

CITY OF COLOMBIA, KENTUCKY

ZONING ORDINANCE

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ZONING REGULATIONS OF COLUMBIA, KENTUCKY

1 GENERAL PROVISIONS AND DEFINITIONS

1.1 TITLE

This document shall be known and may be cited as the "Zoning Regulations".

1.2 PROVISIONS OF REGULATIONS DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Whenever the requirements of these regulations are at variance with the requirements of other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing higher standards shall govern.

1.3 SEVERABILITY CLAUSE

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

1.4 REPEAL OF CONFLICTING ORDINANCES AND REGULATIONS, EFFECTIVE DATE

All regulations, ordinances, or parts thereof in conflict with this zoning regulation or inconsistent with the provisions herein are hereby repealed to the extent necessary to give this regulation full force and effect. This regulation shall become effective from and after the date of its approval and adoption, as provided by law.

1.5 PLANS AND CONSTRUCTION IN PROGRESS

To avoid any undue hardship, nothing in this zoning regulation shall be deemed to require changes in the plans, construction, or designated use of any building or premises on which an application for a permit was filed with the City of Columbia prior to the date of adoption of this zoning regulation or amendment thereto, providing that the application meets all zoning and other requirements in effect on the date of said application. The issuance of said permit shall be valid only if it is exercised within one hundred and eighty (180) days from the date of issuance of said permit.

1.6 DEFINITIONS

- A. For the purpose of regulations, certain terms or words used herein shall be interpreted as follows:
 - 1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual. The present tense includes the future tense, the single number includes the plural, and the plural number includes the singular

2. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
 3. The words "used" or "occupied" include the words "intended", "designed", or "arranged" to be used or occupied.
 4. The word "lot" includes the words "plot" or "parcel".
- B. The following terms used in this ordinance shall be defined as follows:
1. **ACCESSORY USE OR STRUCTURE** - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use of a structure.
 2. **ACCESS, PRIMARY** - The vehicular way leading from a major street to the front of a shopping center, commercial enterprise or manufacturing facility, or to the primary entrance point.
 3. **ACCESS, SECONDARY** - The vehicular way leading from a minor street to the primary access route, or from the main entrance point to other entrances.
 4. **AGRICULTURE** - The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses which are secondary to other agricultural activities such as packing, treating, or storing the produce. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feed yard.
 5. **ALTERATION, STRUCTURAL** - Any change in the supporting members of the building, such as bearing walls, columns, beams, or girders.
 6. **AMUSEMENT** - A means of amusing or entertaining; recreation; diversion; games.
 7. **BED AND BREAKFAST INN** - A small inn consisting of sleeping rooms with either shared or individual bathroom and kitchen facilities used by house guests for short durations and not intended for permanent residence except for owner/operators .
 8. **BUILDING** - Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or personal property.
 9. **BUILDING, ACCESSORY** - A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.
 10. **BUILDING, HEIGHT** - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip, and gambrel roofs.
 11. **BUILDING PERMIT** - A document issued by the Administrative Official authorizing the construction of structures, uses of land and structures, and the characteristics of the use.

12. **CEMETERY** - Land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.
13. **CLINIC** - A place used for care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board or room or kept overnight on the premises.
14. **COMPREHENSIVE PLAN** - A plan, or any portion thereof, adopted by the Planning Commission and/or the legislative authority of the City of Columbia, Kentucky, showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major streets, parks, schools, and other facilities. This plan establishes the goals, objectives, and policies of the community.
15. **CONDITIONAL USE** - A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Adjustment
16. **CONDITIONAL USE PERMIT** - A document issued by the Administrative Official upon approval of the Board of Adjustment to allow a use other than a principally permitted use to be established within the district.
17. **CORNER LOT** - A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines of the foremost points of the side lot lines to the foremost point of the lot meet at one interior angle of less than 135.
18. **DENSITY** - A unit of measurement; the number of dwelling units per acre of land.
 - a. Gross Density: The number of dwelling units per acre of land to be developed.
 - b. Net Density: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.
19. **DWELLING** - Any building or structure, except a house trailer or mobile home of less than 960 square feet of living space, which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.
20. **DWELLING, SINGLE FAMILY** - Family dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.
21. **DWELLING, DUPLEX** - A dwelling consisting of two dwelling units intended for the use of two separate families, which may be either attached side by side, or one above the other, and each unit having a separate or combined entrance or entrances.
22. **DWELLING, MULTI- FAMILY** - A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls.

23. **DWELLING UNIT** - A single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
24. **FAMILY** - One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption, or marriage, no such family shall contain over five (5) persons.
25. **FLOODPLAIN** - The 100 year floodplain as shown on National Flood Insurance program maps or as determined by hydrologic calculations.
26. **FLOODWAY** - The channel of a water course and that portion of adjacent land needed for the passage of a 100-year flood. If no maps or hydrologic calculations are available, floodplain soils as designated in the Soil Survey for Adair County, Kentucky (April 1964) shall be presumed to be within the floodway. These soils are designated by the following map symbols: Br, Du, Hf, Hg, Hu, Ls, Me, Ng, Nk, Sg, Sm and St.
27. **GARAGES, PRIVATE** - A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers, and/or boats of the occupants of the premises.
28. **GARAGES, PUBLIC** -A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.
29. **HOME OCCUPATION** - Any activity carried out for gain by a resident conducted as an accessory use in the residents dwelling unit.
30. **HOTEL OR MOTEL AND APARTMENT HOTEL** - A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.
31. **LOADING SPACE, OFF STREET** - Space logically and conveniently located totally outside any street or alley right-of-way 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. Required off-street loading space is not included as off-street parking space in computation of required off-street parking space.
32. **LOT** - For the purpose of these regulations, 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 are herein required. Such lot shall have frontage on an existing public street. Street rights-of-ways shall not be included in the calculation of lot area.
33. **LOT COVERAGE** - The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as percentage.
34. **LOT FRONTAGE** - The front of a lot shall be constructed to be the portion nearest the street. 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, and yards shall be provided as indicated under Yards in this section.

35. **LOT MEASUREMENTS** - A lot shall be measured as follows:

- a. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rear most points of the side lot lines in the rear.
- b. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line, provided however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall be less than eighty (80) percent of the required lot width.

36. **LOT OF RECORD** - A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

37. **MANUFACTURING (INDUSTRY), HEAVY** - Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation, and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

38. **MANUFACTURED HOME**.- A dwelling unit that: (1) is not constructed in accordance with the standards set forth in the Kentucky Building Code, and (2) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (3) has a minimum living space of at least four hundred (400) square feet.

39. **MANUFACTURED HOME, CLASS A**- A manufactured home constructed after July 15, 2002 in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, U.S.C. Section 5401,et. seq., as amended and designed to be used as a single family residential dwelling when connected to the required utilities, and which includes plumbing, heating, air conditioning, and electrical systems contained therein and that satisfies each of the following additional criteria:

- a. The minimum width of the main body of the home, as assembled at the site is not less than twenty (20) feet as measured at its smallest width measurement or is two stories in height and oriented on the lot or parcel so that its main entrance door faces the street;
- b. Has a minimum area of at least nine hundred (900) square feet;
- c. The pitch of the home's roof has a minimum vertical rise of one (1) foot for each four (4) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;

- d. The exterior siding consists of wood, hardboard, aluminum or vinyl (covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
 - e. A continuous permanent foundation, solid except for required ventilation and access, is installed under the home in compliance with KRS 227.570. A permanent foundation means a system of supports that is:
 - i. Capable of transferring, without failure, into soil or bedrock, the maximum design load imposed by or upon the structure;
 - ii. Constructed of concrete; and
 - iii. Placed at a depth below grade adequate to prevent frost damage.
 - f. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.
40. **MANUFACTURED HOME, CLASS B** -A mobile home constructed after July 1, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, U.S.C. Section 5401,et. seq., as amended but that does not satisfy the criteria necessary to qualify the house as Class A manufactured home.
41. **MOBILE HOME CLASS C**- Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.
42. **MOBILE HOME PARK**- A residential use in which more than one manufactured home is located on a single lot.
43. **MODULAR HOME** -A dwelling unit constructed in accordance with the standards set forth in the Kentucky Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a mobile home (except that the modular home meets the Kentucky Building Code) or a series of panels or room sections transported on a truck and erected or joined together on the site.
44. **MOBILE HOME, DOUBLE WIDE**- Any mobile home exceeding a gross weight of seven thousand (7,000) pounds, a minimum of at least twenty-four (24) feet wide, and a minimum living space of at least nine hundred sixty (960) square feet.
45. **NONCONFORMING USE OR STRUCTURE**- A building, structure, or use of land existing at the time of enactment of this regulation and which does not conform to the regulations of the district or zone in which it is situated.
46. **NURSING HOME**- A home or facility for the care and treatment of elderly or disabled people.

47. **OPEN SPACE-** An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, and other recreational facilities that the Planning Commission deems permissive. Streets, structures for habitation, and the like shall be included.
48. **PARKING SPACE, OFF-STREET-** For the purpose of this regulation, off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.
49. **PUBLIC USES-** Public parks, schools, administrative, and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.
50. **SEMI-PUBLIC USE-** Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or nonprofit nature.
51. **RECREATION FACILITIES-** Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.
52. **RIGHT-OF-WAY-** A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features, required by the topography or treatment, such as grade separation, landscape areas, viaducts, and bridges.
53. **ROOMING AND BOARDING HOUSE -** A building designed or used to provide living accommodations for not more than six occupants in which there are no cooking facilities for each occupant, or in which all occupants share common cooking facilities.
54. **SEAT-** For the 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.
55. **SERVICE STATION -** Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicles accessories may be supplied and dispensed at retail, and where in addition motor vehicle services may be rendered secondary to retail sales.
56. **SETBACK LINE-** A line established by the subdivision regulations and/or zoning regulations, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said codes. ; (see Yards.)

- 57. SEXUALLY ORIENTED BUSINESS** - An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, seminude model studio, or sexual encounter center.
- 58. SIDEWALK** - That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.
- 59. SIGN** - Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.
- 60. STRUCTURE** - Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, and billboards.
- 61. SHOPPING CENTER** - A group of commercial establishments planned, developed, owned and managed as a unit, with off-street parking provided on the property and related in its location, size, and type of shops to the trade area which the unit serves.
- 62. THOROUGHFARE, STREET, OR ROAD** - The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designed as follows:
- a. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route.
 - b. Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
 - c. Local Street: A street primarily for providing access to residential, commercial, or other abutting property.
- 63. TOWNHOUSE** - A group of three or more single - family dwelling units constructed in a row of attached units separated by a common vertical wall and each having a separate lot and entrance at street level.
- 64. USE** - The specific purpose for which land or building is designated, arranged, intended, or for which it is or may be occupied or maintained.
- 65. VARIANCE** - A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the regulations would result in unnecessary and undue hardship.
- 66. VETERINARY ANIMAL HOSPITAL OR CLINIC** - A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation.

67. **YARD** - A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.
- a. Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
 - b. Yard, Rear: A yard extending between side lots across the rear of the principal building.
 - c. Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yard.

2 GENERAL ZONING REGULATIONS APPLICATION OF REGULATIONS

2.1 APPLICATION OF REGULATIONS

All existing and future structures and uses of premises within the City of Columbia shall conform with all applicable provisions of this regulation. Each zoning district is established to permit only those uses specifically listed as permitted, except as hereinafter provided under the nonconforming provisions, and is intended for the protection of those uses. No other uses are permitted

2.2 GENERAL DEVELOPMENT REGULATIONS

2.2.1 COORDINATION WITH SUBDIVISION REGULATIONS

In all cases where the ownership of land is divided for the purpose of eventual development of lots of any kind - residential, commercial, or industrial - the provisions of the Columbia Subdivision Regulations, including any and all amendments thereto, shall apply in addition to the provisions of the Zoning Regulations.

2.2.2 COORDINATION WITH BUILDING CODES

In all cases involving the construction of a building - whether for residential, commercial, or industrial purposes and without regard to densities therein, a final plumbing inspection sticker signed and dated by a state licensed plumbing inspector and final electrical inspection sticker signed and dated by a state licensed electrical inspector shall be posted in a visible location in the building prior to occupancy. In addition, all building construction projects governed under the State Building Codes Program must have a certificate of occupancy issued by a State Building Inspector prior to occupancy.

2.2.3 EXCAVATION OR FILLING OF SOIL

No person, firm or corporation may disturb, excavate, fill, change or otherwise reshape existing topography in conjunction with building construction, site grading or landscaping except for minor changes such as filling small pockets in lots, flower beds, gardens or similar operations without first applying for a Grading Permit from the City and when required obtaining approval of a Storm Water Management Plan in accordance with the Columbia Drainage Ordinance (Ordinance 920.32). Site grading or landscape work undertaken as part of required subdivision improvements, in accordance with plans (including a Storm Water Management Plan) approved by the City Engineer, shall not be subject to this provision.

2.2.4 APPROVED WATER SUPPLY AND SEWAGE DISPOSAL FOR BUILDINGS

All primary structures located within the City shall be connected to the public water system. All commercial, industrial and multi-family facilities shall be connected to the public sewage system. Single-family residential structures located within 200 feet of the City's sewage collection lines shall be connected to the public sewage treatment system unless a written exemption is obtained from the manager of the Columbia Utility Department. Such exemption

shall only be granted if physical obstructions, surface elevations or other factors prohibit providing service.

In every other case, individual water supply and sewage disposal must meet the requirements set by the state regulations. The County Health Department's certificate approving proposed and completed water and sewerage facilities must accompany applications for building permits and certificates of occupancy.

2.2.5 REGULATION OF PRINCIPAL BUILDING

One (1) principal residential building and its permitted accessory structures may be erected on any lot of record. Temporary structures are permitted during construction only.

2.2.6 CONSTRUCTION WITHIN FLOODPLAINS AND FLOODWAYS

No buildings or structures may be constructed within a 100-year floodplain or floodway which will increase flood heights or obstruct the flow of water. No primary structure shall be constructed with a first floor elevation less than one foot above the one hundred year floodplain elevation.

2.3 CONDITIONAL USE REGULATIONS

Conditional uses may be permitted in districts as designated under the zoning district regulations, but only when specifically approved by the Board of Adjustment in accordance with KRS 100. Subdivisions, when permitted, shall be subject to the respective regulations governing their approval. All other conditional uses shall be subject to the following regulations:

- A. All Districts: The following conditional uses may be approved in all zoning districts:
 1. Non-local public utility and private transmission lines and pipes.
 2. Radio, TV, and telephone transmission structures.
 3. Large utility structures and public service buildings.
 4. Government buildings and uses.
 5. Churches, synagogues, mosques, temples or buildings that are used primarily for religious worship or related religious activities.
 6. Libraries.
- B. Specified Districts: Other conditional uses may be approved only in those zoning districts where they are designated as conditional uses after the zoning district regulations schedule.
- C. Procedure: An applicant shall submit an application for a conditional use permit to the Administrative Official, and the applicant shall follow all procedures set forth in this regulation and KRS 100. The Administrative Official shall refer the application to the Board of Adjustment. The Board of Adjustment is authorized by KRS 100 to grant, modify, or deny a conditional use permit. Other regulations for conditional use permits are as follows:

1. The Board of Adjustment may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the Board's minutes and on the conditional use permit, along with reference to the specific section in the zoning regulation listing the conditional use under consideration. The Board of Adjustment shall have the power to revoke conditional use permits or variances for noncompliance with conditions thereof. Furthermore, the Board shall have the right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in person for such cost.
2. Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of this regulation and any other regulations and ordinances of the City of Columbia that may relate to the specified use.
3. A conditional use permit shall be exercised within one (1) year from the date of issuance within the meaning of KRS 100.237 or shall be void unless an extension has been granted by the Board of Adjustment.
4. The Administrative Official shall review all conditional use permits, except for those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all conditions listed on the permit the Administrative Official shall report the fact in writing to the Chairman of the Board of Adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the Chairman of the Board of Adjustment. If upon hearing the report as required by KRS 100, the Board of Adjustment finds the facts alleged to be true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board may authorize the Administrative Official to revoke the conditional use permit and to take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.
5. Once the Board of Adjustment has completed a conditional use permit and all conditions required are of such type that they can be completely and permanently satisfied, the Administrative Official, upon the request of the applicant, may if the facts warrant, make a determination that the conditions have been satisfied and note the conclusion in the margin of the copy of the conditional use permit which is on file with the Adair County Court Clerk, as required by KRS 100. Therefore, said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.
6. All final plats approved by the Planning Commission and all variances and conditional use permits approved by the Board of Adjustment shall be recorded at the expense of the applicant in the office of the County Clerk. A copy of all regulations and the official maps of the planning unit shall be filed in the office of the City Clerk.

2.4 SPECIAL REGULATIONS

2.4.1 MOBILE HOME PARKS

- A. Intent: It is the intent of this section to regulate the location of and to encourage, stabilize, and protect the development of well-planned mobile home parks.
- B. Approval procedures: Mobile home parks shall contain no lots smaller than five thousand (5,000) square feet and shall be located only in an R-3 district, and shall be developed according to the general standards and regulations stated in Item C, below. A development plan approved in accordance with Section 7.4 is required prior to the construction or occupation of any mobile home park. All homes placed for occupation in a mobile home park are required to have a building permit. Only Class A and Class B manufactured homes are permitted in mobile home parks. Class C manufactured homes are considered nonconforming structures.
- C. General standards for mobile home parks: The Planning Commission, shall review the particular facts and circumstances of each proposed mobile home park in terms of the following standards and shall find adequate evidence, as a condition of approval, showing that the mobile home park development:
 - 1. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the character of the general vicinity.
 - 2. Will not be hazardous or detrimental to existing or future neighborhood uses.
 - 3. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, fire hydrants, street lights, drainage, refuse disposal, and schools or that the persons or the agencies responsible for the establishment of the proposed park shall be able to provide adequately any such services.
 - 4. Will be consistent with the intent and purpose of this regulation and the Comprehensive Plan.
 - 5. Will have vehicular approaches to the property which shall be so designed as not to create an interference or safety hazard with traffic on surrounding public streets or roads.
 - 6. Will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance.
- D. Mobile home park requirements: Mobile home parks shall meet the requirements of the Kentucky Mobile Home and Recreational Vehicle Park Act of 1992, Chapter 219.

2.4.2 MANUFACTURED HOMES

- A. Class A manufactured homes are permitted in R-2, R-3 and R-4 districts. Class A manufactured homes may also be permitted as a conditional use in R1-A districts when compatible with surrounding structures. They must meet all other zoning requirements.
- B. Class B manufactured homes are permitted only in mobile home parks within R-3 district.

- C. Class C manufactured homes are nonconforming structures in all districts.
- D. No manufactured homes shall be erected or placed for occupation within the city unless a building permit has been issued by the Administrative Official.
- E. Manufactured homes shall be oriented on lots in a manner similar to most surrounding homes unless otherwise approved by the Administrative Official as part of the building permit. For example, the narrow side of the base shall not be facing the street when surrounding homes have the long side of the house facing the street.

2.4.3 SHOPPING CENTERS

Shopping centers are permitted only in the C-1, C-2, and C-3 business districts. A development plan must be approved in accordance with Section 7.4 prior to the issuance of a building permit or any shopping center.

- A. Intent: It is the intent of this section to regulate the location of, and encourage the development of, well-planned shopping centers; and to fully integrate the development of shopping centers with the community's overall land-use, transportation, and utility potentials and goals. These intents provide for the specific purposes of:
 - 1. Minimizing any adverse effects of a shopping center on adjacent property values while providing for safe and efficient use of the shopping center itself.
 - 2. Providing for a functionally-efficient and aesthetically pleasing area in which to shop.
 - 3. Assuring that the area is designed and located so as to minimize traffic congestion on public highways and streets in the vicinity and to best fit the general land use patterns of the area to be served.
 - 4. Assuring that adequate street and utility access is available.
- B. Dimensional and Design Standards for Shopping Centers:
 - 1. No permanent building or structure shall be located within thirty (30) feet of the right-of-way line of any public road, street or highway containing a right-of-way width of fifty (50) feet or less. No permanent building or structure shall be located within twenty feet of the right-of-way line of any public road, street, or highway with a right-of-way width of between fifty-one (51) and seventy-five (75) feet. No permanent building or structure shall be located within fifteen (15) feet of the right-of-way line of any public road, street, or highway containing a right-of-way width of seventy-six (76) or more feet.
 - 2. The above requirement may be waived by the Planning Commission if it finds that said street is unlikely to be widened past current right-of-way limits within the next twenty (20) years, and that the literal enforcement of the above provision would result in an unnecessary and undue hardship to the applicant.
 - 3. No primary access route from any arterial public road, street, or highway to any shopping center shall be located closer than one hundred (100) linear feet from the nearest intersection or within one hundred (100) feet of another primary access drive along the same arterial.

4. Marginal access streets (frontage roads) may be required parallel to and adjacent to any public road, street, or highway if deemed necessary by the Planning Commission to avoid traffic problems and congestion along adjacent arterial streets. When required, such frontage roads shall be not less than twenty-six (26) feet wide, which shall be improved and paved in accordance with accepted standards.
 5. Parking spaces shall be required at the ratio of eight (8) spaces for the first one thousand (1,000) square feet gross floor area for all shopping centers, in addition to parking required by the appropriate schedule of district regulations.
 6. Each shop or business shall be provided with a rear or side entrance that is accessible to a service drive. The service drive shall be in addition to and shall not be a part of the drive or circulation system used by the vehicles of customers or shoppers. The arrangement of truck loading and unloading facilities for each shop or business shall be such that in the process of loading and unloading no truck will block the passage of any other vehicles using the service drive or extend into any other private drive, street, avenue, or vehicular circulation system.
 7. All shopping centers shall be permanently screened from adjoining residential districts that are immediately contiguous to the shopping center property by a fence and evergreen hedge with a minimum height of five (5) feet and placed inside the shopping center property line. Additional landscaping may be required at the discretion of the Planning Commission and Board of Adjustment. Within six months of the opening of the first established business, screening as required must be completed.
- C. Design Guidelines for “Big-Box” Retail Establishments – It is in the best interest of the City of Columbia to minimize the possible blighting effect that abandoned shopping centers and large retail establishments can have on the larger area or neighborhood in which they are located. By imposing additional standards in the form of design guidelines for such centers, these effects can be minimized and future redevelopment and reuse of vacant retail buildings encouraged through proper facility design, without expenditure of public funds. For this reason, the Planning Commission has adopted design guidelines for shopping centers containing a single “big-box” establishment larger than 50,000 square feet in size. These additional standards are listed in Big Box Design Standards located in Appendix A and are consistent with guidelines which have been established in other cities and counties across the United States for such facilities. The guidelines are to be met in the design of a planned shopping center containing a single “big-box” establishment larger than 50,000 square feet in size, unless waived by the Planning Commission through its approval of a final development plan. These design guidelines are intended to provide professional designers and the Planning Commission with direction for improved development plans which address the following issues:
1. Variation in building heights and identifiable customer service entrances and pedestrian entryways;
 2. Uninterrupted facades, windows, allowance for smaller stores or departments having exterior entrances, and back or side facades;

3. Landscaping and/or screening of outdoor display of building materials or other similar bulky products, and of trash collection and loading areas;
4. Pedestrian circulation in relation to vehicular movements and common open spaces for pedestrians;
5. Parking lot orientation adjacent to public streets.

2.4.4 MULTI-FAMILY DWELLING UNITS & TOWNHOUSES DEVELOPMENT & PLAN REQUIRED -

For all multi-family dwelling units (4 or more units) and townhouses, a development plan approved in accordance with Section 7.4 is required prior to issuance of a building permit.

Before approving the development plan, the Planning Commission may impose additional requirements pertaining to landscaping, screening, road requirements, open space and similar requirements. These additional requirements are to insure that the proposed development does not pose a safety hazard, will not adversely affect surrounding properties and will be aesthetically pleasing.

Small apartment houses (up to four units) shall be permitted uses in the R-2 and R-3 residential zones, as indicated in the Schedule of District Regulations for these zones. Apartment complexes are a permitted use within the R-4 residential zone, except that the Planning Commission may attach both fencing and evergreen screening requirements as a condition for final plat approval.

2.4.5 HOME OCCUPATION

- A. No person other than members of the family residing on the premises shall be engaged in such occupation and shall be owner occupied and be the principal residence.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such more occupation other than one sign, not exceeding four (4) square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
- D. No home occupation shall be conducted in any accessory building.
- E. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall meet the off street parking requirements as specified in this regulation, and shall not be located in a required front yard.
- F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. 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.

2.4.6 DAY CARE FACILITIES

A. Definitions -

1. **Child day care** means the provisions of supplemental parental care and supervision: (1) for a non-related child or children; (2) on a regular basis; (3) for less than 24 hours a day; and (4) under license or certification by the Kentucky Department of Human Resources. As used in this regulation, the term is not intended to include baby-sitting services of a casual, nonrecurring nature or in the child's own home. Likewise, the term is not intended to include cooperative, reciprocate child care by a group of parents in their respective domiciles.
2. **Adult day care** means the provision of care for adults: (1) not related to the operator of the facility by blood, marriage, or adoption; (2) on a regular basis; (3) for less than 24 hours a day, and (4) in conformance with the regulations of the Kentucky Department of Human Resources.
3. **Day care center** means a building or structure wherein an agency, person, or persons regularly provides care for a group of children or adults for periods of less than 24 hours a day. Day care facilities include family day care homes, Type I day care facilities, and Type II day care facilities. They do not include preschools, nursery schools or nursing homes.
4. **Family day care home** means a family abode of a person or persons who regularly provides direct care during part of the 24-hour day to six or fewer children, under 12 years of age or three (3) or fewer adults, who are not related to the operator by blood, marriage or adoption.
5. **Type II day care center** means a licensed or certified home or dwelling unit that regularly provides for the care of seven through 12 children or four through ten adults.
6. **Type I day care center** means a licensed or certified facility other than a dwelling unit that regularly receives 4 or more children or adults for day care, or any facility, including a dwelling unit, which regularly provides day care for 13 or more children or eleven or more adults.

B. Intent: The City Council finds that affordable, good-quality, and licensed day care within the City of Columbia is critical to the well-being of the community. Furthermore, it is the purpose of this regulation to make it easier to set up and operate licensed or certified day care facilities by simplifying the review and approval process. At the same time, these standards are intended to preserve the residential character of neighborhoods.

C. Family Day Care Home: A family day care home shall be permitted by right in all zoning districts permitting residences, provided that:

1. State regulations are met, including those pertaining to building, fire safety, and health codes.
2. Lot size, building sizes setbacks, and lot coverage conform to those applicable to the zoning district.

3. One (1) off-street parking space is provided for each nonresident or non family member employee in addition to the two (2) spaces per single family or duplex unit required. The residential driveway is acceptable for this purpose.
 4. If located on a major arterial street, an off-street drop-off/pick-up area must be provided.
 5. Signage, if any, conforms to the requirements for the zoning district.
 6. No structural or decorative alternation that will alter the single-family character of an existing residential structure or be incompatible with surrounding residences is permitted.
- D. Type II Day Care Centers: A state licensed or certified Type II day care center is allowed in the designated zoning districts as follows;
1. A zoning permit (along with a copy of state license or certification) is obtained from the city.
 2. Type II Day Care Centers providing adult day care must meet handicapped accessibility standards for walkways, entrances, doorways and bathrooms.
 3. Residential Zoning Districts (R-1, R-1A, R-2, R-3 and R-4). A Type II day care center may be allowed only upon issuance of a conditional use permit and provided the conditions set forth in Section 2.4.6(C) are met.
 4. All Other Zoning Districts. A Type II day care center is permitted by right in all other zoning districts provided the conditions set forth in Section 2.4.6(C) of this regulation are met.
- E. Type I Day Care Centers: A state certified or licensed Type I child day care center may be allowed in the designated zoning districts as follows:
1. Limitation in Use of Family Residence. No Type I day care center shall be located in a private family residence unless the portion of the residence where the children have access is used exclusively for children during the hours the center is in operation or is separate from the usual living quarters of the family.
 2. All Residential Zones. A Type I day care center may be allowed in residential zoning districts, except the R-1 and R1-A Zones, only upon issuance of a conditional use permit and subject to the following conditions:
 - a. State licensing or certification requirements are met, including those pertaining to building, fire safety, and health codes.
 - b. Lot size, building size, setbacks, and lot coverage conform to those applicable to the zoning district.
 - c. Type I Day Care Centers providing adult day care must meet handicapped accessibility standards for walkways, entrances, doorways and bathrooms.
 - d. Signage, if any, will conform to the requirements of the zoning district.
 - e. A zoning permit (with copy of a state license) is obtained from the city.

- f. At least one (1) on-site parking space must be provided for each on-duty staff person.
 - g. An on-site vehicle turnaround, or separate entrance and exit points, and passenger loading area must be provided.
 - h. A solid fence at least six (6) feet high must be installed along each side and rear-yard lot line.
 - i. No structured area for active play or play structures may be located in a front yard or within ten (10) feet of a side or rear lot line.
 - j. The site must be landscaped in a manner compatible with adjacent residences.
 - k. No structural or decorative alteration that will alter the residential character of an existing residential structure used for a child mini-day care or child day care center is permitted. Any new or remodeled structure must be designed to be compatible with the residential character of the surrounding neighborhood.
 - l. A Type I child day care center shall not be located within three hundred (300) feet of another Type I or Type II day care center, excluding any day care center that is an accessory use in a community service facility.
3. All Other Zoning Districts: A child day care center is permitted by right in all other zoning districts subject to the following conditions:
- a. State licensing and certification standards and requirements are met.
 - b. Setbacks, screening, and landscaping shall conform to the pertinent portions of the zoning code.
 - c. Structure shall meet building, sanitation, health, traffic safety, and fire safety code requirements.
 - d. A minimum of one (1) off-street parking space shall be provided for each employee, plus an off-street drop-off/pick-up area.
 - e. A zoning permit (along with a copy of a state license) is obtained from the city.

2.5 GENERAL REGULATIONS FOR LOTS AND YARDS

2.5.1 OBSTRUCTION TO VISION AT STREET INTERSECTIONS

The following shall apply in all but central business districts. Within the area defined by the intersection of any two right-of-way lines of streets, or of streets and railroads, and a straight line intersecting those two right-of-way lines at points forty (40) feet from their intersection, no obstruction to vision between a height of two and one-half (2 1/2) feet, and ten (10) feet above the imaginary plane defined by those three points of intersection are permitted. This regulation shall not, however, be deemed to prohibit any necessary retaining walls.

2.5.2 FRONT YARD REGULATIONS FOR DOUBLE-FRONTAGE LOTS

Double-frontage lots shall, on both of the streets involved, meet the front yard regulations of the district in which they are located.

2.5.3 SIDE YARD REGULATIONS FOR CORNER LOTS

The side yard requirements for all principal buildings on corner lots shall be such that no corner building extends toward the side street more than five (5) feet beyond the setback line for buildings along the street to the corner lot. Accessory buildings shall conform to setback lines established on both streets and conform to the requirements of Section 2.5.5 of this regulation.

2.5.4 APPLICATION OF YARDS TO ONE BUILDING ONLY

No part of a yard required for any building may be included as fulfilling the yard requirements for an adjacent building.

2.5.5 USE OF YARDS FOR ACCESSORY BUILDING

No accessory buildings are permitted in front yards and within five (5) feet of other buildings. Accessory buildings are permitted in rear or side yards but must comply with dimensional and area regulations.

2.5.6 FENCES, WALLS, HEDGES

Notwithstanding other provisions of this regulation, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard as long as they do not obstruct the visibility at intersections as required in Section 2.5.1

2.6 USE EXCEPTIONS

Several types of structures and uses which may or may not be listed as permitted uses in any district are nevertheless not prohibited from any district. These structures and uses, with required permits are:

- A. No building permit or certificate of occupancy required:
 1. Local public utility distribution and collection structures such as pipes and transmission lines, transformers, meters, etc. Large utility structures such as substations are permitted only as a special use.
 2. Public streets and all appurtenances necessary for traffic direction and safety.
 3. Private drives, private parking areas, and the parking of vehicles incidental to the principal use on the same premises.
 4. Real estate signs located on the premises being advertised for sale or for rent, not to exceed a total of ten (10) square feet in area.
 5. Signs not over six (6) square feet in area identifying permitted home occupations on the same premises.
 6. Horticulture and landscaping of any premises.

7. Agriculture, but not including agricultural structures.

- B. Churches are conditional uses in all zones, and must comply with overall yard and access requirements for the neighborhood as a whole and for the zone in question. In addition, evergreen screening shall be required five (5) feet from all contiguous properties for all churches locating or relocating within a residential area. Such screening may be required by the Planning Commission within other zones depending upon circumstance.

2.7 REGULATION OF PRINCIPAL BUILDING

Only one (1) principal building and permitted accessory structures may be erected on any lot or parcel of land, unless a development plan has been approved by the Commission pursuant to Article 7 allowing multiple principal structures. Temporary structures are permitted during construction only, and Class A, B, or C mobile homes may be utilized as temporary structures. Temporary occupancy shall not exceed one (1) year during construction of a residence nor two (2) years during construction of other projects, provided, however, that the enforcement officer may grant an extension of time for good cause shown.

2.8 EXCEPTIONS TO HEIGHT REGULATIONS

The height regulations contained in the schedule of district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

2.9 STRUCTURES TO HAVE ACCESS

Every building hereafter erected or moved shall either be on a lot adjacent to a public street, or with access to an approved private street or drive, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

2.10 SAFETY

All lots and subdivisions shall be so laid out, and all structures shall be constructed so as to provide for the maximum in visibility during accessing and parking vehicular movements. Driveways shall be so constructed as to prevent children-vehicular conflict to the maximum degree possible.

3 NONCONFORMING SITUATIONS

3.1 INTENT

Within the districts established by this regulation or amendments that may later be adopted there exist lots, structures, and uses of land, and structures which were lawful before this regulation was passed originally or amended but which would be prohibited, regulated, or restricted under the terms of this regulation or future amendment. It is the intent of this regulation to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this regulation that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

- A. Incompatibility of nonconforming uses: Nonconforming uses are declared by this regulation to be incompatible with permitted uses in districts in which the use is located. A nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this regulation by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.
- B. Avoidance of undue hardship: To avoid undue hardship, nothing this regulation shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this regulation and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun prior to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

3.2 NONCONFORMING LOTS OF RECORD

- A. In any residential district a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this regulation notwithstanding limitations imposed by other provisions of this regulation, so long as at least twenty (20) feet of open space is left between the primary residential or accessory structure and the nearest existing building or residential structure located on adjacent property. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided also that the yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.
- B. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this regulation

and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this regulation and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this regulation nor shall any division or any parcel be made which creates a lot with width or area below the requirements stated in this regulation.

- C. The Board of Adjustment may amend the requirements for a landscaped separation strip where such a strip is required by the "Schedule of District Regulations", and where the lot in question does not conform to the width and general yard or lot requirements of the schedule, or where the restriction is unnecessary due either to a vacancy of the adjoining residential lot or its large size combined with relatively distant structural spacing. In no case, however, shall the width of the separation strip be reduced by more than 50 percent.

3.3 CONTINUATION OF NONCONFORMING STRUCTURES

- A. Alterations: A nonconforming structure shall not be enlarged, replaced or structurally altered except as provided for in this regulation. Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovation, i.e., work estimated to cost more than 25 percent of the appraised valuation of the structure to be renovated may be done only in accordance with a building permit issued pursuant to this regulation.
- B. Restoration: If a structure located on a lot where a nonconforming situation exists is damaged to an extent that the costs of repair or replacement would exceed 25 percent of the appraised valuation of the damaged structure, then the damaged structure may be repaired or replaced only in accordance with a building permit. This section does not apply to structures used for single-family residential purposes, which structures may be reconstructed pursuant to a building permit just as they may be enlarged and replaced in section 3.3(E)
- C. For purposes of Section 3.3 (A) and (B):
 - 1. The "cost" of renovation, repair or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair or replacement.
 - 2. The "cost" of renovation, repair or replacement shall mean the total cost of all such intended work, and no person may seek to avoid the intent of Subsections (A) or (B) by doing such work incrementally.
 - 3. The "appraised valuation" shall mean either the appraised valuation for property tax purposes, or the valuation determined by a licensed property appraiser.
- D. The administrator shall issue a building permit authorized by this section if they find that in completing the renovation, repair or replacement work:
 - 1. No violation of Section 3.3 will occur, and
 - 2. The permit holder will comply to the extent reasonably possible with all provisions of this regulation applicable to the existing use (except that the permit holder shall not lose their right to continue a nonconforming use).

3. Compliance with a requirement of this chapter is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible.
- E. Notwithstanding Section 3.3(A), any structure used for single-family residential purposes including existing manufactured homes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new non-conformities or increase the extent of existing non-conformities with respect to such matters as setback and parking requirements. This paragraph is subject to the limitations stated in Section 3.4(B) (abandonment and discontinuance of nonconforming situations).

3.4 CONTINUATION OF NONCONFORMING USES/SITUATIONS

The lawful use of a building or premise existing at the time of adoption of any zoning regulation affecting it may be continued, although such use does not conform to the provisions of such regulations, except as otherwise provided herein:

- A. Extension: A nonconforming use shall not be extended, enlarged, or moved to occupy any portion of the premises, either land or structure, which was not originally occupied by the nonconforming use.
- B. Discontinuance: Whenever a nonconforming use of any premises or use of a nonconforming structure has been abandoned or discontinued for a period of three hundred sixty (360) days, no nonconforming use may be re-established on those premises. Notwithstanding other evidence of discontinued use, a use shall be considered discontinued when city utilities have been disconnected or inactive for a period of three hundred sixty (360) days.
- C. Changes: Any non-conforming use may be changed to another non-conforming use only by appeal to the Board of Adjustment as under Section 9.2.4. The Board of Adjustment shall not permit a change from one nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification. If the use is located in a building, no structural changes may be made to the exterior of the building.

4 ZONING DISTRICTS AND ZONING MAP

4.1 ZONING DISTRICTS

In order to classify, regulate, and restrict the use and location of buildings designed for specified uses, to regulate and determine the area of yards, courts, and other open spaces surrounding buildings, and to realize the general purposes set forth in the Preamble of this Regulation, the City is divided into zoning districts. The specific purpose of each zoning district is set forth in Sections 4.2 through 4.13.

The City is divided into the following zoning districts. The schedule of District Regulations which follows this list sets forth the purpose and requirements for each zoning district.

- R-1 Low Density Residential
- R-1A Single-Family Residential
- R-2 Low-Moderate Density Residential
- R-3 Medium Density Residential
- R-4 High Density Residential
- C-1 Central Business District
- C-2 Highway Oriented Commercial
- C-3 Neighborhood Commercial
- I-1 Light Industrial
- I-2 General Industrial
- P Public and Semi-Public

4.2 LOW DENSITY RESIDENTIAL (R-1)

- A. Intent: The intent of this district is to provide for low density single family detached homes and supporting uses. This district should be the City's largest residential area. Lots should be large enough to accommodate septic systems in areas of the city not served by the wastewater collection system.
- B. Principal Uses: (Other uses substantially similar to those listed herein shall also be deemed permitted).
 - 1. Single-family residences.
 - 2. Parks and playgrounds operated by government.
- C. Accessory Uses: (Uses and structures which are customarily accessory as clearly incidental and subordinate to permitted uses).
 - 1. Private garages, storage sheds, and parking areas.
 - 2. Private swimming pools, tennis courts, and swing sets.
 - 3. Private, noncommercial parks and open space.
 - 4. Living quarters without cooking facilities and not rented for guests and employees of the premises.
 - 5. Family day care homes as regulated in Section 2.46.

- D. Conditional Uses: (Permitted only with Board of Adjustment approval).
 - 1. The Conditional Uses permitted in all zoning districts (Section 2.3).
 - 2. Type II day care centers.
 - 3. Home occupations.
 - 4. Churches, Sunday schools and parish houses.
 - 5. Utility facilities.
- E. Lot, Yard and Height Requirements
 - 1. Minimum lot size - 12,500 square feet
 - 2. Minimum lot frontage - 90 feet
 - 3. Minimum front yard depth - 30 feet
 - 4. Minimum side yard depth - 15 feet
 - 5. Minimum yard depth - 60 feet
 - 6. Maximum lot coverage - No limitation
 - 7. Maximum height of building - 35 feet
 - 8. Accessory uses shall only be located within the backyard, at least five feet from an adjoining side or back lot boundary and at least 10 feet from principal structure.
- F. Required off-street parking - A paved driveway and either an enclosed two-car garage or two-car carport.

4.3 SINGLE-FAMILY RESIDENTIAL (R-1A)

- A. Intent: Same as for R-1.
- B. Principal Uses: (Other uses substantially similar to those listed herein shall also be deemed permitted).
 - 1. The principal uses permitted in the R-1 Zone.
- C. Accessory Uses: (Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses).
 - 1. The accessory uses permitted in the R-1 Zone.
- D. Conditional Uses: (Permitted only with Board of Adjustment approval)
 - 1. The Conditional Uses permitted in all zoning districts (Section 2.3).
 - 2. The conditional uses permitted in the R-1 Zone.
 - 3. Type II day care centers.
 - 4. Class A manufactured homes when compatible with surrounding structures.
- E. Lot, Yard and Height Requirements
 - 1. Minimum lot size - 11,700 square feet
 - 2. Minimum lot frontage - 80 feet

3. Minimum front yard depth - 30 feet
4. Minimum side yard depth - 10 feet
5. Minimum yard depth - 50 feet
6. Maximum lot coverage - no limitation
7. Maximum height of building - 35 feet
8. Accessory uses shall only be located within the backyard, at least five feet from an adjoining side or back lot boundary and at least 10 feet from principal structure.
9. Off-street parking - A paved driveway and adequate parking for two cars.

4.4 LOW-MODERATE DENSITY RESIDENTIAL (R-2)

- A. Intent: This district is intended to encourage low to moderate density residential development, including a compatible mixture of duplexes and triplexes with single-family residences. It is also the intent of this zone to allow the conversion of large, older homes in well established neighborhoods to two and three-family apartment units.
- B. Principal Uses: (Other uses substantially similar to those listed herein shall also be deemed permitted).
 1. The principal uses permitted in the R-1 Zone.
 2. Duplexes and triplexes.
 3. Class A manufactured homes.
 4. Apartments and townhouses with four or less units.
 5. Type II day care centers.
- C. Accessory Uses: (Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses).
 1. Private garages, storage sheds and parking areas.
 2. Private swimming pools, tennis courts, and swing sets.
 3. Private non-commercial parks and open space.
 4. Family day care homes as regulated in Section 2.46.
- D. Conditional Uses: (Permitted only with Board of Adjustment approval).
 1. The Conditional Uses permitted in all zoning districts (Section 2.3).
 2. The conditional uses permitted in the R-1 Zone.
 3. Townhouses.
 4. Bed and Breakfast Inns.
 5. Type I day care centers.
- E. Lot, Yard and Height Requirements
 1. Minimum lot size - 10,000 square feet (10,800 sq. ft. for duplexes, 11,700 sq. ft. for triplexes).

2. Minimum lot frontage - 80 feet.
 3. Minimum front yard depth - 30 feet.
 4. Minimum side yard depth - 10 feet.
 5. Minimum back yard depth - 40 feet
 6. Maximum lot coverage - 27% for single family; 33% for duplexes and triplexes (applies to principal structure only)
 7. Maximum height of building - 35 feet.
 8. Accessory uses shall only be located within the backyard, at least five feet from an adjoining side or back lot boundary and at least 10 feet from principal structure.
- F. Required off-street parking - A paved driveway and two parking spaces per unit, parking in the rear is preferred.

4.5 MEDIUM DENSITY RESIDENTIAL (R-3)

- A. Intent: This district is intended for a compatible mix of single family and small multi-family residential uses. This district is also intended for mobile home parks.
- B. Principal Uses: (Other uses substantially similar to those listed herein shall also be deemed permitted).
1. The principal uses permitted in the R-2 zone.
 2. Type B manufactured homes are permitted only in mobile home parks.
- C. Accessory Uses: (Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses).
1. The accessory uses permitted in the R-2 Zone.
- D. Conditional Uses: (Permitted only with Board of Adjustment approval).
1. The Conditional Uses permitted in all zoning districts (Section 2.3).
 2. The conditional uses permitted in the R- 1 Zone.
 3. Mobile home parks (development plan required).
 4. Bed & Breakfast Inns.
 5. Type I day care centers.
- E. Lot, Yard and Height Requirements
1. Minimum lot size - 6,700 square feet for single family; 7,200 sq. ft. for duplexes and triplexes; 9,000 sq. ft. for two story fourplex, 10,800 for one story fourplex.
 2. Minimum lot frontage - 80 feet.
 3. Minimum front yard depth - 25 feet.
 4. Minimum side yard depth - 10 feet.
 5. Minimum back yard depth - 30 feet.
 6. Maximum lot coverage - 27% for single family; 33% for duplexes and triplexes.

- 7. Maximum height of building - 50 feet, 35 feet if lot adjoins R-1, R-1A or R-3 district.
 - 8. Accessory uses shall only be located within the backyard, at least five feet from an adjoining side or back lot boundary and at least 10 feet from principal structure.
- F. Required off-street parking - A paved driveway and two parking spaces per unit, parking in the rear is preferred.

4.6 HIGH DENSITY RESIDENTIAL (R-4)

- A. Intent: The intent of this district is to provide for apartments and multifamily housing complexes with adequate open space and recreational facilities.
- B. Principal Uses: (Other uses substantially similar to those listed herein shall also be deemed permitted).
 - 1. The principal uses permitted in the R-2 Zone.
 - 2. Apartments, townhouses, garden and low apartments.
 - 3. Multi-family housing.

Note: All developments of 4 or more units require a development plan.

- C. Accessory Uses: (Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses).
 - 1. The accessory uses permitted in the R-2 Zone.
 - 2. Laundromats for use of occupants only.
 - 3. Offices for administration and maintenance of multi-family complexes.
- D. Conditional Uses: (Permitted only with Board of Adjustment approval)
 - 1. The Conditional Uses permitted in all zoning districts (Section 2.3).
 - 2. The conditional uses permitted in the R-1 Zone.
 - 3. Type I day care centers.
- E. Lot, Yard and Height Requirements
 - 1. Minimum lot size - 10,800 square feet.
 - 2. Minimum lot frontage - 80 feet.
 - 3. Minimum front yard depth - 25 feet.
 - 4. Minimum side yard depth - 10 feet.
 - 5. Minimum back yard depth - 30 feet.
 - 6. Maximum lot coverage - for multi-family housing, the combined area occupied by all principal and accessory buildings shall not exceed sixty (60) percent of the total lot area.
 - 7. Maximum height of building - 50 feet, 35 feet if lot adjoins R-1, R-1A or R-2 district.
 - 8. Accessory uses shall only be located within the backyard, at least five feet from an adjoining side or back lot boundary and at least 10 feet from principal structure.

9. Off-street parking - A paved driveway and two parking spaces per unit if less than four units, 1.5 per unit for multi-family.

4.7 CENTRAL BUSINESS DISTRICT (C-1)

- A. Intent: The intent of this district is to encourage sound expansion and renewal of the City's central business district.
- B. Principal Uses: (Other uses substantially similar to those listed herein shall also be deemed permitted).
 1. Retail businesses and retail services.
 2. Places of amusement and assembly, offices, hotels, motels, garages, automotive sales and services.
 3. Manufacturing or processing establishments that do not create dust, smoke, noise, odor or other pollution outside the lot on which it is located and not employing more than 10 persons.
 4. Personal service establishments.
 5. Restaurants, convenience stores, grocery stores.
 6. Professional offices.
 7. Governmental offices, laboratories and facilities.
 8. Public/semi-public uses such as libraries, vocational or technical schools, churches, nursing homes, funeral homes, medical offices.
 9. Public utility installations, offices, storage and maintenance facilities.
 10. Wholesaler retail outlets.
 11. Family day care homes, Type I and Type II day care centers as regulated in Section 2.46.
- C. Accessory Uses: (Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses).
 1. Wholesale, warehouse and storage facilities.
 2. Garages and salvage yards for vehicles of a permitted use.
 3. Parks and open space.
 4. Dwelling units occupying the same building as the principal business that are located behind or above the business.
- D. Conditional Uses: (Permitted only with Board of Adjustment approval).
 1. The Conditional Uses permitted in all zoning districts (Section 2.3).
 2. Drive-through facilities for sale of goods or products or provision of services otherwise permitted.
 3. Private clubs, lodges, social centers, athletic clubs.

4. Printing, typesetting and newspaper publications that employ fewer than ten (10) employees.
5. Commercial buildings renovated for apartment usage with appropriate parking and buffers.

E. Lot, Yard and Height Requirements

1. Minimum lot size - 5,000 square feet.
2. Minimum lot frontage - 50 feet.
3. Minimum front yard depth - No limitation.
4. Minimum side yard depth - No limitation.
5. Minimum back yard depth - No limitation.
6. Maximum lot coverage - 80%
7. Maximum height of building - 50 feet, 35 feet if lot adjoins residential district with no intervening street.

F. Required off-street parking

1. Dwelling Units - a paved parking area with one (1) space per 1,200 sq. ft.
2. Restaurants and other commercial uses - one (1) per 100 sq. ft. of floor area; off street parking shall be located within 500 feet of establishment served.
3. Hotels or motels - one (1) space per suite.
4. Off street parking requirements may be waived by Planning Commission for existing structures if warranted by general parking demand and availability.

4.8 HIGHWAY ORIENTED COMMERCIAL (C-2)

- A. Intent: It is the intent of this district to provide areas for commercial development outside of the central business district. This development should be located along major highways and should be clustered with common highway access points wherever possible. Strip development with numerous highway access points should be discouraged.
- B. Principal Uses: (Other uses substantially similar to those listed herein shall also be deemed permitted).
1. Retail businesses or services.
 2. Personal services.
 3. Offices, clerical or research facilities.
 4. Motor vehicle sales and services.
 5. Hotels and motels.
 6. Car washes or Laundromats.
 7. Veterinarians or kennels.
 8. Restaurants, convenience stores or fast food establishments.

9. Type I or Type II day care centers.
 10. Places of amusement, assembly or commercial recreational facilities.
 11. Public buildings, churches, trade or vocational schools.
 12. Wholesale or retail outlet stores.
 13. Manufacturing or processing establishments incidental to retail functions only with no more than 10 employees which are non-hazardous and nonpolluting and conducted fully within an enclosed building.
- C. Accessory Uses: (Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses).
1. Wholesale, warehouse and storage facilities.
 2. Parking areas and structures.
 3. Swimming pools.
 4. Not more than one (1) dwelling unit for owners, operators or employees of a permitted use provided that such dwelling unit shall be a part of and located above or to the rear of such permitted use.
 5. Drive through facilities.
- D. Conditional Uses (Permitted only with Board of Adjustment approval)
1. The Conditional Uses permitted in all zoning districts (Section 2.3).
 2. Medical offices and clinics.
 3. Private clubs, lodges and social centers.
 4. Printing and typesetting operations that employ fewer than 25 persons.
- E. Lot, Yard and Height Requirements
1. Minimum lot size - 7,500 square feet.
 2. Minimum lot frontage - 75 feet.
 3. Minimum front yard depth - 20 feet.
 4. Minimum side yard depth - No limitation.
 5. Minimum back yard depth - No limitation.
 6. Maximum lot coverage - No limitation
 7. Maximum building height - 50 feet, 35 feet if lot adjoins a residential district with no intervening street.
- F. Required off-street parking spaces:
1. Restaurants - one (1) per 100 sq. ft. of floor area
 2. Fast Food Establishments - one (1) per 30 sq. ft. of floor area
 3. Professional Offices - one (1) per 300 sq. ft. of floor area

4. Motels & Hotels - one (1) per suite Other commercial uses - one (1) per 200 sq. ft. of floor area

G. Special provisions:

1. A five foot chain link or privacy fence is required between shopping centers and residential properties.
2. Landscape buffers are required as regulated in Section 5.4.

4.9 NEIGHBORHOOD COMMERCIAL (C-3)

- A. Intent: The intent for this district is to accommodate neighborhood shopping and service facilities to serve the needs of the surrounding residential area. This district should be oriented to the residential neighborhood and should have a roadway system which will be adequate to accommodate the anticipated vehicular traffic.
- B. Principal Uses: (Other uses substantially similar to those listed herein shall also be deemed permitted).
 1. Professional offices such as real estate, insurance, financial services, travel agents and others that have low traffic generation rates (does not include medical offices or government offices).
 2. Establishments for the retail sale of food such as grocery stores, bakeries, meat stores and other food product stores provided that production of food products is permitted only for retail sale on the premises.
 3. Restaurants including small fast food restaurants, ice cream parlors, etc. except for those offering live entertainment or dancing.
 4. Convenience stores.
 5. Personal service establishments such as beauty shops, nail salons, tanning salons, barber shops, shoe repair, clothing repair, self service laundromats, laundry pick-up stations and drop off dry cleaners (no dry cleaning operations on site).
 6. Other clearly retail uses which are considered to be compatible by the Planning Commission. Examples are stores selling clothing, apparel, shoes, fabric, electronics, hardware, hobby items, gifts and antiques, books, stationery, jewelry, antiques or used merchandise, florists excluding greenhouses, and prescription drugs.
 7. Quick copy services not utilizing offset printing methods.
 8. Type I and Type II child care centers.
- C. Accessory Uses: (Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses).
 1. Parking areas or structures.
 2. Warehousing, wholesaling and storage, excluding outdoor storage.
 3. Drive through facilities for the sale of permitted goods or services.

4. Not more than one (1) dwelling unit for owners, operators or employees of a permitted use provided that such dwelling unit shall be a part of and located above or to the rear of such permitted use.

D. Conditional Uses (Permitted only with Board of Adjustment approval).

1. The Conditional Uses permitted in all zoning districts (Section 2.3).
2. Veterinarians, provided animal pens are completely within the principal building.

E. Lot, Yard and Height Requirements:

1. Minimum lot size - 10,000 square feet.
2. Minimum lot frontage - 100 feet.
3. Minimum front yard depth - 20 feet.
4. Minimum side yard depth - No limitation.
5. Minimum back yard depth - No limitation.
6. Maximum lot coverage - No limitation.
7. Maximum building height - 35 feet, 20 feet if located within 40 feet of a residential structure.

F. Required off-street parking spaces (paved):

1. Accessory dwelling and lodging units - one (1) space per unit
2. Restaurants - one (1) per 100 sq. ft. of floor area
3. Fast food establishments - one (1) per 30 sq. ft. of floor area
4. Professional Offices - one (1) per 300 sq. ft. of floor area
5. Other Commercial Uses - one (1) per 200 sq. ft. of floor area

G. Special provisions

1. Landscape buffers are required as regulated in Section 5.4.

4.10 LIGHT INDUSTRIAL (I-1)

A. Intent: The intent of this district is to provide for the manufacturing and wholesale businesses and related uses not involving a potential nuisance in terms of smoke, noise, odor, dust, heat, light, vibration or industrial waste. They should operate mostly within enclosed structures and generate low to moderate amounts of traffic. Consideration should be given to the relationship of this zone to surrounding land uses.

B. Principal Uses: (Other uses substantially similar to those listed herein shall also be deemed permitted).

1. Wholesale business, storage, and warehousing
2. Shops of special trade and general contractors such as plumbing, heating, electrical, carpentry, painting, metal work, printing, publishing, major automobile and truck repair, sign painting, etc.
3. Laundry, clothes cleaning, dry cleaning or dyeing shops.

4. Ice plants.
 5. Tire re-treading and recapping.
 6. Parking lots and structures.
 7. Machine shops
 8. Kennels, animal hospitals or clinics providing that such structures or area used (not including parking areas) shall be at least 100 feet from any residential zone.
 9. Sales, purchasing or feed, grain or other agricultural supplies or products.
 10. Establishments for the sale, display, rental or repair of all types of motor vehicles, farm equipment or contractor equipment.
 11. Establishments for the display and sale of precut, prefabricated or shell homes.
 12. Retail sale of building materials lumber, garden supplies, plant materials.
 13. Light retail commercial including retail sale of commodities manufactured, fabricated or processed on the premises.
 14. The manufacturing, assembling, processing, packaging or similar treatment of such products as bakery goods, candy, ceramics, clothing, cabinets, electrical parts, signs, electronic instruments, food products, pottery, china, shoes, television receivers, toys, watches, clocks, optical goods, and plastics. Recycling, storing, baling and processing of glass, cardboard, non-ferrous metals and plastics.
 15. Recycling, sorting, storage, baling and processing of paper scrap shall be permitted only when wholly conducted in an enclosed building. This does not include automobile wrecking yards or junk yards.
 16. Transfer stations for handling of solid waste when conducted within an enclosed building and located more than 100 feet from any residential zone.
- C. Accessory Uses: (Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses).
1. Off-street parking areas, structures and loading zones.
 2. Recreational facilities.
 3. Offices.
 4. Type I and Type II day care centers primarily for children of employees of the premises
- D. Conditional Uses: (Permitted only with Board of Adjustment approval).
1. The Conditional Uses permitted in all zoning districts (Section 2.3).
 2. Any manufacturing operation that will employ more than fifty (50) persons.
 3. Concrete mixing and concrete products.
 4. Cable television system facilities.

5. Any heavy industry producing moderate amounts of noise, odor, dust, smoke or other types of pollution.
- E. Lot, Yard and Height Requirements
1. Minimum lot size - 15,000 square feet.
 2. Minimum lot frontage - 100 feet.
 3. Minimum front yard depth - 20 feet.
 4. Minimum side yard depth - No limitation.
 5. Minimum back yard depth - No limitation.
 6. Maximum lot coverage - 50 percent
 7. Maximum height of building - 50 feet, 35 feet if within 70 feet of a residential structure.
- F. Require off-street parking spaces:
1. Industrial Plants - Fifteen (15) spaces plus one (1) space for every two (2) employees on a single shift at maximum employment plus one space for every truck operated by the plant.
 2. Other industrial or retail uses - one (1) for every 400 sq. ft. of floor area.
 3. Vehicle repair or service shops shall have additional parking for estimated number of vehicles to be kept on site temporarily.
- G. Special provisions
1. All uses shall be conducted in a completely enclosed building, except for outdoor storage uses which shall be enclosed on all sides by a solid wall or fence not less than six feet in height.
 2. Landscape buffers are required as regulated in Section 5.4.

4.11 GENERAL INDUSTRIAL (I-2)

- A. Intent: This zone is intended for manufacturing, industrial and related uses and sexually oriented businesses that involve potential nuisance factors.
- B. Principal Uses: (Other uses substantially similar to those listed herein shall also be deemed permitted).
1. Any principal use permitted in the I-1 zone provided that all provisions outlined therein shall apply.
 2. Manufacturing, fabrication, assembly of any commodity.
 3. Wholesaling or storage of any article manufactured on site.
 4. Sexually oriented businesses.
- C. Accessory Uses: (Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses).
1. The accessory uses permitted in the I-1 Zone.

D. Conditional Uses: (Permitted only with Board of Adjustment approval).

1. The Conditional Uses permitted in all zoning districts (Section 2.3).
2. Boiler and tank works, mixing plants for the manufacture of cement, mortar, plaster, paving materials; coke ovens; plants for coal, wood, tar, foundries and metal fabrication plants.
3. Fat rendering plants and establishments that cure, tan or store raw hides or skins.
4. Soap and tar products.
5. Slaughter houses and stockyards.
6. Plants for the manufacture, processing or storage of acetylene, bleaches, ammonia, acid, disinfectants, dyes, turpentine, varnish and chemicals.
7. Gasoline, oil or other petroleum products refining and storage.
8. Manufacturing or storage facilities for explosives.
9. Any planned industrial project which may employ more than 150 persons.
10. Automobile wrecking, scrap iron storage or wrecking, junk yards.
11. Solid waste transfer stations with facilities or operations not within an enclosed building.
12. Fertilizer manufacturing.

E. Lot, Yard and Height Requirements

1. Minimum lot size - 15,000 square feet
2. Minimum lot frontage - 100 feet
3. Minimum front yard depth - 20 feet
4. Minimum side yard depth - No limitation
5. Minimum back yard depth - No limitation
6. Maximum height of building - 50 feet, 35 feet if within 70 feet of a residential structure.
7. Maximum lot coverage - 50% for structures

F. Required off-street parking spaces:

1. Industrial Plants- Fifteen (15) spaces plus one (1) space for every two (2) employees on a single shift at maximum employment plus one space for every truck operated by the plant.
2. Other industrial or retail uses - one (1) for every 400 sq. ft. of floor area.
3. Vehicle repair or service shops shall have additional parking for estimated number of vehicles to be kept on site temporarily.

G. Special provisions

1. All uses shall be conducted in a completely enclosed building, except for outdoor storage uses which shall be enclosed on all sides by a solid wall or fence not less than six (6) feet in height.
2. Landscape buffers are required as regulated in Section 5.4.

H. General requirement for sexually oriented businesses

1. Purpose and findings for regulation of sexually oriented businesses. It is the purpose of these provisions 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 location and concentration of sexually oriented businesses within the city. These regulations have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent of these regulations 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 these regulations to condone or legitimize the distribution of obscene material.
2. It is the finding of the City of Columbia that:
 - a. There is convincing documented evidence, including statistics and studies performed in a substantial number of communities concerning the serious objectionable characteristics and secondary effects of sexually oriented businesses in other jurisdictions;
 - b. There is substantial evidence that an increase in crime tends to accompany, concentrate around, and be aggravated by sexually oriented businesses, including but not limited to increase in the crimes related to prostitution, sale and possession of controlled substances and violence against persons and property;
 - c. There are unique harmful effects on children and minors exposed to the effects of sexually oriented businesses, including but not limited to, the deterioration of respect for family values, exposure to images and acts for which they are too young or immature to fully understand, and the possibility that such children or minors could inadvertently become targets or otherwise victims of solicitations of a sexual nature for which they are too young or immature to understand or otherwise take appropriate measure to protect themselves;
 - d. Sexually oriented businesses adversely impact property values and the character of the surrounding neighborhoods and business areas, which together have a deleterious effect on the health and welfare of the community;
 - e. Sexually oriented businesses have both a real and a perceived negative impact on surrounding properties, including crime rates that are higher and property values that are lower. Their presence influences the public's perception of the neighborhood in which they are located, and can create "dead zones" in

commercial areas where shoppers do not want to be associated in any way with sexually oriented businesses, nor have their children walk by such uses.

- f. The findings noted in above raise substantial governmental concerns; and
 - g. The general welfare, health, morals, and safety of the citizens of the city will be promoted by these regulations.
3. A sexually oriented business shall not be located within two hundred fifty (250) feet of:
- a. A church, synagogue, mosque, temple, or building that is used primarily for religious worship and related religious activities;
 - b. A public or private educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. "School" includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.
 - c. A boundary of a residential district (R-1, R-1A, R-2, R-3, or R-4) or any other residential district hereinafter established.
 - d. A public park or recreational area which has been designated for park or recreational activities including, but not limited to, park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts.
 - e. Another sexually oriented business.
4. Not more than one (1) sexually oriented business shall be located in the same building or structure containing another sexually oriented business.

4.12 PUBLIC AND SEMI-PUBLIC (P)

- A. Intent: This district is intended for large scale or complex public and semi-public uses.
- B. Principal Uses: (Other uses substantially similar to those listed herein shall also be deemed permitted).
 - 1. Public owned or noncommercial recreational facilities and conservation areas, fairgrounds, parks, play areas.
 - 2. Schools, colleges or training schools.
 - 3. Churches, cemeteries or places of worship.
 - 4. Hospitals, clinics, nursing homes or medical buildings.
 - 5. Type I or Type II day care centers.
 - 6. Government buildings, offices or facilities.
 - 7. Private clubs, lodges, social centers or community centers.
 - 8. Private non-profit institutions.

- 9. Libraries, museums or art galleries.
- C. Accessory uses:
 - 1. Informational or admission booths.
 - 2. Garages, storage buildings or maintenance buildings.
 - 3. Dormitories.
 - 4. Dwelling units exclusively for employees, owners or operators of the facility.
 - 5. Parking areas and structures.
 - 6. Satellite dish antennas.
- D. Conditional Uses:
 - 1. The Conditional Uses permitted in all zoning districts (Section 2.3).
 - 2. Type B manufactured homes for public park or facility care takers.
- E. Lot, Yard and Height Requirements
 - 1. Minimum lot size - 7,500 square feet
 - 2. Minimum lot frontage - 75 feet
 - 3. Minimum front yard depth - 20 feet
 - 4. Minimum side yard depth - No limitation
 - 5. Minimum back yard depth - No limitation
 - 6. Maximum lot coverage - No limitation
 - 7. Maximum height of building - 50 feet, 35 feet if within 70 feet of a residential structure.
- F. Off-street parking spaces:
 - 1. Places of public assembly - 20% of capacity.
 - 2. Public buildings - 2 times the number of employees.
 - 3. Offices - 1 per 400 sq. ft. of floor area.
 - 4. Hospitals, clinics, medical buildings - 3 times the number of employees.
 - 5. Parks and playgrounds - ten spaces plus ten percent of capacity.
- M. Special provisions
 - 1. Landscape buffers are required as regulated in Section 5.4.

4.13 SPECIAL PROVISIONS FOR AGRICULTURAL AREAS

For the purposes of this regulation, land which is used solely for agricultural, farming, dairying, stock-raising, or similar purposes shall have no regulations imposed as to building permits, certificates of occupancy, height, yard, location or court requirements for agricultural buildings, except that: a) no structure for feeding or sheltering of animals or poultry shall be located within 100 feet of any dwelling or street; b) setback lines may be required for the protection of existing

and proposed streets and highways, and no buildings or structures in a floodway; c) no building or structures shall be constructed in the 100 year floodplain which will increase flood heights or obstruct the flow of flood water; and d) agricultural uses shall be prohibited if they are in violation of the City's Nuisance Ordinance.

4.14 OFFICIAL ZONING MAP

The boundaries of these zoning districts are hereby established as shown on the Zoning Map for the City of Columbia, Kentucky. Said zoning map and all notations and references and other matters shown thereon shall be and are hereby made a part of this regulation.

Any new official zoning map constructed from one or several amendments to the aforementioned map shall be identified by the signature of the Mayor, attested by the City Clerk, under the following words: "This is to certify that this is the Official Zoning Map for the City, referred to in Section 4.14 of the Columbia Zoning Regulations as of _____ (date)".

If, in accordance with the provisions of this regulation and the Kentucky Revised Statutes, changes are made in the zoning district boundaries or other matters portrayed on the official zoning map, such changes shall be made on the official zoning map promptly after the amendment has been approved by the legislative body, together with an entry on the aforementioned official zoning map listing the date of the ordinance, ordinance number, brief description of change and signature of the City Clerk.

Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map, which shall be located in the office of the City Clerk, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

4.15 REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the official zoning map becomes damaged, destroyed, or lost, the Columbia City Council may by resolution adopt a new official zoning map which shall replace and supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior zoning map, but no such correction shall have the effect of amending the original zoning boundaries and any subsequent amendments thereof. The new official zoning map shall be identified by the signature of the Mayor, attested by the City Clerk, and bear the seal of the City under the following words: "This is to certify that this official zoning map supersedes and replaces the official zoning map adopted (date of adoption of map being replaced) as part of the Official Zoning Regulation for Columbia, Kentucky." The "official map" appearing as part of this regulation shall be maintained, abridged, and corrected by notation and by coloration, which changes shall be made by the City Clerk. Said map shall be periodically updated and reprinted as necessary.

4.16 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the official zoning map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

- B. Boundaries indicated as approximately following platted lot lines 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 electrical transmission lines shall be construed as following the easement boundary, or if unclear, the overhang of main supporting poles.
- E. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line, boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- F. Boundaries indicated as parallel to or extensions of features indicated in Subsections 4.16(A) through (E) above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- G. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in other circumstances not covered by Subsections 4.16(A) through (F) above, the Board of Adjustment shall interpret the district boundaries.
- H. Where a district boundary line divides a lot which was in single ownership at the time of passage of this regulation, the Board of Adjustment may permit, conditionally, the extension of the regulations for either portion of the lot beyond the district line into the remaining portion of the lot.

4.17 ANNEXATIONS

All territory which may be hereafter annexed by the City shall be considered in the R- 1 Zone or District until otherwise changed as provided by Article 10.

4.18 COMPLIANCE WITH REGULATIONS

The regulation for each district set forth by this General Regulation shall be minimum regulations and shall apply uniformly to each class or kind of structure of land and particularly as hereinafter provided.

- A. No building, structure, or land shall be used or occupied and no buildings or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- B. No building or other structure shall be erected or altered that would:
 1. Amount to greater height or bulk than provided for in the appropriate schedule of district regulations.
 2. Accommodate or house a greater number of families than that reasonably inferred by the zonal intent statement.
 3. Occupy a greater percentage of lot area than the maximum specified "Floor Area Ratio" for the respective district affected.

4. Have a narrower or smaller rear yard, front yard, side yard, or other open spaces than that provided for in the appropriate schedule of district regulations.
- C. No yard or lot existing at the time of passage of this Regulation shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this regulation shall meet at least the minimum requirements set forth herein.

5 PARKING, LOADING AREAS, AND LANDSCAPE

5.1 OFF-STREET PARKING SPACE REGULATIONS FOR AUTOMOBILES

- A. Existing Parking Space: Existing off-street parking space provided for any building or use at the time of adoption of the regulation shall not thereafter be reduced unless it exceeds the requirements of this regulation. Any existing building or use not provided with off-street parking space shall be provided with off street parking space in conformance with this regulation at the time of any expansive structural alteration of the building or expansion of the use creating a need for additional parking, then that additional need will be provided. Parking for commercial purposes must be provided in commercial zones.
- B. Required Off-Street Parking Space: When any building is built or any use of premises is initiated, they shall be provided with sufficient off-street parking space on the premises so that they will generate no automotive parking on any street as a result of their normal activity. The Board of Adjustment shall interpret the amount of parking space required for any building or use, assisted by the following standards (Item C) whenever the Administrative Official is unable to apply these standards literally or when they determine a parking space deficiency. In either case, the Administrative Official shall apply to the Board for an original interpretation. Off-street parking for a pre-existing structure in a central business district shall be approved by the Board of Adjustment.
- C. Off-Street Parking Standards: The minimum off-street parking requirements for the several common types of buildings and uses listed vary by zoning district. In general, requirements are lower in areas of town that presently have a number of parking facilities, and higher in the areas of town that are unlikely to be targeted for shopping center development or other commercial facilities with very high traffic generation potential. Refer to the appropriate Schedule of District Regulations for actual determination of minimum criteria. In addition to those standards, the applicant shall be required to demonstrate the following:
 - 1. Safety Considerations: The applicant shall present to the Planning Commission a plat or development plan showing the overall design of any shopping centers, commercial or industrial structures as a condition precedent to the issuance of a building permit. All plats and development plans must show layout and arrangements for parking facilities and must provide for the maximum possible separation of pedestrian and vehicular traffic. The need for safe pedestrian access as well as vehicular access to the facility shall be incorporated in the overall design concepts. In addition, the points of ingress and egress for vehicular traffic shall be at those respective points on the property providing for the maximum possible visibility, yet meeting the space-from-intersection requirements presented elsewhere in this regulation.

2. Parking Space Dimensions and Aisle Widths:

- a. Parking areas shall meet the requirements of Table 5-1.

TABLE 5-1

PARKING AREA DIMENSIONS

A	B	C	D	E	F	G
0°	8	23	8	23	20	12
30°	9	18	17	18	20	15
45°	9	18	19	12.67	20	15
60°	9	18	20.17	10.33	24	20
75°	9	18	19.67	9.33	24	20
90°	9	18	18	9	24	20

Dimensions are in feet.

A- angle of Parking

B- stall width

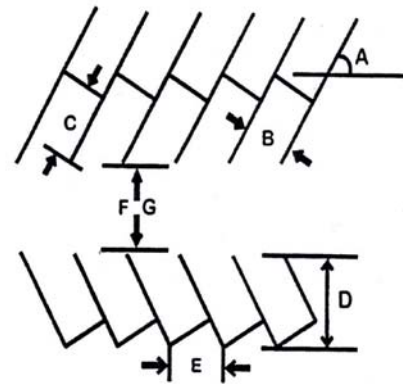
C- stall length

D- stall depth

E- curb length

F- two way drive width or double loaded drive width

G- one-way drive width or single loaded drive width



- b. Parking spaces for the physically disabled shall be at least eight (8) feet in width with an adjacent access aisle a minimum of five (5) feet in width. Two (2) accessible parking spaces may share a common access aisle. Accessible parking spaces shall be designated as reserved for the disabled by a sign showing the symbol of accessibility. Such signs shall not be obscured by a vehicle parked in the space. Handicapped parking spaces shall meet Federal Uniform Accessibility Standards in design and number (one accessible parking space per 25 spaces or fraction thereof, for 501 to 1000 spaces – 2%, for 1001 or more spaces 20 plus one for each 100 over 1000). One of every five handicapped spaces must be van accessible with at least one van accessible space per site.
- c. Driveways shall be not less than ten (10) feet in width for one-way traffic and twenty-four (24) feet in width for two-way traffic, except that twelve (12) feet-wide driveways are permissible for two-way traffic when the driveway is not longer than fifty (50) feet, it provides access to not more than six (6) spaces, and sufficient turning space is provided so that vehicles need not back into a public street.

3. General Design Requirements:

- a. Unless no other practicable alternative is available, vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units, although backing onto arterial streets is discouraged.
 - b. Vehicle accommodation areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.
 - c. Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.
 - d. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.
4. Marking: Traffic flow patterns in parking lots shall be clearly marked at all times either by sign or by painted arrows. Painted arrows and letters on a parking lot surface must be repainted at least once annually. Directional signs and appropriate identification signs shall be maintained so as to ensure legibility of all lettering and illustrations at all times.
5. Additional Parking Standards: The Board of Adjustment may raise the standards listed above when necessary to conform with Section 5.1 (B), above, and shall use similar criteria of floor area, employment, or capacity to interpret standards for buildings and uses not specifically listed above.

5.2 OFF-STREET LOADING AND UNLOADING SPACE REGULATIONS FOR TRUCKS

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

5.3 ADDITIONAL PARKING, LOADING AND UNLOADING REGULATIONS

- A. Arrangement of off-street parking space: Off-street parking space required for any building or use may be located within walking distance of five hundred (500) feet from the premises it serves but detached therefrom or may be consolidated into a large parking area serving other buildings and uses, either of which arrangements must be approved by the Board of Adjustment. The Administrative Official shall apply to the Board for an

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

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

5.4 LANDSCAPE REQUIREMENTS

- A. Landscape Buffer Areas: A landscape buffer area not less than ten (10) feet in width, shall be located along all lot lines separating an industrial, public/semi-public or commercial lot or development from residential development and other locations as required by the Zoning Regulation. The landscape buffer may be reduced to five feet when used in conjunction with a six (6) foot high wall or privacy fence. Such landscape buffer is not required on lot lines bordering a street. A planted screen determined by the Planning Commission to be of a height and density sufficient to adequately protect residences from higher density residential, industrial or commercial use shall be placed within such easement at the time of installation of other improvements prior to final plat approval. If not installed prior to final plat approval, the surety for the subdivision shall include sufficient amounts to assure planting of this screening.
- B. Vehicular Use Area Perimeter Requirements:
 - 1. A vehicular use area (V.U.A.) is an open or unenclosed area containing more than 1,800 sq. ft. of area and/or used by five (5) or more of any type of vehicle, whether, moving or at rest, including, but not limited to, parking lots, loading and unloading areas, mobile home parks, and sales and service areas. Driveways are considered to be vehicular use areas whenever they are adjacent to public streets or other vehicular use elements described previously in this paragraph (and intervening curbs, sidewalks, landscape strips, etc., do not eliminate adjacency).
 - 2. Vehicular use areas (V.U.A.) located in any commercial, industrial or public/semi-public zone except for the central business district shall have a landscape buffer area at least five (5) feet wide where vehicles overhang and three (3) feet wide (that prohibits any vehicular overhang) for other areas between the vehicular use area and adjacent properties or streets.
 - 3. This landscape buffer shall consist of one (1) tree for each forty (40) feet of boundary of the V.U.A. or fraction thereof plus a three (3) foot average height continuous planting, hedge, fence, wall or earth mound or a three (3) foot decrease in elevation from the adjoining property to the V.U.A.

4. The height of the planting may be reduced to eighteen (18) inches average height along streets or right-of-ways for vehicle sales facilities, service stations or financial institutions with drive-in facilities or night deposits.

C. Interior Landscaping for Vehicular Use Areas:

1. Any open vehicular use area (excluding loading, unloading and storage areas in a General Industrial Zone (I-2) containing 6,000 or more square feet of area, or twenty or more parking spaces, shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping shall be peninsular or island types. Where a vehicular use area is altered or expanded to increase the size to 6,000 or more square feet of area, or twenty or more vehicular parking spaces, interior landscaping for the entire VUA shall be provided and not merely to the extent of its alteration or expansion.
2. For each one hundred square feet or fraction thereof, of vehicular use area, five (5) square feet of landscaped area shall be provided in all zones. The minimum landscaped area permitted shall be sixty-four (64) square feet, with a four (4) foot minimum dimension to all trees from the edge of pavement where vehicles overhang. The required landscaped area shall be dispersed, with no one area greater than 350 sq. ft. in a VUA under 30,000 sq. ft. or 1,500 sq. ft. in a VHA over 30,000 sq. ft. The maximum distance between landscaped areas shall be 120 feet.
3. A minimum of one tree shall be required for each 250 square feet or fraction thereof of required landscape area. Trees shall have a clear trunk of at least five feet above the ground. The remaining area shall be landscaped with shrubs or ground cover not to exceed two feet in height.
4. Parked vehicles may hang over the interior landscaped area no more than two and one half feet, as long as concrete or other wheel stops are provided to insure no greater overhang or penetration of the landscaped area.

D. General Requirements:

1. Existing landscape material which is proposed to be used to fulfill requirements for landscape screening shall be nursery stock and identified on the subdivision plat.
2. Cars or other objects shall not overhang or otherwise intrude into the required screening/landscaping easement more than two and one-half (2 1/2) feet and wheel stops or curbs will be required. The person in charge of or in control of the property whether as owner, lessee, tenant, occupant or other wise shall be responsible for the proper maintenance of the screening buffer or other require landscaping. The required screening buffer may be combined with a utility easement or other easement if planting material is approved by the Utility Department and Planning Commission.
3. Plant material to be used in screening easements shall be identified on the final subdivision plat or development plan.
4. Grass or ground cover shall be planted on all sections of landscape buffers not occupied by other landscape materials.
5. Landscape materials shall be installed to provide a minimum of fifty percent (50%) winter opacity and a seventy percent (70%) summer opacity, between one (1) foot

above finished grade level to the top of the required planting, hedge, fence, wall or earth mound.

6. Landscape buffers may not be required along a common boundary if landscape requirements have been fully complied with on the adjoining property.
7. Unless specified elsewhere, required trees do not have to be planted at set intervals, they may be grouped together.
8. Landscape materials shall not be planted within the "sight triangle" at all street intersections and driveway intersections within streets.
9. Landscape materials may include plantings such as trees, shrubs, ground covers, perennials, annuals, and other materials such as rocks, water, sculpture, walls, fences and street furniture.
10. Protection of existing plantings - Maximum effort should be made to save fine specimens. No material or temporary soil deposits shall be placed within four (4) feet of shrubs or ten (10) feet of trees designated on the plans to be retained. Protective barriers or tree walls shall be installed around each plant or group of plants that are to remain on site.

E. Landscape Materials – Landscape materials shall consist of the following:

1. Walls – Walls shall be constructed of natural stone, brick, split faced concrete block, concrete textured to simulate brick or stone, or other weather proof materials approved by the Planning Commission and arranged in a linear, serpentine or other alignment.
2. Fences – Fences shall be constructed of wood or other weatherproof, durable material approved by the Planning Commission. Fence posts shall be structurally stable based on the material used and shall have a maximum spacing of 8 feet on center. If wood posts are used they shall be 4" x 4" minimum. Posts shall be set in or anchored to crowned concrete footers at least six inches larger in each direction than the post it supports. The base of the footer shall be at least 24 inches below finished grade. Wood fences shall be pressure treated wood, heart redwood, or all heart cedar. All cut surfaces of pressure treated wood shall be waterproofed. Chain link or other wire fences shall not be used to meet landscaping requirements. Chain link fencing may be installed in the required landscape area only if it is in addition to the required continuous planting, hedge, fence, wall or earth mound.
3. Except for industrial zones, there shall be a six foot height restriction for walls and fences in front yards and side street yards. There shall be an eight foot height restriction in side or rear yards. All walls or fences shall have a minimum opacity of eighty percent. Walls or fences allowed to meet landscaping requirements shall not be used for the erection or display of any sign or advertising device.
4. Earth mounds – Earth mounds shall be physical barriers which block or screen the view similar to a hedge, fence or wall. Mounds shall be constructed with proper and adequate plant material to prevent erosion. A difference in elevation between areas requiring screening does not constitute an earth mound.

5. Plants – All plant materials shall be living plants (artificial plants are prohibited). Plant materials shall conform to the standards of the American Association of Nurserymen and shall have passed inspections under State regulations. Bare root plants, with the exception of shrubs and hedges, vines and ground covers shall be prohibited. Plant materials shall be selected from the list of acceptable plant materials in Appendix B. The unacceptable plant materials listed in Appendix C shall not be used to meet the landscaping requirements of this ordinance or the Subdivision Regulations. The list of plant materials in Appendix B and C are taken from the *Planting Manual* prepared by the Lexington-Fayette Urban County Government Adopted November 30, 2000. This document should be referenced for additional information on plant materials and proper landscaping practices and methods.
 - a. Deciduous Trees – shall be species having an average mature crown spread of greater than fifteen feet and having a trunk(s) which can be maintained with over five feet of clear wood in areas which have visibility requirements. Trees having an average mature spread of crown less than fifteen feet may be substituted by grouping of the same so as to create the equivalent of a fifteen feet crown spread. When planted, trees shall have a minimum height of ten feet overall or a minimum caliper of at least one and three-fourths inches (measured six inches above the ground).
 - b. Evergreen Trees – shall be a minimum of five feet high with a minimum caliper of one and one-half inches immediately after planting.
 - c. Shrubs and Hedges – shall be at least two feet with three canes in average height when installed. Once approved, they may be pruned to one-half the height in accordance with acceptable horticultural practices.
 - d. Vines – shall be at least twelve inches high at planting and are generally used in conjunction with walls or fence.

6 SIGN REGULATIONS

6.1 INTENT

The intent of this Article is to provide sign standards and restrictions which allow for the legitimate needs for identification of agricultural, residential, professional office, business, and industrial activities while at the same time promoting signage which does not unduly detract from the overall aesthetics of the community; which reduces intrusions and protects property values; which provides for improved public safety by minimizing the undue distraction of the motoring public; which provides for the protection and enhancement of the tourist industry by promoting a more harmonious and pleasing community image; which is equitably provided in terms of the nature and scale of the activities to be identified and of nonconforming signs; and which generally enhances and strengthens the economic stability of the City of Columbia.

6.2 SCOPE

The provisions of this Article shall apply to the display, construction, erection, alteration, use, location, and maintenance of all signs within the City of Columbia, and it shall be unlawful hereafter to display, construct, erect, alter, use or maintain any sign except in conformance with provisions of this Article.

Furthermore, it shall be unlawful to alter, maintain, enlarge, use, or display any sign erected or constructed prior to the enactment of this Article except in conformance with this Article. Except as specifically provided, the following shall be exempt from the provisions of this Article;

- A. Signs which are not visible beyond the boundaries of the lot or parcel upon which they are located and/or from any public thoroughfare or right-of-way.
- B. Official governmental notices and notices posted by governmental officers in the performance of their duties; governmental signs to control traffic or for other regulatory purposes, or to identify streets, or to warn of danger. Identification or bulletin board signs accessory to governmental buildings or other facilities shall not be exempt from the provisions of this Article.
- C. The flag, pennant, or insignia of any nation, organization of nations, state, county or city, any religious, civic or fraternal organization, or any educational institution; except when such are used in connection with a commercial promotion or as an advertising device.
- D. Works of fine art which in no way depict, identify, or advertise a product or business.
- E. Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any national, local, or religious holiday or celebration.
- F. Temporary or permanent signs erected by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines, and similar devices.
- G. Merchandise, pictures, or models of products or services which are incorporated as an integral part of a window display. Signs displayed on trucks, buses, trailers or other vehicles which are being operated in the normal course of a business, such as signs indicating the name of the owner or business which are affixed or painted onto moving

vans, delivery trucks, contractors' vehicles and equipment, rental trucks and trailers, and the like; provided that such signs are clearly incidental to the use of the vehicle in conjunction with a bona fide business and are not for the purpose of display of signs, and provided that they are parked or stored in areas appropriate to their use as vehicles, and in such a manner and location on the lot so as to minimize their visibility from any street to the greatest extent feasible.

6.3 DEFINITIONS

The following definitions unique to this Article are listed below. The terms to be defined have been grouped according to the specific aspects of sign control to which they pertain in order to provide a clearer understanding of the regulations contained later in this Article.

- A. Sign: Any writing, pictorial representation, form, emblem, trademark, flag, banner, decoration (including material used to differentiate the sign copy from the background) or any figure which is written, printed, projected, painted, constructed, or otherwise displayed upon or designed into a building, board, plate, canopy, awning, window, vehicle, or upon any object or device which by reason of its form, color, wording, symbol, design, illumination, motion or other characteristic is designed to attract attention to the subject thereof or is used as a means of identification, advertisement, announcement, or of illustrating products.
- B. Basic Sign Types By Function: The following categories of signs are hereby defined based upon the nature of the information they are intended to provide:
 1. **ADVERTISING SIGN**- A sign which directs attention to a business, product, service or activity generally conducted, sold or offered elsewhere than on the premises where such sign is located.
 2. **ATTENTION BOARD** - A sign which contains no permanent copy, either letters or emblems, on which copy is changed manually with changeable letters and which announces special activities on the property.
 3. **BULLETIN BOARD** - A sign which allows the manual changing of the copy material and is used to notify the public of noncommercial events or occurrences such as church services, political rallies, civic meetings or similar events.
 4. **BUSINESS SIGN** - A sign which directs attention to a business, profession, product, activity, or entertainment, sold or offered upon the premises where such sign is located, and may include information as for an identification sign.
 5. **CONSTRUCTION SIGN** - A temporary sign identifying the project name, the architect, engineer, contractor, financing company, material supplier, or others engaged in work on the construction site on which the sign is located. Leasing information, renderings and similar copy shall also be permitted.
 6. **DIRECTIONAL SIGN** - A noncommercial sign of an instructional nature, such as "parking", "exit", or "entrance", displayed solely for the convenience of the public, no more than twenty-five percent (25%) of such sign being devoted to the name or logo of the property, business or profession on the site and containing no business advertising, or product trade name identification or listing of any product sold or offered on the premises.

7. **GOVERNMENT SIGN** - A temporary or permanent sign erected by any government body for traffic direction, or for designation or direction to any school, hospital, park, historic site or other service, property or facility.
 8. **HISTORIC MARKET** - A sign or emblem which commemorates or identifies an event, past ownership of property, or age of a building
 9. **INCIDENTAL SIGN** - A small sign, not exceeding two (2) square feet each, limited to information and directions related to the permitted use on the lot or building on which the sign is located, and containing no direct illumination as defined in this Article. Examples of incidental signs would include "no smoking," "restroom," "no solicitors," "no trespassing," "self service," "vacancy," credit card acceptance signs, signs indicating hours of business, and similar information.
 10. **IDENTIFICATION SIGN** - A sign which establishes the identity of a building or building complex by name or symbol or combines name, street address, and/or management and has no direct advertising value.
 11. **INFORMATIONAL SIGN** - A sign whose copy is displayed through an electronic message display system or by mechanical means (including clocks and thermometers).
 12. **MENU BOARD** - A free standing or wall mounted sign primarily designed for the display of menu items and prices for the purpose of placing orders for such items in conjunction with a restaurant utilizing drive through service.
 13. **NAMEPLATE** - A wall sign which gives only the name, address, and/or occupation of the occupant(s) of the building on which it is located.
 14. **POLITICAL SIGN** - A temporary sign supporting the candidacy for office or urging action on any other matter on the ballot of a state, local or national election or referendum.
 15. **REAL ESTATE SIGN** - A temporary sign indicating only sale or rental of property or buildings on which the sign is erected.
 16. **TRACT SIGN** - A temporary sign advertising the original sale of property in a subdivision.
 17. **TEMPORARY SIGN** - Any sign or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, plywood, or other light materials, with or without frames, and/or intended to be displayed for a limited period of time only.
- C. Sign Types By Means of Mounting or Erecting: The following categories of signs are hereby defined primarily by the means of mounting or erecting and locational placement upon a building or premises:
1. **AWNING SIGN** - A sign painted on or printed on, or attached flat against, the surface of an awning. As used in this article, awning shall be defined as a shelter supported entirely from an exterior wall of a building consisting of cloth or other similar non-rigid material supported by a frame.

2. **UNDER AWNING OR UNDER CANOPY SIGNS** - A small sign, limited to four (4) square feet, attached to or suspended from the underside of a canopy or awning and having a clearance of not less than eight (8) feet.
3. **CANOPY SIGN** - A sign painted, printed or attached flat against a surface of a canopy. As used in this article, canopy shall be defined as a permanently roofed shelter covering a sidewalk, driveway or other similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground.
4. **FREE STANDING SIGN** - A sign, not attached to any building, and attached to the ground by poles, braces, or other means.
5. **MARQUEE** - A sign used in conjunction with a theater which is attached to, and supported by the building and generally projects from the building and, which in addition to permanent copy, may allow for changeable letters.
6. **MOBILE SIGNS** - Mobile signs are signs which are affixed to a frame having wheels or capable of being carried, or otherwise portable, do not have a permanent foundation, and cannot withstand the stress and wind loads of the Building Code, and designed to stand free from a building or other structure. Signs designed to be affixed to the surface of real estate shall be deemed free standing signs and not mobile signs, but the mere removal of wheels or temporary securing of a sign to the surface of real estate shall not prevent its being a mobile sign within this definition.
7. **PROJECTING SIGN** - A sign which is attached directly to a canopy, marquee, or wall of a building and which extends horizontally outward from such canopy, marquee or wall more than twenty-four (24) inches.
8. **ROOF SIGN** - A sign which projects above the cornice of a flat roofer or above the top edge of any roof including the ridge line of a gabled or hipped roof. Such top edge shall not include any cupolas, pylons, chimneys or other minor projections above the roof line.
9. **WALL MOUNTED SIGN** - A sign attached parallel to and extending not more than twenty-four (24) inches from the wall of the building and includes painted, individual letter and cabinet signs, signs on a mansard, or on a parapet not exceeding three (3) feet in height and provided the parapet extends on at least three (3) sides of a building and signs erected on or against the side of a roof but not projecting above the roof line. No copy shall be permitted to be displayed on the sides of the sign which are perpendicular to the wall face.
10. **PAINTED SIGN** - Any sign which is applied with paint or similar substance directly to a wall or other surface. Any painted sign shall be subject to the regulations of the zone in which it is located.
11. **WINDOW SIGNS** - A sign which is painted on, applied or attached to, the interior of a window or located within three (3) feet of the interior of a window and which can be seen through the window from the exterior of the structure. Merchandise which is included in a window display shall not be included as a part of a window sign.

12. **MONUMENT SIGN** – A sign which is permanently attached to or supported by the ground and where the base of said sign is no higher than two feet above grade. A monument sign is not attached or incidentally attached to any structure or building. A monument sign shall include a supporting base composed of stone, brick, concrete textured to look like stone or brick, architecturally treated wood or other similar materials complimented by landscaping. Monument signs shall be accented with landscaping.

D. Sign Types By Design Features: The following categories of signs are hereby defined primarily by certain design features of the sign itself.

1. **NON-ILLUMINATED SIGN** - A sign which does not emit or reflect artificial light from any source either directly or indirectly.
2. **ILLUMINATED SIGN** - A sign which emits or reflects, either directly or indirectly, artificial light from any source.
 - a. **DIRECTLY ILLUMINATED SIGN** - A sign which is lighted by means of an unshielded light source (including neon tubing) which is visible as a part of the sign and where light travels directly from the source to the viewer's eye.
 - b. **INDIRECTLY ILLUMINATED SIGN** - A sign whose light source is so situated as to project light onto the exterior or front of the sign surface, or to project light onto the building facade where the sign is located.
 - c. **INTERNALLY ILLUMINATED SIGN** - A sign whose light source is within the sign, with the sign having a transparent or translucent background or cover which silhouettes, opaque or translucent letters or designs.
3. **ROTATING OR MOVING SIGN** - A sign, any portion of which, moves by mechanical means, motion of the wind or other means. Such motion does not refer to methods of changing copy used on an electronic message display system.
4. **FLASHING OR BLINKING SIGN** - A sign, the illumination of which is not kept constant and which contains an intermittent or sequential flashing light source for the purpose of either attracting attention to the sign or as a method of changing copy.
5. **ELECTRONIC MESSAGE DISPLAY SYSTEM** - A sign with copy or images which utilizes rotating reflective disc, direct illumination, rotating veils, light emitting diodes (L.E.D.'s), or liquid crystal diodes (L.C.D.'s) or similar means and is controlled by a central computer or video control system and which has no audible sound.

E. Other Sign Types And Definitions: The following phrases are hereby defined for the purposes of this Article:

1. **ABANDONED SIGN** - A sign and/or supporting structure which no longer identifies a business conducted or product sold on the premises; any advertising sign which no longer directs attention to a bona fide business conducted, product sold, or activity or campaign being conducted; or for which no legal owner can be found. A sign shall be deemed as abandoned when the conditions described above have been in evidence for a period exceeding one hundred eighty (180) days. For the purposes of this definition,

an advertising sign shall not be deemed abandoned solely because the sign has contained no copy for a period exceeding one hundred eighty (180) days.

2. **AREA OF A SIGN** - Shall be defined and computed as follows:
 - a. **FREE STANDING OR PROJECTING SIGNS:**
 - i. Any double-faced sign shall have only one face, the largest, counted in calculating the area.
 - ii. Any sign with three or more sign faces shall have the area calculated by summing the area of the sign faces and dividing by two.
 - iii. If the sign is composed of one or two individual cabinets, the area around and enclosing the perimeter of each cabinet or module shall be summed and totaled to determine the area. The perimeter of the measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided there is no written copy on such embellishments and their total surface area (excluding pole covers provided such covers do not extend more than six (6) inches at any point from any structural member) does not exceed twenty-five percent (25%) of the otherwise permitted sign area.
 - iv. If the sign is composed of more than two (2) sign cabinets, or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single continuous geometric figure shall be the area of the sign. The measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided there is no written copy on such embellishments and their total surface area (excluding pole covers provided such covers do not extend more than six (6) inches at any point from any structural member) does not exceed twenty-five percent (25%) of the otherwise permitted sign area.
 - b. **WALL SIGNS** - The area shall be within a single continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the copy including vertical and horizontal spacing between individual letters, logos, etc.
3. **BANNER SIGN, PENNANT, OR STREAMER** - An identification sign made of durable fabric only, and not made of wood, metal or soft or hard plastic, having no enclosing framework. Such banner sign, pennant or streamer may be non-illuminated or indirectly illuminated only.
4. **CLEARANCE OF A SIGN** - The least vertical distance between the lowest point of any sign, including the framework, and the established grade at the sign.
5. **HEIGHT OF A SIGN** - The vertical distance measured from the highest point of the sign including the frame and any embellishments and the established grade at the adjacent street.
6. **FACE OF A SIGN** - The vertical area of the sign on which the copy is placed.
7. **COPY** - Any word, letter, number, or emblem affixed to the sign surface either permanently or in removable form.

8. **DOUBLE-FACED SIGN** - A sign with two faces either set parallel or up to a forty-five degree (45°) shall be considered two (2) separate signs.
9. **ILLEGAL SIGN** - A sign which does not meet the requirements of this Zoning Regulation and which is not non-conforming.
10. **NON-CONFORMING SIGN** - A sign which was legally erected but which does not comply with the adopted sign regulations of this Zoning Regulation for the zone in which it is located.
11. **SETBACK OF A SIGN** - The horizontal distance between any street right-of-way and free standing sign and/or its supporting structure. The measurement shall be taken at the closest point proximity between the right-of-way and any part of the sign or structure.
12. **BUILDING FRONTAGE** - The horizontal, linear dimension of that side of a building which abuts a street, parking area, or other unenclosed circulation area open to the general public. Where more than one (1) use occupies a building, the building frontage shall be the front width of the portion of the building occupied by that use.
13. **STREET FRONTAGE** - The linear distance between the lot lines measured along the abutting public or private street.

6.4 GENERAL PROVISIONS

A. Permit Requirements: No sign, except as specifically exempted herein, shall be displayed, erected, relocated or altered unless and until a permit has been issued by the Administrative Official. Application materials shall be as required by the Administrative Official, and shall include, but shall not be limited to the following:

1. A completed application form.
2. A site plan and/or building elevation drawing, showing the location of the proposed sign (s) on the lot and/or building, including setbacks.
3. Detailed sign information, including type of construction, method of illumination, dimensions, copy, method of mounting and/or erecting and other similar information.
4. The written consent of the owner of the underlying real property or authorized agent.
5. A permit fee in an amount determined by the City Council.

The Administrative Official shall maintain written records of all permits issued or formally denied and any conditions attached to approval of such permit requests. Signs may be erected or constructed only in compliance with the approved permit.

- B. Enforcement - The Administrative Official shall enforce the provisions of this Article and shall utilize its powers to ensure compliance with its provisions and the provisions of any approved permit. The Administrative official shall maintain written records of any enforcement actions taken.
- C. Signs Exempt from Permit Requirement - The following signs shall not require a permit. However, such signs are subject to applicable restrictions contained within this Article,

and the Administrative Official shall take enforcement action against any such sign which does not conform to the specified requirements.

1. Political Signs
 2. Nameplates
 3. Government Signs
 4. Real Estate Signs
 5. Incidental Signs
 6. Window Signs
 7. The changing of copy on a billboard, attraction board, marquee, informational sign, or electronic message display system.
- D. All real estate and tract signs shall be removed within ten (10) days after completion of sales activities in connection with the property or tract to which they pertain.
- E. Illuminated signs shall be located in a fashion which minimizes to the greatest feasible extent the direct rays of such illumination penetrating into any residential zone or property used for residential purposes.
- F. No light, sign or other advertising device shall be designed or erected in such a manner or location as to imitate or resemble any official traffic sign, signal or device or use any words, phrases, symbols or characters implying the existence of danger, or the need to stop or maneuver the vehicle.
- G. No sign shall be attached to or painted on the surface of any tree, utility pole, street light standard, or dilapidated structure.
- H. Gooseneck and thin line reflectors and lighting shall be permitted on indirectly illuminated signs, provided such do not extend six (6) feet beyond the sign structure to which they are attached and such illumination is directed upon the sign in such a fashion as to reduce the possibility of direct light rays shining onto any adjacent property or public way.
- I. Neon lighting and tubing and other exposed light sources not exceeding one hundred (100) watts per bulb may be used on signs where signs are permitted to be directly illuminated as defined in this Article. However, no such lighting may be used to outline buildings, structures, or ornamental features.
- J. No sign (except for government signs), may be located within the required sight triangle of any intersection, nor within or projecting into the public or private street right-of-way, except as specifically permitted herein.
- K. Signs accessory to legal nonconforming uses shall be permitted and shall be subject to the regulations of the zone in which the use is located.
- L. Where wall signs are permitted as a percentage of wall area to which it is attached, such wall area shall include all windows, doors, and wall area of the building in one (1) plane of elevation. Where the building or wall face is broken or irregular in relation to a single vertical plane perpendicular to the ground (by such architectural features as dormers, pitched roofs, awnings, etc.) the requirements may be applied in one of two ways:

1. The total building face may be considered as one (1), two-dimensional wall, and number of signs permitted and maximum area requirements applied on that basis.
 2. Where each individual plane created by the architectural feature projects or is recessed by twelve (12) inches or more, each plane may be considered as a separate wall, and number of signs permitted and maximum area requirements applied on that basis. However, the total square footage of the permitted signs shall not exceed the square footage permitted under 6.4(M.1) above, and no sign shall be oriented in a direction other than that of the building face under consideration.
- M. No incidental sign shall be attached to a free standing advertising sign, business sign, identification sign or directional sign.
- N. Canopy signs shall be counted as part of and limited to the percentage allowable for wall signs. The height of canopy signs shall not exceed twenty (20) feet. For any case where the vertical dimension of the canopy face exceeds three (3) feet, only three (3) feet of the vertical dimension shall be used for computing the area of such facing, and any sign or sign cabinet permitted shall have a maximum vertical dimension of three (3) feet.

6.5 PROHIBITED SIGNS IN ALL ZONES

The following signs and/or sign features shall be prohibited in all zones.

- A. Projecting Signs.
- B. Roof Signs.
- C. Flashing or Blinking Signs, except for permitted informational signs.
- D. Rotating or Moving Signs.
- E. Abandoned Signs.
- F. Streamers, pennants and tag signs or similar signs or devices (except when attached to a permitted temporary sign).
- G. Any sign which emits any noise, odor or visible matter for the purpose of attracting attention to the sign.
- H. Any free standing sign, any portion of which overhangs any part of a building.
- I. Any sign erected or maintained in such a manner which would create a traffic hazard or would obstruct the vision clearance at corners or curb cuts.
- J. Any sign not properly secured or which is considered unsafe.

6.6 PERMITTED SIGNS IN ALL ZONES

The following signs shall be permitted within all zones subject to the restriction specified:

- A. Government signs with no restrictions on size, number or location.
- B. Political signs, not exceeding four (4) square feet in area are limited to one sign per street frontage; and erected no earlier than thirty (30) days prior to the election they pertain to; and removed within five (5) days after such election.
- C. Real estate signs, limited to one (1) sign per street frontage; non illuminated; not exceeding six (6) square feet in area and six (6) feet in height; and removed within ten (10) days after completion of the sale or lease of the property to which they pertain.

- D. Construction signs, not exceeding sixty-four (64) square feet, non illuminated and they shall be removed prior to occupancy of the structure to which they pertain.
- E. Tract signs, setback from any street as required for a principal structure within the zone; non-illuminated; and further regulated as follows:
 - 1. Where the subdivision contains twenty-five (25) lots or less, the sign area shall not exceed sixty-four (64) square feet.
 - 2. Where the subdivision contains more than twenty-five (25) lots, the sign area shall not exceed one hundred (100) square feet.
 - 3. Each subdivision shall be permitted one (1) tract sign per street frontage; provided the total number of signs shall not exceed four (4) signs.
- F. Incidental Signs.
- G. Temporary signs, not specifically otherwise regulated, in accordance with the following conditions:
 - 1. Such signs shall be limited to window or wall signs only; shall not exceed one hundred (100) square feet in surface area per use where non rigid materials are used; and shall not exceed thirty-two (32) square feet per use where rigid materials such as wallboard or plywood are utilized; and shall comply with the applicable regulations for the zone in which they are located.
 - 2. Such signs shall not remain in place for a period of more than thirty (30) days, except that the Administrative Official, may for good cause, extend the time period for an additional thirty (30) days upon application therefore. In addition, no use shall be permitted to display a temporary sign for more than a total of one hundred twenty (120) days during any calendar year.
- H. Historic markers not exceeding six (6) square feet in area, limited to one (1) sign per street frontage.

6.7 PERMITTED SIGNS BY ZONE

The following sign regulations shall be applicable within the zoning categories indicated. Any sign not specifically permitted shall be deemed as prohibited.

- A. Low To Medium Density Residential Zones (R-1, R-1A, R-2, R-3): Permitted signs within these zones shall be wall signs unless otherwise specified; signs shall be either non-illuminated or indirectly illuminated. Minimum setback for any free standing sign permitted under this section shall be one-half (1/2) the minimum front yard requirements for the zone in which the sign is to be located; and no less than ten (10) feet in any case.
 - 1. One nameplate per residence or other permitted use; not exceeding one (1) square foot in area.
 - 2. One identification sign for a permitted home occupation not exceeding four (4) square feet in area.
 - 3. One identification sign, for a farm or estate exceeding five (5) acres in size; free standing or wall mounted; not exceeding ten (10) square feet in area; not exceeding ten (10) feet in height in free standing.

4. One identification sign for a permitted kindergarten, nursery school, day nursery, or child care center; wall mounted not more than seven (7) feet above ground level; not exceeding four (4) square feet in area.
 5. One identification sign for a permitted church or school for academic instruction; free standing or wall mounted; not exceeding thirty-two (32) square feet in area; not exceeding eight (8) feet in height if free standing; in addition, one bulletin board free standing or wall mounted not exceeding twelve (12) square feet in area and eight (8) feet in height.
 6. One identification sign for any permitted use not otherwise specifically provided for; free standing or wall mounted; not exceeding thirty-two (32) square feet in area; not exceeding eight (8) feet in height if free standing.
 7. Subdivision entrance identification signs of permanent construction; free standing or wall mounted; not exceeding eight (8) feet in height if free standing.
- B. High Density Residential Zones (R-4): Permitted signs within these zones shall be free standing or wall mounted as specifically noted; signs shall be either non-illuminated or indirectly illuminated.
1. Signs as permitted and regulated under Section 6.7(A) above.
 2. One identification sign for a multi-family residential building containing four (4) or more dwelling units; free standing or wall mounted; not exceeding thirty-two (32) square feet in area; not exceeding eight (8) feet in height if free standing; minimum setback of at least twenty (20) feet.
- C. Neighborhood Business Zone (C-3): Permitted signs may be free standing or wall mounted as specified; signs shall be non-illuminated, indirectly illuminated, or internally illuminated unless specified otherwise. No free standing sign shall exceed twenty (20) feet in height.
1. Business signs shall be permitted as follows:
 - a. The total surface area of business signs shall not exceed one and one-half (1 1/2) square feet per linear foot of street or building frontage, whichever is greater or thirty-two (32) square feet whichever is greater.
 - b. One free standing business sign shall be permitted per street frontage with a maximum of two (2) free standing signs; not exceeding fifty (50) square feet per sign; minimum setback one half (1/2) the setback required for a principal building, but not less than ten (10) feet in any case.
 - c. The surface area of wall mounted business signs shall not exceed fifteen percent (15%) of the wall area to which it is attached or thirty-two (32) square feet, whichever is greater, each wall to be considered separately. Only one (1) business sign shall be permitted per wall. In the case of a building containing two or more separate business uses, these requirements shall be applied separately to the wall area of the building space leased, rented or owned by the individual business tenant.

- d. Window signs shall be permitted limited to no more than twenty-five percent (25%) of the total window area.
 - e. Canopy or awning signs shall be permitted and included in the computation of the maximum permitted sign area and limited to the percentage allowable for wall signs. Under canopy or under awning signs shall be permitted and limited to identification signs.
2. One attraction board, wall mounted or attached to a permitted freestanding business sign; the area of the attraction board to be included in the maximum permitted sign area.
 3. Directional signs not exceeding three (3) square feet in area; not exceeding three (3) feet in height; if free standing not exceed two (2) signs per entrance.
 4. One nameplate per tenant or leasee; not exceeding two (2) square feet in area; non-illuminated or indirectly illuminated.
 5. Informational signs, not exceeding twenty (20) square feet. Such signs shall be included in the computation for maximum square footage specified under 6.7C(1) above, and shall be free standing only when included as a part of a permitted free standing identification sign.
 6. One menu board per restaurant use, all copy (including any logos, restaurant name, etc.) shall have a maximum letter height and width of six (6) inches containing no direct illumination; not exceeding thirty (30) square feet in area; maximum height of eight (8) feet if free standing, and not located so as to have the copy visible to vehicular traffic on any adjacent street.
 7. Mobile signs may be permitted as temporary signs for a period not to exceed sixty (60) days per year when properly secured.
- D. Highway Oriented Commercial (C-2) Public/Semi-Public (D-1) And Industrial Zones (I-1, I-2): Permitted signs may be free standing or wall mounted as specified; signs may be non-illuminated, indirectly illuminated, internally illuminated or directly illuminated unless specified otherwise; no free standing business sign shall exceed thirty (30) feet in height; no free standing advertising sign shall exceed thirty (30) feet in height. A variance for sign height may be granted for commercial facilities located at or near expressway interchanges.
1. Business signs shall be permitted as follows:
 - a. The total surface area of business signs shall not exceed two (2) square feet per linear foot of street or building frontage, whichever is greater or thirty-two (32) square feet whichever is greater.
 - b. One free standing business sign per lot shall be permitted per street frontage with a maximum of two (2) free standing signs; not exceeding one hundred (100) square feet per sign; minimum setback shall be one-half (1/2) the setback required for a principal building but not less than ten (10) feet in any case.
 - c. The surface area of wall mounted business signs shall not exceed fifteen percent (15%) of the wall area to which it is attached or thirty-two (32) square feet

whichever is greater, each wall to be considered separately. Only one (1) business sign shall be permitted per wall. In the case of a building containing two or more separate business uses, these requirements shall be applied separately to the wall area of the building space leased, rented or owned by the individual business tenant.

- d. Window signs shall be permitted limited to no more than twenty-five percent (25%) of the total window area.
 2. Nameplates, directional signs, informational signs and signs on or under a canopy or awning shall be permitted as regulated in the C-3 zone.
 3. In conjunction with an indoor theater, one marquee not to exceed twenty-four (24) square feet per theater; such marquee shall project no more than eight (8) feet from the building face to which it is attached and shall have a minimum clearance of eight (8) feet. In addition, one attraction board attached to one free standing business sign, not to exceed twenty-four (24) square feet per theater. The area of the marquee and attraction board shall be included in the computation of the maximum permitted sign area.
 4. One attraction board, wall mounted or attached to a permitted free standing business sign; the area of the attraction board to be included in the maximum permitted sign area.
 5. Menu boards as permitted and regulated in the C-3 zone.
 6. In addition, advertising signs shall be permitted on or in place of business signs, however, all other requirements for business signs such as height, number and size shall be met.
 7. Mobile signs may be permitted as temporary signs for a period not to exceed sixty (60) days per year when properly secured.
- E. Central Business District (C-1): Permitted signs may be free standing or wall mounted as specified; such signs may be non-illuminated, indirectly illuminated, internally illuminated or directly illuminated unless specified otherwise; painted wall signs shall be prohibited.
1. Business signs shall be permitted as follows:
 - a. Permitted signs shall identify only the premises on which they are located and shall contain only the name and type of establishment and one trademark or logo. General products advertising or lists of specific goods or services shall be prohibited.
 - b. Only one free standing sign shall be permitted for each street frontage, or face of building. The free standing signs shall have a maximum area of fifty (50) square feet, a maximum height of twenty (20) feet, and a maximum projection into the right-of-way of twelve (12) inches.
 - c. One wall mounted sign per building face shall be permitted, placed at a height of fifteen (15) feet or higher. Such signs shall have a maximum area of three (3)

percent of the wall area to which it is attached with a maximum projection into the right-of-way of twelve (12) inches.

- d. In addition to the wall sign permitted under (c) above, one additional wall mounted sign shall be permitted per building face. Such signs shall have a maximum lettering height or vertical cabinet dimension of two and one-half (2 1/2) feet; and shall be located at a height of fifteen (15) feet but no more than ten (10) feet on the building.
 - e. Window signs shall be permitted, limited to no more than twenty-five percent (25%) of the total window area.
2. Wall mounted identification signs not exceeding five (5) square feet with a maximum letter height of six (6) inches; located no higher than ten (10) feet on the face of the building; one sign per establishment having a separate and direct entrance to the outside; maximum projection into the right-of-way of twelve (12) inches.
 3. Nameplates, directional signs, menu boards, informational signs and signs on or under a canopy or awning shall be permitted as regulated in the C-3 zone.
 4. In conjunction with an indoor theater, one marquee not to exceed twenty-four (24) square feet per theater; such marquee shall project no more than eight (8) feet from the building face to which it is attached and shall have a minimum clearance of eight (8) feet. In addition, one attraction board attached to one free standing business sign, not to exceed twenty-four (24) square feet per theater. The area of the marquee and attraction board shall be included in the computation of the maximum permitted sign area.
- F. Shopping Centers: Signs in shopping centers shall be permitted and regulated as for C-3 Neighborhood Commercial Districts (Section 6.7 C) except as follows:
1. In place of the free standing signs permitted under Section 6.7(C. 1. b.) the only permitted free standing signs shall be shopping center identification signs. One sign shall be permitted per street frontage, with a maximum of two (2) signs. The maximum square footage of each sign shall be seventy-five (75) square feet with a maximum height of twenty (20) feet. An attraction board may be attached to the free standing sign provided it does not exceed the area of the identification sign and provided that no permanent copy identifying any specific business or product sold within the center is included on the attraction board. The area of the attraction board shall be included in the computation of the area of the freestanding sign. The copy on such an attraction board shall be limited to sales or other events on the premises and civic meetings, rallies or other noncommercial events on or off the premises.
 2. The wall mounted signs shall show only the name and/or logo of the business or profession, and shall contain no product trade name identifications. A listing of any products sold or offered on the premises may be an integral part of, and incorporated into each permitted wall sign, provided the listing occupies no more than fifty percent (50%) of the area of the sign.
 3. Window signs shall be permitted, limited to no more than twenty-five percent (25%) of the total window area.

4. Non-illuminated or indirectly illuminated projecting signs may be permitted only as a conditional use.
- G. Mobile Home Parks: Permitted signs shall be either non-illuminated or indirectly illuminated.
1. One free standing mobile home park identification sign shall be permitted; sign not to exceed thirty-two (32) square feet in area; not exceeding eight (8) feet in height, minimum setback of twenty (20) feet from any street.
 2. One nameplate per mobile home not exceeding one (1) square foot in area.

6.8 VARIANCES

- A. The Board of Adjustment shall have the authority to hear and decide on applications for variances to the dimensional requirements contained therein in accordance with Article 9 of this Zoning Regulation. The Board shall not be authorized to increase the number of permitted signs; and may not permit any sign to be erected or mounted to incorporate any design feature, information, or copy, nor to permit a design type that is not specifically permitted in the zone in which the sign is to be located nor to grant any variance which would increase the maximum total permitted sign area on a single lot or building.
- B. Before granting a variance to the dimensional requirements for a sign the Board shall find all of the following which shall be recorded along with any imposed conditions or restrictions in the minutes and records and issued in written form to the applicant to constitute proof of the variance:
1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.
 2. The strict application of the provisions of the sign regulations of this Zoning Regulation would deprive the applicant of a reasonable use of the land or would create unnecessary hardship on the applicant.
 3. Such special circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of the sign regulation of this Zoning Regulation.
 4. Reasons that the variance will not adversely affect the public health, safety and welfare, and will not alter the essential character of the general vicinity, and will not cause a hazard or a nuisance to the public.
- C. Nonconforming Signs: A legal nonconforming sign may continue in existence and shall be properly maintained in good condition. These sign regulations shall not be construed to prevent the strengthening, repair, or restoring to a safe condition any sign, but a nonconforming sign shall not be:
1. Changed to another nonconforming sign; except where only the face or the message is changed, or where the sign is reduced in height, size or area.
 2. Structurally altered (except to meet safety requirements) so as to prolong the life of the sign.

3. Altered so as to increase the degree of nonconformity of the sign. Expanded or enlarged.
 4. Re-established after its discontinuance for ninety (90) days.
 5. Moved to a new location on the building or lot.
- D. Discontinuance of Illegal Signs: Mobile signs which remain on a property over sixty (60) days per year are illegal signs and are subject to immediate enforcement action.
- E. Discontinuance of Temporary Signs: Any temporary sign erected or displayed more than ninety (90) days prior to the date of passage of this Article shall be removed forthwith.
- F. Signs As Conditional Uses: The Board of Adjustment shall have the authority to approve conditional uses for signs which are specifically listed in the zone in question. Such signs shall be subject to all provisions and procedures as set forth in Article 9 for a conditional use permit.
- G. Maintenance Standards: Every sign including those signs for which a permit is not required, shall be maintained in good condition at all times.
1. Any painted wall sign shall be repainted at least once every three (3) years.
 2. All signs which contain painted parts shall be kept neatly painted including metal parts which are not galvanized or of rust resistant materials.
 3. The Administrative Official shall have the authority to order the repair, repainting, alteration or removal of any sign which constitutes a hazard to the health, safety or public welfare or which is an eyesore to the community by reason of inadequate maintenance, dilapidation or obsolescence.
- H. Penalties For Violation: Violation of the provisions of these sign regulations shall constitute a misdemeanor which shall be subject to the fines and penalties as set forth in Article 8 for violation of this Zoning Regulation.

7 DEVELOPMENT PLANS

7.1 INTENT AND PURPOSE

The purpose of this section is to establish and define development plans which may be utilized for a wide variety of planning related procedures. This section outlines the content and procedure for submission, review, and approval of all development plans required by the Zoning Regulation.

7.2 APPROVAL OF DEVELOPMENT PLAN BEFORE BUILDING PERMIT

For any case where a development plan is required by this Zoning Regulation, no building permits shall be issued until a Final Development Plan is approved by the Planning Commission. The approval of a development plan shall limit and control the issuance of all building and occupancy permits, and restrict the construction, location and use of all land and structures to the conditions as set forth in the plan.

7.3 WHERE REQUIRED

Development plans shall be required as follows:

- A. Development Plans Required in Conjunction with Zone Map Amendment Requests: Development plans shall be required to accompany any zoning map amendment request.
 - 1. All applications for zoning map amendments shall require the submission and approval of both a preliminary development plan and a final development plan prior to development of the property. The preliminary development plan shall be required to be submitted in conjunction with the zoning map amendment request.
 - 2. The Commission in its discretion may waive the requirement for the submission and approval of a preliminary development plan, a final development plan or both, if the Commission finds that there will be minimal impact to the neighborhood or the subject property.
- B. Development Plans Required For Multiple Principle Structures As Permitted By Section 2.7: Development plans required by Section 2.7 to permit more than one principal structure and its accessory structures on a lot or a parcel of land shall be submitted to the Commission, in accordance with the provisions of this article.

7.4 DEVELOPMENT PLAN PROCEDURES

The following shall be the procedure for Planning Commission consideration of any development plan.

- A. Filing: To formally request Planning Commission action on the development plan, the developer shall file three (3) completed copies of the plans required by the commission at least fourteen (14) days before the Planning Commission’s next regular meeting date.
- B. Review: The Administrative Official shall review the development plan for completeness. The development plan must be complete before the Planning Commission is required to consider the application. An application is complete when it contains all the information necessary for the permit issuing authority to decide whether or not the

development, if completed as proposed, will comply with all the requirements of this zoning regulation. Applicants are encouraged to meet with the Administrative Official prior to submission of the development plan. Upon finding the application complete, the Administrative Official shall review the development plan and make recommendations to the Commission.

- C. Commission Action: All development plans shall be approved or disapproved within sixty (60) days of the date they are formally filed for Commission action. However, in case of a development plan filed in conjunction with a map amendment request, the Planning Commission may postpone action of the development plan until after the legislative body has made its decision on the map amendment request.
- D. The Commission will review the Administrative Official's recommendation and the development plan and then act for approval, conditional approval, with conditions noted, postponement, or disapproval. The Commission may modify or disapprove the development plan if it finds the plan does not comply with the requirements of the Zoning Regulation, and when applicable, the land subdivision regulations or if it finds there are existing or potential substantial flood, drainage, traffic, topographic or other similar problems relating to the development of the subject property.

7.5 TYPES OF DEVELOPMENT PLANS

There shall be a preliminary development plan and a final development plan, defined as follows:

- A. Preliminary Development Plans: A preliminary development plan is a site plan by which, at the early stages of development design, the Commission may consider, approve and restrict many major aspects of the development without requiring an undue amount of final design work on the part of the developer. The preliminary development plan is less detailed and specific than a final development plan in terms of exact arrangement of buildings, parking areas, open spaces, access points and any other site design features. No building permits can be issued based upon a preliminary development plan.
 - 1. Contents of Preliminary Development Plan - A preliminary development plan shall contain the following information at a minimum:
 - a. A title block containing the plan name, development plan type, name and address of developer and plan preparer; and written scale.
 - b. The boundary of the subject property and the record plan name or owner's name of all adjoining property.
 - c. A vicinity sketch, oriented in the same direction as the design scheme.
 - d. Topography with contour intervals as shown on the available USGS sheets.
 - e. Location, arrangement, and approximate dimensions of existing and proposed driveways, walkways, parking areas and arrangement of spaces, points of ingress and egress, and other vehicular and pedestrian right-of-way.
 - f. Location of any proposed or existing streets within or abutting the subject property.
 - g. Screening, landscaping, buffering, recreational, and other open space areas.

- h. Approximate size, location, height, floor area, area arrangement and use of proposed existing building and signs.
 - i. Storm drainage areas, floodplains, conceptual drainage controls and storm water retention and any other designated environmentally sensitive or geologic hazard area.
 - j. Proposed and existing easements for utilities or other purposes.
 - k. Areas of substantial existing trees including those located along fence rows and drainage areas along with a general description of the type and size of such trees.
 - l. A statistical summary of all pertinent site data, including site area, zoning, building coverage and floor area, parking, open space, etc.
 - m. An owner's certification, signed and witnessed as follows: "I (We) do hereby certify that I am (we are) the only owner(s) of the property shown hereon, and do adopt this as my (our) development tan for the property."
 - n. A commission's certification to be signed by the commission's secretary if and when the plan is fully approved, as follows: "I do hereby certify that this development plan was approved by the Planning Commission".
- B. Final Development Plan: A development plan from which a building permit will be sought. A final development plan is intended to deal with site design issues at a detailed level and to actually dictate the approved locations of building, parking areas, open spaces, access points and any other site design features, that vary from those requirements for the uses permitted and regulated by the dimension and area requirements for that zoning classification.
- 1. Contents of Final Development Plan: All information required for preliminary development plans as required under Section 7.5(A); and that the plan information shall be of an exact nature, rather than approximate or general.

7.6 AMENDMENTS TO DEVELOPMENT PLANS

Amendments to approved development plans can be made only by official Planning Commission actions. Content, format, and procedures shall be the same as for the original submission. However, amendments which fully meet the requirements set forth hereinafter for minor amendments may be approved and certified by the Administrative Official without further action by the commission.

- A. Minor Amendments Defined: Minor amendments are intended to expedite approval in those situations where amendments are of minor significance and generally relate to the shifting of previously approved spaces. Such amendments (1) shall not decrease the overall land area in yards, or other open spaces; (2) shall not increase building ground area coverage, floor area, or height; or increase the number of dwelling units; (3) shall not increase the number or size of signs; (4) shall not change the location of any street and shall not increase the number, or change the location of street access points; except that shifts in the approved access location not exceeding twenty-five (25) feet may be approved as a minor amendment where the access point is not located on an arterial street.

7.7 DEVELOPMENT PLANS AND PRELIMINARY SUBDIVISION PLAN MAY BE COMBINED

It is recognized that for certain development situations it can be advantageous to both the developer and the commission to combine the functions and requirements for development plans and preliminary subdivision plans in order to streamline the development approval process while not reducing the quality of the review.

7.8 PRELIMINARY OR FINAL SUBDIVISION PLAN MAY BE SUBSTITUTED FOR DEVELOPMENT PLANS REQUIRED IN CONJUNCTION WITH MAP AMENDMENT REQUEST

It is recognized that in certain cases, a preliminary or final subdivision plan would be as appropriate or more appropriate to be considered in conjunction with a map amendment request than a development plan. Generally, such situations involve developments where placements of structures will be tightly controlled by the streets, lot pattern, and the requirements for placement of structures within the zone, and where the developer sees fit to have plans prepared at the required level of detail for subdivision plans prior to receiving a zone change approval.

7.9 REQUEST FOR VARIANCES OR CONDITIONAL USE PERMITS

An applicant for a zoning change who is required to submit a development plan to the Planning Commission may elect to have the Planning Commission hear any requests for variances or conditional use permits proposed in the development plan. Such request shall be submitted at the time of filing of the application for the zone change. In such cases, the Planning Commission is hereby empowered to hear and finally decide applications for variances or conditional use permits pursuant to KRS 100. The planning commission shall assume all powers and duties otherwise exercised by the board of adjustment pursuant to KRS 100 in such circumstances. The application for variances or conditional use permits shall be considered at the same public hearing set for the zone change.

8 ADMINISTRATION AND ENFORCEMENT

8.1 ADMINISTRATIVE OFFICIAL

A fully qualified Administrative Official designated by the Columbia City Council shall administer and enforce this zoning regulation. The Administrative Official may be provided with the assistance of such other persons as the Columbia City Council and Planning Commission may direct.

- A. For the purposes of the zoning regulation, the Administrative Official shall have the following duties:
 1. Upon finding that any of the provisions of this Regulation are being violated, notify in writing the person responsible for such violation (s), ordering the action necessary to correct such violations.
 2. Order discontinuance of illegal uses of land, buildings or structures.
 3. Order removal of illegal buildings, structures, signs or illegal additions or structural alterations.
 4. Order discontinuance of any illegal work being done.
 5. Take any other action authorized by this zoning regulation to ensure compliance with or to prevent violation (s) of this zoning regulation. This may include the issuance of and action on building permits and certificate of occupancy permits and such similar administrative duties as are permissible under the law.
 6. Make records of all official actions of the office relating to the administration and enforcement of the provisions of this zoning regulation including but not limited to written records of all complaints and actions taken with regard thereto, all violations discovered and actions taken thereto, and the final disposition of all such matters.
 7. Make an annual report to the Planning Commission and, at the direction of the Planning Commission, the City Council, listing the total number of buildings and structures constructed and/or demolished, the number of dwelling units added or subtracted from the city total, and the dollar value of all building activity occurring within the City during the preceding year. Said report shall also further break the value of building activity down by land use category in accordance with the number and type of Zoning Districts authorized by this regulation and any amendments thereto, and shall detail the full scope of enforcement activities including fines, injunctions and the like imposed upon any violators. The report shall be in writing.

8.2 PLANNING COMMISSION

Matters of the Planning Commission pertaining to membership, appointment, terms, vacancies, oath, compensation, removal and officers shall be in accordance with KRS 100. The Commission shall adopt rules necessary to the conduct of its held at the call of the chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings, including regulations, transactions, findings,

and determinations, and the number of votes for and against each question, and if any member is absent or disqualified from voting, indicating the fact.

- A. For the purpose of this zoning regulation, the Commission shall have the following duties:
 - 1. Administer and enforce this zoning regulation as outlined herein.
 - 2. Review all proposed amendments to this zoning regulation and make recommendations to the City Council.
 - 3. Review and act on all development plans.

8.3 ZONING/BUILDING PERMITS REQUIRED

No building or other structure shall be erected, moved, added to, or structurally altered without a zoning permit issued by the Administrative Official and a building permit when required by state or local regulations. No zoning permit shall be issued by the Administrative Official except in conformity with the provisions of this zoning regulation, unless they receive a written order from the Board of Adjustment in the form of an administrative review, conditional use permit, or variance as provided by this zoning regulation.

If no zoning permit has been issued (and building permit when required) and a builder begins or continues to build, a restraining order may be obtained upon application to the proper court of record and evidence of the lack of a zoning permit or building permit shall establish a prima facie case for the issuance of the restraining order.

8.3.1 APPLICATION FOR ZONING/BUILDING PERMIT

All applications for zoning and building permits shall be drawn to a scale as may be required by the Administrative Official. One copy of the plans shall be returned to the applicant by the Administrative Official, after having marked such copy either as approved or disapproved and attested to same by this signature on such copy. The original copy of the plans, similarly marked shall be retained by the Administrative Official.

8.3.2 EXPIRATION OF THE ZONING/BUILDING PERMIT

If the work described in any zoning or building permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be revoked by the Administrative Official and written notice thereof shall be given to the persons affected. If the work described in any zoning or building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be revoked by the Administrative Official and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new permit has been obtained.

8.4 CERTIFICATE OF OCCUPANCY FOR NEW, ALTERED, OR NON-CONFORMING USES

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered

or enlarged in its use or structure until a certificate of occupancy shall have been issued. A certificate of occupancy is not required when a building permit is not required.

No nonconforming structure or use shall be renewed, changed, or extended until a zoning permit shall have been issued by the Administrative Official.

8.5 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES OF OCCUPANCY

Zoning permits, building permits or certificates of occupancy issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no otherwise, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed violation of this Regulation and punishable as provided by Section 8.7 hereof.

8.6 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this zoning regulation occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Administrative Official. The Administrative Official shall record properly such complaint, immediately investigate, and take action thereof as provided by this zoning regulation.

8.7 PENALTIES FOR VIOLATIONS

Violation of the provisions of this zoning regulation or failure to comply with any of its requirements (including violations or conditions and safeguards established in a connection with grants of variances or conditional uses) shall constitute a misdemeanor.

Any person who so violates this zoning regulation or fails to comply with any of its requirements except as provided in Section 8.71 herein below shall upon conviction thereof be fined not less than ten dollars (\$10.00) but no more than five hundred dollars (\$500.00) for each conviction. Each day of violation shall constitute a separate offense.

8.7.1 VIOLATIONS REGARDING LOTS OR PARCELS

Any person shall upon conviction be fined not less than one hundred dollars (\$ 100.00) but no more than five hundred dollars (\$500.00) -for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer where such sale or transfer, or contract thereof, constitutes a violation of this zoning regulation.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

8.8 SCHEDULE OF FEES, CHARGES, AND EXPENSES

The Planning Commission shall enforce a schedule of fees, charges, and expenses established by City Council and shall develop a collection procedure for building permits, appeals, and other matters pertaining to this zoning regulation. The Schedule of Fees shall be posted in the office of the Administrative Official, and may be altered or amended only by the City Council. Until all

applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

9 BOARD OF ADJUSTMENT

9.1 APPOINTMENT AND PROCEEDINGS OF BOARD

The Board of Adjustment as constituted at the time of the re-adoption of this zoning regulation shall continue in power. Matters of the Board of Adjustment pertaining to membership, appointment, term, vacancies, oath, compensation, removal and officers, shall be in accordance with KRS 100.217.

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this zoning regulation. Meetings shall be held at the call of the chairman and at such other times as the Board shall determine. The chairman, or the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall keep minutes of its proceedings, showing the vote upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board (Note KRS 100.221)

9.1.1 AN APPEAL

An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted on due cause shown by the Board of Adjustment. Notice shall be given to the Administrative Official from whom the appeal is taken and on due cause shown.

9.2 POWERS AND DUTIES OF BOARD OF ADJUSTMENT

9.2.1 ADMINISTRATIVE REVIEW

To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Administrative Official. Such decision shall be made within sixty (60) days.

9.2.2 CONDITIONAL USE PERMIT

The Board shall have the authority to approve or disapprove applications for conditional uses. The Board may approve, modify, or deny any application for a conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the Board's minutes and on the conditional use permit. The granting of a conditional use permit does not exempt the applicant from complying with all the requirements of building, housing and other applicable regulations.

9.2.3 VARIANCES

The Board shall have the power to hear and decide on applications for dimensional variances where, by reason of the exceptional narrowness, shallowness, or unusual shape of a site on the effective date of the zoning regulation or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height or width of building or size of yards, but no population density) of the zoning regulation would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The Board may impose any reasonable conditions or restrictions on any variance it decides to grant.

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

1. The specific conditions in detail which are unique to the applicant's land and do not exist on other land in the same zone.
2. The manner in which the strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zoned
3. That the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation.
4. Reasons that the variance will preserve, not harm the public safety and welfare, and not alter the essential character of the neighborhood.

9.2.4 APPEAL OF NON-CONFORMING USE OR STRUCTURE

The Board of Adjustment shall have the authority to hear and decide appeals concerning non-conforming uses and structures. To approve the appeal, the Board must find, in addition to the requirements of Section 3, that the non-conformity of the use or structure would not be increased in scope or area of its operation, and that it would not have an adverse effect on the surrounding area. In approving the appeal, the Board may require appropriate conditions be met to ensure the health, safety and welfare of the community and to protect the essential character of the surrounding area.

9.2.5 PROCEDURES

An application to the Board for an original interpretation or decision or an appeal from a decision of the Enforcement Officer shall be made in writing on forms prescribed by the Board and which provide sufficient information for administrative purposes. Additional statements or information with respect to the case involved may also be submitted by the applicant for review by the Board. An appeal must be filed within sixty (60) days after the Enforcement Officer has refused a building permit or certificate of occupancy, or the right to appeal shall be waived. The Enforcement Officer shall transmit to the Board the complete record of the decision appealed.

The board shall hold a hearing at which all pertinent evidence concerning the interpretation, decision, or appeal shall be examined, and the Board shall make their decision within thirty (30) days after the hearing. The following rules shall govern all decisions made by the Board:

- A. Limits of Authority: The Board shall act only within the strict limits of its authority as defined in the zoning regulation. The Board has no authority to vary the use regulations or other regulations not specifically delegated to it. The Board shall not hold hearings on applications or appeals seeking decisions that the Board is not authorized to make.
- B. Special Conditions: The Board may attach special conditions to any decision it is authorized to make in order to ensure that the intent of the Zoning Order will be carried out.
- C. Majority Vote Required: The concurring vote of a majority of the entire membership of the Board shall be necessary in making any decision.
- D. Additional Powers: In exercising the above powers, the Board shall have all the powers of the Enforcement Officer in addition to its other powers and duties.

10 AMENDMENTS

10.1 GENERAL

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

10.2 APPLICATION FOR AMENDMENT

A proposal for amendment to the Official Zoning Map may originate with the Planning Commission, the City Council, and other government body, the owner of the subject property, or by a person having written authorization from the owner of the subject property. A proposal for amendment to the text of this Regulation may originate with any person or governmental body. Regardless of the origin of the proposed amendment an application must be filed with the Planning Commission requesting the proposed amendment in such form and accompanied by such information as required by this Regulation and the Planning Commission. The Planning Commission may require the submission of further information subsequent to the filing of an application as provided by the Regulation and the Planning Commission. At the time of filing an application, a non-returnable filing fee shall be paid according to the schedule of fees; however, there shall be no filing fee for an amendment requested by the City Council, the Planning Commission, or any governmental agency. Upon the filing of an application for a map amendment by a governmental body, the Planning Commission shall promptly notify the owner of the subject property by registered mail or certified mail, receipt requested.

10.3 PLANNING COMMISSION PROCEDURE

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

10.4 NOTICE OF PUBLIC HEARING

Before voting upon any proposed amendment, notice of the time, place and reason for holding a public hearing shall be given by one (1) publication in the newspaper of general circulation in the city, not earlier than twenty-one (21) days or later than seven (7) days before the public hearing.

10.5 PUBLIC HEARING ON APPLICATION

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

10.6 RECOMMENDATION OF COMMISSION FOR ZONING MAP AMENDMENT

Before recommending to the City Council that an application for amendment to the Zoning Map be granted, the Planning Commission, in the absence of such a finding that (1) the original zoning classification given to the property was inappropriate or improper, or (2) there have been

major changes of an economic, physical, or social nature within the area involved which were not anticipated in the Comprehensive Plan adopted by the Planning Commission and which have substantially altered the basic character of such area; the findings of fact made by the Planning Commission shall be recorded in the minutes and records of the Commission. After voting to recommend that an application for amendment to the Official Zoning Map be granted or denied, the Planning Commission shall forward its findings of fact and recommendations in writing to the City Council, if the subject property is within the territorial jurisdiction of the City at the time the Planning Commission's recommendation is made thereon.

10.7 ACTION BY CITY COUNCIL ON ZONING MAP AMENDMENTS

The Columbia City Council shall not act upon a proposed amendment to the Zoning Map until it shall have received the written findings of fact and recommendations thereon from the planning commission. It shall take a majority of the entire City Council to override the recommendations of the planning commission.

10.8 RECOMMENDATION OF COMMISSION FOR TEXT AMENDMENT

After voting to recommend that an application for amendment to the text of this zoning regulation be granted or denied, the Planning Commission shall forward its recommendation in writing to the City Council.

10.9 ACTION BY CITY COUNCIL ON TEXT AMENDMENT

The City Council shall not act upon a proposed amendment to the text of this zoning regulation until it shall have received the written recommendation thereon from the planning commission. It shall take a majority of the entire City Council to override the recommendation of the planning commission.

10.10 SPECIAL CONDITIONS TO THE GRANTING OF ZONING CHANGES

As a condition to the granting of any zoning change, the Planning Commission may require the submission of a development plan. As a further condition to the granting of a zoning change, the planning unit may require that substantial construction be initiated within two (2) years; provided that such zoning change shall not revert to its original designation unless there has been a public hearing.

10.11 CURRENCY OF ZONING MAP

The Planning Commission and the Administrative Official shall ensure that amended zoning district boundaries are accurately placed on the certified copies of the Zoning Map and shall initial and date all such additions to them approved.

11 KY 55 BYPASS & KY 61 SMALL AREA PLAN OVERLAY DISTRICT

11.1 INTENT

The purpose or intent of this district is to assist in the implementation of the *City of Columbia Comprehensive Plan* and the *KY 55 Bypass & KY 61 Small Area Plan* included in the comprehensive plan approved November 9, 2006. Specifically, the purpose of this overlay district in conjunction with the underlying zoning district is to:

- A. To provide a framework to guide appropriate development for future growth in this key area of the community;
- B. To further detail and compliment the Comprehensive Plan for this area to insure new development around the City of Columbia will have a positive impact on the city;
- C. To minimize adverse impacts of noise, traffic and visual clutter from new development along these new roads.

11.2 LOCATION & DEFINITION

The KY 55 Bypass & KY 61 Small Area Plan Overlay District (SAP) is an overlay zoning district which includes all properties within the Small Area Plan Boundary shown on Figure 10-1 of the November 2006 *City of Columbia Comprehensive Plan*. The regulations herein apply to those properties within the SAP in addition to the regulations for the underlying zoning district identified on the City of Columbia Zoning Map.

11.3 DEVELOPMENT PLAN REQUIRED

A development plan in accordance with Article 7 of this regulation shall be required for the development of all property within the SAP district. Development within the SAP District shall be in conformance with the KY 55 Bypass & KY 61 Small Area Plan (Chapter 10 of November 2006 *the City of Columbia Comprehensive Plan*) and the requirements of this section of the Columbia Zoning Ordinance.

11.4 LANDSCAPE BUFFER AREA

- A. A 30 foot wide landscape buffer area shall be required between the right-of-way of the KY 55 Bypass and adjacent residential development. A 20 foot wide landscape buffer area shall be required between the right-of-way of the KY 55 Bypass and any use other than residential.
- B. A 30 foot wide landscape buffer area shall be required between the right-of-way of the KY 61 and adjacent residential development. A 20 foot wide landscape buffer area shall be required between the right-of-way of the KY 61 and any use other than residential.
- C. The required 30 foot wide landscape buffer area shall be include the following landscape materials per 100 linear feet selected from the acceptable plan materials list in Appendix B.

1. Option A: 10 Large Evergreen Trees from Plant list A; plus 5 Small Trees from Plant list C; plus 5 Large or Medium Trees from Plant List A or B; plus 40 Shrubs from Plant List E or 10 Shrubs from Plant List D or E and 20 shrubs from Plant List C
2. Option B: One tree from Plant List A or B for every 40 linear feet or fraction thereof plus 1) a double row of 6' high hedge or 2) a 6' high solid wood fence, masonry wall or earth mound.
3. Option C: When existing natural vegetation or topography is of sufficient height and density to provide a visual screen between the road and the adjacent land use, the landscape buffer area may be increased to 50 feet for adjacent residential uses and 30 feet for other adjacent uses and the natural vegetation left undisturbed.

11.5 DEVELOPMENT STANDARDS

The following development standards apply to all developments within the overlay district other than single family residential or agriculture uses.

- A. Maximum Coverage - The maximum surface area of the building(s) shall not exceed 50 percent of the total lot area. Parking areas, open courts and other open space uses shall not be included in the building area.
- B. Maximum Usable Lot Area - No more than 85 percent of the total surface land area of the lot shall be improved with buildings, structures, parking and loading areas, streets, driveways or roadways.
- C. Landscape Plan Required – For sites that contain less than 50 parking spaces, landscape plans shall be prepared for all site development within the overlay district and may be submitted either by an architect, landscape architect, engineer or surveyor licensed to practice their profession in the State of Kentucky or a Kentucky certified nurseryman. For site that contain more than 50 parking spaces, the landscape plan must be submitted by a landscape architect licensed to practice in the State of Kentucky or a professional landscaper.
- D. Landscape Plan Requirements – All landscape plans shall include the following: A plan drawn to scale with all easements and landscape buffer areas shown and labeled, building footprint, parking travel ways, topography at a minimum of two-foot contours, plant schedule including botanic and common names, size, quantity and condition and the seal and signature of the person submitting the landscape plan.
- E. Parking areas – All parking shall be off-street in paved, landscaped parking areas.
- F. Joint driveways in commercial and office developments are desirable whenever possible to limit access points to the streets.
- G. Off street loading or service areas shall not face a public right-of-way unless screened from view by fencing or landscaping. Any loading area adjacent to a residential property shall be screened with a masonry or wood fence in addition to the required landscape buffer.

11.6 DESIGN CRITERIA FOR RESIDENTIAL DEVELOPMENT

- A. Building Orientation – the first row of dwelling units along KY 61 or the KY 55 Bypass must face (contain a typical front façade) towards the roadway. They can be served by combined driveways, streets, or rear entrances.
- B. Building Material – the first row of dwelling units along KY 61 or the KY 55 Bypass shall not contain vinyl or aluminum siding on the front façade facing the roadway. Exposed concrete foundations shall be finished with brick, stone, split faced concrete block or concrete having the appearance of brick or stone. Concrete foundations can be exposed for a maximum of two feet if screened with landscaping.
- C. Garages – Attached and detached garages for the first row of dwelling units along KY 61 or the KY 55 Bypass shall be rear or side-entry only with garage doors at least ninety degrees from those roadways.
- D. Utility or cable boxes and similar structures that are visible from KY 61 or the KY 55 Bypass shall be screened by the developer with berms or landscaping.
- E. The first 150 feet of a street entering a new residential development directly accessed from KY 61 or the KY 55 Bypass shall be a boulevard street with landscaping in the middle.

11.7 SIGN REGULATIONS

- A. A sign plan showing the type, size and location of proposed signs shall be submitted with the development plan. Signs shall meet the following requirements:
 - 1. Materials, colors and shades of proposed signs shall be compatible with related buildings on the property.
 - 2. All signs shall have high quality professional appearance and shall be limited to high quality construction materials such as stone, brick, decorative block, finished wood, finished metal or high quality plastic.
 - 3. Any external lighting of monument signs shall be concealed and ground mounted.
- B. Residential Entrance Sign - In zones R-1, R-1A, R-2, R-3 and R-4, one residential entrance sign shall be permitted at the major entry points to any residential development that involves ten or more dwelling units. The sign shall meet the following standards:
 - 1. The entrance sign shall be a monument style sign with a brick, stone base or concrete base which simulates brick or stone.
 - 2. At least 75% of the sign area shall display the name of the residential subdivision. No greater than 25% of the sign area can identify the individual home builder or realtor.
 - 3. The maximum height shall be six feet from the ground to the top of the sign. Any additional brick or stone surrounding the sign can be higher up to a maximum of eight feet.
 - 4. The maximum display area of the sign shall be 50 square feet or split into two signs with a maximum of 25 feet of display area each. This dimension is for the display area and does not include any additional brick or stone surrounding the display area.

5. The sign must be located outside the vehicular sight triangle and at least five feet from any property line. The sign must be located in a landscaped planting area. The sign may be located in the landscape buffer area.
- C. Business Entrance Sign - In zones C-2, C-3, D-1 (Public/Semi-public), I-1 and I-2 one business entrance sign shall be permitted at the major entry point to any shopping center, commercial, office, or related development. Individual offices or businesses are not permitted a business monument entrance sign. The business entrance sign shall meet the following requirements:
1. The entrance sign shall be a monument style sign with a brick or stone base or concrete which simulates brick or stone.
 2. At least 50% of the sign area shall display the name of the development. No greater than 50% of the sign area can identify the individual tenants or out-lot tenants of the business development.
 3. The maximum height shall be six feet from the ground to the top of the sign. Any additional brick or stone surrounding the sign can be higher up to a maximum of eight feet.
 4. The maximum display area of the sign shall be 50 square feet or split into two signs with a maximum of 25 feet of display area each. This dimension is for the display area and does not include any additional brick or stone surrounding the display area.
 5. The sign must be located outside the vehicular sight triangle and at least five feet from any property line. The sign must be located in a landscaped planting area. The sign may be located in the landscape buffer area.
- D. Business Identification signs – In C-2, C-3, D-1 (Public/Semi-public), I-1 and I-2 and for permitted business or public/semi-public uses in residential zones – Freestanding pole signs (other than flag poles) are prohibited. The maximum number of flag poles per site shall be three with a maximum pole height of 40 feet. The maximum area of each flag is not to exceed 50 feet. Only government or other official designated flags of an institution or business are allowed. The free standing identification signs permitted in Section 6.7 for individual businesses, offices, places of worship, schools, civic associations, etc. shall be monument type signs which meet the following requirements:
1. The sign shall be a monument style sign with a brick or stone base or concrete base which simulates brick or stone.
 2. The maximum height of the sign from the ground to the top of the sign, including all surrounding brick, stone or masonry areas shall be six feet.
 3. The maximum size of the sign shall be 48 square feet which includes all brick, stone or masonry areas.
 4. No greater than 30 percent of the sign area can be a manual, changeable, display area to identify seasonal events, specials or sales. Temporary mobile signs are not permitted.

5. The signs must be located outside the vehicular sight triangle and at least five feet from any property line. The sign must be located in a landscaped planting area. These signs may not be located in the landscape buffer area.

11.8 LIGHTING

- A. Adequate outside lighting shall be provided to ensure safe movement of person and vehicles and for security purposes. At the same time, such lighting shall be directed downward and arranged so as to minimize glare and reflection on adjacent residential properties and public streets.
- B. All freestanding light poles and fixtures shall be black. Lighting styles shall be coordinated with the building styles in the overall development. Information on proposed lighting styles and location shall be submitted with the development plan.
- C. The illumination of outside lighting shall as designed and installed shall not exceed one-half foot candles measured at the property line of abutting property zoned for residential use or development. The Planning Commission may require a registered professional engineer to submit a lighting plan with the development or subdivision plan to certify that these requirements are met.

11.9 PEDESTRIAN/BIKE FACILITIES

- A. All new streets within residential zones shall have four foot wide concrete sidewalks on both sides of the street. All sidewalks shall have curb cuts at streets, driveways and so on which comply with Federal Uniform Accessibility Standards.
- B. A bikeway path easement shall be dedicated where such path is shown on a bikeway plan approved by the City of Columbia. The required easement shall be ten feet wide or wider if required by the bikeway plan.

11.10 NOISE BUFFER ZONE

- A. No residential buildings or other noise sensitive uses such as nursing homes, hospitals etc. shall be located within 900 feet of the Cumberland Parkway right of way unless a site specific noise assessment is prepared by a registered engineer showing that the average day-night noise levels will not exceed 65 dB. The noise analysis shall be based on average daily traffic (ADT) levels projected for 30 years in the future provided by the Kentucky Transportation Cabinet.
- B. If traffic projections are not available, an ADT of 14,000 shall be used. If exterior noise levels will exceed 65 dB, noise attenuation measures such as barriers (walls or berms) shall be required as necessary to reduce noise levels to 65 dB or less.

PASSED AND RECOMMENDED BY RESOLUTION OF THE COLUMBIA PLANNING COMMISSION FOR ENACTMENT: February 8, 2007

ENACTED BY ORDINANCE OF COLUMBIA CITY COUNCIL FOR ENFORCEMENT BY THE COLUMBIA PLANNING COMMISSION.

Date of First Reading: March 2, 2007

Date of Second Reading: March 5, 2007

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