

ARTICLE IX

GENERAL REGULATIONS

SECTION 9.0 PURPOSE: General regulations shall apply to all districts. Where requirements of a general regulation and a district regulation differ, the more restrictive requirement shall prevail.

SECTION 9.1 REDUCTION IN BUILDING SITE AREA: Notwithstanding other provisions of this ordinance, no lot, in any zone, may be reduced in area below the minimum lot area as specified herein for the zone within which said lot is located, except where such reduction has been brought about by the expansion or acquiring of rights-of-way for a street, road or highway. If however, by some means (e.g., misinterpretation of law, erroneous lot descriptions etc.) the lot area is reduced below the minimum required area as specified herein for the zone, all of the uses and structures contained on the remaining portion of the area shall be subject to compliance with all other provisions of this ordinance. In the event that the uses and structures cannot comply in such circumstances, the property owner may seek relief from the Board of Adjustment as provided for in Section 18.5 of this ordinance.

SECTION 9.2 INTERFERENCE WITH TRAFFIC SIGNALS: Notwithstanding other provisions of this Ordinance in any zone, no sign, structure, tree, planting, or vegetation or any portion thereof shall protrude over or into any street so as to create confusion around, or otherwise interfere with, traffic signals of any kind.

SECTION 9.3 VISION CLEARANCE AT CORNERS, CURB CUTS, AND RAILROAD CROSSINGS: Notwithstanding any part of this Ordinance or any permit granted, or any variance granted by the Board of Adjustments; no type of structure, vehicle, tree, planting, vegetation, sign, or fence, or any type of obstacle or any portion thereof shall be placed or retained in such a manner which would create a traffic hazard or would obstruct the vision clearance at corners, curb cuts, or railroad crossings in any zone.

SECTION 9.4 FRONTAGE ON CORNER LOTS AND DOUBLE FRONTAGE LOTS: On lots having frontage on more than one street, in any zone, the minimum front yard depth shall be provided for each street, in accordance with the provisions of this ordinance.

SECTION 9.5 UTILITIES LOCATION: Electrical transformer stations, gas regulator stations, sewage and water treatment plants, pumping stations, standpipes for public water supply and other similar utility uses may be located in any zone subject to the approval of the Board of Adjustment, as set forth in section V.14 of this ordinance. The location of such facilities shall be in accordance with Kentucky State law, and all other pertinent regulations, and the following requirements:

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

SECTION 9.6 RAILROAD RIGHTS-OF-WAY LOCATION: Railroad rights-of-way, exclusive of such uses as marshaling yards, spur lines, passenger and freight terminals, maintenance shops, fueling facilities and round houses, may be located in any zone of this ordinance providing said railroad rights-of-way meet the requirements of those sections of the Kentucky State Law which regulate such uses.

SECTION 9.7 EXCAVATION, MOVEMENT OF SOIL: Notwithstanding other provisions of the ordinance, no governmental entity or other person or entity shall strip, excavate, fill, or otherwise move soil, trees, or other vegetation except for minor changes such as: the filling of small pockets, in lots, flower beds and other similar operations, in any zone set forth in this ordinance without first insuring that all requirements of this ordinance and other city ordinances, if applicable, have been fulfilled and then obtaining a permit from the Building Inspector for such stripping excavating, filling, or other means of soil movement including removal of trees and other vegetation. The provisions of this section shall not be construed to prohibit normal excavation or grading incidental to the construction or alteration of a building on the premises for which a building permit has been granted as required otherwise in this ordinance, but shall include all road cuts thereto.

SECTION 9.8 UNSIGHTLY OR UNSANITARY STORAGE: No rubbish, salvage materials, junk, or miscellaneous refuse shall be openly stored or kept in the open and no weeds shall not be allowed to go uncut within any zones when the same may be construed to be a menace to public health and safety, by the appropriate health department, or have a depressing influence upon property values in the neighborhood, in the opinion of the Zoning Administrator. Salvage and junkyards shall be adequately enclosed with a solid fence or wall, as regulated by Article XIII of this ordinance and an

approved permanent plating screen shall be required as regulated in Section V.17 of this ordinance.

SECTION 9.9 JUNKYARD LOCATION: No person shall operate or cause to operate any junkyard which is situated closer than two thousand (2,000) feet from the centerline of any county, state, Federal, or limited access highway or turnpike, including bridges and bridge approaches unless a permit for such operation shall have been obtained from the Kentucky Department of Transportation, Bureau of Highways, in accordance with KRS 177.905 to 177.950.

SECTION 9.10 APPLICATION ON ZONING REGULATION

- A. Except as herein provided, no public or private structure, except the service facilities of public utilities operating under the jurisdiction of the Public Service Commission or the Department of Motor Transportation Federal Power Commission and common carriers by rail, shall be erected, reconstructed, or structurally altered, nor shall any public or private structures or land, except the service facilities of the public utilities operating under the jurisdiction of the of the Public Service commission or the Department of Motor Transportation Federal Power Commission and common carriers by rail, be used for any purpose other than that permitted in the zone in which such structures or land is to be located or is located. All of the required lot area shall be in one (1) zone.
- B. Except as herein provided, no public or private structure, except the service facilities of public utilities operating under the jurisdiction of the Public Service Commission or the Department of Motor Transportation Federal Power Commission and common carriers by rail, shall be erected, reconstructed, or structurally altered, to exceed the height or bulk limit herein established for the zone in which such structure is to be located or is located.
- C. Except as herein provided, no lot areas shall hereafter be so reduced or diminished that the yards or open spaces shall be smaller than described by this Ordinance and no building shall be occupied by more families than prescribed for such building, structure or premises for the zone in which it is located.
- D. Except as herein provided, no part of any yard, or other open space, or off-street parking or loading and/or unloading space about or in connection with any building, structure or use permitted by this Ordinance shall be considered to be part of a required yard, or other open space, or off-street parking or loading space for any other building, structure or use.
- E. Every public or private building or other structure hereafter erected shall be located on a lot as herein defined and in no case shall there be more than one (1) principal building and permitted accessory structures on one (1) lot, except as

hereinafter provided, nor shall any building be erected on any lot which does not abut at least twenty-five (25) feet on a deeded and accepted public right-of-way.

- F. Accessory structures and uses including off-street parking and loading and/or unloading areas shall not be permitted within any required minimum front yard or side yard (on each side of lot) except in the NC and HC zones as provided herein, in all zones, but by never more than ten (10) feet.
- G. Permitted Obstructions in Minimum Required Yards or Courts: Except as herein provided, the following shall not be considered to be obstructions when located in the required minimum yards or courts specified:
1. In All Minimum Required Yards or Courts – awnings and canopies; driveways permitting they are not closer than five (5) feet to the property line to which they run approximately parallel to; steps four (4) feet or less above grade and projecting not more than four (4) feet into the minimum required yards which are necessary for access to a lot from a street or alley; fire escapes; chimneys and air conditioning equipment projecting eighteen (18) inches or less into the minimum required yards; arbors and trellises; flag poles; and bird baths; fences and walls, subject to the requirements in Article XII of this ordinance.
 2. In Minimum Front Yard Depths – One-story Bay windows projecting three (3) feet or less into the minimum required rear yard; overhanging eaves and gutters projecting not more than three (3) feet into the minimum required front yard; air conditioning equipment extending not more than two (2) feet into the minimum required front yard.
 3. In Minimum Rear Yard Depths – One-story Bay windows, projecting three (3) feet or less into the minimum required rear yard; overhanging eaves, and gutters, and air conditioning equipment projecting not more than three (3) feet into the minimum required rear yard.
 4. In Minimum Side Yard Width – overhanging eaves and gutters projecting not more than eighteen (18) inches into the minimum required side yard.

SECTION 9.11 SPECIAL REQUIREMENTS GOVERNING HOME OCCUPATIONS:

The following requirements shall apply to home occupations when permitted herein:

- A. No persons other than members of the family residing in the premises shall be engaged in such operation in connection with which there is no group instruction, assembly or activities;
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more

that twenty-five (25) percent of the gross floor area of any one floor of the dwelling unit (including the basement or cellar) shall be used in the conduct of the home occupation.

- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling unit, except that a name plate as regulated by Article XIV of this ordinance, shall be permitted.
- D. No home occupation shall be conducted in any accessory building, nor shall there be any exterior storage of any materials on the premises.
- E. There shall be no commodity sold upon the premises in connection with such home occupation.
- F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and not located in any required yard except as herein provided.
- G. No equipment or process, shall be used in such home occupation, which creates noise, vibration, flare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process, which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Home occupations shall include the use of the premises for such things as: (1) professional offices where the services rendered is by other than direct contact with customers at that location (for example, where the bulk of the businesses by telephone – actual work is performed in home and customer is contacted in other than that location); and (2) also would be inclusive of persons engaged in the preparation of a commodity (such as certain clothing, items by a seamstress, certain candy items or bakery items, etc.) to be sold at locations other than on the premises.

Home occupations shall include the use of the premises by a physician, surgeon, dentist, lawyer, clergyman, or other professional persons for consultation or emergency treatment, but not for the general practice of his profession.

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

- A. NONCONFORMING LOTS OF RECORD:

1. Any lot of record, which does not meet the requirements of this ordinance, shall be considered a nonconforming lot of record.
2. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be sold which does not meet lot width and area development requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

B. NONCONFORMING USES:

1. **CONTINUANCE:** Except as herein specified, the lawful use of any structure or land existing at the time of the adoption of this ordinance may be continued although such use does not conform to the provisions of this ordinance -- it shall become a legal nonconforming use. However, no nonconforming use or structure may be enlarged or extended beyond its area of use at the time it becomes a legal nonconforming use, unless and until the use is brought into conformance with all provisions of this ordinance.
2. **CHANGE FROM ONE NONCONFORMING USE TO ANOTHER:** Any nonconforming use may be changed to another nonconforming use, providing the new nonconforming use is in the same or a more restrictive classification (i.e., providing that, in the opinion of the Board of Adjustment, the new nonconforming use will be more in conformance with the intent of the regulations of the zone effected, than the old nonconforming use.
3. **TERMINATION:** Except for Section 9.12, B, 3,c, any of the following activities or conditions shall terminate, immediately, the right to operate a public or private nonconforming use. In the case of 9.12 B, 3, c, the Board of Adjustments shall hold a public hearing in accordance with the applicable requirements of Section 18.2 of this ordinance, prior to termination of the nonconforming use.

Following that hearing, the board may allow the continuation of a nonconforming use provided it is determined that conditions exist that are not the results of actions taken by the operator of the nonconforming use.

- a. Changing to a conforming use;

- b. Abandonment;
 - c. Nonoperative or non used for a period of twelve (12) or more consecutive calendar months;
 - d. Whenever the structure, in which the nonconforming use is operated, is damaged in any manner whatsoever and the cost of repairing such damage exceeds fifty (50) percent of the market value of such structure in which the nonconforming use is operated and a determination is made by the Board of Adjustments that this structure should not be reconstructed.
 - e. Whenever the structure, in which the nonconforming use is operated, becomes obsolete or substandard under any applicable ordinance of the City and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds fifty percent of the market value of such structure as of the date of the official order under the applicable ordinance;
 - f. Whenever said nonconforming use becomes illegal,, a nuisance, or a hazard to the public safety, health or welfare;
 - g. Whenever said nonconforming use becomes the property of the City, or any other governmental entity.
4. ZONE CHANGE: The foregoing provisions shall apply to uses which become nonconforming due to zone changes which take place thereafter.

C. NONCONFORMING STRUCTURES:

1. CONTINUANCE: Except as herein specified, any public or private nonconforming structure, may be occupied, operated, and maintained in a state of good repair, but no nonconforming structure shall be enlarged or extended, unless the enlargement or extension can be, and is, made in compliance with all of the provisions of this ordinance.
2. TERMINATION: Any of the following acts or conditions shall terminate, immediately, the right to operate a public or private nonconforming structure:
 - a. Changing to a conforming structure;
 - b. Abandonment;
 - c. Whenever the nonconforming structure is damaged in any manner whatsoever and the cost of repairing such damage exceeds fifty (50) percent of the market value of such structure and a determination is made by the Board of Adjustment that is structure should not be reconstructed.
 - d. Whenever the nonconforming structure becomes obsolete or substandard under any applicable ordinance of the City and the cost placing such nonconforming structure in law compliance with

the applicable ordinance exceeds fifty (50) percent of the market value of such nonconforming structure as of the date of the official order under the applicable ordinance;

- e. Whenever said nonconforming structure becomes a nuisance; or a hazard to the public safety, health or welfare;
 - f. Whenever the city, or any other governmental entity, acquire title said to nonconforming structure or the land upon which it is located.
3. ZONE CHANGE: The foregoing provisions shall apply to uses which become nonconforming due to zone changes which take place hereafter.
- D. REPAIRS AND MAINTENANCE: On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement or nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the market value of the building, provided that the cubic content of the building, as it existed at the time of the passage or amendment of this ordinance shall not be increased.

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

E. NONCONFORMING SIGNS:

1. CONTINUANCE: Except as herein provided, any nonconforming sign may be continued in operation and maintained after the effective date of this ordinance; provided, however, that no such sign shall be changed in any manner that increases the noncompliance of such signs with the provisions of this ordinance for the zone in which such sign is located.
2. TERMINATION: Any one of the following acts or conditions shall terminate, immediately, the right to operate or maintain a nonconforming sign:
 - a. Not meeting the time compliance requirements for sign regulations, as regulated in Article 14.1 of this ordinance;
 - b. Changing to a conforming sign;
 - c. Abandonment;
 - d. Nonoperative or no use of said nonconforming sign.
3. ZONE CHANGE: The foregoing provisions shall also apply to signs which become nonconforming due to zone changes which take place thereafter.

SECTION 9.13 EXCEPTIONS AND MODIFICATIONS:**A. EXCEPTIONS TO HEIGHT LIMITS:**

1. The height limitations of this ordinance shall not apply to such things as: church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, observation towers transmission towers, chimneys, smoke stacks, radio and TV towers, conveyors, flag poles, masts and aerials, penthouses, scenery lofts, stand pipes parapet walls, outdoor theater screens, other related structures and necessary mechanical appurtenances; provided their construction is in accordance with existing or hereafter adopted ordinances of the city, and is acceptable to the Federal Aviation Agency and the Federal Communication Commission.

B. AREA EXCEPTIONS:

1. For the purpose of side yard regulations the following dwellings with common party walls shall be considered as one (1) buildings occupying one (1) lot: two –family and multi-family dwellings.
2. In the case of a court apartment or multifamily dwellings, side yards may be used as rear yards provided that:
 - a. The required side yard shall be increased by one (1) foot for each entrance or exit opening into or served by such yard.
 - b. The width of the court shall not be less than two and one-half (2 ½) times the width of the side yard as required in the district in which such court apartments or multi-family dwellings are located.
 - c. t here a roadway is provided in the court, the width allowed for such roadway shall be in addition to that required in the foregoing regulation.
 - d. All other requirements, including front, side in rear yards shall be complied with in accordance with the regulations of the district in which such court apartments or multi-family dwellings, are located.
 - e. Every part of a required minimum yard or court shall be open from its lowest point to the sky unobstructed, except for permitted obstructions in the minimum required yards as specified in Section 9.10 (G) of this ordinance.

- C. OTHER EXCEPTIONS:** Service stations shall be so constructed that the centerlines of the pumps shall be at least twenty-five (25) feet from any street right-of-way line.

D. FRONT YARD VARIANCE:

1. In any zone where the average depth of existing front yards within three hundred (300) feet of the lot in question and within the same block front, is greater than the minimum front yard depth required by this ordinance, the required minimum front yard depth on such lot shall be modified to be the average depth of said existing front yards provided, however, that the depth of the front yard on any such lot not be greater than sixty (60) feet.
2. In any residential zone, no front yard shall be required to exceed the average depth of existing front yards on lots abutting on each side of the street, or the average depth of existing front yards on the same side of the street within the same block and within two hundred (200) feet when fifty-one percent (51%) or more of lots within that block are improved with residential buildings, whichever is greater; provided that in no case shall a front yard be less than twelve (12) feet.

SECTION 9.14 CONDITIONAL USES:

- A. **DETERMINATION:** Subject to the requirements of Section 18.7, the Board of Adjustments may authorize a conditional building use to be located within any zone in which the particular conditional use is permitted by the use regulations of this ordinance, if the evidence presented by the applicant is such as to establish beyond any reasonable doubt:
1. That the proposed building and use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or the community;
 2. That such use will not be detrimental, under the circumstances of the particular case to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
 3. That such building and use will comply with any regulations and conditions in this Ordinance for such building and use.
- B. **CONDITIONAL USE PERMITS:** In accordance with KRS. 100.237, the Board of Adjustment shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named herein which may be suitable only in specific locations in the zone only if certain conditions are met:
1. The Board of Adjustments may approve, modify, or deny any application for a conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitations; requirements that one or more things be done before the request can be initiated, or conditions of a

continuing nature. Any such conditions shall be recorded in the Board's minutes and on the conditional use permit, along with a reference to the specific section in the zoning regulation listing the conditional use under consideration. In addition, said conditional use permit shall be recorded in the office of the county clerk and one copy of said permit attached to the deed for the property for which it is issued. The Board shall have power to revoke conditional use permits, or variance for noncompliance with the condition thereof. Furthermore, the Board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in person for such cost.

2. Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of this ordinance, the building code, housing code, and other regulations of the city.
3. In any case where a conditional use permit has not been exercised within the time limit set by the board or within twelve (12) consecutive calendar months from date of issuance, such conditional use permit shall not revert to its original designation unless there has been a public hearing. Exercised as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement has been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed. When construction is not a part of the use, exercised shall mean that the use in operation is in compliance with the conditions as set forth in the permit.
4. The Zoning Administrator shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permits.

If the landowner is not complying with all of the conditions listed on the conditional use permit, the Zoning Administrator shall report the fact in writing to the Chairman of the Board of Adjustments. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time it is furnished to the chairman of the Board of Adjustments. The Board shall hold a hearing on the report within a reasonable amount of 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 Adjustments finds that the facts

alleged in the report of the Zoning Administrator are true and that the landowner has taken no steps to comply with the time between the date of the report and the date of the hearing, the Board of Adjustments may authorize the Zoning Administrator, to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

5. Once the Board of Adjustments has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the Zoning Administrator, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the county clerk, as required in KRS 100.344. Thereafter said use, if it continues to meet the other requirements of this ordinance, will be treated as a permitted use.

SECTION 9.15 BUILDING REGULATIONS: No structure shall be designed, erected or altered except in accordance with the following regulations:

A. ALL ZONES:

1. **MINIMUM GROSS FLOOR AREA:** No dwelling unit shall have a gross floor area as defined in Section 7.0, herein, of less than six hundred (600) square feet; provided and except, however, that in residential zones minimum gross floor areas shall not be less than the following:

ZONE	TYPE OF DWELLING	MINIMUM GROSS FLOOR AREA IN SQUARE FEET
R-RE, R-1E, R-1F	Single-Family, one bedroom	650 (1)
R-RE, R-1E, R-1F	Single-Family, two bedrooms	800 (1)
R-RE, R-1E, R-1F	Single-Family, three bedrooms	V00 (1)
R-RE, R-1E, R-1F	Single-Family, four bedrooms	1,000 (1)

(1) Two-family dwelling – amount equal to combined minimum gross floor area of equivalent single family unit.

2. **PUBLIC WATER AND SANITARY SEWER:** No building may be constructed in any zone except the R-RE Zone unless such building is connected to a public water and central sanitary sewer system of adequate capacity and design, and approved by proper authorities. In the case of the R-RE Zone, private sewage disposal systems may be permitted, provided they are approved in accordance with the requirements of the Northern Kentucky district Board of Health.

SECTION 9.16 MOVE AND SET:

- A. **REQUIREMENTS:** No building, structure, or improvement shall be moved or set from or upon land located in any area or transported upon any public street, in the city, until and unless both: a building permit to move and set; and a transport permit, have been obtained, and said building, structure, or improvement complies with the provisions of this section.
- B. All buildings, structures, and improvements shall comply with the City's Building Code.
- C. **PROCEDURE:**
1. Any person who wishes to obtain a building permit, to move and set in compliance herewith shall apply at the office of the Building Inspector requesting an inspection of the building, structure, or improvement to be moved and set, and that an application for such permit be filed with the Building Inspector.
 2. The applicant shall submit, with his application for said building permit, a plot plan, footing and foundation plan, and construction plans for any new construction. Such plans shall comply with the City's Building Code.
 3. If the building, structure, or improvement is located in the city, all outstanding property taxes shall be paid and the applicant shall submit with his application a statement from the City's Director of Finance showing that all past and current taxes have been paid before any permit shall be issued.
 4. Upon receipt of the foregoing items, the building inspector shall inspect said building, structure, or improvements, and the proposed location where same will be set within the City and determine if the proposed development complies with the Building Code.
 5. The move and set shall be referred to the zoning administrator for approval or denial of compliance with this ordinance.
 6. Upon approval by the zoning administrator and building inspector, a building permit to move and set shall be issued. The city engineer shall then be notified of same and shall issue a transport permit. The city engineer or his agent will designate the route to be traveled. The transport permit is good only for the date specified on permits except Saturday Sunday, or Holidays. The transport permit will not be issued if ninety (90)

consecutive calendar days or more have lapsed from the date of inspection by the building inspector.

7. There will be a building permit fee of fifty dollars (\$50.00) to cover the costs of investigation and inspection for determining the structural soundness of buildings, structures, or improvements to be moved, which fee is payable in advance and must accompany the application provided for herein. The inspection shall determine what will be necessary to bring buildings, structures, or improvements into compliance with the City Building Code should the building not comply. This fee is not returnable. If buildings, structures, and improvements are found to be capable of complying with the City's Building Code, and this ordinance, a building permit shall be issued at the regular fee as determined by the valuation of said building, structure, or improvements as published in the building code. This fee is in addition to.
8. The transport permit provided for this section shall not be in lieu of any building permits which may be required by the City.
9. No transport of building permit to remove and set shall be issued until the applicant had first obtained the necessary permits from the telephone company, public utilities companies, railroad companies, and the State Highway Department of Kentucky and the county road supervisor unless it can be shown by the applicant, that the agencies are not interested in the matter.
10. No transport or building permit to move and set shall be issued for any building, structure, or improvement exceeding the dimensions as approved by the zoning administrator and building inspector.
11. No person, corporation, or company shall transport, move or set any building, structure or improvement in the City until and unless such person, corporation, or company shall post with the Building Inspector a good and sufficient indemnity bond in the amount of five thousand dollars (\$5,000.00) in favor of the City. Such bond shall be made by a Surety Corporation authorized to business in the commonwealth of Kentucky; said bond shall be issued on an annual basis but shall not be in excess of such period of time.

SECTION 9.17 SCREENING AREA: All Screening areas, where required, in and along any yard shall consist of a planting strip at least ten (10) feet in width planted with a hedge (or similar vegetation or suitable fences approved by the Zoning Administrator or the Planning Commission of required by this Ordinance). These hedges or fences shall be of a height suitable for screening as approved by the Zoning Administrator (or the

Planning Commission id required by this Ordinance). All required screening (including the planting of trees and other vegetation) shall be maintained by the property owner.

SECTION 9.18 OUTDOOR SWIMMING POOLS

A. **PRIVATE SWIMMING POOLS:** All private swimming pools shall be regulated according to the following requirements:

1. Swimming pools shall be permitted to be located only to the rear of the principal permitted dwelling or dwellings.
2. Except as herein provided, no swimming pool, including the apparatus and equipment pertaining to the operation of the swimming pool shall be permitted within any required yards of the lot nor within the limits of any public utility right-of-way easement.
3. Swimming pools which are constructed in-ground, shall be required to have a fence or wall, including a self-closing or self-locking door or gate around the pool or the property on which the pool is located., of at least forty-two (42) inches in height, but not exceeding six (6) feet (only classes 1, 3, 4 or 5 are permitted as regulated in Article XIII of this Ordinance) and of such construction that a small child may not reach the pool from the street or any adjacent property without scaling a fence or wall or opening a gate or door.
4. Swimming pools, which are located above ground, shall be required to have a fence or wall, including a self-closing or self-locking door or gate around the pool or property upon which the pool is located, at least forty-two (42) inches in height, but not exceeding six (6) feet in height (only classes 1, 3, 4, and 5 are permitted as regulated by Article XIII of this ordinance). Such fence or wall shall be constructed in such a manner that a small child may not reach the pool from the street or any adjacent property without scaling a fence or wall or opening the gate or door. Said wall may be the wall of the above ground pool providing that said wall is at least forty-two (42) inches in height above the surrounding ground level.

In addition, any access to above ground pools by means of a ladder or stairway shall be provided with a self-closing or self-locking door or gate, or some other device that would prevent a small child from gaining access to the pool by means of a ladder or stairway.

5. Glare from lights used to illuminate the swimming pool area shall be directed away from adjacent properties.

6. All swimming pools including the apparatus and equipment shall be constructed and erected in accordance with all applicable codes, ordinances, and regulations of the city. Any water used in the operation of a swimming pool, other than a public source shall be approved by the appropriate Health Department.
 7. All swimming pools existing at the time of adoption of this ordinance which are unprotected by a surrounding fence or wall, including gates or doors, as regulated herein, shall be required to comply with the provisions of this ordinance section within (60) days after its adoption.
- B. **PUBLIC, SEMI-PUBLIC AND COMMERCIAL SWIMMING POOLS:** All public, semipublic, and commercial swimming pools shall be regulated according to the following requirements:
1. Except as herein provided, no swimming pool and associated equipment shall be permitted within the limits of any public utility right-of-way easement.
 2. The swimming pool or the property on which the pool is located shall be surrounded by a fence or wall, including a self-closing or self-locking door or gate (only classes 1,3,4, and 5 fences are permitted, as regulated by Article XIII of this ordinance). Such fence or wall shall be at least five (5) feet in height, but not exceeding the height as permitted herein, and of such construction that a small child may not reach the pool from the street or from adjacent property without climbing the wall or fence or opening a door or gate.
 3. Glare from lights used to illuminate the swimming pool area shall be directed away from adjacent properties.
 4. All swimming pools and associated equipment of the swimming pool shall be constructed and erected in accordance with all applicable codes, ordinances and regulations of the county. Water used in the operation of the swimming pool, which is obtained from other than a public source, shall be approved of by the appropriate Health Department.
 5. No mechanical device for the reproduction or amplification of sounds used in connection with swimming pools shall create a nuisance to adjacent residential properties through the emission of noises, voices, or music which is loud enough to cause complaints from said adjacent residential property owners.

SECTION 9.19 SITE PLAN REQUIREMENTS: No building shall be erected or structurally altered nor shall any grading take place on any lot or parcel in zones where

a site plan is required, except in accordance with the regulations of this section and an approved site plan as hereinafter required. Before a permit is issued for construction, one copy of the site plan of the area at a scale no smaller than one (1) inch to one hundred (100) feet shall be filed with the building inspector and the Zoning Administrator. The site plan shall identify and locate, where applicable, the following:

- A. Total area in development project including legal description.
- B. Present zoning of property in question and adjacent properties.
- C. All public and private rights-of-way and easement lines located on and adjacent to the property which are proposed to be continued, created, relocated or abandoned.
- D. Existing topography with a maximum of two-foot contour intervals. Where existing ground is on a slope of less than two (2) percent, either one-foot contours or spot elevations where necessary, but not more than fifty (50) feet apart in both directions.
- E. The proposed finish grade of the development area shown by contours with intervals not larger than two (2) feet, supplemented where necessary by spot elevations.
- F. The location of every existing and proposed building in the described parcel or parcels, the use or uses to be contained therein, the number of buildings including dimensions and height, the gross floor area and number of floors.
- G. Location and dimension of all curb cuts, driving lanes, off-street parking and loading and/or unloading areas including number of spaces, angle of stalls, grades, and illumination facilities.
- H. All walks, malls, and other open areas.
- I. Location of all walls, fences and screen plantings.
- J. Location, size, height and orientation of all signs.
- K. Types of surfacing proposed on the various off-street parking and driveways including cross sections and drainage plans.
- L. Location, size, height and orientation of all signs.
- M. All existing and proposed water and sanitary sewer lines, indicating pipe size, types and grades.

- N. A drainage plan of the area showing size and location of each existing and proposed structure. The approximate volume of water generated by development of the subject area and the proposed method of disposing of said water. Provisions shall be included for adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.
- O. A schedule of development including the staging and phasing of:
1. Residential Areas, in order of priority, by type of dwelling unit;
 2. Streets, utilities, and other public facility improvements in order of priority;
 3. Dedication of land to public use to set aside for common ownership with a preliminary statement indicating how maintenance of the latter will be handled; and
 4. The construction of nonresidential buildings, in order of priority.
- P. Such other information with regard to the development area may be required by the Planning commission, or its duly authorized representative to determine conformance with this Ordinance.

All such site plans shall be reviewed by the planning commission, or it's duly authorized representative, and the factual determination approving or rejecting such plans shall be made in accordance with requirements of this or other applicable sections of this ordinance.

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

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

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

SECTION 9.20 REGULATIONS CONCERNING AIR RIGHTS: Any proposed use of air rights, as defined herein, shall be in the form of a site plans (as regulated in Section 9.19 of this Ordinance) submitted to the Planning Commission, or its duly authorized representative, for its review.

SECTION 9.21 REGULATIONS CONCERNING DESIGN AND CONSTRUCTION OF IMPROVEMENTS: Any proposed development requiring the construction of streets (including curb and gutters), sidewalks, sewers (sanitary and storm), water lines or other improvements, which does not constitute a subdivision, as herein defined, shall be required to be designed and constructed in accordance with the applicable articles and sections of the Subdivision Regulations.

SECTION 9.22 REGULATIONS PERTAINING TO PARKING OR STORING OF TRAILERS, MOBILE HOMES, CAMPER, INOPERABLE VEHICLES, AND OTHER SUCH TYPE EQUIPMENT

- A. No motor vehicle, which is inoperable, shall be stored on any lot in any zone or parcel of ground unless it is in a completely enclosed building. Parking shall be limited to the number of operable vehicles regularly used by members of a resident family and their guests.
- B. It shall be unlawful for any person or persons to live in any automobile, camper, bus, boat, or truck, within the limits of the city, except mobile homes may be permitted when located in a PMHP zone (mobile home park).
- C. Except as provides for herein, it shall be unlawful, to store any, trailer, mobile home, camper, boat, or other such type equipment within any place or location in the city. Said storage shall be shall be restricted only within the rear yard of any lot of herein defined, except that said storage may be permitted by the zoning administrator, on some other portion of the lot, due to extraordinary and topographic conditions or some other extraordinary condition of the site that would not allow said storage within the rear yard.
- D. Except as provided for herein, it shall be unlawful to store or park any commercial vehicle or other such type equipment within any place or location in the City except for the industrial zones. Trucks may be parked for a period not to exceed forty-eight (48) hours within residential zones.

SECTION 9.23 HILLSIDE DEVELOPMENT CONTROLS

- A. This section is designed to ensure, when development is proposed in those areas of the community which have physical characteristics limiting development (hillside slopes of 20 percent or greater) that said development will occur in a manner harmonious with adjacent lands so as to minimize problems of drainage, erosion, earth movement, and other natural hazards.
- B. Areas of land on which development is physically restricted due to excessive hillside slopes shall be limited according to the following requirements, notwithstanding any other section of this or any other ordinance adopted by the City:

1. All land areas located within the city and identified on the Area Wide Comprehensive Plan as "Physically Restrictive Development Areas" and any other areas, which have slopes of twenty (20) percent, or greater shall require approval before development may occur. In those areas which are identified in the Area Wide Comprehensive Plan as "Physically Restrictive Development Areas" and containing slopes less than twenty (20) percent, the requirements contained herein may be waived; if, after review of the proposed site plan by the engineer, it is determined that said development will not result in hillside slippage or soil erosion.
2. No excavation, removal or placement of any soil, foundation placement, or construction of buildings or structures of any nature within the area identified in (1) above, may occur until plan specifications for such work have been submitted in the form of a site plan as regulated by Section 9.19 of this Ordinance. In addition to site plan requirements, the following shall also be submitted.
 - a. Plan(s) which show existing topography and the proposed physical changes necessary for construction, indicating grading (cutting and filling) compaction, erosion ponds, areas to be defoliated, and any other pertinent information which will change the natural physical features of the site or general area.
 - b. Subsurface investigation of the area under consideration, including test borings, laboratory tests, engineering tests, and a geological analysis should be made by a qualified registered civil engineer, indicating that the building and physical changes proposed in the area will be completed in a manner which will minimize hillside slippage or soil erosion.
3. The site plan and other information required in Section 9.23 B.2 of this section of the ordinance shall be reviewed by the county engineer who will recommend to the Planning Commission, or its duly authorized representative what effect the proposed development will have on hillside slippage and soil erosion.

After consideration of the recommendations of the city engineer, the Planning Commission, or its duly authorized representative may grant a permit for use of the site in accordance with the submitted plans.

4. If, after review of the plans required by this section of the Ordinance, the Planning Commission determines that said proposed plans will not minimize hillside slippage, the Planning Commission, or its duly authorized representative shall deny a permit for the development of said land, and

the site shall be limited to those open type uses, excluding structures, as permitted or conditionally permitted in the Conservation Zone.

SECTION 9.24 FLOOD PROTECTION DEVELOPMENT CONTROLS:

- A. **PURPOSE:** The purpose of the flood protection development controls is:
1. To encourage only that development of flood prone areas which; (a) is appropriate in light of the probability of flood damage and the need to reduce flood losses, (b) is an acceptable social and economic use of the land in relation to the hazards involved, and (c) does not increase the damage to human life; and
 2. To prohibit all other development in flood prone areas not identified in Subsection A, 1, above, including nonessential or improper installation of public utilities and public facilities.
- B. Areas of land adjacent to streams, rivers, or bodies of water which have a high degree of susceptibility to flooding shall be limited to development according to the following regulations, notwithstanding any other section of this ordinance or any other ordinance adopted by the City.
1. The limits of the floodplain (areas subject to flooding during the occurrence of the 100-year flood) and floodway, are identified as Flood Protection control Areas, on the zoning map, pursuant to the Silver Grove Flood Insurance study prepared by the Federal Insurance Administration.
 2. Areas designated as susceptible to flooding shall be controlled by both the zoning district in which the area is located and the requirements of this section of the ordinance.

Flood data within this section identify the elevation of the 100-year flood level and the width of the floodway (see figure A – Ohio River and figure B – Four Mile Creek).

In the case of any proposed activity located along other tributaries or bodies of water not covered in these tables, and located in those area which are identified as being susceptible to flooding, according to the report prepared by the Department of US Agriculture, Soil Conservation Service, "Soil Survey of Boone, Campbell, and Kenton Counties, Kentucky", August, 1973, a survey shall be made by a qualified registered Civil Engineer establishing the elevation of the 100-year flood and floodway for said areas prior to the issuance of any zoning and building permits.

3. No person, city, county or other political subdivision of the state shall commence filling of any area with earth, debris, or any other material or raise the level of any area in any manner, or place a building, barrier, or obstruction of any sort on any area located within the floodway which would result in any increase in flood heights during the recurrence of a 100-year flood discharge. In those cases where a watercourse is to be altered or relocated, the flood carrying capacity of said portion of the waterway effected must be maintained. Plans and specifications for such work shall be submitted to the city engineer for review to determine if said encroachment will meet the requirements of this Ordinance. Said plans shall also be submitted to the Kentucky Department of Natural Resources & Environmental Protection, Division of Water Resources, and other applicable agencies, for their review and approval. Mobile homes shall be prohibited from being placed within the floodway.
4. All land outside the floodway of the bodies of water identified in paragraph 2, but located within the floodplain may be used for any purpose for which it is zoned; provided that any new residential construction including any expansion or substantial improvements of existing residential structures as herein defined within said floodplain shall have the lowest floor which is used for living quarters elevated to or above the level of the 100-year flood, and any new nonresidential structures including any expansion or substantial improvements of nonresidential structures within the floodplain shall have the lowest floor elevated to or above the level of the 100-year flood or together with attendant utility and sanitary facilities shall be designed and flood proofed so that below the 100-year flood level the structure is water tight with wall impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamics loads and effects of frequency certified by a professional engineer or architect.
5. For purposes of this section of the ordinance, "Substantial Improvements" means any repair, reconstruction, or improvement which occurs as a result of damage to the structure, the cost of which equals or exceeds 50 percent or the actual market value of the structure before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.
6. All utilities constructed to serve structures which are to be located within the flood plain shall be flood protected at a minimum to the elevation of the 100-year flood level.
7. All construction or modification of Buildings and Structures including flood proofing measures and techniques in the floodplain area, as required within this section of the ordinance, shall be in accordance with the

applicable design standards of the U.S. Army Corps of Engineers publication entitled "Flood Proofing Regulations", June, 1972 GPO 19730-505-026 Edition, or as amended, and the following requirements:

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- b. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- c. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- d. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems' discharges from the systems into flood waters.
- e. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system' discharges from the systems into flood waters.
- f. On-site waste disposal systems, where permitted, shall be located to avoid impairment to them or contamination from them during the flood.

In addition to the above requirements, mobile homes shall meet the following standards:

- a. No mobile home shall be placed in a floodway or coastal High Hazard Area, except in an existing mobile home park or existing mobile home subdivision.
- b. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - (1) Over-the-top ties be provided at each end of the mobile home, with one additional tie per side at an intermediate location on mobile homes of less than fifty (50) feet long and one additional tie per side for mobile homes for fifty (50) feet or more;
 - (2) Frame ties be provided at each corner of the home with four (4) additional ties per side at intermediate location on points for mobile homes less than fifty (50) feet long and one additional tie for mobile homes of fifty (50) feet or longer;
 - (3) All components of the anchoring system be capable of carrying a force of 4,800 pounds;
 - (4) Any additions to the mobile home be similarly anchored.

- c. For new mobile home parks and subdivisions; for expansions to existing mobile home parks and subdivisions; for existing mobile home parks and subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvements has commenced; and for mobile homes not placed in a mobile home park or subdivision require:
- (1) Stands and lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;
 - (2) Adequate surface drainage and access for a hauler are provided;
 - (3) In the instance of elevation on pilings; (1) lots are large enough to permit steps; (2) piling foundations are placed in stable soil no more than ten (10) feet apart; and (3) reinforcement is provided for pilings more than six (6) feet above the ground level.
8. An existing structure or use which is located within the floodplain and which does not conform to the requirements herein shall be nonconforming and subject to the requirements of Section 9.12 of this Ordinance, providing however, that any existing permitted use and structure may be modified, altered, or repaired to incorporate flood proofing measures, where such measures do not raise the level of the 100-year flood.
9. All land designated "Flood Protection control Area" on the Official Zoning Map, but determined to be above the elevation of the 100-year flood level may be used for any purpose for which it is zoned without further flood protection controls.
10. A survey of the site in question will be required prior to the issuance of any building permit or construction activity that would alter the site in any manner, to firmly establish the existing elevation of the land.
11. After completion of the 1st floor elevation, as provided Sub-Section (4) of this Section, a certified copy of said lowest elevation shall be provided to and maintained in the offices of the Zoning Administrator – Building Official.
12. A site plan, as required by Section 9.19 of this Ordinance, shall be required for any land below the elevation of a 100-year flood level.

Figure A

Ohio River

Distance River Mile (1)	Station Point (2)	Elevation of 100-Year Flood	Total Width Of Floodway
461.0	Q	502.4	2,667
460.5	R	502.5	2,350
460.0	S	502.6	3,536
459.5	T	502.6	3,484
459.0	U	502.8	2,840

- (1) As measured from the confluence of the Ohio River and the Monogahelia River (Pittsburg).
 (2) Coincides with river cross sections identified on the zoning map.

Figure B

Four Mile Creek

Distance River Mile (1)	Station Point (2)	Elevation of 100-Year Flood	Total Width Of Floodway
2.18	A	502.4	197
2.37	B	502.5	197

- (1) Four Mile Creek measured from the mouth of the Ohio.
 (2) Coincides with river cross sections identified on the zoning map.

SECTION 9.25 LAND USED SOLELY FOR AGRICULTURAL PURPOSES: Pursuant to KRS 100, any land which is used solely for agricultural, farming dairying stock raising, or similar purposes (exclusive of land and building used for residences, except as herein provided) shall have no regulations imposed as to building permits, certificate of occupancy, height, yard location, or courts' requirements for agricultural buildings, including and limited to one mobile home as a dwelling unit, except that:

- A. Setback lines shall be required for the protection of existing and proposed streets and highways, as required for the zone in which the use is located;
- B. That all buildings or structures in a designated floodway or flood plain or which tend to increase flood heights or obstruct the flow of flood waters shall be in accordance with this ordinance.

SECTION 9.26 GENERAL MOBILE HOME REGULATIONS: Mobile homes shall be permitted in mobile home parks in RHMP Zone, as provided for in this Ordinance. In addition, all mobile home park installations shall comply with the following regulations:

- A. The mobile home shall, at a minimum, be equipped with a flush toilet, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for attachment to appropriate external systems.
- B. All health, sanitation sewers and safety requirements applicable to a conventional dwelling, shall be equally applicable to a mobile home.
- C. Off street parking shall be provided subject to the requirements of Article XI and XII of this Ordinance.
- D. In all mobile home parks, all outdoor storage of boats, trailers, trucks over 3/4 tons, inoperable vehicles or other large items shall be permitted only in an enclosed building or a portion of the park designated for such storage and enclosed by a fence and screen plantings.
- E. Any mobile home, mobile home site or mobile home park shall conform to the "Kentucky Home and Recreational Vehicle Park Law and Mobile Home Park Regulations."
- F. The mobile home shall be set and adequately anchored on a concrete or hard surfaced slab in accordance with the "Kentucky Mobile Home and Recreational Vehicle Park Regulations" and the open space between the ground and the floor of the mobile home shall be enclosed with some material such as concrete block, corrugated metal, or other durable and suitable material. Maximum distance from ground level to first floor shall be no more than four (4) feet.

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- G. Any person, firm, or corporation desiring to install a mobile home in the City shall apply for a zoning/building permit, and an occupancy permit from the City. Said permits must be approved prior to the installation and occupancy of any mobile home. Mobile home parks shall be developed in accordance with the City Subdivision regulations and all other pertinent regulations of this Ordinance. Each mobile home must display the proper building/occupancy permit decal, signifying that all permits have been approved by the building inspector and zoning administrator.

 - H. Any mobile home placed in City shall display the Housing and Urban Development Seal or NFPA 501B Seal certifying that the home was manufactured according to Housing and Urban Development Standards for mobile homes.

 - I. A mobile home shall be fitted to use propane, natural gas and/or electric for energy. Fuel oil and other liquid petroleum products shall not be stored or used in the mobile home site.

Every person, firm or corporation desiring to install a mobile home in the City shall apply for a zoning building permit and an occupancy permit from the City. The permit shall be approved only if the installation and occupancy of any mobile home, mobile home park and all other pertinent regulations of the Ordinance. Each mobile home must display the proper building/occupancy permit label signifying that all permits have been approved by the building inspector and zoning administrator.

Any mobile home placed in the City shall display the Housing and Urban Development Seal or HUD 2018 Seal certifying that the home was manufactured according to Housing and Urban Development standards for mobile homes.

A mobile home shall be fitted to use propane, natural gas and electric for energy. Fuel oil and other liquid petroleum products shall not be used or used in the mobile home.