

City of Paducah



Zoning Ordinance

May 2017

Zoning Ordinance

Chapter 126

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***Cross references**—Any ordinance amending the zoning map or zoning or rezoning specific property saved from repeal, § 1-11©(9); buildings and building regulations, Ch. 18; community planning and development, Ch. 34; environment, Ch. 42; floods, Ch. 50; planning; Ch. 82 signs,

Ch. 90; streets, sidewalks and other public places, Ch. 98; subdivisions, Ch. 102; utilities, Ch. 114.

City of Paducah

Zoning Ordinance

Chapter 126

ARTICLE I. IN GENERAL

Sec. 126-1. Purpose and scope of chapter.

- (a) An ordinance of the city hereby establishes comprehensive zoning regulations and provides for the administration, enforcement and amendment thereof, in accordance with the provisions of KRS Ch. 100, enacted by the Legislature of Kentucky and for the repeal of all laws in conflict herewith. (Code 1968, app. A, § 10)
- (b) The city does hereby ordain and enact into law the following zoning regulations in pursuance of authority conferred by KRS Ch. 100, as amended, and for the purpose of promoting the health, safety, morals, convenience, order, prosperity or general welfare of the city, and in accordance with a comprehensive plan, designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers, to provide for adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, being made with reasonable consideration, among other things, of the character of the district and its peculiar suitability for particular uses and with a view of promoting desirable living conditions and the sustained stability of neighborhoods, protecting property against blight and depreciation, securing economy in governmental expenditures, conserving the value of buildings and encouraging the most appropriate use of land, buildings and other structures throughout.

(Code 1968, app. A, § 11; Ord. No. 76-10-1339, 10-26-76; Code 1996, § 156.001)

Sec. 126-2. Title of chapter.

This chapter shall be known and may be cited as "The Paducah Zoning Code."

(Code 1968, app. A, § 12; Ord. No. 76-10-1339, 10-26-76; Code 1996, § 156.002)

Sec. 126-3. Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Accessory building and rise. A subordinate building located on the same lot with the principal building, or a subordinate use of land, either of which is customarily incidental to the principal building or to the principal use of the land. Where part of the wall of an accessory building is a part of the wall of the principal building in a substantial manner as by a roof, such accessory building shall be counted as part of the principal building. Local public utility, communication, electric distribution and secondary power lines, gas, water and sewer lines, their supports and poles, guy-wires, small transformers, wires or cables and incidental equipment and public telephone booths are considered accessory buildings or structures.

Accessory living quarters. Living quarters within an accessory building, for the sole use of persons employed on the premises, such as quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

Alley. A permanent public service way providing a secondary means of access to abutting lands.

Arterial highway strip commercial. Commercial uses which front on the designated U.S. highways in either the B-1 or the HBD zone classifications.

Automobile service station. An establishment with the primary business function of the retail sale of gasoline for passenger car use and the minor service and repair work incidental to the operation of passenger automobiles.

Bed and Breakfast. A bed and breakfast is an owner managed and occupied residential structure used as a lodging establishment where a room or rooms are rented on a nightly basis and in which only breakfast is included as part of the basic compensation.

Block frontage. All the property fronting on one side of a street between intersecting streets, or between a street and a right-of-way of a dead-end street or city boundary, measured along the street line.

Board. The Paducah City Board of Adjustment, Paducah, Kentucky.

Building. Any structure having enclosed space and a roof for the housing or enclosure of persons, animals or chattels.

Building area. The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, unenclosed porches not exceeding one story in height or architectural appurtenances projecting not more than two feet.

Building, detached. A building having no party wall in common or structural connection with another building.

Building, front line of. The line of the face of the building nearest the front lot line.

Building, height of. The vertical distance from the average contact ground level at the front wall of a building to the highest point of the coping of a flat roof to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable and hip or gambrel roofs.

Building line. The line nearest the front and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the front lot line.

Building, nonconforming. A legally existing building which fails to comply with the regulations set forth in this chapter applicable to the zone in which this building is located.

Building, principal. A building in which is conducted the main or principal use of the lot on which said building is situated. Where a substantial part of an accessory building is attached to the principal building in a substantial manner as by a roof, such accessory building will be counted as a part of the principal building.

Building, semidetached. A building having one party wall in common with an adjacent building.

Business. The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or service, the maintenance or operation of offices, or recreational and amusement enterprises.

Campground. Any area or tract of land used to temporarily accommodate two or more camping parties, including cabins, tents, house trailers or other camping outfits.

Carport. A structure consisting of a roof and either walls or columns for the purpose of housing automotive vehicles and other chattels. Said structure shall be considered a building.

Cemetery. Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

City. The City of Paducah, Kentucky.

Clinic or medical health center. An establishment where patients are admitted for special study and treatment by two or more licensed physicians and/or dentists and their professional associates, as distinguished from a professional office for general consultation purposes.

Commission. The Paducah City Planning Commission.

Conditional use. A use which would not impair 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 regulations.

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:

- (1) A statement of the factual determination by the Board of Adjustment which justifies the issuance of the permit.
- (2) A statement of the specific conditions which must be met in order for the use to be permitted.

Convalescent or nursing home. An establishment which provides full-time convalescent or chronic care, or both, for four or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. Neither care for the acutely ill nor surgical or obstetrical services shall be provided in such a home. A hospital or sanitorium shall not be construed to be included in this definition.

Corporation Counsel. The Corporation Counsel of the city or any assistant or special corporation counsel of the city.

County. The County of McCracken, Kentucky.

Court. An open unoccupied space on the same lot with a building or group of buildings and bounded on three or more sides by such building or buildings.

Court, inner. Any court other than an outer court. The width of an inner court is its least horizontal dimension measured between opposite walls. The length of an inner court is its greatest horizontal dimension measured at right angles to its width.

Court, outer. A court which opens on any yard on the lot or which extends to any street line of the lot. The width of any outer court is its least horizontal dimension measured between opposite walls. The depth of any outer court is its greatest horizontal dimension measured at right angles to its width.

Development plan. Written and graphic material for the provision of a development plan, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing manmade and natural conditions, and all other conditions agreed to by the applicant.

Dwelling. A building, or portion thereof, used primarily for residential occupancy, including one-family and multiple dwellings, but not including hotels, motels or bed and breakfast.

Dwelling, assisted care. A building, or portion thereof, and consisting of five or more bedrooms used for residential occupancy by a group. The dwelling is characterized by renters with separate bedrooms for sleeping and that there are shared common areas for reception, recreation, living, cooking, laundry and the like. The unit is further signified by the presence of an employee(s) that provide various services such as housekeeping, maintenance, cooking, security, personal care and transportation. This definition is distinguished from, and is intended not to conflict with, KRS 100.982 and 100.984.

Dwelling, multiple. A building, or portion thereof, used for occupancy by three or more families living independently of each other.

Dwelling, one-family. A building used for residential occupancy by one family.

Dwelling, two-family. A building, or portion thereof, used for occupancy by two families living independently of each other.

Dwelling unit. A dwelling, or portion of a dwelling, used by one family for cooking, living and sleeping purposes.

Educational institution. A preprimary, primary, or grammar, public, parochial or private school; a high school, preparatory school or academy, public or founded or owned or conducted by or under the sponsorship of a religious or charitable organization, a private preparatory school or academy furnishing courses of instruction substantially equivalent to the courses offered by public high schools for preparation of admission to colleges or universities which award BA or BS degrees; a junior college or university, public or founded or conducted by or under the sponsorship of a religious or charitable organization or a private school when not conducted as a commercial enterprise for the profit of individual owners or stockholders. This definition shall not be deemed to include trade or business schools as defined in this section.

Effective date hereof. Date of the adoption of this chapter [October 26, 1976].

Enforcement officer. The Building Inspector of the city.

Family. One or more persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include servants.

Fence. A man-made structure consisting of wood, metal, wire, mesh, masonry or other man-made material.

Floor area ratio. The floor area of the building divided by the area of the lot.

Garage, private. A detached accessory building or portion of a main building, used for the storage of self-propelled vehicles, where the capacity does not exceed three vehicles per family housed in the building to which such garage is accessory and not more than one-third of the total number of vehicles stored in such garage shall be commercial vehicles. Storage space for not more than three vehicles may be rented for vehicles of other than occupants of the building to which such garage is accessory.

Garage, public. Any building or premises, except those defined herein as a private garage, used for the storage or care of motor vehicles, or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

Groundfloor area. The square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of open porches, breezeways, terraces, garages, exterior stairways and secondary stairways.

Heliport. A facility for helicopters to take off and land.

Home occupation or profession. Any use conducted entirely within a dwelling and carried on solely by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling purposes and does not change the character thereof, and in connection with which there is no display, no stock in trade or outside storage of equipment nor commodity sold upon the premises and not more than two persons are to engage in such occupation. In no event shall a barbershop, beauty shop, tearoom, Bed and Breakfast or animal hospital be construed to be a home occupation.

Hospital. Includes sanitarium, preventorium and clinic, provided such institution is operated by or treatment given under the direct supervision of a physician licensed to practice by the State of Kentucky.

Hotel or motel. A building, or portion thereof, or group of buildings in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a lodging house.

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

Industry, light. Those industries who's processing of products results in none of the conditions described for heavy industry.

Junkyard. Any place at which personal property is, or may be salvaged, for reuse, resale, reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or sorted, including, but not limited to, use of salvaged base metal or metals, their compounds or combinations; or used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property which are used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

Kennel. Any lot or premises on which dogs or small animals are kept for commercial or sale purposes. A noncommercial kennel at, in or adjoining a private residence where hunting or other dogs are kept for the hobby of the householder (i.e., hunting, tracking or exhibiting) or for guarding or protecting the householder's property is permitted in residential zoning districts, provided that such dogs or small animals do not constitute a nuisance to the neighborhood.

Loading and unloading berths. The off-street area required for the receipt of or distribution by vehicles of material or merchandise, which in this chapter is held to be a 12-foot by 50-foot loading space with a 14-foot height clearance, paved with a suitable dust preventative or hard surface.

Lodging house. A building with more than two but not more than five guest rooms where lodging with or without meals is provided for compensation for a period of time not to exceed six months for each guest.

Lot. A piece, parcel, plot, tract or area of land occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incidental to it, and including the open spaces required under this chapter, and having its principal frontage on a street. The word "lot" includes the word "plot" or "parcel."

Lot, corner. A lot at a junction of and fronting on two or more intersecting streets.

Lot coverage. The percentage of the lot area covered by the building area.

Lot ground level. For buildings having walls adjoining only one street, the elevation at the front lot line at the center of the wall adjoining the street; for buildings having walls adjoining more than one street, the average elevation of the front lot line at the center of all walls adjoining the streets; for buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five feet from a street is to be considered as adjoining the street.

Lot, interior. A lot other than a corner or through lot.

Lot line, front. In the case of an interior lot, a line separating the lot from the street or place and, in the case of a corner lot, the line designated in deed or subdivision requirements or, if no such requirements are provided, the line designated by the property owner at the time he seeks a building permit on the lot.

Lot line, rear. A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot line, side. Any lot boundary line not a front lot line or a rear lot line.

Lot, through. A lot having frontage on two parallel or approximately parallel streets,

Lot width. The dimension of a lot, measured between side lot lines at the building setback line.

Manufactured home. A single-family dwelling unit constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, and manufactured after June 15, 1976, which is designed to be transported across streets and

highways to a point of use, and is equipped with the necessary service connections, and includes the plumbing, heating, air conditioning and electrical systems contained therein, and made so as to be readily movable as a unit or units.

Mobile home. Any vehicle, including the equipment sold as a part of a vehicle, which is so constructed as to permit its being used as a conveyance upon public streets or highways by either self-propelled or non-self-propelled means, which is designed, constructed or reconstructed, or added to by means of an enclosed addition or room, in such a manner as will permit the occupancy thereof as a dwelling or sleeping place for one or more persons, which is both used and occupied as a dwelling or sleeping place, having no foundation other than wheels, jacks, skirting or other temporary supports.

Mobile home park. An area of land upon which two or more mobile homes are harbored for the purpose of being occupied either free of charge or for revenue purposes and shall include any building, structure, vehicle or enclosure used or intended for use as a part of the equipment of such mobile home park.

Occupied. As applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied."

Parking area, public. An open area, other than a street or alley, designed for use or used for the temporary parking of four or more motor vehicles when available for public use, whether free or for compensation or as an accommodation for clients or customers.

Parking space (off-street). An off-street space accessible from a street or alley with a minimum width of ten feet. The minimum length of such space shall be contingent upon the degree or angle of the space and the maneuverability area required. As a guide to establishing a minimum length, the Commission shall refer to Illustration No. 1 in the appendix immediately following this chapter.

Person. Includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

Personal and convenience services. Businesses offering services such as barbershops, beauty shops, laundromats, laundry and dry cleaning pickup and delivery stations (but excluding actual laundry operations) and similar uses.

Place. An open, unoccupied officially designated space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.

Planting screen or landscape screen. A completely planted visual barrier composed of evergreen plants and trees arranged to form both a low-level and a high-level screen. The high-level screen shall consist of evergreen trees or shrubs planted with specimens having an initial height aboveground when planted of not less than five feet and planted at intervals of not more than eight feet on center. The low-level screen shall consist of evergreen shrubs having an initial height aboveground when planted of not less than two feet and spaced at intervals of not more than four feet on center. The low-level screen shall be planted in alternating rows to produce a more effective barrier.

Professional office. Offices of members of recognized professions such as physicians, surgeons, lawyers, engineers, dentists and architects.

Street. A right-of-way, other than an alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property.

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

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

Town house. A single-family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent building and/or buildings by party walls or are located immediately adjacent thereto with no visible separation between walls or roofs; all of which dwellings may be located on individual and separate lots if individually owned or upon a single lot if under common ownership. Each town house unit shall be capable of separate ownership. The construction of a town house structure across an existing lot line shall not be deemed to abrogate that line.

Town house structure. A building consisting of two or more non-communicating attached one-family units placed side by side, having a common wall between each adjacent dwelling unit. Side lot line requirements of a town house structure shall apply only at the extreme ends of such structure.

Trade or business school. A secretarial school or college, or business school or college, when not public and not owned or conducted by or under the sponsorship of a religious or charitable organization, or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hairdressing, or for teaching industrial skills in which machinery is employed as a means of instruction. This definition shall not be deemed to include an educational institution as defined in this section.

Use. The employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

Use, nonconforming. An existing use of land or building which was legal prior to the effective date hereof, but which fails to comply with the requirements set forth in this chapter applicable to the zone in which such use is located.

Use, open. The use of a lot without a building or including a building incidental to the open use with a ground floor area equal to five percent or less of the area of the lot.

Used. As applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied."

Variance, dimensional. Departure from the terms of the zoning regulations pertaining to height or width of structures and size of yard 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 the zoning regulations would result in unnecessary and undue hardship.

Vision clearance on corner lot. A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of two and one-half and 12 feet above established grade, determined by a diagonal line connecting two points measured 15 feet equidistant from the street right-of-way corner along each property line.

Wall, retaining. A physical barrier necessary to prevent the erosion and/or deterioration of an established elevation.

Yard. A space on the same lot with a principal building, open, unoccupied other than by steps, walks, terraces, driveways, lampposts and similar structures, and unobstructed by structures, except as otherwise provided in this chapter.

Yard, front. A yard extending across the full width of the lot, between two side lot lines, the depth of which is the least distance between the street right-of-way and the building line.

Yard, rear. A yard extending across the full width of the lot between the two side lot lines and between the rear line and a parallel line tangent to the rear of the principal building, the depth of which is the least distance between the rear lot line and the parallel line.

Yard, side. A yard bounded by the rear yard, the front yard, the side lot line and the principal building.

Zoning map or map. The zoning map of the city.

(Code 1968, app. A, § 20; Ord. No. 76-10-1339, 10-26-76; Ord. No. 77-2-1383, 2-8-77; Ord. No. 77-10-1485, 10-25-77; Ord. No. 82-7-2271, 7-13-82; Ord. No. 90-8-4488, 8-23-90; Ord. No. 92-6-4777, 6-9-92; Code 1996, § 156.003; Ord. No. 97-9-5714, § 1, 9-9-97; Ord. No. 97-10-5749, § 1, 10-28-97; Ord. No. 98-11-5978, § 1, 11-17-98; Ord. No. 2002-5-6501, 5-7-02; Ord. No. 2002-10-6587, § 1, 10-22-02, Ord. No. 2005-11-7036, 11-8-05; Ord. No. 2012-6-7927, 6-9-12; **Cross references:** Definitions generally, § 1-2; Ord. No. 2009-1-7506 adopted 1-13-2009; Ord. 2011-8-7851 dated 8/23/2011)

Sec. 126-4. Subdivision coordination required.

In all cases where the ownership of land is divided for the purpose of eventual development of lots, the provisions of the subdivision regulations in Chapter 102 apply in addition to the provisions of this chapter.

(Code 1968, app. A, § 40.09; Ord. No. 76-10-1339, 10-26-76; Code 1996, § 156.004)

Sec. 126-5. Conflicts with other regulations; repeal of previous zoning ordinances.

In the case of a conflict between this chapter and/or any part of this Code, and the whole part of any existing or future adopted ordinance of the city, the more restrictive provision in all cases shall apply. The various zoning ordinances adopted by the city before the enactment of this chapter [October 26, 1976] are hereby repealed.

(Code 1968, app. A, § 84; Ord. No. 76-10-1339, 10-26-76; Code 1996, § 156.005) Secs. 126-6--126-30. Reserved.

Sec. 126-6 -- 126-30. Reserved.

ARTICLE II. ZONES

Sec. 126-31. Zone classification and boundaries.

(a) For the purpose of this chapter, the city is divided into zones classified as follows:

R-1	Low Density Residential Zone
R-2	Low and Medium Density Residential Zone
R-3	Medium Density Residential
R-4	High Density Residential
A-1	Civic Center Zone
B-1	Convenience and Service Zone
B-2-T	Downtown Business Townlift Zone
B-2	Downtown Business Zone
B-3	General Business Zone
H-1	Historical-Commercial Zone
H-2	Historical Neighborhood Zone
HBD	Highway Business District Zone
M-1	Light Industry Zone
M-2	Heavy Industry Zone
M-3	High Density Industry Zone
C-1	Conservancy Zone
POP	Planned Office Park
MU	Mixed Use Zone
NSZ	Neighborhood Services Zone
NCCZ	Neighborhood Commercial Corridor Zone

- (b) The boundaries of the above zones are hereby established as shown on the zoning map entitled "Zone Map of Paducah, Kentucky," which has been recommended and certified by the Planning Commission and the Board of Commissioners of the city with the signature of the Mayor and Chairperson affixed thereto, and is hereby made a part of this chapter.

(Code 1968, app. A, § 30; Ord. No. 76-10-1339, 10-26-76; Ord. No. 77-12-1500, 12-13-77; Ord. 2011-8-7851 dated 8/23/2011 Code 1996, § 156.020)

Sec. 126-32. Zoning of annexed land.

Upon annexation of new areas by the city, such areas shall be placed in an R-1 zone classification. Within 60 days following the final acceptance of the annexed area by the city, the Planning Commission shall establish and advertise, as required by law, a public hearing to zone the land in question.

(Code 1968, app. A, § 32; Ord. No. 76-10-1339, 10-26-76; Code 1996, § 156.021)

Sec. 126-33. Interpretation of zone boundaries.

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

- (1) Where zone boundaries are indicated as approximately following the center lines of streets or highways or railroad rights-of-way or such lines extended, such lines shall be construed to be the zone boundary line.
- (2) Where zone boundaries are indicated as approximately following the corporate limits of the city, such corporate limit line shall be construed to be such boundaries. This provision also applies to river and/or stream beds and property lines.

(Code 1968, app. A, § 32; Ord. No. 76-10-1339, 10-26-76; Code 1996, § 156.022)

Secs. 126-34--126-60. Reserved.

ARTICLE III. GENERAL REGULATIONS

Sec. 126-61. Applicability of article.

Except as herein specified, the following provisions shall be applied within all zoning districts.

(Code 1968, app. A, § 40; Ord. No. 76-10-1339, 10-26-76; Code 1996, § 156.035)

Sec. 126-62. Access control.

No point of access shall be allowed within 25 feet of the intersection of the right-of-way of right-angle streets. No curb or right-of-way shall be cut or altered without acquiring a permit from the office of the City Engineer.

(Code 1968, app. A, § 40.01; Ord. No. 76-10-1339, 10-26-76; Code 1996, § 156.036)

Sec. 126-63. Nonconforming uses.

- (a) Continuation generally. The lawful use of a building or land existing at the time of the adoption of this chapter and amendments hereto may be continued, although such use

does not conform to the provisions of this chapter, except as otherwise provided herein.
(Code 1968, app. A, § 40.02)

(b) Specific standards.

- (1) A nonconforming use or structure existing at the time of the adoption of this chapter, which was conforming at the time of its erection, may be continued in use, although such use does not conform to the provisions of such regulations.
- (2) With the formal authorization of the Board of Adjustment granted after a public hearing duly advertised and after its determination that the properties in the general vicinity will not be adversely affected by the change, an existing nonconforming use may be changed to a new nonconforming use in the same or a more restrictive zone classification.
- (3) A building or structure which is the subject of a nonconforming use may be maintained and repaired, but may not be enlarged or moved on the lot on which it is situated.
- (4) A building or structure which does not comply with the dimensional requirements of this chapter may be maintained, repaired, altered or moved, provided that every portion so enlarged or moved shall be made to conform to all the regulations of the zone in which the structure is located.
- (5) A building or structure which is nonconforming, either with respect to its use or with respect to dimensional requirements on the lot where it is situated, which is damaged or destroyed by any cause to the extent of more than 75 percent of its value or area, shall not be repaired or rebuilt except in conformance with the provisions of this chapter.
- (6) Additions to nonconforming structures. On any lot where there is an existing principal structure which was conforming at the time it was constructed, but which has become nonconforming with respect to front, rear or side yard requirements, and which otherwise complies with the use and dimensional requirements of this chapter, an addition to that structure may be constructed which similarly does not conform to the front, rear or side yard requirements; provided the newly created nonconformity is no nearer to the front, side or rear lot line than the previously nonconforming existing structure.

(Code 1968, app. A, § 40.021; Ord. No. 76-10-1339, 10-26-76; Code 1996, § 156.037)

Sec. 126-64. Lots.

- (a) *Reduction of lot size.* No lot, even though it may consist of one or more adjacent lots in the same ownership at the time of passage of this chapter, shall be reduced in size so that lot width or size of yards or lot area per family or any other requirement of this chapter is not maintained. This section shall not apply when a portion of a lot is acquired for public purpose. (Code 1968, app. A, § 40.03)
- (b) *Multiple principal structures on a lot.* One principal structure may be erected on any one lot. Accessory structures may potentially be located on adjacent lots of the same ownership as stipulated in Section 126-86. When more than one principal structure of different use types to be constructed on the same lot is proposed, multiple principal structures may be allowed as provided for in Section 126-176 with a development plan.
- (c) *Public street frontage.* Unless otherwise provided in this chapter, no building shall be erected on a lot which does not abut for at least 25 feet on a public street. (Code 1968, app. A, § 40.05)

- (d) *Existing lots.* At the time of the enactment of this chapter, if an owner of a plot of land consisting of one or more adjacent lots does not own sufficient continuous land to enable him to conform to the minimum lot size requirements provided herein, such plot of land may nevertheless be used as a building site. The dimensional requirements of the district in which the piece of land is located may be reduced by the smallest amount that will permit a structure of acceptable size to be built upon the lot. (Code 1968, app. A, § 40.06)
- (e) *Variances to setback lines.* Front yard setback lines may be varied where the average depth of principal buildings on adjoining properties is less than the depth prescribed elsewhere in this chapter. In such case, the front yard in question shall not be less than the average depth of existing front yards on the two lots immediately adjoining.

(Code 1968, app. A, § 40.07) (Ord. No. 76-10-1339, 10-26-76; Ord. No. 92-6-4778, 6-9-92; Code 1996, § 156.038; Ord. No. 2002-5-6501, 5-7-02; Ord. No. 2016-7-8391, 7-19-16)

Sec. 126-65. Traffic visibility at intersections.

- (a) There shall be provided a triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of 2 1/2 and 12 feet above established grade, determined by a diagonal line connecting two points measured 15 feet equidistant from the street right-of-way corner along each property line. (Code 1968, app. A, § 40.10)
- (b) The provisions of this section do not apply to the Central Business District (B-2 Downtown Business Zone and B-2-T Downtown Business Townlift Zone), nor shall the requirements of this section be deemed to prohibit any necessary retaining wall. (Code 1968, app. A, § 40.101)
- (c) The Board of Adjustment may either reduce or increase the requirements of this section for the interest of safety where unusual or special conditions warrant consideration.

(Code 1968, app. A, § 40.102) (Ord. No. 76-10-1339, 10-26-76; Code 1996, § 156.039)

Sec. 126-66. Height limitation exceptions.

The height limitations of this chapter shall not apply to place of worship spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, transmission towers, smokestacks, chimneys, derricks and aerials.

(Code 1968, app. A, § 40.11; Ord. No. 76-10-1339, 10-26-76; Code 1996, § 156.040; Ord. 2010-5-7675)

Sec. 126-67. Common open space.

The residential lot size and area can be reduced to provide a common open space equal to the total reduction of the lot area, thus maintaining the required density. The purpose of this provision is to allow for variety in subdivision design, reduce costs associated with streets and utilities construction, and reduce grading, sodding and maintenance costs of open space in the city's neighborhoods. When this option in the subdivision of land is taken, the lot area and yards shall not be reduced such that the total side yard is less than that required in the zone in which the project is located.

(Code 1968, app. A, § 40.12; Ord. No. 76-10-1339, 10-26-76; Code 1996, § 156.041)

Sec. 126-68. Conditional uses.

- (a) *Generally.* Conditional uses are allowed only by specific approval of the Board of Adjustment and only in the zone in which they are listed; however, the following uses are permitted in all zones:
- (1) Public utility installations;
 - (2) Government buildings and uses; and
 - (3) Public and parochial schools.
- (b) *Application and review procedure.*
- (1) Upon receipt of an application for a conditional use, the Board shall send a copy thereof to the Commission for its information and review as to the effect of the conditional use upon the master plan and the Commission may present its recommendations thereon to the Board. The Board shall then proceed with a hearing on the application in the manner prescribed in this division. Following the hearing, and upon an affirmative finding by the Board that:
 - a. The proposed conditional use is to be located in a zone wherein such use may be permitted; and
 - b. The conditional use is consistent with the spirit, purpose and intent of this chapter, will not substantially and permanently injure the appropriate use of neighboring property, and will serve the public convenience and welfare; the Board shall grant the conditional use.
 - (2) The Board of Adjustment may approve or deny any application for a conditional use permit. If it approves the issuance of a conditional use permit, it may attach conditions to the approval such as time limitations, requirements that one or more things be done before construction can be initiated, or conditions of a continuing nature. Any such condition shall be recorded in the Board's minutes and on the conditional use permit, along with a reference to the specific section of this chapter or any other applicable ordinance of the city listing the conditional use under consideration.
 - (3) The Board of Adjustment shall have the power to revoke conditional use permits for noncompliance with the conditions thereof. Furthermore, the Board shall have the right of action to compel offending structures or uses to be removed at the cost of the violator and may have judgment in personam for such cost.
 - (4) The conditional use permits approved by the Board of Adjustment shall be recorded at the expense of the applicant in the office of the County Court Clerk.
 - (5) Approval of a conditional use permit does not exempt the applicant from complying with all the requirements of building, housing and other codes and regulations of the city.
 - (6) In any case in which a conditional use permit has not been exercised within one year from its date of issuance, such conditional use may revert to its original zoning designation following a public hearing held by the Board of Adjustment in accordance with KRS Ch. 424. "Exercised," as set forth in this subsection, shall mean that binding contracts for the construction of the main building or other improvements have been let or, in the absence of contracts, that the principal building or other improvements are under construction to a substantial degree, or that prerequisite conditions involving substantial investment are under contract, in development, or completed. When construction is not a part of the use, "exercised" shall mean that the user is operating in compliance with the conditions as designated in the permit.
 - (7) The enforcement officer shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once each year. The

enforcement officer shall have the power to inspect the land or structure where the special use is located in order to determine if the landowner is complying with all of the conditions which are listed on the conditional use permit.

- (8) If the landowner is not complying with all of the conditions listed on the conditional use permit, the enforcement officer shall report this fact in writing to the Chairperson of the Board of Adjustment. The report of the enforcement officer shall state specifically the manner in which the landowner or occupant is not complying with the conditions on the conditional use permit. A copy of this report shall be furnished to the landowner at the same time (as nearly as is possible) it is furnished to the Chairperson of the Board. The Board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner and/or occupant at least one week prior to the hearing.
- (9) If the Board of Adjustment finds that the facts alleged in the report of the enforcement officer are true, and that the landowner and/or occupant has taken no action to comply with the conditions (as originally placed on the permit) 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 take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.
- (10) Once the Board of Adjustment has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the administrative official, upon request by the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied and enter the facts which indicate that the conditions have been satisfied and the conclusions in the margin of the copy of the conditional use permit which is on file with the County Court Clerk; thereafter the use in question, if it continues to meet the other requirements of this chapter, will be considered a permitted use.

(Code 1968, app. A, § 40.13; Ord. No. 76-10-1339, 10-26-76; Code 1996, § 156.042)

Sec. 126-69. Mobile home parks.

Mobile home parks or trailer parks shall be conditional uses only in the R-3 and R-4 residential zones and shall comply with the following requirements:

- (1) *Minimum area requirements.* No mobile home park shall be permitted on an area of less than five acres; however, the developer may develop the park in stages as long as he complies with an overall plan.
- (2) *Lot requirements.* Individual lots within a mobile home park shall not be less than 4,000 square feet in area with only one mobile home per lot. Minimum lot width shall be 40 feet.
- (3) *Setback.* No mobile home or structure shall be located closer to any street than the minimum front yard setback provision of the zone in which it is located. No mobile home shall be located closer than 15 feet to any building within the park or to any property line of the park.
- (4) *Spacing.* No mobile home shall be located within 20 feet of another mobile home except that a minimum end-to-end clearance of not less than 15 feet shall be permitted.
- (5) *Screening.* The entire perimeter of the mobile home park or trailer park, except for designated entrance and exit ways, shall be provided with a landscape screen. The landscape screen shall be as provided in section 126-3 with a planting width of at least

five feet. The planting screen shall be set back at least 15 feet from any property line which abuts a public thoroughfare or street. Where screening is required, building setback lines shall be computed from the interior edge of the screen. In the case of a planting screen, the interior edge of the screen is defined as a line located two feet on center toward the interior from the most interiorly located plant member of the planting screen.

- (6) *Streets.* All mobile home spaces shall abut upon a street of not less than 30 feet in width. All streets shall have a pavement width of not less than 20 feet and access to a public street. All streets within a mobile home park shall be hard surfaced and well lighted.
- (7) *Utilities.* All lots within the mobile home park shall be provided with all required facilities, to include, as a minimum, water, sewer and electrical facilities meeting standards specified by city and state regulations. Each mobile home shall be properly connected with said utilities.
- (8) *Accessory structures.* No accessory buildings or structures, including patios and pads, shall be located within five feet of any individual lot (mobile home space) line, or closer than ten feet to any property line of the park.
- (9) *Plan approval.*
 - a. Because mobile home parks are permitted only as conditional uses, the prospective developer, before attempting to obtain a building permit or beginning any construction, shall prepare a plan showing the bearings and lot dimensions of the parcel he intends to develop, the location with respect to the city, the general layout or design he intends to follow and improvements he intends to install on the land. He shall then present the proposal to the Planning Commission.
 - b. Before approving the intended development plan, the Planning Commission may make suggestions to the developer in order to insure proper design standards to minimize traffic difficulties, to safeguard adjoining properties, to insure that the residential characteristics of the neighborhood are preserved and that the public health, safety and welfare are protected.
 - c. Upon approval by the Planning Commission the developer shall follow the procedure set forth in section 126-68.
- (10) *Storage of trailers or boats.* Trailers used exclusively for the purpose of traveling or camping and which do not exceed dimensions of eight feet by 24 feet, as well as boats which do not exceed these dimensions, may be stored in the rear yard of any lot provided yard requirements are maintained and that the trailer is not used as a dwelling.

(Code 1968, app. A, § 40.14; Ord. No. 76-10-1339, 10-26-76; Code 1996, § 156.043)

Sec. 126-70. Planned unit development.

The purpose of this section is to establish a more flexible procedure for the approval, by the Commission, of development plans for large tracts of land and to encourage proper design by providing for the submission of such development plans by prospective developers. Tracts of land, as herein described, to be used for residential, commercial or industrial zone purposes, or certain combinations thereof, may be developed as a unit according to the following provisions:

- (1) *Land deemed one lot.* Any parcel of land including any interior street (or streets) which is designed as and used for a planned unit development may be deemed to be one lot.
- (2) *Area requirements.* In order that a tract be considered a planned unit development it must contain at least:

- a. Two acres if used for residential purposes only in an R-2 zone; three acres if used for a combination of residential and business uses or business uses exclusively in an R-3 or R-4 zone.
 - b. Six acres if used for residential purposes in an R-1 or R-2 zone; eight acres if used for a combination of residential and business uses in an R-1 or R-2 zone.
 - c. Three acres if used for a combination of residential and business uses in a POP, B-1, B-3 or HBD zone and six acres if used for business purposes only in a POP, B-1, B-3 or HBD zone.
 - d. Ten acres if used for industrial purposes in an industrial zone; 15 acres if used for a combination of uses within an industrial zone; however, if used for commercial purposes only in an M-1 or M-2 zone there shall be a minimum of five acres.
- (3) *Applicability of zoning provisions.* In any planned unit development, although it is permissible to depart from literal conformance with the individual lot dimension and area provisions, there shall be no decrease in the total equivalent lot area, parking area, and loading-unloading area provisions that would be necessary for the equivalent amount of individual lot development. The Planning Commission may allow reductions in these provisions, however, upon proof by the developer that efficiencies of large-scale development may permit such reductions without destroying the intent of this chapter.
- (4) *Application and preliminary plans.*
- a. An application for the establishment of a planned unit development shall be filed with the Planning and Zoning Administrator ten days prior to the meeting at which it is to be acted on and shall be accompanied by 12 copies of a preliminary development plan containing the following information:
 - 1. The proposed name and location of the PUD, and names and addresses of all adjacent property owners and owners of the proposed PUD;
 - 2. Vicinity map;
 - 3. A complete and accurate legal description of the proposed PUD property;
 - 4. A tabulation of the total acreage of the site designated for various uses, i.e., parking, all structures, residential or commercial, streets, parks or playgrounds;
 - 5. Location of all structures in the PUD and proposed building densities (units per acre);
 - 6. Preliminary subdivision plat, if the site is being divided, showing layout of all lots, which shall comply with the subdivision regulations;
 - 7. Proposed circulation pattern, including private and public streets;
 - 8. Parking layout with two spaces per dwelling unit.
 - b. In addition to the standards for development as outlined above, the Commission shall also require all access points to the same arterial streets to be located no more frequently than 330 feet.
- (5) *Procedure for approval; hearing; submission of final plans; time limit for commencement of construction.*
- a. Upon receipt of an application and site plan of the proposed development, the Planning Commission shall hold a public hearing as set out in KRS Ch. 100. The Planning Commission may approve, in concept, the preliminary development plans and shall have the authority to attach conditions to said plans to insure that there is no departure from the intent of this chapter. Failure to submit a final development plan for Planning Commission approval within one year of approval of preliminary plans shall terminate all proceedings and render the preliminary plans null and void.

- b. Twelve copies of the final development plans shall be submitted to the Planning and Zoning Administrator for submission to the Planning Commission and shall include the following:
 - 1. All those requirements designated for submission with the preliminary plans;
 - 2. Detailed landscaping plans, including and designating type of buffer or landscape screens placed between abrupt changes of land uses;
 - 3. Detailed engineering plans or final subdivision plat showing site grading, street improvements, drainage and public utility locations;
 - 4. Other conditions as applicable to the planned unit development;
 - 5. Covenants, and any other agreements concerning construction, operation and administration of the area such as green areas, housing corporations, etc.
- c. Upon approval of all the above by the Planning Commission, building permits may be issued by the Building Inspector provided all conditions have been met.
- d. Construction shall be initiated within one year from the date of final approval by the Planning Commission of the PUD. The Planning Commission may, however, grant an extension to the applicant provided that:
 - 1. A formal written request for the extension is presented to the Planning Commission at least 90 days prior to the deadline; and
 - 2. The written request explains the reasons that construction was not initiated within the time allotted. The Planning Commission shall review the original application and final development plans and shall inform the requestor of its decision within 31 days from the receipt of the request.
- e. If the PUD is developed in stages, the total area will be reviewed at the public hearing and each successive stage shall be approved according to subsection (5)b as it is submitted.
- f. The site of the approved PUD shall be marked on the official zoning map of the city.

(Code 1968, app. A, § 40.15; Ord. No. 76-10-1339, 10-26-76; Ord. No. 85-1-2639, 1-22-85; Ord. No. 92-9-4834, 9-1-92; Code 1996, § 156.044; Ord. No. 97-9-5715, § 3, 9-9-97)

Sec. 126-71. Off-street parking and loading areas.

- (a) Intent. It shall be the intent of this section to provide guidance for district parking and loading/unloading standards as required by this Zoning Code. Unless otherwise provided for in the individual district's regulations, this section shall govern. Furthermore this section is intended to:
 - (1) Insure that adequate maneuvering, circulation, and points of ingress and egress are provided;
 - (2) Provide an adequate number of off-street parking spaces and loading/unloading bays and maneuvering areas for every property use;
 - (3) Insure that individual parking sizes will be large enough for the intended use of specific properties;
 - (4) Provide a safe and efficient interface between the street and road system and the parking and loading/unloading areas.
- (b) General regulations. The following parking and loading/unloading requirements represent minimum standards. Applicants are urged to properly assess their respective needs and provide additional space as needed.

- (1) Location on other property. If the required parking spaces cannot reasonably be provided on the same lot on which the principal use is conducted, such spaces may be provided on other off-street property within 400 feet of the main entrance to the principal use. Such spaces shall be associated with principal use and shall not thereafter be reduced or encroached upon in any manner. Furthermore, when parking space must be provided on such other property, a written agreement signed by the owners of the subject properties must accompany the application for parking layout.
 - (2) Variances. When it can be clearly shown that an intended use shall require less parking or loading/unloading area than that which is required by this section because of significant variation in operation or activity, the Planning Commission may grant a reduction in the parking and loading/unloading requirements.
 - (3) Applicability. Off-street parking and loading/unloading shall be provided for any new building constructed, for new uses or conversions of existing conforming buildings, or for enlargements of existing structures.
 - a. For new uses, conversions or enlargements of existing conforming buildings, off-street parking, loading and unloading in compliance with these regulations shall be provided for the entire facility.
 - b. For enlargements of existing structures which do not conform to these regulations, required parking must equal the sum of those spaces furnished by the use prior to the enlargement and the number of spaces required by these regulations for any additional use area.
 - c. For buildings and sites containing storage buildings available for rent to the public, improved surfacing and design requirements of subsection (g) below, shall be required, regardless if parking is required. For enlargements of existing facilities, complete conformance of this section is required.
 - (4) Multiple uses on site. For sites with more than one use, the parking requirement shall be the sum of spaces required for each use, except as adjusted pursuant to subsection (j) of this section.
 - (5) Exemptions. Any use within the B-2, B-2-T and H-1 business districts is exempt from the off-street parking requirements provided by subsection (e) of this section. Any off-street parking facility constructed in these districts after the effective date of this section (May 19, 1992) must comply with the design standards set forth in subsections (d), (f), (g) and (h) of this section.
- (c) Design approval. All lots or portions of lots being developed for vehicular parking which contain at least four spaces, or at least one loading/unloading area that provides one space, shall have the design approval of the Planning Department and the Department of Engineering prior to issuance of a building permit. Those administrative officials shall insure that the intent and specific provisions of this section are observed.
- (d) Off-street parking requirements for residential land uses.

Housing Type and Requirement	Parking
Single Family:	
2 Bedrooms	2 per unit
3 bedrooms	2 per unit
4 bedrooms	3 per unit
5 bedrooms	3 per unit
Duplexes, triplexes:	
1 bedroom	2 per unit
2 bedrooms	2 per unit
3 bedrooms	3 per unit
Apartment building (4 units and up):	
1 bedroom	2 per unit
2 bedrooms	2 per unit
3 bedrooms	2 per unit
Upper story apartments in the B-2, B-2-T and H-1 Zones	
1-3 Units	No Requirement
4 or more units	1 private or public space per unit shown to be available in a downtown zone
Mobile Homes	2 per unit plus 1 per 5 units guest parking

(e) Off-street parking requirements for nonresidential land uses.

GFA—Gross floor area measured in square feet.

GLA—Gross leasable area measured in square feet.

Use	Parking Requirement
Assembly operations	1 per 800 GFA
Auto sales:	
Outdoor display	1 per 3,000 sq. ft.
Indoor display/office	1 per 750 GFA
Repair facilities	1 per 150 GFA
Bars and lounges	1 per 200 GFA
Bowling alley	4 per alley
Car wash	10 per tunnel (parking and stacking)
Places of worship	1 per 3 seats
Day care facilities	1 per 400 GFA; and a paved unobstructed pick-up space with a adequate stacking areas (as determined by the Department of Planning) shall be provided in addition to the standard parking requirements; and a safe pedestrian walkway system (as approved by the Department of Planning) through the parking areas to the building entrance, with a minimum 15-foot safety zone between the parking spaces and the front building entrance.
Financial institutions	1 per 300 GFA
Finishing operations	1 per 800 GFA
Golf courses	50 per nine holes

Use	Parking Requirement
Group homes	1 per 600 GFA
Hotel/motel	1 per room plus 1 per additional 100 GFA of ballrooms/banquet rooms/meeting rooms and similar spaces.
Hospitals	2.25 spaces per bed
Industrial	1 per 800 GFA
Library	1 per 300 GFA
Manufacturing	1 per 800 GFA
Medical centers/offices	1 per 200 GFA
Offices:	
Under 50,000 GFA	4.5 per 1,000 GFA
50,000 to 100,000 GFA	4 per 1,000 GFA
100,000+ GFA	3.5 per 1,000 GFA
Receiving	1 per 5,000 GFA
Research	1 per 1,000 GFA
Restaurant:	
Quick style	1 per 30 GFA (of the public dining area)
Drive through	8 stacked spaces (per window)
Sit down style	1 per 3 seats
Retail stores	1 per 300 GFA
Schools:	
Elementary	2 per classroom
Intermediate	1.5 per classroom
Secondary	1 per 1,000 GFA
Higher or vocational	10 per classroom plus: (a) 1 per campus vehicle. (b) Additional visitor parking to be 25 percent of total parking. (c) Parking must be in reasonable proximity to destination points.
Service stations	4 per bay or work area
Shipping facilities	1 per 5,000 GFA
Shopping centers:	
Under 400,000 GLA	3.5 per 1,000 GLA
400,000+ GLA	4 per 1,000 GLA
Storage areas/facilities	1 per 5,000 GLA
Theater:	
Free standing	1 per 3 seats
In shopping center	1 per 4 seats
Warehouse	1 per 5,000 GFA

When computing number of seats and GFA or GLA for parking, where no individual seating (such as and like sports facilities and places of worship) is provided, every 24 inches will be considered a seat.

When calculating GFA and GLA, fractions up to one-half shall be disregarded and fractions of one-half or more shall require one parking space.

When calculating the required parking for a specific intended use that does not appear in this section, the Zoning Administrator shall make a determination of a similar use that does appear in this section.

(f) Number of off-street loading spaces.

Gross Floor Area (sq ft)

Number Required

Less than 5,000	No requirement
5,001--25,000	1
25,001--75,000	2
75,001--150,000	3
Over 150,000	4

- (g) General design requirements; maintenance standards.
 - (1) Aisles and access drives. Off-street areas for maneuvering and circulation shall equal the number of spaces or area required and shall be of useable shape and surface and have convenient ingress and egress. Aisles and access drives shall be designed so as to provide adequate vehicular maneuvering upon the property being served and in no case shall off-street parking areas be permitted which encourage or require the backing onto or maneuvering within any public right-of-way, except residential uses and in alley ways. However, residential parking areas shall not permit backing onto arterial streets, or streets designated as federal or state highways.
 - (2) Traffic circulation controls. Where raised channeling devices, internal landscaping and other similar geometrics are utilized, they shall count as being of "useable shape and surface" as required in subsection (1) above.
 - (3) Surfacing. Where parking and loading areas are provided for four or more vehicles, and maneuvering extensions thereof, they shall be improved within six months of application with any base material with an asphaltic, bituminous, cement or other properly bound surface, so as to be durable and dustless, and shall be graded and drained so as to dispose of all surface water accumulation within the areas without carrying said water accumulation over a public sidewalk. The aforementioned surface and drainage requirements shall be reviewed and approved by the Engineering Department.
 - (4) Lighting. Any lighting used to illuminate such off-street parking and loading/unloading areas shall be so arranged as to reflect away from any adjoining properties or uses and any public right-of-way.
 - (5) Traffic visibility sight triangle required. All points of ingress and egress shall maintain 7 foot sight triangles. Landscaping shall not exceed 24 inches in height above grade.
 - (6) Areas greater than minimum standards. When parking or loading/unloading areas beyond the minimum standards are provided, all other design requirements as described herein shall be observed.
 - (7) Maintenance. Parking lots and loading/unloading areas shall be kept reasonably free of dirt, trash and other loose debris. These areas shall also be reasonably well maintained and free of pot-holes and other decay.
 - (8) Access design requirements. Functional classification of streets shall be determined by the Department of Planning.
 - a. Entrances and exits. One-way entrances and exits shall be at least 15 feet wide. Two-way entrances and exits shall be at least 24 feet wide for minor streets and 30 feet wide for arterial or collector streets.
 - b. Curb cuts. All curb cuts shall be subject to review and approval by the Department of Engineering and Environmental Services.
 - c. Minimum space sizes.

1. Employee parking: 9 × 18 ft. (Including the following uses: lots solely for employee parking, offices, financial institutions, personal services, restaurants, and retail trades where bagged or bulky goods are not transferred; and other similar uses as determined by the Zoning Administrator.)
 2. Public parking: 10 × 18 ft. (Including the following uses: supermarkets, convenience stores, take-out restaurants, department stores, furniture outlets and other similar uses that transfer large or bulky items; also medical offices, hospitals, clinics and nursing homes; and all other similar uses as determined by the Zoning Administrator.)
 3. Parking Garages: 8 ft. 8 in. × 18 ft.
 4. Parallel parking: 10 × 24 ft.
 5. Handicap parking: 16 × 18 ft. (first space) 13 X 18 ft. above first space. One of every six handicapped spaces, or fraction thereof, must be van accessible (16 X 18 ft)
 6. Loading/unloading: 10 × 50 × 14 ft.
- d. Screening requirements. Screening shall be provided as per section 126-72.

(h) Layout and dimensions of spaces.

- (1) Parking areas. See Illustration No. 1 in the appendix at the end of this chapter.
- (2) Loading areas.

Design Vehicle	Length in Feet (L)	Dock Angle (L)	Clearance in Feet (W)	Berth Width in Feet (W)	Apron Space in Feet (A)	Total Offset in Feet (T)
WB-40	50	90°	50	10	63	113
				12	56	106
				14	52	102
		60°	44	10	46	90
				12	40	84
				14	35	79
		45°	36	10	37	73
				12	32	68
				14	29	65
WB-50	55	90°	55	10	77	132
				12	72	127
				14	67	122
		60°	48	10	55	103
				12	51	99
				14	46	94
		45°	39	10	45	84
				12	40	79
				14	37	76

(i) Handicap parking requirements.

- (1) Parking lots in excess of four spaces shall provide handicap parking at the following rate or as may be required by Kentucky Building Code or the American Disabilities Act, whichever is more stringent:

Number of spaces required

Handicap stalls

1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 % of total
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000

(2) These represent minimum requirements for all property uses; applicants are encouraged to provide additional space if known that their particular use dictates additional space.

(j) Adjustment for mixed use developments. The Planning Commission may authorize an adjustment in the total parking requirement for separate uses located on the same site or for separate uses located on adjoining sites and served by a common parking facility. An application for such an adjustment must include a site plan showing the location of parking and extent of various uses, the requested reduction in the parking requirement and supporting data addressing why such a reduction should be permitted.

(Code 1968, app. A, § 40.16; Ord. No. 76-10-1339, 10-26-76; Ord. No. 92-5-4772, 5-19-92; Ord. No. 93-8-5004, 8-31-93; Code 1996, § 156.045; Ord. No. 99-9-6111, § 1, 9-14-99; Ord. No. 2008-3-7399; Ord. 2011-8-7851 dated 8/23/2011; Ord. No. 2013-11-8097, 11-26-13)

Sec. 126-72. Homeless Shelter

The purpose of this section is to establish regulations for the location of homeless shelters in the R-3, R-4, M-1, M-2 and M-3 Zones. Objectives include minimizing land use conflicts and ensuring that there are adequate services for homeless individuals within the vicinity of the shelter.

1. "Shelter for the homeless" shall mean housing that is limited to occupancy of three-hundred sixty-five (365) days or less by a homeless person.
2. Conditional Use Permit required. Homeless shelters shall only be permitted in the zones listed herein upon receipt of a Conditional Use Permit. The operation of all shelters for the homeless within the City of Paducah shall be contingent upon a Conditional Use Permit from the Board of Adjustment in accordance with Section 126-68 of the Code of Ordinances of the City of Paducah.
3. Each shelter for the homeless shall comply with the following conditions:
 - a. A shelter for the homeless shall provide a minimum of two-hundred (200) square feet of heated building space per resident.
 - b. Shelters for the homeless may not be located within 1000 feet of any other shelter for the homeless or any other use which could be classified as a shelter for the homeless.
 - c. Operation.
 1. Shelters for the homeless shall be fully contained within a building owned and/or operated by a government agency or non-profit organization.

2. The operation of a shelter for the homeless shall provide continuous, on-site supervision by an employee and/or volunteer during all hours of operation.
 3. No retail sales shall take place on the property of any shelter for the homeless.
4. A shelter for the homeless may house no more than 50 residents.
5. All homeless shelters shall create and adopt a Code of Conduct that shall be enforced at all times. The Code of Conduct shall include at a minimum the following language:
 - i. Possession or use of illegal drugs is not permitted on the premises.
 - ii. Alcohol is not permitted on the premises.
 - iii. Federal and State gun control laws shall be strictly enforced on the premises.
 - iv. Violence is not permitted on the premises.
 - v. Fires are not permitted on the premises.
 - vi. Loitering in the surrounding neighborhood is not permitted.
 - vii. Littering on the premises or surrounding neighborhood is not permitted.
6. A copy of said Code of Conduct shall be provided to the Zoning Administrator of the City of Paducah for review by the Board of Adjustment.
7. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties & public right-of-way and of intensity compatible with the neighborhood.
8. The development shall provide laundry facilities or laundry service adequate for the number of residents.
9. The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:
 - i. Central cooking and dining room(s)
 - ii. Recreation room
 - iii. Counseling center
 - iv. Child care facilities
 - v. Other support services
10. For the purpose of noise abatement in residential districts, organized outdoor activities shall only be conducted between the hours of 8 a.m. and 9 p.m.
11. Staff and services shall be available to assist residents in obtaining permanent shelter and income.
12. The operator of a shelter for the homeless shall have a written management plan including, as applicable, provision for staff training, neighborhood outreach, security, screening of residents to ensure compatibility with services provided at the facility and for training, counseling and treatment programs for the residents.
13. Homeless shelters located in residential districts, when not developed in an individual dwelling unit format, shall not be subject to the underlying zoning district's maximum density standard, but the number of beds shall be limited to six times the maximum number of dwelling units which would otherwise be permitted.
14. Shelters for the homeless shall be located within 2500 feet of a public transportation route.

Ord. # 2011-11-7890, Dec. 20, 2011; Ord. # 2015-11-8325, Nov, 17, 2015

Sec. 126-73. Home occupations.

Home occupations are conditionally permitted uses and shall be approved in compliance with the following regulations.

- (1) Nature of use. Home occupations may include the office or studio in the residence of the following:
 - a. Doctor;
 - b. Dentist;
 - c. Artist;
 - d. Lawyer;
 - e. Engineer;
 - f. Antique shop;
 - g. Teacher (with musical instruction limited to one pupil at a time);
 - h. Realtor;
 - i. Insurance agent;
 - j. Dressmaker;
 - k. Other similar uses except a barbershop, beauty shop, tearoom, or animal hospital (see definition of home occupation, section 126-3).
- (2) Use restrictions. The following restrictions shall be placed on the above home occupations:
 - a. Must be conducted exclusively by the resident and no more than one employee.
 - b. Not more than one-fourth of one floor of the residence shall be used.
 - c. Alterations and construction shall be allowed provided that the external character and appearance of the building remains unchanged and the requirements of this chapter are met.
 - d. An indirectly lighted sign of not over one square foot shall be permitted and shall be attached flat against the dwelling.
- (3) Conditions. The Board of Adjustment may attach conditions to its approval which are necessary to preserve the character of the district in which the proposed use will be located.

(Code 1968, app. A, § 40.18; Ord. No. 76-10-1339, 10-26-76; Code 1996, § 156.047, Ord. No. 2005-11-7036, 11-8-05)

Sec. 126-74. High-rise apartment development.

The purpose of this section is to establish a procedure for the development of high-rise apartments, which is otherwise prohibited by the area and density requirements of the respective zoning districts.

- (1) Definition. A "high-rise apartment" shall be any residential structure that is four stories or more in height and contains a minimum of 16 individual dwelling units.
- (2) Requirements. It is the intent of this section to handle each development of this nature as a separate entity and to provide, through Commission approval, flexibility in the design of each.
 - a. Yard requirements.
 1. Front yard: 50 feet.
 2. Side yard: 25 feet.
 3. Rear yard: 50 feet.
 - b. Area requirements. Lot area required: 2.5 acres minimum.
 - c. Maximum building height. There shall be no maximum height provided all minimum yard requirements are increased three feet for each story above four stories or 60 feet.

- d. Floor area to lot area ratio. There shall be no less than four square feet of overall lot area for each square foot of floor area.
 - e. Minimum parking requirements. Parking requirements shall be set according to the intended use of the high-rise development and an acceptable ratio established for each separate development, e.g., elderly units, one space for each three units. The Planning Commission shall determine what is deemed to be an acceptable ratio.
- (3) Approval procedure.
- a. Upon receipt of an application and a site plan of the proposed total development, the Planning Commission shall hold a public hearing in the manner set out in KRS Ch. 100. At this time, the Commission shall set the above-stated requirements.
 - b. If approval is granted at the public hearing, the developer shall then submit engineering, architectural and landscaping plans for review by the City Engineer and the Planning Commission.
 - c. Upon approval by the above, building permits and certificates of occupancy may be issued, provided all conditions have been met and all other requirements completed.

(Code 1968, app. A, § 40.19; Ord. No. 76-10-1339, 10-26-76; Code 1996, § 156.048)

Sec. 126-75. Approval of site plans and parking layouts.

All site plans and parking layouts, except on lots serving single-family dwellings, shall be developed in accordance with this chapter and approved by the Planning and Zoning Administrator and City Engineer, after which a permit for development may be issued by the Building Inspector. If the site plan and parking layout does not meet with the approval of the Zoning Administrator and the City Engineer, the developer may appeal their decision to the Planning Commission.

(Code 1968, app. A, § 40.20; Ord. No. 76-10-1339, 10-26-76; Code 1996, § 156.049; Ord. 2010-5-7675)

Sec. 126-76. Sign regulations.

- (a) **Purpose.** It is the purpose of this chapter to establish regulations for the control of signs within the zoning jurisdiction of the City of Paducah. The intent of this chapter is to support and promote the use of signs to aid the public in the identification of businesses and other activities, and to assist the public in its orientation within the city. Further, it is the intent of this chapter to protect the public from the confusion created by the objectionable effects of advertising excesses, from the danger of unsafe signs and from the degradation of the aesthetic qualities of the City of Paducah. It is also the intent of this chapter to promote and protect the general appearance and aesthetics of the community. These regulations thereby promote the health, safety and general welfare through a system of reasonable, non-arbitrary and nondiscriminatory control of the placement, character, size, height, location and illumination of signs.
- (b) **Definitions.**
 - (1) **Advertising sign:** A sign which directs attention to a business product, service or activity or entertainment, sold or offered elsewhere than on the premises where such sign is located. Such sign includes billboards and off premises signs.
 - (2) **Air inflated sign:** A sign which maintains shape by air pressurization.

- (3) **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.
- (4) **Campus sign:** A sign which is located within a campus style environment which shall consist of at least three acres of real property, which would include a school, college, religious institution, performance hall, convention center or other like environment as approved by the Planning Commission. Such signs may include electronic message signs.
- (5) **Canopy sign:** A sign that is part of, or customarily attached to, a gasoline canopy.
- (6) **Directional sign:** Any non-commercial sign of an instructional nature bearing no business advertising and displayed for the convenience of the public.
- (7) **Electronic message sign:** A sign that changes messages not more than once every 8 seconds, followed by 2 seconds of transition or animation.
- (8) **Flashing sign:** A sign having an illumination of which is not kept constant in intensity at all times when in use.
- (9) **Flag sign:** A sign having the characters, letters or illustrations applied to cloth or fabric.
- (10) **Ghost sign:** A sign painted on the exterior wall of a building or structure prior to 1966 that has been weathered and faded to the extent it has lost its original brightness of color and visibility.
- (11) **Identification sign:** A sign which indicates only the name and address of the building and/or management, and has no direct advertising value.
- (12) **Illuminated indirectly:** A sign which is illuminated indirectly by artificial light from any source.
- (13) **Island spanner sign:** A sign that is attached to the supports of gasoline canopies for advertising purposes.
- (14) **Lighted sign:** A sign which is designed to emit artificial light from any source.
- (15) **Mobile sign:** A sign which is affixed to a frame having wheels and capable of being carried, or otherwise portable, 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.
- (16) **Perforated window sign:** A sign made of adhesive-backed PVC vinyl or other similar material that is perforated with a pattern of round, evenly-spaced holes. This type of sign is generally applied over windows.
- (17) **Projecting sign:** A sign which is attached directly to the wall of a building or other structure and which extends in a perpendicular direction outward.
- (18) **Roof sign:** A sign attached to the part of a building considered to be the roof, the roof being that of a building that protects the interior portion of said building.
- (19) **Sign:** Any name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land, in view of the general public, and which directs attention to a product, place, activity, person, institution or business or otherwise provides information to the public.
- (20) **Spandrel sign:** A sign attached to the spandrel that covers gasoline dispensers.
- (21) **Streamer:** A sign made of a string of ribbons, tinsel, pennants or similar devices used to attract attention to the premises where it is displayed.

- (22) **Surface area of sign:** The entire aggregate area of the actual sign surface. It does not include any structural elements outside the limits of such sign and not forming an integral part of display. Only one side of a double-faced sign structure shall be used in computing total surface area. (See Illustration No. 1).
- (23) **Temporary sign:** Any sign or display, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard or other light materials, with or without frames, intended or customarily expected to be displayed for a limited period of time only.
- (24) **Wall sign:** Any sign including a fascia sign which is attached parallel to the face of a wall of a building or other structure.
- (c) **General regulations.**
- (1) All signs shall be constructed of approved materials and shall be designed to meet the structural requirements of the applicable building code.
 - (2) All electrical work shall conform to all applicable electrical codes.
 - (3) No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal or device.
 - (4) No sign shall contain or make use of any word, phrase, symbol, shape, form or character in such a manner as to interfere with or confuse vehicular or pedestrian traffic.
 - (5) No illuminated sign which emits artificial light shall be permitted within 50 feet of property in any residential district unless the sign is attached directly to the facade of the structure. Measurement determinations shall be made by the Zoning Administrator.
 - (6) No portion of any sign shall be located at an elevation of less than ten feet measured at a distance of five feet to a street right-of-way line unless the sign is attached directly to the facade of the structure and except as otherwise provided herein. (See Figure #1).
 - (7) No sign shall be placed in any public right-of-way, except those signs for public use and regulatory signs outlined in the MUTCD, except as otherwise provided herein. The provisions of subsection 126-76(s) shall not apply to this subsection.
 - (8) As to signs which are attached to buildings that are located in the B-2-T, B-2, H-1 and H-2 Zones and further as to signs which are attached to buildings that are within one foot of the public right-of-way in the B-1 and B-3 zones, such signs shall be permitted to encroach into a public right-of-way. However, no portion of any sign and no portion of the mounting of any mast of any sign within the public right-of-way shall be placed at an elevation of less than eight feet above the sidewalk or above the edge of the pavement of the roadway, whichever is higher; nor shall any portion of any such sign, mast or mounting (in the space above eight feet) be placed nearer than two feet from the traveled portion of the roadway or the vertical space above the traveled portion of the roadway, as measured from the face of the curb, or if there is no curb, from the edge of the pavement.
 - (9) Traffic visibility at intersections shall be preserved in accordance with section 126-65 of the Code of Ordinances.
 - (10) No exterior wall signs shall be attached to or obstruct any window, door, stairway or other opening intended for egress, ingress, ventilation and light.

- (11) No sign shall be attached to any tree, fence or utility pole except by a governmental body or agency.
- (12) All signs shall be adequately maintained. Such maintenance shall include proper alignment of structures, continued readability of the structure and preservation of the structure with paint or other preservatives. Electronic signs shall be free of burned out lights or deadspots.
- (13) All signs placed upon private property must have the written consent of the owner or his agent. If the application is made by a person other than the owner in fee, it shall be accompanied by a verified written statement by the person making the application that the sign is authorized by the owner in fee and that the applicant is authorized to make application.
- (14) The areas of a free standing sign or a wall sign shall be measured by drawing eight or fewer straight lines encompassing the extremities of the sign within the smallest possible area. The area of a free standing sign shall not include poles, supports or other structures which are used solely for support and which do not contain any advertising of any kind. Message signs are allowed as accessory signs on freestanding signs. The area of the message sign shall be included in the total allowable sign area. (See Illustration#1).

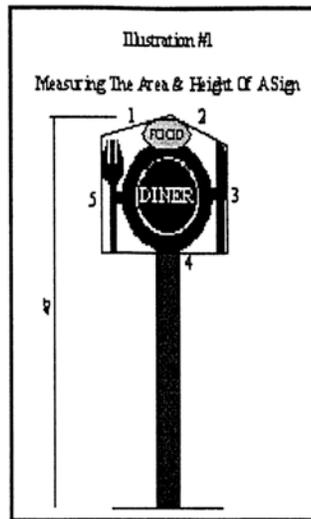


Illustration 1

- (15) Interior electronic message signs that change not more than once every 30 seconds shall be permitted in the B-1, B-2, B-3, HBD, M-1 and M-2 zoning districts. Interior electronic message signs in these zones can be no larger than 30 percent of the window.
- (16) Interior electronic signs that change not more than once 30 seconds shall be permitted in the B-2-T and H-1 zoning districts. Interior electronic message signs in these zones can be no larger than four square feet. Only one such sign shall be permitted per structure.
- (17) Hanging banners across or along streets and sidewalks.
 - a. In order to promote general events of a civic and public nature in the Downtown Business Townlift Zone any person, firm, corporation or organization in charge of events of a civil and public nature may hang a banner in an area designated below vertically, on cantilevered arms, pennants, flags or banners from utility poles equipped by the city for such

- purposes, to publicize an event or season or generally promoting the community, providing the subsequent guidelines are followed.
- b. Generally, it shall be unlawful for any person to suspend any banner across or along any street, sidewalk or other public way of the city for the purpose of advertising a person's candidacy for public office or for any other purpose.
 - c. Banners for commercial advertisements reflecting price, a business or product promotion of goods or services are prohibited. The banners may reflect only one theme at any given time within a district. Different districts may have different themes at the same time.
 - d. Guidelines
 1. Banners hanging over Broadway.
 - (i) Application. Applications for a permit must be submitted to the Parks Services Director 30 days prior to the day the banners are to be installed. Applications are available at the Parks Services office or online from the City's website. Applications should be completed by the chairman or executive director of the sponsoring organization and must contain the name of the person, firm, corporation or organization sponsoring the event; the requested dates the banner(s) are to be installed and how long they will be requested to remain above the street.
 - (ii) Material and dimensional requirements. The banner crossing Broadway must be made of heavy-weight, water-resistant material, with air pockets cut in, and contain at least twelve, heavy duty, reinforced grommets as shown in Figure 1 below. The banner shall measure 30 feet long and five feet high.

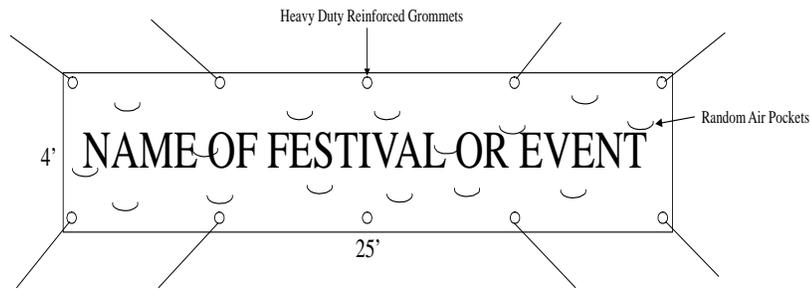


Figure #1

- (iii) Review process. The application will be reviewed by the Parks Services Director to insure that the design, material and colors are satisfactory.
2. Permit for Broadway pole banners.
 - (i) Application. Applications for a permit must be submitted to the Parks Services office 30 days prior to the day the banners are to be installed. Applications are available at the Parks Services office or online from the City's website. Applications should be completed by the chairman or executive director of the sponsoring organization and must contain the name of the person, firm, corporation or organization sponsoring the event and the dates the banner(s) are to be installed and remain above the street.

- (ii) Material and dimensional requirements. Banners must be constructed of heavyweight, water-resistant fabric. The size of banners is restricted to 30 inches by 80 inches in order to fit the installed brackets. The banner shall be constructed to fit the mounting hardware where the banner can be mounted by slipping the banner arms through the sewn, looped top and bottom of the banner. The loops must be three inches in order to slip over the banner arms. Figure 2 below illustrates the proper construction and mounting. The design shall be the same on both sides of the banner.



Figure #2

- (iii) Review process. The application will be reviewed by the Parks Services Director to insure that the design, material and colors are satisfactory.
3. Permit for Jefferson Street pole banners.
- (i) Application. Applications for a permit must be submitted to the Parks Services office 30 days prior to the day the banners are to be installed. Application may take the form of a letter from the chairman or executive director of the sponsoring organization and must contain the name of the person, firm, corporation or organization sponsoring the event; the dates the banner(s) are to be installed and remain above the street.
 - (ii) Material and dimensional requirements. Banners must be constructed of heavyweight, water-resistant fabric. The size of banners is restricted to 30 inches by 60 inches in order to fit the installed brackets. The banner shall be constructed to fit the mounting hardware where the banner can be mounted by slipping the banner arms through the sewn, looped top and bottom of the banner. The loops must be three inches in order to slip over the banner arms. Figure 3 below illustrates the proper construction and mounting. The design shall be the same on both sides of the banner.



Figure #3

- (iii) Review process. The application will be reviewed by the Parks Services Director to insure that the design, material and colors are satisfactory.
- 4. Permit for Lower Town Arts District pole banners.
 - (i) Application. Applications for a permit must be submitted to the Parks Services office at least 30 days prior to the day the banners are to be installed. Applications are available at the Parks Services office or online from the City's website. Applications should be completed by the chairman or executive director of the sponsoring organization and must contain the name of the person, firm, corporation or organization sponsoring the event and the dates the banner(s) are to be installed and remain on the light poles.
 - (ii) Design, materials and colors. Design, materials and color will be reviewed according to the review process as outlined in subsection (c) below. General requirements are as follows:
 - (a) The banner must be made of heavy-weight, water-resistant fabric.
 - (b) Design of the banner. The size of banners is restricted to 24 inches by 48 inches in order to fit the installed brackets. The banner shall be constructed to fit the mounting hardware where the banner can be mounted by slipping the banner arm through the sewn, looped top of the banner and connected to the bottom with a reinforced eyelet in one of the bottom corners. The loop at the top of the banner shall be three inches in diameter in order to slip over the top bracket. The bottom of the banner must have a one-half-inch dowel rod sewn in the bottom for proper display. Figure 4 below illustrates the proper construction and mounting. At a minimum, the banner must contain the Lower Town Arts District logo and/or the words Lower Town Arts District. The banner may include additional information such as an event, season or other appropriate

occasion. The words and designs can be arranged in any manner, but all words and designs must be easily discernable. The design shall be the same on both sides of the banner.

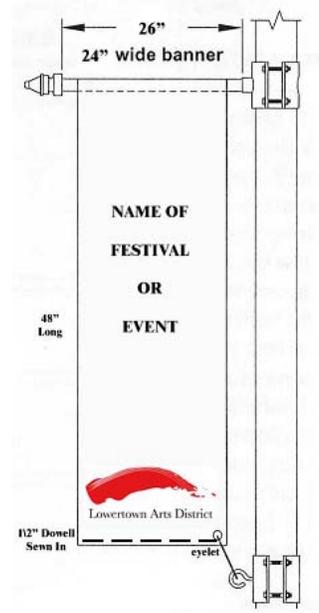


Figure #4

- (c) The color scheme of the banner must be appropriate to the historic district and will be reviewed by the Lower Town Arts District Banner Review Committee.
- (iii) Review process. The application will be reviewed by the Lower Town Arts District Banner Review Committee. The committee shall make an examination to insure that the design, material and colors specified above are met. This committee shall consist of the Director of Planning, Director of Parks Services and the Chairperson of the Historic and Architectural Review Commission.
- e. Installation and removal of banners. Installation and removal of all banners shall be done by the Public Works Department. The city reserves the right to remove any damaged or unsightly banners, or banners that interfere with traffic or the public right of way.
- (18) Sandwich board Signs: A sandwich board is a freestanding A-Frame sign. Such signs are only authorized in the H-1, H-2, B-2-T and B-2 zones; further sandwich board signs may be located in front of businesses in other zones that are constructed adjacent to the front property line and as provided as follows:
 - a. One sandwich board sign shall be permitted per building façade if a projecting sign does not protrude from the façade.
 - b. Sandwich board signs shall be no taller than 36 inches from grade and no wider than 24 inches. Such signs must be secured by a chain or cable in order to remain standing and shall not have moving parts or be illuminated in any manner. Both faces of the sign must have advertising. No blank faces are allowed.

- c. Such signs can only be placed on a sidewalk that has a minimum of eight (8) feet in width. In no instance can such signs occupy an area that limits any portion of the usable sidewalk to less than five (5) feet and interfere with pedestrian or automobile traffic.
- d. No portion of any sandwich board sign shall be placed further than 36" from the face of the building.
- e. Sandwich board signs shall only advertise hours of operation, an event or promotion, or a menu. The sign must be displayed in front of the business for which it is advertising. No off-site advertising is allowed.
- f. The sandwich board sign can only be displayed during business hours and must be removed when the business is closed. These signs shall be removed from the public right-of-way at any time the weather conditions render the presence of such signs a hazard (i.e. high wind conditions, snow, ice, etc.)
- g. The sign must be constructed of weather resistant materials and shall be maintained in good repair. Sandwich board signs shall not be constructed of cardboard, OSB or non-marine grade plywood. Sandwich board signs cannot be anchored to the sidewalk, attached or chained to poles, or other structures or appurtenances. Such signs shall be weighted.
- h. The sandwich board sign may have no protruding features attached. Protruding features include balloons, ribbons, flags or other similar objects as determined by the Zoning Administrator.
- i. The City of Paducah shall be entitled to request removal or remove any sandwich board sign in the right-of-way if the sign is considered to be a nuisance. The City of Paducah shall not be required to follow Section 126-76(s) when removing a sign considered a nuisance.
- j. A sign permit must be obtained from the Fire Prevention Department before any sandwich board sign can be placed on the public right-of-way.

(d) **Regulations for temporary signs.**

- (1) Temporary signs which advertise or promote a political campaign or the expression of ideas or beliefs shall be subject to the following regulations:
 - a. Such signs shall be limited to 16 square feet in area per sign face with the bottom of the sign to be no higher than two feet from ground level.
 - b. As to temporary signs which advertise or promote a political campaign, only one sign per candidate may be erected on any one lot or tract of real property or every 200 feet if the lot has over 200 lineal foot of frontage. Such signs shall be removed within ten days following the election event.
 - c. Notwithstanding the effective date of this chapter, subsection (d)(1) shall become effective on January 1, 2003.
- (2) Temporary signs which advertise the sale, lease or development of real property, shall be subject to the following regulations:
 - a. Such signs may be erected at the time of the commencement of the sale of the real property and may be maintained for a period not to exceed ten days after completion of the sale, at which time such signs shall be removed.
 - b. Such signs shall not exceed six square feet in area per sign face, excepting however, such signs located in a B-3, HBD, M-1, M-2, M-3, H-M, POP or M-U Zone with frontage over 200 feet shall not exceed 32 square feet in area per sign face.

- c. No more than one sign shall be permitted for each 200 feet the lot or tract upon which the sign is to be located abuts upon a public right-of-way.
- d. Such signs may be located within seven feet of a street right-of-way line.
- (3) Temporary signs which advertise construction services and services related thereto shall be subject to the following regulations.
 - a. Such signs shall not exceed 16 square feet in area per sign face.
 - b. Such signs shall be erected no more than 30 days prior to the beginning of construction.
 - c. Such signs shall be removed within ten days after completion of construction.
 - d. Such signs may be located within seven feet of a street right-of-way line.
- (4) Temporary signs which advertise or promote business events, special sales, "under new management", "going out of business", "grand opening" and similar announcements shall be subject to the following regulations:
 - a. Such signs may consist of wall signs, banners and other similar signs, which are approved by the Zoning Administrator as being in compliance with the intent and provisions of this chapter.
 - b. Such signs shall not exceed 32 square feet in area per sign face.
 - c. Each property or tenant shall be limited to two such signs. Such signs shall be located on the site being advertised.
 - d. Such signs shall not be erected for a period of more than 30 days.
- (5) Temporary signs which advertise or promote general events shall also be in compliance with section 98-3 of the Code of Ordinances.
- (6) Temporary signs which advertise or promote circuses or carnivals or other special events shall not exceed 100 square feet and shall be erected within 20 days of the event and removed within 10 days following the event. Each special event is limited to two such signs on the property the special event is being held on.
- (7) Temporary signs which advertise or promote yard sales may only be erected the day before the sale and shall be removed on the day following the sale. Such signs shall not exceed six (6) square feet per sign face. Such signs may be located within seven (7) feet of a street right-of-way line.
- (e) **Signs permitted in all zones and districts.** Except where such signs may violate some other section of this chapter or any other applicable provision of the Code of Ordinances of the city, the following signs shall be permitted in all zones:
 - (1) Signs located wholly within a building or structure: Flashing, blinking, moving, rotating or flapping signs shall not be visible from the public right-of-way except as provided for in sections 126-76(c)(15) and 126-76(c)(16).
 - (2) Window Signs: Such signs shall not obstruct more than 30% of any window opening.
 - (3) Signs affixed to a properly licensed motor vehicle operating upon public thoroughfares: provided such vehicles are not used or intended for use as a portable sign.
 - (4) Dangerous dog signs as required under section 14-40 of the Code of Ordinances, provided such signs shall not exceed 18 × 24 inches.
 - (5) Any sign erected by any governmental body or agency.
 - (6) One sign not over one square feet in area identifying home occupations which are permitted as a conditional use on the premises. The sign location shall be subject to control by the Board of Adjustment. Lighted signs are prohibited.

- (7) Temporary signs.
- (8) Ghost signs:
 - (a) A ghost sign may be, but is not required to be; stabilized, rehabilitated or preserved to it's original condition, design and size.
 - (b) A ghost sign may not be altered in any way that changes it's original design, wording or size.
 - (c) Ghost signs do not count toward maximum square footage of sign areas, however; no new signs can be painted onto the same façade as a ghost sign.
 - (d) Windows and doors may be cut into ghost signs.
 - (e) Due to their historical nature, ghost signs shall not be considered advertising signs.
 - (f) Ghost signs should not be "over restored" to the point that all evidence of their age is lost.
 - (g) Ghost signs shall be considered existing non-conforming signs.
 - (h) Ghost signs in the City's historic districts are not required to obtain HARC approval, because changes beyond original condition, design and size are not permitted.
- (f) **Signs prohibited in all zones and districts.** The following signs are prohibited in all zones and districts.
 - (1) Flashing, blinking, moving, rotating or flapping signs except as provided herein.
 - (2) Roof signs.
 - (3) Mobile signs.
 - (4) Advertising signs that exceed the dimensions of six square feet in area per sign face, except for replacement advertising signs which are permitted pursuant to subsection (r).
 - (5) Air inflated sign.
 - (6) Streamers.
- (g) **Signs authorized for R-1, R-2, R-3, NSZ and R-4 Zones.** No signs shall be permitted in the R-1, R-2, R-3, NSZ and R-4 zones in the city except as provided in subsection (e) above and as provided in subsection (e) above, subsection (7) below and as provided as follows:
 - (1) Signs with nameplates affixed to the exterior wall of a structure and not exceeding 18 inches by 24 inches in area shall be permitted for each single family dwelling unit. Such nameplates shall indicate nothing other than the name of the premises and/or the name and/or address of the occupants. Such signs may only be illuminated indirectly.
 - (2) A sign identifying the name of subdivisions and public or private schools shall be permitted provided such signs do not exceed 48 square feet in area per sign face. Such signs may include an attached or freestanding announcement sign. Subdivision signs may only be illuminated indirectly. Public or private school signs may be lighted. Non-commercial public or private schools may have an electronic message sign. Such signs shall not be erected closer than five feet to any property line unless attached to a building and shall not exceed eight feet in height.
 - (3) Bulletin boards and identification signs shall be permitted at places of worship and cemeteries provided such identification signs or bulletin boards do not exceed 48 square feet in area per sign face. One free-standing identification sign is permitted per lot, however, one additional free-standing identification sign shall be permitted for places of worship or cemeteries on the intersection of two

streets or has double frontage on parallel streets. Such signs may indicate the name and/or address and activities relating to the premises. Such signs may be lighted. Such signs shall not be erected closer than five feet to any property line unless attached to a building and shall not exceed ten feet in height. Places of worship may have one electronic message sign, in lieu of one identification sign, provided the following requirements are met:

- a. Such sign may not exceed 48 square feet in area per sign face.
 - b. Such sign may not exceed ten feet in height.
 - c. Such sign shall meet the requirements provided in 126-76 (k) (5).
 - d. Such sign shall be located at least 200 feet away from any residential structure in residential (R-1, R-2, R-3 and R-4) Zones, except for pastor residences, parishes, rectories and caretaker dwellings, which are owned by the place of worship. The 200 feet measurement includes residential structures on the opposite sides of public ways. Said measurements shall be taken from the nearest outside wall of the structure. Further, such signs shall not be closer than five feet to any property line unless attached to a building.
 - e. Such sign shall be located on the same lot as the principal building.
 - f. Only one electronic message sign (either free-standing or attached to a building) shall be permitted per place of worship.
- (4) Signs for advertising nurseries or day cares in the R-1, R-2 and R-3 zone shall be permitted provided such signs comply with subsection (e) (6).
 - (5) Free standing business signs, advertising the business uses, in the R-4 zone shall be permitted per lot provided the sign is no larger than 12 square feet in area per sign face and be no taller than ten feet. Such signs may only be illuminated indirectly.
 - a. Only one free standing business sign shall be permitted on any lot.
 - b. Wall signs shall be permitted for each tenant or lessee. The area of the wall signs shall not exceed 20 percent of square footage of face of building, structure or face of tenant or lessee space. Lighted signs are permitted. Wall signs shall not be located on any portion of the roof that encloses the building.
 - (6) Private directional signs indicating entrance, exit or location of parking shall be permitted in the R-4 zone. Such signs shall not exceed six square feet in surface area for each sign and the height must not be more than 60 inches from the street level. These signs must be placed on private property and not on public right-of-way.
 - (7) One façade sign shall be permitted on any lot in the NSZ. Such signs shall only be approved for Conditional Permitted Uses. Such sign shall be permitted provided the sign is no larger than 8 square feet in area per sign face. Such signs may only be illuminated indirectly.
 - (8) Apartment complexes may have private directional signs indicating entrance, exit or location of parking provided such signs do not exceed four square feet in surface area for each sign face and the height shall not exceed 30 inches from the street level. These signs shall not be placed within the public right-of-way and shall not exceed more than two per public street frontage. Further, apartment complexes may have one free standing apartment complex identification sign on any lot provided; however one additional sign shall be permitted for each additional 300 feet of street frontage. One additional free standing apartment

complex identification sign shall be permitted if the business is located at the intersection of two streets. The size of the sign shall not exceed 36 square feet in area per sign face. The outer edge of the sign shall be set back at least seven feet from the side lot line. All permitted apartment complex identification signs shall not exceed a height of 8 feet from the adjacent grade. Such signs shall be illuminated indirectly.

- (h) **Signs authorized for B-2-T zone.** No signs shall be permitted in the B-2-T zone in the city except as provided in subsections (e) and as provided as follows:
- (1) Wall signs for single-tenant buildings. One wall sign per building facade shall be permitted provided that such signs shall be constructed so that each letter thereon runs parallel to the street upon which such business abuts, shall be affixed to the exterior wall of the building and shall not protrude from that wall a distance of more than 18 inches. Wall signs shall be a maximum size of 50 square feet. Building facades with a greater than 50 lineal feet of street frontage are allowed a maximum sign area of 1.5 square feet per lineal foot of street frontage subject to a 100 square foot maximum.
 - a. Internal illumination shall be permitted only when the letters themselves are lighted and not the background. Neon signs are not permitted
 - b. Wall signs may be indirectly illuminated.
 - (2) Wall signs for multi-tenant buildings. One wall sign per tenant shall be permitted provided that such signs shall be constructed so that each letter thereon runs parallel to the street upon which such business abuts, shall be affixed above the business entryway and shall not protrude from the wall a distance of more than 18 inches. Wall signage shall be cumulative size of 50 square feet per façade. Building facades with a greater than 50 lineal feet of street frontage are allowed a maximum sign area of 1.5 square feet per lineal foot of street frontage subject to a 100 square foot cumulative maximum.
 - a. Internal illumination shall be permitted only when the letters themselves are lighted and not the background. Neon signs are not permitted.
 - b. Wall signs may be indirectly illuminated.
 - (3) Projecting signs. One projecting sign per building facade on street frontage shall be permitted provided that such sign may project from a building no more than four feet horizontally and have a maximum area of six square feet.
 - a. The projecting sign shall start no more than six inches from the exterior wall of the building.
 - b. A projecting sign shall be mounted by a metal bracket projecting from the wall of the building.
 - c. Projecting signs shall be located within two feet of the centerline of the building.
 - d. Projecting signs may be indirectly illuminated.
 - e. Projecting signs may be made of wood, metal, alucobond, reinforced canvas or polyurethane foam.
 - f. Secondary entrances to separate dwellings or businesses within the principal structure shall be permitted to have one additional projecting sign. Such sign shall not exceed one square foot in size and shall be installed above the secondary entrance.
 - (4) Awning signs. Signs on awnings shall be limited to lettering displaying no more than the name, street number, logo or trademark and principal business of the

occupant of the premise. Awning signs shall be a maximum size of 50 square feet. Awning signs may be indirectly illuminated.

- (i) **Signs authorized for H-1 zone.** No signs shall be permitted in the H-1 zone in the city except as provided in subsections (e) and (g) and as provided as follows:
- (1) Signs shall be permitted provided such signs are constructed so that each letter thereof runs parallel to the street upon which such business abuts, shall be affixed to the exterior wall of the building and shall not protrude from that wall a distance of more than 18 inches. Such signs may only be illuminated indirectly.
 - (2) A projecting sign shall be permitted provided that such sign is attached directly to the wall of a building and extends in a perpendicular direction outward no more than three feet from the face of the building. The longest dimension of any sign shall not exceed three feet. The face of any sign shall not exceed six square feet with a two-face maximum. One sign per building facade is permitted. Such signs may only be illuminated indirectly.
 - (3) All signs in the H-1 zone shall be subject to the requirements of subsections 126-115(c) and (g) of the Code of Ordinances.
 - (4) Theaters in the H-1 zone may erect lighted poster cases designed as follows:
 - a. A frame made of wood to hold poster type advertisement that shall not exceed 12 square feet. The poster shall fit perfectly inside the frame leaving no exposed edges. A shatterproof plexiglas cover shall be used to protect the advertisement.
 - b. Lighting shall be inside the case hidden from view and projected toward the poster sign. In no instance shall the sign be illuminated from behind.
 - c. No more than four of these lighted poster cases shall be erected on any side of a building. All poster case signs shall be subject to the requirements of subsections 126-115(c) and (g) of the Code of Ordinances.
- (j) **Signs authorized for H-2 zone.** No signs shall be permitted in the H-2 zone in the city except as provided in subsections (e) and (g) and as provided as follows:
- (1) Signs shall be permitted provided the sign is no larger than 12 square feet in area per sign face.
 - (2) Such signs may only be illuminated indirectly. No sign shall be illuminated to an intensity of more than 90 foot candles when measured at eight feet and shall not be closer than ten feet to any property line unless attached to a building or structure.
- (k) **Signs authorized for B-1, B-2, B-3, M-1, M-2, M-3 and HBD zones.** No signs shall be permitted in the B-1, B-2, B-3, M-1, M-2, M-3 and HBD zones in the city except as provided in subsections (e) and (g) and as provided as follows:
- (1) Flag signs attached to a permanent pole shall be permitted. Such signs shall not exceed 12 square feet in area per sign face. One flag sign is permitted per permanent pole. The maximum height of a flag sign shall not exceed a height of 40 feet from the adjacent grade.
 - (2) Private directional signs indicating entrance, exit, or location of parking shall be permitted provided such signs do not exceed six square feet in surface area for each sign face and the height shall not exceed 60 inches from the street level. These signs shall not be placed within the public right-of-way.
 - (3) Only one free standing business sign shall be permitted on any lot, provided, however, one additional sign shall be permitted for each additional 300 feet of frontage. One additional free standing business sign shall be permitted if the

business is located at the intersection of two streets. The size of the sign shall not exceed 1.5 square foot per lineal foot of street frontage subject to a maximum size of 200 square feet in area per sign face. The outer edge of the sign shall be set back at least seven feet from the side lot line. All permitted freestanding signs shall not exceed a height of 40 feet from adjacent grade, except as may be otherwise authorized in the following subsection. Lighted signs are permitted.

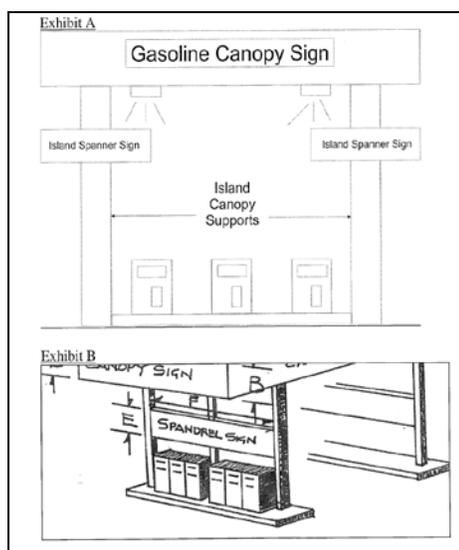
- (4) Property zoned B-1, B-3, HBD, M-1, M-2 or M-3 and within 2,000 feet of the centerline of I-24 shall have the right to construct one free standing sign permitted under subsection (3) above to a height not to exceed 100 feet in sign height and 300 square feet in area per sign face. For the purpose of calculating the 2,000 feet from the centerline set forth above (see illustration #2). Lighted signs are permitted.



Illustration 2

- (5) Exterior electronic message signs that change messages not more than once every 8 seconds of static image, followed by 2 seconds of transition or animation shall be permitted in the B-1, B-3, HBD, M-1, M-2 and M-3 zones.
- a. Electronic message signs must have controls in place to prevent flashing when a malfunction or power loss occurs.
 - b. Electronic message signs must contain brightness controls that adjust to the ambient light where the sign is easily readable during daytime hours, but not overbearing at night.
 - c. In addition to (a) and (b) above, electronic message signs may be allowed in the B-2 Zone with additional requirements as follows:

- (1) Such sign shall not exceed 25 square feet in area per sign face.
- (2) Such sign shall not exceed six feet from grade.
- (3) Such sign shall be located at least 200 feet away from any residential structure in the H-2 Zone. The 200 foot measurement includes residential structures on the opposite sides of public ways. Said measurements shall be taken from the nearest outside wall of the structure. Further, such signs shall not be closer than five feet to any property line unless attached to a building.
- (4) Such sign shall be located on the same lot as the principal building.
- (5) One one electronic message sign (either free-standing or attached to a building) shall be permitted per lot.
- (6) Wall signs shall be permitted for each tenant or lessee, except as provided in (k) (6) (a) below. The area of wall signs shall not exceed 20 percent of the square footage of the face of the building, structure or the face of tenant or lessee space. Lighted signs are permitted. Wall signs shall not be located on any portion of the roof that encloses any building. Awning signs shall be considered to be wall signs and shall be subject to 20 percent of the square footage of the face of the building, structure or the face of the tenant or lessee space.
 - a. Covered Mall Buildings. Wall signs shall be permitted on each facade of a covered mall building as defined as follows: A single building enclosing a number of tenants and occupants such as retail stores, drinking and dining establishments, entertainment and amusement facilities, passenger transportation terminals, offices and other similar uses wherein two or more tenants have a main entrance into one or more malls.
 - b. The area of wall signs on any façade of a covered mall building shall not exceed 20 percent of the square footage of each individual façade of the structure. Wall signs may not advertise any business that is not located within the structure the sign is affixed to. Lighted signs are permitted. Wall signs shall not be located on any portion of the roof that encloses any covered mall building.
- (7) No flat wall signs shall project above the roof or parapet line.
- (8) Gasoline canopy signs: Canopy signs shall not exceed 20% of the face of the canopy on which they are a part of, or are attached to. Island spanner signs shall not exceed 20% of the face of the canopy above. Spandrel signs shall not exceed 20% of the spandrel's structural area. Island spanner signs and spandrel signs shall not be permitted together. These types of signs shall not extend beyond the edges of the canopy.



- (9) Perforated Signs.
- (A) Perforated signs shall either be 50/50 or 60/40 perforation.
 - (B) Perforated signs may be applied to the entire window; however, a perforated sign may not exceed more than 30% of the total façade of a structure.
 - (C) Perforated signs may not be applied over any ingress/egress door.
 - (D) Perforated signs for a single business are intended to have a single, unifying theme. Perforated signs shall not be directly illuminated from inside the business.
 - (E) The total cumulative sign square footage of both wall signs and window signage (whether it is attached, painted, perforated or otherwise recognized as a window sign) shall not exceed a total of 30% of the entire façade.
- (10) Projecting signs permitted pursuant to subsection (c) (8) of this Chapter in the B-1, B-2 and B-3 Zones shall be no larger than six square feet.
- (1) **Signs authorized for POP Zone.** No signs shall be permitted in the POP Zone of the city except as provided in subsections (e) and (g) and as provided as follows:
- (1) Every lot or tract shall be restricted to one free standing business sign.
 - (2) Free standing business signs shall not exceed twelve (12) feet above grade in height or more than 12 square feet in area for each foot of lineal frontage of the building. However, no sign shall exceed 200 square feet in area (100 square feet per face, two-face maximum) except as otherwise provided herein.
 - (3) Hotels, motels and restaurants shall be permitted to have one free standing business sign. Such signs shall not exceed the height of the roof line of the principal structure. Such sign shall not exceed 40 feet in height and shall not exceed 200 square feet in area per sign face.
 - (4) All free standing business signs shall have a minimum setback of 20 feet from the street.
 - (5) Lighted signs shall be permitted. However, all sign lighting shall be only of a type, intensity and direction only necessary to light the sign. Electronic message signs shall be permitted.
 - (6) One sign per tenant, per each facade shall be permitted to be attached to the principal building. However, the total square footage of such signs shall not exceed five percent of the total above-grade elevation building face.
 - (7) Private directional signs indicating entrance, exit, or location of parking shall be permitted in the POP zone. Such signs shall not exceed six square feet in surface

area for each sign and the height must not be more than 60 inches from the street level. These signs must be placed on private property and not on public right-of-way.

(8) Perforated Signs.

(A) Perforated signs shall either be 50/50 or 60/40 perforation.

(B) Perforated signs may be applied to the entire window; however, a perforated sign may not exceed more than 30% of the total façade of a structure.

(C) Perforated signs may not be applied over any ingress/egress door.

(D) Perforated signs for a single business are intended to have a single, unifying theme. Perforated signs shall not be directly illuminated from inside the business.

(E) The total cumulative sign square footage of both wall signs and window signage (whether it is attached, painted, perforated or otherwise recognized as a window sign) shall not exceed a total of 30% of the entire façade.

(m) **Signs authorized for MU and A-1 Zones.** No sign shall be permitted in the MU zone or A-1 zone except as provided in subsections (e) and (g) and as provided as follows:

(1) Private directional signs indicating entrance, exit, or location of parking shall be permitted provided such signs do not exceed six square feet in surface area for each sign. The height of such signs shall not be more than 60 inches from the street level. These signs may only be placed on private property and not on public right-of-way. Such signs may only be illuminated indirectly.

(2) All signs in the MU and A-1 districts shall receive approval by the Planning Commission in accordance with the development plan procedure set forth in section 126-176 of the Code of Ordinances.

(3) Perforated Signs.

(A) Perforated signs shall either be 50/50 or 60/40 perforation.

(B) Perforated signs may be applied to the entire window; however, a perforated sign may not exceed more than 30% of the total façade of a structure.

(C) Perforated signs may not be applied over any ingress/egress door.

(D) Perforated signs for a single business are intended to have a single, unifying theme. Perforated signs shall not be directly illuminated from inside the business.

(E) The total cumulative sign square footage of both wall signs and window signage (whether it is attached, painted, perforated or otherwise recognized as a window sign) shall not exceed a total of 30% of the entire façade.

(n) **Signs authorized for HM Zone.** No sign shall be permitted in the HM Zone except as provided in subsections (e) and (g) and as provided as follows:

(1) Business signs shall be permitted provided that such signs do not exceed 25 feet in height.

(2) Noncommercial signs utilizing directional and informational wording and graphics relating to the location of a principal permitted use shall be permitted. Lighted signs are permitted.

(3) Perforated Signs.

(A) Perforated signs shall either be 50/50 or 60/40 perforation.

(B) Perforated signs may be applied to the entire window; however, a perforated sign may not exceed more than 30% of the total façade of a structure.

(C) Perforated signs may not be applied over any ingress/egress door.

(D) Perforated signs for a single business are intended to have a single, unifying theme. Perforated signs shall not be directly illuminated from inside the business.

(E) The total cumulative sign square footage of both wall signs and window signage (whether it is attached, painted, perforated or otherwise recognized as a window sign) shall not exceed a total of 30% of the entire façade.

(o) **Signs authorized for NCCZ.** No sign shall be permitted in NCCZ except as provided in subsections (e) and (g) and as provided as follows:

(1) Only one freestanding monument sign shall be permitted on any lot in the NCCZ zone. Such sign shall be permitted provided the sign is no larger than 16 square feet in area per sign face and be no taller than 6 feet. Such sign may only be illuminated indirectly.

(2) One façade sign shall be permitted per tenant in the NCCZ zone. Such sign shall be permitted provided the sign is no larger than 20 square feet in area per sign face. Such sign may only be illuminated indirectly.

(3) Private directional signs indicating entrance, exit, or location of parking shall be permitted in the NCCZ zone. Such signs shall not exceed six square feet in surface area for each sign and the height must not be more than 60 inches from the street level. These signs must be placed on private property and not on public right of way.

(p) **Application Fees and Penalties**

(1) No sign, except as specifically exempted herein, shall be displayed, erected, relocated or altered until a permit has been issued by the Department of Inspection. An application for a permit shall include, but shall not be limited to; the following:

a. A completed application form

b. A site plan and/or building elevations drawn to scale showing the locations of the proposed sign(s) on the lot and/or building including setbacks.

c. Detailed sign information including type of construction, method of illumination, dimensions, methods of mounting and/or erecting and other similar information.

d. Engineering design on footing and structure for signs exceeding 40 feet in height.

(2) The forgoing provisions shall not apply to any temporary sign or to any other sign with exists prior to the effective date of this chapter.

(q) **Permitted nonconforming signs.**

(1) Signs are permitted only in those zoning districts where they are designated as permitted under this chapter or where specifically permitted under other sections of the Code of Ordinances, except as otherwise provided herein.

(2) Any sign legally existing on the effective date of this chapter which is not in conformance with the provisions of this chapter, or any subsequent amendment thereto, shall be considered a nonconforming sign. Such sign shall be authorized to remain in existence subject to the conditions as herein set forth.

(3) A sign which does not comply with the requirements of this chapter may be maintained, repaired, altered or moved, provided that every portion of the sign so enlarged or moved shall be made to conform to all the regulations of the zone in which the structure is located.

(4) No nonconforming sign shall become a nuisance as defined under subsection (s).

- (5) Temporary signs existing at the date of the adoption of this chapter shall be removed within 90 days of the adoption of this chapter.
 - (6) In the event a nonconforming sign is damaged to such extent that the cost of repairs exceeds 50 percent of the replacement value of the sign as determined by the city's Fire Prevention Department, the authorization as provided herein shall be terminated, at which time such sign shall be deemed in nonconformance with the provisions of this chapter and as such shall constitute a nuisance.
- (f) **Replacement advertising signs.**
- (1) In the event the owner of an advertising sign which is permitted pursuant to subsection (q) desires to remove the advertising sign and construct another advertising sign at the same location or at another location or in the event the owner of an advertising sign desires to reconstruct an advertising sign which has been damaged to such extent that the cost of repairs exceeds 50 percent of the replacement value, the owner may apply for a permit for a replacement advertising sign under subsection (o). A permit for a replacement advertising sign may be issued by the Department of Fire Prevention only upon the satisfaction of the following conditions:
 - a. The replacement advertising sign plus all other advertising signs owned by the owner do not exceed the number of advertising signs which the owner owned at the effective date of this section.
 - b. The replacement advertising sign shall not exceed the face area and number of faces of the replaced advertising sign.
 - c. The owner has filed an application for permit for a replacement sign with a period of one year following the removal of the advertising sign to be replaced.
 - d. The owner submits reasonable proof of existence of the original advertising sign as of the effective date of this section.
 - e. The replacement advertising sign shall comply with the other requirements as set forth in this section.
 - (2) All replacement advertising signs shall be subject to the following requirements:
 - a. The maximum area of the face of any replacement advertising sign shall be 400 square feet with maximum length of 55 feet, inclusive of any border and trim, but excluding the base supports or other structural members; provided, however, that the foregoing restriction shall not apply to any sign located within 850 feet of an interstate highway, in which case the maximum area of the face of any sign shall not exceed 700 square feet inclusive of border and trim. In the case of two signs erected on one structure, such as back-to-back signs or V-type signs, each sign face shall conform to these restrictions.
 - b. No two advertising signs shall be less than 1,000 feet apart unless the replacement advertising sign is being placed in the same location as the sign being replaced. Back-to-back signs and V-type signs erected on one structure shall be considered one sign.
 - c. No replacement advertising sign shall exceed a height restriction of 40 feet measured from the ground at the base of the sign supports to the top of the sign or from the grade of the thoroughfare immediately adjacent to the sign, whichever is of greater height.
 - d. External lighting, such as floodlights and thin line and gooseneck reflectors, is permitted provided that the light source is directed on the face of the sign

and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of a traveled way.

- e. Replacement advertising signs shall only be permitted in the zone where the replaced advertising sign is located or in a less restrictive zone classification and in no event shall any replacement sign be located in a zone classification other than M-3, M-2, M-1, B-3 or HBD or as unless otherwise prohibited herein.
- f. Replacement advertising signs shall not be permitted in the following areas:
 - 1. In the Central Business District. For the purposes of this section, the Central Business District is defined as an area located between the centerlines of Kentucky Avenue and Park Avenue and 28th Street and the Ohio River. Park Avenue and Kentucky Avenue shall be extended to create a polygon.
 - 2. Within 500 feet of the centerline of U.S. 62/Alben Barkley Drive from the intersection of U.S. 62 and Olivet Church Road to the intersection of U.S. 62 and U.S. 45.
- g. No replacement advertising signs shall be constructed within an area of 300 feet from a place of worship or residence. Measurements shall be made from the outermost portion of the advertising sign and the place of worship or residence structure.

(s) **Signs constituting a nuisance--Abatement.**

(1) The following signs shall constitute a nuisance:

- a. A sign in a dilapidated or unsafe condition or in a condition of disrepair.
- b. A business sign which has not advertised an actual bona fide business conducted or product sold on the premises for a period of one year.
- c. An advertising sign which advertises a business or a product which is no longer in existence or being sold.
- d. A sign which remains in place following the period of time within which the sign was to have been removed.
- e. A sign which is in nonconformance with the provisions as set forth in this chapter.
- f. An electronic message sign which fails to meet the requirements as set forth in this chapter.

(2) Enforcement of this Section shall be carried out pursuant to Chapter 42 of the Paducah Code of Ordinances.

(3) Appeals stemming from signage enforcement shall be to the Paducah Board of Adjustment, pursuant to KRS 100.261.

(Ord. No. 2002-6588, §§ 1--19, 10-22-02; Ord. No. 2003-8-6671, §§ 1(90-3), 2(90-4), 3(90-7), 4(90-11), 5(90-19), 8-12-03; Ord. No. 2004-2-6766, § 1, 2-24-04; Ord. No. 2004-5-6815, § 1, 5-25-04; Ord. No. 2005-1-6919, § 1, 1-24-05; Ord. No. 2005-3-6935, § 1, 3-8-05; Ord. No. 2005-11-7029, § 1, 11-8-05); Ord. No. 2006-3-7087, § 3/28/06; Ord. No. 2007-4-7269; Ord. 2010-5-7675 **Editor's note:** Ord. No. 2002-10-6587, adopted Oct. 22, 2002, repealed § 126-76. Ord. No. 2002-6588, §§ 1--19, adopted Oct. 22, 2002 enacted new provisions to read as herein set out. Former § 126-76 pertained to sign regulations and derived from the Code of 1968; Ord. No. 76-10-1339, adopted Oct. 26, 1976; Ord. No. 77-12--1511, adopted Dec. 13, 1977; Ord. No. 80-5-1906, adopted May 15, 1980; Ord. No. 81-11-2168, adopted Nov. 10, 1981; Ord. No. 82-7-2272, adopted July 13, 1982; the Code of 1996; Ord. No. 95-5-5292, adopted May 16, 1995; and Ord. No. 2001-2-6316, adopted Feb. 13, 2001; Ord. # 2006-9-7177 adopted Sept. 26, 2006. and Ord. No. 2006-11-7208, adopted Nov. 28, 2006, Ord. # 2007-11-7355 adopted Nov. 13, 2007; Ord. #2008-5-7421 adopted May 27, 2008; Ord. #2008-10-7480 adopted Oct. 14, 2008; Ord. 2010-5-7675; Ord. 2010-7-7701; Ord. 2012-5-7922, Ord. 2012-6-7932, Oct. 9, 2012; Ord. No. 2012-10-7979; Ord. #2013-9-8080, Sept. 24, 2013; Ord. # 2013-11-8098, Nov. 26, 2013; Ord. #2015-2-8217, Feb 25, 2015; Ord. #2015-9-8296, Sept 15, 2015; Ord. No. 2016-7-8392, 7-19-2016)

Cross references: Buildings and building regulations, Ch. 18; planning, Ch. 82.

Note: See editor's note following Ch. 90.

Sec. 126-77. Waiver of yard requirements when structure is modified for handicap accessibility.

Where necessary, the Building Inspector and Zoning Administrator may waive the yard requirements for residential and commercial structures that are retrofitting or modifying the exterior of existing structures for handicap accessibility purposes. No such waiver will be granted for new construction.

(Ord. No. 93-3-4915, 3-16-93; Code 1996, § 156.051)

Sec. 126-78. Adult entertainment activities.

- (a) Intent and purpose.
 - (1) In order to prevent crime, protect the city's retail trade, maintain property values and generally to protect and preserve the quality of its neighborhoods, commercial districts and the quality of urban life, this section regulates the location of adult establishments by dispersing them throughout the city. In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the use and enjoyment of adjacent areas.
 - (2) Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area. Uses subject to these controls are the following.
- (b) Specified use list.
 - (1) Adult amusement arcade.
 - (2) Adult book store.
 - (3) Adult motion picture theater.
 - (4) Adult stage show theater.
 - (5) Adult video cassette rental center.
 - (6) Cabaret.
 - (7) Commercial sexual entertainment center.
 - (8) Massage parlor.
- (c) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
 - Adult amusement arcade.** An establishment having as one of its principal uses one or more of the following: customer-operated motion picture devices, peep shows, viewing area and/or similar devices, for display of material distinguished or characterized by an emphasis on depiction of sexual activities, as hereinafter defined, or which offer persons who expose to view of the customers the bare female breast below a point immediately above the top of the areola, human genitals, pubic region or buttocks, even if partially or completely covered by translucent material, or human or simulated male genitals in a discernible turgid state, even if completely or opaquely covered.
 - Adult book store.** An establishment having as one of its principal uses the sale, rent or display of pictures, books, periodicals, magazines, appliances and similar materials which are distinguished or characterized by their emphasis on depiction of sexual

activities as hereinafter defined, or an establishment with a substantial segment or section devoted to the sale, rental or display of such material.

Adult entertainment center. Any use or building or portion thereof which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to engage in personal contact with or to allow personal contact by employees, devices or equipment or by personnel provided by the establishment or view a series of dance routines, strip performances or other choreography provided by the establishment which appeals to the prurient interest of the patron, to include but not be limited to bath houses, massage parlors and related or similar activities. Any permitted, conditionally permitted or accessory uses allowed within any zone shall not be interpreted to include "adult entertainment center."

Adult motion picture theater. An establishment having or advertising as having as one of its principal uses the presentation of motion pictures, slide projections and other similar material having as a dominant theme or characterized or distinguished by an emphasis on matter depicting, describing or relating to sexual activities, as hereinafter defined, for observation by persons therein.

Adult stage show theater. An establishment having or advertising as having as one of its principal uses the presentation of live performances of humans or animals having as a dominant theme or characterized or distinguished by an emphasis on matter depicting, describing or relating to sexual activities, as hereinafter defined, for observation by persons therein.

Adult video cassette rental center. A commercial establishment which has as one of its principal uses the rental or sale of video cassettes, or other forms of media, which depict material characterized or distinguished by an emphasis on matter depicting, describing or relating to sexual activities, as hereinafter defined, and which does not provide an on-premises showing of such material.

Cabaret. An establishment which features, as a principal use of its business, entertainers and/or waiters and/or bartenders, male or female impersonators and/or other persons, either male or female, who expose to public view of the patron of said establishment at any time the bare female breast below a point immediately above the top of the areola, human genitals, pubic region or buttocks, even if partially or completely covered by translucent material and/or human or simulated male genitals in a discernible turgid state, even if completely and opaquely covered.

Commercial sexual entertainment center. Any other commercial establishment not otherwise described herein which make available material, services or entertainment appealing to adult sexual interests, including but not limited to bath houses, swingers clubs or similar establishments, services or goods that are advertised by or on behalf of the establishment in a manner patently designed to appeal to such adult sexual interests.

Massage parlor. An establishment for treating the human body by rubbing, stroking, kneading, tapping or similar treatment with the hand which and promotes its service in a manner designed to appeal to the patron's sexual interest.

Measurement. Measurement shall be made by measuring the shortest distance between boundaries. Measurements shall be made on a horizontal plane.

Principal use. Shall mean a significant portion of the use. The following criteria shall establish principal use:

- (1) Contains ten percent of its stock in trade in material or uses as described herein.
- (2) Contains ten percent of its useful occupied floor area to materials and uses as described herein.

- (3) Contains more than 100 square feet of occupied floor space for the display, sale or storage of materials or uses as described herein.
- (4) Exterior signs or advertising that premises as a business for materials or activities as described herein.

Sexual activities. Depiction of human genitals in a state of arousal, acts of human masturbation, sexual intercourse or sodomy, bestiality, or holding or other erotic touching of human genitals, pubic region, buttocks or breasts.

- (d) Location requirements.
 - (1) The above specified uses list shall only be permitted in the M-1 Light Industrial Zone. The provisions of sections 126-111 (1) a and 126-112 (1), do not apply to this section.
 - (2) New establishments may not locate within 1,000 feet of any other lawfully operating adult entertainment establishment. Measurements shall be made as described in subsection (c) of this section.
 - (3) The above specified uses list shall not be operated or maintained within 400 feet of a residentially zoned district and/or within 400 feet of a place of worship, a state licensed day care facility, a school or a public park. Measurements shall be made as described in subsection (c) of this section.
 - (4) New establishments may not locate to a site if 50 percent or more of the tracts or land area, within a circular area as described herein, are residential in character. Vacant lots suitable for residential character shall be considered residential in character. The radius of such circular area shall be 1,000 feet. The center of such circular area shall correspond to the midpoint of a line joining the two most distant points on the boundary of the tract on which the enterprise is located.
- (e) Nonconforming uses. Nonconforming uses shall be governed by section 126-63.
- (f) Screening requirements. Adult entertainment establishments as listed in subsection (b) of this section shall screen all adjacent property owners. The street side may not be exempted. The screening height shall be a minimum of six feet and shall be at least 80 percent opaque. Screening materials: The approved screen shall consist of wooden fences and landscape materials. The use of chain-link and barbed wire is not a suitable screen.
- (g) Sign requirements. Adult entertainment establishments as listed in subsection (b) of this section shall be allowed a cumulative of 50 square feet of sign space as described in subsection 126-46 (b). Sign heights shall not exceed 25 feet. Nothing herein shall exempt compliance with other city sign code requirements. The provisions of subsection 126-76 (i) do not apply to this section.
- (h) Reserved.

(Ord. No. 94-9-5202, 9-20-94; Code 1996, § 156.052; Ord. No. 95-9-5360, 9-12-95; Ord. No. 97-10-5746, § 1, 10-28-97; Ord. No. 98-7-5900, § 1, 7-21-98; Ord. 2010-5-7675)

Sec. 126-79. Manufactured homes and mobile homes.

Manufactured and mobile homes are permitted in R-2, R-3 and R-4 districts for single-family residential purposes with the following provisions which shall be made prior to occupancy (except as noted herein):

- (1) Manufactured and mobile homes must be a "Qualified manufactured home" that meets the following criteria:
 - a. Is manufactured on or after July 15, 2002.

- b. Is affixed to a permanent foundation and is connected to the appropriate facilities and is installed in compliance with KRS 227.570. "Permanent foundation" means a system of supports that is:
 - 1. Capable of transferring, without failure, into soil or bedrock, the maximum design load imposed by or upon the structure.
 - 2. Constructed of concrete with continuous masonry skirting/screening system.
 - 3. Placed at a depth below grade adequate to prevent frost damage.
 - c. Has a width of at least twenty (20) feet at its smallest width measurement.
 - d. The structure must be oriented on the lot or parcel so that its main entrance door faces the street.
 - e. Is not located in a manufactured home land-lease community. Manufactured homes in a land-lease community shall comply with section 126-69.
 - f. The structure is compatible, in terms of assessed value, with housing stock located within a one-eighth (1/8) mile or less radius.
- (2) Compatibility Standards. The compatibility standards must ensure that when a qualified manufactured home is placed in a residential zone it is compatible, in terms of assessed value, with existing housing located within a 1/8 mile or less radius from the proposed location of the qualified manufactured home. The compatibility standards shall relate to architectural features that have a significant impact on the overall assessed value of the structure including but not limited to:
- a. Square foot of livable space
 - b. The roof pitch
 - c. Type of siding. (brick, stucco, vinyl, etc.)
 - d. Screening/skirting system
 - e. Existence and type of structures
- (3) Documentation of compatibility shall be submitted to the Department of Inspection with the Building Permit Application. The Zoning Administrator shall make the final compatibility determination.
- (4) All wheels, springs, axles, lights and towing apparatus shall be removed.
- (5) If no structures exist the following minimum standards apply:
- a. The structure shall have a gable or hip roofing system pitched at least three inches of rise over 12 inches of run, covered with shingles (wood, asphalt or fiberglass) or other HUD factory approved materials. Corrugated metal, corrugated fiberglass, or rolled roofing materials are not allowed in retrofitted structures. Deck and pre-manufactured carport roofs are exempt.
 - b. The structure shall be sided with wood, aluminum, or vinyl insofar as it has a shingled or horizontal clapboard appearance; or brick; or stucco.
 - c. Permanent steps attached to the structure may not encroach into any required yard setback line.
- (6) A minimum of two off-street parking spaces. Design shall be per section 126-71. Improvements must be made within six months of occupancy.

(Ord. No. 97-9-5714, § 2, 9-9-97; Ord. No. 97-10-5749, § 2, 10-28-97; Ord. No. 2003-6-6651, § 1, 6-10-03, Ord. No. 2005-8-7004, § 8-23-05)

Sec. 126-80. Gaming and gambling facilities.

- (1) For the purpose of this section, a gaming or gambling facility is one that operates as its principal use betting games, or games of chance for prizes. These include, but are not

- limited to, bingo parlors, horse tracks, coin operated electronic or mechanical devices and card games.
- (2) No principal permitted use for gaming or gambling as set forth in subsection (1) may operate within 200 feet of any residential district.

(Ord. No. 98-7-5900, § 2, 7-21-98)

Sec. 126-81. Density adjustments for residential developments.

The purpose of this section is to provide a flexible procedure for residential density adjustments while retaining orderly development by ensuring appropriate locations, desirable densities and compatible land use relationships. All other regulations of this chapter shall, where applicable, be observed.

- (1) This section will allow for increased residential densities while preserving historical structures. These provisions apply to developments in the R-2 and R-3 districts including which include five or more dwelling units.
- a. Housing in an existing structure or structures listed individually on the National Register of Historic Places; and,
 - b. For a development in which residential units, an applicant may reduce the required site area per residential unity by 50 percent; and,
 - c. Exterior preservation work is done in substantial compliance with the Secretary of Interior of the United States in the publication, "Standards of Rehabilitation," current edition, as approved by the Commission; and,
 - d. There is an approved development plan per section 126-176.
- (2) New housing intended for sale to Owner Occupants in R-2, R-3 and R-4 Zones:
- a. For a development in which single family detached residential units are intended for individual sale to owner occupants, an applicant may reduce the required site area per residential unit by up to 20 percent, with an approved development plan per section 126-176.
- (3) Open space site area reductions for new housing intended for sale to Owner Occupants in R-2, R-3 and R-4 Zones:
- a. For a development in which residential units are intended for individual sale to owner occupants, an applicant may reduce the required site area per residential unit by up to 20 percent of the buildable area for open space. Open space is defined as land used for recreation, agriculture, resource protection or buffers. Open space should be left in a natural state except in the case of recreation uses which may contain impervious surfaces.

(Ord. No. 99-9-6112, § 1, 9-14-99)

Sec. 126-82. Cellular antenna tower regulations.

- (a) Purpose. The purposes of these regulations are: to provide for the safest and most efficient integration of cellular antenna towers for cellular telecommunications services or personal communications services within the community; to provide for such facilities in coordination with the recommendations of the comprehensive plan and to allow for such facilities with the intention of furthering the public health, safety and general welfare.
- (b) Pre-application conference. Applicants are encouraged to notify the Planning Commission to discuss proposals, to allow for early coordination and to identify those

items that are in conformance/nonconformance with the comprehensive plan, zoning ordinance and the provisions of these regulations.

- (c) Definitions. For the purposes of these regulations, the following definitions shall apply:
- Alternative cellular antenna tower** means man-made trees, clock towers, bell towers, steeples, light poles and similar alternative-design mounting structures that accommodate, camouflage, minimize or conceal the presence of cellular antennas or cellular antenna towers that are constructed primarily for the purpose of accommodating cellular antennas or cellular antenna towers or are reconstructed for the purpose of accommodating cellular antennas or cellular antenna towers. This does not include existing structures erected for another primary purpose, but which subsequently have cellular antennas attached to or located within them, without any reconstruction of the original structure. For the provisions of these regulations, an alternative cellular antenna tower is considered a cellular antenna tower.
- Antennas or related equipment** means transmitting, receiving, or other equipment used to support cellular telecommunications service or personal communications service. This definition does not include towers.
- Cellular antenna tower** means a tower constructed for, or an existing facility that has been adapted for, the locations of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.
- Cellular telecommunications service** means a retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.
- Co-location** means locating two or more transmission antennas or related equipment on the same cellular antenna tower.
- Guyed cellular antenna tower** means a type of wireless transmission tower that is supported by thin guy wires.
- Lattice cellular antenna tower** means a self-supporting tower with multiple legs and cross bracing of structural steel.
- Monopole cellular antenna tower** means a slender self-supporting tower on which wireless antennas can be placed.
- Personal communication service** has the meaning as defined in 47 U.S.C. sec. 332(c).
- Planning commission** means the Paducah Planning Commission.
- Uniform application** means an application to construct a cellular antenna tower submitted to a Planning Commission in conformity with KRS 100.985 through KRS 100.987.
- Utility** means as defined in KRS 278.010(3).

- (d) General. Cellular antenna towers for cellular telecommunications services or personal communications services may be allowed in any zone after a Planning Commission review in accordance with the following procedures to ascertain agreement with the adopted comprehensive plan and the regulations contained within the zoning ordinance.
- (1) **Applicability.** Every utility, or a company that is engaged in the business of providing the required infrastructure to a utility, that proposes to construct a cellular antenna tower shall submit a completed uniform application to the Planning Commission. Where the Planning Commission finds that circumstances or conditions relating to the application of an alternative cellular antenna tower are such that one or more of the requirements of the uniform application listed below are not necessary or desirable for the protection of surrounding property or the public health, safety and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable, the Planning Commission, or its duly authorized representative, may modify or waive such

requirement of the uniform application, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant and the applicant shall submit a written justification for each requested modification or waiver. The Planning Commission shall not regulate the placement of antennas or related equipment on an existing structure.

- (2) Application requirements. Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall include the following:
- a. The full name and address of the applicant.
 - b. The applicant's articles of incorporation, if applicable.
 - c. A geotechnical investigation report signed and sealed by a professional engineer registered in Kentucky that includes boring logs and foundation design recommendations.
 - d. A written report, prepared by a professional engineer or land surveyor, of findings as to the proximity of the proposed site to flood hazard areas.
 - e. Clear directions to the proposed site, including highway numbers and street names, if applicable, with the telephone number of the person who prepared the directions.
 - f. The lease or sale agreement for the property on which the tower is proposed to be located, except that, if the agreement has been filed in abbreviated form with the county clerk, an applicant may file a copy of the agreement as recorded by the county clerk and, if applicable, the portion of the agreement that specifies, in the case of abandonment, a method that the utility will follow in dismantling and removing the proposed cellular antenna tower including a timetable for removal.
 - g. The identity and qualifications of each person directly responsible for the design and construction of the proposed tower.
 - h. A site development plan, signed and sealed by a professional engineer or surveyor licensed in Kentucky, that shows the proposed location of the tower and all easements and existing structures within 500 feet of the proposed site on the property on which the tower will be located and all easements and existing structures within 200 feet of the access drive, including the intersection with the public street system. Additionally the development plan shall show the following:
 - i. A survey, prepared by a surveyor licensed in [the State of] Kentucky. The survey shall be in accordance with all of the requirements of the Paducah Subdivision Ordinance and KRS 100, that shows lease lines or property line, which upon approval, shall be recorded.
 - j. A vertical profile sketch of the tower, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas.
 - k. The tower and foundation design plans and a description of the standard according to which the tower was designed, signed and sealed by a professional engineer registered in the State of Kentucky.
 - l. A map, drawn to a scale no less than one inch equals 200 feet, that identifies every structure and every owner of real estate within 500 feet of the proposed tower.
 - m. A statement that every person who, according to the records of the property valuation administrator, owns property within 500 feet of the

proposed tower or property contiguous to the site upon which the tower is proposed to be constructed, has been:

1. Notified by certified mail, return receipt requested, of the proposed construction which notice shall include a map of the location of the proposed construction.
 2. Given the telephone number and address of the local Planning Commission; and
 3. Informed of his or her right to participate in the Planning Commission's proceedings on the application.
- n. A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners.
- o. A statement that the Mayor of Paducah has been notified, in writing, of the proposed construction and a copy of the notification.
- p. A statement that the Paducah-McCracken County Barkley Regional Airport has been notified, in writing, of the proposed construction and a copy of the notification.
- q. A statement that:
1. A written notice, of durable material at least two feet by four feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower on this site" and including the addresses and telephone numbers of the applicant and the Planning Commission, has been posted in a visible location on the proposed site; and
 2. A written notice, at least two feet by four feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower near this site" and including the addresses and telephone numbers of the applicant and the Planning Commission, has been posted on the property nearest to the public road.
- r. A statement that notice of the location of the proposed construction has been published in the Paducah Sun newspaper.
- s. A brief description of the character of the general area in which the tower is proposed to be constructed, which includes the existing land use for the specific property involved.
- t. A statement that the applicant has considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided and that there is no reasonably available opportunity to locate its antennas and related facilities on an existing structure, including documentation of attempts to locate its antennas and related facilities on an existing structure, if any, with supporting radio frequency analysis, where applicable, and a statement indicating that the applicant attempted to locate its antennas and related facilities on a tower designed to host multiple wireless service providers' facilities or on an existing structure, such as a telecommunications tower or other suitable structure capable of supporting the applicant's antennas and related facilities.
- u. A map of the area in which the tower is proposed to be located that is drawn to scale and that clearly depicts the necessary search area within

which an antenna tower should, pursuant to radio frequency requirements, be located.

- v. A grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes:
 - 1. All of city; and
 - 2. A one-half mile area outside the boundaries of the city, if that area contains either existing or proposed construction sites for cellular antenna towers.
- (3) Confidentiality of application. All information contained in the application and any updates, except for any map or other information that specifically identifies the proposed location of the cellular tower then being reviewed, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The Planning Commission shall deny any public request for the inspection of this information, whether submitted under Kentucky's open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction. Any person violating this subsection shall be guilty of official misconduct in the second degree as provided under KRS 522.030. The confidentiality of the applications and any updates of the application can be waived by the written authorization of the applicant.
- (4) Application fee. An applicant for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall pay an application fee of \$2,500.00.
- (5) Processing of application. Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall be processed as follows:
- a. At least one public hearing on the proposal shall be held, at which hearing interested parties and citizens shall have the opportunity to be heard. Notice of the time and place of such hearing shall be published at least once, in the Paducah Sun newspaper, provided that one publication occurs not less than seven calendar days nor more than 21 calendar days before the occurrence of such hearing.
 - b. Notice of the proposed shall be posted on the site at least 14 days in advance of the hearing. The notice shall consist of a written notice, of durable material at least two feet by four feet in size, stating that "[Name of applicant]" proposes to construct a telecommunications tower on this site" and including the addresses and telephone numbers of the applicant and the Planning Commission. Notice of the proposal shall also be posted on the property nearest to the public road. This notice shall consist of a written notice, of durable material at least two feet by four feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower near this site" and including the addresses and telephone numbers of the applicant and the Planning Commission.
 - c. Notice of the hearing shall be given at least 14 days in advance of the hearing, by certified mail, return receipt requested, to the owner of every parcel of property within 500 feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed. The notice shall include a map of the location of the proposed

construction, the telephone number and address of the Planning Commission and shall inform the addressee of his or her right to participate in the Planning Commissioner's proceedings on the application. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event a property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group that administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.

- d. Upon holding the hearing, the Planning Commission shall, within 60 days commencing from the date that the application is received by the Planning Commission, or within a date specified in a written agreement between the Planning Commission and the applicant, make its final decision to approve or disapprove the uniform application. If the Planning Commission fails to issue a final decision within 60 days, and if there is no written agreement between the Planning Commission and the utility to a specific date of the Planning Commission to issue a decision, it shall be presumed that the Planning Commission has approved the utility's uniform application.
- (e) Design standards. The applicant shall provide information demonstrating compliance with the requirements contained herein. Potential sites that should be considered (in order from most-preferred to least-preferred) include existing utility towers, industrial zones, commercial zones, and government buildings and properties. Where the Planning Commission finds that circumstances or conditions relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of the surrounding property or the public health, safety and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable, the Planning Commission, or its duly authorized representative, may modify or waive such requirement, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver.
 - (1) Monopoles. Monopole cellular antenna towers shall be permitted in any zone. Lattice and guyed cellular antenna towers shall be permitted in any zone except for residential zones.
 - (2) Minimum lot size. Regardless of the minimum lot sizes listed in the specific zoning districts, or the Paducah Subdivision Ordinance, the lot size may be the minimum necessary to comply with the objectives and standards of this section.
 - (3) Setbacks. Setbacks for all structures constructed in connection with guyed or lattice cellular antenna towers, except fences and/or guy wires, shall be a minimum distance from the property line or lease line equal to at least one-half the height of the tower, but not less than 50 feet. All structures constructed in connection with monopole or alternative cellular antenna tower shall comply with the applicable setback requirements established for other structures within the applicable zoning district. Alternative cellular antenna towers that are to be located as part of a utility service facility (e.g. power pole or telephone pole) shall

comply with setback requirements applicable to such utility service facilities, if any.

- (4) Height. A cellular antenna tower, or alternative antenna tower structure, may be constructed to a maximum height of 200 feet regardless of the maximum height requirements listed in the specific zoning district. This also applies to any tower taller than 15 feet constructed on the top of another building or structure, with the height being the overall height of building/structure and tower together, measured from the grade to the highest point. The Planning Commission may allow antennas greater than 200 feet in height upon review of the applicant's justification that the additional height meets the criteria identified in subsection 126-82(f).
 - (5) Construction standards. The cellular antenna tower shall be constructed in compliance with the current ANSI/EIA/TIA 222-F standard and other applicable state standards.
 - (6) Illumination. Cellular antenna towers shall not be illuminated, except in accordance with other state or federal regulations.
 - (7) Staffing. The site shall be un-staffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, ingress/egress shall be only from approved access points.
 - (8) Fencing. Woven wire or chain link (80 percent open) or solid fences made from wood or other materials (less than 50 percent open) shall be used to enclose the site. Such fences shall not be less than four feet and no more than eight feet in height, and may be located within the front, side or rear yard.
 - (9) Screening. Screening shall be provided by evergreen trees, with a minimum height of six feet, planted in a staggered pattern at a maximum distance of 15 feet on center. The screening shall be placed in an area between the property line, or lease line, and a ten foot setback. Screening shall be required when located in or adjacent to a residential zone.
 - (10) Surfacing. All driveways and off-street parking areas shall be paved with a durable surface such as asphalt or concrete.
 - (11) Signs. There shall be no signs permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs that are required by a federal, state, or local agency. Such signs shall not exceed six square feet in area.
 - (12) Number of service providers. All new cellular antenna towers shall be designed and constructed to accommodate a minimum of three service providers.
 - (13) Lease agreements. All option and site lease agreements shall not prohibit the possibility of co-location and, in the case of abandonment, shall include a method that the utility will follow in dismantling and removing the proposed cellular antenna tower including a timetable for removal.
 - (14) Other approvals required. Approval of the Federal Aviation Administration (FAA) and the Kentucky Airport Zoning Commission (KAZC) or documentation where approval is not required shall be submitted prior to the issuance of a building permit for the construction of the cellular antenna tower.
- (f) Criteria.
- (1) Approval or disapproval of the proposal shall be based upon an evaluation of the proposal's agreement with the comprehensive plan and zoning regulations.
 - a. The Planning Commission may require the applicant to make a reasonable attempt to co-locate additional transmitting or related

equipment. The Planning Commission may provide the location of existing cellular antenna towers on which the commission deems the applicant can successfully co-locate its transmitting and related equipment. If the Planning Commission requires the applicant to attempt co-location, the applicant shall provide the Planning Commission with a statement indicating that the applicant has:

1. Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities and that identifies the location of the tower or suitable structure on which the applicant will co-locate its transmission and related facilities; or
 2. Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structure such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities and that:
 - a. Identifies the location of the towers or other structures on which the applicant attempted to co-located; and
 - b. Lists the reasons why the co-location was unsuccessful in each instance.
- b. The Planning Commission may deny a uniform application to construct a cellular antenna tower based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures.
- c. The Planning Commission shall not regulate the placement of a cellular antenna tower on the basis of the environmental effects of radio frequency emissions to the extent that the proposed facility complies with the regulations of the Federal Communications Commission concerning radio frequency emissions.
- (g) Amendments. Any amendments to plans, except for minor adjustments as determined by the Planning Commission, or its duly authorized representative, shall be made in accordance with the procedure required by subsection (e), subject to the same limitations and requirements as those under which such plans were originally approved.

(Ord. No. 2003-11-6722, § 1, 11-11-03)

Section 126-83 Landscape Regulations

- (A) Purpose. The purpose and intent of this section is to improve the appearance of vehicular use areas (VUA's) and property abutting public rights of way; to require screening between incompatible land uses; to protect, preserve and promote the aesthetic appeal, character and value of the surrounding neighborhoods; and to promote public health and safety through the reduction of noise pollution and air pollution.
- (B) Landscape Review Procedure. This section applies to all developments subject to site plan review with the exception of single-family developments. The requirements stated in this section shall be addressed during the applicable site plan review process.
1. **New Sites Currently Undeveloped:** No new site development, building, or structure shall be constructed or vehicular use area created unless landscaping is provided as required by the provisions of this section.

2. **Existing Sites Currently Developed:** Improvements to an existing site that include building additions or vehicular use area expansions shall be required to bring only the new improvements into compliance with this section.

(C) General Requirements:

1. All landscaping materials shall be installed in a sound manner and according to accepted good construction and planting procedures. Any landscape material, which fails to meet the minimum requirements of this chapter at the time of installation, shall be removed and replaced with acceptable materials. The person in charge of, or in control of, the property whether as owner, lessee, tenant, occupant or otherwise shall be responsible for the continued proper maintenance of all landscaping materials and shall keep them in a proper, neat and orderly appearance free from refuse, debris, noxious weeds and unwanted grass at all times. All unhealthy or dead plant material shall be replaced within four (4) months or by the next planting season, whichever comes first; while other defective landscape material shall be replaced or repaired within two (2) months. Plant material shall not be severely pruned such that the natural growth pattern or characteristic form is significantly altered. Topping trees is prohibited. The severe cutting of limbs to stubs larger than three (3) inches in diameter is prohibited. Utility companies are exempt from this requirement.
2. Paducah, Kentucky is located within the Plant Hardiness Zone #6.
3. Existing trees shall be preserved where possible.
4. Surfaces denuded of vegetation shall be seeded or sodded to prevent soil erosion.
5. Sight Triangles: See Section 126-65

(D) Landscaping

1. All parking lots of more than four (4) parking spaces shall include planted trees in accordance with the schedule 1:

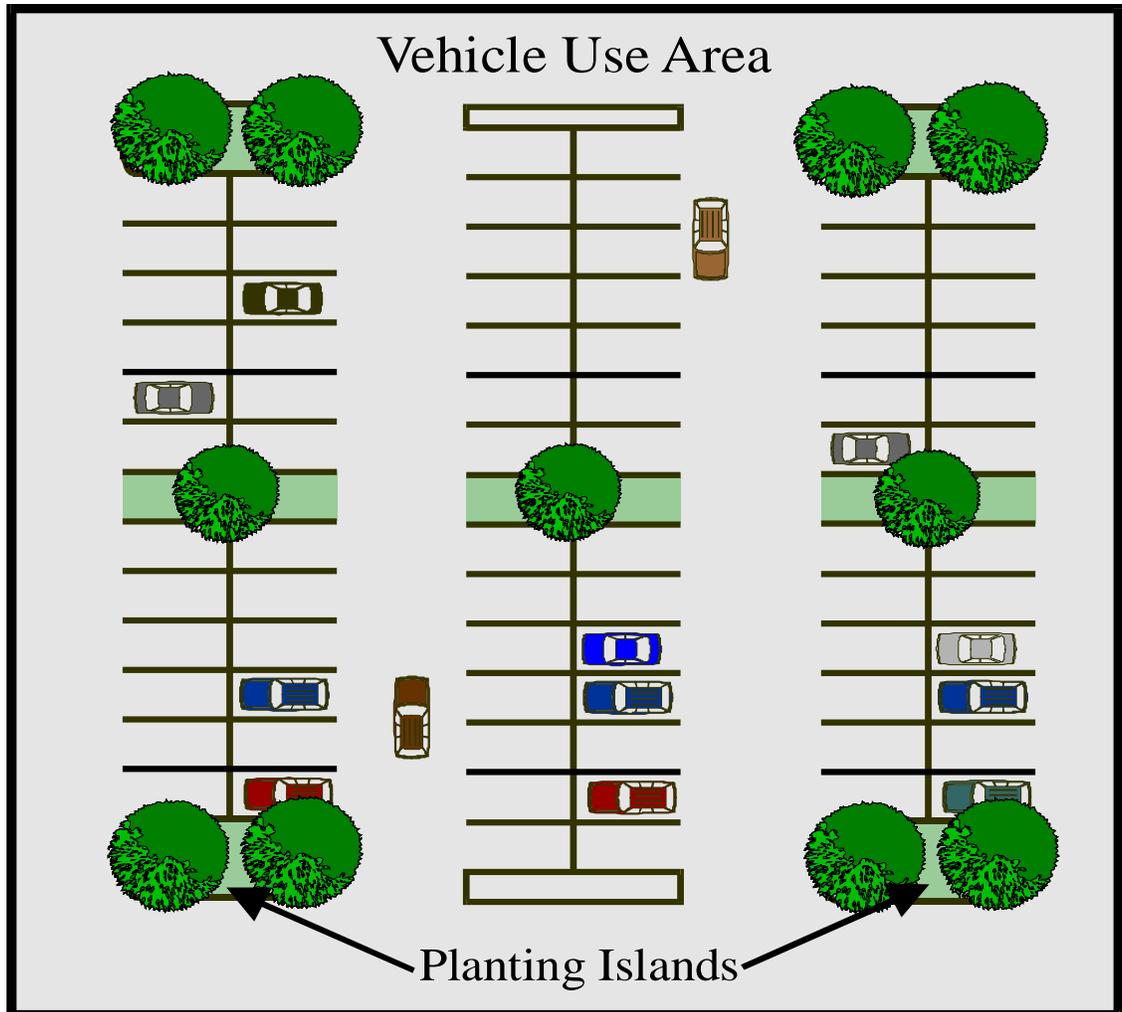
1 to 4 spaces	No trees required
5 to 30 spaces	1 tree for each 6 spaces or fraction thereof up to 30 spaces
31 to 100 spaces	5 trees for the first 30 spaces, plus 1 tree for each additional 7 spaces or fraction thereof
101 to 196 spaces	15 trees for the first 100 spaces, plus 1 tree for each additional 8 spaces or fraction thereof
197 to 304 spaces	27 trees for the first 196 spaces, plus 1 tree for each additional 9 spaces or fraction thereof
305 to 504 spaces	39 trees for the first 305 spaces, plus 1 tree for each additional 10 spaces or fraction thereof
505 or more spaces	59 trees for the first 505 spaces, plus 1 tree for each additional 11 spaces or fraction thereof

2. Trees shall be at least one and one-half inches (1 1/2") in diameter at a point six inches (6") above the ground when planted; tree type shall be approved by the Zoning Administrator and shall be protected from potential damage by vehicles. Thirty percent (30%) of required trees shall be placed within the perimeter of the actual parking surface area in those parking lots of over twenty (20) spaces.
3. Interior landscaping for Vehicular Use Areas (VUA's). Landscaping shall be provided for vehicular use areas in accordance with the following standards:
 - a. A minimum of five (5) percent of the total VUA shall be landscaped and the landscaping shall be dispersed throughout the paved area. The VUA landscaping shall only be required for uses that have more than twenty

(20) parking spaces. This section shall not apply to parking lots that are used for the sole purpose of selling vehicles.

- b. The VUA landscaping shall contain a variety of trees and be dispersed in the form of planting islands or peninsulas throughout the VUA. The minimum size of planting areas shall be eighty (80) square feet.
- c. Planting islands within the VUA shall be required at the end of every other parking row, when parking rows are provided in the interior portions of the parking lot. (Illustration #1)

Illustration #1



1. All planting islands shall be planted with grass, low ground cover, shrubs, flowers or any combination of these. Hard surfaces or gravel are not permitted.
2. All planting islands shall have a minimum of 6" curbs installed to protect the planting area from vehicular traffic.
3. All plant material (other than grass or ground cover) located within landscape islands where vehicle overhangs are needed shall be setback a minimum of 2'6" from the edge of pavement or face of curb.

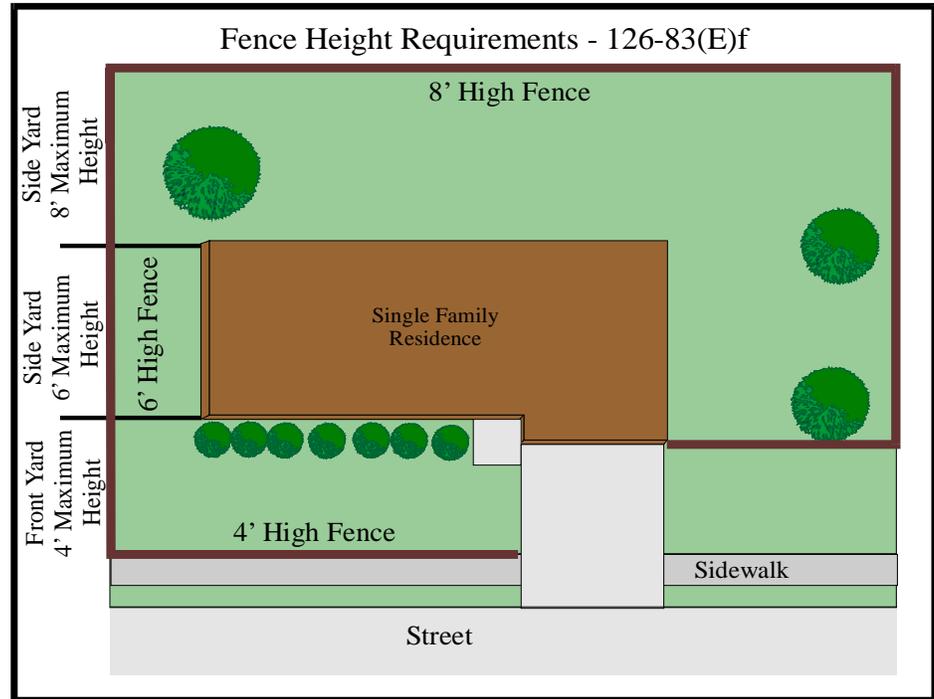
4. Sign Landscaping. Landscaping shall be located around the base of free-standing signs. The landscaping shall be ornamental in nature with shrubs, flowers and other ornamental plant materials. Sign landscaping is not required for free-standing signs permitted before the adoption of this ordinance. The amount of landscape area required shall be one square foot of landscape area per one square foot of sign area. At least fifty (50) percent of the required landscaping area shall be planted with trees and/or shrubs.
5. Building Landscaping. Any blank façade, or portion of a façade, of a building that is not used for outdoor display, storage or loading/unloading shall be required to provide the following landscaping if the wall is visible from a public right-of-way. Blank facades shall be classified as any wall that does not have windows used for display or entry doors for employees or the general public. Buildings, which are 10,000 square feet or smaller, shall be exempt from the requirements of this section.
 - a. Trees shall be provided on an average of at least one tree per 40 linear feet of blank façade as defined above and shrubs shall be provided on an average of at least one shrub per ten (10) linear feet of blank façade. This landscaping is not required to be placed in a linear design, but shall be required to be dispersed throughout the length of the building façade.
 - b. Façades that abut VUA's shall have a minimum eight (8) feet wide planting area. This planting area can be reduced by four (4) feet if sidewalks are installed.

(E) Screening requirements. The necessity of screening and the type of screening required varies greatly with each particular situation. Therefore, it is the intent of this section to provide a discretionary measure in deciding the appropriate height, width and type of screening necessary, with the following provisions:

1. Required screening; height limits. Screening shall be required and adequately maintained in the following situations:
 - a. Where a business zone abuts a residential zone, a screen will be required along the boundary of the business property adjacent to the residential property.
 - b. Where an industrial zone abuts a residential zone, a screen will be required along the boundary of the industrial property adjacent to the residential property.
 - c. Where a business or industrial zone abuts a county residential zone, a screen will be required along the boundary of the adjacent residential zone.
 1. Where on any lot, or portion thereof, automobiles, appliances and their component parts are under repair or reduction, a screen shall be required.
 2. Off-street parking lots shall be screened when located adjacent to or in a residential zone.
 3. Mobile home parks shall provide a screen along their property lines as required by section 126-69(5).

4. Fences in a residential zone, which may be placed along a boundary for the purpose of providing privacy or security to the resident, shall follow the following height limitations: (Illustration #2)

Illustration #2



- i. Front yard: Four feet.
 - a. Fences shall be of a decorative design, (chain link, barbed wire, stock wire, chicken wire and similar type fences are not permitted in the front yard).
 - ii. Side yard: Six feet.
 - iii. Rear yard: Eight feet.
2. For the purpose of this section, "fence" shall be interpreted to include any type of fence, wall, trellis or structure placed for the purpose of this section.
3. All fences shall be constructed of durable materials and shall be installed to withstand the elements. Fences shall be maintained in good repair at all times.
4. Uses specified above as requiring screening shall provide a visual obstruction from adjacent properties in conformance with the following standards: The screen may be composed of view-obscuring vegetation, wall, fence, or berm. The items may be used individually or in combination. Fences constructed of chain link, barbed wire, stock wire, chicken wire or other similar type fences are not permitted when used for screening. The result shall be semi-opaque (80%) screen, which obscures views from the ground to a height of the object being screened; however, the screen is not required to exceed eight (8) feet. Plant materials shall be at least two (2) feet tall at the time of installation and reach the desired height within three (3) to five (5) years. When a combination of features is proposed, one fourth of the surface area of walls, fences or berms that face off-site must be covered with plant material within three (3) to five (5) years. Additionally, screen areas shall be sufficient to allow for the mature growth of plant materials when used.

5. Plan approval. The procedure to determine screening height, type and width is as follows: The developer shall submit his plat to the Planning and Zoning Administrator and City Engineer and shall show the type of screening to be located along the boundary of his property.
- (F) Enforcement
1. Inspections will be conducted by the City of Paducah planning office after installation of landscaping to assure compliance with the submitted and approved Site Plan.
 2. The removal or destruction of landscape material previously approved by the City shall constitute a violation of the Zoning Ordinance. Replacement of landscape material shall be of like size as that which was removed or destroyed.
 3. Violation of this chapter shall be grounds for the refusal of a Certificate of Occupancy, require replacement of landscape material, and/or will subject those in violation to established fines and penalties of the Zoning Ordinance.
- (G) Waiver of Requirements. The Planning Commission shall have the authority to grant a waiver of any of the requirements in this Section upon written request, which outlines the rationale for the waiver. The Planning Commission shall review each written request and grant a waiver only: under unusual or extreme circumstances which cause an unreasonable hardship such as the size of the lot; or, when an innovative or alternative approach can be made which still meets the intent and purpose of this Section.

Ord. No. 2005-1-6911, 1-11-05, 2006-11-7203

Section 126-84. Bed and Breakfast

The purpose of this section is to establish a procedure for the location of a Bed and Breakfast in the R-2 and R-3 residential zones.

1. **Conditional Use Permit Required.** To assure compliance with provisions of the Zoning Ordinance and to protect the character of residential neighborhoods in the City of Paducah, a Conditional Use Permit for a Bed and Breakfast in the R-2 & R-3 zone shall be obtained from the Board of Adjustment.
2. **Procedure.** Applications for a Conditional Use Permit for a Bed and Breakfast shall be submitted to the Board of Adjustment in compliance with Section 126-68 of the Zoning Regulations. Applications will be reviewed by the Paducah Planning Commission and forwarded to the Board of Adjustment with the Planning Commission's recommendations for action. The Board of Adjustment will then act upon the application. Upon approval of an application, a Conditional Use Permit for a Bed and Breakfast will be issued, which permit shall state the conditions attached thereto and any time limitations imposed thereon. The permit shall not be issued unless the applicant has met all of the conditions listed below, and the applicant has agreed in writing to comply with all said conditions and any other conditions, which the Board of Adjustment approved.
 - (a) Conditions placed on all Bed and Breakfast in an R-2 or R-3 Zone.
A Bed and Breakfast is principally permitted in the R-4 Zone. A Bed and Breakfast may be permitted in the R-2 and R-3 zone with a Conditional Use Permit provided it meets the following criteria:
 - (1) The Bed & Breakfast may be housed in an existing structure or new structure. The structure must comply with the Kentucky Building Code and all other applicable State and Local statutes, ordinances and regulations.

- (2) The Bed and Breakfast must not have more than five (5) guestrooms for rent.
 - (3) A Bed and Breakfast must be in a one-family dwelling.
 - (4) The Owner must reside in the Bed and Breakfast.
 - (5) A morning meal must be served on premises and included within the room charge for guests of the facility and shall be the only meal provided.
 - (6) Off-street parking must be provided as noted: two (2) spaces for the owner and/or manager and one (1) space per guestroom. The Planning Commission may waive this requirement based on submitted evidence of adequate on-street and off-street parking.
 - (7) One sign not exceeding two square feet in area identifying the name of the Bed and Breakfast. The Board of Adjustment shall regulate the sign location. Lighted signs are prohibited in the R-2 and R-3 Zone.
 - (8) Entrances to all guestrooms must be on the interior of the structure. Secondary, exterior entrances to guestrooms shall be permitted only for access to patios, verandas or balconies.
 - (9) The architectural style and physical size of the structure shall be in harmony with the residential character of the neighborhood.
 - (10) The site must be planned and landscaped so as to minimize the impact on neighboring properties and in order to retain the residential character of the neighborhood. A landscape plan shall be submitted to the Planning Commission for review.
3. **Additional Uses Allowable.** The Board of Adjustment may allow the following uses so long as they are a part of, and incidental to, the Bed and Breakfast:
- (a) Souvenir sales that are limited to registered guests with no on-site signage.
 - (1) Conditions. The Board of Adjustment may attach conditions to its approval which are necessary to preserve the character of the district in which the proposed use will be located.

Ord. No. 2005-11-7036, 11-8-05

Sec. 126-85 Awnings & Canopies

- (a) Awnings/canopies shall be permitted in all zoning districts within the City of Paducah subject to the following requirements.
- (b) Awnings/canopies on private property. Awnings/canopies on private property shall meet the minimum yard requirements of the zone in which the awning is proposed to be located.
- (c) Awnings/canopies over public areas. Awnings/canopies over public areas in the City shall be arranged without posts and shall provide a clearance of not less than seven feet from sidewalk to the lowest point of the framework, awning cover, including any fringe, apron, skirt, valance or drop. No awnings/canopies above sidewalk shall be closer to the vertical plane of the curb than two feet and in no case shall any awning/canopy project from the face of the building more than eight feet. Awnings/canopies within the B-2-T & B-2 zoning districts shall protrude no further than four feet from the face of the building. The Chief Building Inspector may waive the four feet dimension when sufficient evidence has been submitted that the proposed awnings/canopies will not interfere with the emergency access to underground power sources.

- (d) Application. No awnings/canopies, except as specifically exempted herein, shall be displayed, erected, relocated or altered until a permit has been issued by the Department of Inspection. An application for a permit shall include, but shall not be limited to the following:
- (1) A completed application form.
 - (2) A site plan and/or building elevations drawn to scale showing the locations of the proposed location of the awnings/canopies on the lot and/or building, including setbacks.
 - (3) Detailed awning information including type of construction, method of installation and or erecting and other similar information.

Ord. No. 2006-3-7079, 3/14/06

Sec. 126-86 Accessory Structures

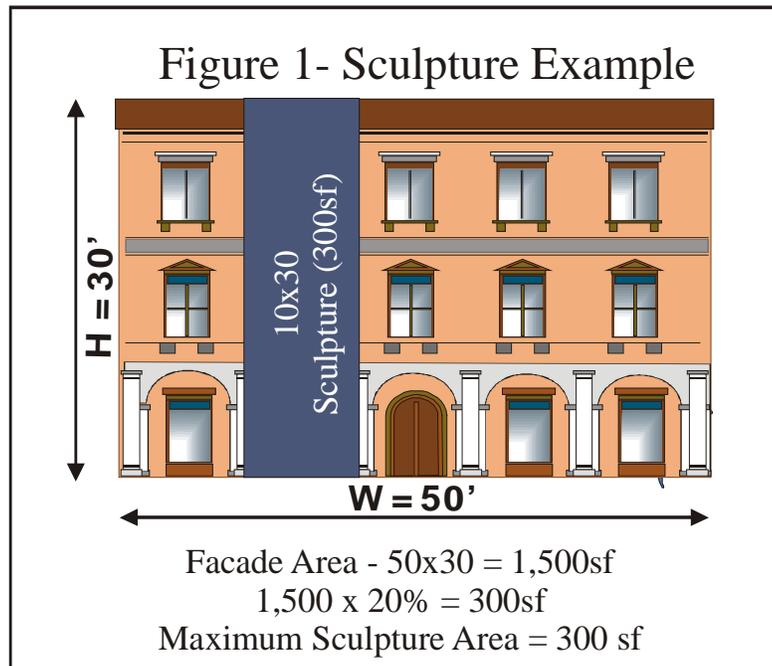
A. Accessory Structures.

1. The purpose of this section is to provide regulations for the placement of accessory structures in the City of Paducah. Accessory structures shall be located on the same or adjacent lots of the same ownership as the principal building. Accessory structures may only be placed on adjacent lots that have the same street frontage as the principal structure and the lot is of sufficient size to be used as a building site, pursuant to Section 126-64 (d).
Where part of the wall of an accessory structure is a part of the wall of the principal building in a substantial manner, such accessory structure shall be considered as part of the principal building.
 - a. Accessory structures may only be located in the rear or side yard, not in any front yard except as provided herein. In the case of accessory structures placed on adjacent lots, the front yard of the principal structure shall be extended and maintained across said adjacent lots.
 - b. Setbacks; rear and side yards
 1. Side yard setbacks may not be less than the principal building setback for the zoning district.
 2. Rear yard setbacks do not apply to accessory structures.
2. Setbacks from principal building. Accessory structures must be a minimum distance of five (5) feet from the principal building or other accessory building.
3. The height of the accessory structure in the R-1, R-2, R-3, R-4 and H-2 shall not exceed the height of the principal building or zoning district maximum height whichever is less. The height of the accessory structures in all other zoning districts shall not exceed the zoning district maximum height.
4. The total building foot print area of all accessory buildings in residential zones shall not exceed the gross floor area of the principal building.

B. Accessory structures may include, but not be limited to; the following:

1. Garage
2. Carport
3. Greenhouse
4. Playhouse
5. Pump house
6. Pergola
7. Storage shed
8. Tool shed

9. Swimming pool
 10. Work Shop
 11. Dog Pen
 12. Satellite Dish
 13. Personal communication Tower
 14. Structures for hobbies, recreational activities or artistic activities. Only the occupant of the principal building may carry on such use. Such use shall not fall within the definition of a home occupation or business.
- C. Special requirements for certain accessory structures
1. Swimming pools. Pools permanently or semi-permanently constructed below or above grade shall be protected by a five (5) foot or higher fence containing a latching gate to keep children and animals from having unsupervised access. Above ground pools that exceed the height of four (4) feet shall be exempt from fence requirements except that the steps shall be secured with a five (5) foot fence to protect the entrance.
- D. Projections into required yard setbacks
1. The following structures are permitted within required setbacks provided that compliance is maintained with the traffic visibility standards of the City of Paducah.
 2. Landscaping features including, but not limited to, ornamental pools, planting boxes, sculptures, arbors, trellises, fences and birdbaths. Fences shall comply with Section 126-83(E) 5 c 4.
 3. Sculptures. Sculpture size shall not exceed 20% of the street side facade area. (See Illustrative Figure 1)
 - a. Sculptures shall not be required to receive a Certificate of Appropriateness from the Historical & Architectural Review Commission.



4. At-grade patios, play equipment, outdoor furniture, ornamental entry columns and gates, flagpoles, lamp posts, mailboxes, HVAC equipment, address posts,

- outdoor fireplaces, refuse collection containers, public utility lines, poles and retaining walls.
5. Handicap ramps that do not exceed 4' in height may project no more than 8' into the front yard setback.
 6. Steps that do not exceed 4' in height
- E. The following attached structures will be permitted to project into the specified yard setback for the following distances:
1. Cornices, overhanging eaves and gutters, windowsills, bay windows, or similar architectural features, chimneys and fireplaces, fire escapes, fire balconies and satellite dishes may project no more than two and one-half (2 1/2) feet into any required yard setback, but in no case closer than three (3) feet to any property line or encroach on any existing utility easement and in compliance with the Kentucky Building Code.
 2. Open unenclosed porches (excluding screened or glassed) may project no more than five (5) feet into a front or rear yard provided such porch does not exceed fifty (50) square feet in surface area. Open unenclosed decks may project into the rear yard provided that it does not come closer than ten (10) from the rear property line or encroach on any existing utility easements.
 3. Open unenclosed carports which are attached to and part of the principal structure and which are unenclosed on all exterior sides except for necessary supports may project into side or rear yard setback but shall be no closer than fifteen (15) feet to a side or rear yard adjoining a street right-of-way and no closer than five (5) feet to a side property line or encroach on any existing utility easements.
 4. Gas pump islands and associated canopy can project into any yard setback; however, no gas pump island shall be located closer than 24 feet to a street right-of-way line nor will any portion of a canopy be allowed to encroach into the public right-of-way.
- F. If an adjacent lot is proposed to be utilized for an accessory structure, the lot must be of sufficient size as required in Section 126-64 (d). If the adjacent lot is not of sufficient size to be used as a buildings site, then a wiaver of subdivision will be required to abolish the interior property line(s).

Ord. No. 2006-9-7178 9/26/06; Ord No. 2016-7-8393, 7-19-2016

Secs. 126-87. Reserved.

Sec. 126-88. Mobile Food Vehicles

A. Purpose and intent

In order to promote a new dynamic for the citizens of Paducah, create new jobs, increase quality of life and diversify dining options; this section of the zoning ordinance has been adopted to allow Mobile Food Vehicles to operate under specific guidelines.

B. Definitions

The definitions contained in this sub-section shall govern the construction, meaning and application of words and phrases used in this section.

1. “Mobile Food Vehicle” shall mean a vehicle-mounted, vehicle-towed or vehicle-carried food service establishment that engages in the sale and preparation of food or beverages in individual portions to the general public.
2. “Mobile Food Vendor” shall mean a person or persons that prepare or serve food or beverages to the general public from a Mobile Food Vehicle.
3. “Mobile Food Administrator” shall mean the Director of Planning or his/her designee. The Administrator shall be responsible for the administration, oversight and enforcement of the provisions under this section.

C. Exemptions

This section shall not apply to ice-cream trucks that move from place to place and are stationary in the same location for no more than 10 minutes at a time. This section also does not apply to food vending push carts or stands.

D. Zoning locations

Mobile Food Vehicles may operate in the following zones:

B-1, B-2, B-2-T, B-3, HBD, M-1, M-2, M-3, A-1, POP and HM zones. A Mobile Food Vehicle may operate on a parcel that contains non-residential uses in the MU, H-2, NSZ and NCCZ zones and in Planned Unit Developments (PUDs). All other zones are expressly prohibited, except in public parks as described herein.

E. Location and hours

Mobile Food Vehicles are permitted in City of Paducah Right-of-Way (“ROW”). Mobile Food Vehicles are expressly prohibited from locating on State of Kentucky ROW. Mobile Food Vehicles may not locate within 100 feet of the principal entrance of any restaurant where more than 50 percent of sales are derived from food.

A Mobile Food Vehicle shall not operate for more than 14 consecutive days at one location. After the 14 consecutive days have expired, a Mobile Food Vehicle shall not operate at the same location until a period of 30 days has elapsed as required by 902 KAR 45:005.

The Mobile Food Vendor must obtain written permission from the property owner to locate on private property and said permission must be made available to the Mobile Food Administrator. Mobile Food Vehicles may locate in public parking lots with written approval from the Mobile Food Administrator. Vehicles in the ROW may be asked to be moved in the event of street cleaning, snow removal, parades, construction or other events as deemed necessary, in the sole opinion, of the Mobile Food Administrator. Mobile Food Vehicles in private parking lots may be asked to be moved in the event sufficient parking is not available. Written permission must be granted from the Paducah Parks Services Director or his designee; or the McCracken County Judge Executive or his designee (depending on ownership) if the Mobile Food Vendor proposes to operate in a public park.

In no case shall a Mobile Food Vehicle obstruct traffic or pedestrian flow. A Mobile Food Vendor shall ensure that a minimum of four feet of unobstructed sidewalk remains open for pedestrian traffic. Mobile Food Vehicles parked in the ROW shall not occupy more than two parking spaces. No stop sign, yield sign, school crossing sign or any other traffic control sign or signal shall be obstructed. No ingress/egress of any driveway or alley shall be obstructed. No fire hydrant or fire lane shall be obstructed.

Mobile Food Vehicles may operate within the hours of 6:00 a.m. to 11:00 p.m. Mobile Food Vehicles may operate until 2:00 a.m. if the Mobile Food Vehicle is located on private property and the principal business located on the private property is open. Mobile Food Vehicles may not be left overnight in public parking lots or on City of Paducah ROW.

F. Self-contained units and appurtenances

All Mobile Food Vehicles shall have self-contained water and wastewater. No gray water or grease shall be dumped upon any street, sidewalk or down a storm water drain. Mobile Food Vehicles on private property may utilize electric power from the property being occupied or an adjacent property, but only when written consent is obtained to do so. No power cable, extension cord or other equipment shall be extended across any street, alley or sidewalk. If a power cable, extension cord or other electrical equipment is extended across a parking lot, said equipment must be protected from vehicle movements in accordance with the National Electrical Code requirements.

No tables, chairs, umbrellas or other appurtenances shall be allowed on public property.

All Mobile Food Vehicles shall be in compliance with regulations established by the Cabinet for Health and Family Services, Department for Public Health, Division of Public Health Protection and Safety and/or the Purchase District Health Department.

The Mobile Food Vehicle must have a three compartment sink with drain boards; a hand sink; hot and cold water; proper screening for insects; refrigeration equipment that holds at 41 degrees or lower; hot holding equipment that holds at 135 degrees or higher and all work must be done by a Kentucky Master Plumber.

G. Garbage disposal

All Mobile Food Vendors must provide one or more garbage receptacles for their patrons. All Mobile Food Vendors must keep the area around their vehicles free from litter, refuse and garbage.

H. Serving articles and alcoholic beverages

Patrons shall be provided with single-service articles, such as plastic utensils, plastic or styrofoam cups and paper or styrofoam plates.

Mobile Food Vehicles shall not serve any alcoholic beverage unless permitted as part of a special event.

I. Special Events

Mobile Food Vehicles are prohibited from vending 2,500 feet from special event permitted areas; including, but not limited to; Barbecue on the River and Quilt Week unless the Mobile Food Vehicle is permitted by the City of Paducah; the City of Paducah Parks Services Department and/or the permit holder responsible for the special event. The “Safety Guidelines for Special Events and Mobile Food Vehicles” must be obtained from the Paducah Fire Prevention Division and followed thereto.

J. Noise

No Mobile Food Vehicle may emit bells, music, horns or other audible sounds used to attract customers. Strobe lights, flashing lights or other repetitious lighting are prohibited.

The noise level from the food truck motor and generator must comply with the City’s Noise Ordinance. Generators shall not be permitted on Broadway, 2nd Street or within 100 feet of a residence.

K. Application and Permitting

1. **Mobile Food Permit Required.** Any operator of a Mobile Food Vehicle must apply for and receive on an annual basis a Mobile Food Zoning Compliance Permit (the “Mobile Food Permit”) from the Mobile Food Administrator. The Mobile Food Permit is required for each Mobile Food Vehicle. The Mobile Food Permit shall be prominently displayed on the Mobile Food Vehicle along with other permits as required by this Chapter.

2. **Application.** Every Mobile Food Vendor desiring to operate a Mobile Food Vehicle shall submit an application for a Mobile Food Permit to the Mobile Food Administrator. All Mobile Food Vendors shall obtain necessary inspections and permits otherwise required by the City of Paducah, the Purchase District Health Department, and any other local, state or federal agencies or departments, including without limitation a current City of Paducah business license and any other inspections and permits required by Paducah Fire Prevention Division, in order to vend in the City limits. In addition to the information required by the application, the Mobile Food Administrator may request other information reasonably required. The Mobile Food Permit application shall not be considered complete until the Mobile Food Administrator has all information as required by the application or otherwise.

3. **Issuance of Mobile Food Permit.** Once the application is considered complete by the Mobile Food Administrator, the Mobile Food Administrator shall issue or deny the Mobile Food Permit within 14 business days. If the Mobile Food Administrator is satisfied that the application and Mobile Food Vehicle conform to the requirements of this Chapter and other pertinent laws and ordinances, a Mobile Food Permit shall be issued to the applicant. If the application and Mobile Food Vehicle does not conform to the requirements of this Chapter or other pertinent laws or ordinances, the Mobile Food Administrator shall not issue the Mobile Food Permit, but shall inform the applicant of the denial. Such denial, when requested, shall be in writing and state the reasons for denial. The Mobile Food Permit shall be valid for one calendar year from the date of issuance, unless the Mobile Food Permit is revoked pursuant to this Chapter.

4. **Permit Renewal.** Every Mobile Food Permit, unless suspended or revoked for a violation of any provision of this Chapter or other requirement or ordinance of the City of Paducah, can be renewed annually prior to expiration. An application for renewal of a Mobile Food Permit shall be made through the Mobile Food Administrator. Upon the Mobile Food Permit’s expiration, the

holder of the Mobile Food Permit forfeits the right to renew and the Mobile Food Vendor must reapply for a new Mobile Food Permit.

5. Inspections after Permitting. Permitted operations will be inspected periodically and without notice by representatives of various City departments to ensure compliance with this Chapter.

6. Operation without Permit. Any Mobile Food Vehicle operating without a valid Mobile Food Permit may be deemed a public safety hazard and may be ticketed and impounded. The penalty for operating without a Mobile Vehicle Permit shall be the same as Section 126-178 of the Paducah Zoning Ordinance.

7. Revocation of Permit. The Mobile Food Administrator may revoke a Mobile Food Permit if it is discovered that:

i. An applicant obtained the Mobile Food Permit by knowingly providing false information on the application;

ii. The continuation of the Mobile Food Vendor's use of the Mobile Food Permit is a threat to public health or safety, or if the Mobile Food Vendor otherwise presents a threat to public health or safety; or

iii. The Mobile Food Vendor or Mobile Food Vehicle violates regulations of this Chapter or any other City of Paducah ordinance.

8. Appeal of Revocation. If a Mobile Food Permit is revoked, the Mobile Food Administrator shall state the specific reasons for the revocation. Any Mobile Food Vendor whose Mobile Food Permit has been revoked may appeal such denial by submitting a written request for a hearing to the Mobile Food Administrator within 10 days of revocation. An informal hearing shall be conducted within 30 days of the Mobile Food Administrator's receipt of said appeal by a panel comprised of the Chairman of the City Planning and Zoning Commission, the City Manager and the Director of the Fire Prevention Division of the City of Paducah. The panel shall consider whether the revocation was justified and whether good cause exists to reinstate the Mobile Food Permit. The panel shall issue its decision on the appeal in a written opinion within 10 business days; the written opinion will be sent via first class mail to the Mobile Food Vendor at the address listed on the Mobile Food Vehicle application. The decision resulting therefrom shall be final. Following the revocation of a Mobile Food Permit, a Vendor must wait one year before reapplying for a new Mobile Food Permit.

Sec. 126-89 to Sec. 126-100. Reserved.

Sec. 126-101. Purpose of article.

The purpose of this article is to establish the use, provisions and dimensional requirements for each zone.

(Code 1968, app. A, § 50; Ord. No. 76-10-1339, 10-26-76; Code 1996, § 156.065)

Sec. 126-102. Low Density Residential Zone, R-1.

The purpose of this zone is to provide for residential development of an open nature.

(1) Principal permitted uses. The following uses are permitted in an R-1 zone:

- a. Single-family dwellings.
 - b. Two-family dwellings and town houses with no more than two attached units per town house.
 - c. Park, playground or community center owned and operated by a governmental agency.
- (2) Single-family dwellings.
- a. Minimum ground floor area. No building shall be erected for residential purposes having a ground floor area of less than 1,200 square feet, exclusive of porches, breezeways, terraces, garages and exterior and secondary stairways.
 - b. Minimum yard requirements.
 - 1. Front yard: 40 feet.
 - 2. Side yard, each side: Eight feet.
 - 3. Rear yard: 25 feet.
 - 4. Lots abutting two streets shall comply with the front-yard setback provisions along the street upon which the building on the corner lot fronts. A 15-foot reduction in the front-yard provisions is allowed on the side yard facing the secondary street, provided such reduction does not result in a side yard of less than 25 feet.
 - c. Minimum area requirements.
 - 1. Minimum lot area: 12,000 square feet.
 - 2. Minimum lot width: 75 feet.
 - d. Maximum building height: 35 feet.
 - e. Accessory buildings. No accessory building shall be erected within eight feet of any side lot line and no separate accessory building shall be erected within five feet of any other building or structure. Rear setbacks do not apply to accessory buildings. However, no accessory building or structure shall be allowed in a front yard.
 - f. Parking shall be per section 126-71(d), (g)(3). Additionally, there shall be no more than four vehicles parked in any front yard, and:
 - 1. All parking shall be minimally semi-improved to a dense grade aggregate surface.
 - 2. All trailers, campers, motor homes and boats shall not be allowed in any front yard. Such trailers and vehicles which do not exceed dimensions of eight feet by 24 feet may be stored in the rear or side yard of any lot. Such trailers and vehicles which do exceed dimensions of eight feet by 24 feet may be stored in the rear or side yard of any lot; provided side yard requirements are maintained and that the trailer or vehicles are not used as a dwelling.
 - 3. Commercial vehicles, equipment and trucks with axle weights greater than one ton, and/or heights greater than eight feet, and/or lengths greater than 30 feet shall not be parked in an R-1 zone. Commercial passenger cars and light duty trucks otherwise complying from the requirements of this section are exempt from this requirement.
- (3) Two-family dwellings and town houses with no more than two attached units per town house.
- a. Minimum yard requirements.
 - 1. Front yard: 40 feet.
 - 2. Side yard: Eight feet.
 - 3. Rear yard: 25 feet.

- b. Minimum area requirements.
 - 1. Minimum lot area per unit: 7,000 square feet.
 - 2. Minimum lot width: 75 feet (per structure).
- c. Maximum building height: 35 feet.
- d. Accessory buildings. Same as subsection (2) (e).
- e. Parking shall be per section 126-102 (2) (f).
- (4) Conditionally permitted uses.
 - a. Multi-family dwellings
 - b. Day-care nurseries
 - c. Home occupations
 - d. Town houses with more than two attached units
 - e. Places of worship
- (5) Multi-family dwellings (conditionally permitted use only).
 - a. Minimum yard requirements.
 - 1. Front yard: 40 feet.
 - 2. Side yard, each side: Eight feet.
 - 3. Rear yard: 25 feet.
 - b. Minimum lot area requirements.
 - 1. Minimum lot area per unit: 5,000 square feet; four or more units, 4,000 square feet.
 - 2. Minimum lot width: 75 feet.
 - c. Maximum building height. None.
 - d. Accessory buildings. See subsection (2) (e).
- (6) Day-care nurseries.
 - a. Minimum lot area: 100 square feet per child.
 - b. Minimum yard requirements: The requirements of the zone apply to the project where located.
 - c. A four-foot wire mesh fence, or other appropriate fence as may be required by the Board of Adjustment, shall enclose the entire play area.
 - d. Parking requirements. See section 126-71.

(Code 1968, app. A, § 51; Ord. No. 76-10-1339, 10-26-76; Ord. No. 77-10-1485, 10-25-77; Code 1996, § 156.066; Ord. No. 97-8-5712, § 1, 8-26-97; Ord. No. 2001-2-6316, 2-13-01; Ord. No. 2002-10-6587, § 1, 10-22-02; Ord. No. 2003-6-6652, § 1, 6-10-03; Ord. 2010-5-7675)

Sec. 126-103. Low and Medium Density Residential Zone, R-2.

- (1) Principal permitted uses. The following uses are permitted in the R-2 zone:
 - a. Single-family dwellings.
 - b. Two-family dwellings and town houses with no more than two attached units per town house.
 - c. Park, playground or community center owned and operated by a governmental agency.
- (2) Conditionally permitted uses. The following uses are special exceptions and require written approval of the Board of Adjustment:
 - a. Day-care nurseries
 - b. Home occupations
 - c. Multi-family dwelling
 - d. Bed and breakfast
 - e. Places of Worship
- (3) Single-family dwellings.

- a. Minimum ground floor area. No building shall be erected for residential purposes having a ground floor area of less than 1,000 square feet, exclusive of porches, breezeways, terraces, garages and exterior and secondary stairways.
 - b. Minimum yard requirements.
 - 1. Front yard: 25 feet.
 - 2. Side yard, each side: Six feet.
 - 3. Rear yard: 25 feet.
 - c. Minimum lot area requirements.
 - 1. Minimum lot area: 10,000 square feet.
 - 2. Minimum width: 60 feet.
 - d. Maximum building height: 35 feet.
 - e. Accessory buildings. No accessory building shall be erected within six feet of any side lot line and no separate accessory building shall be erected within five feet of any other building or structure. Rear setbacks do not apply to accessory buildings. However, no accessory building or structure shall be allowed in a front yard.
 - f. Parking shall be per section 126-102 (2) (f).
- (4) Two-family dwellings.
- a. Minimum yard requirements.
 - 1. Front yard: 25 feet.
 - 2. Side yard, each side: Six feet.
 - 3. Rear yard: 25 feet.
 - b. Minimum area requirements.
 - 1. Minimum lot area: 6,000 square feet per unit.
 - 2. Minimum width: 60 feet (per structure).
 - c. Maximum building height: 36 feet.
 - d. Accessory buildings. Same as subsection (3) (e).
 - e. Parking shall be per section 126-102 (2) (f).
- (5) Multi-family dwellings.
- a. Minimum yard requirements.
 - 1. Front yard: 25 feet.
 - 2. Side yard: Six feet.
 - 3. Rear yard: 25 feet.
 - b. Minimum area requirements.
 - 1. Minimum lot area per unit: three or more units, 4,000 square feet.
 - 2. Minimum lot width: 75 feet.
 - c. Maximum building height. None.
 - d. Accessory buildings. Same as subsection (3) (e).
 - e. Parking requirements. Same as section 126-102 (2) (f).

(Code 1968, app. A, § 52; Ord. No. 76-10-1339, 10-26-76; Ord. No. 77-10-1486, 10-26-77; Ord. No. 90-9-4496, 9-11-90; Code 1996, § 156.067; Ord. No. 97-8-5712, § 1, 8-26-97; Ord. No. 2002-10-6587, § 1, 10-22-02; Ord. No. 2003-6-6652, § 2, 6-10-03, Ord. No. 2005-11-7036, 11-8-05;)

Sec. 126-104. Medium Density Residential Zone, R-3.

- (1) Principal permitted uses.
 - a. Single-family dwellings.
 - b. Two-family dwellings and town houses with no more than two attached units per town house.

- c. Park, playground or community center owned and operated by a governmental agency.
- (2) Conditionally permitted uses. The following uses are special exceptions and require written approval of the Board of Adjustment:
 - a. Home occupations
 - b. Day-care nurseries
 - c. Mobile home parks
 - d. Multi-family dwellings
 - e. Assisted care dwellings
 - f. Bed and breakfasts
 - g. Places of worship
- (3) Single-family dwellings.
 - a. Minimum ground floor area: No building shall be erected for residential purposes having a ground floor area of less than 850 square feet, exclusive of porches, breezeways, terraces, garages and exterior and secondary stairways.
 - b. Minimum yard requirements.
 - 1. Front yard: 25 feet.
 - 2. Side yard: Six feet.
 - 3. Rear yard: 25 feet.
 - c. Minimum lot area requirements.
 - 1. Minimum lot area: 8,000 square feet.
 - 2. Minimum width: 50 feet.
 - d. Maximum building height: 35 feet.
 - e. Accessory buildings. Same as section 126-103 (3) (e).
 - f. Parking shall be per section 126-102 (2) (f).
- (4) Two-family dwellings.
 - a. Minimum yard requirements.
 - 1. Front yard: 25 feet.
 - 2. Side yard: Six feet.
 - 3. Rear yard: 25 feet.
 - b. Minimum area requirements.
 - 1. Minimum lot area: 4,000 square feet per unit.
 - 2. Minimum width: 50 feet.
 - c. Maximum building height: 35 feet.
 - d. Accessory building. Same as section 126-103 (3) (e).
 - e. Parking shall be per section 126-102 (2) (f).
- (5) Multi-family dwellings and town houses.
 - a. Minimum yard requirements.
 - 1. Front yard: 25 feet.
 - 2. Side yard: Six feet.
 - 3. Rear yard: 25 feet.
 - b. Minimum area requirements.
 - 1. Minimum lot area, per unit, for three or more: 3,000 square feet.
 - 2. Minimum lot width: 75 feet.
 - c. Maximum building height. None.
 - d. Accessory buildings. Same as section 126-103 (3) (e).
 - e. Parking requirements. See section 126-102 (2) (f).
- (6) Public parking areas.

- a. A public parking area is permitted where the area abuts a business or industrial zone, provided the Commission finds the public parking area not to be detrimental to the adjoining residential area.
 - b. The public parking area shall be developed as required by sections 126-61 through 126-76.
 - c. Provisions for a public parking area shall adhere to the setback requirements as listed in the zone in which it is to be located, however, no setback is required along a rear property line where the residential zone and the business or industrial zone join.
 - d. Screening requirements for a public parking area shall be the same as section 126-72.
 - e. The Commission shall require a landscape plan that includes provisions that at least ten percent of the entire site shall be landscaped. Parking lot lighting may be approved provided that pole heights do not exceed 14 feet; lighting be directed inward to the property and that no off-target lighting be allowed.
- (7) Assisted Care Unit (Conditionally Permitted Only)
- a. Minimum yard requirements.
 - 1. Front yard: 25 feet
 - 2. Side yard: Six feet
 - 3. Rear yard: 25 feet
 - b. Lot area requirements.
 - 1. Minimum lot area: 15,000 square feet
 - 2. Minimum width: 100 feet.
 - 3. Maximum Ground Floor to Area Ratio: .25
 - c. Maximum building height: 35 feet
 - d. Maximum pervious cover: 60%
 - e. Accessory building. Same as section 126-103 (3) (e)
 - f. Parking shall be per section 126-102 and shall follow the group home formula. Additionally all parking and drives shall be paved. There shall be no parking in any side yard. Parking shall be screened from adjoining residential property.
 - g. Landscaping and screening: The open area on the lot not used for parking or building shall be landscaped with grasses, vegetative groundcover, flowers, gardens, trees and shrubs; provided that not more than 75% of the open area is put into grass. Trees and shrubs shall be installed at the following rate: One tree and two shrubs for every 1,000 square feet of floor area.
 - h. Site lighting: Any outdoor light shall be directed inward to the property and there shall be no off target lighting. The maximum light pole height shall be 10 feet.
 - i. Approval: Approvals per 126-75 apply to this section.

(Code 1968, app. A, § 53; Ord. No. 76-10-1339, 10-26-76; Ord. No. 77-10-1485, 10-25-77; Code 1996, § 156.068; Ord. No. 97-8-5712, § 1, 8-26-97; Ord. No. 98-11-5978, § 2, 11-17-98; Ord. No. 2002-10-6587, § 1, 10-22-02; Ord. No. 2003-6-6652, § 3, 6-10-03, Ord. No. 2005-11-7036, 11-8-05; Ord. 2010-5-7675; Ord. 2011-8-7851 dated 8/23/2011)

Sec. 126-105. High Density Residential Zone, R-4.

The purpose of this zone is to provide an area that will combine compatible residential and business uses in such a manner that it will buffer low-density residential property from high density and commercial uses.

- (1) Principal permitted uses.
 - a. Any use permitted in the R-3 zone
 - b. Multi-family dwellings
 - c. Nursing homes
 - d. Professional office buildings (yard requirements for office buildings shall be the same as the B-1 zone requirements)
 - e. Day-care nurseries
 - f. Cemeteries
 - g. Assisted care dwellings (yard and lot requirements shall be the same as 126-104 (7)).
 - h. Bed and breakfast
 - i. Places of worship
 - j. Any other use not listed which, in the Commission's opinion, would be compatible with the above uses in the R-4 zone.
- (2) Conditionally permitted uses.
 - a. List of uses.
 1. Commercial greenhouses
 2. Funeral homes
 3. Home occupations
 4. Hotels or motels
 5. Beauty shops and barbershops
 6. Mobile home parks.
 - b. Board of Adjustment approval. The conditionally permitted uses listed above shall be considered as business uses and shall meet the requirements of the B-1 zone. All plans will be submitted to the Planning Commission prior to Board approval and the Commission shall require such conditions as are necessary to maintain the character of this zone. The Board may grant dimensional variances to businesses when lot requirements cannot be met.
- (3) Single and two-family dwellings. Single-family dwellings and two-family dwellings shall comply with the requirements of the R-3 zone.
- (4) Multi-family dwellings and town houses.
 - a. Minimum yard requirements.
 1. Front yard: 25 feet.
 2. Side yard, each side: Six feet.
 3. Rear yard: 25 feet.
 - b. Minimum area requirements.
 1. Minimum lot area, per unit: 2,000 square feet.
 2. Minimum lot width: 50 feet.
 - c. Maximum building height. None.
 - d. Public parking area. Same as section 126-104 (5) (e).

(Code 1968, app. A, § 54; Ord. No. 76-10-1339, 10-26-76; Ord. No. 77-10-1485, 10-25-77; Code 1996, § 156.069; Ord. No. 98-11-5978, § 3, 11-17-98; Ord. No. 2002-10-6587, § 1, 10-22-02; Ord. No. 2003-6-6652, § 4, 6-10-03, Ord. No. 2005-11-7036, 11-8-05); Ord. No. 2009-1-7506 adopted 1-13-2009; Ord. 2010-5-7675

Sec. 126-106. Convenience and Service Zone, B-1.

The purpose of this zone is to provide convenient shopping areas to serve nearby residential areas.

- (1) Principal permitted uses.

- a. Any use permitted in the R-4 zone (except all new residential structures shall comply with the R-4 zone yard requirements)
 - b. Home occupations
 - c. Hotels and motels
 - d. Funeral homes
 - e. Commercial greenhouses
 - f. Assembly buildings of fraternal, professional and labor organizations
 - g. The following uses, provided they are conducted wholly within a building except for off-street loading and unloading:
 - 1. Retail establishments (product processing is allowed only if the products are sold at retail on the premises)
 - 2. Personal and convenience service establishments
 - 3. Shoe store and repair shop
 - 4. Tailor shop
 - 5. Theater
- (2) Conditionally permitted uses. The Board of Adjustment shall determine that the listed uses will not be detrimental to adjacent residential property via excessive noise, light, odor, traffic congestion or vibration.
- a. Automobile rental, sales or service
 - b. Drive-in establishments
 - c. Other similar but undefined uses
- (3) Minimum yard requirements.
- a. Front yard. None, except for arterial highway strip commercial uses, for which a minimum front yard of 25 feet shall be provided.
 - b. Side yard. None, except for arterial highway strip commercial uses; for such uses the side yards shall not be less than 12 feet except that any side yard abutting a residential district shall not be less than 25 feet.
 - c. Rear yard. None, except for arterial highway strip commercial uses; for such uses a rear yard of ten feet shall be provided; if such use is serviced from the rear or if it abuts a residential district, a rear yard of not less than 30 feet shall be provided.
- (4) Minimum area requirements.
- a. Minimum lot area: 5,000 square feet, except for arterial highway strip commercial uses, which shall be not less than 10,000 square feet.
 - b. Minimum lot width: 50 feet, except for arterial highway strip commercial uses, which shall be 75 feet.
- (5) Maximum building height. None.
- (6) Accessory buildings. Accessory buildings shall be built no closer than 15 feet from any property line and no closer than ten feet from any other building.
- (7) Access control.
- a. Lots with less than 200 feet of frontage shall have only one point of access to any one public street.
 - b. Lots in excess of 200 feet may have two points of access for each 200 feet of frontage on any one public street.
 - c. All points of ingress and egress to major arterials shall be at least 350 feet from the ramp pavement transition point of highway interchanges.
- (8) Setback requirements for business zones facing R-1 or R-2 residential zone.
- a. Where a business zone faces an R-1 zone and/or an R-2 residential zone, the Planning Commission shall require a minimum front yard setback of 25 feet.
 - b. Screening requirements shall be the same as section 126-72.

- (9) Parking requirements. See section 126-71.

(Code 1968, app. A, § 55; Ord. No. 76-10-1339, 10-26-76; Ord. No. 80-5-1896, 5-13-80; Ord. No. 84-8-2559, 8-14-84; Ord. No.2013-11-8099, 11-26-13; Code 1996, § 156.070.)

Sec. 126-107. Downtown Business Zone, B-2.

The purpose of this zone is to encourage the development and redevelopment of the city's downtown business district.

- (1) Principal permitted uses.
 - a. Any use permitted in the B-1 zone
 - b. Trade, business and vocational schools
 - c. Places of amusement, assembly and recreation
 - d. Automobile sales and service
 - e. Commercial parking lots and garages
 - f. Newspapers and printing establishments
 - g. Radio and TV stations
 - h. Any other similar use which, in the Commission's opinion, would not impair the business character of the downtown area.
- (2) Minimum lot area and yard requirements. None.
- (3) Maximum building height. None.
- (4) Parking requirements. Parking requirements are waived for all uses in the B-2 zone except for the following:
 - a. Bus terminals
 - b. Hotels and motels
 - c. Residential dwelling units.
- (5) Minimum sight distance. The visibility requirements of section 126-65 shall not apply to the B-2 zone.

(Code 1968, app. A, § 56; Ord. No. 76-10-1339, 10-26-76; Ord. No. 77-8-1459, 8-23-77; Ord. No. 80-5-1896, 5-13-80; Code 1996, § 156.071)

Sec. 126-108. Downtown Business Townlift Zone, B-2-T.

The purpose of the B-2-T Zone is to encourage the development, redevelopment and the preservation of the City's townlift area.

- (1) Principal permitted uses.
 - a. Trade, business and vocational schools
 - b. Places of amusement, assembly and recreation
 - c. Assembly buildings of fraternal, professional and labor organizations
 - d. Commercial parking lots and garages
 - e. Newspapers and printing establishments
 - f. Radio and TV stations
 - g. Residential dwelling units;
 - h. Restaurant/bakery/pub (no drive through permitted)
 - i. Retail
 - j. Any other similar use which, in the Commission's opinion, would not impair the business character of the downtown area.
- (2) Lot area and yard requirements. None.
- (3) Building height. None.
- (4) Parking regulations. Parking requirements are waived for all uses in the B-2-T zone except for the following:

- a. Bus terminals
- b. Hotels and motels
- (5) Minimum sight distance. The visibility requirements of section 126-65 shall not apply to the B-2-T zone.
- (6) Ground floor use. The ground floor of all structures in the B-2-T Zone shall be a permitted use as defined in sub-section (1) except that residential uses may be permitted on any floor above the ground floor or below the ground floor. Residential uses may also be located in the rear 1/3 of the ground floor.

(Code 1968, app. A, § 56T; Ord. No. 77-12-1500, 12-13-77; Code 1996, § 156.072; Ord. 2015-9-8297, Sept 15, 2015; Ord. No. 2016-7-8394, 7-19-2016)

Sec. 126-109. General Business Zone, B-3.

The purpose of this zone is to provide an area for high intensity commercial activity of a wholesale nature and to ensure easy highway access for such uses.

- (1) Principal permitted uses.
 - a. Any use permitted in the B-2 zone
 - b. Wholesale establishments
 - c. Automotive equipment sales and repair
 - d. Laundry and dry cleaning establishments
 - e. Light industrial operations (as approved by the Planning Commission according to degree of objectionable smoke, noise, odor, glare, vibration and heavy freight traffic generation).
- (2) Minimum yard requirements. None.
- (3) Minimum area requirements. None.
- (4) Maximum building height. None.
- (5) Screening requirements. See section 126-72.
- (6) Parking requirements. See section 126-71.

(Code 1968, app. A, § 57; Ord. No. 76-10-1339, 10-26-76; Code 1996, § 156.073)

Sec. 126-110. Light Industry Zone, M-1.

The following provisions shall apply in the M-1 Light Industry Zone unless otherwise provided herein:

- (1) Principal permitted uses.
 - a. Any use permitted in the B-3 zone
 - b. Any industrial, manufacturing, fabrication or processing use which does not emit objectionable noise, smoke, odor or dust beyond the confines of its property
 - c. Warehouses & storage buildings
 - d. Public and commercial sewage disposal plant
 - e. Any other use which, in the Commission's opinion, would be compatible in the B-3 zone.
- (2) Conditionally permitted uses. The following uses are special exceptions and require written approval of the Board of Adjustment.
 - a. Any other industrial use determined to be of the same general character as the above permitted uses.
 - b. Animal hospital or kennel, located not closer than 300 feet to an R zone.
 - c. Heliports
- (3) Minimum yard requirements.

- a. Permitted uses having a total plan floor area of 10,000 square feet or less:
 - 1. Front yard: 25 feet, except for highway strip uses for which a 50-foot front yard is required.
 - 2. Side yard: Ten feet.
 - 3. Rear yard: None, except where abutted by a residential zone, in which case a rear yard of 25 feet.
 - 4. No storage of materials or equipment shall be allowed in the minimum front yard.
- b. Permitted uses with a total plan floor area of more than 10,000 square feet:
 - 1. Front yard: 50 feet.
 - 2. Side yard: 25 feet.
 - 3. Rear yard: None, except where abutted by a residential zone, in which case a rear yard of 25 feet.
- (4) Minimum area requirements.
 - a. Permitted uses having a total plan floor area of 4,000 square feet or less:
 - 1. Minimum lot area: 7,500 square feet.
 - 2. Minimum lot width: 60 feet.
 - b. Permitted uses with a total plan floor area of more than 4,000 square feet:
 - 1. Minimum lot area: 15,000 square feet.
 - 2. Minimum lot width: 75 feet.
- (5) Maximum building height. None.
- (6) Parking requirements. See section 126-71.
- (7) Maximum lot coverage.
 - a. Principal structures: 50 percent of gross lot area.
 - b. Total coverage by principal structures, accessory structures and outside storage: 70 percent of gross lot area.

(Code 1968, app. A, § 58; Ord. No. 76-10-1339, 10-26-76; Code 1996, § 156.074; Ord. No. 98-7-5900, § 3, 7-21-98; Ord. No. 99-11-6133, § 1, 11-9-99)

Sec. 126-111. Heavy Industrial Zone, M-2.

The following provisions shall apply in the M-2 Heavy Industry Zone unless otherwise provided herein.

- (1) Principal permitted uses.
 - a. Any use permitted in the M-1 zone
 - b. Animal hospital or kennel
 - c. Junkyards (solid fence, minimum height of eight feet, enclosing junkyards) in no instance shall stored materials be visible from any roadway.
 - d. Any industrial use that is determined to be non-detrimental to the properties immediately surrounding the use.
- (2) Minimum yard requirements. Same as section 126-110 (3).
- (3) Minimum area requirements. Same as section 126-110 (4).
- (4) Maximum building height. None.
- (5) Parking requirements. See section 126-71.
- (6) Maximum lot coverage. Same as section 126-110 (7).

(Code 1968, app. A, § 59; Ord. No. 76-10-1339, 10-26-76; Code 1996, § 156.075; Ord. No. 2009-3-7523)

Sec. 126-112. High Density Industrial Zone, M-3.

The following provisions shall apply in the M-3 Industrial Zone, unless otherwise provided herein.

- (1) Principal permitted uses. Any use permitted in the M-1 zone.
- (2) Minimum yard requirements. None, except a yard of 25 feet shall be required on any side that abuts a residential zone.
- (3) Minimum area requirements.
 - a. Minimum lot area: 5,000 feet.
 - b. Minimum lot width: 50 feet.
- (4) Maximum building height. None.
- (5) Parking requirements. Same as section 126-71.
- (6) Maximum lot coverage. None.

(Code 1968, app. A, § 59A; Ord. No. 79-1-1679, 1-23-79; Code 1996, § 156.076)

Sec. 126-113. Conservancy Zone, C-1.

It is the intent here to establish a zone to meet the needs of the Ohio and Tennessee Rivers and their tributaries in times of flood and to prevent the undue loss of life and property by not allowing encroachment into the zone of uses which will either be damaged by flood or will increase floodwater heights. Land subject to flooding is considered to be all land below elevation 331.0, USGS Paducah.

- (1) Principal permitted uses.
 - a. Open type uses such as loading and unloading areas, parking lots and gardens auxiliary to uses permitted in any adjoining district.
 - b. Storage yards for equipment and material not subject to major flood damage; provided such storage is accessory to uses permitted in the adjoining district; also provided the stored items are not flammable or toxic materials or other materials which could contaminate public waters to concentrations determined to be hazardous by state or federal standards and also provided stored items can be firmly anchored during times of flood.
 - c. Water-port facilities.
 - d. Open-type public and private recreation facilities such as public parks.
- (2) Conditionally permitted uses. The following are special exceptions and require written approval of the Board of Adjustment: any use determined to be of the same general character as the above permitted uses.
- (3) Review and approval of plans.
 - a. No permit shall be issued for the construction of any building or for any use within the C-1 zone until the plans for such construction or use have been submitted to the Planning Commission and approval has been given in writing for such construction or use.
 - b. The Commission may make its approval subject to such reasonable conditions as necessary to protect the purpose of this zone.
 - c. Keeping in mind the stated purposes of this zone, the Commission shall be guided by the following standards in its review of plans:
 1. Any uses permitted shall be of a type not appreciably damaged by floodwaters and no structure for human habitation shall be permitted.
 2. No filling of land shall be permitted except in instances in which express permission is granted by the Planning Commission.
 3. Any structure permitted shall be designed, constructed and placed on the lots so as to offer minimum obstruction to the flow of water.

4. When, in the opinion of the Planning Commission, topographical data, engineering or other studies are needed to determine the effects of flooding on a proposed structure or land use, the Commission may require the applicant to submit such data or other studies prepared by competent engineers or other technical people.

(Code 1968, app. A, § 60; Ord. No. 76-10-1339, 10-26-76; Code 1996, § 156.077)

Sec. 126-114. Civic Center Zone, A-1.

The purpose of this zone is to strengthen those cultural and governmental services which benefit the entire region, but which can only be supported in the civic center; provide a separate and compact area for those important uses; give the city more effective visual relationships in and around the downtown area; and provide, in the design of the civic buildings and open spaces, a physical point for urban aesthetics and civic pride.

- (1) Principal permitted uses.
 - a. List of uses.
 1. Public buildings (city, county, state and federal);
 2. Office buildings (financial, professional, personal, business and medical);
 3. Business, trade, personal and vocational schools;
 4. Hotels and motels;
 5. Public parking areas;
 6. Accessory uses to the above;
 7. Any use determined to be of the same general character as the above permitted uses.
 - b. Plan approval. Plans for architectural design and site layout shall be approved by the Planning Commission, and it may require changes as may be deemed necessary or desirable to insure proper design standards, to minimize traffic difficulties, to safeguard adjacent properties and to preserve the institutional character of the Civic Center Zone.
- (2) Minimum yard requirements.
 - a. Front yard: Ten feet.
 - b. Side yard:
 1. Abutting a street: Six feet.
 2. Not abutting a street: Four feet.
 - c. Rear yard: None.
- (3) Minimum area requirements.
 - a. Minimum lot area: 5,000 square feet.
 - b. Minimum lot width: 50 feet.
- (4) Maximum height. 45 feet.

(Code 1968, app. A, § 61; Ord. No. 76-10-1339, 10-26-76; Code 1996, § 156.078)

Sec. 126-115. Historical zones, H-1 and H-2.

- (a) Use provisions for Historical-Commercial Zone, H-1. The purpose of the H-1 Historical-Commercial Zone is to encourage the development, redevelopment and the preservation of the city's historical-commercial area.
 - (1) Principal permitted uses.
 - a. Any use permitted in a B-2-T zone;

- b. Any other use which the Historical and Architectural Review Commission (hereinafter called HARC) finds, based upon evidence at a public hearing, would not impair the historical integrity of the Historical-Commercial Zone.
- (2) Minimum yard requirements. None.
- (3) Minimum area requirements. None.
- (4) Minimum building height. None.
- (5) Screening requirements. Same as section 126-72.
- (6) Parking requirements. None.
- (b) Use provisions for Historical Neighborhood Zone, H-2. The purpose of the H-2 zone is to encourage the development, redevelopment and preservation of the city's historic neighborhood areas.
 - (1) Principal permitted uses.
 - a. Any principal use permitted in an R-4 zone except multi-family dwellings;
 - b. Funeral homes;
 - c. Beauty shops and barbershops;
 - d. Florist shops;
 - e. Assembly building of cultural, fraternal, professional and labor organizations;
 - f. Antique shops;
 - g. Restaurants;
 - h. Retail establishments, provided they are conducted wholly within a building except for off-street loading and unloading, and provided further that product processing is not allowed on the premises;
 - i. Real estate agencies;
 - j. Insurance agencies;
 - k. Dressmaker's establishment; and
 - l. Any similar use which the HARC finds, based upon evidence at a public hearing, that would not impair the historical integrity of the historical neighborhood zone.
 - (2) Conditionally Permitted Uses
 - a. Lodging Houses
 - (3) Dimensional requirements.
 - a. Minimum lot area:
 - 1. Single family dwelling: 4,000 square feet.
 - 2. Two Family dwellings: 4,000 square feet per unit
 - b. Minimum side yard: Six feet.
 - c. Minimum front yard: 25 feet.
 - d. Minimum rear yard: 25 feet.
 - e. Maximum building height is 35 feet or no higher than 2 feet taller than the tallest principal building on either side of the proposed new construction.
 - (4) Screening requirements. Same as provided in section 126-72 (1) (e). For the purposes of screening between the H-2 zone and all adjoining zones, the H-2 zone shall be treated as residential property under subsections (1) (a) and (b) of section 126-72.
 - (5) Parking requirements. Same as provided in section 126-71, provided that parking areas will be placed to the rear of the rear line of the principal structure upon any

- lot unless the HARC shall find, upon evidence at a public hearing, that the waiver of this provision shall only minimally affect the historical integrity of the neighborhood zone.
- (6) Waiver of lot requirements. The requirements of subsections (b) and (c) of section 126-64 may be waived by HARC, upon a finding based on evidence at a public hearing that such waiver will not impair the historical integrity of the neighborhood zone.
 - (7) Reserved.
- (c) Standards for determining historical integrity. The criteria to be applied in determining the existence of "historical integrity" as that phrase is used in this section shall be:
- (1) That the proposed action is in harmony with the wording and intent of this section.
 - (2) That the proposed action will be complementary to all conforming structures within the zone.
 - (3)
 - a. That the proposed action is in conformity with at least a majority of the applicable guidelines for exterior features promulgated by the Secretary of the Interior of the United States in the publication "Standards of Rehabilitation" (January 1990 Revision: GPO 230 394), as amended from time to time, and as set forth in any subsequent edition of this publication.
 - b. The proposed action is not addressed in the Standards of Rehabilitation.
 - (4)
 - a. That those portions of the affected real estate which are ordinarily visible from any public roadway within the zone are characteristic in appearance to architectural styles, materials and color shown by the evidence to have been prevalent in Paducah prior to 1940 or at the date of original construction of the structure, whichever date is earlier.
 - b. The proposed new construction complies with the HARC Advisory Design Guidelines and a majority of the Secretary Standards of Rehabilitation.
- (d) Historical and Architectural Review Commission (HARC) established. There is hereby established a special Board of Adjustment pursuant to KRS 100.217 and KRS 82.026, which shall be known as the Historical and Architectural Review Commission (HARC), which shall have sole and exclusive jurisdiction as a Board of Adjustment over the historical zones, landmarks and landmark sites within the city.
- (e) Membership of HARC.
- (1) The HARC shall consist of five members, each to be appointed by the Mayor and approved by the City Commission.
 - (2) The term of office of the members shall be three years, except the terms of two members of the original Commission shall expire within one year. An appointment to fill a casual vacancy shall be for the unexpired portion of the term only.
 - (3) Vacancies shall be filled within 60 days.
 - (4) The HARC shall be a highly specialized administrative body. Where practicable, its membership shall include at least two preservation-related professional members from the fields of architecture, history, archeology, architectural history, planning or related fields; and all members shall have an interest in historic preservation and a background of historical study.

- (5) When one or two professional members are not available for appointment, the Mayor may appoint other persons interested in historic preservation to serve.
 - (6) When the HARC reviews an issue that is normally evaluated by a professional member and that field is not represented by HARC, the HARC shall seek expert advice before rendering its decision.
 - (7) Each member shall complete education credits in compliance with KRS 147A.027. All training must pertain to the work of HARC.
 - (8) No member of the HARC shall vote on any matter that may affect the property, income or business interests of that member.
- (f) Powers and duties of HARC.
- (1) General powers and duties. The HARC is invested with the following powers and duties:
 - a. The HARC shall have all powers and duties applicable to a Board of Adjustment as provided in this section and by state law, limited, however, to the landmarks, landmark sites and the boundaries of the historical zones within the city.
 - b. The HARC is authorized and empowered to act as a fact-finding body and to thereby implement the provisions of this section which require factual determinations.
 - c. The HARC is authorized and empowered to grant waivers or variances from the provisions of this section in those instances where such waivers or variances are specifically authorized by the provisions hereof.
 - d. The HARC is authorized and empowered to grant certificates of appropriateness.
 - e. The HARC is authorized to coordinate and advise with other federal, state and local administrative boards and private foundations within its area of interest and to make such studies as it may deem appropriate; provided, however, that in this capacity the subpoena power reposing in it shall not be utilized.
 - f. The HARC shall keep such minutes and records as are required of a Board of Adjustment, and it shall make available for public inspection its written minutes and a written annual report of its activities, cases, decisions, special projects and qualifications of the members. The minutes shall include the reasons for the decisions made by the HARC.
 - g. The HARC shall adopt such rules and regulations as it may deem necessary to carry out its functions under the provisions of this section. Such rules and regulations shall include rules of procedure, which shall be made public.
 - h. The HARC shall hold at least four meetings per year, held at regular intervals, in a public place advertised in advance and open to the public. All meetings shall have an agenda that is available before the meeting. The decisions of the HARC shall be made in a public forum with applicants notified of the meeting and the decision.
 - i. The HARC shall conduct a continuing survey of historic buildings and areas and shall prepare a plan for their preservation. The HARC shall conduct this work in accordance with the guidelines of the state Historic Preservation Office. The HARC shall use the preservation plan to assist the city in its overall planning efforts.

- j. The HARC shall make recommendations for the designation of local historic districts, landmarks and landmark sites.
 - k. The HARC may adopt additional guidelines for the protection of historic district, landmarks and landmark sites.
 - l. The HARC shall participate in handling the National Register nominations which are delegated to the city under the Certified Local Government Program. In the development of the Certified Local Government Program, the city may ask the HARC to handle other responsibilities that may be delegated to the city under the National Historic Preservation Act.
 - m. The HARC shall advise and assist property owners and other persons and groups concerned with historic preservation and shall undertake educational programs for the public on historic preservation.
 - n. The HARC shall receive assistance in the performance of its responsibilities from a city staff member or a person designated by the city who shall have expertise in historic preservation or a closely related field. Other city staff members may be asked to assist the HARC by providing technical advice or helping in the administration of this section.
- (2) Designation of historic districts, landmarks and landmark sites.
- a. Consideration of the designation of a historic district or a landmark and landmark site may be originated by the HARC, or by the filing of an application for designation by a property owner, any resident of the city or any organization in the city. An application shall be filed with the HARC in such form and accompanied by such information as required by this section and the rules of the HARC. A person or organization proposing a designation shall give the HARC the names and addresses of the owners of the affected property and the owners of all adjoining property and property across the street as listed on the tax rolls of the city. The HARC shall promptly notify these owners by certified mail that the property is under consideration for designation and that a public hearing is being held on the proposed designation by the HARC. Written notice shall be considered sufficient when it is mailed to the person at the address listed on the tax rolls of the city or when it is mailed to the last known address of that person.
 - b. The HARC shall hold a public hearing on the proposed designation. The HARC shall give notice of the time, place and reason for holding a public hearing thereon by one publication in a newspaper of general circulation in the city not earlier than 21 days or later than seven days before the public hearing.
 - c. A historic district or landmark shall qualify for designation when it meets one or more of the following criteria, which shall be discussed in a report by the HARC to the Planning Commission. The purpose of the designation of a landmark is to encourage the preservation, rehabilitation and use of these buildings. Each designation of a landmark shall include the designation of a landmark site, which shall consist of the land on which the landmark and related buildings and structures are located and the land that provides the grounds or the setting for the landmark. A historic district or landmark shall be designated because of:

1. Its value as a reminder of the cultural or archeological heritage of the city, state or nation;
 2. Its location as a site of a significant local, state or national event;
 3. Its identification with a person or persons who significantly contributed to the development of the city, state or nation;
 4. Its identification as the work of a master builder, designer or architect whose individual work has influenced the development of the city, state or nation;
 5. Its value as a building that is recognized for the quality of its architecture and that retains sufficient elements showing its architectural significance;
 6. Its character as a geographically definable area possessing a significant concentration of sites, buildings, objects or structures united by architectural styles or a plan of physical development; or
 7. Its character as an established and geographically definable neighborhood, united by culture or past events.
- d. The public hearing of the HARC shall be held within 60 days after the designation was proposed. The HARC shall then vote on whether the proposed designation should be recommended for approval or should be disapproved. After voting to recommend that an application for the establishment of a historic district or a landmark be approved, the HARC shall forward its recommendation with its reasons, in writing, to the Planning Commission.
 - e. The Planning Commission and the City Commission shall follow the procedures for the amendment of this section when they vote to approve or disapprove the designation of a historic district or a landmark. The comprehensive plan and the zoning map shall be amended before a designation of a historic district or a landmark shall be approved and shall take effect. The Planning Commission and the City Commission shall act on a proposed designation within 120 days after the HARC makes its recommendation. The City Commission shall not approve the recommendation to designate a landmark site without the approval of the landowner upon which the landmark is located.
 - f. The HARC shall notify each owner of the decision relating to his property and shall arrange that the designation of a property as a landmark or as a part of a historic district be recorded in the land records of the county. The HARC shall also give notice of the decision to the government offices in the city and county, which shall retain them for future use.
 - g. The amendment or rescission of any designation shall be accomplished through the same steps as were followed in the original designation.
- (3) Nominations to the National Register of Historic Places.
- a. To participate in the Certified Local Government Program established by the National Historic Preservation Amendments Act of 1980, the city shall initiate all local nominations to the National Register of Historic Places and shall request the Mayor and the HARC to submit recommendations on each proposed nomination to the National Register. The Mayor and the HARC shall obtain comments from the public that shall be included in their National Register recommendations. Within 60 days of the receipt of a nomination from a private individual or the

initiation of a nomination by the city, the city shall inform the state historic preservation office and the owner of the property of the two recommendations regarding the eligibility of the property. If the Mayor and the HARC do not agree, both opinions shall be forwarded in the city's report. If both the Mayor and the HARC recommend that a property not be nominated, the state historic preservation office shall inform the property owner and the state review board, and the property will not be nominated unless an appeal is filed with the state historic preservation officer.

- b. If either or both the Mayor and the HARC recommend that a property should be nominated, the nomination will receive a preliminary review by the Kentucky Historic Preservation Review Board. The Review Board shall make a recommendation to the state historic preservation officer, who decides whether to forward the nomination to the U.S. Secretary of the Interior, who shall make the decision on listing the property on the National Register. The Mayor, the HARC or the property owner may appeal the final decision by the state historic preservation officer.

(g) Certificate of appropriateness required for changes in exterior appearance.

- (1) Generally. No person shall, without first applying for and obtaining a special conditional use permit, to be known as a certificate of appropriateness, cause or permit any of the following changes in exterior appearances of real estate in which he has a legal or equitable interest lying within a historical zone or on a landmark site:

- a. Additive changes:

- 1. Moving any principal or accessory building onto or within any lot in the zone or on the landmark site.
- 2. Material change of the exterior appearance of any existing building by additional reconstruction, alteration or maintenance, including change in color, form or texture of materials.
- 3. Construction of any new principal or accessory building, patio, courtyard, parking lot, swimming pool, basketball court, tennis court or other real estate appurtenance.

- b. Change by removal:

- 1. Demolition of any principal or accessory building.
- 2. Moving any principal or accessory building from the historical zone or the landmark site.

- c. The words "change in exterior appearance," as used in this subsection, shall apply to alterations or changes which are ordinarily visible from any public roadway within a historical zone or adjacent to a landmark site, excluding alleys.

- d. The determination of "ordinarily visible from the roadway" is made by the Zoning Administrator. Appeals of the Zoning Administrator's decision can be made to HARC in accordance with KRS 100.261.

(h) Application for certificate of appropriateness.

- (1) Before the commencement of any work for which a certificate of appropriateness is required as hereinbefore provided, an application to the HARC therefor shall be made by the owner and filed in the office of Planning and Zoning.
- (2) The application shall include, where applicable, a drawing of the proposed facade and full plans and specifications relating to appearance, color, texture (of

materials) and architectural design of all portions of the proposed work which, upon completion, will be ordinarily visible from any public roadway within the zone or adjacent to the landmark site.

- (i) Informal discussion regarding certificate of appropriateness.
 - (1) Upon the submission of an application for a certificate of appropriateness, the same shall be placed upon the agenda for the next meeting of the HARC for which the agenda has not, under the rules of the HARC, been completed, and the applicant shall be advised by the office of Planning and Zoning of the date, time and place of that meeting.
 - (2) At that meeting an informal discussion of the application will be held and the members of the HARC may make suggestions for alterations of the proposal to more nearly comply with the terms of this section. Also, at the initial meeting, the HARC shall set a date, time and place in the reasonably near future for a public meeting.
- (j) Public hearing on certificate of appropriateness.
 - (1) Action by HARC. The HARC shall hold a public hearing on each application for a certificate of appropriateness submitted to it, after notice is given in the same manner as for hearing before the city Planning Commission. The HARC may:
 - a. Approve the application;
 - b. Disapprove the application;
 - c. Disapprove the application as submitted but approve the same with such modifications as it may deem necessary to bring it into compliance with historical integrity; or
 - d. Defer the decision for a period of no longer than one month and one week.
 - (2) Time limit; findings of fact.
 - a. The HARC shall make a decision on each application within 90 days after a completed application is filed; provided that the HARC may vote to extend its time for decision by an additional 90 days when the application involves the proposed demolition of a building.
 - b. The HARC shall make written findings of fact upon which its decision must rest.
- (k) Grounds for granting certificates of appropriateness.
 - (1) Additive changes. Certificates of Appropriateness pertaining to the moving of buildings into or within a historical zone or a landmark site, materially changing appearance, new construction or changing walls or fences shall be granted upon application therefore if the HARC finds as fact either:
 - a. That the proposed addition or improvements will not ordinarily be visible from any public roadway within the zone or adjacent to the landmark site; or
 - b. That a majority of the standards for determining historical integrity have been met.
 - (2) Changes by removal. Certificates of appropriateness pertaining to moving buildings from a historical zone or landmark site, demolition of buildings or cutting trees shall be granted upon application therefore if the HARC finds as fact either that:
 - a. The denial of the proposed action would deprive the landowner of the reasonable use of his land or a fair return of his investment therein; or

- b. Those portions of the thing sought to be removed which are ordinarily visible from any public roadway within the zone or adjacent to the landmark site do not and cannot, with reasonable restoration efforts, meet the standards of determining historical integrity set forth in this section.
- (3) Routine alterations. The following list of routine alterations can be issued a Certificate of Appropriateness by the Chairman of HARC without the necessity of a public hearing. The Zoning Administrator will make the determination if the alteration is routine and requires a public hearing. If the proposed change is not listed in this subsection, then the formal application process with a public hearing is required. If the Chairman of HARC elects not to sign the Certificate of Appropriateness for the routine alteration, then the application shall be forwarded to the Board and go through the formal application process with a public hearing.
 - a. Additive changes:
 - 1. New roof of the same style and material.
 - 2. Structures other than buildings, signs or fences.
 - b. Changes by removal:
 - 1. Removing a non-historic feature from a structure which makes the structure more characteristic of the time period in which it was built. Examples include but are not limited to siding, storm windows, or other non-original features. Replacement of these items requires a formal application with a public hearing.
 - 2. Removal of non-historic fences.
 - 3. Cutting or removal of trees that are more than one foot in diameter measured at a height of one foot; provided, however, that nothing contained in this section shall be construed to hinder or delay the removal of trees which create a danger or a hazard to life or property.
 - c. Repainting. In instances where repainting already painted surfaces, any change in color shall require a Certificate of Appropriateness. Requests to paint an unpainted surface require the formal application process with a public hearing.
- (1) Maintenance and safety standards.
 - (1) Ordinary maintenance and repair permitted. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior of any building or structure within a historic zone or on a landmark site. "Ordinary maintenance or repair," as used in this subsection, shall be deemed to mean any work for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration or decay of or damage to a structure or any part thereof and to restore the items using the exact same style and material to its condition prior to the occurrence of such deterioration, decay or damage.
 - (2) Maintenance required; correction of defects.
 - a. All buildings within a historic zone or on a landmark site shall be maintained to meet the requirements of the building code of the city.
 - b. The HARC shall request a meeting with a property owner when his building in a historic district or his landmark is in poor repair and the HARC shall discuss with the owner ways to improve the condition of his property. After this step, the HARC may request the city Building Inspector to take action to require correction of defects in any building

designated under this section so that the building shall be preserved in accordance with the purposes of this section.

- (3) Enforcement of safety standards. Nothing in this section shall be construed to prevent the city Building Inspector from enforcing all state statutes and provisions of this Code and any other ordinances of the city pertaining to the public safety.
- (m) Appeals. Any person aggrieved by any action of the HARC may appeal the decision thereof to the Circuit Court in the manner prescribed for appeals from actions of Boards of Adjustment.

(Code 1968, app. A, § 62; Ord. No. 76-10-1339, 10-26-76; Ord. No. 80-9-1980, 9-9-80; Ord. No. 81-10-2159, 10-27-81; Ord. No. 88-1-4013, 1-26-88; Ord. No. 93-3-4916, 3-16-93; Code 1996, § 156.079; Ord. No. 2001-9-6411, 9-19-01; Ord. No. 2002-10-6587, 10-22-02; Ord. No. 2002-10-6587, § 1, 10-22-02; Ord. No. 2003-11-6721, § 1, 11-11-03) Ord. # 2007-11-7355 adopted Nov. 13, 2007; Ord. No. 2009-1-7506 adopted 1-13-2009; Ord. 2011-8-7851 dated 8/23/2011

Sec. 126-116. Highway Business District, HBD.

The intent of this district is to provide appropriate space and sufficient depth from the street to satisfy the needs of modern commercial development where access is entirely dependent on motor vehicle trade, and to encourage the development of these locations with such uses and in such a manner as to minimize traffic hazards and interference with other uses.

- (1) Permitted uses.
 - a. Any use permitted in the B-3 Zone
 - b. Automobile service and repair establishments, including gasoline service stations, repair garages and automatic car-washing establishments;
 - c. Hotels and motels;
 - d. Recreational uses such as amusement parks, bowling alleys and roller-skating; archery ranges; miniature golf, golf-driving ranges and other similar recreational activities;
 - e. Souvenir shops, roadside stands and curio shops when incidental to another permitted use;
 - f. Office buildings;
 - g. Retail establishments (product processing is allowed only if the products are sold at retail on the premises);
 - h. Restaurants and eating establishments;
 - i. Commercial parking lots and parking garages;
 - j. Theaters.
- (2) Area regulations. The following requirements shall apply to all non-residential uses permitted in this district. All residential uses shall comply with the requirements of the R-4 Zone:
 - a. Front yard. All buildings shall be set back from the street right-of-way line not less than 50 feet, except where a parallel access road is provided with construction requirements which meet the standards of the city street plan.
 - b. Side yard. The width of any side yard which abuts a residential district shall not be less than 25 feet. In all other cases each side yard shall not be less than 12 feet.
 - c. Rear yard. Each lot shall have a rear yard of not less than ten feet. Where a commercial building is serviced from the rear, there shall be a rear yard of not less than 30 feet; the depth of a rear yard which abuts a residential district shall not be less than 30 feet.
 - d. Lot width. Each lot shall have a width at the front building line of not less than 75 feet.

- e. Lot area. There shall be a minimum lot area of not less than 10,000 square feet.
- f. Height requirements. None.
- g. Parking requirements. Same as section 126-71.
- h. Highway access. All points of ingress and egress to major arterials shall be at least 350 feet from the ramp pavement transition point of highway interchanges.

(Code 1968, app. A, § 63; Ord. No. 76-10-1339, 10-26-76; Ord. 2011-8-7851 dated 8/23/11; Code 1996, § 156.080)

Sec. 126-117. Planned Office Park, POP.

- (a) Intent. The intent of this zone is to provide adequate space for offices, communications related, educational and research activities, and other similar development in a park setting designed and operated for tenants who may require access to high capacity information sharing, transmitting and receiving facilities, and utilities. Furthermore, the zone is intended:
 - (1) To provide sufficient space in appropriate locations for attractive, landscaped offices.
 - (2) To insure compatibility of uses and operations within the Planned Office Park District.
- (b) Principal permitted uses.
 - (1) Offices for business, professional, governmental, political and charitable organizations.
 - (2) Banks, credit agencies, security and commodity brokers, credit institutions, savings and loan companies, and holding and investment companies.
 - (3) Computer and data processing centers.
 - (4) Telephone exchanges.
 - (5) Radio and television studios.
 - (6) Cable television signal distribution centers and studios.
 - (7) Ticket and travel agencies.
 - (8) Kindergarten, nurseries and day care facilities.
 - (9) Business colleges, technical and trade schools, educational institutions.
 - (10) Hospitals
 - (11) Parks (Public and Private)
 - (12) Research, testing and development laboratories or centers.
 - (13) Production facilities (high degree of scientific input, tech)
 - (14) Educational, scientific and research organizations
 - (15) Library
 - (16) Nursing Home
 - (17) Any other similar use which, in the Planning Commission's opinion would not impair the character of the POP Zone.
- (c) Accessory uses. Accessory uses are those permitted uses that are clearly incidental and subordinate to the permitted use.
 - (1) Offices for the limited display of merchandise.
 - (2) Personal service centers, including food service, only for employees, residents, or visitors to any permitted use and having no direct access to the exterior and having no display space, drive-through areas, or any signs visible from the outside.
 - (3) Residential dwellings
- (d) Conditionally permitted uses. The following list of uses are special exceptions that will not impair the character of the district. As determined by the Board of Adjustment, these

uses cannot emit onto adjacent properties an objectionable amount of hazardous and/or obnoxious emissions. These might be, but will not be limited to, smoke, odor, noise, glare, vibrations, etc. These uses require written approval of the Board of Adjustment.

- (1) Reserved.
 - (2) Facilities in connection with bona fide agricultural operations.
 - (3) Clubs (private and non-private).
 - (4) Satellite dish antennas.
 - (5) Reserved.
 - (6) Airports and heliports.
 - (7) Hotels/motels or lodges with facilities specifically intended to serve the needs of the park tenants.
 - (8) Drive-through facilities for sale of goods or services otherwise permitted.
 - (9) Reserved.
 - (10) Light manufacturing and assembly operations.
 - (11) Warehousing operation.
 - (12) Sit-down restaurants (drive through not permitted).
- (e) Minimum lot requirements.
- (1) Minimum area: One acre.
 - (2) Minimum frontage width: 100 feet per lot.
- (f) Minimum yard requirements.
- (1) Front: 50 feet.
 - (2) Side: 30 feet.
 - (3) Street side: 50 feet.
 - (4) Rear: 50 feet.
 - (5) Maximum coverage: 50 percent (building only, surface parking excluded).
 - (6) Maximum height: Five stories, except that minimum yard standards are increased by five feet for each story over three stories or 35 feet.
- (g) Open space. At least 25 percent of contiguous Planned Office Park zoned areas must be allotted to open space.
- (h) Parking requirements. See section 126-71.
- (i) Reserved.
- (j) Landscaping.
- (1) Generally. A minimum of ten percent of the entire lot shall be devoted to landscaping. Up to 50 percent of this requirement may be credited toward preservation of substantial naturally occurring trees, shrubbery, wildflowers, water courses and rock formations. Areas of preservation should be inventoried and indicated on site plans.
 - (2) Parking lot landscaping requirements. For each 100 square feet or fraction thereof of vehicular use area, a minimum of five square feet of landscaped area shall be provided; this may be included inside of islands, peninsulas and other geometric devices used to encourage vehicle circulation.
 - (3) Screening. In addition to subsection (j) (1) above, screening per section 126-72 (1) shall be provided in the rear yards of those lots which abut adjacent properties outside the POP zone.
- (k) Minimum area. Amendments to the zone map for POP districts shall be:
- (1) Free-standing zones: 40 acres.
 - (2) Expansion of existing: No minimum.

Sec. 126-118. Mixed Use District, MU.

- (a) Intent. The MU Mixed Use District is intended to accommodate projects which combine general compatible land uses into an integrated development. The MU district may also be used to designate parts of the city which are appropriate for a mixture of residential, commercial, office and accessory parking uses. The MU district allows for mixing residential environments with workplaces and services. Development in the MU district must accommodate transportation systems, surrounding environments and pedestrian movement. For these reasons, projects constructed in an MU district are subject to Planning Commission approval.
- (b) Permitted uses.
 - (1) Residential uses:
 - Single-family (detached).
 - Single-family (attached).
 - Duplex residential.
 - Townhouse residential.
 - Multiple-family residential.
 - (2) Civic uses:
 - Administrative services.
 - Higher education facilities.
 - Community recreation.
 - Cultural services.
 - Day care.
 - Local utility services.
 - Park and recreation services.
 - Postal facilities.
 - Recreation clubs.
 - Religious assembly.
 - (3) Office uses:
 - Financial services.
 - General services.
 - Medical services.
 - (4) Commercial uses:
 - Business support services.
 - Business or trade school.
 - Cocktail lounge.
 - Communications services.
 - Food sales (limited).
 - Food sales (general).
 - Food sales (convenience).
 - Funeral services.
 - General retail sales.
 - Health club with customary indoor and outdoor facilities.
 - Hotel/motel.
 - Indoor entertainment.
 - Indoor sports and recreation.
 - Liquor sales.
 - Outdoor sports and recreation.
 - Personal improvement services.

- Personal services.
- Pet services.
- Research services.
- Restaurant (drive-in).
- Restaurant (limited).
- Restaurant (general).

(c) Site development regulations.

- (1) The minimum area of any MU district shall be three acres.
- (2) All projects in the MU district shall receive approval by the Planning Commission, following the development plan procedure set forth in section 126-176. Such approval shall be granted for a comprehensive development plan instead of for individual structures, provided that any subsequent structures or developments are consistent with such development plan.
- (3) Application for approval must include at least the following information:
 - a. A detailed site map, including:
 1. A boundary survey.
 2. Site dimensions.
 3. Contour lines at not greater than five-foot intervals.
 4. Adjacent public rights-of-way, public transportation routes and pedestrian systems.
 5. Description of adjacent land uses.
 6. Utility service to the site and easements through the site.
 7. Description of other site features, including drainage, soils and other considerations that may affect the development of the site.
 - b. A development plan as per section 126-176.
 - c. Specific proposed site development regulations for the project, including:
 1. Maximum floor area ratios.
 2. Front, side and rear yard setbacks.
 3. Maximum height.
 4. Maximum building and impervious coverage.
 5. Design standards applicable to the project.

(Code 1968, app. A, § 65; Ord. No. 76-10-1339, 10-26-76; Ord. No. 92-9-4834, 9-1-92; Code 1996, § 156.082)

Sec. 126-119. Hospital Medical Zone, HM.

Intent. The intent of this zone is to provide a more flexible and customized approach for the development, parking and circulation needs of medical centers and complexes. Uses not specifically allowed by the section are excluded, except as provided in subsection (b) (5).

- (1) Principal Permitted Uses. All uses are to be conducted wholly within a building except for off-street loading/unloading and surface parking.
 - a. General medical hospitals with in-patient and out-patient services.
 - b. Office and clinics of health care practitioners including physicians, surgeons, osteopaths, psychologists, psychiatrists, chiropractors, nurses, rehabilitation therapists (physical, occupational, respiratory and recreational), medical and psychiatric social workers, dentists, nutritionists, dietitians, opticians, optometrists, and other similar medical uses licensed and certified by the State of Kentucky as health care specialists or practitioners.
 - c. Medical technology and testing laboratories.

- d. Medical and dental related health care educational facilities and schools.
 - e. Other closely related uses, as approved by the Planning Commission following a public hearing. Inclusion of such uses may be included in an approved development plan.
- (2) Accessory Uses. Accessory uses are those permitted uses that are allowed only when they are clearly incidental, subordinate and in the presence of the permitted uses in the HM Zone. While section 126-3 requires accessory building uses to be on a lot with a principal use; for the purpose of this section, the following accessory uses may be on a separate lot. They may be included in the principal building or an accessory building. All uses are to be conducted wholly within a building except for off-street loading/unloading and surface parking.
- a. Administrative offices (hospital/medical).
 - b. Ambulance service.
 - c. Chapels.
 - d. Daycare (nursery, child, pre-school and adult).
 - e. Food service.
 - f. Gifts and flower shops.
 - g. Heliports.
 - h. Hospice.
 - i. Linen/laundry service.
 - j. Lodging, visitor.
 - k. Medical insurance service.
 - l. Medical, dental and other health care professional organization offices.
 - m. Mobile diagnostic and treatment trailers.
 - n. Nursing, transitional care and assisted care homes.
 - o. Parking garages.
 - p. Pharmacies with retail sales of general merchandise.
 - r. Retail sales of medical and dental supplies and services including prosthetics, optical, and other similar medical and/or dental goods and services.
 - s. Signs, off-premise.
 - t. Signs, premise.
 - u. Temporary buildings.
 - v. Uniform shops.
- (3) Development Plan required. Development Plans per section 126-176 are required with such additional requirements as are included herein.
- (4) Yard Requirements.
- a. Front Yard - 50 feet, 75 feet on arterials.
 - b. Side Yard - 25 feet.
 - c. Rear Yard - 25 feet.
- (5) Reserved.
- (6) Landscape Requirements. Ten percent of the entire site shall be landscaped. Detailed landscape plans shall be submitted with a development plan.
- (7) Parking. Parking shall be per section 126-71. Calculation of required numbers shall be by cumulatively adding the required spaces by use. Alternatively, with an approved development plan, an applicant may substitute ratios and calculations through submission of a professionally prepared parking study.
- (8) Density. The Floor to Area Ratio (FAR) shall not exceed 2.0.

(Ord. No. 99-5-6038, § 1, 5-11-99; Ord. No. 2002-10-6587, § 1, 10-22-02)

Sec. 126-120. Neighborhood Services Zone (NSZ)

The purpose of this district is to provide for residential uses and encourage such development by right, according to standards that will ensure harmony with the existing historic residential environment. Additionally, it is the purpose of this district to allow for home based commercial activity that closely reflects the community character.

- (1) Principal Permitted Uses
 - a. Single-family dwellings.
 1. Minimum lot area: 8,000 square feet
 2. Minimum lot width: 50 feet.
 - b. Two-family dwellings and town houses with no more than two attached units per town house.
 1. Minimum lot area: 4,000 square feet per unit.
 2. Minimum lot width: 30 feet per unit.
 - c. Park, playground or community center owned and operated by a governmental agency.
- 2) Conditional Permitted Uses: the following uses are special exceptions and shall require written approval from the Board of Adjustment:
 - a. Multi-Family Dwellings
 1. Minimum lot area per unit: three or more units, 3,000 square feet per unit.
 2. Minimum lot width: 75 feet.
 - b. Home occupations
 - c. Professional offices
 - d. Day care nurseries
 - e. Beauty shops and barbershops
 - f. Florist shops
 - g. Places of worship
 - h. The following uses, provided they are conducted wholly within a building except for off-street loading and unloading:
 1. Retail establishments (product processing is allowed only if the products are sold at retail on the premises)
 2. Personal and convenience service establishments
 3. Restaurant's (Excluding drive-thru)
 4. Any other use not listed which, in the Commission's opinion, would be compatible with the above uses.
- 3) Height regulations.
 - a. The following height regulations shall apply to buildings and structures within the Neighborhood Services Zone.
 1. Minimum height: None
 2. Maximum height: 36 feet, however, additional feet may be allowed with design approval from the HARC based on the scale of adjacent structures.
- 4) Setbacks.
 - a. Front Yard: 25 feet.
 - b. Side yard: 6 feet.
 - c. Rear yard: 25 feet.
- 5) Additional Regulations:
 - a. Off-street loading areas may not face any public right-of-way.
 - b. No loading or unloading shall be allowed between 9:00 p.m. and 7:00 a.m.
 - c. Parking Requirements. Same as section 126-101 (2) (f).

- d. The Historical and Architectural Review Commission (HARC) shall have sole jurisdiction as a special board of adjustment over the Neighborhood Services Zone pursuant to KRS 100.217 and KRS 82.026.
 - e. Accessory structures. Same as Section 126-86
- 6) Plan approval required for new/infill construction and for changes in exterior appearance. In order to maintain the existing character of the neighborhood, plans for architectural design, site layout or changes in style of architectural elements must be approved by the Historic & Architectural Review Commission (HARC). HARC may require changes to the plan as deemed necessary or desirable to insure proper design standards, to minimize traffic difficulties, to safeguard adjacent properties and to preserve the intent of the Neighborhood Services Zone.
- a. Certificate of Zoning Compliance required.
 - 1. No person shall, without first applying for and obtaining a special conditional use permit, to be known as a Certificate of Zoning Compliance, make any changes in exterior appearance to any exterior portion of any structures in the Neighborhood Services Zone. A Certificate of Zoning Compliance must be issued by the Planning Department before a building permit can be obtained.
 - 2. Infill/new construction and additions to existing structures. All new construction and additions to existing structures must first be issued a Certificate of Zoning Compliance before any construction begins.
 - 3. Existing structures.
 - a. Changes to the design or style of any exterior feature on an existing structure require a Certificate of Zoning Compliance.
 - b. Administrative approvals. In the following instances, Certificates of Zoning Compliance can be issued by the Zoning Administrator.
 - 1. In instances where the design or style of any exterior feature is replicated and replaced with a new material, the Zoning Administrator has the authority to administratively approve the application for a Certificate of Zoning Compliance. The proposed materials must comply with the approved building materials list found in the design guidelines.
 - 2. New accessory structures that use the same building materials and an appropriately sized and style of windows and doors that complement the existing primary structure can be administratively approved. Features considered include structure orientation, openings, roof pitch, siding and color scheme.
 - 3. Trees. Cutting or removal of trees that are more than one foot in diameter measured at one foot off of the ground require a Certificate of Zoning Compliance. Removal of trees can be approved administratively.
 - 4. Repainting. Changing the color of a surface that has already been painted can be approved administratively.
 - 5. Fences. Fences that are determined to comply with the advisory design guidelines can be approved administratively.

6. Demolitions. Any proposed demolition of a principal structure requires a Certificate of Zoning Compliance prior to obtaining a demolition permit. Demolitions outside of the demolition control zone can be approved administratively.
- b. Applications for a Certificate of Zoning Compliance.
 1. Applications for a Certificate of Zoning Compliance are submitted to the Planning Department.
 2. A public hearing is required on all applications except for administrative approvals as outlined in this section.
 3. Grounds for granting a Certificate of Zoning Compliance. HARC must make written findings of fact as follows:
 - a. The proposed exterior changes comply with the intent of the Neighborhood Services Zone.
 - b. The proposed exterior changes are in harmony with the adopted design guidelines.
 - c. The HARC shall adopt design guidelines for the Neighborhood Services Zone to act as a guide for board decisions on plan approvals and changes to the exterior appearance of existing structures. The document shall be made available to the public to aid in the design approval process.
 - d. Maintenance and safety standards.
 1. All buildings within this zone shall be maintained to meet the requirements of the building code and property maintenance codes of the city including the Enhanced Property Maintenance Standards.
 2. Enforcement of safety standards. Nothing in this section shall be construed to prevent the city Building Inspector from enforcing all state statutes and provisions of this Code and any other ordinances of the city pertaining to the public safety.
 - e. Appeals. Any person aggrieved by any action of the Zoning Administrator may appeal their decision to the HARC Board pursuant to KRS 100.257. Any person aggrieved by any action of the HARC may appeal the decision thereof to the Circuit Court in the manner prescribed for appeals from actions of boards of adjustment.

(Ord. 2007-4-7269 dated 4/10/07; Ord. 2010-5-7675)

Sec. 126-121. Neighborhood Commercial Corridor Zone (NCCZ)

The purpose of this district is to provide for a mixture of commercial and residential uses, and encourage such development by right, according to standards that will ensure harmony with the existing commercial and residential environment. Objectives of this district include the following: (i) creation of a dynamic street life, encouraging the placement of buildings close to property lines, and/or heavily landscaped yard areas, in order to engage pedestrians and de-emphasize parking facilities; (ii) facilitation of development that demonstrates an appropriateness of scale; (iii) encouragement of landscaped spaces available for pedestrian use (e.g., pocket parks, tree lined streets and walkways).

- 1) **Principal Permitted Uses** – The following uses may not exceed 4,000 square feet of gross floor area. This area requirement may be waived based on a design concept

approved by the Planning Commission that will not have an adverse impact on the neighborhood.

- a. Any principal use permitted in an R-4 Zone
 - b. Bed & Breakfast
 - c. Home occupations
 - d. Funeral homes
 - e. Commercial greenhouses
 - f. Beauty shops and barbershops
 - g. Florist shops
 - h. Restaurant (excluding drive-thru)
 - i. Assembly building of cultural, fraternal, professional and labor organizations
 - j. The following uses, provided they are conducted wholly within a building except for off-street loading and unloading: This section may be waived by the Planning Commission at a public hearing based on the effect of the proposed use to the neighborhood.
 1. Retail establishments (product processing is allowed only if the products are sold at retail on the premises);
 2. Personal and convenience service establishments;
 3. Cleaners
- 2) Plan Approval:
- a. New infill commercial construction. Plans for site layout shall be approved by the Planning Commission, and it may require changes as may be deemed necessary or desirable to insure proper design standards to minimize traffic difficulties, to safeguard adjacent properties and to preserve the intent of the neighborhood commercial corridor.
 - b. Residential Conversion. The Zoning Administrator and City Engineer in compliance with the intent of this chapter shall approve plans for site layout.
 - c. Infill Residential. The Building Inspector, in compliance with the intent of this chapter, shall approve plans for architectural design and site layout.
- 3) Building Materials: The following approved materials list shall apply to all new construction projects or rehabilitation/renovations within the NCCZ.
- a. Exterior Siding & Details - wood, cement fiberboard, traditional brick veneer with true mortar joints, appropriate stone (no concrete block) smooth-faced vinyl, traditional stucco (no EIFS), or aluminum.
 - b. Roofs - slate, composite shingles or standing seam metal
 - c. Soffits, fascia & trim - wood, cement fiberboard (hardi-plank; must be smooth faced), high-density polymer (permacast, fypon or other similar brand), smooth faced vinyl or aluminum siding.
 - d. Windows may be constructed of wood, wood clad, vinyl or fiberglass.
 - e. Doors – wood, fiberglass or steel doors;
 - f. Foundations - traditional brick veneer, lap siding, appropriate stone (no concrete block) or traditional stucco veneer.
 - g. Building façade at front and side-street shall change every 30' minimum in height, setback or material.
- 4) Commercial/Residential structure setbacks:
- a. Primary street frontage: no minimum required; 10 feet, maximum
 1. Setbacks for new residential structures must be aligned with adjacent structures.
 - b. Secondary street frontage: no minimum required 10 feet maximum

- c. Side yard: 6 feet
- d. Rear yard: None
- 5) Height regulations: The following height regulations shall apply to buildings and structures within the Neighborhood Commercial Corridor Zone.
 - a. Minimum height: None
 - b. Maximum height: 2.5 stories, however, additional stories may be allowed with design approval from the Planning Commission.
- 6) Parking regulations: Parking shall be in compliance with Section 126-71. All off-street parking shall be placed to the rear of the principal structure.
- 7) Square footage bonuses: Following below is a list of bonuses that may be granted in return for certain amenities. The bonuses may be applied to increase the square footage of a permitted use.
 - a. For every one square foot of landscaping above those required in Section 126-83, an additional (0.25) square feet of building floor area shall be granted.
 - b. For every one (1) square foot of space used for a courtyard or plaza, an additional 1 square feet of building floor area shall be granted.
- 8) Additional Regulations:
 - a. Off-street loading areas may not face any public right-of-way.

(Ord. 2007-4-7269 dated 4/10/07; Ord. 2011-8-7851 dated 8/23/2011)

Sec. 126-122--126-140 Reserved

Sec. 126-141. Building permit.

- (a) Required. No building or other structure shall be erected, moved, added to or structurally altered without a building permit issued by the Building Inspector. No building permit shall be issued except in conformity with this chapter. (Code 1968, app. A, § 71)
- (b) Application.
 - (1) All applications for building permits shall be accompanied by plans in duplicate and drawn to scale, showing the actual dimensions of the lot to be built upon, the sizes and the locations on the lot of any existing buildings or structures, the shape, size, height, use and the location on the lot of the building or structure proposed to be erected or altered, and such other information as may be necessary to provide for the enforcement of the provisions of this chapter.
 - (2) If no substantial progress in construction has been made within six months of the date of the issuance of the building permit, the permit becomes invalid. (Code 1968, app. A, § 71)

(Ord. No. 76-10-1339, 10-26-76; Code 1996, § 156.095)

Sec. 126-142. Certificate of occupancy.

- (a) A certificate of occupancy issued by the enforcement officer is required in advance of the use or occupancy for:
 - (1) Any lot or change in the use thereof;
 - (2) A building hereafter erected or a change in the use of an existing building;
 - (3) Any nonconforming use that is existing at the time of the enactment of this chapter [October 26, 1976] and amendments thereto that is changed, extended, altered or rebuilt thereafter.

- (b) The certificate of occupancy shall state specifically wherein the nonconforming use fails to comply with the provisions of this chapter.
- (c) No certificate of occupancy shall be issued unless the lot or building or structure complies with all the provisions of this chapter.
- (d) A record of all certificates of occupancy shall be kept on file in the office of the enforcement officer and a copy shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building, structure or land involved.

(Code 1968, app. A, § 73; Ord. No. 76-10-1339, 10-26-76; Code 1996, § 156.096)

Sec. 126-143. Fee schedule.

A schedule of fees, charges and expenses, and a collection procedure for appeals from Board of Adjustment action, variances and conditional use permits is hereby established. No action shall be taken before the Board of Adjustment or Planning Commission unless or until preliminary charges have been paid in full.

FEE SCHEDULE

Application	Fee	No. of Plats Copies to Submit
Zoning Map Amendment Application	\$200.00	20
Preliminary Subdivision (Major)	\$200.00	10
Final Subdivision		10
Wavier of Subdivision (Minor)	\$50.00	10
Major Amendment to Development Plan	\$75.00	10
Full Site Plan with Stormwater and/or Erosion Control	\$100.00	1 site plan/ 1 stormwater
Minor Site Plan	\$50.00	
Cellular Tower	\$2500.00	10
Conditional Use	\$150.00	18
Variance	\$100.00	10
Administrative Appeal	\$200.00	8
Non-Conforming Use Change	\$50.00	8
Planned Unit Development	\$300.00	10
Multiple Principal Structures	\$100.00	10
Similar Permitted Use	\$50.00	10
Certificated of Appropriateness	\$25.00	8
Certificate of Zoning Compliance	\$25.00	8
Zoning Certification Letter	\$50.00	N/A

(Code 1968, app. A, § 77; Ord. No. 80-5-1915, 5-27-80; Ord. No. 92-6-4779, 6-9-92; Code 1996, § 156.097) Ord. # 2007-11-7355 adopted Nov. 13, 2007

Secs. 126-144--126-170. Reserved.

Sec. 126-171. Intent and scope of article.

It is the intent of this article to provide for the efficient, reasonable and impartial enforcement of this chapter by authorizing an enforcement officer, the basic procedure for complying with the chapter and the penalties for violators.

(Code 1968, app. A, art. VII; Ord. No. 76-10-1339, 10-26-76; Code 1996, § 156.110)

Sec. 126-172. City Manager to appoint enforcement personnel.

All other provisions of this Zoning Code and any other city ordinances notwithstanding, as of May 9, 1992, the City Manager shall have sole discretion for appointing personnel for the enforcement and administration of this Zoning Code. This section shall have control over all other present ordinance provisions pertaining to enforcement and administration of this Zoning Code.

(Code 1968, app. A, § 70; Ord. No. 76-10-1339, 10-26-76; Ord. No. 92-5-4773, 5-9-92; Code 1996, § 156.111)

Sec. 126-173. Board of Adjustment.

- (a) A Board of Adjustment (hereinafter known as "the Board") shall be appointed and organized in conformance with the KRS 100.217. (Code 1968, app. A, § 80)
- (b) The Board shall have the following powers and duties:
 - (1) Bylaws. To adopt bylaws for its own government.
 - (2) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination or refusal made by the enforcement officer or other administrative official in the carrying out of this chapter and for interpretation of the zoning map.
 - (3) Conditional uses. To hear and decide applications for conditional use permits that allow uses which are specifically named in the zoning provisions and which may be suitable only in specific locations in the zone if certain conditions are met.
 - (4) Variance. To hear and decide on applications for dimensional variance where, by reason of the exceptional narrowness, shallowness or unusual shape of the site, or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height or width of building, or size of yards, but not population density) of the zoning provisions 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 it decides to grant.
 - (5) Before any variance is granted, the board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
 - a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone;
 - b. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and

- c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- (6) Nonconforming use change. To permit a change from one nonconforming use to another, providing the new nonconforming use is in the same or a more restrictive zoning classification in accordance with section 126-63.
 - (7) Limits of authority. The Board of Adjustment shall not possess the power to grant a variance to permit a use of any land, building or structure which is not permitted by the zoning provisions for the zone in question or to alter density requirements in the zone in question. The Board does not possess the authority to permit a use not authorized by this chapter.
 - (8) Application of variance. A dimensional variance applies to the property for which it is granted and not to the applicant. A variance also runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site.
 - (9) Additional authority. In granting a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in the furtherance of the purposes of this chapter.
 - (10) Conditions for granting variance. Before any variance is granted, the Board must find present conditions which must be sustained by evidence presented by the applicant that the property will not yield a reasonable return if used in compliance with this chapter, that the conditions causing the hardship are unique and are not shared by the neighboring property in the same zone, and that the granting of the variance will not be in conflict with this chapter. These conditions must be alleged by the applicant and evidence must be produced by him to substantiate these allegations.
 - (11) Report. A written report on each variance that is granted or denied by the Board shall be submitted to the City Commission with a copy retained in the files of the Planning Office. (Code 1968, app. A, § 81)

(Ord. No. 76-10-1339, 10-26-76; Code 1996, § 156.112; Ord. No. 2003-6-6653, § 1, 6-10-03) Oct. 9, 2012; Ord. No. 2012-10-7979
Cross references: City administrative bodies, § 2-341 et seq.

Sec. 126-174. Clarification of administrative jurisdiction.

The following is a recapitulation of the administrative agencies with jurisdiction and the extent of their jurisdictions concerning the administration of this chapter:

- (1) The city may employ a staff or contract with planners or other persons as it deems necessary to accomplish its assigned duties as delineated in KRS Ch. 100.
- (2) The enforcement officer has initial authority for the literal enforcement of this chapter. He has no discretionary authority to allow any departure from the literal conformance with this chapter.
- (3) The Board of Adjustment has authority to hear appeals from decisions of the enforcement officer, to make literal interpretations of the pertinent provisions in order to correct any possible misinterpretation and to make only those departures from a literal conformance of this chapter which are specifically delegated to it.
- (4) The Circuit Court has jurisdiction to determine all questions and issues properly brought before it on appeal from the decisions of the Board of Adjustment or Planning Commission.

Sec. 126-175. Procedure for appeals.

- (a) An appeal to the Board of Adjustment may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the Building Inspector based in whole or in part upon the provisions of this chapter.
- (b) Such appeal shall be taken by filing with the Board of Adjustment a notice of appeal, specifying the grounds thereof. Said notice of appeal shall be filed within 30 days from the date upon which the notice of refusal of building permit or certificate of occupancy is mailed by the Building Inspector and failure to file notice of appeals within 30 days shall constitute a waiver of the right to appeal.
- (c) The Building Inspector shall transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken.
- (d) The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time.
- (e) Upon the hearing, any person or party may appear in person or by agent or by attorney.

Sec. 126-176. Amendments and development plans.

- (a) Intent. The intent of this section is to provide guidance for the Zoning Code amendment processes, including text and map amendments. It shall also be the intent of this section to guide the use of development plans, which may be used for a variety of planning and zoning processes, including map amendments. The Planning Commission in its obligation to promote the public health, safety and general well-being shall consider, but not be limited to, the following in its amendatory and development plan considerations:
 - (1) The conservation of natural resources, which may include various wildlife forms, vegetation, steep slopes, surface water, ground water, floodplain, soils, geologically sensitive areas, air quality, noise, view sheds, sufficient sunlight exposure, etc.;
 - (2) The conservation of sites that have historic or architectural value;
 - (3) The provision for safe, efficient vehicular and pedestrian transportation, off-street parking and loading within the development and the community and neighborhood;
 - (4) The provision for sufficient open space and recreational opportunities;
 - (5) The compatibility of the overall site design (buildings, parking, circulation, signs, screening and landscaping) and land use with the existing and projected future land use of the area;
 - (6) The provision for adequate drainage facilities to prevent runoff problems during times of peak precipitation and flooding to the site and the surrounding community/neighborhood;
 - (7) The provision that infrastructure needs shall, as they relate to essential services and infrastructure systems, be adequately addressed;
 - (8) The development plan's compliance with the comprehensive plan and all applicable regulations as per city ordinances and policies and other applicable laws and regulations.

- (b) Initiation and actions required for amendment. This Zoning Code, including both the text and the zoning map, may be amended, supplemented, changed, modified or repealed. A proposal for amendment to any zoning regulation may originate with the Planning Commission or with the City Commission or with the owner of the property in question. Regardless of the origin of the proposed amendment, it shall be referred to the Planning Commission before adoption.
- (c) Public notice of proposed amendments.
 - (1) The Planning Commission shall then hold at least one public hearing after notice as required by KRS chs. 100 and 424. The Planning Commission shall send copies of the notice to property owners surrounding the proposed zoning change within a radius of 200 feet of the property proposed for a map amendment.
 - (2) All procedures for public notice and publication as well as for adoption shall be the same as for the original enactment of a zoning ordinance (KRS Ch. 424).
- (d) Findings required for granting amendment. Before any map amendment is granted, the Planning Commission must find that the map amendment is in agreement with the comprehensive plan, or, in the absence of such a finding, that one or more of the following apply and such findings shall be recorded in the minutes and records of the Planning Commission and City Commission:
 - (1) That the original zoning classification given to the property was inappropriate or improper;
 - (2) That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the comprehensive plan and which have substantially altered the basic character of the area.
- (e) Variances and conditional use permits. The Planning Commission may hear and finally decide applications for variances or conditional use permits when a proposed development plan requires a map amendment and one or more variances or conditional use permits. The Planning Commission shall assume all powers and duties otherwise exercised by the Board of Adjustment pursuant to KRS Ch. 100 and this Zoning Code. The applicant for the map amendment may elect to have any variances or conditional use permits for the same development to be heard and finally decided by the Planning Commission at the same public hearing set for the map amendment, or by the Board of Adjustment as otherwise provided for by KRS Ch. 100 and this Zoning Code.
- (f) Development plan requirements.
 - (1) When required. A preliminary development plan shall be required in the following instances:
 - a. The Planning Commission, as a condition to the granting of any zoning change, shall require the submission of a development plan which, where agreed upon, shall be followed; except for a single principal structure and accessory structures for a single-family dwelling, a duplex dwelling, a triplex dwelling or a four-plex dwelling on a single lot or ownership parcel. As a further condition to the granting of a zoning change, the Planning Commission shall require that substantial construction be initiated within two years following the enactment of the map amendment, provided that such zoning change shall not revert to its original designation unless there has been a public hearing. The development plan shall be a continuing condition for the area rezoned unless amended as required herein;
 - b. When there is a proposal for multiple principal buildings on a single ownership parcel or lot;

- c. The subdivision process may substitute for the development plan process.
 - d. For Planned Unit Developments per section 126-70.
 - e. For Mixed Use Developments per section 126-118.
- (2) Plans defined. For purposes of this subsection (f) and the plans required herein, the following definitions shall apply:
- a. Sketch plan. This plan will be used to determine the essential graphic and written materials required for a specific map amendment and those specific actions, such as map amendments, variances or conditional use permits that may be requested of the Planning Commission. The sketch plan may be conceptual but should indicate any site or surrounding features or conditions that may affect the proposed development or surrounding properties or rights-of-way, the proposed buildings, access points, parking and loading areas, landscaping and screening areas, existing and proposed utilities, proposed location for solid waste storage and access to same, and any other conditions on the site or surrounding properties or proposed development features which may affect the development of the site or surrounding properties or rights-of-way. The sketch plan does not have to be detailed or highly finished drawings, but should address the issues and conditions that may be essential to the development.
 - b. Preliminary development plan. This plan shall be that plan adopted by the Planning Commission when the Planning Commission favorably recommends a map amendment to the City Commission. The preliminary development plan shall include that information as determined in the pre-application conference. No building permits shall be issued based upon a preliminary development plan.
 - c. Final development plan. This plan is, in effect, a final site plan with that level of detail as may be required for obtaining those permits and approvals necessary for construction. It shall include all information required as set forth hereinafter and as necessary for the review of the proposed development and its compliance with any applicable law or regulation, including any previously approved preliminary development plan.
- (3) Content and format of development plans. All development plans shall be prepared on mylar or other material capable of clear reproduction. Plans shall be legible and of a size and scale (generally not exceeding 1"-100') which enables clear presentation of required information. Required plan information shall be as follows:
- a. Contents of preliminary development plan. A preliminary development plan shall contain the following minimum information:
 - 1. A title block containing the plan name, development plan type (preliminary or final), name and address of developer and plan preparer, and a written and graphic scale;
 - 2. The boundary of the subject property and the zoning and owner names for all adjoining property;
 - 3. Vicinity sketch, oriented in the same direction as the design scheme;
 - 4. Topography with contour intervals, grid elevations or spot elevations of sufficient detail to generally describe the lay of the

- land. This requirement may be waived by the city where topographic conditions and features are found not to be necessary to the required development plan reviews and actions;
5. Location, arrangement, and approximate dimensions of existing and proposed driveways, walkways and parking areas, and arrangement of spaces, dumpster pads, points of ingress and egress, and other vehicular and pedestrian rights-of-way;
 6. Location and typical profiles and cross-sections of any proposed or existing streets or deceleration lanes (when deemed necessary) within or abutting the subject property. This requirement may be waived subject to a condition regarding same on the face of the development plan;
 7. Screening, landscaping, buffering, recreational and other open spaces;
 8. Approximate size, location, height, floor area, area arrangement, and use of proposed and existing buildings and signs;
 9. Approximate location of lot lines for projects anticipated to involve land subdivision;
 10. Storm drainage areas, floodplain, conceptual drainage controls and storm water retention and any other designated environmentally sensitive or geologic hazard areas;
 11. Proposed and existing easements for utilities or other purposes; locations of sanitary sewers including lengths and alignments of laterals;
 12. 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;
 13. A statistical table summarizing all pertinent site data, including site area, zoning, building coverage and floor area, parking, open spaces, etc.;
 14. For projects of one acre or more, a note stating that no grading, stripping, excavation, filling or other disturbance of the natural ground cover shall take place unless and until the Department of Engineering and Environmental Services has approved the developer's proposed soil erosion control procedures and, if required, a soil erosion control plan;
 15. A signed owner's certification, as follows: "I (We) hereby certify that I am (We are) the owner(s) of the property shown and described hereon and that I (We) hereby adopt the Development Plan with My (Our) free consent, with the exception of such variances or other conditions of approval, if any, as are noted hereon or in the Minutes of the Paducah City Planning Commission. I (We) furthermore understand that buildings permits for construction can only be issued following this plan and that amendments to the plan can be made only by official Commission action";
 16. A preliminary development plan certification shall be signed by the Chairman if and when the plan is fully approved, as follows: "I hereby certify that the Development Plan shown hereon has been

found to comply with the Zoning Ordinance Regulation for the City of Paducah, Kentucky, with the exception of such variances or other condition of approval, if any, as are noted hereon or in the Minutes of the City Planning Commission and that it has been approved as the official plan."

- b. Contents of final development plan. A final development plan shall contain all information as required for preliminary development plans under the sections above, except that the plan information shall be of an exact nature, rather than approximate or general.
- (g) Map amendment and development plan procedures.
- (1) Preapplication conference.
 - a. Prior to any acceptance of a formal application for an amendment, the applicant shall meet informally with city staff to determine the following:
 - 1. The effect of the proposed development on the existing neighborhood, traffic patterns and infrastructure systems;
 - 2. How the proposed development relates to the comprehensive plan;
 - 3. The various regulations that may apply to the proposed development;
 - 4. An explanation of the required contents of the preliminary development plan and any other required submission of materials; and
 - 5. An explanation of the amendment process.
 - b. At the time of the meeting with the planning staff, the applicant should present a sketch plan, as outlined in subsection (f)(2) above.
 - (2) Formal application. To formally request the Commission to consider action on any zone map amendment and/or preliminary development plan, the applicant shall file a complete application (with respect to all applicable provisions of this Zoning Code and other city ordinances, regulations and policies), pay the filing fee, and provide copies of all written and graphic material as required. Also the date for the public hearing will be set.
 - (3) Refiling. Upon reenacted amendment proposals, the applicant must wait one year before reapplying with the same proposal, unless the Planning Commission grants unanimous permission to resubmit sooner.
 - (4) Review. The planning staff shall send the development plan to concerned agencies and interests for their respective technical review. If necessary, or requested by the applicant, the interest and technical review bodies may meet together to resolve, if possible, all differences and difficulties associated with the development proposal. These meetings will be open to all interested parties, including the public.
 - (5) Planning Commission action. No development plans will be considered for Commission action until they have been reviewed by the appropriate review agencies or interests. The Commission may pursue the following action:
 - a. Approval. The development plan is ready for certification as presented.
 - b. Conditional approval. The development plan will be certified when the developer has complied with the conditions of approval set forth in the Commission's action on the development plan.
 - c. Disapproval. The development plan has been disapproved by the Planning Commission. To request new review and action, the developer must file a new application as set forth in this section.

- d. Postponement. In circumstances where further resolution is required, the Commission may act, with the consent of the applicant, to postpone final action on the development plan until further information or resolution of conflicts can be ascertained.
- (6) Final development (site) plans procedures.
 - a. Only after the Planning Commission has adopted the preliminary development plan, has recommended to the City Commission the zone map amendment, and the City Commission has acted affirmatively on same, the applicant must present a final development plan as set forth in subsection (f) (2) (c) prior to the issuance of a building permit. City staff will check the final development plan and insure that:
 - 1. The plan is in compliance with the preliminary development plan.
 - 2. The plan is in compliance with the comprehensive plan, the Zoning Code, other city ordinances, regulations or policies, and all other applicable laws and regulations.
 - 3. Where appropriate the review agencies may assess the document and forward their comments to the city prior to final development plan approval.
 - 4. When all final zoning or annexation plans are submitted the applicant shall also make a digital submission which complies with the regulations of Chapter 102 Section 39 (d) of the Code of Ordinances of the City of Paducah.
 - b. If the final development plan complies with subsection (6) (a) above, the Planning Commission Chair will certify on the face of the plan that all planning requirements and applicable conditions have been satisfied.
- (h) Amendments to development plans. Amendments to approved development plans can be made only by official Planning Commission action following a public hearing. Content, format and procedures shall be the same as for the original submission. However, amendments which fully meet the requirements set forth hereinafter as minor amendments shall be approved and certified by the city without further action by the Planning Commission.
 - (1) 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:
 - a. Shall not decrease the overall land area in wards or other open spaces;
 - b. Shall not increase building ground area coverage, floor area, or height, or increase the number of dwelling units;
 - c. May increase building ground area coverage for accessory buildings; or principal buildings if additions are less than ten percent and additional parking can be provided without disruption to major plan elements;
 - d. Shall not change the location or cross section of any street and shall not increase the number or change the location of street access points on arterial or collector streets;
 - e. May include a reduction in parking spaces only when an associated reduction in floor area or number of dwelling units would permit a lesser number of minimum required off-street parking spaces than required for the original development plan. To qualify as a minor amendment this reduction may not be less than would be required by the zoning district regulations. For any case where parking in excess of the minimum

requirement was provided on the original development plan, that same number of spaces shall be provided in excess of the minimum requirement for the proposed minor amendment plan.

- (2) Procedures for minor amendments.
 - a. Filing. To request approval of minor amendments to development plans, the developer shall file with the city a completed application form and copies of the plan as required by the terms and conditions of the city's application form.
 - b. Review. The city shall review the plan for compliance with all applicable requirements and ordinances and shall consult with concerned agencies as appropriate to assure proper plan review. Upon determination that all requirements have been met, city staff shall submit its finding to the Planning Commission Chair for certification. If any question arises as to compliance, however, the plan shall be referred to the Planning Commission.
 - c. Certification. Upon certification of approval by the Planning Commission Chair, city staff shall have copies of the plan prepared and distributed to other public agencies at the expense of the developer and return the original plan tracing to the developer.
- (3) Content and format of minor amendments. Minor amendments shall have the same content and format requirements as the original development plan, except that:
 - a. The title shall indicate the plan as a minor amendment;
 - b. A note shall be added listing the exact nature of the requested changes;
 - c. The following will be the required language for the Planning Commission Chair's certification: "I do hereby certify that this development plan amendment complies with Zoning Ordinance provisions regarding amendments to development plans."
 - d. Owners of interest will complete a certification to be 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 plan for the property," which will be required language for all property.
- (i) Relationship to subdivision regulations. The relationships between development plans and the subdivision regulations are established as follows:
 - (1) Applicability of subdivision regulations. Although development plans are not subdivision plats, quite often the development plan does indicate a need or intent to subdivide property. For any such development plan, the design and improvement standards contained within the subdivision regulations shall be applied to proposals contained on the development plan.
 - (2) Combining plans. Development plans and preliminary subdivision plats may be combined. It is recognized that for certain development situations it can be advantageous to both the applicant and the Planning Commission to combine requirements for development plans and preliminary subdivision plats in order to streamline the development approval process while not reducing the quality of the review. The following provisions shall be applicable to any such combined plan:

- a. The developer shall meet with city staff no later than five working days in advance of the filing deadline to discuss the appropriateness of filing a combined plat.
 - b. The plan shall show all information required for a development plan (preliminary or final as appropriate) and all information required for a preliminary subdivision plat as set forth in the subdivision regulations.
- (3) Substitution of plans. A preliminary or final subdivision plat may be substituted for development plans required in conjunction with map amendment requests. It is recognized that in certain cases a preliminary or final subdivision plat would be as appropriate, or more appropriate, to be considered in conjunction with a map amendment request than would a development plan. Generally, such situations involve developments where placement of structures will be tightly controlled by the streets, lot pattern, requirements for placement of structures within the zone and where the applicant sees fit to have plans prepared at the required level of detail for subdivision plats prior to receiving a zone change approval. When an applicant is required to provide a development plan in conjunction with a zoning map amendment request, the applicant may file a subdivision plat in place of the development plan, if deemed appropriate by the city. In any disputed case, the city shall make the final judgment as to whether a development plan or a subdivision plat is required.
- (4) Administration. The City Manager shall designate the department and/or city officer responsible for the administration of this section other than those actions and procedures that specifically require Planning Commission or the Chair of the Planning Commission review, action or signature.
- (5) Enforcement. The responsibilities of enforcement of this section shall be as designated by the City Manager.

(Code 1968, app. A, § 83; Ord. No. 76-10-1339, 10-26-76; Ord. No. 92-5-4774, 5-19-92; Code 1996, § 156.115; Ord. No. 98-7-5900, § 4, 7-21-98; Ord. No. 2009-3-7524)

Sec. 126-177. Remedies.

If any building or structure is erected, constructed, reconstructed, repaired, converted; or any building, structure or land is used in violation of this chapter, the enforcement officer or other appropriate authority or any adjacent or other property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action in proceeding to stop the violation in the case of such building, structure or land.

(Code 1968, app. A, § 75; Ord. No. 76-10-1339, 10-26-76; Code 1996, § 156.116)

Sec. 126-178. Penalty.

Where an act or omission is prohibited or declared unlawful in this chapter and no penalty of fine or imprisonment is otherwise provided, the offender shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500.00 or be imprisoned for not more than 30 days, or both, for each offense or violation. Every day the offense continues shall be deemed to constitute a separate offense.

(Code 1996, § 156.999)

Off-Street Parking Design & Criteria

