

**Lincoln County Zoning Ordinance**  
*Including the Cedar Creek Lake Watershed*

**Lincoln County, Kentucky**

*Lincoln County/Cedar Creek Planning Commission*  
*Lincoln County Fiscal Court*

**January 2005**

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# ARTICLE I

## TITLE, INTERPRETATION, AND ENACTMENT

### **100 Title**

This Ordinance shall be known and referred to as the "Zoning Ordinance for "Lincoln County". It may be cited as the "Lincoln County Zoning Ordinance" or the "Zoning Ordinance."

The map referred to herein is entitled the "Zoning Map for Lincoln County, Kentucky" and the "Zoning Atlas for Lincoln County, Kentucky". It may be cited as the "Lincoln County Zoning Atlas" or the "County Zoning Atlas".

Certified copies of this Ordinance and the maps are on file with the Lincoln County Clerk's Office as appropriate. Additional copies of this Ordinance are available from the County Planning Office.

### **110 Authority**

Authority for this Ordinance is granted by the Kentucky Revised Statutes, Section 100.201 through Section 100.271. The Lincoln County/Cedar Creek Planning Commission and the Lincoln County Fiscal Court have fulfilled the requirements set forth as prerequisite to the adoption of this Ordinance.

### **120 Goal and Objective**

The goal of this Ordinance is to establish a program of zoning for Lincoln County. The objective of this Ordinance is to guide the use of land and the location and design of structures in a manner that will stabilize property values, assist in achieving a sound growth policy, promote an orderly pattern of land use, and direct development of community facilities and services within the jurisdiction of Lincoln County.

### **130 Purpose**

The zoning regulations and districts set forth herein have been made in accordance with the Lincoln County Comprehensive Plan prepared by the Planning Commission to:

- a. Promote the general welfare, health, safety and convenience of the citizens of Lincoln County;
- b. Execute the provisions of the Lincoln County Comprehensive Plan regarding growth and development in the unincorporated areas of the County, to ensure suitable and satisfactory arrangements between the various types of land use;
- c. Lessen traffic congestion and secure safety from fire, flood and other dangers throughout Lincoln County;
- e. Facilitate the adequate provision of transportation, schools, recreation, and other public improvements stemming directly or indirectly from the use of land throughout Lincoln County.

**140 Jurisdiction**

This Ordinance shall apply to all lands within the unincorporated areas of Lincoln County.

**150 Interpretation**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals and general welfare. Whenever the requirements of this Ordinance differ from the requirements of any other lawfully adopted rules, regulations, resolutions, or ordinances the most restrictive, or that imposing higher standards, shall govern. Interpretation of zoning district boundaries on the legally adopted zoning maps and/or atlas shall be interpreted as set forth in Section 620 of this Article.

**160 Separability Clause**

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

**170 Repeal of Conflicting Resolution and Ordinances, Effective Date**

All ordinances, resolutions, or parts of same in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect. Any previously adopted Zoning Ordinance for Lincoln County, Kentucky or any unincorporated part thereof, together with all amendments thereto, are hereby repealed, and declared to be of no effect. This Ordinance shall become effective from and after the date of its approval and adoption as provided by law.

**180 Continuity**

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

## ARTICLE II

# TERMS AND DEFINITIONS

### 200 Interpretation of Terms and Definitions

Unless the context otherwise requires, the following definitions shall be used in the interpretation of this Ordinance. The words which are defined are those having special or limited meanings in this Ordinance. Words with self-evident meanings are not defined here.

For the purpose of this Ordinance, certain words shall be interpreted as follows:

- a. Words used in the present tense include the future tense; words used in the singular include the plural and the plural include the singular;
- b. the word "shall" is mandatory; the word "may" is permissive; the word "should" is preferred;
- c. the word "building" includes the word "structure";
- d. the "lot" includes the words "plot" and "parcel";
- e. the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual;
- f. the word "submission" indicates a complete filing as called for by the Ordinance; and
- g. the words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied".

These definitions shall be first used in the interpretation of any words or phrases used in this Ordinance. Any words or phrases not defined in this Ordinance shall be given the definition provided in KRS Chapter 100 (planning and zoning statutes) or KRS Chapter 219 (mobile and recreational vehicle park). Words neither defined in this Ordinance nor in KRS 100 and KRS 219 shall be given their ordinary meaning and usage.

### 210 Terms and Definitions

#### 1. *Accessory Use or Structure*

Any use or structure on the same lot with, and of a nature customarily incidental to or subordinate to, the principal use or structure.

#### 2. *Administrative/Enforcement Officer*

The Administrative/Enforcement Officer is an individual who shall be appointed by the County Judge-Executive of Lincoln County with consent and approval of fiscal court, to administer this Ordinance. This officer may also be known as the Building Inspector, Enforcement Officer, Zoning Administrator or various other titles descriptive of the work performed. The duties and titles may be split between one (1) or more persons as required.

3. *Agricultural Use*

The use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public, and shall also include, regardless of the size of the tract of land used, small wineries licensed under KRS 243.155, and farm wineries licensed under the provisions of KRS 243.156.

4. *Agricultural Structure*

Any structure or building, other than a dwelling, accessory to the principle use of the land.

5. *Alley*

Any public or private way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

6. *Alteration*

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

7. *Apartment*

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

8. *Approving Authority*

The Lincoln County/Cedar Creek Planning Commission unless a different agency is specifically designated by ordinance.

9. *Automobile or Trailer Sales Area*

An open area, other than a street, used for display, sale, or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done. No vehicles shall be placed or displayed forward of the building line required for the district.

10. *Automotive Repair, Major*

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

11. *Automotive Repair, Minor*

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



12. *Automotive Wrecking*

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

13. *Basement*

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

14. *Bed and Breakfast*

A residential unit where 4 or fewer sleeping rooms are provided for transient persons for compensation, and in which meals may be served to overnight guests.

15. *Billboard*

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

16. *Board*

The Board of Adjustment for Lincoln County, Kentucky.

17. *Boarding or Lodging House*

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

18. *Buildable Lot Area*

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

19. *Building*

Any structure having enclosed space and a roof.

a. *Building, Accessory*

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

b. *Building, Principal*

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

20. *Building, Height of*

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

21. *Building Lines (See also Setback Lines)*

Lines and/or utility easements and rights-of-way beyond which no building or part thereof shall project, except as otherwise provided by this Ordinance.

22. *Building Permit*

A permit issued by the Administrative/Enforcement Officer authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

23. *Business*

The following definitions of varying types of business uses may be used to clarify permitted and conditional uses in a commercially zoned district.

a. *Business, Convenience or Neighborhood*

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

b. *Business, General*

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

c. *Business, Highway*

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

d. *Business, Office/Professional*

Quasi-commercial uses which may often be transitional between retail business and/or manufacturing and residential uses. Office/professional generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting. Institutional offices of a charitable, philanthropic, religious, or educational nature are also included in this classification.

24. *Certificate of Occupancy*

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

25. *Citizen Member*

Any member of the planning commission and/or board of adjustments who is not an elected or appointed official or an employee of the county.

26. *Clinic*

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

27. *Commercial Floor Area*

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

28. *Common Open Space*

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

29. *Commission, Planning*

Planning Commission of Lincoln County, Kentucky; also known as the *Lincoln County/Cedar Creek Planning Commission* or the Commission.

30. *Comprehensive Plan*

A plan prepared to serve as a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate manner within the planning area and adopted by the Planning Commission in accordance with KRS 100. This plan also establishes the goals, objectives, and policies of the community.

31. *Conditional Use*

A use specifically permitted in a zoning district, other than a principally permitted use, requiring a conditional use permit and the review and approval of the Board of Zoning Adjustment. A conditional use is permitted but could impair the integrity and character of the zone in which it is located, or of adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those set forth by the Zoning Ordinance.

32. *Conditional Use Permit*

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

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

33. *Consolidation*

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

34. *Convalescent or Nursing Home*

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

35. *Court*

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

36. *Council, City*

Legislative body for the City of Stanford, Kentucky.

37. *Coverage*

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

38. *Density*

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

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

39. *Developer*

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

40. *Development Plan*

A presentation in the form of sketches, maps, and drawings (plans and profiles) of a proposed use and/or structure by the owner of the land which sets forth in detail the intended development (see site plan). At a minimum, a development plan shall include the information detailed in Article XIII of this Ordinance. Development plans shall be required by the Planning Commission for all zone change requests. The subdivision preliminary and final plat process detailed in the *Lincoln County Subdivision Regulations* shall satisfy the development plan requirements for all single family residential developments.

41. *Dimensional Variance*

See Variance, Dimensional.

42. *District*

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

43. *Dwelling*

A building or structure which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

a. *Dwelling, Multi-Family*

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

b. *Dwelling, Single-Family*

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

c. *Dwelling, Two-Family (also known as Duplex)*

A building designed to be occupied by two (2) families living independently of each other.

44. *Dwelling Group*

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

45. *Dwelling Unit*

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

46. *Easement*

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

47. *Enforcement Officer*

See Administrative/Enforcement Officer.

48. *Family*

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

48 (a) **Feed Mill:** A facility used to grind, crush, mix and/or process grain for feed for cattle, pigs, chickens, horses, dogs, cats and other livestock.

49. *Filing*

Filing with the Lincoln County Clerk unless a different county official is designated by ordinance.

50. *Filling Station or Gas Station*

Buildings or premises where gasoline, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises, but not including major automobile repairs.

*51. Final Approval*

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

*52. Fiscal Court*

The chief legislative body of Lincoln County.

*53. Floor Area, Total*

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

*54. Frontage*

The front of a lot shall be construed to be the portion nearest the street right-of-way. The frontage is the length of the front lot line measured at the street right-of-way line. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street shall be required to meet frontage requirements. Yards shall be provided as discussed later in this section.

*55. Garage, Private*

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

*56. Garage, Public*

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

*57. Garage, Service Station*

Buildings and premises where gasoline, oil, grease, batteries, tires, motor vehicle accessories, maps and informational materials, and food, drink, and similar convenience goods for service station customers, may be supplied and dispensed at retail, and where minor automotive services may be rendered and sales made. Minor servicing of motor vehicles shall not include major mechanical and body work, including the storage of automobiles not in operating condition or other work involving off-site noise, glare, fumes, smoke, or other characteristics.

*58. Governing Body*

The chief legislative body of Lincoln County (Fiscal Court).

*59. Height of Structure*

The vertical distance measured from the average finished grade at the front building line to the highest point of a structure (See Building, Height of).

60. *Home Occupation*

An occupation or profession carried on within a dwelling by the occupant thereof which is clearly incidental and secondary to the use of the dwelling for residential purposes, permitted as a conditional use in Section 660 of this ordinance, provided that:

- a. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one non-illuminated sign four (4) square feet in area mounted flat against the outside wall of the main or accessory building;
- b. Such use shall not require structural alterations or involve construction not customary in dwellings;
- c. No more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of such home occupation;
- d. No traffic generated by such home occupation shall be in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance and shall not be in the required front yard;
- f. A customary home occupation is primarily of a service character such as:
  - i. an office or studio of a physician, dentist, artist, lawyer, engineer, architect, Realtor, or insurance agent;
  - ii. a teacher, provided that musical instruction is limited to one pupil at a time;
  - iii. child care centers, day cares;
  - iv. beauty parlors, barber shops, schools of any kind with organized classes, provided that the display and/or trading of wholesale or retail merchandise is clearly incidental to the primary service being provided;
- g. There shall be no commodities sold except those which are produced on the premises or as meet conditions otherwise set forth in this definition.
- h. No home occupation shall generate off-site noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses. No equipment or process shall be used which creates visual or audible interference in any off-site radio or television receivers, or causes off-site fluctuations in line voltage.
- i. All such home occupations shall require a conditional use permit and approval of the Board of Adjustment. The Board may attach certain conditions to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate.

61. *Home Occupation, Agricultural*

Any occupation as defined in "Home Occupation" which occurs in the residential dwelling on the farm, plus any occupation conducted in an accessory building in any agricultural zone, provided that:

- a. No more than three (3) persons other than members of the family residing on the premises shall be engaged in such occupation;
- b. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one non-illuminated sign, not exceeding eight (8) square feet in area, and not placed in such a manner as to create a traffic visibility problem or obstruction; and

- c. That the use is clearly incidental and subordinate to the land's principal agricultural use.

62. *Hospital or Sanitarium*

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

63. *Hotel or Motel*

A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreation facilities. Boarding houses, lodging houses, and bed and breakfast facilities shall not be construed to be included in this definition.

64. *Housing or Building Regulations*

Regulations adopted by the local governing body which regulate housing, building, or other safety codes, including but not limited to plumbing and electrical codes, the *Kentucky Residential Building Code for One- and Two-Family Dwellings*.

65. *Industry, Heavy*

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

66. *Industry, Light*

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

67. *Junk Yard*

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

68. *Kennel*

a. *Commercial*

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



*b. Noncommercial*

A compound in or adjoining a private residence where hunting or other dogs are kept for the hobby of the householder or for protection of the householder's property. The occasional sale of pups by the keeper of a noncommercial kennel does not change the character of residential property.

*69. Kentucky Residential Building Code*

The state building code adopted by local jurisdictions for the purpose of protecting the health, safety, and welfare of residents in all dwelling units in that jurisdiction; also known as the KRBC.

*70. Land Use Plan*

The Plan adopted by the local Planning Commission as a part of or separate from the Comprehensive Plan proposing the most appropriate, economic, desirable and feasible patterns for the general location, character, extent and inter-relationship of a community's public and private land.

*71. Limited Food Service*

The preparation and service of food carried on within a residential unit by the occupant thereof for compensation, provided that such food service shall not be available to the general public, but shall be provided to private groups on a pre-arranged basis.

*72. Loading Space, Off-Street*

An off-street space logically and conveniently located for bulk pickups and deliveries, scaled to the delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Such spaces are typically on the same lot with a building or contiguous to a group of buildings and accessory buildings providing for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials. Such space shall abut on a street, alley or other appropriate means of access. Required off-street loading space is not to be included in off-street parking space or computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way and shall not obstruct the sidewalk in any way.

*73. Local Information Sign*

A sign indicating directions to a local commercial, industrial, or other type establishment.

*74. Lot*

A parcel of land established by plat, subdivision, or as otherwise permitted by law to be used, developed, or built upon as a unit. Such lot shall be of sufficient size to meet minimum zoning requirements for use, coverage, area, and to provide such yards and open spaces as herein required and shall have frontage on an improved public street.

- a. Lot, Corner: A lot which abuts on two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.
- b. Lot, Interior: A lot other than a corner lot.
- c. Lot, Through: A lot having frontage on two parallel or approximately parallel streets; also known as a double-frontage lot.

75. *Lot Area*

The computed area contained within the lot lines.

76. *Lot Coverage*

See Coverage.

77. *Lot Depth*

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

78. *Lot Frontage*

See Frontage.

79. *Lot Lines*

The property lines bounding a lot.

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

80. *Lot, Minimum Area of*

The area of a lot computed exclusively of any portion of the right-of-way of any public or private street.

1. *Lot Width*

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

82. *Lot of Record*

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

83. *Manufactured Home*

See Article IX for definitions of manufactured homes.

84. *Map*

A map of the jurisdiction indicating district boundaries according to this ordinance; also known as zoning map or zoning atlas.

85. *Mobile Home or Trailer*

See definitions relating to manufactured and mobile homes and trailers in Article IX.

*86. Mobile Home, Trailer, or Manufactured Home Park*

An area of land upon which two or more occupied mobile homes are placed, either free of charge or for revenue purposes, and which is constructed in compliance with the standards of this ordinance as specified in Article IX, and which must consist of a minimum of ten (10) acres. In an A-1 zone multiple mobile homes placed on a single tract of land at a density no greater than one (1) unit per one (1) acre for an immediate family member and as detailed in Section 920(1) of this Ordinance shall not be classified as a mobile home park.

*87. Municipal/County Authority*

The Lincoln County Fiscal Court.

*88. Nonconforming Use or Structure*

An activity or a building, sign, structure or a portion thereof which lawfully existed before the adoption or amendment of the Zoning Ordinance, but which does not conform to all of the regulations contained in the Zoning Ordinance which pertain to the zone in which it is located (See Article V).

*89. Open Space*

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

*90. Parking Space*

A space with a minimum rectangular dimension of not less than nine (9.5) feet in width and nineteen (19) feet in length for ninety degree parking. See Article X for more detail regarding standards and requirements for off-street parking, loading, and unloading.

*91. Plan*

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

*92. Deleted*

*93. Planned Unit Development*

An area with specified minimum contiguous acreage of five (5) acres to be developed as a single entity according to a plan containing one or more residential clusters, which may include commercial, public or quasi-public uses in such ranges of ratios of nonresidential uses to residential uses as shall be specified in the Zoning Ordinance (Article XII) primarily for the benefit of the residential development.

*94. Planning Commission*

The Lincoln County/Cedar Creek Planning Commission, established pursuant to Chapter 100 of the Kentucky Revised Statutes.

95. *Plat*

A map or maps of a subdivision showing lot lines therein and fulfilling the requirements of the locally adopted Subdivision Regulations.

96. *Principal Permitted Use*

A use which is permitted outright in a district for which a zoning certificate may be issued by the Administrative Official in accordance with the provisions of the Ordinance.

97. *Principal Use of Structure*

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

98. *Preliminary Approval*

The conferral of certain rights, pursuant to this ordinance and the adopted subdivision regulations, prior to final approval after specific elements of a subdivision plat have been agreed upon by the planning commission.

99. *Premises*

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

100. *Public Open Space*

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

101. *Quasi-public Use*

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

102. *Residential Cluster*

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

103. *Residential Unit*

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

104. *Right-of-way*

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

104.a *Sawmill* \*amended 8-13-2013

A facility where logs are cut into lumber or boards.

*104.b Sawmill (Portable or Temporary)*

Said term is defined as any sawmill meeting the definition for Sawmill contained in this Ordinance, but which operates on a limited basis or is only in a location for a limited Period of time. The limit of use and/or period of time to be determined pursuant to the Conditions placed on same by the Board of Adjustments \*amended 8-18-2015 by Fiscal Court

*105. Setback Line*

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

*106. Sidewalk*

That portion of the road right-of-way outside the roadway which is improved for the use of pedestrian traffic.

*107. Signs*

See Article XI.

*108. Site Plan*

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

*109. Story*

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

*110. Street*

A public right-of-way which provides a public means of vehicular and pedestrian access to abutting property. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term. The right-of-way limits of any street shall include the street pavement, curb, and gutter (or open ditches) and may provide space for the location of utilities. The right-of-way limits of any street shall be coincidental to the property line of the adjacent or the abutting lot.

*a. Expressways*

Expressways rank first in the classification of streets and are used only for vehicular movement without access to abutting properties. Interchange of traffic between expressways and other streets (only arterial streets when possible) is accomplished by grade separated interchange with merging deceleration and acceleration lanes.

*b. Arterials*

Arterial streets rank second in the classification of streets, and are primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route. Access to abutting properties, if permitted, should be provided by means of a marginal access street in order to serve several abutting properties, rather than provide each abutting property its own individual access thereto. Arterial streets are the link between expressways and collector streets, and generally rank next to expressways in traffic volume, speed limit control, and right-of-way limits.

*c. Collector Streets*

Collector streets rank third in the classification of streets, and they are principally used for vehicular movement; however, access to abutting properties is planned and controlled so that minimum disturbance is made to the traffic flow on said collector street. Collectors are the link between arterial and minor streets, and generally rank next to minor streets in right-of-way lengths and speed control. Collector streets typically include the principle entrance and circulation routes within residential subdivisions.

*d. Minor or Local Streets*

Minor streets rank fourth in the classification of streets and are used primarily for providing access to abutting properties. Vehicular movement on minor streets should have an origin or destination in the immediate vicinity, whereas all types of through-traffic should be eliminated. Minor streets are the primary link between generator points (homes, offices, stores, etc.) and collector streets. Minor streets require the least amount of vehicular movement and may be further classified into five categories as follows:

*i. Continuing Streets*

Continuing streets are minor streets having two open ends; each end generally connecting with different streets. One or more streets may intersect such a street between its two open ends, and property abuts both sides of such a street.

*ii. Marginal Access Streets*

Marginal access streets are minor streets generally having two or more access points to the major street system by connecting to a street of higher classification. Property abuts only one side of such a street whereas the other side thereof should generally be parallel and adjacent to a street of higher classification. Marginal access streets are sometimes called access or frontage roads.

*iii. Loop Streets*

Loop streets are minor streets having two open ends, each generally connecting with the same street. No other streets intersect between its two ends and property abuts on both sides thereof.

*iv. Cul-de-Sacs*

Cul-de-Sacs are minor streets having only one open end providing access to another street, and a closed end providing a turn-around circle for vehicular movement. No streets of this type shall dead-end at the closed end, unless future plans provide for its continuation to an open end or a turn-around circle. Temporary turn-around circles may be required when deemed necessary by the Commission.

v. *Alleys*

Alleys are streets generally having two open ends with each end connecting to different streets. Such streets generally provide service and access to the rear of abutting properties on both sides.

111. *Structural Alteration*

Any change, other than incidental repairs, in the supporting members of a building, such as bearing walls, columns, beams, or girders.

112. *Structure*

Anything constructed or made, the use of which requires permanent location in or on the ground or attachment of something having a permanent location in or on the ground, including buildings and signs.

113. *Subdivision*

The division of a parcel of land into three (3) or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural purposes into lots or parcels of five (5) acres or more and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided. Any division or redivision of land into parcels of less than one acre occurring within twelve (12) months following the division of the same land shall be deemed a subdivision within the meaning of this act.

114. *Subdivision Regulations*

The regulations governing the subdivision of land within Lincoln County and as adopted by the *Lincoln County/Cedar Creek Planning Commission*.

115. *Trailer*

See definitions relating to manufactured and mobile homes and trailers in Article IX.

116. *Variance, Dimensional*

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

117. *Yard*

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

a. *Yard, Front:* That portion of the yard extending the full width of the lot and extending between the front lot line and the nearest part of the principal building.

b. *Yard, Rear:* That portion of the lot extending the full width of the lot and extending between the rear lot line and the nearest part of the principal building.

c. *Yard, Side:* Those portions of the yard extending from the nearest part of the principal building to the side lot line.



# ARTICLE III

## ADMINISTRATION AND ENFORCEMENT

### **300 Administrative/Enforcement Officer**

Provisions of this Ordinance shall be enforced by an Administrative/Enforcement Officer who may be designated as provided in Article II, Definition 2 of this Ordinance and per KRS 100.271 to administer said Ordinance. The Administrative/Enforcement Officer may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of the County Sheriff's Office in enforcing orders, of the County Attorney in prosecuting violations, and of other officials.

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

The primary duties of the Administrative/Enforcement Officer shall be as follows:

1. Accurate records shall be kept in a permanent file for the issuance of building permits, inspections, violations, stop orders, condemnations and other permits and actions as required.
2. Upon finding that any provisions of this Ordinance are being violated, the person or persons responsible for such violation shall be notified by the Administrative/Enforcement Officer through hand delivery or registered mail ordering the discontinuation of any illegal use of land, buildings, and/or structures.
3. Whenever a violation of this Ordinance occurs, or is alleged to occur, any person may submit a complaint, in writing, to the Administrative/Enforcement Officer. The Officer shall record such complaints and shall follow up on such report within five (5) working days. The Officer shall then respond to the complainant and those responsible for the violation, if applicable, in writing within ten (10) working days of the formal complaint.
4. All actions shall be taken as authorized by this Ordinance and KRS 100 to ensure compliance with or to prevent violations of this Ordinance, including the issuance of stop work orders and orders to remove or discontinue use of illegal structures and/or land uses.

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

### **310 Building Permits**

It shall be unlawful to commence the excavation for or the construction of any building, excluding accessory buildings, or to commence the moving, alteration, or demolition of any building, until the Administrative/Enforcement Officer has issued a building permit for such work, and a Permit has been issued for a septic system by the County Health Department.

Building permits shall be required for all structures conforming with the definition of "building" as defined in Article II of this Ordinance and must conform with the Building Inspection Order of Lincoln County.

No building permit shall be required in the following cases:

- a. Recurring maintenance work
- b. Installation of required improvements (i.e., streets, utilities, sidewalks, grading, drainage, etc.) according to an approved subdivision plat
- c. Accessory buildings not attached to a Principal Building

### **320 Procedure**

a. Application: In applying to the Administrative/Enforcement Officer for a building permit, the applicant shall submit a site plan along with the application, drawn to scale, showing the dimensions of the lot to be built upon, the locations and outside dimensions of all structures to be constructed or altered and all existing structures, the use of structures, yard depths, and any other information necessary for determining compliance with this order. The appropriate Municipal Water Company, applicable rural water district, or the County Health Department's certification approving proposed water and/or sewerage facilities must accompany applications as per Section 880 of this Ordinance, except where such lot is a part of an approved subdivision and on a public sewage treatment system.

b. Issuance: If the proposed construction or alteration conforms with all applicable ordinances, regulations and codes, the Administrative/Enforcement Officer shall issue a building permit authorizing such construction or alteration. If proposed construction or alteration fails to conform the Administrative/Enforcement Officer shall refuse to issue a building permit and shall cause delivery of written notice to the applicant stating the reasons for refusal. The Administrative/Enforcement Officer shall act upon applications for building permits within two (2) weeks from the date of their submission.

c. Restraint of Construction Without Permit: If no building permit has been issued and a builder begins or continues to build, a restraining order may be obtained upon application to the proper court of record. Evidence of the lack of a building permit shall establish a prima-facie case for the issuance of the restraining order.

d. Validity: The issuance of a building permit shall not waive any provisions of this regulation.

e. Duration: A building permit shall become void twelve (12) months from the date of issuance unless substantial progress has been made by that date on the construction or alteration authorized therein. A building permit may be renewed after 12 months at one-half fee, and one-half fee shall be returned if cancelled in 30 days. If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be revoked by the Administrative Official and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

### **330 Enforcement by Commission**

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

### **340 Enforcement/Penalties**

a. Correction Period: All violations of this Ordinance shall be corrected within a period of thirty (30) days after the order to correct is issued by the Administrative/Enforcement Officer or in such longer period of time, not exceeding six (6) months, as the Administrative/Enforcement Officer may determine. A violation not corrected within the allowed time for correction shall be reported to the County Attorney who shall initiate prosecution procedures.

b. Violation a Misdemeanor: Every person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance or any permit, license, or exception granted hereunder, or any lawful order of the Administrative/Enforcement Officer, the Board of Adjustment, the Planning Commission, the City Council, or the Fiscal Court issued in pursuance of this Ordinance shall be guilty of a Class B misdemeanor. Each day of violation shall constitute a separate offense.

c. Remedies: The Administrative/Enforcement Officer, the Board of Adjustment, the Planning Commission, the Fiscal Court, or any interested party may institute an injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance.

### **350 Fee Schedule**

The Fiscal Court shall establish schedules of fees, charges, and expenses and a collection procedure for building permits, certificates of occupancy, appeals, and other matters pertaining to this ordinance. The schedules of fees shall be posted in the offices of the Administrative/Enforcement Officers, and may be altered or amended only by official action of the appropriate legislative body. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

# ARTICLE IV

## BOARD OF ADJUSTMENT

### **400 Establishment of Board**

A Board of Adjustment shall be established before the County Zoning Ordinance shall be legally enforced. The Board established shall consist of three (3), five (5), or seven (7) citizen members, two of whom may be citizen members of the Planning Commission from the appropriate jurisdiction. A "citizen member" means any member of the Planning Commission or Board of Adjustment who is not also an elected or appointed official or employee of the County. The term of office for members of the Board shall be four years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one, two, three, and four years respectively. One year appointments shall be made in May of each year by the Judge-Executive. Vacancies on the Boards shall be filled within sixty days by the respective legislative body. If the Judge-Executive fails to act within that time, the Planning Commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

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

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

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

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

### **410 Meetings of Board, Quorum, Minutes, Bylaws**

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

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

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

#### **420 Other Rights and Powers of Board**

- a. The Board of Adjustment may employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties.
- b. The Board shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before it. The Sheriff shall serve such subpoenas. The Circuit Court may, upon application by the Board, compel obedience to such court or such subpoena by proceedings of contempt.
- c. The Chairman of the Board, or in his absence, the Acting Chairman, shall have the power to administer an oath to witnesses prior to their testifying before the board on any issue.

#### **430 Conditional Use Permits**

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

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

d. The Administrative/Enforcement Officer shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions which are listed on the conditional use permit, the Administrative/Enforcement Officer shall state conditions on the conditional use permit, and copy of the report shall be furnished to the landowner at the same time that it is furnished to the Chairman of the Board. If the Board finds that the facts alleged in the report of the Administrative/Enforcement Officer are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board may authorize the Administrative/Enforcement Officer to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

e. Once the Board has approved a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the Administrative/Enforcement Officer, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the County Clerk, as required in KRS 100.237. Thereafter said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.

#### **440 Dimensional Variance**

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

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

a. The specific conditions in detail which are unique to the applicant's land and which do not exist on other land in the same zone.

b. The manner in which the strict application of the provisions of the Ordinance would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone.

c. That the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the Ordinance.

d. Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood.

e. Consideration of all adjoining property owner's comments regarding the variance request.

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

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

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

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

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

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

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

#### **470 Administrative Review**

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

#### **480 Procedure for All Appeals to Board**

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

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

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

All appeals shall be taken in the circuit court within thirty days after the action or decision of the Planning Commission or Board of Adjustment and all decisions which have not been appealed within thirty days shall become final. After the appeal is taken the procedure shall be governed by the rules of civil procedure. When an appeal has been filed, the Clerk of the Circuit Court shall issue a summons to all parties, including the Planning Commission in all cases, and shall cause it to be delivered for service as in any other law action.



# ARTICLE VI

## NON-CONFORMING LOTS, STRUCTURES, AND USES

### **500 Intent**

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

### **510 Nonconforming Lots of Record**

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

### **520 Nonconforming Structures and Uses**

Nonconforming structures and uses shall be allowed to continue to exist as per KRS 100.253 as follows:

- a. The lawful use of a building or premises, existing at the time of adoption of any zoning regulations affecting it may be continued, although such use does not conform to the provisions of such regulations, and
- b. The board of adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one (1) nonconforming use to another unless the new nonconforming is in the same or in a more restrictive classification.

### **530 Ordinary Repair and Maintenance**

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

# ARTICLE VI

## ESTABLISHMENT OF DISTRICTS

### **600 General Regulation**

No land shall be used or occupied and no structure shall be erected, altered, used or occupied except for the principal uses permitted for each of the Four (4) zoning districts created by this Ordinance together with lawfully permitted conditional uses and/or accessory uses as listed in the following Sections of this Ordinance.

### **610 Official Zoning Map**

The official County Zoning Map shall be identified by the signature of the County Judge-Executive, attested by the County Clerk and bear the seal of the County under the following words: "This is to certify that this is the County Zoning Map referred to in Section 610 of the County Zoning Ordinance adopted by Lincoln County Fiscal ."

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

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

### **620 Interpretation of District Boundaries**

Boundaries of districts established under provisions of this ordinance are shown on the County Zoning Map on file in the office of the Lincoln County Clerk, Stanford, Kentucky.

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

- a. Boundaries indicated as approximately following the center lines of streets, highways, alleys, railroad tracks shall be construed to follow such lines.
- b. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
- c. Boundaries indicated as approximately following county boundaries shall be construed as following such corporation or county line.
- d. Boundaries indicated as approximately following shore lines shall be construed to follow such shore lines, and in the event of a change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, lakes, or other bodies of water shall be construed to follow such center lines.

- e. Boundaries indicated as parallel to or extensions of features indicated in 620 (a) through 620 (d) above, shall be so construed. Distances shall be determined by the scale of the County Zoning Map unless specifically shown on the map.

Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 620(a) through 620(e) concerning the exact location of any district boundary line or portion thereof, the location of such district boundary or portion thereof shall be determined by the Board of Adjustment.

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

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

### **630 Landfills**

Landfills, or other form of refuse/garbage areas shall not be permitted in any zone within the unincorporated areas of Lincoln County unless a valid permit is issued from the State and approved by fiscal court.

### **640 Districts Established**

The following zoning district classifications are established for Lincoln County, Kentucky:

- A-1 Agricultural District
- R-1 Residential - Single Family District
- R-2 Residential - Single and Multifamily
- C/PO Commercial/Professional District (Mixed Use)
- I-I Industrial - Light Industrial District

### **641 Expressly Prohibited Uses in All Districts**

1. Exterior Storage of non-operating or non-licensed Vehicles: No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant, or otherwise shall allow **\*more than three** partially dismantled, wrecked, junked, discarded or otherwise non-operating motor vehicle to remain on such property longer than ten (10) days; except that this section shall not apply to historic motor vehicles registered and licensed in conformance with KRS 186.043, property where such use is allowed under zoning ordinances, or other applicable laws, or to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property. This section shall further not apply with regard to any vehicle on the premises of a business enterprise operated in a lawful place, other than in a residential district, and operated in a lawful manner, when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the county government or any other public agency or entity. Nothing in this Ordinance shall be taken to lessen the requirements of the County Nuisance Ordinance and when this Ordinance is in conflict, the stricter of the two shall prevail.

**\* (amended 1<sup>st</sup> 11-08-2005 2<sup>nd</sup> 12-13-2005)**

2. Duty of Maintenance of Private Property: No person owning, leasing, occupying, or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such persons are located. Nuisances shall consist of, but shall not be limited to, abandoned buildings, abandoned mobile homes, and garbage dumps.

643. All lots shall maintain a minimum 35 foot width when a narrower strip of land connects together two parcels in order to achieve minimum lot size and road frontage. (Amended 1<sup>st</sup> 11-08-2005 & 2<sup>nd</sup> 12-13-2005)

## 650 Agricultural District

The intent of the Agricultural District is to preserve, promote and protect the rural character of the land, including agricultural uses, significant natural features, wooded areas, the water courses, and to minimize erosion of soil, siltation and pollution of streams and lakes.

## 651 Agricultural District (A-1)

The purpose of A-1 districts is to preserve agricultural endeavors and open space within Lincoln County.

1. Permitted Uses
  - a. Land used exclusively for agriculture, farming, dairying, stock raising;
  - b. Horticultural services;
  - c. Hunting, trapping, game preserves, forestry;
  - d. Single-family detached dwellings;
  - f. Approved Manufactured/mobile homes
  - g. Churches and cemeteries
  - h. Private airstrips (amended 1<sup>st</sup> 7-13-04 & 2<sup>nd</sup> 8-10-04)
2. Permitted Accessory Uses
  - a. Accessory uses in connection with agriculture, farming, dairying, stock raising or similar uses, such as tenant homes, agriculture structures, stables, and parking areas;
  - b. Roadside stands offering for sale only agricultural products grown on the premises;
  - c. Keeping of roomers or boarders by a resident family;
  - d. Swimming pools and tennis courts for private use;
  - e. One additional residence (not to exceed two total dwellings) to be used by members of farm owner's immediate family or full-time employee of the farm owner, provided that prior approval of the sanitary waste disposal system is granted by the

Lincoln County Health Department and provided that the setback requirements of the zoning ordinance are met and further provided that no division of such lot shall occur from the parent tract at a density greater than one unit per one acre. Placement of more than one additional dwelling will require a conditional use permit granted by the Board of Adjustments. (amended 1<sup>st</sup> 11-08-2005 & 2<sup>nd</sup> 12-13-2005)

### 3. Conditional Uses

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

- a. Hospitals, nursing homes, convalescent homes, rest homes, orphanages, rehabilitation homes;
- b. Sewage disposal plants and water treatment plants;
- c. Extraction of crude petroleum or natural gas; extraction, storing, and processing of minerals or raw materials;
- d. Veterinarian clinics;
- e. Agricultural home occupations as defined in Article II, Definition 61 of this Ordinance;
- f. Recreational facilities, including playgrounds, golf courses, country clubs, sportsman's farms, riding stables, fishing lakes and private clubs, restaurants for private clubs, horse training track;
- g. Mobile home and Recreational vehicle parks; and
- h. **One additional dwelling (not to exceed two total dwelling) amended 1<sup>st</sup> 11-08-2005 & 2<sup>nd</sup> 12-13-2005** used as dwelling units by members of farm owner's immediate family or full-time employees of the farm owner, provided that prior approval of the sanitary waste disposal system is granted by the Lincoln County Health Department and provided that the "setback" requirements of the zoning district are met, and further provided that no division of such lot shall occur from the "parent farm" at a density greater than one (1) unit per one (1) acre.
- i. **Feed mills and only after meeting with the following condition:**  
**All operations must occur within enclosed buildings.**  
(amended 1<sup>st</sup> 8-14-2007 & 2<sup>nd</sup> 8-24-2007)
- j. **Family owned/operated commercial or industrial uses, with the exception of sawmills, that meet all the following conditions: (amended May 2010)**
  - (1.) **Must be totally owned and operated by the occupant(s) of the property.**
  - (2.) **Must have no more than ten (10) employees in addition to the owners of the property and/or their immediate family.**
  - (3.) **Must be located on a site containing a minimum of forty (40) acres.**
  - (4.) **Must involve agricultural products that have been produced either on the subject property or in the local community, and consist of processing that adds value to those products; and may include onsite retail sales of the finished products.**
- k. **Rural repair business associated with agricultural equipment and machinery that meet the following conditions:**

- (1.) Must be totally owned and operated by the owner occupant(s) of the property.
- (2.) Must have no more than five (5) employees in addition to the owners of the property and/or their immediate family members.
- (3.) Must be located on a site containing a minimum of ten acres.
- (4.) Property must be utilized for the repair of machinery and equipment, including tractors and custom fabrication used in the agricultural business and may include such businesses as sharpening saws, welding, blacksmith shop, tack shop. However, no manufacturing of any type is allowed.
- (5.) The entire business must be performed in an enclosed building under roof.
- (6.) A site plan must be presented to the Board of Adjustments and must be approved by the Board of Adjustments.
- (7.) No more than one sign shall be allowed on the property, and this sign shall be no larger than 4 feet by 8 feet. The sign must be attached to the exterior wall of the building wherein repairs are being made.
- (8.) Minimal sales are allowed, if incidental to the business being operated, but only if the Board of Adjustments approves said sales in advance.

L. Portable/Temporary/Part time sawmill, that meets the following conditions: (amended 8-18-2015 by Fiscal Court)

1. Must have no more than three (3) employees.
2. Must be located on a site that contains a minimum of ten acres.
3. Must be located on property located outside the Cedar Creek Watershed.
4. All sawmill operations must be located at least 150 feet from any public right of Way and at least 100 feet from the property line of any adjoining property owners  
And at least 200 feet from any residence on any adjoining property.
5. No burning of any slabs, sawdust or other debris is allowed on the property.
6. All slabs, sawdust and other debris must be substantially removed from the Sawmill property at least once per year and any sawmill that will be temporarily Located on the property owned by someone other than the owner of the sawmill machinery , the slabs sawdust and other debris shall be completely removed from the property within 30 days of sawmill operations ceasing on said property.
7. All entrances and exits to and from the sawmill property must be located at least 50 feet in width, with culverts extended a minimum of 5 feet on each side of the Entrance or exit roadway, and said roadways used for entrance or exit to the Sawmill operations must be covered with an impervious surface, white rock or Creek rock for at least 40 feet from the right of way of the road they adjoin.
8. That if a temporary sawmill is set up on property not owned by the owner of the Sawmill machinery, the road requirement may be lessened only of all of the logs To be sawed are harvested on the property owned by the same entities on which The sawmill machinery is located. These sawmill requirements shall not apply if

Article VI – Establishment of District, Section 651.3, Agricultural, conditional uses is hereby amended to add Item (k); Portable/Temporary/Part Time Sawmill, that meet the following conditions:

1. Must have no more than 3 employees.
2. Must be located on a site containing a minimum of 10 acres.
3. Must be located on property outside the Cedar Creek Watershed. : sawmill
4. All sawmill operations must be located at least 150 feet from any public road right-of-way and at least 100 feet from the property line of any adjoining property owners, and at least 200 feet from any residence on any adjoining property.
5. No burning of slabs, sawdust or other debris is allowed on the property. med by the
6. All slabs, sawdust and other debris must be substantially removed from the sawmill property at least once per year, and any sawmill that will be temporarily located on property owned by someone other than the owner of the sawmill machinery the slabs, sawdust and other debris shall be completely removed from the property within 30 days of sawmill operations ceasing on said property. rpose of
7. All entrances and exits to and from the sawmill property must be at least 50 feet in width, with culverts extended a minimum of 5 feet on each side of the entrance or exit roadway, and said roadways used for entrance or exit to the sawmill operations must be covered with an impervious surface, white rock or creek rock for at least 40 feet from the impervious surface of the road on which they adjoin or 40 feet from the right-of-way of the road they adjoin. tity which
8. That if a temporary sawmill is set up on property not owned by the owner of the sawmill machinery, the road requirements may be lessened only if all of the logs to be sawed are harvested on the property owned by the same entities on which the sawmill machinery is located. These requirements shall not apply if all of the logs to be sawed are harvested from the property on which the sawmill machinery is set up. hinery will
9. A sawmill will be deemed “temporary” if it is set up on property not owned by the owner of the sawmill machinery, and it is only to be operated for the purpose of sawing lumber from timber harvested on property owned by the entity which owns the property on which the sawmill is located, and the sawmill machinery will be removed within 30 days of the ceasing of operations of a sawmill. In the case of a “temporary” sawmill operation, no conditional use permit will be required, but the owner of the property shall notify the Lincoln County Planning and Zoning Office of the operation of such a “temporary” sawmill. the case of ed, but the ming &

4. Development Standards (A-1)

(Amended 1<sup>st</sup> 11-15-2004 &12-14-2004)

<u>Watershed</u>	<u>General</u>	<u>Cedar</u>	<u>Creek</u>
Minimum lot area	1 acre	5 acres	
Minimum road frontage	125 feet	200 feet	
Min. width at building line	75 feet	175 feet	
Minimum front yard*	60 feet	80 feet	
Minimum side yard (each side)*	25 feet	35 feet	
Minimum rear yard*	50 feet	60 feet	
Maximum building height	N/A	N/A	
Signs	See Article XI	See Article XI	
Parking	See Article X	See Article X	

For all parcels in excess of ten acres in all agricultural zones outside the Cedar Creek Watershed area shall be subject to the above standards, except that the required frontage may be reduced to the minimum right of way allowed in Section 4.23 of the Lincoln County Subdivision Regulations for construction of a public street.

NOTE: see Article VII for special agricultural exemptions.

\* Minimum side and rear yard requirements measured from the property line on all sides. Front yard setbacks are measured from the public road right-of-way.

## **660 Residential Districts**

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

## **661 Single Family Residential District (R-1)**

The residential classification is intended for housing in conformance with the Future Land Use Map, Lincoln County Comprehensive Plan. The principal land use in this district is for residential dwellings and for associated religious, recreational, educational and public facilities necessary to provide for a balanced and attractive residential areas. Lands in this district are intended to be protected from encroachment of uses detrimental to and not performing a function appropriate to the residential environment. Property values are stabilized and orderly growth promoted by providing adequate light, air and open space and through consideration of proper function relationships of each permitted use.

1. Permitted Uses
  - a. Detached single-family dwellings
  - b. Approved manufactured/mobile homes
2. Accessory Uses

Accessory uses and buildings may be permitted only as customarily incidental to any of the permitted and conditional uses listed above; provided that such accessory uses shall not involve the conduct of any business, trade, or industry. Accessory uses and structures may include the following:

- a. The taking of boarders or roomers by the family resident on the premises, provided that no new living unit with separate kitchen and bathroom facilities is created (maximum of three rooms for this purpose);
  - b. Detached garage(s) for the storage of automobiles, recreational equipment, and incidental equipment;
  - c. Private swimming pools, provided that they meet the side yard requirements of principal buildings and are fenced to prevent free access to small children in conformance with the requirements in Section 840 of this Ordinance; and
  - d. Storage buildings.
3. Conditional Uses

The following uses are special exceptions and require written approval of the Board of Adjustment. The Board may attach certain conditions to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate. Conditional uses shall be so located, site-planned, and designed as to avoid undue noise, nuisances, and dangers.

- a. Churches, parish houses and other places of worship located not less than twenty (20) feet from any other lot in the R District;
- b. Public parks, playgrounds, golf courses, country clubs, and other public recreational facilities; provided that any principal building used therefore shall be located not less than forty (40) feet from any other lot in the R-1 District;



- c. Schools and colleges for academic instruction, located not less than forty (40) feet from the R-1 District lots;
- d. Public libraries, public museums, and similar public cultural uses, located not less than twenty (20) feet from R-1 District lots;
- e. Private non-commercial recreation areas and facilities not listed above including tennis courts, club swimming pools; provided that no such swimming pool shall be located nearer than one hundred (100) feet from an R-1 District lot;
- f. Funeral homes and cemeteries;
- g. Hospitals and clinics for human care, nursing and convalescent homes, physicians offices, religious and charitable institutions, provided that any buildings which are used for the permanent care of drug addicts or the mentally impaired shall be at least one hundred (100) feet from the R-1 District lots;
- h. Philanthropic institutions and clubs, except a club which is customarily carried on as a commercial activity;
- i. Non-commercial kennel on the premises of a residence occupied by the owner or tenant as a dwelling house;
- j. Bed and breakfast operations; and
- k. Home occupations as defined in Article II of this Ordinance.
- l. Private air strips

4. Special Use

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

5. Development Standards (R-1)

	<u>Dwellings</u>	<u>Conditional Uses</u> <u>CC</u>	
Minimum lot area			
on public sewer	11,000 sq. ft.	16,000 sq. ft.	
22,500			
no public sewer	43,560 sq. ft.	43,560 sq. ft.	
43,560			
Min. Public Road Frontage	75 feet (septic)		
	75'		
	60 feet (public sewer)		
	100'		
Min. width at building line	75 feet	100 feet	
	75'		
Minimum front yard	35 feet	35 feet	35'
Minimum side yard			
(each side)	12 feet	12 feet	12'
Accessory building	5 feet	5 feet	
	5'		
Minimum rear yard	25 feet	25 feet	25'
Accessory building	5 feet*	5 feet*	
	5'		
Maximum building height			
Principal structure	35 feet	35 feet	35'
Accessory structure	N/A	N/A	
	15'		
Max. percentage of lot covered			
by buildings	40%	40%	
40%			
Signs	See Article XI	See Article XI	
Parking	See Article X	See Article X	

\*Rear yards are measured from the property line, unless there are utility easements along the rear property line; all structures must be located a minimum of five feet from the easement.

**665 Single - Multi-Family District (R-2)**

The intent of the R-2 district is to establish and preserve residential neighborhoods of different or mixed densities of residential units and to exclude uses which are not compatible with residential uses. The principal use of land includes single, two-family and multi-family dwellings, including townhouses.

1. Permitted Uses

- a. Detached single-family dwellings;
- b. Attached two-family dwellings (duplexes);
- c. Multi-family dwellings including townhouses and condominiums;
- d. Approved manufactured/mobile homes
- e. Other permitted uses as defined in R-1, Section 661(1).

2. Accessory Uses

Accessory uses and buildings may be permitted as customarily incidental to any of the permitted principal and conditional uses listed above. Accessory uses permitted are those permitted in the R-1 zone.

3. Conditional Uses

a. Any use conditionally permitted in an R-1 residential district and subject to the requirements thereof as provided in Section 661.3.

4. Special Use: A Planned Unit Development for residences shall be permitted as a special use in conformance with Article IX of this Ordinance.

5. Development Standards (R-2)

	<u>Single Family</u>	<u>Multi-family</u>
Minimum lot area		
on public sewer	10,000 sq. ft.	10,000 sq. ft. for the first unit plus 2,000 sq. ft
no public sewer	43,560 sq. ft.	for each additional dwelling
Minimum Road Frontage	75 feet	43,560 sq. ft. per unit
Min. lot width at building line	60 feet	100 feet/10 feet each additional unit
Minimum front yard	35 feet	60 feet plus 10 feet for each additional unit
Minimum side yard (each side)	10 feet	35 feet
Accessory building	5 feet	10 feet
Minimum rear yard	25 feet	5 feet
Accessory building	5 feet*	25 feet
Max. percentage of lot covered by buildings	40 %	5 feet*
Signs	See Article XI	40%
Parking	See Article X	See Article XI
		See Article X

\*Rear yards are measured from the property line, unless there are utility easements along the rear property line; all structures must be located a minimum of five feet from the easement.

**670 Commercial/Professional Office District (C/PO)**

The intent of the Commercial/Professional Office (C/PO) district is to accommodate existing and future commercial and professional business development in such locations and with such regulations so as to provide availability and accessibility for the success of commercial/professional business operations, to encourage the development of new business at appropriate locations, and to preserve and protect existing and future development of all kinds through the use of limited access points, service roads, parking and loading areas, screening, and other regulations.

The Commercial/Professional Office District (C/PO) is to establish and preserve general commercial areas consisting of shopping centers, commercial strips, and professional and service oriented businesses where customers reach retail and professional and service business establishments primarily by automobile, while minimizing the undesirable impact on adjacent residential areas.

1. Permitted Uses

- a. Offices of professional medical, insurance, attorneys, real estate, financial organizations and the like: of individuals, sole proprietors, labor unions, or of civic, social, fraternal, and non-profit organizations;
- b. Laboratories and other research facilities where all activity and equipment, including ventilators and other equipment on roofs, is housed in a fully enclosed building or screened so as not to be visible from off the lot, and where no noise or odors are created which are discernible beyond the boundaries of the lot;
- c. Retail sales, barber and beauty shops; gas stations, general and specialty food stores; drugstores; restaurants; clothing and dry good stores; appliance stores; hardware stores, bakeries; dry cleaning and laundry establishments; gas stations; veterinarians and kennels when housed in a fully enclosed building; motels; hotels, clinics; funeral homes; indoor/outdoor theaters and other places of amusement including bowling lanes, lighted golf courses, skating arenas and the like; however, meat and poultry shops where slaughtering is done on the premises is excluded.

2. Special Provisions for Shopping Centers

Shopping centers comprised of a building or group of buildings to house three or more permitted commercial activities shall be permitted as a special use in conformance with the provisions for Planned Unit Developments as specified in Article XII of this Ordinance. The following guidelines will apply in designing shopping centers:

a. Neighborhood Shopping Center

Planned development of commercial, professional and service-oriented activities providing convenience goods such as food, drugs, hardware, and professional/service oriented services, intended to serve a market area of eight hundred (800) families. Neighborhood shopping centers shall contain at least 16,000 square feet of floor area and two (2) acres, and shall be located adjacent to an arterial or collector street. Access shall be determined by the Planning Commission, i.e., service road or direct entry.

b. Community Shopping Center

A planned development of commercial activities providing convenience and shopper goods, such as apparel and home furnishings serving approximately 2,000 families. Community shopping centers shall contain at least 30,000 square feet of floor area and a site of at least five (5) acres. Direct access must be available to arterial streets, or frontage road as indicated in the Comprehensive Plan.

3. Conditional Uses

Conditional uses are special exceptions and require written approval of the Board of Adjustment. The Board may attach certain conditions to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate. Conditional uses shall be so located, site-planned, and designed as to avoid undue noise, nuisances, and dangers.

- a. Schools;
- b. Drive-in theaters;
- c. Auto, truck, and farm implement sales and repair, mobile home sales;

d. Public facilities such as libraries, churches, parks, recreation facilities, and hospitals; and

e. Mini storage warehouses (amended 1<sup>st</sup> 3-14-2006 & 2<sup>nd</sup> 4-11-2006)

4. Accessory Uses

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

5. Required Conditions:

a. Screening:

Where a side lot line is shared with an adjoining residential lot or zone, a well-maintained compact hedge, a solid fence or similar solid screening device at least six (6) feet in height shall be installed to screen the business use from the adjoining lot in the residential district. The screen shall begin at the front building line and extend along the common side lot line to the rear property line.

b. Access to Highways and Streets:

Before any building permit for any structure in a C/PO district may be issued the applicant of the proposed C/PO activity shall submit a sketch of the site layout and design of the proposed structure(s) and use; the proposed interior street circulation plan along with the proposed access points to the highway department and the Planning Commission. The Planning Commission may require that when two or more consumer commercial establishments adjoin along one side of any street or highway that they share access points to the street. When more than four consumer commercial establishments adjoin along any highway or street, a service road parallel to the highway or street may be required by the Planning Commission to be built, at the expense of all adjoining consumer commercial establishments, to provide service to all consumer commercial establishments on the same side of the street or highway. This road shall have access to the highway or street at no more than two points for every four consumer commercial establishments. The provisions of Article VIII of this Ordinance shall also apply in a C/PO District. Parking and off-street loading requirements are provided in Article X of this Ordinance.

- c. Processing shall be conducted wholly within a completely enclosed building.
- d. Processing is permitted if all such processing is performed as a consumer service for retail customers served on the premises. Processes and equipment employed in goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, gas fumes, noise, vibration, refuse matter, or water-carried waste.

6. Development Standards (C/PO): Per Each Principal Building

Minimum lot area	
on public sewers	22,000 sq. ft.
no public sewers	43,560 sq. ft.
Min. Public Road Frontage	75 feet (Public Sewer)
	100 feet (Private Sewage)
Min. width at building line	75 feet
Minimum front yard	50 feet
Minimum side yard	25 feet - 35 feet adjacent to any R
District	
Minimum rear yard	30 feet
Max. percentage of lot covered by buildings	60%
Signs	See Article XI
Parking	See Article X

7. Required Conditions/Minimum Design Standards

a. Access:

Access to business establishments on U.S. Highway 150 district shall either be from parallel frontage roads (along US 150 from Stanford to Crab Orchard, US 27 and US 127 or driveways with approved encroachment permit from Transportation Cabinet - Highway Department. All intersections of frontage roads or driveways with arterials streets shall provide acceleration and deceleration lanes of not less than 150 feet and eleven feet wide. No entrance or exit shall be closer than 600 feet to any intersection on an arterial road or to the access road of any freeway. Entrances off controlled access streets shall require both a permit from the District 8 office of the Kentucky Transportation Cabinet and the approval of the Planning Commission.

b. Landscaping:

A landscaped planting strip at least ten (10) feet in width shall be provided along boundaries of a C/PO District adjacent to any residential zone or any property being used for residential or institutional purposes. This area shall be planted with native trees or shrubs in a manner approved by the Planning Commission.

**674 Applicable to all C/PO Land Uses**

1. Accessory Uses

- a. Signs, only one of which on the premises may be detached from the principle building; all signs must comply with the Regulations set forth in Article XI;
- b. Garages or other building not used as a dwelling and accessory to the principle;
- c. Wholesale merchandise or services which are clearly incidental and subordinate to the principle retail use on the premises;

- d. Accessory buildings shall be permitted in rear yards only and must comply with the minimum yard requirements for the principal structures in that zoning district. On any corner lot adjoining in the rear another lot which is in a residential district, accessory buildings shall conform to the side yard requirements for the residential district.

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

2. Outdoor Storage

- a. There shall be no outdoor storage of merchandise and no outdoor processing in any commercial district unless authorized as a conditional use.

## 676 Recreation District (R-R)

This district is intended to provide for recreational and tourism development and essential recreation oriented services in areas of high recreational value where soil, topography and other physical features will support development without depleting or destroying natural resources.

1. Permitted Uses:

- a. Golf courses;
- b. Hotels, motels;
- c. Single family housing, including Manufactured housing subject to Article IX;
- d. Lodges and cabins;
- e. Bed and breakfast
- f. Convention facilities;
- g. Retreat centers;
- h. Boat sales and service, boat storage;
- i. Recreational vehicle parks, subject to Article IX;
- j. Sit -down restaurants, excluding fast food chain-type commercial establishments;
- k. Camping areas/facilities;
- l. Equestrian riding and stable facilities;
- m. Skeet shooting and gun clubs
- n. Sportsman's clubs, Hunting lodges
- o. Sporting goods and bait shop retail establishments;
- p. Indoor and outdoor recreational facilities, including, but not limited to, soccer fields, football fields, swimming pools, baseball fields, putting courses, skating rinks, and bowling alleys;
- q. Taxidermy;
- r. Historical sites and attractions;
- s. Arts and crafts facilities, including sale of items on premises;
- t. Customary accessory uses provided such uses are clearly incidental to the principal permitted use;
- u. Signs, subject to Article XI; Parking, subject to Article X.

2. Conditional Uses:

- a. Private or wholesale carpentry or woodworking shop, limited to the property owner;

- b. Professional offices and studios;
  - c. Real estate office;
  - d. Day care, childcare center, play school;
  - e. Shrub, tree nursery;
  - f. Hair salon and barber shop;
  - g. Arts and crafts retail shops.
3. Prohibited uses
- a. Any commercial uses that would detract from the intent of this zone;
  - b. Any land uses that would negatively impact the water quality of the Cedar Creek Watershed or Lake;
  - c. Automobile dealerships; used car lots; manufactured home sales lots; towers, including, but not limited to, cellular or PCS, radio, television, short wave or any tower used to transmit or receive; satellite dishes in excess of four (4) foot diameter; and other uses the Planning Commission determines would detract from the recreational-oriented and tourism intent of this zone;
  - d. Exploration or removal of any natural resources, including, but not limited to, oil, gas, and coal.
4. Planned Unit Developments, subject to Article XII.
5. Development Plan Required

All development proposals require a Development Plan and an Environmental Quality Inventory (EQI) to be submitted by the applicant. Such development plan shall be prepared by professional engineers, planners, architects or landscape architects. See Article XIII, Development Plans.

#### 6 Pre-Application Meeting Documentation

All parties concerned with a Development Plan will benefit from a discussion during the Pre-Application Meeting at which time the applicant(s) should present the following information to Staff and to the Planning Commission if deemed necessary by the Administrative Officer.

- a. Vicinity Map. A vicinity map shall be prepared at a scale of two-thousand (2,000) feet to an inch, indicating the relationship of the proposed development to existing land use and facilities which serve it, such as roads and utilities. A U.S.G.S. map may be used with a sketch of the proposed area to be developed on it.
- b. Sketch Plan. On a topographic survey map of the area proposed for development, a simple plan in sketch form shall show the proposed general layout of streets, buildings and other significant features.
- c. General Information. Any additional information to explain and/or supplement the vicinity map and sketch plan shall be submitted.



7 Development Standards (R-R)

Minimum lot area	5 Acres
Minimum lot frontage	175 feet
Min. width at building line	100 feet
Minimum front yard	80 feet
Minimum side yard (each side)	75 feet
Minimum rear yard	50 feet
Maximum building height	N/A

**680 Industrial Districts**

**681 Light Industrial District (I-1)**

The intent of the Light Industrial District (I-1) is to establish and preserve areas for industrial and certain related uses of such nature that they do not create serious problems of compatibility with other types of land uses. Such establishments should be clean, quiet, and free from hazardous or objectionable levels of noise, odor, dust, smoke, or glare.

1. Permitted Uses

Manufacturing; wholesaling; warehousing; bulk storage; laundries; cleaning and dyeing plants; bottling works; building material yards; dairies; food processing; printing; vehicle or equipment repair or service.

Retail sale of commodity manufactured, fabricated, or processed on the premises; gas stations; restaurants; sale and service of agricultural and construction equipment.

The forgoing use authorizations do not include any of such uses which emit any fumes, vibrations, smoke, noise, or glare, except the noise of vehicles coming and going, which is detectable from off the premises by the senses of normal human beings. All operations, including the storage of anything except merchandise displayed for sale, are to be conducted in a fully enclosed building or entirely behind walls or fences which conceal them from visibility from sites off the lot.

Other industrial uses not listed above shall be considered conditional uses and will require written approval of the Board of Adjustment.

2. Conditional Uses

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

Trucking terminals; junkyards; single family homes, including mobile homes, for use by on-site caretakers or security personnel employed by the industrial development; drive-in theaters; gasoline, oil, or alcohol storage above ground in excess of 500 gallons if Board of Adjustment review determines that such proposed use will not constitute a fire hazard.

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

3. Required Conditions

a. Yards:

On lots adjacent to a residential district, all buildings shall be located so as to provide a minimum side and rear yard of fifty (50) feet..

b. Storage Facilities:

No materials or supplies shall be stored or permitted to remain on any part of the property outside the buildings constructed thereon without proper screening and adequate distances from adjoining properties.

c. Waste Disposal:

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

4. Development Standards

Minimum lot area	43,560 sq. ft. (septic)
	22,000 sq. ft. (public sewer)
Minimum front yard	50 feet
Minimum side yard	25 feet; except 50 feet if adjacent to residential district
Minimum rear yard	25 feet; except 50 feet if adjacent to residential district
<b>Minimum Road Frontage</b>	<b>100' private sewer</b>
	<b>75' public sewer amended 3/10/09</b>
Max. percentage of lot covered by buildings	- 60%
Signs	See Article XI
Parking	See Article X

**690 Flood Plain District (F)**

The intent of the Flood Plain District (F) is to restrict the use of the flood plains of natural drainage-ways to those uses that will not be greatly damaged by floods or moving waters. The purpose is to minimize the costs of flood damage to individual property owners and the general public and avoid impeding the flow of flood waters.

1. Permitted Uses

The Flood Plain District is a zone that may be superimposed over any other zoning district wherein the provisions of the other zoning district are applicable as well as the provisions contained herein.

## 2. District Regulations

Areas designated "F" (Flood Plain District) shall be based upon areas determined to be in "flood prone" areas under the Department of Housing and Urban Development (HUD) National Flood Insurance Program and such other areas as determined by the Planning Commission to be subject to flooding. Within such designated area, no permanent structures for residential, agricultural, commercial, industrial, or public use shall be placed without first securing a building permit and demonstrating provisions to protect such structure from flood damage. No building permits shall be issued within the 100-year floodplain unless the structures are flood proofed and meet all other the state and federal flood insurance requirements.

# ARTICLE VII

## APPLICATION OF REGULATIONS

### **700 Application of Regulations**

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

### **710 Special Provisions for Agricultural Areas**

For the purposes of this ordinance, land which is used solely for agricultural, farming, dairying, stock raising or similar purposes, shall have no regulations imposed as to height, yard, location or court requirements for agricultural buildings except that:

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

Mobile homes and other dwellings may be permitted as a part of agricultural use of the land but shall have regulations imposed which are applicable, such as zoning, building, and certificates of occupancy.

### **720 Subdivision of All Land**

Landowners or developers desiring to subdivide agricultural land for any non-agricultural use must conform with the *Lincoln County Subdivision Regulations*, including design and processing requirements and must conform with the dimension requirements and other special requirements as may be imposed by the Commission.

In all cases, where the ownership of any land is divided for the purpose of eventual development of all kinds (residential, commercial, industrial), the provisions of the *Lincoln County Subdivision Regulations* and amendments thereto shall apply in addition to the provision of the Zoning Ordinance.

### **730 Certificate Of Land Use Restriction**

Whenever a legislative body approves a Zoning Map amendment, whenever the Planning Commission approves a development plan or subdivision plat, and whenever the Board of Adjustments approves a variance or conditional use permit, a Certificate of Land Use Restriction as detailed on the following page shall be filed with the County Clerk (per KRS 100.3683).

## CERTIFICATE OF LAND USE RESTRICTION

1. Name and address of property owner(s)


2. Address of Property  
or development (If applicable)


3. Name of Subdivision


4. Type of Restriction(s) (Check all that apply)

- Zoning Map Amendment to \_\_\_\_\_ Zone
- Conditional Zoning Condition
- Development Plan
- Unrecorded Subdivision Plat
- Variance
- Conditional Use Permit
- Other (Specify) \_\_\_\_\_

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


\_\_\_\_\_  
Signature of Completing Official

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

# ARTICLE VIII

## SUPPLEMENTAL DISTRICT REGULATIONS

### 800 Applicability

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

The provisions of this Ordinance affect every building and use. No building or land shall be used, and no building shall be erected, moved, altered, except in conformity ~~with these regulations.~~ the Lincoln County Building Inspection Ordinance.

### 810 Yard Regulations

1. Any part of any yard, open space, off-street parking or loading space required in connection with any building to comply with these regulations shall not be included as part of any yard, open space, or parking or loading space for any other building unless approved as a variance by the Board of Adjustment.
2. A yard or lot existing at the time of adoption of this Ordinance, or created subsequently, shall not be reduced in dimension or area below the minimum requirements set forth in these regulations.
3. Front yards for corner and/or through lots shall be of the depth required by this Ordinance for the district in which the lots are located. The side yard adjacent to the other street shall be of the depth required by this Ordinance for front yards in the district in which the lot adjacent to the corner and/or through lot is located.
4. Front yards and side yards for corner lots shall be measured from the street right-of-way line. This provision shall not be construed as requiring the dedication of any property to the public.
5. Steps, terraces, decks, carports, bay windows, fire escapes, balconies, open porches, and other unenclosed architectural features may extend into required yard space not more than twelve (12) feet provided that no such projection shall be less than five (5) feet from a side lot line, or ten (10) feet from front yard setback line. Enclosing such projection into yard space is prohibited.
6. Notwithstanding other provisions of this Ordinance, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half (2 1/2) feet in height. In Planned Unit Developments requiring Development Plan review, the Planning Commission may permit fences, walls, and hedges above two and one-half (2 1/2) feet in height in the front yard.

### 811 Setback Lines, Exceptions

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

## **820 Lot Access Requirements**

Every building hereafter erected or moved shall be on a lot adjacent to a public street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking. Access to buildings in a Planned Unit Development shall be approved by the Planning Commission.

A. The following restrictions regarding lot access control shall apply in all business and industrial zoning districts:

1. Lots with less than 100 feet of frontage on a public street shall have no more than one (1) point of access to the public street. Lots with more than 100 feet but less than 400 feet shall have no more than two (2) points of access to the public street. Lots with more than 400 feet of frontage shall have no more than two (2) points of access for each 400 feet of frontage.

2. The location of access drives for lots with 400 or more feet of frontage shall be approved by the Planning Commission.

B. The following restrictions regarding lot access control shall apply in all zoning districts:

1. No point of access shall be allowed within one-hundred (100) feet of the intersection of the right-of-way lines of intersecting streets.

2. No curbs on public streets or public rights-of-way shall be cut, removed, or altered, nor shall any curb or pavement be constructed within the right-of-way without written approval of the Administrative/Enforcement Officer and county road supervisor.

3. An access drive shall not exceed twenty (20) feet in width for one-way and/or one-lane ingress or egress. Two-way and/or two-lane access drives shall not exceed thirty-five (35) feet in width.

## **830 Accessory Buildings**

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

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

## **840 Swimming Pools**

All private in-ground and above-ground pools except as noted below must be covered or completely enclosed, including a gate, with a minimum of a four foot fence so as to prevent unauthorized or accidental access by children. Above-ground pools greater than four feet in height with a retractable or removable ladder and all pools smaller than 100 square feet and 18" in depth or less and not containing any recirculating equipment shall be exempt from this requirement.

The Administrative/Enforcement Officer shall have the authority to waive this requirement in light of extenuating circumstances regarding a particular piece of property such as natural barriers preventing access and location on large fenced lots. All public swimming pools must meet all applicable state regulations regarding fencing.

**850 Exceptions to Height Limitations**

The height limitations contained in this Ordinance shall not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

**860 Subdivision or Consolidation of Lots**

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

**870 Visibility at Intersections**

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2 1/2) feet and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the edge of the street pavement and a line joining points along said pavement fifty (50) feet from the point of intersection.

**880 Water Supply and Sewage Disposal**

No building or dwelling can be occupied without water supply and sewage disposal facilities which have been approved by the County Health Department. Wherever public water and sewer mains are accessible, buildings shall be connected to such mains. Reasonable accessibility will be determined by the proximity of the land being developed to existing lines and the capacity of the system. In every case, individual water supply and sewage disposal must meet the requirements set by the County Health Department or rural utility's water and sewer department manager. A certificate showing approval of proposed and/or existing water and sewerage facilities must accompany applications for all subdivision plats.

**890 Excavation and Grading For Approved Construction**

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



# ARTICLE IX

## MANUFACTURED/MOBILE HOMES

### 900 Intent

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

It is further the intent of this Article is to guide the establishment of mobile home parks and recreational vehicle parks in areas providing a residential setting, convenient to major arterials, and with maximum compatibility with the adjacent uses.

### 910 Manufactured/Mobile Home Definitions

#### 1. Add-a-Room Unit

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

#### 2. Anchoring System

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

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

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

#### 4. Approved

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

#### 5. Expando Unit

An expandable manufactured housing unit.

#### 6. Foundation Siding/Skirting

A type of wainscoting constructed of fire and weather resistant materials, such as aluminum, particle board, treated pressed wood or other approved materials, enclosing the entire undercarriage of the manufactured or certified mobile home.

## 7. Manufactured Home

A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. All manufactured homes meeting the following requirements shall be permitted in all traditional residential districts:

- a. have more than nine hundred (900) square feet of occupied space in a double or larger multi-section unit;
- b. be placed on a permanent foundation;
- c. utilize a permanent perimeter enclosure in accordance with approved installation standards, as specified in Section 940(1);
- d. be anchored to the ground, in accordance with ANSI and to the manufacturer's specifications;
- e. be without wheels;
- f. have utilities connected, in accordance with the One and Two Family Dwelling Code and manufacturer's specifications;
- g. have siding material of a type customarily used on site-constructed residences; and
- h. have roofing materials of a style and type customarily used on site-constructed residences.

Manufactured homes not meeting these standards may only be placed on lots in conformance with the requirements for a certified mobile home.

## 8. Manufactured Housing Construction and Safety Standards Code

Title VI of the 1974 Housing and Community Development Act (42 U.S.C 5401 et sequential), as amended (previously known as the Federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder (including information supplied by the home manufacturer), which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules.

## 9. Manufactured or Mobile Home Community/Park

A parcel of land on which two (2) or more manufactured or certified mobile homes are occupied as residences. No lot shall be occupied by more than one (1) manufactured or certified mobile home unless it complies with all the requirements for a manufactured or mobile home park, except as permitted in Section 920 (1) of this Article. All new manufactured or mobile home parks shall consist of a minimum of five (5) acres.

#### 10. Certified Mobile Home

A transportable structure larger than three hundred and twenty (320) square feet, designed to be used as a year-round residential dwelling, and either built prior to the enactment of the Federal Mobile Home Construction and Safety Act of 1974 which became effective for all mobile home construction June 15, 1976 and subsequently upgraded to be able to receive a "B" seal certifying that the unit has been inspected and is in compliance with standards set forth in the HUD Code, or built after June 15, 1976. Such certified mobile homes may be located in Lincoln County on one (1) acre or more in the A-1 zone or in a mobile home park provided that it is placed onto a fixed permanent foundation with the wheels or mobile parts removed, in accordance with approved Installation Standards, as specified in Section 940(1) and has an approved foundation siding/skirting enclosing the entire perimeter of the home. Such mobile homes shall be considered as real estate in accordance with Kentucky Revised Statutes 132.750. Mobile homes not meeting these standards may not be permitted in any zone. All manufactures/mobile homes that are purchased from a private citizen by a private citizen for relocation in Lincoln Co., Kentucky, will reinspected for HUD certification through the State Fire Marshall's Office. **All manufactured/mobile homes that are purchased from a private citizen by a private citizen to be relocated in Lincoln County, Kentucky will be re-inspected for HUD certification through the State Fire Marshall's office. (amended 1<sup>st</sup> 3-9-2004 & 2<sup>nd</sup> 4-28-06.)**

#### 11. Occupied Space

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

#### 12. One and Two Family Dwelling Code

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

#### 13. Permanent Perimeter Enclosure

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

#### 14. Permanent Foundation

Any structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil, but excepting single wide homes whose supporting structure does not have to be below the frost line.

#### 15. Recreational Vehicle

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

#### 16. Section

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

17. Special Exception Permit or Conditional Use Permit

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

18. Support System

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

**920 Certified Mobile Homes Permitted**

Certified mobile homes shall be allowed only as provided in Article VI and as follows:

1. In an A-1 district, certified mobile homes may be used as dwelling units on a minimum of one (1) acre, provided that prior approval of the sanitary waste disposal system is granted by the Lincoln County Health Department, and provided that the "setback" requirements of the zoning district can be met. Such mobile homes shall also meet all of the requirements detailed in the definitions found in subsection 910. Placement of more than two certified mobile homes on a single lot at a density of greater than one (1) unit per one (1) acre shall be considered a mobile home park and shall require application and approval of the Lincoln County Planning Commission as provided herein.
2. Certified mobile homes may be used as temporary offices of construction companies on or near a construction site with the approval of the building inspector.
3. All certified mobile homes used as dwellings are to be placed on fixed permanent foundations with the wheels or mobile parts removed, and they are to be considered as real estate in accordance with Kentucky Revised Statutes 132.750.
4. An existing manufactured/mobile home that has been "grandfathered in" at a density greater than one and less than three may be replaced with a newer manufactured/mobile home contingent upon approval from the Lincoln County Health Department for septic tank approval. (Amended 1<sup>st</sup> 12-14-2004 & 2<sup>nd</sup> 01-11-2005.)

**930 Mobile Home Parks and Recreational Vehicle Parks**

1. Mobile Home Parks

a. Definition

A mobile home park is a parcel of land on which two (2) or more manufactured or mobile homes are occupied as residences. It is further defined as a residential area in which such manufactured/mobile home lots are rented for use as sites for manufactured and/or mobile homes for residential use along with other uses permitted herein. Ownership of all land in a mobile home park shall be maintained by the developer, his heirs, successors or assigns. No lots shall be severed and sold from the mobile home park. No lot shall be occupied by more than one manufactured or mobile home unless it complies with all requirements for a manufactured or mobile home park, except as permitted in Section 920 (1) of this Article. All manufactured or mobile home parks shall consist of a minimum of five (5) acres.

b. Basic requirements

- i. Mobile home parks shall comply with the regulations of the Kentucky Mobile Home and Recreational Vehicle Park Law, as set forth in Chapter 219 of the Kentucky Revised Statutes.

- ii. All mobile home parks shall abut upon an arterial or collector thoroughfare.
- iii. No mobile home park shall be located on less than five (5) acres of land.
- iv. ~~delete (amended 1<sup>st</sup> 8-9-2006 & 2<sup>nd</sup> 9-12-2006)~~
- v. No person shall operate a park without having first obtained a permit, as provided for in KRS 219.310 to 219.410.
- vi. An application for a permit to construct a mobile home park shall be submitted to the Planning and Zoning Commission and shall contain the same information as that submitted to the Kentucky State Bureau for Health Services. In addition, the following information shall be presented to the Commission:
  - A vicinity map showing the proposed location of the park in relation to major streets or highways.
  - A detailed description of the method proposed for disposal of storm drainage and/or drainage detention.
  - Proof of receipt of KRS 219 Mobile Home Park Permit.

c. Construction Plan Submission

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

- i. A map showing the topography of the proposed site at not more than five (5) foot intervals.
- ii. A site plan showing all existing facilities and proposed facilities, as follows:
  - The area and dimensions of the tract of land to be developed.
  - The number, location and size of all lots for certified mobile homes.
  - A detailed drawing of the foundation for the placement of certified mobile homes within the mobile home park. All certified mobile homes shall be installed as per Section 940 of this Ordinance.
  - The location and width of roadways, driveways and walkways; the number, location and size of all off-street automobile parking spaces (see supplementary provisions below).
  - The location of parking, street lighting and electrical systems; detail drawings of approved public water supply system; detail drawings of sewage disposal facilities if other than a public sewage disposal system is to be used; the location and size of all existing or proposed water and sewer lines, vents and riser pipes.
  - A separate floor plan of all buildings and other improvements either existing or proposed.
  - Size and location of playground and other public areas to be provided within the park.

d. Location and General Layout

- i. Every certified mobile home and mobile home park shall be located on a well-drained area, not subject to flooding, and the premises shall be properly graded so as to prevent the accumulation of storm or other waters.

- ii. Each mobile home or lot shall be numbered and displayed in some systematic order, both on the plan and on the site.
- iii. Each mobile home lot shall contain a minimum of 6,000 sq.ft. on public sewer.
- iv. Each certified mobile home shall contain at least 320 square feet of floor area and comply with Section 920 of this Ordinance.
- v. All mobile homes shall be located at least 50 feet from any park boundary line abutting a public street or highway, and at least 20 feet from other park property boundary lines.
- vi. All lots shall abut upon a park street. For a two-way street, the minimum paved width shall be 22 feet with no parking allowed on either side. If parking is permitted on one side, the paved width shall be 32 feet; and if parking is permitted on both sides, the minimum paved width shall be 42 feet. The minimum right-of-way for a two-way street shall be 50 feet, and 40 feet for a one-way street. Park driveways and walkways shall be of all-weather paved construction, maintained in good condition, and have natural drainage, and shall be maintained free of holes. All roads shall comply with the Subdivision Regulations or County Road Ordinance, whichever is more restrictive.
- vii. The area provided for the placement of the mobile home shall be improved to provide a base for a permanent, fixed foundation for the placement of each mobile home. The foundation shall be constructed in such a manner that it will not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, or other forces acting on the mobile home. All mobile homes shall be equipped with tie-downs as recommended by the Manufactured Housing Association, and shall be required to use them. Placement of all certified mobile homes shall comply with Section 940 of this Ordinance.
- viii. Each mobile home lot shall be provided with a sewer and water connection approved by the County Health Officer.
- ix. The minimum frontage shall be 60'.
- x. A 20' setback shall be around each mobile home lot.
- xi. A 50' setback shall be provided from all public rights-of-way.
- xii. Mobile home subdivisions are not allowed; mobile home parks may be land-lease subdivisions, but may not record individual lots for sale.

e. Utility Systems

i. Water Supply

All mobile home parks shall be connected to an approved public water supply.

The water supply shall be capable of supplying a minimum of 150 gallons per day per mobile home.

Water distribution and connections shall comply with the State Plumbing Code.

ii. Sewage and Waste Disposal

All sewage shall be disposed of into a public sewage treatment system.

The sewer service connection between the mobile home and the sewer opening shall have a nominal inside diameter of at least three inches, with a slope of at least one-quarter inch per foot. All joints shall be watertight.

All materials used for sewer connections shall be semi-rigid, corrosion resistant, non-absorbent and durable. The inner surface shall be smooth.

The sewer outlet shall be capped when not in use.

The mobile home park waste systems and connections shall comply with the State Plumbing Code.

iii. Refuse Handling

The permit holder shall be responsible for the storage and disposing of refuse and shall conduct same so as to create no health hazards, rodent harborage, insect breeding areas, accidents or fire hazards, or air pollution.

iv. Electrical Distribution System

Every mobile home park shall contain an electrical wiring system, consisting of wiring, fixtures, equipment and appurtenances which shall be installed in accordance with local and state codes and regulations governing systems of like nature.

f. Responsibilities of Permit Holder:

The person to whom a permit is issued for a mobile home park shall operate the park in compliance with this ordinance and KRS 219, and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair, and in a clean and sanitary condition.

The park management shall notify park occupants of all applicable provisions of this ordinance and KRS 219, and inform them of their duties and responsibilities under this ordinance.

The park management shall be responsible for the proper placement of each certified mobile home in accordance with Section 940 of this Ordinance. This includes placing it upon a firm, fixed foundation, securing its stability with an approved anchoring system and installing all utility connections.

g. Supplementary Provisions and Regulations:

The Commission may impose such other conditions as it deems necessary to ensure that the mobile home park will not adversely affect the public health, safety or general welfare.

The developer in designing the park and the Commission in reviewing the park proposal shall give special attention to ensuring that the park is compatible with existing and planned land use and with circulation patterns of adjoining properties.

All development plans shall include a landscape plan

Sidewalks shall be required on one (1) side of the proposed street

Off-street parking shall be provided according to the following requirements:

\* 2 spaces for each mobile home lot;

\* 1 space for each full-time park employee;

\* 1 space for each 400 square feet of gross floor area for any structure used for office, recreational or cultural activities;

\* 1 space for each 4 mobile home lots for use by guests;

\* 2 parking spaces required for each certified mobile home should be located on the mobile home lot; all other required spaces should be located in bays convenient to facilities.

h. Existing Parks

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

2. Recreational Vehicle Parks

a. Definition

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

b. Basic Requirements

i. Size:

The minimum size of a recreational vehicle park shall be not less than five (5) acres. (amended 1<sup>st</sup> 8-9-2006 & 2<sup>nd</sup> 9-12-2006)

ii. Density:

Minimum lot area per recreational vehicle space shall be not less than 2,500 square feet and not more than 18 spaces per gross acre, except that 20% of the lots may be as small as 1,200 square feet in area, but these may be used by tent campers only. Each tent camper lot must be provided with a water spigot and drain, an electrical outlet and a covered garbage receptacle.

iii. Location:

Recreational vehicle parks shall be located adjacent to and have access to a major thoroughfare or collector street. There shall be no entrance or exit from or onto a minor street.

c. Zoning

Recreational vehicle parks may be permitted as a conditional use in the A-1 district provided they meet the following criteria, and provided further that they are approved by the Commission:

That the proposed park will contribute to the welfare and convenience of the traveling public seeking this type of accommodations.

That the park will not be detrimental to the health, safety or general welfare of persons who live in the adjacent areas.

That the park will comply with all county, state or federal regulations. Documentation of such compliance shall be required of applicants for recreational vehicle park construction permits.

That the park will comply with all adopted plans (prepared by or for governmental agencies) for the neighborhood or community.



d. Compliance with State Standards

Recreational vehicle parks shall comply with all requirements and standards as stated in the Mobile Home and Recreational Vehicle Act of 1972, KRS 219.310 to 219.410. Documentation of such compliance shall be required of applicants for recreational vehicle park construction permits.

e. Existing Recreational Vehicle Parks

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

**940 Manufactured/Certified Mobile Home Installation Requirements**

1. Installation Standards

a. Permanent Perimeter Enclosure

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

b. Foundation Siding/Skirting

All manufactured or certified mobile homes not requiring a permanent perimeter enclosure shall have an approved foundation siding/skirting enclosing the entire perimeter of the home. Foundation siding/skirting and back-up framing shall be weather-resistant, non-combustible or self-extinguishing materials, which blend with the exterior siding of the home. Below grade level and for a minimum distance of six (6) inches above finish grade, the materials shall be unaffected by decay or oxidation. The siding shall be installed in accordance with manufacturer's recommendations or approved equal standards.

The siding shall be ventilated by openings, which shall have a net area of not less than one (1) square foot for each one-hundred fifty (150) linear feet of exterior perimeter. The openings shall be covered with corrosion resistant wire mesh not larger than one half (1/2) inch in any dimension. The underfloor area shall be provided with an eighteen (18) inch by twenty-four (24) inch minimum size access crawl hole, which shall not be blocked by pipes, ducts, or other construction interfering with the accessibility of the underfloor space, or other approved access mechanism.

2. Support System

All HUD-Code Manufactured Home load-bearing foundations shall be installed in conformance with ANSI and with the manufacturer's installation specifications.

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

### 3. Location Permits

(NOTE: These replace the building permit requirement.)

#### a. Requirements

Prior to the location, relocation or establishment of any manufactured or certified mobile home, the homeowner or authorized representative shall secure from the appropriate Administrative/Enforcement Officer a Location Permit, which states that the building and its location conform with the Comprehensive Plan. Each application for a Location Permit shall be accompanied by:

- i. those plot plans as required for all dwelling units, but which at a minimum include elevations or photographs of all sides of the home, exterior dimensions, roof materials, foundation siding or permanent perimeter enclosure treatment, foundation siding or perimeter retaining wall treatment, foundation construction and materials, exterior finishes & the like;
- ii. health department approval for any sewage disposal or water supply, where applicable;
- iii. mobile home park permit approval, where applicable;
- iv. a copy of the approved instructions, which will be used for installation purposes, where applicable;
- v. such other information, as may be required by the Administrative/Enforcement Officer for proper enforcement of this ordinance; and
- vi. an agreement signed by the homeowner or authorized representative pledging compliance with the terms set by the Planning Commission in the Location Permit.

#### b. Issuance of Permit

After receipt of the information required for a Location Permit, the Administrative/Enforcement Officer shall review the standards set in this ordinance. If the applicant has met all required standards, then within three (3) working days the Location Permit shall be issued by the Administrative/Enforcement Officer.

#### c. Additional Action Necessary

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

#### d. Denial of Permit

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

#### 4. Failure to Obtain Required Permits

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

(Amended 1<sup>st</sup> 11-15-2004 & 2<sup>nd</sup> 12-14-2004)

The retailer/seller/installer shall not install any manufactured/mobile homes in the boundaries of Lincoln County without first obtaining the Installation Permit number that will be issued from the office of the Administrative/Enforcement Officer or the Lincoln County Construction Department. This number may be obtained from the Buyer or by contacting the appropriate office and will insure approval.

If a manufactured/mobile home is purchased by an individual from another individual, it will be the responsibility of the Buyer to secure the Installation Permit prior to the relocation of the manufactured/mobil home.

Any entity in violation of this section will be subject to the penalties set forth herein.

### **950 Temporary Use of Manufactured or Certified Mobile Homes**

#### 1. Circumstances for Permit Issuance

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

- a. to an applicant to use a manufactured or certified mobile home as a caretaker's quarters or construction office at a job site in business and industrial zones only, and
- b. to an applicant in an A-1 district with a minimum of 1 acre who is in the process of building a conventional dwelling for the purpose of using the mobile home as a temporary dwelling for a maximum of 1 calendar year during the course of construction of the dwelling; such permit shall be void after one year or upon issuance of a Certificate of Occupancy; such mobile home shall be removed from the property within thirty days of the permit becoming void.

#### 2. Length of Permit

A temporary use permit may be issued, at the discretion of the Administrative/Enforcement Officer, for a period not to exceed one (1) year. The temporary permit may be renewed for additional six (6) month periods upon showing of good cause, and with permission to do so. However, at the discretion of the Administrative/Enforcement Officer, a temporary use permit may be issued to an applicant for a health or age related circumstance for a period coterminous with the health or age related circumstance.

#### 3. Permit Expiration

At the time the temporary permit expires, the manufactured or certified mobile home and all appurtenances shall be removed from the property within thirty (30) days.

#### 4. Utility Requirements

Manufactured or certified mobile homes used for temporary uses shall have an approved water supply, sewage disposal system, and utility connections, where appropriate.

5. Permit Fee

A temporary use permit shall be issued by the Administrative/Enforcement Officer. The fee shall be twenty-five dollars (\$25.00) and is in addition to all other required permits for utilities and sewage disposal systems.

**960 Penalty for Violation**

1. Failure to Comply

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

2. Subject to Removal

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

3. Removal Method

The Administrative/Enforcement Officer may institute a suit in an appropriate court for injunctive relief to cause such violation to be prevented, abated or removed.

# ARTICLE X

## OFF-STREET PARKING AND LOADING

### 1000 Existing Parking Spaces

No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this ordinance. Existing off-street parking provided for any building or use at the time of adoption of this Ordinance shall not thereafter be reduced if such reduction results in parking area less than that required by this Ordinance. Any existing building or use not provided with conforming parking space shall be provided with off-street parking space in conformance with this Ordinance at the time of any structural alteration of the building, expansion of the use, or change in the use.

### 1010 Required Off-Street Parking Spaces

No building shall be erected, substantially altered, nor any new use of the land initiated without sufficient off-street parking space on the premises so that no additional automobile parking on any street will result from the normal activity. If the off-street parking capacity is exceeded and street parking is generated more often than six times during a six-month period, this shall be considered as resulting from normal activity, and additional off-street parking shall be provided. The Board of Adjustment shall interpret the amount of parking space required for any building or use, assisted by the following standards, whenever the Administrative/Enforcement Officer is unable to apply the following standards literally or determines a parking space deficiency according to the standard above. In either case, he shall apply to the Board for an original interpretation.

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

## 1020 Parking Space Dimensions and Setbacks

A parking space shall have minimum rectangular dimensions as follows:

<u>Type of Parking</u>	<u>Width (feet)</u>	<u>Length (feet)</u>
ninety degree	9.5	19
parallel	9.5	23
sixty degree	10	19
forty-five degree	12	19

All dimensions shall be exclusive of driveways, aisles, and other circulation areas. No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital, or other institution for human care on an adjacent lot unless separated by an acceptably design screen. No parking area may be located in the front yard area of any single family residence. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right-of-way.

## 1030 Off-Street Parking Standards

The following standards comprise the minimum off-street parking requirements for the several common types of building and uses listed:

- A. Dwellings: Two (2) parking spaces per dwelling unit.
- B. Motels, Hotels: One parking space per sleeping room plus one space for each two employees.
- C. Indoor Retail Businesses: One parking space for each 250 square feet of commercial floor area plus one space for every vehicle operated by the business.
- D. Finance, Insurance, and Professional Offices: One parking space per 300 square feet of floor area used to conduct the business, up to 6,000 square feet; one parking space for each 1,500 square feet of floor area in excess of 6,000 square feet.
- E. Industrial: One parking space for every two employees at maximum employment on a single shift plus one space for every vehicle operated by the plant.
- F. Places for public assembly, institutions, and recreational facilities: One parking space for every five person based on maximum capacity.
- G. Additional parking standards: The Board of Adjustment may alter the standards listed above when necessary to conform with Section 1010 and shall use similar criteria of floor area, employment, or capacity to interpret standards for buildings and uses not specifically listed above.

## 1040 Off-Street Loading and Unloading Space Regulations for Trucks

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

A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than fifteen (15) feet. Off-street loading spaces shall be provided and maintained on the same lot for every principle use requiring delivery of goods. One such loading space shall be required for a principle use of up to 5,000 square feet; one additional loading space shall be required for each additional 10,000 square feet or fraction thereof.

## **1050 Additional Parking, Loading, and Unloading Regulations**

### **A. Arrangement of required off-street parking space:**

Off-street parking space requirements for any apartments, dormitories, or any similar attached dwelling uses shall be located not more than three hundred (300) feet from the principle use they serve and may be detached therefrom.

Off-street parking space requirements for any commercial, industrial, or institutional uses shall be located not more than seven hundred (700) feet from the principle use they serve and may be detached therefrom. Such required parking spaces may be consolidated into a large parking area serving other buildings and uses if approved by the Board of Adjustment. The Administrative/Enforcement Officer shall apply to the Board for an original interpretation when building permits are requested in such cases.

Parking spaces for all detached single family residences shall be located on the same lot as the use which they are intended to serve.

The Board may not authorize the total amount of parking space required for all buildings and uses to be diminished except as follows. If a consolidated parking area serves buildings or uses which do not generate automobile parking at the same times (i.e.: churches and stores), total parking space may be diminished to the maximum required by those buildings and uses which do generate the parking of automobiles at the same time.

### **B. Proof of availability:**

The Board of Adjustment may require a plat, deed, and any other proof necessary to show that required parking space, if located off the premises it serves, is controlled by and available to the applicant for a building permit.

### **C. Surfacing of parking, loading, unloading and vehicular access areas:**

All areas utilized for parking, loading, unloading and/or the access thereto, including all driveways, aisles, and other circulation areas, shall be surfaced with an acceptable impervious material to provide a durable and dust-free surface. This requirement shall be enforced in all zones.

### **D. Drainage for parking, loading, unloading and vehicular access areas:**

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

### **E. Maintenance of parking, loading, unloading and vehicular access areas:**

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash and other debris.

F. Lighting of parking, loading, unloading and vehicular access areas:

Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lighting devices used to illuminate a parking area shall be placed or directed so as to permit the beams or illumination to be directed or beamed away from a public street, highway, sidewalk, or adjacent premises so as to minimize glare or reflection that may constitute a traffic hazard or nuisance.

G. Screening and/or landscaping of parking, loading, unloading and vehicular access areas:

Whenever a parking area is located in or adjacent to a residential district, it shall be effectively screened on all sides which adjoin or face any property used for residential purposes by an acceptably designed wall, fence, or planting screen. Such fence, wall, or planting screen shall not be less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition. The space between such fence, wall, or planting screen and the lot line of the adjoining property in any residential district shall be landscaped with grass, shrubs, or evergreen ground cover, and maintained in good condition. In the event that the terrain or other natural features are such that the erection of such fence, wall, or planting screen will not serve its intended purpose, then no such fence, wall or planting screen shall be required.

H. Access and Aisle Requirements:

All parking areas shall be designed in such a manner that any vehicle entering or exiting from or onto a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or exiting such lot shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access from a public or private street.

The exits and entrances to the parking area shall be clearly marked. The minimum width of aisles providing interior vehicular circulation to individual parking spaces shall be as specified below. Only one-way traffic shall be permitted in aisles serving single-row parking spaces at any angle other than ninety degrees.

<u>Parking Angle</u>	<u>Aisle width (feet)</u>
parallel	13
30 degree	13
45 degree	13
60 degree	18
90 degree	24
two-way	24

Parking areas having more than one aisle or driveway shall have directional signs or markings in each aisle or driveway.

I. Striping Requirements:

All parking areas with a capacity of over twelve (12) vehicles shall be striped with double lines six (6) inches both sides of center between stalls to facilitate movement into and out of parking stalls.



J. Wheel Blocks:

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

K. Disabled Vehicles:

The parking of a disabled vehicle without current license tags within a residential or commercial district for a period of more than two (2) weeks shall be prohibited, unless such vehicle is stored in a garage or other accessory building.

**1060 Parking, Storage, Or Use of Major Recreational Equipment**

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building or in the required off-street parking area so long as it does not extend beyond the building setback line. However, such equipment may be parked anywhere on residential premises for a period not to exceed 24 hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

**1080 Local Ordinances**

Nothing in this Article shall be construed to be in conflict with any other city or county ordinances regarding the parking of vehicles on city streets or county roads or regarding abandoned vehicles and/or nuisance ordinances.

# ARTICLE XI

## SIGNS AND BILLBOARDS

### 1100 Intent

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

### 1110 General Sign Regulations

#### 1. Billboards

For the purpose of this ordinance, billboards shall be defined as a freestanding sign advertising a business, commodity, service, activity, or entertainment not taking place on the premises upon which the billboard is located.

#### 2. Signs

##### a. Setbacks

All signs, unless other wise specified in this ordinance, shall be set back from the established right-of-way of any road or highway at least as far as three-quarters of the required front yard depth for the principal building in the zone in which it is located. Signs in commercial/professional office zone cannot be closer than ten feet from the right of way. (amended 1<sup>st</sup> 1-22-2008 & 2<sup>nd</sup> 2-12-2008)

##### b. Real Estate Signs (Amended to add this paragraph 1<sup>st</sup> 8-10-2004 & 9-14-2004)

No sign, other than real estate signs advertising the sale, rental or leasing of the premises, shall be permitted in any residential zone except as provided in Section 1120. Said real estate signs shall not exceed two feet by three feet (2'x3') in area, with the exception of the sign at the sale site which shall not exceed four feet by six feet (4'x6'); said signs shall be displayed at least ten (10) feet from all lot lines.

##### c. Projecting Signs

No projecting sign shall be erected or maintained from the front or face of any building for a distance greater than two feet, including those projecting from the face of any theater, hotel, or motel marquee. No sign shall be placed on the roof of any building. Awnings shall be construed as part of the building to which they are attached and a sign may be mounted flush thereto.

d. Banners and Pennants

No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices.

e. Window Signs

No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape nor shall any sign be erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than twenty (20) percent of any window surface.

f. Wall Signs

No building wall shall be used for display of advertising except that pertaining to the use carried on within such building.

3. Illuminated Signs

Any illuminated sign or lighting device shall employ only light emitting a constant intensity. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams or illumination to be directed or beamed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance nor shall any sign be erected or maintained which would involve lighting or motion resembling traffic or directional signals or warnings or display words such as "stop" or "danger".

All wiring, fittings, and materials used in construction, connection, and operation of the electrically illuminated signs shall be in accordance with the provisions of the National Electric Code or the local electric code in effect.

4. Temporary Signs

All temporary signs must be set back a minimum of 10 feet from the edge of the pavement and may not be located in any public right-of-way. Political and yard sale signs shall not exceed four feet by eight feet (4' x 8') in size and must abide by all regulations regarding visibility at intersections in Section 870 of this Ordinance. Under no circumstances shall political or yard sale signs be posted on utility poles. All violations of these requirements will be penalized as per Section 340 of this Zoning Ordinance.

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

5. Government Signs

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

## 6. Sign Area

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

## 7. Lack of Conflict

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

## **1120 Residential Districts**

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

1. Signs pertaining to the lease or sale of a building or land may be erected temporarily as provided in Section 1110(2) of this Ordinance.
2. Temporary signs, for one year, may be erected to advertise a new subdivision of five (5) or more lots, provided that the sign is no larger than forty (40) square feet in area, is not internally illuminated, advertises only the subdivision in which it is located and is erected only at a dedicated street entrance. Permanent signs for the same purpose and with the same other restrictions are additionally limited to a size no greater than twenty (20) square feet in area.
3. One non-illuminated sign may be erected in conjunction with the construction of a building to identify the owner, architect, engineer, contractor and others instrumental in the construction of the building provided that such sign is not more than twelve (12) square feet in area, no more than ten (10) feet above the ground, and is removed within thirty (30) days of receiving the Certificate of Occupancy.
4. One identifying sign of not more than fifteen (15) square feet in area may be erected for churches and/or other places of worship, libraries, schools, parks, hospitals for human care, social clubs, societies, and other public facilities of a similar nature. Such sign shall be solely for the purpose of displaying the name of the institution and its activities or services and shall be located on the premises of such institution. It may be illuminated but shall not be flashing. Such sign shall be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign does not obstruct traffic visibility at street or highway intersections.
5. Directional signs, not exceeding two (2) square feet in area shall be permitted only on major thoroughfare approaches to institutions listed in (4) above. No such signs shall be permitted on minor residential streets.
6. One (1) indirectly lighted name plate sign for a dwelling group of four (4) or more dwellings not exceeding two feet by three feet (2'x3') in area. Such signs may indicate only the names of the buildings or of the occupant of the buildings.
7. Accessory uses for home occupations as specified in the definitions of this Ordinance and in Section 661 shall permit one (1) non-illuminated name plate/sign not over two (2) square feet in area mounted flat against the outside wall of the main or accessory building.
8. Freestanding signs shall not exceed a height of twenty-five (25) feet.

### **1130 Commercial/Professional Office District**

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

1. Each business shall be entitled to have one sign which is mounted flush against a building. The depth of such a sign from a face to the building shall not exceed two (2) feet. The area of such a flush mount sign shall be limited to a total surface area equivalent to 1 1/2 square feet of sign area for each lineal foot of building width occupied by such enterprise. In the event that the area shall exceed 50 square feet, then an additional application must be made and approved by the Lincoln County/Cedar Creek Planning Commission. Awnings shall be construed as part of the building to which they are attached and a sign may be mounted flush thereto.

2. Additionally, one (1) free-standing sign structure shall be permitted for each lot of one hundred (100) foot frontage or less and one (1) additional structure for each additional one hundred (100) feet of lot frontage. Any such freestanding sign structures in a C/PO District shall be no more than 72 square feet in area nor shall two or more smaller signs be so arranged and integrated as to create a single sign in excess of 72 square feet.

The dimensions of any two-faced or multi-sided sign must be determined by measuring the surface area on one side of the sign. Free standing signs shall not exceed a height of fifty (50) feet in the C/PO District.

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

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

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

4. Real estate signs advertising the sale, rental or leasing of the premises, shall be permitted in any business zone provided that such signs shall not exceed four feet by three feet (4'x3') in area and shall be displayed at least ten (10) feet from all lot lines.

### **1140 Industrial District**

1. All signs permitted in business districts are also permitted in the I-1 District and subject to the requirements thereof.

2. One (1) sign structure for identification and direction purposes may be erected at access points to public streets provided that such signs are no larger than fifty (50) square feet in area.

3. Free standing sign structures shall not exceed a height of thirty (30) feet.

### **1150 Maintenance**

Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Administrative Official, proceed at once to put such a sign in a safe and secure condition, or remove the sign.

## **1160 Violations**

In any case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Ordinance, the Administrative/Enforcement Officer shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this ordinance. Failure to comply with any of the provisions of this Article shall be deemed a violation, and shall be punishable under Section 340 of this Ordinance.

# ARTICLE XII

## PLANNED UNIT DEVELOPMENTS

### **1200 Objectives for Planned Unit Developments**

It shall be the policy of Lincoln County to promote progressive development of land and construction thereon by encouraging planned unit developments (P.U.D.s) to achieve a maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, building setbacks, and area requirements; a more useful pattern of open space and recreation areas, and if permitted as part of the project, more convenience in location of accessory commercial uses and services; a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents disruption of natural drainage patterns; a more efficient use of land that is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets; and a development pattern in harmony with land use density and community facilities objectives. All Planned Unit Development projects shall be subject to the following regulations.

The County area also prepared to accept a greater population density in undeveloped areas than that reflected by proposed land uses in the Comprehensive Plan provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

### **1210 Provisions Governing Planned Unit Developments**

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

### **1220 Uses Permitted**

Compatible residential, commercial, industrial, public, and quasi-public uses may be combined in P.U.D. areas provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare. Lot area and other yard requirements of the residential districts established in Article VI shall apply except as modified in Section 1260.

### **1230 Project Ownership**

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

## **1240 Common Open Space and Disposition Thereof**

A minimum of twenty (20) percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The required amount of common open space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the County and retained as common open space for parks, recreation, and related uses. All land dedicated to the County must meet the Planning Commission's requirements as to size, shape, and location. Public utility and similar easements and right-of-ways, for water courses and other similar channels are not acceptable for common open space dedication to the County unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Planning Commission. The responsibility for the maintenance of all open spaced shall be specified by the developer before approval of the final development plan.

## **1241 Maintenance Within Right-of-Ways**

Fiscal court will not be responsible for any landscaping within dedicated right-of-ways, including, but not limited to, landscaped islands, entrances, trees, and turf.

## **1250 Utility Requirements**

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

## **1260 Minimum Project Area**

The gross area of a tract of land to be developed in a planned unit development district shall be a minimum of ten (10) acres, provided however, that smaller parcels may be considered on the basis of their potential to satisfy the objectives of this Article as stated in Section 1200.

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

### **A. Minimum Lot Sizes**

Lot area per dwelling unit may be reduced by not more than forty (40) percent of the minimum lot area required in the District Regulations in Article VI on sanitary sewer. A planned unit development need not conform to the density requirements of Article VI on sanitary sewer. A diversification of lot sizes is encouraged on sanitary sewer.

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

### **B. Height Requirements**



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

#### C. Parking

Off-street parking, loading, and service areas shall be provided in accordance with Article X of this Ordinance. However, off-street parking and loading areas shall not be permitted within fifteen (15) feet of any residential use and shall be screened with fence or vegetation approved by the Planning Commission.

#### D. Perimeter Yards

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

#### E. Lots to Abut Upon Common Open Space

Every property developed under the planned unit development approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged. In areas where town houses are used, there shall be no more than eight (8) town house units in any contiguous group.

### **1270 Procedure for Application and Approval of Planned Unit Developments**

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

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

A building permit shall be required for each building in accordance with Article III of this Ordinance. Approval of a planned unit development shall expire if no substantial work on the site has begun within six months of original approval or if the project is abandoned for more than twenty-four consecutive months. Abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved planned unit development plat. All approved planned unit development plats shall be recorded with a Certificate of Land Use Restriction in the County Clerk's office per KRS 100.3681.

# ARTICLE XIII

## DEVELOPMENT PLANS

### 1300 General

This section sets forth the content and procedure for submission, review, and approval of all development plans called for by the Planning Commission. The Commission shall require the submission and approval of a preliminary and/or final development plan for all zone map amendments; provided that the Commission may allow preliminary and final subdivision plats to be submitted in lieu of the development plan as appropriate for Residential Zones. The Commission shall require the submission and approval of a preliminary and/or a final development plan for all proposed developments. Decisions shall be based upon findings that there are existing or potential flood, drainage, traffic, topographic, or other similar problems relating to the development of the subject property that could have an adverse effect on existing or future development of the subject property in the vicinity. A development that is proposed to be developed in phases will require the submission of an overall conceptual development plan for the entire proposal which shall accompany the preliminary and final detailed development plan for each phase. Approved Development Plans shall be a covenant running with the parcel.

### 1310 **Conceptual Development Plans Required** (amended 1<sup>st</sup> 4-11-2006 & 2<sup>nd</sup> 5-9-06)

**Conceptual** development plans shall be submitted to the Planning Commission and shall then contain all information required by Section 1330 below. A public hearing on a zone map amendment shall not be closed until the preliminary development plan has been submitted to the Commission and recommended for approval or disapproval. If the **conceptual** development plan is disapproved or if the Commission fails to approve or disapprove the plan and the map amendment is subsequently approved by Fiscal Court, the Commission shall approve a development plan for the subject property which shall be the final development plan.

### 1320 **Final Development Plans Required**

Final Development Plans required herein shall be submitted within two (2) years of the approval of the **previously approved conceptual** Development Plans and the Commission shall approve a final development plan for the subject property with such conditions as are found necessary to comply with the provisions of this Ordinance, if any, within ninety (90) days after the applicant has submitted a complete Final Development Plan. **Preliminary and final development plans may be combined into one submission, provided that all information required in sections 1330 and 1340 is submitted. This option should only be exercised when no new infrastructure will be required.** (amended 1<sup>st</sup> 4-11-2006 & 2<sup>nd</sup> 5-9-2006)

### 1325 **Contents of a Conceptual Development Plans** (amended 1<sup>st</sup> 4-11-2006 & 2<sup>nd</sup> 5-9-2006)

1. **Vicinity sketch showing the proposed development and surrounding land;**
2. **Topography with contour interval of five (5) feet or less.**

3. Lengths of perimeter property boundary lines; distance from one corner to a reference point.
4. Site suitability: location of significant existing natural features, such as streams, water bodies, floodplains, sinkholes, wetlands, treestands, vegetation (type), steep slopes, and soil capacity.
5. Location of significant existing, cultural, or built features, such as historic structures such as rock fences, cemeteries railroads, bridges, viewsheds, etc.
6. General location of proposed streets, points of ingress and egress. Show proposed circulation patterns for vehicles, pedestrians, or bicycles within the development and adjoining area; general location and size of buildings, if not single-family residence, approximate anticipated trip generations.
7. Location of existing utilities and proposed methods of service for and sanitary sewer.

### **1330 Contents of Preliminary Development Plan**

The Planning Commission may require any or all of the following items to be included in the development plan.

1. Vicinity sketch;
2. Topography with contour interval of five (5) feet or less;
3. Location, arrangement, and approximate dimensions of existing and proposed driveways, streets, sidewalks, parking areas, and layout of spaces, points of ingress and egress, and other vehicular and pedestrian rights-of-way;
4. Screening, landscaping, buffering, recreational, and other open space areas;
5. Approximate size, location, height, floor area, building area, arrangement and proposed use of existing buildings and signs;
6. Proposed design of storm drainage areas and facilities;
7. Proposed and existing easements.
8. Traffic impact study.

### **1340 Contents of Final Development Plan**

1. Vicinity sketch;
2. Topography with contour interval of two (2) feet or less;
3. Boundary features such as bearings and dimensions of all property lines;
4. Size, location, height, floor area, building area, and arrangement of proposed and existing buildings and signs;
5. Screening, landscaping, buffering, recreational and other open space areas showing dimensions of and materials of fences, planting, buffer and other open areas;

6. Location, arrangement, and dimensions of existing and proposed driveways, streets and street cross section drawings, sidewalks, parking areas including a number of off-street parking spaces, points of ingress-egress, off-street loading areas and other vehicular and pedestrian rights-of-way;
7. Utilities information on existing and proposed water, gas, electric, telephone, and sewer lines, including location of easements, size of lines and location of appurtenances;
8. Location, dimension, and design details for proposed storm drainage areas and facilities;
9. Location and dimensions of other existing or proposed easements; and
10. Statistical summary of above items.

### **1350 Approval of Development Plan Before Building Permit**

When the Planning Commission has required a development plan to be submitted no building permit shall be issued until the final development plan is approved by the Commission and a copy of said plan is certified by the Chairman and Secretary of the Commission. The approval of the final development plan shall limit and control the issuance of all building permits, and restrict the construction, location and use of all land and structures to the conditions set forth in the plan.

### **1360 Amendments to Development Plan**

Amendments to approved development plans can be made only by official Planning Commission action.

# ARTICLE XIV

## COMMUNICATIONS TOWERS

Amended to add this section (1<sup>st</sup> 8-10-2004 & 9-14-2004)

### 1410 Purpose

The purposes of these regulations are: (1) to provide for the safest and most efficient integration of cellular antenna towers for cellular telecommunications services or personal communications services within the community; (2) to provide for such facilities in coordination with the recommendations of the comprehensive plan; and (3) to allow for such facilities with the intention of furthering the public health, safety, and general welfare.

### 1420 Pre-application Conference

Applicants are encouraged to notify the Planning Commission to discuss proposals, allow for early coordination and to identify those items which are in conformance/nonconformance with the adopted *Comprehensive Plan, Zoning Ordinance*, and the provisions of these regulations.

### 1420 Definitions

For the purposes of this section, the following definitions shall apply:

1. *Cellular Antenna Tower*

A tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services; **except towers constructed or adapted exclusively for internet services. Applications and all inspections for towers constructed or adapted for internet services shall be made through and by the Lincoln County Fiscal Court. \* amended 8-2011**

2. *Cellular Telecommunication Service*

A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

3. *Co-location*

Locating two (2) or more transmission antennas or related equipment on the same cellular antenna tower or other applicable structure.

4. *Development Plan*

A presentation in the form of sketches, maps and drawings (plans and profiles) of a proposed use and/or structure by the owner or developer of the land which sets forth in detail the intended development, according to the standards and procedures in these regulations.

5. *Planning Commission*

The Lincoln County/Cedar Creek Planning Commission.

6. *Personal Communications Service*

The meaning as defined in 47 U.S.C. sec. 332(c).

7. *Uniform Application*

An application to construct a cellular antenna tower submitted to a planning commission in conformity with KRS 100.9865 and KRS 100.987.

8. *Utility*

The meaning as defined in KRS 278.010(3).

9. *Antennas or Related Equipment*

Transmitting, receiving, or other equipment used to support cellular telecommunications service or personal communications service. This definition does not include towers.

### **1430 General**

Cellular antenna towers for cellular telecommunications services or personal communications services may be allowed in any zone after review by the Planning Commission in accordance with the following procedures to ascertain agreement with the adopted *Comprehensive Plan* and the regulations contained within the *Zoning Ordinance*.

### **1440 Applicability**

Every utility, or a company that is engaged in the business of providing the required infrastructure to a utility, that proposes to construct an antenna tower for cellular telecommunications services or personal communications services shall submit a completed uniform application to the planning commission. The Planning Commission shall not regulate the placement of antennas or related equipment on an existing structure (co-location).

### **1445 Application Procedure**

Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall include the following:

1. The full name and address of the applicant.
2. The applicant's articles of incorporation, if applicable.
3. A geotechnical investigation report, signed and sealed by a professional engineer registered in Kentucky, that includes boring logs and foundation design recommendations.
4. A written report, prepared by a professional engineer or land surveyor, of findings as to the proximity of the proposed site to flood hazard areas.
5. Clear directions from the City of Stanford to the proposed site, including highway numbers and street names, if applicable, with the telephone number of the person who prepared the directions.

6. The lease or sale agreement for the property on which the tower is proposed to be located, except that, if the agreement has been filed in abbreviated form with the Lincoln County Clerk, an applicant may file a copy of the agreement as recorded by the county clerk and, if applicable, the portion of the agreement that specifies, in the case of abandonment, a method that the utility will follow in dismantling and removing the proposed cellular antenna tower including a timetable for removal.

7. The identity and qualifications of each person directly responsible for the design and construction of the proposed tower.

8. A (site) development plan or survey, signed and sealed by a professional engineer registered in Kentucky, that shows the proposed location of the tower and all easements and existing structures within five hundred (500) feet of the proposed site on the property on which the tower will be located, and all easements and existing structures within two hundred (200) feet of the access drive, including the intersection with the public street system.

9. A vertical profile sketch of the tower, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas.

10. The tower and foundation design plans and a description of the standard according to which the tower was designed, signed, and sealed by a professional engineer registered in Kentucky.

11. A map, drawn to a scale no less than one (1) inch equals two hundred (200) feet, that identifies every structure and every owner of real estate within five hundred (500) feet of the proposed tower.

(a) Notified by certified mail, return receipt requested of the proposed construction which notice shall include a map of the location of the proposed construction.

(b) Given the telephone number and address of the local planning commission; and

(c) Informed of his or her right to participate in the planning commission's proceedings on the application.

13. A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners.

14. A statement that the chief executive officer of the appropriate and affected local government and the legislative body have been notified, in writing, of the proposed construction.

15. A copy of the notice sent to the chief executive officer of the appropriate and affected local government and the legislative body (see #14).

16. A statement that:

(a) a written notice, of durable material at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower on this site" and including the addresses and telephone numbers of the applicant and the planning commission, has been posted in a visible location on the proposed site; and

(b) a written notice, at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower near this site" and including the addresses and telephone numbers of the applicant and the planning commission, has been posted on the public road nearest the site.

17. A statement that notice of the location of the proposed construction has been published in a newspaper of general circulation in the county in which the construction is proposed.

18. A brief description of the character of the general area in which the tower is proposed to be constructed, which includes the existing land use and zoning for the specific property involved.

19. A statement that the applicant has considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided, and that there is no reasonably available opportunity to locate its antennas and related facilities on an existing structure (i.e., co-locate), including documentation of attempts to locate its antennas and related facilities on an existing structure, if any, with supporting radio frequency analysis, where applicable, and a statement indicating that the applicant attempted to locate its antennas and related facilities on a tower designed to host multiple wireless service providers' facilities or on an existing structure, such as a telecommunications tower or other suitable structure capable of supporting the applicant's antennas and related facilities.

20. A map of the area in which the tower is proposed to be located, that is drawn to scale, and that clearly depicts the necessary search area within which an antenna tower should, pursuant to radio frequency requirements, be located.

21. A grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes:

(a) all of the planning unit's jurisdiction; and

(b) a one-half (1/2) mile area outside of the boundaries of the planning unit's jurisdiction, if that area contains either existing or proposed construction sites for cellular antenna towers.

## **1450 Confidentiality of Information**

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

Any person violating this subsection shall be guilty of official misconduct in the second degree as provided under KRS 522.030. The confidentiality of the applications and any updates of the application can be waived by the written authorization of the applicant.



## 1460 Application Fee

An applicant for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall pay an application fee in the amount of \$1700 upon submission of a uniform application.<sup>1</sup> This fee includes review of the Planning Commission based upon the required development plan, review of the Planning Commission for grading and construction plans as defined by the *Subdivision Regulations*, review and permitting by the Building Department, and review and permitting by the Electrical Inspector's Office.

## 1470 Processing of Application

Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall be processed as follows:

1. At least one (1) public hearing on the proposal shall be held, at which hearing interested parties and citizens shall have the opportunity to be heard. Notice of the time and place of such hearing shall be published at least once, in a newspaper of general circulation in Lincoln County, provided that one (1) publication occurs not less than seven (7) calendar days nor more than twenty-one (21) calendar days before the occurrence of such hearing.
2. Notice of the proposal shall be posted on the site at least fourteen (14) days in advance of the hearing. Such notice shall consist of a written notice, of durable material at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower on this site" and including the addresses and telephone numbers of the applicant and the planning commission. Notice of the proposal shall also be posted on the public road nearest the site. Such notice shall consist of a written notice, of durable material at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower near this site " and including the addresses and telephone numbers of the applicant and the Planning Commission.
3. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by certified mail, return receipt requested, to the owner of every parcel of property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed. Said notice shall include a map of the location of the proposed construction, the telephone number and address of the planning commission and shall inform the addressee of his or her right to participate in the planning commission's proceedings on the application. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or 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.

4. Upon holding such hearing, the planning commission shall, within sixty (60) days commencing from the date that the application is received by the Planning Commission, or within a date specified in a written agreement between the Planning Commission and the applicant, make its final decision to approve or disapprove the uniform application. If the Planning Commission fails to issue a final decision within sixty (60) days, and if there is no written agreement between the Planning Commission and the utility to a specific date for the Planning Commission to issue a decision, it shall be presumed that the Planning Commission has approved the utility's uniform application.

## **1480 Design Standards**

The applicant shall provide information demonstrating compliance with the following requirements. Where the Planning Commission finds that circumstances or conditions relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable, the Planning Commission, or its duly authorized representative, may modify or waive such requirement, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver.

1. Monopole cellular antenna towers shall be permitted in any zone. Lattice and guyed cellular antenna towers shall be permitted in any zone except for residential zones. Monopole cellular antenna towers in residential zones shall be limited to 100 feet in height, unless otherwise approved by the Planning Commission as approved as a variance request and as part of the required development plan.

2. Lattice and guyed cellular antenna towers constructed in an agricultural zone shall be located a minimum distance of not less than 250 feet from all existing residential structures.

3. Setbacks for all structures constructed in connection with cellular antenna towers, except fences and/or guy wires, shall be a minimum distance from the property line or lease line equal to the setback of the respective district plus one-half (1/2) the height of the tower. All structures constructed in connection with stealth towers shall comply with the applicable setback requirements established for other structures within the applicable zoning district. Stealth towers that are to be located as part of a utility service facility (e.g. power pole or telephone pole) shall comply with setback requirements applicable to such utility service facilities, if any. No tower may be located closer than fifty (50) feet to any property line.

4. A cellular antenna tower, or alternative antenna tower structure, may be constructed to a maximum height of two hundred (200) feet regardless of the maximum height requirements listed in the specific zoning district. This also applies to any tower taller than fifteen (15) feet constructed on the top of another building or structure, with the height being the overall height of building/structure and tower together, measured from the grade at ground level to the highest point of the tower. The Planning Commission may allow antennas greater than two hundred (200) feet in height upon review of the applicant's justification that the additional height meets the criteria identified in Section 1490

5. The cellular antenna tower shall be constructed in compliance with the current ANSI/EIA/TIA 222-F standards and other applicable state standards.

6. Cellular antenna towers shall not be illuminated, except in accordance with other state or federal regulations.

7. The site shall be unstaffed or unmanned. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, ingress/egress shall only be from approved access points as shown on the approved development plan subject to the entrance requirements outlined in the *Subdivision & Development Regulations* of KYTC (where applicable).
8. Woven wire or chain link (eighty (80) percent open) or solid fences made from wood or other materials (less than fifty (50) percent open) shall be used to enclose the site. Such fences shall not be more than eight (8) feet in height. The use of barbed wire or sharp pointed fences shall be prohibited. Such fence may be located within the front, side, or rear yard.
9. Screening shall be provided by evergreen trees, with a minimum height of six (6) feet, planted in a staggered pattern at a maximum distance of ten (10) feet on center. The Director of Development Services may increase the distance between plantings based on the type (species) of evergreen tree and its growth characteristics. The screening shall be placed in an area between the property line, or lease line, and a ten (10) foot setback. A break in the hedge, not to exceed fifteen (15) feet in width, shall be allowed for access of maintenance personnel and vehicles.
10. Surfacing of all driveways and off-street parking areas shall comply with the requirements of the applicable *Subdivision Regulations* and be at least constructed of gravel or other durable surface. The Planning Commission may require alternative surface materials based on grade, construction and potential for erosion.
11. There shall be no signs permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs which are required by a federal, state, or local agency. Such signs shall not exceed five (5) square feet in area.
12. All new cellular antenna towers shall be designed and constructed to accommodate a minimum of three (3) service providers.
13. All option and site lease agreements shall not prohibit the possibility of co-location.

## **1490 Criteria**

1. Approval or disapproval of the proposal shall be based upon an evaluation of the proposal's agreement with the Comprehensive Plan, Zoning Ordinance and applicable *Subdivision Regulations*.
2. The Planning Commission may require the applicant to make a reasonable attempt to co-locate additional transmitting or related equipment. The Planning Commission may provide the location of existing cellular antenna towers on which the Commission deems the applicant can successfully co-locate its transmitting and related equipment. If the Planning Commission requires the applicant to attempt colocation, the applicant shall provide the Planning Commission with a statement indicating that the applicant has:

(a) Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities, and that identifies the location of the tower or suitable structure on which the applicant will co-locate its transmission and related facilities; or

(b) Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities and that:

1. Identifies the location of the towers or other structures on which the applicant attempted to co-locate; and

2. Lists the reasons why the co-location was unsuccessful in each instance.

3. The Planning Commission may deny a uniform application to construct a cellular antenna tower based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures.

4. The Planning Commission shall not regulate the placement of a cellular antenna tower on the basis of the environmental effects of radio frequency emissions to the extent that the proposed facility complies with the regulations of the Federal Communications Commission concerning radio frequency emissions.

# ARTICLE XV

## AMENDMENTS

### 1500 General

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

### 1510 Application for Amendment

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

### 1515 **Variances, conditional use permits at time of public hearing for ZMA (amended 1<sup>st</sup> 5-8-2007 & 2<sup>nd</sup> 6-12-2007)**

**The applicant for the map amendment, at the time of the filing, of the application for the map amendment , may elect to have any variances or conditional use permits for the same development to be heard and finally decided by the planning commission at the same public hearing set for the map amendment, or by the board of adjustments as setforth in Article IV of the Lincoln County Zoning Ordinance.**

### 1520 Planning Commission Procedure

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

The Planning Commission shall then hold at least one (1) public hearing after notice as required by KRS 424 and KRS 100 and shall make findings of fact and a recommendation for approval or disapproval of the proposed amendment to the various legislative bodies involved. A tie vote shall be subject to further consideration by the Planning Commission for a period not to exceed thirty (30) days, at the end of which if the tie has not been broken, the application shall be forwarded to the or legislative body without a recommendation for approval or disapproval.

### **1530 Notice of Public Hearing**

Notice of the time, place and reason for the required public hearing shall be given by one publication in the newspaper of general circulation in the County, not earlier than twenty-one (21) days or later than seven (7) days before the public hearing in accordance with KRS 424.130 and KRS 100.211.

Any published notice shall include the street address of the property in question, or if one is not available or practicable due to the number of addresses involved, a geographic description sufficient to locate and identify the property, and the names of two (2) streets on either side of the property which intersect the street on which the property is located; and when the property in question is located at the intersection of two (2) streets, the notice shall designate the intersection by name of both streets rather than name two (2) streets on either side of the property.

When a hearing is scheduled on a proposal by a property owner to amend any zoning map, the following notice shall be given in addition to any other notice required by statute, local regulation or ordinance:

1. Notice of the hearing shall be posted conspicuously on the property the classification of which is proposed to be changed for fourteen (14) consecutive days immediately prior to the hearing. Posting shall be as follows:

- a. The sign shall state "zoning change" and the proposed classification change in letters three (3) inches in height. The time, place and date of hearing shall be in letters at least one (1) inch in height; and
- b. The sign shall be constructed of durable material and shall state the telephone number of the Planning Commission Office; and
- c. It shall be the responsibility of the applicant to post the sign conspicuously on the property. The Administrative/Enforcement Officer shall verify to the Planning Commission at the hearing that placement occurred pursuant to the provisions of this ordinance.

The Lincoln County Planning Commission provides the required signage for use by the property owner requesting the zone change with a refundable deposit.

2. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by first class mail, with certification by the commission secretary or other officer of the Planning Commission that the notice was mailed to an owner of every parcel of property adjoining the property the classification of which is proposed to be changed. It shall be the duty of the person or persons proposing the map amendment to furnish to the Planning Commission the names and addresses of the owners of all adjoining property. Records maintained by the Property Valuation Administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairman of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the Property Valuation Administrator's records as having the same address.

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

#### **1540 Public Hearing on Application**

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

#### **1550 Recommendation of Commission for Zoning Map Amendment**

Before recommending to the Fiscal Court that an application for amendment to the Zoning Map be in granted, the Planning Commission, or the legislative body must find that the map amendment is agreement with the community's Comprehensive Plan, or in the absence of such a finding, that:

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

The findings of fact and recommendation shall include a summary of the evidence and testimony presented by the proponents and opponents of the proposed amendment. A tie vote shall be subject to further consideration by the planning commission for a period not to exceed thirty (30) days, at the end of which if the tie has not been broken, the application shall be forwarded to the fiscal court of the legislative body without a recommendation of approval or disapproval.

After voting to recommend that an application for amendment to the Official Zoning Map be granted or denied, the Planning Commission shall forward its findings of fact and recommendation in writing to the Fiscal Court.

### **1560 Action by Legislative Body on Zoning Map Amendments**

The Fiscal Court shall not act upon a proposed amendment to the Official Zoning Map until it has received the written findings of fact and recommendation thereon from the Planning Commission. Pursuant to KRS 100.211(1), it shall take a majority of the entire legislative body or fiscal court to override the recommendation of the Planning Commission and it shall take a majority of the entire legislative body or fiscal court to adopt a zoning map amendment whenever the Planning Commission forwards the application to the legislative body without a recommendation of approval or disapproval due to a tie vote. Unless a majority of the entire legislative body votes to override the Planning Commission's recommendation, such recommendation shall become final and effective and if a recommendation of approval was made by the Planning Commission, the ordinance of the fiscal court or legislative body adopting the zoning map amendment shall be deemed to have passed by operation of law.

The fiscal court or the legislative body shall take final action upon a proposed zoning map amendment within ninety (90) days of the date upon which the Planning Commission takes its final action upon such proposal. The legislative body shall also notify the Administrative/Enforcement Officer and the Chairman of the Planning Commission as to when the proposed map amendment will be reviewed by the legislative body prior to the legislative body's final action and subsequently when action has been taken. The planning commission shall complete and file for recording with the County Clerk, a Certificate of Land Use Restriction for any map amendment approved with conditions by the fiscal court and/or legislative body.

### **1570 Recommendation of Commission for Text Amendment**

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

### **1580 Action by Legislative Bodies on Text Amendments**

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

### **1590 Special Conditions to the Granting of Zoning Changes**

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



**1595 Amendment - Reapplication Timeframe**

Reapplication for a zone map amendment (zone change) for a parcel shall be two (2) years or 24 months from the date of the last application in the event a zone map amendment is denied by the fiscal court.