS FROM THE BOARD OF ADJUSTMENT - Any person or persons, or any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision in the manner provided by the laws of the Commonwealth of Kentucky and particularly by KRS 100.347.

440 DUTIES OF ADMINISTRATIVE OFFICIAL, BOARD OF ADJUSTMENT, LEGISLATIVE BODIES, AND COURTS ON MATTERS OF APPEAL - It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Administrative Official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Administrative Official, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law and particularly by KRS 100.347.

It is further the intent of this ordinance that the duties of the Board of Commissioners in connection with this ordinance shall not include hearing and deciding questions of

interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this ordinance. Under this ordinance the Board of Commissioners shall have only the duties (1) of considering and adopting or rejecting proposed amendments or the repeal of this ordinance as provided by law, and (2) of establishing a schedule of fees and charges as stated in 370.

ARTICLE 5 NONCONFORMITIES

500 INTENT - Within the districts established by this ordinance or amendments that may later be adopted there exist lots, structures and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

501 INCOMPATIBILITY OF NON-CONFORMING USES - Non-conforming uses are declared by this ordinance to be incompatible with permitted uses in districts in which the use is located. A non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

502 AVOIDANCE OF UNDUE HARDSHIP - To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

510 NON-CONFORMING LOTS OF RECORD - In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for

area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance and if all or part of the lots do not meet the requirements established for lot width and area, 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 in a manner which diminishes compliance with lot width and area requirements established by this ordinance nor shall any division or any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

520 NON-CONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY) - Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance and where such use involved no individual structure with a replacement cost exceeding \$2,500, the use may be continued so long as it remains otherwise lawful, provided:

521 - No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;

522 - No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance;

523 - If any such non-conforming use of land ceases for any reason for a period of more than 12 months any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located;

524 - No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming use of land.

530 NON-CONFORMING STRUCTURES - Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reasons of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

531 - No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease

its non-conformity, however, carports, porches and accessory buildings may be altered if they are in compliance with the following:

- a) Carports and porches which do not have the necessary side yard setback may be enclosed if all three of the following are met:
 - 1. Share a common roof with the principal structure.
 - 2. Were in existence prior to the adoption of these regulations.
 - 3. The owner does not own or cannot purchase adjacent property as specified by these regulations.

- b) Accessory buildings which do not have the necessary side or rear yard setbacks may have additions made to them if all three of the following are met:
 - 1. The addition shall not be positioned any closer to the property line than the existing accessory building.
 - 2. The value of the existing accessory structure is \$2,500 or less before any additions are made.
 - 3. The accessory building was in existence prior to the regulations.

532 - Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than fifty (50%) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.

533 - Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

540 NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION - If lawful use involving individual structures with replacement cost of \$2,500 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

541 - No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

542 - Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance but no such use shall be extended to occupy any land outside such building;

543 - If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as a conditional use be changed to another non-conforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this ordinance;

544 - Any structure, or structure and land in combination, or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;

545 - When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three-year period (except when government action impeded access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;

546 - Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structures shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 70 percent of the replacement cost at time of destruction.

550 REPAIRS AND MAINTENANCE - On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 10 percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

560 USES UNDER CONDITIONAL USE PROVISIONS NOT NON-CONFORMING USES-

Any use which is permitted as a conditional use in a district under the terms of this ordinance shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

ARTICLE 6

ESTABLISHMENT OF DISTRICTS

600 ZONING DISTRICTS - In order to classify, regulate, and restrict the use and location of buildings designed for specified uses, to regulate and determine the area of yards, courts, and other open spaces surrounding buildings, and to regulate and limit the density of population, and to realize the general purposes set forth in the Preamble of this ordinance, the City is divided into zoning districts. The specific purpose of each zoning district is set forth in Section 640-674, inclusive.

610 OFFICIAL ZONING MAP - The boundaries of these Zoning Districts are hereby established as shown on a map entitled "Official Zoning Map for the City of Nicholasville, Kentucky." Said Zoning Map and all notations and references and other matters shown thereon shall be and are hereby made a part of this ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bear the seal of the City under the following words: "This is to certify that this is the Official Zoning Map for the City of Nicholasville, Kentucky, referred to in Section 610 of the Official Zoning Ordinance for Nicholasville, Kentucky, adopted by the Board of Commissioners July 1, 1980."

If, in accordance with the provision of this ordinance and Kentucky Revised Statutes, changes are made in zoning district boundaries or other matters, portrayed on the Official Zoning Map such changes shall be made on the Official Zoning Map promptly after the amendment has been approved by the Nicholasville Board of Commissioners together with an entry on the Official Zoning Map which shall be made by the Administrative Official of the Planning Commission at the direction of the Board of commissioners. No amendment to this ordinance which involved matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under Section 360.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Administrative Official shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

611 REPLACEMENT OF OFFICIAL ZONING MAP - In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Commission may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting, zoning ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bear the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Official Zoning Ordinance for Nicholasville, Kentucky."

620 INTERPRETATION OF DISTRICT BOUNDARIES - Where uncertainty exists with respect to the boundaries of any of the Zoning Districts as shown on the Official Zoning Map, the following rules shall apply:

621 - Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;

622 - Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

623 - Boundaries indicated as approximately following city limits (county lines) shall be construed as following such city limits (county lines);

624 - Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

625 - Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;

626 - Boundaries indicated as parallel to or extensions of features indicated in subsections 621 through 625 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

627 - Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 621 through 626 above, the Board of Adjustment shall interpret the district boundaries.

628 - Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance the Board of Adjustment may permit, conditionally, the extension of the regulations for either portion of the lot not to exceed fifty (50') feet beyond the district line into the remaining portion of the lot.

630 ANNEXATIONS - A property owner requesting annexation to the Board of City Commissioners shall submit an application for a zone map amendment to the Planning Commission as provided by Article 13, Section 1310.

640 RESIDENTIAL DISTRICTS - Residential districts are established to meet the purposes set forth in Section 641-643, inclusive.

641 LOW DENSITY RESIDENTIAL DISTRICT - The purpose of the R-1 District is to permit the establishment of low density single family residential dwellings.

642 MEDIUM-DENSITY RESIDENTIAL DISTRICT - The purpose of the R-2 District is to permit the establishment of medium density single and two family residential uses.

643 HIGH-DENSITY RESIDENTIAL DISTRICT - The purpose of the R-3 District is to permit the establishment of medium to high density, multi-family residential dwellings. All such districts must abut upon either an arterial or collector street. Mobile home parks are permitted as per Article 12.

644 TOWNHOUSE RESIDENTIAL DISTRICT - The purpose of the R-3T District is to permit the establishment of new townhouse developments. It also may be used in older sections of town where small lots prohibit ordinary development.

650 BUSINESS DISTRICTS - Business districts are established to meet the purposes set forth in Sections 651-655, inclusive.

651 PROFESSIONAL DISTRICT - The purpose of the P-1 District is to encourage the establishment of groupings of professional, research, executive, administrative, accounting, clerical, stenographic, and similar uses. Research uses shall not involve heavy testing operations of any kind. Because such uses are generally large generators of traffic, this district must abut upon an arterial or collector street. The P-1 District is also designed to act as a buffer between other more intense non-residential uses and high density residential uses, and is thus a transitional use.

652 DOWNTOWN BUSINESS DISTRICT - The purpose of the DB District is to accommodate and encourage expansion and renewal in the historical downtown business

core, while requiring less parking. Business, institutional, public, quasipublic, cultural, residential, and other related uses are encouraged in an effort to provide the mix of activities necessary to establish a truly urban character.

653 CENTRAL BUSINESS DISTRICT - The purpose of the B-1 District is to accommodate and encourage further commercial expansion in the downtown business area of the community. A variety of business, institutional, public, quasi-public, cultural, residential and other related uses are encouraged in an effort to provide the mix of activities necessary to establish a truly urban character.

654 HIGHWAY BUSINESS DISTRICT - The purpose of the B-2 District is to encourage the establishment of areas for highway business uses only. This district is specifically designed to service the motoring public.

655 NEIGHBORHOOD BUSINESS DISTRICT - The purpose of the B-3 District is to encourage the establishment of areas for convenience business uses which tend to meet the daily needs of the residents of an immediate neighborhood. Such districts shall be strategically located with access to a collector street. Marginal strip development shall be prohibited.

660 INDUSTRIAL DISTRICTS - Industrial districts are established to meet the purposes set forth in Sections 661-662, inclusive.

661 LIGHT INDUSTRIAL DISTRICT - The purpose of the I-1 District is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare; operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged. This district is further designed to act as a transitional use between heavy industrial uses and other less intense business and residential uses.

662 HEAVY INDUSTRIAL DISTRICT - The purpose of the I-2 District is to encourage the development of major manufacturing, processing, warehousing, and major research and testing operations. These activities require extensive community facilities, and reasonable access to arterial highways; they may have extensive open storage and service areas, generate heavy traffic but shall be prohibited if they create nuisances beyond the limitations set up by the Planning Commission.

670 SPECIAL DISTRICTS - The Special Districts are established to meet the purposes set forth in Sections 671-674, inclusive.

671 AGRICULTURAL DISTRICT - The purpose of the A-1 District is to establish control over the indiscriminate infiltration of urban development in agricultural areas until urban type services and utilities can be efficiently provided.

672 FLOOD PLAIN DISTRICT - The purpose of the FP District is to guide development in the flood prone areas of any water course that are consistent with the requirements for the conveyance of flood flows, and to minimize the expense and inconveniences to the individual property owners and the general public through flooding.

673 HISTORIC DISTRICT - A designation that carries with it a design review process, within the purview of the Nicholasville Historic Preservation Commission, that is based on specific design guidelines for exterior work and changes to the property. Properties that are within the Historic District carry an H-1 overlay zone in addition to the underlying zoning category.

(Adopted 12-29-2012 Ordinance #856-2012)

674 PLANNED UNIT DEVELOPMENT - See Article 11. The purpose of the PUD District is to provide an area of land, in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than these restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

ARTICLE 7
APPLICATION OF REGULATIONS

700 COMPLIANCE WITH REGULATIONS - The regulations for each district set forth by this ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

701 - No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

702 - No building or other structure shall be erected or altered:

702.1 - to provide for greater height or bulk;

702.2 - to accommodate or house a greater number of families;

702.3 - to occupy a greater percentage of lot area; and

702.4 - to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of the ordinance.

703 - No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements set forth herein.

704 - Each principal use building in residential districts shall be situated on a separate and single subdivided lot of record, except as hereinafter expressly allowed in R-3 districts.

705 - Each principal use building in professional, business or industrial districts shall be situated so that if at a later date, they are subdivided onto separate and single lots of records, both the building and lot will be in conformance with these regulations.

706 - No building shall be constructed across lot lines except as hereinafter expressly allowed for duplexes and townhouses in their respective zones. Only the common vertical wall between adjacent units of duplexes or townhouses may be located on a side lot line. They are to comply with all other yard setback requirements.

707 - In all districts, the side yard setback shall apply only to the outside wall of the building and not to common side walls.

708 - Each store within a principal use building may be in separate ownership.

709 - Projections:

709.1 - Covered porches, stairways, terraces or other similar features, the floor level of which is not over three (3') feet above the average finished grade and which do not extend above the level of the first floor of the building, when open and unenclosed, may project into a required front, side or rear yard not more than eight (8') feet, provided that such covered porches, stairways, terraces or other similar features conform to the provisions of Section 709.4 of this Section.

709.2 - Fire escapes may extend not more than three (3') feet into any required side yard; and fire escapes or outside stairways may extend not more than five (5') feet into any required rear yard.

709.3 - Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters and the like, may extend not more than thirty (30") inches into any required yard.

709.4 - Notwithstanding any other provision of this Subsection, no projection shall extend into any required side yard more than one-third (1/3) the width of such yard, court, nor within ten (10') feet of the rear lot line, nor within five (5') feet* of any accessory building; provided, however, that such limitations shall not apply to terrace and steps inside yards, or to a loading dock or tailboard required in connection with an industrial siding.

*The five (5') feet is measured from the outermost point of a projection.

710 SPECIAL PROVISIONS FOR AGRICULTURAL AREAS - For the purposes of this ordinance, land which is used solely for agricultural, farming, dairying, stock-raising, or similar purposes shall have no regulations imposed as to building permits, certificates of occupancy, height, yard, location or courts requirements for agricultural buildings, including and limited to one mobile home used as a dwelling, except that (a) setback lines may be required for the protection of existing and proposed streets and highways, and (b) that all buildings or structures in a designated floodway or flood plain or which tend to increase flood heights or obstruct the flow of flood waters may be fully regulated.

711 - In all districts the lot width shall be measured at the building line.

712 - In all districts the front yard setback shall be measured from the street right-of-way.

720 SCHEDULE OF DISTRICT REGULATIONS ADOPTED - District regulations shall be as set forth in the Schedule of District Regulations hereby adopted by reference and declared to be a part of this ordinance.

A-1 AGRICULTURE DISTRICT

PRINCIPAL USES (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Land used solely for agriculture, farming, dairying, stock-raising. (See Section 710) 2. Horticultural services.
3. Recreational facilities including playgrounds, golf courses, zoological gardens, country clubs, sportsman's farms, riding stables, campgrounds and fishing lakes.

ACCESSORY USES (Uses and structures which are customarily accessory, clearly incidental, and subordinate to permitted uses.)

1. Accessory uses in connection with agriculture, farming, dairying, stock raising or similar uses such as tenant homes, residences, agricultural structures, stables and parking areas.
2. Swimming pools (fenced, 4 feet minimum) and tennis courts.
3. Private garages, storage sheds and parking areas.

CONDITIONAL USES (Permitted only with Board of Adjustment approval.)

1. Schools and Colleges for Academic Instruction.
2. Airports.
3. Cemeteries, crematories, columbariums, mausoleums, including animal burial grounds.
4. Sewage disposal plants.
5. Roadside stands, offering for sale only agricultural products grown on the premises.
6. Race tracks.
7. Home Occupations in accordance with Article 2.
8. Any other use that is determined by the Board of Adjustment to be of the same general character as the above.

PROHIBITED USES (Other uses substantially similar to those listed herein shall also be deemed prohibited.)

1. Establishments for the processing of crude petroleum or natural gas.
2. Mining of metal, anthracite, lignite or bituminous coal.
3. Feedlots.
4. Mobile homes except as in Section 710.
5. Two-family, multi-family, or townhouse dwelling units.
6. Retail sales or service, wholesale, warehouse, or storage uses.
7. Offices and institutional uses.

8. Commercial recreational facilities such as amusement parks, bowling alleys, skating rinks, pool or billiard halls, or indoor or outdoor theaters.
9. Hotels, motels, boarding or lodging houses.
10. Manufacturing, compounding, assembling, processing, and packaging; and other industrial uses.
11. Junkyards, disassembly plant.
12. Refuse dumps, landfills, incinerators and transfer stations.
13. Wrecker Service

(Adopted: 03-29-12 Ordinance 840-2012)

MINIMUM LOT, YARD, AND HEIGHT REQUIREMENTS - See also; Section 710 of this ordinance.

| | |
|-----------------------------------|-----------------------------|
| <u>Minimum Lot Size</u> | - 5 Acres (217,800 sq. ft.) |
| <u>Minimum Lot Width</u> | - 200' |
| <u>Minimum Front Yard</u> | - 50' |
| <u>Minimum Each Side Yard</u> | - 15' |
| <u>Minimum Rear Yard</u> | - 25' |
| <u>Maximum Lot Coverage</u> | - N.A. |
| <u>Maximum Height of Building</u> | - N.A. |

SIGNS (See Article 10 for additional sign requirements.)

1. As per Sections 1020 and 1030.
2. One business sign for a permitted home occupation, non-illuminated, not exceeding four (4) square feet in size and attached flat against the principal building.
3. One name sign not exceeding ten (10) square feet in size for a farm or estate.

PARKING (See Article 9 for parking requirements.)

R-1A SINGLE FAMILY RESIDENTIAL DISTRICT

PRINCIPAL USES (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Single family detached dwellings.

2. Parks and playgrounds operated by government.
3. Planned Unit Development for residential use only. (See Article 11.)

ACCESSORY USES (Uses and structures which are customarily accessory, clearly incidental, and subordinate to permitted uses.)

1. One (1) detached private garage, and one (1) storage shed or a maximum of two (2) storage sheds if there is no detached private garage. The combined square footage of the buildings shall not exceed 650 square feet.
2. Swimming pools. Below grade (in-ground) swimming pools shall be enclosed with a fence no less than four (4') feet in height; all gates shall be self-closing and self-latching with latches placed at least four (4') feet above the ground.
3. Tennis Courts.
4. Agricultural uses excluding commercial stock raising.
5. Keeping of not more than two (2) roomers or boarders by a resident family.
6. Home Office.
7. Accessory uses shall be five (5') feet from all other buildings, lot lines, and behind the line of the back of the principle structure and not located on any easements except for the following:
 - a. Buildings that are 150 square feet or less, placed on skids, and capable of being moved, without the removal or cutting away of any attachments, provided an executed waiver and release is obtained by the Planning Commission Office;
 - b. Above grade swimming pools with a maximum height of 24 inches.
8. Required off-street parking as specified in Article 9.

(Adopted: 7-16-07 Ordinance 668-2007)

CONDITIONAL USES (Permitted only with Board of Adjustment approval.)

1. Nursery schools, day nurseries, and child care centers for five or more children, provided there is a fenced and screened play lot.
2. Schools and colleges.
3. Cemeteries, columbariums, and mausoleums.
4. Recreation facilities such as golf courses, zoological gardens, country clubs, swimming pools, and tennis courts.
5. Hospitals.
6. Churches, Sunday Schools, and parish houses.
7. Temporary real estate sales office for the sale of lots located only within the subdivision in which said lots are located, to be removed at the end of one (1) year or when all the lots are sold, whichever comes first.
8. Home occupations in accordance with Article 2.
9. Any City, County, State, or Federally owned public buildings and/or uses.
10. Public utility facilities such as electric sub-stations, etc.
11. Helicopter landing pads, provided such facilities conform to the requirements of all Federal, State and Local regulations.

12. Parking lots may be allowed if they are in compliance with the following:
- a) The parking lot is to be used only for an existing conforming business and shall be located immediately adjacent to that business.
 - b) The parking lot shall be effectively screened from surrounding residentially zoned property as specified by this Zoning Ordinance.
 - c) The parking lot is not to effect the overall character of the area.
 - d) The parking lot shall comply with Section 422 of this Zoning Ordinance and any other requirements deemed necessary by the Board of Adjustment.
 - e) The parking lot shall also comply with all requirements specified by this Zoning Ordinance.
13. Any other use that is determined by the Board of Adjustment to be of the same general character as the above.

PROHIBITED USES (Other uses substantially similar to those listed herein shall also be deemed prohibited.)

- 1. The uses prohibited in the A-1 district.
- 2. Kennels.

LOT, YARD, AND HEIGHT REQUIREMENTS

| | |
|-----------------------------------|----------------|
| <u>Minimum Lot Size</u> | - One (1) Acre |
| <u>Minimum Lot Width</u> | - 150' |
| <u>Minimum Front Yard</u> | - 50' |
| <u>Minimum Each Side Yard</u> | - 35' |
| <u>Minimum Rear Yard</u> | - 25' |
| <u>Maximum Lot Coverage</u> | - 35 percent |
| <u>Maximum Height of Building</u> | - 35' |

SIGNS (See Article 10 for additional sign regulations.)
 The following non-illuminated or indirectly illuminated signs:

1. As per Sections 1020 and 1030.
2. One business sign for a permitted home occupation, non-illuminated, not exceeding four (4) square feet in size and attached flat against the principle building.
3. Signs advertising lodging and tourist homes limited in size to six (6) square feet and the top of such signs shall not be higher than six (6') feet measured from ground level. Not more than one (1) sign on the premises shall be used.
4. One (1) subdivision identification sign not exceeding sixty-four (64) square feet in size of permanent construction.

OFF STREET PARKING (See Article 9 for parking regulations.)

R-1B SINGLE FAMILY RESIDENTIAL DISTRICT

PRINCIPAL USES (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal uses permitted in the R-1A district.

ACCESSORY USES (Uses and structures which are customarily accessory, clearly incidental, and subordinate to permitted uses.)

1. The accessory uses permitted in the R-1A district.

CONDITIONAL USES (Permitted only with Board of Adjustment approval.)

1. The conditional uses permitted in the R-1A district.

PROHIBITED USES (Other uses substantially similar to those listed herein shall also be deemed prohibited.)

1. The uses prohibited in the R-1A district.

LOT, YARD, AND HEIGHT REQUIREMENTS

| | |
|-----------------------------------|----------------------|
| <u>Minimum Lot Size</u> | - 22,000 square feet |
| <u>Minimum Lot Width</u> | - 100' |
| <u>Minimum Front Yard</u> | - 40' (see a. below) |
| <u>Minimum Each Side Yard</u> | - 15' |
| <u>Minimum Rear Yard</u> | - 25' |
| <u>Maximum Lot Coverage</u> | - 35 percent |
| <u>Maximum Height of Building</u> | - 35' |

- a. Setback along a State or Federal Highway shall be fifty (50') feet.

SIGNS (See Article 10 for additional sign regulations.)

1. As for R-1A.

OFF STREET PARKING (See Article 9 for parking regulations.)

1C SINGLE FAMILY RESIDENTIAL DISTRICT

PRINCIPAL USES (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal uses permitted in the R-1A district.

ACCESSORY USES (Uses and structures which are customarily accessory, clearly incidental, and subordinate to permitted uses.)

1. The accessory uses permitted in the R-1A district.

CONDITIONAL USES (Permitted only with Board of Adjustment approval.)

1. The conditional uses permitted in the R-1A district.

PROHIBITED USES (Other uses substantially similar to those listed herein shall also be deemed prohibited.)

1. The uses prohibited in the R-1A district.

LOT, YARD, AND HEIGHT REQUIREMENTS

| | |
|-------------------------------|----------------------|
| <u>Minimum Lot Size</u> | - 15,000 square feet |
| <u>Minimum Lot Width</u> | - 80' |
| <u>Minimum Front Yard</u> | - 40' (See a. below) |
| <u>Minimum Each Side Yard</u> | - 10' |
| <u>Minimum Rear Yard</u> | - 25' |

Maximum Lot Coverage - 35 percent

Maximum Height of Building - 35'

- a. Setback along a State or Federal Highway shall be fifty (50') feet.

SIGNS (See Article 10 for additional sign regulations.)

1. As for R-1A.

OFF STREET PARKING (See Article 9 for parking regulations.)

1D SINGLE FAMILY RESIDENTIAL DISTRICT

(Existing R-1 Zones as designated on the Zoning Map shall comply with the provisions contained herein.)

PRINCIPAL USES (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal uses permitted in the R-1A district.

ACCESSORY USES (Uses and structures which are customarily accessory, clearly incidental, and subordinate to permitted uses.)

1. The accessory uses permitted in the R-1A district.

CONDITIONAL USES (Permitted only with Board of Adjustment approval.)

1. The conditional uses permitted in the R-1A district.

PROHIBITED USES (Other uses substantially similar to those listed herein shall also be deemed prohibited.)

1. The uses prohibited in the R-1A district.

LOT, YARD, AND HEIGHT REQUIREMENTS

| | |
|-----------------------------------|----------------------|
| <u>Minimum Lot Size</u> | - 8,000 square feet |
| <u>Minimum Lot Width</u> | - 70' |
| <u>Minimum Front Yard</u> | - 30' (See a. below) |
| <u>Minimum Each Side Yard</u> | - 10' |
| <u>Minimum Rear Yard</u> | - 25' |
| <u>Maximum Lot Coverage</u> | - 35 percent |
| <u>Maximum Height of Building</u> | - 35' |

a. Setback along a State or Federal Highway shall be fifty (50') feet.

SIGNS (See Article 10 for additional sign regulations.)

1. As for R-1A.

OFF STREET PARKING (See Article 9 for parking regulations.)

R-1E SINGLE FAMILY RESIDENTIAL DISTRICT

PRINCIPAL USES (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal uses permitted in the R-1A district.

ACCESSORY USES (Uses and structures which are customarily accessory, clearly incidental, and subordinate to permitted uses.)

1. The accessory uses permitted in the R-1A district.

CONDITIONAL USES (Permitted only with Board of Adjustment approval.)

1. The conditional uses permitted in the R-1A district.

PROHIBITED USES (Other uses substantially similar to those listed herein shall also be deemed prohibited.)

1. The uses prohibited in the R-1A district.

LOT, YARD, AND HEIGHT REQUIREMENTS

| | |
|-----------------------------------|----------------------|
| <u>Minimum Lot Size</u> | - 6,500 square feet |
| <u>Minimum Lot Width</u> | - 60' |
| <u>Minimum Front Yard</u> | - 25' (See a. below) |
| <u>Minimum Each Side Yard</u> | - 6' |
| <u>Minimum Rear Yard</u> | - 25' |
| <u>Maximum Lot Coverage</u> | - 35 percent |
| <u>Maximum Height of Building</u> | - 35' |

- a. Setback along a State or Federal Highway shall be fifty (50') feet.

SIGNS (See Article 10 for additional sign regulations.)

1. As for R-1A.

OFF STREET PARKING (See Article 9 for parking regulations.)

R-1F SINGLE FAMILY RESIDENTIAL DISTRICT

This zone is intended to provide for single family detached residences on small lots and at a higher density than would be possible in other detached single family zones. This zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

PRINCIPAL USES (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal uses permitted in the R-1A district.

ACCESSORY USES (Uses and structures which are customarily accessory, clearly incidental, and subordinate to permitted uses.)

1. The accessory uses permitted in the R-1A district.

CONDITIONAL USES (Permitted only with Board of Adjustment approval.)

1. The conditional uses permitted in the R-1A district.

PROHIBITED USES (Other uses substantially similar to those listed herein shall also be deemed prohibited.)

1. The uses prohibited in the R-1A district.

LOT, YARD, AND HEIGHT REQUIREMENTS

- Lot size - 4,000 square feet minimum
- Minimum Lot Width - 40' except for corner lots which is 50'
- Minimum Front Yard - 20' (See a. and b. below)
- Minimum Each Side Yard- 3' (See c. below)
- Minimum Rear Yard - 20'
- Minimum Common Open

| | |
|-----------------------------------|--|
| Space | - 10% of the development (See d. below) |
| Maximum Lot Coverage | - The total lot coverage permitted for all buildings on the site shall not exceed fifty (50%) percent of the lot area. |
| Maximum Height of Building | - 35' or two (2) stories |
| Minimum Building Dimensions | - Living space at ground level must be at least 800 square feet; total living space must be at least 1,200 square feet. |
| Building Elevation and Roof Lines | - No buildings with identical front elevation and identical roof lines shall be constructed on adjacent lots which share a common side lot line. |

- a. Setback along a state or federal highway shall be fifty (50) feet.
- b. No contiguous dwelling shall have the same setback. A variation of at least three (3') feet shall be required.
- c. All structures shall have a minimum side yard of three (3') feet on each side. Structures shall be constructed as necessary to comply with the Kentucky Building Code.
- d. Provisions satisfactory to the City of Nicholasville shall be made to assure that nonpublic areas and facilities for the common use of occupants of the development shall be maintained in a satisfactory manner, without expense to the general taxpayer of the City of Nicholasville. Such may be provided by the incorporation of an automatic membership home association for the purpose of continually holding title to such nonpublic areas and facilities and levying assessments against each lot, whether improved or not, for the purpose of paying the taxes and maintaining such common open space. Other methods may be acceptable if the same positively provide for the proper and continuous payment of taxes and maintenance without expense to the general taxpayers. The instrument incorporating such provisions shall be approved by the City Attorney, as to form and legal sufficiency, before submission to the Planning Commission and shall be recorded in the office of the Jessamine County Clerk, if satisfactory to the Planning Commission.

SIZE OF DEVELOPMENT - Five (5) acres minimum and ten (10) acres maximum. Sites contiguous to other R-1F zoned development shall not be approved.

SIGNS (See Article 10 for additional sign regulations.)

1. As for R-1A.

OFF STREET PARKING

1. A minimum of two (2) off-street parking spaces shall be provided on each platted lot.
2. A garage (one car minimum) shall be constructed on each lot.
3. Driveways shall have a minimum width of sixteen (18') feet.
4. Parking shall be prohibited on sidewalks.
5. See Article 9 for additional parking regulations.

LANDSCAPING - Upon completion of the initial residential structure the lot owner of record shall be required to provide the following minimum landscaping requirements:

1. Trees - Street trees shall be provided along each side of the public right-of-way with the species and location in accordance with Section 891 Street Trees. Developments may, in lieu of planting street trees on the right-of-way, place trees on the platted lots within a planting easement with a minimum width of five (5') feet, to be located immediately adjacent and parallel to the street right-of-way provided that the trees are planted in accordance with Section 891 Street Trees, and the rowing of trees is maintained. Trees shall have a minimum of ten (10') feet overall height or a minimum caliper (trunk diameter measured six (6") inches above ground) of at least one and three quarter (13/4") inches immediately after planting.
2. Groundcover - All exterior ground areas except surfaces occupied by buildings, structures, paving, mulching or landscaping material shall be sodded.
3. Installation and Maintenance - All landscaping materials shall be installed in a sound, workmanship like manner, and according to accepted, good construction, and planting procedures. The lot owner of record shall be responsible for maintaining all street trees for a period of one (1) year from the date of their planting and shall replace any required street tree which dies within one (1) year from the date of planting. Upon the expiration of one (1) year from the date of planting, the owner of the subject property shall be responsible for the continued proper maintenance of all street trees and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times. Topping street trees or the severe cutting of limbs to stubs larger than three (3") inches in diameter within the tree crown to such a degree as to remove the normal canopy shall not be permitted for the maintenance of trees required by this section. Violation of these

installation and maintenance provisions shall be grounds for the Planning Commission to refuse a building occupancy permit, require replacement of trees or institute legal proceedings to enforce the provision of the section.

(Adopted: 9-17-98 Ordinance #272-1998)

R-1T TOWNHOUSE RESIDENTIAL DISTRICT

(Existing R-3T Zones as designated on the Zoning Map shall comply with the provisions contained herein.)

This zone is intended to provide for attached single-family dwellings and supporting uses. This zone should be at locations and at density (units/acre) recommended by the Comprehensive Plan and in area of the community where necessary services and facilities will be adequate to serve the anticipated population.

PRINCIPAL USES (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Single family attached dwellings, except that not more than twelve (12) units shall be attached.
2. Parks and playgrounds operated by government.
3. Planned Unit Development for residential use only (See Article 11).

ACCESSORY USES (Uses and structures which are customarily accessory, clearly incidental, and subordinate to permitted uses.)

1. The accessory uses permitted in the R-1A district.

CONDITIONAL USES (Permitted only with Board of Adjustment approval.)

1. The conditional uses permitted in the R-1A district.

PROHIBITED USES (Other uses substantially similar to those listed herein shall also be deemed prohibited.)

1. The uses prohibited in the R-1A district except for townhouse dwelling units.
2. Single family detached dwellings.

LOT, YARD, AND HEIGHT REQUIREMENTS

Minimum Lot Size - 2,000 square feet

| | | |
|-----------------------------------|---|-------------------------|
| <u>Minimum Lot Width</u> | - | 20' |
| <u>Minimum Lot Depth</u> | - | 100' |
| <u>Minimum Front Yard</u> | - | 20' (See a. & b. below) |
| <u>Minimum Each Side Yard</u> | - | 6' |
| <u>Minimum Rear Yard</u> | - | 30' |
| <u>Maximum Lot Coverage</u> | - | (see c. below) |
| <u>Maximum Height of Building</u> | - | 35' |

- a. Setback along a State or Federal Highway shall be fifty (50') feet.
- b. No more than three (3) contiguous units may be established at the same setback. A variation of at least three (3') feet shall be required where a break in setback occurs. Second story buildings may penetrate up to eighteen (18") inches over the building line into the required front yard but the average setback of the contiguous units shall be at least as great as the required front yard setback.
- c. Not less than ten (10%) percent of the total lot area shall be devoted to private usable open space which shall be located in the rear yard. Such open space shall be for the private use of the residents or each individual townhouse and shall be physically separated from other private open space by plantings, fences, or walls. The least dimension of the private open space shall be eight (8') feet.

SIGNS (See Article 10 for additional sign regulations.)

1. As for R-1A.

OFF STREET PARKING

1. A minimum of two (2) off-street parking spaces (excluding garages and carports) shall be provided at the rear of each platted lot. Access to these parking spaces shall only be by way of driveway located within an ingress/egress easement provided at the rear of each lot for common access to all lots located within the block, alley access, or a rear right-of-way. Parking spaces shall be located outside of this ingress/egress easement, alley or right-of-way. Any ingress/egress easement shall have its access from a public street. Maintenance of the driveway located within the ingress/egress easement shall be at the property owners' expense with a statement to this effect on the Development Plan,

Preliminary Plat, Final Plat, and Deed Restrictions. The Planning Commission may only upon good cause shown and finding that access from the front of the lots/units will not adversely impact adjacent streets or property, approve parking on the front of the lots/units.

(Adopted:02-28-2022 Ordinance #066-2022)

2. The width of driveways shall be as specified by Section 954 of these regulations.
3. Parking shall be prohibited on sidewalks.
4. See Article 9 for additional parking regulations not specified above.

LANDSCAPING - Upon completion of the initial residential structure the lot owner of record shall be required provide the following minimum landscaping requirements:

1. Trees - Trees shall be provided along the side of the public right-of-way on the platted lots within a planting easement that shall that shall have a minimum width of five (5') feet, to be located immediately adjacent and parallel to the street right-of-way. These trees shall be planted in accordance with Section 891 Street Trees, and the rowing of trees shall be maintained. Trees shall have a minimum of ten (10') feet overall height or a minimum caliper (trunk diameter measured six (6") inches above ground) of at least one and three quarter (1-3/4") inches immediately after planting. There shall be a minimum of one (1) tree planted per lot except for corner lots which require a minimum of two (2) trees, one to be planted along each public right-of-way.
2. Groundcover - All exterior ground areas except surfaces occupied by buildings, structures, paving, mulching or landscaping material shall be sodded.
3. Installation and Maintenance - All landscaping materials shall be installed in a sound, workmanship like manner, and according to accepted, good construction, and planting procedures. The lot owner of record shall be responsible for maintaining all street trees for a period of one (1) year from the date of their planting and shall replace any required street tree which dies within one (1) year from the date of planting. Upon the expiration of on (1) year from the date of planting, the owner of the subject property shall be responsible for the continued proper maintenance of all street trees and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times. Topping street trees or the severe cutting of limbs to stubs larger than three (3") inches in diameter within the tree crown to such a degree as to remove the normal canopy shall not be permitted for the maintenance of trees required by this section. Violation of these installation and maintenance provisions shall be grounds for the Planning Commission to refuse a building occupancy permit, require replacement of trees or institute legal proceedings to enforce the provision of the section.

(Adopted: 9-17-98 Ordinance #272-1998)

R-2 TWO FAMILY RESIDENTIAL DISTRICT

PRINCIPAL USES (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Two-family dwellings.
2. Two-family dwellings having a common vertical wall on the property lines of two separate lots. Only one (1) dwelling for one family shall be permitted on each lot, and no more than two dwelling units shall be attached.
3. Existing single family dwellings which were granted principal use status in the 1980 Zoning Ordinance. Any property zoned R-2 prior to December 14, 1989 is available for use as either single family or two-family dwelling development in accordance with the requirements specified for R-2 Zones in the 1980 Zoning Ordinance. All property zoned R-2 after the above date is subject to the provisions contained herein.
4. Parks and playgrounds operated by government.
5. Planned unit development for residential use only (See Article 11).

ACCESSORY USES (Uses and structures which are customarily accessory, clearly incidental, and subordinate to permitted uses.)

1. The accessory uses permitted in the R-1A district.

CONDITIONAL USES (Permitted only with Board of Adjustment approval.)

1. The conditional uses permitted in the R-1A district.

PROHIBITED USES (Other uses substantially similar to those listed herein shall also be deemed prohibited.)

1. The uses prohibited in the R-1A district, except for two-family dwellings.
2. Single family dwellings.

LOT, YARD, AND HEIGHT REQUIREMENTS

Minimum Lot Size - 8,000 square feet (See a. below)

Minimum Lot Width - 70' (see b. below)

Minimum Front Yard - 25' (See c. below)

| | | |
|-----------------------------------|---|------------|
| <u>Minimum Each Side Yard</u> | - | 6' |
| <u>Minimum Rear Yard</u> | - | 25' |
| <u>Maximum Lot Coverage</u> | - | 35 percent |
| <u>Maximum Height of Building</u> | - | 35' |

- a. If an existing or future lot is subdivided into two (2) lots, the minimum lot size may be reduced to 3,429 square feet with the combined total of each lot not to be less than 8,000 square feet, if a common vertical wall dividing a two-family residential structure is located or is to be located on the common property line.
- b. If an existing or future lot is subdivided in two (2) lots, the minimum lot width may be reduced to 30 feet with the combined total of each lot not to be less than 70 feet, if a common vertical wall dividing a two-family residential structure is located or is to be located on the common property line.
- c. Setback along a State or Federal Highway shall be fifty (50') feet.

SIGNS (See Article 10 for additional sign regulations.)

1. As for R-1A.

OFF STREET PARKING (See Article 9 for parking regulations.)

R-3 MULTI-FAMILY RESIDENTIAL DISTRICT

PRINCIPAL USES (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Multi-family dwellings. Each unit may be in separate ownership. More than one (1) principal building may be located on a lot. In areas where dwellings are clustered there shall be no more than eight (8) buildings in any contiguous group.
2. Mobil home parks in accordance with Article 12.
3. Existing two-family dwellings which were granted principle use status in the 1980 Zoning Ordinance. Any property zoned R-3 prior to December 14, 1989 is available for use as either two-family or multi-family dwelling development. All property zoned R-3 after the above date is subject to the provisions contained herein.
4. Parks and playgrounds operated by government.
5. Planned Unit Development for residential use only (See Article 11).

ACCESSORY USES (Uses and structures which are customarily accessory, clearly incidental, and subordinate to permitted uses.)

1. The accessory uses permitted in the R-1A district.

CONDITIONAL USES (Permitted only with Board of Adjustment approval.)

1. The conditional uses permitted in the R-1A district.

PROHIBITED USES (Other uses substantially similar to those listed herein shall also be deemed prohibited.)

1. The uses prohibited in the R-1A district, except for multi-family dwellings and mobile home parks in accordance with Article 12.
2. Single family dwellings.
3. Two-family dwellings except as exempted in Principal Uses #3.

LOT, YARD, AND HEIGHT REQUIREMENTS

Minimum Lot Size -6,000 square feet for the first dwelling unit plus 1,500 square feet for each additional dwelling unit.

Minimum Lot Width - 60'

Minimum Front Yard - 25' (See a. below)

| | |
|-----------------------------------|----------------------------|
| <u>Minimum Each Side Yard</u> | - 6' |
| <u>Minimum Rear Yard</u> | - 25' |
| <u>Maximum Lot Coverage</u> | - 40 percent |
| <u>Maximum Height of Building</u> | - 75' or five (5) stories. |

a. Setback along a State or Federal Highway shall be fifty (50') feet.

SIGNS (See Article 10 for additional sign regulations.)

The following non-illuminated or indirectly illuminated signs:

1. As for R-1A.
2. One (1) identification sign indicating the name of the building complex not exceeding forty (40) square feet in size, for multiple family dwellings, and set back at least twenty (20') feet from the front lot line.

OFF STREET PARKING (See Article 9 for parking regulations.)

P-1 PROFESSIONAL DISTRICT

PRINCIPAL USES (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Offices for business, professional, governmental, civic, social, fraternal, political, religious, and charitable organizations.
2. Hospitals, nursing, rehabilitation facilities, orphanages, convalescent and rest homes.
3. Medical and dental offices, clinics, and laboratories and cannabis safety testing facilities.
4. Research, development, and testing laboratories or centers.
5. Libraries, museums, art galleries, and reading rooms.
6. Funeral parlors.
7. Schools and colleges for academic, technical, vocational, or professional instruction.
8. Community centers and private clubs, churches and Sunday Schools.
9. Telephone exchanges, radio and television studios.
10. Studios for work or teaching of fine arts such as photographic, music, drama, dance and theater.
11. Ticket and travel agencies.
12. Real estate and insurance offices.
13. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies without drive-in facilities.
14. Planned unit development for Professional Office Projects (See Article 11)
15. Cannabis dispensary.

(Adopted: 12-14-15 Ordinance #930-2015)
(Adopted: 02-28-2022 Ordinance #066-2022)
(Adopted: 10-07-2024 Ordinance #170-2024)

ACCESSORY USES (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Parking areas or structures.
2. Retail sales or personnel services, including facilities for serving food, only for employees, residents, or visitors to any permitted use and having no display space or signs visible from the exterior of the building.
3. Sales office for the display of merchandise and the acceptance of orders.
4. One dwelling unit for owners, operators, or employees of a permitted use provided that such dwelling unit shall be part of and located above or to the rear of such permitted use.

CONDITIONAL USES (Permitted only with Board of Adjustment approval.)

1. Establishments limited to the filling of prescriptions and the sale of pharmaceutical and medical supplies.
2. Offices of veterinarians, animal hospitals.
3. Nursery schools, day nurseries and child care centers.
4. Banks, credit agencies, credit institutions, savings and loan companies with drive-in facilities.
5. Apartments limited to office structures provided office uses are limited to the lower stories with no mixing of offices and apartments on the same floor.
6. Parking lots and structures.
7. Helicopter loading pads provided such facilities conform to the requirements of all Federal, State and Local regulations.
8. Other uses as may be deemed appropriate by the Board of Adjustment.

PROHIBITED USES (Other uses substantially similar to those listed herein shall also be deemed prohibited.)

1. The uses prohibited in the A-1 District except offices, institutional uses, dwelling units, and other uses as permitted herein.
2. Automobile race tracks.
3. Land used solely for agriculture, farming, dairying, stock-raising.
4. Horticultural services.
5. Pawn shops.
6. Golf driving range.
7. Single family dwellings.
8. Kennels.

LOT, YARD, AND HEIGHT REQUIREMENTS

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|-------------------------------|----------------------|
| <u>Minimum Lot Size</u> | - 6,000 sq. ft. |
| <u>Minimum Lot Width</u> | - 60' |
| <u>Minimum Front Yard</u> | - 30' (See a. below) |
| <u>Minimum Each Side Yard</u> | - 10' |
| <u>Minimum Rear Yard</u> | - 20' |
| <u>Maximum Lot Coverage</u> | - 40% |

Maximum Height of Building - 45' or 3 stories

- a. Setback along a State or Federal Highway shall be fifty (50') feet.

ARCHITECTURAL AND SCREENING REQUIREMENTS

1. The exterior walls of all structures erected on a parcel that adjoins and/or abuts any residential zoned property and public right-of-way shall be constructed of a masonry veneer or similar material such as drivit or hardiplank for a minimum of 45% of wall area. No metal siding will be allowed on the exterior of any walls.
2. (See Article 14 for screening requirements). (Adopted: 07-23-18 Ordinance #1025-2018)

SIGNS (See Article 10 for additional sign requirements.)

The following non-illuminated or indirectly illuminated signs:

1. As per Sections 1020 and 1030, except only one (1) non-illuminated business sign for each tenant or lessee, limited to four (4) square feet in size, mounted on the face of the building.
2. One (1) sign for each individual building not to exceed forty (40) sq. ft. or 5% of the wall area to which it is attached, whichever is greater. If free-standing, the size shall not exceed fifty (50) square feet and the maximum height shall not exceed twenty-five (25') feet.
3. For each Professional Office project, one (1) free-standing sign may be erected for each separate street frontage not to exceed one hundred (100) square feet in size, and a maximum height of twenty (25') feet.

PARKING (See Article 9 for parking regulations.)

DB DOWNTOWN BUSINESS DISTRICT

PRINCIPAL USES (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal uses permitted in the P-1 District except as specifically prohibited in this zone.
2. Establishments for the retail sale of merchandise.
3. Amusement enterprises such as indoor theaters, billiard or pool halls, bowling alleys, dance halls, skating rinks, recreation facilities.
4. Restaurants, cocktail lounges and night clubs with entertainment, dancing and sale of alcoholic beverages. Such a structure shall be at least 100 feet from any residential zone and shall be soundproof to the maximum extent feasible by using existing technology, with noise emissions not creating a nuisance to surrounding neighbors.
5. Hotels and motels.
6. Parking lots and structures.
7. Passenger transportation terminals.
8. Churches, Sunday Schools, and parish houses.
9. Establishments for the display, rental or sale of automobiles, motorcycles, RV and camping trucks/trailers, trucks, and boats; provided that the outdoor display or storage of vehicles shall conform to the requirements of Article 8 and 9. This includes facilities primarily renting self-moving trucks and trailers to the general public, which do not require a commercial driver's license. The rental of farm, industrial, or commercial vehicles is not permitted.
10. Automobile service station.
11. Minor automobile and truck repair.
12. Establishments primarily engaged in the sale of supplies and parts of vehicles and farm equipment.
13. Beauty shops, barber shops, shoe repair, self-service laundry or laundry pick-up station, including clothes cleaning establishments of not more than 40 pounds' capacity and using a closed system process.
14. Repair of household appliances.
15. Pawnshops.
16. Nursery schools, day nurseries and child care centers.
17. Miniature golf courses.
18. Planned unit development for commercial use only. (See Article 11) (Adopted 11/28/2022 Ordinance #099-2022)

ACCESSORY USES (Uses and structures which are customarily accessory, clearly incidental and subordinated to permitted uses.)

1. Storage, wholesaling, and warehousing.

2. Storage yards for delivery vehicles of a permitted use.
3. Sidewalk cafe when accessory to any permitted restaurant.
4. Major automobile and truck repair when accessory to an establishment primarily engaged in the sale of automobiles and trucks.
5. Storage of gasoline, oil, alcohol or other volatile or flammable materials above ground shall be in compliance with State Fire Marshall regulations.
6. One dwelling unit for owners, operators, or employees of a permitted use provided that such dwelling unit shall be part of and located above or to the rear of such permitted use.

CONDITIONAL USES (Permitted only with Board of Adjustment approval.)

1. Self-service car wash.
2. Small animal clinics or hospital provided that all exterior walls are completely soundproof and provided that animal pens be completely within the principal building and used for the treatment of small animals. However, they shall not be located adjacent to and on the same side of the street as any establishment which sells food on a wholesale or retail basis.
3. Outdoor storage, display, processing, or services rendered on the premises. Outdoor storage may be required to be enclosed on all sides by a solid wall or fence not less than six (6') feet in height.
4. Helicopter landing pads, provided such facilities conform to the requirements of all appropriate federal, state and local regulations.
5. Ice plants.
6. Condominiums.
7. One sign or lighting device illuminated by or containing intermittent, rotating, or moving light or lights. No flashing lights shall be permitted.
8. Apartments limited to business structures provided business uses are limited to the lower stories with no mixing of business and apartments on the same floor.
9. One (1) sign not to exceed fifty (50) square feet in size announcing the opening or special promotion of a business or industry for a period not to exceed a total of sixty (60) days in one calendar year.

PROHIBITED USES (Other uses substantially similar to those listed herein shall also be deemed prohibited.)

1. Establishments primarily engaged in agricultural sales and services.
2. Kennels.
3. Establishments engaged in the display, rental, repair of farm equipment, and contractor's equipment.
4. Warehouse, as well as storage uses except as accessory uses herein.
5. Manufacturing, compounding, assembling, bottling, processing and packaging, and other industrial uses for sale or distribution other than at retail on the premises.

6. Truck terminals and freight yards.
7. Amusement enterprises such as automobile racing, horse racing.
8. Junkyards, disassembly plant.
9. Refuse dumps, landfills, incinerators and transfer stations.
10. Wrecker Service
11. Emergency Shelters/Homeless Shelters
12. Cannabis dispensary, cannabis safety testing

(Adopted: 7-18-02 Ordinance #419-2002)
 (Adopted: 03-29-12 Ordinance 839-2012)
 (Adopted 12/5/2022 Ordinance #097-2022)
 (Adopted 12/5/2022 Ordinance #099-2022)
 (Adopted 10/7/2024 Ordinance #170-2024)

LOT, YARD, AND HEIGHT REQUIREMENTS

| | |
|-----------------------------------|-----------------------------|
| <u>Minimum Lot Size</u> | - N.A. |
| <u>Minimum Lot Width</u> | - N.A. |
| <u>Minimum Front Yard</u> | - 20' (See a. and b. below) |
| <u>Minimum Each Side Yard</u> | - N.A. |
| <u>Minimum Rear Yard</u> | - N.A. |
| <u>Maximum Lot Coverage</u> | - N.A. |
| <u>Maximum Height of Building</u> | - 80' or 6 stories |

- a. Setback along a State or Federal Highway shall be fifty (50') feet.
- b. In a DB zone with established adjoining properties, building setback requirements may follow the established setback line of the adjoining properties, or their average, if they vary.

ARCHITECTURAL AND SCREENING REQUIREMENTS

1. The exterior walls of all structures erected on a parcel that adjoins and/or abuts any residential zoned property or public right-of-way shall be constructed of a masonry veneer (brick, stone, or manufactured stone), stucco, EIFS, or Cementous siding for a minimum of 45% of wall area. The Planning Commission may approve the limited use of metal accent panels as an external facade material on any buildings.

Cargo containers shall not be used as Accessory Buildings without having an acceptable facade applied.

2. Alternative materials, determined by the Commission to be durable, attractive, and appropriate for the context, may be approved by the Planning Commission as part of the final development plan approval process, if shown on a submitted building elevation.
3. (See Article 14 for screening requirements).

(Adopted: 07-23-18 Ordinance #1029-2018)
(Adopted: 02-28-2022 Ordinance #066-2022)

SIGNS (See Article 10 for additional sign requirements.)

Permitted signs shall advertise only the premises on which located.

1. As per Sections 1020 and 1030.
2. One (1) free-standing sign (per business) may be erected for each separate street frontage not to exceed thirty (30') feet in height.
3. Two wall-mounted signs on each face of the principal building (per business) shall be permitted provided that the height of the individual letters or lettering contained within a sign shall not exceed four (4') feet except that this maximum height may be exceeded if the area within the maximum dimensions of the sign does not exceed three (3%) percent of the exposed building face.
4. The following signs shall be prohibited in DB zone:
 - a. Moving, flashing or blinking signs, except as set out in b. and c.
 - b. Informational signs showing time, temperature or news.
 - c. See Number 7 listed under Conditional Uses, DB Downtown Business District.

PARKING (See Article 9 for parking regulations.)

B-1 CENTRAL BUSINESS DISTRICT

PRINCIPAL USES (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal uses permitted in the DB district.
2. Body shop.
3. Medical Cannabis dispensary, cannabis safety testing facility.

(Adopted: 10-7-2024 Ordinance #170-2024)

ACCESSORY USES (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. The accessory uses permitted in the DB district.

CONDITIONAL USES (Permitted only with Board of Adjustment approval.)

1. The conditional uses permitted in the DB district.

(Adopted: 03-26-12 Ordinance #835-2012)

PROHIBITED USES (Other uses substantially similar to those listed herein shall also be deemed prohibited.)

1. The uses prohibited in the DB district except as listed in principal uses above.

(Adopted: 10-7-24 Ordinance #170-2024)

LOT, YARD, AND HEIGHT REQUIREMENTS

| | |
|-----------------------------------|-----------------------------|
| <u>Minimum Lot Size</u> | - N.A. |
| <u>Minimum Lot Width</u> | - N.A. |
| <u>Minimum Front Yard</u> | - 20' (See a. and b. below) |
| <u>Minimum Each Side Yard</u> | - N.A. |
| <u>Minimum Rear Yard</u> | - N.A. |
| <u>Maximum Lot Coverage</u> | - N.A. |
| <u>Maximum Height of Building</u> | - 80' or 6 stories |

- a. Setback along a State or Federal Highway shall be fifty (50') feet.

- b. In a B-1 zone with established adjoining properties, building setback requirements may follow the established setback line of the adjoining properties, or their average, if they vary.

ARCHITECTURAL AND SCREENING REQUIREMENTS

1. The exterior walls of all structures erected on a parcel that adjoins and/or abuts any residential zoned property or public right-of-way shall be constructed of a masonry veneer (brick, stone, or manufactured stone), stucco, EIFS, or Cementous siding for a minimum of 45% of wall area. The Planning Commission may approve the limited use of metal accent panels as an external facade material on any buildings. Cargo containers shall not be used as Accessory Buildings without having an acceptable facade applied.
2. Alternative materials, determined by the Commission to be durable, attractive, and appropriate for the context, may be approved by the Planning Commission as part of the final development plan approval process, if shown on a submitted building elevation.
3. (See Article 14 for screening requirements).

(Adopted: 07-23-18 Ordinance #1028-2018)
(Adopted: 02-28-2022 Ordinance #066-2022)

SIGNS (See Article 10 for additional sign requirements.)

1. As per DB.
2. In a planned shopping center, one free-standing sign may be erected for each separate street frontage not to exceed 300 square feet in size. Such signs shall have a maximum height of forty (40') feet.

PARKING (See Article 9 for parking regulations.)

B-2 HIGHWAY BUSINESS DISTRICT

PRINCIPAL USES (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Establishments for the retail sale of merchandise.
2. As per DB, 3, 4, 6, 7, 8, 9, 10, 13, 16, 17 & 18.
3. Garages for major repair of motor vehicles within a closed building.
4. Motels, hotels, tourist cabins and courts.
5. Car washing establishments provided that surface water from such use shall not drain onto adjacent property or over a public sidewalk, and that parking facilities shall be provided so that no public way shall be used for such purposes.
6. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
7. Kennel, animal hospital or clinic, including office of veterinarian providing that such structure or use, not including accessory parking areas, shall be at least 100 feet from any residential zone.
8. Medical office space and medical outpatient diagnostic treatment and emergency center / clinic and laboratory.
9. Body Shop
10. Cannabis dispensary, cannabis safety testing facility

(Adopted: 11-19-09 Ordinance #768-2009)

(Adopted: 03 -26-12 Ordinance #836-2012)

(Adopted: 02-28-2022 Ordinance #066-2022)

(Adopted: 10-07-2024 Ordinance #170-2024)

ACCESSORY USES (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. The accessory uses permitted in the DB district.

CONDITIONAL USES (Permitted only with Board of Adjustment approval.)

1. As per DB, 3 thru 5.
2. Greenhouses and plant nurseries.
3. Circuses and carnivals on a temporary basis with restrictions in terms of time, parking, access or other ways to protect public health, safety, or welfare, or deny such if public health, safety or welfare are adversely affected.
4. Contractors Office with accessory storage, when all materials and/or stock is kept entirely within an enclosed building. Bay doors shall not face a public street. No storage and/or work is performed outdoors.
5. Self-Storage, Mini storage under the following conditions:
 - a. There shall be no outdoor storage of any materials, vehicles, recreational vehicles, boats or other similar items.

- b. All exterior walls facing adjoining property owners, parking, right-of-way shall be built of masonry or EIFS material.
- c. There shall not be any access to individual storage units on exterior walls facing adjoining property owners, parking, right-of-way.
- d. There shall not be any chain link fencing or barbed wire allowed for perimeter security fence, any perimeter shall be painted or coated steel security or ornamental fence.

(Adopted: 01-08-2024 Ordinance: 140-2023)

PROHIBITED USES (Other uses substantially similar to those listed herein shall also be deemed prohibited)

- 1. The uses prohibited in the DB district.

LOT, YARD, AND HEIGHT REQUIREMENTS

| | |
|--|-----------------------------|
| <u>Minimum Lot Size</u> | - N.A. |
| <u>Minimum Lot Width</u> | - 50' |
| <u>Minimum Front Yard</u> | - 25' (See a. and b. below) |
| <u>Minimum Each Side Yard</u> | - 15' |
| <u>Minimum Rear Yard</u> | - 25' |
| <u>Maximum Lot Coverage</u> | - 55% |
| <u>Maximum Height of Building</u> - 45' or 3 stories | |

- a. Setback along a State or Federal Highway shall be fifty (50') feet.
- b. In a B-2 zone with established adjoining properties, building setback requirements may follow the established setback line of the adjoining properties, or their average, if they vary.

ARCHITECTURAL AND SCREENING REQUIREMENTS

- 1. The exterior walls of all structures erected on a parcel that adjoins and/or abuts any residential zoned property or public right-of-way shall be constructed of a masonry veneer (brick, stone, or manufactured stone), stucco, EIFS, or Cementous siding for a minimum of 45% of wall area. The Planning Commission may approve the limited use of metal accent panels as an external facade material on any buildings.

Cargo containers shall not be used as Accessory Buildings without having an acceptable facade applied.

2. Alternative materials, determined by the Commission to be durable, attractive, and appropriate for the context, may be approved by the Planning Commission as part of the final development plan approval process, if shown on a submitted building elevation.

3. (See Article 14 for screening requirements).

(Adopted: 07-23-18 Ordinance #1027-2018)
(Adopted: 02-28-2022 Ordinance #066-2022)

SIGNS (See Article 10 for additional sign requirements)

1. The signs permitted in the B-1 district.

PARKING (See Article 9 for parking regulations.)

B-3 NEIGHBORHOOD BUSINESS DISTRICT

This district shall be established only at the time of zoning a new undeveloped subdivision.

PRINCIPAL USES (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Establishments for the retail sale of food products such as supermarkets; restaurants, delicatessens, sandwich shops, dairy, bakery, meat, beer, liquor and wine, and other food produce stores; and provided that production of food products is permitted only for retail sale on the premises.
2. Beauty shops, barber shops, shoe repair, self-service laundry or laundry pickup station.
3. Drug stores.
4. Automobile service stations with minor repair work only.
5. Banks, credit agencies, savings and loan companies and credit institutions with or without drive-in facilities. (Branch facilities are the principal use in this zone.)

ACCESSORY USES (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. One (1) dwelling unit for owners, operators, or employees of a permitted use provided that such dwelling unit shall be a part of the building and located above or to the rear of such permitted use.

CONDITIONAL USES (Permitted only with Board of Adjustment approval.)

1. Outdoor storage, display, processing, or services rendered on the premises. Outdoor storage shall be enclosed on all sides by a solid wall or fence not less than six (6') feet in height.
2. Self-service car wash, provided that surface water from such establishments shall not drain onto adjacent property, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.

PROHIBITED USES (Other uses substantially similar to those listed herein shall also be deemed prohibited.)

1. Any use not specifically permitted within this zone is prohibited.

LOT, YARD, AND HEIGHT REQUIREMENTS

Minimum Lot Size - N.A.

Minimum Lot Width - 60'

Minimum Front Yard - 30' (See a. and b. below)

Minimum Each Side Yard - 15'

Minimum Rear Yard - 25'

Maximum Lot Coverage - 55%

Maximum Height of Building - 30' or 2 stories

- a. Setback along a State or Federal Highway shall be fifty (50') feet.
- b. In a B-3 zone with established adjoining properties, building setback requirements may follow the established setback line of the adjoining properties, or their average, if they vary.

ARCHITECTURAL AND SCREENING REQUIREMENTS

1. The exterior walls of all structures erected on a parcel that adjoins and/or abuts any residential zoned property or public right-of-way shall be constructed of a masonry veneer (brick, stone, or manufactured stone), stucco, EIFS, or Cementous siding for a minimum of 45% of wall area. The Planning Commission may approve the limited use of metal accent panels as an external facade material on any buildings. Cargo containers shall not be used as Accessory Buildings without having an acceptable facade applied.
2. Alternative materials, determined by the Commission to be durable, attractive, and appropriate for the context, may be approved by the Planning Commission as part of the final development plan approval process, if shown on a submitted building elevation.
3. (See Article 14 for screening requirements).

(Adopted: 07-23-18 Ordinance #1026-2018)
(Adopted: 02-28-2022 Ordinance #066-2022)

SIGNS (See Article 10 for additional sign requirements.)

1. The signs permitted in the B-1 district except that no free-standing signs shall be permitted.

PARKING (See Article 9 for parking regulations.)

I-1 LIGHT INDUSTRIAL DISTRICT

PRINCIPAL USES (Other uses substantially similar to those listed herein shall also be deemed permitted.)

The following uses are permitted in the Light Industrial District.

1. Wholesale, storage and warehousing. Retail and/or offices are permitted by way of conditional use permit, under the terms and conditions as set by the Board of Adjustment.
2. Establishment of areas for general business uses to meet the needs of a regional market area. Shopping centers will be the predominant building approach.
3. Animal hospitals, kennels, or clinics.
4. Sales of grain, feed or other agricultural supplies.
5. Greenhouses and plant nurseries.
6. Garages for major repair of motor vehicles within a closed building.
7. Automobile service stations, Body Shop.
8. Freightling or trucking yard or terminal. NOTE: A commercial/industrial trucking storage lot may not be paved if it is utilized exclusively for the parking and/or storage of commercial/industrial vehicles for which parking or storage is necessary for the operation of the primary use thereof. The following requirements shall be complied with:
 - a) Driveways for ingress and egress to the parking or storage lot shall be paved sufficiently to ensure that no material from the parking or storage lot shall be deposited upon public right-of-way.
 - b) The parking or storage lot shall be maintained dust free at all times.
 - c) The parking or storage lot shall be located to the rear of the principal building. This provision is applicable only if a principal building is located on the lot.
 - d) This parking or storage lot shall be approved by the Planning Commission.All other parking and driveway areas shall meet applicable regulations.
9. Lumber yard.
10. Establishment engaged in the display, rental, repair of farm equipment, trucks, cars, boats and contractor's equipment.
11. Circuses and carnivals on a temporary basis, and upon issuance of a permit by the Building Inspector, who may restrict the permit in terms of time, parking access or in other ways to protect public health, safety, or welfare, or deny such if public health, safety or welfare are adversely affected.
12. Public utilities and public service uses and structures.
13. Contractors office.
14. Churches.
15. Schools.

16. Planned unit development for industrial parks. (See Article 11).
17. Homeless Shelters/ Emergency Shelters (See Article 2 DEFINITIONS).
18. Computing and Data Centers.
19. Cannabis cultivator
20. Cannabis processor
21. Cannabis producer
22. Cannabis safety testing facility
23. Establishment for the wholesale and retail sales to meet the needs of contractors/trades/construction supply.

(Adopted: 08-27-15 Ordinance 924-2015)
 (Adopted: 03-14-16 Ordinance 933-2016)
 (Adopted: 08-10-20 Ordinance 019-2020)
 (Adopted: 02-28-2022 Ordinance #066-2022)
 (Adopted: 10-7-2024 Ordinance #170-2024)

ACCESSORY USES (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Off-street parking area, structures, and loading facilities.
2. Dwelling unit for watchman or caretakers provided that such facilities shall be located on the same premises as the permitted use.
3. Facilities for serving food and recreational facilities only for employees and visitors and having no direct access to the exterior and having no signs visible from the exterior of the building.
4. Offices.
5. The sale of rock, sand, gravel and the like as an incidental part of a building material and lumber yard.
6. Sales of any commodity manufactured, fabricated or processed on the premises.

CONDITIONAL USES (Permitted only with Board of Adjustment and Planning Commission approval.)

1. Columbariums and crematories.
2. Indoor recreational activities which require buildings which as a result of their size and design are not compatible with residential and business zones, but would be compatible in a light or heavy industrial zone (including indoor tennis courts, skating rinks, and bowling alleys.)
3. Grain drying when operated in a fully enclosed building at least three hundred (300') feet from the nearest residential or commercial zone.
4. Outdoor storage of products manufactured on the premises or materials to be used in manufacturing on the premises. Such outdoor storage may be required to enclosed on all sides by a solid wall or fence not less than six (6') feet in height.

PROHIBITED USES (Other uses substantially similar to those listed herein shall also be deemed prohibited.)

1. Refuse dumps, landfills, incinerators and transfer stations.
2. Amusement enterprises such as indoor theaters, drive-in theaters, race tracks, pool halls, billiard halls, dancing halls and amusement parks.
3. Retail sales and/or offices as may be permitted by the Board of Adjustment or as otherwise permitted within.
4. Motels, hotels, and boarding houses.
5. Personal service establishments except as permitted herein.
6. Dwellings except as permitted herein.
7. Restaurants, cocktail lounges and night clubs.
8. Car washing establishments.
9. Junkyards or disassembly plants.
10. Any other use which if the opinion of the Planning Commission would not be appropriate to this district.

(Adopted: 08-10-20 Ordinance 019-2020)

LOT, YARD, AND HEIGHT REQUIREMENTS

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|-------------------------------|----------------------|
| <u>Minimum Lot Size</u> | - N.A. |
| <u>Minimum Lot Width</u> | - N.A. |
| <u>Minimum Front Yard</u> | - 20' (See a. below) |
| <u>Minimum Each Side Yard</u> | - (See b. below) |
| <u>Minimum Rear Yard</u> | - 40' (See b. below) |
| <u>Maximum Lot Coverage</u> | - N.A. |
| Maximum Height of Building | - N.A. |

- a. Setback along a State or Federal Highway shall be fifty (50') feet.
- b. Adequate room shall be provided for fire lanes if required by the Kentucky State Building Code and Fire Marshall Regulations.

SIGNS (See Article 10 for additional sign requirements.)

1. The signs permitted in the DB district.

2. In a planned industrial park, one free-standing sign may be erected for each separate street frontage not to exceed 300 square feet in size. Such signs shall have a maximum height of forty (40') feet.

PARKING (See Article 9 for parking regulations.)

I-2 HEAVY INDUSTRIAL DISTRICT

PRINCIPAL USES (Other uses substantially similar to those listed herein shall also be deemed permitted.)

The following uses are permitted in the Heavy Industrial District.

1. The principal uses permitted in the I-1 district.
2. Airports or any other industrial use subject to such regulation as the Planning Commission may feel is necessary for the City's protection.
3. Wrecker service if in compliance with the following:
 - a) That a fence be erected at least six feet in height so that no vehicles stored on the premises shall be visible from the street or adjoining property;
 - b) that individual vehicles shall not be physically present on the premises more than six months;
 - c) that the area of the wrecker service shall be kept clean without having automotive parts in open view;
 - d) there shall be no disassembly or salvaging of any of the vehicles;
 - e) there shall be no sale of vehicles and/or automotive parts;
 - f) it will be reviewed and policed by the Planning Commission Staff, and there shall be periodic reports every six months;
 - g) policing this permit shall include physically reviewing the premises and any and all records that the wrecker service shall maintain on vehicles that have been stored there for any longstanding period of time, and the staff will be allowed to review the current records during the usual business hours.

(Adopted: 8-27-15 Ordinance 924-2015)

ACCESSORY USES (Uses and structures which are customarily accessory, clearly incidental, and subordinate to permitted uses.)

1. The accessory uses permitted in the I-1 district.

CONDITIONAL USES (Permitted only with Board of Adjustment and Planning Commission approval.)

1. The conditional uses permitted in the I-1 district.
2. Private sewage disposal plants.

PROHIBITED USES (Other uses substantially similar to those listed herein shall also be deemed prohibited.)

1. The uses prohibited in the I-1 district.

LOT, YARD, AND HEIGHT REQUIREMENTS

| | |
|-----------------------------------|-----------------------------|
| <u>Minimum Lot Size</u> | - ½ Acre (21,780 sq. ft.) |
| <u>Minimum Lot Width</u> | - 100' |
| <u>Minimum Front Yard</u> | - 20' (See a. and b. below) |
| <u>Minimum Each Side Yard</u> | - 20' (See b. below) |
| <u>Minimum Rear Yard</u> | - 20' (See b. below) |
| <u>Maximum Lot Coverage</u> | - 55% |
| <u>Maximum Height of Building</u> | - N.A. |

- a. Setback along a State or Federal Highway shall be fifty (50') feet.
- b. Adequate room shall be provided for fire lanes if required by the Kentucky State Building Code and Fire Marshall Regulations.

SIGNS (See Article 10 for additional sign requirements)

1. As per I-1.

PARKING (See Article 9 of these regulations.)

FP FLOOD PLAIN DISTRICT

PRINCIPAL USES (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The Planning Commission shall determine the appropriateness of uses in this district.

ACCESSORY USES (Uses and structures which are customarily accessory, clearly incidental, and subordinate to permitted uses.)

1. Any uses and structures in connection with those principal uses allowed by the Planning Commission.

CONDITIONAL USES (Permitted only with Board of Adjustment and Planning Commission approval.)

1. N.A.

PROHIBITED USES (Other uses substantially similar to those listed herein shall also be deemed prohibited.)

1. Any use that the Planning Commission determines to be unsuitable for this district.

LOT, YARD, AND HEIGHT REQUIREMENTS*

| | |
|-----------------------------------|--------|
| <u>Minimum Lot Size</u> | - N.A. |
| <u>Minimum Lot Width</u> | - N.A. |
| <u>Minimum Front Yard</u> | - N.A. |
| <u>Minimum Each Side Yard</u> | - N.A. |
| <u>Minimum Rear Yard</u> | - N.A. |
| <u>Maximum Lot Coverage</u> | - N.A. |
| <u>Maximum Height of Building</u> | - N.A. |

*Lot, Yard and Height Requirements for the above will be based upon the proposed use as defined in each zone. The highest standard shall apply.

SIGNS (See Article 10 for sign regulations.)

PARKING (See Article 9 for parking regulations.)

H-1 HISTORIC DISTRICT

PRINCIPAL USES (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. See Article 18 HISTORIC PRESERVATION, SECTION 1801 APPLICATION OF REGULATIONS.

ACCESSORY USES (Uses and structures which are customarily accessory, clearly incidental, and subordinate to permitted uses.)

1. See Article 18 HISTORIC PRESERVATION, SECTION 1801 APPLICATION OF REGULATIONS.

CONDITIONAL USES (Permitted only with Board of Adjustment approval)

1. See Article 18 HISTORIC PRESERVATION, SECTION 1801 APPLICATION OF REGULATIONS.

PROHIBITED USES (Other uses substantially similar to those listed herein shall also be deemed prohibited.)

1. See Article 18 HISTORIC PRESERVATION, SECTION 1801 APPLICATION OF REGULATIONS.

LOT, YARD, AND HEIGHT REQUIREMENTS*

See Article 18 HISTORIC PRESERVATION, SECTION 1801 APPLICATION OF REGULATIONS.

SIGNS (See Article 18 HISTORIC PRESERVATION, SECTION 1801 APPLICATION OF REGULATIONS.)

PARKING (See Article 18 HISTORIC PRESERVATION, SECTION 1801 APPLICATION OF REGULATIONS.)

(Adopted: 12-29-2012 Ordinance #856-2012)

ARTICLE 8 SUPPLEMENTARY DISTRICT REGULATIONS

800 GENERAL - The purpose of supplementary district regulations is to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered.

810 Visibility at Intersections and Driveways - A "site triangle" will be observed at all street intersections or intersections of driveways with streets to insure that fences, walls, hedges, or other landscape materials do not constitute a driving hazard (see Figures 4 and 5, page 76). Within this site triangle, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2-1/2) and twelve (12) feet above the street center line grade.

810.1 Fences, Walls, Hedges and Trees - Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard, provided that no fence, wall or hedge within any front yard shall be over four (4') feet in height. On a corner lot, a fence of six (6') feet in height may be placed one-half of the side front yard setback (i.e. a fence could be placed ten (10') feet into a twenty (20') feet setback on the side front yard of a corner lot.) In no case may a fence or wall or hedge obstruct the site triangle for visibility or extend beyond the front of the house at height greater than four (4') feet. No tree shall be planted on or within six (6') feet of any right-of-way, utility easement or drainage easement without specific approval of the Administrative Officer. The maximum height of an fence within a residential district shall be (6) feet. No barbed wire, electric or other protective devices serving a similar purpose shall be permitted within residential zones.

(Adopted: 02-28-2022 Ordinance #066-2022)

810.2 Screening and/or Landscaping - Whenever a commercial, professional or industrial parking area is located in or adjacent to a residential district it shall be effectively screened on all sides which adjoin or face any property used for residential purposes, by an acceptably designated wall, fence or planting screen. Likewise, multi-family residences with a parking area for six (6) or more vehicles shall meet the same screening requirement when adjacent to an R-1 or R-2 zone.

Such fence, wall or planting screen shall not be less than four (4') feet nor more than six (6') feet in height and shall be maintained in good condition. The space between such fence, wall or plant screen, and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition. In the event that terrain or other natural features are such that the required screening will not serve the intended purpose, the Planning Commission may waive said requirement.

820 Accessory Buildings - Accessory buildings shall be five (5') feet from all other buildings, lot lines, and located behind the line of the back of the principal structure. In addition, they shall not be located on any easement except for the following:

1. Buildings that are 150 square feet or less, placed on skids, and capable of being moved, without removal or cutting away of any attachments, provided an executed

waiver and release is obtained by the Planning Commission Staff Office; 2. Above grade swimming pools with a maximum height of 24 inches.

(Adopted: 8-16-07 Ordinance 667-2007)
(Adopted: 02-28-2022 Ordinance #066-2022)

820.1 Satellite Dish Antennas - For the purpose of determining all issues relative to the location of satellite dish antennas on the property located within the city limits of Nicholasville, Jessamine County, Kentucky, the following shall be complied with:

820.12 - R-1, R-2, R-3, R-3T, H-1 and B-3 Zones - In these zoning districts, satellite dish antennas shall be located at least five (5') feet from all other buildings, lot lines and behind the line of the back of the principal structure. They shall not be located in any front yard, side yard, or on any easement. If roof-mounted, the dish antenna shall not exceed twenty-four (24") inches in diameter.

820.13 - DB, B-1, B-2, I-1 and I-2 Zones - In these zoning districts, satellite dish antennas shall be located at least five (5') feet from all other buildings and lot lines, except if located within the front yard. Dish antennas located within a front yard shall comply with the minimum front yard setback required for the zone it is located in. They shall not be located on any easement.

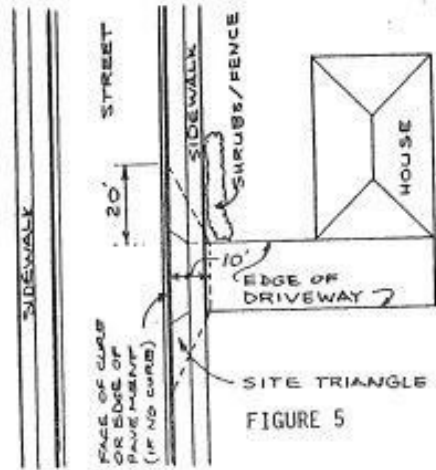
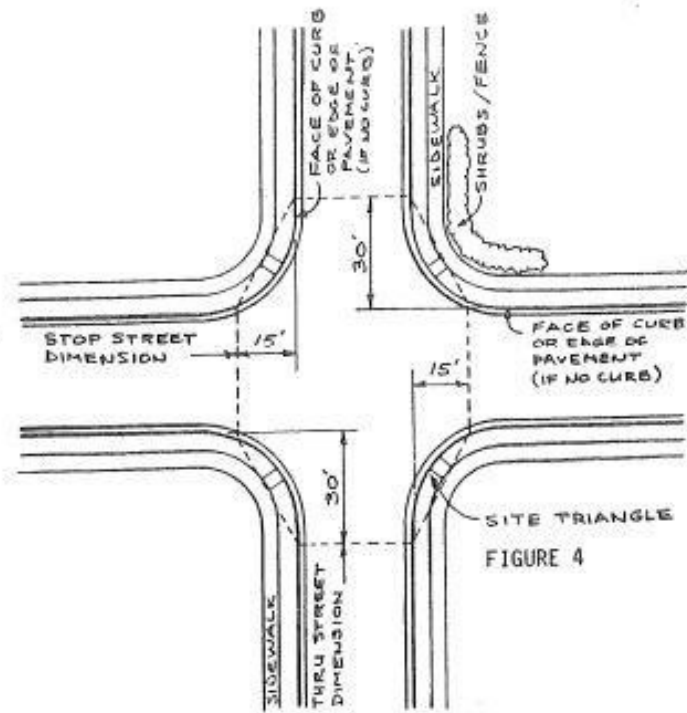
820.14 Height - Satellite dish antennas may be roof or ground-mounted in compliance with the manufacturer's structural specifications. Ground-mounted antennas shall be those with its base mounted directly in the ground. Ground mounted antennas shall not exceed a height of five (5') feet as measured from the bottom of the dish to finish grade. Roof mounted antennas shall not exceed a height of five (5') feet as measured from the bottom of the dish above any portion of the roof within ten (10') feet.

820.15 - Not more than one (1) satellite dish antenna may be permitted per lot unless a Conditional Use Permit is obtained.

820.16 - If used for advertising purposes, a satellite dish antenna shall be deemed to be a sign and shall also be governed by the sign regulations applicable to the property.

830 Exceptions to Height Regulations - The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

840 Structures to Have Access - Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.



850 Parking, Storage, or Use of Major Recreational or Work Equipment - For purposes of these regulations, major recreational or work equipment is defined as including, but not limited to, boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), RV's, motorhomes, pop-up campers, flatbed trailers, commercial trailers, and the like, and box trailers used for transporting recreational equipment, whether occupied by such equipment or not. No such equipment shall be parked or stored on any lot in a residential district except in a car port or enclosed building or behind the nearest portion of a building to a street. The parking of such equipment anywhere on residential premises for a period not to exceed 24 hours shall be permitted for and during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

(Adopted: 02-28-2022 Ordinance #066-2022)

860 Parking and Storage of Certain Vehicles - Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. (See also Disabled Vehicles, Section 951)

870 Noise - Loud speakers, juke boxes, public address systems and electric amplifiers shall be permitted if the use of the same is for the occupants of the building only within which such equipment is installed and does not create a nuisance and disturb the peace of other persons or properties in their own or any other district.

880 Permits for Public Utilities - Local public utility distributing and collection structures such as pipes and transmission lines, transformers, meters, etc. are permitted without prior approval. Large utility structures such as substations are permitted only as conditional uses.

890 Street Address Numbers - The Administrative Officer shall have the authority to require property owners to attach street address numbers to all principal buildings in the City, regardless of when the building was constructed.

890.1 - Street address numbers shall be minimum of four (4") inches in height and attached in such a location to be clearly visible from the street. Larger numbers may be required to effectively meet the visibility requirement.

(Adopted: 02-28-2022 Ordinance #066-2022)

890.2 - In order to insure uniformity, the Administrative Officer shall have the authority to change the existing addresses of any property located within the City.

891 STREET TREES

891.1 Definitions - The following words and phrases when used in this section shall, for the purpose of this section, have the meanings respectively ascribed to them in this section.

- (1) Large tree shall mean any tree species which normally attains a full-grown height in excess of fifty (50') feet.
- (2) Medium tree shall mean any tree species which normally attains a full-grown height between twenty-six (26') and fifty (50') feet.
- (3) Small tree shall mean any tree species which normally attains a full-grown height of under twenty-six (26') feet.
- (4) Person shall mean any person, corporation, partnership, company, contracting firm or other entity, including those employed under a contract with the City of Nicholasville.

891.2 Tree Planting - Any person may plant a tree within the public right-of-way immediately adjacent to his property upon obtaining a permit from the Administrative Officer. The permit shall be granted providing the following conditions are met:

- (1) The tree to be planted is not an undesirable tree species, as provided in Section 891.5.
- (2) The medium spacing between this and other trees is forty-five (45') feet (large tree), and thirty-five (35') feet (medium tree), and twenty-five (25') feet (small tree).
- (3) The minimum distance between the tree and the edge of the street is two and one-half (2-1/2) feet (large tree), two (2') feet (medium tree), and one and one-half (1-1/2') feet (small tree). In areas where a sidewalk exists or is proposed, the minimum distance between the tree and both the edge of the street (curb) and the sidewalk is two and one-half (2-1/2') feet (large tree), two (2') feet (medium tree), and one and one-half (1-1/2') feet (small tree).
- (4) The tree location is to be at least twenty (20') feet from the street intersections and ten (10') feet from fire hydrants or utility poles.
- (5) A small tree is to be used when planting under or within ten (10) lateral feet of overhead utility wires. A small or medium tree is to be used when planting within ten (10) to twenty (20) lateral feet of overhead utility wires.
- (6) A small tree shall be used if there are utilities located within the street rightof-way between the street (curb) and the sidewalk in the area commonly called the "utility strip."

- (7) The person applying for the permit agrees to maintain the tree after the tree is planted.

The Administrative Officer may consult the Utility Government upon receipt of any application made under this section so that a representative of the Utility Government can check proposed planting sites for compliance with requirements relating to utilities, obstructions and potential interference with future construction.

The Administrative Officer may waive any of the conditions in granting a permit where such action would promote the preservation of the health, integrity or appearance of an area's tree population. Further, where such action would promote the public welfare, the Administrative Officer may condition the granting of a permit upon the applicant's agreement to plant only certain species of tree.

The Administrative Officer may deny a permit although all conditions have been met, but only for just cause based on circumstances unique to the property affected which would create a threat to public welfare and/or safety if the proposed planting were permitted.

The decision of the Administrative Officer shall be made within fourteen (14) days after an application is filed. Failure to issue such decision within said time period shall have the same effect as approval of the application.

891.3 Tree Topping - It shall be unlawful as a normal practice for any person to top any tree within the public right-of-way. "Topping" is defined as the severe cutting back of limbs to stubs larger than three (3") inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or trees under utility wires or other obstructions where other pruning practices are impractical are hereby exempted from this section.

891.4 Tree Maintenance, Public Rights-of-Way - It shall be unlawful for the owner or occupant of any building or lot to permit any tree, including street trees, to grow in a manner which interferes with normal sidewalk traffic located on such lot or on public right-of-way adjoining such lot, or street traffic or to grow so as to pose a threat to safety or public rights-of-way due to obstruction of view, obstruction of passage or any other manner.

The owner of the property upon which street trees are planted shall be responsible for all care and maintenance of said trees which is required in order to insure that the provisions of the preceding paragraph are carried out.

This obligation shall apply to the owner of the property as of the date of the planting of said trees as well as all successive owners.

Nothing in the foregoing paragraphs shall prohibit the City of Nicholasville or its authorized agent from making such alterations in street trees as necessary to protect its reasonable interests.

891.5 Undesirable Tree Species - The trees on the following list have characteristics which make them unacceptable for use in public rights-of-way and are not recommended for street trees.

| <u>Botanical Name</u> | <u>Common Name</u> |
|--|--------------------|
| Acer negundo | Box Elder |
| Acer saccharinum | Silver Maple |
| Aeschulus hippocastanum | Buckeye |
| Ailanthus altissima | Tree of Heaven |
| Albizia julibrissin | Mimosa |
| Betula - several species | White Birches |
| Carya - several species | Hickory |
| Casanea mollissima | Chinese Chestnut |
| Catalpa - several species | Catalpa |
| Crategus crus galli | Cockspur Hawthorn |
| Elaeagnus angustifolia | Russian Olive |
| Ginkgo-biloba (female) | Maidenhair |
| Gleditsia triancanthos (with thorns) | Honeylocust |
| Juglans nigra | Black Walnut |
| Maclura pomifera | Osage Orange |
| Malus (varieties susceptible to disease) | Crabapple |
| Morus - several species | Mulberry |
| Platanus occidentalis | American Sycamore |
| Populus - several species | Poplar, Cottonwood |
| Prunus - several species | Cherry |
| Robinia pseudo-acacia | Black Locust |
| Salix - several species | Willow |
| Ulmus americana | American Elm |
| Ulmus pumila | Siberian Elm |
| (Various) | Needle Evergreens |

Undesirable traits for street plantings include:

- (1) Disease or insect problems;
- (2) Dirty, dropping branches, objectionable fruit or bark;
- (3) Weak-wooded, apt to lose large branches in wind or with age;

- (4) Short lived;
- (5) Unpredictable or irregular habits;
- (6) Root problems, shallow and destructive roots; and,
- (7) Unsafe, dangerously thorny or poisonous.

891.6 Suggested Tree Species - Trees with characteristics which make them acceptable for use in public rights-of-way and which are recommended for street trees, include, but are not limited to, those on the following lists:

Botanical Name _____

Common Name

(1) Small Trees (Under 26 ft):

| | |
|---------------------------------|--------------------------|
| Acer ginnala | Hedge Maple |
| (b) Acer platanoides "Globosum" | Globe Norway Maple |
| © Carpinus caroliniana | American Hornbeam |
| (d) Cornus florids | Flowering Dogwood |
| (e) Cornus kousa | Kousa Dogwood |
| (f) Cornus Mas (tree form) | Cornelian Cherry Dogwood |
| (g) Crategus lavellei | Lavelle Hawthorn |
| (h) Pyrus Calleryana "Korean" | Korean Callery Pear |

(2) Medium Trees (26-50 ft):

| | |
|----------------------------------|---|
| (a) Acer campestre | Amur Maple |
| (b) Acer platanoides "Columnare" | Columnar Norway Maple |
| © A. platanoides "Erectum" | Erect or Mt. Hope Maple |
| (d) Acer rubrum "Red Sunset", | Red Maple"Autumn Flame" |
| (e) Amealnchier canadensis | Shadblow Serviceberry |
| (f) A. Laevis | Allegheny Serviceberry |
| (g) Carpinus betulus | European Hornbeam |
| (h) C. betulus fastigiata | Upright European Hornbeam |
| (i) Cartaegus viridis | Winter King Hawthorn"Winter King" |
| (j) Gleditsia triacanthos | Thornless Honey Locust inermis |
| (k) Koelreuteria paniculata | Golden Rain-Tree |
| (l) Malus - | Flowering Crabappledisease resistant types only |
| (m) Ostrya virginiana | American Hop-Hornbeam |
| (n) Phellodenron amurense | Amur Cork Tree |
| (o) Phrus Calleryana | Ornamental Pear"Aristocrat"; "Redspire" |
| (p) Sophoro japonica "Regent" | Japanese Pogoda Tree |

- | | |
|--------------------------------|--|
| (q) Syringa amurensis japonica | Japanese Tree Lilac |
| ® Tilia cordata "Greenspire"; | Littleleaf Linden "Chancellor"; "June Bride" |
| (s) Ulmus parvifolia | Chinese Elm |
| (t) Halesia carolina | Carolina Silverbell |
| (u) Eucomia ulmoides | Hardy Rubber Tree |

(3) Large Trees Over 50 ft:

- | | |
|----------------------------------|------------------------|
| (a) Acer platanoides | Norway Maple |
| (b) Kinkgo biloba (male only) | Ginkgo |
| (c) Liquidambar styraciflua | Sweet Gum |
| (d) Platanus hybrida "Bloodgood" | Bloodgood London Plane |
| (e) Quercus coccinea | Scarlet Oak |
| (f) Q. rubra maxima | Eastern Red Oak |
| (g) Q. phellos | Willow Oak |
| (h) Q. Robur "Fastigiata" | Pyramidal English Oak |
| (i) Zlekova Serrata | Village Green |
| (j) Selkova "Village Green" | |

891.7 Tree Removal - Any owner of property upon which street trees are present may remove said trees so long as the following requirements are met:

- 1) That the entire tree including the stump is removed.
- 2) That the hole be refilled to ground level with soil, so as to prevent the creation of a hole.
- 3) That the area be re-seeded or planted in other appropriate manner.
- 4) That no damage is done to any property belonging to the City of Nicholasville or other third party.
- 5) That the entire removal may be done without danger or inconvenience to the public.

It shall specifically be the responsibility of the land owner to insure that the foregoing are complied with. Any violation or damages resulting from improper tree removal shall be prosecuted directly against the land owner.

892 Nuisance Abatement - For the purpose of this section, the term "nuisance" is defined to mean any condition or use of premises or of building exteriors which is detrimental to the

property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to:

- 1) Ashes, rubbish, garbage, lumber, bricks, cinder blocks, insulation material, building debris, refuse or waste of any kind, whether liquid or solid.
- 2) Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers.
- 3) Weeds.
- 4) Cisterns, pits and cellars.

892.1 Duty of Maintenance of Private Property - No person owning, leasing, occupying, or having charge of any premises shall maintain to keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such persons are located.

892.2 Depositing of Litter Prohibited - It shall be unlawful for any person, in person or by his agent, employee or servant, to cast, throw, sweep, sift or deposit in any manner in or upon any public way or other public place in the City of Nicholasville, or any river, canal, public water, drain, sewer or receiving basin within the jurisdiction of the City of Nicholasville any ashes, rubbish, garbage, refuse or waste of any kind, whether liquid or solid, nor shall any person cast, throw, sweep, sift or deposit any of the aforementioned items anywhere within the jurisdiction of the City of Nicholasville in such a manner that it may be carried or deposited whole or in part, by the action of the sun, wind, rain or snow, into any of the aforementioned places.

This section shall not apply to the deposit of material under a permit authorized by any ordinance of the City of Nicholasville; or to goods, wares or merchandise deposited upon any public way or other public place temporarily, in the necessary course of trade, and removed therefrom within 24 hours after being so deposited; or to articles or things deposited in or conducted into the City of Nicholasville sewer systems through lawful drains in accordance with the ordinances of the City of Nicholasville relating thereto.

892.3 Vehicles to Be Covered - It shall be unlawful for any person, in person or by his agent, employee or servant, to use any vehicle to haul any ashes, rubbish, garbage, refuse or waste of any kind, whether liquid or solid, unless such vehicle is covered to prevent any part of its contents from spilling or dropping at all times while such vehicle is in motion on any street or alley in the City of Nicholasville.

However, the requirements herein for covering such vehicles shall not apply to vehicles carrying brush cuttings, tree trimmings, branches, log and similar waste material if such matter is securely lashed to such vehicle to prevent spilling or dropping as aforesaid.

892.4 Cisterns, Pits and Cellars - Cisterns or pits shall be covered with an approved and secured lid or top. The responsible person (owner) shall maintain the structural integrity of the cistern or pit, or the cistern or pit shall be filled in with an approved material. All cellars shall be kept dry and well aired, free from standing water, putrefying and noxious vapors and smells, and at all times, well sprinkled with lime or some other disinfectant when necessary. Any cellar not maintained as provided above is hereby declared a nuisance.

892.5 Weeds - Any weeds such as jimson, burdock, ragweed, thistle, cocklebur, poison ivy, poison oak or other weeds of a like kind found growing in any lot or tract of land within the City of Nicholasville are hereby declared to be a nuisance; and it shall be unlawful to permit any such weeds to grow or remain in any such place.

892.51 - It shall be unlawful for the owner or occupant of any building or lot to permit any weeds, grass or plants, other than crops, trees, bushes, flowers or other ornamental plants, to grow to a height exceeding twelve (12") inches anywhere on such lot, including those portions thereof abutting any street, road, alley or other thoroughfare, and in the event such lot is crossed by a sidewalk, ditch, pathway, private roadway, fence or other natural or man-made boundary or divider, including those portions thereof between such boundary or divider and the edge of the thoroughfare; any such weeds, grass or plants exceeding such height are hereby declared to be a nuisance.

892.52 - It shall be unlawful for the owner or occupant of any building or lot to permit any tree, brush, hedge or other vegetation to grow in a manner which interferes with normal sidewalk traffic or to grow so as to pose a threat to safety on public rights-of-way due to obstruction of view, obstruction of passage or in any other manner.

892.53 - There is hereby exempted from the scope of the provisions of Subsections 893.5 and 893.51 above, property within the City of Nicholasville zoned for agricultural uses; except that such exemption shall not apply when the property has been planned for development and a subdivision plat has been filed of record in the office of the Nicholasville Zoning Office reflecting the property as residential.

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

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

894 Location of Water Meter Vaults, Service and Meters -

Water meter vaults, service, and meters shall be installed at the approximate midpoint of each front property line at finish grade. Double meter settings may be installed on common side lot lines for townhouses if the location complies with the approved Development Plan. Meters shall not be installed or located in driveways or sidewalks.

895 Location of Fire Hydrants - Fire hydrants shall not be installed or located in driveways or sidewalks. Any installation or relocation costs shall be the property owner's responsibility.

896 Fire Protection Service - Owners that install or upgrade fire suppression systems that require a fire department connection (FDC) shall install a 5 inch "Storz"(tm) fitting with cover attached to a 30 degree down turn on the fire departments connection outlet fitting. The distance from the ground to the bottom edge of the fitting shall be no less than 24 inches or no more than 30 inches. All FDC's shall be located at least 15 feet away from the structure, unless the installation of a new sprinkler system or substantial upgrade of a sprinkler system is in an existing building and a remote FDC away from the building is not possible. The FDC shall not be obstructed in any way that would hinder access or operation from a fire department apparatus. If the FDC is in an uncurbed vehicle accessible area, it shall be protected by brightly colored traffic bollards engineered to protect it from vehicular traffic. The owner and/or operator during renovation or new installation shall install or upgrade the system to include Double Check Valves installed within the sprinkler pit after the Post Indicator Valve (PIV) line. All PIV installations or upgrades shall be electronically monitored and painted bright red with the indicator sight glass facing the roadway and/or FDC. All FDC and PIV installations shall have a marker affixed on or near the device that clearly indicates the property or area that the device serves. A fire hydrant meeting City of Nicholasville specifications shall be installed or located within 50 feet of the FDC and shall

be located within 10 feet of a paved surface roadway capable of access by and of supporting a fire apparatus.

(Adopted: 9-20-07 Ordinance 675-2007)

ARTICLE 9

OFF-STREET PARKING & LOADING

900 General Requirements

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

902 - The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this ordinance.

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

904 - No driveway or parking area shall be installed without having first obtained a building permit from the Administrative Official.

910 Parking Space Dimensions, Minimum Distance, and Setbacks - A parking space shall have minimum rectangular dimensions of not less than nine (9') feet in width and nineteen (19') feet in length for ninety (90) degree parking, nine (9') feet in width and twenty-three (23') feet in length for parallel parking, nine (9') feet in width and nineteen (19') feet in length for sixty (60) degree parking, and nine (9') feet in width and nineteen (19') feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in Section 970 of this ordinance. No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20') feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. If on the same lot with a one family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four (4') feet to any established street or alley right-of-way.

(Adopted: 4-12-07 Ordinance 647-2007)

920 Loading Space Requirements and Dimensions - A loading space shall have minimum dimensions of not less than twelve (12') feet in width, fifty (50') feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than fifteen

(15') feet. One off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor area of up to five thousand (5,000) square feet. One loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof. This provision may be waived by the Planning Commission for permitted uses in a Downtown Business (DB) zone.

930 Location of Parking Spaces - The following regulations shall govern the location of off-street parking spaces and areas:

931 - Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve.

(Adopted: 02-28-2022 Ordinance #066-2022)

932 - Parking spaces for commercial, industrial, or institutional uses shall be located not more than seven hundred (700') feet from the principal use. Parking lots farther than seven hundred (700') feet from the principal use may be approved by the appropriate authority;

933 - Parking spaces for apartments, dormitories, or similar residences shall be located not more than three hundred (300') feet from the principal use.

934 - In order to be counted towards compliance with the requirements of this ordinance, shared parking shall be continuously available and free for the intended user; i.e. rentable garage units at an apartment use are not counted. Parking provided and assigned for all units is acceptable; i.e. covered parking so long as parking requirements are met. (Adopted: 02-28-2022 Ordinance #066-2022)

940 Paving, Drainage, Maintenance, Lighting - The required number of parking and loading spaces as set forth in Sections 920 and 970, together with driveways, aisles, and other circulation areas, shall be improved with acceptable paving material, including, but not limited to, asphalt, concrete, pavers, or bricks, to provide a durable and dust-free surface. Areas used for the public display (parking) of merchandise for sale, rent, or lease shall be subject to this requirement. All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways. The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash and other debris. Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.

(Adopted: 01-08-2024 Ordinance: 140-2023)

941 Lighting Design Standards: Where there are five (5) or more parking spaces provided or

where a vehicular use area will be used during non-daylight hours the following standards shall be applied.

1. A photometric plan showing the proposed intensity level of the lighting throughout the site, indicated foot-candle measurements shall be provided. The lighting plan shall include the following.
 - A) Property Lines and right-of way lines for the site
 - B) The locations of all provided lighting, minimum, maximum and average intensity/illumination for the site including levels five (5) foot outside the property line.
 - C) A schedule of details showing the fixture model, manufacturer, pole height.
2. Illumination Levels shall be measured in foot-candles (fc)
 - A) Canopy lighting (fuel sales, automated teller machines, etc.) shall be illuminated at a minimum of 2 fc, a maximum of 20 fc, and an average of 12 fc.
 - B) Parking lots, vehicular sales and storage areas shall be lighted at a minimum of 0.5 fc, a maximum of 10 fc, and an average of 1.5fc.
 - C) General lighting on any developed site shall be directed downward and inward, designed to minimize light trespass onto adjacent property and shall not exceed 0.5 fc as described in the Light Trespass standard.
3. Light Trespass is any form of artificial lighting emanating from a site that trespasses onto the adjoining property. Outdoor lighting shall be designed to reduce light trespass from adjoining property owners. The acceptable light trespass shall be 0.5 fc measured at a height of five (5) foot at five (5) onto the adjoining property owner.

950 Additional Provisions and Requirements - The below listed items and provisions shall pertain to off-street parking and loading areas.

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

952 Joint Use - Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Commission shall be filed with the application for a building permit.

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

954 Width of Driveway Aisle - Driveways serving individual parking spaces shall be not less than twenty-four (24') feet wide for ninety (90) degree parking, twelve (12') feet wide

for parallel parking, seventeen and one-half (17-1/2') feet for sixty (60) degree parking, and thirteen (13') feet for forty-five (45) degree parking.

(Adopted: 10-24-2016 Ordinance 953-2016)

955 Access to Lots - Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Access of driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such lot shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.

(Adopted: 02-28-2022 Ordinance #066-2022)

955.1 - Lots shall have their primary access only from an approved street in accordance with these regulations. All points of access from an arterial street shall be approved by the Planning Commission, which may require that several such lots be served by a combined marginal access street or shared access driveway in order to limit possible traffic hazards on such street.

Access to a corner lot shall be measured from the intersection of street right-of-way lines, and meet the minimum setback requirements specified below.

If access to a lot is from an arterial street, a setback of not less than one hundred and twenty-five (125) feet from any intersection shall be provided. If access to a lot is from a collector or a marginal access street, a setback distance of not less than seventy-five (75) feet from any intersection shall be provided. If access to lot is from a minor street, a setback of not less than fifty (50) feet shall be provided. For residential lots abutting streets internal to the subdivision, a driveway not exceeding 18' in width and placed within three (3) feet of the internal side property line shall be considered complying with the setback requirement for a minor street.

In all cases, if a lot abuts an intersection of two classes of streets, access shall be from the lower class of street. The Commission may waive, modify, or reduce these requirements at the time of final development plan review for lots located in Business and Industrial zones.

Alleys may be approved to provide primary access for residential use. Where a watercourse separates the buildable area of a lot from the access street, provision shall be made for the installation of culvert or other structure of a design approved by the city engineer or other authorized person.

(Adopted: 10-24-2016 Ordinance 954-2016)
(Adopted: 02-28-2022 Ordinance #066-2022)

956 Width of Access Driveway - The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards: For one-way traffic the minimum width of fourteen (14') feet except for forty-five (45) degree parking in which case the minimum width of the access road shall be seventeen (17') feet. Access roads for two-way traffic shall have a minimum width of twenty-four (24') feet. Parking areas having more than one aisle or driveway shall have directional signs or markings in each aisle or driveway.

957 Striping - All parking areas and spaces shall be appropriately striped with four (4) inch wide lines and maintained in good condition. Striping may be composed of paint or other material that is suitable to designate spaces, lanes, etc.

(Adopted: 02-28-2022 Ordinance #066-2022)

960 General Interpretations - In the interpretation of this Article, the following rules shall govern:

961 - Parking spaces for other permitted or conditional uses not listed in this article shall be determined by the Board of Adjustment upon an appeal from a decision of the Administrative Official.

962 - Fractional numbers shall be increased to the next whole number.

963 - Where there is an adequate public transit system or where for any other reason parking requirements are unusually low, then the parking space provisions cited above may be reduced proportionately by the Board of Adjustment upon an appeal from a decision of the Administrative Official.

970 Parking Space Requirements - For the purposes of this ordinance the following parking space requirements shall apply:

971 Residential:

971.1

Two for each unit

| | | |
|-----------------|--|--|
| | Single family, two family dwelling or townhouses | |
| 971.2 | Apartment hotels, apartment, or multi-family dwellings | 1.5 spaces per One-bedroom Unit 2.0 spaces per Two-bedroom Unit 2.5 spaces per Three-bedroom Unit Plus 1.0 space per on-site employee or 5 spaces whichever is greater. (Adopted: 1-23-2017 Ordinance 972-2017) (Adopted: 2-28-2022 Ordinance 066-2022) (Adopted: 12-5-2022 Ordinance 099-2022) |
| 971.3 | Fraternities, sororities, and dormitories, boarding and lodging houses | Five spaces plus one space for every five beds |
| 971.4 | Keeping of roomers or boarders | One space for every two roomers or boarders |
| 971.5 | Mobile Homes | Two for each unit |
| 971.6 | Temporary Real Estate Sales Offices | A minimum of three spaces with one space for every 400 sq. ft. of floor area |
| 972 Commercial: | | |
| 972.1 | Automotive Service/Gas Stations | One for each two gasoline pumps, two for each service bay, and 1 space per 400 sq. ft. of retail area; with a minimum of 5 (Adopted: 10-24-2016 Ordinance 956-2016) |
| 972.2 | Hotels and motels | One per each sleeping room plus one space for each employee per shift (Adopted: 10-24-2016 Ordinance 957-2016) |

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| 972.3 | Kennels | One space for each 200 ft. of floor area with minimum of five spaces |
| 972.4 | Offices, fine arts studio, banks and financial establishments, office animal hospitals, medical and dental offices, clinics and the like | One space for each 200 ft. of floor area with minimum of five spaces |
| 972.5 | Laboratories, telephone exchange, radio and TV stations | A minimum of five spaces plus one space for every two employees on a maximum shift, plus one space for each vehicle owned in use |
| 972.6 | Private Clubs | One space for every four members |
| 972.7 | Professional Office Project | One space for every 200 sq. ft. of floor area, excluding storage and meeting rooms (Adopted: 10-24-2016 Ordinance 9582016) |
| 972.8 | Accessory Dwellings | Two spaces per dwelling unit |
| 972.9 | Funeral parlors, mortuaries and similar type uses | One space for every five seats, plus one space for each vehicle used in the business |
| 972.10 | Self-service laundry | One space for every two machines, dryers, and the like |
| 972.11 | Retail uses | One space for every 300 sq. ft. (Adopted: 10-24-2016 Ordinance 959-2016) |

| | | |
|--------|--|--|
| 972.12 | Retail furniture stores and appliance stores | One space for every 600 sq. ft. of floor area |
| 972.13 | Greenhouses and plant nurseries | One space per 600 sq. ft. of floor area with a minimum of five spaces plus one space for each employee |
| 972.14 | Establishments for display, sale, service or repair of automobiles, motorcycles, trucks, boats, travel trailers, RV's, mobile homes or supplies for such items | <p>One space for every 600 sq. ft. of floor area with a minimum of five spaces plus one space for each employee. Upon approval of a Conditional Use by the Board of Adjustment, areas used for the storage of surplus merchandise, and screened from public view with a six (6) foot high solid fence, may be surfaced with an all-weather dust free material, including DGA, if adequate access for fire and emergency services is provided.</p> <p>(Adopted: 02-28-2022 Ordinance 066-2022)</p> |

973 Recreational or Entertainment

| | | |
|-------|--|--|
| 973.1 | Restaurants, taverns, night clubs, dining rooms and the like | One space for every 200 sq. ft. of floor area, or one space for every four seats, whichever is greater |
| 973.2 | Bowling alleys | Four spaces per alley or lane |
| 973.3 | Skating rinks | One space for each 100 sq. ft. of floor area, plus one space per every three employees |

| | | |
|--------------------------|---|---|
| 973.4 | Billiard or pool halls, dance halls, indoor athletic facilities, and other amusement places without fixed seats | One space per 100 sq. ft. of floor area, plus one space per every three employees |
| 973.5 | Theaters, indoor and outdoor athletic facilities, dance halls, horse race tracks, automobile race tracks and other places of amusement with fixed seats | One space per five seats plus one space per every three employees |
| 973.6 | Outdoor swimming pools | One space for every 100 sq. ft. of floor area used for the activity |
| 973.7 | Non-commercial recreational facilities including playgrounds, country clubs and sportsmen's farms | One space every four members |
| 973.8 | Golf Courses | Three spaces for every hole on the main course |
| 973.9 | Commercial golf driving range | One space per driving tee plus one space per employee with a minimum of five spaces |
| 973.10 | Riding stables, fishing lakes, and campgrounds, and non-commercial and commercial recreation facilities not otherwise stated herein | Five spaces plus one space for each employee for each separate use |
| 974 Institutional: 974.1 | Churches, Sunday schools and parish houses | One space for each five seats in main auditorium with a minimum of five spaces |

| | | |
|---|---|--|
| 974.2 | Hospitals, nursing homes, convalescent homes, rest homes, orphanages and rehabilitation centers | One space for each four beds, and one space for each employee with a minimum of five spaces |
| 974.3 | Nursery schools, day nurseries and child care centers | One space for every ten children and each employee |
| 974.4 | Museums, art galleries, libraries | One space for every 400 sq. ft. of floor area |
| 975 Schools (Public, Parochial or Private): | | |
| 975.1 | Elementary Schools | One space for every 15 seats in main auditorium (or gymnasium) or one space for every classroom plus one space for each employee, whichever is greater |
| 975.2 | Junior and high schools, technical schools, and colleges | One space for every five seats in the main auditorium (or gymnasium) or one space for each classroom, plus open space for each employee whichever is greater |
| 976 Industrial: | | |
| 976.1 | Establishments for display, sale, service or repair of farm implements, contractor equipment, industrial vehicles, commercial vehicles, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes or supplies for such items | One space for every 600 sq. ft. of floor area with a minimum of five spaces plus one space for each employee. Upon approval of a Conditional Use by the Board of Adjustment, areas used for the storage of surplus merchandise, and screened from public view with a six (6) foot high solid fence, may be surfaced with an all-weather dust free material, including DGA, if adequate access for fire and emergency services is provided. |

(Adopted: 02-28-2022 Ordinance
066-2022)

| | | |
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| 976.2 | Wholesale business, establishment for special trade, contractor or machine shop, sales of grain, feed or other agricultural supplies | One space for every 600 sq. ft. of floor area or use with a minimum of five spaces |
| 976.3 | Tire retreading or recapping, warehouse, truck terminals, storage, ice plant and dairy or other food products bottling plant | One space for each two employees on a maximum working shift, plus one space for each vehicle owned or operated by use with a minimum of five spaces total |
| 976.4 | Manufacturing or industrial | (Same as requirements for 976.3 above) |

977 Combinations - Combined uses shall provide parking equal to the sum of individual requirements.

978 Conditional Uses - Parking requirements for conditional uses shall be minimum requirements: The Board of Adjustment may require additional parking as needed.

ARTICLE 10 SIGNS

1000 INTENT - The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community and preserve the scenic and natural beauty of designated areas. It is further intended to reduce

sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, and curb the deterioration of the natural environment and enhance community development.

1010 GOVERNMENTAL SIGNS EXCLUDED - For the purpose of this ordinance, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance or governmental regulation.

1020 PERMITTED IN ALL ZONES AND DISTRICTS - The following signs are permitted in all zones and districts:

1020.10 - Temporary signs not exceeding fifty (50) square feet in surface area, for architectural, engineering, construction or other similar firms engaged in the work on a construction site for a period of sixty (60) days plus the construction period.

1020.11 - Temporary signs announcing or relating to sales campaigns, drive or event of a civic, philanthropic, educational or religious organization, provided that a permit for such purposes has been obtained from the Building Inspector. The permit for such a sign shall limit the total display period to a maximum of sixty (60) days in one calendar year.

1020.12 - Any sign specified by Section 1010, or any official sign, or any informational or directional sign or historic marker erected by a public agency.

1020.13 - Identification sign containing the names of various civic organizations.

1020.14 - Two (2) temporary real estate sales or rental signs indicating only sales or rental of the premises not exceeding ten (10) square feet of surface area provided it is placed flat against the building or set back from the street not less than five (5) feet.

1020.15 - One (1) sign denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in size.

1020.16 - Signs directing and guiding traffic and parking on private property, not exceeding two (2) square feet and bearing no advertising material shall be permitted, provided they are not within the right-of way of any street.

1020.17 - Political signs not over fifty (50) square feet in size, which comply with Section 1030.16, and all other applicable regulations and conditions contained within the Zoning Ordinance.

1020.18 - Churches may have one (1) wall mounted identification sign not to exceed fifty (50) square feet and two (2) free-standing signs not to exceed a combined surface area of sixty (60) square feet.

1030 PROHIBITED AND GENERAL SIGN REQUIREMENTS - The regulations contained in this section shall apply to all signs and all use districts. All signs shall require a building permit, except wall-mounted signs under twelve (12) square feet in size and those exempted by Section 1080.

1030.10 - In no case shall any sign be permitted to obstruct the view of traffic.

1030.11 - All wiring, fittings, and materials used in construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the National Electric Code.

1030.12 - Temporary signs shall be prohibited in any zone except as permitted by these regulations.

1030.13 - No sign shall be attached to any tree or utility pole except as provided by Section 1030.16.

1030.14 - No sign shall be placed in any public right-of-way except public owned signs, such as traffic control and directional signs except as provided by Section 1030.16.

1030.15 - No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escapes.

1030.16 - No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. All candidates for public office, their campaign committees or other persons responsible for the posting of campaign material shall remove such material within three (3) weeks following election day.

1030.17 - All signs which are attached to buildings shall be affixed in such a way that no part of the sign shall extend more than twelve (12") inches away from the surface of said building, except for signs attached to a mansard roof which shall not extend more than twelve (12") inches above the parapet line of the building and the outermost horizontal point of the roof.

1030.18 - Not more than one (1) free-standing sign per street frontage (per building), two wall-mounted signs on each face of the principle building (per business), and four (4) gasoline price signs mounted on a canopy shall be used to advertise, where permitted, unless otherwise permitted or restricted by a particular zone

classification. For the purpose of this ordinance, a canopy is any structure which is constructed and/or designed to cover commercial gasoline pumps and the surrounding area for the purpose of offering protection to persons and property from the weather. Advertising shall be restricted to the premises at which the business is located. The Planning Commission may waive the above requirements.

1030.19 - Any illuminated sign or lighting device shall employ only light emitting a light constant intensity and no sign shall be illuminated by or contain intermittent, rotating, or moving light or lights, except as permitted by Conditional Use Permit (See Downtown Business District). In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance nor shall any signs be erected or maintained which involve lighting or motion resembling traffic or directional signals or warnings or display words such as "stop" or "danger," nor shall any sign be allowed to be illuminated by or contain flashing lights.

1030.20 - Streamers, tag signs, banners, posters, pennants, ribbons, spinners or other similar devices shall not be added to any sign or part thereof.

1030.21 - Neon lighting and tubing may be used on or as permitted signs, but not to outline buildings or structures or ornamental features.

1030.22 - Signs located in the site triangle shall not be erected or placed in such a manner as to materially impede vision between a height of two and a half (2-1/2) and twelve (12) feet above the street center line grade. (See page 93)

1030.23 - A non-conforming sign shall not be moved to a new location on the building or lot, or enlarged or replaced unless it complies with the provisions of this Zoning Ordinance.

1030.24 - All applications for sign permits shall be accompanied by a drawing of the sign, indicating its dimensions and the location on the building or premises.

1030.25 - In any Business Zone, when the average depth of the setback for existing freestanding signs or structures located within one hundred (100') feet of each side of a lot on the same street frontage is less than the required setback prescribed for a free-standing sign on such lot, the setback required for a proposed free-standing sign shall not be less than the average setback of said existing free-standing signs.

1030.26 - LARGE FREE-STANDING SIGNS PROHIBITED - No free-standing sign shall be permitted to exceed 200 square feet in size, except for a free-standing sign for a

planned shopping center or industrial park as set forth in Article 7, Section 720 of this Ordinance. 1030.27 - A business may locate upon said business property up to two (2) banners of which the combined total sign area for both shall not exceed fifty (50) square feet.

1040 SPECIAL SIGN REGULATIONS

1040.10 - All real estate and tract signs shall be removed within ten (10) days after completion of sales activities in connection with the property or tract to which they pertain.

1040.11 - A non-conforming sign shall not be moved to a new location on the building or lot, or enlarged or replaced unless it complies with the provisions of this Zoning Ordinance.

1040.12 - All temporary signs shall be removed within ten (10) days after the completion of the activity being advertised, and the posting of surety with the Building Inspector may be required to insure such removal.

(Adopted: 06-20-2013 Ordinance #881-2013)

1040.13 - All signs placed upon private property must have the written consent of the owner or his agent.

1040.14 - A nationally recognized slogan, trademark, or service mark incorporated into the design or automobile service stations, hotels, and motels, and shown on plans which are approved by the Building Inspector for a principal structure, shall be included with other signs in computing total surface area permitted; however, it shall not be included when computing total number of signs permitted.

1050 MAINTENANCE

1050.10 - Any business sign now or hereafter existing which no longer advertises a bona fide business conducted or product sold on the premises, and any advertising sign now or hereafter existing which no longer advertises a bona fide business conducted or a product sold, or activity or campaign being conducted shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or lot upon which sign may be found.

1050.11 - Outdoor advertising structures and surfaces shall be adequately maintained. Such maintenance shall include proper alignment, continued readability, and preservation of the structure with paint or other surface finishing material. If an outdoor advertising structure or surface is not maintained, it shall be taken down and removed by the owner,

agent or person having the beneficial use of the building, structure or lot upon which sign may be found.

1060 MEASUREMENT OF SIGN AREA - The size of the sign shall be computed by multiplying the vertical length and horizontal length of the frame(s). Structural members not used for advertising shall not be included in computation of sign size.

1070 SIGN SETBACK REQUIREMENT - Signs and outdoor advertising structures, where permitted, shall be set back from the established right-of-way line of any street or highway at least five (5') feet except for the following modifications:

1070.10 Increased Setbacks - For every square foot by which such sign or outdoor advertising structure exceeds fifty (50) square feet, the setback shall be increased by one (1) foot but not exceed fifty (50') feet.

1070.11 - No sign which is 100 square feet in size or larger shall be placed closer than fifty (50') feet from the established right-of-way of a highway or a street. They shall conform with all other provisions of this Article.

1071 SPECIAL YARD PROVISIONS - Signs and advertising structures where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located except that no sign or advertising structure shall be erected or placed closer than fifty (50') feet of a side or rear lot line in any residential district. (Unless prior permission is received from the Planning Commission).

1080 SIGNS NOT REQUIRING A PERMIT

1082.10 - Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in size.

1082.11 - Signs advertising the sale, lease, or rental of the premises on which the sign is located, shall not exceed ten (10) square feet of surface area provided it is placed flat against the building or set back from the street not less than five (5') feet.

1082.12 - Any sign specified by Section 1010 and all appurtenances necessary for traffic direction and safety.

1082.13 - One business sign for a permitted home occupation: non-illuminated, not exceeding four (4) square feet in size and mounted flat against the principal building.

1082.14 - Political signs not over fifty (50) square feet in size.

1082.15 - Banners as permitted by Sub-section 1030.27.

1090 VIOLATIONS - In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this ordinance, the Administrative Officer shall notify the owner, agent or person having the beneficial use of the building, structure or lot upon which sign may be found in writing to alter such sign so as to comply with this ordinance within thirty (30) days. Upon failure to comply with such notice, within the time specified, the Administrative Officer is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building, structure, or lot to which such sign is attached and shall be punishable under Section 360 of this ordinance.

SIGN DEFINITIONS

Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

1. Sign, animated or moving Any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.
2. Sign area The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure.
3. Sign, billboard A sign which directs attention to a business, commodity, service or entertainment conducted sold or offered at a location other than the premises on which the sign is located.
4. Sign, bulletin A sign which identifies an institution or organization on the premises of which it is located and which contains the name of the institution or organization, the names of individuals connected with it, and general announcement of events or activities occurring at the institution or similar messages.
5. Sign, business A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.
6. Sign, Construction A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial

supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

7. Sign, Directional Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as “one-way”, or “entrance”, and “exit”.
8. Sign, face The area or display surface used for the message.
9. Sign, flashing Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.
10. Sign, free standing Any nonmovable sign not affixed to a building.
11. Sign, governmental A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation.
12. Sign, holiday decoration Temporary signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local or religious holiday.
13. Sign, home occupation A sign containing only the name and occupation of a permitted home occupation.
14. Sign, identification A sign giving the nature, logo, trademark, or other identifying symbol; address, or any combination of the name, symbol and address of a building, business, development or establishment on the premises where it is located.
15. Sign, illuminated A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

Sign, indirectly illuminated: Any sign designed to reflect artificial light from any source.

Sign, non-illuminated: Any sign which is not artificially lighted either directly or indirectly.

Sign, lighting device: Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.

16. Sign, memorial A sign, tablet or plaque memorializing a person, event, structure or site.
17. Sign, name plate A sign, located on the premises, giving the name or address, or both, of the owner or occupant of a building or premises.
18. Sign, on premise Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
19. Sign, on-site informational A sign commonly associated with, and not limited to information and directions necessary or convenient for visitors coming on the property, including signs marking entrances and exits, parking areas, circulation direction, rest rooms, and pick-up and delivery areas.
20. Sign, political A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.
21. Sign, private sale or event A temporary sign advertising private sales of personal property such as "house sales", "garage sales", "rummage sales" and the like or private not-for-profit events such as picnics, carnivals, bazaars, game nights, art fairs, craft shows, and Christmas tree sales.
22. Sign, projecting A sign that is wholly or partly dependent upon a building for support and which projects more than twelve (12") inches from such building.
23. Sign, real estate A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.
24. Sign, roof A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.

25. Sign, temporary A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a short period of time, whether they are affixed to a frame having wheels or not, which are either:

a) Constructed, designed or intended to be used on a limited basis as opposed to the permanently attached signs as set out below or,

b) Capable of being carried or otherwise portable and therefore not permanently attached to the real estate upon which it rests.

Signs which are constructed, designed or intended to be affixed to the surface of the real estate shall be deemed free-standing signs and not temporary signs, provided that it has been so permanently attached to the realty.

ARTICLE 11
PLANNED UNIT DEVELOPMENTS

1100 Objectives for Planned Unit Developments - It shall be the policy of the City of Nicholasville, Kentucky to promote progressive development of land and construction thereon by encouraging planned unit developments to achieve:

1101 - A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements;

1102 - A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services;

1103 - A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;

1104 - A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets;

1105 - A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the comprehensive plan.

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

1110 Provisions Governing Planned Unit Developments - Because of the special characteristics of planned unit developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Article and those of the other Articles of the ordinance, the provisions of this Article shall prevail for the development of land for planned unit developments. Subjects not covered by this Article shall be governed by the respective provisions found elsewhere in this ordinance.

1120 Uses Permitted - Compatible residential, commercial, industrial, public, and quasi-public uses may be combined in PUD districts provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare. Lot area and other yard requirements of the residential districts established in Article 7 shall apply except as modified in Sections 1161 and 1162.

1130 Project Ownership - The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be a public or private corporation.

1140 Common Open Space and Disposition Thereof - A minimum of twenty (20%) percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed.

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

1150 Utility Requirements - Underground utilities, including telephone and electrical systems, may be required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

1160 Minimum Project Area - The gross area of a tract of land to be developed in a planned unit development district shall be a minimum of twenty (20) acres, provided, however, that smaller parcels may be considered on the basis of their potential to satisfy the objectives of this Article as stated in Section 1100.

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

1161 Minimum Lot Sizes - Lot area per dwelling unit may be reduced by not more than forty (40%) percent of the minimum lot area required in the Official Schedule of District Regulations. A planned unit development need not conform to the density requirements of Article 7. A diversification of lot sizes is encouraged.

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

1162 Height Requirements - For each foot of building height over the maximum height regulations specified in Article 7, the distance between such buildings and the side and rear property lines of the planned unit development project area shall be increased by a one (1') foot addition to the side and rear yard required in the districts.

1163 Parking - Off-street parking, loading, and service areas shall be provided in accordance with Article 9 of this ordinance. However, off-street parking and loading areas shall not be permitted within fifteen (15') feet of any residential use.

1164 Perimeter Yards - Notwithstanding the provisions of this Article, every lot abutting the perimeter of the planned unit development district shall maintain all yard requirements specified in Article 7 for the applicable conventional zoning district.

1165 Lots to Abut Upon Common Open Space - Every property developed under the planned unit development approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged. In areas where townhouses are used, there shall be no more than eight (8) townhouse units in any contiguous group.

1170 Procedure for Application and Approval of Planned Unit Developments - All proposed planned unit development shall follow the procedure for plat preparation and subdivision approval as set forth in the City Subdivision Regulations. In addition, the Planning Commission shall hold a public hearing on the preliminary plat of the proposed planned unit development to aid them in deciding the merits of the proposed project. (Nothing herein should be construed to mean that the land owner has the inherent right to develop a planned unit development. The Planning Commission has the power to decide whether or not to allow the planned unit development based on their experience, knowledge, public hearing and the standards set forth herein). Accompanying all preliminary plats shall be calculations for overall density, parking requirements and other material the Commission may reasonably require. If the Planning Commission approves the preliminary plat the developer may proceed with activities leading to final plat approval providing that the project shall be developed in conformance with the approved preliminary plat.

Upon approval by the Planning Commission and the City Commission a planned unit development district may be applied to any existing residential district. Upon approval of a final development plan, the Official Zoning Map shall be annotated for the land area involved so that the district name includes the notation, "PUD."

A building permit and certificate of occupancy shall be required for each building in accordance with Section 320-330 of this ordinance. Approval of a planned unit development shall expire if no substantial work on the site has begun within one year of original approval and if the project is abandoned for more than twenty-four (24) consecutive months. (Abandonment shall be deemed to have occurred when no improvements have been made

pursuant to the approved planned unit development plat). All approved plan unit development plats shall be recorded in the County Clerk's Office.

ARTICLE 12
MOBILE HOME PARKS

1200 INTENT - It is the intent of this article to regulate the location of, and to encourage, stabilize, and protect the development of well-planned mobile home parks.

1210 APPROVAL PROCEDURES - Mobile home parks shall be developed according to the general standards and regulations stated and referenced in Article 12.

1220 GENERAL STANDARDS FOR MOBILE HOME PARKS - The Planning Commission and the City Commission shall review the particular facts and circumstances of each proposed mobile home park in terms of the following standards and shall find adequate evidence showing that the mobile home developments (see Mobile Home Park Design FIGURE 6, Page 106.

1221 - will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

1222 - will not be hazardous or detrimental to existing or future neighboring uses;

1223 - will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such services;

1224 - will be consistent with the intent and purpose of this ordinance and the comprehensive plan;

1225 - will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads, and;

1226 - will not result in destruction, loss, or damage of natural, scenic, or historic features of major importance.

1230 MOBILE HOME PARK REQUIREMENTS - Mobile home parks shall meet the requirements of the Kentucky Mobile Home and Recreational Vehicle Park Law adopted by the Kentucky State Department of Health under the authority of the Kentucky Revised Statutes, Chapter 219.310 to 219.410.

1240 MOBILE HOMES PERMITTED - All mobile homes shall be permitted only in mobile home parks, which shall be permitted only in an R-3 District and in planned unit developments for residential use only.

1250 AREA REQUIREMENTS - No mobile home park shall be permitted on an area of less than two and one-half (2-1/2) acres in size, although the developer shall be permitted to develop the park in stages as long as he complies with an overall plan approved by the Planning Commission for the entire tract.

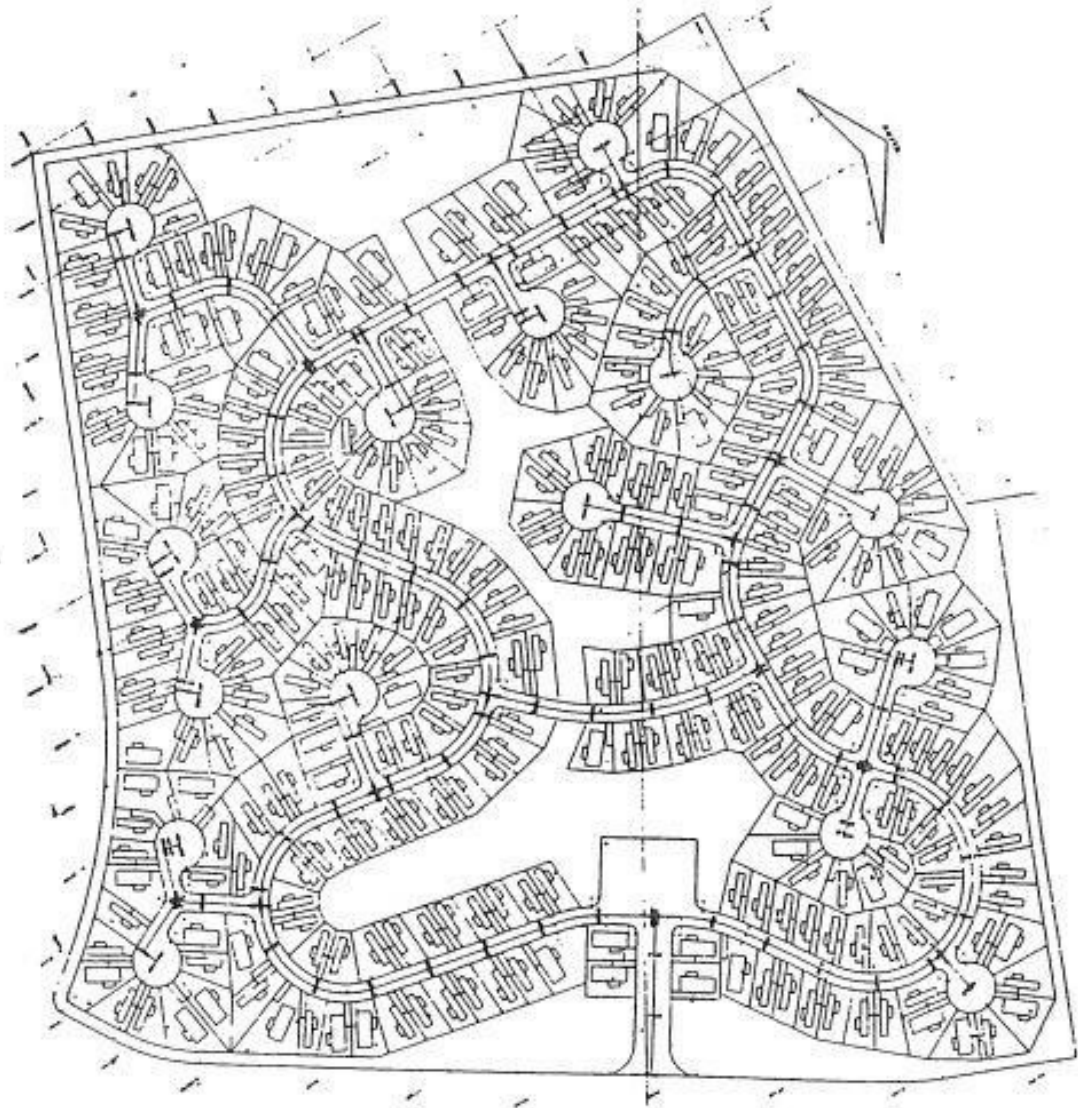
1260 MINIMUM FLOOR AREA - Individual mobile homes located within the mobile home district shall have a minimum floor area of seven hundred (700) square feet.

1270 LOT REQUIREMENTS - Individual lots within a mobile home park shall not be less than sixty-five hundred (6,500) square feet in area, and in no instance shall more than one (1) mobile home be permitted on a single lot. The minimum lot width shall be sixty (60') feet.

1280 SETBACK - No mobile home or accessory building or structure shall be located closer to any street than the minimum front yard setback for permanent residential structures along said street. Where the mobile home park is not bounded by a dedicated street, the minimum setback shall be thirty (30') feet.

1290 PROCEDURE - Although mobile home parks are permitted in R-3 districts and planned unit development projects, the prospective developer, before attempting to obtain a building permit or beginning any construction, shall prepare a plan showing the lot dimensions and bearings of the parcel he intends to develop, location with respect to the City, general layout or design he intends to follow and improvements he expects to install on the land. He shall then meet with the Planning Commission, the purpose being to inform the developer of any plans the City may have that would affect his plan to ensure that the developer's plans are not in conflict with the City's Future Land Use Plan. This meeting would also form a common ground whereby the Planning Commission and the prospective developer could reach an understanding of the types of improvements necessary. (See Nicholasville Subdivision Regulations for project procedures.)

Before approving the development plan, the Planning Commission may make other conditional requirements pertaining to such things as landscaping and screening. These conditional requirements shall be considered as a part of the City's Zoning Ordinance, and failure to comply therewith shall be subject to the penalties contained therein.



MOBILE HOME PARK DESIGN
FIGURE 6

ARTICLE 13

AMENDMENTS

1300 GENERAL - Whenever the public necessity, convenience, general welfare, or good zoning practices require, the legislative body may by ordinance after receiving a recommendation thereon from the Planning Commission, and subject to procedures by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

1310 APPLICATION FOR AMENDMENT - A proposal for amendment to the Official Zoning Map may originate with the Planning Commission, the Board of City Commissioners, the owner of the subject property or by a person having written authorization from the owner of the subject property. A proposal for amendment to the text of this ordinance may originate with any person or governmental body. Regardless of the origin of the proposed amendment, an application must be filed with the Planning & Zoning Department requesting the proposed amendment in such form and accompanied by such information as required by this ordinance, and the Department. The Planning Commission may require the submission of further information subsequent to the filing of an application as provided by the ordinance and the Planning & Zoning Department. At the time of filing an application, a filing fee shall be paid according to the schedule of fees, however, there shall be no filing fee for an amendment requested by the Board of City Commissioners and the Planning Commission. Upon the filing of an application for a map amendment by a governmental body, the Planning Commission shall promptly notify the owner of the subject property per KRS 100 and KRS 424. A property owner/applicant requesting a map amendment shall be responsible for the cost of notification to all adjacent property owners. It shall be the responsibility of any person requesting action to appear at the scheduled hearing to request same (See Section 380).

(Adopted: 02-28-2022 Ordinance #066-2022)

1310.1 - Upon application to the Board of City Commissioners for annexation, and after the adoption of the ordinance stating the City's intention to annex, the property owner shall make application for an amendment to the Official Zoning Map pursuant to the following procedure, non-withstanding the requirements of 1310.

- 1) After the adoption of the ordinance stating the City's intention to annex, the property owner shall submit an application for a zone map amendment, except in cases as outlined in (5) below, which application shall be subject to criteria as outlined by Section 1310 above and all other applicable ordinances, to the Planning Commission.
- 2) Upon receipt of the Planning Commission's written recommendation, the Board of City Commissioners shall take final action upon the zone map amendment application prior to taking any action on the ordinance of annexation. The adoption of both the zone map amendment application and ordinance of annexation are contingent upon one another. If either the zone map amendment application or ordinance of annexation is denied by the Board of City Commissioners, both are denied.

- 3) The property owner may withdraw his application for annexation and zone map amendment at any time prior to a final decision by the Board of City Commissioners, except in cases as outlined in (5) below, which are initiated by the Nicholasville Planning Commission.
- 4) Fees for Zone Map Amendment applications may be refunded prior to the scheduled public hearing minus costs already incurred by the Planning Commission. Fees are not refundable after the scheduled public hearing has begun.
- 5) In all cases where the annexation was initiated by the City of Nicholasville, the owner or owners of the affected property shall be notified per Section 1310 concerning application for a zone map amendment. If no action is begun by, or on behalf of, the owners, within 30 days of said notice, the Nicholasville Planning Commission shall proceed with all steps set forth in Section 1310, 1310.1, (1) (2) and (4). A property owner/applicant requesting annexation by petition to the City of Nicholasville shall be responsible for the cost of notification.

In the event the zone map amendment is requested by the Nicholasville Planning Commission, no fees for same shall be levied against the property owner(s). **(Adopted: 02-28-2022 Ordinance #066-2022)**

1320 PLANNING COMMISSION PROCEDURE - Upon the filing of an application for an amendment to the Official Zoning Map or the text of this ordinance, the Planning Commission shall study and review the application as provided in this ordinance and the bylaws of the Planning Commission.

1320.1 - Per KRS 100 if the applicant elects at the time of filing of the application for a map amendment, the Planning Commission may hear at the same meeting of the map amendment and finally decided applications for variances or conditional use permits when a proposed development requires a map amendment and one (1) or more variances or conditional use permits. Otherwise, the Board of Adjustment shall hear the variances or conditional use.

(Adopted 12/5/2022 Ordinance 099-2022)

1330 NOTICE OF PUBLIC HEARING - Before voting upon any proposed amendment, notice of the time, place and reason for holding a public hearing shall be given by one publication in the newspaper of general circulation in the County, not earlier than twenty-one (21) days or later than seven (7) days before the public hearing.

1340 PUBLIC HEARING ON APPLICATION - After notice of the public hearing as provided for above, the Planning Commission shall hold a public hearing on the proposed amendment.

1350 RECOMMENDATION OF COMMISSION FOR ZONING MAP AMENDMENTS - Before recommending to the Board of City Commissioners that an application for amendment to the Zoning Map be granted, the Planning Commission must find that the map amendment is in agreement with the community's comprehensive plan, or, in the absence of such a finding

that (1) the original zoning classification given to the property was inappropriate or improper, or (2) there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the Comprehensive Plan adopted by the Planning

Commission and which have substantially altered the basic character of such area. The findings of fact made by the Planning Commission shall be recorded in the minutes and records of the Commission. After voting to recommend that an application for amendment to the Official Zoning Map be granted or denied, the Planning Commission shall forward its findings of fact and recommendation in writing to the Board of City Commissioners.

1350.1 PLANNING COMMISSION - Within ninety (90) days of receipt of a zone map amendment application to the Planning Commission, it shall take one of the following actions: (1) approve the application and forward the recommendation to the Board of City Commissioners; (2) disapprove the application and forward its recommendation to the Board of City Commissioners; or (3) postpone taking action for specifically stated reasons for up to sixty (60) days. Failure of the Planning Commission to act within the specified time shall be considered to be a recommendation within the meaning of this ordinance and the Board of City Commissioners is empowered to hear the zone map amendment application based upon a neutral determination thus determined.

1360 ACTION BY BOARD OF COMMISSIONERS ON ZONING MAP AMENDMENTS - The Board of Commissioners shall not act upon a proposed amendment to the Official Zoning Map until it shall have received the written findings of fact and recommendation thereon from the Planning Commission. It shall take a majority of the entire Board of City Commissioners of the City to override the recommendation of the Commission.

1370 RECOMMENDATION OF COMMISSION FOR TEXT AMENDMENT - After voting to recommend that an application for amendment to the text of this ordinance be granted or denied, the Planning Commission shall forward its recommendation in writing to the City Commission.

1380 ACTION BY BOARD OF COMMISSIONERS ON TEXT AMENDMENTS - The Board of Commissioners shall not act upon a proposed amendment to the text of this ordinance until it shall have received the written recommendation thereon from the Planning Commission. It shall take a majority of the entire City Commission to override the recommendation of the Commission.

1390 SPECIAL CONDITIONS TO THE GRANTING OF ZONING CHANGES - As a condition to the granting of any zoning change, the Planning Commission may require the submission of a development plan which, where agreed upon, shall be followed. As a further condition to the granting of a zoning change, the planning unit may require that substantial construction be initiated within two years; provided that such zoning change shall not revert to its original designation unless there has been a public hearing.

ARTICLE 14

LANDSCAPE AND LAND USE BUFFERS

1400 GENERAL - The intent of this article is to improve the appearance of vehicular use areas (VUA) and property abutting public rights-of-way; to require buffering between inconsistent zones; and to protect, preserve and promote the aesthetic appeal, character and value of the surrounding neighborhoods to promote public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature, and artificial light glare.

(Adopted: 3-26-2018 Ordinance 1011-2018)

1401 SITES AFFECTED

1401.1 New Site - No new vehicular use area (VUA) shall hereafter be created or used unless landscaping is provided as required by the provisions of this Article.

1401.2 Existing Site - No building, structure, or vehicular use area (VUA) shall be expanded, moved, or removed and/or reconstructed unless the minimum landscaping required by the provision of this article is provided for the property to the extent of its alteration or expansion, but not for the entire property. Landscaping shall be provided only for any additional structures, parking or VUA over and above that of an existing development, except as follows. If the additional parking or VUA requirement is equal to or greater than the number of parking spaces or VUA area provided by the previous use, then perimeter landscaping shall be provided for the entire vehicular use area serving the property. The provisions of this section shall be effective regardless of whether or not new construction is necessary to meet the parking requirements for the new uses.

(Adopted: 3-26-2018 Ordinance 1011-2018)

1401.3 Change of Use - No use shall be changed to another use for which the Zoning Ordinance requires additional parking over and above that required for the previous use, unless vehicular use area perimeter landscaping as required by this Article is provided for such additional parking. The provisions of this section shall be effective regardless of whether or not new construction is necessary to meet the parking requirements, such additional required parking shall be deemed to be on the perimeter for as much as possible of the existing vehicular use area. Where the previous use had no required parking, perimeter landscaping shall be provided for the entire vehicular use area serving the new use. Interior landscaping shall not be required where only the use of the property is changed and no new construction or reconstruction is proposed.

1401.4 Change of Zone - No use of an existing building, structure, or vehicular use area shall be commenced subsequent to a change in zoning unless property perimeter landscaping as required herein has been provided.

(Adopted: 3-26-2018 Ordinance 1011-2018)

1401.5 Authority - The authority to administer these landscape regulations is granted to the Planning Commission under KRS Chapter 100, Sections 201, 203, and 281.

(Adopted: 3-26-2018 Ordinance 1011-2018)

1401.6 Jurisdiction- The area for which these regulations apply shall coincide with the jurisdiction of the zoning ordinance of which they are made a part.

(Adopted: 3-26-2018 Ordinance 1011-2018)

1401.7 Conflicting Regulations- Should the requirements set forth in this section be found in conflict with other provisions of these regulations, the more stringent regulations shall apply. Any regulations adopted as a part of a special landscape or urban design plan for particular areas (e.g., road corridor, downtown) shall supersede this ordinance.

(Adopted: 3-26-2018 Ordinance 1011-2018)

1402 WHERE LANDSCAPE MATERIALS REQUIRED - This section describes the minimum requirements that shall be met in regard to interior and perimeter landscaping for vehicular use area, and landscaping for service areas.

1402.1 Perimeter Landscaping Requirements - Unless otherwise provided, landscape materials shall be installed to provide a minimum of fifty (50) percent winter opacity and seventy ((70) percent summer opacity, between one (1) foot above finished grade level to the top of the required planting, hedge, fence, wall or earth mound within four (4) years after installation. The required landscaping shall be provided along the property perimeter in designated landscape buffer areas (LBAs) as shown in the chart referenced as Figure 1 on pages 114-116. The required landscaping shall be provided adjacent to the vehicular use area as shown in the table of Section 1402.11. A Planting Manual and a Plant Materials List shall be maintained by the Planning Commission, and is available in the Staff Office of the Planning Commission to provide more detailed information on the acceptable plant material.

(Adopted: 3-26-2018 Ordinance 1011-2018)

PROPERTY PERIMETER REQUIREMENTS- FIGURE 1

| A. When the following□. | B. adjoins the following... | C. a minimum buffer area | D. Which will contain this material to achieve opacity required |
|--------------------------------|------------------------------------|---|---|
| 1. Any mobile home park | Any other property | 10' adjacent to all common boundaries, including street frontage. | 1 tree 40' of linear boundary, OFT from Group A, B,C of Plant List plus continuous 6' high planting, hedge, fence, wall or earth mound. |

| | | | |
|--|--|--|---|
| 2. Any business or professional office zone | Any residential zone | 15' adjacent to all common boundaries except street frontage | 1 tree 40' of linear boundary, OFT from Group A or B only, plus 1) a double row of 6' high hedge or 2) a 6' fence, wall or earth mound. |
| 3. Any light industrial zone | Any residential, professional office or business zone | 15' adjacent to all common boundaries except street frontage | same as 2D |
| 4. Any heavy industrial zone | Any residential, professional office or business zone | 30' adjacent to all common boundaries except street frontage (may be reduced to 15' where VUA on subject property) | 1 tree 30' OFT, Group A or B, plus continuous 6' high planting, hedge, wall, fence (not to exceed 8' in height at street grade) or earth mound. Such plantings are to be shown on a unified plan for the development. |
| 5. Any double frontage lot (as defined by the Subdivision Regulations) in any zone except A-1, unless the lot is used for vehicle sales facility or a service station. | Any freeway or arterial street not providing direct access to the property | adjoins common 20' for residential zones and 10' for all other zones adjacent to the freeway or arterial | 1 tree 30' OFT, Group A or B, plus continuous 6' high planting, hedge, wall, fence (not to exceed 8' in height at street grade) or earth mound. However, if the front of the building faces the arterial street or higher use street and the service area is not visible the continuous planting, hedge, wall fence or earth mound can be reduced to 3'. Such planting are to be shown on a unified plan for the development. |
| 6. Any zone except agriculture and industrial zones | railroads | Same as 7C adjacent to railroad boundaries | same as 2D |

| | | | |
|--|---|---|--|
| 7. Utility substation, landfills, sewage plants, sewage pump stations or similar. | Any property boundary, including street rights-of-way | 15' adjacent to all boundaries, except only 5' for sewage pump stations measured adjacent to the enclosure. | same as 2D |
| 8. Any R-1, R2, R-3 zones except when developed as buildings for single family or 2 family occupancy | Any single family zone | 10' adjacent to all common boundaries, including street frontage. | 1 tree 40' of linear boundary, OFT from Group A, B, or C of Plant List plus a continuous 6' high planting, hedge, fence wall, or earth mound. |
| 9. Any business, professional office or industrial zone | Any agriculture zone | 15' adjacent to all common boundaries except street frontage. | Same as 1D, except use only Group A or 1) one evergreen tree 15' of linear boundary, OFT, planted 15' o.c; or 2) one tree 20' of linear boundary, OFT, that is a combination of 50% deciduous trees from Group A and 50% small flowering trees or evergreen trees; or 3) one small |
| 10. Any residential, professional office, business, or industrial zone. | Urban Service Boundary | 50' buffer required | flowering tree 15' of linear Same as 1D, except use only Group A |

(Adopted: 3-26-2018 Ordinance 1011-2018)

1402.11 Vehicular Use Area Perimeter Requirements-

1402.11 Vehicular Use Are Perimeter Requirements

| | | | |
|-----------------------|----------------------------|---|---|
| A. When the Following | B. Adjoining the Following | C. A minimum landscape buffer area of this width is required. | D. Which will contain this material, *2 to achieve capacity required. |
|-----------------------|----------------------------|---|---|

| | | | |
|---|--|---|---|
| 1. Any vehicular use area *1 (VUA) on any property | Any property in any zone except industrial (I-1, I-2) downtown business (DB) or agricultural (A-1) | 4' minimum to all trees from edge of paving where vehicular overhang, and 3' (that prohibits any vehicular overhang) for other areas, adjacent to portion of vehicular use area that faces adjacent property. | 1 tree/40' of boundary of vehicular use area OFT, *3 from group A, B, or C. Plus a 3' height continuous planting, hedge, fence, wall, or earth mound, or a 3' decrease in elevation from adjoining property to the vehicular use area. |
| 2. Any vehicular use area in any zone outside the DB zone, except vehicular sales facilities or service system. | Any public or private street right-of-way, access road or service road. | Same as 1C above, except applies to VUA portion facing public or private street right-of-way, access road, or service road. | 1 tree/40' OFT from group A, B, or C plus a 3' average height continuous planting, hedge, fence, wall, or earth mound, or a 3' decrease in elevation from the adjoining property to the vehicular use area |
| 3. Any vehicular sales facility or service stations. | Any public or private street right-of-way, access road, service road, freeway, or arterial street. | Same as 2C above | 1 tree/50' OFT from Group A or B, plus a 18" height continuous planting hedge, fence, wall, or earth mound |
| 4. Any vehicular use area (except loading and unloading areas) in DB zones. | Same as 2B | 4' adjacent to portion of vehicular use area that faces a public or private street right-of-way, access road, or service road. | 3' average height continuous planting, hedge, or wall. |
| 5. Financial institutions with drive-in facilities or night deposits. | Same as 2B | Same as 1C | One tree/40' of boundary OFT from group A or B (deciduous only) with 5' of clear trunk, plus an 18" average height continuous planting, hedge, fence or wall adjoining a public or private right-of-way and a 3' average height planting, hedge, fence, or wall adjacent to all other property. |

*1 A vehicular use area (VUA) is any open or unenclosed area containing more than 1,800 sq. Ft. of area and/or used by five or more, of any type of vehicle, whether moving or at res, including but not limited to, parking lots, loading and unloading areas, mobile home parks, and sales and service areas. Driveways are considered to be vehicular use areas whenever they are adjacent to public streets or other vehicular use elements described by previously in this paragraph (and intervening curbs, sidewalks, landscape strips, etc., do not eliminate adjacency).

*2 Grass or ground cover shall be planted on all portions of the landscape buffer areas not occupied by other landscape material.

*3 OFT means "or fraction thereof."

1402.12 Who Provides Landscape Buffer Area (LBA) - The Landscape buffer area, and material required adjacent to any vehicular use area under Section 1402.11 shall be provided by the property owner, unless the authority building the street has fully met all requirements on the street right-of-way.

When adjacent to other common boundaries, the landscaping landscape buffer area and materials (a) may be placed on either adjoining parcel, or astride the boundary, if both are owned and being processed by the same owner; or (b) generally shall be placed on the activity listed under Column A or 1402.11 when adjoining parcels have different owners; or © may be placed astride the boundary of adjoining parcels having different owners, if a written agreement, signed by both owners, is filed with the Planning Commission as a public record; or (d) shall not be required along the common boundary if the requirements of this article have been fully complied with on the adjoining property, in fulfillment of the requirements of this ordinance.

(Adopted: 3-26-2018 Ordinance 1011-2018)

- 1402.13 Requirement Conflicts - Whenever a parcel or activity falls under two or more of the landscape requirements listed in the table of Section 1402.11 the most stringent requirements will be enforced.
- 1402.14 Landscaping In Easements - The required landscape buffer area may be combined with a utility or other easements as long as all of the landscape requirements can be fully met, otherwise, the landscape buffer area shall be provided in addition to, and separate from, any easement. Trees to be planted in utility easements containing overhead lines shall be only those specified in the Plant List. Cares or other objects shall not overhang or otherwise intrude upon the required landscape buffer area more than two and one-half feet (2 ½'), and wheel stops or curbs will be required.
- 1402.15 Trees Within Right-of-Way - Trees required as a part of the vehicular use area perimeter landscaping may be placed on the right-of-way adjoining such vehicular use area when approved by the Planning Commission and the Tree Board. Such Trees shall be in addition to any street trees required by the Subdivision Regulations. Written permission from the authority having jurisdiction over the right-of-way shall be submitted by the property owner or developer prior to approval of a landscape plan which utilizes the right-of-way. The Planning commission shall permit the required trees to be located in the right-of-way only if there is sufficient area for such trees as well as any required street trees to grow to maturity.
- 1402.16 Existing Landscape Material - Existing landscape material which is proposed to be used to fulfill landscape requirements shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the Planning Commission, such materials meet the requirements and achieves the objectives of this article. Existing healthy trees from Group "A" or "B" of the Plant List may be substituted for trees required for vehicular use area perimeter landscaping, or for interior landscaping by using the following criteria: a 6" to 12" caliper tree surrounded by a minimum of 150 square

feet of landscape are may be substituted for two (2) new trees of the required minimum size; a 12" to 24" caliper tree surrounded by a minimum of 250 square feet of landscape area may be substituted for three (3) new trees of the required size; a 24" or greater caliper tree surrounded by a minimum of 300 square feet of landscape area may be substituted for four (4) new trees of the required minimum size.

1402.17 Landscaping at Driveway & Street Intersections - To assure that landscape materials do not constitute a driving hazard, a "site triangle" will be observed at all street intersections or intersections of driveways with streets as required by Section 810 herein.

1402.18 Joint Driveways and Common Vehicular Use Areas - Vehicular use area screening shall not be required between a vehicular use area and the adjoining property where a property line divides a driveway used for common access to two (2) or more properties nor when both of the following conditions exist; a) the vehicular use areas are for the required parking for the properties or the common use of the properties (as substantiated by a reciprocal parking and access agreement); b) a final development plan for the properties has been approved by the Planning Commission.

1403 INTERIOR LANDSCAPING FOR VEHICULAR USE AREAS - Any open vehicular use area (excluding loading, unloading, and storage areas in an Industrial Zone I-1 or I-2) containing 6,000 or more square feet of area, or twenty or more vehicular parking spaces, shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping shall be peninsular or island types. Where a vehicular use area is altered or expanded to increase the size to 6,000 or more square feet of area, or twenty or more vehicular use area shall be provided and not merely to the extent of its alteration or expansion.

1403.1 Landscape Area - For each 100 square feet, or fraction thereof, of vehicular use area, five (5) square feet of landscaped area shall be provided.

1403.11 Minimum Area - The minimum landscape area permitted shall be sixty-four (64) square feet, with a four (4) feet minimum dimension to all trees from edge of pavement where vehicles overhang.

1403.12 Maximum Contiguous Area - In order to encourage the required landscape area shall be larger than three hundred and fifty (350) square feet in vehicular use area under thirty thousand (30,000) square feet in size, and no required area shall be larger than fifteen hundred (1,500) square feet in vehicular use area over thirty thousand (30,000) square feet. In both cases, the least dimension of any required area shall be four (4) feet minimum dimension to all trees from edge of pavement where vehicles overhang. The maximum distance between landscape areas shall be one hundred and twenty (120) feet measured from the closest curb

edge of each required interior area. Landscape areas larger than above are permitted as long as the additional area is in excess of the required minimum.

1403.13 Minimum Trees - A minimum of one (1) tree shall be required for each two hundred and fifty (250) square feet or fraction thereof of required landscape area. Trees shall have a clear trunk of at least five (5) feet above the ground. The remaining area shall be landscaped with shrubs, or ground cover, not to exceed two (2) feet in height.

1403.14 Vehicle Overhang - Parked vehicles may hang over the interior landscaped area no more than two and a half (2 ½) feet, as long as concrete or other wheel stops are provided to insure no greater overhang or penetration of the landscaped area.

1404 LANDSCAPING FOR SERVICE STRUCTURES - All service structures shall be fully screened except when located in an R-1A, R-1B, R-1C, R-1D, R-1E, R-1F, R-2, R-1T, R-3T, I-1, and I-2 zone or when located more than thirty-five (35) feet above the established grade. Service structures in the I-1 or I-2 zone shall be fully screened when located within one hundred (100) feet of any zone except I-1 or I-2. For the purpose of this Article, service structures shall include propane tanks, dumpsters, air conditioning units and condensers, electrical transformers, and other equipment or elements providing service to a building or a site.

1404.1 Location of Screening - A Continuous planting, hedge, fence, wall, or earth mound shall enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one (1) side is required. The average height of the screening material shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed eight (8) feet in height. Whenever a service structure is located next to a building wall, or vehicular use area landscaping material, such walls or screening material may fulfill the screening requirement for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. Whenever service structures are screened by plant required interior landscaping. No interior landscaping shall be required within an area screened for service structures.

1404.12 Protection of Screening Material - Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regularly occurring basis; a fixed barrier to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The barrier shall be at least eighteen (18) inches from the material and shall be of sufficient strength to prevent possible damage to the screening when the container is moved or emptied. The minimum front opening of the screening material shall be twelve (12) feet to allow service vehicles access to the container.

1404.13 Screening of Outdoor Storage Areas - All outdoor storage areas in industrial zones shall be screened by a solid wall or fence not less than six (6) feet in height. (Adopted: 3-26-2018 Ordinance 1011-2018)

1404.14 Screening Requirements Specific to Dumpsters – Dumpsters in commercial districts shall be enclosed by a minimum 6’ high fence or wall on three sides and an opaque gate on the access side. If no landscaping is provided between the screen and adjacent parking spaces, the abutting parking space shall be a minimum of 11’

wide.

(Adopted: 02-28-2022 Ordinance #066-2022) 1405 LANDSCAPE

MATERIALS - The landscaping materials shall consist of the following, and are described in more detail in the Planting Manual and Plant Materials List available at the Planning Commission.

1405.1 Walls and Fences - Walls shall be constructed of natural stone, brick or artificial materials arranged in a linear, serpentine, or other alignment; while fences shall be constructed of wood. Chain link fencing may not be used to meet the requirements of this Article. Chain link fencing may be installed in the required landscape area only if it is in addition to the required continuous planting, hedge, fence, wall or earth mound. In industrial zones, there shall be no height limitation on walls or fences; in all other zones, however, there shall be six (6) foot height restriction for walls or fences in front yards, and an eight (8) foot height restriction in side and rear yards. All walls or fences shall have a minimum opacity of eighty (80) percent. Walls and fences allowed to meet the requirements of this Article shall not be used for the erection or display of any sign or other advertising device.

1405.2 Earth Mounds - Earth mounds shall be physical barriers which block or screen the view similar to a hedge, fence, or wall. Mounds shall be constructed with proper and adequate plant material to prevent erosion. A difference in elevation between areas requiring screening does not constitute an earth mound.

1405.3 Plants - All plant materials shall be living plants (artificial plants are prohibited) and shall meet the following requirements:

1405.31 Quality - Plant materials used in conformance with the provisions of this Ordinance shall conform to the Standards of the American Association of Nurserymen and shall have passed any inspection required under State regulations. Bare root plants, with the exception of shrubs and hedges, vines and ground covers shall be prohibited.

1405.32 Deciduous Trees - (Trees that normally shed their leaves in the Fall) - Shall be species having an average mature crown spread of greater than fifteen (15) feet in Jessamine County and having trunk(s) which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements. Trees having an average mature spread of crown less than

fifteen (15) feet may be substituted by grouping of the same so as to create the equivalent of a fifteen (15) foot crown spread. A minimum of ten (10) feet overall height or a minimum caliper (trunk diameter, measured six (6) inches above ground for trees up to four (4) inches caliper) of at least 1 3/4 inches immediately after planting shall be required. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than fifteen (15) feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior container dimensions shall be five (5) feet square and five (5) feet deep and for which the construction requirements shall be four (4) inches thick, reinforced concrete.

1405.33 Evergreen Trees - Evergreen trees shall be a minimum of five (5) feet high with a minimum caliper of one and one-half (1 ½) inches immediately after planting.

1405.34 Shrubs and Hedges - Shall be at least twelve (12) inches for Section 1402.11 lines 3 and 5 and at least two (2) feet for all other lines of Section 1402.11. After approval by the Planning Commission and with the exception of the eighteen (18) inch plants, shrubs and hedges may be pruned to one-half (½) the height, and other requirements within four (4) years after the date of the final approval of each planting or replanting. Privet, Ligustrum species cannot meet the opacity requirements and may not be used to satisfy the requirements of this Article. The height of the planting shall be measured from the level of the surface of the vehicular use area at the edge closest to the screening.

1405.35 Vines - Shall be at least twelve (12) inches or fifteen (15) inches high at planting, and are generally used in conjunction with walls or fences.

1405.36 Grass or Ground Cover - Grass of the fescus (Gramineak) or Bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns in Jessamine County, and may be sodded, plugged, sprigged, or seeded, except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pest or diseases. Ground cover such as organic material shall be planted not more than fifteen (15) inches on center and in such manner as to present a finished appearance and have seventy-five (75) percent of complete coverage after two complete growing seasons. In certain cases, ground cover also may consist of rocks, pebbles, sand and similar approved materials.

1405.4 Maintenance and Installation - All landscaping materials shall be installed in a sound, workmanship like manner, and according to accepted, good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris, at all times. All unhealthy or dead

plant material shall be replaced within one (1) year, or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three (3) months. Topping trees or the severe cutting of limbs to stubs larger than three (3) inches in diameter within the tree crown to such a degree as to remove the normal canopy shall not be considered proper or permitted for the maintenance of trees as required by this Article. Violation of these installation and maintenance provisions shall be grounds for the Planning Commission to refuse a building occupancy permit, require replacement of landscaping material or institute legal proceedings to enforce the provisions of this Article.

1406 PLAN SUBMISSION AND APPROVAL - Whenever any property is affected by these landscape requirements, the property owner or developer shall prepare a landscape plan for submittal to, and approval by, the Planning Commission. In addition to the hard copy requirements, a copy of the plans in a digital .pdf format shall be submitted. Standard transfer media will be accepted on CD-R, CD-RW, DVD-R, and DVD-RW discs, or USB Flash Drive. Media will not be returned. The requirements of this Article shall be followed in approving or disapproving any landscape plan required by this Article. Landscape plans also may be submitted as part of any development plan required by the Planning Commission.

(Adopted: 10-24-2016 Ordinance 960-2016)

Plan Content - The contents of the plan shall include the following: (a) plot plan, drawn to an easily readable scale, showing and labeling by name and dimensions, all existing and proposed property lines, easements, buildings, and other structures, vehicular use areas (including parking stalls, driveways, service areas, square footage, etc.) water outlets and landscaping material (including botanical name and common name, installation size, on center planting dimensions where applicable, and quantities for all plants used); (b) existing and proposed contours at two (2) foot intervals; © typical elevations and/or cross sections as may be required; (d) title block with the pertinent names and addresses (property owner, person drawing plan, and person installing landscape material), scale, date, north arrow (generally orient plan so that north is to top of plan), and zone.

1406.1 Building Permit and Certificate of Occupancy - Where landscaping is required, no building permit shall be issued until the required landscaping plan has been submitted and approved, and no Certificate of Occupancy shall be issued until the landscaping is completed as certified by an on-site inspection by the Planning Commission or unless an irrevocable Letter of Credit from a banking institution, has been posted if the landscaping has not been completed. The amount of the Letter of Credit shall be based upon the cost of the proper installation of the uninstalled landscape material shown in the submitted plan with the cost certified by a landscape contractor. The amount of the Letter of Credit shall also include an inflation factor and/or administrative contingency cost of twenty-five (25) percent of the base cost as determined by the Planning Commission to complete the work in the event of the foreclosure of the Letter of Credit.

If the required landscaping has not been completed and temporary Certificate of Occupancy is issued under Section 330 of this Ordinance, a Letter of Credit from a banking institution shall be posted at that time.

1406.2 Posting of an Irrevocable Letter of Credit - After an irrevocable letter of credit has been posted, the landscaping material required in the approved landscaping plan shall be installed within six (6) months after the date of posting the irrevocable letter of credit. A one (1) month extension of the planting period may be granted by the Planning Commission upon a demonstration by the property owner or developer that such an extension is warranted because of adverse weather conditions or unavailability of required plant materials. No more than three (3) such one (1) month extensions may be granted. Foreclosure proceedings shall be brought against the irrevocable letter of credit if the required landscaping plans have not been complied with by the end of the approved planting period.

1407 PLANTING MANUAL AND PLANT MATERIALS LIST - Developers shall refer to the Planting Manual and Plant Materials List which are available at the offices of the Planning Commission for minimal requirements to use to meet the provisions of this Article. Any materials which are not on the Plant Materials List shall be considered on an individual basis to determine the suitability of the specific plant in the proposed location. A Plant not on the Plant Material List shall be permitted only upon the expressed approval of the Planning Commission.

1408 VARIANCES - Any landscape plan submitted to, and disapproved by the Planning Commission because it does not meet the requirements of this Article, may be appealed within thirty (30) days of such action to the Board of Adjustment.

1408.1 Enforcement - The requirements of this ordinance will be administered by the Planning Commission and their staff. It shall be unlawful to occupy any premises unless the required landscaping has been installed or bonded in accordance with the final subdivision plat or development plan.

(Adopted: 3-26-2018 Ordinance 1011-2018) 1408.2 Violations - In cases where the property owner or developer fails to install required landscaping, or where the property owner/tenant fails to properly maintain

required landscaping, the Planning Director or staff shall notify the responsible party of such violation and order correction of the same. If necessary, the Planning Commission Attorney, City Attorney, or any other appropriate authority shall institute appropriate action in court to eliminate violation.

(Adopted: 3-26-2018 Ordinance 1011-2018)

ARTICLE 15
DEVELOPMENT PLANS

1500 INTENT AND PURPOSE - The purpose of this Article is to establish and define development plans. This Article outlines the content and procedure for submission, review, and approval of development plans required by the Zoning Ordinance and Subdivision Regulations unless another procedure or different contents are specified elsewhere in this Zoning Ordinance.

1510 APPROVAL OF DEVELOPMENT PLAN - For any case where a development plan is required by this Zoning Ordinance, no building permits shall be issued until a final development plan is approved by the Planning Commission. The approval of a development plan shall limit and control the issuance of all building and occupancy permits, and restrict the construction, location and use of all land and structures to the conditions as set forth in the plan.

1520 WHERE REQUIRED - Applications for amendment to the Official Zoning Map shall include a development plan in accordance with this regulation. The development plan is intended to demonstrate to the Planning Commission the character and objectives of the proposed development in adequate detail for the Planning Commission to evaluate its compliance with these regulations and its compatibility with the surrounding area.

1521 PREAPPLICATION CONFERENCE – Unless waived by the Planning Director a preapplication conference shall be held prior to submitting a final development plan application, and is intended to provide the initial contact between the prospective developer (property owner, developer, engineer) and the Planning & Zoning Department. At this meeting the Department learns of the imminent plans for the development of the subject tract of land and can initiate contacts with other governmental departments to determine the potential need for acquiring land and providing services. The developer is briefed on zoning and development regulations, procedures to be followed for processing the application. It shall be the responsibility of the developer requesting action to be present (in person or by agent) at the scheduled conference. This conference will not be advertised by staff but can be attended by the public.

(Adopted: 02-28-2022 Ordinance #066-2022)

1530 DEVELOPMENT PLAN PROCEDURES - The following shall be the procedure for the Planning Commission's consideration of any development plan.

1530.1 Filing- An application shall be submitted to the Planning Commission for a development plan. The developer shall file a completed application form, five (5)

copies of the plans, a digital copy of the plans in .pdf format, and filing fee as required by the Planning Commission's adopted Building Permit and Planning and Zoning Fee Schedule. The Planning Commission shall make copies of the plan available to all other concerned parties at the developer's expense.

(Adopted: 07-23-18 Ordinance 1024-2018)

(Adopted: 10-24-2016 Ordinance 961-2016)

1530.2 Development Plan Form - There is both a conceptual development plan and a final development plan, defined as follows:

1530.21 Conceptual Development Plan - Potential zone map amendment applicants have the option of submitting a conceptual development plan prior to the time of the rezoning application, with a final and more detailed development plan submitted for Planning Commission consideration at the time of the Zone Map Amendment request. A conceptual development plan is a site plan by which, at the early stages of development design, the Planning Commission may view major aspects of the development without requiring an undue amount of final design work on the part of the developer. The conceptual development plan is less detailed and specific than a final development plan in terms of exact arrangement of buildings, parking acres, open spaces, access points, and any other site design features. No building permits can be issued based upon a conceptual development plan.

1530.22 Final Development Plan - A development plan that is submitted with a Zone Map Amendment application and from which a building permit will be sought. A final development plan is intended to deal with site design issues at a detailed level and to actually dictate the approved locations of building, parking area, open spaces, access points, and any other site design features. A public hearing on the zone map amendment shall not be held until the final development plan has been submitted to the Planning Commission for action.

1530.23 Commission Action - All conceptual development plans shall be reviewed by the Planning Commission within ninety (90) days of the date they are formally filed with the Planning Commission, unless the applicant agrees to a longer time period. There is no formal action taken by the Planning Commission on Conceptual development plans, they are for discussion only. However, in the case of a final development plan filed in conjunction with a zone map amendment request, the Planning Commission shall either approve or disapprove the development plan in accordance with Section 1350.1 PLANNING COMMISSION and shall make findings of fact to support their decision. If the final development plan is approved, the Minutes of the Planning Commission shall specify that the development plan approval is void unless the appropriate legislative body approves the zoning map amendment. Once approved by the Planning Commission and the zoning map amendment is subsequently approved by the legislative body, a final development plan must be resubmitted to the Planning Commission and approved before construction can begin.

The Planning Commission will act for approval, conditional approval with conditions noted, postponement, or disapproval. The Planning Commission may modify or disapprove the final development plan if it finds the plan does not comply with the requirements of the Zoning Ordinance, and when applicable, the Subdivision Regulations or if it finds there are existing or potential substantial flood, drainage, traffic, topographic or other similar problems relating to the development of the subject property. Reasons for action of postponement or disapproval shall be fully incorporated in the Commission's minutes. The following actions by the Planning Commission shall have the meaning so stated:

1530.231 Approval - Means the final development plan is ready to be certified by the Commission Chairperson with no further corrections or revisions of the plan required by the developer.

1530.232 Conditional Approval - Means the final development plan cannot be certified by the Commission Chairperson until the developer has complied with the conditions of approval set forth in the Planning Commission's action on the plan.

1530.233 Postponement - Means that the Commission has deferred action until some future Commission meeting in order that certain clarification can be made in regard to the final development plan. No completely new re-submittal is required of the developer as is the case for disapproval.

1530.234 Disapproval - Means disapproval of the plan. To request new review and action, the developer must file a new application along with a filing fee, and plan copies as required under Section 1530.1 Filing.

1530.3 Certification of Approval - Within ninety (90) days of the Planning Commission's approval, the following steps shall be completed, or else the Planning Commission's approval becomes null and void: 1) the developer shall fully comply with any conditions of approval placed on the final development plan by the Planning Commission; 2) the development plan shall be certified by the Planning Commission Chairperson, if it is in conformance with all requirements. Five (5) copies of the certified development plan shall be submitted to the Planning Commission at the Developer's expense.

(Adopted: 07-23-18 Ordinance 1024-2018)

1530.4 Timing Restrictions - The developer shall be required to obtain building permits for all structures shown on a final development plan (except for detached single family and duplex zones) within five (5) years of the date of Planning Commission action on the development plan, otherwise, no further building permits shall be issued unless and until the plan is reapproved by the Planning Commission. The developer must file a new application along with a filing fee, and plan copies as required under Section 1530.1 Filing.

1540 CONTENT AND FORMAT OF DEVELOPMENT PLANS - Plans shall be legible and of a size and scale (generally not smaller than 1' = 100') which will enable clear presentation of required information. Digital submissions in .pdf format will be accepted on CD-R, CD-RW, DVD-R, and DVD-RW discs, or USB Flash Drive. Media will not be returned. Required plan information shall be as follows:

(Adopted: 07-23-18 Ordinance 1024-2018)
(Adopted: 10-24-2016 Ordinance 962-2016)

1540.1 Contents of Conceptual Development Plan - A conceptual development plan shall contain the following information in generalized graphic and written representation at a minimum:

- (1) A title block containing the plan name, development plan type, name and address of developer and plan preparer; and written and graphic scale.
- (2) A vicinity sketch, oriented in the same direction as the design scheme, with measurements to existing streets at a scale not smaller than 1" = 2000'.
- (3) The boundary of the subject property, its record plan designation (if available); and the record plan name or owner's name of all adjoining property.
- (4) Zoning classification of the property and adjacent property.
- (5) Existing topography and proposed topographic changes with contour intervals not greater than five (5') feet, or two (2') feet if deemed necessary by the Planning Commission.
- (6) Storm drainage areas, flood plains, sinkholes and other surface depressions, conceptual drainage controls and storm water detention, and any other designated environmentally sensitive or geologic hazard area.
- (7) Proposed and existing easements for utilities other purposes.
- (8) The location and cross-sections of any proposed or existing streets within or abutting the subject property.
- (9) Layout of proposed parcels of land. Dimensions of lot lines, area (square footage) of each proposed or existing lot, lot numbers and building setback lines.
- (10) Approximate size, height (stories), floor areas, location and arrangement and use of proposed or existing lot, lot numbers and building setback lines.

- (11) Location, arrangement, and approximate dimensions of existing and proposed driveways (does not apply to detached single family and duplex zones except for corner lots), walkways, parking areas, and arrangement of spaces, points of ingress and egress, and other vehicular and pedestrian right-of-way.
- (12) Parks, recreational or common open space (if applicable).
- (13) Landscaping as required by this Zoning Ordinance.
- (14) A statistical summary of all pertinent site data indicating the following:
 - a) Total gross area, area in right-of-way, total net area
 - b) Number of lots.
 - c) Building coverage and floor area for each lot.
 - d) Amount of common open space and parks in square feet.
 - e) Parking required and provided.
 - f) Stages of development, if any.
- (15) A note stating that no grading, stripping, excavation, filling or other disturbance of the natural ground cover shall take place prior to approval of an erosion control plan. Such a plan must be submitted in accordance with Article 16.
- (16) A note stating that no building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
- (17) Development Plans submitted for zone map amendments to R-1F shall have a note stating that no buildings with identical front elevation and identical roof lines shall be constructed on adjacent lots which share a common side lot line.
- (18) Exterior wall material for the structure shall be included with the Development Plan.

(Adopted: 07-23-18 Ordinance 1024-2018)

1540.2 Contents of Final Development Plan - All information required for the conceptual development plan as required under Section 1540.1, number 1-17 above; except as follows:

- (1) The development plan information shall be of an exact nature, rather than approximate or general.
- (2) A note stating that prior to any construction taking place, a preliminary plat, if required by the Subdivision Regulations, shall be submitted to, and approved by the Planning Commission.

(3) An Owner's Certification, signed and witnessed as follows: "I (we) do hereby certify that I am (we are) the only owner(s) of the property shown hereon, do fully agree to all graphic and textural representation shown hereon, and do adopt this as my (our) development plan for the property. This certification is binding on heirs, assigns, or successors in title."

(4) A Planning Commission's Certification to be signed by the Commission's Chairperson, if and when the plan is fully approved, as follows: "I do hereby certify that this development plan was approved by the Nicholasville Planning Commission at its meeting held on (date)."

1550 AMENDMENTS TO FINAL DEVELOPMENT PLANS - Amendments to approved final development plans can be made only by Official Planning Commission action in a public hearing. Content and format and procedures shall be as for the original submission. However, amendments which fully meet the requirements set forth hereafter for minor amendments may be approved and certified by the Commission's Chairperson without further action by the Commission.

1550.1 Minor Amendments Defined - Minor amendments are intended to expedite approval in those situations where amendments are of minor significance and generally relate to the shifting of previously approved spaces. Such amendments (1) shall not decrease the overall land area in yards, or other open spaces; (2) shall not increase building ground area coverage, floor area, or height; or increase the number of dwelling units; (3) shall not increase the number or size of signs; (4) shall not change the location or cross section of any street and shall not increase the number, or change the location of street access points; except that shifts in the approved access location not exceeding 25' may be located on an arterial street; (5) may include a reduction in parking spaces only when an associated reduction in floor area or number of dwelling units would permit a lesser number of minimum required off-street parking spaces than required for the original development plan. To qualify as a minor amendment, this reduction may be equal to but not exceed the difference in minimum required parking between the original development plan and the proposed minor amended development plan, that same number of spaces shall be provided in excess of the minimum requirement for the proposed minor amendment plan.

1550.2 Procedures for Minor Amendments - Shall be as follows:

1550.21 Filing - The developer shall file the following material with the Planning Commission: Three (3) prints on bond paper; a digital copy of the plans in .pdf format; and a filing fee in the amount determined by the Planning Commission's adopted Building Permit and Planning and Zoning Fee Schedule.

(Adopted: 07-23-18 Ordinance 1024-2018)
(Adopted: 10-24-2016 Ordinance 963-2016)

1550.22 Review - The Planning Commission shall review the plan for compliance with all applicable requirements and ordinances and others as appropriate to ensure proper plan review. Upon determination that all requirements have been met, the Planning Commission's Chairperson, the developer shall submit fifteen (15) copies to the Planning Commission.

1550.23 Certification - Upon certification of approval by the Planning Commission's Chairperson, the developer shall submit fifteen (15) copies to the Planning Commission.

1550.3 Content and Format of Minor Amendments - Minor amendments shall have the same content and format requirements as the original development plan, except that 1) the title shall indicate the plan is a minor amendment, 2) a note shall be added listing the exact nature of the requested changes and , 3) the following will be required language for the Planning Commission's certification: "I do hereby certify that this development plan amendment complies with the provisions of Section 1550.2 of the Zoning Ordinance."

1560 RELATIONSHIP TO LAND SUBDIVISION REGULATIONS - The relationships between development plans and the Land Subdivision Regulations are established as follows:

1560.1 Applicability of Land Subdivision Regulations - Although development plans are not subdivision plans, quite often the development plan does indicate a need or intent to subdivide property. For any such development plans, the design and improvement standards contained within the Subdivision Regulations shall be applied to proposals contained on the development plan.

1560.2 Preliminary Subdivision Plat May Be Substituted for Development Plans - It is recognized that in certain cases, a preliminary subdivision plat would be as appropriate or more appropriate to be considered in conjunction with the requested zone map amendment rather than a final development plan only. Generally, such situations involve developments where placements of structures will be tightly controlled by the streets, lot pattern, and the requirements for placement of structures within the zone, and where the developer decides to have plans prepared at the required level of detail for a preliminary plat prior to receiving approval for a zoning map amendment. A developer may file a preliminary plat in place of the final development plan, if the zone map amendment request has not been filed in conjunction with an annexation request. If the zone map amendment has been filed in conjunction with an annexation request only a development plan may be filed. If a preliminary plat is submitted it shall be entitled a Preliminary Plat/Final Development Plan.

ARTICLE 16
SOIL EROSION AND SEDIMENT CONTROL

1600 FINDINGS OF FACT - The following findings of fact are made:

1600.1 Losses Resulting from Soil Erosion - During the construction process, soil is highly vulnerable to erosion by wind and water. Within the City of Nicholasville, eroded soil from construction sites contributes to impairment of the floodplain, increased road maintenance costs, clogging of storm sewers, degradation of land surfaces and streams, flooding, and dusty conditions.

1600.2 Causes of Soil Erosion - Significant erosion results from rainfall and runoff over unprotected soils. Erosion is increased by intense rainfalls, long slopes, steep slopes, and lack of adequate vegetative cover. These conditions are in part caused or aggravated by improper clearing, construction, grading, or excavation which results in removal of natural ground cover when appropriate erosion control steps are not taken.

1610 PURPOSE AND OBJECTIVES - The intent of this Article is to:

1610.1 - Safeguard persons, protect property, and prevent damage to the environment in the City of Nicholasville. This Article will promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in the City of Nicholasville.

1610.2 - Provide procedures for submission, review, and approval of Erosion and Sediment Control Plans prior to soil disturbance. The requirements of this Article should be considered minimum requirements, and where any provision of this Article imposes restrictions different from those imposed by any other applicable ordinance, rule, or regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall be considered to take precedence.

1620 SCOPE OF COVERAGE - The following are included within the scope of this Article:

1620.1 - All persons submitting to the Nicholasville Planning Commission major subdivision plats (see Article 3 of the Subdivision Regulations for processing of major subdivision plats) and/or development plans must include a note on the preliminary plat and/or development plan stating that no grading, excavating, stripping, filling or other disturbance of the natural ground cover shall take place prior to approval of an Erosion and Sediment Control Plan. Where critical conditions exist on the subject property, the Planning Commission may require the developer to indicate in the preliminary plan the methods which will be used to comply with the Ordinance. An Erosion and Sediment Control Plan

shall be submitted after a preliminary plan has been approved (or conditionally approved), and shall be considered as a part of the required improvement plan (construction plan) materials.

Adopted: 8-17-

06 1620.2 - All persons doing any grading, stripping, excavating, filling or otherwise disturbing the natural ground cover, must obtain a Grading Permit from the Planning Commission prior to commencing such work, unless exempted under Section 1640.2 of this Ordinance.

(Adopted: 1-22-2018 Ordinance 1001-2018)

1620.3 - Any person disturbing the natural ground cover in an area for which there is an approved Erosion and Sediment Control Plan shall conform to the requirements of such plan without exception. (In a subdivision for which there is an approved Erosion and Sediment Control Plan, a separate additional Grading Permit will not be required for the construction of single-family or duplex residential structures or their accessory structures, see Section 1640.2 of this Ordinance.)

1630 DEFINITIONS

Best Management Practices (BMPs) - Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Certified Contractor - A person who has received training and is licensed by the City of Nicholasville to inspect and maintain erosion and sediment control practices.

Clearing - Any activity that removes the vegetative surface cover.

Drainage Way - Any channel that conveys surface runoff throughout the site.

Erosion - The process by which ground surface is worn away by the action of the wind or water.

Erosion Control - A measure that prevents erosion.

Erosion and Sediment Control Plan (ESCP) - A set of plans prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

Excavation or Cut - Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, or relocated, and will include the conditions resulting therefrom.

Fill - A deposit of soil, rock, or other non-deteriorating material used by man, to replace or supplement the original soil of sub-soil.

Grading - Any stripping, excavating, filling, stockpiling of soil, or any combination thereof, and shall include the land in its excavated or filled condition.

Natural Features - Includes, but is not limited to, existing water courses, soils, vegetation (including grasses, shrubs, legumes, etc.) and tree stands having trees five (5) feet or greater in diameter or fifteen (15) feet or greater in height, whichever is less.

Natural Ground Surface - Any ground surface in its original state before any grading, excavation or filling, and shall be established by the Administrative Officer or his designee when there is any question of its location.

Perimeter Control - A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

Phasing - Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

Sediment - Any solid material, both mineral and organic that is in suspension, is being transported, or has been moved from its site or origin by air, water, or gravity as a product of erosion.

Sediment Control - Measures that prevent eroded sediment from leaving the site.

Site - A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

Slope - Any inclined, exposed surface of a fill, excavation, or natural terrain.

Soil - All earth material of whatever origin that overlies bedrock, and may include the decomposed zone of bedrock, which can be readily excavated by mechanical equipment.

Stabilization - The use of practices that prevent exposed soil from eroding.

Start of Construction - The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Stripping - Any activity which removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations.

Watercourse - Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by the City of Nicholasville.

Waterway - A channel that directs surface runoff to a watercourse or to the public storm drain.

1640 PERMITS

1640.1 - No person shall be granted a Building Permit or Approved Construction Plans for land-disturbing activity without receiving approval of an Erosion and Sediment Control Plan (ESCP) and/or Grading Permit by the City of Nicholasville.

(Adopted: 1-22-2018 Ordinance 1001-2018)

1640.2 Exceptions - No Grading Permit or separate Erosion and Sediment Control Plan shall be required for the following activities: (Each subsection of this section shall constitute a separate independent exception.)

1640.21 - Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

1640.22 - Finished grading and excavation below finished grade:

- 1) For retaining walls.
- 2) For swimming pools.
- 3) For cemeteries for human or animal burial.
- 4) For accessory structures with a building footprint of less than 200 square feet, that are related to single-family or residential structures authorized by a valid building permit; provided the disturbance material or fill is handled in such a manner as to conform to the approved Erosion and Sediment Control Plan for the area, or where no such Erosion and Sediment Control Plan is in effect such work must be done in a manner which presents no significant erosion hazard or nuisance (See Code of Ordinances, City of Nicholasville, Chapter 11 NUISANCE ABATEMENT).

(Adopted: 1-22-18 Ordinance 1001-2018)

1640.23 - An excavation or fill provided it:

- 1) Is less than four (4) feet in vertical depth at its deepest point as measured from the natural ground; and
- 2) Does not result in a total quantity of more than one hundred (100) cubic yards of material being removed from, deposited on, or disturbed on any lot, parcel or subdivision thereof; and
- 3) Does not impair existing surface drainage, constitute a potential erosion hazard, or act as a source of sedimentation to any adjacent land or water course; and

- 4) Shall be free of standing water, putrefying and noxious vapors and odors; and
- 5) Has no final slopes steeper than one (1) foot vertical to three (3) feet horizontal; and
- 6) Has proper vegetative cover re-established as soon as possible on all disturbed areas.

1640.24 - Accepted agricultural land management practices such as plowing, cultivation, construction of agricultural structures, nursery operations such as the removal and/or transplanting of cultivated sod, shrubs, and trees, tree cuttings at or above existing ground level, and logging operations leaving the stump, ground cover and root mat intact.

1640.25 - Grading, as a maintenance measure, or for landscaping purposes on existing developed lots or parcels, provided:

- 1) The aggregate area(s) affected, or stripped at any one time does not exceed 4,000 square feet, and is not within a natural or designated floodplain

(Adopted: 1-22-2018 Ordinance 1001-2018)

1640.26 - Installation of sewer service lateral lines, water service lateral lines, telephone lines, electricity lines, gas lines, or other public service facilities.

1640.3 - Each application shall bear the name(s) and address(es) of the owner(s) or developer(s) of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by a filing fee.

1640.4 - Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Erosion and Sediment Control Plan and that a certified contractor shall be on site on all days when construction or grading activity takes place.

1650 REVIEW AND APPROVAL

1650.1 - All Erosion and Sediment Control Plans shall be filed with the Planning Commission for review. In addition to the hard copy requirements, a copy of the plans in a digital .pdf format shall be submitted. Standard transfer media will be accepted on CD-R, CD-RW, DVD-R, and DVD-RW discs, or USB Flash Drive. Media will not be returned.

The Administrative Officer or his designee will review each application for a Grading Permit to determine its conformance with the provisions of this regulation. Within 30 days after receiving an application, the Administrative Officer or his designee shall, in writing:

- 1) Approve the permit application; or
- 2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
- 3) Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.

(Adopted: 10-24-2016 Ordinance 964-2016)

1650.2 Requests for Approval of Erosion and Sediment Control Plans Associated with a Major Subdivision Plat and/or Development Plan - All Erosion and Sediment Control Plans must be certified by a licensed professional engineer or landscape architect if submitted in association with a major subdivision plat and/or development plan. The Erosion and Sediment Control Plans shall be reviewed by the Administrative Officer or his designee which shall approve, conditionally approve, or disapprove the Erosion and Sediment Control Plan incorporated in the major subdivision plat and/or development plan under the standards set by this Article. In the event that the Administrative Officer or his designee fails to take some action writing thirty (30) days of receipt of a properly submitted Erosion and Sediment Control Plan, or in the event that an applicant wishes to have a decision of the

Administrative Officer or his designee reviewed, such plan shall be forwarded to the Planning Commission for review at their next regularly scheduled meeting. Upon completion of the work required under an approved Erosion and Sediment Control Plan, the Administrative Officer or his designee shall certify on such plan that the work has been completed.

(Adopted: 1-22-2018 Ordinance 1001-2018)

1650.3 Requests for Approval of Erosion and Sediment Control Plans Not Associated with a Major Subdivision Plat and/or Development Plan - All Erosion and Sediment Control Plans not associated with a major subdivision plat and/or development plan shall be filed with Grading and Building Permit applications for Planning Commission review. The owner or his contractor shall install all Erosion Control and BMP measures and call for an inspection. After the site has been inspected and Erosion Control measures verified, the Grading and Building Permits shall be issued, conditionally issued, or denied by the Administrative Officer or his designee within 30 days of a properly installed/controlled site and properly submitted applications. Review of the decision of the Administrative Officer or his designee is available through the Board of Adjustment under the provision of Article 4.

(Adopted: 1-22-2018 Ordinance 1001-2018)

1650.4 - Every Approved Erosion and Sediment Control Plan or Grading Permit shall expire six (6) months from the issuance of the Grading Permit or Approval of the Erosion and Sediment Control Plan unless work has been commenced in accordance with the plan. If work is not completed within the terms of the permit, or work is not commenced within six (6) months after issuance, the permit holder may, prior to the expiration of the permit or plan, request in writing an extension. The Administrative Officer or his designee may extend the deadlines contained in the plan or permit respectively upon a showing by the applicant:

- 1) That there is a sufficient justification for the delay; and
- 2) That the delay will not create a new erosion hazard or permit on existing one to continue; and
- 3) That a new completion date has been set.

Appeal from the decision of the Administrative Officer or his designee is available through the Board of Adjustment under the provisions of Article 4.

1650.5 - Failure of the Administrative Officer or his designee to act on an original or revised application within thirty (30) days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the Administrative Officer or his designee. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the City of Nicholasville.

1660 EROSION AND SEDIMENT CONTROL PLAN - For purposes of obtaining a Grading Permit or for coordination with a major subdivision plan and/or development plan, an Erosion and Sediment Control Plan containing the following information and conforming to the City of Nicholasville BMP Manual must be submitted. This information must be supplied for the entire tract of land whether or not the property will be developed in stages. If the development occurs in stages the Erosion and Sediment Control Plan shall be approved as a whole; however, after construction has begun on the initial stage of the development, the Planning Commission Staff must inspect the site prior to any other stage of construction. Approval for any subsequent stage of construction will be granted only if the erosion and sediment control measures for the preceding stage(s) are in conformance with the Erosion and Sediment Control Plan.

1660.1 - The Erosion and Sediment Control Plan shall include and conform to the following (as applicable to the proposed construction):

- 1) The plan shall be drawn to a scale no smaller than 1"=100' indicating the site locations as well as the adjacent properties, and location and identification of any structure, soils, forest cover, or any natural feature on the land adjacent to the site and within 250' which has a significant impact on drainage or siltation controls.
- 2) Property boundary bearings and distances for the site on which the work is to be performed.
- 3) A sequence of construction of the development site, including stripping and clearing, rough grading, final grading, and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
- 4) Existing and proposed topography at contour intervals not exceeding five (5) feet.
- 5) Proposed slopes of all embankments.
- 6) Location and identification of all site features (either man-made or natural) which have a significant impact on drainage or siltation controls. Location and identification of any proposed additional structures or development on the site, except single-family and two-family residential structures and their accessory structures in a subdivision.
- 7) Plans and specifications for all drainage provisions, retaining walls, cribbing, planting, erosion and sediment control devices including seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures, and other protective devices (whether temporary or permanent) to be constructed in connection with, or as a part of the proposed work.
- 8) Plans for removal, recontouring, or other final disposition of sediment basins or other structural improvements or devices included in the plan.
- 9) If a sedimentation basin is required, it should be designed by a registered professional engineer, shall conform to the requirements of the BMP Manual, and shall include a map showing the drainage area of land tributary to the site and a statement explaining the amount of estimated runoff used to determine the design characteristics of any drainage device. Upstream drainage must be considered and explained if any adverse effect is possible.
- 10) All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of

development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.

- 11) Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.

(Adopted: 1-22-2018 Ordinance 1001-2018)

1660.2 Modifications - Modifications to the plan shall be processed and approved or disapproved in the same manner as Section 1650 of this Ordinance, may be authorized by the Administrative Officer or his designee by written authorization to the permittee, and shall include:

- 1) Major amendments of the Erosion and Sediment Control Plan submitted to the Planning Commission; or
- 2) Field modifications of a minor nature.

1670 DESIGN REQUIREMENTS - Upon consideration of the factors listed above and for the purposes of this Ordinance, conditions may be attached to the approval of Erosion and Sediment Control Plans. It is intended that these conditions be added to a plan for certain areas or problems to provide two basic results: (1) that during project construction, off-site and onsite siltation and erosion be minimized; and (2) that after project completion, the total Erosion and Sediment Control Plan will be effective so as to preclude all significant on-site erosion. Among such conditions (by way of example), without limitation because of specific enumeration, are:

- 1670.1 - Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of Best Management Practices (BMP) Manual, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the Administrative Officer or his designee. Cut and fill slopes shall be no greater than 2:1, except as approved by the Administrative Officer or his designee to meet other community or environmental objectives.
- 1670.2 - Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other chapters of this Ordinance. Clearing techniques that retain natural vegetation and drainage patterns, as described in the BMP Manual shall be used to the satisfaction of the City of Nicholasville.
- 1670.3 - Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
- 1670.4 - Phasing shall be required on all sites disturbing greater than 30 acres, with the size of each phase to be established at plan review and as approved by the Administrative Officer or his designee.

1670.5 - Erosion control requirements shall adhere to the criteria in the BMP Manual and shall include the following:

- 1) Soil stabilization shall be completed within five (5) days of clearing or inactivity in construction.
- 2) If seeding or another vegetative erosion control method is used, it shall become established within two (2) weeks or the site may be required to be reseeded or a nonvegetative option employed.
- 3) Special techniques that meet the design criteria outlined in the BMP Manual shall be used to ensure stabilization on steep slopes or in drainage ways.
- 4) Soil stockpiles must be stabilized or covered at the end of each workday.
- 5) The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
- 6) Techniques shall be employed to prevent the blowing of dust or sediment from the site.
- 7) Techniques that divert upland runoff past disturbed slopes shall be employed.

1670.6 - Sediment control requirements shall adhere to the criteria in the BMP Manual and shall include the following:

- 1) Settling basins, sediment traps, or tanks and perimeter controls.
- 2) Settling basins that are designed in a manner that allows adaptation to provide long term storm water management, if required.
- 3) Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.
- 4) Rock bags or other devices shall be used to keep sediment from washing into curb inlets. Do not completely block the curb opening. Silt fence or other devices should be used to keep sediment out of surface inlets.
- 5) The contractor shall inspect the sediment controls each working day and make repairs as needed. Sediment shall be removed from behind silt fences and other sediment barriers when serviceable capacity is reduced by one third.

- 6) The contractor shall clean sediment and other related construction materials off the street on a daily basis to prevent it from becoming muddy, slick, or hazardous.

1670.7 - Waterway and watercourse protection requirements shall adhere to the criteria in the BMP Manual and shall include the following:

- 1) A temporary stream crossing installed and approved by the Kentucky Division of Water if a wet watercourse will be crossed regularly during construction.
- 2) Stabilization of the watercourse channel before, during, and after any in-channel work.
- 3) All on-site storm water conveyance channels designed according to the criteria outlined in BMP Manual.
- 4) Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels.
- 5) The contractor shall not move or fill in a floodplain, detention or retention pond, channel or stream.

1670.8 - Construction site access requirements shall adhere to the criteria in the BMP Manual and shall include the following:

- 1) A temporary access road provided at all sites.
- 2) Other measures required to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains.

1670.9 - Each day, all scrap building materials and litter that could be carried away by wind or water must be hauled off-site or placed in an on-site dumpster. This includes food packages, cans, bottles, paper, and scrap building materials such as wood, drywall, shingles etc.

1680 INSPECTION

1680.1 - The Administrative Officer or his designee or designated agent shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Erosion and Sediment Control Plan as approved. Plans for grading, stripping, excavating, and filling work bearing the signature of approval of the Administrative Officer or his designee shall be maintained at the site during the progress of the work. To obtain inspections, the permittee

shall notify the Administrative Officer or his designee at least two (2) working days before the following:

- 1) Installation of sediment and erosion measures.
- 2) Completion of site clearing.
- 3) Completion of rough grading.
- 4) Completion of final grading.
- 5) Close of the construction season.
- 6) Completion of final landscaping.

(Adopted: 1-22-2018 Ordinance 1001-2018)

1680.2 - The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion and Sediment Control Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and submitted to the Administrative Officer or his designee at the time interval specified in the approved permit.

1680.3 - The Administrative Officer or his designee shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under Section 1680.2.

1690 SURETY

1690.1 - The Administrative Officer or his designee shall ascertain the cost of compliance with the approved Erosion and Sediment Control Plan and shall include this amount in computing the total of the surety if such is required to be posted under Section 343 of the Subdivision Regulations. The surety shall cover all costs of improvements, landscaping, maintenance of improvements for such period as specified, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

(Adopted: 06-20-2013 Ordinance #882-2013)

1691 ENFORCEMENT

1691.1 Stop Work Order or Revocation of Permit - In the event of failure to complete work or failure to comply with all the requirements, conditions, and terms of the permit or plan, the Administrative Officer or his designee may order the stoppage of work which in his opinion contributes to or creates any adverse effect on the health,

welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, or which is not in compliance with the intent of this Ordinance; he may order such work as in his opinion, is necessary to eliminate any dangerous conditions, to leave the site in a safe condition, and to achieve compliance with the intent of this Ordinance; he may refuse to issue any additional building permits; and/or he may order work authorized by the plan or permit to be completed to a safe condition. The permittee shall continue to be firmly bound under the continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the City of Nicholasville in causing the work to be done. In case there is no surety posted (see Section 1690) the City of Nicholasville shall put a lien on the property to cover necessary costs of complying with the Ordinance where (1) the permittee fails to complete the work or comply, and the final plan has not been recorded, or (2) where the Erosion and Sediment Control Plan has been approved in association with a development plan, and the work outlined in an approved Erosion and Sediment Control Plan has not been completed to the satisfaction of the Administrative Officer of his designee.

(Adopted: 06-20-2013 Ordinance #883-2013)

1691.2 Violations and Penalties

1691.21 - No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this Ordinance. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor of the first degree and each day during which any violation of any of the provisions of this Ordinance is committed, continued, or permitted, shall constitute a separate offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this Ordinance shall be required to bear the expense of such restoration.

1691.22 - All violations shall be corrected within a time period as specified by written notice issued by the Administrative Officer or his designee, but in no case shall such period be less than twenty-four (24) hours. The time period determination shall be at the discretion of the Administrative Officer or his designee and dependent upon weather and soil conditions, and the type and scope of off-site damages being induced by the violation(s), but in no case shall the time period impose unrealistic requirements under prevailing weather and working site soil conditions. If the violation is not corrected as specified in the written notice, the Administrative Officer or his designee may issue and order to the violator to cease all work, he may refuse to issue any additional building permits; and/or he may initiate corrective action by work forces under his direct control, with the cost of such work being recoverable from the violator. The Administrative Officer or his designee may initiate prosecution in District Court or may refer the violation to the City Attorney who may initiate civil compliance procedures. Any

recoverable cost of corrective action shall be in addition to fines imposed under penalty provisions of this Ordinance.

1691.23 - Any person, firm, or corporation who violates, neglects, omits, or refuses to comply with any provision of this Ordinance, or any permit or exceptions granted hereunder, or any lawful requirement of the Administrative Officer of his designee shall be fined in accordance with Section 360 of the Zoning Ordinance. Each day that a violation is maintained shall be deemed a separate offense. The time of violation shall be measured from the time written notice to correct is given to the permittee. The imposition of any penalty shall not exempt the offender from compliance with the provisions of this Ordinance.

1692 SEPARABILITY - The provisions and sections of this Ordinance shall be deemed to be separable, and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

(Adopted: 8-17-06 Ordinance #604-2006)

ARTICLE 17 CEMETERIES

1700 INTENT - The intent of this section is to establish guidelines for developing land with cemeteries, and the general upkeep and security of inactive and private family cemeteries. Nothing in this ordinance shall exempt a property owner, developer or the Planning Commission from applicable Kentucky Revised Statutes (KRS) and Kentucky Administrative Regulations (KAR). A parcel of land on which an inactive and private family cemetery is located may be used as allowed by the site's zoning classification and other applicable regulations provided the grave sites are not disturbed in accordance with these provisions. Relocation or removal of grave sites shall be allowed only under applicable Kentucky Revised Statutes (KRS) and Kentucky Administrative Regulations (KAR).

1710 Preservation: Ownership of Cemetery on Tract Proposed for Development - In preserving a cemetery, while at the same time developing a parcel, an applicant shall follow one (1) of the following options:

1710.1 - Transfer the existing cemetery as part of a buildable lot. Ownership and maintenance of the cemetery would be left to the individual lot owner.

1710.2 - Make the existing cemetery a separate non-buildable lot. Ownership and maintenance of the cemetery would be assigned by written agreement with either the original owner of the cemetery, subdivision Homeowners Association, a local legislative unit, or an historical organization.

1710.3 - In both of the above options, the property owner(s) and/or developer shall comply with Section 1720 (a)-(g).

1720 Preservation and Maintenance - These requirements shall be followed if a property owner(s) and/or developer wishes to preserve an existing cemetery, while developing their property. The regulations outlined below apply only to private inactive family cemeteries and not to active cemeteries where grave sites are clearly identified by Planning Commission Staff. Any waiver of these regulations must be requested from the Planning Commission. If a private cemetery exists on a parcel of land and the exact location of grave sites is not able to be determined, or a cemetery is discovered during construction, the property owner(s) and/or developer is required to follow the procedures and guidelines stated in Section 1730.

1720.1 - Cemetery boundaries shall be established by the property owner(s) and/or developer and submitted to the Planning Commission for approval. Request for approval shall include evidence of location such as fences, walls, gravestones, natural features or recorded documents. If sufficient evidence for location of cemetery boundary does not exist, then the Planning Commission may require the property owner(s) and/or developer to have a professional archeologist view the site and make a determination as to the boundaries and potential number of grave sites.

1720.11 - No new structure or building addition shall be built within 10 feet of an existing private family cemetery regardless of adjoining property lines or land ownership. This 10-foot limitation is also required regardless of whether the cemetery is part of a building lot or is conveyed as a separate lot. The 10-foot limitation shall be in the form of an exclusive cemetery easement.

1720.12 - No grading, excavating, paving or land disturbance shall be allowed within ten (10) feet of a cemetery.

1720.2 - The property owner(s) and/or developer shall replace any existing cemetery fences or walls. Stone or masonry fences shall be replaced with the same type material. Existing cemetery fences or walls shall be repaired or replaced at the time of development and prior to the issuance of a Certificate of Occupancy as specified by Section 330.

1720.3 - The property owner(s) and/or developer shall be required to construct a new fence if one does not exist at the time of establishment of the cemetery boundary. Fence material shall fit with the character of the proposed development. The following materials are acceptable: Stone, Brick, Ornamental Iron, pressure treated wood (picket or plank constructed) with a quality of workmanship and material the guarantees a life expectancy of 20 years.

1720.4 - At the time of construction of a new fence, dead or decaying trees and heavy underbrush shall be removed from the cemetery by the property owner(s) and/or developer. Remaining trees shall be pruned to a height to create a clear vertical view of 8 feet. Ground cover shall also be established at this time.

1720.5 - A statement by the property owner(s) and/or developer shall be made regarding cemetery ownership and maintenance.

1720.6 - A Certificate of Land Use Restriction, Cemetery Easement and a Deed of Restriction shall be recorded in the Jessamine County Clerk's office acknowledging the location, size, ownership and maintenance of a cemetery.

1720.7 - Public or controlled access shall be provided by the property owner to the existing cemetery with a minimum twelve (12) foot wide recorded ingress/egress pedestrian Cemetery Access Easement accessible from an adjoining public or private street. The recording of the Cemetery Access Easement shall follow the same guidelines specified in Subsection 1720.6.

1730 Cemetery Preservation, Relocation and Discovery Procedures - In order to assist property owner(s) and/or developers in their cemetery preservation or relocation work, the following procedures and guidelines shall be followed. These procedures or guidelines are to be followed by each property owner(s) and/or developers and shall be enforced by the Administrative Officer, or his designee. The procedures are based upon either cemetery preservation or relocation plans.

1730.1 - Preservation of Existing Cemetery: If a property owner desires to preserve an existing cemetery while developing his or her own property, then the property owner shall state his or her intent to the Planning Commission in writing and follow the lot and maintenance requirements as stated in these Regulations.

1730.2 - Relocation of an Existing cemetery: If a property owner desires to relocate an existing cemetery then the property owner shall state his or her intent to the Planning Commission in writing and follow the requirements for relocation per Kentucky Revised Statutes (KRS) and Kentucky Administrative Regulations (KAR). Copies of all required state and local applications and permits during the relocation procedure shall be submitted to the Planning Commission.

1730.3 - Discovery of an Unknown Cemetery: If a property owner(s) and /or developer unintentionally discovers a cemetery during construction, which was previously unknown, all work in the immediate area shall cease immediately. The property owner(s) and/ or developer shall be responsible to report this disclosure to the Planning Commission. As a result, the following steps should be taken:

1730.31 - First, the property owner(s) and/or developer has the option of stating in writing to the Planning Commission whether he or she will preserve the cemetery in accordance with these and state regulations or relocate the cemetery in accordance with state law. Either option will result in a submittal to the Planning Commission of a revised development plan and/or building permit to be reviewed and approved by the Planning Commission. Planning Commission staff shall be available to advise the

property owner(s) and/or developer of the benefits of cemetery preservation versus relocation.

1730.32 - Second, if a property owner(s) and/or developer decides not to report the presence of a cemetery that is previously unknown and attempts to conceal any evidence that a cemetery ever existed and discovery of this fact is presented to the Planning Commission, the Planning Commission shall notify the property owner(s) and/or developer in writing to stop construction work in the area surrounding the cemetery. At the next regularly scheduled Planning Commission Meeting, the property owner(s) and/or developer must be present to discuss the matter and offer a solution. This solution shall include the following:

1730.321 - The boundaries of the cemetery shall be identified by a professional (Kentucky Registered) archaeologist at the expense of the property owner(s) and/or developer;

1730.322 - The cemetery fence (if it exists) shall be repaired, replaced or reconditioned at the property owner(s) and/or developer's expense. The cemetery's condition shall be returned to its natural state and maintained per Section 1720 and ownership shall be established per Section 1710;

1730.323 - Inspection of the cemetery preservation work shall be done periodically by the Planning Commission Administrative Officer or his designee to insure that the work is completed in a reasonable amount of time.

(Adopted 09-20-2001 Ordinance #386-2001)

ARTICLE 18 HISTORIC PRESERVATION

1800 INTENT

1800.1 PURPOSE - In order to promote the economic and general welfare of the people of the City of Nicholasville and of the general public, and to ensure the complementary, orderly and efficient growth and development of the City of Nicholasville, it is deemed essential by the Nicholasville City Commission that the qualities relating to the history of the city, and a harmonious outward appearance of structures which preserve property values and attract tourists and residents alike, be preserved. It is the finding of the Nicholasville City Commission that the individual nature and character of this city cannot be properly maintained or enhanced unless its distinctive historic districts, neighborhoods and structures are preserved.

1800.2 POLICIES - The Nicholasville City Commission hereby declares, as a matter of public policy, that the preservation, protection, perpetuation and use of historic districts; neighborhoods; and structures having a special, unique, or distinctive

character or a special historic or architectural value; and which serve as visible reminders of the history and heritage of this city, county, state or nation, are public necessities. The protection of these is required in the interest of the economic wellbeing, prosperity, health, safety and general welfare of the people.

1800.3 GOALS - The goal of this Article is to effect the purpose and policy, as set forth in the above findings, and specifically, but not exclusively, to:

1800.31 - Give such designations and to enact such regulations as are needed to protect against destruction, degradation, or encroachment upon historic districts; neighborhoods and structures; having a special, unique or distinctive character or a special historic or architectural value and which serve as visible reminders of the history and heritage of this city, county, state or nation;

1800.32 - Encourage the use of existing buildings through adaptive rehabilitation so as to enhance the diversity and interest of the city; however, such encouragement shall not imply a particular zoning designation;

1800.33 - Encourage construction which will lead to continuation, conservation and improvement in a manner appropriate to the preservation of the city's history and heritage as is embodied and reflected in such historic districts and neighborhoods;

1800.34 - Promote and strengthen the economy of the city by maintaining tourist attractions which serve as stimuli to business and industry;

1800.35 - Assure that continued new structures and alterations to existing structures within historic districts and neighborhoods, will be in keeping with the visual and aesthetic character to be preserved so as to stabilize and improve property values;

1800.36 - Foster civic pride in the value of accomplishments of the past;

1800.37 - Promote the educational, cultural, economic and general welfare of the people; and

1800.38 - Meet requirements in order to qualify the City of Nicholasville to be a Certified Local Government under the National Historic Preservation Act.

1801 APPLICATION OF REGULATIONS - The historic classifications and regulations hereunder shall be established in addition to the zone classifications and regulations as shown on the zoning map for the subject areas. These regulations are intended to preserve

and protect historic or architecturally worthy historic districts, neighborhoods and structures. The use, dimensions and other requirements for said zones, as provided in the Zoning Ordinance, shall apply. Where there are conflicts between the procedures and regulations within the Zoning Ordinance, the more restrictive shall apply.

1802 DEFINITIONS - As used in this Article, the following terms shall mean:

1802.1 CERTIFIED LOCAL GOVERNMENT - A government meeting the requirements of the National Historic Preservation Amendments Act of 1980 (P.L. 96-515) and the implementing regulations of the U.S. Department of the Interior and the Kentucky Heritage Council.

1802.2 CERTIFICATE OF APPROPRIATENESS - A document which certifies the findings of the Nicholasville Historic Preservation Commission that the work proposed by the applicant is appropriate in a zone protected by an H-1 overlay. The Certificate shall also delineate any conditions imposed by the Nicholasville Historic Preservation Commission in approving the request. In order to grant a Certificate, the Nicholasville Historic

Preservation Commission shall consider all circumstances related to the proposal, and may grant the Certificate if it finds that the proposed changes are consistent with the Design Guidelines adopted by the Nicholasville Historic Preservation Commission and the Nicholasville City Commission.

1802.3 DEMOLITION - Any act in a zone protected by an H-1 overlay that destroys, in whole or in part, a landmark or a building or structure, or which results in the moving of any building or structure.

1802.4 DESIGN GUIDELINES - Design guidelines and criteria adopted by the Nicholasville Historic Preservation Commission and the Nicholasville City Commission.

1802.5 EXTERIOR CHANGE - Rehabilitation or replacement which is not ordinary maintenance and repair. New construction of any building element, addition, building or structure is an exterior change. Demolition or relocation of any building element, addition, building or structure is an exterior change.

1802.6 HISTORIC COMMISSION - Nicholasville Historic Preservation Commission.

1802.7 HISTORIC DISTRICT - A neighborhood, building or structure meeting one or more of the following criteria and designated by the Nicholasville City Commission as a zone protected by an H-1 overlay:

1802.71 - It has value as a part of the cultural heritage of the city, county, state or nation;

1802.72 - Its location is a site of a significant local, state or national event;

1802.73 - It is identified with a person or persons or famous entity who significantly contributed to the development of the city, county, state or nation;

1802.74 - It is identified as the work of a master builder, designer, or architect whose individual work has influenced the development of the city, county, state or nation;

1802.75 - It has value as a building that is recognized for the quality of its architecture and that retains sufficient element showing its architectural significance;

1802.76 - It has distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials;

1802.77 - It has character as a geographically definable area possessing a significant concentration of buildings or structures united by past events or by its plan or physical development;

1802.78 - It has character as an established and geographically definable residential neighborhood or business district, united by culture, architectural style or physical plan and development.

1802.8 ORDINARY MAINTENANCE AND REPAIR - The correction of minor deterioration to building elements and structures when changes are made with the same materials with the same size, shape, configuration, style, texture and material color. Ordinary maintenance and repair includes the following activities:

1802.81 - repairing small amounts of existing building materials and elements when repairs are made with materials of the same size, shape, style, configuration, texture and material color;

1802.82 - Painting a structure or material that is already painted;

1802.83 - Caulking and weather stripping windows and doors;

1802.84 - Installing house numbers, mailboxes and porch light fixtures;

1802.85- Reroofing.

1802.9 - PLANNING COMMISSION - Nicholasville Planning Commission.

1803 NICHOLASVILLE HISTORIC PRESERVATION COMMISSION

1803.1 ESTABLISHMENT - The Nicholasville Historic Preservation Commission was created by Ordinance # 366-2001.

1804 DESIGNATION OF ZONES PROTECTED BY H-1 OVERLAYS

1804.1 PURPOSE - To further the goals and purposes of this Article and the preservation, protection, perpetuation and use of historic districts, the Nicholasville City Commission shall have the authority to designate historic districts as zones protected by an H-1 overlay. The Historic Commission shall have the power and authority to make recommendations for the establishment of zones protected by an H-1 overlay.

1804.2 PROCEDURE - The procedure for application and designation are as follows herein:

1804.21 APPLICATION - An application for the establishment of a historic district may be filed only by the Nicholasville City Commission, the Planning Commission, the owner of the subject property or by a person with written authorization of the owner. Said application shall be filed with the Planning Commission.

1804.22 PLANNING COMMISSION PUBLIC HEARING - The Planning Commission shall consider the application for the establishment of a historic district at a public hearing in accordance with Article 13 herein. Before considering the establishment of a historic district, the Planning Commission shall review and consider studies, reports and/or other information prepared by the Historic Commission. After voting on whether the application for the establishment of a historic district should be approved or disapproved, the Planning Commission shall forward its recommendation, with its reasons in writing, to the Nicholasville City Commission.

1804.23 ACTION BY NICHOLASVILLE CITY COMMISSION - The Nicholasville City Commission shall, as in the case of any map amendment request, act upon the application for the establishment of a historic district after it has received the written recommendation thereon from the Planning Commission. It shall take a majority of the entire Nicholasville City Commission to override the recommendation of the Planning Commission.

1805 CERTIFICATES OF APPROPRIATENESS- A Certificate of Appropriateness shall be required before a person may undertake any exterior changes on a property or structure within a zone protected by an H-1 overlay. Ordinary maintenance may be undertaken without a Certificate of Appropriateness, provided that the work involves repairs to existing features of a building or the replacement of elements of a building with identical pieces, and provided that the work does not change the exterior appearance of the building.

1805.1 WHERE REQUIRED - A Certificate of Appropriateness shall be required prior to the initiation of any new construction on, any exterior change to, relocation of, or the demolition of all, or any part of, any building, structure on any premises in a

zone protected by an H-1 overlay. In no case shall a Certificate of Appropriateness be required to change the paint color of a previously painted surface.

1805.2 CERTIFICATES OF APPROPRIATENESS FOR EXTERIOR CHANGE - The Planning Commission shall issue no permit for any part of a structure within a zone protected by an H-1 overlay, unless and until a Certificate of Appropriateness, when required, has been approved by the Historic Commission.

1805.3 EFFECT OF CERTIFICATE OF APPROPRIATENESS - Upon approval of the Certificate of Appropriateness, the Historic Commission shall forward a copy of the Certificate to the applicant and to the Planning Commission which shall issue a permit, when required, in accord with the Certificate of Appropriateness, provided it meets all other requirements of law. The Planning Commission shall enforce all provisions of the Certificate, including any conditions thereof, and shall inspect the property at regular intervals to insure strict compliance. The Building Inspector who inspects the site shall be governed by the design guidelines adopted by the Historic Commission and shall receive technical assistance from the Historic Commission. The property owner shall obtain permits, when required, and commence work on all work authorized by the Certificate of Appropriateness within one (1) year from the issuance of the Certificate.

1805.4 - FAILURE OF HISTORIC COMMISSION TO ACT - Upon failure of the Historic Commission to take final action upon any application within sixty (60) days after the completed application has been filed, and unless a mutual written agreement between the Historic Commission and the applicant has been made for an extension of time, the application shall be deemed to be approved; and a Certificate of Appropriateness shall be issued to the applicant, and a copy of said Certificate transmitted to the Planning Commission.

1806 APPEALS - Any person or entity claiming to be injured or aggrieved by any decision of the Historic Commission to approve or deny any request for a Certificate of Appropriateness may appeal such decision to the Planning Commission within thirty (30) days of the Historic Commissions action. Such appeal shall be in writing and shall fully state the grounds upon which the appeal is sought. Upon receipt of the appeal, the Secretary to the Planning Commission shall notify the Historic Commission, who shall promptly transmit the entire record of the Historic Commission, including tapes and transcripts, if any. In addition, within five (5) days of the filing of the appeal, the Secretary to the Planning Commission shall, by certified mail, notify the applicant of the appeal, if the applicant is not the appellant. The Planning Commission shall then hold a de novo hearing on the appeal and render a decision within ninety (90) days of the date of filing the appeal.

1806.1 PROCEDURE FOR THE DE NOVO PUBLIC HEARING

1806.11 - NOTICE - All parties to the appeal, including the Historic Commission, shall be notified of the time, place and reason for the public hearing by first-class letter at least fourteen (14) days in advance. In addition, notice of the

appeal shall be given by one publication in the newspaper of highest circulation in Jessamine County, Kentucky, not earlier than twenty-one (21) days, nor later than seven (7) days before the public hearing.

1806.12 - ACTION BY THE PLANNING COMMISSION - After notice, as required above, the Commission shall conduct a public hearing and vote to approve or deny the appeal. At the hearing, the Planning Commission shall allow its staff, Historic Commission members, the appellant, protestors, and other interested citizens to testify and rebut the evidence presented, provided that the Chairman shall have the power to limit repetitive testimony and exclude irrelevant testimony and evidence. In its deliberations, the Planning Commission shall give due consideration to the decision of the Historic Commission and the findings and conclusions reflected in the Historic Commissions record and shall apply the design guidelines adopted by the Historic Commission.

1806.13 - APPEAL TO THE JESSAMINE CIRCUIT COURT - Any person or entity claiming to be injured or aggrieved by any order of the Planning Commission to affirm, modify or set aside the Certificate of Appropriateness and/or final decision of the Historic Commission may appeal from the Planning Commission's action to the Jessamine Circuit Court within thirty (30) days of that order in the manner as established in KRS 100.347. All orders of the Planning Commission which have not been appealed within thirty (30) days shall become final; however, there shall be no stay of any action on the subject property until such time as an appeal has been filed with the Jessamine Circuit Court.

1806.14 - CONSIDERATION BY THE HISTORIC COMMISSION OF PREVIOUSLY DENIED APPEALS - In the event the appeal of an applicant is denied by the Planning Commission, the building, or any portion thereof which was the subject of the applicant's application, shall not be included in a subsequent application to the Historic Commission for a Certificate of Appropriateness and/or final decision until the expiration of one (1) year from the date of the order of the Planning Commission. However, before the expiration of one (1) year, the Historic Commission may allow the filing of an Application for a Certificate of Appropriateness and/or final decision if the Historic Commission finds that there are new facts or conditions not considered previously, or that there has been a change in the guidelines adopted by the Historic Commission, which has substantially altered the character of the request. In such cases, after the evidence is presented by the applicant, the Historic Commission shall vote to approve or deny such a request for a new hearing. The Historic Commissions reconsideration of the application shall take into consideration the new evidence presented. The Historic Commissions decision need not be restricted to the new evidence. If the new evidence is withdrawn at any time during the reconsideration by the applicant, the Historic Commission shall have no authority to reconsider the application.

1807 COMPLIANCE WITH OTHER CODES, AND REGULATIONS - In order to prevent purposeful neglect of structures within zones protected by H-1 overlays, all properties shall comply with the Kentucky Building Code, adopted Property Maintenance Code, as well as all other applicable codes, statutes, and regulations.

(Adopted: 12-29-2012 Ordinance #856-2012)