

parking spaces, and shall provide documentation to include covenants, deed restrictions or other agreements to ensure conformance with the provisions of this chapter.

(2) Where a fractional space results, any fraction less than one-half may be dropped and any fraction of one-half or more shall be counted as one parking space.

(3) These standards shall apply fully to all uses and buildings established after the effective date of this chapter.

(4) Except for parcels of land devoted to one- and two-family uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.

(5) Where parking is to be provided in the front yard of a multiple-family dwelling, there shall be established a setback line of ten feet. The area between the setback line and front lot line shall be prepared and planted with grass, shrubs or trees.

(6) All parking spaces required herein shall be located on the same lot with the building or use served. However, when an increase in the number of spaces is required by a change of use or enlargement of the building or where the spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained not to exceed 400 feet from any other nonresidential building served.

(7) No signs of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lot. Only non-intermittent white lighting of signs shall be permitted.

## 7.1 STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES

Commercial vehicles, buses and trailers of all types, including travel, boat, camping and hauling, shall not be parked or stored on any lot occupied by a dwelling or on any lot in a residential district except in accordance with the following provisions.

(A) Not more than one of the following commercial vehicle, bus or trailer of any type including travel, boat, camping and hauling per dwelling unit on the premises, shall be permitted. No commercial vehicle, bus or trailer of any type, including travel, boat, camping or hauling used for hauling explosives, gasoline or liquefied petroleum products or toxic chemicals shall be permitted.

(B) Commercial vehicles, buses and trailers of all types, including travel, boat, camping and hauling (excluding hauling trailers exceeding 20 feet in length, 8 feet in height) are all permitted to be parked on the premises for a period not to exceed more than 72 hours unless it is located behind the front building line. No commercial vehicle, or trailer of any type including travel, boat, camping or hauling which is occupied permanently or temporarily while it is parked or stored shall be permitted except in a mobile home park as authorized by this chapter or other ordinances.

(C) Commercial vehicles, buses and trailers of all types, including travel, boat, camping and hauling shall not be parked or stored on a public right-of-way in a residentially zoned district.

(D) Commercial vehicles are defined for the purposes of this section as any vehicle with a rated capacity over two and one-half tons or a tractor and trailer.

## 7.2 OFF-STREET LOADING AND UNLOADING REQUIREMENTS

The following rules and regulations shall apply to off-street loading and unloading facilities.

(A) A building whose dominant use is handling and selling goods at retail shall provide one off-street loading and unloading space for buildings containing up to and including 10,000 square feet of floor area, plus one additional space for each additional 10,000 square feet of gross floor space.

(B) Manufacturing, repair, wholesale and similar uses shall provide one off-street loading and unloading space for buildings containing 10,000 square feet of floor space plus one space for each 40,000 square feet of floor area in the excess of 10,000 square feet.

(C) Where trailer trucks are involved, the loading and unloading space shall be an area 12 by 50 feet with a 14-foot height clearance and shall be designed with appropriate means of truck access to a street or alley, as well as having adequate maneuvering area.

### 7.3 CONSTRUCTION AND MAINTENANCE

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

(A) Drainage and surfacing. The facility shall be properly graded for drainage, surfaced with concrete, asphaltic concrete or asphalt, and maintained in proper condition, free of weeds, dust, trash and debris. If on the effective date of this chapter there exist lots on which the parking facilities are not required to be surfaced, but they shall be maintained in proper condition as noted above.

(B) Lighting. If the facility contains ten or more cars, lighting shall be provided and maintained during the operation of the facility, and shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic on adjoining streets.

(C) Screening and buffering. A parking facility abutting or adjacent to residential uses is subject to screening and buffering as set forth in Article 10.

(D) Prohibition of other uses. Required off-street parking areas shall not be used for the sale, repair, dismantling or servicing of any vehicle (excluding personally-owned vehicles), equipment, materials or supplies.

(E) Multiple-level parking facilities. Parking facilities on more than one level shall be designed in accordance with the standards set forth herein for grade level parking facilities insofar as they are reasonably applicable. The design of the multiple-level facilities shall be subject to the approval of the Planning Commission with respect to layout, circulation, accommodations for pedestrians and ingress and egress affecting safety and convenience.

ARTICLE 8                      SIGNS AND OUTDOOR ADVERTISING DISPLAYS

8.0     PERMITTED UPON COMPLIANCE

Signs and outdoor advertising displays shall be permitted in districts subject to the provisions and regulations contained in this subchapter.

8.1     DEFINITIONS

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

“DIRECTIONAL SIGN.” A sign conveying directions to premises other than the premises on which the sign is located. Directional signs shall not exceed 16 square feet in area and may be either illuminated or non-illuminated, except where illumination is otherwise specifically prohibited in this chapter.

“OUTDOOR ADVERTISING DISPLAY.” Any advertising display, whether affixed to land or improvement thereof, and which is not an accessory use to the premises upon which it is located, and which may be either illuminated or non-illuminated, except where illumination is otherwise specifically prohibited in this chapter.

“PENNANTS AND SPECIAL EVENTS SIGNS.” Signs or advertising displays or pennants which relates specifically to a scheduled special event. All such signs or pennants shall be removed within five calendar days from the final day of the event. SPECIAL EVENTS shall be defined as not to exceed 30 days.

“SIGNS.” Any advertising display affixed to land or improvements thereon, which it is located and which may be either illuminated or non-illuminated, except where illumination is otherwise specifically prohibited in this chapter.

8.2     PERMIT REQUIRED

A building/zoning permit shall be required for all signs and outdoor advertising displays, to assure their proper placement, erection and securing, except pennants and special events signs.

8.3     LOCATIONS

(A)     Signs. No sign shall be erected or placed nearer to any street right-of-way upon which said display faces than the building lines provided in zones where the use is permitted, except one sign advertising the primary nature of the business or industry conducted on the premises may be placed not closer than ten feet to the street right-of-way line, but in no case shall the sign be permitted to obstruct the view of traffic. If the use is on a corner lot, two signs are allowed, one on each street. However, in the Central Business District where buildings may be built up to the street right- of-way line, overhanging and projecting signs shall be permitted, provided that no projecting signs shall project from the face of the building or structure over a street, alley or other public space, and in no case shall any such sign project beyond a line drawn perpendicularly upward from the curb line. A clear space of not less than 12 feet shall be provided below all parts of such signs. Projecting signs shall be securely attached to the building or structure.

(B) Outdoor advertising displays. Outdoor advertising displays shall be permitted only in Arterial Commercial Districts B-4 and General Business Districts B-2. All outdoor advertising displays shall be placed not closer than ten feet from any street right-of-way line upon which said display faces. The total number of outdoor advertising displays commonly supported shall be considered as one display.

(C) Directional sign. Directional signs shall be permitted in commercial, industrial and multi-family districts only. The signs shall not be placed closer than five feet to any street right-of-way line nor shall they be permitted to obstruct the flow or view of traffic.

(D) Pennants and special events signs. Pennants and special events signs are allowed in commercial districts and shall not be permitted to obstruct the view or flow of traffic.

(E) Residential signs/outdoor advertising displays.

(1) No sign or outdoor advertising shall be erected or placed in a residential zone, unless provided for a conditional use permit for home occupation, or for permanent identification for multi-family dwellings, R-4 and R-5, or for permanent identification of a subdivision. There shall be one permitted sign for each afore-mentioned use not exceeding 12 feet in area. The signs can be illuminated, but non-flashing. A free-standing sign shall not exceed a height of six feet above the ground.

(2) Each conditional use for a sign shall be determined on a case-by-case basis depending on the compatibility to surrounding neighborhoods.

#### 8.4 LIMITATIONS ON NUMBER OF SIGNS

There shall be one free-standing sign or outdoor advertising display per lot and one attached sign or outdoor advertising display per building use.

#### 8.5 SIZES; COMMERCIAL OR INDUSTRIAL

(A) A free-standing sign or outdoor advertising display shall not exceed 300 square feet in a commercial or industrial zone.

(B) A sign or outdoor advertising display shall not exceed 40% of the facade or wall to which the sign or outdoor advertising display is attached.

#### 8.6 LIGHTING

Signs and outdoor advertising displays which involve lighting or motion resembling traffic or directional signals, warnings, such as "stop" or "danger" or any other signal signs which are normally associated with highway safety or regulations are prohibited. Additionally, no sign or outdoor advertising display device constituting a nuisance because of light, glare, focus, animation, flashing or any illuminated signs of an intensity of illumination as to unduly disturb the use of residential property or vehicular traffic shall be erected or continue in operation.

#### 8.7 MAINTENANCE

Signs and outdoor advertising displays shall be maintained. The maintenance shall include proper alignment of the structure, continued readability of the structure and preservation

of the structure with paint or other preservatives. If a sign or outdoor advertising display is not maintained, written notice of any disrepair shall be issued by the enforcement officer to the owner of the structure. If the disrepair is not corrected within 60 days of issuance of the notice, the structure shall be removed at the owner's expense.

#### 8.8 HEIGHT; COMMERCIAL OR INDUSTRIAL

The height of any sign or outdoor advertising display shall not exceed the height of 50 feet for any sign or outdoor advertising device in a commercial or industrial zone, excluding B-1 and P-1 zones. In such districts, the height limit for any sign shall not exceed 35 feet.

#### 8.9 BILLBOARDS; COMMERCIAL OR INDUSTRIAL

(A) Billboards are allowed only in commercial zones specifically defined as B-2, B-3 and B-4 not including P-1 and B-1, and industrial zones, only by a conditional use permit granted by the Board of Zoning Adjustment.

(B) The billboard will be considered a sign or outdoor advertising display for the purposes of this chapter.

(C) The size of the billboard shall not exceed 400 square feet. The height of the billboard shall not exceed 50 feet.

## ARTICLE 9 HOME OCCUPATIONS

### 9.0 PURPOSE

The standards for home occupations are intended to insure compatibility with permitted residential uses and with the character of the neighborhood, plus a clearly established secondary or incidental status in relation to the residential uses of the main buildings as the criteria for determining whether a proposed accessory use qualifies as a home occupation.

### 9.1 CERTAIN HOME OCCUPATIONS NOT PERMITTED

The following home occupations are not permitted:

- (A) Antique shop;
- (B) Funeral chapel or funeral home;
- (C) Gift shop;
- (D) Renting of trailers;
- (E) Restaurant;
- (F) Stable or kennel;
- (G) Tourist home;
- (H) Veterinary clinic or hospital; and
- (I) Flea markets or perpetual/permanent yard sales.

### 9.2 MINIMUM STANDARDS

In addition to the limitation applicable in the zoning district in which located, all home occupations shall be subject to the following use limitations:

- (A) A home occupation must be conducted within a dwelling which is the bona fide residence of the principal practitioner, or in an accessory building thereto which is normally associated with a residential use.
- (B) Except for articles produced on the premises, no stock in trade shall be displayed or sold on the premises.
- (C) No alteration to the exterior of the principal residential building shall be made which changes the character thereof as a dwelling.
- (D) No outdoor display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.
- (E) No more than two persons who are other than members of the immediate family occupying such a dwelling shall be employed.
- (F) No more than two rooms or 25% of the gross area of one floor of the residence, whichever is less, shall be used for such purposes.
- (G) No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.

### 9.3 ISSUANCE OF A CONDITIONAL USE PERMIT

The issuance of a conditional use permit for a home occupation shall conform to the procedures as outlined in Article 14.

#### 9.4 CONDITIONAL USE PERMIT NOT REQUIRED UNDER CERTAIN CONDITIONS

A conditional use permit will not be required for a home occupation if all of the following conditions are met.

(A) No on-site customers or customers coming to the home occupation will be allowed. Any customer traffic to the site will require a conditional use permit.

(B) No outside alterations, modification or change to the existing structure will be allowed. Any minor alteration, modification or change being made will require a conditional use permit.

(C) No employees other than the resident of the home will be allowed. Any individual which lives or resides at another location, other than the proposed location of the home occupation to be employed at the home occupation will require a conditional use permit.

(D) No manufacturing, construction or finishing work will be allowed on-site. any of these activities undertaken at the proposed home occupation will require a conditional use permit.

(E) No outdoor signs are allowed on-site. Any proposed outdoor signs for the home occupation will require a conditional use permit.

(F) No additional traffic as a result of the home occupation will be allowed to the site. Additional traffic as a result of the home occupation will require a conditional use permit.

(G) No on-site storage of merchandise, inventory, goods or services will be allowed. Any of these activities undertaken at the proposed home occupation will require a conditional use permit.

#### 9.5 HOME OCCUPATION AFFIDAVIT

(A) Property owners requesting a home occupation will submit a written affidavit setting forth the operational conditions for the home occupation as outlined in Section 9.4.

(B) The code enforcement office will determine from the affidavit whether the conditions in Section 9.4 are met and if the proposed home occupation will require a conditional use permit.

#### 9.6 ENFORCEMENT

Any determination that the property owner has deviated in the operation of the home occupation will result in a violation of this subchapter and require the property owner to cease the operation of the home occupation until a conditional use permit is obtained.

## ARTICLE 10

## BUFFERING AND LANDSCAPING

### 10.0 PURPOSE

The intent of this subchapter is to improve the appearance of properties, vehicular use areas (VUAs), and property abutting public right of ways; to provide standards for buffering between non-compatible land uses, and to protect, preserve and promote aesthetic appeal of properties, character and value of the surrounding neighborhoods; to promote public health and safety through the reduction of noise pollution and air pollution.

### 10.1 SITES AFFECTED

(A) This subchapter applies to all developments subject to site plan review, multi-family structures, developments using the planned unit development (PUD) or zero lot line (ZLL) provisions found in this chapter, and industrial or commercial developments with the exception of one and two-family developments not classified as a planned unit development (PUD) or zero lot line (ZLL). The requirements stated in this section shall be addressed during the applicable site plan review process.

(B) The provisions of this section shall apply to:

(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:

(a) Improvements to an existing site that include building additions and/or vehicular use area expansions of less than 35% of the existing site shall not be required to provide landscaping in accordance with this section;

(b) Improvements to an existing site that include building additions and/or vehicular use area expansions of greater than 35% but less than 50% of the existing site shall be required to bring only the new improvements into compliance with the requirements of this section; and

(c) Improvements to an existing site that include building additions and/or vehicular use area expansions of greater than 50% of the existing site shall be required to bring the entire site into compliance with the requirements of this section.

(3) All uses in the Central Business (CB) District, except parking lots and vehicular use areas, shall be exempt from the landscaping provisions of this chapter.

### 10.2 LANDSCAPE STANDARDS AND SPECIFICATIONS

(A) 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. A list of suggested and undesirable plant material is available in Sections 10.17 and 10.18, respectively.

(B) Guthrie, Kentucky is located within the Plant Hardiness Zone 6b.



(C) Existing landscape features shall be preserved where possible or feasible. Existing landscape features which are preserved may be used to fulfill the landscape requirements. The landscape elements to be preserved must be illustrated on the Landscape Plan and approved by the Zoning Inspector.

(D) Surfaces denuded of vegetation shall be seeded or sodded to prevent soil erosion.

(E) Landscape materials placed near street intersections shall meet the following requirements:

(1) Obstruction of vision at street intersections is prohibited. Additionally, lots adjacent to an intersection shall not obstruct vision of the intersection within the 30-foot sight triangle. The 30-foot sight triangle is defined as a triangle consisting of the edge of street pavements intersecting at a point forming the outer boundaries of the lot and an imaginary line drawn 30 feet from the point of intersection in either direction. No obstruction to vision between a height of two and one-half feet and 12 feet above the imaginary plane defined by those three points of intersection are permitted.

(2) No structure, wall, fence, shrubbery or trees shall be erected, maintained or planted on any lot which will obstruct the view of the driver of a vehicle approaching an intersection, except that shade trees will be permitted where all branches are not less than eight feet above street level. The minimum sight distances which shall be maintained for intersections are as follows:

Street	Low Density	Medium Density	High Density	Non-residential
Local	200'	200'	200'	250'
Minor arterial	200'	200'	240'	250'
Major arterial	275'	275'	300'	300'

(3) No obstruction shall be placed in the right-of-way.

(F) 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 months or by the next planting season, whichever comes first; while other defective landscape material shall be replaced or repaired within two months. All plant material shall be maintained according to accepted horticultural practices.

(G) All shade trees shall be a minimum of two inches caliper; ornamental trees shall be one-inch caliper; evergreen trees shall be five feet tall, when planted. Tree type shall be approved by the Zoning Inspector.

(H) Only a small tree that reaches a mature height no greater than 25 feet may be planted within 20 lateral feet of overhead utility lines.

(I) Soil in tree, shrub, or plant zones (defined as twice the diameter of the rootball) must be free of asphalt, construction and trash material. Soil must be at least 50% desirable planting topsoil or media thoroughly mixed with existing soil. If previously undisturbed natural topsoil is available, no amendments are necessary. Subsoil is not acceptable for planting.

(J) Staking is not required on any trees. Any tree needing staking due to species, size, site conditions, or maintenance problems shall have a fabric/belting type material used for tying (ex. ARBOR TIE). No wire is allowed on any tree. Stakes shall be wooden, driven at least one-third of total length into undisturbed soil or compacted fill. Stakes and all tying material shall be removed by end of one year.

(K) Plastic or other impervious materials shall not be used in landscaped areas as weed control barriers.

(L) Mulch shall be applied to all non-turf, landscaped areas at planting. Mulch is not required on groundcover after it becomes fully established. The desirable recommendation for mulch is composed wood chips, pine bark, pine straw and shredded hardwood bark. Mulch shall be applied and maintained at two to four inches deep and with no more than one inch touching any part of the plant. Other organic and non-organic materials may be used as long as they are pervious to air and water. Crushed limestone is not acceptable.

### 10.3 PROPERTY PERIMETER REQUIREMENTS AND VEHICULAR USE AREAS

(A) A landscape easement shall be required as a buffer between non-compatible zones and between non-compatible land uses. The easement shall be located between the structure and all common boundaries except street frontage, unless otherwise specified.

(B) A minimum landscape easement with an average of ten feet with a minimum of five feet shall be provided in the required side yard of structures. The landscape materials shall include a combination of grass, low ground cover, shrubs and/or trees.

(C) "VEHICULAR USE AREA (VUA)", for the purposes of this section, refers to any area occupied in whole or in part by motorized vehicles, including, but not limited to, parking lots, parking stalls, driveways, service areas, and roadways. For the purposes of this section, VEHICULAR USE AREA (VUA) does not include areas devoted to the sole purpose of the display of merchandise for sale.

(D) A minimum landscape easement with an average of ten feet with a minimum of five feet shall be provided along the front border of parking lots. Landscaping materials shall include a combination of grass, low ground cover and shrubs.

(E) Landscaping materials located in front of parking areas shall not exceed three feet in height.

(F) Trees shall be protected from potential damage by vehicles.

(G) Thirty percent of required trees shall be placed within the perimeter of the actual parking surface area in those parking lots of over 20 spaces.

(H) All parking lots of more than five parking spaces shall include planted trees in accordance with Schedule 1 below:

#### SCHEDULE 1

Parking Spaces	Requirements	No. of Required Trees	Minimum Required Variety of Trees	Maximum of Any One Variety
1 to 5	No trees	n/a	n/a	n/a

6 to 30	1 tree for each 6 spaces or fraction thereof up to 30 spaces	1 to 5	n/a	n/a
31 to 100	5 trees for the first 30 spaces, plus 1 tree for each additional 7 spaces or fraction thereof	5 to 15	2	65%
101 to 196	15 trees for the first 100 spaces, plus 1 tree for each additional 8 spaces or fraction thereof	15 to 27	3	50%
197 to 304	27 trees for the first 196 spaces, plus 1 tree for each additional 9 spaces or fraction thereof	27 to 39	4	40%
305 to 504	39 trees for the first 305 spaces, plus 1 tree for each additional 10 spaces or fraction thereof	39 to 59	5	35%
505 or more	59 trees for the first 505 spaces, plus 1 tree for each additional 11 spaces or fraction thereof	59+	6	30%

(I) The following situations shall require landscape easements:

- (1) When any new development adjoins any R-MH1 or R-MH2 zone;
- (2) When any new development adjoins a business or industrial zone;
- (3) When any new development adjoins a freeway, expressway or railroad;
- (4) When any new development adjoins a utility substation, junkyard, land fill, sewage plant or similar use. For utility substations the landscape easement may be located adjacent to the enclosure;
- (5) When a planned unit development (PUD) or zero lot line (ZLL) development abuts any residential zone containing one- and two-family dwelling units and abuts any commercial or industrial zone; and
- (6) When any new development abuts a residential zone.

(J) Interior landscaping for vehicular use areas (VUAs). Landscaping shall be provided for vehicular use areas in accordance with the following standards:

- (1) A minimum of 5% 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 20 parking spaces. This section shall not apply to parking lots used for the sole purpose of displaying merchandise for sale.

(2) The VUA landscaping shall contain a variety of plant materials and be dispersed in the form of planting islands or peninsulas throughout the VUA. The minimum size of planting areas shall be 80 square feet.

(3) Planting islands within the VUA shall be required within every other parking row, when parking rows are provided in the interior portions of the parking lot (See Illustration #1). Planting islands may be placed in a staggered or linear design.

(4) All planting islands shall be planted with grass, low ground cover, shrubs, flowers, trees or any combination of these. Hard surfaces or gravel are not permitted.

(5) All planting islands shall have a minimum of six-inch curbs installed to protect the planting area from vehicular traffic.

(6) All plant material (other than grass or ground cover) located within landscape islands where vehicle overhangs are needed shall be setback a minimum of two feet six inches from the edge of pavement or face of curb.

(7) Landscaping materials shall be located between the structure and all common boundaries including the side yard and frontage of parking lots.

(8) Trees used in planting islands two to four feet wide are restricted to mature height of ten to 25 feet and defined as small sized trees. Trees used in planting islands four to eight feet wide may use small trees or trees that reach a mature height of 25 to 50 feet and defined as medium sized trees. Trees used in planting islands greater than eight feet are not restricted by size.

(K) Landscaping shall be located around the base of freestanding 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 chapter. The amount of landscape area required shall be one square foot of landscape area per one square foot of sign area. At least 50% of the required landscaping area shall be planted with trees and/or shrubs.

(L) Any facade or portion of a building facade 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.

(1) Trees shall be provided on an average of at least one tree per 40 linear feet of blank facade as defined above and shrubs shall be provided on an average of at least one shrub per ten linear feet of blank facade. 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 facade.

(2) Facades that abut VUAs shall have a minimum eight-foot wide planting area. This planting area can be reduced by four feet if sidewalks are installed.

(M) 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; and

(c) Where a business or industrial zone abuts a 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.

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:

a. Front yard: three feet;

b. Fences shall be of a decorative design (chain link, barbed wire, stock wire, chicken wire and similar type fences are not permitted);

c. Side yard: eight feet; and

d. 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 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 feet. Plant materials shall be at least two feet tall at the time of installation and reach the desired height within three to five 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 to five years. Berms, when utilized, should not have a slope steeper than three to one (3:1). Additionally, screen areas shall be sufficient to allow for the mature growth of plant materials when used.

#### 10.4 AVERAGE WIDTH OF EASEMENT

The minimum average width of a required landscape easement shall be ten feet.

## 10.5 TREES

Required landscape easements of ten feet average width or greater shall contain a minimum of one tree per 40 feet of linear boundary, or fraction thereof. Trees do not have to be equally spaced, but may be grouped. Existing trees shall be preserved where possible. Tree type shall be approved by the Zoning Administrator and shall be protected from potential damage by vehicles.

## 10.6 PLANTING, HEDGE, FENCE, WALL OR EARTH MOUND

Required landscape easements shall contain a continuous planting, hedge, fence, wall or earth mound four feet in height. For outdoor storage areas for manufactured products, materials used in manufacturing, wholesale commodities, automobiles and trucks, a solid wall or fence with a minimum height of six feet shall be required within the landscape easement which shall also be located along common boundaries with any street frontage across from a residential or mobile home park zone. For junkyards and salvage and scrap iron yards, a solid wall or fence with a minimum height of seven feet shall be required.

## 10.7 RESPONSIBILITY FOR PROVIDING EASEMENTS

The landscape easement and material required adjacent to any street shall be provided by the property owner adjoining the street, unless the authority building the street has fully met all requirements on the street right-of-way. When adjacent to other common boundaries, the landscaping easement and materials may be placed on either adjoining parcel or astride the boundary if both are owned and being processed by the same owner; or generally shall be placed on the activity listed new development in the relationships listed under previous sections; or may be placed astride the boundary of adjoining parcels having different owners if a written agreement, signed by both owners, is filed with the Zoning Inspector as a public record, or shall be placed on the activity or parcel being processed when adjoining property is already developed.

## 10.8 EASEMENT CONFLICTS

The required landscape easement may be combined with a utility or other easement as long as all of the landscape requirements can be fully met; otherwise, the landscape easement shall be provided in addition to, and separate from, any other easement. Cars or other objects shall not overhang or otherwise intrude upon the required landscape easement more than two and one-half feet, and wheel stops or curbs will be required.

## 10.9 EXISTING LANDSCAPE MATERIAL

Existing landscape material shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the public approval authority, such material meets the requirements and achieves the objectives of this subchapter.

## 10.10 LANDSCAPING AT DRIVEWAYS AND STREET INTERSECTIONS

To insure that landscape materials do not constitute a driving hazard, a sight triangle shall be observed at all street intersections or intersections of driveways or alleys with streets in accordance with Section 3.0 of Article 3. Within this sight triangle, no landscape material or other fixed object shall obstruct vision between a height of three feet and a height of 12 feet above the average elevation of the existing surfaces at the center line of each street, driveway or alley. Within the sight triangle, trees shall be permitted as long as, except during early growth stages, only the tree trunk (no limbs, leaves or the like) is visible between the three- and 12-foot limitations mentioned above. A similar exemption is allowed utility poles and traffic signs or lights.

## 10.11 LANDSCAPE MATERIALS

The landscaping materials to be utilized shall consist of the following.

(A) Walls and fences. Walls shall be constructed of natural stone, brick or artificial materials arranged in a linear, serpentine or other alignment; fences shall be constructed of wood. In industrial zones there shall be no height limitations on walls or fences. In all other zones, however, there shall be a three-foot height restriction for walls or fences in front yards, and an eight-foot height restriction in all other required yards. All walls or fences shall have a minimum opacity of 80%.

(B) Earth mounds. Earth mounds shall be constructed with proper slopes and adequate plant material to prevent erosion.

(C) Plants. All plant materials shall be living plants (artificial plants are prohibited), meet the American Nursery Standards, and shall conform with Sections 10.17 and 10.18 of this subchapter. If plant material not included in the adopted list is to be used, the developer shall receive prior approval from the Zoning Inspector. In addition, plant material shall meet the following requirements:

(1) Quality. Plant materials used in conformance with the provision of this chapter shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under state regulations.

(2) Deciduous trees (trees which normally shed their leaves in the fall). Deciduous trees should be species having an average mature crown spread of greater than 15 feet and having trunks which can be maintained with over five feet of clear wood in areas which have visibility requirements.

(3) Evergreen trees. Evergreen trees shall be a minimum of five feet high with a minimum caliber of one and one-half inches and a minimum spread of three feet immediately after planting.

(4) Shrubs and hedges. Shrubs and hedges shall be at least two feet to three feet in average height or spread when planted and shall conform to opacity and other requirements within four years after planting.

(5) Vines. Vines shall be at least 12 to 15 inches high at planting and are generally used in conjunction with walls or fences.

(6) Grass or ground cover. Grass (of common mixtures of Fescus, Bluegrass and Rye) shall be planted in species normally grown as permanent lawns in the city, and

may be sodded, plugged, sprigged or seeded; except in swales or other areas subject to erosion where solid sod, erosion-reducing net or suitable mulch shall be used.

(7) Minimum. A minimum of 20% of the landscape planting required shall be of evergreen trees and shrubs.

#### 10.12 MAINTENANCE AND INSTALLATION

(A) All landscaping materials shall be installed in a sound, workmanlike manner and according to accepted good construction and planting procedures. Any landscape material, which fails to meet the requirements of this chapter at the time of installation, shall be removed and replaced with acceptable materials. Inspections will be conducted by the Zoning Inspector after installation of landscaping to assure compliance with the submitted and approved site plan. 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 months or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within two months. Plant material shall not be severely pruned such that the natural growth pattern or characteristic form is significantly altered. Surfaces denuded of vegetation shall be seeded or sodded to prevent soil erosion. 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 type as that which was removed or destroyed. Surety will be submitted as a part of the public improvements.

(B) Violation of these installation and maintenance provisions shall be grounds for the Zoning Inspector to refuse a building certificate of occupancy permit, require replacement of landscape material and will subject those in violation to established fines and penalties of this chapter.

#### 10.13 PLAN SUBMISSION AND APPROVAL

Whenever any property is affected by these landscaping requirements, the property owner or developer shall prepare a landscape plan for submittal to, and approval by, the Planning Commission. The Zoning Inspector shall follow the requirements of this subchapter in approving or disapproving any landscape plan required by this subchapter. Landscape plans also may be submitted as part of any plan review required by the Planning Commission. The property owner or developer shall submit the Landscape Plan to the Zoning Inspector as part of the site plan review process.

#### 10.14 PLAN REVIEW

The contents of the Landscape Plan shall include the following:

(A) Site plan, drawn to a scale not to exceed one inch to 50 feet, showing the labeling by name and dimensions all existing and proposed property lines, easements, buildings and other structures, vehicular use areas (including parking stalls, driveways, service areas, square footage and the like), water outlets, landscape material (tree, wall, fence, hedge or earth mound locations), and existing topography, proposed grading at a minimum of two-foot contours;



- (B) Typical elevations or cross-sections as may be required;
- (C) Title box with the pertinent names and addresses (property owner, person drawing plan, and person installing landscape material), scale, date, north arrow (generally orient plan so that north is to top of plan), and zoning classification;
- (D) Plant schedule including common name, botanic name, cultivar, size and quantity, condition (balled and burlaped, container size or bare root), and planting details using the standards of the American Society of Landscape Architects; and
- (E) All adjacent property owners, land use, current zoning and proposed zoning.

10.15 VARIANCE

(A) The Planning Commission shall have the authority to grant a waiver of any of the requirements in this chapter 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 chapter.

(B) Any landscape plan submitted to and disapproved by the Planning Commission because it does not meet the requirements of this subchapter may be appealed within 60 days of the action to the Board of Zoning Adjustment.

10.16 HARDSHIP EXCLUSION

No property owner obtaining a permit for a project involving a new building or building addition shall be required to expend more than 1.5% of the total construction cost for materials and installation costs associated with landscaping and parking lot screening required by this chapter. No property owner obtaining a permit for a project involving only a new or expanded parking lot, with no building construction, shall be required to expend more than 3% of the total construction costs for materials and installation costs associated with parking lot landscaping and screening required by this chapter. In order to qualify for this exclusion, the property owner must submit a bona fide bid from a licensed contractor or nurseryman for materials and installation costs for an approved landscape plan. The bid for landscaping must distinguish those items which are required by the ordinance from any other items which are not required. If the total cost of required landscaping items exceeds the applicable percentage as specified above, then the property owner may select items at his or her discretion to delete from the approved plan, and submit the list of items to be deleted as an addendum to the approved plan.

10.17 ACCEPTABLE PLANT LIST

**Suggested Woody Plants**

**SUGGESTED LARGE TREES (Over 50 Feet in Height)**

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<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>	<u>PLANT TYPE</u>	<u>HEIGHT</u>	<u>SPREAD</u>
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<i>Abies concolor</i>	White Fir	E	30' to 50'	15' to 30'
<i>Acer rubrum</i>	Red Maple (spp., cvs)	D	40' to 60'	30' to 40'
<i>Acer saccharum</i>	Sugar Maple (spp., cvs, hybrids)	D	60' to 75'	50' to 60'
<i>Alnus glutinosa</i>	Black Alder	D	40' to 60'	20' to 40'
<i>Betula nigra</i>	River Birch	D	40' to 70'	40' to 60'
<i>Carpinus betulus</i>	European Hornbeam	D	40' to 60'	30' to 50'
<i>Cercidiphyllum japonicum</i>	Katsura Tree	D	40' to 60'	30' to 50'
<i>Chamaecyparis pisifera</i>	Sawara Falsecypress	E	50' to 70'	10' to 20'
<i>Eucommia ulmoides</i>	Hardy Rubber Tree	D	40' to 60'	40' to 50'
<i>Ginkgo biloba (Male)</i>	Ginkgo	D	50' to 80'	30' to 50'
<i>Gymnocladus dioicus</i>	Kentucky Coffeetree	D	60' to 75'	40' to 50'
<i>Ilex opaca</i>	American Holly	E	40' to 70'	20' to 40'
<i>Larix decidua</i>	European Larch	D	70' to 75'	25' to 30'
<i>Liriodendron tulipifera</i>	Tulip or Yellow Poplar	D	70' to 90'	35' to 50'
<i>Magnolia acuminata</i>	Cucumbertree Magnolia	D	50' to 80'	50' to 80'
<i>Metasequoia glyptostroboides</i>	Dawn Redwood	D	70' to 100'	25'
<i>Picea abies</i>	Norway Spruce	E	40' to 60'	25' to 30'
<i>Picea glauca</i>	White Spruce	E	40' to 60'	10' to 20'
<i>Picea omorika</i>	Serbian Spruce	E	50' to 60'	20' to 25'
<i>Picea orientalis</i>	Oriental Spruce	E	50' to 60'	20' to 30'
<i>Picea pungens</i>	Colorado Spruce	E	50' to 70'	20' to 30'
<i>Pinus resinosa</i>	Red Pine	E	50' to 80'	20' to 40'
<i>Pinus strobus</i>	White Pine	E	50' to 80'	20' to 40'
<i>Pinus sylvestris</i>	Scotch Pine	E	30' to 60'	30' to 40'
<i>Pinus thunbergii</i>	Japanese Black Pine	E	20' to 50'	var.
<i>Platanus x acerifolia</i>	London Planetree	D	70' to 100'	60' to 80'

<i>Plantanus occidentalis</i>	American Sycamore	D	75' to 100'	75' to 100'
<i>Quercus alba</i>	White Oak	D	60' to 100'	50' to 80'
<i>Quercus bicolor</i>	Swamp White Oak	D	50' to 60'	50'
<i>Quercus coccinea</i>	Scarlet Oak	D	70' to 75'	40' to 50'
<i>Quercus imbricaria</i>	Shingle Oak	D	50' to 60'	40' to 60'
<i>Quercus muehlenbergii</i>	Chinkapin Oak	D	70' to 80'	80' to 100'
<i>Quercus nigra</i>	Water Oak	D	50' to 80'	40' to 60'
<i>Quercus phellos</i>	Willow Oak	D	40' to 60'	40' to 50'
<i>Quercus rubra</i>	Northern Red Oak	D	60' to 75'	40' to 50'
<i>Quercus shumardii</i>	Shumard Oak	D	40' to 60'	40' to 50'
<i>Stephanolobium japonicum</i>	Japanese Pagoda	D	50' to 70'	40' to 60'
<i>Taxodium distichum</i>	Bald Cypress	D	50' to 70'	20' to 30'
<i>Thuja occidentalis</i>	American Arborvitae	E	40' to 60'	10' to 15'
<i>Tilia cordata</i>	Littleleaf Linden	D	60' to 70'	30' to 50'
<i>Tilia tomentosa</i>	Silver Linden	D	50' to 70'	30' to 50'
<i>Tsuga canadensis</i>	Eastern Hemlock	E	40' to 70'	25' to 35'
<i>Tsuga caroliniana</i>	Carolina Hemlock	E	45' to 60'	20' to 25'
<i>Ulmus americana</i>	American Elm (hybrid resistant to Dutch Elm Disease)	D	60' to 80'	40' to 55'
<i>Ulmus parvifolia</i>	Lacebark Elm	D	40' to 50'	40' to 50'
<i>Zelkova serrata</i>	Japanese Zelkova	D	50' to 80'	40' to 70'

#### SUGGESTED MEDIUM TREES (25 to 50 Feet in Height)

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>	<u>PLANT TYPE</u>	<u>HEIGHT</u>	<u>SPREAD</u>
<i>Acer campestre</i>	Hedge Maple	D	25' to 35'	25' to 35'
<i>Amelanchier arborea</i>	Downy Serviceberry	D	15' to 25'	10' to 15'

<i>Carpinus caroliniana</i>	American Hornbeam	D	20' to 30'	20' to 30'
<i>Cladrastis kentukea</i>	Yellowwood	D	30' to 50'	40' to 50'
<i>Corylus colurna</i>	Turkish Filbert	D	40' to 50'	20' to 30'
<i>Gleditsia tricanthos var. intermis</i>	Thornless Honey Locust	D	30' to 50'	30' to 50'
<i>Halesia tetraptera</i>	Carolina Silverbell	D	30' to 40'	20' to 35'
<i>Ilex opaca</i>	American Holly	E	40' to 50'	18' to 40'
<i>Juniperus virginiana</i>	Eastern Redcedar	E	40' to 50'	10' to 20'
<i>Koelreutearia paniculata</i>	Golden Raintree	D	30' to 40'	30' to 40'
<i>Nyssa sylvatica</i>	Tupelo, Black Gum	D	30' to 50'	20' to 30'
<i>Ostrya virginiana</i>	Hophornbeam	D	25' to 40'	20' to 30'
<i>Oxydendrum arboretum</i>	Sourwood	D	25' to 30'	20' to 25'
<i>Parrotia persica</i>	Persian Parrotia	D	20' to 40'	15' to 30'
<i>Phellodendron amurense</i>	Cork Tree	D	30' to 45'	30' to 40'
<i>Pinus cembra</i>	Swiss Stone Pine	E	30' to 40'	15' to 25'
<i>Pinus parviflora</i>	Japanese White Pine	E	25' to 50'	25' to 50'
<i>Prunus sargentii</i>	Sargent Cherry	D	40' to 50'	30' to 50'
<i>Prunus subhirtella</i>	Higaen Cherry	D	20' to 40'	15' to 30'
<i>Prunus yedoensis</i>	Yoshino Cherry	D	20' to 40'	20' to 40'
<i>Pyrus calleryana</i>	Callery Pear (cultivars only except 'Bradford')	D	30' to 50'	20' to 35'
<i>Quercus acutissima</i>	Sawtooth Oak	D	35' to 45'	30' to 40'
<i>Stewartia pseudo-camellia</i>	Japanese Stewartia	D	20' to 35'	20' to 30'
<i>Syringa reticulata</i>	Japanese Tree Lilac	D	20' to 30'	15' to 25'

**SUGGESTED LARGE SHRUBS OF SMALL TREES (10 to 25 Feet in Height)**

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>	<u>PLANT TYPE</u>	<u>HEIGHT</u>	<u>SPREAD</u>
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<i>Acer tataricum</i> var. <i>ginnala</i>	Amur Maple	D	15' to 18'	15' to 20'
<i>Acer palmatum</i>	Japanese Maple	D	15' to 25'	15' to 25'
<i>Acer pensylvanicum</i>	Striped Maple	D	15' to 20'	12' to 20'
<i>Aesculus parviflora</i>	Bottlebrush Buckeye	D	8' to 12'	8' to 15'
<i>Aesculus pavia</i>	Red Buckeye	D	10' to 20'	10' to 20'
<i>Amelanchier laevis</i>	Allegheny Serviceberry	D	15' to 25'	15' to 25'
<i>Cercis canadensis</i>	Eastern Redbud	D	20' to 25'	20' to 30'
<i>Chionanthus virginicus</i>	White Fringetree	D	15' to 30'	15' to 30'
<i>Cornus alternifolia</i>	Pagoda Dogwood	D	15' to 25'	20' to 30'
<i>Cornus florida</i>	Flowering Dogwood	D	20' to 25'	20' to 30'
<i>Cornus kousa</i>	Kousa Dogwood	D	15' to 20'	15' to 20'
<i>Cornus mas</i>	Corneliancherry Dogwood	D	20' to 25'	15' to 20'
<i>Crataegus phaenopyrum</i>	Washington Hawthorn	D	20' to 30'	20' to 25'
<i>Crataegus viridis</i>	Green Hawthorne	D	20' to 30'	20' to 30'
<i>Crataegus x lavalleyi</i>	LaValle Hawthorne	D	15' to 25'	10' to 20'
<i>Forsythia x intermedia</i>	Border Forsythia	D	8' to 10'	10' to 12'
<i>Hamamelis virginiana</i>	Common Witchhazel	D	20' to 30'	20' to 25'
<i>Hydrangea paniculata</i>	Panicle Hydrangea	D	15' to 25'	10' to 20'
<i>Ilex x attenuate</i> 'Fosteri'	Foster Holly	E	10' to 20'	5' to 10'
<i>Juniperus chinensis</i>	Chinese Juniper (cultivars)	E	12' to 25'	var.
<i>Magnolia stellata</i>	Star Magnolia	D	15' to 20'	10' to 15'
<i>Magnolia virginiana</i>	Sweetbay Magnolia	D	10' to 20'	10' to 20'
<i>Magnolia x soulangiana</i>	Saucer Magnolia	D	20' to 25'	20' to 30'
<i>Malus</i> (varieties)	Crabapple (must be cultivar with disease resistance)	D	10' to 25'	10' to 30'
<i>Pinus densiflora</i>	Japanese Red Pine	E	10' to 15'	10' to 15'
<i>Pinus mugo</i>	Mugho Pine	E	15' to 20'	20' to 30'
<i>Platycladus orientalis</i>	Oriental Arborvitae	E	15' to 25'	10' to 12'

<i>Prunus serrulata</i>	Oriental Cherry (cultivars)	D	15' to 20'	15' to 20'
<i>Ptelea trifoliata</i>	Hoptree	D	15' to 20'	15' to 20'
<i>Taxus cuspidata</i>	Japanese Yew (cultivars)	E	10' to 20'	10' to 30'
<i>Viburnum lentago</i>	Nannyberry	D	15' to 18'	6' to 10'
<i>Viburnum opulus</i>	Cranberrybush Viburnum	D	8' to 10'	10' to 15'
<i>Viburnum prunifolium</i>	Blackhaw Viburnum	D	12' to 15'	8' to 12'
<i>Viburnum rhytidophyllum</i>	Leatherleaf Viburnum	E	10' to 15'	10' to 15'
<i>Viburnum rufidulum</i>	Southern or Rusty Blackhaw	D	12' to 15'	8' to 12'
<i>Viburnum sieboldii</i>	Siebold Viburnum	D	15' to 20'	10' to 15'
<i>Viburnum trilobum</i>	American Cranberrybush	D	8' to 12'	8' to 12'

**SUGGESTED MEDIUM SHRUBS (6 to 10 Feet in Height)**

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>	<u>PLANT TYPE</u>	<u>HEIGHT</u>	<u>SPREAD</u>
<i>Acanthopanax sieboldian</i>	Fiveleaf Aralia	D	8' to 10'	8' to 10'
<i>Aronia arbutifolia</i>	Red Chokeberry	D	6' to 10'	3' to 5'
<i>Aronia melanocarpa</i>	Black Chokeberry	D	3' to 5'	3' to 5'
<i>Calycanthus floridus</i>	Carolina Allspice	D	6' to 9'	6' to 12'
<i>Chamecyparis pisifera</i>	Sawara falsecypress (selected cultivars)	E	6' to 8'	6' to 7'
<i>Cornus serica</i>	Redosier Dogwood	D	7' to 9'	10'+
<i>Cotoneaster lucidus</i>	Hedge Cotoneaster	D	5' to 10'	6' to 10'
<i>Cotoneaster multiflora</i>	Many Flowered Cotoneaster	D	8' to 12'	12' to 15'
<i>Forsythia suspense</i>	Weeping Forsythia	D	8' to 10'	10' to 15'
<i>Fothergilla major</i>	Large Fothergilla	D	6' to 10'	5' to 8'
<i>Hamamelis vernalis</i>	Vernal Witchhazel	D	6' to 10'	6' to 10'
<i>Ilex crenata</i>	Japanese Holly	E	5' to 8'	5' to 8'
<i>Ilex glabra</i>	Inkberry	D	6' to 8'	8' to 10'

<i>Ilex verticillata</i>	Winterberry	D	6' to 9'	6' to 9'
<i>Ilex x meserve</i>	Meserve Holly	E	6' to 10'	6' to 10'
<i>Juniperus communis</i>	Common Juniper	E	5' to 10'	8' to 12'
<i>Kalmia latifolia</i>	Mountain Laurel	E	7' to 10'	7' to 10'
<i>Lindera benzoin</i>	Spicebush	D	6' to 12'	6' to 12'
<i>Myrica pennsylvanica</i>	Northern Bayberry	D	5' to 12'	5' to 12'
<i>Pieris japonica</i>	Japanese Pieris	E	9' to 12'	6' to 8'
<i>Rhododendron (varieties)</i>	Rhododendron (varieties)	E	var.	var.
<i>Taxus x media</i>	Anglojap Yew	E	5' to 12'	var.
<i>Viburnum dentatum</i>	Arrowwood Viburnum	D	6' to 8'	6' to 12'
<i>Viburnum x burkwoodii</i>	Burkwood Viburnum	D	8' to 10'	6' to 8'

**SUGGESTED SMALL SHRUBS (4 to 6 Feet in Height)**

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>	<u>PLANT TYPE</u>	<u>HEIGHT</u>	<u>SPREAD</u>
<i>Berberis koreana</i>	Korean Barberry	D	4' to 6'	3' to 5'
<i>Berberis thunbergii</i>	Japanese Barberry	D	4' to 5'	5' to 7'
<i>Berberis x mentorensis</i>	Mentor Barberry	D	5' to 7'	5' to 7'
<i>Chamaecyparis obtuse</i>	Hinoki Falsecypress (cultivars)	E	5' to 7'	5' to 7'
<i>Clethra alnifolia</i>	Summersweet Clethra	D	5' to 7'	5' to 7'
<i>Leucothoe fontanesiana</i>	Dropping Leucothoe	E	5' to 7'	5' to 7'
<i>Pinus mugho</i>	Mugho Pine (cultivars)	E	5' to 7'	5' to 7'

**SUGGESTED LOW SHRUBS (1 ½ to 4 Feet in Height)**

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>	<u>PLANT TYPE</u>	<u>HEIGHT</u>	<u>SPREAD</u>
<i>Abelia x grandiflora</i>	Glossy Abelia	D	3' to 5'	3' to 5'
<i>Abeliophyllum distichum</i>	Korean Abelialeaf	D	3' to 5'	3' to 4'

<i>Berberis thunbergii</i>	Japanese Barberry (cultivars)	D	3' to 5'	4' to 7'
<i>Buxus microphylla</i>	Littleleaf Boxwood	E	3' to 4'	3' to 4'
<i>Cotoneaster horizontalis</i>	Rock Cotoneaster	D	2' to 3'	5' to 8'
<i>Deutzia gracillis</i>	Slender Deutzia	D	2' to 4'	3' to 4'
<i>Fothergilla gardenia</i>	Dwarf Fothergilla	D	2' to 4'	3' to 4'
<i>Hypericum frondosum</i>	Golden St. Johnswort	D	3' to 4'	3' to 4'
<i>Hypericum prolificum</i>	Shrubby St. Johnswort	D	2' to 4'	2' to 4'
<i>Ilex crenata</i>	Japanese Holly	E	2' to 4'	2' to 4'
<i>Juniperus chinensis var. sargentii</i>	Sargents Chinese Juniper	E	1.5' to 2.5'	7' to 9'
<i>Juniperus horizontalis</i>	Creeping Juniper	E	2' to 2.5'	6' to 10'
<i>Potentilla fruticosa</i>	Bush Cinquefoil	D	1' to 4'	2' to 4'
<i>Spiraea x bumalda</i>	Bumalda Spirea	D	2' to 3'	3' to 5'
<i>Taxus baccata</i>	English Yew	E	2' to 4'	3' to 5'

**SUGGESTED GROUND COVER (Below 1 ½ Feet in Height)**

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>	<u>PLANT TYPE</u>	<u>HEIGHT</u>	<u>SPREAD</u>
<i>Ajuga reptans</i>	Carpet Bugle	E	4" to 12"	var.
<i>Arctostaphylos uva-ursi</i>	Bearberry	D	6" to 12"	2' to 4'
<i>Cotoneaster adpressa</i>	Creeping Cotoneaster	D	12" to 18"	4' to 6'
<i>Cotoneaster dammeri</i>	Bearberry Cotoneaster	D	12" to 18"	6' to 8'
<i>Hedera helix</i>	English Ivy	E	6" to 8"	var.
<i>Hypericum calycinum</i>	St. Johnswort	D	12" to 18"	18" to 24"
<i>Juniperus conferta</i>	Shore Juniper	E	12" to 18"	6' to 9'
<i>Juniperus horizontalis</i>	Creeping Juniper (cultivars)	E	12" to 24"	4' to 8'
<i>Juniperus sabina</i>	Savin Juniper (cultivars)	E	12" to 18"	3' to 5'
<i>Liriope muscari</i>	Liriope	E	12" to 18"	var.



<i>Pachysandra terminalis</i>	Japanese Spurge	E	1" to 10"	var.
<i>Vinca minor</i>	Periwinkle	D	3" to 6"	var.
<i>Xanthorrhiza simplicissima</i>	Yellowroot	D	12" to 24"	var.

- (A) Notes to table:
- (1) spp. = species;
  - (2) cvs = cultivars;
  - (3) E = evergreen;
  - (4) D = deciduous; and
  - (5) var. = varies.

#### 10.18 UNDESIRABLE PLANT LIST

##### Undesirable Plant List

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
<i>Acer negundo</i>	Boxelder
<i>Acer platanoides</i>	Norway Maple
<i>Acer saccharinum</i>	Silver Maple
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Albizia julibrissin</i>	Mimosa
<i>Betula papyrifera</i>	White Birch
<i>Betula pendula</i>	European White Birch
<i>Celtis occidentalis</i>	Hackberry
<i>Elaeagnus angustifolia</i>	Russian Olive
<i>Elaeagnus umbellata</i>	Autumn Olive
<i>Fraxinus (all)</i>	Ash
<i>Ginkgo biloba (female)</i>	Ginkgo (except for male)
<i>Ligustrum (all)</i>	Privets (all)
<i>Liquidambar styraciflua</i>	Sweetgum
<i>Machura pomifera</i>	Osage Orange
<i>Paulownia tomentosa</i>	Empress Tree

<i>Populus alba</i>	Silver-leafed Poplar
<i>Populus nigra</i>	Lombardy Poplar
<i>Pyrus calleryana</i> 'Bradford'	Bradford Pear
<i>Robinia psuedoaacia</i>	Black Locust
<i>Salix babylonica</i>	Weeping Willow
<i>Ulmus americana</i>	American Elm (except for Dutch Elm resistant hybrids)
<i>Ulmus pumila</i>	Siberian Elm

ARTICLE 11            AMENDMENTS

11.0    PROCEDURE FOR AMENDMENT OR DISTRICT CHANGES

This chapter may be amended utilizing the procedures specified, inclusive, of this chapter.

11.1    INTENT

Whenever the public necessity, convenience, general welfare or good zoning practices require, City Council may by ordinance after receipt of recommendations thereon from the Planning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property.

11.2    INITIATION OF ZONING AMENDMENTS

(A)    Amendments to the official zoning map may be initiated in one of the following ways:

- (1)    By adoption of a motion by the Planning Commission;
- (2)    By adoption of a resolution by City Council; and
- (3)    By a property owner filing an application.

(B)    Applications for amendments proposing to amend, supplement, change or repeal portions of this chapter other than the Official Zoning Map may be initiated by either the Planning Commission or City Council following the procedures as outlined in KRS 100.211.

11.3    CONTENTS OF APPLICATION

(A)    Applications for amendments to the Official Zoning Map adopted as part of this chapter by Section 2.1 of Article 2, Official Zoning Map shall contain at least the following information:

- (1)    Name, address and phone number of applicant;
- (2)    Legal authorized signature of property owner;
- (3)    Proposed amending ordinance, approved as to form by the city legal advisor;
- (4)    Present use;
- (5)    Present zoning district;
- (6)    Proposed zoning district;
- (7)    A vicinity map at scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require;
- (8)    A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case;
- (9)    A statement on how the proposed amendment meets the criteria for amendments as stipulated in KRS 100.213; and
- (10)    A fee as established by City Council according to Appendix D.

(B) As a condition of granting any amendment to the official zoning map, the Planning Commission may require the submission of a development plan. When required, the development plan shall be filed in accordance with the provisions of KRS 100.203(2) and contain information as outlined in Sections 12.0 through 12.2 of Article 12. Where agreed upon, this development plan shall be followed and shall be binding on all parties. In addition, in cases where a development plan is required and agreed to, the Planning Commission may require that substantial construction be initiated within a period of not less than one year.

(C) The Planning Commission shall assume all duties otherwise exercised by the Board of Zoning Adjustment pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.247 and 100.251 in cases where a proposed development requires a map amendment and one or more variances or conditional use permits. Application for variances and conditional uses may be filed concurrently with the application for Zoning Map Amendment on the same property to be considered by the Planning Commission for a map amendment. The applicant for the map amendment, at the time of filing the application for the map amendment, may elect to have any variances or conditional use permits, for the same development, heard and finally decided by the Planning Commission at the same public hearing set for the map amendment or by the Board of Zoning Adjustment as otherwise provided for in Article 6 or Section 14.7 through Section 14.11 of Article 14.

(D) The reconsideration of a denied map amendment or consideration of a map amendment identical to a denied map amendment is prohibited for a period of two years.

#### 11.4 TRANSMITTAL TO PLANNING COMMISSION

Immediately after the filing of an application, it shall be transmitted to the Commission and heard during a regular or specially called Planning Commission meeting.

#### 11.5 PUBLIC HEARING BY PLANNING COMMISSION

The Planning Commission shall schedule a public hearing after a petition is received. Publication of public hearing shall be not less than 14, nor more than 21, days from the date of the hearing. Notices shall be in the newspaper as described in Section 11.6 of Article 11. In a situation where these requirements are in conflict with current state statutes, the notification for public hearing must comply with the statutory requirements for map and text amendment.

#### 11.6 NOTICE OF PUBLIC HEARING; IN NEWSPAPER AND TO PROPERTY OWNERS

(A) Notice of public hearing shall be given by the Planning Commission by at least one publication in one or more newspapers of general circulation in the city affected. Said notice shall be published at least 14 days before the date of the required hearing. The published notice shall conform to local procedures setting forth the time and place of the public hearing and a summary of the proposed amendment. In a situation where these requirements are in conflict with current state statutes, the notification for public hearing must comply with the statutory requirements for map and text amendment.

(B) For a map amendment, notice of the public hearing shall be given at least 14 days in advance of the hearing by certified mail, return receipt requested to the owners of property adjoining property classification of which is proposed to be changed. In a situation where these

requirements are in conflict with current state statutes, the notification for public hearing must comply with the statutory requirements for map and text amendment.

#### 11.7 PLACEMENT OF SIGN ON PROPERTY

For a map amendment, a sign shall be placed on the property to be considered for the rezoning at least 14 days in advance of the hearing. The sign shall conform to the dimensional requirements established in KRS 100.

#### 11.8 RECOMMENDATION BY PLANNING COMMISSION

Within 60 days from the receipt of either the proposed map or text amendment, the Planning Commission shall transmit its recommendation to the City Council. The Planning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied. The recommendation of the Planning Commission, when applicable and agreed upon, shall include the Development Plan and any and all conditions imposed pursuant to KRS 100.203 and Section 11.3 of Article 11.

#### 11.9 ACTION BY CITY COUNCIL

Within 90 days or from the date of a final dispositive vote by the Planning Commission, the City Council shall either adopt or reject the recommendation of the Planning Commission or adopt some modification thereof as provided herein.

(A) The Council shall take one of the following actions on a recommendation from the Planning Commission:

(1) The Council may take no action and after 90 days, the Planning Commission recommendation is adopted by operation of law;

(2) The Council may accept the Planning Commission recommendation (finding of fact/summary of evidence and testimony);

(3) The Council may review the transcript of the public hearing held before the Planning Commission and then either adopt or reject or modify the Planning Commission recommendation based on findings of fact developed from the review; or

(4) The Council may hold a public hearing which meets the notice requirements in the ordinance and, at the conclusion of the public hearing, make a final decision based on findings of fact developed at the hearing.

(B) The Council can then go into deliberations and develop findings of fact which support their decision. The Council may go into closed session to deliberate.

(C) It shall take a majority of the entire legislative body to override the recommendation of the Planning Commission.

(D) An ordinance will be adopted to reflect any final action resulting in a map amendment or text amendment.

ARTICLE 12 PLAN REVIEW

12.0 NEW DEVELOPMENTS

New developments defined as: multi-family structures, developments using the planned unit development (PUD) or zero lot line (ZLL) provisions found in this chapter, and industrial or commercial developments of more than one-half acre shall be subject to a plan review. The plan review shall consist of a site plan and other exhibits as deemed necessary by the Planning Commission in order to gain full insight into the developer's intent.

12.1 REQUIRED EXHIBITS

The following exhibits shall be prepared by design professionals, such as architects, landscape architects, surveyors and engineers and be submitted to the Planning Commission with the appropriate fee and application forms as established in the appendices following this chapter.

(A) Storm water management plans and flood safety and protection certification certified by a professional engineer or architect with three copies of the respective application and six copies of the design and construction of the storm water and flood safety plans, with all pertinent calculations (if applicable).

(B) A site plan of the proposed project (12 copies) which shows the following information:

- (1) A map drawn to scale, preferably one inch = 100 feet or one inch = 50 feet;
- (2) A written legal description;
- (3) Existing topography and contour intervals not greater than five feet;
- (4) Final grade contours with intervals not exceeding five feet;
- (5) A vicinity map with existing streets;
- (6) Proposed surface water drainage;
- (7) Existing and proposed property lines;
- (8) Parking and loading areas;
- (9) Areas to be dedicated or reserved for parks, playgrounds and the like;
- (10) Existing natural features;
- (11) Location of existing and proposed utilities, water and sewer lines, (size), power lines and the like; and
- (12) Location of proposed buildings with:
  - (a) Setback lines;
  - (b) Adequate security lighting;
  - (c) The required number of parking spaces;
  - (d) Trash and garbage containment with proposed buffer;
  - (e) Gross and net acreage;
  - (f) Lot sizes (dimensions and square footage);
  - (g) Building heights and stories;
  - (h) Building coverage for each lot;
  - (i) Existing and proposed landscaping; and
  - (j) Buffering elements which will provide a logical transition to adjoining, existing or permitted uses.

## 12.2 PRELIMINARY REVIEW PROCESS

The preliminary review process is an investigatory period which precedes actual preparation of plans by the developer. The developer shall meet informally with the Planning Commission or its representative and present a general outline of the proposal. Included shall be (but not limited to) the following:

- (A) Sketch plans and ideas regarding land use, street and lot arrangements and tentative lot sizes;
- (B) Proposals regarding water supply, sewerage disposal, surface drainage and street improvements; and
- (C) Other information as deemed necessary by the Planning Commission or its representative to determine the feasibility of the project.

## 12.3 ACTUAL REVIEW OF SITE PLAN

- (A) Upon receipt of the required exhibits, the Planning Commission shall have 30 days to review the site plan and make the following decision:
  - (1) Approve the plan as submitted;
  - (2) Grant conditional approval and require the applicant to make changes in order to comply with this chapter; or
  - (3) Deny approval of the site plan as inappropriate with design standards established in this chapter.
- (B) Deficiencies will be reported and given to the developer to address.

## 12.4 FILING OF APPROVED SITE PLAN

- (A) Once the site plan is approved, the applicant is responsible for filing the plan and application with the Todd County Court Clerk's Office in the name of the Planning Commission.
- (B) Failure to file the site plan shall render the plan null and void. Statutory reference: Recording of plats, see KRS 100.329

## 12.5 ISSUANCE OF ZONING/BUILDING PERMITS

The site plan shall be reviewed and approved by the Planning Commission or duly appointed representative before any permit is issued by the Zoning Inspector. Approval of the site plan shall be based on compliance with the criteria listed above and standards found within this document.

## 12.6 PROJECT COMPLETION AND COMPLIANCE

Upon completion of the project the design professional shall certify in writing that the project was built according to the site plan as approved by the Planning Commission. No certificate of occupancy will be issued until certification is received by the Planning Commission.

## ARTICLE 13 ZONING/BUILDING PERMITS

### 13.0 ZONING PERMITS REQUIRED

Zoning permits shall be issued only in conformity with the provisions of this chapter.

### 13.1 CONTENTS OF APPLICATION

The application for a zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied by the applicant. The following information is the minimum required:

- (A) Name, address and phone number of applicant;
- (B) Legal description of property;
- (C) Existing and proposed use;
- (D) Zoning district:
  - (1) Current zoning; and
  - (2) Proposed zoning.
- (E) Plans showing the following dimensions:
  - (1) Building site area;
  - (2) Building site width;
  - (3) Building site coverage;
  - (4) Building height; and
  - (5) Building setback lines.
- (F) Number of off-street parking spaces or loading berths;
- (G) Number of dwelling units; and
- (H) Any other matters which may be necessary to determine conformance with and provide for the information of this chapter.

### 13.2 APPROVAL

Within five working days after the receipt of the application, the Zoning Inspector shall either approve or disapprove the application.

### 13.3 INTEGRATION OF ZONING/BUILDING PERMIT

The zoning permit will be integrated with the building permit. The zoning/building permit will be issued based on compliance with zoning regulations and building codes.

### 13.4 RECORD OF ZONING PERMITS

The Zoning Inspector shall maintain a complete record of all zoning/building permits, and copies shall be furnished or presented for review to any person making a request.

### 13.5 FAILURE TO OBTAIN PERMIT



Failure to obtain a zoning/building permit shall be a violation of this chapter and will be punishable under the provisions set forth in Article 15.

13.6 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION, PLANS  
AND PERMITS

Zoning/building permits issued on the basis of plans and applications approved by the Zoning Inspector authorized only the use of arrangement set forth in the approved plans and applications. Any use, arrangement or construction contrary to that authorized shall be deemed a violation of this chapter and shall be punishable under the provisions set forth in Article 15.

ARTICLE 14 ADMINISTRATION

14.0 INTENT

It is the intent of this chapter that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Zoning Adjustment only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this chapter that the duties of the City Council in connection with this chapter shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this chapter. Under this chapter the City Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this chapter as provided by law, and of establishing a schedule of fees and charges as stated in Appendix D following this chapter. Nothing in this chapter shall be interpreted to prevent any adversely affected individual, entity or official of the city from appealing a decision of the Board to the courts as provided in state law. Any person or entity claiming to be injured or aggrieved by any final action of the Board of Zoning Adjustment shall file the appeal within 30 days of the Board's written decision.

14.1 ZONING INSPECTOR; DUTIES

(A) A Zoning Inspector designated by the City Council shall administer and enforce this chapter. He or she may be provided with the assistance of such other persons as the City Council may direct.

(B) For the purpose of this chapter, the Zoning Inspector shall have the following duties:

- (1) Upon finding that any of the provisions of this chapter are being violated, he or she shall notify in writing the person responsible for the violation, ordering the action necessary to correct the violation;
- (2) Order discontinuance of illegal uses of land, buildings or structures;
- (3) Order removal of illegal buildings or structures or illegal additions or structural alterations;
- (4) Order discontinuance of any illegal work being done; and
- (5) Take any other action authorized by this chapter to ensure compliance with or to prevent violations of this chapter. This may include the issuance of and action on zoning and similar administrative duties as are permissible under the law.

14.2 PLANNING COMMISSION; PROCEEDINGS; DUTIES

(A) The Planning Commission shall adopt rules necessary for the conduct of its affairs in keeping with the provisions of this chapter. Meetings shall be held at the call of the Chairperson and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be of public record and be immediately filed in the office of the Commission.

(B) For the purpose of this chapter, the Planning Commission shall have the following duties:

- (1) Initiate proposed amendments to this chapter when or where needed;
- (2) Review all proposed amendments to this chapter and make recommendations to the City Council as specified in Article 11;
- (3) Review all planned unit developments and make recommendations to the City Council as provided in Article 4;
- (4) Assume the duties of the Board of Zoning Adjustment as provided in Section 14.3(C)(2) in cases where the subdivision of property requires one or more variances. In exercising these duties the Planning Commission shall assume and adhere to the procedural requirements as specified in this chapter pursuant to Sections 14.7 through 14.11 and KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.247 and 100.251; and
- (5) Assume the duties of the Board of Zoning Adjustment as provided in Section 14.3(C)(2) and (C)(3) in cases where the rezoning of property requires one or more variances or conditional use permits. In exercising these duties the Planning Commission shall assume and adhere to the procedural requirements as specified in this chapter pursuant to Sections 14.7 through 14.11 and Article 6 and Section 11.3 of Article 11.

#### 14.3 BOARD OF ZONING ADJUSTMENT; DUTIES

(A) A Board of Zoning Adjustment is hereby created as set forth in KRS 100.217. The Board shall consist of five citizen members, no more than two of whom may be citizen members of the Planning Commission. The term of office for the Board of Zoning Adjustment shall be four years. Members are to be appointed and all vacancies are to be filled as provided in KRS 100.217.

(B) The Board shall adopt rules necessary for the conduct of its affairs in keeping with the provisions of this chapter. Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson, or in his or her absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be public record and be immediately filed in the office of the Board.

(C) In exercising its duties, the Board may, as long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such other requirement, decision or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. For the purpose of this chapter, the Board has the following specific responsibilities:

- (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Inspector;
- (2) To authorize such variances from the terms of this chapter as will not be contrary to the public interest, where owing to the special conditions, a literal

enforcement of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done; and

(3) To grant conditional use permits as specified in the official schedule of uses and under the conditions specified in Article 4, and such additional safeguards as will uphold the intent of this chapter.

#### 14.4 CONFORMANCE OF APPEALS AND VARIANCES; APPELLATE JURISDICTION

Appeals and variances shall conform to the procedure and requirements of this subchapter. As set forth in Section 14.3(C), the Board of Zoning Adjustment has appellate jurisdiction relative to appeals and variances.

#### 14.5 APPEALS

Appeals to the Board of Zoning Adjustment concerning interpretation or administration of this chapter may be taken by any persons or entity claiming to be injuriously affected or aggrieved or by any officer or bureau of the legislative authority of the city affected by any decision of the Zoning Inspector. The appeal shall be taken within 30 days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Adjustment, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Adjustment all the papers constituting the record upon which the action appealed from was taken. At the Public Hearing on the appeal held by the Board, any interested person may appear and enter his or her appearance, and all shall be given an opportunity to be heard.

#### 14.6 STAY OF PROCEEDINGS

Any appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Adjustment after the notice of appeal is filed with him or her, that by reason of facts stated in the application, a stay would, in his or her opinion, cause imminent peril to life and property. In such a case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Adjustment or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken or due cause shown.

#### 14.7 VARIANCES; APPLICATION AND STANDARDS

(A) The Board of Zoning Adjustment may authorize upon appeal in specific cases such variances from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. No nonconforming use of neighboring lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall be granted only where strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land or would create an unnecessary hardship.

(B) A variance from the terms of this chapter shall not be granted by the Board of Zoning Adjustment unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Adjustment containing:

- (1) Name, address and phone number of applicants;
- (2) Legal authorized signature of property owner;
- (3) Legal description of property;
- (4) Description of nature of variance requested; and
- (5) A narrative statement demonstrating that the requested variance conforms to the following standards:
  - (a) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district;
  - (b) That a literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
  - (c) That special conditions and circumstances do not result from the actions of the applicant; and
  - (d) That granting the variance requested will not confer on the applicant any special privilege that negatively impacts other land structures or buildings in the immediate vicinity.

(C) A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by division (B)(5) above have been met by the applicant.

#### 14.8 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

Under no circumstances shall the Board of Zoning Adjustment grant an appeal or variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in the district. In granting any appeal or variance, the Board of Zoning Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this chapter and punishable under Article 15.

#### 14.9 PUBLIC HEARING BY THE BOARD OF ZONING ADJUSTMENT

The Board of Zoning Adjustment shall hold a public hearing within 45 days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant. However, the public hearing shall not be held sooner than ten days after its receipt.

#### 14.10 NOTICES OF PUBLIC HEARING; IN NEWSPAPERS AND TO ADJOINING PROPERTY OWNERS

(A) Before holding the public hearing, notice of the hearing shall be given in one or more newspapers of general circulation of the city at least seven days before the date of the

hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed appeal or variance.

(B) Each adjoining property owner shall be contacted in writing prior to the public hearing. Notice shall be mailed by the Chairperson of the Board of Zoning Adjustment, or duly appointed representative, by registered mail, at least seven days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in division (A) above.

#### 14.11 ACTION BY BOARD OF ZONING ADJUSTMENT

Within 30 days after the public hearing required in this subchapter, the Board of Zoning Adjustment shall either approve; approve with supplementary conditions as specified in Section 6.4 of Article 6; or disapprove the request for appeal or variance. The Board of Zoning Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. Appeals from the Board decisions shall be made in the manner specified in Article 14.

ARTICLE 15            PENALTY

(A) Violation of the provisions of this chapter or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances, conditional uses and special use permits, shall constitute an offense under this chapter and shall result in a fine. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$300 nor less than \$10.

(B) Each day such violation continues after receipt of a notice of violation, shall be considered a separate offense. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in or maintains such violation may each be found in violation of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

Appendix A: Schedule of Uses

	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	P-1	I-1	I-2
Above ground storage tank (Fuel storage and chemical storage) (Accessory), excluding accessory use for residential and commercial heating						CU	R	CU	R	CU	R	R
Above ground storage tank (Fuel and chemical storage) (Primary) including tank farms											CU	CU
Accountants						R	R	R	R	R		
Adhesives, excluding manufacturing of basic components											R	R
Agricultural Grain Terminal											CU	R
Agricultural uses (crops)	R	R	R	R	R	R	R	R	R	R	R	R
Air conditioning, commercial (manufacturing)											CU	R
Aircraft and aircraft parts (manufacturing)											CU	R
Airports											CU	CU
Aluminum extrusion, rolling fabrication and forming (manufacturing)												R
Aluminum powder and paint manufacture (manufacturing)												R
Amusement arcade						R	R	R	R	R		
Amusement parks				CU	CU		CU	CU	CU		CU	
Amusement park (indoor)						CU	R	R	R	CU	CU	CU
Animal and poultry raising, commercial											R	R
Animal pound											R	R
Antique shop and interior decorating						R	R	R	R			
Apartment hotels, and office buildings, including business customarily incidental to such uses conducted for the convenience of the occupants and provided all entrances, designs, signs and show windows for such uses shall not be evident from the outside of the building					R		R	R	R	R		
Apparel or other textile products from textiles or other materials, including hat bodies of fur, wool, felt, or similar products (manufacturing)											R	R
Architects						R	R	R	R	R		
Art galleries, not for profit	R	R	R	R	R	R	R	R	R	R		
Artists						R	R	R	R	R		
Asphalt Plant and Batching Facilities											CU	CU
Assembly of automobile, bicycle, carriage, engine (rebuilt) motorcycle, trailer, truck, wagon, including parts											CU	R
Assisted living facilities			*	R	R		CU	R	CU	R		
Athletic or sports equipment, including balls, baskets, bats, cues, racquets, rods, or similar products (manufacturing)											R	R
Attorneys-at-law						R	R	R	R	R		
Auction sales, except animals and tobacco (permanent structure)							R	R	R			
Automated teller machine (ATM)				CU	CU	R	R	R	R	R	R	R
Automobile parking areas, public and private				CU	CU	R	R	R	R	R	R	R
Automobile parts							R		R		R	R



Appendix A: Schedule of Uses

Automobile and truck repair garages								R	CU	R		R	R
Automobile sales agencies								R	R	R			
Automobile service stations								R	R	R			
Automobile washing stations								R	CU	R			
Aviaries and zoos								CU	CU	CU		CU	
Awnings, metal (manufacturing)												R	R
Banks or building and loan institutions						CU	R	R	R	R			
Bakeries, retail (all products produced to be sold on the premises only)					CU	R	R	R	R				
Barber shops					CU	CU	R	R	R	CU			
Battery, storage (wet cell) (manufacturing)												CU	R
Beauty shops					CU	CU	R	R	R	CU			
Bedding (mattress, pillow, quilt), including rebuilding or renovating (manufacturing)												CU	R
Beverage, blending and bottling (manufacturing)												R	R
Beverage (nonalcoholic) (manufacturing)												R	R
Bicycle sales and service						R	R	R	R	CU			
Bingo hall							CU	R	R				
Blacksmith										R		R	R
Boarding and lodging houses			CU	R	R								
Boat manufacture and repair												R	R
Book stores and stationary stores						CU	R	R	R	CU			
Bookbinding										R		R	R
Botanical gardens	CU	CU	CU	CU	CU	CU	R	R	R	R	R	R	R
Bowling alleys							CU	R	R				
Box and crate												R	R
Brick												CU	R
Building materials (cement, lime, sand, gravel, lumber, and the like), storage and sales													R
Building materials, storage and sales provided all operations are totally enclosed in a building								R		R		R	
Bus garage and repair shop												R	R
Bus shelters	CU	CU	CU	CU	CU	R	R	R	R	R	R	R	R
Bus stations						CU	R	R	R	CU			
Business schools							R	R	R	R			
Camping areas, public and private						CU	CU	CU	CU			CU	CU
Candy stores, retail sales on premises only						CU	R	R	R				
Carpenter, cabinet making and pattern shops								R		R		R	R
Carpet, rug, mat (manufacturing)												R	R
Carting and light local deliveries										R		R	R
Cement (manufacturing)												CU	R
Cemeteries, mausoleums, and crematories	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Check cashing facility						CU	R	R	R	CU			

Appendix A: Schedule of Uses

Chemicals, including acetylene, acids, and derivatives, alcohol (industrial), ammonia, aniline dyes, carbide, caustic soda, cellulose and cellulose storage, chlorine, cleaning and polishing preparations (nonsoap), dressings and blackings, creosote, dyestuffs, exterminating agents and poisons, hydrogen and oxygen, plastic materials, and synthetic rosins, potash, pyroxylin, tar products, turpentine and resin, and solvent-extracting													R
Chemicals (packaging only)												R	R
Chiropodists						R	R	R	R	R			
Chiropractors						R	R	R	R	R			
Churches, and parish halls, temples, convents, and monasteries	CU	CU	CU	CU	CU	R	R	R	R	R			
Circus and carnival grounds									CU			CU	CU
Clay products												CU	R
Clay, stone, glass products												CU	R
Clay products of handicraft nature including ceramics, pottery, tile (glazed), or similar products												CU	R
Coal and coke, storage and sales												CU	R
Collection office						CU	R	R	R	R			
Colleges, schools, and institutions of learning (except trade, business, or industrial schools), not for profit	CU	CU	CU	CU	CU	R	R	R	R	R			
Commercial lakes						CU	CU	CU	CU	CU	CU	CU	CU
Commercial hog feeding yards													CU
Community buildings							R	R	R	R			
Composting facility												CU	R
Concession stand (temporary)						R	R	R	R			R	
Concrete products (except central mixing and proportioning plants)													R
Concrete, central mixing and proportioning plant												CU	R
Condominiums	CU	CU	*	*	*								
Confectionery or candy stores, retail (all products produced to be sold on the premises only)								R	R	R	CU		
Convention centers							R	R	R	R		CU	
Convenient stores						R	R	R	R	R		CU	
Copy shop						CU	R	R	R	R			
Cosmetics or toiletries (manufacturing)												R	R
Country clubs	CU	CU	CU	CU	CU	R	R	R	R	R			
Crisis counseling center	CU	CU	CU	CU	CU	R	R	R	R	R			
Dance halls							R	R	R				
Dancing instruction							R	R	R				
Day care centers, day nurseries, nursery schools, and kindergartens	CU	CU	CU	CU	CU	R	R	R	R	R			
Dentists						R	R	R	R				
Department stores							R	R					
Detoxification facility							CU	CU	CU	CU	CU	CU	CU
Distillation, manufacture, or refinement of coal, tar, asphalt, or asphalt products													R
Distilleries, breweries, and nonindustrial alcoholic spirits													R
Domestic violence shelter or emergency and protective shelter	CU	CU	CU	CU	CU	R	R	R	R	R			

Appendix A: Schedule of Uses

Dressmaking or millinery shops							R	R	R		R	R
Drive-in theaters							CU		R			
Drug stores or sundries stores						R	R	R	R	R		
Dry cleaning, dyeing, pressing, and laundry; distributing stations or retail business where no cleaning, dyeing, pressing, or laundry is done for other distributing stations or cleaning establishments							R	R	R			
Dry goods and notion stores							R	R	R			
Dwelling, two-family			R	R	R	R	CU	CU	CU	CU		
Electric appliance stores							R	R	R			
Electric power and steam generating plants												R
Electrical appliance and apparatus assembly (small), including fans, fixtures, hot-plates, irons, mixers, motion picture equipment (home), phonographs, radios, television sets, toasters, toys, or similar products, but not including electrical machinery									R	R		R
Electrical supplies, including cable or wire assemblies, batteries (dry cell), insulation, lamps, switches, or similar supplies							R	R	R		R	R
Engraving, watchmaking, and jewelry manufacturing, where premises are sold on premises							R	R	R	R	R	R
Equipment rental, where all activities are within a building								R		R	R	R
Explosives (when not prohibited by other ordinances) and explosive storage, including ammunition, fireworks, nitrating of cotton or other materials, nitrates (manufactured and natural) of an explosive nature, and storage of latter (manufacturing)												CU
Exposition building or center											CU	R
Extraction and development of oil, gas, and other hydrocarbon substances	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Fairgrounds											R	R
Farmers market						CU	R	R	R	CU		
Fertilizer (organic and nonorganic), including fish, oils, manure, or peat											CU	R
Film, photographic (manufacturing)											CU	R
Firearms (manufacturing)											R	R
Firework sales							CU			CU	CU	
Firework stand (temporary)							R		R		R	
Flea market						CU	R	CU	R	CU		
Florist shops						R	R	R	R	R		
Flour, feed, grain (processing)											CU	R
Food processing including bakery products (wholesale), candy manufacture, coffee, tea, and spices (processing and packaging), creamery and dairy operations, ice cream manufacture, macaroni and noodle manufacture, oleomargarine (compounding and packaging only)												CU
												R

Appendix A: Schedule of Uses

Food processing, including chewing gum, chocolate, cocoa and cocoa products; condensed and evaporated milk, processing and canning; flour, feed, and grain (packing, blending, and storage only); food products except slaughtering of meats or preparation of fish for packing; fruit and vegetable processing (including canning, preserving, drying, and freezing); gelatin products; glucose and dextrine; malt products; meat products, packing and processing (no slaughtering), yeast													CU	R
Forge plans, drop hammer or pneumatic														R
Foundries, ferrous or nonferrous, brass, bronze														R
Foundry products (electrical only)														R
Fraternities and sororities			CU	CU	CU	CU	R	R	R	R				
Funeral homes				CU	CU	CU	R	R	R	R				
Fur finishing and fur goods, not including tanning, dyeing							CU	CU	CU				R	R
Furniture (manufacturing)													R	R
Furniture, storage							R	R	R				R	R
Furniture, stores							R	R	R					
Garages, public							R	R	R				R	R
Gift shop						R	R	R	R	R				
Golf courses; except miniature courses, driving ranges, or privately owned golf courses operated for commercial purposes	CU	CU	CU	CU	CU	R	R	R	R	R	R	R	R	R
Golf driving ranges, miniature courses, privately owned golf courses operated for a commercial purpose			CU	CU	CU	R	R	R	R	R		CU	CU	
Governmental buildings, including armories, storage, maintenance, and repair facilities							CU	R	R	R	R	R	R	R
Governmentally owned or operated buildings or uses							CU	R	R	R	R	R	R	R
Grain blending and packaging, but not milling													CU	R
Graphite or graphite products							R			R			R	R
Greenhouse, commercial or industrial							CU			CU			R	R
Grocery stores, including fruit, meat, fish, and vegetable								R	R	R				
Grocery stores where all merchandise is displayed and sold within an enclosed building								R	R	R	R			
Group house			CU	CU	CU	CU	CU	CU	CU	CU	CU			
Hardware, products or tools, including bolts, brads, cutlery, door knobs, drills, hinges, household items, locks, metal castings (nonferrous), nails, needles and pins, nuts, plumbing appliances, rivets, screws, spikes, staples, tools (hand), or similar products														CU
Hardware stores								R	R	R			CU	
Health club and Health spas							CU	R	R	R	R			

Appendix A: Schedule of Uses

Heating, ventilating, cooking, and refrigerating supplies and appliances (manufacturing)												R	R
Heliport												CU	CU
Heliport (accessory to an otherwise permitted or conditional use)						CU	CU	CU	CU	CU	CU	CU	CU
Homeless shelters			CU	CU	CU	CU	CU	CU	CU	CU	CU		
Home occupations	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Hosiery mill												CU	R
Hospitals, institutions, nursing homes and homes for the infirm and aged	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU		
Hotels and motels							R	R	R			CU	CU
Household appliances, electrical and gas, including stoves, refrigerators, washing machines, clothes dryers, and similar products (manufacturing)												R	R
Ice storage houses of not more than five-ton capacity												R	R
Implements, agricultural or farm (manufacturing)												R	R
Insecticides, fungicides, disinfectants, or related industrial or household chemical compounds													CU
Insecticides, fungicides, disinfectants, or related industrial or household chemical compounds (blending only)													CU
Insurance agents						R	R	R	R	R			
Interior decorating shops						R	R	R	R	R			
Iron or steel (ornamental), miscellaneous, fabrication or assembly, including steel cabinets, doors, fencing, metal furniture, or similar products; cleaning; grinding, heat treatment, metal finishing, plating, polishing, rust proofing, sharpening, or similar processes												CU	R
Jewelry								R	R	R			
Jewelry stores							R	R	R	R			
Kennels							CU		CU			CU	R
Laboratories, research, experimental, or testing, but not including combustion type motor-testing										R	R	R	R
Land surveyors						R	R	R	R	R			
Landscape architects						R	R	R	R	R			
Laundries							R	R	R			CU	
Laundries, or Laundrettes, self-service						R	R	R	R				
Laundering and dry cleaning pick-up shops and self-service (only) laundries							R	R	R				
Lead oxide (manufacturing)													CU
Libraries, museums, historical buildings or grounds	CU	CU	CU	CU	CU	R	R	R	R	R	R	R	R
Lime, mixing and manufacturing													CU
Limousine and taxi service						CU	R	R	R	CU			
Lumber yards										CU		R	R
Machine, tools, die, and gauge shops												CU	R
Machine tools, including metal lathes, metal presses, metal-stamping machines, wood-working machines, or the like												CU	R

Appendix A: Schedule of Uses

Machinery, heavy, including electrical, construction, mining, or agricultural manufacture, also repairs												CU	R
Machines, business, including accounting machines, calculators, card-counting equipment												R	R
Marine, boat sale and rental							R		R				
Meat and fish products, including slaughtering of meat or curing of fish, packing, and storage													R
Medical appliances, including braces, limbs, stretchers, supports, or similar appliances (manufacturing)												R	R
Metal alloys or foil, miscellaneous, including solder, pewter, brasses, bronzes, or tin, lead, gold foils, or similar products													R
Metal casting or foundry products, heavy, including ornamental iron work, or similar products													R
Metal and metal ores, reduction, refining, smelting, alloying, including blast furnaces, cupolas, and blooming mills													R
Metal or metal products; treatment or processing including enameling, japanning, lacquering, galvanizing, and (hot dip) plating													R
Millwork and planing													R
Minerals and earths (including sand-lime products), grinding, crushing, processing													R
Manufactured home park													
Manufactured home, sales, display, and storage							R		R			R	
Manufactured home subdivision													
Microbrewery							CU	CU	CU			R	R
Microbrewery (Accessory to a restaurant use)							R	R	R				
Modular housing	R	R	R	R	R	CU	CU	CU	CU	CU			
Monument and architectural stone, monument works (manufacturing)													R
Monument sales							R		R				
Motor testing (Internal combustion motors)													R
Multiple-family dwellings				R	R	R	CU	R	CU	R			
Music and vocal instructions						R	R	R	R	R			
Music stores						R	R	R	R	R			
Newsstand						R	R	R	R	R			
Novelty products (from prepared materials) (manufacturing)												R	R
Nurseries, retail							R		R				
Nursery schools and day nurseries	CU	CU	CU	CU	CU	R	R	R	R	R			
Office buildings							R	R	R	R			
Offices, professional or business and governmental							R	R	R	R			
Opticians						R	R	R	R	R			
Optometrists						R	R	R	R	R			
Osteopaths						R	R	R	R	R			
Package liquor stores							R	R	R				

Appendix A: Schedule of Uses

Packaging, processing by compounding, blending, mixing, washing, screening, crushing, grinding, and formulating, or any combination thereof, and volume sales of materials and goods, provided the bulk of the things packaged, processed, or sold is received or shipped via river transportation, but not permitting slaughterhouses, stockyards, fertilizer plants, scrap metal processing or the reduction of dead animals, fish, garbage, or offal													R
Paint and coatings, except manufacturing gun cotton, nitrocellulose lacquers, reactive resin cooking													R
Paint lacquer, shellac, and varnish, including calcimine, casein, colors, and pigments, thinners, and removers (manufacturing)													R
Paint stores							R	R	R				
Paper and paperboard (from papermaking machines) (manufacturing)											CU		R
Paper products, including bags, boxes, bulk goods, containers (shipping), envelopes, interior packaging components, stationery, tubes, wallpaper, or similar products (manufacturing)												R	R
Parks, playgrounds, not for profit	R	R	R	R	R	R	R	R	R	R	R	R	R
Pet shops							R	R	R				
Petroleum or petroleum products, refining or storage, including gasoline or other petroleum products													CU
Photographic equipment (manufacturing)												R	R
Photographic shops							R	R	R				
Physicians						R	R	R	R	R			
Picnic area	CU	CU	CU	CU	CU	R	R	R	R	CU		R	R
Planned Unit Development	CU	CU	*	*	*	*	*	*	*	*			
Plating, electrolytic process												CU	R
Plastic molding and shaping, excluding manufacturing or basic components												R	R
Plastic, raw													CU
Plumbing and heating shops, storage and sales provided all operations are totally enclosed in a building							R	R	R			R	
Portable storage (temporary)	R	R	R	R	R	R	R	R	R	R	R	R	R
Poultry or rabbit, packing or slaughtering (wholesale)													R
Pottery and porcelain products (coal-fired,) including bathroom or kitchen equipment, or similar products													R
Precision instruments												R	R
Printing, lithographing establishments, if constructed to insure that there is no noise or vibration evident outside the walls of the building							R	R	R			R	R
Printing, publishing, engraving, including photoengraving							R	R	R			R	R

Appendix A: Schedule of Uses

Private clubs including community buildings, swimming, tennis, and other recreation	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	
Professional consultant services						R	R	R	R	R	R		
Professional engineers						R	R	R	R	R			
Professional offices							R	R	R	R			
Public transportation passenger terminals							R	R	R				
Public utility buildings and facilities							R	R	R	R	R		
Pulp goods, pressed or molded (including paper-mache products)												CU	R
Race track, animal													R
Race tracks for motor-powered vehicles													R
Radio and television stores							R	R	R				
Radio and television towers and antennas (manufacturing)												R	R
Radio signal sending and receiving towers and disks (commercial)	CU	CU	CU	CU	CU	CU	CU	R	R	CU	R	R	R
Radio station and studios						CU	R	R	R	CU	CU	CU	
Railroad freight terminals and yards												R	R
Real estate brokers							R	R	R	R			
Recycling collection center							CU		CU		R	R	
Recycling plant											CU	CU	
Rendering, incineration or reduction, and storage of dead animals, garbage, offal, or waste products (the entire operation to be performed within a building)													CU
Refractories												CU	R
Refrigerated lockers							R	R	R		R		
Refrigerating plants (manufacturing)											CU	R	
Restaurants, where food and drink may be served or consumed, outside as well as inside a building, including the drive-in restaurants where all or part of the service or consumption is inside a vehicle							CU	CU	R				
Restaurants and pubs (without drive-in facilities) if a minor, integral part of an organized shopping center							R	R	R				
Restaurants with drive-through windows having prior approval by the agency responsible for traffic engineering							CU	CU	R				
Restaurants, tea rooms, cafes, where all customers are served at a table or counter and where dancing or entertainment is excluded							R	R	R	CU			
Retail sales and consumer service establishments (not including warehouse sales) dealing primarily with employees and visitors of establishments permitted as principal uses							R	R	R				



Appendix A: Schedule of Uses

Retail or wholesale stores or businesses not involving any kind of manufacture, processing, or treatment of products other than that which is clearly incidental to the business conducted on the premises, and provided that no more than 50% of the floor area of the building is used in the manufacture, processing, or treatment of products, and that such operations or products are not objectionable due to noise, odor, dust, smoke, vibration, or other similar causes								R	R	R			
Rifle, pistol, and skeet ranges													CU
Roofing materials, building paper, and felt (including asphalt and composition) (manufacturing)													R
Row houses	CU	CU	*	*	*								
Rubber (natural or synthetic), including tires, tubes, or similar products, gutta percha, chicle and balata processing (manufacturing)													R
Rubber stamp manufacturing, where products are sold on premises									R	R		R	
Saddle and harness shops								R	R	R			
Sanitary land fills and dumps													CU
Scrap metal and scrap metal reduction, wastepaper, rags, junk, salvage or similar operations, including auto wrecking provided the entire operation is enclosed within a solid fence at least eight-feet high												CU	CU
Sewage disposal plants	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Sheet metal products from metal stamping or extrusion, including containers, costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products (manufacturing)												CU	R
Sheet metal shops							CU	CU	CU			R	R
Shipping container (corrugated board, fiber or wire-bound) (manufacturing)												CU	R
Shoe repair shops						R	R	R	R				
Shoe stores							R	R	R				
Signs and displays (manufacturing)												R	R
Sign painting							R	R	R			R	R
Silverware, plate or sterling (manufacturing)												R	R
Single-family dwelling	R	R	R	R	R	R	CU	CU	CU	CU			
Skate parks	CU	CU	CU	CU	CU	CU	R	R	R	CU	CU	CU	CU
Skating rinks (ice or roller)							R	R	R				
Slaughtering of animals or poultry													R
Small engine repair						CU	R	CU	R	CU			
Soaps or detergents, including washing or cleaning powder or soda, packaging only (manufacturing)												R	R
Soaps and soap products or detergents, including fat rendering, oils, vegetable and animals (nonedible) (manufacturing)													R

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Sports arenas												CU				CU	CU		
Stamps (hand), stencils, and brands (manufacturing)																R	R		
Stationary stores													R	R	R	R			
Statuary and art goods, other than stone and concrete, including church art, figurines, mannequins, religious art (excluding foundry operations) (manufacturing)																	R	R	
Steel works and rolling mills (ferrous) for steel, structural iron and steel fabrication, and structural products, including bars, cables, girders, rails, wire rope, or similar products																		R	
Stockyards and feed lots																		CU	
Stone processing or stone products, including abrasives such as wheels, stones, paper and cloth, asbestos products, stone screening, stone cutting, stoneworks, sand or lime products, or similar processes or products																		R	
Storage garages, including repairing and servicing													R	R	R		R	R	
Storage yard																	R	R	
Storage of bituminous materials and petroleum products																		R	
Storage of coal and gas, yards and pockets																		R	
Street vending and carting								CU	CU	R	CU	CU							
Sugar refining																		R	
Surgeons								R	R	R	R	R	R	R				R	
Synthetic fibers (manufacturing)																		R	
Tailor								R	R	R	R	R							
Tattoo and body piercing								CU	R	CU	R	CU							
Taverns, bars, and saloons									R	R	R								
Telephone exchanges									R	R	R								
Television station and studios								CU	R	R	R	CU	CU	CU				CU	
Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or track, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years from the time of erection of such temporary building, whichever is sooner																			
	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	
Temporary construction worker housing	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	
Textiles and fibers into fabric goods; spinning, weaving, knitting, manufacturing, dyeing, printing and finishing of goods, yarns, knit goods, treads and cordage																		CU	R
Textile bleaching, bleachery, bleaching products, including bluing																			R
Theaters, enclosed within a building									R	R	R								
Tire retreading and vulcanizing shop									CU		CU						R	R	
Tobacco (including curing) or tobacco products											R						R	R	
Tourist homes									R	R	R								

Appendix A: Schedule of Uses

Towers (radio/TV receiving or transmitting) for noncommercial use, in accordance with Federal Communications Commission or Federal Aviation Agency requirements													
	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Toy and hobby stores						R	R	R	R				
Toys and games (manufacturing)												R	R
Trade and business schools							R	R	R	R	R		
Training schools (industrial and vocational) including internal combustion engine schools										R		R	R
Truck or transfer terminal, freight and motor freight stations									CU			R	R
Upholstery and furniture repair shops							R	R	R			R	R
Upholstery and furniture repair shops, wholesale									R			R	R
Used car sales areas, provided that no repair or reconditioning of automobiles or storage of parts shall be permitted except when enclosed in a building							R	R	R				
Variety stores							R	R	R				
Vehicles, children's including baby carriages, bicycles, scooters, wagons, or similar vehicles (manufacturing)												R	R
Veterinary hospitals							R		R				
Video rental						R	R	R	R	R			
Wall board, plaster board, insulation, and composition flooring													R
Warehouse, mini or self-storage						CU	R	R	R	CU	R	R	
Warehouse, storage							CU	R	R			R	R
Warehouse, produce and storage							CU		R			R	R
Wearing apparel shops						R	R	R	R				
Welding shops							R		R			R	
Wholesale house and distributors									R			R	
Wood or lumber processing, including sawmills, planing mills, cooperage stock mills, excelsior or packing materials, plywood veneer, wood-preserving treatment, or similar products or processes													R
Wood products												CU	R
Wood products, including furniture, baskets, boxes, crates, or similar products, and cooperage works (except cooperage stockmill)												CU	R
Zero lot line	CU	CU	R	R	R								

Appendix B: Schedule of Standards

	EST-1	R-1	R-2	R-3	R-4	R-5	ZLL	RMH-1 RMH-2	PUD	B-1	B-2	B-3	B-4	P-1	I-1	I-2
Building Site Area	20,000 Sq.Ft.	17,500 Sq.Ft.	10,000 Sq.Ft.	7,500 Sq.Ft./U 10,000 Sq.Ft./2U	5,000 Sq.Ft./U 8,000 Sq.Ft./2U 2,170 Sq.Ft./3U or more	4,000 Sq.Ft./U 7,000 Sq.Ft./2U 1,240 Sq.Ft./3U or more	3,500 Sq.Ft.	5,000 Sq.Ft./U 7,000 Sq.Ft./2U	1 acre	7,000 Sq.Ft.	None	None	None	6,000 Sq.Ft./U 8,000 Sq.Ft./2U 2,170 Sq.Ft./3U or more 8,000 Sq.Ft. for other uses	None	None
Building Site Width	100 Ft.	75 Ft.	60 Ft.	1 Family 50 Feet 2 Family 60 Feet	1 Family 50 Feet 2 Family 50 Feet Multi-Family 60 Feet	1 Family 50 Feet 2 Family 50 Feet Multi-Family 60 Feet	20 Ft.	1 Family 50 Ft. 2 Family 60 Ft.	None	50 Ft.	None	None	None	1 Family 50 Ft. 2 Family 50 Ft. Multi-Family 60 Feet Other 60 Feet	None	None
Building Site Coverage	35%	35%	40%	1 Family 45% 2 Family 50%	1 Family 45% 2 Family 50% Multi-Family 55%	1 Family 45% 2 Family 50% Multi-Family 60%	50%	35%	60%	55%	55%	None	55%	45%	60%	60%

Appendix B: Schedule of Standards

	EST-1	R-1	R-2	R-3	R-4	R-5	ZLL	RMH-1 RMH-2	PUD	B-1	B-2	B-3	B-4	P-1	I-1	I-2
Building Height Limit	35 Ft.	35 Ft.	35 Ft.	35 Ft.	1 Family 35 Ft. 2 Family 35 Ft. Multi-Family No Limit	1 Family 35 Ft. 2 Family 35 Ft. Multi-Family No Limit	35 Ft.	35 Ft.	70 Ft.	35 Ft.	50 Ft.	70 Ft.	50 Ft.	35 Ft.	60 Ft.	60 Ft.
Setback Requirements	Front 40 Ft. Rear 20 Ft. Side 10 Ft.	Front 1/2 ROW Width Rear 20 Ft. Side 10 Ft.	Front 1/2 ROW Width Rear 20 Ft. Side 10 Ft.	Front 25 Ft. Rear 20 Ft. Side 7 Ft.	Front 25 Ft. Rear 15 Ft. Side 5 Ft. plus 2 Ft./Story	Front 1/2 ROW Width Rear 20 Ft. Side 5 Ft. plus 2 Ft./Story	Front 25 Ft. Rear 10 Ft. Side (See Districts)	Front 1/2 ROW Width Rear 20 Ft. Side 10 Ft.	Front 1/2 ROW Width Rear 20 Ft. Side 20 Ft.	Front 1/2 ROW Width Rear 15 Ft. Side 10 Ft.	Front 40 Ft. Rear 20 Ft. Side 7 Ft.	Front None Rear None Side None	Front 40 Ft. Rear 20 Ft. Side 7 Ft.	Front 25 Ft. Rear 15 Ft. Side 5 Ft.	Front 1/2 ROW Width Rear 10 Ft. Side 10 Ft.	Front 40 Ft. Rear 10 Ft. Side 10 Ft.

**Appendix C: Application and Forms**

*(Reserved)*

Appendix D: Zoning and Building Permit Fees

ORDINANCE

AN ORDINANCE ESTABLISHING ZONING AND BUILDING PERMIT FEES OF THE GUTHRIE CODE OF ORDINANCES

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

SECTION ONE

That the following Zoning and Building Permit Fees for the City of Guthrie shall read as follows:

ZONING AND BUILDING PERMIT FEES

(A) The City Council shall, by ordinance, establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, building permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of land use ordinances that require investigations, legal action, advertising, postage, and other expenses. The schedule of fees shall be posted in the Guthrie City Hall and may be altered or amended only by the City Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

(B) There is hereby established the following fees, charges, and expenses:

	Activity	Fee
1	Dimensional Variance*	\$100 plus \$5 per adjoining property owner Effective 01/01/12: \$125 plus \$5 per adjoining property owner Effective 01/01/13: \$150 plus \$5 per adjoining property owner
2	Conditional Use*	\$100 plus \$5 per adjoining property owner Effective 01/01/12: \$125 plus \$5 per adjoining property owner Effective 01/01/13: \$150 plus \$5 per adjoining property owner
3	Interpretation**	\$100 Effective 01/01/12: \$125 Effective 01/01/13: \$150
4	BZA Rehearing Fee***	\$250 plus \$5 per adjoining property owner Effective 01/01/12: \$275 plus \$5 per adjoining property owner Effective 01/01/13: \$300 plus \$5 per adjoining property owner

Appendix D: Zoning and Building Permit Fees

5	Street Closing*	\$100 Effective 01/01/12 \$125 Effective 01/01/13 \$150
6	Stormwater Management Plan Review*	\$100 Effective 01/01/12: \$125 Effective 01/01/13: \$150
7	Flood Safety and Protection Plan Review*	\$100 Effective 01/01/12: \$125 Effective 01/01/13: \$150
8	Site Plan Review*	\$150 Effective 01/01/12: \$175 Effective 01/01/13: \$200
9	Rezoning*	\$125 plus \$5 per adjoining property owner Effective 01/01/12: \$175 plus \$5 per adjoining property owner Effective 01/01/13: \$200 plus \$5 per adjoining property owner
10	Minor Subdivision Plat Review*	\$15 per lot Effective 01/01/12: \$17.50 per lot Effective 01/01/13: \$20 per lot
11	Major Subdivision Plat Review	
12	Preliminary Plat*	\$125 Effective 01/01/1: \$150 Effective 01/01/13: \$175
13	Final Plat*	\$10 per lot
14	Plan Amendment*	\$50
15	Home Occupation (Administrative Review)	\$50

\*Effective 01/01/2013: All fees contained above are adjusted annually for the Consumer Price Index, per Kentucky Governor's Office for Local Development, applicable to the preceding year.

\*\*In cases where the Board of Zoning Adjustment rules in favor of an applicant, the appeal petition fee is refunded.

\*\*\*BZA Rehearing Fees apply to instances where the Board of Zoning Adjustment has previously decided a case for the same applicant, the same use, and the same property within the preceding 24 months. This fee also applies in cases where (1) a rehearing is necessitated by procedural deficiencies resulting from actions or omissions of the applicant, or (2) the case is withdrawn and resubmitted after notice of the public hearing has been provided pursuant to the code.



Appendix D: Zoning and Building Permit Fees

(C) There is hereby established the following fees for zoning/building permits for construction covered by the Kentucky Building Code:

	Amount of Application	Fee
1	\$1,000 and less	\$15
2	\$1,000 to \$50,000	\$15 for the first \$1,000 plus \$5 for each additional thousand or fraction thereof, to and including \$50,000
3	\$50,000 to \$100,000	\$260 for the first \$50,000 plus \$4 for each additional thousand or fraction thereof, to and including \$100,000
4	\$100,000 to \$500,000	\$460 for the first \$100,000 plus \$3 for each additional thousand or fraction thereof, to and including \$500,000
5	\$500,000 and up	\$1,660 for the first \$500,000 plus \$2 for each additional thousand or fraction thereof
6	Single family dwellings, residential additions, and accessory structures	\$0.13 per square foot

Computation of Cost

The established construction cost for zoning/building permits shall be based on the following table:

	Use Groups	Type 1	Type 2	Type 3	Type 4 and 5
1	A-1-A Assembly, Theaters (w/Stage)	\$71.02	\$68.76	\$60.67	\$53.50
2	A-1-B Assembly, Theaters (No Stage)	\$61.80	\$56.56	\$51.44	\$43.40
3	A-2 Assembly, Night Club	\$40.16	\$36.42	\$34.72	\$29.82
4	A-3 Assembly, (Restuarants)	\$40.20	\$36.39	\$34.52	\$30.73
5	A-4 Assembly, (Churches)	\$53.29	\$48.39	\$42.74	\$35.34
6	B Business	\$49.09	\$44.18	\$51.20	\$31.14
7	E Educational	\$53.29	\$48.69	\$42.74	\$35.35
8	F 1&2 Factory & Industrial	\$26.16	\$22.80	\$19.37	\$14.90
9	H High Hazard				\$14.57

Appendix D: Zoning and Building Permit Fees

		\$25.83	\$19.27	\$19.03	
10	I-Institutional (Supervised)	\$46.51	\$43.60	\$39.48	\$33.34
11	1-2 (Incapacitated)	\$75.67	\$70.76	\$65.11	\$58.43

(Above Table subject to change per subsequent amendment to the Kentucky Building Code.)

17	Zoning/building permit 1 & 2 family dwellings	\$50
18	Zoning/building permit 1 & 2 family accessory structures (garages, carports, additions, pools, and the like)	\$25
19	Permanent sign	\$25 plus \$1 per sq. ft.
20	Temporary signs	\$120 per yr.
	(A temporary sign is used to promote a business or service. Such signs shall be non-illuminated and shall not have wheels or skids. All such signs shall be adequately anchored so as not to create a safety hazard. One temporary sign shall be permitted for each lot and may be a maximum size of 32 square feet. All temporary sign permits shall be renewed annually.)	
21	Electrical permit	\$10
22	Moving a structure (in addition to any fees under KBC)	\$20
23	Partial release permit (footer/foundation, and so on)	\$10

Late charge for commencing construction without a zoning/building permit will be 100% of the normal permit fee, in addition to the normal permit fee. In no instance will the late charge be less than \$50 or exceed \$500. Construction begins when concrete is poured and/or materials are utilized on site. A \$10 penalty will also be levied against the contractor/owner for not posting the building permit in a visible place which can be viewed from the street.

Construction plan review fees will be based on the fee schedule in the latest edition of the Kentucky Building Code.

(D) The Guthrie Planning Commission is authorized to charge fees for processing applications and permits in accordance with the above schedule of fees, charges and expenses. On at least a quarterly basis, the Commission shall provide to the city an accounting of the permits issued and fees collected.

**SECTION TWO**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held unconstitutional or otherwise invalid, such infirmity shall not affect the validity of the remaining portions of this ordinance.

**SECTION THREE**

Any and all existing ordinances inconsistent with this ordinance are hereby repealed.

**SECTION FOUR**

This ordinance shall take effect after its passage and publication according to law.

**ORDINANCE**

**ESTABLISH ZONING AND BUILDING PERMIT FEES**

**PUBLICLY READ AND PASSED FIRST TIME:** 11-9-10

**PUBLICLY READ AND PASSED SECOND TIME:** 12-21-10





**APPROVED:** A. Scott Marshall  
Scott Marshall  
Mayor

**ATTEST:** Elizabeth A. Sawyer

APPENDIX E: LANDSCAPE EASEMENTS

SUD 41A District Table I  
**LANDSCAPE EASEMENT**

The following examples of landscape easements depict required depth and the number of plantings per 100 linear feet.

Description	
DECIDUOUS TREES	
DECIDUOUS SHRUBS	
EVERGREENS	
BERM	<b>B</b>
FENCE	

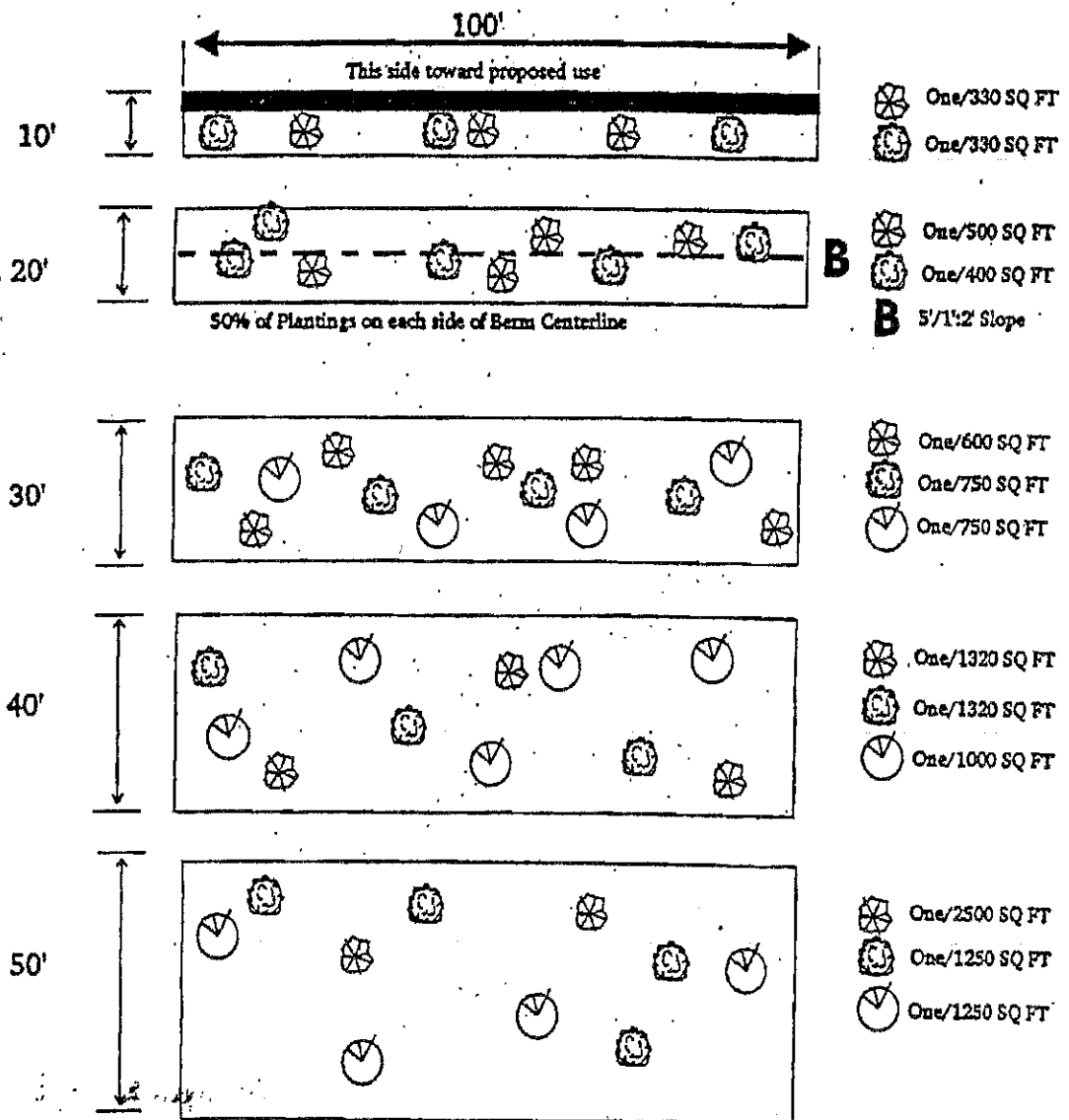
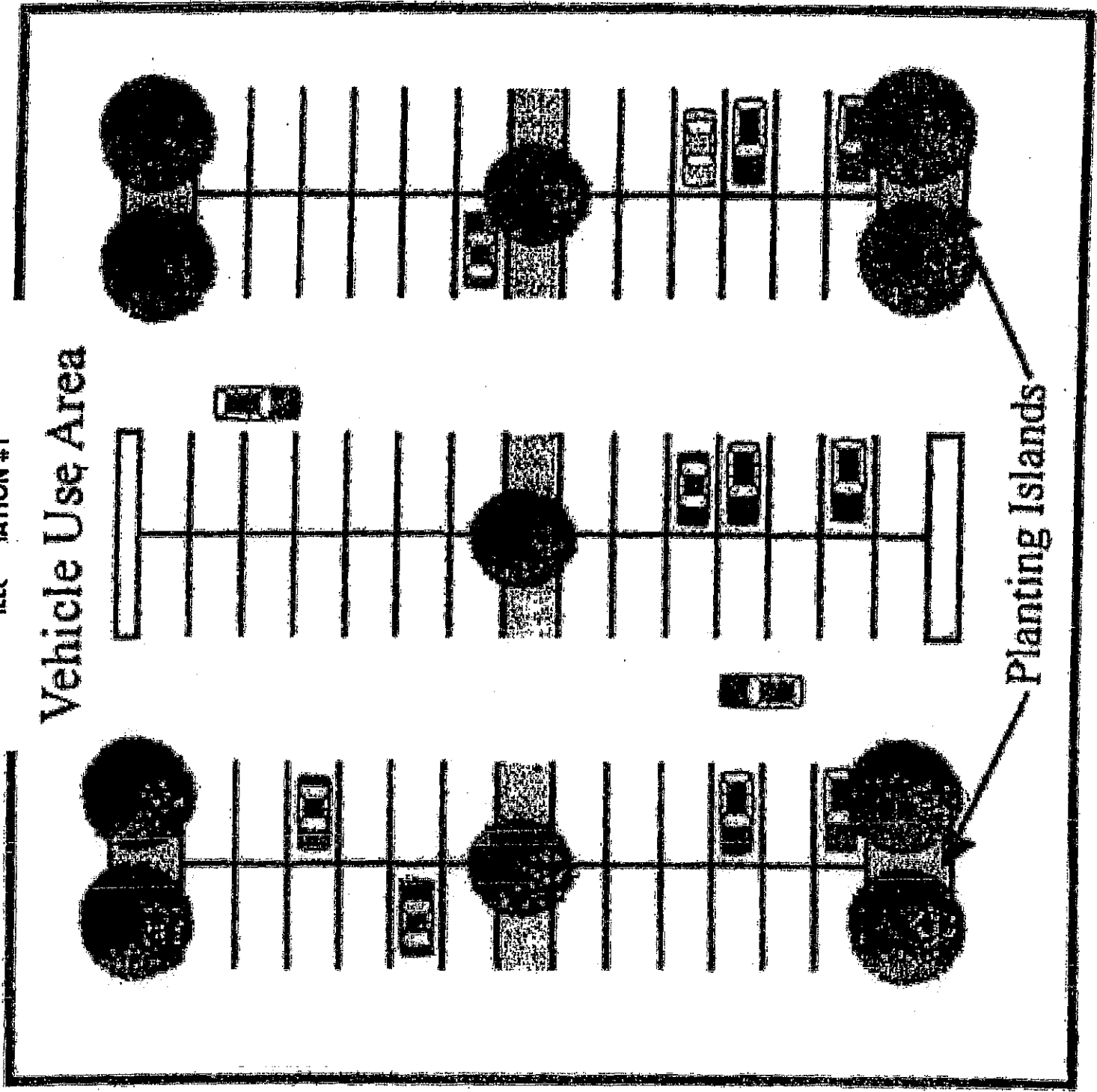


ILLUSTRATION #1

# Vehicle Use Area



Planting Islands