

CITY OF MOREHEAD, KENTUCKY

CHAPTER 154: ZONING CODE

Adoption Date
June 20, 2019

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LIST OF REVISIONS

Ordinance # Date Passed Revision

GENERAL PROVISIONS

154.101. TITLE

This chapter shall be officially known as the Zoning Code of the City of Morehead, Kentucky and may be so cited. It shall be referred herein as “zoning code” or “code”.

154.102. PURPOSE

The zoning regulation and zoning districts as herein set forth have been established to implement the vision of the City’s Comprehensive Plan and for the purpose of promoting the public health and safety, and the convenience, order, prosperity, and general welfare of the community. They have been designed to achieve the following:

- A. To lessen congestion in the streets;
- B. To secure safety from fire, panic, and other dangers;
- C. To provide adequate light and air;
- D. To prevent the overcrowding of land;
- E. To avoid undue concentration of the population; and
- F. To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

The regulations have been established with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city and county.

154.103. REPEALER AND EFFECTIVE DATE

A. REPEALER

All ordinances and parts of ordinances in conflict with this code or inconsistent with the provisions of this code are hereby repealed to the extent necessary to give this zoning code full force and effect.

B. EFFECTIVE DATE

This zoning code became effective on June 20, 2019. This zoning code may be amended after public hearings and other requirements as specified in the Kentucky Revised Statutes (KRS). Any amendments to this code shall be in effect as provided in the KRS.

154.104. INTERPRETATION AND APPLICATION

- A. For the purpose of this zoning code all words used in the present tense shall also include the future tense. All words in the plural, include the singular, and all words in the singular include the plural, unless the natural construction of the word indicates otherwise. The word “shall” is mandatory and directory. The word “uses” includes designed, intended, or arranged to be used.

- B. In the application and interpretation of this zoning code, all provisions shall be held to be minimum requirements adopted for the promotion of health, safety, comfort, prosperity, and general welfare.
- C. This zoning code does not intend to repeal, overrule, void, or in any way interfere with any provisions of law, ordinance, resolution, or private restriction that imposes greater restriction upon the use of the land or buildings.
- D. The provisions of this zoning code shall take precedent except as noted in (C) above. The zoning code has been prepared to be applicable to the City of Morehead, Kentucky.
- E. In the interpretation of this code, if a use within the code is not specifically permitted, it shall be prohibited.
- F. Unless specifically specified herein, fractional numbers 0.5 and above shall be rounded up and fractional numbers less than 0.5 shall be rounded down.

154.105. COMPLIANCE REQUIRED

Except as provided in this chapter no building, structure, or land shall hereafter be used, and no building or part thereof or other structure shall be erected, raised, moved, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the district in which it is located.

154.106. EXISTING USES

Any building, structure, or use lawfully existing on the effective date of this zoning code may be continued subject to the provision of section [154.124: Nonconforming Uses and Structures](#).

154.107. SEVERABILITY

In the event any word or sentence in this ordinance, or provision or portion of this ordinance, or rules adopted by this ordinance is invalidated by any court of competent jurisdiction, the remaining words and/or sentence, provisions, or portions thereof shall not be affected and shall continue in full force and effect.

154.108. SAVINGS CLAUSE

All rights and remedies of the City of Morehead, Kentucky are expressly saved as to any and all violations of the provisions of the Ordinance or any other ordinance which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

154.109. USE OF GRAPHICS, ILLUSTRATIONS, FIGURES, AND CROSS-REFERENCES

- A. Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.
- B. In some instances, cross-references between sections and subsections are provided that include the section or subsection number along with the name of the reference. Where a conflict may occur between the given cross-reference number and name, the name shall control.

ADMINISTRATIVE ROLES AND AUTHORITY

154.111. PURPOSE

The purpose of this section is to identify the authority of the review and decision-making bodies in the development review procedures.

154.112. SUMMARY TABLE OF REVIEW BODIES

[Table 112-1: Summary Table of Review Bodies](#) summarizes the review and decision-making responsibilities of the entities that have roles in procedures set forth in the Development Review Procedures section of this code. Other duties and responsibilities of the entities are set forth in subsequent sections.

| TABLE 112-1: SUMMARY TABLE OF REVIEW BODIES | | | | | |
|--|-------------------------|--------------|---|----------------------------|--------------|
| R=Review and/or Recommendation M=Meeting (Public Meeting Required) H=Hearing (Public Hearing Required) | | | D=Decision (responsible for final decision) A=Appeal (authority to hear/decide appeals) Blank Space = No review or approval authority | | |
| Procedure | See Section | City Council | Planning Commission | Board of Zoning Adjustment | City Planner |
| Zoning Text or Map Amendment | 154.123 | M, D | H, M, R | | R |
| Expansion or Substitution of a Nonconforming Use or Structure | 154.124 | | | H, M, D | R* |
| Development Plan | 154.125 | | M, D | | R |
| Conditional Use Permit | 154.126 | | | H, M, D | R |
| Variances | 154.127 | | | H, M, D | R |
| Administrative Waivers and Permits | 154.128 | | | A | R, D |
| Determination of Similar Use | 154.129 | | A | | R, D |
| Temporary Uses and Structures | 154.130 | | | | R, D |
| Building Permits | 154.131 | | A | | R, D |
| Certificates of Occupancy | 154.132 | | A | | R, D |
| PUD Zone Map Amendment and Concept Development Plan | 154.154 | M, D | H, M, R | | R |

* Some applicants for expansions of non-conforming uses and structures may be reviewed and approved by staff. Threshold for review procedures established in section [154.124](#).

154.113. CITY COUNCIL

The City Council, created by the City's Code of Ordinances ([Chapter 31](#)), shall have the authority granted to City Council by such Ordinances, City Charter, and State law.

154.114. PLANNING COMMISSION

The Planning Commission, created by the City's Code of Ordinances ([Chapter 34](#)) and known as the Morehead-Lakeview Heights-County of Rowan Joint Planning Commission, shall have the authority granted to Planning Commission by such Ordinances, City Charter, and State law.

154.115. BOARD OF ZONING ADJUSTMENT

A. ESTABLISHMENT

The Board of Zoning Adjustment as constituted at the time of the adoption of this zoning code shall continue in power. The Board shall consist of five members all of whom must be citizens of the City, and not more than one of whom may be a member of the Planning Commission. The mayor shall appoint said members subject to the approval of City Council. The term of office shall be four years.

B. PROCEEDINGS

1. The Morehead Board of Zoning Adjustment shall conduct meetings at the call of the City Planner who shall give written notice to all members of the board at least seven days prior to the meeting. The notice shall contain the date, time, and place of the meeting, and the subject(s) which will be discussed. A simple majority of the total membership of the Board of Zoning Adjustment shall constitute a quorum.
2. The Board of Zoning Adjustment shall adopt bylaws for the transaction of business and shall keep minutes and records of all determinations. The minutes shall reflect the number of votes for and against each question, whether any member is absent or abstains from voting, and the facts of the proceedings. After approval by the board, a copy of the minutes shall be filed in the office of the City Planner. A transcript of the minutes of the Board of Zoning Adjustment meeting shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.
3. An applicant may request that the Board of Zoning Adjustment hold a special meeting for an additional fee as established in Title 15, Chapter 160: Zoning Fees in the City's Code of Ordinances. There shall be no more than one special meeting per month and the special meeting shall be held at the discretion of the Chairperson of the Board of Zoning Adjustment or agreement of three members of the Board of Zoning Adjustment.

C. POWERS

The Board of Zoning Adjustment shall have the following powers:

1. General Powers

- a. The Board of Zoning Adjustment shall annually elect a Chairperson of the Board. The Chairperson shall preside over the public hearings and meetings and shall have the power to administer an oath to witnesses prior to their testifying before the board on an issue.
- b. The Board of Zoning Adjustment may employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties herein.

- c. The Board of Zoning Adjustment shall have the right to receive, hold, and spend funds which it may legally receive from any and every source both in and out of the Commonwealth of Kentucky, including the United States government, for the purposes of carrying out its assigned duties herein.
- d. The Board of Zoning Adjustment shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before it.

154.116. CODE ENFORCEMENT BOARD

The Code Enforcement Board, created by the City's Code of Ordinances ([Chapter 34](#)), shall have the authority granted to the Code Enforcement Board by such Ordinances, City Charter, and State law.

154.117. CITY PLANNER

It shall be the duty of the City Planner or his/her designee, with the aid of other City departments, to enforce this Chapter in accordance with the administrative provisions herein contained.

DEVELOPMENT REVIEW PROCEDURES

154.121. PURPOSE

Development review procedures are herein established to achieve the following purposes, among others:

- A. To provide for the review of development plans before obtaining a building permit and certificate of occupancy;
- B. To provide for the inclusion of necessary facilities, services, and additional uses through conditional use permits;
- C. To provide for the inclusion of uses which are not specified in this code, but which have characteristics and a land use impact similar to permitted main uses;
- D. To assure that no work shall be started on the relocation, construction, reconstruction, or structural alteration of a building or use, until the building or use is found to comply with all the provisions of this chapter;
- E. To assure before construction of new buildings, commencement of a new use or occupancy, or before occupancy is continued after alterations, that all regulations of the city have been met; and
- F. To provide for enforcement by issuance of orders by the City Planner.

154.122. COMMON REVIEW REQUIREMENTS

The requirements of this section shall apply to all applications and procedures subject to development review under this code, unless otherwise stated.

A. AUTHORITY TO FILE APPLICATIONS

Unless otherwise specified in this code, development review applications may be initiated by:

- 1. The owner(s) of the property(ies) that is the subject of the application;
- 2. The owner's authorized agent; or
- 3. The City of Morehead, Kentucky.

B. FEES

1. Determination of Fees

Fees shall be established in Title 15, Chapter 160: Zoning Fees in the City's Code of Ordinances

2. Fees to be Paid

- a. No application shall be processed, or permit issued until the established fee has been paid by the applicant.
- b. Fees shall be paid to the City of Morehead, Kentucky in accordance with the City's payment policies.

3. Refund of Fees

Application fees are not refundable, except where the City Planner determines that an application was accepted in error, or the fee paid exceeded the amount due. In such cases, the amount of overpayment shall be refunded to the applicant.

C. PUBLIC NOTIFICATION FOR PUBLIC HEARINGS

Applications for development approval that require public hearings shall comply with all applicable KRS requirements and the provisions of this chapter regarding public notification.

1. Content

Notices for public hearings, whether by publication or mail (written notice), shall provide the following, as applicable:

- a. Identify the location and size of the subject property by its address, legal description, or parcel number(s).
- b. Indicate the date, time, and location of the public hearing;
- c. Describe the nature, scope, and purpose of the application;
- d. Identify the location where the public may view the application and related documents;
- e. Include a statement that the public may appear at the public hearing, be heard, and submit written comments with respect to the application; and
- f. Include a statement describing where written comments should be submitted prior to the public hearing.

2. Notice Requirements

Notice for public hearings shall be provided as defined in [Table 122-1: Public Notice Requirements](#).

TABLE 122-1: PUBLIC NOTICE REQUIREMENTS

Blank Box = No Notice Required

| Development Review Procedure | See Section | Mailed Notice | Published Notice | Posted Notice |
|---|-------------------------|--|---|---|
| Zoning Text or Map Amendment | 154.123 | Written notice shall be sent to adjoining properties of the subject property a minimum of 15 days prior to the date of the public hearing* | Published notice required a minimum of 7 days and not more than 21 days prior to the date of the public hearing | A sign shall be posted on the subject property a minimum of 15 days prior to the public hearing |
| Expansion or Substitution of a Nonconforming Use or Structure** | 154.124 | Written notice shall be sent to adjoining properties of the subject property a minimum of 15 days prior to the date of the public hearing | | |
| Conditional Use Permit | 154.126 | Written notice shall be sent to adjoining properties of the subject property a minimum of 15 days prior to the date of the public hearing* | Published notice required a minimum of 7 days and not more than 21 days prior to the date of the public hearing | A sign shall be posted on the subject property a minimum of 15 days prior to the public hearing |
| Variances | 154.127 | Written notice shall be sent to adjoining properties of the subject property a minimum of 15 days prior to the date of the public hearing* | Published notice required a minimum of 7 days and not more than 21 days prior to the date of the public hearing | A sign shall be posted on the subject property a minimum of 15 days prior to the public hearing |
| Appeals | 154.131 | Written notice shall be sent to adjoining properties of the subject property a minimum of 15 days prior to the date of the public hearing* | | |
| PUD Zone Map Amendment and Concept Development Plan | 154.154 | Written notice shall be sent to adjoining properties of the subject property a minimum of 15 days prior to the date of the public hearing* | Published notice required a minimum of 7 days and not more than 21 days prior to the date of the public hearing | A sign shall be posted on the subject property a minimum of 15 days prior to the public hearing |

*Adjoining properties shall include properties on either side of the subject property and properties located directly across the street.

**If required per section [154.124](#).

3. Published Notice

When provisions of this code require that notice be published, a representative of the City shall prepare the content of the notice and publish the notice in a local newspaper of general circulation in Rowan County, Kentucky. The content of the notice shall be consistent with section [154.122.C.1: Content](#).

4. Written Notice

- a. Written notice shall be by first-class mail with certification by the City Planner that the notice was mailed. It shall be the duty of the applicant to furnish the names and addresses of the owners of each property requiring mailed notification. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and addresses of said owners.
- b. In the event an adjacent property is a condominium or other type of cooperative ownership then the person notified by mail shall be the president or chairperson of the owner group which manages property commonly owned by the cooperative owners. A joint notice may be mailed to two or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.
- c. When any property within the required notification area is located within an adjoining city, county, or planning unit, notice of the hearing shall be given at least 14 days in advance of the hearing, by first-class mail to certain public officials as follows:
 - i. If the adjoining property is part of a planning unit, notice shall be given to that unit's planning commission.
 - ii. If the adjoining property is not part of a planning unit, notice shall be given to the mayor of the city in which the property is located or, if the property is in an unincorporated area, notice shall be given to the judge/executive of the county in which the property is located.

5. Posted Notice

A sign shall be posted in a conspicuous place, on the subject property, and along the primary frontage of the property. The sign shall notify the public of the pending request and shall provide information on how to contact the City for more information.

154.123. ZONING TEXT AND MAP AMENDMENTS

A. APPLICABILITY

1. Amendments to this zoning code or zoning map may originate with the Planning Commission, City Council, or any legislative body which has adopted this zoning code, the owner of the subject property, or by a person having written authorization from the owner of the subject property.

2. Regardless of the origin of the proposed amendment, it shall be referred to the Planning Commission for their consideration and action, in such form and accompanied by such information as required by this zoning code. At the time of filing an application, a nonrefundable filing fee is required.

B. PROCEDURES

1. The Planning Commission shall review all zoning text and map amendments for conformance with the City's Comprehensive Plan.
2. The Planning Commission shall hold a public hearing on the proposed amendment or change and shall give notice of the time and place of the hearing in accordance with [154.122.C. Public Notification for Public Hearings](#).
3. Following the public hearing, Planning Commission shall record their findings of fact related to the recommended approval or denial of a proposed zoning text or map amendment. The Commission shall forward their findings and their recommendation to City Council.
4. City Council shall approve, approve with modifications, or deny the application at a public meeting. It shall take a majority of the entire membership of City Council to override the recommendation of the Planning Commission.

154.124. NONCONFORMING USES AND STRUCTURES

A. AUTHORITY TO CONTINUE AND MAINTAIN

Passage of this code in no way legalizes any illegal uses existing at the time of its adoption. Nonconforming uses and structures may be as follows:

1. **Continuation of Nonconforming Use**
A nonconforming use that lawfully occupies a structure or a land site on the effective date of this Code may be continued so long as it remains otherwise lawful, subject to the standards and limitations in this section.
2. **Continuation of Nonconforming Structure**
A nonconforming structure that lawfully occupies a lot on the effective date of this Code and that does not conform with the standards for yards, buffers, height, gross floor area of structures, driveways, open space, or other similar regulation for the district in which the structure is located may be used and maintained, subject to the standards and limitations in this section.
3. **Continuation of Nonconforming Accessory Uses and Structures**
The continued existence of nonconforming accessory uses, and structures is subject to the provisions governing principal nonconforming uses and structures set forth in this section.
4. **Maintenance, Repair, and Structural Safety**
Normal maintenance and incidental repair may be performed on a conforming structure that contains a nonconforming use or on a nonconforming structure.

B. NONCONFORMING STRUCTURE

A nonconforming structure may not be moved, expanded, altered, except in the manner provided in this section or unless required by law:

1. Repair, Maintenance, Alterations, and Expansions

A nonconforming structure may be repaired, maintained, altered, or enlarged provided that any enlargement of the nonconforming structure is in conformance with all applicable zoning regulations for the district in which the property is located. If the proposed enlargement does not conform with applicable regulations, the owner shall first obtain approval of a variance from the Board of Zoning Adjustment prior to commencing any work.

2. Moving

A nonconforming structure, including nonconforming signs, may not be moved, in whole or in part, for any distance whatsoever, to any other location on the same lot or to any other lot unless the entire structure conforms to the regulations of the zoning district in which it is located after being moved.

3. Reconstruction of Nonconforming Structure

A nonconforming structure may be demolished and reconstructed in the exact footprint of the original nonconforming structure. The structure may be expanded from the exact footprint of the original nonconforming structure if the expansion conforms with all applicable zoning regulation for the district in which the property is located. The structure must be issued a building permit for the reconstruction within two years of when the demolition permit was granted.

C. ABANDONMENT OF NONCONFORMING USE

Any nonconforming use that is abandoned or discontinued for a period of six consecutive months may not be reestablished or resumed. Any subsequent use or occupancy of the structure or land must conform to the regulations for the district in which it is located.

D. SUBSTITUTION OF NONCONFORMING USE

So long as no structural alterations are made, except as required by enforcement of other codes or ordinances, any nonconforming use may, upon approval by the Board of Zoning Adjustment, be changed to another nonconforming use of the same classification or of a less intensive classification, provided that the Board shall find that the use proposed for substitution is equally appropriate or more appropriate to the district that the existing nonconforming use is in. In permitting such change, the Board may require that additional conditions and safeguards be met. Such requirements shall be stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a violation of this code. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use or other nonconforming use.

E. EXPANSION OR SUBSTITUTION OF NONCONFORMING USES

1. A nonconforming use may be expanded provided that any expansion of the nonconforming use is in conformance with all applicable zoning regulations for the district in which the property is located.
2. If the proposed expansion does not conform with applicable regulations, the owner shall first obtain approval of a variance from the Board of Zoning Adjustment prior to commencing any work.
3. The Board of Zoning Adjustment may approve, approve with conditions, or disapprove an application for expansion or substitution of a nonconforming use. Such decision shall be based on written findings of fact in consideration of the following standards (a-e). The failure of the proposed work to conform to any single factor or standard may not necessarily be a sufficient basis for denial.
 - a. The proposed use is consistent with the general purposes and intent of the code.
 - b. The proposed use promotes the safe and efficient use of land.
 - c. The proposed use is compatible with other adjacent land uses and buildings existing in the surrounding area.
 - d. The proposed use is consistent with the purposes of the zoning district in which the use is located and does not negatively impact the value of surrounding property.
 - e. The proposed use would be located in a building that is specially equipped or structurally designed for that use.

F. REVOCATION OF EXPANSION OR SUBSTITUTION OF NONCONFORMING USE

Violation of any condition or limitation on the grant of an approval of an expansion or substitution of a nonconforming use is a violation of this code and constitutes grounds for revocation of the approval.

G. RECONSTRUCTION OF NONCONFORMING USE AND STRUCTURE

Any nonconforming building or structure which has been damaged by fire, flood, explosion, earthquake, war, riot, or act of God, may be reconstructed and used as before if it is done within two years after such damage. If any nonconforming building or structure is destroyed by any means, other than those previously listed, to the extent that the estimated cost of repair is greater than 50 percent of the last assessed improvement value of such structure, it shall not be rebuilt, restored, or reoccupied for any use unless it is brought into conformity with all regulations of this code unless permitted by the Board of Zoning Adjustment or exempted by section [154.124.B.3: Reconstruction of Nonconforming Structure](#).

154.125. DEVELOPMENT PLAN

A. DEVELOPMENT PLAN REQUIRED

1. A development plan shall be required whenever a subdivision is established as defined in [KRS section 100.111\(22\)](#).

2. A development plan shall be required for all applications for development or changes in a use that are not exempt from the Planning Commission development plan review by section [154.125.B](#).
3. The City Planner shall review all development plan applications to determine if the application is complete or if additional information is needed. Upon determination that the application is complete, it shall be referred to the Planning Commission for review.

B. DEVELOPMENT PLAN EXEMPTIONS

The following are exempted from development plan review by Planning Commission. A development plan review by the City Planner is still required along with the application and issuance of applicable permits for the following items:

1. Construction of a new single family or two-family dwelling or the reconstruction, enlargement, or alteration of such, except as provided for in sections [154.149.G](#) and [154.149.H](#).
2. All Expansion of existing non-residential uses representing an increase in floor area and/or parking area that is 10 percent or less of the existing building square footage but does not exceed a combined square footage of over 10,000 square feet.
3. Modifications to sites involving changes to landscaping, parking, or loading without the expansion of such items.
4. Accessory structures and uses.
5. Temporary structures and uses.
6. Signs.

C. CONTENTS OF DEVELOPMENT PLAN

1. Preliminary and Final Development Plan

The Planning Commission may require a preliminary development plan and a final development plan or, depending on the complexity of the project, the Commission may waive the preliminary development plan requirement.

2. Contents of Preliminary Development Plan

A preliminary development plan shall contain the following information:

- a. Vicinity sketch;
- b. Applicable zoning district, vicinity, location, arrangements, and approximate dimensions of existing and proposed driveways, streets, street names and addresses, sidewalks, parking areas, and arrangement of spaces, points of ingress and egress, vehicular and pedestrian rights-of-way, and any manmade conditions or structures;
- c. Screening, landscaping, buffering, recreational, and other open space areas;
- d. Approximate size, location, height, floor area, arrangement, and use of proposed and existing buildings and signs;
- e. Storm drainage areas indicating adjoining property;

- f. Proposed and existing easements;
- g. Morehead Utility Plan Board certification (gas, water, and sewer);
- h. Electric company certification; and
- i. Submittals must meet architectural and engineering standards.

3. Contents of Final Development Plan

A final development plan shall contain the following information:

- a. Four complete sets of plans drawn to scale with compass point at a scale of between one-inch equals 20 feet and one-inch equals 40 feet;
- b. Submittals must meet architectural and engineering standards;
- c. Topography map or plot plan with contour intervals not greater than two feet for the entire plot and indicating adjoining property. This may be waived at the discretion of the Planning Commission;
- d. Boundary features such as bearings and distances of all property lines;
- e. Complete drainage plan including parking lot and yard drainage, street access and curb cuts, and curb gutter and sidewalk sections. There must be no drainage of surface water onto a public street. All costs associated shall be borne by the developer;
- f. Size, location, height, floor area, and arrangement of proposed and existing buildings to the extent known or anticipated;
- g. Screening, landscaping, buffering, recreational, and other open space areas showing the dimensions of and materials of the fences, plantings, buffer, and other open space areas;
- h. Submittals must show applicable zoning districts, vicinity, location, arrangement, and dimensions, street cross section drawings, sidewalks, parking areas including number of off-street parking spaces, walkways from parking to building entrances, points of ingress and egress within the development, off-street loading areas, and other vehicular and pedestrian rights-of-way;
- i. Utility information such as proposals for gas, water, electricity, parking lot lighting, dumpster location and enclosure, storm water and sanitary sewer lines, fire hydrants, and other similar elements; and
- j. Location and dimension of other existing or proposed easements.

154.126. CONDITIONAL USE PERMIT

A. PURPOSE

Conditional use permits shall be required for types of uses designed as conditionally permitted in a particular zoning district. Such use may be permitted and desirable in certain districts, but not without consideration. In each case, the effect of the use upon neighboring land will be reviewed. Enumerated throughout this code are certain uses and the districts in which they may be permitted as conditional uses provided the following standards are fulfilled and a conditional use is granted by the Board of Zoning Adjustment.

B. NOTIFICATION REQUIREMENTS

The Board of Zoning Adjustment shall hold a public hearing subject to the requirements of section [154.122.C. Public Notification for Public Hearings](#).

C. REVIEW FACTORS

The Board of Zoning Adjustment shall consider the following standards when determining whether the issuance of a conditional use permit is warranted:

1. The conditional use is consistent with the spirit, purpose, and intent of the City's various plans and studies and will not negatively affect or harm the appropriate use of neighboring property.
2. The proposed conditional use is to be in a district wherein such use may be permitted, subject to the requirements of this section.
3. The use complies with all applicable use-specific provisions established in section [154.148: Permitted Uses](#).
4. The proposed use shall be adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, storm water facilities, water, sanitary sewer, refuse pick-up, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for any such services.
5. The proposed use will comply with all applicable development standards, except as specifically altered by the Board of Zoning Adjustment in the approved conditional use.
6. The proposed use will be harmonious with the existing or intended character of the area, will not be hazardous or have a negative impact on adjacent properties, and will not be detrimental to property values or the economic welfare of the general vicinity.
7. The proposed use will not be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor, or other characteristic that is not compatible to the uses permitted in the applicable zoning district.
8. The proposed use will not impede the normal and orderly development and improvement of the surrounding properties for uses permitted in the district.

D. APPROVAL CONDITIONS

1. The Board may approve, modify, or deny any application for a conditional use permit. If the Board approves the 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. The Board shall also stipulate if the Conditional Use Permit shall apply to the specific applicant only or if the Permit shall run with the land regardless of ownership. Any such conditions shall be recorded in the Board's minutes and on the conditional use permit, along with a reference to applicable code sections.
2. The Board shall have power to revoke conditional use permits for noncompliance with the condition thereof. Furthermore, the Board shall have right of action to compel offending structures or uses removed at the cost of the violator and as further described in section [154.992: Violations](#).
3. The granting of a conditional use permit does not exempt the applicant from complying with all the requirements of building, housing, and other regulations.
4. The City Planner shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually. The City Planner shall have the power to inspect the land or structure where the conditional use is located, to ascertain that the landowner is complying with all the conditions which are listed in the conditional use permit. If the landowner is not complying with all the conditions listed in the permit, the City Planner shall report the fact in writing to the Chairperson of the Board of Zoning Adjustment. The report shall state specifically the way the landowner is not complying with the conditions of the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time. The Board shall hold a hearing on the report within a reasonable time and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing. If the Board of Zoning Adjustment finds that the facts alleged in the report of the City Planner are true, and the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board of Zoning Adjustment may authorize the City Planner to revoke the conditional use permit, and take the necessary legal action to cause the termination of the activity.
5. Once the Board of Zoning Adjustment has granted a conditional use permit, and all the conditions required are of such type that they can be completely and permanently satisfied, the City Planner, upon request of the applicant, may, if the facts warrant, decide that the conditions have been satisfied. The City Planner should keep this determination with a copy of the approved conditional use permit.

E. PERIOD OF VALIDITY

The approval of a conditional use permit shall become null and void if building permits have not been issued for all buildings and structures or if the conditionally approved use hasn't begun within one year after approval of a conditional use permit. The Board of Zoning Adjustment may extend this time if requested and justified by the owner or agent prior to expiration. If a conditional use expires, the owner or agent will be required to submit a new conditional use permit application and fee and obtain new approvals for such use.

154.127. VARIANCES

A. APPLICABILITY

1. The Board of Zoning Adjustment shall have the power to authorize variances in specific cases as described herein and that are consistent with the provisions of this chapter and other city codes.
2. The Board of Zoning Adjustment shall hear and decide all applications for variances from the requirements and standards set forth in this chapter and that are not contrary to the public interest. When an owner's authorized agent seeks a variance, said owner or agent shall be required to establish that the literal enforcement of the code would result in an unnecessary hardship unless a variance is granted.
3. Variances shall not be granted for the use of any land, structure, or building that is not permitted in the applicable zoning district. In those cases, an application to rezone the property is required.
4. Variances shall not be granted to alter residential density requirements in the zone in question.
5. A variance applies to the property for which it is granted, and not to the individual who applied for it. A variance 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.

B. NOTIFICATION REQUIREMENTS

The Board of Zoning Adjustment shall hold a public hearing subject to the requirements of section [154.122.C. Public Notification for Public Hearings](#).

C. APPROVAL CONDITIONS

The Board of Zoning Adjustment may grant variances, as authorized in this zoning code, if it determines a justifiable reason for the variance. The evaluation shall include, but is not limited to, the following factors:

1. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness, or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures, or conditions.
2. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
3. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures.
4. Whether the essential character of the neighborhood would be substantially altered or whether adjacent properties would suffer substantial detriment because of the variance.
5. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, and refuse pick-up.
6. Whether special conditions or circumstances exist because of actions of the owner.

7. Whether the property owner's predicament can feasibly be remedied through some method other than a variance.
8. Whether the spirit and intent behind these code requirements would be observed and substantial justice done by granting a variance.
9. Whether the granting of the variance requested will confer on the owner any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.
10. No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.
11. Following a public hearing, the Board of Zoning Appeals shall approve, approve with conditions, or disapprove the request. If the variance is denied by the Board of Zoning Appeals, the owner or agent may appeal the decision to City Council.

154.128. ADMINISTRATIVE WAIVERS

- A. An owner or authorized agent may request an administrative waiver by the City Planner from standards of this code. Waivers may be granted for landscaping, parking, or dimensional regulations not to exceed 10 percent of this applicable regulation.
- B. Decisions on an administrative waiver shall be based on consideration of the following criteria:
 1. The waiver will not impair the essential character of the surrounding area or any objective contained within the comprehensive plan.
 2. The surrounding properties will be properly protected.
 3. The waiver request is minor in nature and does not substantially deviate from prior issuances of the Board of Zoning Adjustment (if applicable).
 4. The waiver request does not deviate from the overall intent and objective of the original regulation, the approved development plan, or applicable plats.
 5. The waiver request is for a single item. If multiple waivers are requested, the owner or representative shall be required to obtain approval of a variance from the Board of Zoning Adjustment for such a request.
- C. An administrative waiver, including conditions, shall run with the land and shall not be affected by change of ownership.
- D. Administrative waivers may not be granted to reduce the required minimum lot size or increase permitted residential density.

154.129. DETERMINATION OF SIMILAR USE

- A. Where there is a proposed use that is not currently listed in section [154.148: Permitted Uses](#), the City Planner may review the use to determine the appropriate zoning district(s), if any, where the use may be permitted. The nature, operation, and function of the use shall be analyzed in the determination of the appropriate district(s).

- B. The City Planner may forward his/her decision to Planning Commission for review and to determine if the proposed use should be enumerated in this zoning code as a permitted use in the appropriate zoning district(s) pursuant to section [154.123: Zoning Text and Map Amendments](#).
- C. The City Planner may find that the proposed use is not compatible with any existing zoning districts and not permit the use under the current zoning code. The owner or owner's authorized agent may appeal the decision of the City Planner to Planning Commission for review and final decision.

154.130. TEMPORARY USES AND STRUCTURES

- A. The Board of Zoning Adjustment has the right to grant the temporary use of a building or premises in any district for a purpose or use that does not conform to the regulations prescribed by this chapter for the district in which it is located. Provided that the use is of a true temporary nature and does not involve the erection of a permanent building or structure. The permit shall be granted in the form of a temporary and revocable permit for a maximum 12-month period and may be subject to conditions as placed on the temporary use by the Board of Zoning Adjustment to safeguard the public health, safety, convenience, and general welfare.
- B. Temporary structures shall require a permit with the exception of the following:
 - 1. Tents, campers, cabanas, or structures similar in nature which are erected for the personal enjoyment of individuals on private property and which do not include and business or commercial activities that are open to the general public; or
 - 2. A tent or canopy less than 101 square feet in size and erected for five consecutive days or less.

154.131. BUILDING PERMITS

- A. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure shall first make application with the City Planner and obtain the required permit.
- B. When a conditional use or dimensional variance is required, no building permit shall be issued without applicable approvals.
- C. All applications where building permits are required shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the exact size and location on the lot of any existing principal uses and buildings; the lines within which the proposed buildings or structures are to be erected or altered; the proposed height; the existing and intended use of each building; and other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this zoning code. One copy of the plans shall be returned to the applicant by the City Planner, after he or she has marked the copy either as approved or disapproved and attested to the same by his or her signature on the copy. The original, simply marked, shall be retained by the City Planner.

154.132. CERTIFICATE OF OCCUPANCY

A. CERTIFICATE OF OCCUPANCY REQUIRED

No person shall use or permit the use of any structure or premises or part thereof hereafter created, erected, changed, converted, enlarged or moved, wholly or partly, until a certificate of occupancy shall have been issued by the City Planner. The certificate shall show the structure or use, or both, or the premises or the affected part thereof are in conformity with the provisions of the latest building permit. It shall be the duty of the City Planner to issue the certificate if he or she finds that all of the provisions of this zoning code have been met and to withhold the certificate unless all requirements of this permit have been met.

B. TEMPORARY CERTIFICATES OF OCCUPANCY

A temporary certificate of occupancy may be issued by the City Planner for a period not exceeding six months, during alterations or partial occupancy of a building pending its completion. He or she may require special conditions or safeguards as he or she deems necessary in order to protect the safety of the public.

C. CERTIFICATE OF OCCUPANCY OR EXISTING USES OR STRUCTURES

Upon written application from the owner or tenant, and upon inspection to determine the facts in the case, the City Planner shall issue a certificate of occupancy for any building, premises, or use, certifying that the building, premises, or use are in conformity with the provisions of this zoning code, or that a legal nonconformity exists as specified herein.

D. STRUCTURES AND USES TO BE PROVIDED IN BUILDING PERMITS, PLANS, AND CERTIFICATES OF OCCUPANCY.

Building permits or certificates of occupancy issued on the basis of plans and applicants approved by the City Planner authorize only the use, arrangement, and construction set forth in the permits, plans, and certificates and no other. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this zoning code.

154.133. APPEALS

A. AUTHORIZATION

An appeal from a decision of the City Planner, or a City Board or Commission, with respect to the interpretation of application of this code, may be taken to an applicable Board or Commission of the City of Morehead identified in [Table 112-1: Summary Table of Review Bodies](#) by any person or agent aggrieved by any agent of the City of Morehead affected by such decision.

B. NOTICE OF APPEAL

1. Appeals shall be filed within 30 days of the date of the meeting or notice in which the decision was made by filing a written notice of appeal.
2. The notice of appeal shall specify the grounds for such appeal. Upon receipt of a notice of appeal, the City Planner shall transmit a written notice to the applicable Board of Commission including all the papers constituting the record upon which the decision being appealed was based.

C. PUBLIC HEARING

A public hearing shall be held for appeals subject to the requirements of section [154.122.C. Public Notification for Public Hearings](#) and KRS Chapter 424.

D. DECISION ON APPEALS

The concurring vote of a majority of the members of the applicable Board or Commission present at the meeting shall be necessary to reverse or modify any decision under this code. A written decision on the application shall be provided without unreasonable delay after the close of a hearing and in all cases, within 30 days after the close of the hearings.

ZONING DISTRICTS AND USE REGULATIONS

154.141. PURPOSE

The purpose of this section is to establish land use regulations for lots within the City of Morehead, Kentucky.

154.142. ESTABLISHED ZONING DISTRICTS

For the purpose of this code, all land within the City of Morehead is hereby divided into the districts established in [Table 142-1: Zoning Districts](#).

| TABLE 142-1: ZONING DISTRICTS | |
|-------------------------------|----------------------------|
| Abbreviation | District Name |
| AG | Agricultural |
| RS | Rural Settlement |
| R-1 | Low Density Residential |
| R-2 | Medium Density Residential |
| R-3 | High Density Residential |
| B-1 | General Business |
| B-2 | Highway Business |
| B-3 | Central Business District |
| I-1 | Light Industrial District |
| P-1 | Public and Semipublic Land |

154.143. ZONING DISTRICT PURPOSE STATEMENTS

The following are the statements of purpose for each of the city's zoning districts established in this zoning code.

A. AGRICULTURAL "AG" DISTRICT

The purpose of this district is to serve as a holding classification for land which may eventually be required for more intensive uses. The regulations for the agricultural zone discourage the premature urban development of the rural areas, and discourage or prohibit all commercial or industrial development, except for certain agriculturally-related commercial, industrial, and recreational activities that are appropriate for the zone.

B. RURAL SETTLEMENT "RS" DISTRICT

This zone consists of an area one mile in diameter and is centered over several small, unincorporated rural settlements in and around the city. The purpose of this zone is to preserve the rural service nature of the settlements, but also permits the expansion of residential and rural service business developments. Until adequate facilities are provided, urban development at urban densities is discouraged.

C. LOW DENSITY RESIDENTIAL “R-1” DISTRICT

The purpose of this zone is to provide space for low density single-family dwellings which can be provided with approved sewer and water services.

D. MEDIUM DENSITY RESIDENTIAL “R-2” DISTRICT

The purpose of this zone is to provide, in addition to single-family dwellings, space for two-family dwellings and multifamily residential dwellings up to five units, and the customary accessory uses and structures in areas which can be provided with approved sewer and water services.

E. HIGH DENSITY RESIDENTIAL “R-3” DISTRICT

The purpose of this zone is to provide space for multifamily residential units, in addition to single-family and two-family dwellings, in areas which can be provided with approved sewer and water services.

F. GENERAL BUSINESS “B-1” DISTRICT

The purpose of this zone is to provide space for a variety of retail sales and service uses in the city.

G. HIGHWAY BUSINESS “B-2” DISTRICT

The purpose of this zone is to encourage the establishment of areas for highway business uses. This zone is specifically designed to service the motoring public.

H. CENTRAL BUSINESS “B-3” DISTRICT

The purpose of this zone is to provide space for those retail sales, service, and public uses that generally serve the entire community, and can best perform that service from a centralized location.

I. LIGHT INDUSTRIAL “I-1” DISTRICT

The purpose of this zone is primarily for manufacturing and assembly plants, warehousing, wholesale establishments, and other similar uses which are conducted with a minimum of noise, glare, vibrations, odor, dust, and other objectionable characteristics.

J. PUBLIC AND SEMIPUBLIC “P-1” DISTRICT

The purpose of this zone is to identify land which is owned and used by a public entity, including schools, cemeteries, parks, playgrounds, and forest service land.

154.144. OFFICIAL ZONING MAP

The boundaries of the city’s zoning districts are hereby established as shown on the map accompanying and made part of this zoning code. The zoning map shall be on file in the office of the City Planner.

154.145. ZONING DISTRICT BOUNDARIES

- A.** Where a zoning district boundary line divides a single lot, the uses and development regulations for the more restrictive district shall be applied to the entire lot.

- B. Whenever any street, alley, or other public way is vacated by official action of the City, the zone boundary shall be automatically extended to the center of the vacated public right-of-way, and all areas included in the vacated area in question shall be subject to all appropriate regulations of the extended area.

154.146. COMPLIANCE WITH DISTRICT STANDARDS

Except as otherwise provided in this section, the following requirements shall be met:

- A. No building or premises shall be erected, reconstructed, structurally altered, or used for any use or purpose that is not in compliance with the zoning code, except as regulated by section [154.124: Nonconforming Uses and Structures](#).
- B. Every building erected after the date of adoption of the code shall be erected on a lot.

154.147. ANNEXED TERRITORIES

All territory which may be hereafter annexed to the city shall be classified in whichever district classification as recommended by the Planning Commission and approved by City Council in accordance with section [154.123: Zoning Text and Map Amendments](#).

154.148. PERMITTED USES

A. GENERAL PROVISIONS

[Table 148-1: Permitted Uses](#) lists the uses allowed within the designated zoning districts.

B. PERMITTED USES

A “P” in a cell indicates that a use is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this code.

C. PERMITTED USES WITH STANDARDS

A “PS” in a cell indicates that a use category is allowed by-right in the respective zoning district if it meets the additional standards set forth in the numerically referenced sections. Permitted uses with standards are subject to all other applicable regulations of this code.

D. CONDITIONAL USES

A “C” in a cell indicates that a use may be permitted if approved through Conditional Use Permit review (see section [154.126: Conditional Use Permit](#)). Conditional uses may be subject to use-specific standards as identified in the last column of [Table 148-1: Permitted Uses](#). Conditional uses are subject to all other applicable regulations of this code.

E. PROHIBITED USES

A blank and/or shaded cell indicates a use that is prohibited in the respective zoning district.

F. NUMERICAL REFERENCE

The numbers contained in the “Additional Standards” column are references to additional standards and requirements that apply to the use type listed. Standards referenced in the “Additional Standards” column apply in all zoning districts unless otherwise expressly stated.

G. PERMITTED USE TABLE

| TABLE 148-1: PERMITTED USES | | | | | | | | | | | |
|---|----|----|-----|-----|-----|-----|-----|-----|-----|-----|----------------------|
| <i>P=Permitted, PS=Permitted with Standards, C=Conditional, Blank Cell=Prohibited</i> | | | | | | | | | | | |
| Use Type | AG | RS | R-1 | R-2 | R-3 | B-1 | B-2 | B-3 | I-1 | P-1 | Additional Standards |
| Residential Uses | | | | | | | | | | | |
| Boarding house | | | | C | PS | PS | PS | PS | | | 154.149.A |
| Dormitory | | | | C | PS | PS | PS | PS | | | 154.149.B |
| Fraternity and sorority houses | | | | C | PS | PS | PS | PS | | | 154.149.C |
| Group home | P | P | P | P | P | P | P | P | | | |
| Lodging House | | | | | P | P | P | P | | | |
| Manufactured homes | PS | PS | | | | | | | | | 154.149.D |
| Manufactured homes, qualified | | | PS | PS | PS | PS | PS | PS | | | 154.149.D |
| Manufactured home communities | C | C | | C | C | | | | | | 154.149.D |
| Mixed use residential | | | | | P | PS | PS | PS | | | 154.149.E |
| Multifamily dwellings, 3-5 dwelling units | | | | PS | PS | PS | PS | PS | | | 154.149.F |
| Multifamily dwellings, 6-15 dwelling units | | | | | PS | PS | PS | PS | | | 154.149.F |
| Multifamily dwellings, 16-30 units | | | | | | PS | PS | PS | | | 154.149.F |
| Multifamily dwellings, 30+ units | | | | | | C | C | C | | | 154.149.F |
| Residential care facility, small | P | P | P | P | P | P | P | P | | | |
| Residential care facility, large | | | | | P | P | P | P | | | |
| Single family dwellings | PS | PS | PS | PS | PS | PS | PS | PS | | | 154.149.G |
| Single family dwellings, attached (townhomes) | | | | PS | PS | PS | PS | PS | | | 154.149.H |
| Two-family dwellings (duplexes) | | | | PS | PS | PS | PS | PS | | | 154.149.H |
| Public Uses | | | | | | | | | | | |
| Cemeteries, crematories, and public mausoleums | C | C | C | | | | | | | PS | 154.150.A |
| Government buildings and facilities | | | | | | P | P | P | P | P | |
| Open space and forest service land | P | P | P | P | P | P | P | P | P | P | |
| Places of worship | P | P | P | P | P | P | P | P | P | P | |
| Public parks | P | P | P | P | P | | | | | P | |
| Schools, public and private, elementary through high school | | | P | P | P | P | P | P | P | P | |
| Commercial Uses | | | | | | | | | | | |
| Agricultural and horticulture uses | P | | | | | | | | | | |
| Animal hospital and veterinarian offices | | | | | | PS | PS | | PS | | 154.151.A |
| Animal training, boarding, and pet day care | | | | | | PS | PS | | PS | | 154.151.B |

TABLE 148-1: PERMITTED USES

P=Permitted, PS=Permitted with Standards, C=Conditional, Blank Cell=Prohibited

| Use Type | AG | RS | R-1 | R-2 | R-3 | B-1 | B-2 | B-3 | I-1 | P-1 | Additional Standards |
|--|----|----|-----|-----|-----|-----|-----|-----|-----|-----|----------------------|
| Assisted living, skilled nursing care, and similar senior living facilities | | | | | P | P | P | P | | | |
| Auditoriums, theaters, stadiums, assembly halls, and similar places of assembly | | | | | | P | P | P | | | |
| Automotive fueling stations | | | | | | P | P | C | | | |
| Automotive repair facilities | | | | | | P | P | | P | | |
| Automotive sales or leasing | | | | | | P | P | | | | |
| Bakery | | | | | | P | P | P | P | | |
| Banks, financial institutions, and freestanding ATMs | | | | | | P | P | P | | | |
| Bars and taverns | | | | | | P | P | P | | | |
| Bed and Breakfast | | | | | | P | P | P | | | |
| Brewery, Macro | | | | | | P | P | | P | | |
| Brewery, Micro and Nano | | | | | | P | P | P | P | | |
| Brewpub | | | | | | P | P | P | | | |
| Child-care center and preschools | | | | | | P | P | C | P | | |
| Commercial greenhouses | P | | | | | P | P | | P | | |
| Community social service facilities | | | | | | P | P | P | | P | |
| Construction and large equipment rental, sales, and service | | | | | | | | | PS | | 154.151.C |
| Distillery, Macro | | | | | | P | P | | P | | |
| Distillery, Micro | | | | | | P | P | P | P | | |
| Farmers markets | P | | | | P | P | P | P | P | P | |
| Hospital | | | | | | | P | | | P | |
| Hotels and motels | | | | | | P | P | P | | | |
| Indoor recreation facilities | | | | | | P | P | | P | PS | |
| Industrial facilities, including manufacturing, warehousing, storage, distribution, research and development, laboratories, and production | | | | | | | | | PS | | 154.151.D |
| Medical office and clinic | | | | | | P | P | P | P | | |
| Mixed use buildings comprised of uses permitted in such district | | | | | C | P | P | P | | | |
| Mortuaries and funeral homes | | | | | | P | P | P | | | |
| Office | | | | | | P | P | P | P | | |
| Parking lots and garages | | | | | | | | P | | P | |
| Personal and retail services | | | | | | P | P | P | | | |
| Restaurants, standard | | | | | | P | P | P | | | |

TABLE 148-1: PERMITTED USES

P=Permitted, PS=Permitted with Standards, C=Conditional, Blank Cell=Prohibited

| Use Type | AG | RS | R-1 | R-2 | R-3 | B-1 | B-2 | B-3 | I-1 | P-1 | Additional Standards |
|--|----|----|-----|-----|-----|-----|-----|-----|-----|-----|----------------------|
| Restaurants, with drive-thru | | | | | | P | P | | | | |
| Retail sales | | | | | | P | P | P | | | |
| Schools, post-secondary education facilities and trade schools | | | | | | P | P | | P | | |
| Self-storage facilities | | | | | | | P | | P | | |
| Vehicle storage | | | | | | | | | PS | | 154.151.E |
| Accessory Uses | | | | | | | | | | | |
| Accessory buildings and structures | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | 154.152.A |
| Adult day care, home | PS | PS | PS | PS | PS | | | | | | 154.152.B |
| Child-care center and preschools | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | 154.152.C |
| Family child-care, home | PS | PS | PS | PS | PS | | | | | | 154.152.D |
| Home occupations | PS | PS | PS | PS | PS | PS | PS | PS | | | 154.152.E |
| Outdoor storage of materials | PS | | | | | | PS | | PS | | 154.152.F |
| Signs | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | 154.201 |
| Solar panels | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | 154.152.G |
| Swimming pools, tennis courts, and similar outdoor recreation | | P | P | P | | | | | | | |
| Temporary Uses | | | | | | | | | | | |
| Mobile food unit | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | 154.153.A |
| Outdoor sales | | | | | | | | | | | 154.153.B |

154.149. RESIDENTIAL USE SPECIFIC REGULATIONS

The following section contains additional standards that shall be met by an applicant for residential uses that are either permitted with use-specific standards or as conditional uses. In addition to meeting the following standards, all applicants for conditional uses shall be required to comply with all other applicable provisions of this code.

A. BOARDING HOUSE

Boarding houses are principally permitted in the High Density Residential “R-3” zoning district and conditionally permitted in the Medium Density Residential “R-2” zoning district subject to regulations set forth in section 154.126: [Conditional Use Permit](#) and the following:

1. Boarding houses are required to provide off-street parking in accordance with section 154.174: [Off-Street Parking Regulations](#).
2. Signage for such uses is regulated in section 154.209: [Signs Permitted by Zoning District](#).
3. There shall not be more than three sleeping rooms used for boarding.

4. Boarding is provided for compensation.
5. The maximum duration for stays at such use shall be 30 continuous days.
6. Boarding houses shall have a resident advisor or manager that shall ensure the continued compliance and maintenance of the facility. The resident advisor shall register with the City Planner.

B. DORMITORY

Dormitories are principally permitted in the High Density Residential “R-3” zoning district and conditionally permitted in the Medium Density Residential “R-2” zoning district subject to regulations set forth in section [154.126: Conditional Use Permit](#) and the following:

1. Dormitories are required to provide off-street parking in accordance with section [154.174: Off-Street Parking Regulations](#).
2. Dormitories are limited to 40 feet in height.
3. Signage for such uses is regulated in section [154.209: Signs Permitted by Zoning District](#).
4. A dormitory shall provide, at a minimum, 200 square feet of living area per occupant.
5. Each dormitory shall have a resident advisor or manager that shall ensure the continued compliance and maintenance of the facility. The resident advisor shall register with the City Planner.

C. FRATERNITY AND SORORITY HOUSES

Fraternity and sorority houses are principally permitted in the High Density Residential “R-3” zoning district and conditionally permitted in the Medium Density Residential “R-2” zoning district subject to regulations set forth in section [154.126: Conditional Use Permit](#) and the following:

1. Fraternity and sorority houses are required to provide off-street parking in accordance with section [154.174: Off-Street Parking Regulations](#).
2. Signage for such uses is regulated in section [154.209: Signs Permitted by Zoning District](#).
3. Fraternity and sorority houses shall provide, at a minimum, 200 square feet of living area per occupant.
4. Each Fraternity and sorority house shall have a resident advisor or manager that shall ensure the continued compliance and maintenance of the facility. The resident advisor shall register with the City Planner.

D. MANUFACTURED HOMES

1. Basic Standards for all Manufactured Homes

The following are basic standards for all manufactured homes located within a manufactured home or mobile community, a subdivision of factory-built homes, a manufactured home or mobile home zoning district, or an agricultural zoning district:

- a. Manufactured homes shall be installed in accordance with the State of Kentucky standards set forth in KRS 227.570 and placed on a permanent foundation system.

- b. Each section of a manufactured home shall be inspected for the correct federal or state seal. In the case of manufactured homes, the HUD seal must be identified, as well as any state seal. Confirmation of the seals insures property inspection and use of the unit. Previously owned (used) manufactured homes must qualify for a B-1 seal issued by the Kentucky Department of Housing, Buildings and Construction, State Fire Marshal's Office, and may be permitted only in special manufactured or mobile home districts, agricultural districts, or factory-built home land-lease communities.
- c. If a perimeter foundation or curtain wall is not used, an exterior covering material extending from the bottom of the home to the ground or to the top of the foundation shall be used. This skirting material shall harmonize with the architectural style of the home.
- d. Manufactured homes are required to provide off-street parking in accordance with section [154.174: Off-Street Parking Regulations](#).

2. Additional Standards for Qualified Manufactured Homes

- a. The additional standards for qualified manufactured homes apply only to manufactured homes that are located in the following:
 - i. Infill neighborhoods where the existing or permitted density is such that adjacent homes are located within 1/8 mile (660 feet) of the proposed manufactured home;
 - ii. That are not located in a manufactured home community;
 - iii. That are not located in a subdivision of factory-built homes; or
 - iv. That are not located in a manufactured home or mobile home zoning district or an agricultural zoning district.
- b. The following compatibility standards for qualified manufactured homes relate to architectural features that have a significant impact on the overall assessed value of the structure. This ensures that when a qualified manufactured home is placed in a residential zoning district it is compatible, in terms of assessed value, with existing housing located with a 1/8 mile or less radius from the proposed location of the qualified manufactured home.
 - i. The manufactured home shall be new and unused.
 - ii. Is affixed to a permanent foundation and is connected to the appropriate facilities and is installed in compliance with KRS 227.570.
 - iii. The tongue, axle, and wheels shall be removed from the manufactured home.
 - iv. Has a width of at least 20 feet at its smallest width measurement or is two stories in height and oriented on the lot or parcel so that its main entrance door faces the street.
 - v. Has a minimum total living area of 900 square feet.

- vi. Is not located in a factory-built home land-lease community.
- vii. The property owner should convert the manufactured home to real estate.

3. Development Standards for Manufactured Homes

- a. With the exception of manufactured homes in a factory-built home community, manufactured homes should be subject to the same site development standards such as buildings setbacks and height that apply to site-built dwellings.
- b. Manufactured homes within a factory-built home community shall conform to the site development regulations prescribed in HB417 (an act relating to manufactured home, mobile home, and recreational vehicle communities).

4. Manufactured Home Communities

- a. Manufactured home communities are conditionally permitted in the Agricultural “AG”, Rural Settlement “RS”, Medium Density Residential “R-2” zoning district, and the High Density Residential “R-3” zoning district and are subject to regulations set forth in section [154.126: Conditional Use Permit](#).
- b. Manufactured home communities shall be subject to the Development Plan requirements of section [154.125: Development Plan](#) and shall require approval by the Planning Commission.
- c. Any additions or accessory uses/structures attached to a factory-built home must comply with all applicable City and State permit requirements.
- d. A fence, wall, or other type of opaque screen shall be required on all sides of a manufactured home community that faces a public right-of-way or non-factory-built residential use.

E. MIXED USE RESIDENTIAL

Mixed use residential facilities located in the General Business “B-1”, Highway Business “B-2”, or the Central Business “B-3” zoning district and shall be subject to the following:

- 1. Residential uses shall only be permitted on the first floor if they are located in the rear half of the building to allow for a non-residential use to utilize the first-floor storefront.
- 2. Residential uses are permitted to utilize the entirety of the second story or any additional stories.
- 3. Residential uses shall be subject to the parking requirements set forth in section [154.174: Off-Street Parking Regulations](#).

F. MULTIFAMILY DWELLINGS

- 1. If there are multiple multifamily residential buildings proposed as part of a development, there shall be a minimum of 10 feet separating each building.
- 2. Multifamily residential uses shall be subject to the parking requirements set forth in section [154.174: Off-Street Parking Regulations](#).

G. SINGLE FAMILY DWELLINGS

1. If three or more single family dwellings are built on a single lot, such development shall be subject to the Development Plan requirements of section [154.125: Development Plan](#) and shall require approval by the Planning Commission.
2. If there are multiple single-family dwellings proposed on one lot, there shall be a minimum of 10 feet separating each dwelling.

H. SINGLE FAMILY DWELLINGS, ATTACHED (TOWNHOMES)

1. Attached single family dwellings (townhomes) shall be subject to the following dimensional standards:
 - a. Minimum lot area shall be 2,900 square feet per unit.
 - b. Minimum lot width shall be 25 feet.
 - c. Minimum lot depth shall be 100 feet.
 - d. Maximum height shall be 30 feet.
 - e. Minimum front yard setback of 25' if the unit has a front garage or parking access. There shall be no minimum front yard setback if there is rear garage or parking access.
 - f. Accessory structures shall be subject to the dimensional standards set forth in [Table 162-1: Residential Dimensional Standards](#).

I. TWO-FAMILY DWELLINGS

1. If three or more two-family dwellings are built on a single lot, such development shall be subject to the Development Plan requirements of section [154.125: Development Plan](#) and shall require approval by the Planning Commission.
2. If there are multiple two-family dwellings proposed on one lot, there shall be a minimum of 10 feet separating each dwelling.

154.150. PUBLIC USE SPECIFIC REGULATIONS

The following section contains additional standards that shall be met by an applicant for public uses that are either permitted with use-specific standards or as conditional uses. In addition to meeting the following standards, all applicants for conditional uses shall be required to comply with all other applicable provisions of this code.

A. CEMETERIES, CREMATORIES, AND PUBLIC MAUSOLEUMS

Cemeteries, crematories, and public mausoleums are principally permitted in the Public and Semi-Public "P-1" zoning district and conditionally permitted in the Agricultural "AG", Rural Settlement "RS", and Low Density Residential "R-1" zoning districts subject to regulations set forth in section [154.126: Conditional Use Permit](#) and the following:

1. The crematory and public mausoleums shall be setback a minimum of 200 feet from any right-of-way.

2. The crematory and public mausoleums shall be setback a minimum of 300 feet from any adjoining residential district that is not used for a similar purpose.

154.151. COMMERCIAL USE SPECIFIC REGULATIONS

The following section contains additional standards that shall be met by an applicant for commercial uses that are either permitted with use-specific standards or as conditional uses. In addition to meeting the following standards, all applicants for conditional uses shall be required to comply with all other applicable provisions of this code.

A. ANIMAL HOSPITAL AND VETERINARIAN OFFICE

Animal hospitals and veterinarian offices are permitted in the General Business “B-1”, Highway Business “B-2”, and the Light Industrial “I-1” zoning districts subject to such use being setback a minimum of 100 feet from any residential district and it shall not include any outdoor runs or play areas for animals.

B. ANIMAL TRAINING, BOARDING AND PET DAY CARE

Animal training, boarding, and pet day cares are permitted in the General Business “B-1”, Highway Business “B-2”, and the Light Industrial “I-1” zoning districts subject to such use being setback a minimum of 100 feet from any residential zoning district. Outdoor runs for animals shall be screened from view from any adjacent residential district and any adjacent right-of-way with a minimum six-foot opaque fence, wall, landscaping, or combination thereof. Animals may not be kept in the outdoor runs overnight.

C. CONSTRUCTION AND LARGE EQUIPMENT RENTAL, SALES, AND SERVICE

Construction and large equipment rental, sales, and service uses are permitted in the Light Industrial “I-1” zoning district subject to being setback a minimum of 100 feet from any residential district. Such uses shall be screened from view from any residential district and any adjacent right-of-way with a minimum six-foot opaque fence, wall, landscaping, or combination thereof.

D. INDUSTRIAL FACILITIES

Industrial facilities are permitted in the Light Industrial “I-1” zoning district subject to the following:

- a. The industrial use shall be setback a minimum of 100 feet from any residential district.
- b. If such use includes outdoor storage of any products or equipment, such storage shall be located on the side or rear of the building and shall be screened from view from any residential district and any adjacent right-of-way with a minimum six-foot opaque fence, wall, landscaping, or combination thereof.
- c. Where an industrial use does not have a principal building, such as a vehicle storage yard, such use shall be fully screened from view from any residential district and any adjacent right-of-way with a minimum six-foot opaque fence, wall, landscaping, or combination thereof.

E. VEHICLE STORAGE

Vehicle storage is permitted in the Light Industrial “I-1” zoning district subject to being setback a minimum of 100 feet from any residential district. Vehicle storage shall include the storage of cars, boats, recreational vehicles, trailers, trucks, and other similar types of vehicles. Such use shall be screened from view from any residential district and any adjacent right-of-way with a minimum six-foot opaque fence, wall, landscaping, or combination thereof.

154.152. ACCESSORY USES AND STRUCTURES

The following section includes additional regulations for permitted accessory uses and structures within the city.

A. ACCESSORY BUILDINGS AND STRUCTURES

1. Residential Accessory Buildings and Structures

Accessory buildings and structures are permitted in the residential zoning district subject to the following requirements:

- a. Accessory buildings and structures shall only be permitted in the rear or side yard.
- b. On corner lots the minimum setback for accessory buildings and structures shall be the same as the principal structure.
- c. If an accessory structure is connected to the principal structure, the setbacks of the principal structure shall apply.
- d. Additional dimensional standards for accessory buildings and structures can be found in [section 154.162: Residential Dimensional Standards](#).

2. Commercial Accessory Buildings and Structures

Accessory buildings and structures are permitted in non-residential zoning districts subject to the following requirements:

- a. Accessory buildings and structures shall only be permitted in the side or rear yard.
- b. Accessory buildings and structures are subject to the same setbacks as the principal building.
- c. Additional dimensional standards for accessory buildings and structures can be found in [section 154.163: Commercial and Mixed-Use Dimensional Standards](#).

B. ADULT DAY CARE, HOME

1. Adult day care facilities located in residential dwellings are subject to the home occupation regulations in [section 154.152.E: Home Occupations](#).
2. In-home care is limited to a maximum of four adults, at any one time.
3. Care shall only be provided for a portion of a 24-hour day with no overnight stay.

C. CHILD-CARE CENTER AND PRESCHOOLS

Child-care centers and preschools are permitted as accessory uses to a principally permitted use in the respective zoning district such as a school, place of worship, health club, or office building.

D. FAMILY CHILD CARE, HOME

1. Family child care facilities located in residential dwellings are subject to the home occupation regulations in section [154.152.E: Home Occupations](#).
2. In-home care is limited to six children, at any one time.
3. Care shall only be provided for a portion of a 24-hour day with no overnight stay.

E. HOME OCCUPATIONS

Home occupations are permitted as an accessory use in the residential zoning districts subject to the following requirements:

1. Home occupations shall be conducted only within the dwelling which is the principal residence of the person conducting the business.
2. There shall not be more than one employee that is not a resident of the premises.
3. The occupation is conducted wholly within a building and not more than 25 percent of the floor area of one story is devoted to that use.
4. Any signage shall conform to section [154.209: Signs Permitted by Zoning District](#).
5. No additional parking burden, due to the home occupation, shall be created.
6. No mechanical equipment shall be used except that which is customarily used for domestic or household purposes and including machinery which is reasonably used in a hobby.
7. No merchandise or commodity should be sold on the premises.
8. There shall be no outside storage, including machinery, equipment, or vehicles, of any kind related to home occupation.
9. The number of vehicles attracted to the premises as a result of the home occupation shall not exceed two at any one time, excluding delivery vehicles temporarily stopped for purposes of pick-up or delivery.
10. The following are examples of permitted home occupations:
 - a. Clerical and other similar business services;
 - b. Instruction in music, dance, or other type of teaching with a maximum of two students at a time;
 - c. The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office-oriented occupations;
 - d. Artists, sculptor, photographers, home crafts;
 - e. Barber shops and beauty shops with a maximum of one chair;
 - f. A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or
 - g. Any similar use as determined by the City Planner.

F. OUTDOOR STORAGE

The outdoor storage of any products or equipment shall be located on the side or rear of the building and shall be screened from view from any residential district and any adjacent right-of-way with a minimum six-foot opaque fence, wall, landscaping, or combination thereof.

G. SOLAR PANELS

Solar panels shall be subject to the following standards:

1. Ground-mounted solar panels shall be limited to a maximum height of 12 feet and shall be located in the side or rear yard.
2. All solar panels must, at a minimum, meet the setback requirements for the applicable zoning district.
3. Roof-mounted solar panels on pitched roofs shall not extend higher than the ridgeline of the roof on which they are located.
4. Roof-mounted solar panels on flat roofs shall not project more than six feet above the roof surface and shall not exceed the maximum height allowance in the applicable zoning district in which they are located.

154.153. TEMPORARY USES

A. MOBILE FOOD UNIT

Mobile food units are regulated by [Chapter 119](#) of the City's Code of Ordinances.

B. OUTDOOR SALES

Temporary outdoor sales that are accessory to a principally permitted use are permitted subject to the following:

1. Outdoor sales and display areas are located on the sidewalk or walkway adjacent to the building in the front yard or are in the side or rear yard.
2. Outdoor sales may be in designated areas of a parking lot if such location is identified on a site plan and approved by the City Planner.
3. The placement of merchandise must not interfere with pedestrian movement on any sidewalk or walkway and must be clear of the visibility triangle, as described in section [154.173.I: Visibility](#) to ensure a clear line of site for vehicles pulling onto a right-of-way. A minimum of five feet of sidewalk or walkway shall be clear of merchandise to allow for safe pedestrian movement.

154.154. PLANNED UNIT DEVELOPMENT "PUD" DISTRICT

A. PURPOSE STATEMENT

The purpose of the Planned Unit Development "PUD" district is to:

1. Promote the mixture of land uses in a creative, economical, and aesthetically pleasing manner.

2. Encourage flexibility in the design of developments specifically in the preservation of open space, in the protection of natural features, in the utilization of site amenities, and in the creation of designs that are compatible with surrounding uses.
3. Provide harmonious transitions between uses by utilizing land uses, landscaping, buffers, or other similar techniques.
4. Allow for safe and efficient transportation networks that accommodate automobiles, bicycles, and pedestrians.
5. Provide for locations for recreation facilities, education facilities, and other public and semi-public common facilities, while preserving the existing landscape to the greatest extent possible.

B. PUD REGULATIONS

1. Principally Permitted Buildings and Uses

Any use shall be allowed with a PUD district subject to the approval of Planning Commission and City Council.

2. Minimum Development Area

The minimum area to qualify as a PUD shall be at least five contiguous acres in size. Planning Commission and City Council may approve a PUD District that contains less than five acres if there are special site characteristics that exist and proposed uses justify development of the property as PUD, such as a site redevelopment or infill project.

3. Multiple Buildings on a Lot

More than one building is permitted on a lot within a PUD.

4. Ownership

Evidence shall be provided that the applicant has control over the land contained within the PUD application or a signed acknowledgement from the owner of the land granting permission for the proposed development at the time that the application is submitted.

5. Setbacks

Peripheral and internal setbacks shall be defined on the PUD plan as approved by Planning Commission and City Council.

6. Transitions

PUD developments shall be considerate of adjacent developments and shall be designed in a way to mitigate undesirable audible and visual land impacts to the adjacent land uses. Installation of facilities/features required to protect and preserve the character and value of surrounding properties shall be completed before occupancy permits will be issued.

7. Circulation

The vehicular and pedestrian circulation system shall be designed to fully accommodate vehicular and pedestrian traffic with safety and efficiency within a development.

C. ESTABLISHMENT OF A PUD DISTRICT

Planned Unit Development Districts, when approved by the Planning Commission and City Council shall be identified on the city's zoning map with notation "PUD".

D. CONCEPT DEVELOPMENT PLAN REQUIREMENTS

The Concept Development Plan shall include the following:

1. Survey or engineering drawings of the property to be rezoned to PUD.
2. Vicinity map.
3. North arrow.
4. Scale bar.
5. Narrative description of the proposed development.
6. Proposed parcels contained within the development.
7. Existing property lines of adjacent properties noting the owners of record and existing zoning designations of the adjacent properties.
8. The location of proposed buildings and land uses within the development. The amount of land area dedicated for each land use shall be indicated.
9. For developments that include residential uses, the type of dwelling units, dwelling unit density, minimum lot sizes, frontages, and setbacks shall be specified.
10. Preliminary interior open space system and landscape concepts.
11. Location of existing and proposed public and private streets, parking areas, and pedestrian network.
12. Minimum peripheral setbacks around the perimeter of the development.
13. Location of all existing structures located within the development and within 200 feet of the boundary of the proposed development.
14. Proposed locations for dumpster enclosures.
15. Traffic impact study, if deemed required by City Planner.
16. Additional information as requested by the City Planner, Planning Commission, or City Council.

E. FINAL DEVELOPMENT PLAN REQUIREMENTS

The Final Development Plan shall include the applicable information from the Concept Plan and the following:

1. Plat prepared by a registered surveyor for entire development area identifying parcel numbers, lines, dimensions, and areas.
2. The existing topography with contour intervals of not less than five feet, and final contours at two feet maximum.
3. The location of all existing trees with a caliper of four inches or more.

4. The proposed size, location, use, and arrangement of buildings, parking areas (with proposed arrangement of stalls and number of cars), entrance and exit driveways and their relation to existing and proposed streets, proposed landscaping, signage, and all other significant features of the proposed development.
5. Building elevations that indicate proposed architectural character. Building materials and colors shall be identified. Material boards may be required upon request of City Planner.
6. Design and location of all existing landscaping to be preserved and all proposed landscaping areas, open spaces, buffering plans, retention areas, and yards including the common and scientific names of all proposed plant species and the quantity and sizes of each.
7. Existing and proposed storm and sanitary sewers, water mains, culverts, and other underground structures.
8. Lighting, including fixture types, size, and a photometric plan.
9. Trash facilities, including dumpster pads and enclosure details.
10. Notation of any right-of-way dedication that may be necessary for the widening or extension of any major streets.
11. Sign plan indicating locations, sizes, and designs for all proposed signs.
12. A phasing plan for the development, if any.
13. Professional engineers and/or architect's stamp and signature.
14. Additional information as requested by the Planning Commission or City Council to supplement the above information when special conditions occur.

F. PUD PROCESS

1. Pre-Submittal Meeting

Prior to submitting the Concept Development Plan the property owner or owner's representative is encouraged to meet with the City Planner, and other city staff as deemed necessary, to discuss the development informally. The purpose being to discuss the intent of the development and the PUD process and to identify any preliminary concerns with the proposed development.

2. PUD Zone Map Amendment and Concept Development Plan Submittal

- a. The owner or owner's authorized representative shall apply to the City Planner for a PUD Zone Map Amendment and Concept Development Plan approval in accordance with the provisions of this section.
- b. The City Planner shall determine if the application is complete or if additional information is needed. Upon determination that the application is complete, it shall be referred to the Planning Commission for review.

- c. The Planning Commission shall hold a public hearing on the PUD Zone Map Amendment and Concept Development Plan in accordance with section [154.122.C: Public Notification for Public Hearings](#) and shall furnish to City Council its recommendation with respect to the submitted plans.
- d. The City Council shall hold a public hearing on the PUD Zone Map Amendment and Concept Development Plan and shall review and act on the application. City Council may approve, conditionally approve, or disapprove the PUD Zone Map Amendment and Concept Development Plan.
- e. In the case of an adverse recommendation by the Planning Commission, such application shall require the affirmative vote of no less than two-thirds of the City Council members to reverse Planning Commission's recommendation.
- f. If the PUD Zone Map Amendment and Concept Development Plan is approved by City Council, the City Planner shall update the Official Zoning Map to identify the subject property as being zoned "PUD" and the owner or owner's authorized agent may submit the Final Development Plan.

3. Final Development Plan Submittal

- a. The Final Development Plan, together, with an application, shall be filled with the City Planner.
- b. The City Planner shall determine if the application is complete or if additional information is needed. Upon determination that the application is complete, it shall be referred to the Planning Commission.
- c. The Planning Commission shall review the application package and act on the Final Development Plan. Planning Commission may approve, conditionally approve, or disapprove the Final Development Plan based on the plan's consistency with the Concept Development Plan and the Final Development Plan requirements. The Planning Commission, for any reason, may decide to send the Final Development Plan to City Council for review and Council action. In this instance, Planning Commission shall still provide City Council with their recommendation on the submitted Final Development Plan.

4. Building Permit

Following the approval of the Final Development Plan, the owner or owner's authorized agent may submit for building permits.

G. COMBINED CONCEPT AND FINAL DEVELOPMENT PLAN

The owner or owner’s representative may request to combine the applications for the Concept and Final Development Plans. The City Planner may approve or deny this request based on the type of application, completeness of plans, and timing requirements of the project. All requirements of both the Concept and Final Development Plans shall be met for a combined plan submittal. If approved by the City Planner, the owner or owner’s representative shall submit the PUD Zone Map Amendment with the Final Development Plan and any additional information that is required for the Concept Development Plan such as project narrative and adjacent developments. The application shall follow the process established for the Concept Development Plan including a public hearing and recommendation by Planning Commission and a public hearing and action by City Council.

H. COMPLIANCE WITH THE PLAN

Structures, improvements and landscaping shall be built and installed and maintained according to the plan as approved by the city. This will be in respect to all requirements of the plan and shall include, but is not limited to, the location of the structures, location and layout of all streets and sidewalks including public right-of-way, layout and improvements of off-street parking and loading areas, location and width of driveways, ingress and egress to and from the site, grading, location and planting of landscaped areas and fencing, and location and design of lighting and signs. Once such structures, improvements, and landscaping have been built or installed, it shall be the duty of the owner or the owner’s representative to maintain the premises and structures in accordance with the approved plans. All roadways and sidewalks within proposed public right-of-way shall be maintained by the owner until accepted by the city.

I. AMENDMENTS TO THE PUD

The Planning Commission has jurisdiction to administratively approve appropriate variations from either the Concept or Final Development Plan provided that the variations shall remain in harmony with the general purpose and intent of the development. Any application for a substantial variation, to be determined by the Planning Commission, from a Development Plan as previously approved shall be considered a new Concept Development Plan that shall be administratively reviewed for action by City Council.

J. ENFORCEMENT AND PENALTY

This section is subject to enforcement and penalty as specified in section [154.993: Penalties](#).

DEVELOPMENT STANDARDS

154.161. PURPOSE

The purpose of this section is to establish development standards for lots within the City of Morehead.

154.162. RESIDENTIAL DIMENSIONAL STANDARDS

Table 162-1: Residential Dimensional Standards identifies the specific development standards that apply to each of the residential and agricultural zoning districts.

| TABLE 162-1: RESIDENTIAL DIMENSIONAL STANDARDS | | | | | | |
|--|------------------------------------|------------------------------------|------------------------------------|------------------------------------|--|------------------------|
| Development Standard | Agricultural "AG" | Rural Settlement "RS" | Low Density Residential "R-1" | Medium Density Residential "R-2" | High Density Residential "R-3" | Additional Standards |
| Minimum lot area | 5 acres (217,800 sq. ft.) | 2 acres (87,120 sq. ft.) | 10,000 sq. ft. | 6,500 sq. ft. | 5,800 sq. ft. for single and two-family dwellings | 154.162.A 154.162.B |
| | | | | | 2,900 sq. ft. per unit for dwellings with 3 or more units | |
| Minimum lot width | 30' | 150' | 80' | 65' | 65' | 154.162.C |
| Maximum height | 30' | 30' | 30' | 30' | 30' for single and two-family dwellings, dormitories, boarding houses, and fraternities/sororities | 154.164.B |
| | | | | | 45' for non-residential uses and dwellings with 3 or more units | |
| Minimum front yard setback | 50' | 50' | 30' | 30' | 30' | |
| Minimum side yard setback | 20' | 20' | 15' | 12' | 8' | |
| Minimum rear yard setback | 50' | 50' | 25' | 20' | 20' | |
| Accessory building setbacks | 25' from the side or rear lot line | 25' from the side or rear lot line | 10' from the side or rear lot line | 10' from the side of rear lot line | 10' from the side of rear lot line | |

| TABLE 162-1: RESIDENTIAL DIMENSIONAL STANDARDS | | | | | | |
|--|-------------------|-----------------------|--|--|--|----------------------|
| Development Standard | Agricultural "AG" | Rural Settlement "RS" | Low Density Residential "R-1" | Medium Density Residential "R-2" | High Density Residential "R-3" | Additional Standards |
| Accessory buildings maximum height | 20' | 20' | 12' for accessory structures 20' for garages or carports | 12' for accessory structures 20' for garages or carports | 12' for accessory structures 20' for garages or carports | |

- A. For properties that are not served by sewer, the minimum lot size shall be 43,560 sq. ft.
- B. For lots in the Medium Density Residential "R-2" zoning district with more than one dwelling unit, an additional 2,000 sq. ft. shall be added to the minimum lot size requirement for each additional unit.
- C. Lots shall conform with the minimum lot width requirement as measured across the front and rear of the required front yard setback, except in the case of lots on a curve or on a cul-de-sac as specified in section 154.164.F.
- D. No new lot shall be created that does not meet the dimensional standards set forth in this section for the applicable zoning district.

154.163. COMMERCIAL AND MIXED-USE DIMENSIONAL STANDARDS

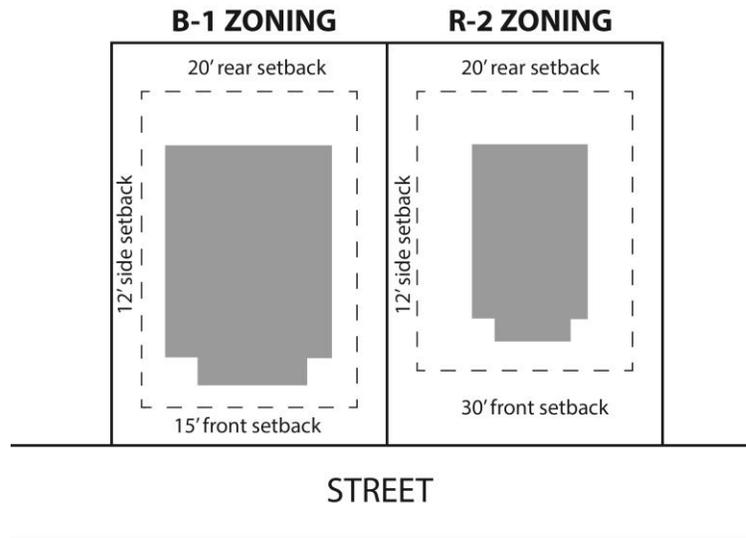
Table 163-1: Commercial and Mixed-Use Dimensional Standards identifies the specific development standards that apply to each of the commercial and mixed-use zoning districts.

| TABLE 163-1: COMMERCIAL AND MIXED-USE DIMENSIONAL STANDARDS | | | | | | |
|---|------------------------|------------------------|------------------------|------------------------|----------------------------------|----------------------|
| Development Standard | General Business "B-1" | Highway Business "B-2" | Central Business "B-3" | Light Industrial "I-1" | Public and Semipublic Land "P-1" | Additional Standards |
| Minimum lot area | - | - | - | - | - | 154.163.A |
| Minimum lot width | 50' | 50' | 50' | 50' | - | 154.163.B |
| Maximum height | 75' | 75' | 75' | 75' | 45' | 154.164.B |
| Minimum front yard setback | 15' | 15' | 10' | 30' | 15' | |
| Minimum side yard setback | - | - | - | 25' | - | 154.163.B |
| Minimum rear yard setback | - | - | - | 50' | - | |

TABLE 163-1: COMMERCIAL AND MIXED-USE DIMENSIONAL STANDARDS

| Development Standard | General Business "B-1" | Highway Business "B-2" | Central Business "B-3" | Light Industrial "I-1" | Public and Semipublic Land "P-1" | Additional Standards |
|--|------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|--|
| Accessory building setbacks | 10' from the side or rear lot line | 10' from the side or rear lot line | 10' from the side or rear lot line | 10' from the side or rear lot line | 10' from the side or rear lot line | |
| Accessory buildings maximum height | 20' | 20' | 20' | 20' | 20' | |
| Freestanding/ Monument Sign maximum height | 25' | 25' | 25' | 25' | 25' | 154.209.D.1 154.209.F.1 |

- A. All residential uses in the General Business "B-1" and the Central Business "B-3" zoning districts shall comply with the area and yard requirements of the High Density Residential "R-3" zoning district. All residential uses in the Highway Business "B-2" zoning district shall comply with the area and yard requirements of the High Density Residential "R-3" zoning district.
- B. Lots shall conform with the minimum lot width requirement as measured across the front and rear of the required front yard setback, except in the case of lots on a curve or on a cul-de-sac as specified in section [154.164.F](#).
- C. All lots in the General Business "B-1", Highway Business "B-2", and Central Business "B-3" zoning districts that abut a residential zoning district shall meet the side yard and rear yard setbacks of that residential district.



Example of rear and side yard setback requirements when a business zoned property is located adjacent to a residentially zoned property.

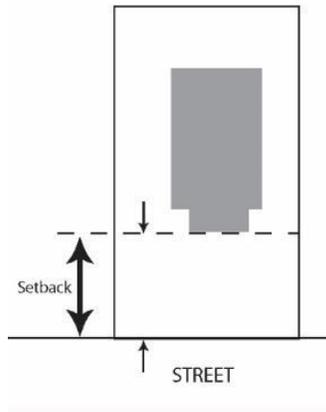
- D. No new lot shall be created that does not meet the dimensional standards set forth in this section for the applicable zoning district unless a variance has been granted for a reduced lot size by the City's Board of Zoning Adjustment.

154.164. MEASUREMENTS, COMPUTATIONS, AND EXCEPTIONS

A. SETBACKS AND YARDS

1. Measurements

Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located. Setbacks shall not contain any structure except when in conformance with this code (see section [154.164.A.4: Architectural Projections](#)).



Measurement of a Front Yard Setback

2. Yards Required for Buildings

A yard or other open space required for a building shall not be included as part of a yard or other open space for another building.

3. Front Yard Modifications

In areas where there is an established development pattern, the required minimum front yard setback shall be the average of the existing front yard setback of all principal structures on the same side of the street and within 300 feet of the subject lot. If the average is less than the district requirement, the required minimum front setback is the average as calculated. This does not apply to panhandle lots (otherwise known as flag lots) which must meet the frontage dimension requirements of the zoning district in which they are located or shall require a variance approval. Modification of the front yard in accordance with this section will not create a nonconforming lot unless the lot or structure does not meet other applicable provisions of this code.

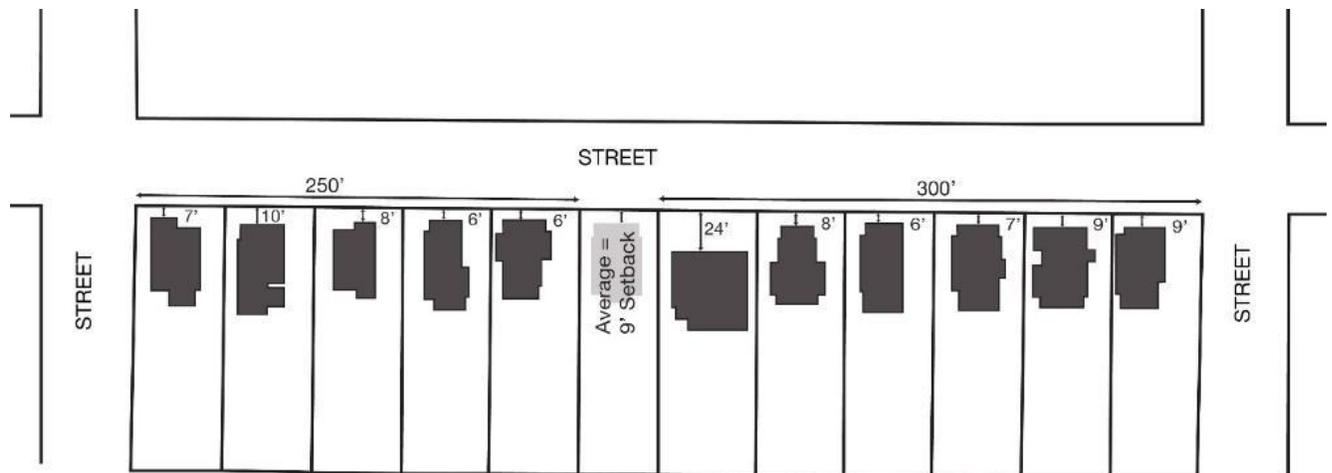


Illustration of the averaging of front yard setbacks. For example, in a district with a minimum front yard setback requirement of 25 feet, smaller setbacks may be allowed if the average front yard setbacks of surrounding properties are less than 25 feet.

4. Architectural Projections

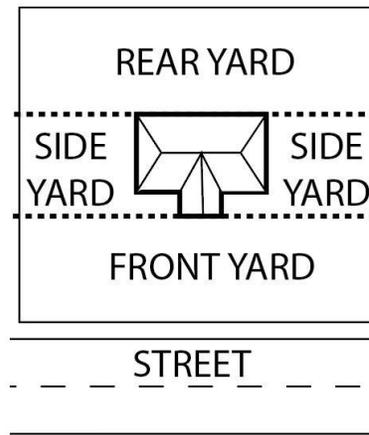
- a. Cornices, eaves, sills, canopies, or similar architectural projections may extend or project into a required front, side, or rear yard not more than 30 inches, provided that the side yard is not reduced to less than three feet.
- b. Bay windows and chimneys may project into a required front, side or rear yard not more than 18 inches, provided that the side yard is not reduced to less than three feet.
- c. Open structures, such as porches, balconies, platforms, decks, carports, and covered patios, shall be considered a part of the building to which they are attached and shall not project into the required minimum front, side, or rear yard. Uncovered patios, stoops, walkways, and other similar at-grade structures are exempted from this requirement and may project into any setback.
- d. Ramps, elevators, escalators, and similar improvements or devices constructed or installed to provide access by persons with disabilities may extend or project into a required front, side or rear yard to the extent necessary to conform the accessibility device to design and materials specifications set forth in regulatory standards promulgated under the authority of the Americans with Disabilities Act.

B. HEIGHT EXCEPTIONS

Chimneys, towers, scenery lofts, monuments, cupolas, domes, spires, false mansards, parapet walls, similar structures, and necessary mechanical appurtenances are exempt from the height regulations.

C. INTERIOR LOT

1. The required minimum front yard setback shall be measured from the curb or street edge.

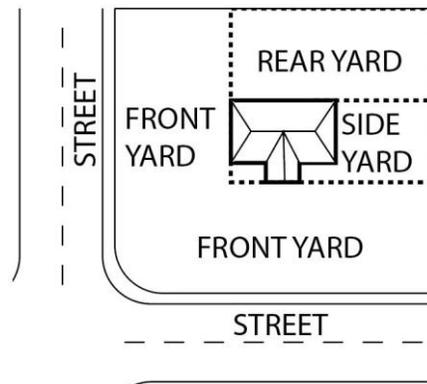


Typical yard locations on an interior lot.

2. The lot line located directly behind the rear of the structure, as determined by the City Planner, shall be the rear lot line and the rear yard setback shall be applied.
3. All other lot lines shall be considered the side lot lines and the side yard setback shall be applied.

D. CORNER LOTS

1. Lots having a frontage on more than one street shall have the required front yard setback along each street.
2. On any corner lot no fence or planting shall be erected or maintained within 20 feet of the corner right-of-way that interferes with traffic visibility across a corner. See corner visibility triangle section [154.173.I: Visibility](#).

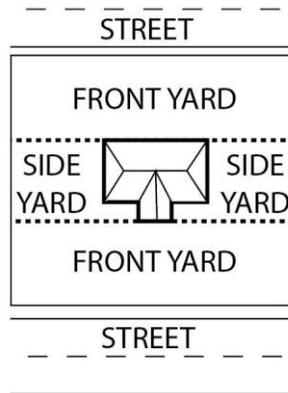


Typical yard locations for a corner lot.

E. DOUBLE FRONTAGE LOTS

1. Where a lot is considered a double frontage lot, the required minimum front yard setback shall be provided from both streets.

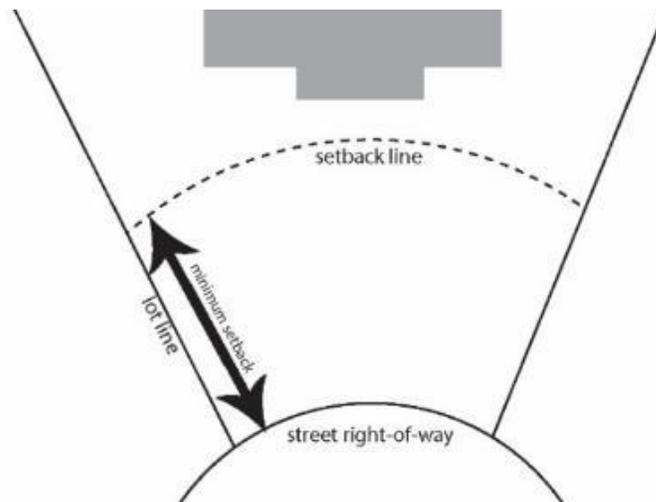
2. The remaining lot lines shall be considered side lot lines and the side yard setback shall be applied to those lot lines.



Yard Locations on Double Frontage Lots

F. CUL-DE-SAC OR CURVED-STREET LOT

1. For a cul-de-sac lot or a lot abutting a curved street, the front yard setback shall follow the curve of the front property line.



Setback line of a lot with frontage on a curved street or cul-de-sac.

2. Lots on a cul-de-sac shall be required to have a minimum lot width of 40 feet measured at the right-of-way line.
3. On a cul-de-sac or curved roadway, the required 40-foot street frontage is to be measured at the street right-of-way on the curve of the cul-de-sac or curved roadway.

OFF-STREET PARKING AND LOADING

154.171. PURPOSE

The purpose of this chapter is to:

- A. Regulate the amount and location of vehicle parking, loading areas, access, and mobility to promote a more efficient use of land;
- B. Enhance the development form;
- C. Encourage the use of alternative modes of transportation;
- D. Provide for better pedestrian movement; and
- E. Protect water quality.

154.172. APPLICABILITY

- A. Any building, structure, or use of land, when erected or enlarged, shall provide for off-street parking spaces for automobiles in accordance with the provisions of this section.
- B. When an existing building changes in use or is enlarged in floor area, number of employees, seating capacity, or otherwise that creates the need for an increase in the number of existing parking spaces, additional parking spaces shall be provided based on the following:
 - 1. When the floor area of a building or use is enlarged or expanded an amount equaling less than 10%, no additional parking is required.
 - 2. When floor area of a building or use is enlarged or expanded an amount equaling between 10% and 50%, additional parking is required based on the enlargement or change.
 - 3. When floor area of a building or use is enlarged or expanded an amount equaling more than 50%, the building or use shall fully comply with the parking requirements set forth herein.
 - 4. For residential uses, the number of additional dwelling units shall be parked according to [Table 174-1: Off-Street Parking Space Requirements](#).

C. PARKING PLAN

A parking plan shall be required for all uses except for detached single family dwellings and two-family dwellings. The parking plan shall be submitted to the City Planner as part of the site plan application. The parking plan shall show the following:

- 1. The boundaries of the property;
- 2. Parking spaces;
- 3. Access driveways;
- 4. Circulation patterns;
- 5. Drainage plan;
- 6. Illumination plan; and

7. Landscape and buffering plan.

154.173. GENERAL STANDARDS

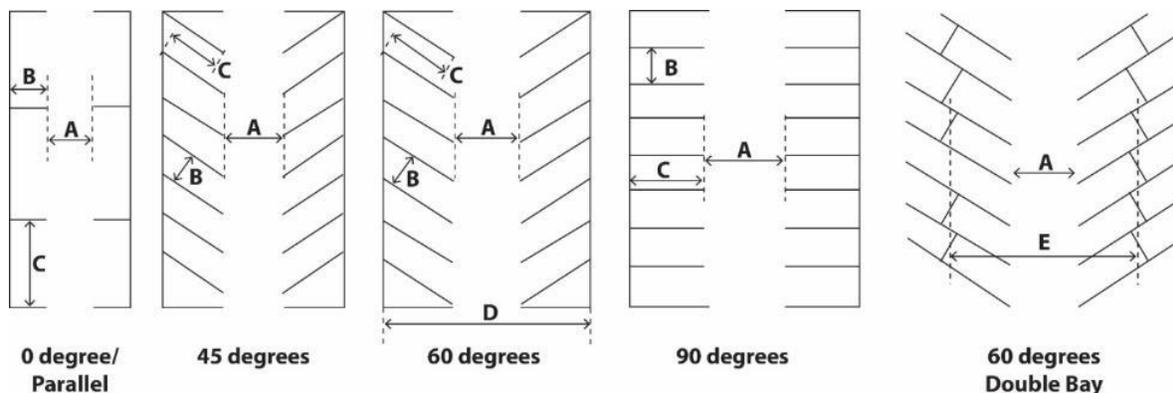
A. PARKING LOCATION

1. Off-street parking spaces shall be provided on the lot which the building is situated or within 200 feet of the lot.
2. The location of off-street parking facilities and access drives for more than five vehicles, excluding single family and two-family dwellings, may be in the required yards unless otherwise specified in this code. In no case, however, shall the parking area of access drives be located closer than 5 feet from any right-of-way and 5 feet from any property line, unless specifically approved by the Planning Commission.
3. No parking shall be allowed in landscaped areas.

B. PARKING AISLE AND SPACE DIMENSIONS

Each off-street parking space and parking aisle shall have the minimum width as set out in [Table 173-1: Parking Aisle and Space Dimensions](#).

| TABLE 173-1: PARKING AISLE AND SPACE DIMENSIONS | | | | | | |
|---|-------------|---------|-------------|-----------------|---------------------------|------------------------------|
| Parking Aisle | A | | B | C | D | E |
| | Aisle Width | | Space Width | Length of Space | Curb to Curb (Single Bay) | Bay Width (Center to Center) |
| | One-Way | Two-Way | | | | |
| 0 degree (parallel) | 12 ft | 20 ft | 9 ft | 21 ft | 38 ft | 38 ft |
| 45 degrees | 13 ft | 20 ft | 9 ft | 18 ft | 55 ft | 51 ft 10 in |
| 60 degrees | 18 ft | 22 ft | 9 ft | 18 ft | 59 ft 11 in | 57 ft 8 in |
| 90 degrees | 22 ft | 24 ft | 9 ft | 18 ft | 60 ft | 60 ft |



C. VEHICLE OVERHANGS

When parking spaces abut a landscaped area, grassy strip, or yard, a maximum two feet reduction of the overall length of any such space or spaces may be permitted to allow vehicles to extend into the landscaped area, grassy strip, or yard. When parking spaces abut a pedestrian path, a maximum two feet reduction of the overall length of such space or spaces may be permitted provided that the vehicle overhang does not reduce the pedestrian path to less than five feet in width.

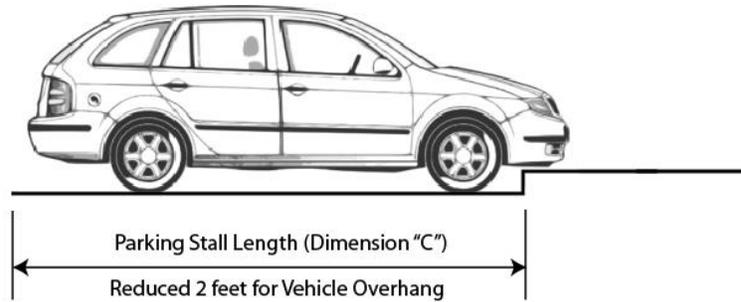


Illustration of vehicle overhang and related reduction in parking space length

D. ACCESS AND MANUEVERABILITY

To promote adequate access and maneuverability, the following provisions shall be followed:

1. Not more than 2 driveways, of not less than 20 feet or more than 30 feet in width, used as a means of ingress and egress for nonresidential off-street parking areas, shall be permitted for each 200 feet frontage upon a public street, nor shall any driveway be located closer than 50 feet to the intersection of 2 public streets.
2. All access drives shall have travel lanes of a minimum width of 10 feet and a maximum width of 12 feet per lane.
3. Except for driveways serving single household dwellings and two household dwellings, wherever more than three parking spaces are served by a single driveway, a turnaround area shall be provided, or other provision shall be made to permit vehicles to exit the parking lot or garage without backing onto any street or sidewalk.
4. Cross-access is encouraged between adjacent commercial properties.

E. STRIPING AND IDENTIFICATION

Parking spaces shall be clearly outlined with painted lines on the parking surface. The striping shall be continuously maintained in a clear and visible manner in compliance with the approved parking plan. The color of the striping shall be white, yellow, or other color as approved by the City Planner unless required by state law (i.e., parking for the disabled).

F. PAVEMENT

1. Parking areas and access driveways shall be improved with asphalt or concrete, unless otherwise authorized as provided in (2) and (3) below.

2. Pavers, pervious pavement, chip-and-seal, or gravel may be used for off-street parking areas if approved by Planning Commission. Residential driveways may be constructed of pavers, pervious pavement, chip-and-seal, or gravel if approved by the City Planner.

3. **Gravel Specifications**

- a. Gravel used for off-street parking or drives must be #57 size or smaller.
- b. Where gravel is used, an asphalt or concrete transition is required that is a minimum of six feet long.
- c. Curbing is required for gravel use as specified in [154.173.G: Curbing](#).
- d. Property owners are required to maintain gravel areas and must remove any gravel spread from adjacent non-gravel driveways or roads.

G. CURBING

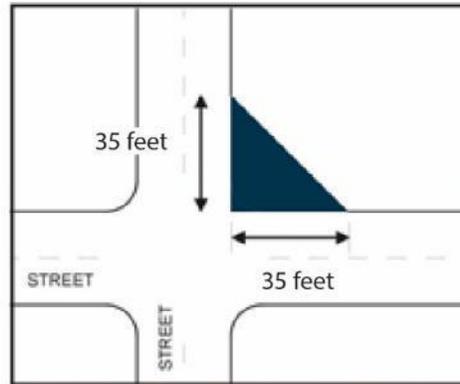
When appropriate, off-street parking facilities shall be improved with a poured concrete curb, precast concrete barrier, or other barrier to define the limits of paved areas except at the points of entrance and exit, unless authorized by the City Planner. Wherever a parking lot extends to a property line, fencing, wheel stops, concrete curbs, or other suitable barriers should be provided to prevent any part of a parked vehicle from extending beyond the property line and from destroying screening material.

H. DRAINAGE

Off-street parking areas for more than five vehicles shall be graded and drained so that the natural flow of surface water shall not be changed or concentrated onto adjacent property by means other than a designated drainage course. Storm water management shall comply with all applicable City policies and procedures.

I. VISIBILITY

Access of driveways for off-street parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible by any pedestrian or motorist approaching the access or driveway from a public street, private street, or alley. No object, including parking lot lighting, signage, or landscaping shall be in an area that obstructs vision in the sight triangle as illustrated below. Structures and vegetation within the visibility triangle are permitted at a maximum height of three feet. Trees within the visibility triangle are permitted that have branches no lower than 8 feet in height.



Site Visibility Triangle for Intersecting Streets

J. ALLEYS

Alleys may be used for pick-ups, drop-offs, loading, and unloading.

154.174. OFF-STREET PARKING REGULATIONS

A. UNITS OF MEASURE

The following rules shall apply when computing parking spaces:

1. Driveway Space

Entrances, exits, or driveways shall not be computed as part of a required parking lot or area, except in the case of single-family and two-family dwellings where driveways may be used in calculating the amount of off-street parking.

2. Multiple Uses

Unless otherwise noted or approved, off-street parking areas serving more than one use shall provide parking in an amount equal to the combined total of the requirements of each use.

3. Area Measurements

- a. Unless otherwise specifically noted, all square footage-based parking standards shall be computed based on gross floor area of all floors of a non-residential or mixed-use building.
- b. The areas of a non-residential or mixed-use building that are used for storage, restrooms, loading/unloading, mechanical equipment, stairwells, and elevator shafts may be excluded from the gross floor area calculation.
- c. When a measurement of the number of required spaces results in a fractional number, the fraction shall be rounded up to the next highest whole number.
- d. Parking space requirements for a use not specifically mentioned in this code shall be determined by using the most similar and restrictive parking space requirements as specified by the City Planner.

B. NUMBER OF OFF-STREET PARKING REQUIREMENTS

Table 174-1: Off-Street Parking Space Requirements defines the number of parking spaces required for each use within the city.

| TABLE 174-1: OFF-STREET PARKING SPACE REQUIREMENTS | |
|---|--|
| Use | Parking Space Requirement |
| Residential Uses | |
| Boarding House | 1 space for each sleeping room or 1 space for each 2 beds, whichever is greater |
| Dormitory | 1 space for each sleeping room or 1 space for each 2 beds, whichever is greater |
| Fraternity and sorority houses | 1 space for each sleeping room or 1 space for each 2 beds, whichever is greater |
| Group homes | 1 space per 2 beds |
| Manufactured and mobile homes | 2 spaces per unit |
| Mixed use residential | 1 space for each sleeping room + additional parking required for non-residential uses |
| Multifamily dwellings | 1 space for each sleeping room |
| Residential care facilities | 1 space per 2 beds |
| Single family dwellings and two-family dwellings | 1 space for each sleeping room |
| Public Uses | |
| Cemeteries, crematories, and public mausoleums | 1 space per employee on largest shift |
| Government buildings and facilities | 1 space per 400 sq. ft. |
| Community social service facilities | 1.5 spaces per caregiver/employee on largest shift + required spaces for dwelling units if applicable |
| Library | 1 space per 400 sq. ft. |
| Museum | 1 space per 450 sq. ft. |
| Places of worship | 1 parking space for every 4 persons who may be legally admitted therein at one time under the state fire prevention laws |
| Public parks and outdoor recreation areas | 5 parking spaces for each gross acres of land up to 50 acres, and 1 parking space per gross acre of land above 50 acres |
| Schools, public and private, preschool through 8 th grade | 2 spaces per classroom |
| Schools, public and private, 9 th grade – 12 th grade | 7 spaces per classroom |
| Commercial Uses | |
| Agricultural and horticultural uses | 1 space per employee on largest shift |
| Animal hospitals and veterinarian offices | 1 space per 450 sq. ft. |
| Animal training, boarding, and pet day care | 1 space per 450 sq. ft. |
| Assisted living, skilled nursing care, and similar senior living facilities | 1 parking space for every 6 beds, plus 1 additional space per employee on largest shift |
| Auditoriums, theaters, stadiums, assembly halls, and similar places of assembly with no fixed seating | 1 parking space for every 4 persons who may be legally admitted therein at one time under the state fire prevention laws |

TABLE 174-1: OFF-STREET PARKING SPACE REQUIREMENTS

| Use | Parking Space Requirement |
|--|---|
| Auditoriums, theaters, stadiums, assembly halls, and similar places of assembly with fixed seating | 1 parking space for every 4 seats |
| Automotive fueling stations | 1 parking space for each employee per largest shift, minimum of 2 spaces |
| Automotive repair facilities | 1 parking space for every 400 sq. ft. of building area |
| Automotive sales and leasing | 1 parking space for every 400 sq. ft. of building area |
| Bakery | 1 parking space per 200 sq. ft. |
| Banks and financial institutions | 1 parking space for every 150 sq. ft. of building area |
| Barber and beauty shops | 1 parking space per beauty chair or barber chair, plus 1 additional space for each employee per shift |
| Bars and Taverns | 1 space per 200 sq. ft. |
| Bowling alleys | 3 parking spaces for each bowling lane |
| Brewery, Macro | 1 space per 200 sq. ft. of taproom/restaurant/other public use space + 1 space per employee on largest shift |
| Brewery, Micro and Nano | 1 space per 200 sq. ft. of taproom/restaurant/other public use space + 1 space per employee on largest shift |
| Brewpub | 1 space per 200 sq. ft. of taproom/restaurant/other public use space + 1 space per employee on largest shift |
| Child-care center and preschools | 2 spaces per facility + 1 space for every 8 clients |
| Commercial greenhouses | 1 space per employee on largest shift |
| Commercial shopping centers | 1 parking space for each 300 sq. ft. of gross building floor area |
| Construction and large equipment rental, sales, and service | 1 space per 1,000 sq. ft. + 1 space per 2,500 sq. ft. of outdoor display area + 1 space per employee on largest shift |
| Distillery, Macro | 1 space per 200 sq. ft. of taproom/restaurant/other public use space + 1 space per employee on largest shift |
| Distillery, Micro | 1 space per 200 sq. ft. of taproom/restaurant/other public use space + 1 space per employee on largest shift |
| Farmers markets | 1 space per 250 sq. ft. of indoor floor area + 1 space per 500 sq. ft. of outdoor sales or display area |
| Hospital | 1 parking space for every 4 beds, plus 1 additional space for every 2 employees and members of the staff in the largest working shift |
| Hotels and motels | 1 parking space for each of the first 20 guest units, plus 1 parking space for every 2 guest units over the first 20 units |
| Indoor recreation facilities | 1 space per 200 sq. ft. |
| Industrial facilities, including manufacturing, warehousing, storage, distribution, research and development, laboratories, and production | 1 parking space for every 2 employees in the largest working shift |
| Medical office and clinic | 1 space per 200 sq. ft., but not less than 6 spaces |
| Mixed use buildings | The sum of the parking required for the uses within the building |
| Mortuaries and funeral homes | 1 parking space for every 150 sq. ft. of building space |
| Office | 1 space per 300 sq. ft. |
| Personal and retail services, less than 10,000 sq. ft. | 1 parking space for every 300 sq. ft. of building area |

TABLE 174-1: OFF-STREET PARKING SPACE REQUIREMENTS

| Use | Parking Space Requirement |
|--|--|
| Personal and retail services, greater than 10,000 sq. ft. | 1 parking space for every 500 sq. ft. of building area |
| Restaurants, standard | 1 parking space for every 4 seats or customers plus 1 parking space for every 2 employees per shift |
| Restaurants, with drive-thru | 1 parking space for every 150 sq. ft. of building area |
| Retail sales, less than 10,000 sq. ft. | 1 parking space for every 300 sq. ft. of building area |
| Retail sales, greater than 10,000 sq. ft. | 1 parking space for every 500 sq. ft. of building area |
| Schools, post-secondary education facilities and trade schools | 1 space per 10 classroom seats |
| Self-storage facilities | 3 spaces + 1 space per 100 individual storage units |
| Shopping centers | 1 space per 350 sq. ft. |
| Theaters | 1 space per 5 seats |
| Vehicle storage | 1 space per employee on largest shift + 1 space per facility vehicle + 1 space per 250 sq. ft. of building |

C. REDUCTION IN NUMBER OF SPACES

1. The Board of Zoning Appeals may authorize, on appeal, a reduction in the number of required parking spaces if an exceptional situation or condition exists, if alternative parking methods such as shared parking, off-street parking, and/or bicycle parking are proposed to be used, or if a parking plan is presented that demonstrates the number of required parking spaces based on the size and nature of the use, hours of operation, estimated number of patrons/customers, number of employees, availability of off-street parking, and other similar situations.
2. The City Planner may approve a reduction in the number of required parking spaces up to 10 percent.

D. SHARED PARKING

1. Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.
2. The owner or owner’s authorized agent shall provide any applicable documentation or information to substantiate the request for a reduction of the total number of parking spaces. Shared parking may be approved if the following is met:
 - a. Enough spaces are provided to meet the highest demand of the participating uses.
 - b. Evidence has been submitted by the parties operating the shared parking facility, to the satisfaction of the City Planner, documenting the nature of the land uses and the times when the individual uses will be in operation to demonstrate a lack of potential conflict between them.
 - c. The shared parking spaces will not be located more than 500 feet from the uses that they are intended to serve.
 - d. Pedestrian connectivity shall be provided between the use that it is intended to serve and the shared parking location.

- e. A shared parking agreement that documents how the shared parking agreement shall accommodate the needs of each user shall be submitted to and approved by the City Planner. This agreement shall include evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development.

E. PARKING FOR THE DISABLED

Parking spaces required for the disabled shall be provided in compliance with the applicable state and federal requirements. All spaces should be located so that they provide easy access from the closest parking spaces to the major entrances of the use for which they are provided.

F. CONTINUATION OF FACILITIES

Off-street parking areas, that are accessory to existing or proposed uses, shall continue to be maintained and operational for the life of the use. Such parking areas shall not be used for automobile sales, service, or repair of motor vehicles unless specially approved by the City.

G. MAINTENANCE OF PARKING LOTS

It shall be the responsibility of the property owner to keep parking lots maintained in good condition at all times.

154.175. DOWNTOWN PARKING OVERLAY DISTRICT

The following regulations apply to properties within the Downtown Parking Overlay District.

A. APPLICABILITY

Properties located within the Downtown Parking Overlay District shall be subject to the parking requirements of this chapter, unless specifically exempted within this section.

B. REDUCTION IN NUMBER OF SPACES

The City Planner may approve a reduction in the number of required parking spaces as specified in [Table 174-1: Off-Street Parking Space Requirements](#) up to 30 percent for properties within the Downtown Parking Overlay District.

C. LOCATION

Such spaces shall be located on the same lot containing the use for which they are required or within separate lots or structures located within 1,000 feet of the lot containing the use for which they are required. A parking agreement is required for all off-site parking agreements and shall be submitted to the City Planner for review and approval.

D. ADDING AND REMOVAL OF PROPERTIES FROM OVERLAY

Properties can be added or removed from the Downtown Parking Overlay District subject to the process established in section [154.123: Zoning Text and Map Amendments](#).

154.176. OFF-STREET LOADING STANDARDS

A. GENERAL PROVISIONS

1. An off-street loading area shall be provided for every building, structure, or part thereof having over 5,000 sq. ft. of gross building area erected and occupied for commercial or service uses involved in the receipt and distribution of materials or merchandise.
2. Each loading space shall be 12 feet in height, 35 feet in length, and 14 feet in width.
3. One additional loading space shall be provided for every additional 20,000 sq. ft. or fraction thereof, of gross area in the building.
4. Such loading space shall not be counted as parking. Loading spaces, as required under this section, shall be provided as area in addition to off-street parking spaces and shall not be considered as supplying an off-street parking space.
5. Planning Commission may authorize a modification, reduction, or waiver of the loading space requirements if they should find that there is an exceptional situation or condition that justifies such action.

B. ACCESS

Access to the loading area shall be provided directly from a public street or alley, or from any right-of-way, that will not interfere with public convenience, and that will permit the orderly and safe movement of truck vehicles.

C. SURFACING

Loading areas shall be surfaced with concrete or asphalt.

D. SCREENING

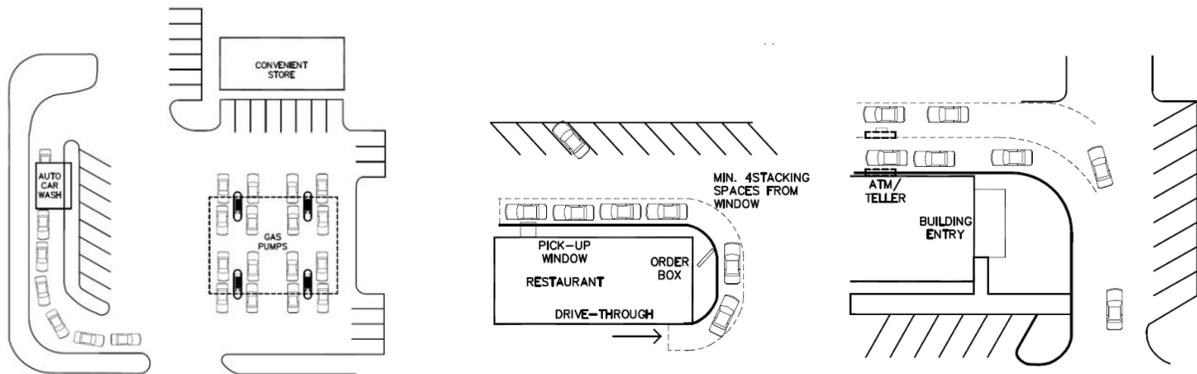
When a loading area is located next to a residential zoning district it shall be suitably screened in accordance with section [154.187: Screening/Buffering Requirements](#).

154.177. OFF-STREET STACKING SPACES

A. STACKING SPACE REQUIREMENTS

1. The number of required stacking spaces shall be as provided in [Table 177-1: Stacking Space Requirements](#).

| TABLE 177-1: STACKING SPACE REQUIREMENTS | | |
|---|-----------------------------------|------------------------|
| Activity | Minimum Stacking Space (per lane) | Measured From |
| Eating and dining establishments with a drive-thru facility | 5 | Pick-up window |
| Financial institution or ATM | 4 | Teller or window |
| Fuel or gasoline pump island | 2 | Pump island |
| Pharmacy | 5 | Pick-up window |
| Vehicle washing establishment, full-service | 6 | Outside of washing bay |
| Vehicle washing establishment, self-service | 2 | Outside of washing bay |
| Other | As determined by City Planner | |



Gasoline pump island with car wash (left), restaurant with drive-thru (center), and financial institution with ATM and drive-thru (right)

B. DIMENSIONS

Each off-street stacking space shall have a minimum dimension of 10 feet in width and 20 feet in length. Drive-thru lanes shall be separated from other parking and circulation areas. Individual lanes shall be striped, marked, or otherwise delineated.

C. LOCATION

Vehicle stacking lanes shall not interfere with access to the site and not impede traffic on adjacent streets.

D. MODIFICATION

The Planning Commission may authorize a modification, reduction, or waiver of the foregoing requirements if they should find that there is an exceptional situation or condition that justifies such action.

154.178. PARKING LOT LIGHTING

All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately during the hours between sunset and sunrise when the facility is in operation. All parking lot lighting shall utilize full cutoff fixtures that are directed downwards and away from adjacent property lines and rights-of-way. The area of direct illumination shall be contained on the site and no light shall create a hazard to the traveling public on any road, such as night-blindness or glare on the roadway. Adequate shielding and/or buffering shall be provided by the commercial uses to protect adjacent residential zones from the glare of the illumination, and from that of automobile headlights. Base of poles shall have a concrete protective base or steel post protection. No wooden poles shall be permitted.

LANDSCAPING, BUFFERYARD, AND FENCE REQUIREMENTS

154.181. PURPOSE

- A. Promote and protect the interest of the public's general welfare by requiring the planting and maintenance of trees, shrubs, and other plant materials within the City.
- B. Require buffering between non-compatible land uses to protect, preserve, and enhance the character of the surrounding neighborhoods through promoting health and safety with the reduction in visual pollution and noise pollution.
- C. Require landscaping that is beneficial in attracting new residents, visitors, and business to the City, through the property location and quantities of plants and other landscape elements.

154.182. APPLICABILITY

These regulations shall apply to the following:

- A. All new developments.
- B. Existing developments that increase their gross floor area of building or parking area between 10 and 25 percent shall landscape the area of the expansion per the regulations contained within the section, as applicable.
- C. Existing developments that increase their gross floor area of building or parking greater than 25 percent shall landscape the entire property per the regulations contained within this section, as applicable.
- D. Expansions less than 10 percent, single family, and two-family residential structures are exempt from the regulations of this section.

154.183. LANDSCAPE PLAN REQUIRED

Proposed developments subject to these regulations shall submit a landscape site plan to the City Planner for review and approval. This plan may be incorporated into a parking/paving plan or may be included in the overall development plan for a property. The following elements shall be shown on the landscape plan, which shall be drawn at a scale of one inch to 40 feet or less:

- A. Zoning of the site and adjacent properties;
- B. Existing and proposed contours at two feet intervals;
- C. Boundary lines and lot dimensions;
- D. Date, graphic scale, north arrow, title and name(s) or owner(s), and the address and phone number of the person or firm responsible for preparing the plan;
- E. Location of all proposed structures and storage areas;
- F. Drainage features and 100-year flood plain, if applicable;
- G. Parking lot layout including parking stalls, bays, and driving lanes, including the total number of parking spaces provided;
- H. Existing and proposed utility lines and easements;

- I. All paved surfaces, sidewalks, and curbs;
- J. Existing trees, shrubs, and/or natural areas to be retained;
- K. The location of all required landscaped areas (street yard, landscaped peninsulas, landscaped islands, and screening buffers);
- L. The location, installation size, and scientific and common names of landscaped materials to be installed;
- M. The spacing between trees and shrubs used for screening;
- N. Plant installation details (hole depth, hole width, staking, mulching, etc.); and
- O. For turf grass areas (seed or sod) show soil preparation fertilizer (analysis and rate), species to be used, and seeding rater or sod specifications.

154.184. HARSHIPS

These regulations are not intended to create undue hardship on affected developments and/or expansions. For new developments, required landscaping shall not exceed 15 percent of the total lot area. The Planning Commission may modify landscape and screening requirements if undue hardship can be demonstrated by the developer. Undue hardships shall be decided on a case by case basis. The Commission shall take into consideration the size of the lot and the topography of said lot in determining whether an undue hardship exists. Buffer screening shall always be provided. Space limitations may permit that a minimum of a six feet tall composite fence or masonry wall be substituted for plant material. Said substitution may only be approved by Planning Commission.

154.185. STREET YARD REQUIREMENTS

A. INTENT

The intent is to add quality and definition to the street by planting trees, shrubs, turf, and/or ground covers within a landscaped area along the edge of the right-of-way.

B. DIMENSIONS

1. A street yard shall be provided where the proposed development site adjoins the public street right-of-way. Alleys and approved access points are exempt.
2. The street yard shall have a minimum depth of five feet from the public right-of-way, excluding any sidewalk area.

C. PLANTINGS

1. The street yard may consist of mulch, turf grass, and/or other natural living ground cover material, trees, and shrubs. No impervious surfaces are permitted in the street yard except at approved access points.
2. Trees shall be planted in the street yard at a minimum ratio of one tree per 35 linear feet of right-of-way frontage.
3. The minimum spacing between trees is 15 feet and the maximum spacing is 50 feet, measured trunk-to-trunk.

4. The trees to be planted in street yards shall have a minimum maturity height of 25 feet and a minimum canopy spread of 15 feet.
5. Low shrubs may be used to complement trees, turf, and ground covers in the street yard.

D. EXISTING WOODLANDS

Existing woodlands along the street right-of-way can be substituted for street yard requirements subject to the following conditions:

1. Existing woodlands shall have a minimum depth of 25 feet as measured from the public right-of-way.
2. The number of woodland trees (not including prohibited species) having a minimum caliper of six inches shall equal or exceed the minimum street tree planting ratio of one tree per 35 linear feet.
3. No impervious surfaces are permitted within the woodlands area except at approved access points.
4. No cutting/filling activities or storage of materials/equipment are permitted in woodland areas.

E. EXCEPTIONS AND SPECIAL CIRCUMSTANCES

1. Areas zoned R-1 and all single-family dwellings in the City of Morehead are exempt from street yard requirements.
2. Existing street trees planted within the right-of-way (excluding street median or opposite side of the street) and approved by the Planning Commission can be used to meet the street tree requirements.
3. When overhead power lines encroach into the street yard, a small tree may be planted within 10 lateral feet of overhead lines. A small or medium tree is to be used within 10 to 20 lateral feet of overhead lines.
4. Storm water facilities may be located within the street yard subject to the following restrictions:
 - a. No riprap, crushed stone, concrete, asphalt, or other impervious materials are exposed; and
 - b. Trees and other plant materials shall be planted along the storm water facility.
5. With written approval of the right-of-way owner, portions of the public right-of-way may be used to meet street yard requirements.
6. No street tree shall be located within 25 feet of stop signs, yield signs, regulating or warning signs, 10 feet of fire hydrants, and 15 feet of driveway entrances. Only turf or groundcover plants may be planted within these designated distances.

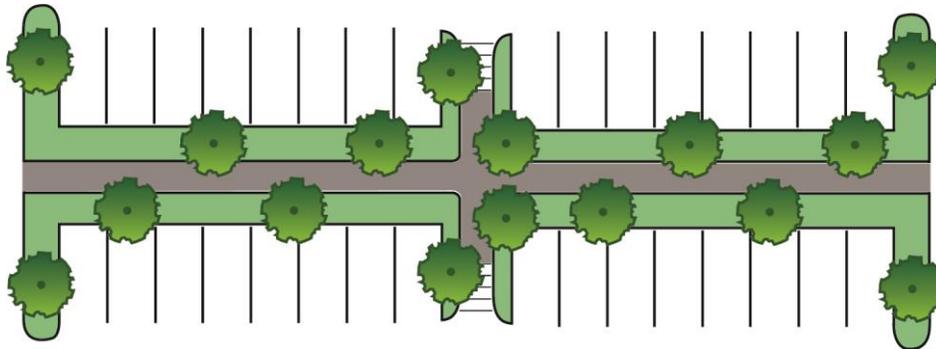
154.186. PARKING LOT REQUIREMENTS

A. INTENT

The intent is to break up the expanse of pavement, to provide shade, to enhance appearance, and to reduce glare from parked vehicles and loading docks.

B. DESIGN CRITERIA

1. No parking space can be more than 60 feet from a tree.
2. A landscaped island or peninsula shall border ends of interior parking bays that contain a minimum of 10 contiguous parking spaces.
3. A landscaped peninsula shall border ends of perimeter bays.
4. Side and front-facing truck delivery stalls and loading bays shall be screened from the public right-of-way.
5. Landscaped islands and peninsulas shall have a minimum width of eight feet and a minimum landscaped area of 96 square feet.
6. All landscaped islands or peninsulas shall be bordered by a curb or wheel stop.
7. When a parking area for eight or more vehicles adjoins a residential zone, a buffer strip at least five feet wide shall be provided between the parking area and the adjoining property. The buffer strip shall be attractively landscaped or provided with an approved vertical screening not less than five feet in height. No fences or walls along any street side shall be permitted, only vertical screening to interior lot lines.
8. Parking lots for large retail and commercial developments (developments that include a retail or commercial use that is 40,000 square feet or greater in size) shall be designed to include pedestrian walkways that are integrated into landscape medians between rows of parking, as shown in the below graphic, in order to provide safe pedestrian paths within large parking lots.



Illustrative graphic of a parking lot with central sidewalk integrated into landscape median

C. PLANTING CRITERIA

1. Landscaped islands and peninsulas shall be bordered by a curb or wheel stops.
2. Trees used in islands and peninsulas shall have a minimum expected maturity height of 25 feet in height and 15 feet canopy spread. Smaller trees may be substituted if:

- a. An overhead obstacle such as a canopy or utility line limits the tree height; or
- b. The tree is located within 20 feet of a building;
- 3. The material for screening loading locks and delivery stalls shall consist of the following:
 - a. One row of evergreen shrubs spaced at a minimum of five feet on center; or
 - b. One row of evergreen trees spaced a maximum of 10 feet on center.

154.187. SCREENING/BUFFERING REQUIREMENTS

A. INTENT

The intent is to provide transition between incompatible land uses and to protect the integrity of less intrusive uses from more intrusive uses; screening and buffering will be required. The purpose of the screen is to provide year-round visual obstruction. The buffer provides transition between incompatible uses by providing a landscaped yard of a specified depth along the shared property line.

B. SCREENING/BUFFERING REQUIREMENTS

- 1. The screening/buffering requirements for the City are identified in [Table 187-1: Screening/Buffering Requirements](#). They are influenced by the zoning districts of the proposed development and the adjoining properties.
- 2. All plantings shall be selected from and meet the installation and planting size requirement specified in section [154.188: Plant Selection and Installation](#).
- 3. In addition to trees and shrubs, the landscape yard shall include either turf-grass, ground cover plants, mulch, or a combination of these materials.

| TABLE 187-1: SCREENING/BUFFERING REQUIREMENTS | | |
|---|-----------------------------|--|
| Category | Applicable Zoning Districts | Screening/Buffering Required |
| Manufacturing/Warehousing | I-1 | Maximum level of screening when adjoining any other category. |
| Commercial | B-1, B-2, B-3 | Maximum level of screening when adjoining manufacturing/warehousing, high density residential, and low density residential. No requirement when adjoining the commercial category. |
| Public | P | Maximum level of screening when adjoining manufacturing/warehousing, medium level when adjoining high and low density residential, and the minimum level when adjoining the commercial category. |
| Residential (high density) | R-3 | Maximum level of screening when adjoining manufacturing/warehousing and low density residential, and the minimum level when adjoining commercial and public categories. |
| Residential (low density) | R-1, R-2 | No requirement. |

C. SCREENING/BUFFERING LEVELS

Table 187-2: Screening/Buffering Levels illustrates the screening/buffering requirements for each level.

| TABLE 187-2: SCREENING/BUFFERING LEVELS | |
|---|---|
| Level | Screening/Buffering Requirement |
| Maximum Level | This level requires 30 feet deep (as measured toward the interior of the property) landscape yard along the shared property line. The landscape yard shall consist of evergreen trees spaced a maximum of 10 feet on center, or two staggered rows (spaced a maximum of seven feet apart) of evergreen shrubs spaced a maximum of eight feet on center and two rows of shade trees spaced a maximum of 35 feet on center. |
| Medium Level | This level requires 20 feet deep (as measured toward the interior of the property) landscape yard along the shared property line. The landscape yard shall consist of evergreen trees spaced a maximum of 10 feet on center, or two staggered rows (spaced a maximum of seven feet apart) or evergreen shrubs spaced a maximum of eight feet on center or two staggered rows (spaced a maximum of eight feet on center). |
| Minimum Level | This level requires 10 feet deep (as measured toward the interior of the property) landscape yard along the shared property line. The landscape yard shall consist of evergreen trees spaced a maximum of 10 feet on center or two staggered rows (spaced a maximum of eight feet on center). |

D. SCREENING OF DUMPSTERS

Dumpsters in any zoning district shall be screened as described below.

1. Screening shall be a minimum height of six feet.
2. All four sides of the dumpster shall be screened.
3. The screen shall incorporate access to the dumpster by using a composite fence or other opaque material to serve as a gate.
4. Screening materials may be any combination of evergreen plantings, composite, or masonry materials. In no case shall chain link be used.

E. STORM WATER FACILITIES

Storm water facilities may be in the landscape yard subject to the following restrictions:

1. No rip-rap, crushed stone, concrete, asphalt, or other impervious surface materials are exposed; and
2. Trees and other plant materials shall be planted along the storm water facility.

154.188. PLANT SELECTION AND INSTALLATION

A. GENERAL REQUIREMENTS

1. All landscape material (trees, shrubs, ground covers) shall be selected from those listed herein or on the approved list of the City of Morehead by size, foliage, and use available from the City Planner.
2. Installation of plant material shall be accomplished in a professional manner and according to standards adopted by the American Society of Landscape Architects.
3. Selection shall be based on intended use in the landscape yard, parking lot, or screening/buffering location.
4. All medium or large trees shall be installed at a minimum caliper of 1 ¾ inches as measured two feet above grade level. Small trees shall have a caliper of 1 ¼ inches.
5. All trees shall be B&B stock.
6. All trees used for screening purposes shall be a minimum of five feet to six feet tall at the time of installation. Evergreen tree species selected for screening should have an expected mature spread of at least eight feet.
7. All shrubs, except those listed as ground cover, shall be a minimum of three-gallon size when installed. Ground covers shall be in minimum one-gallon sized containers. All shrubs shall be full foliated and well-developed.
8. Shrubs used for screening should have an expected mature height of at least eight feet and an expected mature spread of at least five feet.

B. UNDESIRABLE SPECIES

Undesirable species shall not be planted in the City of Morehead and must be removed from wooded or naturalized areas to satisfy landscape yard or screening/buffering requirements. A list of undesirable species for the City of Morehead may be obtained from the City Planner. The reason for classifying species as undesirable includes one or more of the following:

1. Disease and/or insect problems;
2. Messy or objectionable flowers, fruit, or bark;
3. Drooping branches of weak-wooded characteristics leading to the loss of branches due to wind or age;
4. Unpredictable or irregular habits;
5. Invasive, shallow, or destructive root systems;
6. Dangerously thorny or poisonous parts that present safety risks;
7. A tendency to self-propagate and/or invasively spread to other landscaped or natural areas; or
8. Lack of winter hardiness for the area.

154.189. UTILITY EASEMENT POLICY

- A.** Any tree or shrub used to meet landscape requirements shall not be located within proposed or existing utility easements unless it meets one of the following special exceptions:
 - 1.** Written permission has been obtained from the holder of the utility easement.
 - 2.** Where overhead utility lines cross an area required by this chapter to be planted with shade trees, smaller trees may be substituted.
- B.** If the special exceptions above do not apply, the following options shall be considered in order of priority:
 - 1.** Priority Number 1 – Plant the trees as close to the easement as possible.
 - 2.** Priority Number 2 – In highly visible areas (street yards, front parking lots) plant the tree in the general area where it can be seen from the street or parking lot.
- C.** Utility easements maybe used to meet landscape yard requirements. The applicant is responsible for identifying existing and proposed utility easements within the property as a part of the landscape site plan.

154.190. MAINTENANCE

- A.** The property owner shall be responsible for the maintenance of all landscaping. All landscaped areas must present a healthy, neat, and orderly appearance and shall be kept free from refuse and weedy growth. Watering, fertilizing, mulching, pruning, removal of dead or diseased limbs, leaf removal, and insect control are required practices and should be carried out as necessary.
- B.** Any dead or diseased plant material shall be replaced by the property owner during the next planting season (spring or fall only). Replacement plants shall meet the requirements of this chapter.
- C. PRUNING**
 - 1.** Topping of trees within the street yard and parking lot areas shall be prohibited. Topping is defined as the severe cutting back of limbs to stubs larger than two inches in diameter within the crown of the tree. Trees damaged by storms or other physical causes or trees under utility lines may be exempt from this regulation with written approval of the City Planner.
 - 2.** Visibility enhancement may occur where a tree blocks outdoor signs or building facades. With the written approval of the City Planner, up to 25 percent of the crown may be removed to improve visibility.
 - 3.** The removal of overhanging limbs may be necessary for safety and to provide clearance for pedestrian and vehicular traffic. For sidewalks, a clearance of seven feet shall be provided. For streets with automobile traffic only, a clearance of 12 feet shall be provided. Truck routes should have a 14-foot clearance.
- D. PLANT REMOVAL**
 - 1.** After installation, no live tree or shrub shall be removed without the written permission of the Planning Commission.

2. Instances where permission to remove a live tree may be issued include, but are not limited to, the following:
 - a. There is a threat to public safety;
 - b. The plant poses a threat to other plants in the neighborhood; or
 - c. The plant is to be replaced with a more desired plant.
3. Any plant removed shall be replaced with a suitable plant as outlined in this section.

154.191. OCCUPANCY/BONDING

- A. If the landscaping has not been installed and inspected for proper installation prior to receiving a Certificate of Occupancy, a Certificate of Occupancy may be granted provided the following conditions are met:
 1. The property owner posts a performance bond or irrevocable letter of credit with the City Clerk.
 2. The amount of the bond or letter of credit shall be based on material and installation costs of uninstalled landscape material including a 20 percent contingency cost as shown on the landscape plan.
 3. The cost of the landscaping shall be certified by the City Planner.
- B. After receiving the Certificate of Occupancy, the remaining landscape material shall be installed within six months. The bond or letter of credit shall be called if the required landscaping has not been installed by the end of the six-month period and the funds applied to complete the landscape work. A two-month extension time may be granted by the City Planner upon request.

154.192. FENCE REQUIREMENTS

Fences may be erected, altered, or reconstructed in accordance with the following regulations, and in accordance with the other provisions of this zoning code, except that the fence regulations in no way apply to land use solely for agricultural purposes.

A. GENERAL REQUIREMENTS

1. No barbed wire is permitted as fencing within any residential zone, except in the following cases:
 - a. A farm located within a residential zoning district; and
 - b. Chain link fencing around the facilities of the Morehead Utility Plant Board not less than six feet in height may be topped with three rows of barbed wire.
2. Fences may be erected, altered, or reconstructed to a height not to exceed six feet above ground level, and shall be located a minimum twenty-five feet from the front lot line in a residential zoning district in the front yard, excluding a yard of any use in a business or industrial zoning district. This is not applicable to fences constructed to accommodate swimming pools and tennis courts.

3. Fences may be erected, altered, or reconstructed on a lot line to a height not to exceed six feet, when located in the side or rear yards of any dwelling in a residential zoning district.
4. All fences must be erected within the property lines, and no fences shall be erected to encroach upon a public right-of-way.
5. The regulations contained within this section shall not prevent the erection of an open wire fence anywhere within a public park, public playground, or school premises. When adjacent to agricultural land, the fencing shall not be less than six feet in height, nor less than four feet in height when barbed wire is used on top.
6. These restrictions shall not be applied to restrict the erection of a wall for the purpose of retaining earth.

B. FENCES SEPERATING RESIDENTIAL AND AGRICULTURAL USES

1. All fencing of residential property adjacent to agricultural uses becomes the joint responsibility of the residential property owner and the agricultural land owner for erection, repair, maintenance, and replacement, when necessary.
2. Before approval is given for developing any properties with a common boundary adjacent to agricultural land, the residential developer shall be required to erect a woven wire fence not to exceed eight feet, nor less than four feet, in height with barbed wire topping sufficient to effectively and safely confine all farm animals. Future maintenance, repairs, or reconstruction will be the joint and equal responsibility of the owners of record.
3. In the event a suitable farm fence, under the provisions of these regulations, is already in existence, between agricultural and residential property, all maintenance, repair, or reconstruction will be the joint and equal responsibility of the owners of record, with primary responsibility resting on the agricultural operator to exercise due diligence in confining farm animals. If the farmer agrees that the existing fence is suitable, the residential developer shall be excused from the initial construction of a fence.

C. MAINTENANCE

1. All fences shall be maintained in a safe, sound, and upright condition.
2. If the building inspector, upon inspection, determines that any fence or portion thereof is not being maintained in a safe, sound, or upright condition, he shall notify the owner of the fence in writing of his findings, state briefly the reasons for the findings, and order the fence or portion thereof repaired or moved within 30 days of the date of written notice.

154.193. APPEALS

Any person aggrieved by the administration or enforcement of this ordinance may appeal to the City Council within 60 days of the decision of Planning Commission. Decisions of the City Council may be appealed to the Rowan Court of competent jurisdiction.

154.194. PENALTY

Any person, firm, partnership, corporation, etc., in violation of this section shall be subject to the penalties set forth in section [154.993: Penalties](#).

SIGN REGULATIONS

154.201. PURPOSE

The purpose of this section is to provide content-neutral sign standards and restrictions which allow for the legitimate signage for agricultural, residential, professional office, business, and industrial activities while at the same time promoting signage that:

- A. Reduce intrusions and protect property values;
- B. Minimize undue distraction to the motoring public;
- C. Protect the tourist industry by promoting a pleasing community image; and
- D. Enhance and strengthen economic stability.

154.202. APPLICABILITY

The provisions of this section shall apply to the display, construction, erection, alterations, use, location, and maintenance of all new and existing signs within the City.

154.203. EXEMPT SIGNS

The following signs are exempt from the requirement to obtain a sign permit:

- A. Signs not visible beyond the boundaries of the property upon which they are located.
- B. Government signs that are placed by government officers in the performance of their professional/elected duties.
- C. Temporary or permanent signs erected by public utility companies or construction companies in the performance of their professional duties.
- D. Vehicle signage when painted directly on a vehicle or attached magnetically.
- E. Temporary signage of four-square feet or smaller placed on or after April 15 and removed by the last day of May. Temporary signage of three-square feet or smaller placed on or after the first day of October and removed by November 15.
- F. Temporary signs for a new business for up to 30 consecutive days from the first day of business. Exempt signage shall only be displayed on the property where the new business is located.
- G. Signage placed by realtors in the performance of their professional duties that is not located in the right-of-way or a public or private street.
- H. Window Signage.
- I. Sponsorship signage at the City of Morehead Parks and Athletic Fields by the City or permitted booster clubs. Signs may be no larger than four feet by eight feet and be maintained by the club hanging the sign.
- J. Incidental Signs.
- K. Historic Markers.
- L. Directional Signs.

- M.** Change of copy on any sign where the framework or other structural elements are not altered.

154.204. PERMIT REQUIREMENTS

- A.** No sign regulated by this ordinance, except as specifically exempted herein, shall be displayed, erected, relocated or altered unless all necessary permits have been issued by the Building Inspector.
- B.** Permit Applications forms may be obtained from the City Planner's office and must be completed in full with the following attached:
- 1.** A site plan and/or building elevation drawing, showing the location of the proposed sign(s) on the lot and/or building, including setbacks.
 - 2.** Detailed sign information, including type of construction, method of illumination, dimensions, copy, method of mounting and/or erecting and other similar information.
 - 3.** The written consent of the owner of the underlying real property or authorized agent.
 - 4.** The required permit fees.
- C.** If a sign is damaged in excess of 50% of its replacement value or is temporarily or permanently removed, it shall require a new permit. In the case of a non-conforming sign, it shall be made to meet current code requirements.
- D.** The Building Inspector shall maintain written records of all permits issued or formally denied and any conditions attached to approval of such permit requests. Signs may be erected or constructed only in compliance with the approved permit.
- E.** Permit fees for signs are established in Title 15, Chapter 160: Zoning Fees in the City's Code of Ordinances.

154.205. NONCONFORMING SIGNS

A legal, nonconforming sign may continue in existence as long as it is properly maintained in good condition. These provisions shall not prevent the repair or restoration to a safe condition of any sign, but a nonconforming sign shall not be:

- A.** Changed to another nonconforming sign except where only the face or copy is changed;
- B.** Structurally altered so as to increase the degree of nonconformity of the sign;
- C.** Expanded or enlarged;
- D.** Reestablished after its removal; or
- E.** Moved to a new location on the building or lot.

154.206. ILLEGAL SIGNS

All illegal signs shall be subject to immediate enforcement action by the Building Inspector, Administrative Assistant Building Inspector or any Code Enforcement Officer for the City in accordance with this Ordinance. Written records shall be maintained detailing enforcement action taken. Any person, business, corporation, etc. found in violation will be subject to the penalties set forth in section [154.993: Penalties](#).

154.207. GENERAL REQUIREMENTS

- A.** Permitted signs may be freestanding or wall mounted as specified herein. Such signs may be non-illuminated, directly illuminated, internally illuminated, or indirectly illuminated unless specified otherwise.
- B.** Illuminated signs shall be located in a fashion which prevents all direct rays of light from shining beyond the property lines of the lot on which the sign is located.
- C.** No light, sign or other advertising device shall be designed or erected in such a manner or location as to imitate or resemble any official traffic sign, signal or device or use any words, phrases, symbols or characters implying the existence of danger or the need to stop or maneuver the vehicle.
- D.** No sign, except governmental signs, shall be attached to or painted on the surface of any tree, utility pole, or street light.
- E.** Projecting signs shall have at least a 7' of clearance above a road or sidewalk.
- F.** Neon or other lighting and tubing signs shall not be permitted except where such lighting is used behind solid lettering to produce a "halo" effect, or where it is used indirectly. However, no such light may be used to outline buildings, structures or ornamental features.
- G.** No sign (except for government signs), may be located within the required sight triangle of any intersection nor within or projecting into the public or private street right-of-way, except as specifically permitted herein.
- H.** Freestanding, monument, and projecting face sign area shall be computed as follows:
 - 1.** Double-faced signs shall have only one face counted in calculating the area.
 - 2.** Sign with more than two faces shall have the area calculated by summing the area of all sign faces and dividing by two.
 - 3.** The area enclosing the perimeter of each cabinet shall be calculated to determine the area.
 - 4.** The perimeter of the measurable area shall not include embellishments (e.g. pole covers, framing, or decorative roofing) provided there is no written copy on such embellishments.
 - 5.** Maximum height shall be measured from the finished grade at the center of the sign and shall include the sign's base.
- I.** Every sign, including those for which a permit is not required, shall be maintained in good condition at all times.
- J.** Non-advertising signs such as murals, art or any other type of message or image painted directly to an external building wall require a conditional use permit in all zoning districts.

154.208. PROHIBITED SIGNS

The following signs and/or sign features shall be prohibited in all zoning districts:

- A.** Mobile signs.
- B.** Roof signs that extend higher than the top of the roof.

- C. Flashing or blinking signs, except for permitted informational signs.
- D. Rotating or moving signs.
- E. Abandoned signs.
- F. Streamers, pennants and tag signs or similar signs or devices made of wood, plastic, metal or similar material, other than cloth, except when attached to a permitted temporary sign.
- G. Any sign which emits any noise or odor.
- H. Any free-standing sign, any portion of which overhangs any part of a building.
- I. Billboards with an electronic message display system.
- J. Signs in the public right-of-way.
- K. Handbills.

154.209. SIGNS PERMITTED BY ZONING DISTRICT

A. AGRICULTURAL (AG) ZONING DISTRICT

1. Residence

- a. Every residence shall be entitled to one sign not exceeding 36 square inches in area to be placed in any of the following locations:
 - i. On the front of every building or structure;
 - ii. On each side of an authorized U.S. Postal Service mailbox; and
 - iii. On one post which measures no more than 48 inches in height and four inches in width.
- b. Incidental signs which shall not exceed two (2) square feet in area nor require a sign a permit.

2. Farm

- a. Two signs per entrance if incorporated into a fence or wall features, or one freestanding sign per entrance. Signs shall not exceed 32 square feet in area each.
- b. Incidental signs which shall not exceed two (2) square feet in area nor require sign permits.

3. Buildings Used for Religious or Educational Activities

- a. One freestanding sign not exceeding 32 square feet in area and eight feet in height.
- b. One bulletin board, not exceeding 12 square feet in area and eight feet in height.
- c. One wall sign per building not exceeding 32 square feet in area.
- d. Incidental signs which shall not exceed two square feet in area and do not require sign permits.

4. Other Non-Residential Uses

- a. One freestanding sign for any other permitted or conditional use not noted herein; signage shall not exceed 32 square feet in area and eight feet in height.
- b. One wall sign that shall not exceed 12 square feet in area and eight feet in height.

5. Manufactured Home Communities

- a. One freestanding sign per community entrance. Sign shall not exceed 32 square feet in area, eight feet in height, and shall have a minimum setback of 20 feet from any street.
- b. One nameplate wall sign per factory-built home that shall not exceed one square foot in area.

B. RURAL SETTLEMENT (RS), LOW DENSITY RESIDENTIAL (R-1), AND MEDIUM DENSITY RESIDENTIAL (R-2) ZONING DISTRICTS

1. Residence

- a. Every residence shall be entitled to one sign not exceeding 36 square inches in area to be placed in any of the following locations:
 - i. On the front of every building or structure;
 - ii. On each side of an authorized U.S. Postal Service mailbox; and
 - iii. On one post which measures no more than 48 inches in height and four inches in width.
- b. Incidental signs which shall not exceed two (2) square feet in area nor require a sign a permit.

2. Home Occupation

Home occupations are permitted one wall sign not exceeding six square feet in area.

3. Subdivision

Subdivisions are permitted one freestanding sign per entrance into the subdivision not to exceed 32 square feet in area and eight feet in height.

4. Buildings Used for Religious or Educational Activities

Buildings used for religious or educational activities are permitted the following:

- a. One freestanding sign that shall not exceed 32 square feet in area and eight feet in height.
- b. One wall sign that shall not exceed 12 square feet in area and eight feet in height.
- c. One bulletin board that shall not exceed 12 square feet in area and eight feet in height.
- d. Incidental signs which shall not exceed two square feet in area nor require sign permits.

5. Other Non-Residential Uses

- a. One freestanding sign that shall not exceed 32 square feet in area and eight feet in height.
- b. One wall sign that shall not exceed 12 square feet in area.
- c. Incidental signs which shall not exceed two square feet in area nor require sign permits.

6. Manufactured Home Communities

- a. One freestanding sign per community entrance. Sign shall not exceed 32 square feet in area, eight feet in height, and shall have a minimum setback of 20 feet from any street.
- b. One nameplate wall sign per factory-built home that shall not exceed one square foot in area.

C. HIGH DENSITY RESIDENTIAL (R-3) ZONING DISTRICTS

1. Single Family Residence

All single-family residences in the R-3 zoning district shall comply with the signage regulation for the R-1 and R-2 zoning districts.

2. Multi-Family Residence and Conditional Uses

Multi-family residential buildings and conditional uses may have:

- a. One freestanding sign that shall not exceed 32 square feet in area and eight (8) feet in height and shall have front yard setback of 20 feet.
- b. One wall sign that shall not exceed 12 square feet in area.
- c. Incidental signs which shall not exceed two (2) square feet in area nor require sign permits.

3. Buildings Used for Religious or Educational Activities

Buildings used for religious or educational activities are permitted the following:

- a. One freestanding sign that shall not exceed 32 square feet in area and eight feet in height.
- b. One wall sign that shall not exceed 12 square feet in area and eight feet in height.
- c. One bulletin board that shall not exceed 12 square feet in area and eight feet in height.
- d. Incidental signs which shall not exceed two square feet in area nor require sign permits.

4. Manufactured Home Communities

- a. One freestanding sign per community entrance. Sign shall not exceed 32 square feet in area, eight feet in height, and shall have a minimum setback of 20 feet from any street.

- b. One nameplate wall sign per factory-built home that shall not exceed one square foot in area.

D. GENERAL BUSINESS (B-1), HIGHWAY BUSINESS (B-2), LIGHT INDUSTRIAL (I-1), AND PUBLIC AND SEMIPUBLIC LAND (P-1) ZONING DISTRICTS

1. Freestanding or Monument Sign

One freestanding or monument sign is permitted per street frontage with a maximum of two signs per lot. Freestanding signs shall not exceed 100 square feet per sign and shall have a minimum setback of 10 feet. When street frontage permits two signs, the two freestanding signs may be combined into one freestanding sign that shall not exceed 110 square feet in area. For buildings with more than one occupying business this freestanding sign may list all businesses within the building. Freestanding signs shall be a maximum of 25 feet in height.

2. Wall Sign, Canopy Sign, or Awning Sign

One wall sign, canopy sign or awning sign is permitted per street frontage with a maximum of two signs per building. The maximum allowed area for all signage in this category is 32 square feet or 15% of the wall area to which the sign, canopy or awning is attached, whichever is greater. Awnings shall have at least seven feet of clearance when fully extended. When a building contains two or more separate business, these requirements shall be applied separately to the wall area of the portion of the building occupied by the individual business.

3. Attraction Board

One attraction board either attached to the wall or attached to the permitted freestanding sign not to exceed 32 square feet in area and eight feet in height.

4. Menu Board

One menu board for every property that includes a drive-thru lane, walk-up window or drive-up curbside. Menu boards shall not exceed 55 square feet in area and shall have a maximum height of eight feet.

5. Temporary Signs

Temporary signs shall include banners, streamers, teardrop flags, tethered balloons, inflatable signs and objects, and similar signage. One temporary sign per street frontage shall be allowed subject to the following conditions:

- a. Shall not exceed 50 square feet per sign where non-rigid materials are used.
- b. Shall not exceed 32 square feet per sign where rigid materials, such as wallboard or plywood, are used.
- c. Shall comply with the applicable regulations for the zone in which they are located.
- d. Shall not remain in place for a period of more than 14 continuous days.
- e. Shall be attached to a permanent structure.

- f. Shall not be placed within the public-right-of-way or the sight triangle at intersections.

6. Marquee Sign

One marquee sign is permitted per theater that does not exceed 32 square feet in area, shall not project more than eight feet from the building face to which it is attached, and shall have a minimum clearance of eight feet.

7. Incidental Signs

Incidental signs shall not exceed two square feet in area nor require sign permits.

8. Buildings Used for Religious or Educational Activities

In addition to the signage permitted above, religious and educational uses are permitted one bulletin board, not exceeding 32 square feet in area and eight feet in height.

E. ADDITIONAL SIGNAGE PERMITTED IN THE B-2 ZONING DISTRICT

In addition to the signage permitted in section [154.209.D](#) the following signs shall be permitted:

1. Permanent Sidewalk Sign

Where a building is located adjacent to the public right-of-way, one non-illuminated freestanding sign may be permanently placed on the public sidewalk with the following restrictions:

- a. Sign shall not exceed 5.5 square feet in area.
- b. The edge of the sign shall not extend beyond the curb line.
- c. The maximum dimensions of the support frame shall not exceed eight feet in area (maximum 48 inches wide and 36 inches in height).
- d. The bottom of such support shall be seven feet above the sidewalk and the vertical support shall be 24 inches from the curb.

2. Portable Sign

One portable sign shall be permitted for each business entrance subject to the following restrictions:

- a. Maximum surface area of the sign shall be six square feet per face, maximum height of the sign shall be three feet, and maximum width of the sign shall be two feet.
- b. A minimum 36 inches wide pedestrian travel-way shall be maintained on the sidewalk. Signs may be designed with a changeable face and shall be removed from the public sidewalk when the business is closed.

3. Shopping Center Signs

Shopping centers and malls larger than 100,000 square feet may have one freestanding sign per street frontage with a maximum of 250 square feet per sign face a maximum height of 30 feet. All other shopping malls may have one freestanding sign per street frontage with a maximum of 75 square feet per sign face a maximum height of 25 feet.

4. Interstate Signs

One interstate sign for those businesses which either lie within a 650-foot radius of the center of an interstate interchange overpass or are a large retail or commercial development (developments that include a retail or commercial use that is 40,000 square feet or greater in size) within a 5,000-foot radius of the center of an interchange overpass. This interstate sign shall take the place of either the permitted freestanding or wall sign. These businesses may have a combination of any two of these signs: interstate sign, freestanding sign, or wall sign. Interstate signs shall be subject to the following restrictions:

- a. Shall not have an electronic message display system
- b. Individual signs shall not exceed 250 square feet in area.
- c. Height (from the base to the top of the sign) shall not exceed 90 feet.
- d. The sign's base shall be at least 90 feet from any residentially zoned property.
- e. In addition to a sign permit, a building permit shall be obtained prior to installation.

F. CENTRAL BUSINESS (B-3) ZONING DISTRICT

1. Freestanding or Monument Sign

One freestanding or monument sign per street frontage with a maximum of two signs per lot. Freestanding signs shall not exceed 40 square feet per sign and shall have a minimum setback of 10 feet. When street frontage permits two signs, the two freestanding signs may be combined into one freestanding sign that shall not exceed 50 square feet in area. For buildings with more than one occupying business this freestanding sign may list all businesses within the building. Freestanding signs shall be a maximum of 25 feet in height.

2. Wall Signs

- a. The surface area of wall mounted signs shall not exceed 15% of the wall area to which it is attached or 32 square feet whichever is greater, each wall to be considered separately. Only one business sign shall be permitted per wall. In the case of a building containing two or more separate uses, these requirements shall be applied separately to the wall area of the building space leased, rented, or owned by the individual tenant.
- b. The wall sign shall not project more than 12 inches beyond the surface and shall not extend above the top or beyond the ends of the façade.
- c. All signs that project perpendicular to the façade shall not exceed the size limitations in (a) above and shall not project into the street right-of-way unless permission is granted by the City. Such sign shall be at least 10 feet above the finished grade of the sidewalk or ground.

3. Window Signs

Window signs shall be limited to not more than 25% of the total window area.

4. Canopy or Awning Signs

Canopy or awning signs attached to the building shall be permitted and included on the computation of the maximum permitted sign area and limited to the percentage allowable for wall signs. Under-canopy or under-awning signs shall be permitted and limited to incidental signs.

5. Freestanding Canopies

Freestanding canopies for gas pumps, service stations, and similar uses, shall comply with the 15% of the façade area. The copy must be part or applied directly to the structure. No banners shall be attached to the canopy structures.

6. Incidental Signs

Incidental signs shall not exceed two square feet in area nor require sign permits.

7. Menu Board

One menu board for every property that includes a drive-thru lane, walk-up window or drive-up curbside. Menu boards shall not exceed 30 square feet in area and shall have a maximum height of eight feet.

8. Marquee Sign

One marquee sign is permitted per theater that does not exceed 24 square feet in area, shall not project more than eight feet from the building face to which it is attached, and shall have a minimum clearance of eight feet.

9. Attraction Board

One attraction board either attached to the wall or attached to the permitted freestanding sign not to exceed 32 square feet in area and eight feet in height.

10. Permanent Sidewalk Sign

Where a building is located adjacent to the public right-of-way, one non-illuminated freestanding sign may be permanently placed on the public sidewalk with the following restrictions:

- a. Sign shall not exceed 5.5 square feet in area.
- b. The edge of the sign shall not extend beyond the curb line.
- c. The maximum dimensions of the support frame shall not exceed eight feet in area (maximum 48 inches wide and 36 inches in height).
- d. The bottom of such support shall be seven feet above the sidewalk and the vertical support shall be 24 inches from the curb.

11. Portable Sign

One portable sign shall be permitted for each business entrance subject to the following restrictions:

- a. Maximum surface area of the sign shall be six square feet per face, maximum height of the sign shall be three feet, and maximum width of the sign shall be two feet.
- b. A minimum 36 inches wide pedestrian travel-way shall be maintained on the sidewalk. Signs may be designed with a changeable face and shall be removed from the public sidewalk when the business is closed.

12. Temporary Signs

Temporary signs shall include banners, streamers, teardrop flags, tethered balloons, inflatable signs and objects, and similar signage. One temporary sign per street frontage shall be allowed subject to the following conditions:

- a. Shall not exceed 50 square feet per sign where non-rigid materials are used.
- b. Shall not exceed 32 square feet per sign where rigid materials, such as wallboard or plywood, are used.
- c. Shall comply with the applicable regulations for the zone in which they are located.
- d. Shall not remain in place for a period of more than 14 continuous days.
- e. Shall be attached to a permanent structure.
- f. Shall not be placed within the public-right-of-way or the sight triangle at intersections.

G. PLANNED DEVELOPMENT ZONE

Permitted signage in a planned development zone, including its number, height, size, location, and design features, shall be determined and approved in conjunction with the Final Development Plan which is approved by Planning Commission.

154.210. ADVERTISING ON INTERSTATE HIGHWAYS

No billboard shall be permitted adjacent to interstate or limited-access highways except in conformance with the setback requirements established by the Federal Bureau of Public Roads, the Kentucky Transportation Cabinet, and the requirements of this Ordinance.

154.211. MAINTENANCE STANDARDS

Every sign, including those signs for which a permit is not required, shall be maintained in good condition at all times.

154.212. COMMUNITY SIGN BOARD

- A. Organization permitted to place signs on the logo sign-board must be civic organizations established for a least one year in a non-profit status with the IRS.
- B. Organizations shall be responsible for obtaining the sign and for the cost of the sign. The signs shall be a maximum of 24 inches x 24 inches and a minimum of 18 inches x 18 inches and shall be made of highway sign grade material.
- C. Organizations shall provide their logo sign to the City Planner for approval. The city of Morehead Public Works Department shall install all signs on the sign-board.

- D.** The city reserves the right to remove rusted, dilapidated signs. The organization shall be notified if its sign is removed and shall be responsible for the cost of any replacement sign.

154.213. SUBSTITUTION CLAUSE

The owner of any sign which is otherwise allowed by this chapter may substitute non-commercial speech in lieu of any other commercial speech or noncommercial speech. This substitution of copy may be made without any additional approval of permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular noncommercial speech over any other noncommercial speech. This provision prevails over any more specific provision to the contrary.

DEFINITIONS

154.231. RULES AND DETERMINATIONS

A. INTENT

All provisions, terms, phrases, and expressions contained in this code shall be construed according to their stated purpose.

B. LISTS AND EXAMPLES

Unless otherwise specifically indicated, lists of items or examples that use the following terms: including, such as, or similar language are intended to provide examples, and not to be exhaustive lists of all possibilities.

C. REFERENCES TO OTHER REGULATIONS, PUBLICATIONS, AND DOCUMENTS

Whenever reference is made to an ordinance, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such regulation (as amended), ordinance, statute, or document, or to the relevant successor document, unless otherwise expressly stated.

D. PUBLIC OFFICIALS AND AGENCIES

All public officials, bodies, and agencies to which references are made are those of the City of Morehead, Kentucky, unless otherwise expressly stated.

E. DELEGATION OF AUTHORITY

Whenever a provision appears requiring the head of a department or another officer or employee of the City to perform an act or duty, that provision shall be construed as authorizing that individual or his/her designee, unless the terms of the provision specify otherwise.

F. MANDATORY AND DISCRETIONARY TERMS

The word "shall" is always mandatory, and the words "may" or "should" are encouraged but not mandatory.

G. CONJUNCTIONS

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
2. "Or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.

H. TENSE AND USAGE

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates otherwise. The singular shall include the plural, and the plural shall include the singular.

I. GENDER

The masculine shall include the feminine, and vice versa.

J. MEANING

For the purposes of this code, words, and phrases shall have the meanings set forth in this chapter.

K. CONTEXT

For the proposes of this zoning code, the definitions included in this section shall apply to the regulations within this code even if other definitions for a term exists.

L. OTHER TERMS NOT DEFINED

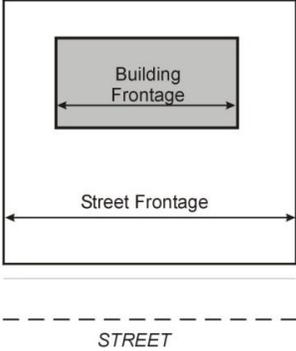
Words and phrases not otherwise defined in this code shall be construed according to the common and approved usage of American English.

154.232. DEFINITIONS

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| Abutting or Adjoining | The land, lot, or property adjacent to the property in question along a lot line or separated only be an alley, easement, or street. |
| Accessory Building | A building which is subordinate or incidental to the principal building and is located on the same lot. |
| Accessory Structure | A structure (such as a garage or shed) incidental to the main use of the land or building. |
| Accessory Use | A use incidental to the main use of the land or building. |
| Adult Day Care, Home | A private home that provides full or part-time care day or night for six or fewer adults who are not related to the provider. |
| Agriculture | Farming, dairying, pasturage, horticulture, animal or poultry husbandry, and limited processing and sale of agriculture products from land under the same ownership. |
| Alley | A narrow public or private thoroughfare that provides secondary access to abutting properties and is not intended for through traffic. |
| Alteration | Any action to change (visual or material), modify, reconstruct, remove, or demolish any exterior feature of an existing structure or site. |
| Animal Boarding | A structure or premises providing overnight accommodations of household pets with or without compensation. |
| Animal Hospital | A building or structure in which facilities are provided for the prevention, cure, and alleviation of disease and injury to animals; and where shelter may be provided within the building or structure, during the period of treatment. |

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| Animal Training or Pet Day Care | A structure or premises used for the schooling, exercising, attending to the care of, or any other animal husbandry activities for household pets with or without compensation during the day and without overnight stays. |
| Applicant | Unless otherwise specified, an owner of a property or an agent for the owner, including a subdivider, developer, attorney, or similar representative, who has filed an application for development review |
| Appurtenance | Any structure or object subordinate to a principal structure or site and which is attached to a piece of land or building such that it becomes part of that property. Examples include garages, septic systems, or water tanks. |
| Architectural Character | The architectural style, general design, and general arrangement of the exterior of a building or other structure including the type and texture of the light fixtures, signs, and their appurtenant fixtures. |
| Assisted Living Facility | A long-term care facility that provides housing, personalized support services, and health care designed to meet the individual needs of persons who need help with the activities of daily life such as meals, medication management, or assistance with bathing and dressing, but do not need the degree of medical care provided in a skilled nursing facility. |
| Attraction Board | Copy is changed manually or electronically on a regular basis. |
| Automated Teller Machine (ATM) | An electronic device used by the public for conducting financial transactions such as withdrawing or depositing cash from a bank, savings, credit union, credit card or similar account wherein the customer operates the device independently. |
| Automotive Fueling Stations | The use of a building or structure or any portion thereof for dispensing motor fuel from fixed equipment into the fuel tanks of motor vehicles and the services incidental thereto. |
| Automotive Repair Facilities | A facility that performs all customary repair services for automobiles or other motorized equipment owned by the public. |
| Automotive Sales or Leasing | Any building or land used for the display and sale or lease of new or used motor vehicles, motorcycles, recreational vehicles, and trucks in operable condition. |
| Bar or Tavern | An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises. A tavern shall be this type of establishment where food may also be available for consumption on the premises. |

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| Basement | A portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground. |
| Bed and Breakfast | A private owner-occupied residence with one to three guest rooms contained within that structure and operated so that guests reside at the home for a finite and temporary basis. No kitchen facilities may be provided for use by guests. |
| Billboard | Signage intended for lease to a variety of businesses, organizations, and/or individuals. In such case, the sign itself shall be the income generator and the primary commercial use of the property. |
| Boarding House | A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three boarders. A lodging, rooming, or tourist home is deemed a "boarding house". |
| Brewery, Macro | Brewery that produces more than 15,000 barrels per year and may distribute outside of the region. Includes the production of ciders. |
| Brewery, Micro | A limited-production brewery that produces less than 15,000 barrels per year and that typically produces specialty beers that are generally sold locally. Includes the production of ciders. |
| Brewery, Nano | A limited-production brewery that uses a three-barrel or smaller system. Includes the production of ciders. |
| Brewpub | An establishment selling beer brewed on the premises and including a restaurant. |
| Buffer Area | A continuous strip of trees or shrubs not less than six feet in height, designed to restrict a clear view, and reduce noise beyond the strip. |
| Building | A structure which is permanently affixed to the land having one or more floors and a roof, being bounded by open space or lot lines, and used as a shelter or enclosure for persons, or animals, or as an enclosure for property. Building shall also be construed to include structures as defined in this section unless otherwise noted and shall be construed as if followed by the words "part or parts thereof" unless otherwise noted. |
| Building Area | The total floor area of the principal building and all accessory buildings, including unenclosed porches, but excluding terraces and steps, measured from the outside surface of the exterior walls. |

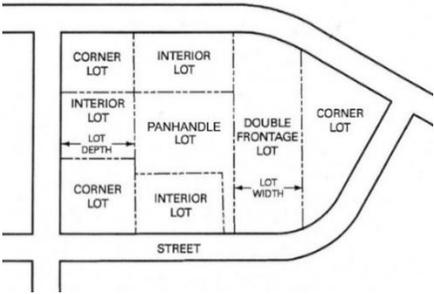
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| <p>Building Frontage</p> | <p>Total lineal feet of the building facade which fronts the principal dedicated street, or that facade upon which the main entrance to the building is situated.</p>  <p><i>Illustration of Building Frontage</i></p> |
| <p>Building Height</p> | <p>The vertical distance from the grade plane to the average height of the highest roof surface.</p> |
| <p>Building Line</p> | <p>A line established by the zoning code, generally parallel with and measured from the front lot line or street right-of-way.</p> |
| <p>Building, Principal</p> | <p>The building occupied by the main or principal use (see Principal Use) or activity on or intended for the premises, all parts of which building are connected in a substantial manner by common walls and a continuous roof.</p> |
| <p>Bulletin Board</p> | <p>Allows the manual or electronic change of copy and is used to notify the public of noncommercial events or occurrences such as church services, political rallies, civic meetings or similar events.</p> |
| <p>Cemetery</p> | <p>An area of land set apart for the sole purpose of the burial of bodies of dead persons or animals, and for the erection of customary markers, monuments, and mausoleums.</p> |
| <p>Certificate of Occupancy</p> | <p>A certificate issued by the City Planner upon completion of the construction or alteration of a building. The certificate shall acknowledge compliance with all requirements of the last building permit issued for the structure, the adjustments granted by the Board of Adjustment, and all other applicable requirements.</p> |
| <p>Change</p> | <p>Any alteration, construction, removal, or demolition.</p> |

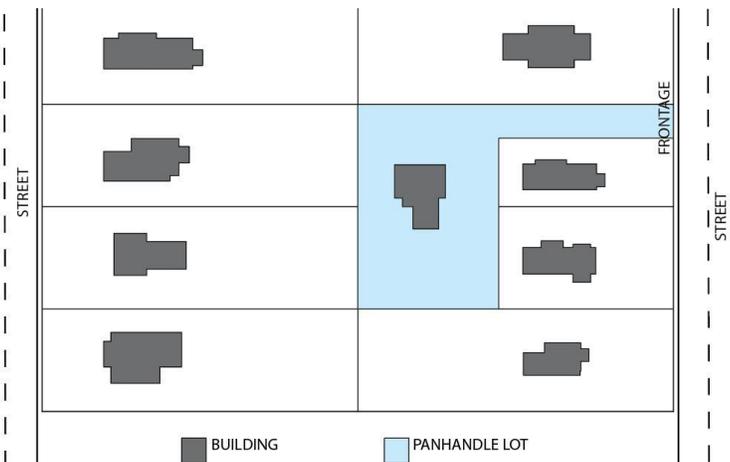
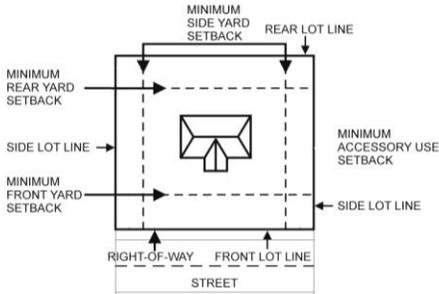
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| Changeable Copy | A sign designed so that the characters, letter or illustrations can be replaced or rearranged manually or electronically without altering the sign display surface. May also be known as reader boards. |
| Characteristics | The unique attributes or qualities of a property. |
| Child-Care Center | An establishment that provides full or part-time care, day or night, to at least seven children who are not the children, grandchildren, nieces, nephews, or children in legal custody of the operator. "Child-care center" shall not include any child-care facility operated by a religious organization while religious services are being conducted, or a youth development agency. For the purposes of this section, "youth development agency" means a program with tax-exempt status under 26 U.S.C. sec. 501(c) (3), which operates continuously throughout the year as an outside-school-hours center for youth who are six (6) years of age or older, and for which there are no fee or scheduled-care arrangements with the parent or guardian of the youth served. |
| Community Social Service Facility | An establishment housing a public or non-profit agency that provides counseling, therapy, or other social or human service to persons needing such services due to physical, mental, emotional, or other disability or hardship. This definition does not include schools, hospitals, clinics, day cares, or residential uses. |
| Cul-de-sac | A circular paved area used at a dead-end street for reversing the flow of vehicle traffic. |
| Day Care, Adult | A place that provides community-based programs designed to meet the health, social, and related needs of functionally impaired adults (18 years and older) during daytime hours. |
| Day Care, Child | A place in which care is provided to children, with or without compensation during daytime hours. |
| Demolition | Razing and removing all or a substantial portion of a building, structure, or appurtenance. |
| Distillery, Macro | A place or establishment where the distilling of liquors is done on a large scale and such liquor is distributed for sale, and which generally produce more than 75,000 gallons of distilled spirits per year. |
| Distillery, Micro | A small, often boutique-style distillery, established to produce beverage grade spirit alcohol in relatively small quantities, usually done in single batches, and which generally produce a maximum of 75,000 gallons of distilled spirits per year. |

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| Dormitory | An institutional or private building or structure used as group living quarters for students of a college, university, religious organization, medical facility, or similar organization that contains several private or semi-private rooms for residents typically with common bathroom, common eating, and common cooking areas. |
| Drive-Through Facility | An establishment or facility that by design of physical facilities or by service or packaging procedures encourages or permits customers to receive a service or obtain a product or to be entertained while remaining in a motor vehicle on the premises. |
| Dwelling | Any building or portion thereof which is designated for or used for residential purposes. |
| Dwelling, Multifamily | A building or structure consisting of three or more dwelling units, each dwelling unit being the residence of a single family. There shall not be more than one kitchen per multifamily dwelling unit. |
| Dwelling, Single Family | A single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation, and which shall not be connected to any other unit or building. |
| Dwelling, Single Family Attached/Townhome | A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to roof, and with a yard or public way on not less than two sides and where each dwelling units has their own independent exterior access. |
| Dwelling, Two Family/ Duplex | A building or structure consisting of two dwelling units, which may be either attached side by side or one above the other, and each unit having either a separate or combined entrance or entrances. These dwellings shall include site built, manufactured, and modular homes. |
| Dwelling Unit | Space within a building designed as a residence of one household unit. |
| Façade | The face or front of a structure in any vertical surface adjacent to a public way. |
| Factory Built Home | Any residential dwelling that is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly on a building site. Factory built homes shall include, but not be limited to, manufactured homes, modular homes, and mobile homes. |

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| <p>Family</p> | <p>A family consists of any person living alone or any of the following groups living together as a single housekeeping unit that shares common living, sleeping, cooking, and eating facilities:</p> <ol style="list-style-type: none"> 1) Any number of people related by blood, marriage, adoption, guardianship, or other duly legally authorized custodial relationship plus no more than two additional unrelated persons; or 2) Two unrelated individuals and their children related to either of them and their foster children; or 3) Five unrelated individuals; or. 4) Six unrelated individuals provided that all individuals are over the age of 60. <p>A family does not include any society, club, or residents of a boarding house, lodging house, fraternity, or sorority. It also does not include a group of individuals whose association is seasonal or similar in nature to a resort, motel, boarding or lodging house, bed and breakfast, nor that is institutional in nature.</p> |
| <p>Family Child-Care Home</p> | <p>A private home that provides full or part-time care day or night for six or fewer children who are not the children, siblings, stepchildren, grandchildren, nieces, nephews, or children in legal custody of the provider.</p> |
| <p>Farm</p> | <p>A tract of at least 10 contiguous acres used for the production of agricultural or horticultural crops. Agricultural and horticultural crops shall be defined as, but not limited to, livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, ornamental plants, vineyards and wineries.</p> |
| <p>Farmers Market</p> | <p>An organized seasonal outdoor market containing four or more independent vendors open to the public at which locally grown produce and flowers, value-added agriculture products, fresh baked goods, and/or retail products are sold by persons or their representatives who typically grow, harvest, process, or make such items from their farm, residence, or agricultural operation.</p> |
| <p>Fence</p> | <p>A man-made yard structure which forms, or which has the intended purpose to form, a barrier to light, sound, wind, snow, animals, vehicles, or pedestrians.</p> |

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| Financial Institutions | Any building, property or activity of which the principal use or purpose of which the provision of financial services is including, but not limited to banks, facilities for automatic teller machines (ATM's), credit unions, savings and loan institutions, and mortgage companies. |
| Flashing or Blinking | Intermittent or sequential illumination for the purpose of attracting attention to the sign. |
| Fraternity or Sorority House | A place, residence, or assembly used either as a boarding house, dormitory, or multifamily dwelling that is occupied and/or operated by a membership association of a college or university. |
| Funeral Home or Mortuary | An establishment primarily engaged in the provision of services involving the care, preparation or disposition of human remains. Typical uses include funeral parlors, crematories, mortuaries or columbaria. |
| Garage, Residential | An enclosed building or a part of a residence, in which to store vehicles and personal property, and is incidental to the use of the property. |
| Government Building or Facility | Any structure or use, or portion thereof, used by a governmental agency for administrative or service purposes. |
| Greenhouse | A glassed or translucent enclosure used for the cultivation or protection of plants. |
| Group Home | A homelike facility, excluding Department of Juvenile Justice, operated or -contracted facilities, for not more than eight foster children, not adjacent to or part of an institutional campus, operated by a sponsoring agency for children who may participate in community activities and use community resources. |
| Handbill | Printed or written material, circular, leaflet, pamphlet, or booklet designed for distribution on vehicles or other property, excluding postal distribution, which advertised merchandise, commodities, or services. |
| Home Occupation | Any career, profession, use or activity which is customarily incidental to the principal residential use of the premises and is conducted by a resident occupant which does not alter the exterior of the property or affect the residential character of the neighborhood. |
| Hospital | A facility providing physical or mental health services, inpatient or overnight accommodations, and medical or surgical care of the sick, injured, or disabled. |

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| Hotel or Motel | A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contrast to a lodging house. |
| Household | A group of individuals not necessarily related by blood, marriage, adoption or guardianship, living together in a dwelling unit as a single unit. |
| Illuminated, Directly | Lighted by an unshielded light source (including neon tubing) which is visible as a part of the sign and where light travels directly from the source to the viewer's eye. |
| Illuminated, Indirectly | Light source project light onto the exterior of the sign surface or onto the building where the sign is located. |
| Illuminated, Internally | Light source is within the sign, with a transparent or translucent background or cover which silhouettes letters or designs. |
| Library | A facility that contains books, periodicals, and other materials for reading, viewing, listening, study, or reference, that consists of a room, set of rooms, or building where such materials may be accessed or borrowed. |
| Lodging House | A building where housing is provided by prearrangement for definite periods of time for compensation for three or more persons in contrast to hotels/motels which are open to transients or group homes. |
| Lot | <p>A division of land separated from other divisions for purposes of either sale, lease, or separate use, described on the recorded subdivision plat, recorded survey map, or by metes and bounds.</p>  <p><i>Illustration of lot configuration and types</i></p> |
| Lot Area | The sum of land area encompassed within the property lot lines. |
| Lot, Corner | A lot abutting on two streets at their intersection, if the interior angle of intersection is not more than 135 degrees. |

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| <p>Lot Depth</p> | <p>The mean horizontal distance of a lot measured between the front and rear lot lines.</p> |
| <p>Lot, Double Frontage</p> | <p>A lot with opposite ends abutting on public or private streets.</p> |
| <p>Lot Frontage</p> | <p>The lineal distance of a property line which abuts a public right-of-way.</p> |
| <p>Lot, Interior</p> | <p>A lot other than a corner lot or a double frontage lot.</p> |
| <p>Lot, Panhandle</p> | <p>A lot with a long narrow section running between two other lots, where the buildable area of the the panhandle lot is setback from the street and sits behind the rear property line of adjacent properties.</p>  <p>The diagram shows a grid of lots between two vertical dashed lines representing streets. A central lot is shaded light blue and labeled 'PANHANDLE LOT'. It has a long, narrow section extending from the rear lot line of the lot to its left towards the right street. Buildings are shown as dark grey rectangles on other lots. A legend at the bottom indicates 'BUILDING' (dark grey square) and 'PANHANDLE LOT' (light blue square).</p> <p><i>Illustration of a Panhandle Lot</i></p> |
| <p>Lot Line</p> | <p>The boundary of a lot separating it from adjoining public, common, or private land, including a public street.</p>  <p>The diagram shows a rectangular lot with a house icon inside. Dashed lines represent various setback lines: 'MINIMUM REAR YARD SETBACK' at the top, 'MINIMUM FRONT YARD SETBACK' at the bottom, and 'SIDE LOT LINE' on both sides. The 'REAR LOT LINE' is the top boundary, and the 'FRONT LOT LINE' is the bottom boundary. Below the front lot line is the 'RIGHT-OF-WAY' and 'STREET'. A 'MINIMUM ACCESSORY USE SETBACK' is shown on the right side. Arrows point from the text labels to the corresponding lines in the diagram.</p> <p><i>Illustration of Setbacks and Lot Lines</i></p> |
| <p>Lot Line, Front</p> | <p>The lot line separating an interior lot from the street upon which it abuts; or the lot line of a corner lot upon which the building fronts.</p> |

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| Lot Line, Rear | A lot line parallel or within 45' of being parallel to, and most distant from, the front lot line. |
| Lot Line, Side | A lot line which is neither a front nor a rear lot line |
| Lot Width | The distance between side lot lines measured across the front and rear of the required front yard setback. |
| Maintenance | Any normal upkeep or repair which does not require a building permit and does not constitute alteration as defined. |
| Manufactured Home | A single-family residential dwelling constructed after June 15, 1976 in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., as amended, and designed to be used as a single-family residential dwelling with or without permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air conditioning, and electrical systems contained therein. Any additions or accessory uses/structures attached to a manufactured home must comply with all applicable City and State permit requirements. |
| Manufactured Home, B1 Seal | A previously owned or used manufactured home unit that has been inspected by a certified inspector and found to be in compliance with the applicable standards for human habitation. |
| Manufactured Home, B2 Seal | A previously owned or used manufactured home unit that: <ol style="list-style-type: none"> 1. Has been inspected by a certified inspector and found not to be in compliance with applicable codes; 2. Is a salvage unit unfit for human habitation; and 3. Shall be sold only for the purpose of use as a storage or utility building. |
| Manufactured Home, Certified Installer | An individual certified to install manufactured homes in Kentucky pursuant to the administrative regulations of 815 KAR 25:080. Requirements for certifying manufactured home installers. |
| Manufactured Home, Compatibility Standards | Standards that have been enacted by a local government under the authority of this section for the purpose of protecting and preserving the monetary value of real property located within the local government's jurisdiction. |

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| <p>Manufactured Home, HUD Label</p> | <p>A label affixed to a new manufactured home by the manufacturer after it has been approved by a third-party inspector, as required under the HUD Act and it certifies that the home is in compliance with the federal Manufactured Housing Construction and Safety Standards Act of 1974 as amended and effective July 1976 (sometimes referred to as an A seal)</p> |
| <p>Manufactured Home, Qualified</p> | <p>A manufactured home that meets all of the following criteria:</p> <ol style="list-style-type: none"> 1. Is manufactured on or after July 15, 2002; 2. Is affixed to a permanent foundation and is connected to the appropriate facilities and is installed in compliance with KRS 227.570; 3. Has a width of at least twenty (20) feet at its smallest width measurement or is two (2) stories in height and oriented on the lot or parcel so that its main entrance door faces the street; 4. Has a minimum total living area of nine hundred (900) square feet; and 5. Is not located in a manufactured home land-lease community. |
| <p>Manufactured Home Community</p> | <p>A parcel of land, under single or multiple ownership and developed specifically for the purpose of leasing two or more residential spaces for the location of manufactured or mobile home dwellings and which contain common facilities and utilities located on the premises as licensed by the Public Health Department of the cabinet.</p> |
| <p>Manufactured or Mobile Home Lot</p> | <p>A parcel of land in a manufactured or mobile home community for the placement of a single manufactured or mobile home.</p> |
| <p>Manufactured or Mobile Home, Permanent Foundation</p> | <p>A system of supports that is: capable of transferring, without failure, into soil or bedrock, the maximum design load imposed by or upon the structure; constructed of concrete; and placed at a depth below grade adequate to prevent frost damage.</p> |
| <p>Manufactured or Mobile Home, Underskirting</p> | <p>A weather resistant material used to enclose the space from the bottom of a manufactured or mobile home to grade.</p> |
| <p>Mixed Use Building</p> | <p>A building that contains both businesses and residential uses within the same structure.</p> |
| <p>Mixed Use Residential</p> | <p>A dwelling unit, designed in a way that is functionally integrated into the same building or development as other uses, such as office, institutional, or commercial.</p> |

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| Mobile Home | Any nonself-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of four thousand five hundred (4,500) pounds and an overall length of thirty (30) feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974. |
| Mobile Food Unit | Food establishment which is on wheels and which sells prepared food. |
| Mobile Food Unit Vendor | A merchant who conducts business from a mobile food unit. |
| Mobile Use, Medical | A vehicle used for the following: blood donations, immunization, medical evaluation, imaging, diagnostic or testing procedures. It does not include massage or any type of surgery. |
| Modular Home | Factory-built housing certified as meeting the local or State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards of applicable City and State building code requirements. |
| Motor Home | A self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming food, and for sleeping. |
| Museum | A building, place, or institution devoted to the acquisition, conservation, study, exhibition, and educational interpretation of objects having scientific, historical, or artistic value. |
| Nonconforming Building | A building existing lawfully prior to the time this zoning code, or an amendment thereto, became effective, but which does not comply with the area, height, or bulk of building, yard, or other requirements of the district in which it is located. |
| Nonconforming Sign | A permanent sign existing on any premises which was legal prior to the effective date of the applicable section or sections of this zoning code, but which does not comply with the provisions of this zoning code. |
| Nonconforming Use | The use of a building or land, existing lawfully prior to the time this zoning code, or an amendment thereto, became effective, but which does not comply with the use regulations, off-street parking requirements, loading requirements, performance standards, or other regulations of the district in which it is located. |

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| Office | A building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations. |
| Office, Medical | Offices organized as a unified facility for licensed physicians, dentists, chiropractors, nurse practitioners, or other health care professionals providing diagnosis or care of sick or injured persons but are not provided with room and board and are not kept overnight on the premises. Medical services and medical clinics include medical and dental laboratories incidental to the medical office use. |
| Open Space | An area of land or an area of water, or a combination thereof, that is designed for either environmental, scenic, or recreational purposes. It may include buffer areas, active and passive recreation areas, wooded areas, water courses, and similar amenities. Open space shall not include off-street parking areas, streets, or part of road rights-of-way. |
| Outdoor Dining | A porch, patio, deck or other area used for consumption of food and/or beverages by the public which is not completely enclosed within the exterior building walls, windows and doors of a limited restaurant, full service restaurant or a drinking establishment, and which may or may not have a solid roof cover. |
| Outdoor Sales | Any unenclosed area exhibiting sample goods, merchandise, or vehicles for rental, lease, or sale. |
| Outdoor Storage | The keeping, in an enclosed or unenclosed area, of any goods, junk materials, merchandise or vehicles in the same place for more than 24 hours. |
| Parcel | Any quantity of land and water capable of being described with such specificity that its location and boundaries may be established as distinct from other parcels which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit. |
| Park, Private | A park or playground which is not owned by a public agency, and which is operated for the exclusive use of private residents or neighborhood groups and their guests and not for use by the public. |
| Park, Public | Any land owned by the public and open for use by the public for active or passive recreational purposes or as a refuge for wildlife. |
| Parking Drive | The driveway or access drive by which a car enters and departs a parking space. |

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| Parking Garage | A structure built that may be above grade, below grade, or a combination thereof, that provides off-street parking for motorized vehicles. |
| Parking Lot | An area of ground upon a lot that is used for the parking of vehicles. |
| Person with a Disability | A person with a physical, emotional, or mental disability, including, but not limited to, an intellectual disability, cerebral palsy, epilepsy, autism, deafness or hard of hearing, sight impairments, and orthopedic impairments, but not including convicted felons or misdemeanants on probation or parole or receiving supervision or rehabilitation services as a result of their prior conviction, or mentally ill persons who have pled guilty but mentally ill to a crime or not guilty by reason of insanity to a crime. "Person with a disability" does not include persons with current, illegal use of alcohol or any controlled substance as regulated under KRS Chapter 218A. |
| Personal Service | An establishment primarily engaged in providing individual services generally related to personal needs, such as, but not limited to, barber shops, beauty shops, nail salons, day spas, travel agencies, and photographic studios. |
| Places of Worship | An institution that a congregation of people regularly attends to participate in or hold religious services, meetings, and other activities, including buildings in which the religious services of any denomination are held. |
| Preservation | The process, including maintenance, of treating an existing building to arrest or slow future deterioration. |
| Recreation, Commercial | A public or private indoor or outdoor recreation facility operated as a commercial activity, including but not limited to batting cages, bowling alleys, dragstrips, raceways, golf driving ranges, archery ranges, shooting ranges, mechanical rides, miniature golf courses, golf courses, tennis clubs, arenas, amphitheatres, stadiums, health and fitness facilities, and swimming pools. |
| Rehabilitation, Building | The act or process of returning a building, object, site, or structure to a state of utility through repair or remodeling. |
| Relocation | Any change in the position of a structure or object from one setting to another. |

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| Residential Care Facility | A residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities. Services shall include, but is not limited to, supervision, shelter, protection, rehabilitation, personal development, and attendant care. |
| Residential Care Facility, Small | A facility designed for and occupied by eight or fewer residents living together. |
| Residential Care Facility, Large | A facility designed for and occupied by nine or more residents living together. |
| Restaurant | An establishment whose principal business is the selling of food and beverages to the customer in a ready-to-consume state, in individual servings. |
| Restoration | The act or process of accurately recovering the exterior form and details of a building, object, site, or structure, and its setting as it appeared at a period by means of the removal of later work or by the replacement of missing earlier work. |
| Retail Sales | An establishment engaged in the sales of goods, including, but not limited to: clothing and shoes, jewelry, luggage and leather goods, alcoholic beverage sales, furniture and home furnishings, electronic appliances, sporting goods and hobbies, books, periodicals and music, tobacco sales, department stores, flowers, office supply and stationery, gifts and novelties, pets, hardware, pawn shops, video stores and auto parts. The classification includes the retail sale of merchandise not specifically listed under another use classification. |
| Right-of-Way | All of the land included within an area which is dedicated, reserved by deed, or granted by easement for street purposes. |
| School | A facility that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high schools, high schools, and technical and collegiate level courses. |
| Self-Storage Facility | A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for the storage of personal property. |
| Senior Living Facility | See Assisted Living Facility . |

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| Sign | Any copy, including material used to differentiate the copy from the background, which is applied to a surface as a means of identifying, advertising, announcing, or illustrating products, services and/or events. |
| Sign, Abandoned | Signage that has been neglected and fallen into disrepair. |
| Sign, Awning | Applied directly to the surface of an awning; defined as a shelter supported entirely on a wall and made of non-rigid material supported by a frame. |
| Sign, Banner | Made of non-rigid material with no enclosing framework. |
| Sign, Billboard | A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located. |
| Sign, Canopy | Applied directly to the surface of a canopy; defined as a permanently roofed shelter covering a sidewalk, driveway, or similar area. Canopies may be supported by a building, columns, poles, braces or a combination of both. |
| Sign Clearance | The vertical distance between the lowest point of any sign and the grade at the base of the sign. |
| Sign Copy | Any word, figure, number, symbol or emblem affixed to a sign. |
| Sign, Directional | A non-commercial sign of an instructional nature, such as "parking", "exit" or "entrance", displayed solely for the convenience of the public, no more than 25% of such sign being devoted to the name or logo of the property, business or profession on the site and containing no business advertising or product trade name identification or listing of any product sold or offered on the premises. |
| Sign, Double Faced | Two faces either set parallel or up to a 45-degree angle. Any two sign faces set at an angle greater than 45 degrees shall be considered two separate signs. |
| Sign, Electronic Message Display System | Copy which uses rotating reflective discs, direct illumination, rotating veils, light emitting diodes (LEDs), liquid crystal diodes (LCDs) or other digital devices and is changed electronically. |
| Sign Face | The area or display surface used for the message. |
| Sign, Freestanding | Attached to the ground by columns, poles, braces, or other means and not attached to any building. |

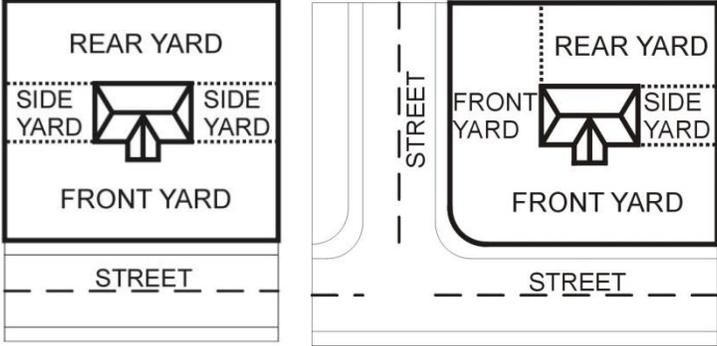
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| Sign, Government | Temporary or permanent, erected by government employees or officers in the performance of their professional/elected duties. |
| Sign, Gross Area | The entire area including all of the surfaces placed or designed to be visible from a public right-of-way and measured as the area enclosed by the closest shaped rectangle which completely encloses the sign face, the sides of which contact the extreme point or edges of the sign, excluding the supporting structure if such structure does not form a part of the advertisement of the sign proper. The area of a sign composed of characters or words, if such characters or words stand-alone without framing or additional backdrop, which is attached directly to a large, uniform building wall surface, shall be the smallest rectangle which encloses the entire group of characters or words. |
| Sign, Height | The vertical distance measured from the highest point of the sign, including the frame and any embellishments, to the bottom of the base of the sign. |
| Sign, Illegal | Does not meet the requirements of this Sign Ordinance and has not been identified as a legal, nonconforming sign. |
| Sign, Illuminated | Emits or reflects artificial light from any source. |
| Sign, Incidental | Not exceeding two square feet in area. |
| Sign, Interstate | Sign that is designated to be seen from an interstate highway. |
| Sign, Marquee | Used in conjunction with a theatre, is attached to the building, and projects from the building. |
| Sign, Menu Board | Freestanding signs placed at properties where there is a drive-thru lane, walk-up window or drive-up curbside. |
| Sign, Mobile | Affixed to a frame having wheels or capable of being moved. Mobile signs do not have a permanent foundation and cannot withstand the wind-load stress requirements of the adopted building code as they are designed to stand free from a building. The removal of the wheels from such a sign or temporarily securing of a sign of this type shall not prevent it from being classified as a mobile sign within this definition. This includes signage placed in a truck bed or on a trailer designed to be pulled behind a vehicle. |
| Sign, Monument | Attached to a permanent foundation or decorative base and not attached to or dependent for support from any building, pole, post or similar upright. |

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| Sign, Nameplate/ Identification | A sign indicating the name, address, or profession of the person or persons occupying a lot or building or any portions thereof. |
| Sign, Nonconforming | Legally erected but does not comply with the current regulations for the zone in which it is located. |
| Sign, Non-Illuminated | Does not emit or reflect artificial light from any source. |
| Sign, Obscene | A sign which bears or contains statements, words, or pictures which are obscene under the prevailing state statutes or U.S. Supreme Court decisions. |
| Sign, Off-Premises | A permanent sign which directs attention to a business, commodity, or commercial or non-commercial service or entertainment which is not conducted, sold or offered upon the site where such sign is located or affixed. Billboards are not considered off-premises signs. |
| Sign, Pole | A sign which is supported by a pole or poles and designed to permit pedestrian or vehicular traffic thereunder. |
| Sign, Portable | Small sign, easily transported by hand, placed outside during business hours and brought into the business after hours, usually tent style or A-frame. |
| Sign, Projecting | A sign, other than a wall sign, erected on the outside wall of a building and which projects out at an angle therefrom. |
| Sign, Roof | Projects above the cornice of a flat roof or the ridgeline of a gabled or hipped roof. In determining the top of the roof, calculation shall not include cupolas, pylons, chimneys or other projections above the roofline. |
| Sign, Rotating or Moving | Any portion of which moves by mechanical means or wind; does not refer to changing copy with an electronic message display system. |
| Sign Setback | The horizontal distance between any curb or street edge and a sign. The measurement shall be taken at the closest point between the street and any part of the sign. |
| Sign, Streamer | An attention-attracting device consisting of two or more pennants, banners, balloons, ribbons, reflectors, fringes or similar objects strung together on a common line, pole, or similar structure, or attached to one or more products offered for sale. |
| Sign Surface | That part of the sign on which the message is displayed. |

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| Sign, Temporary | A banner, pennant, poster, teardrop flag, or similar advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials and that appears to be intended to be displayed for a limited period of time. They are intended to be displayed for not more than 14 continuous days or more than eight (8) times per calendar year. |
| Sign, Trailer or Mobile | A sign commonly attached to a trailer, or similar device, and mobile, with or without illumination. |
| Sign, Vehicle | Signage painted directly on a vehicle or attached magnetically. |
| Sign, Wall | Attached directly to a building; includes mansards, canopies, awnings, and signs attached to a roof which do not project above the roofline. |
| Sign, Window | Attached to or located within three (3) feet of the interior of a window and which can be seen through the window from the exterior of the structure. |
| Site, Historic | Any significant historical, archeological, or architectural property without a principal structure, such as the location of a prehistoric or historic activity, or a significant event. A site may also include a property of significant landscape design. |
| Skilled Nursing Facility | A facility that offers short and long-term care for individuals who need rehabilitation services or who suffer from serious to persistent health issues. Certificates of need are issued by the State of Kentucky for bed units. Skilled nursing facilities do not include facilities providing surgical or emergency medical services, substance abuse programs, or mental health facilities. |
| Solar Farm | A utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or various experimental solar technologies, for the primary purpose of wholesale or retail sales of generated electricity. |
| Solar Panel | Panels installed on a building or on a lot to allow for the conversion of solar energy to electrical current. |
| Square Foot | A unit of area equal to one foot by one-foot square. |
| Stacking Space | A space specifically designed and designated as a waiting area for vehicles patronizing a drive-through facility or service bay. |

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| Story | The portion of a building, other than a basement as defined herein, included between the finished floor and the finished floor next above, or, if no floor above exists, the space between the floor and the ceiling next above. |
| Street Frontage | Property line that lies adjacent to street right-of-way. |
| Street, Public | A public way for purposes of vehicular travel, including the entire area within the rights-of-way. |
| Structure | A building, object, monument, work of art, or work of engineering permanently affixed to the land. |
| Subdivision | The division of a parcel of land into three or more lots or parcels except in a county containing a city with a population equal to or greater than 8,000 based upon the most recent federal decennial census or in an urban-county government or consolidated local government where a subdivision means the division of a parcel of land into two 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 use and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided; any division or redivision of land into parcels of less than one acre occurring within 12 months following a division of the same land shall be deemed a subdivision within the meaning of this definition. |
| Swimming Pool | An open tank or structure either above or below ground designed to contain a depth of at least 24 inches of water at any point, including the lounging and spectator areas and any accessory buildings, structures or equipment. Detention or retention ponds shall not be considered a swimming pool. |
| Theater or Movie Theater | A building or structure in which movies are screened before a live audience or in which performances are carried out. |
| Townhome | See definition of "Dwelling, Single-Family Attached/Townhome" |
| Use | Any purpose for which buildings, other structures or land may be arranged, designed, intended, maintained, or occupied; or any activity conducted in a building, other structure or on the land. |

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| Use, Accessory | A use located on the same zoning lot with the main building, other structure, or land, which is subordinate and related to that of the main building or main use. |
| Use, Conditional | A use which is permitted in a district only if a conditional use permit is therefore expressly authorized by the board of zoning adjustment in accordance with this code. |
| Use, Principal | A use which is permitted as of right in a district for which a zoning certificate shall be issued by the Building Official, provided that the applicant meets the applicable requirements of this code. |
| Use, Temporary | A use permitted for a period specified per this code. |
| Variance | The administrative relief provided by the Board of Zoning Adjustment from the strict terms of the relevant regulations. |
| Vehicle | Everything on wheels or runners, including motorized bicycles, but does not mean vehicles operated exclusively on rails or tracks or from overhead electric trolley wires and vehicles belonging to any police department, municipal fire department, or volunteer fire department or used by such department in the discharge of its functions. |
| Vehicle, Commercial | A vehicle which displays any commercial activity and which use is primarily for commercial purposes. |
| Vehicle, Recreational | A vehicular portable structure designed and constructed to be primarily used as a temporary dwelling for travel, recreational, and vacation uses including but not limited to motor homes, travel trailers, or truck campers. |
| Vehicle storage | Fleet storage or other inactive vehicle storage which is not accessible to vehicular traffic of the public. |
| Vehicle Washing Establishments | A building or enclosed area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices and/or which may employ hand labor. |
| Veterinarian Offices | See Animal Hospital . |
| Window Display | Merchandise or other objects placed inside a building to be viewed from outside the building. |

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| <p>Yard</p> | <p>The portion of the open area on a lot extending between a building and the nearest lot line.</p>  <p><i>Typical yard locations on an interior lot and corner lot</i></p> |
| <p>Yard, Front</p> | <p>The yard extended from the front walls of the main building to the front lot line across the full width of the lot. For the purposes of these regulations, any yard abutting a street shall be considered a front yard.</p> |
| <p>Yard, Rear</p> | <p>The yard extending from the rear wall of the main building to the rear lot line across the full width of the lot.</p> |
| <p>Yard, Side</p> | <p>The yard extending between a side lot line and the nearest wall of the main building, and from the front yard to the rear yard; however, for a corner lot the side yard extends from the front yard to the rear lot line along the side street and shall be considered a second front yard for the purposes of these regulations.</p> |

PENALTIES AND ENFORCEMENT

154.991. ENFORCING OFFICER

- A. The City Planner shall administer and enforce this zoning code except as otherwise provided herein. The City Planner shall promptly investigate complaints or violations and report his or her findings and actions to complainants.
- B. The City Planner shall use his or her best efforts to prevent violations.
- C. If the City Planner shall find any of the provisions of this zoning code are being violated, he or she shall notify in writing the person responsible for the violations, indicating the nature of the violation, and ordering the action necessary to correct it in accordance with the procedures set forth in the Code Enforcement Ordinance.
- D. The City Planner shall order discontinuance of the illegal use of land, buildings, or structures; removal of illegal building or construction of illegal additions, alterations, or work being done; and shall take or cause to be taken any other action authorized by this zoning code to insure compliance with and prevent violations of the provisions herein.
- E. The City Planner shall keep records of all official actions of his or her office relating to the administration and enforcement of the provisions of this zoning code, including, but not limited to, written records of all complaints and actions taken with regard thereto, all violations discovered with actions taken thereto, and the final disposition of all matters.

154.992. VIOLATIONS

Whenever a violation of this zoning code occurs or is alleged to have occurred, and person may file a written complaint. The complaint shall state fully the cause and basis thereof and shall be filed with the City Planner. He or she shall properly record the complaint, immediately investigate and act thereon as provided by this zoning code.

154.993. PENALTIES

- A. Violation of this ordinance shall constitute a civil offense which shall be enforced according to the procedures set forth in the City of Morehead Code Enforcement Board Ordinance by the Code Enforcement Board, hearing officers, code enforcement officers, citation officers, and other persons duly authorized to investigate and enforce the violations through investigation, inspection, and issuance of citations.
- B. The penalties for violations of this ordinance shall be set forth in Section 34.132 of the City of Morehead Code Enforcement Board Ordinance.