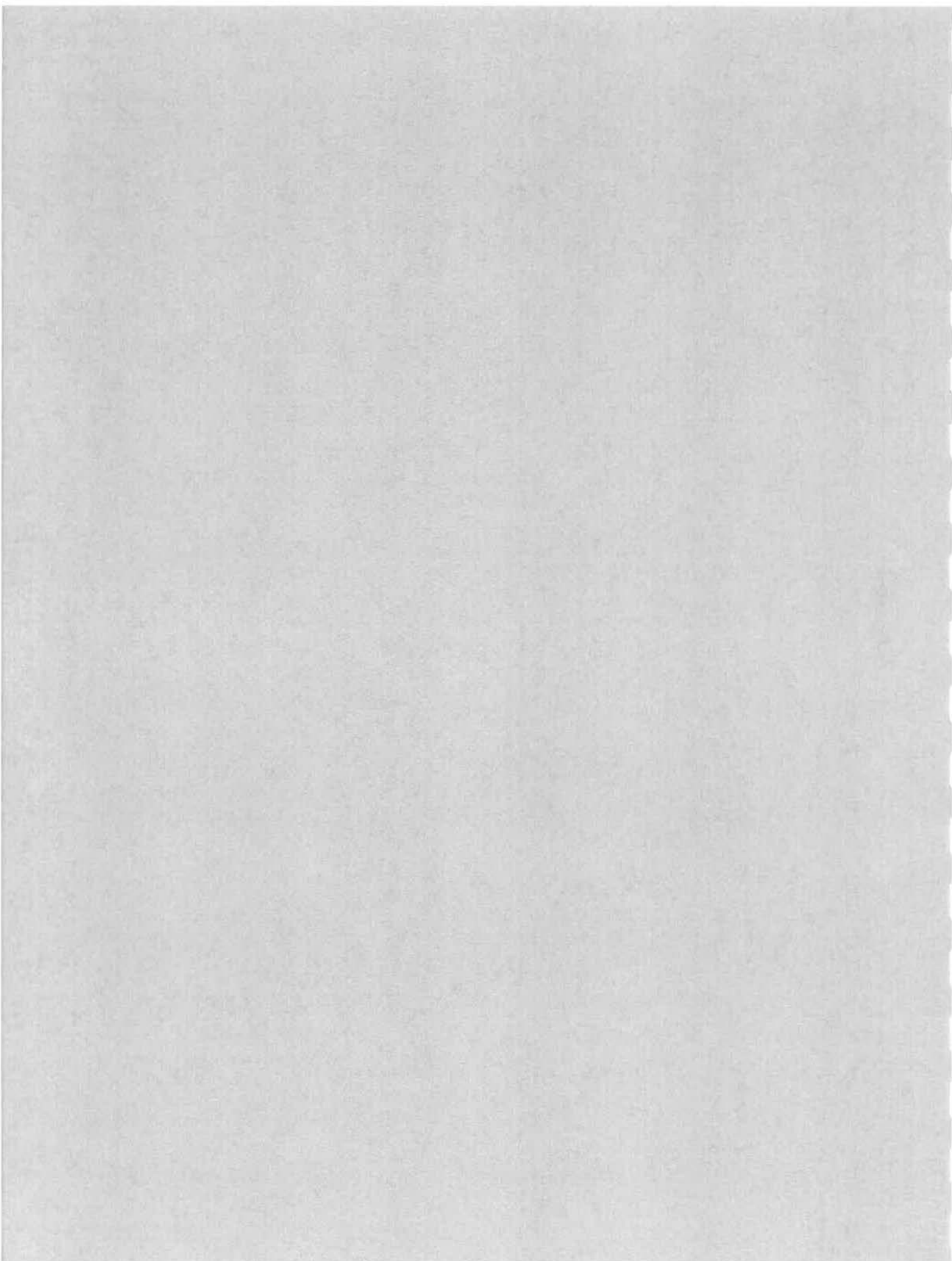




# ZONING ORDINANCE



ZONING ORDINANCE  
FOR  
THE CITY OF PRESTONSBURG, KENTUCKY

ARTICLE 1

PREAMBLE

1.1 ENACTING CLAUSE

The City Council of the City of Prestonsburg, Kentucky, as authorized by the Kentucky Revised Statutes, Section 100.201 does ordain as follows:

1.2 TITLE

This ordinance is entitled "Zoning Ordinance for the City of Prestonsburg, Kentucky," and may be referred to as the "Zoning Ordinance." The zoning map referred to herein is entitled "Zoning Map, Prestonsburg, Kentucky." The Zoning Map is hereby made a part of the Zoning Ordinance, and certified copies of this ordinance are on file with the Prestonsburg Planning Commission, with the Prestonsburg City Clerk, and with the Floyd County Clerk.

1.3 PURPOSE

The purpose of the Zoning Ordinance is to promote the general welfare by establishing and regulating zoning districts throughout Prestonsburg for the specific purposes detailed in the Kentucky revised Statutes, Section 100.201. In establishing the zoning districts, this ordinance seeks to promote the general welfare, by designating sufficient space for all necessary uses of the land in logical patterns, by protecting the permitted uses in each district from the undesirable effects of conflicting uses, and seek to ensure the stable value of all permitted development. This ordinance further seeks the general welfare by protecting the efficiency and encouraging the improvement of traffic circulation and access to the land in all districts in order that daily travel and commerce may increase in safety and may be carried forth with a minimum of delay for the benefit of all activities and persons in Prestonsburg.

ARTICLE II

GENERAL REGULATIONS

2.1 DEFINITIONS

The words which are defined are those which have special or limited meaning as used in this Zoning Ordinance. Words whose meanings are self-evident as used in this Zoning Ordinance are not defined here.

1. Accessory Structure or Use: Any structure or use, other than the principal structure or use, directly incident to or required for the employment of the permitted use of any premises, also as specifically designated under the zoning district regulations of this Zoning Ordinance.
2. Alley: A public passage or way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.
3. Advertising Sign: Any work, lettering, parts of letters, figures, numbers, phrases, sentences, designs, pictures, emblems, devices (including loud-speakers), trade names, or trademarks by which any thing is made known, such as are used to designate an individual, a firm or association, a corporation, a profession, a business, a service, a commodity, or a product, which are visible from any public street or right-of-way and designed to attract attention. The term "sign" shall not include the flag, pennant, or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event.
4. Alteration: Any change or addition to the existing structure.
5. Building: Any structure constructed or used for residence, business, industry, other public or private purposes, and similar structures which fully encloses spaces for occupancy by persons or their activities.

Principal Building: A building, including covered porches, carports and attached garages, in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the principal building on the lot on which the same is situated.

6. Commercial Floor Area: Floor area of a building which is devoted to the storage and display of merchandise, the performance of consumer services, or the circulation and accommodation of customers.
7. Conditional Use: A use which is essential to or which would promote the public health, safety, or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located or in adjoining zones unless restrictions on location, size, extent and character of performance are imposed in addition to those imposed in the Zoning Ordinance.



8. Conditional Use Permit: Legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the Board of Adjustment consisting of two parts:
  - a. A written statement of the factual determination by the Board of Adjustment which justifies the issuance of the permit.
  - b. A written statement of the special conditions which must be met in order for the use to be permitted.
9. Consumer Services: Sale of any service to individual customers for their own personal benefit, enjoyment, or convenience, and for fulfillment of their own personal needs.

For example, consumer services include the provision of the personal services such as beautician and barbering services, the provision of lodging, entertainment, specialized instruction, financial service, automobile storage, transportation, laundry and dry cleaning services, and all other similar services.

10. Dimensional Variance: Departure from the terms of the zoning regulations pertaining to height or width of structures and size of yards and open spaces where such departure will not be contrary to the public interest, and where owing to conditions peculiar to the property because of its size, shape, or topography and not as a result of the action of the applicant, the literal enforcement of its zoning ordinance would result in unnecessary and undue hardship.
11. Dwelling: A dwelling is a building providing shelter, sanitation, and the amenities for permanent habitation. It does not include temporary lodging or sleeping rooms.

Dwelling Unit: One room, or rooms, connected together (including apartments,) constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Dwelling Unit: Modular: A modular unit shall be classified as a dwelling unit (not a mobile home) if the unit consists of two or more major structural modules, is placed on a permanent perimeter foundation, in addition to normal support does not have the standard flat mobile home roof (has a peak in the roof, has 2 x 4 stud (or greater) construction, and the axles and wheels (if any) are removed from the premises.

Dwelling Unit - Mobile Home: A mobile home is a structure that does not comply with the modular description above. Mobile homes require building permits for initial installation and not for replacement. Mobile homes are underpinned structures and are situated on an approved mobile home lot - otherwise they shall be considered as trailers and may not be permanently occupied.

12. Enforcement Officer: Any administrative official designated by the City Council who shall be charged with and provided with the authority to enforce the ordinance, regulations, codes and orders of the planning commission and the City Council.
13. Flood Plain: Those areas subject to frequent periodic flooding delineated on the Soil Survey as alluvial soils by the Soil Conservation Service, United States Department of Agriculture, or lands delineated by representatives of the Federal Flood Insurance Program. (FEMA)
14. Home Occupations: Professional Offices, studios, and personal services maintained or conducted within a dwelling. Neither the selling of any merchandise nor processing of any product shall qualify as a home occupation. Home occupations include only those which meet the following performance standards:
  - a. Home occupations shall be incidental to the principal residential use.
  - b. Home occupations shall result in no exterior evidence, excepting a permitted sign, that the dwelling is used for a nonresidential use. Height should be no higher than the body of the sign itself. Sign should be suitable for the area where located (not distracting or distasteful).
  - c. Home occupations shall not generate any atmospheric pollution, light flashes glare, odors, noise, vibration, or truck or other heavy traffic.
  - d. Any activity in which the selling of any merchandise is the primary function is not a home occupation.
  - e. Home occupations shall occupy no more than fifty (50) percent of the total residential floor area of a dwelling.
15. Industry: The processing of products or raw materials. The two categories of industry are defined according to the following performance standards:

Heavy Industry: Those industries whose processing operations result in the outdoor storage or processing of materials of products, the emission of any

atmospheric pollution, visible light flashes or glare, odors, or noise or vibration which may be heard or felt off the premises, or those industries which constitute a fire or explosion hazard.

Light Industry: Those industries whose processing operations result in none of the above conditions.

16. Junkyard: Property used for the outdoor storage, display, or keeping of inoperative machinery, whether or not it is capable of operation, of the accumulation of trash, waste material, or vegetation, in a manner which is unsightly, offensive, or not in harmony with surrounding property. The keeping of more than three (3) inoperable vehicles shall constitute a junkyard.
17. Local Information Sign: A sign indicating directions to a local commercial, industrial, or other type establishment.
18. Lot: A parcel of land under one ownership devoted to a common use or occupied by a single principal building plus accessory structures.

Corner Lot: A lot which abuts on two intersecting streets at their intersection.

Double-Frontage Lot: Any lot other than a corner lot which abuts on two streets.

Lot Line: The boundary dividing a lot from a right-of-way, adjoining lot, or other adjoining tract of land. Front, rear, and side lot lines are self-explanatory.

Lot of Record: A lot which is lawfully recorded in the office of the county clerk.

19. Mobile Homes: Any vehicle or similar portable structure used or so constructed as to permit its being used as a conveyance upon streets and as a dwelling for one or more persons or as a permanent place of business.
20. Mobile Home Park: A tract of land prepared and approved according to the procedures in the Zoning Ordinance to accommodate ten or more mobile homes.
21. Mobile Home Space: A parcel of land delineated within a mobile home park upon which may be located one mobile home. The word space, when used in Section 2.51 shall be held to mean "mobile home space."

22. **Nonconforming Structure or Use:** A structure or use on any premises which does not conform with all applicable provisions of the Zoning Ordinance but which existed before being designated as nonconforming by the adoption or amendment of the Zoning Ordinance.
23. **Non-Retail Commercial:** Commercial sales and services to customers who intend resale of the products or merchandise sold or handled. For example, non-retail commercial includes wholesaling, warehousing, trucking terminals, and similar commercial enterprises.
24. **Outdoor:** Refers to that which is not within a building.
25. **Planned-Development Project:** A complex of structure and uses planned as an integral unit of development rather than as single structures.
26. **Planning Commission:** The term Planning Commission as used herein, means the Prestonsburg Planning Commission as defined in K.R.S. 100. The term may also be applied to the Hearing Examiner appointed by the Planning Commission in instances of zoning and subdivision controls and hearings held regarding the City of Prestonsburg or in areas of its extraterritorial jurisdiction. Until otherwise legislated by the City Council, the Hearing Examiner will act as a representative of the Planning Commission, will conduct all public hearings in his area of jurisdiction, will seek statutory evidence regarding zone changes, and will make recommendations to the Planning Commission. The City may appoint others to assist him. His committee may be known as the Prestonsburg Planning and Zoning Advisory Committee, and may be called upon to make investigations of planning related matters.
27. **Premises:** A lot or other tract of land under one ownership and all the structures on it.
28. **Processing:** Manufacturing, reduction, extraction, packaging, repairing, cleaning, and any other similar original or restorative treatment applied to raw materials, products or personal property. Processing does not refer to the fabrication of structures.
29. **Public-Service Building:** Any building necessary for the operation and maintenance of a utility.
30. **Retail Sales:** Sale of any product or merchandise to customers for their own personal consumption or use, and not for resale.
31. **Road:** A traffic-carrying way. As used in the Zoning Ordinance, a road may be privately owned and/or maintained.

32. Scrap Yard: See Junk Yard (16)
33. Sign, Advertising: Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:
- a. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers names of occupants of premises, or other identification of premises not having commercial connotations;
  - b. Flags and insignia of any government except when displayed in connection with commercial promotion;
  - c. Legal notices, identification, informational, or directional signs erected or required by government bodies;
  - d. Integral decorative or architectural features of buildings except letters, trademarks, moving parts, or moving lights;
  - e. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter and four (4) square feet or less in area.

**Signs, Number and Surface Area:** For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

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

**Sign, On-Premise:** A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

**Sign, Off-Premise:** A sign other than on on-premise sign.

34. Sleeping Room: A single room rented for dwelling purposes but without the amenities for separate and independent housekeeping.
35. Street: Any highway or other public traffic-carrying way. An arterial street is any numbered or named federal, state, or county highway unless otherwise designated by the planning commission.

36. **Structure:** Any combination of materials fabricated to fulfill a function in a fixed location on the land: includes buildings.
37. **Trailer:** Any vehicle or similar portable structure used or so constructed as to permit its being used as a conveyance to transport cargo other than persons upon the streets and highways. The term "trailer" does not mean "mobile home" as defined and used in this ordinance.
38. **Use:** Use broadly refers to the activities which take place on any land or premises and also refers to the structures located thereon and designed for those activities.
39. **Variance:** A departure from the strict conformance with the zoning regulations which must first receive the approval of the Board of Adjustment.
40. **Yard:** The open space surrounding the principal building on any lot, unoccupied and unobstructed by any portion of that building from the ground to the sky except where specifically permitted by these Zoning Ordinances. Yards are further defined as follows:

**Front Yard:** That portion of the yard extending the full width of the lot and measured between the front lot line and a principal building, which line shall be designated as the front yard line.

**Rear Yard:** That portion of the yard extending the full width of the lot measured between the rear lot line and a parallel line tangent to the nearest part of the principal building.

**Side Yard:** That portion of the yard extending from the front yard to the rear yard and measured between the side lot lines and parallel lines tangent to the nearest parts of the principal buildings.

## 2.2 APPLICATION OF REGULATIONS

All existing and future structures and uses of premises within the City of Prestonsburg shall conform with all applicable provisions of the Zoning Ordinance. Each zoning district is established to permit only those uses specifically listed as permitted, except as provided under the non-conforming provisions, and is intended for the protection of those areas.

## 2.3 GENERAL DEVELOPMENT REGULATIONS



## 2.31 COORDINATION WITH SUBDIVISION REGULATIONS

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

It is desirable that access points to the arterial streets serving all zoning districts shall be located no more frequently than 400' to 1,200' apart. Topography, traffic volumes, and land use shall determine the exact locations. Access points shall also meet Federal and State Standards where applicable.

## 2.32 PLANNED-DEVELOPMENT PROJECT REGULATIONS

A planned-development project may be allowed in those zoning districts where it is designated as a permitted use under the zoning district regulations. A planned-development project may be under single or divided ownership. All planned-development projects shall be subject to the following regulations:

- A. Procedure: When a planned-development project is proposed, the procedure for subdivision approval as will be set forth in the Prestonsburg Subdivision Regulations shall be followed in its entirety even though the ownership of land may not be divided. In the meantime, a preliminary plan and final plan both approved by the Planning Commission may establish a schedule of reasonable fees to be charged for plan review. The project shall be developed according to the approved final plan. Zoning permits and certificates of occupancy shall be required for each building according to Sections 5.2 and 5.3 of this Zoning Ordinance.
- B. Uses and Densities: The uses of premises and development densities in a planned-development project shall conform with the permitted uses and densities of the zoning district in which it is located when it is permitted.
- C. Standards: In any planned-development project, although it is permissible to depart from literal conformance with the individual lot dimension and area regulations, there shall be no diminution of total equivalent lot area, parking area, and loading-unloading area requirements that would be necessary for the equivalent amount of individual lot development with one exception: the planning commission may allow reductions in these requirements if the developer can satisfactorily prove that largescale development may permit such reductions without destroying the intent of these regulations.
- D. Special Conditions: The Planning Commission shall attach special conditions based on all of the following standards in addition to imposing the standards

for total area, parking area, and loading and unloading area defined in Paragraph C above. The Planning Commission may also attach any other reasonable special conditions relating to bonding of improvements, necessary off-site improvements, construction of recreation areas, filing of as-built plans, and impose certificate of occupancy requirements and other reasonable conditions appropriate to the development.

1. Wherever there is an abrupt change in uses--i.e., residential to commercial, it is desirable that a buffer area of open space, a wall, a fence, or protective planting be placed between them which will protect each use from the undesirable effects of the other.
2. Parking and other public areas used at night shall be adequately lighted, and private areas shall be adequately protected from such lighting and any other lighting from public areas. Public streets may also require protection from excessive glare of lighted areas.

### 2.33 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.

- A. All Districts: The following conditional uses and similar uses determined by the Board of Adjustment may be approved in all zoning districts (when not listed as a permitted use:)
  1. Service facilities of non-local public utility and private transmissions, lines, and pipes, excepting however those uses regulated by the Public Service Commission.
  2. Service facilities of radio, TV, and telephone transmission structures.
  3. Service facilities of large utility structures and public service buildings.
  4. Service facilities of expansion of railroads and appurtenances.
  5. Government buildings and uses.
  6. Churches and libraries.
- B. Specific Districts: Other conditional uses may be approved only in those zoning districts where they are designated as special uses under the zoning district regulations. (See Page 37)

- C. Procedure: In applying for a conditional use permit, the applicant shall submit a plan to the Enforcement Officer and follow all procedures set forth in Paragraph 5.23, procedure for zoning permit application. The Enforcement Officer shall refer the application to the Board of Adjustment. The Planning Commission may establish a schedule of reasonable fees to be charged for special use zoning permits. The applicant shall meet with the Board of Adjustment which may attach reasonable special condition to an approval of a special use to insure that there shall be no departure from the provisions and intent of this Zoning Ordinance. These special conditions may be similar to the conditions that may be required for planned development projects. Effect of the special use on surrounding uses and all officially adopted plans shall be considered in determining whether a special use shall be approved or disapproved. The Board of Adjustment may approve the application and may issue a zoning permit in full conformance with Section 5.2. The Conditional use, if approved, shall conform with all attached conditions.
- D. Other Regulations: Payment of a fee to cover reasonable expenses shall be required of the applicant before the issuance of the conditional use permit. Other regulations for conditional use permits are as follows:
1. The Board 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 in the conditional use permit along with reference to the specific section on the zoning ordinance listing the conditional use under consideration. The Board shall have the power to revoke conditional use permits or variances for non-compliance with the condition (s) thereof. Furthermore, the Board will have the right of action to compel offending structures or uses removed at the cost of the violator and may have judgment against the violator for such cost.
  2. Granting a conditional use permit does not exempt the applicant from complying with all the requirements for this ordinance and other ordinances and regulations of the pertinent legislative body.
  3. A conditional use permit shall be exercised within one (1) year from the date of issuance within the meaning of KRS 100.237.
  4. The Enforcement Officer 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 the conditions which are listed on the conditional use permit. If the landowner is not complying with all conditions

listed on the permit, the Enforcement Officer 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 landowner at the same time that it is furnished to the Chairman of the Board of Adjustment. Upon hearing the report as required by KRS 100.236, if the Board finds the facts alleged to be true and that the landowner has taken no steps to comply with them between the dates of the report and the date of the hearing, the Board may authorize the Enforcement Officer to revoke the conditional use permit and to take the necessary legal action to cause the termination of the activity.

## 2.4 GENERAL REGULATIONS FOR STRUCTURES AND USES

### 2.41 NONCONFORMING STRUCTURES

Nonconforming structures may remain subject to the following regulations:

- A. Alterations: A nonconforming structure shall not be enlarged, replaced, or structurally altered except in conformance with the Zoning Ordinance. Any structure, however, may be restored to a safe condition if declared unsafe by the Enforcement Officer or other official with jurisdiction, except as provided in B. However, the Board of Adjustment may permit a non-conforming structure to be re-occupied by a use permitted in a more restrictive district (a less objectionable use.)
- B. Restoration: A nonconforming structure for which restoration to a safe condition would cost more than 50 percent of its replacement value shall not be restored except in conformance with the Zoning Ordinance.
- C. Construction approved prior to adoption or amendment of the Zoning Ordinance, proposed structures for which zoning permits have been issued prior to their designation as nonconforming by the adoption or amendment of the Zoning Ordinance may be completed and used as originally intended provided they are completed and in use one year after the date on which the zoning permit was issued.

### 2.42 NONCONFORMING USES

Nonconforming uses may be continued subject to the following regulations:

- A. The Board of Adjustment shall not allow the enlargement, substitution, or extension of the nonconforming use beyond the scope and area of its operation after the adoption of this ordinance (area shall mean the lot area upon which the nonconforming use is being operated) nor shall the Board permit a change from one nonconforming use to another unless the new nonconforming use is the same or a more restrictive classification.
- B. Discontinuance: Whenever a nonconforming use of any premises has been discontinued for a period of six months, no nonconforming use may be re-established on these premises without approval of the Board of Adjustment.

#### 2.43 APPROVED WATER SUPPLY AND SEWAGE DISPOSAL FOR BUILDINGS

It shall be unlawful to construct or occupy any building or mobile home without water supply and residential or commercial sewage disposal facilities approved by the County Health Officer and the City of Prestonsburg. All Residential and Commercial and mobile homes shall be connected to the city sewer and water system.

#### 2.44 REGULATION OF PRINCIPAL BUILDINGS

Unless a plan has been approved for a planned development project by the Planning Commission, only one principal building and permitted accessory structures may be erected on any lot of record or any conforming lot. Temporary structures are permitted during construction only.

### 2.5 COORDINATION WITH KENTUCKY REVISED STATUTES ON SPECIFIC USES

#### 2.51 MOBILE HOME PARKS

- A. Mobile home parks may be permitted only in those zoning districts where they are designated as a permitted use under the zoning district regulations. All mobile home parks shall conform with all provisions of the Kentucky Revised Statutes 219.120 through 219.250, and shall conform with all applicable provisions of the Zoning Ordinance and all attached special conditions.
- B. It shall be deemed unlawful for any person to construct, alter, or extend any mobile home park within the corporate limits of Prestonsburg without the application and receipt of permits from both the local and State health authority and the local Enforcement Officer. When application is made for both the health certificate and the building permit, the applicant must show at least the following:

1. Name and address of applicant
  2. Name and legal description of the mobile home park.
  3. The complete engineering plans and specifications of the proposed park showing but not limited to the following:
    - a. The area and dimensions of the tract of land;
    - b. The number, location, and size of all mobile home lots; with each lot being numbered;
    - c. The location and width of roadways and walkways;
    - d. The plans and specifications of all buildings, if any are proposed, constructed or to be constructed within the mobile home park; and
    - e. The location and details of lighting and electrical systems.
    - f. Contour lines to indicate slope and drainage
    - g. Location of all utilities; and easements
    - h. Public areas such as visitors' parking, recreational areas, etc., if such areas are proposed.
    - i. Large scale plan of one typical mobile home lot showing mobile home location, automobile parking space, etc.
    - j. Location of planting for landscaping purposes or as required for protective buffer purposes as a special condition.
- C. All applications to the local health authority and the Enforcement Officer shall be accompanied by the deposit of a fee of \$50.00 (fifty dollars.)
- D. If the local health authority and Enforcement Officer deem the proposed plans and specifications to be in agreement with all statutes and ordinances of the Commonwealth of Kentucky and the City of Prestonsburg, the permit shall be issued.
- E. Standards: All mobile home parks shall conform with the following standards for development:
1. All mobile home parks shall include lots for at least five (5) mobile homes. Mobile homes are not permitted on individual lots outside of approved mobile home park in any district.
  2. Each mobile home shall be placed on a lot of at least 5,000 square feet.



3. Each mobile home shall be connected to the city water and sewage system and approved prior to occupancy.
4. No mobile home shall be located closer than thirty (30) feet to another mobile home.
5. No mobile home shall be located within thirty (30) feet of another mobile home, except that a minimum end-to-end clearance of not less than twenty (20) feet shall be permitted, and in an instance where the sides opposite the entrance of two (2) mobile homes may be reduced to not less than twenty (20) feet. Mobile homes are encouraged to be placed on a side lot line, when perpendicular to the street, and not adjacent to a standard setback type lot, thereby increasing the yard space at the entrances (when entrances are on one side.)
6. A road with a hard surface pavement at least twenty (20) feet wide shall provide direct access to each mobile home lot. The area occupied by the road shall not fulfill part of the area requirements for any lot. All roads shall be designed to enable mobile homes entering the park to reverse direction without having to back more than one mobile home length.
7. A paved automobile parking area of not less than twenty (20) feet by twenty (20) feet provided on every mobile home lot.
8. All mobile home parks shall conform with the State Board of Health Regulations or the City of Prestonsburg, whichever is more restrictive, which prescribe standards for water supply, sewage disposal, and other facilities. Each mobile home park shall be adequately drained so that no mobile home lot shall be subject to the collection of storm water.
9. This ordinance does not invalidate Ordinance No. 1-71 whereby mobile homes are permitted only in mobile home parks and Prestonsburg may have no more than five (5) mobile home parks.

## 2.6 GENERAL REGULATIONS FOR LOTS AND YARDS

### 2.61 OBSTRUCTIONS TO VISION AT STREET INTERSECTIONS

Within the area defined by the intersection of any two right-of-way lines of streets or railroads and a straight line intersecting those two right-of

way lines at points thirty feet from their intersection, no obstructions to vision between a height of two and one-half feet and twelve feet above the imaginary plane defined by those three points of intersection are permitted in normal circumstances.

#### 2.62 FRONT-YARD REGULATIONS FOR CORNER AND DOUBLE-FRONTAGE LOTS

Corner lots and double-frontage lots shall, on both of the adjacent streets meet the front-yard regulations of the district in which they are located unless otherwise approved by the Planning Commission in considering new lots, by the Board of Adjustment for lots of record.

#### 2.63 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 unless included as a planned development project.

#### 2.64 USE OF YARDS FOR ACCESSORY BUILDINGS

No accessory buildings are permitted in front yards. They are permitted in rear or side yards according to the dimension and area regulations.

#### 2.65 SCREENING REQUIREMENTS

The Planning Commission may require adequate screening whenever two different zones adjoin wherever a change in classification is requested. The Enforcement Officer may also require screening prior to the issuance of a building permit.

### 2.7 GENERAL REGULATIONS FOR VEHICLES

#### 2.71 OFF-STREET PARKING SPACE REGULATIONS FOR AUTOMOBILES

A. Existing Parking Space: Existing off-street parking provided for any building or use at the time of adoption of the Zoning Ordinance shall not thereafter be reduced unless it exceeds the requirements of this ordinance. Any existing building or use not provided with conforming parking space shall be provided with off-street parking space in conformance with this ordinance at the time of any structural alteration of the building or expansion of the use unless otherwise approved

by the Board of Adjustment. Parking for commercial purposes must be provided in commercial zones unless approved by the Board of Adjustment who shall insure that residential uses are protected from severe adverse effects (see Section 2.73.)

- B. Required Off-Street Parking Space: When any building is built or any use of land is initiated, they shall be provided with sufficient off-street parking space on the premises so that no automobile parking on any street will result from the normal activity. If the off-street parking capacity is exceeded and street parking is generated more than six times during a six-month period, this shall be considered as resulting from normal activity, and additional off-street parking shall be provided. The Board of Adjustment shall interpret the amount of parking space required for any building or use, assisted by the following standards whenever the Enforcement Officer is unable to apply the following standards literally or when he determines a parking space deficiency according to the standard above. In either case he shall apply to the Board for an original interpretation.
  
- C. Parking Space: For the purpose of this ordinance, an off-street parking space shall consist of a space 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. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another. For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the city. All parking spaces shall be shown on a plat drawn to scale and submitted to the Planning Commission for review. Spaces for automobiles should be 9 x 20'.
  
- D. Off-Street Parking Standards: The following standards comprise the minimum off-street parking requirements for the several common types of building and uses listed:

1. Dwelling: a) single-family - two parking spaces per dwelling unit.  
b) Apartment - 1.5 for each 0, 1 & 2 bedroom unit  
2.0 for each 3 (or more) bedroom units.
2. Mobile home park: two automobile parking areas shall be provided on every mobile home space, plus one parking area for every four spaces in the park.' (see Section 2.51 E7)
3. Indoor retail businesses: For businesses in a Neighborhood or General Business District, there shall be provided four spaces for the first 1,000 square feet of total floor area, plus one additional space for each 150 square feet of such floor area. For such businesses in a Highway Business District, C-4, there shall be provided three (3) square feet of parking space for every one (1) square foot of ground floor area, shown on a plat presented to the Planning Commission. Off-street parking is not required in the Central Business District.
4. Tourist homes, motels, or hotels: one (1) parking space for each sleeping room or suite including that of the owner or manager of residence on the premises.
5. Industrial plants: one parking space for every two employees at maximum employment on a single shift plus one space for every truck parked on the site.
6. Places for public assembly, institutions, and recreational facilities: unless otherwise stated in this section, one parking space for every five persons, based on maximum capacity.
7. Hospitals: one (1) space for each four (4) patient beds, exclusive of bassinets, plus one (1) space for each staff or visiting doctor, plus (1) space for each three (3) employees including nurses, plus adequate area for the parking of emergency vehicles.
8. Medical or dental clinics or offices: five (5) spaces per doctor plus one (1) space for each doctor and employee.
9. Sanitoriums, convalescent or nursing homes: one (1) space for each six (6) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space for each employee.

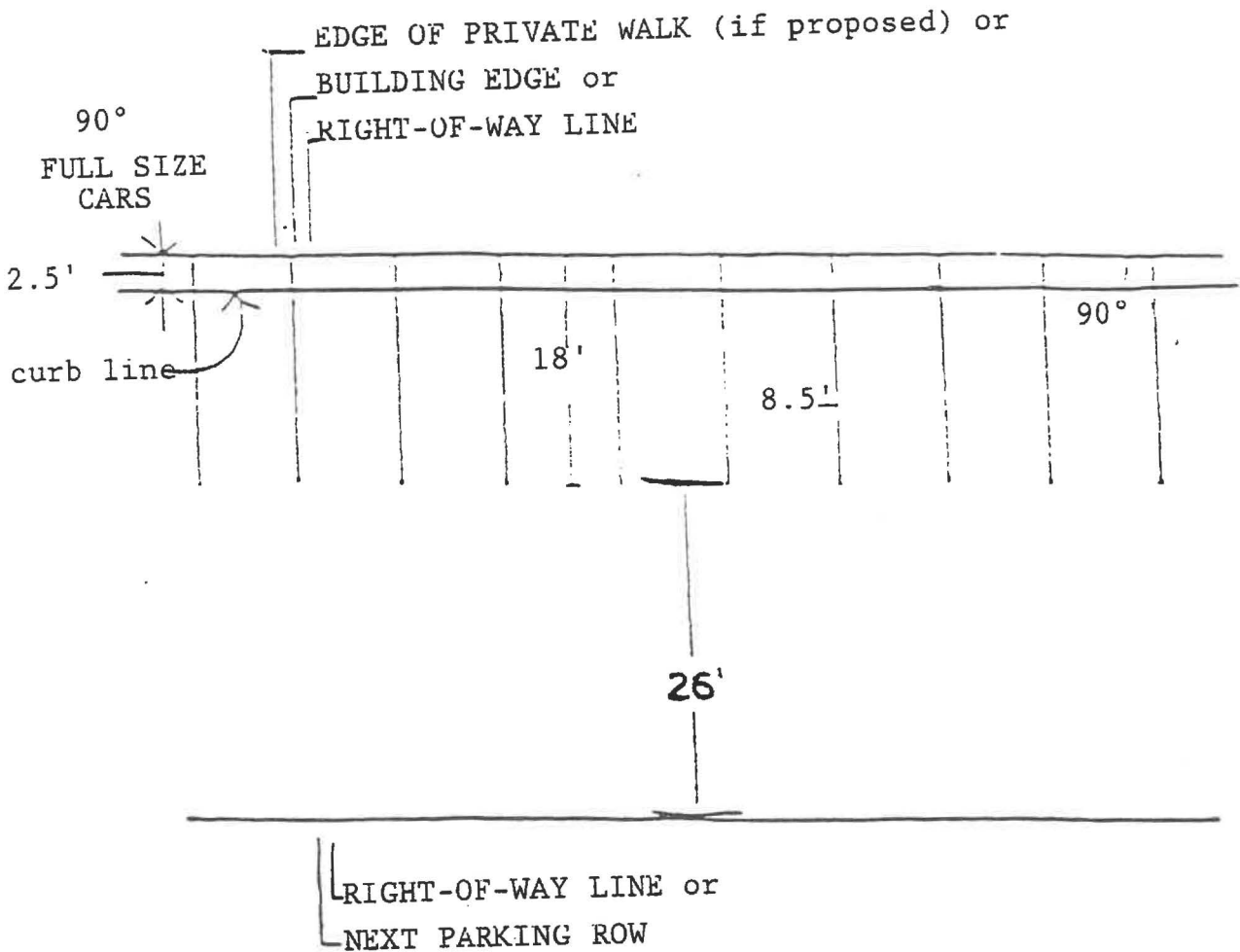
10. Community center, theater, auditorium, church sanctuary, one (1) parking space for each four (4) seats, based on maximum seating capacity.
11. Convention hall, lodge, club, library, museum, place of amusement or recreation: one (1) parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building.
12. Office building: one (1) parking space for each three-hundred (300) square feet of gross floor area in the building, exclusive of the area used for storage, utilities and building services plus one (1) space for each two (2) employees.
13. Stadium or sports arenas: one (1) space for each four (4) seats.
14. Bowling alleys: five (5) parking spaces for each alley.
15. Mortuaries or funeral homes: one (1) space for each fifty (50) square feet of floor space in the slumber rooms, parlors, or individual funeral service rooms.
16. Warehouses and storage buildings: Sufficient parking space to accommodate employees and the loading and unloading of materials.
17. Additional parking standards: The Board of Adjustment may raise the standards listed above when necessary to conform with paragraph B and shall use similar criteria of floor area, employment, or capacity to interpret standards for buildings and uses not specifically listed above.

#### 2.72 OFF-STREET LOADING AND UNLOADING SPACE REGULATIONS FOR TRUCKS

All buildings and uses which generate regular trucking traffic shall be provided with sufficient off-street loading and unloading space on the premises so that they will generate no loading or unloading activity on their required parking spaces or on any street. The Board of Adjustment shall interpret the amount of loading and unloading space required for any building or use whenever the Enforcement Officer is unable to apply this standard literally and applies to the Board for an original interpretation. Special consideration should be given to Central Business District uses where such requirements would impose practical difficulties.



PARKING, LOADING, AND UNLOADING AREAS WHEN PERMITTED TO OCCUPY ALL OR A PORTION OF THE REQUIRED FRONT OR STREET SIDE YARD



NOTE: The stall width to aisle width ratio acceptable to the City of Prestonsburg other than that shown is as follows:

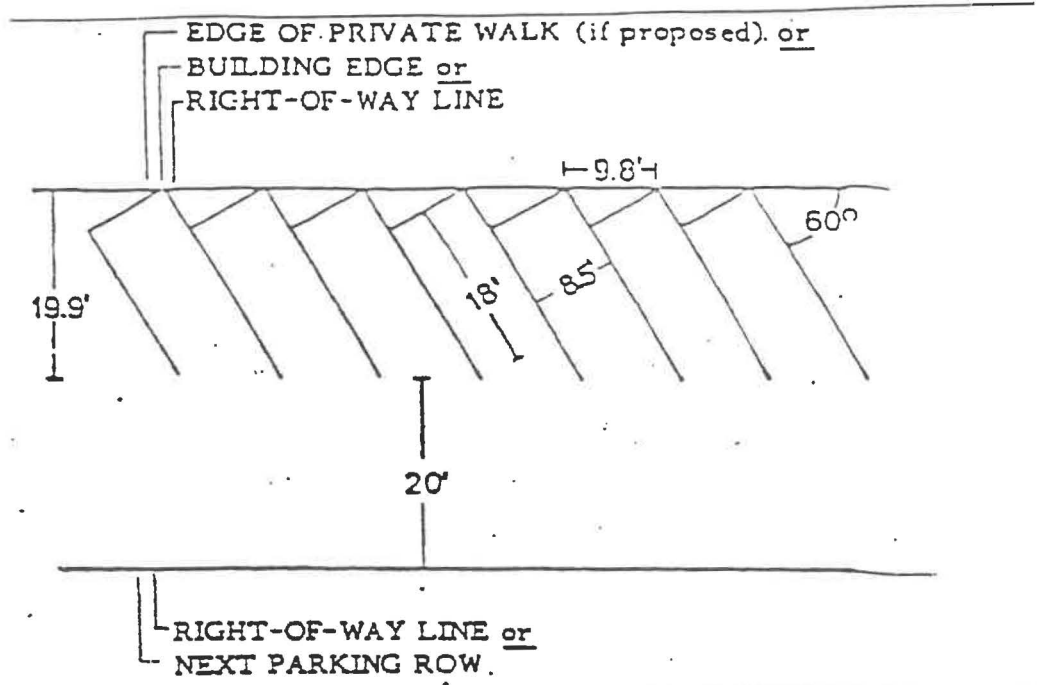
<u>Aisle Width</u>	<u>Stall Width</u>
25'	9.0'
24'	9.5'
23	10.0'

This applies to all 90° angle parking.



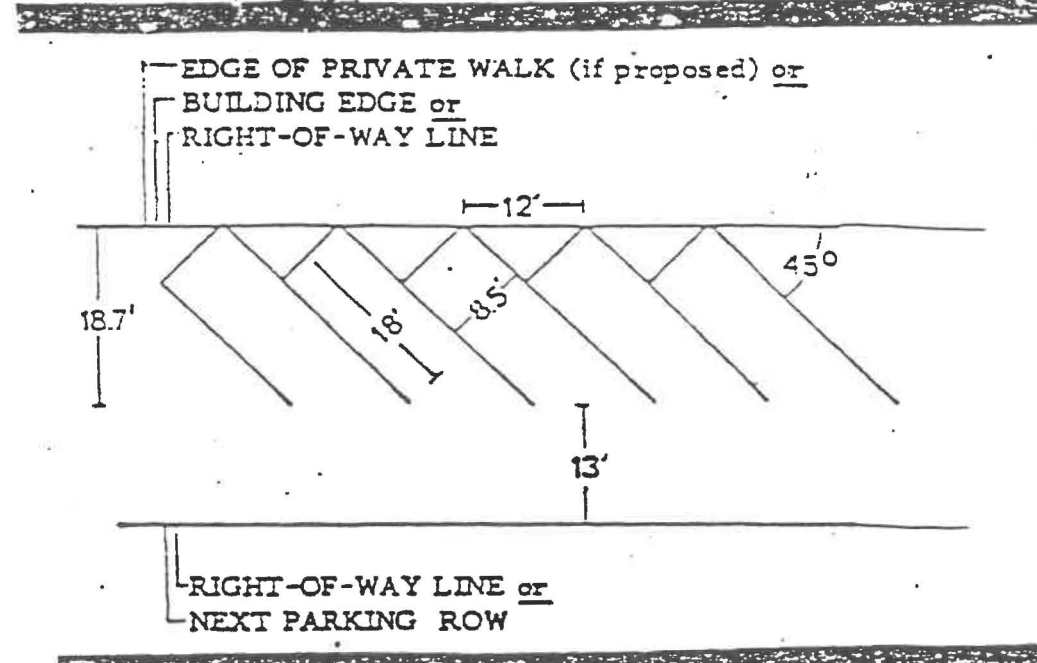
FULL SIZE CARS

60°  
PARKING



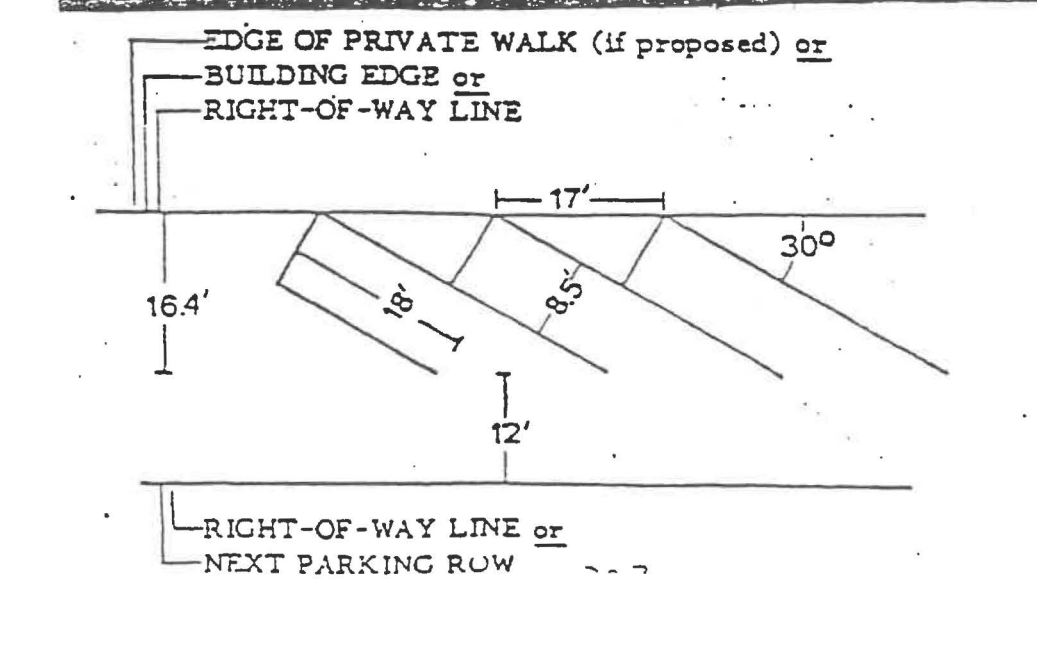
FULL SIZE CARS

45°  
PARKING



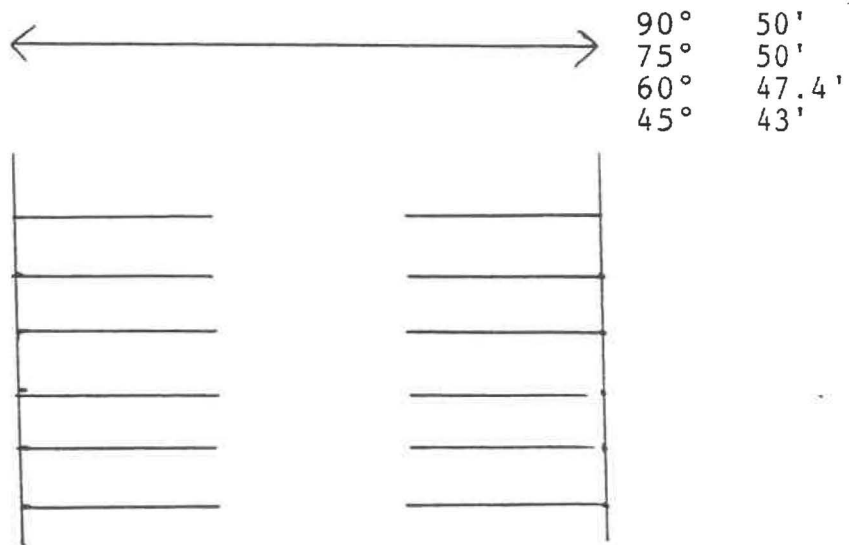
FULL SIZE CARS

30°  
PARKING



COMPACT CAR PARKING

ANGLE	STALL WIDTH	STALL DEPTH
90°	7.5'	15.0'
45°	7.5'	16.0'
60°	7.5'	16.7'
75°	7.5'	16.3'



COMPACT CARS PERMITTED FOR 1/3 OF REQUIRED TOTAL

2.73 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 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 Enforcement Officer 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 required parking space, if located off the premises it serves, is controlled by and available to the applicant for a zoning permit.
- C. Surfacing of Parking, Loading and Unloading Space: Parking, loading and unloading spaces and the access thereto shall be surfaced with asphalt or concrete in a manner adequate to eliminate dust, mud and noise.
- D. Parking lots should be landscaped and buffered from dwelling units. Plans for lots shall be submitted to the Enforcement Officer for a building permit prior to construction.

2.74 PARKING AND STORAGE OF CERTAIN VEHICLES

*change*



Automobiles, vehicles, trailer of any type without current license plates shall not be parked or stored on any property in a Residential District, R-1, R-2, R-3, other than in enclosed buildings.

2.8

EXCEPTIONS

2.81 USE EXCEPTIONS

Several types of structures and uses are permitted in all districts even though they are not listed as permitted uses under the zoning district regulations. These structures and uses are listed as follows:

- A. No zoning permit or certificate of occupancy required for:
  1. Local public utility distributing and collecting structures such as pipes and transmission lines, transformers, meters, etc. Large utility structures such as substations are permitted only as special uses.
  2. Public streets and all official appurtenances necessary for traffic direction and safety. All street and traffic control signs shall conform to the code established and adopted by the Kentucky Department of Highways.
  3. Private drives, private parking areas, and the parking of vehicles incidental to the principal use on the same premises.
  4. Real-estate signs not larger than ten square feet located on the premises or subdivision being advertised for sale or for rent.
  5. Signs not over four square feet in area identifying permitted home occupations or the renting of sleeping rooms on the same premises.
  6. Horticulture and landscaping of any premises: fences, (under 6' in height) and other normal accessory uses.
- B. Zoning permit only required; no certificate of occupancy:
  1. Local information signs. All local information signs shall meet the following standards:
    - a. Twenty square feet in area is the maximum size permitted for local information signs, and no linear dimension shall be greater than ten feet.
    - b. Six feet from the ground to the top of the sign is the maximum height permitted for local information signs.
    - c. Local information signs must be located within three miles along any street from the establishment to which they are indicating directions.

d. Local information signs must be located off the right-of-way and at least one hundred feet from all intersecting street rights-of-way.

2. Fences 6 feet and over in height.

## 2.82 HEIGHT EXCEPTION

Height regulations apply to building and portions of buildings occupied regularly by human beings. They do not apply to structure or portions of buildings such as radio towers, ornamental spires, water towers, silos, and flag poles which are not occupied regularly by human beings except for maintenance unless otherwise stipulated in the Zoning Ordinance. No structure shall exceed 75' without approval of the Board of Adjustment. The Board of Adjustment shall interpret whether or not height regulations apply upon application by the Enforcement Officer in doubtful cases. Federal Aviation Agency or State aviation height regulations in the vicinity of an airport shall take precedence over all other height regulations.

## ARTICLE III

### ESTABLISHMENT OF ZONING DISTRICTS

#### 3.1 ESTABLISHMENT AND DESIGNATION

The City of Prestonsburg is divided into zoning districts as shown on the Zoning Map, and these districts are designated as follows:

##### RESIDENTIAL DISTRICTS

- R-1: Low Density
- R-2: Medium Density
- R-3: High Density

##### RECREATIONAL DISTRICTS

- P-1: Parks
- P-2: Recreation Facilities

##### COMMERCIAL DISTRICTS

- C-1: Neighborhood Business
- C-2: General Business
- C-3: Central Business
- C-4: Highway Business

##### INDUSTRIAL DISTRICTS

- I-1: Light Industry
- I-2: Heavy Industry

#### 3.2 INTERPRETATION OF ZONING-DISTRICT BOUNDARIES

The following rules shall be used to interpret the exact location of the zoning-district boundaries shown on the Zoning Map:

- A. Where a zoning district boundary follows a street or railroad, the center line of the street or railroad right-of-way is the boundary of the district.
- B. Where a zoning district boundary approximately follows a lot or property line, that line is the boundary of the district.
- C. Where a zoning district boundary follows a stream or the shore of a body of water, that stream or shore line is the boundary of the district.
- D. Where a zoning district boundary does not clearly follow any of the features mentioned above, its exact location on the ground shall be determined by measurement according to the map scale.
- E. Unassigned and new areas coming under the zoning regulating authority shall be temporarily zoned R.-1. The Planning Commission shall study the annexed or unassigned area and make recommendations within sixty (60) days to City Council for permanent classification.

#### ARTICLE IV

#### ZONING DISTRICT REGULATIONS

##### 4.1 RESIDENTIAL DISTRICTS

The following regulations shall apply in residential districts in accordance with the specifications given in the Summary of Zoning District Dimensions:

##### 4.11 USES PERMITTED

- A. Single-family dwellings in R-1, R-2, or R-3 districts.
- B. Double-family dwellings in R-1, R-2, or R-3 districts.
- C. Multiple-family dwellings in R-2 or R-3 districts.

##### 4.12 ACCESSORY STRUCTURES AND USES PERMITTED

- A. Private pools fenced or covered so as to prevent unauthorized or accidental use by children.



- B. Garage or other building not used as a dwelling and accessory to the principal use.
- C. Renting of no more than three sleeping rooms in any one building.
- D. Home occupation: Permitted home occupations may be identified on the premises according to Section 2.1-14. No displays or changes in facade shall indicate from the exterior that the building is being utilized partly for a non-residential purpose.

#### 4.13 CONDITIONAL USES

- A. Nonprofit public or private facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, etc.
- B. Mobile home parks in conformance with Section 2.51 except that no mobile home parks may be located in an R-1 district.
- C. Planned-development project for residential use only. The procedure under Section 2.32 shall be followed.

#### 4.14 DIMENSIONS AND AREA REGULATIONS FOR LOTS AND STRUCTURES

The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimension and Area Regulations on page 35. The applicable regulations shall be observed in all residential areas.

### 4.2 COMMERCIAL DISTRICT

The following regulations shall apply in commercial districts as indicated:

#### 4.21 C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

This district is to be used for retail trade and personal service enterprises which will meet the regular needs of the occupants of surrounding residential areas.

##### 4.211 PERMITTED USES

- A. Retail Sales of convenience goods, grocery stores, drug stores, barber shops, dry cleaning establishments, etc.
- B. Consumer Services: Processing is performed as a consumer service for retail customers served on the premises.
- C. Office Buildings, apartments, condos and townhouses.
- D. Construction shall conform to the full intent of a neighborhood commercial establishment and be limited to 2,500 square feet.
- E. Planned-development project for commercial and apartment use only. The procedure under section 2.32 shall be followed.
- F. Residential uses shall be required to conform with the R-2 residential density and area requirements.
- G. Non-Profit public or private facilities as stated in 4.242(A)

#### 4.212 CONDITIONAL USES

- A. Public facilities such as libraries, churches, parks, recreational facilities, hospitals, institutions, etc.
- B. Buildings exceeding 2,500 square feet.

#### 4.22 C-2 GENERAL BUSINESS DISTRICT

This district is to be used for all uses permitted in C-1 district and for the uses enumerated in 4.221.

##### 4.221 PERMITTED USES

- A. Places of amusement and assembly, offices, hotels, motels, used car lots, garages, and other motor vehicle services of similar or like nature.
- B. Any retail business or retail service as defined in 2.1(30).
- C. Any manufacturing or processing establishment that does not create dust, smoke, noise, or odor outside the lot on which it is located and employing not more than ten (10) persons, including the owner or operator.

- D. Any accessory use or building customarily incidental to the above permitted uses.
- E. Residential uses shall be required to conform with the R-3 residential density and area requirements.

#### 4.222 USES EXPRESSLY PROHIBITED

- A. Any business which is primarily of a wholesale storage or warehousing nature.
- B. Animal hospital, coal or lumber yard, dairy, bottling works, dry cleaning plant, electric welding, gasoline, oil or alcohol storage above the level of the ground and exceeding 500 gallons, ice plant, live animal storage, laundry or bakery employing more than five (5) persons, and any other similar or like use determined by the Board of Adjustment to be detrimental to the retail shopping nature of this district.
- C. Flashing lights, moving signs, portable signs banners and pennants.

#### 4.223 C-2A LOW USE GENERAL BUSINESS DISTRICT

- A. Permitted uses places of assembly, offices or any other use of similar nature left to the opinion of the Planning Commission.
- B. Any retail use or retail service as defined in 2.1(30)
- C. Any accessory use or building customarily incidental to the above permitted uses.
- D. Residential uses shall be required to conform with the R-3 residential density and area requirements.

#### 4.223(A) USES EXPRESSLY PROHIBITED

- A. All uses as defined in 4.222 including places of amusements, hotels, motels, used car lot, car lot, junk yard, garages and other motor vehicle services of a similar or like nature.

#### 4.23 C-3 CENTRAL BUSINESS DISTRICT

This district is to be used for all uses permitted in C-1 and C-2 districts and for the uses enumerated in 4.231.

##### 4.231 PERMITTED USES

Any use permitted in the C-2A district or not expressly prohibited in 4.232 is permitted in this district.

##### 4.232 USES EXPRESSLY PROHIBITED

As provided by Section 4.222 of this document.

#### 4.24 C-4 HIGHWAY BUSINESS DISTRICT

This district is designed to limit the ingress and egress onto U.S. 23, Ky 114 and Ky 321 in order to insure a continual traffic flow on the highway.

##### 4.241 PERMITTED USES

- A. Motel, office buildings, retail and professional services.
- B. Restaurants and cafes.
- C. Motor vehicle service stations and other automobile related establishments.
- D. Outdoor advertising signs or billboard. Flashing or changing lights are not permitted.
- E. Planned development projects for commercial use only. The procedure under 2.32 shall be followed.

##### 4.242 CONDITIONAL USES

- A. Non-profit public or private facilities such as school, churches, cemeteries, libraries, parks, recreational facilities, hospitals, and institutions.

- B. Any use which will impede the flow of traffic on U.S. 23, Ky 114 and Ky 321 may be brought before the Planning Commission for acceptance as a conditional use.

#### 4.243 CONDITIONS

Prohibited Uses: All uses not heretofore permitted. Except for 4.222(c) are hereby prohibited in this district. In doubtful cases, the Board of Adjustment will make a determination.

Parking shall be arranged so that: 1) parking vehicles do not block the view of intersection, and 2) vehicles do not back out onto any highway when leaving.

#### 4.25 ACCESSORY STRUCTURES AND USES PERMITTED

- A. Dwelling units for the owner or guardian of the commercial property occupying the same building as the principal commercial use. In no case should there be more than one dwelling unit per building.
- B. Garage or other building not used as a dwelling and accessory to the principal use.
- C. Wholesale of merchandise or services which is clearly incident and subordinate to the principal retail use on the premises.
- D. This section shall apply to all provisions of Section 4.2 up to this section.

#### 4.26 SPECIAL REGULATIONS

- A. There shall be no outdoor storage of merchandise and no outdoor processing in any commercial district unless such storage is temporary, or customary for the permitted use (as car sales) or authorized as a conditional use. All above ground structures accessory to any outdoor use shall be located at least twenty-five (25) feet from from lot lines.
- B. All uses in commercial districts shall exhibit performance standards equal to or better than those which define light

industry.

- C. This section shall apply to all provisions of Section 4.2 up to this section.

#### 4.27 DIMENSION AND AREA REGULATIONS

The regulations of the dimensions and area for lots and structures are set forth in the Schedule of Dimensions and Area regulations on page 36. The applicable regulations shall be observed in all commercial districts except that residential uses in the C-1 zone shall be required to conform with the R-2 residential area and density requirements.

### 4.3 INDUSTRIAL DISTRICT

The following regulations shall apply in industrial districts as indicated:

#### 4.31 I-1 LIGHT INDUSTRY - PERMITTED USES

- A. Non-retail commercial
- B. The manufacture, fabrication or processing of any commodity or product that can meet the requirements of the definition of light industry in 2.115.
- C. The retail sale of any product or article manufactured, fabricated or processed in accordance with 4.31-B.
- D. The retail sale of construction materials including but not limited to lumber, rock, gravel, and articles of a similar or a like nature.
- E. Freighting or trucking yard or terminal.
- F. Research laboratories.

#### 4.311 CONDITIONAL USE

Any other use, which can be shown to the Board of Adjustment, that will meet the requirements of the definition of light industry, as found in Section 2.115, but not specifically prohibited in this section, may be located in this district with the approval of the Board of Adjustment.

SCHEDULE OF DIMENSION AND AREA REGULATIONS (CONTINUED)

DISTRICT	MAXIMUM HEIGHT OF BUILDINGS	MINIMUM LOT AREA WHEN SERVICED BY PUBLIC SANITARY SEWER (SQ. FT.)	MAXIMUM PERCENTAGE OF LOT AREA WHICH MAY BE COVERED BY ALL BUILDING	MINIMUM LOT WIDTH AT BUILDING LINE (FEET)	MINIMUM SIDE YARD COMBINED (FEET)	MINIMUM REAR YARD (FEET)	MINIMUM FRONT YARD SET BACK (FEET)*
C-1 Neighborhood	50'	Not Applicable	75%	50FT.	20 on side adjacent to a different zoning district	25FT.	15FT.
C-2	50'	Not Applicable	50%	50FT.	15' but 50' on side adjacent to a residential zoning district	'25 if backing on a residential district	
C-3	60FT. or 5 stories	Not Applicable	90%	Not Applicable	Twice the indicated setback on side adjacent to different district whichever is greater	Not Applicable	Not Applicable
C-4 Highway	60 FT.	Not Applicable	40%	100	15	Not Applicable	25 FT.

\* Front yard setback may be averaged by adjoining buildings. If only one, average of 15' and the existing building



SCHEDULE OF DIMENSION AND AREA REGULATIONS (CONTINUED)

<u>DISTRICT</u>	<u>MAXIMUM HEIGHT OF BUILDING</u>	<u>MINIMUM LOT AREA WHEN SERVICED BY PUBLIC SANITARY SEWER (SQ. FT.)</u>	<u>MAXIMUM PERCENTAGE OF LOT AREA WHICH MAY BE COVERED BY ALL BUILDING</u>	<u>MINIMUM LOT WIDTH AT BUILDING LINE (FEET)</u>	<u>MINIMUM SIDE YARDS COMBINED (FEET)</u>	<u>MINIMUM REAR YARD (FEET)</u>	<u>MINIMUM FRONT YARD SET BACK (FEET)</u>
1-1 LIGHT	50FT.	Not Applicable	40%	Not Applicable	15FT.	20FT.	N/A
1-2 HEAVY	100FT.	Not Applicable	40%	Not Applicable	25FT.	25FT.	N/A

#### 4.32 I-2 HEAVY INDUSTRY - PERMITTED USES

- A. Any use permitted in the I-1 district.
- B. Any use which meets the requirements of the definition of heavy industry in Section 2.115 of this document.

#### 4.33 ACCESSORY STRUCTURES AND USES PERMITTED

- A. Signs identifying the industrial activity on the same premises.
- B. Dwelling unit for caretaker or watchman employed by the industrial firm.
- C. Garages and other buildings and uses accessory to the principle use.
- D. Planned-development project for industrial use only. The procedure under Section 2.32 shall be followed.

#### 4.34 CONDITIONAL USES

- A. Sanitary landfill for refuse disposal shall be in conformance with the standards set forth by the Kentucky Department of Natural Resources and Environmental Protection Cabinet.
- B. Extraction, storing, and processing of minerals or raw materials. The Planning Commission may attach special conditions necessary to protect neighboring premises from the undesirable effects of such operation. The Planning Commission shall require a written agreement from the owners of the operation that, upon termination, the land shall be reclaimed as nearly to its original state as is practical.
- C. The Planning Commission may require agreement that topsoil shall be replaced, vegetative cover replaced, and other conditions conformed with. This agreement shall be filed permanently with the applications for a conditional use.

SCHEDULE OF DIMENSION AND AREA REGULATIONS

DISTRICT	MAXIMUM HEIGHT OF BUILDINGS	MINIMUM LOT AREA WHEN SERVICED BY PUBLIC SANITARY SEWER (SQ. FT.)	MAXIMUM PERCENTAGE OF LOT AREA WHICH MAY BE COVERED BY ALL BUILDINGS	MINIMUM LOT WIDTH AT BUILDING LINE (FEET)	MINIMUM SIDE YARDS COMBINED (FEET)	MINIMUM REAR YARD (FEET)	MINIMUM FRONT YARD SET BACK (FEET)
R-1	30FT.	7,500	50%	75 FT.	12(5'MIN.)	25FT	25FT
R-2	30FT.*2	5,000	50%	50 single family dwellings-100 double family units.	10FT.(5'MIN) 20FT. Accessory buildings shall be 5' from all lot lines and all other buildings.	25FT.	25FT.
R-3	5 stories (60 FT.)*3	5,000 1,000 additional sq.ft. for each dwelling unit.	75%	50FT.	10FT.	10FT.	15FT.

- \* 1 The frontyard setback shall not be used in meeting the parking requirements set forth in the ordinance for residential districts.
- \* 2 Height of buildings may be increased up to 50 feet provided each side yard is increased by the same amount over the required yard minimum that the building heights is increased over the three story height maximum.
- \* 3 Residential uses in Commercial Zones must conform with the dimension and area regulations of the R-2 zone. Plus one foot of additional height for each linear foot of added setback on all sides, to a maximum height of fifty feet.

#### 4.35 DIMENSION AND AREA REGULATIONS

The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimension and Area Regulations on Page 35. The applicable regulations shall be observed in all industrial districts.

#### 4.4 SIGNS AND OUTDOOR ADVERTISING

- 4.41 The provisions of this section are made applicable to all zone districts in Sections 4.2 and 4.3 unless otherwise specified.
- 4.42 Any outdoor commercial advertising or promotional signs (as defined in Section 2.13) which is capable of free standing (billboard) shall be permitted only in zones I-1, I-2, and C-4 and shall be considered a business use.
- 4.43 All signs and other advertising devices (with the exclusion of billboards) are permitted in zones C-1, C-2, C-3, C-4, I-1, and I-2, provided, however, that they meet all the requirements and regulations that apply to that zone and that they also shall only advertise or make known a use or uses that are conducted on the premise that the sign is located.
- 4.44 Unless expressly stated hereafter, no advertising device shall be placed, fixed, secured, or by any other method, attached to any structure or any parcel of land in a residential zone.
- 4.45 Only one (1) sign may be erected for each street facing, or by any other method, attached to a building in a zone in which it is permitted, which advertises the primary service, commodity, function or nature, of the business or industry that it advertises. This sign or display shall not exceed twelve (12) square feet and shall not be closer than ten (10) feet to the street right-of-way.
- 4.46 In any residential zone, a sign which advertises a business or profession, which meets the requirements for a home occupation shall not exceed two (2) square feet in area and shall be located no closer than five (5) feet to the street right-of-way and shall not obstruct the view of traffic or operators of a motor vehicle.

- 4.47 Unless specifically specified above, any individual, whether he be person or firm, before erecting or by any other method, constructs a sign or advertising device shall apply for and obtain a building permit that shows that the sign or device is in conformance with this ordinance.
- 4.48 Flashing lights, moving signs, portable signs, banners, pennants, and "A" frame signs, or any light unshielded from a public street dwelling are prohibited.
- 4.49 No sign, design, or device that constitutes a nuisance either because of its content or operation shall be allowed.

#### 4.5 REGULATIONS OF SIGNS OR ADVERTISING DEVICES BY ZONES

##### 4.51 C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

- A. No billboards are to be erected, or by any other means, means, attached to any premise in this zone.
- B. Two (2) signs or devices indicating the name and/or type of business conducted are permitted for each place of business. Only one (1) free-standing sign is permitted.
- C. These signs shall not exceed twenty (20) square feet unless they are detached from the building and not less than ten (10) feet from the nearest right-of-way line.
- D. No sign or light which causes light and glare problems for neighboring residential properties shall be permitted.

##### 4.52 C-2 GENERAL BUSINESS DISTRICT

- A. Any sign permitted and/or not expressly prohibited in 4.51 or 4.48 is allowed in this zone.
- B. Signs not larger than thirty (30) square feet and not more than two (2) per commercial establishment are permitted.

##### 4.53 C-3 CENTRAL BUSINESS DISTRICT

The provisions in Section 4.52 shall apply for this zone.

##### 4.54 C-4 HIGHWAY BUSINESS DISTRICT

- A. All signs permitted in Section 4.53.
- B. A written release from the restrictions of Section 4.53 may be obtained provided the following requirements are met:
  - 1. That no sign project more than seven (7) feet from building to which it is attached.
  - 2. That a detached sign shall be at least ten (10) feet from the nearest right-of-way and at least ten (10) feet from the side lot lines, and,
  - 3. That the sign not exceed a total of one hundred (100) square feet.
- C. This written release will only be granted when determination that the sign would not deter any of the surrounding areas.
- D. Billboards may be included in this zone.

#### 4.55 I-1 LIGHT INDUSTRIAL DISTRICT

- A. Signs permitted in zone C-4.
- B. The provisions of Section 4.54-B are applicable to this zone provided that all yard requirements and setback regulations for this zone are met.

#### 4.56 I-2 HEAVY INDUSTRIAL DISTRICT

All provisions of Section 4.55 apply to this zone.

### 4.6 FLOOD PLAIN DISTRICT

The specific intent of this district is to impose certain restrictions made necessary for the flood plain area in order to ensure the health, safety and welfare of the residents of the community.

- 1. To control the erection of buildings in areas unfit and potentially hazardous for human usage by reason of danger from flooding, unsanitary and potentially hazardous conditions and other hazards.
- 2. To minimize the danger to public health by protecting the water supply and promoting safe and sanitary drainage.

3. To permit only those use in the flood plain compatible to the preservation of natural conditions which are conducive to the maintenance of constant rates of water flow throughout the year by; withholding rapid water runoff contributing to downstream flooding and providing area for groundwater absorption for maintenance of the subsurface water supply.

#### 4.61 PERMITTED USES

- A. The Flood Plain District is superimposed over other zoning districts, therefore, the uses permitted in the zoning district (residential, commercial, industrial or special) are those permitted in the Flood Plain District.
- B. All agricultural uses which would not endanger the life or permanent structures involved in carrying out this form of employment such as grazing, farming, livestock and poultry raising, etc.
- C. Dams, power plants, water measurement and control facilities and utility transmission lines.
- D. Parking Areas.
- E. Open recreation uses such as parks, playgrounds, sports fields, boat landings and fishing areas.
- F. Wildlife preservations.

#### 4.62 USES EXPRESSLY PROHIBITED

- A. Any on-site sewage disposal system
- B. Dumps, sanitary land fills and junkyards.
- C. Structures failing to meet the precautionary measures established by the National Flood Insurance Program.

#### 4.7 HISTORIC DISTRICT

#### SCHEDULE OF DIMENSION AND AREA REGULATIONS (CONTINUED)

1. The following additional requirements are imposed in the case of the following transition zones:



- A. In retail and commercial districts parking areas which adjoin a residential zone must be shielded by walls, shrubs, or trees along the boundary line.
- B. In industrial districts adjoining a residential zone, a 25' landscaped buffer strip along the boundary line cannot be used for actual manufacture but must be reserved for less objectionable uses, for example, an administrative building or screened parking lot.
- C. In non-residential lots which are back to back with residential, 30 feet deep rear yards are prescribed, though a single story rising not more than 23 feet above curb level may extend to the rear lot line.

## SPECIAL ZONING DISTRICTS

### INTRODUCTION

These special zoning districts may separately be established in specific areas after a public hearing and after a planning and policy decision to apply such classification to a particular area. The Comprehensive (or General) plan should recommend the specific areas for these special zoning classifications. The next step is to devise specific development (or nondevelopment) regulations in the Zoning Ordinance. Both of these steps require a public hearing and adoption by the appropriate legislative bodies. The districts marked with an asterisk indicate classifications that may be superimposed over another district.

### AGRICULTURAL AND FARM DISTRICTS

May be of the exclusive type or the cumulative type. Agriculture is the primary use. Other uses are secondary and accessory. Also permitted can be certain public and semi-public uses. Cumulative-type farm zoning districts can often serve as transition zones



from agriculture to residential uses, including subdivisions. The transition may be facilitated by lowering lot size requirements. Usual minimum tract requirements for farm districts range from 10 to 80 acres.

### FORESTRY DISTRICTS

Generally located in the Northwestern U.S. developed from large acreage which is marginal for farming but valuable for forestry. Zoning is of the exclusive type. Such zones add to the recreational attraction of the area.

### RECREATIONAL DISTRICTS\*

Primary use is for variety of recreational activities. This type of district can be used to protect and preserve mountainous, riverbank, lakeshore, or other areas that have natural or potential recreational features. Permitted uses can be agriculture, forestry, institutional uses, and limited commercial recreational uses.

#### WATERSHED DISTRICTS\*

Watershed districts reserve mountainous and hilly land for water production, forestry, wildlife, and recreation. Their purpose is to protect water sources and to avoid loss from improper use of land that has high water tables and is subject to periodic flooding. Forestry, agriculture, and grazing are deemed desirable principal uses. The types of recreation that need large acreages are suitable secondary uses.

#### OPEN-SPACE DISTRICTS\*

Open-space districts are used to reserve rural areas on the urban fringe for future generations, to provide permanent open space. Usually crop and tree farming may be allowed along with grazing and recreational activities.

#### HISTORIC DISTRICTS\*

Such districts are used to protect buildings, places, and lands that are of historical or cultural importance. Such districts help to safeguard our heritage and serve cultural, educational, and recreational ends. The regulations pertain to buildings and structures of some significant architectural period. The concern is with exterior features only, mainly design, arrangement, texture, materials, and color. No changes can be made without approval from a review board.

### ARTICLE V

#### ADMINISTRATION

##### 5.1 ENFORCEMENT OFFICER

The City Council shall designate and appoint an Enforcement Office or Officers who shall be charged with and provided with the authority to enforce the ordinances, regulations, and orders of the Planning Commission and City Council and to issue zoning permits and certificates of occupancy. The Enforcement Officer (s), in the performance of his (their) duties and functions, may enter upon any land and make examinations and surveys that do not occasion damage or injury to private property and present his findings to the Planning Commission.

##### 5.2 BUILDING PERMITS

## 5.21 REQUIRED PRIOR TO CONSTRUCTION OR ALTERATION

It shall be unlawful to commence construction or alteration of any structure until the Enforcement Officer has issued a building permit authorizing such work except as specified in Sections 2.81 and 5.22 of the Zoning Ordinance. The City Council may establish a schedule of reasonable fees to be charged for the issuance of building permits.

## 5.22 EXCEPTIONS

Other than contractor's occupational fees, no building permit or certificate of occupancy shall be required in the following cases.

- A. Recurring maintenance work regardless of cost.
- B. Installation of required improvements according to an approved preliminary subdivision plat or planned-development plat.
- C. Those structures and uses exempted by Section 2.81.

## 5.23 PROCEDURE

- A. Application. In applying to the Enforcement Officer for a building permit, the applicant shall submit a plan along with the application, drawn to scale, showing the dimensions of the lot to be built upon, the outside dimensions of all structures to be constructed or altered and all existing structures, the use of all structures, yard depths, and any other information necessary for determining conformance with the Zoning Ordinance. The County Health Officer's certificate approving proposed water and sewerage facilities must accompany applications according to paragraph 2.43 of the Zoning Ordinance.
- B. Permanent file. The Enforcement Officer shall keep a permanent file of all applications with accompanying plans and all permits issued.
- C. Issuance. If the proposed construction or alteration conforms with all applicable provisions of the Zoning Ordinance and all other applicable ordinances, regulations and codes, the Enforcement Officer shall issue building permit authorizing such construction or alteration. If the proposed construction or alteration fails to conform, the Enforcement Officer shall act upon applications for building permits within one week from the date of their submission.

- D. **Validity.** The issuance of a building permit by the Enforcement Officer shall not waive any provision of the Zoning Ordinance.
- E. **Duration.** A building permit shall become void six months from the date of issuance unless substantial progress has been made by that date on the construction or alteration authorized therein. A building permit may be renewed without fee upon review by the Enforcement Officer before it becomes void.

### 5.3 CERTIFICATES OF OCCUPANCY

#### 5.31 REQUIRED PRIOR TO OCCUPANCY, CHANGE OF USE, AND UNDER OTHER CONDITIONS.

It shall be unlawful to use any newly erected or altered structure or to change the use of any premises even though no structure was erected or altered until the Enforcement Officer has issued a certificate of occupancy authorizing such use except as specified in Sections 2.81 and 5.22 of the Zoning Ordinance. The Planning Commission may authorize the Enforcement Officer to require that nonconforming uses or any existing uses shall maintain valid certificates of occupancy identifying them as nonconforming or permitted uses as applicable. The City Council may establish a schedule of reasonable fees to be charged for the issuance of certificates of occupancy.

#### 5.32 PROCEDURE

- A. **Application.** In applying to the Enforcement Officer for a certificate of occupancy, the applicant shall notify the Enforcement Officer in writing of the date on which the use of any new or altered structure or the new use of any premises will be ready to commence. The State Plumbing Inspector's certificate must accompany applications according to paragraph 2.43 of the Zoning Ordinance.
- B. **Permanent file.** The Enforcement Officer shall keep a permanent file of all applications and all certificates issued.
- C. **Issuance.** If the newly erected or altered structure and the new use of premises conform with all applicable provisions of the Zoning Ordinance and all other applicable ordinances, regulations, and codes, the Enforcement Officer shall issue a certificate of occupancy authorizing

the use thereof. If the structure or use fails to conform, the Enforcement Officer shall refuse to issue a certificate of occupancy and shall deliver written notice to the applicant stating the reasons for the refusal. The Enforcement Officer shall inspect a new structure or the premises for which a new use is proposed and shall issue or refuse a certificate of occupancy within five days after the date on which the new use is ready to commence.

- D. Validity. The issuance of a certificate of occupancy by the Enforcement Officer shall not waive any provision of the Zoning Ordinance.

## 5.4 BOARD OF ADJUSTMENT

### 5.41 APPOINTMENT AND ORGANIZATION

A Board of Adjustment (hereinafter known as the Board) shall be appointed and organized in conformance with the Kentucky Revised Statutes, Section 100.217.

### 5.42 POWERS AND DUTIES

The Board shall have the following powers and duties:

- A. Bylaws. The Board shall adopt bylaws in compliance with KRS Chapter 100 for its own government.
- B. Administrative review. The Board shall hear and decide upon appeals from decisions of the Enforcement Officer. The Board shall decide on questions involving literal interpretations of the Zoning Ordinance, shall interpret the amount of off-street parking, loading and unloading space required according to Section 2.71 through 2.73, and shall ~~make only those other interpretations and decisions specifically~~ delegated to it by the provisions of the Zoning Ordinance.
- C. Conditional Uses. The Board shall have the authority to approve or disapprove applications for conditional uses in conformance with Section 2.33 of the Zoning Ordinance.
- D. Variances. The Board may vary the strict application of only the dimension and area regulations provided that unique conditions prevent strict conformance and would thus deprive the owner of the reasonable use of his premises. The Board shall not grant a variance unless all of the following general conditions are met:

1. Physical conditions are unique to the lot or structure in question and do not apply to neighboring lots or structures in the same district.
  2. Strict application of the dimension and area regulations would deprive the owner of the reasonable use of his lot or structure equivalent to the use of neighboring lots and structures in the same district.
  3. The unique conditions are not the result of actions taken after the adoption of the Zoning Ordinance.
  4. The granting of the variance will be in harmony with the intent of the Zoning Ordinance and will not be detrimental to any neighboring premises.
- E. Special Variances. The Board may grant a variance when the following special condition is present in lieu of the four general conditions listed above:

If an undeveloped lot of record existing before October 1, 1968, is too small to allow conformance with the dimension and area regulations and if the owner has owned no adjoining land since October 1, 1968, the Board may grant a variance to allow the owner the reasonable use of his premises. When adjoining under-sized lots of record are under the same ownership, they shall not be used or sold separately except in conformance with the dimension and area regulations of the Zoning Ordinance.

#### 5.43 PROCEDURE

An application to the Board for an original interpretation or decision or and appeal from a decision of the Enforcement Officer shall be made in writing on forms prescribed by the Board. An appeal must be filed within thirty days after the Enforcement Officer has refused a zoning permit or certificate of occupancy, or the right of appeal shall be waived. The Enforcement Officer shall transmit to the Board the complete record of the decision appealed. The Board shall hold a public hearing at which all pertinent evidence concerning the interpretation, decision, or appeal shall be examined, and the Board shall make its decision within two weeks 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 Ordinance. 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. KRS 100 shall also be used to determine the limits of authority.
- B. Special conditions: The Board may attach special conditions to any decision it is authorized to make to ensure that the intent of the Zoning Ordinance 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.

## 5.5 CLARIFICATION OF ADMINISTRATIVE JURISDICTIONS

The following is a recapitulation of the agencies with jurisdiction and the extent of their jurisdictions concerning administration of the Zoning Ordinance.

- A. The Enforcement Officer has initial authority for the literal enforcement of the Zoning Ordinance. He has no discretionary authority to allow any departure from the literal conformance with the Zoning Ordinance.
- B. The Board of Zoning Adjustment has jurisdiction over conditional use permits and authority to hear appeals from decisions by the Enforcement Officer and to make Literal interpretations of the pertinent provisions to correct any possible misinterpretation by the Enforcement Officer. The Board also has the authority to make only those initial discretionary interpretations and decisions and allow only those departures from literal conformance which are specifically delegated to it. The Board has authority to allow special uses.
- C. The Circuit Court has jurisdiction to determine all questions and issues properly brought before it on appeal from decisions of the Board of Adjustment or the Planning Commission according to the Kentucky Revised Statutes Chapter 100.347.
- D. The Planning Commission, in addition to its other primary responsibilities concerning adoption and amendment of the Zoning Ordinance and sub-



division plat review and approval, has the authority and responsibility for approval or disapproval of planned-development projects. This responsibility - like subdivision plat review - involves guiding the initial conversion of open or agricultural land to developed land, including the proper arrangement of streets in relation to other existing or planned streets, provision of adequate open space, and the avoidance of congestion, etc., and is consequently equivalent to the Planning Commission's primary responsibility for subdivision plat review and approval.

## 5.6 VIOLATIONS

### 5.61 REMEDIES

The Enforcement Officer shall issue notice to violators of all violations of the Zoning Ordinance and shall order that such violations cease. In case of possible violation where the Enforcement Officer cannot determine if there is a literal violation, he shall apply to the Board of Adjustment for an interpretation. If necessary, the City Attorney and any property owner or occupant who would be damaged by a violation may institute appropriate action in court to eliminate the threat of existence of any violation of the Zoning Ordinance in accordance with Kentucky Revised Statutes.

### 5.62 PENALTIES

Fines and other penalties may be imposed upon violators according to the provisions of Kentucky Revised Statutes, Paragraph 100.991.

## ARTICLE VI

### AMENDMENTS

#### 6.1 APPLICATIONS FOR AMENDMENTS

##### 6.11 BY WHOM MADE

Any person, firm, corporation or political subdivision may apply for an amendment to this ordinance.

##### 6.12 TO WHOM MADE

The applicant petitions the Planning Commission through the City Clerk to amend the ordinance.

#### 6.2 PROCEDURE

To make any amendment to this zoning ordinance, either to the text or to the map, the following procedure shall be followed. If any given use is not permitted in a given zoning district by the provisions of this ordinance, it may not be permitted by any agency unless the zoning ordinance is amended according to the amendment procedure.

#### 6.21 FILING THE APPLICATIONS

All applications for amendments to this ordinance shall be filed in writing with the municipality.

#### 6.22 CONTENTS OF APPLICATIONS

Without in any way limiting the right of file additional material, no application for amendment to this ordinance will be considered unless it contains:

- A. At least the applicant's name, address, and interest in the application, and the name, address, and interest of every person, firm, corporation or political subdivision represented by the applicant in the application.
- B. The description of the proposed amendment.
- C. A plat showing the land area which would be affected by the proposed amendment, the present zoning classification of the area and of all abutting properties, all public and private rights-of-way and easements bounding and intersecting the designated area and abutting properties, all public and private rights-of-way and easements bounding and intersecting the designated area and abutting properties.
- D. The error in the original classification, or evidence of significant change in the area of the zone change, as required in K.R.S. 100, or evidence that the change is necessary for the promotion of the public health, safety, or general welfare.

#### 6.23 REVIEW BY PLANNING COMMISSION OR HEARING EXAMINER

- A. Upon receipt of an application for an amendment, properly and completely made as herein set forth, the Planning Commission or Hearing Examiner, which, after examination of the application, may require if considered necessary, that the applicant furnish additional information of a pertinent and reasonable nature.

- B. The Planning Commission shall hold at least one public hearing on the proposed amendment. At least seven (7) to fourteen (14) days before the hearing one notice shall be published in a paper of general circulation in the city, stating the time, place and purpose of the hearing.
- C. Following the public hearing, and after due consideration of the proposed amendment, the Hearing Examiner shall forward written notice of his findings and recommendations concerning the application to the Planning Commission along with the application. The Planning Commission shall act upon the report of the Hearing Examiner within thirty (30) days of the receipt of his report; otherwise, his recommendations will be forwarded to the City Council for final action. The Council shall act upon the change within thirty (30) days after receipt of the recommendation from the Planning Commission or Hearing Examiner.

### 6.3 FEES

The Planning Commission may establish a schedule of reasonable fees to be paid by the applicant for a zoning amendment.

### 6.4 PLANNED DEVELOPMENT DISTRICT AMENDMENT

If a planned development project is proposed which includes a use not permitted in the district containing the proposed location, the amendment procedure may be initiated after conditional approval of the preliminary plat. A map amendment may be made to designate the proposed location as a planned development district. Thereafter the planned-development-project procedure shall be followed, and the map amendment, if approved by the Planning Commissions in conformance with Section 2.32 of this ordinance.

### 6.5 CURRENCY OF ZONING MAP

The Planning Commission Chairman shall insure 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 the map.

### 6.6 CURRENCY OF ZONING ORDINANCE

The Planning Commission Chairman shall insure that all zoning amendments are noted on all filed and/or official copies of the zoning ordinance.

- 6.7 It shall be the duty and responsibility of the Planning Commission to review all applications for a building permit in all areas of mixed land use. (ie. residential areas in a commercial zone. The Planning Commission will either grant or deny the development based on evidence relating to pollution, noise, dust, dirt, smoke, etc. If the proposed building is not in the best interests of the surrounding area, the permit will be denied.

## ARTICLE VII

### LEGAL STATUS

#### 7.1 CONFLICT WITH OTHERS INSTRUMENTS

In case of conflict between this ordinance or any part thereof and the whole or part of any existing or future ordinance of the City of Prestonsburg or the whole or part of any existing or future private covenants or deeds, the most restrictive in each case shall apply.

#### 7.2 VALIDITY

If any provision of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this ordinance.

#### 7.3 REPEALER

Any previously adopted ordinance entitled Zoning Ordinance for the City of Prestonsburg, Kentucky, together with all amendments thereto, is hereby repealed and declared to be of no effect.

#### 7.4 EFFECTIVE DATE

This ordinance shall take effect and be in force immediately after its adoption.

Adopted this 22<sup>nd</sup> day of March, ~~1998~~ 1999

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

