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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CALVERT CITY,
KENTUCKY ESTABLISHING COMPREHENSIVE ZONING
REGULATIONS FOR THE CITY OF CALVERT CITY,
KENTUCKY AND PROVIDING FOR THE ADMINISTRATION,
ENFORCEMENT AND AMENDMENT THEREOF IN ACCORDANCE WITH
THE PROVISIONS OF KENTUCKY REVISED STATUTES, CHAPTER 100, AND
REPEALING ORDINANCE NO. 1993 – 04, ALL AMENDMENTS THERETO AND
ALL OTHER ORDINANCES OF THE CITY REGULATING ZONING ISSUES OR
OTHERWISE IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE

Whereas KRS Chapter 100 empowers the City of Calvert City to enact a Zoning Ordinance and to provide for its administration, enforcement and amendment; and

Whereas the City has heretofore enacted zoning ordinances for such purposes but now finds it necessary for promoting the health, safety, and general welfare of the citizens of Calvert City to repeal all existing zoning ordinances and enact a new and comprehensive regulatory ordinance to meet the current demands of the City's development and satisfy the objectives of the City's adopted Comprehensive Plan; and

Whereas, the City Council, pursuant to the provisions of KRS chapter 100 has previously appointed a City Planning Commission and does by this ordinance divide the City into districts and impose regulations pertaining to such districts in accordance with a Comprehensive Plan to the end that adequate light, air, convenience of access and safety from fire, flood, and other danger may be secured; that congestion in the public streets may be lessened or avoided; that property values may be preserved, that the public health, safety, comfort, conveniences and general welfare may be promoted; and

Whereas, the Calvert City Planning Commission has given reasonable consideration to, among other things, the character of the districts and their peculiar suitability for particular uses; with a view to preserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

Whereas the Planning Commission has conducted a public hearing and recommended this ordinance for adoption by the City Council: and

Whereas with the regard to the preparation, notice and public review of the Ordinance, all requirements of Kentucky Revised Statutes, Chapter 100, have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CALVERT CITY, KENTUCKY AS FOLLOWS:

Ordinance 1993-04 and all other ordinances, or parts thereof, in conflict with the following provisions of this ordinance hereby are repealed, and in lieu and substitution thereof, the following provisions are enacted.

ARTICLE 1.

INTRODUCTION

The Calvert City Comprehensive Plan reflects the thoughts and ideas of the Planning Commission of Calvert City, Kentucky and was used as a guide in the development of this Zoning Ordinance. The Comprehensive Plan was developed with the aid of the Purchase Area Development District and the Kentucky League Of Cities in collecting and assimilating data, and utilized the assistance of all of the City's departments in producing the Comprehensive Plan. Public Hearings also were conducted in order to glean the observations and opinions of the citizens of Calvert City.

This Zoning Ordinance is intended to promote smooth transition in land use, mitigating transitional impacts and reducing the amount of incompatibility in land uses. The City of Calvert City is committed to encouraging the growth and prosperity of the community. This commitment includes productive and sound land development through a Zoning Ordinance which is reflective of these values.

ARTICLE 2.

TITLE, INTERPRETATION AND ENACTMENT

2.0 Title

This Ordinance shall be known and may be cited as the Calvert City Zoning Ordinance.

2.1 Provisions of Ordinance Declared to be Minimum Requirements

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Wherever the requirements of this Ordinance are at variance or in any other way conflict with the requirements of any other lawfully enacted city, state, or federal laws, rules, regulations, or Ordinances, the most restrictive standards will govern.

2.2 Severability Clause

Should any section, subsection, paragraph, subparagraph, clause, word or provision of this Ordinance be declared by a court of law to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

2.3 Permit or License in Violation

If any permit or license is issued in violation of any provision of this Ordinance or purports to authorize the doing of any act not permitted by any provision of this Ordinance, said permit shall be voidable, at the instance of the Zoning Administrator, Planning Commission or City Council.

2.4 Extraterritorial Jurisdiction

Pursuant to KRS 100.131, and the consent of the Marshall County Fiscal Court, the City hereby exercises jurisdiction and imposes all terms, provisions, restrictions and regulations of this ordinance to the extent of its corporate boundaries and extends the regulations of its Well Head Protection District outside the boundaries of the corporate limits of the City to the extent of the boundaries of its Well Head Protection District, as

same may be defined by this ordinance and the Official Zoning Map, as amended from time to time.

2.5 Repeal of Conflicting Ordinances, Effective Date

All Ordinances or parts of Ordinances in conflict with this zoning Ordinance or inconsistent with the provisions of this Ordinance hereby are repealed to the extent necessary to give this Ordinance full force and effect. This Ordinance shall become effective upon publication.

ARTICLE 3.
DEFINITIONS

3.0 Application and Interpretation

- A. For the purpose of these regulations, certain numbers, abbreviations, terms, words and phrases used herein shall be used, interpreted, and defined as set forth in this article.

- B. Whenever any words and phrases used in this Ordinance are not defined herein but are defined in the statutes regulating the creation and function of the Planning Commission, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires. Words and phrases not otherwise defined shall be interpreted in accordance with their common usage and meaning.

- C. For the purpose of these regulations, certain words and phrases used herein shall be interpreted as follows:
 - 1. The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, Limited Liability Company or any other legal entity.

 - 2. The masculine includes the feminine.

 - 3. The present tense includes the past and future tense. The singular number includes the plural.

 - 4. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.

 - 5. The words “used” or “occupied” include the words “intended, arranged, or designed to be used or occupied”.

3.1 Words and Phrases Defined

ABANDONMENT – The relinquishment of property, or a cessation of the use of the property, by the owner with the apparent intention of neither transferring rights to the property to another owner nor resuming the use of the property. (See NON-CONFORMING USE, Article 5, for use of this term.)

ABUT – To physically touch or border upon, or to share a common property line. (See CONTIGUOUS.)

ACCESS – A way or means of approach to provide vehicular entrance to a property.

ACCESSORY BUILDING, USE OR STRUCTURE – A building, use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the use of the principal structure.

ACCESS POINT – An access point is:

- (a) A driveway, a local street, or a collector street intersecting an arterial street;
- (b) A driveway or a local street intersecting a collector street; or
- (c) A driveway or a local street intersecting a local street.

ACRE – A measure of land area containing 43,560 square feet.

AIRPORT – Any location either on land, water, or structure which is designed or used for the landing and take-off of aircraft, including all necessary buildings and facilities of said aircraft operation.

ALLEY – A service way providing a secondary means of public access to abutting property, not intended for general traffic circulation and not to be used as frontage requirements for a building lot.

ALTERATION – Any change, addition, or modification in construction, or any change in the structural members of a building, such as bearing walls, columns, beams, or girders.

AMENITY – A natural or man-made feature which enhances or makes more attractive or satisfying a particular property.

AMUSEMENT AND RECREATION SERVICES – Establishments engaged in providing amusement or entertainment for a fee or admission charge, including but not limited to such activities as dance halls; studios; theatrical productions; bands, orchestras, and other musical entertainment; bowling alleys; billiard/pool establishments; commercial sports such as arenas, rings, racetracks, public golf courses and coin-operated devices; amusement parks; membership sports and recreation clubs; amusement and bathing beaches; swimming pools; riding academies; carnival operations; expositions; game parlors and horse shows. This term does not include sexually oriented businesses.

ANNEXATION – The incorporation of land area into the City of Calvert City or other governmental unit (i.e., fire district, water district, etc...), as applicable.

APPROVED PLAN – A plan which has been granted final approval by the appropriate approving authority.

BED AND BREAKFAST – A dwelling in which one (1) or more, but not more than five (5) guest rooms are used to provide or offer overnight accommodations for transient guests for compensation.

BOARD – The Board of Adjustment.

BUFFER – Structure or planting used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.

BUILDING – Any structure having a roof and intended for shelter, housing or enclosure, occupying an area of greater than one hundred (100) square feet within its outside horizontal dimensions.

BUILDING, ALTERATION OF – Any change or rearrangement in the supporting members (such as load bearing walls, beams, columns, or girders) of a building or any addition to a building, or movement of a building from one location to another.

BUILDING, PRINCIPAL – The building in which the main or principal use of the lot is conducted.

BUILDING SITE – A parcel of land that meets all the provisions of the legislative body's Ordinances, regulations, and codes for building on said site.

BUILDING SITE WIDTH – The distance measured along the shortest line passing through a building and extending from side lot line to the opposite side lot line.

BUILDING SETBACK LINE – The line, established by this Ordinance, beyond which a building shall not extend unless varied according to procedures in this Ordinance.

CAMPING AREA – An area of land on which two (2) or more recreational vehicles, campers, tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

CAR WASH – A building, structure or portion thereof, containing facilities for washing automobiles. The use of personnel for one or more phases of this operation in conjunction with or without complete automatic or mechanical devices does not alter its classification

CARPORT – A roofed structure providing space for the parking or storage of not more than three (3) motor vehicles and enclosed on not more than three sides.

CEMETARY – Land used or intended to be used for burial (human or animal) and dedicated for cemetery purposes; including crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of such cemetery for which perpetual care and maintenance is provided.

CERTIFICATION – A written statement by the appropriate offices that required construction, inspections, tests or notices have been performed and comply with the applicable requirements.

CHANGE OF USE – Any use which substantially and/or materially differs from the previous use of a building, structure or land.

CITY – The City of Calvert City, Kentucky.

CITY COUNCIL – The elected and seated Council of the City of Calvert City.

CLUB – A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational or recreational purpose primarily for the use of members and their guests, but not including any organization, group, or association, the principal activity of which is to render a service usually and ordinarily carried on as a business. For example, this term does not include a sexually oriented business.

COMMERCIAL ENTERTAINMENT FACILITY – Any profit-making activity which is generally related to the entertainment field, such as a motion picture theater, carnival, cocktail lounge, nightclub, and similar entertainment activities. This term does not include sexually oriented businesses.

COMMERCIAL VEHICLE – Any motor vehicle designed and appropriate for over-the-road transportation of commercial goods, or mass transit of more than 8 persons (regardless of whether actually used for commercial purposes).

COMMISSION – The Calvert City Planning Commission.

COMPREHENSIVE PLAN – The document by such title adopted by the Calvert City Planning Commission, from time to time, as required by the Chapter 100 of the Kentucky Revised Statutes.

CONDITIONAL USE – A special use permitted within a zoning district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Adjustment. Conditional uses permitted in each district are listed in the Schedule of Uses located in Article 11 of this Ordinance and throughout the text hereof.

CONDITIONAL USE PERMIT – A permit issued by the Zoning Administrator upon approval by the Board of Zoning Adjustment to allow a use other than a principally permitted use.

CONDOMINIUM – As defined by Kentucky Revised Statutes, from time to time, and intended for separate ownership of individual condominium units.

CONFORMING USE – Any lawful use of a building, structure, lot or sign which complies with the provisions of this Ordinance.

CONSUMER GOODS – Items intended to be purchased primarily by the general public for use or consumption rather than resale.

CONTIGUOUS – Next to, abutting, or touching and having a boundary, or portion thereof, which is coterminous.

CONVALESCENT OR NURSING HOME - An establishment which provides full-time convalescent or chronic care or both, for four (4) or more individuals who are not related by blood or marriage to the operator, and who, by reasons of chronic illness or infirmity, by reason of age or otherwise, are unable to care for themselves. Neither care for the acutely ill, nor surgical or obstetrical services shall be provided in such a home. A hospital or sanitarium shall not be construed to be included in this definition.

CONVENIENCE STORE – A retail service land use where the primary function is a filling station or gas station and the secondary uses can range from a grocery store, video store, restaurant (not including drive-in restaurant) liquor store, etc. The convenience store is associated with heavy volumes of traffic and found along major and minor arterials.

CURB CUT – Any interruption, or break in the line of a street curb in order to provide vehicular access to a street. In the case of streets without curbs, curb cuts shall represent construction of any vehicular access which connects to said street.

DAY CARE CENTER – A private establishment enrolling children for the purpose of care or social training during normal daytime working hours.

DENSITY – A reference to the compaction of development within a given area of land; generally referring to the number of dwelling units, buildings or structures per given area of land.

DEVELOPER – The legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

DISTRICT – A part of the city wherein restrictions of this Ordinance are uniform, as depicted on the Official Zoning Map adopted in conjunction with this Ordinance.

DRAINAGE – (1) Surface water runoff; (2) The removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply and the prevention or alleviation of flooding.

DWELLING– A structure or portion thereof which is used exclusively for human habitation.

DWELLING, GROUP FAMILY HOUSEHOLD- a dwelling consisting of dormitory type housing or three (3) or more independent dwelling units, intended to be occupied by multiple families or unrelated individuals for a common purpose and subject to common services such as meals, personal assistance, counseling, and the like.

DWELLING, MULTI-FAMILY – A dwelling consisting of three (3) or more dwelling units, intended for rental.

DWELLING, SINGLE FAMILY – A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space (unless part of a zero lot line development).

DWELLING, TWO-FAMILY – A dwelling consisting of two (2) dwelling units (commonly referred to as a “duplex”) which may be either attached side by side or one above the other, each unit having a separate or combined entrance or entrances, and intended for rental.

DWELLING UNIT – A room or group of rooms designed and equipped exclusively for use as living quarters for only one family or group family household and its household employees, including provisions for living, sleeping, cooking, eating, bathing and waste removal. The term shall include mobile homes but shall not include recreational vehicles.

EGRESS – An exit; to depart from a building or lot.

ENTERTAINMENT AND RECREATION FACILITY – Any profit-making activity which is generally related to the entertainment field, such as a motion picture theater, carnival, karaoke, bowling alley, skating rink and similar entertainment activities. This term does not include sexually oriented businesses.

EROSION – The detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, ice and/or gravity.

ESTABLISH (in the context of sexually oriented businesses) – Shall mean and include any of the following:

- (a) The opening or commencement of any sexually oriented business as a new business;
- (b) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or
- (c) The addition of any sexually oriented business to any other existing sexually oriented business.

EXISTING GRADE OR ELEVATION – The vertical location of the ground surface prior to excavating or filling.

EXISTING USE – The use of a lot or structure at the time of the enactment of this Zoning Ordinance or any future conforming or permitted use.

EXPLOSIVES – Substances other than fuels, whose primary purpose is to explode, such as munitions and fireworks.

EXTERIOR WALL – Any wall which defines the exterior boundaries of a building or structure.

FAMILY – An individual or two (2) or more persons related by blood, marriage, adoption, guardianship or custodianship, living together in a single housekeeping unit as their common home, as distinguished from a group occupying a boarding house, lodging house, valet, club, fraternity or sorority house.

FENCE – A structure, including entrance and exit gates, designed and constructed for enclosure or screening, as the term is commonly used.

FINAL APPROVAL – The last official action of the Planning Commission or Board of Zoning Adjustment taken on a development plan which has been given preliminary approval, after all conditions and requirements have been met, and the required improvements have been installed or guarantees properly posted for the installation, or approval conditioned upon the posting of such guarantees.

FLEA MARKET – Outdoor retail sales, or displays for sale, of miscellaneous items, materials and/or goods occurring at a given location for more than three (3) consecutive days or on more than four (4) separate occasions per year.

FLOOR AREA, GROSS – The sum, in square feet, of the floor areas of all roofed portions of a building, as measured from the interior faces of the exterior walls. It includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement or cellar when said basement or cellar space is used for storage or other such incidental uses.

FRONTAGE – That property boundary of a lot abutting on a street (excluding alleys); the front lot line. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage. Each lot proposed for development in a residential district shall be provided with at least twenty (20) feet of frontage useable for establishing vehicular access to the lot. In all other districts [except in the Heavy Industrial District (I-2)], each lot proposed for development shall be provided with at least fifty (50) feet of frontage useable for establishing vehicular access to the lot.

GARAGE/YARD SALE – Outdoor retail sales, or displays for sale, of miscellaneous items, materials and/or goods occurring at a given location for no more than three (3) consecutive days nor on more than four (4) separate occasions per year. Yard sales falling within this definition shall not be subject to regulation by the Ordinance.

GRADE – The elevation of the surface of the ground.

GROUP FAMILY HOUSEHOLD – A group of individuals not related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

HEIGHT, BUILDING OR STRUCTURE –The maximum change in elevation between a point on the ground or surface located immediately adjacent to a building or structure, and the ceiling of the highest habitable portion of the structure directly above such point.

HOME OCCUPATION – An occupation conducted in a dwelling unit and/or any accessory building located in a residential district.

HOSPITAL (HUMAN) – A building or buildings used by medical persons for the treatment and care of patients, generally on an in-patient basis.

HOTEL OR MOTEL – A building in which lodging, or boarding and lodging, are provided and offered to the public for compensation. As such, that it is open to the public, it is not a boarding house or dormitory.

HOUSEHOLD – A family, or group family household, living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

INGRESS – Access or entry.

JOINT OWNERSHIP – The ownership of real property by two or more persons.

JUNK YARDS – Any land, property, structure, building or combination of the same on which junk is stored or processed. Junk shall include wrecked automobiles, scrap iron and other metals, paper, rags, rubber tires, bottles, and all other items commonly

understood and referenced to as “junk” (as opposed to usable “antiques”). For purposes of this ordinance, the term shall include those uses commonly referred to salvage yards and automobile wrecking yards.

KENNEL – Any premises where three (3) or more animals over four (4) months of age are commercially housed, groomed, bred, boarded, trained or sold, or which may offer provisions for minor medical treatment.

LAND USE – A description of how land is occupied or utilized.

LAUNDROMAT – A business that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises.

LEGISLATIVE BODY – The City Council of the City of Calvert City.

LIVESTOCK – Animals of types customarily raised or kept on farms for profit or other commercial purposes, including also exotic types of these animals such as pigmy goats and potbellied pigs.

LOCAL STREETS – A system of streets and roads which primarily provide land access service and access to higher order systems.

LOT – For the purpose of this Ordinance, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as herein are required. Such lot shall have at least 40 feet of frontage on a street and must consist of:

- (a) A single lot of record; or
- (b) A combination of complete lots of record.

LOT AREA – The area of any lot shall be determined exclusive of street, highway, alley, road, or other rights-of-way.

LOT, CORNER – A lot or parcel of land abutting upon two or more streets (other than an alley) at their intersection; or upon two parts of the same street forming an interior angle of less than 135 degrees.

LOT COVERAGE – The ratio of enclosed ground floor area of all buildings on a lot to the area of the lot itself, expressed as a percentage.

LOT, DOUBLE FRONTAGE – A lot other than a corner lot that has frontage on more than one (1) street (other than an alley).

LOT FRONTAGE – (See “Frontage”, above.)

LOT LINE, FRONT – Lot line(s) bounding a lot as follows:

- (a) INTERIOR LOT – The line separating the lot from the street.
- (b) CORNER OR DOUBLE FRONTAGE LOT – The lines separating the lot from each street.

LOT LINE, REAR – The boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line. In the case of a triangular or irregular shaped lot, an imaginary line between the side lot lines parallel to the front lot line, ten (10) feet long, lying farthest from the front lot line. On a corner lot there shall be no rear lot lines.

LOT LINE, SIDE – Any boundary of a lot which is not a front lot line or rear lot line.

LOT OF RECORD – A lot which is part of a subdivision recorded in the office of the Marshall County Clerk, or a lot or a parcel described by metes and bounds on a recorded deed or other document of conveyance or lease.

LOT WIDTH – The distance between the side lines of a lot, along a straight line parallel to the front lot line, at the point where the principle structure is nearest to the front lot line.

MANUFACTURED (MOBILE) HOUSING – (See Article 8.10).

MINI-WAREHOUSE – See Warehouse-Mini.

MOBILE HOME PARK – Manufactured or mobile home community as defined in KRS 219.320, as amended from time to time. At the time of enactment of this ordinance, this term is defined as: " A parcel of land, under single or multiple ownership and developed specifically for the purpose of leasing two (2) or more residential spaces for the location of manufactured or mobile home dwellings and which contain common facilities and utilities located on the premises as licensed by the cabinet."

MOTOR VEHICLE – Any motorized vehicle, licensed for operation on public roads and capable of transporting one or more persons.

MOTOR VEHICLE FUEL STATION – An establishment for the retail sale of gasoline and/or other fuel for motor vehicles.

NURSERY SCHOOL – Any building used for the day-time care or education of preschool age children with or without compensation and including all accessory buildings and play area.

NURSERY, PLANT MATERIALS – Land, buildings, structures or combination thereof for the storage, cultivation, and/or transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening and landscaping.

OCCUPANTS – The individual or individuals in actual possession of a premise.

OFFICE BUILDING – A building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

OFF-STREET PARKING SPACE – A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

ON SITE – Located on the lot that is the subject of an application for development.

OPEN SPACE – A public or private outdoor area expressly set aside for the use and benefit of many unrelated people. They may include, along with the natural environmental features, water areas, swimming pools, tennis courts and other recreational facilities. Streets, parking areas, structures for habitation and the like shall not be included in open space area calculations.

OPERATE OR CAUSE TO OPERATE – To cause to function or to put or keep in a state of doing business. “Operator” means any persons on the premises of a business who is authorized to exercise overall operational control of the Business or who causes to function or who puts or keeps in operation the business. A person may be found to be operating or causing to be operated a business regardless of whether or not that person is an owner, part owner, or licensee of the business.

ORDINANCE – Any legislative action, however denominated of a local government which has the force of law, including any amendment or repeal of any Ordinance.

PARKING SPACE, OFF-STREET – [See Article 8.0A and OFF-STREET PARKING SPACE].

PEDESTRIAN – An individual traveling on foot.

PERMIT – Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.

PERSON – Individual, proprietorship, partnership, corporation, association, limited liability company, or other legal entity.

PLAT – (1) A map representing a tract of land, showing the property boundaries, streets, and other similar development features; (2) A map of subdivision or site plan.

PRINCIPAL BUILDING – The building in which the principal use of a lot is conducted.

PRINCIPAL USE – The primary use to which the premises are devoted, and the main purpose for which the premises exist.

PROFESSIONAL SERVICES – Those services requiring a license authorized or recognized by the Commonwealth of Kentucky or the United States of America to perform such services, such as are provided by medical practitioners, attorneys, architects, engineers, barbers, beauticians, and the like.

PUBLIC AREAS – Public parks, playgrounds, trails, paths and other recreational areas and other public open spaces; scenic and historic sites; schools and other public buildings and structures.

PUBLIC HEARING – A meeting announced and advertised in advance, according to law, and open to the public, with the public given an opportunity to speak and participate.

PUBLIC NOTICE – The advertisement of a public hearing or other event or action, as required by law.

PUBLIC RIGHT-OF-WAY – A general term denoting land, property, or interest therein acquired for or devoted to transportation, storm water conveyors, utility service, and/or other governmental services and infrastructure.

PUBLIC FACILITY – Land, buildings, power plants, or sub-stations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures owned and/or operated by a public utility, a railroad, or a municipal or other governmental agency, including the furnishing of electricity, gas, rail transport, communications, water and sewerage services, and the like.

PUBLIC UTILITY – Any person, firm or corporation duly authorized to furnish electricity, gas, steam, telephone, telegraph, water or sewerage systems, and the like to the public under public regulation.

RECREATIONAL EQUIPMENT – Equipment which must be hauled on a trailer with two (2) or more wheels or which has two (2) or more wheels attached, or which is self-propelled with wheels, including boats, trailers and off-road vehicles, not exceeding thirty (30) feet in length and designed and intended primarily for recreational purposes. Any equipment otherwise classified as recreational equipment but exceeding thirty (30) feet in length may maintain such classification only upon appeal to the Board of Adjustment and upon the findings of the Board that the applicant's use and storage of said vehicle is compatible with the affected neighborhood(s).

RECREATIONAL VEHICLE (RV) – A vehicular portable structure built on a chassis (self-propelled, or not) and not exceeding an overall length of thirty (30) feet and designed to be used for human accommodations related to travel, and recreation. Any vehicle otherwise classified as a recreational vehicle but exceeding thirty (30) feet in length may maintain such classification only upon appeal to the Board of Adjustment and

upon the finding of the Board that the applicant's use and storage of said vehicle is compatible with the affected neighborhood(s).

RESIDENCE – A building or other structure where an individual or individuals actually reside.

RESTAURANT – An establishment selling food items prepared on the premises for immediate consumption.

RESTRICTION – A limitation on the use or alienation of property which may be created by a plat, deed, lease, mortgage, zoning or subdivision regulations, or as a condition of approval of an application for development.

REZONE – To change the zoning classification of particular lots or parcels of land.

RIGHT OF ACCESS – The legal authority to enter or leave a property.

RIGHT-OF-WAY – (1) Land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses; (2) Generally, the right of one to pass over the property of another.

SCREENING – A structure erected (or vegetation planted) for concealing an area from view.

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

SETBACK LINE – A line established by the Zoning Ordinance, generally parallel with and measured from the lot line (property line), defining the limits of a yard in which no building (other than accessory buildings) or structure may be located above ground, except as may be provided in this Ordinance.

SEXUALLY ORIENTED BUSINESS – An “adult arcade,” and “adult bookstore”, an “adult motion picture theater”, a “semi-nude lounge,” or a “sex paraphernalia store” as those terms are defined in the Calvert City Sexually Oriented Business Licensing Ordinance.

SIGN– An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, service, person, institution or business.

[SHORT-TERM RENTALS – This term applies to rentals of dwellings, is defined as a BED AND BREAKFAST, and is regulated accordingly by the applicable provisions of this ordinance]

STORY – That part of a building between the surface of a floor and the ceiling immediately above, or if there is a floor above, the portion of a building between the surface of any floor and the surface of the floor next above.

STREET – A general term denoting a public way dedicated to and accepted by the City for purposes of vehicular travel, including the entire area within the right-of-way. The term “street” includes the terms highway, parkway, road, thoroughfare, avenue, boulevard, court, place and other such common designations.

STRUCTURE – Anything constructed or erected on the ground, occupying more than one hundred (100) square feet within its outside horizontal dimensions and extending more than 6 inches above grade at any point. Fences, handicap access ramps, planters, raised gardens and satellite TV disks are expressly exempted from this definition and the application of this Ordinance, with the exception of Article 8.9, relating to Buffering.

STRUCTURAL ALTERATION – Any change in or modification of the supporting members of a building such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or the roof.

SWIMMING POOL – An open tank containing at least eighteen (18) inches of water at any point and intended and designed for swimming and/or water recreation.

TEMPORARY USE – A use established for a limited period of time with the intent to discontinue such use upon the expiration of the time period.

TRAILER – A non-motorized vehicle which is designed and constructed to be towed and/or pulled by a motorized vehicle upon public roads.

USE – The specific purposes and/or activities for which land or a building is designated, arranged, intended, or for which it is or may be occupied, utilized, or maintained.

VARIANCE – A modification in the enforcement of the strict terms of the relevant regulations of this Ordinance with regard to one or more specified lots or parcels.

VETRINARY CLINIC, LARGE ANIMAL – A building used for the medical treatment of animals, including but not limited to livestock.

VETRINARY CLINIC, SMALL ANIMAL – A building used for the medical treatment of small, domesticated animals, with all activities conducted inside the building.

VETRINARY HOSPITAL – A building used for the medical treatment of animals which includes facilities for keeping or treating animals outside the building or otherwise within the view of the public.

VICINITY MAP – A drawing located on a plat which sets forth by dimensions or other means, the relationship of the proposed subdivision, building, structure or use to other

nearby developments and landmarks and within the general area in order to better locate and orient the area in question.

WAREHOUSE – A building used primarily for storage.

WAREHOUSE-MINI – A warehouse not greater than 12' in height, containing separate completely-enclosed storage spaces of varying sizes (none larger than 12'x24' floor area) which are leased or rented on an individual basis.

YARD – An open space on a lot, unoccupied and unobstructed from the ground upward, except for accessory buildings and structures as otherwise allowed in this Ordinance.

YARD, FRONT – A yard across the full width of the lot extending from a line parallel to the lot frontage and tangent to the principal building, to the lot frontage. Corner lots and double frontage lots shall have two (2) front yards.

YARD, NON-REQUIRED – The portion of a yard which does not lie within the required front yard, side yards, or rear yard of a lot.

YARD, REAR – A yard extending the full width of the lot extending from a line parallel to the rear lot line and tangent to the principal building, to the rear lot line or lines.

YARD, SIDE – A yard between the principal building and the side lot line, lying between the front yard and the rear yard. Side yard setback requirements as otherwise set out in this ordinance shall relate to the shortest lateral distance from any point on the principal structure or building to the nearest point on a side lot line.

ZERO LOT LINE DEVELOPMENT – The joining of two or more lots for the purpose of facilitating construction of a single building, or multiple buildings with or without a continuous exterior façade, intended for separate ownership of each lot and separate ownership of divisible portions of the building or buildings, intended to facilitate very high density development.

ZONING ADMINISTRATOR – The officer appointed by the City Council to administer and enforce the provisions of this Ordinance. The City Administrator shall be the Zoning Administrator in the absence of an appointment by the City Council.

ZONING COMPLIANCE CERTIFICATE – A document issued by the Zoning Administrator authorizing construction of defined buildings and/or structures, and/or authorizing the categorized use of lots, buildings and/or structures.

ARTICLE 4.

ENFORCEMENT

4.0 Zoning Compliance Certificate Required

No land or structure shall be used or changed from one permitted use to another and no building or other structure shall be erected, moved, enlarged, or structurally altered without a Zoning Compliance Certificate issued by the Zoning Administrator. No Zoning Compliance Certificate shall be issued except in conformity with the provisions of this Ordinance. [This section shall not apply in the I-2 District or to any use or construction by the City of Calvert City.]

Any issuance of a Zoning Compliance Certificate shall not imply issuance of, compliance with, or excuse the applicant from the responsibility of securing, a Building Permit from Marshall County.

4.1 Compliance in an I-2 (Heavy Industrial) District

In an I-2 (heavy industrial) District only, land may be used, or signs, buildings or other structures may be erected, moved, enlarged, structurally altered, or changed from one permitted use to another without a Zoning Compliance Certificate being issued. Any violations of this Ordinance with respect to the use or development of land located in an I-2 District shall be subject to abatement, injunction and/or fines as authorized by this Ordinance or other applicable law or regulation.

4.2 Contents of Application for Zoning Compliance Certificate

The application for a Zoning Compliance Certificate shall be signed by the developer/applicant, or agent acting on behalf of the developer/applicant, attesting to the truth and accuracy of all information supplied on and with the application. The following information is the minimum required and shall be provided on forms supplied to applicants by the Zoning Administrator:

- A. Name, Address and Telephone Number(s) of Developer;
- B. Identification of street frontage;
- C. Existing and Proposed Use;
- D. Zoning District:
 - 1. Zoning. Current Zoning; and
 - 2. Proposed
- E. Plans showing dimensions for:

1. Building Site Area;
2. Building Site Width;
3. Building Site Coverage (percentage);
4. Building Height; and
5. Shortest Distances From All Buildings and Structures To Each Adjacent Lot Line;
6. (For commercial developments only) A drawing depicting the following: number of off-street parking spaces and/or loading berths; data and plan relative to storm water management; fire hydrant location (in accordance with Fire Department Standards); and a certification from the Manager of the Water and Sewer Department documenting water and sewer availability. Where City water and sewer services are not available, the applicant shall demonstrate that adequate facilities have been approved prior to issuance of a Zoning Compliance Certificate. (Note: All or part of this information may be omitted only if the Zoning Administrator specifically and expressly determines such information to be inapplicable for purposes of the proposed use, construction or project.)
7. Number of Dwelling Units, other buildings and structures;
8. Any other matters which may be required by the Zoning Administrator to determine conformance with and provide for the enforcement of this Ordinance; and,
9. Signature of the Developer/Applicant certifying the truth and accuracy of the information.

4.3 Approval of Zoning Compliance Certificate

The Zoning Administrator shall either approve or disapprove the application as soon as practicable, considering any required reviews and/or approvals by the Board of Adjustment, Planning Commission or other regulatory authorities. If the application is not approved the developer/applicant or agent shall be given the reasons for the denial by the Zoning Administrator, in writing.

4.4 Record of Zoning Compliance Certificate

The Zoning Administrator shall maintain a complete record of all Zoning Compliance Certificates and copies shall be furnished or presented for review to any person making a proper open records request.

4.5 Failure to Obtain a Zoning Compliance Certificate

Failure to obtain a Zoning Compliance Certificate required by this Ordinance shall be a violation of this Ordinance and will be punishable under the provisions set forth in “Penalties for Violation” of this Article. (See Section 4.9).

4.6 Construction and Use to be as Provided in Application, Plans and Permits

Zoning Compliance Certificates shall authorize only the construction and use set forth in the approved application and plans. Any use, construction, or arrangement thereof, contrary to that authorized shall be deemed a violation of this Ordinance and shall be punishable under the provision set forth in “Penalties for Violation” of this Article. (See Section 4.9)

4.7 Complaints Regarding Violations

Any person may file a written complaint whenever a violation of this Ordinance occurs or is alleged to have occurred. The complaint shall state fully and accurately the causes and basis thereof and shall be filed with the Zoning Administrator.

The Zoning Administrator immediately shall investigate and take action upon such complaint as otherwise provided in this Ordinance. (See Section 4.9)

4.8 Expiration of Zoning Compliance Certificate

If the construction or use described in the Zoning Compliance Certificate has not begun within one (1) calendar year from the date of its issuance, said Certificate shall expire and no construction or use shall be commenced until a new Certificate has been issued. Construction shall be deemed to have started upon completion of the foundation.

4.9 Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances, conditional uses and special use permits, or the use of any building or land inconsistent with the terms of the applicable Zoning Compliance Certificate, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than Three Hundred Dollars (\$300.00) nor less than Twenty-five Dollars (\$25.00).

Each day such violation continues after receipt of a notice of violation shall constitute a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation shall each be guilty of a separate

offense and be subject to the penalties herein provided. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

In addition to the penalties set forth above, the Calvert City Council may enforce the provisions of this Ordinance by authorizing a civil action for abatement or such other injunctive relief as the Council may deem appropriate in any court of competent jurisdiction.

4.10 Schedule of Fees, Charges, and Expenses

The following fees shall be paid to the City clerk upon filing of any of the following applications or petitions:

SCHEDULE OF FEES, CHARGES AND EXPENSES

Zoning Compliance Certificate:	(Residential)	\$ 15.00
	(Commercial)	\$ 25.00

Development Plan Hearing and Review:	\$100.00
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Board of Adjustment:

Variance (Commercial)	\$ 100.00
Variance (Residential)	\$ 50.00

Conditional Use (Commercial)	\$ 100.00
Conditional Use (Residential)	\$ 35.00

Applications for Appeal (Commercial)	\$ 100.00
Applications for Appeal (Residential)	\$ 50.00

[The fees for appeals shall be returned to Applicant in the event of final reversal by BOA]

Petition for Amendment of the Ordinance or Map	\$200.00
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ARTICLE 5.

NON-CONFORMITIES

5.0 Intent

Within the districts established by this Ordinance or amendments that later may be adopted there exist:

- A. Non-conforming lots;
- B. Non-conforming structures;
- C. Non-conforming uses of land;
- D. Non-conforming uses of land and structures in combination;
- E. Non-conforming characteristics of use; and
- F. Non-conforming signs

which were lawful before this Ordinance was enacted or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments hereto. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses which are prohibited elsewhere in the same district.

5.1 Avoidance of Undue Hardship

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or development on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Where demolition or removal of an existing building has been substantially begun in preparation for rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently. "Substantially begun" refers to actual demolition or removal activities resulting in material and permanent changes to the existing building(s) or structure(s) .

5.2 Non-Conforming Lots of Record in Combination

If two or more undeveloped contiguous lots of record are in common ownership at the time of the passage or amendment of this Ordinance, no portion of said parcel shall be used in a manner which causes a violation of lot width and/or area requirements that

would not be violated if the lots of record were developed as a single lot for purposes of this ordinance.

5.3 Non-Conforming Uses of Land

Where, at the time of adoption of this Ordinance or any amendment hereof, lawful uses of land exist which would not be permitted by the regulations imposed by this Ordinance (as amended from time to time), the uses may be continued so long as they remain otherwise lawful, provided:

- A. No such non-conforming uses shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
- B. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Ordinance;
- C. If any such non-conforming uses of land are abandoned, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located. Abandonment shall be presumed when such use is discontinued for more than one year (except when government action impedes access to the premises).
- D. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

5.4 Non-Conforming Structures

Where, at the time of the adoption of this Ordinance or any amendment thereof, a lawful structure exists which would not be permitted by the regulations imposed by this Ordinance (as amended from time to time), such structure may be maintained so long as it remains otherwise lawful, provided:

- A. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
- B. Should such non-conforming structure be destroyed, by any means, such that the cost of repair would exceed more than 50% of the fair market value of the structure before such destruction, it only shall be reconstructed if the Board of Zoning Adjustment grants a variance, after

proper application, and then only in conformity with any conditions or restrictions set forth therein.

- C. Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- D. The foregoing regulations and prohibitions shall not prohibit the movement or placement of manufactured or mobile homes in a non-conforming mobile home park.

5.5 Non-Conforming Uses of Structures or of Structures and Land in Combination

Where, at the time of adoption of this Ordinance or any amendment hereof, a lawful use involving an individual structure or a structure and land in combination exists which would not be permitted by the regulations imposed by this Ordinance (as amended from time to time), the use may be continued so long as it remains otherwise lawful, provided:

- A. No existing structure devoted to a non-conforming use shall be enlarged, extended, constructed, reconstructed or moved except to adjust to a conforming use.
- B. A non-conforming use may be extended throughout any part of a building which was then currently utilized for such use and manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. A non-conforming use of a structure, or structure and land in combination, may not be resumed after such non-conforming use is ceased and a conforming use thereafter is commenced.
- D. When a non-conforming use of a structure, or structure and land in combination, is abandoned, the structure or structure and land in combination thereafter shall not be used except in conformity with this Ordinance. Abandonment shall be presumed if the offending use is discontinued for more than one year (except where government action impedes access to the premises).
- E. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall constitute abandonment.

5.6 Repair and Maintenance

Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof, except in contravention of Article 5.4 B, above.

5.7 Uses Under Conditional Use Provisions Are Not Non-Conforming Uses

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

5.8 Non-Conforming Signs

Except as herein provided, any non-conforming sign existing at the time of the adoption of this Ordinance may be maintained provided, however, that no such sign shall be changed in form or structure unless it is changed in compliance with all provisions of this Ordinance.

ARTICLE 6.

ADMINISTRATION

6.0 Creation of the Office of the Zoning Administrator

The City Administrator shall be the Zoning Administrator unless the office is otherwise designated by the City Council. The Zoning Administrator shall administer and enforce this Ordinance. In the event of the Zoning Administrator's absence for such a period as to prevent the timely administration hereof, the Mayor or his designee shall act as Zoning Administrator pro tem. The Zoning Administrator also may be provided with the assistance of such other persons as the City Council may direct.

6.1 Duties of the Zoning Administrator

For the purpose of this Ordinance, the Zoning Administrator shall have the following duties:

- A. Review all applications for Zoning Compliance Certificates and approve or deny same in accordance with the provisions of this Ordinance.
- B. Schedule all meetings, hearings and public hearings of the Planning Commission and Board of Adjustment.
- C. Publish post and serve all notices as required by the Kentucky Revised Statutes and all other applicable laws and regulations.
- D. Upon finding that any of the provisions of this Ordinance have been violated, the Zoning Administrator shall:
 - 1. Notify in writing the person responsible for such violation(s);
 - 2. Order discontinuance of violating uses of land, buildings or structures;
 - 3. Order removal or correction of violating buildings or structures, or violating additions or structural alterations;
 - 4. Order discontinuance of any ongoing violations;
 - 5. Take any other action authorized by this Ordinance to ensure compliance with or to prevent violation(s) of this Ordinance.

6.2 Procedures of the Planning Commission

The Commission has adopted and may amend, from time to time, bylaws for the conduct of its affairs. Meetings shall be called and held in accordance with the bylaws and all applicable laws and regulations. The Chairman, or in his absence, the Vice-Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be subject to Kentucky's Open Meetings laws, as amended from time to time. The Commission shall keep minutes of its proceedings. After approval by the Commission, such minutes shall be public records of the office of the City Clerk.

6.3 Duties of the Planning Commission

For the purpose of this Ordinance, the Planning Commission shall have the duties set forth herein and all other duties and responsibilities established and set forth in the Kentucky Revised Statutes and all other applicable law.

6.4 Procedures of the Board of Adjustment

The Board has adopted and may amend, from time to time, bylaws for the conduct of its affairs. Meetings shall be called and held in accordance with the bylaws and all applicable laws and regulations. The Chairman, or in his absence, the Vice-Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be subject to Kentucky's Open Meetings laws, as amended from time to time. The Board shall keep minutes of its proceedings. After approval by the Board, such minutes shall be public records of the office of the City Clerk.

6.5 Duties of the Board of Adjustment

For the purposes of this Ordinance and subject to its provisions and the provisions of the Kentucky Revised Statutes, the Board of Adjustment shall have the following duties:

- A. To hear and decide appeals of decisions of the Zoning Administrator;
- B. To consider applications for conditional use permits;
- C. To consider applications for variances; and,
- D. All other duties allocated to the Board by this Ordinance, Kentucky Revised Statutes, or other applicable laws and regulations.

6.6 Duties of the City Council

The City Council is the legislative authority of the City of Calvert City. Accordingly, any action involving amendments to the text of this ordinance, or amendments of the City's zoning map, must be passed and enacted by the City Council, after any required public hearings and recommendations of the Planning Commission.

6.7 Procedures and Requirements for Appeals

Appeals from decisions of the Zoning Administrator, the Planning Commission and the Board of Adjustment shall conform to the authority, procedures and requirements of this Article and Kentucky Revised Statutes. At the time of the passage of this Ordinance, appellate authority relating to zoning issues is vested in the Board of Adjustment and the Marshall Circuit Court.

6.8 Procedure for All Appeals to the Board Of Adjustment (KRS 100.261)

All appeals to the Board of Adjustment shall be governed by the provisions of KRS 100.261, as amended from time to time. At the time of the enactment of this Ordinance, appeals must be taken within thirty (30) days after the appellant or his agent receives notice of the action of the Zoning Administrator or other official.

6.9 Stay of Proceedings Pending Appeal

Any appeal stays all proceedings in furtherance of the action appealed unless the officer or entity from whom the appeal is taken certifies to the appellate authority, after the notice of appeal is filed, that by reason of facts stated in the application, a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by injunctive relief granted by the appellate authority for due cause shown, (after notice to the officer or entity from whom the appeal is taken) or by a court of competent jurisdiction.

6.10 Public Notice of Hearing and Decision on Appeal (KRS 100.263)

Public notice of the hearing of the appeal and the time for deciding same shall be governed by KRS 100.263, as amended from time to time. At the time of the enactment of this Ordinance, KRS 100.263 requires that, when an appeal is taken from a decision of the Zoning Administrator, the Board shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the administrative official at least one (1) week prior to the hearing, and shall decide it within sixty (60) days. The affected party may appear at the hearing in person or by attorney.

6.11 Variances

A variance shall not be granted unless the Board makes specific findings of fact based directly on the evidence presented to it, which support conclusions that the standards and conditions imposed by KRS 100.243 (as amended from time to time) have been met by the applicant.

6.12 Application and Standards for Variances

A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until a written application for a variance is submitted to the Zoning Administrator containing:

- A. Name, address, and telephone number of applicant(s);
- B. Authorized signature of property owner(s);
- C. Legal description of property;
- D. Description of nature of variance requested;
- E. A narrative statement demonstrating that the requested variance conforms to the standards required by KRS 100.243 (as amended from time to time).

6.13 Supplementary Conditions and Safeguards

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district. In granting a variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable pursuant to Article 4.9.

6.14 Public Hearing by the Board of Adjustment

The Board of Adjustment shall hold a public hearing within a reasonable time after the receipt of an application for a variance.

6.15 Notice of Public Hearing in Newspaper

Before holding the public hearing, notice of such hearing shall be given in one or more newspapers of general circulation in the City not less than 7 days nor more than 21 days

in accordance with KRS 424.120(b) before the date of said hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed variance.

6.16 Action by the Board upon the Application for Variance

Not later than the date of the third regular Board of Adjustment meeting following the public hearing required by this Article, the Board either shall grant; grant with supplementary conditions; or deny the application for variance, as presented. If the application is denied by the Board, the applicant may appeal the decision of the Board as otherwise dictated by this Ordinance and Kentucky statute.

6.17 Conditional Use Permits

Conditional Use Permits may be granted by the Board of Adjustment in accordance with the provisions, procedures, and requirements of this Ordinance.

6.18 Philosophy of Conditional Use

Some types of uses possess characteristics of such a varied and unique nature (relative to location, design, size, method of operation, circulation, public facilities, and the like) that each specific use must be considered individually. These uses are conditionally permitted under the provisions of this Ordinance and/or Article 11, SCHEDULE OF USES.

6.19 Contents of Application for Conditional Use Permit

An application for a conditional use permit shall be filed with the Zoning Administrator by the owner(s) of property for which a conditional use is proposed. At a minimum, the application shall contain the following information:

- A. Name, address, and telephone number of applicant(s);
- B. Authorized signature of land owner(s);
- C. Legal description of property;
- D. Description of existing use;
- E. Zoning district;
- F. Description of proposed conditional use;

- G. Names and addresses of all adjoining property owners as reflected in the records of the Marshall County Property Valuation Administrator.
- H. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area(s), traffic access and traffic circulation, open space, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this Ordinance;
- I. A narrative statement evaluating the effects of such elements as noise, glare, odor, fumes, and vibrations on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan;
- J. In the case of any application requesting the construction of one or more Multiple-Family Dwellings in an R3 district, such application must be accompanied by detailed plans for the proposed construction, including but not limited to structure and facade materials and methods of application.

6.20 Findings of Fact Required for all Conditional Uses

The Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and, before approving any conditional use permit, shall find adequate evidence showing that such use at the proposed location:

- A. Is in fact a conditional use as established under the provisions of this Ordinance and/or the Schedule of Uses in Article 11, for the zoning district involved;
- B. Will be harmonious with and in accordance with the general objectives or with any specific objective of the City’s Comprehensive Plan and/or Zoning Ordinance;
- C. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- D. Will not be hazardous or disturbing to existing or future neighboring uses;
- E. May be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies

responsible for the establishment of the proposed use shall be able to provide adequately any such services;

- F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- G. Will not involve uses, activities, processes, materials, equipment and conditions or operations that will be materially detrimental to persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
- H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
- I. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

6.21 Specific Criteria and Requirements for Conditional Uses

The Board of Adjustment may impose such additional specific criteria and requirements upon conditional uses as the Board may deem reasonably necessary and prudent to protect the zoning district and area affected. Following are examples of some issues which may demand specific requirements and criteria to be imposed upon conditionally permitted uses (Note - the following are intended as examples only and are not intended to be inclusive or exhaustive):

- A. Ingress and egress to property and proposed structures thereon with particular references to the safety and convenience of motorist and pedestrians, traffic flow and control, and access in case of fire or catastrophe.
- B. The provision and arrangement of off-street parking and boarding areas [with particular attention to items mentioned in (1) above, the economic effects, noise, glare or odor caused by the conditional use on adjoining properties and properties generally in the district].
- C. Refuse and service areas, with particular reference to items mentioned in subparagraphs (A.) and (B.) above.
- D. Utilities, with reference to locations, availability and compatibility.

- E. Screening and buffering of adjoining properties with reference to type, dimensions and character.
- F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district.
- G. Required yard and other open spaces.
- H. General compatibility with adjacent properties and other properties in the district.

6.22 Supplementary Conditions and Safeguards

Violation of any specific criteria and/or requirement made a part of the terms of a conditional use permit, shall be deemed a violation of this Ordinance and punishable pursuant to Article 4.9.

6.23 Notice of Public Hearing

If a public hearing is required by KRS 100.237 (6) [as amended from time to time], same shall be scheduled and notice given and published by the Board in accordance therewith.

6.24 Action by the Board of Adjustment upon a Conditional Use Application

Not later than the date of the third regular Board of Adjustment meeting following the public hearing required by this Article (or the filing of the application in the event no public hearing is required), the Board either shall approve; approve with supplementary conditions; or disapprove the application for conditional use permit, as presented. If the application is approved or approved with modification, the Board shall direct the Zoning Administrator to issue a conditional use permit listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board, the applicant may appeal the decision of the Board as provided by this Ordinance and Kentucky statutes.

6.25 Expiration of Conditional Use

A conditional use permit shall be deemed to authorize only one conditional use and said permit automatically shall expire if, for any reason, the conditional use shall cease (discontinue) for more than one year.

6.26 Conditional Use Permits Permanently Satisfied [KRS 100.237(5)]

Once the board of adjustment has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the administrative official, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file. Thereafter said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.

6.27 Annual Review [KRS 100.237(4)]

The Zoning Administrator, or his designee, 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 structures 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 listed on the conditional use permit, the Zoning Administrator shall report the fact in writing to the Chairman of the Board of Adjustment. The report specifically shall state the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the Chairman of the Board of Adjustment. The Board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one (1) week prior to the hearing. If the Board of Adjustment finds that the facts alleged in the report of the Zoning Administrator are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board of Adjustment may authorize the Zoning Administrator to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

6.28 Amendments to the Zoning Ordinance and Map

The procedure and other requirements for amendment of this Ordinance and/or the Zoning map shall be governed by Kentucky statutes.

6.29 Initiation of Zoning Amendments

- A. Amendments to the text of this Ordinance may be initiated:
 - 1. By the Planning Commission; or,

2. By the City Council.
- B. Amendments to the Zoning Map may be initiated:
1. By the Planning Commission;
 2. By the City Council; or,
 3. By a property owner or owners of the affected property.

6.30 Contents of Map Amendment Application

Applications by property owners for amendments to the Official Zoning Map shall be filed with the Zoning Administrator and shall contain at least the following information:

1. Name, address and telephone number of applicant(s);
2. Authorized signature of property owner(s);
3. Proposed amending Ordinance, approved as to form by the City Attorney;
4. Present use;
5. Present zoning district;
6. Proposed zoning district;
7. A vicinity map at scale approved by the Zoning Administrator showing property lines, thoroughfares, existing and proposed zoning and such other items as the Zoning Administrator may require;
8. A list of all property owners and their mailing addresses whose properties adjoin the parcel(s) proposed to be rezoned in accordance with KRS 100.212(2);
9. A statement as to how the proposed amendment meets the criteria for amendments as required by KRS 100.213;
10. A fee as established by City Council in Article 4.10.

6.31 Transmittal to Planning Commission

The Zoning Administrator shall transmit any application for map amendment to the Planning Commission for action in accordance with Kentucky statutes.

ARTICLE 7.

ZONING DISTRICTS

R-1	Residential District
R-2	Residential District
R-3	Residential District
R-4	Residential District
B-1	Neighborhood Business
B-2	General Business
HOC-1	Highway Oriented Commercial
HOC-2	Highway Oriented Commercial Support
HOC-3	Highway Oriented Hybrid
I-1	Light Industrial
I-2	Heavy Industrial
C	Conservation
WP	Well-head Protection

The above zoning districts are established in order to facilitate regulation for orderly and compatible land use within the City of Calvert City.

7.0 **R-1: Residential District**

A. Statement of Purpose

The purpose of this district is to encourage development of very low density, single family dwellings and discourage encroachment from incompatible uses which may diminish property values.

B. Permitted Uses

See Article 11, SCHEDULE OF USES.

C. Standards

1. Building Site Area:

Each lot shall have an area of not less than seventeen thousand five hundred (17,500) square feet.

2. Lot Width:

The minimum lot width shall be one hundred (100) feet.

3. Building Site Coverage:

The total lot coverage for all buildings on the site shall not exceed forty (40%) percent of the lot area.

4. Setback Requirements:

The minimum requirements for yards:

Front Yard - 25 feet.

Rear Yard - 25 feet

Side Yard - 10 feet

7.1 R-2: Residential District

A. Statement of Purpose

The purpose of this district is to encourage development of low density, primarily single family dwellings (including Condominiums and Zero Lot Line Developments where appropriate) and discourage encroachment from incompatible uses which may diminish property values.

B. Permitted Uses

See Article 11, SCHEDULE OF USES

C. Standards

1. Building Site Area:

Each lot shall have an area of not less than ten thousand (10,000) square feet.

2. Lot Width:

The minimum lot width shall be sixty-five (65) feet.

3. Building Site Coverage:

The total lot coverage for all buildings on the site shall not exceed forty (40%) percent of the lot area.

4. Setback Requirements:

The minimum requirements for yards:

Front Yard - 25 feet

Rear Yard - 25 feet

Side Yard - 10 feet

7.2 **R-3: Residential District**

A. Statement of Purpose

The purpose of this district is to encourage development of medium density one, two and multi-family dwellings (including Condominiums and Zero Lot Line Developments) in residential neighborhoods configured and constructed in such a manner as to maintain harmony and compatibility among the various dwelling structures and without significant commercial infringement.

B. Permitted Uses

See Article 11, SCHEDULE OF USES.

C. Standards

1. Building Site Area:

Each lot shall have an area of not less than:

Single –family - 7,500 square feet

Two-family (duplex) - 10,000 square feet
and Condominiums

Multi-family - 12,000 square feet

2. Lot Width:

The minimum lot width shall be:

- Single-family - 50 feet
- Two-family (duplex) - 60 feet
- Multi-family - 60 feet

3. Building Site Coverage:

The total lot coverage for all buildings on the site shall not exceed forty-five (45%) percent of the lot area.

4. Setback Requirements:

The minimum requirements for yards:

- Front - 25 feet
- Rear - 20 feet
- Side - 7 feet

7.3 R-4: Residential District

A. Statement of Purpose

The purpose of this district is to encourage development of high density, one, two and multi-family dwellings (including Condominiums and Zero Lot Line Developments) in residential neighborhoods configured in such a manner as to make efficient use of the land and avoid overcrowding and traffic congestion.

B. Permitted Uses

See Article 11, SCHEDULE OF USES.

C. Standards

1. Building Site Area:

Each lot shall have an area of not less than:

- Single-family - 5,000 square feet

- Two –Family (duplex) - 8,000 square feet
- Multi-family - 12,000 square feet

2. Lot Width:

The minimum lot width shall be:

- Single-family - 50 feet
- Two-family (duplex) - 50 feet
- Multi-family - 60 feet

3. Building Site Coverage:

The total lot coverage for all buildings on the site shall not exceed forty-five (45%) percent of the lot area.

4. Setback Requirements:

The minimum requirements for yards:

- Front Yard - 25 feet
- Rear Yard - 15 feet
- Side Yard - 5 feet plus two (2) feet for each story above the second floor.

7.4 B-1: Neighborhood Business District

A. Statement of Purpose

The Neighborhood Business District is intended to encourage commercial and professional uses which are intended to serve nearby residential areas. Uses which would create hazards, offensive and/or loud noise, vibration, smoke, glare, heavy truck traffic, or late hours of operation are prohibited.

B. Permitted Uses

See Article 11, SCHEDULE OF USES.

C. Standards:

1. Building Site Area:

There are no site area requirements other than as otherwise required and/or implied by the terms of this ordinance.

2. Lot Width:

There are no lot width requirements other than as otherwise required and/or implied by the terms of this ordinance.

3. Building Site Coverage:

There are no building site coverage limitations other than as otherwise required and/or implied by the terms of this ordinance.

4. Setback Requirements:

The minimum requirements for yards:

Front yard - 25 feet

Side yard - 10 feet

Rear yard: There are no Rear yard requirements other than as otherwise required and/or implied by the terms of this ordinance

D. General Requirements

1. All business activities permitted in this district shall be conducted within a completely enclosed building or structure with the exception of: off-street parking; limited displays of merchandise for sale in the front yard or side yard of the lot; and loading and/or unloading areas. There shall be no outdoor storage of merchandise or materials and no outdoor processing unless authorized as a conditional use.

2. The external aesthetic properties of all commercial structures and buildings proposed for construction or external modification in this district shall be reviewed by the Planning Commission following the filing of an application for a Zoning Compliance Certificate. The Planning Commission shall consider the compatibility of such proposed structure or building with existing and permitted uses and structures in the immediate vicinity. No Zoning Compliance Certificate shall be issued unless and until the Planning

Commission determines the proposed structure or building to be aesthetically compatible with such existing and permitted uses. [Note: Routine maintenance not altering the essential external appearance of a structure or building shall not constitute “modification” requiring Planning Commission approval.]

3. All commercial establishments located on lots adjacent to residential districts shall maintain a minimum setback of twenty (20) feet on the side adjacent to the residential district. This side also shall be adequately buffered as regulated in Article 8, SUPPLEMENTAL REGULATIONS.
4. All signs and outdoor advertising displays are subject to the provisions established in Article 8, SUPPLEMENTAL REGULATIONS.
5. All parking and off-street loading are subject to the provisions established in Article 8, SUPPLEMENTAL REGULATIONS.
6. Any development involving impervious surfaces covering more than 50% of the area of the developed site/lot shall be depicted on a plan acceptable to the City Engineer, adequately addressing issues of erosion, sedimentation and storm water control and containing design features adequate to avoid any adverse effect on other properties.
7. All development shall be subject to the SUPPLEMENTAL REGULATIONS contained in Article 8, unless otherwise specifically exempted.

7.5 B-2: General Business District

A. Statement of Purpose

The General Business District is intended to encourage a wider range of business and entertainment activities such as those expected to be found in major shopping centers. This district also is intended to serve a broader geographic area than the Neighborhood Business District; generate significant volumes of vehicular traffic; require more off-street parking and loading; and require more planning to integrate such districts with adjacent residential areas.

B. Permitted Uses

See Article 11, SCHEDULE OF USES.

C. Standards:

1. Building Site Area:

There are no site area requirements other than as otherwise required and/or implied by the terms of this ordinance.

2. Lot Width:

There are no lot width requirements other than as otherwise required and/or implied by the terms of this ordinance.

3. Building Site Coverage:

There are no building site coverage limitations other than as otherwise required and/or implied by the terms of this ordinance.

4. Setback Requirements:

The minimum requirements for yards:

Front yard - 25 feet

Side yard - 10 feet

Rear yard: There are no Rear yard requirements other than as otherwise required and/or implied by the terms of this ordinance

D. General Requirements

All general requirements that are in effect in the B-1 Neighborhood Business District are applicable.

7.6 HOC-1 Highway Oriented Commercial District

A. Statement of Purpose

The Highway Oriented Commercial District (HOC-1) is intended to provide for the development of high density retail and service businesses which primarily are oriented toward serving the traveling or transient public or which will benefit from immediate access to the regional transportation system.

B. Application for Development and Processing

Applications for development within a Highway Oriented Commercial District shall be processed as follows:

1. When a site is proposed to be developed within the Highway Oriented Commercial District, a Development Plan shall be submitted for review by the Planning Commission, subject to waiver or partial waiver by the Zoning Administrator or Planning Commission. In cases of minor construction and structural alterations, the Zoning Administrator or the Planning Commission may waive all or any portion of the Development Plan requirements and review process as they, in their absolute discretion, may deem unnecessary or unnecessarily burdensome given the parameters and circumstances affecting the proposed development. Unless otherwise waived, the Development Plan shall include all elements necessary to allow the evaluation of the development criteria more specifically set forth in subsection F. of this section, to the satisfaction of the Planning Commission, including but not limited to the grading of any land; construction of any streets or other improvements; erosion, sedimentation and storm water control (with such design features to be adequate so as to avoid any adverse effect on other properties and with such adequacy to be certified by a licensed engineer); and, the demolition, erection, physical expansion, or change of use of any structure. The Development Plan shall not include the normal maintenance (i.e. cleaning, painting, and the like) of any structure.
2. The Planning Commission shall hold a hearing on the proposed Development Plan in accordance with the requirements of KRS Chapter 424, and review the Plan with regard to its compliance with the stated purpose of the relevant Highway Oriented Commercial District, and any other applicable requirements of this ordinance. Following such hearing, the Planning Commission shall take one of the following actions: approve the Development Plan; approve the Development Plan with conditions; disapprove the Development Plan; or, postpone its decision upon the Development Plan pending revisions, supplemental information, required submittals, review by the City Engineer, and/or similar additional proceedings. Upon such action by the Planning Commission, the applicant shall proceed accordingly.

C. Permitted Uses

See Article 11, SCHEDULE OF USES.

D. Standards:

1. Building Site Area:

There are no site area requirements other than as otherwise required and/or implied by the terms of this ordinance.

2. Lot Width:

There are no lot width requirements other than as otherwise required and/or implied by the terms of this ordinance.

3. Building Site Coverage:

There are no building site coverage limitations other than as otherwise required and/or implied by the terms of this ordinance.

4. Principal Structures:

In the case of this district, more than one principal structure may be permitted on one lot, as may be approved in the Development Plan.

5. Setback Requirements:

Requirements shall be as approved in the Development Plan; but in no event shall the required setback be less than ten (10) feet from any property line.

E. General Requirements

1. Off-street parking spaces and loading and unloading spaces shall be provided in accordance with Article 8, SUPPLEMENTAL REGULATIONS.

2. There shall be no outdoor storage or display of merchandise or materials and no outdoor processing unless authorized as a conditional use.

3. No outdoor storage of any waste material shall be permitted in this district except within enclosed containers. Such area shall be screened from view.

4. No lighting shall be permitted which would glare from this district onto any street or into any adjacent property.

5. All commercial establishments located on lots adjacent to residential districts shall maintain a minimum setback of fifty (50) feet in the yard adjacent to the residential district, which yard shall contain a buffer area, regulated by Article 8, SUPPLEMENTAL REGULATIONS.
6. An area of at least four (4) feet of grass or landscape vegetation shall separate all parking lots from adjacent road right of ways, with the exception of vehicular accesses.
7. All business activities involving service and repairs of vehicles, appliances, machinery, or equipment shall be conducted within a completely enclosed building.
8. All development shall be subject to the SUPPLEMENTAL REGULATIONS contained in Article 8, unless otherwise specifically exempted.

F. Development Plan Evaluation Criteria

Evaluation of the proposed Highway Oriented Commercial (HOC-1) District Development Plan shall be based upon the following criteria:

1. Design:
 - (a) The development plan should agree with the various elements of the Comprehensive Plan, and where applicable, any other adopted plan.
 - (b) The development plan should be consistent with the purpose of the District.
 - (c) The proposed site should be adequate and appropriate considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (for example topography, natural features, streets, relationship of adjacent uses, and the like).
 - (d) Nature and extent of the proposed uses should be consistent with any unique characteristics of the site.

- (e) The design, scale, building locations, and primary activities of the proposed development should be consistent and compatible with the natural environment and human-made features in the relevant vicinity of the site.

2. Circulation:

- (a) The amount of traffic that may be generated by the proposed development should be considered in light of the ability of the existing street system to adequately control and facilitate such traffic. Where deficiencies exist, proposed traffic improvements purposed to correct such deficiencies may be considered.
- (b) The design of the internal street system should provide for the efficient and safe movement of traffic within and adjacent to the site.
- (c) The circulation system should follow the natural or modified terrain of the site.
- (d) The circulation system should consider the propriety of the continuation of existing streets and for the connection of proposed streets to adjoining properties.
- (e) Vehicular circulation systems and parking areas should be designed so as to consider pedestrian safety.

3. Open Space:

- (a) Existing trees, streams, natural features, and scenic views should be preserved and maintained to the extent practicable.
- (b) A landscaping plan should complement the overall project.
- (c) Landscaping should be an integral part in the design of off-street parking areas to soften the impact of hard surfaced areas on adjacent areas.
- (d) Open spaces should not be isolated from one another by unrelated physical obstructions. Instead, open spaces should be linked together by open space corridors having a reasonable width, where feasible and practical.

- (e) Open spaces and landscaping along the perimeter of the site should be compatible with adjoining uses and zones.

4. Utilities:

All necessary public utilities and facilities should be available to service the proposed development, including police and fire protection, water and sewer services, and other services normally provided within the area. Where deficiencies exist, improvements that would correct such deficiencies may be considered.

5. Signage:

Signage in the HOC-1 District shall be subject to the requirements of Article 8, SUPPLEMENTAL REGULATIONS. In addition, all signage must be designed and submitted as a part of the Development Plan, which will be considered in accordance with the following criteria:

- (a) Signage should be designed to protect and enhance the visual amenities of the site.
- (b) A sign package should be developed for the entire development that forms an integral part of the total design of the site.
- (c) All signs should be of a complimentary scale and in proportion in design and in visual relationship to the site and buildings.
- (d) Proposed signs should define and enhance the architectural elements of a building or site.
- (e) Signage should be consolidated and coordinated with the overall site design.
- (f) Any high-rise sign must be constructed so as to coordinate and visually compliment other high-rise signs, existing and reasonably anticipated, in its visual vicinity. Generally, only one such high-rise sign shall be allowed per development.

G. Amendments to Development Plan

The City Administrator may approve minor adjustments to an approved Development Plan which in the Administrator's judgment would not materially affect any of the criteria by which the Plan initially was approved by the Planning Commission. All material amendments or adjustments shall be treated as original submittals and shall be subject to a public hearing and evaluation by the Planning Commission for approval.

H. Expiration

An approved Development Plan shall expire if substantial construction of the development has not been initiated within a period of 12 months from the date of approval by the Planning Commission; provided that an extension may be permitted upon approval of the Planning Commission, if sufficient proof can be demonstrated by the applicant that the construction was delayed due to circumstances beyond the applicant's control and that prevailing conditions have not changed appreciably to render the approved Development Plan obsolete. Substantial construction shall be deemed to mean the construction of footers and foundation.

7.7 HOC-2 Highway Oriented Commercial Support District

A. Statement of Purpose

The Highway Oriented Commercial Support District (HOC-2) is intended to provide for the development of retail and service businesses which generally cater to lower volume traffic than the HOC-1 District, and which are oriented either towards serving the traveling or transient public or which support, directly or indirectly, the businesses and function of the HOC-1 District.

B. Regulation of Development

This District is subject to the same regulation of applications, uses, standards, evaluation and general conditions as the Highway Oriented Commercial District (HOC-1), as contained in section 7.6 of this ordinance.

7.8 HOC-3 Highway Oriented Hybrid District

A. Statement of Purpose

The Highway Oriented Hybrid District (HOC-3) is intended to accommodate both high-density residential development and retail and service businesses which are oriented toward utilization of the regional transportation system.

B. Regulation of Development

This District is subject to the same regulation of applications, uses, standards, evaluation and general conditions as the Highway Oriented Commercial District (HOC-1), as contained in section 7.6 of this ordinance.

7.9 LU Limited Use Zone

A. Statement of Purpose

The purpose of the Limited Use District (LU) is to provide for a logical, appropriate and aesthetically superior and exclusive area of transition from the Highway Oriented Commercial District surrounding the intersection of U.S. Highway 62 and Interstate Highway 24 to the Kentucky Dam Village State Park. This area should be developed as a combination of highest-quality retail commerce and points of interest directed toward promotion of the recreational facilities of the City and anticipated public use of Kentucky Dam Village. Aesthetic compatibility with these stated purposes is essential to proper development of this District.

B. Permitted Uses

Any use listed as permissible in Article 11, SCHEDULE OF USES.

C. Conditional Use

Any use listed as a conditional use in Article 11, SCHEDULE OF USES.

D. Standards

1. Building Site Area:

There is no minimum required building site area other than as implied by other provisions of this Ordinance.

2. Building Site Width:

There is no minimum building site width other than as implied by other provisions of this Ordinance.

3. Building Site Coverage:

There is no maximum building site coverage other than as implied by other provisions of this Ordinance.

4. Setback requirements:

The minimum requirements for yards:

Front Yard: 25 feet

Rear Yard: 20 feet

Side Yard: 7 feet

E. General Requirements

All general requirements that are in effect in the B-1 Neighborhood Business District are applicable.

7.10 I-1 Light Industrial District

A. Statement of Purpose

The Light Industrial District is intended to permit certain industries which are of a light manufacturing character. So that such uses may be integrated with other land uses, such as commercial and residential areas, limitations are placed upon the degree of noise, smoke, glare, waste and other features of industrial operations which may cause adverse effects. It is further intended that these light industrial uses act as a transition between heavier industrial districts and non-industrial districts.

B. Permitted Uses

See Article 11, SCHEDULE OF USES.

C. Standards

1. Building Site Area:

There is no minimum building site area.

2. Lot Width:

There is no minimum lot width.

3. Building Site Coverage:

There is no maximum building site coverage.

4. Setback Requirements:

The minimum requirements for yards:

Front yard - 0

Rear yard - 0

Side yard - 0

D. General Requirements

1. All signs and outdoor advertising displays are subject to the provisions established in Article 8, SUPPLEMENTAL REGULATIONS.
2. All parking and loading are subject to the provisions established in Article 8, SUPPLEMENTAL REGULATIONS.
3. Lighting:

Exterior lighting proposed for use on the site shall be planned, erected, and maintained so light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way.
4. All development shall be subject to the SUPPLEMENTAL REGULATIONS contained in Article 8, unless otherwise specifically exempted.

7.11 I-2 Heavy Industrial District

A. Statement of Purpose

The Heavy Industrial District is composed of land and structures occupied by or suitable for mutually compatible heavy manufacturing and related activities. Located for convenient access to present and future arterial thoroughfares, highways, and railway lines, these districts are usually separated from residential areas by business districts or natural barriers; the district regulations are designed to permit the development of the districts for almost any industrial use.

B. Permitted Uses

1. See Article 11, SCHEDULE OF USES.
2. Sexually oriented businesses shall be permitted as a matter of right in the I-2 Heavy Industrial District, subject to the location restrictions detailed herein. It shall be unlawful to hereafter

establish, operate, or cause to be operated, a sexually oriented business within:

- (a) 1,000 feet of a pre-existing sexually oriented business; or
 - (b) 1,000 feet of a house of worship, a public or private elementary or secondary school, or a nursery school; or
 - (c) 1,000 feet of any structure containing a residential dwelling or rooming unit.
3. For the purpose of this Article, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the nearest property line of a parcel containing another sexually oriented business, house of worship, public or private elementary or secondary school, nursery school, dwelling unit, or structure containing a dwelling unit.

Notwithstanding any other provisions to the contrary, sexually oriented businesses shall be considered permitted uses in the zoning districts where sexually oriented businesses are allowed to locate pursuant to the Schedule of Uses contained in Article 11, and shall not be subject to the standards applied to special or conditional uses.

It is a purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the City Council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J.*

Gifts D-4, LLC, 541 U.S. 774 (2004); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 427 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); as well as in the cases of *Blue Movies, Inc. v. Louisville/Jefferson County Metro Government*, 317 S.W.3d 23 (Ky. 2010); *LM Entm't, Inc. v. City of Mt. Sterling*, 2009 WL 1974549 (Ky. Ct. App. July 10, 2009); *600 Marshall Entm't Concepts, LLC v. City of Memphis*, 705 F.3d 576 (6th Cir. 2013); *Entm't Prods., Inc. v. Shelby County*, 721 F.3d 729 (6th Cir. 2013); *Big Dipper Entm't, LLC v. City of Warren*, 641 F.3d 715 (6th Cir. 2011); *Lund v. City of Fall River*, 714 F.3d 65 (1st Cir. 2013); *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (4th Cir. 2010); *LLEH, Inc. v. Wichita County*, 289 F.3d 358 (5th Cir. 2002); *Ocello v. Koster*, 354 S.W.3d 187 (Mo. 2011); *84 Video/Newsstand, Inc. v. Sartini*, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); *Plaza Group Properties, LLC v. Spencer County Plan Commission*, 877 N.E.2d 877 (Ind. App. 2007); *Flanigan's Enters., Inc. v. Fulton County*, 596 F.3d 1265 (11th Cir. 2010); *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *Nightclubs, Inc. v. City of Paducah*, 202 F.3d 884 (6th Cir. 2000); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *Bamon Corp. v. City of Dayton*, 923 F.2d 470 (6th Cir. 1991); *Triplett Grille, Inc. v. City of Akron*, 40 F.3d 129 (6th Cir. 1994); *Kentucky Restaurant Concepts, Inc. v. City of Louisville and Jefferson County*, 209 F. Supp. 2d 672 (W.D. Ky. 2002); *Restaurant Ventures, LLC v. Lexington-Fayette Urban County Gov't*, 60 S.W. 3d 572 (Ct. App. Ky. 2001); *Mr. B's Bar & Lounge, Inc. v. Louisville*, 630 S.W.2d 564 (Ct. App. Ky. 1981); *Commonwealth v. Jameson*, 215 S.W.3d 9 (Ky. 2006); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Peek-a-Boo Lounge v. Manatee County*, 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Heideman v. South Salt Lake City*, 348 F.3d 1182 (10th Cir. 2003); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville*, 635 F.3d 1266 (11th Cir. 2011); *H&A Land Corp. v. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); *Fantasy*

Ranch, Inc. v. City of Arlington, 459 F.3d 546 (5th Cir. 2006);
Illinois One News, Inc. v. City of Marshall, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512 (6th Cir. 2009); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *DCR, Inc. v. Pierce County*, 964 P.2d 380 (Wash. Ct. App. 1998); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); *Fantasyland Video, Inc. v. County of San Diego*, 505 F.3d 996 (9th Cir. 2007); *U.S. v. Baston*, 818 F.3d 651 (11th Cir. 2016); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); *People ex rel. Deters v. The Lion's Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); *Reliable Consultants, Inc. v. City of Kennedale*, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); and based upon other cases; and on testimony to Congress in 136 Cong. Rec. S 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S 5636; 134 Cong. Rec. E 3750; and reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," *Journal of Urban Health* (2011); "Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime?" *Crime & Delinquency* (2012) (Louisville, KY); Metropolis, Illinois – 2011-12; Manatee County, Florida – 2007; Hillsborough County, Florida – 2006; Clarksville, Indiana – 2009; El Paso, Texas – 2008; Memphis, Tennessee – 2006; New Albany, Indiana – 2009; Louisville, Kentucky – 2004; Fulton County, GA – 2001; Chattanooga, Tennessee – 1999-2003; Jackson County, Missouri – 2008; Ft. Worth, Texas – 2004; Kennedale, Texas – 2005; Greensboro, North Carolina – 2003; Tucson, Arizona – 1990; Spokane, Washington – 2001; St. Cloud, Minnesota – 1994; Houston, Texas – 1997, 1983; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Austin, Texas - 1986; Oklahoma City, Oklahoma - 1986; Dallas, Texas - 1997; New York Times Square study - 1994; Phoenix, Arizona -1995-98, 1979; Dallas, Texas – 2007; "Rural Hotspots: The Case of Adult Businesses," 19 *Criminal Justice Policy Review* 153 (2008); Sex Store Statistics and Articles; Law Enforcement and Private Investigator Affidavits (Adult Cabarets in Forest Park, GA and Sandy Springs, GA); Strip Club-Trafficking

Documents; and also on findings of physical abuse from the paper entitled “Stripclubs According to Strippers: Exposing Workplace Sexual Violence,” by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from “Sexually Oriented Businesses: An Insider’s View,” by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000, and the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Council finds:

- (a) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, human trafficking, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
- (b) Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.
- (c) Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the City’s rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the City’s interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the City. The City finds that the cases and documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.

The City hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of

sexually oriented businesses, including the judicial opinions and reports related to such secondary effects.

Sexually oriented businesses are subject to the zoning district assignment and other location restrictions set forth in Article 7 of this Zoning Ordinance. Sexually oriented businesses are also subject to the Calvert City Sexually Oriented Business Licensing Ordinance.

C. Standards

1. Building Site Area:

There is no minimum building site area.

2. Lot Width:

There is no minimum lot width.

3. Building Site Coverage:

There is no maximum building site coverage.

4. Setback Requirements:

The minimum requirements for yards:

Front yard - 0 feet

Rear yard - 0 feet

Side yard - 0 feet

D. General Requirements

Those requirements listed in the I-1, Light Industrial District shall apply.

7.12 C Conservation District

A. Statement of Purpose

The Conservation District is intended to provide for the special rural needs of sparsely developed areas; to promote conservation, recreation, preservation of natural resources and open spaces; and, to structure growth and development in a

planned and orderly fashion. This district also is intended to accommodate some flexibility of development in areas in which the “highest and best use” is uncertain at the time of the adoption of this Ordinance.

B. Permitted Uses

No uses are permitted as a matter of right in the Conservation District. Any use otherwise permitted in any residential or commercial district may be permitted in the Conservation District only by express permission of the Planning Commission, as otherwise indicated in Article 11, Schedule of Uses.

C. Procedures For Review And Approval

Prior to any development or use in the Conversation District, an applicant shall appear before the Planning Commission and present its proposed development or use, in principle. The Planning Commission then shall determine the standards and procedure to be used in considering such proposal. In its discretion, the Planning Commission may require a simple review by the Zoning Compliance Officer or may utilize any other procedure, in whole or in part, existing in this Article.

7.13 WP Well-head Protection District

A. Statement of Purpose

The Well-head Protection District is an over-lay district which identifies the area above the aquifer immediately and most likely to present issues affecting the quality of water available to the City’s potable water wells. Accordingly, it is necessary that the City maintain continuing control of this area in order to protect the City’s potable water supply. This district is intended as an over-lay district, imposing regulations and restrictions in addition to those of the other zoning districts applicable to this area as identified on the City’s official zoning map, from time to time.

B. Permitted and Conditional Uses

Uses or structures shall be permitted in the Well-head Protection District as otherwise permitted in the primary zoning districts affected by the Well-head Protection District, subject to approval by the Planning Commission after review of a Development Plan submitted in accordance with Article 7.6 B. and Article 7.6 F. through H. of this Ordinance. For purposes of its review of such Development Plan, the Planning Commission shall consider and require (in addition to those otherwise required by Article 7.6), protections and controls for preventing the introduction into the aquifer below the site the following substances: petroleum products; substances listed in 401 KAR, Chapter 30; substances listed in the Federal Hazardous Waste list; and, substances other than

those listed on the Federal Hazardous Waste List that are determined by state or federal agencies to pose a significant threat to any community water supply well or well field. The Planning Commission shall consult with the Board of Public Utility Commissioners or its designee in determining whether proposed protections and controls are appropriate and sufficient, and imposing appropriate regulations and requirements.

C. Standards

The standards for construction in the Well-head Protection District shall be those otherwise applicable to the primary district, except as such standards may be altered, expanded or restricted in the sole discretion of the Planning Commission upon consideration of the proposed Development Plan as required by subsection B, above.

D. General Requirements

The general requirements for construction in the Well-head Protection District shall be those otherwise applicable to the primary district, except as such standards may be altered, expanded or restricted in the sole discretion of the Planning Commission upon consideration of the proposed Development Plan as required by subsection B, above.

ARTICLE 8.

SUPPLEMENTAL REGULATIONS

8.0 Off-Street Parking, Storage, and Loading Requirements

A. Standards

In all districts, there shall be provided at such time any building or structure is erected, enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the following requirements. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. The Planning Commission and/or Zoning Administrator shall approve and permit the design for off-street parking facilities. The area required for parking one automobile, with its attendant maneuvering room (180 square feet). The area required for a parked car is to be ten (10) feet wide and eighteen (18) feet long or nine (9) feet wide and twenty (20) feet long.

The above standards shall apply for all off-street parking facilities of five (5) or more spaces. Also, all parking spaces required by this ordinance shall be in addition to any spaces dedicated to use by handicapped or disabled persons or otherwise required by the Americans with Disabilities Act or similar regulations.

The following requirements shall apply to any subsequent use of such building or structure to be constructed or now existing. Uses requiring parking spaces in excess of those provided are expressly prohibited.

B. Table of Parking Spaces Required

<u>USES</u>	<u>PARKING SPACES REQUIRED</u>
Airport, railroad, passenger stations And bus terminals.	One (1) per (4) seating accommodations for waiting passengers, plus one (1) for each two (2) employees on the shift of largest employment.
Automobile and similar repair garages	One (1) for each employee on a single shift plus one for each 250 square feet of building area used for repair work.

Automobile wrecking yards, junk, or salvage yards which sell new or used merchandise public	One (1) for each two (2) employees, plus one (1) space for each ten thousand (10,000) square feet of lot area or two (2) for each one thousand (1,000) square feet of floor area, whichever is the greater.
Banks	One (1) per three hundred (300) square feet of usable floor space, plus one (1) for each three (3) employees.
Bowling alleys	Five (5) per lane.
Car Wash	One (1) for each employee, plus one (1) per owner or manager, and additional spaces equal to three (3) times the capacity of the facility.
Churches and places of worship	One (1) per four (4) seats as established by the State Fire Marshall, or one (1) per thirty (30) square feet of gross floor area of auditorium, whichever is greater.
Commercial or trade schools	One (1) per three (3) students plus two (2) per three (3) employees.
Country club	One (1) per five (5) members.
Dwelling (single)	One (1) per bedroom, with a minimum of two (2)
Dwelling (two family and multiple family)	One and a half (1 ½) per bedroom.
Fuel service station	One (1) for each employee plus three (3) for each service bay.

Homes for the aged, sanitariums, convalescent or nursing homes	One (1) for each four (4) patient beds, plus one (1) per staff doctor, plus one (1) for each three (3) employees.
Hospitals	One (1) per three (3) patient beds exclusive of bassinets, plus one (1) for each staff doctor and one (1) for each three (3) employees on the shift of largest employment.
Hotel, Motel, Bed and Breakfast	One (1) per guest room or suite, plus two (2) per three (3) employees.
Laundromats	One (1) for each two (2) washing machines plus one (1) for each employee.
Library/Museums	One (1) for each four hundred (400) square feet of gross floor area.
Manufacturing or industrial establishment, public utility service building, research or testing laboratory, wholesale warehouse or similar establishment.	One (1) per two (2) employees on the shift of largest employment plus space to accommodate all trucks and other vehicles used in connection therewith.
Medical and dental clinics	Three (3) patients' parking spaces per primary care provider, plus two (2) per three (3) employees, plus one (1) primary care provider.
Mortuaries or funeral parlors	Five (5) per parlor or chapel unit, or one (1) per four (4) seats, whichever is greater.
Nurseries (day care)	One (1) for each two (2) employees plus one (1) for every four (4) children.
Offices (professional and non-professional, not providing on-site services to the public)	One (1) for each four hundred (400) square feet of gross floor area
Places of assembly (other than churches)	One(1) per three hundred (300)

and places of worship), banquet facilities, exhibition halls, convention centers, conference rooms, private clubs, union halls and similar areas for social or business gatherings (without fixed seats)

square feet of usable floor space or one (1) per three (3) seats (maximum occupancy as established by the State Fire Marshall), whichever is greater.

Personal service establishments (professional and non-professional, other than medical services)

Two and a half (2.5) per personal service provider and one (1) for each assistant and staff employee

Recreation and entertainment (commercial)

One (1) per three (3) patrons based on design capacity of the facility (as established by the State Fire Marshall), and (1) for each two (2) employees on the shift of largest employment.

Restaurants

One (1) for each:
(A) 30 square feet of gross floor area in a drive-in restaurant; (B) 140 square feet of gross floor area in a carry out restaurant; (C) Two (2) seating accommodations, based on maximum capacity in a sit down or combination restaurant plus one per each two (2) employees on the shift of largest employment.

Retail stores, grocery stores, supermarkets, shopping centers

One (1) per three hundred (300) square feet of gross floor area

Stadiums and sports arenas or gymnasiums

One (1) per five (5) seats.

All other uses not listed herein

Based on a study to be prepared by the owner or operator, the number of spaces to be required will be determined by the Commission after considering:

A: Type of use and estimated number of trips generated during peak conditions (inbound and outbound).

B: Estimated parking duration per vehicle trip (turnover rates).

C. Application of Standards

In applying the standards set forth above, the following shall apply:

1. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of various uses computed separately, unless otherwise determined by the Commission.
2. Where a fractional space results, any fraction less than one-half (1/2) may be dropped and any fraction of one-half (1/2) or more shall be counted as one (1) parking space.
3. Standards shall apply fully to all uses and buildings established after the effective date of this Ordinance.
4. Except for parcels of land devoted to one (1) and two (2) family uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
5. Where parking is to be provided in the front yard of a multiple family dwelling, there shall be maintained an area, minimum (10 feet) in width, between such parking area and the front lot line to be prepared and planted with grass, trees, or shrubs.
6. All parking spaces required herein shall be located on the same lot with the building or use served. However, when an increase in the number of spaces is required by a change of use or enlargement of the building, the required spaces may be located and maintained not to exceed four hundred (400) feet from any building served. Further, with the exception of HOC-1 and HOC-2 Districts, no signs of any kind shall be erected upon such off-premises spaces.

D. Storage of Recreational Vehicles, Recreational Equipment, Commercial Vehicles, and Trailers

For purposes of this ordinance, “stored” shall be defined as “leaving unattended for more than two (2) hours”. No recreational vehicle, recreational equipment, commercial vehicle, or trailer shall be stored on

any lot occupied by a dwelling or on any lot in a residential district, except in accordance with the following provisions:

1. Not more than one (1) motorized commercial vehicle (without trailer) may be stored on any lot occupied by a dwelling, except as authorized by Conditional Use Permit.
2. No trailer exceeding 16 feet in length (except as specifically addressed in numbered paragraph 3, below) shall be stored on any lot occupied by a dwelling, except as authorized by Conditional Use Permit. Trailers having a length of 16 feet or less may be stored on a lot occupied by a dwelling, without restriction other than nuisance and any other applicable regulations.
3. Not more than one (1) recreational vehicle, one (1) item of recreational equipment or one (1) trailer shall be permitted to be stored in the yard in front of any residence. Additional recreational vehicles or equipment shall be stored in the back yard (or any yard of a corner lot, other than in front of the residence as oriented) or in an accessory building constructed for such purpose and concealing the vehicle or equipment from public view.
4. No trailer, recreational vehicle or recreational equipment may be stored on any unoccupied lot in a residential district.
5. No recreational vehicle or recreational equipment may be stored on any lot in a commercial district, except in a building built for such purpose and concealed from public view or when the permitted use of such lot involves the sales, rental or service of such vehicles or equipment.
6. Notwithstanding any other provision of this ordinance, recreational vehicles, recreational equipment, and trailers may be stored in the rear yard of any lot provided no recreational vehicle or recreational equipment is used as a dwelling.*
7. No recreational vehicle or recreational equipment shall be used as a dwelling while it is parked or stored in any area except in a mobile home park as authorized by this or other Ordinance.*

[*Note: For purposes of this section only, temporary human occupancy for a period of not more than 3 consecutive days within a period of two (2) weeks shall not constitute “use as a dwelling”.]

E. Off-Street Loading and Unloading Requirements

Off-street loading space shall be logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. All off-street loading spaces shall be located totally outside of any street or alley right-of-way. The following rules and regulations shall apply to off-street loading and unloading facilities:

1. A building whose dominant use is handling and selling goods at retail shall provide one (1) off-street loading and unloading space for buildings containing up to and including ten thousand (10,000) square feet of floor area, plus one (1) additional space for each additional ten thousand (10,000) square feet of gross floor space.
2. Manufacturing, repair, wholesale and similar uses shall provide one (1) off-street loading and unloading space for buildings containing ten thousand (10,000) square feet of floor space plus one (1) space for each forty thousand (40,000) square feet of floor area in excess of ten thousand (10,000) square feet.
3. Such loading and unloading space shall be an area twelve (12) by fifty (50) feet with a fourteen (14) foot height clearance and shall be designed with appropriate means of truck access to a street or alley, as well as having adequate maneuvering area.
4. With the exception of I-1 and I-2 Districts, such loading and unloading facilities shall be located at the rear of commercial buildings and shall not interfere with primary customer parking spaces or streets.

F. Construction and Maintenance

Except for one and two-family dwellings, off-street parking and truck loading facilities shall be constructed, maintained, and operated in accordance with the following specifications:

1. Drainage and Surfacing: The facility shall be graded for drainage, surfaced with concrete, asphaltic concrete, asphalt or aggregate surfacing and maintained in proper condition, free of weeds, dust, trash and debris. If on the effective date of this Ordinance there exist lots on which the parking facilities are not required to be surfaced, they shall be maintained in proper condition as noted above.
2. Lighting: If the facility will accommodate ten or more cars and the facility is operated during other than daylight hours, adequate

lighting (in the judgment of the Zoning Administrator) shall be provided and maintained during the operation of the facility, and shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic on adjoining streets.

3. Screening and Buffering: A parking facility abutting or adjacent to residential uses is subject to screening and buffering as set forth in Article 8.9.
4. Prohibition of Other Uses: Required off-street parking areas shall not be used for the sale, repair, dismantling, or servicing of any vehicle, equipment, materials or supplies.
5. Multiple-Level Parking Facilities: Parking facilities on more than one level shall be designed in accordance with the standards set forth herein for grade level parking facilities insofar as they are reasonably applicable. The design of such multiple-level facilities shall be subject to the approval of the Planning Commission with respect to layout, circulation, accommodations for pedestrians, and ingress and egress affecting safety and convenience.

8.1 Signs

Signs shall be permitted, subject to the provisions and regulations contained herein and as otherwise permitted by this Ordinance.

A. Definitions – Signs

1. **Sign** – Any singular display or group of displays affixed to land or improvements thereon (excluding displays appearing on or affixed to building facades and windows) and erected on a single support structure (other than flags of the United States of America, which are not subject to regulation pursuant to this ordinance).
2. **Display Area** – The portion of a sign upon which a message or depiction may be displayed. If a sign is constructed such that opposite sides of the sign are identical, the Display Area will be calculated with reference to one side only (i.e. not doubled to account for both sides of the sign).

3. Small Sign – Any Sign having a Display Area not exceeding four square feet (4 ft²) and a maximum height not exceeding four (4) feet.
4. Utility Sign – Any Sign exceeding the parameters of a Small Sign and having a Display Area not exceeding twenty-four square feet (24 ft²) and a maximum height not exceeding six (6) feet.
5. Medium Sign – Any Sign exceeding the parameters of a Utility Sign and having a Display Area not greater than fifty square feet (50 ft²) and a maximum height not exceeding twenty-five (25) feet.
6. Large sign – Any Sign exceeding the parameters of a Medium Sign and having a Display Area less than eighty square feet (80 ft²) and a maximum height not exceeding fifty (50) feet.
7. Billboard – Any Sign exceeding the parameters of a Large Sign.
8. Temporary Sign – Any Sign having a Display Area not exceeding twenty-four square feet (24 ft²); a height not exceeding the height of signs allowed as a matter of right in the applicable zoning district; and erected for a period not exceeding thirty (30) consecutive days. The lot or tract upon which a Temporary Sign is located may not be utilized for the location of any other Temporary Sign and no Temporary Sign may be located upon such lot or tract for a period of six months following the removal of the Temporary Sign. Violation of this restriction shall cause the otherwise Temporary Sign to lose its “temporary” classification.
9. Height – The distance from grade to the highest point on the sign/support structure combination.
10. Display – A visual artistic, linguistic, or other expression of thought, idea or emotion, in two dimensional or three dimensional format.

B. Zoning Compliance Certificate Required

A Zoning Compliance Certificate shall be required for all Signs located in the City, with the exception of:

1. Small Signs erected for a period not exceeding sixty (60) days. [Note: during such sixty (60) day period, any number of Small Signs may be located upon the subject lot, but all Small Signs must be removed upon

the expiration of sixty (60) days from the first placement of a Small Sign upon the subject property.] For a period of six months following the expiration of such sixty (60) day period, the subject lot may not be utilized for the location of any other Small Signs. Violation of this restriction shall cause the exemption to expire and requirement of a zoning compliance certificate to be reinstated.

2. Temporary Signs not located in Residential zoning districts.

C. Location of Signs

Signs may be located in such districts as may be authorized by the Schedule Of Uses appearing in Article 11 to this Ordinance or as allowed by subsection G., below, subject to the following additional restrictions:

1. Small Signs – shall be erected not closer than seventy-five feet from any other sign (Exception: Small Signs qualifying for zoning compliance certificate exemption per section B.1., above); erected with no portion of the sign closer than five feet from the right of way of any public street, and not obstructing the view of traffic so as to interfere with safe vehicular operation.
2. Utility Signs – shall be erected not closer than seventy-five feet from any other sign (exempt Small Signs excepted); with no portion of the sign closer than ten feet from the right of way of any public street; and not obstructing the view of traffic so as to interfere with safe vehicular operation.
3. Medium Signs - shall be erected not closer than seventy-five feet from any other sign (exempt Small Signs excepted); with no portion of the sign closer than ten feet from the right of way of any public street; and not obstructing the view of traffic so as to interfere with safe vehicular operation.
4. Large Signs - shall be erected not closer than one hundred feet from any other sign (exempt Small Signs excepted); with no portion of the sign closer than thirty feet from the right of way of any public street; and not obstructing the view of traffic so as to interfere with safe vehicular operation.

D. Lighting of Signs

Signs which involve lighting or motion resembling traffic or directional signals, warnings, such as “stop” or “danger” or any other signal signs which are normally associated with highway safety or regulations are prohibited. Additionally, no sign constituting a nuisance because of light, glare, focus, animation, or any illuminated signs of such intensity or

illumination as to unduly disturb the use of residential property or vehicular traffic shall be erected or continue in operation. Flashing signs of any type are prohibited.

E. Maintenance of Signs

Signs shall be maintained to ensure proper alignment and integrity of structure; readability of the sign; reasonable repair and appearance in accordance with the aesthetic standards of the surrounding community; and, preservation of the structure with paint or other preservatives. If a sign is not maintained, written notice of any disrepair shall be issued by the Zoning Administrator and mailed by first class mail to the owner of said structure or if unknown, the owner of the property on which the structure is located (as reflected in the records of the Marshall County Property Valuation Administrator). If the disrepair is not corrected within sixty (60) days of issuance of said notice, said structure shall be removed at the direction of the Commission and the cost of such removal shall be recoverable from such owner by judicial process.

F. Displays on Buildings

1. Displays attached to or otherwise appearing upon buildings may not exceed 40% of the façade of the building (or portion of the building subject to separate lease or use) upon which they appear.
2. Displays attached to or otherwise appearing upon buildings shall not extend horizontally to closer than eighteen inches (18”) from the vertical edge of the functional façade or more than 5 feet above the functional facade of the building.

G. Utility Signs in Residential Districts by Conditional Use

Utility Signs may be placed in Residential Districts only upon issuance of a Conditional Use Permit by the Board of Zoning Adjustment and only under the following circumstances:

1. In conjunction with another conditional use permit application affecting the same lot (with the exception of Home Occupations, which do not qualify for this exception).
2. Within 100 feet of the entrance or entrances from a city street to a Major Subdivision, as that term is defined in the City’s Subdivision Regulation from time to time.

3. Within 100 feet of the entrance or entrances from a city street to a multi-family dwelling or group of multi-family dwellings under common ownership, consisting of not less than 10 dwelling units.

8.2 Home Occupations

A. Statement of Purpose

The standards for Home Occupations are intended to encourage compatibility with permitted residential uses.

B. Standards

Home occupations meeting the following standards shall be allowed, without further restriction, permit or regulation:

1. A Home Occupation must be conducted within a dwelling which is the bona fide residence of the principal practitioner or proprietor or in an accessory building thereto which is of a type normally associated with a residential use.
2. No alteration to the exterior of the principal residential building shall be made which changes the character thereof as a dwelling.
3. No outdoor display of goods or outside storage of equipment or materials primarily used in the home occupation shall be permitted.
4. No more than one (1) person other than a member of the immediate family occupying such a dwelling shall be employed upon the premises at any given point in time.
5. No more than two (2) rooms or twenty-five (25) percent of the gross area of one floor (whichever is less) of the principal residence shall be used primarily for the home occupation.
6. No equipment or process shall be used in a home occupation which creates any offensive noise, vibration, glare, fumes, odor, or electrical interference detectable to normal senses outside the residence or accessory building. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

7. No traffic shall be generated by such home occupation in materially greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of a home occupation shall meet the off-street parking requirements as specified in this Ordinance, and shall not be located in a required front yard.

Any Home Occupation not meeting the foregoing standards may be conducted only if authorized by a Conditional Use Permit.

8.3 Traffic Visibility Across Corner Lots

There shall be provided a triangular space at the street corner of a corner lot free from any kind of obstruction to vision between the heights of 2 ½ to 12 feet above established grade, determined by a diagonal line connecting two points measured 15 feet equidistant from the street right-of-way corner along each intersecting property line.

The Board of Zoning Adjustment may either reduce or increase the requirements of this section for the interest of safety where unusual or special conditions exist.

8.4 Junk Yards

Because of the nature and character of their operations, junk yards and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Junk yards tend to create problems of noise, dust, traffic and health hazards and may adversely affect property values by their general appearance. Accordingly, the following conditions and restrictions shall apply to all Junk Yards:

- A. The storage of three or more unlicensed abandoned vehicles and salvage vehicles must be in an approved and permitted salvage yard.
- B. No junk yard shall be permitted closer than one thousand (1,000) feet to any residential district.
- C. All outdoor storage in junk yards shall be conducted entirely within an enclosed fence or wall, except the driveway area. The fence or wall shall be at least eight (8) feet in height; appropriately screened to prohibit the visibility of the junk material; and, otherwise comply with all other

buffering requirements of this ordinance. Storage outside or above such fence or wall is expressly prohibited.

8.5 Principal and Accessory Buildings

Except in Highway Oriented Commercial Districts and Industrial Districts, principal and accessory buildings and structures shall be subject to the following regulations:

- A. Only one principal building and two (2) accessory buildings or structures may be erected on any one lot, unless additional buildings or structures are expressly authorized by conditional use permit.
- B. Notwithstanding the forgoing limitation, children's play structures and toys with lateral dimensions not exceeding 300 square feet, and above ground swimming pools not exceeding 3 feet in height, may be placed in a back yard (or side yard on corner lots) without further regulation of this ordinance other than applicable setbacks.
- C. The lateral area (footprint) of all accessory buildings and structures shall not exceed fifty percent (50%) of the lateral area (footprint) of the principal building(s) unless authorized by a conditional use permit.
- D. The highest point (peak) of any accessory building or structure shall not exceed the highest point (peak) of the principal building, except as authorized by a conditional use permit.
- E. Accessory buildings or structures shall not be erected in any front yard unless authorized by a conditional use permit.
- F. Accessory buildings and structures occupying 500 square feet or more must observe the setback requirements otherwise applicable in the affected zoning district. Accessory buildings and structures occupying less than 500 square feet may be erected not nearer than six (6) feet to any adjoining rear lot line, notwithstanding any required setback otherwise applicable.
- G. All accessory buildings and structures may occupy not more than twenty-five percent (25%) of any Non-required Yard.
- H. In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages.

8.6 Illumination of Uses

Lighting fixtures and structures used to illuminate signs, parking areas, or for other uses shall be arranged such that the source of light does not shine directly into adjacent residences nor interfere with traffic.

8.7 Classification of New and Unlisted Uses

It is recognized that new types of land uses will develop and that different forms of land uses not anticipated will seek to locate in Calvert City. In order to provide for such changes, a determination of the appropriate zoning classification of any new or unlisted form of land use shall be made as follows:

- A. All questions concerning the classification of new or unlisted uses shall be referred to the Commission. The referral shall be made by the Zoning Administrator and shall convey such facts and circumstances as the Administrator shall deem prudent or as the Commission may otherwise request.
- B. The Commission shall consider the nature and character of the proposed new or unlisted use and determine its compatibility with the purposes of the affected district and the uses permitted in the district and determine whether such use should be permitted as proposed, without amendment of the Schedule of Uses contained in Article 11.

8.8 Access Control

- A. No new access points or curb cuts will be allowed without a permit issued by the Zoning Administrator.
- B. Except in the Heavy Industrial District (I-2), each lot shall be provided with at least one (1) access to a publicly maintained street, along the street frontage of the lot. In order to accommodate the required access, each lot proposed for development in a residential district shall be provided street frontage of not less than twenty (20) feet. In all other districts, each lot proposed for development shall be provided street frontage of not less than fifty (50) feet.

- C. An access shall not exceed twenty-four (24) feet in width for residential uses, or fifty (50) feet in width for all other uses, at any point where same crosses the City's right-of-way. This limitation may be modified by the Board of Adjustment by Dimensional Variance (upon recommendation of the City Engineer) when anticipated traffic circulation or other specific circumstances make such modification advisable. In such cases, the configuration of such access shall be specifically dictated by the Board of Adjustment and all costs of the City Engineer's review shall be paid by the applicant.
- D. No point of access shall be allowed within twenty-five (25) feet of an intersection of the right-of-ways of streets.
- E. Upon receiving an application for a new access point or curb cut, the Zoning Administrator shall determine whether, in his/her opinion, such proposed access or curb cut will likely obstruct or inhibit the flow of storm or drain water. Should the Zoning Administrator determine such likelihood, such access or curb cut shall be constructed in accordance with plans, specifications, and materials as specified and certified by a professional engineer (the cost of such services to be borne by the developer/owner) as to properly control and direct the effect of storm or drain water.

8.9 Buffering

A. Statement of Purpose

The intent of this article is to improve the appearance of properties, to provide standards for buffering between non-compatible land uses and to protect, preserve and promote aesthetic appeal, and pleasant and peaceful use of properties.

B. Where Perimeter Buffers Required

A buffer may be required between non-compatible zones and between non-compatible land uses. Such buffers should be located adjacent to and along the common boundaries except street frontage, unless otherwise specified. The following is intended as a nonexclusive representative list of situations which might require buffers:

1. Where any residential district or use adjoins a business or industrial district or use.

2. Where any residential district or use adjoins a Freeway, Expressway or Railroad.
3. Where any use adjoins a utility substation, junk yard, landfill, sewage plant or similar use. For utility substations the landscape buffer may be located adjacent to the enclosure.

C. When Perimeter Buffers Required

When the Zoning Administrator receives an application for a Zoning Compliance Certificate for any construction, development or use upon property for which the Administrator believes a buffer is advisable, given the considerations recited above, shall refer the issue to the Commission for determination regarding the necessity and nature of any buffer.

In addition, the Board of Adjustment, in its discretion, may require a buffer as a condition to any Conditional Use Permit.

The Planning Commission also may require buffers in conjunction with its review of site plans, development plans, plats, and as otherwise allowed or directed by this ordinance.

D. Density or Width of Buffer

The required density or width of any buffer shall be determined by the Commission or Board of Adjustment (as applicable) in accordance with its purpose and the characteristics of its structural components

E. Type of Buffer Required

When buffers are otherwise required, the Commission or Board of Adjustment shall dictate the type and height of buffer. Buffers shall consist of a continuous planting, hedge, fence, wall or earth mound at least four (4) feet in height. Outdoor storage areas shall require a buffer of a solid wall or fence with a minimum height of six (6) feet enclosing the entirety of the storage area, unless the Commission or Board of Adjustment expressly determines that any portion of the buffer should not be required. The Commission and Board of Adjustment shall consider the purpose and function of a buffer prior to specifying its construction, materials or dimensions, and shall not specify buffering materials that will be ineffective during the growing process or seasonally (i.e. deciduous plants, trees, etc...).

F. Who Provides Buffer

Any required buffers shall be installed upon the property of the applicant, unless adjoining property owners agree to an alternative placement and the Commission or Board of Adjustment approves such alternative placement. All costs associated with the purchase and installation of the buffer shall be borne by the applicant.

G. Conflicts With Easements

Buffers shall not be placed upon any easement when such placement may violate the terms of the easement or otherwise interfere with any third party's lawful use of the easement. In such cases, the Commission or Board of Adjustment shall require that the buffer be placed and situated so as to accomplish its purposes without such violation or interference.

H. Buffers at Driveways and Street Intersections

Buffers shall not violate the vision requirements of Article 8.3 of this ordinance. Such sight triangles also shall be observed and maintained at any point where a driveway intersects a street or alley.

I. Maintenance and Installation

All buffering materials shall be installed in a sound, workman-like manner and according to generally accepted construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all buffering materials and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times.

All dead plant material shall be replaced within one (1) year or by the next planting period, whichever comes first. Other damaged, defective or otherwise ineffective buffering material shall be replaced or repaired within three (3) months. Violation of these installation and maintenance provisions shall be grounds for the Zoning Administrator to revoke the applicable Zoning Compliance Certificate and otherwise subject those in violation to fines in accordance with Section 4.9 of this Ordinance.

J. Plan Submission

Buffering plans shall be required and submitted only upon request of the Commission or Board of Adjustment unless otherwise required by the provisions of this ordinance. The plan shall include such details and information as the Commission or Board of Adjustment may require.

8.10 Manufactured (Mobile) Housing

A. Statement of Purpose

The intent of this article is to of classify the various forms of manufactured (mobile) housing and to establish minimum standards regarding the placement and construction of manufactured homes.

B. Classification of Manufactured/Mobile Homes

1. Class A: A manufactured home certified as meeting the Manufactured Home Construction and Safety Standards Act by the Department of Housing and Urban Development, and meeting the following additional standards:
 - (a) Meet all requirements for lot, yard, building and other requirements for the district in which it is located.
 - (b) The home shall be placed on a continuous foundation encompassing the perimeter of the home (reasonable access openings excepted) constructed of brick, stone, block, concrete or other materials commonly used in the construction of site-built residences in the subject neighborhood.
 - (c) Be anchored to the ground in accordance with the manufacturer's specifications.
 - (d) Have all wheels, axles, and hitch mechanisms removed.
 - (e) Have utilities connected in accordance with the City's requirements and manufacturer's specifications.

- (f) Have siding material of a type used on site-constructed residences and extending from the floor line to the roof line.
 - (g) Have a pitch roof of not less than four (4) inches of rise for each one foot of horizontal run and utilizing roofing material of a type used on site-constructed residences.
 - (h) Have a minimum width of the main body as assembled on the site of not less than twenty (20) feet, measured across the narrowest portion.
 - (i) The home shall appear to face the public street.
 - (j) All exterior doors must be provided with permanent access structures (i.e. stairs, porches, etc...) constructed of concrete, brick, stone, block, wood, or other material commonly used for such purposes of construction of site-constructed residences in the subject neighborhood.
2. Class B: A manufactured home certified as meeting the Manufactured Home Construction and Safety Standards Act by the Department of Housing and Urban Development, not otherwise meeting the classification standards for a Class A manufactured home.
 3. Class C: A mobile home unit built before the adoption of the Manufactured Home Construction and Safety Standards Act, referred to in subparagraphs 1. and 2. above (1976).

C. Standards Applicable to all Manufactured and Mobile Homes

1. Skirting: All Manufactured and Mobile Homes shall be provided with a barrier constructed of the same material as the exterior siding of the home (or in the alternative, masonry or another material specifically designed for such purpose) extending from grade to the floor of the home and constructed or reinforced with fire and weather resistant material enclosing the entire undercarriage of the manufactured or mobile home.
2. Foundation/Support/Anchoring System: All Manufactured and Mobile Homes shall be situated, anchored, supported, and otherwise set by an installer licensed or certified by the Commonwealth of Kentucky.

8.11 Property Used For Agricultural Purposes

Land which is used for agricultural purposes, as defined in the chapter 100 of the Kentucky Revised Statutes, shall not be subject to the regulations contained in this ordinance, except that:

- A. Setback lines as otherwise set forth in this ordinance shall be required for the protection of existing and proposed streets and highways
- B. All buildings or structures in a designated floodway or flood plain or which tend to increase flood heights or obstruct the flow of flood waters are fully regulated.
- C. Mobile homes and other dwellings may be permitted but shall be otherwise subject to the applicable regulations of this ordinance, such as zoning, building, and certificates of occupancy (if any).
- D. The uses set out in KRS 100.111(2)(c) shall be subject to regulation as a conditional use.

ARTICLE 9.

ZERO LOT LINE DEVELOPMENT

9.0 Statement of Purpose

The intent of this Article is to promote creativity in the economic and efficient use of land for residential and commercial purposes by joining one or more lots together for the purpose of developing single or multiple buildings intended for multiple ownership, in a very high density configuration.

9.1 Planning Commission Approval Required

A Zero Lot Line Development may be located in any zoning district other than an R-1 Residential District, but only with approval of the Commission following a review of the applicable Development Plan as set forth in section 9.3, below.

9.2 Standards

The Standards otherwise applicable to a single lot and principal structure in the affected zoning district shall apply to the combined lots and outermost dimensions of combined structure(s) of any zero lot line development.

9.3 Development Plan Review

The developer shall submit to the Commission a Development Plan which shall be reviewed in accordance with the procedures set out in Article 7.6 B. of this ordinance. The Commission shall review the Development Plan in light of the criteria set forth in Article 7.6 F. of this ordinance. In addition, fire safety should be considered by the Commission during its review, and the Commission should consult with the Fire Chief or other applicable consultants in assuring sufficient fire safety of the development.

ARTICLE 10.

OFFICIAL ZONING MAP

10.0 Provisions for Official Zoning Map

The City of Calvert City hereby is divided into zones, or districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, hereby is adopted by reference and declared to be a part of this Ordinance.

10.1 Identification of the Official Zoning Map

The Official Zoning Map (as amended from time to time) shall be identified by certification and bear the seal of the City of Calvert City under the following words: *“This is to certify that this is the Official Zoning Map of the City of Calvert City, Commonwealth of Kentucky”* together with the date of adoption of the Ordinance approving and enacting the zoning map. Certification should be by the signature of the mayor and attested by the city clerk/treasurer.

10.2 Revisions to the Official Zoning Map

The Official Zoning Map may be amended at any time, in accordance with Kentucky Statutes. Any such amended Maps shall be adopted, identified and designated in the same manner as the original Official Zoning Map. No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance and Kentucky Statute. Any unauthorized change of any kind by a person or persons shall be considered a violation of this Ordinance and punishable accordingly.

10.3 Location of Official Zoning Map

The Official Zoning Map shall be located in the meeting room of the Planning Commission. It shall be the final authority as to the zoning status of all areas in the City.

10.4 Rules for Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of a district as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center line of thoroughfares or highways, street lines or highway right-of-way lines, or alleys shall be construed to follow such lines.

- B. Boundaries indicated as approximately following lot lines of properties platted and recorded in the Marshall County Court Clerk's Office shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
- D. Boundaries indicated as following railroad lines shall be construed as following a line midway between the main tracks.
- E. Boundaries indicated as approximately following the center of streams, rivers, canals, lakes or other bodies of water shall be construed to follow the thread of such body of water.
- F. Boundaries indicated as approximately following flood plain lines shall be construed to follow such contour lines.
- G. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 6 above shall be so construed.

Where physical features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 6 above, the Board of Adjustment shall interpret the boundaries.

ARTICLE 11.
SCHEDULE OF USES

	R 1	R 2	R 3	R 4	B 1	B 2	HOC 1	HOC 2	HOC 3	I 1	I 2	L U
Administrative Offices (clerical, administrative, and/or management only)						R		R		R	R	
Agricultural Supplies (retail sales)						CU	CU	CU		R	R	
Airports										CU	R	CU
Alcoholic Beverage Sales (Retail)					CU	CU	CU	CU	CU	CU	CU	CU*
Animal and Poultry Raising (commercial)											CU	
Animal Shelter/Pound										CU	CU	
Antique Shop					R	R	CU	R	CU	R	R	CU
Art Studios and Galleries (display or sales)					R	R	CU	R	R	R	R	CU
Auction sales of animals										R	R	
Auction sales, except animals						CU		CU		R	R	
Automobile & Truck Repair Garages						R	CU	CU		R	R	

* Only in conjunction with family-oriented retail businesses having unique artistic and cultural emphasis and with very restrictive aesthetic requirements to assure compatibility with the Limited Use District.

	R 1	R 2	R 3	R 4	B 1	B 2	HOC 1	HOC 2	HOC 3	I 1	I 2	L U
Bakeries, Retail					R	R	R	R	R	R	R	CU
Bakeries, Wholesale					CU	CU		CU		R	R	
Barn for livestock, farm equipment, feed and/ or crop storage										R	R	
Bed and Breakfast	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Boat sales and Rentals (recreational)						CU	R	R	R	R	R	
Building Materials, sales and storage (lumber, doors, plumbing supplies, electrical supplies, cabinets, millwork, shingles, concrete, lime, sand, gravel and the like)						CU	R	R	CU	CU	CU	

	R 1	R 2	R 3	R 4	B 1	B 2	HOC 1	HOC 2	HOC 3	I 1	I 2	L U
Camping Areas, public and private						CU		CU		CU	CU	CU
Camping Trailer & Recreational Vehicle Sales	See Vehicle, Recreational											
Car Wash						R	CU	R		R	R	
Caterer (exclusively for food preparation & assembly; No dine-in)					R	R		R		R	R	
Cemeteries, Mausoleums and Crematories										CU	CU	
Churches and other places of worship	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Clubs						CU				R	R	
Commercial Lakes										CU	R	

	R 1	R 2	R 3	R 4	B 1	B 2	HOC 1	HOC 2	HOC 3	I 1	I 2	L U
Contractor (involving on-site fabrication and/or storage of building materials, equipment and/or vehicles - including demolition)						CU		CU		R	R	
Convalescent or Nursing Home	See Hospitals,...											
Convention Center						R	CU	CU		R	R	CU
Convenience Stores					R	R	R	R	R	R	R	
Country Clubs	CU	CU	CU	CU						R	R	
Craft brewery, distillery or winery						CU	CU	CU		CU	CU	CU

	R 1	R 2	R 3	R 4	B 1	B 2	HOC 1	HOC 2	HOC 3	I 1	I 2	L U
Dance Instruction												
Day Care Centers, Day Nurseries, Nursery Schools and Kindergartens	CU	CU	CU	CU	R	R			CU	CU	CU	
Distributor or Wholesaler of Alcoholic Beverages										CU	CU	
Dry cleaning, dyeing, pressing and laundry; distributing stations or retail business where cleaning, dyeing, pressing or laundry is done for other distributing stations or cleaning establishments					CU	R		CU	CU	R	R	
Dwelling, Condominiums		R	R	R	R	CU			CU	CU	CU	CU
Dwelling, Group Family Household			CU	CU	CU	CU				CU	CU	
Dwelling, Manufactured Housing Class A			CU	CU						CU	CU	
Class B				CU						CU	CU	
Class C												
Dwelling, Multiple-Family (More than two dwelling units)		CU	CU	R	R	CU			CU	CU	CU	
Dwelling, Single Family	R	R	R	R	R	CU				CU	CU	
Dwelling, Two family		CU	R	R	R	CU			CU	CU	CU	

	R 1	R 2	R 3	R 4	B 1	B 2	HOC 1	HOC 2	HOC 3	I 1	I 2	L U
Electric Power and Steam Generating Plants											R	
Entertainment and Recreation Facilities, Indoor (ie. theaters, bowling alleys, skating rinks, arcades, etc...)					CU	R	CU	CU	CU	CU	CU	CU
Entertainment and Recreation Facilities, Outdoor (ie. putt putt golf, drive-in theater, sports fields, arena etc...)					CU	R	CU	CU	CU	CU	CU	CU
Equipment Rental, where activities are within a building						CU		CU		R	R	
Equipment Rental, where activities are outside building						CU		CU		R	R	

	R 1	R 2	R 3	R 4	B 1	B 2	HOC 1	HOC 2	HOC 3	I 1	I 2	L U
Financial Institutions					CU	R	R	R	CU	CU	CU	
Flea Markets						CU		CU		CU	CU	
Fraternal and Community Service Organizations		CU	CU	CU	R	R			CU	R	R	
Fuel Station, Motor Vehicle					CU	R	R	R	R	R	CU	
Funeral Home			CU	CU	CU	R			CU			

	R 1	R 2	R 3	R 4	B 1	B 2	HOC 1	HOC 2	HOC 3	I 1	I 2	L U
Gas Station	See Fuel Station											
Golf Courses and driving ranges	CU	CU	CU	CU	CU	CU			CU			
Greenhouse (commercial)						CU	CU	CU		R	CU	

	R 1	R 2	R 3	R 4	B 1	B 2	HOC 1	HOC 2	HOC 3	I 1	I 2	L U
Health & Fitness Facility					CU	R		CU	CU	CU	CU	
Home Occupations	See Article 8.2											
Hospitals, Institutions, Nursing Homes for the infirm and aged					CU	CU	CU	CU	CU			
Hotels and Motels						R	R	R	CU	CU	CU	CU
Industrial and Commercial Equipment and Supplies (wholesale and retail sales)						CU		R		R	R	

	R 1	R 2	R 3	R 4	B 1	B 2	HOC 1	HOC 2	HOC 3	I 1	I 2	L U
Junk Yard											R	
Kennels						CU		CU		CU	R	
Laboratories, Research, Experimental or Testing					CU	CU	R	R		CU		
Laundries or Laundromat					CU	R	R	R		R	CU	
Libraries	CU	CU	CU	CU	CU	R	R	R				CU
Livestock, non- commercial												

	R 1	R 2	R 3	R 4	B 1	B 2	HOC 1	HOC 2	HOC 3	I 1	I 2	L U
Manufacturing and Storage of Explosives											CU	
Manufacturing, processing and storage (commercial and industrial) other than explosives and those activities regulated by 29 CFR 1910.119 (i.e. OSHA PSM regulations)						CU		CU		CU	R	
Manufacturing, processing and storage (commercial and industrial) of those products and activities regulated by 29 CFR 1910.119 (i.e. OSHA PSM regulations)											R	
Manufactured Homes (sales display and storage)						CU	CU	CU		R	R	

	R 1	R 2	R 3	R 4	B 1	B 2	HOC 1	HOC 2	HOC 3	I 1	I 2	L U
Meat and Fish Slaughtering and curing										CU	R	
Meat and Fish Products Wholesale Processing						CU		CU		R	R	
Mechanic's Garages and Repair Shops (passenger type vehicles and boats)						CU	CU	R		R	R	
Mechanic's Garages and Repair Shops (commercial type vehicles such as semi-tractors and buses)						CU	CU	CU		R	R	
Minerals and Earths (including sandline products), mining, grinding, crushing, processing											CU	
Mobile Home Parks				CU		CU	CU	CU				
Monument Sales						CU	R	R				
Motor Vehicles Sales (with or without parts and service)						CU	R	R	CU	R		
Museums	CU	CU	CU	CU	CU	R	R	R				CU

	R 1	R 2	R 3	R 4	B 1	B 2	HOC 1	HOC 2	HOC 3	I 1	I 2	L U
Nurseries, Plant Materials (retail)						CU		CU		R	R	
Office Buildings; Offices, Professional, Business or Governmental					CU	R		CU		R	R	CU

	R 1	R 2	R 3	R 4	B 1	B 2	HOC 1	HOC 2	HOC 3	I 1	I 2	L U
Personal Services (Barber, Hair Salon, Spa, etc...)					R	R	R	R	R	CU	R	
Printing, Lithographing or Publishing Establishments, if constructed to insure that there is no noise or vibration evident outside the walls of the building; Printing, Publishing, Engraving including photo- engraving						R		CU		R	R	
Private Clubs including community buildings, swimming, tennis and other recreation	CU	CU	CU	CU	CU	CU		CU		CU	CU	
Professional Services performed on site for the general public such as Accountants, Attorneys, Architects/Engineers, Insurance Agents, Physicians, Realtors, Stock Brokers/ Financial Advisors, etc.. (unless specifically addressed in this schedule)					R	R	CU	R	CU	R	R	
Public Transportation with garage and/or vehicle storage (Taxi, Limosine, vans, buses)						R		CU		R	R	

	R 1	R 2	R 3	R 4	B 1	B 2	HOC 1	HOC 2	HOC 3	I 1	I 2	L U
Radio signal sending and receiving towers and disks (commercial)						CU		CU		R	R	
Railroad Freight Terminals and Yards										CU	R	
Recreational Vehicle and Equipment sales and rentals	See Vehicle, Recreational											
Recycling Center										CU	R	
Rendering, incineration or reduction and storage of dead animals, garbage, offal or waste products (the entire operation to be performed within a building)											CU	
Repair Shops	- See Manufacturing -											
Restaurants, where food and drink may be served or consumed, outside as well as inside a building, including the drive-in restaurants where all or part of the service or consumption is inside a vehicle					CU	CU	R	R		R	R	CU
Restaurants, Tea Rooms, Cafés, where all customers are served at a table or counter and where dancing or entertainment is excluded					CU	R	R	R		R	R	CU

	R 1	R 2	R 3	R 4	B 1	B 2	HOC 1	HOC 2	HOC 3	I 1	I 2	L U
Restaurants with drive-through windows					CU	CU	R	R		R	R	CU
Retail Sales (or rental) of groceries or consumer goods in a building not exceeding 5000 square feet in total floor area (excluding motor vehicles of any type)					R	R	R	R		R	R	CU
Retail Sales (or rental) of groceries or consumer goods in a building not exceeding 10,000 square feet in total floor area (excluding motor vehicles of any type)					CU	R	R	R		R	R	CU
Retail Sales (or rental) of groceries or consumer goods in a building exceeding 10,000 square feet in total floor area (excluding motor vehicles of any type)						R	R	R		R	R	
Retail Sales and distribution of industrial parts, equipment, instruments and supplies						CU		CU		R	R	
Retail Services (Repair Shops - Shoes, Clocks, Appliances, etc...)					CU	R	CU	R	CU	R	R	
Rifle, Pistol and Skeet Ranges							CU				CU	

	R 1	R 2	R 3	R 4	B 1	B 2	HOC 1	HOC 2	HOC 3	I 1	I 2	L U
Temporary Buildings and materials storage, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or tract, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years from the time of erection of such temporary building, whichever is sooner.	R	R	R	R	R	R	R	R	R	R	R	CU
Temporary Construction staging site (freestanding field office, lay down yard, etc.) which shall be removed upon completion or abandonment of such construction, or upon the expiration of two years, whichever is sooner.						CU				R	R	
Towers (for cell phones and similar communications)						CU	CU	CU		R	R	
Trailer	See also Mobile Home, Semi-truck, & Vehicle											
Truck or Transfer Terminal freight and motor freight stations										R	R	

	R 1	R 2	R 3	R 4	B 1	B 2	HOC 1	HOC 2	HOC 3	I 1	I 2	L U
Vehicles, Recreational & Camping Trailer Sales, including utility and horse trailers (with inside Parts & Service)						CU		R		R	R	
Veterinary Clinic, Large Animal										CU	R	
Veterinary Clinic, Small Animal					CU	R		R		R	R	
Veterinary Hospital						CU		CU		CU	R	

	R 1	R 2	R 3	R 4	B 1	B 2	HOC 1	HOC 2	HOC 3	I 1	I 2	L U
Warehouse, Mini						CU				R	R	
Warehouse, Storage								CU		R	R	
Wholesale (only) Sales of Consumer Goods						CU		R		R	R	
Zero Lot Line Development	See Article 9 of Zoning Ordinance											

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