

FINAL DRAFT  
ZONING ORDINANCE  
for  
PINEVILLE, KENTUCKY

Final Draft Recommended for Adoption  
by the Pineville Planning Commission on:

\_\_\_\_\_ (Date) 09-20-90

~~09-06-90~~ 09-06-90  
Publication Date

\_\_\_\_\_  
Effective Date

Adopted by:

Pineville City Council

First Reading:

Second Reading:

## PREAMBLE

An ordinance of Pineville, Kentucky, enacting zoning regulations in accordance with the provisions of KRS 100, dividing the City of Pineville 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 on the public right-of-way; providing for the compatibility of different land uses with the most appropriate use of land, providing for the administration of this ordinance; defining the powers and duties of the administrative officer as provided herein, and prescribing penalties for the violation of the provisions of 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 ordered and ordained by:

City Council of Pineville

As evidenced by the signature's of the Mayor of the City of Pineville and Clerk of the Council with attachments being the actual ordinance totaling (7) unnumbered pages and (90) numbered pages this 15th day of October, 1990.

Mayor, Scott Madon

## PREAMBLE

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Therefore, be it ordered and ordained by:

City Council of Pineville

TITLE: Zoning Ordinance for Pineville

SUBJECT: Zoning Ordinance

DATE: \_\_\_\_\_, 1990

LOCAL PLANNING AGENCY: Pineville Planning Commission

SOURCE OF COPIES: City Hall of the City of Pineville

NUMBER OF PAGES: 90

PURPOSE: The purpose of these regulations is to promote the public health, safety and the general welfare; to prevent the overcrowding of land and the wasteful scattering of population; to avoid undue concentration of the population; to protect and guide development of rural areas; to insure adequate provisions for transportation, water supply, sewerage disposal, schools, parks, open space, natural areas and other public requirements, to encourage the most appropriate use of land and structures throughout the county and its cities; to guide and accomplish a coordinated, adjusted, and harmonious development of all areas of the county and its cities; and to aid in the implementation of the Comprehensive Plan.

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ARTICLE I  
TITLE, INTERPRETATION, AND ENACTMENT

100 Title

This Ordinance shall be known and referred to as the "Zoning Ordinance for the City of Pineville, Kentucky." It may be cited as the "City Zoning Ordinance."

The map referred to herein are entitled the "Zoning Map for the City of Pineville, Kentucky." It may be cited as the "City Zoning Map."

Certified copies of this ordinance and this map are on file with the Pineville City Clerk's Office.

110 Authority

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

120

The zoning regulations and districts set forth herein have been made in accordance with the 1990 Pineville Comprehensive Plan Update for the purpose of promoting public health, safety, morals and convenience, order, prosperity, and general welfare of the citizens of Pineville, Kentucky. They have been designed to lessen congestion in the street, to secure safety from fire, flood, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage control, schools, parks, and other public requirements. They have been made with reasonable consideration of, among other things, as to the character of each district and its particular suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the City of Pineville.

130 Jurisdiction

This Ordinance shall apply to all lands within the corporate limits of the City of Pineville.

140 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements,

adopted for the promotion of the public health, safety, morals and general welfare. Whenever the requirements of this ordinance differ from the requirements of any other lawfully adopted rules, regulations, resolutions, or ordinances the most restrictive, or that imposing higher standards, shall govern.

150 Separability Clause

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

160 Conflicting Resolution and Ordinances

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

170 Effective Date

This ordinance shall take effect and be in force immediately after its adoption, the public welfare demanding it.

180 Continuity

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

ARTICLE II  
TERMS AND DEFINITIONS

Unless the context otherwise requires, the following definitions shall be used in the interpretation of this Ordinance. The words which are defined are those having special or limited meanings in this Ordinance. Words with self-evident meanings are not defined here. Words used in the present tense include the future; words used in the singular include the plural and the plural include the singular; the word "shall" is mandatory; the word "may" is permissive; the word "should" is preferred; the word "building" includes the word "structure"; the "lot" includes the words "plot" and "parcel"; the word "person" includes a firm or corporation as well as an individual; and the word "submission" indicates a complete filing as called for by the Ordinance. These definitions shall be first used in the interpretation of any words or phrases used in this Ordinance. Any words or phrases not defined in this Ordinance shall be given the definition provided in KRS Chapter 100 or KRS Chapter 219. Words neither defined in this Ordinance nor in KRS 100 and KRS 219 shall be given their ordinary meaning and usage.

1. Accessory Use or Structure

Any use or structure subordinate to the principal use or structure located on the same lot serving a purpose customarily incidental to the use of the principal structure or the land use.

2. Administrative Official

The Administrative Official is that individual who shall be appointed by the legislative body of the City of Pineville, Kentucky administer this Ordinance. This officer may be known as the Building Inspector, Codes Enforcement Officer, Codes Administrator, Zoning Administrator or various other titles descriptive of his work.

3. Alley

Any public or private way less than twenty (20) feet in width affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

4. Alteration

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

5. Apartment

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

6. Agricultural Use

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

7. Approving Authority

The Pineville Planning Commission unless a different agency is specifically designated by ordinance.

8. Automotive Repair, Major

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

9. Automotive Repair, Minor

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

10. Automotive Wrecking

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

11. Basement

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

12. Billboard

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

13. Board

The Board of Adjustment for Pineville, Kentucky.

14. Boarding or Lodging House

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

15. Building

Any structure constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto; and including tents, lunch wagons, dining cars, trailers, mobile homes, billboards, signs, and similar structures whether stationary or movable.

16. Building, Accessory

A detached building, the use of which is incidental to that of a principal building on the same lot.

17. Building, Height of

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

18. Building, Principal

A building, including covered porches, carports, and attached garages in which is conducted the principal use of the lot on which it is situated. In any residential district, only dwellings shall be deemed to be the principal building on the lot on which the same is situated.

19. Building Lines

The line beyond which no building or part thereof shall project, except as otherwise provided by this Ordinance.

20. Buildable Lot Area

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

21. Building Permit

A permit issued by the Administrative official authorizing the construction or alteration of a specific building on a specific lot.

22. Certificate of Occupancy

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

23. Clinic

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

24. Commercial Floor Area

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

25. Common Open Space

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

26. Commission, Planning

Planning Commission of Pineville, Kentucky.

27. Comprehensive Plan

A plan prepared to serve as a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate manner within the planning area.

28. Conditional Use

A use which is essential to or would promote the public health, safety and/or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or of adjoining zones, unless restrictions on location, size, extent and character of performance are imposed in addition to those set forth by the zoning regulations.

29. Conditional Use Permit

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

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

30. Consolidation

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

31. Convalescent or Nursing Home

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

32. Court

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

33. Consumer Services

Sale of any service to individual customers for their own personal benefit, enjoyment, or convenience, and for fulfillment of their own personal needs.

34. City Council

Legislative body for the City of Pineville, Kentucky.

35. Coverage

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

36. Development Plan

A presentation in the form of sketches, maps, and drawings of a proposed use and/or structure by the owner of the land which sets forth in detail the intended development (see site plan).

37. Developer

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

38. District

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

39. Dwelling

A building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, boarding or rooming house, hotel, motel, mobile home, or other structures designed for transient use.

40. Dwelling Group

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

41. Dwelling, Multi-Family

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

42. Dwelling, Single-Family

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

43. Dwelling, Two-Family

A building designed to be occupied by two families living



independently of each other.

44. Dwelling Unit

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

45. Easement

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

46. Family

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

47. Filing

Filing with the County Court Clerk of Bell County unless a different county official is designated by ordinance.

48. Final Approval

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

49. Floor Area, Total

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

50. Garage, Private

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

51. Garage, Public

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

52. Governing Body

The chief legislative body of the City of Pineville.

53. Height of Structure

The vertical distance measured from the average finished grade at the front building line to the highest point of a structure.

54. Home Occupation

An occupation or profession carried on within a dwelling by the occupant thereof which is clearly incidental and secondary to the use of the dwelling for residential purposes; provided that no trading in merchandise is carried on and there is no display of merchandise or signs.

55. Hospital or Sanatorium

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

56. Industry, Heavy

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

57. Industry, Light

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

58. Junk Yard

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

manufacturing operations.

59. Kennel, Commercial

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

60. Land Use Plan

Proposals for the most appropriate economic, desirable and feasible patterns for the general location, character, extent and inter-relationship of the manner in which the community should use its public and private land.

61. Loading Space

An off-street space or berth on the same lot with a building or contiguous to a group of buildings and accessory buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street, alley or other appropriate means of access.

62. Lot

A piece, parcel, or plot of land occupied or intended to be occupied by one principal building, or group of such buildings, and accessory buildings, and including such open spaces as required by the Ordinance and having frontage on a public street.

63. Lot Area

The computed area contained within the lot lines.

64. Lot, Corner

A lot abutting and situated at the intersection of two streets.

65. Lot Depth

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

66. Lot, Interior

A lot other than a corner lot.

67. Lot Lines

The property lines bounding a lot.

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

68. Lot, Through

A lot having frontage on two parallel or approximately parallel streets.

69. Lot Width

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

70. Lot of Record

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

71. Manufactured Home

See Article IX for definitions of Type I, II, and III Manufactured Homes.

72. Map

A map of the jurisdiction indicating district boundaries according to this Ordinance.

73. Mobile Home or Trailer

See definitions relating to the three types of manufactured homes, certified mobile homes, and mobile homes/trailers in Article IX.

74. Mobile Home Park or Trailer Park

An area of land upon which two or more occupied mobile homes are placed, either free of charge or for revenue purposes, and which is constructed in compliance with the standards of this ordinance as specified in Article IX.

75. Motel or Motor Hotel

A series of attached, semi-attached or detached sleeping or living units, for the accommodation of automobile transient guests, said units having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants.

76. Municipality

Any incorporated city, borough, town, township, or village.

77. Municipal Authority

The City Council of Pineville, Kentucky.

78. Nonconforming Use or Structure

An activity or a building, sign, structure or a portion thereof which lawfully existed before the adoption or amendment of the zoning ordinance, but which does not conform to all of the regulations contained in the zoning regulation which pertain to the zone in which it is located.

79. Open Space

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

80. Parking Space

A space with a minimum rectangular dimension of not less than nine (9) feet in width and nineteen (19) feet in length for ninety degree parking.

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

82. Planned Unit Development

An area with a specified minimum contiguous acreage of 10 acres to be developed as a single entity according to a plan, containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified in the zoning ordinance.

83. Planned Unit Residential Development

An area with specified minimum contiguous acreage of five (5) acres to be developed as a single entity according to a plan containing one or more residential clusters, which may include appropriate commercial or public or quasi-public uses primarily for the benefit of the residential development.

84. Planning Commission

The Pineville Planning Commission was established pursuant to Chapter 100 of the Kentucky Revised Statutes.

85. \_\_\_\_\_

A map or maps of a subdivision showing lot lines therein.

86. Principal Use of Structure

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

87. Preliminary Approval

The conferral of certain rights pursuant to this act prior to final approval after specific elements of a subdivision plan have been agreed upon by the planning commission.

88. Premises

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

89. Public Open Space

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

90. Residential Cluster

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

91. Residential Unit

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

92. Setback Line

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

93. Site Plan

A development plan of one or more lots on which is shown (1) the existing and proposed topography of the lots, (2) the location of all existing and proposed buildings, drives, parking spaces, means of ingress and egress, drainage facilities, landscaping, structures and signs, lighting, screening devices, and (3) any other information that may be reasonably required in order to make an informed decision.

94. Story

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

95. Street

A public right-of-way which provides a public means of access to abutting property. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

96. Subdivision

The division of a parcel of land into three or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural purposes into lots or parcels of five acres or more and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided.

97. Subdivision Regulations

The regulations governing the subdivision of land within the City of Pineville as adopted by the Pineville Planning Commission.

98. Variance, Dimensional

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

99. Yard

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

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



ARTICLE III  
ADMINISTRATION AND ENFORCEMENT

300 Administrative Official

Provisions of this Ordinance shall be enforced by an Administrative Official, designated by the City to administer said Ordinance. The Administrative Official may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of the Chief of Police in enforcing orders, of the City Attorney in prosecuting violations, and of other officials.

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

The Administrative Official shall keep accurate records in a permanent file for the issuance of building permits, certificates of occupancy, inspections, violations, stop orders, and condemnations. If the Administrative Official finds any provisions of the Ordinance being violated, the person or persons responsible for such violation shall be notified by the Administrative Official through registered mail. Said notification shall order the discontinuation of any illegal use of land, buildings, and/or structures.

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

The Administrative Official shall be required to inform and/or report his actions to the Planning Commission. Said report shall be in writing and issued to the Planning Commission on or before each monthly meeting.

310 Building Permits

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

No building permit or certificate of occupancy shall be required in the following cases:

- a. Recurring maintenance work
- b. Installation of required improvements according to an approved subdivision plat

320 Procedure

- a. **Application:** In applying to the Administrative Official for a building permit, the applicant shall submit a dimensioned sketch or scale plan indicating the shape, size, and height and location of all buildings to be erected, externally altered, or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings, and supply such other information as may be required by the Administrative Official for determining whether the provisions of this ordinance are being observed.
- b. **Issuance:** If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this ordinance, and other ordinances of the City then in force, the Administrative Official shall issue a building permit for such excavation or construction. If a building permit is refused, the Administrative Official shall state such refusal in writing, with the cause, and shall immediately thereupon mail notice of such refusal to the applicant at the address indicated on the application. The Administrative Official shall grant or deny the permit within thirty (30) days from the date the application is submitted.
- c. **Validity:** The issuance of a permit shall, in no case, be construed as waiving any provisions of this ordinance.
- d. **Restraint of Construction Without Permit:** If no building permit has been issued and a builder begins or continues to build, a restraining order may be obtained upon application to the proper court of record. Evidence of the lack of a building permit shall establish a prima facie case for the issuance of the restraining order.
- e. **Duration:** A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the construction or alteration authorized therein. A building permit may be renewed without fee upon review by the Administrative Official before it becomes void.

330 Certificate of Occupancy

No land or buildings or part thereof hereafter erected or altered in its use or structure shall be used until the Administrative Official shall have issued a Certificate of Occupancy stating that such land, building or part thereof and the proposed use thereof, are found to be in conformity with the provisions of this regulation. Within five (5) days after

notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Administrative Official to make a final inspection thereof and to issue a Certificate of Occupancy if the land, building or part thereof and the proposed use thereof, are found to conform with the provisions of this regulation; or, if such certification is refused, to state refusal in writing, with the cause and immediately thereupon to mail notice of such refusal to the applicant at the address indicated in the application.

#### 340 Enforcement by Commission

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

#### 350 Enforcement

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

#### 360 Penalties

Any person who violates any of the provisions of the Zoning Ordinance for which no other penalty is provided, shall upon conviction be fined not less than \$25.00 and not more than \$250.00 for each conviction. Each day of violation shall constitute a separate offense.

Any person, owner or agent involved in the sale or transfer of a lot or parcel and who violates this Ordinance shall, upon conviction, be fined not less than \$100.00 nor more than \$250.00 for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer.

Any corporation which violates any of the provisions of the Zoning Ordinance shall upon conviction be fined not less than \$250.00 or more than \$1000.00 for each conviction. Each day of violation shall constitute a separate offense.

370 Fee Schedule

The Pineville Planning Commission 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 official action of the Planning Commission. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE IV  
BOARD OF ADJUSTMENT

400 Establishment of Board

A Board of Adjustment shall be established in accordance with KRS 100.217 before the City Zoning Ordinance shall be legally enforced. The Board shall consist of five (5) citizen members, not more than one (1) of whom may be a citizen member of the Planning Commission. They shall be appointed by the legislative body of the city. A "citizen member" means any member of the Planning Commission or Board of Adjustment who is not also an elected or appointed official or employee of the City Council. The term of office for members of the Board shall be four years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one, two, three, and four years respectively. Vacancies on the Board shall be filled within sixty days by the legislative body of Pineville. If the legislative body fails to act within that time, the Planning Commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

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

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

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

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

410 Meetings of Board, Quorum, Minutes, Bylaws

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

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

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

420 Other Rights and Powers of Board

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

430 Conditional Use Permits

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

- a. The Board may approve, modify or deny any application for a conditional use permit. If it approves such permit it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the Board's minutes and on the conditional use permit, along with a reference to the specific section in the Zoning Ordinance listing the conditional use under consideration. The Board shall have power to revoke conditional use permits, or variances for noncompliance with the condition thereof. Furthermore, the board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.
- b. Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing and other regulations.
- c. In any case where a conditional use permit has not been exercised within the time limit set by the Board, or within one year, if no specific time limit has been set, such conditional use permit shall not revert to its original designation unless there has been a public hearing. Exercised, as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement has been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed. When construction is not a part of the use, exercised shall mean that the use is in operation in compliance with the conditions as set forth in the permit.
- d. The Administrative Official shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the

conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions which are listed on the conditional use permit, the Administrative Official shall state conditions on the conditional use permit, and copy of the report shall be furnished to the landowner at the same time that it is furnished to the Chairman of the Board. If the Board finds that the facts alleged in the report of the Administrative Official are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board may authorize the Administrative Official to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

- e. Once the Board has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the Administrative Official upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the County Clerk, as required in KRS 100.237. Thereafter said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.
- f. When an application is made for a conditional use permit for land located or abutting any residential zoning district, written notice shall be given at least fourteen days in advance of the public hearing on the application to the applicant, administrative official, mayor and city clerk, and adjacent property owners if required by the Board.

#### 440 Dimensional Variance

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



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

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

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

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

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

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

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

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

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

470 Administrative Review

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

480 Procedure for All Appeals to Board

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

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

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

All appeals shall be taken in the circuit court within thirty days after the action or decision of the Planning Commission or Board of Adjustment and all decisions which have not been appealed within thirty days shall become final. After the appeal is taken the procedure shall be governed by the rules

of civil procedure. When an appeal has been filed, the Clerk of the Circuit Court shall issue a summons to all parties, including the Planning Commission in all cases, and shall cause it to be delivered for service as in any other law action.

ARTICLE V  
NONCONFORMING LOTS, STRUCTURES, AND USES

500 Intent

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

510 Nonconforming Lots of Record

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

520 Nonconforming Uses of Land and Structures

Where, at the time of passage of this ordinance, the lawful use of a building or premises exists which would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as it remains otherwise legal with the following limitations:

- a. A non-conforming use shall not be extended, enlarged or moved to occupy any portion of land or structure except in conformity with this Ordinance.
- b. A non-conforming use shall not be re-established after discontinuation for a period of six months. Vacating of premises or building or non-operative status shall be evidence of a discontinued use.
- c. A non-conforming structure damaged to an extent greater than sixty (60) percent of its fair sales value, as determined by a committee appointed by the Planning Commission, immediately prior to damage shall not be

repaired or reconstructed except in conformity with this ordinance; provided, however, that a nonconforming residential structure may be rebuilt in the same general yard area if such damage is due to fire or natural causes and if rebuilt within 12 months of the date of damage. Manufactured and certified mobile homes are only placed on lots in conformance with Article IX. Restoring to a safe condition of any structure declared to be unsafe by any public official shall not be prohibited by this regulation.

- d. All non-conforming uses shall be changed only to a conforming uses; provided, however, that dimensional variances may be granted.
- e. All nonconforming signs, billboards, junk yards, lumber yards, and similar uses of open land not involving an investment in permanent buildings of fifty percent (50%) or more of the assessed evaluation of the city land on which they stand shall be torn down, altered, or otherwise made to conform within one (1) year of the date of enactment of this ordinance.

#### 530 Nonconforming 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 reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may continue so long as it remains otherwise lawful.

Any proposed addition or substantial remodeling of a nonconforming structure may be granted after public hearing as a dimensional variance by the appropriate Board of Adjustment. The Board must first determine that the proposed addition or substantial remodeling will not facilitate or expand a nonconforming use before such variance can be granted.

#### 540 Ordinary Repair and Maintenance

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

ARTICLE VI  
ESTABLISHMENT OF DISTRICTS

600 General Regulation

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

610 Official Zoning Map

The official City Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk and bear the seal of the City under the following words: "This is to certify that this is the City Zoning Map referred to in Section 620 of the City Zoning Ordinance adopted by the City Council on \_\_\_\_\_, 1990 as part of Ordinance No. \_\_\_\_\_ of the City of Pineville."

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

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

620 Interpretation of District Boundaries

Boundaries of districts established under provisions of this Ordinance are shown on the City Zoning Map on file in the Office of the City Clerk, Pineville, Kentucky.

Boundaries of districts shown on the City Zoning Map shall be interpreted as follows:

- a. Boundaries indicated as approximately following the center lines of streets, highways, alleys or railroad

tracks shall be construed to follow such lines.

- b. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
- c. Boundaries indicated as approximately following city corporation limits shall be construed as following such corporation line.
- d. Boundaries indicated as approximately following the center lines of streams, rivers or other bodies of water shall be construed to follow such center lines.
- e. Boundaries indicated as parallel to or extensions of features indicated in 620(a) through 620(d), above, shall be so construed. Distances shall be determined by the scale of the City Zoning Map unless specifically shown on the map.
- f. All questions not covered by 620(a) through 620(e) concerning the exact location of any district boundary line or portion thereof, shall be determined by the Board of Adjustment.

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

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

### 630 Annexation

In every case when land becomes a part of the City through annexation, such annexed land shall be automatically assigned to the R-1 Zoning District. This zoning district shall remain in effect unless or until the City Council, upon the recommendation of the Planning Commission, enacts a zoning map amendment using the procedures described in this ordinance.

640 Districts Established

The following zoning district classifications are established for the City of Pineville, Kentucky:

- R-1 Residential - Low Dens
- R-2 Residential - Two-family
- R-3 Residential - Multi-family
  
- B 1 Business - Neighborhood
- B 2 Business - Central Business District (Downtown)
- B 3 Business Highway
  
- I-1 Industrial - Light
- I-2 Industrial - Heavy
  
- P-1 Park District

650 Residential Districts

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

651 Low Density Residential District (R-1)

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

1. Principal Permitted Uses

- a. Detached single-family dwellings.



2. Conditionally Permitted Uses

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

- a. Churches, parish houses and other places of worship
- b. Public schools
- c. Public parks, noncommercial recreational areas and other public facilities of a noncommercial nature
- d. Cemeteries
- e. Home occupations including teachers (with musical instruction limited to one (1) pupil at a time); the customary home occupations of handicraft and dressmaking; and day care provided they comply with all state regulations; and provided that any such home occupation shall be conducted exclusively by resident occupants in their place of residence and provided further that not more than one quarter (1/4) of the area of one (1) floor of said residence shall be used for such purpose and that structural alterations or construction involving features not customarily found in dwellings are not required. Any business conducted as a home occupation must be confined to the interior of the principal building with all merchandise kept inside the building. No displays or changes in facade shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a dwelling.

3. Accessory Uses

Accessory uses and buildings may be permitted only as customarily incidental to any of the permitted and conditionally permitted uses listed above.

4. Special Use

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

5. Development Standards

Minimum lot area	10,000 sq.ft.
Min. lot width at the building line	75 feet
Minimum front yard	30 feet
Minimum side yard (each side)	10 feet*
Minimum rear yard	25 feet*
Maximum Building Height	30' or 2 stories**
Signs	See Article XI
Parking	See Article X

\* Unattached one-story buildings of accessory use, unless there is a party wall, shall have the following space to the lot line:

Rear yard	5 feet
Side yard	7 feet

Exceptions to these requirements may be made for a garage on the rear of a lot.

\*\* The height may vary only if the side yards are increased over the minimum requirement by a distance equal to the additional height over thirty (30) feet. In no case shall the height exceed fifty (50) feet.

652 Two-family Residential District (R-2)

The two-family residential district is intended to provide for medium population density. Single-family and two-family dwelling units are the principal uses permitted along with the associated uses referred to in Section 651 as being necessary to provide a balanced and attractive residential area. The purpose of this district is the same as that of the R-1, Low Density Residential District except that two-family, detached, dwelling units are permitted.

1. Principal Permitted Uses

- a. Detached single-family dwellings
- b. Detached two-family dwellings

2. Conditionally Permitted Uses

Any use conditionally permitted in an R-1 residential district and subject to the requirements thereof as provided in Section 651(2).

3. Accessory Uses

Accessory uses and buildings may be permitted as customarily incidental to any of the principal and conditionally permitted uses listed above.

4. Special Use

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

5. Development Standards

Minimum lot area	7,500 sq.ft. for single-family; 10,000 sq.ft. for two-family dwellings
Min. lot width at bldg line	60 feet for one-family; 75 feet for two-family dwellings
Minimum front yard	25 feet
Minimum side yard (each side)	10 feet*
Minimum rear yard	25 feet*
Maximum Building Height	30' or 2 stories**
Signs	See Article XI
Parking	See Article X

\* See note about side and rear yard exceptions in R-1 above.

\*\* See note about height variances in R-1 above.

653 Multi-family Residential District (R-3)

This residential district provides for medium and high population density. The principal use of land may include two-family residential units to multi-family dwellings. Uses are also permitted on a conditional or accessory basis that complement the more intense residential use that is intended in an R-3 district.

1. Principal Permitted Uses

- a. Detached single-family dwellings
- b. Detached two-family dwellings
- c. Multi-family dwellings including town houses, condominiums, rooming and boarding houses and tourist homes

2. Conditionally Permitted Uses

- a. Any use conditionally permitted in an R-1 residential district and subject to the requirements thereof as provided in Section 651(2)
- b. Apartments located above a garage in the rear of a principal building if such building is determined to be in character with the neighborhood and if all minimum yard requirements and parking standards are met

3. Accessory Uses

Accessory uses and buildings may be permitted as customarily incidental to any of the permitted and conditionally permitted uses listed above.

4. Special Use

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

5. Development Standards

Minimum lot area	6,250 sq.ft. for single-family; 6,000 sq.ft. for 1st unit + 2,000 sq.ft. for each add'l unit for multi-family dwellings
Min. lot width at bldg line	40 feet for one-family; 60 feet for two-family; 80 feet for multi-family dwellings
Minimum front yard	20 feet
Minimum side yard (each side)	6 feet*
Minimum rear yard	25 feet*
Maximum Building Height	30' or 2 stories**
Signs	See Article XI
Parking	See Article X

\* See note about side and rear yard exceptions in R-1 above.

\*\* See note about height variances in R-1 above.

Accommodate existing and future business development in such locations and with such regulations so as to provide availability and accessibility for the success of business operations, to encourage the development of new business at appropriate locations and to preserve and protect existing and future development of nonbusiness uses of access points, service roads, parking and loading areas, screening, and other regulations.

661 Neighborhood Business District (B-1)

The purpose of the Neighborhood Business District is to provide retail stores and personal service outlets to meet the need of the people in adjacent or nearby residential areas for convenient services. These districts are closely related to residential districts but they are also commercial areas that generate activities that can be disruptive in residential areas unless they are properly regulated. The intent of these regulations is to make the B-1 districts as compatible as possible with associated residential districts while permitting commercial activity.

1. Principal Permitted Uses

- a. Any use permitted in a residential district
- b. Any convenience-type retail business or service establishment such as follows:

Groceries, self-service laundries, multiple unit apartment building, drug and hardware stores, meat or fruit markets, barber or beauty shops, branch laundry or dry cleaning establishments where no laundering or cleaning is to be done on the premises. Any other retail business or service establishment which is determined by the Board of Adjustment to be of the same general character as the above mentioned uses may be permitted with the issuance of a conditional use permit.

2. Conditionally Permitted Uses

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

- a. Any conditional use as listed in R-1
- b. Offices, studios, and other retail businesses or services determined by the Board of Adjustment to

be of a similar nature as those listed in 661(1)

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

3. Accessory Uses

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

4. Required Conditions

- a. Screening: Where a side lot line is shared with an adjoining residential lot, a well-maintained compact hedge, a solid fence or similar solid screening device at least six (6) feet in height shall be installed by the property owner/developer to screen the business use from the adjoining lot in the residential district. The screen shall begin at the front building line and extend along the common side lot line to the rear property line.
- b. Access to Highways and Streets: In all commercial zones, points of access to highways and streets shall be controlled by the Planning Commission and by Article VIII of this Ordinance. Before any building permit for any structure in a B-1 district may be issued the prospective builder or operator of the proposed B-1 activity shall submit a scale drawing (not less than 100 feet to the inch) of the layout and design of the proposed structure and/or use and its access points to the highway and/or street to the Planning Commission. The Planning Commission may require that when two or more consumer commercial establishments adjoin along one side of any street or highway that they share access points to the street. When more than four consumer commercial establishments adjoin along any highway or street, a road parallel to the highway or street may be built, at the expend of all adjoining consumer commercial establishments to provide service to all consumer commercial establishments on the same side of the street or highway. This road shall have access to the highway or street at no more than two points for every four consumer commercial establishments. The provisions of Article VIII of this Ordinance shall also apply in

a B-1 district. Parking and off-street loading requirements are provided in Article X of this Ordinance.

5. Development Standards

Minimum lot area, lot frontage, front, side, and rear yards	Must conform with the minimum requirements of the most restrictive adjacent residential zone
Maximum Building Height	20' or 2 stories*
Signs	See Article XI
Parking	See Article X

\*Height exceptions as per notes in R-1 above.

672 Central Business District (B-2)

The Central Business District is intended for the purpose of providing for the development of the downtown area such that revitalization might continue to occur. Maximum flexibility is intended to allow for mixed-uses on various floors within a building. This district also demands well planned freedom of movement by pedestrians within the District.

i. Principal Permitted Uses

- a. Any use permitted in a Neighborhood Business District (B-1)
- b. Places of amusement and assembly, offices, hotels, financial institutions, public garages, and minor motor vehicle service
- c. Any retail business or retail service, including the making of articles to be sold at retail on the premises.

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

Animal hospital, coal or lumber yard, livestock or poultry sales, gasoline, oil, or alcohol storage above ground in excess of five hundred (500) gallons, ice plant, pool halls, and any other uses which in the opinion of the Board of Adjustment would be detrimental to the development of the Central Business District as a pedestrian-oriented retail consumer-service district.

2. Conditionally Permitted Uses

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

- a. Any conditional use listed in B-1.
- b. Use of upper floors as residential dwellings by the owner of the business on the lower floors, the owner of the building, or as rental property.

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

3. Accessory Uses

Any accessory use or building customarily incidental to the above permitted uses is permitted.

4. Required Conditions

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

5. Development Standards

Minimum lot area	none
Minimum yard requirements	none
Maximum Building Height	5 stories
Signs	See Article XI
Parking	See Article X

663 General Business District (B-3)

The B-3 District is for the conduct of retail sales and personal business oriented to vehicles and vehicular travel primarily on major streets, roads and arterials. Characteristically, the District is centering about major road intersections and along arterial routes. Travel within the District is mainly by way of private automobile.



1. Principal Permitted Uses

- a. Any uses in the Central Business District (B-2).
- b. New or used car sales, farm implement sales, trailer sales, drive-in theaters, drive-in restaurants, or any other similar uses.

2. Conditionally Permitted Uses

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

- a. Any conditional uses listed in B-2
- b. Roadside stands
- c. Recreational vehicle park
- d. Dwelling units occupying the same building as the principal commercial use and being for use by the Owner and/or operator of the permitted commercial use.

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

3. Accessory Uses

Any accessory use or building customarily incidental to the above permitted uses is permitted.

4. Special Use

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

5. Required Conditions

Same as the required conditions for the B-1 District.

6. Development Standards

Minimum lot area	none
Minimum lot frontage	100 feet
Minimum front yard	25 feet, or one-half of the street right-of-way, whichever is greater
Minimum side yard	if adjacent to residential district, must comply with adjacent district's requirements
Minimum rear yard	same as side yard
Maximum Building Height	36' or 3 stories
Signs	See Article XI
Parking	See Article X

670 Industrial Districts671 Light Industrial District (I-1)

The Light Industrial District is primarily intended for production and assembly plants and industrial operations or services that are conducted in such a manner that noise, odor, dust, glare and vibration produced is essentially contained within the premises.

1. Principal Permitted Uses

- a. Any use permitted in the Central Business District (B-2)
- b. Wholesale; storage; warehouse; animal hospital; veterinary clinic; bakery; bottling works; building material yard; cabinet making; carpenter's shop; clothing manufacture; dairy; dyeing and dry-cleaning works; fruit canning or packing; ice plants; laundry; milk distribution centers; optical goods; paper boxes; pencils; printing; publication or engraving; trucking terminal; flour and grain storage and elevators; car wash; fuel distributing station; repair garage; lumber yard, not including sawmill; moving company and storage facilities; radio and television manufacture; sheet metal shop; tire manufacture, including recapping plants; welding shop; and wood products manufacturing.

In no case shall the following uses be permitted in the I-1 zone:

Coal tipples, coal storage yards, coal processing plants, above-ground storage of petroleum products, oil, or alcohol in excess of one hundred (100) gallons.

2. Conditionally Permitted Uses

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

- a. Any industrial, manufacturing, fabrication, processing or industrial service use which the Board of Adjustment determines would not constitute a fire hazard or emit obnoxious smoke, noise, fumes, odor, dust or vibration beyond the confines of its property may be conditionally permitted.

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

3. Accessory Uses

Any accessory use or building customarily incidental to the above permitted and conditionally permitted uses.

4. Special Uses

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

5. Required Conditions

- a. **Yard:** On lots adjacent to a residential district, all buildings shall be located so as to provide a minimum side yard of fifty (50) feet measured from the lot line or nearest right-of-way (R.O.W.) on the side adjacent to the residential district.
- b. **Loading Docks:** No loading dock shall be constructed fronting on any public street or roadway.
- c. **Storage Facilities:** No materials or supplies shall be stored or permitted to remain on any part of the property outside the buildings constructed thereon without proper screening and adequate distances from adjoining properties.

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

6. Development Standards

Minimum lot area	none
Minimum lot frontage	100 feet
Minimum front yard	40 feet (meas. from the nearest R.O.W.)
Minimum side yard	25 feet minimum; 50 feet if adjacent to residential district
Minimum rear yard	25 feet
Maximum Building Height	36' or 3 stories
Signs	See Article XI
Parking	See Article X

672 Heavy Industrial District (I-2)

The Heavy Industrial District is primarily intended for production and assembly plants and industrial operations or services that by virtue of the external effects of their noise, odor, dust, glare or vibration should be isolated from residential uses. Heavy industries should be located in areas with topographic features suitable for such industries and where adequate utilities and transportation are available.

1. Principal Permitted Uses

- a. Any use permitted in the I-1 Light Industrial District; except that no building, structure, or portion thereof shall be erected, constructed or used for any dwelling use, provided however that a mobile home may be used for a office and/or night watchman's quarters only as related to an industry on the same lot.
- b. Any use not in conflict with any other ordinance of the City of Pineville, except those specified as requiring a conditional use permit below.

\*\* Junk yards, salvage and scrap iron yards and similar uses shall be expressly prohibited in all zones in the city of Pineville.

2. Conditionally Permitted Uses

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

Bag cleaning, boiler and tanker works; coal processing plant or coal storage yard; central mixing for cement, mortar, plaster, or paving materials; forge plant; foundry or metal fabrication plant; gasoline, oil, other petroleum products, or alcohol storage above ground in excess of one hundred (100) gallons; smelting plant; the manufacture of acetylene acid; alcohol or alcoholic beverages; ammonia, bleaching powder; chemicals; brick, pottery, terra cotta, or tile; candles; disinfectants; dye-stuffs; fertilizers; illuminating or heating gas (or storage of the same); linseed oil, paint, oil, turpentine, varnish, soap or tar products; or any other use which in the opinion of the Board of Adjustment would emit detrimental or obnoxious noise, vibrations, smoke, odors, fumes, dust, or other objectionable conditions beyond the confines of its property. The Board shall grant such approval if it determines that the proposed use will not extend its detrimental or obnoxious effects beyond the limits of the Heavy Industrial District in which it is located.

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

3. Accessory Uses

Any accessory use or building customarily incidental to the above permitted and conditionally permitted uses.

4. Special Use

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

5. Required Conditions

- a. Yards: On lots adjacent to a residential district, all buildings shall be located so as to provide a minimum side yard of fifty (50) feet with the provisions noted in the I-1 zone.
- b. Loading Docks: No loading dock shall be constructed fronting on any public street or roadway.

- c. **Storage Facilities:** No materials or supplies shall be stored or permitted to remain on any part of the property outside the buildings constructed thereon without proper screening and adequate distances from adjoining properties.
- d. **Waste Disposal:** No waste material or refuse shall be dumped upon or permitted to remain upon any part of an industrial property outside of buildings constructed thereon. In addition, the property shall not be used by an industry whose primary business requires industrial sewerage, unless the governing municipal body authorizes the use of its sewage disposal facilities or said industry constructs its own sewage disposal plant.

6. Development Standards

Minimum lot area	none
Minimum lot frontage	100 feet
Minimum front yard	50 feet
Minimum side yard	25 feet minimum; 50 feet if adjacent to residential district
Minimum rear yard	25 feet
Maximum Building Height	36' or 3 stories
Signs	See Article XI
Parking	See Article X

680 Park District (P-1)

The purpose of the park district is the protection of the natural resources and environmentally sensitive areas within the city limits of Pineville; the protection of the view from the existing residential, commercial, and recreational development within and around Pineville; the prevention of excessive and unnecessary soil erosion and sedimentation; protection of flood-prone areas not protected by the floodwall; and the provision of recreation areas and activities.

1. Principal Permitted Uses

The principal permitted uses requiring no special approval of the Planning Commission are those related to the passive recreational use of the land, including hiking, fishing, boating, and picnicking.

## 2. Conditionally Permitted Uses

The following uses require development plan review by the Board of Adjustment and special written approval of the Board specifying the development conditions required prior to or coinciding with development. The Board may attach conditions to its approval which it feels are necessary to preserve and protect the character of the district and meet the district's specific purposes. Particularly, erosion control, stormwater management, street and utility plans, and retention of significant trees, vistas, and/or other natural features shall be addressed in the required development plan. The Board may request the assistance of the Planning Commission in the review of these development plans.

- a. Intensive recreational activities including camping, swimming, and/or indoor and outdoor sports facilities.
- b. Utilities and their associated rights-of-way.
- c. Single-family residential development on a minimum of five (5) acre tracts, provided that such development is not in a designated floodplain.

## 4. Expressly Prohibited Uses

The following uses are expressly prohibited in the P-1 zone in the city of Pineville.

- a. Clear-cutting of trees; provided that the selected harvesting of not more than 20% of the trees in a given year through a single tree selection process is permitted. A plan for the removal of trees for right-of-way purposes shall be reviewed by the Board of Adjustment for soil erosion control and stormwater management purposes prior to conditional approval.
- b. Surface mining of any type, including, but not limited to, coal, limestone, sand, and gravel is expressly prohibited within the city limits of Pineville.

ARTICLE VII  
APPLICATION OF REGULATIONS

700 Application of Regulations

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

710 Special Provisions for Agricultural Areas

KRS 100 provides that land which is used solely for agricultural, farming, dairying, stock raising or similar purposes, shall have no regulations imposed as to building permits, height, yard, location or court requirements for agricultural buildings except that:

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

720 Coordination with Subdivision Regulations

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

730 Certificate of Land Use Restrictions

Whenever a legislative body approves a zoning map amendment, whenever the Planning Commission approves a development plan or subdivision plat and whenever the Board of Adjustments approves a variance or conditional use permit, a Certificate of Land Use Restriction as detailed below shall be filed with the county clerk.



CERTIFICATE OF LAND USE RESTRICTION

1. Name and address of property owner(s)

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

2. Address of Property

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

3. Name of subdivision or development (If applicable)

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

4. Type of Restriction(s)

(Check all that apply)

- \_\_\_\_\_ Zoning Map Amendment to \_\_\_\_\_ Zone
- \_\_\_\_\_ Development Plan
- \_\_\_\_\_ Subdivision Plan
- \_\_\_\_\_ Variance
- \_\_\_\_\_ Conditional Use Permit

- \_\_\_\_\_ Conditional Zoning Condition
- \_\_\_\_\_ Other (Specify) \_\_\_\_\_

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

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

\_\_\_\_\_  
Signature of Completing Officer

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

ARTICLE VIII  
SUPPLEMENTAL DISTRICT REGULATIONS

800 Applicability

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

The provisions of this Ordinance affect every building and use. No building or land shall be used, and no building or part thereof shall be erected, moved, altered, or demolished, except for a use expressly permitted by and in conformity with these regulations herein specified for the district in which it is located. No excavation, cut or fill of earth or debris shall be undertaken unless a permit is issued in conformance with the provisions of this Ordinance.

801 Lot for Every Building

Every principal building shall be located on a separate lot. Except in a Planned Unit Development, only one principal building may be erected on a single lot unless requirements of this Ordinance are met as though it were on an individual lot.

802 Reductions in Lot Area Prohibited

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that the minimum yards, lot area per family, lot width, building area, or other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

810 Yard Regulations

1. Any part of any yard, open space, off-street parking or loading space required in connection with any building to comply with these regulations shall not be included as part of any yard, open space, or parking or loading space for any other building unless approved as a variance by the Board of Adjustment.
2. A yard or lot existing at the time of adoption of this Ordinance, or created subsequently, shall not be reduced in dimension or area below the minimum requirements set forth in these regulations.
3. Front yards for corner and/or through lots shall be of the depth required by this Ordinance for the district in which the lots are located. The side yard adjacent to

the other street shall be of the depth required by this Ordinance for front yards in the district in which the lot adjacent to the corner and/or through lot is located.

4. Front yards and side yards for corner lots shall be measured from the street right-of-way line; provided that for the purposes of this measurement no city street shall be considered to be less than fifty (50) feet wide. This provision shall not be construed as requiring the dedication of any property to the public.
5. Steps, terraces, decks, carports, bay windows, fire escapes, balconies, open porches, and other unenclosed architectural features may extend into required yard space not more than nine (9) feet, provided that no such projection shall be less than five (5) feet from a side lot line. Enclosing such projection into yard space is prohibited.
6. In any required front yard or side yard for corner lots, no fences or walls shall be permitted which materially impede vision across or into such yard above thirty (30) inches in height. Fences, walls and hedges are permitted in or along the edge of a yard except as provided above. In Planned Unit Developments requiring Development Plan review, the Planning Commission may permit fences, walls and hedges above three and one-half (3 1/2) feet in height in the front yard.

811 Setback Lines, Exceptions:

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

812 Rear Dwellings Prohibited

No building or mobile home shall be placed in the rear of a main building or mobile home on the same lot for residential purposes, except as provided by the specific district regulations and by the regulations governing Planned Unit Developments.

820 Lot Access Requirements

Every lot upon which a building is erected for use shall either be adjacent to or have direct and permanent access to a public street. Access to buildings in a Planned Unit Development shall be approved by the Planning Commission.

The following restrictions regarding lot access control shall apply:

1. Lots with less than 100 feet of frontage on a public street shall have no more than one (1) point of access to the public street. Lots with more than 100 feet but less than 400 feet shall have no more than two (2) points of access to the public street. Lots with more than 400 feet of frontage shall have no more than two (2) points of access for each 400 feet of frontage.
2. The location of access drives for lots with 400 or more feet of frontage shall be approved by the Planning Commission.
3. No point of access shall be allowed within twenty (20) feet of the intersection of the right-of-way lines of intersecting streets.
4. No curbs on public streets or public rights-of-way shall be cut, removed, or altered; nor shall any curb or pavement be constructed within the right-of-way without written approval of the Administrative Official.
5. An access drive shall not exceed twenty (20) feet in width for one-way and/or one-lane ingress or egress. Two-way and/or two-lane access drives shall not exceed thirty-five (35) feet in width.

#### 830 Accessory Buildings

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

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

#### 840 Exceptions to Height Limitations

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flagpoles, radio and television towers, masts and aerials; provided, however, that a conditional use permit is obtained for the exception from the Board of

Adjustment.

850 Visibility at Intersections

In all districts except Central Business, on a corner lot, within the area formed by the center line of the streets at a distance of sixty (60) feet from the intersections, there shall be no obstruction to vision by any object greater than 24" in diameter between a height of three and one-half (3 1/2) feet and a height of ten (10) feet above the grade of each street at the center line thereof. The requirements of this section shall not be deemed to prohibit any necessary retaining wall or embankment but does apply to plant materials.

860 Water Supply and Sewage Disposal

No building or dwelling can be constructed without water supply and sewage disposal facilities which have been approved by the City Water Works or the County Health Officer. Wherever water and sewer mains are accessible, buildings shall be connected to such mains. In every case, individual water supply and sewage disposal must meet the requirements set by the County Health Officer and the City's water and sewer department superintendent. A certificate showing approval of proposed and/or completed water and sewerage facilities must accompany applications for building permits and certificates of occupancy.

870 Excavation and Regrading

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

880 Temporary Building or Temporary Use

Temporary permits not to exceed six (6) months and renewable for additional six (6) months periods for a maximum of eighteen (18) months may be issued by the Administrative Official for site construction purposes. Non-renewable

temporary permits not be exceed sixty (60) days may be issued by the Administrative Official for carnivals, circuses, tent revival meetings and similar special event activities. Temporary events by local schools, churches and civic clubs of short duration shall not require a permit.

Before issuing a temporary permit, the Administrative Official shall find that the site is adequate for the proposed activity and that the proposed use, including related parking and traffic, is not detrimental to the surrounding area.

The Board of Adjustment may permit temporary conditional uses for a period not to exceed six (6) months for structures and/or uses referred to above provided that the requirements for site adequacy, parking, and traffic are met in addition to the Board's conditions.

890 Minimum District Size

No land district created under the provisions of this Ordinance shall be less than two (2) acres in size.

ARTICLE IX  
MANUFACTURED AND MOBILE HOMES

900 Intent

It is the intent of this article to encourage provision of alternative, modest housing in general residential areas by permitting the use of certain manufactured homes and certified mobile homes, as defined herein, in all districts in which similar dwellings constructed on site are permitted, subject to the requirements set forth herein to assure acceptable similarity in exterior appearance between such manufactured homes and dwellings that have been or might be constructed under these and other lawful regulations on adjacent or nearby lots in the same district.

It is further the intent of this article is to guide the establishment of mobile home parks, mobile home subdivisions and recreational vehicle parks in areas providing a residential setting and convenient to major arterials, and to provide maximum compatibility between the adjacent uses and the mobile home park or subdivision.

Any non-conforming manufactured or mobile home damaged, whether by fire or natural causes, to an extent greater than sixty (60) percent of its fair sales value immediately prior to the damage, or moved off the current site, or vacated for a period of six months or greater, shall not be reoccupied, and shall only be replaced by manufactured and certified mobile homes in conformance with this Article and Section 520(c) of Article 5.

910 Certified Mobile Homes Permitted

Certified mobile homes shall be allowed only as provided in Article VI and in this Article, with the following exceptions:

1. Certified mobile homes used as temporary offices of construction companies on or near a construction site.
2. All certified mobile homes used as dwellings are to be placed on fixed permanent foundations with the wheels or mobile parts removed, and they are to be considered as real estate in accordance with Kentucky Revised Statutes 132.750.

920 Classification of Manufactured/Certified Mobile Homes

Manufactured and certified mobile homes shall be classified by type as to acceptable compatibility or similarity in appearance with site constructed residences:

1. Type I Manufactured Homes

Type I Manufactured Homes shall:

- a. have more than nine hundred and fifty (950) square feet of occupied space in a double or larger multi-section unit;
- b. be placed on a permanent foundation;
- c. utilize a permanent perimeter enclosure in accordance with approved installation standards, as specified in Section 940(1);
- d. be anchored to the ground, in accordance with the One and Two Family Dwelling Code and to the manufacturer's specifications;
- e. have wheels, axles and hitch mechanisms removed;
- f. have utilities connected, in accordance with the One and Two Family Dwelling Code and manufacturer's specifications;
- g. have siding material of a type customarily used on site-constructed residences. The list of approved siding materials shall be adopted and revised by Planning Commission action only; and
- h. have roofing materials of a type customarily used on site-constructed residences. The list of approved roofing materials shall be adopted and revised by Planning Commission action only.

2. Type II Manufactured Homes

Type II Manufactured Homes shall:

- a. have more than three hundred and twenty (320) square feet of occupied space in a single, double, expando, or multi-section unit (including those with add-a-room units);
- b. be placed onto a support system, in accordance with approved Installation Standards, as specified in Section 940(1);
- c. be enclosed with foundation siding/skirting, in accordance with approved Installation Standards, as specified in Section 940(2);



- d. be anchored to the ground, in accordance with manufacturer's specifications or the ANSI/NFPA 501 A Installation Standards;
- e. have utilities connected in accordance with manufacturer's specifications or the ANSI/NFPA 501 A Installation Standards;
- f. have siding material of a type customarily used on site-constructed residences (the Planning Commission's designated administrator may compile a list of approved materials meeting the compatibility test - see Approved Materials List); and
- g. have roofing material of a type customarily used on site-constructed residences (the Planning Commission's designated administrator may compile a list of approved materials meeting the compatibility test - see Approved Materials List).

3. Type III Manufactured Homes

Type III Manufactured Homes shall:

- a. have more than three hundred and twenty (320) square feet of occupied space in a single, double, expando, or multi-section unit (including those with add-a-room units);
- b. be constructed after the 1976 Federal Mobile Home Construction and Safety Act went into effect;
- c. be placed onto a support system, in accordance with approved Installation Standards, as specified in Section 940(1);
- d. be enclosed with foundation siding/skirting, in accordance with approved Installation Standards, as specified in Section 940(2);
- e. be anchored to the ground, in accordance with manufacturer's specifications or the ANSI/NFPA 501 A Installation Standards; and
- f. have utilities connected, in accordance with manufacturer's specifications or the ANSI/NFPA 501 A Installation Standards.

4. Certified Mobile Homes

For purposes of determining appropriateness for placement, certified mobile homes shall:

- a. have more than three hundred and twenty (320) square feet of occupied space;
- b. be placed onto support system, in accordance with approved Installation Standards, as specified in Section 940(1); and
- c. be built prior to the 1976 Federal Mobile Home Construction and Safety Act and be upgraded to be able to receive a "B" seal certifying that the unit has been inspected and in compliance with standards set forth in the HUD Code.

930 Schedule of Uses

Manufactured or certified mobile homes are permitted for permanent residences as follows:

	TYPE I MH	TYPE II MH	TYPE III MH	CERTIFIED MOBILE HOME
R-1	P	X	X	X
R-2	P	X	X	X
R-3	P	C	X	X
B-1	P	X	X	X
B-2	X	X	X	X
B-3	P	X	X	X
I-1	C*	C*	X	X
I-2	C*	C*	X	X

P - Permitted

C - Conditional

X - Not Permitted.

C\* Conditional - BZA can permit them  
for industrial related purposes only.

## 1. Installation Standards

## a. Permanent Perimeter Enclosure

Those manufactured homes designated in the zoning ordinance as requiring a permanent perimeter enclosure must be set onto an excavated area, with foundations, footings and crawl space or basement walls constructed in accordance with the terms of the One and Two Family Dwelling Code. The space between the floor joists of the home and the excavated underfloor grade shall be completely enclosed with the permanent perimeter enclosure (except for required openings).

## b. Foundation Siding/Skirting (for temporary structures)

All manufactured or certified mobile homes without a permanent perimeter enclosure shall have an approved foundation siding/skirting enclosing the entire perimeter of the home. Foundation siding/skirting and back-up framing shall be weather-resistant, non-combustible or self-extinguishing materials, which blend with the exterior siding of the home. Below grade level and for a minimum distance of six (6) inches above finish grade, the materials shall be unaffected by decay or oxidation. The siding shall be installed in accordance with manufacturer's recommendations or approved equal standards.

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

## 2. Support System

## a. Type I Manufactured Homes:

All HUD-Code TYPE I Manufactured Home load-bearing foundations shall be installed in conformance with the regulations in the One and Two Family Dwelling Code and with the manufacturer's installation specifications.

b. Type II and III Manufactured Homes And Certified Mobile Homes:

All HUD-Code TYPE II and III Manufactured Homes and all Certified Mobile Homes not placed on a permanent foundation, shall be installed on a support system in conformance with the manufacturer's installation specifications or with the Support Systems regulations in the ANSI/NFPA 501A 1977 Installation Standards.

3. Improvement Location Permits

a. Requirements

Prior to the location, relocation or establishment of any manufactured or certified mobile home, the homeowner or authorized representative shall secure from the planning commission's designated administrator an Improvement Location Permit, which states that the building and its location conform with the Comprehensive Plan. Each application for an Improvement Location Permit shall be accompanied by:

- i. those plot plans as required for all dwelling units, but which at a minimum include elevations or photographs of all sides of the home, exterior dimensions, roof materials, foundation siding or permanent perimeter enclosure treatment, foundation siding or perimeter retaining wall treatment, foundation construction and materials, exterior finishes & the like (see the Manufactured Home Data Sheet at the end of this ordinance);
- ii. health department approval for any sewage disposal or water supply, where applicable;
- iii. P.U.D. or subdivision permit approval, where applicable;
- iv. a copy of the approved instructions, which will be used for installation purposes, where applicable;
- v. such other information, as may be required by the Planning Commission's designated administrator for proper enforcement of this ordinance; and
- vi. an agreement signed by the homeowner or authorized representative pledging compliance

with the terms set by the plan commission in the Improvement Location Permit.

b. Issuance of Permit

After receipt of the information required for an Improvement Location Permit, the Planning Commission's designated administrator shall review the standards set in this ordinance. If the applicant has met all required standards, then within three (3) working days the Improvement Location Permit shall be issued by the designated administrator.

c. Additional Action Necessary

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

d. Denial of Permit

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

4. Certificate of Occupancy (optional)

a. Occupancy Requirement

Prior to the occupancy of any manufactured or certified mobile home, the homeowner or authorized representative shall secure from the Planning Commission's designated administrator a Certificate of Occupancy, stating that the building and its use comply with all provisions of the ordinance applicable to the building or the use in the district in which it is to be located.

b. Issuance of Certificate

After submission of an application for a Certificate of Occupancy, the Planning Commission's designated administrator shall inspect the property and make such referrals to other local officials for technical determinations, as he deems appropriate, for conformance with conditions of the Improvement Location Permit and the standards set in this ordinance. If the applicant has conformed with all of the required conditions and standards, a Certificate of Occupancy shall be issued within three (3) working days.

c. Temporary Certificate

If after submission of the application for Certificate of Occupancy and the examination by the Planning Commission's designated administrator, it is found that the applicant has not fully met the required conditions and standards, a temporary Certificate of Occupancy, along with a written statement of necessary modifications, may be issued for a period not to exceed two (2) months, pending completion of the modifications.

d. Denial of Certificate

If any of the major conditions or standards have not been complied with, the Certificate of Occupancy is denied, with a written statement specifying the reasons for the denial.

5. Failure to Obtain Required Permits

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

950 Temporary Use of Manufactured or Certified Mobile Homes

1. Circumstances for Permit Issuance

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

- a. to an applicant in the process of building a conventional dwelling to locate a manufactured or certified mobile home on a building lot during the course of construction of the dwelling; such permit shall not be issued until after a building permit for the dwelling has been issued;

- b. to an applicant to use a manufactured or certified mobile home as a caretaker's quarters or construction office at a job site; and
- c. to an applicant whose own health or the health of another necessitates care, and where the facts show that an unnecessary hardship would occur if not permitted to locate a manufactured home adjacent to the residence of one who is able to provide such care or in need of such care.

## 2. Length of Permit

A temporary use permit may be issued, at the discretion of the Planning Commission's designated administrator, for a period not to exceed two (2) years. The temporary permit may be renewed for additional one (1) year periods upon showing of good cause, and with permission to do so. However, at the discretion of the Planning Commission's designated administrator, a temporary use permit may be issued to an applicant for a health or age related circumstance for a period coterminous with the health or age related circumstance.

## 3. Permit Expiration

At the time the temporary permit expires, the manufactured or certified mobile home and all appurtenances shall be removed from the property within ninety (90) days.

## 4. Utility Requirements

Manufactured or certified mobile homes used for temporary uses shall have an approved water supply, sewage disposal system, and utility connections, where appropriate, and at the discretion of the Planning Commission's designated administrator.

## 5. Permit Fee

A temporary use permit shall be issued by the Planning Commission's designated administrator. The fee shall be twenty-five dollars (\$25.00) and is in addition to all other required permits for utilities and sewage disposal systems.

## 960 Penalty for Violation

### 1. Failure to Comply

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

2. Subject to Removal

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

3. Removal Method

The Planning Commission's designated administrator may institute a suit in an appropriate court for injunctive relief to cause such violation to be prevented, abated or removed.

970 Manufactured Home Definitions

1. Add-a-Room Unit

A unit of manufactured housing, not designed as a part of the original structure, which may have less occupied space than a manufactured housing section.

2. Anchoring System

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

3. ANSI/NFPA 501A Standard for Installation of Manufactured/Certified Mobile Homes

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

4. Approved

Acceptable to the appropriate authority having jurisdiction, by reason of investigation, accepted principles, or tests by nationally recognized organizations.



5.    Expando Unit  
       An expandable manufactured housing unit.
6.    Foundation Siding/Skirting  
       A type of wainscoting constructed of fire and weather resistant materials, such as aluminum, particle board, treated pressed wood or other approved materials, enclosing the entire undercarriage of the manufactured or certified mobile home.
7.    Manufactured Home  
       A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. The three types of manufactured homes (TYPE I, TYPE II, AND TYPE III) are defined as meeting all of the appropriate requirements of this chapter.
8.    Manufactured Home Subdivision  
       A parcel of land platted for subdivision according to all requirements of the comprehensive plan and zoning ordinance designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by manufactured homes.
9.    Manufactured Housing Construction and Safety Standards Code  
       Title VI of the 1974 Housing and Community Development Act (42 U.S.C 5401 et sequentiā), as amended (previously known as the Federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder (including information supplied by the home manufacturer), which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules.
10.   Manufactured or Mobile Home Community (Park)  
       A parcel of land on which two (2) or more manufactured or certified mobile homes are occupied as residences.

## 11. Mobile Home

A transportable structure larger than three hundred and twenty (320) square feet, designed to be used as a year-round residential dwelling, and built prior to the enactment of the Federal Mobile Home Construction and Safety Act of 1974, which became effective for all mobile home construction June 15, 1976. (For criteria for certified mobile homes see Section 920(4).)

## 12. Occupied Space

The total area of earth horizontally covered by the structure, excluding accessory structures, such as, but not limited to, garages, patios and porches.

## 13. One and Two Family Dwelling Code

The nationally-recognized model building code prepared by the Council of American Building Officials.

## 14. Permanent Perimeter Enclosure

A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground.

## 15. Permanent Foundation

Any structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

## 16. Recreational Vehicle

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

## 17. Section

A unit of a manufactured home at least ten (10) body feet in width and thirty (30) body feet in length.

## 18. Special Exception Permit or Conditional Use Permit

A device for permitting a use within a district other than a principally permitted use.

## 19. Support System

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

980 Mobile Home Subdivision/Parks and Recreational Vehicle Parks1. Mobile Home Subdivisions

## a. Definition

A mobile home subdivision is a subdivision used exclusively for placement of certified mobile homes for residential use along with other expressly permitted uses as permitted herein. To qualify as a mobile home subdivision, neither the subdivision developer nor his heirs, successors or assigns shall be permitted to rent subdivision lots. Lots in a mobile home subdivision shall be available for sale to the general public. Nothing herein shall prohibit the purchaser of an individual lot from placing a certified mobile home upon the lot purchased from the subdivision developer and renting the subdivision lot and certified mobile home thereon.

## b. Procedures For Subdividing

The procedure for subdividing land for mobile home subdivisions shall be the same as those for subdividing land for conventional dwellings. The Pineville Subdivision Regulations shall be the minimum standards, requirements and procedures governing the filing, designing, utilities, facilities and other improvements or physical complements of mobile home subdivisions.

## c. Minimum Mobile Home Subdivision Requirements (not withstanding any other provisions of this ordinance)

The site and proportions of lots in any mobile home subdivision shall conform to the zoning of the property in effect at the time of the final plat submission with the following exceptions. No lot in a mobile home subdivision shall contain less than 20,000 square feet of land where public sewers are not available, or less than 6,000 square feet of land where public sewers are available.

All lots shall front on a public street and have a minimum width at the building line of 70 feet.

No more than one (1) certified mobile home within the subdivision shall be situated on any one single subdivided lot.

Corner lots shall be laid out so as to provide at least minimum front yard requirements along both street frontages. Access to corner lots shall be at a distance of at least 50 feet from the intersection of the right-of-ways.

The minimum setback line from the street right-of-way and all yard requirements shall conform with the zone in which the mobile home subdivision is located.

## 2. Mobile Home Parks

### a. Definition

A mobile home park is a residential area in which mobile home lots are rented exclusively for use as sites for certified mobile homes for residential use along with other uses permitted herein. Ownership of all land in a mobile home park shall be maintained by the developer, his heirs, successors or assigns. No lots shall be severed and sold from the mobile home park.

### b. Basic requirements

- i. Mobile home parks shall comply with the regulations of the Kentucky Mobile Home and Recreational Vehicle Park Law, as set forth in Chapter 219 of the Kentucky Revised Statutes.
- ii. All mobile home parks shall abut upon an arterial or collector thoroughfare.
- iii. No mobile home park shall be located on less than five (5) acres of land where public sewers are not available or less than two (2) acres of land where public sewers are available.
- iv. No person shall operate a park without having first obtained a permit, as provided for in KRS 219.310 to 219.410.
- v. An application for a permit to construct a mobile home park shall be submitted to the Planning and Zoning Commission and shall

contain the same information as that submitted to the Kentucky State Bureau for Health Services. In addition, the following information shall be presented to the Commission.

- A vicinity map showing the proposed location of the park in relation to major streets or highways.
- A description of the method proposed for disposal of storm drainage.
- Proof of receipt of KRS 219 Mobile Home Park Permit.

c. Construction Plan Submission

Following tentative approval from the Commission and the Bureau for Health Services, the applicant shall submit a complete plan, drawn to scale, submitted in triplicate, of the proposed park or alteration, showing the following:

- i. A site plan showing all existing facilities and proposed facilities, as follows:
  - The area and dimensions of the tract of land to be developed.
  - The number, location and size of all lots for certified mobile homes.
  - A detailed drawing of the foundation for the placement of certified mobile homes within the mobile home subdivision.
  - The location and width of roadways, driveways and walkways; the number, location and size of all off-street automobile parking spaces.
  - The location of parking, street lighting and electrical systems; detail drawings of water supply if sources other than approved public water supply system; detail drawings of sewage disposal facilities if other than a public sewage disposal system is to be used; the location and size of all existing or proposed water and sewer lines, vents and riser pipes.

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

d. Location and General Layout

All certified mobile homes shall be located at least 50 feet from any park boundary line abutting a public street or highway, and at least 20 feet from other park property boundary lines.

e. Utility Systems

i. Responsibilities of Permit Holder:

- The person to whom a permit is issued for a mobile home park shall operate the park in compliance with this ordinance and KRS 219, and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair, and in a clean and sanitary condition.
- The park management shall notify park occupants of all applicable provisions of this ordinance and KRS 219, and inform them of their duties and responsibilities under this ordinance.

ii. Supplementary Provisions and regulations:

- The Commission may impose such other conditions as it deems necessary to ensure that the mobile home park will not adversely affect the public health, safety or general welfare.
- The developer in designing the park and the Commission in reviewing the park proposal shall give special attention to ensuring that the park is compatible with existing and planned land use and with circulation patterns of adjoining properties.
- Off-street parking shall be provided according to the following requirements:

- 2 spaces for each mobile home lot.
  - 1 space for each full-time park employee
  - 1 space for each 400 square feet of gross floor area for any structure used for office, recreational or cultural activities
  - 1 space for each 4 mobile home lots for use by guests
  - 2 parking spaces required for each certified mobile home should be located on the mobile home lot; all other required spaces should be located in bays convenient to facilities
- Adequate anchorage facilities must be provided for each certified mobile home. Each certified mobile home must be equipped with tie-downs which must be used.

### iii. Existing Parks

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

## 3. Recreational Vehicle Parks

### A. Definition

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

### B. Basic Requirements

#### 1. Size:

The minimum size of a recreational vehicle park shall be not less than five (5) acres.

## 2. Density:

Minimum lot area per recreational vehicle space shall be not less than 2,500 square feet except that 20% of the lots may be as small as 1,200 square feet in area, but these may be used by tent campers only.

## C. Zoning

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

1. That the proposed park will contribute to the welfare and convenience of the traveling public seeking this type of accommodations.
2. That the park will not be detrimental to the health, safety or general welfare of persons who live in the adjacent areas.
3. That the park will comply with all city, county, state or federal regulations. Documentation of such compliance shall be required of applicants for recreational vehicle park construction permits.
4. That the park will comply with all adopted plans (prepared by or for governmental agencies) for the neighborhood or community.

## D. Existing Recreational Vehicle Parks

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

## 990 Individual Recreational Vehicles

The purpose of this subsection is to permit the owners of Recreational Vehicles, who reside in conventional homes part of the year and in mobile homes park of the year to park their own recreational vehicle on their residential lot in the same sense that vehicular parking is permitted in off-street areas.

A mobile home that is owned by a resident of a lot may be located on the lot in addition to the dwelling unit, provided



that the mobile home is parked on the rear of the lot and the setback and yard requirements for an accessory building in the district are observed and provided that the recreational vehicle is not connected to any service utility nor used for sleeping or residency purposes.

ARTICLE X  
OFF-STREET PARKING AND LOADING

1000 Existing Parking Spaces

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

1010 Required Off-Street Parking Spaces

When any building is built or any use of the land is initiated, there shall be provided sufficient off-street parking space on the premises so that no automobile parking on any street will result from the normal activity. If the off-street parking capacity is exceeded and street parking is generated more often than six times during a six-month period, this shall be considered as resulting from normal activity, and additional off-street parking shall be provided. The Board of Adjustment shall interpret the amount of parking space required for any building or use, assisted by the following standards, whenever the Administrative Official is unable to apply the following standards literally or determines a parking-space deficiency according to the standard above. In either case, he shall apply to the Board for an original interpretation.

1020 Off-Street Parking Standards

The following standards comprise the minimum off-street parking requirements for the several common types of building and uses listed. For the purposes of computing the number of parking spaces available in a given area, the ratio of 250 square feet per parking space shall be used.

- a. Dwelling: One parking space per dwelling unit.
- b. Boarding Houses and Rooming Houses: One space for each two (2) sleeping rooms occupied by boarders or roomers.
- c. Tourist Accommodations: One space for each sleeping room offered for tourist accommodations.
- d. Indoor Retail Businesses in Neighborhood and General Business Districts: Four spaces for the first 2,500

square feet of total floor area, and one additional space for each additional 500 square feet of such floor area, plus one space for every truck operated by the business.

- e. Industrial Plants: One parking space for every two employees at maximum employment on a single shift plus one space for every truck operated by the plant.
- f. Places for public assembly, institutions, and recreational facilities: One parking space for every five person based on maximum capacity.
- g. Additional parking standards: The Board of Adjustment may alter the standards listed above when necessary to conform with Section 1010 and shall use similar criteria of floor area, employment, or capacity to interpret standards for buildings and uses not specifically listed above.

#### 1021 Location of Off-Street Parking

If the required parking spaces cannot be reasonably provided on the same lot on which the principal use is conducted, the Board of Adjustment may permit such space to be provided on other off-street property, provided that such space lies within four hundred (400) feet of the main entrance to the principal use. Such parking areas shall be deemed to be required open space associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner.

#### 1030 Off-Street Loading and Unloading Space Regulations for Trucks

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

#### 1040 Additional Parking, Loading, and Unloading Regulations

- a. Arrangement of off-street parking space: Off-street parking space required for any building or use may be located within walking distance or four hundred feet from the premises it serves but detached therefrom and may be consolidated into a large parking area serving other buildings and uses if approved by the Board of Adjustment. The Administrative Official shall apply to

the Board for an original interpretation when building permits are requested in such cases. The Board may not authorize the total amount of parking space required for all buildings and uses to be diminished except as follows: If a consolidated parking area serves buildings or uses which do not generate automobile parking at the same times (i.e.: Churches and stores) total parking space may be diminished to the maximum required by those buildings and uses which do generate the parking of automobiles at the same time.

- b. Proof of availability: The Board of Adjustment may require a plat, deed, and any other proof necessary to show that required parking space, if located off the premises it serves, is controlled by and available to the applicant for a building permit.
- c. Surfacing of parking, loading, and unloading spaces: Parking, loading, and unloading spaces and the access thereto shall be surfaced in a manner adequate to eliminate dust and mud.

ARTICLE XI  
SIGNS AND BILLBOARDS

1100 Intent

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

1110 General Sign Regulations

a. Billboards

No billboards shall be permitted in the city limits of Pineville.

b. Signs

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

All signs of any type in any zone require a permit to be obtained from the Administrative Official.

No sign or billboard, other than real estate signs advertising the sale, rental or leasing of the premises, shall be permitted in any residential zone except as provided in the specific zone's regulations regarding home occupations and in Section 1120. Real estate signs shall not exceed four (4) square feet in area and shall be displayed at least ten (10) feet from all lot lines.

Advertising signs, structures, or lights for support and illumination of signs, where permitted, shall in no case be placed in or extend over the street right-of-way.

c. Temporary Signs

Temporary permits for all yard sale and political advertising signs must be obtained from the Administrative Official prior to the posting of all such signs. All temporary signs must be set back a minimum of 25 feet from the centerline on the adjacent road or 10 feet from the right-of-way of the road which ever is a greater distance from the edge of the pavement. Political and yard sale signs shall not exceed 8 square feet in size and must abide by all regulations regarding visibility at intersections in Section 850 of this Ordinance. Political signs shall be posted no earlier than 45 days prior to the election and shall be removed no later than 7 days following the date of the election. Yard sale signs may be posted no earlier than 7 days prior to the start of the yard sale and must be removed no later than 2 days following the final day of the yard sale. Under no circumstances shall political or yard sale signs be posted on utility poles. All violations of these requirements will be penalized as per Section 360 of this Zoning Ordinance.

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

d. Government Signs

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

e. Lack of Conflict

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

1120 Residential Districts

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

- a. Temporary signs pertaining to the lease or sale of a building or land may be erected as provided in Section 1110 of this Ordinance.
- b. Temporary signs, for one year, may be erected to advertise a new subdivision of five (5) or more lots, provided that the sign is no larger than sixty (60) square feet in area, is not internally illuminated, advertises only the subdivision in which it is located and is erected only at a dedicated street entrance.

- c. One unilluminated sign may be erected in conjunction with the construction of a building to identify the owner, architect, engineer, contractor and others instrumental in the construction of the building provided that such sign is: not more than twelve (12) square feet in area, no more than fifteen (15) feet above the ground, and is removed within thirty (30) days of receiving the Certificate of Occupancy.
- d. One identifying sign of not more than thirty (30) square feet in area may be erected for churches, libraries, schools, parks, hospitals for human care, and other public facilities of a similar nature. Such sign shall be solely for the purpose of displaying the name of the institution and its activities or services. It may be illuminated but shall not be flashing.
- e. Directional signs, not exceeding two (2) square feet in area shall be permitted only on major thoroughfare approaches to institutions listed in (d) above. No such signs shall be permitted on minor residential streets.
- f. One (1) indirectly lighted name plate sign for a dwelling group of four (4) or more dwellings not exceeding six (6) square feet in area. Such signs may indicate only the names of buildings or of occupant of the buildings.
- g. Accessory uses for professional offices or home occupations as specified in Section 652(2) and 653(2) shall be permitted one (1) indirectly lighted name plate (sign) not over two (2) square feet in area.

#### 1130 Business Districts

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

- a. Each business shall be entitled to have one sign which is mounted flush against a building. The depth of such a sign from a face to the building shall not exceed one (1) foot. The area of such a flush mount sign shall be limited to a total surface area equivalent to 1 1/2 square feet of sign area for each lineal foot of building width occupied by such enterprise. In the event that the area shall exceed 50 square feet, then an additional application must be made and approved by the Pineville Planning Commission.
- b. Additionally, one (1) free-standing sign structure shall be permitted for each lot of one hundred (100) foot

frontage or less and one (1) additional structure for each additional one hundred (100) feet of lot frontage. Any such freestanding sign structures shall be no more than 72 square feet in area nor shall two or more smaller signs be so arranged and integrated as to create a single sign in excess of 72 square feet. All such freestanding signs shall be set back twenty-five (25) feet, or more, from the front property line.

Where the dimensions of any two-faced or multi-sided sign must be determined by measuring the surface area on one side of the sign. Free standing signs shall not exceed a height of 25 feet.

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

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

- c. Each neighborhood business area built as a Planned Unit Development may have one free-standing identification sign for each street on which it fronts, set back at least twenty-five (25) feet from the front property line and presenting only the name of the shopping center, the businesses located therein, and the hours of business. Each such sign shall not exceed 300 square feet in area.
- d. Billboards shall be permitted in B-3 zones only as specified in Section 1110(1) of this Article.

#### 1140 Industrial Districts

- a. All signs permitted in business districts are also permitted in I-1 Districts and subject to the requirements thereof.
- b. One (1) sign structure for identification and direction purposes may be erected at access points to public streets provided that such signs are no larger than fifty (50) square feet in area.

#### 1150 Violations

In any case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Ordinance, the Enforcement or Administrative Official shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this ordinance. Failure to comply



with any of the provisions of this Article, shall be deemed a violation, and shall be punishable under Section 360 of this Ordinance.

ARTICLE XII  
PLANNED UNIT DEVELOPMENTS

1200 General

A Planned Unit Development project which may depart from the literal conformance with the regulations for individual-lot development may be permitted in those districts where it is designated as a special use under the district regulations. All Planned Unit Development projects shall be subject to the following regulations:

1210 Procedure

When a Planned Unit Development project is proposed, the procedure and standards for major subdivision approval as set forth in the Subdivision Regulations shall be followed in their entirety. A preliminary plat and final plat, both approved by the Planning Commission shall be required for every Planned Unit Development project. The Planning Commission may establish a schedule of reasonable fees to be charged for plat review. The project shall be developed according to the approved final plat. Building permits and certificates of occupancy shall be required for each building.

1220 Uses

The uses of premises in a Planned Unit Development project shall conform with the permitted uses of the district in which it is located when it is permitted as a special use. If a Planned Unit Development project is proposed which includes mixed uses or other uses that are not permitted in the district where it is proposed or uses not permitted in any district, the project may be permitted only after an overlay to the City Zoning Map designating the proposed location as a Planned Unit Development district is approved by the Planning Commission. The overlay district may be permitted only after the conditional approval of the preliminary plat and shall be valid only for that project as approved.

1230 Standards

In any Planned Unit Development project, although it is permissible to depart from literal conformance with the individual-lot dimension and area regulations, there shall be no diminution of the total equivalent lot area, parking area, and loading and unloading, area requirements that would be necessary for the equivalent amount of individual-lot development. The Planning Commission may allow reductions in these requirements however, upon proof by the developer that efficiencies of large-scale development may permit such reductions without destroying the intent of this Ordinance.

1240 Special Conditions

The Planning Commission shall attach reasonable special conditions to insure that there shall be not departure from the intent of this Ordinance. The Planned Unit Development project shall conform with all such conditions. Because a Planned Unit Development project is inherently more complex than individual-lot development and because each such project must be tailored to the topography and neighboring uses, the standards for such projects cannot be inflexible.

The following standards define the typical special conditions the Planning Commission shall attach in addition to the standards for lot, parking, and loading and unloading area defined in Section 1230 above. The Planning Commission may also attach any other reasonable special conditions.

- (a) It is desirable that access points to all arterial streets shall be located no more frequently than once every eighth to one quarter of a mile. The Planning Commission may approve the platting of temporary access points.
- (b) Wherever there is an abrupt change in uses - i.e., residential to commercial - it is desirable that a buffer area of open space or protective planting be placed between them which will protect each use from the undesirable effects of the other.
- (c) Parking and other public areas used at night shall be adequately lighted, and private areas shall be adequately protected from such lighting and any other lighting from public areas. Public streets may also require protection from excessive glare of lighted areas.
- (d) It is desirable that all Planned Unit Development projects be constructed promptly after approval of the final plat. Construction shall be initiated within one year after approval of the final plat, and shall be completed in a reasonable length of time. Failure to initiate construction within one year shall void the permit.

ARTICLE XIII  
DEVELOPMENT PLANS

1300 General

This section sets forth the content and procedure for submission, review, and approval of all development plans called for by the Planning Commission.

The Commission at its discretion may require the submission and approval of a preliminary and/or a final development plan if the Commission finds there are existing or potential substantial flood, drainage, traffic, topographic, or other similar problems relating to the development of the subject property that could have an adverse effect on existing or future development of the subject property in the vicinity.

1310 Preliminary Development Plans Required

Preliminary development plans shall be submitted after requested by the Commission and contain all information required by Section 1330 below. A public hearing on a map amendment shall not be held until the required preliminary development plan has been submitted to the Commission. If the preliminary development plan is disapproved or if the Commission fails to approve or disapprove the plan and the map amendment is subsequently approved by the City Council, the Commission shall approve a development plan for the subject property which shall be the final development plan.

1320 Final Development Plans Required

Final development plans required herein shall be submitted within two (2) years of the approval of the Preliminary Development Plans and the Commission shall approve a final development plan for the subject property with such conditions as are found necessary to comply with the provisions of this Ordinance, if any, within ninety (90) days after the applicant has submitted his development plan.

1330 Contents of Preliminary Development Plan

- (a) Vicinity sketch
- (b) Topography with contour interval of five (5) feet or less
- (c) Location, arrangement, and approximate dimensions of existing and proposed driveways, streets, sidewalks, parking areas, and layout of spaces, points of ingress and egress, and other vehicular and pedestrian rights-of-way

- (d) Screening, landscaping, buffering, recreational, and other open space areas
- (e) Approximate size, location, height, floor area, building area, arrangement and proposed use of existing buildings and signs
- (f) Storm drainage areas and facilities; this information shall be supplied to the Planning Commission as a part of the Development Plans for all zone change requests throughout the City to facilitate the Planning Commission's decision making process.
- (g) Proposed and existing easement

1340 Contents of Final Development Plan

- (a) Vicinity sketch
- (b) Topography with contour interval of two (2) feet or less
- (c) Boundary features such as bearings and dimensions of all property lines
- (d) Size, location, height, floor area, building area, and arrangement of proposed and existing buildings and signs
- (e) Screening, landscaping, buffering, recreational and other open space areas showing dimensions of and materials of fences, planting, buffer and other open areas
- (f) Location, arrangement, and dimensions of existing and proposed driveways, streets and street cross section drawings, sidewalks, parking areas including a number of off-street parking spaces, points of ingress-egress, off-street loading areas and other vehicular and pedestrian rights-of-way
- (g) Utilities information on existing and proposed water, gas, electric, telephone, and sewer lines, including location of easements, size of lines and location of appurtenances
- (h) Location and dimensions of other existing or proposed easements
- (i) Statistical summary of above items.

1350 Approval of Development Plan Before Building Permit

When the Planning Commission has required a Development Plan to be submitted no building permit shall be issued until a

ARTICLE XIV  
AMENDMENTS

1400 General

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

1410 Application for Amendment

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

1420 Planning Commission Procedure

Upon the filing of an application for an amendment to the Official Zoning Map or the text of this ordinance, the Planning Commission shall study and review the application as provided in this ordinance and the bylaws of the Planning Commission.

The Planning Commission shall then hold at least one (1) public hearing after notice as required by KRS 424 and KRS 100 and shall make findings of fact and a recommendation for approval or disapproval of the proposed amendment to the City Council. A tie vote shall be subject to further consideration by the Planning Commission for a period not to exceed thirty

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

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

#### 1440 Public Hearing on Application

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

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

Before recommending to the City Council 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:

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

1470 Recommendation of Commission for Text Amendment

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

1480 Action by City Council on Text Amendments

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

1490 Special Conditions to the Granting of Zoning Changes

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