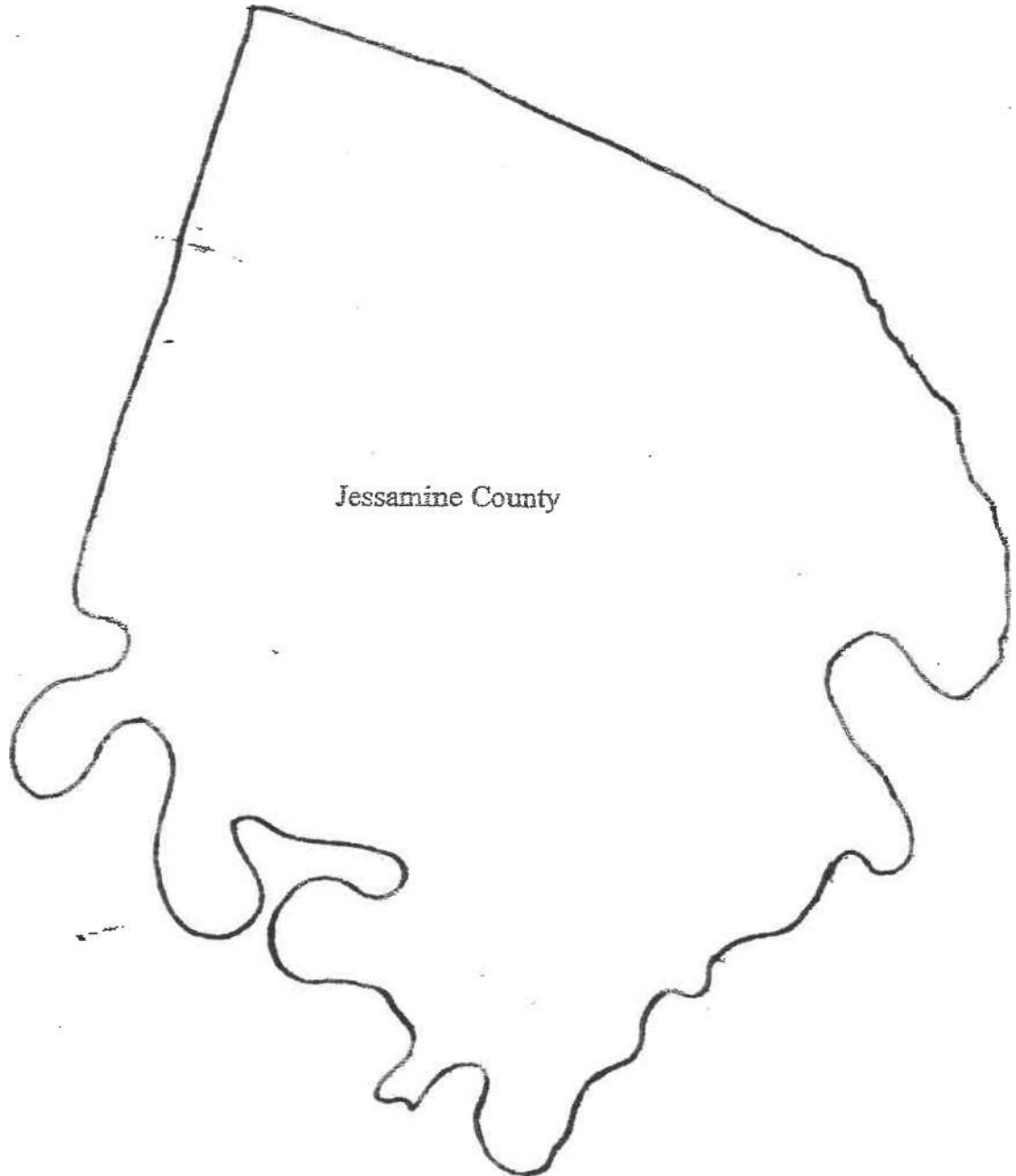


**THE ZONING ORDINANCE
OF
JESSAMINE COUNTY**



CURRENT DECEMBER 2015

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ARTICLE I

ENACTMENT, TITLE, PURPOSE

1.1 SHORT TITLE

This order shall be known and may be cited as the zoning ordinance of Jessamine County, Kentucky. The zoning map referred to herein is entitled "The Zoning Map-Jessamine County, Kentucky."

1.2 EFFECTIVE DATE

This order shall become effective immediately upon its adoption, the general welfare demanding it

1.3 AUTHORITY

The power to enact this order is granted to this county under the authority of the Kentucky Revised Statutes, Section 100.201.

1.4 PURPOSE, OBJECTIVE, AND GOALS

It is the intent, purpose, and scope of this order to promote and protect the health, safety, morals, and general welfare of the County and to protect existing agricultural and residential land uses by empowering it to regulate the location, height, size and use of buildings and other structures, and the use of land for trade, industry, residence, or other purposes.

The objectives and goals of this order are to provide for the harmonious and orderly development of Jessamine County in accordance with the Comprehensive Plan for Jessamine County and the City of Wilmore.

1.5 INTERPRETATION

This Zoning Order shall be strictly construed and may not be extended by implication except where the intention of the Fiscal Court or other legislative bodies must prevail. In their interpretation and application, the provisions of this order shall be held to be minimum requirements. Whenever this order imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions of order, the provisions of this order shall govern.

1.6 SEVERABILITY CLAUSE

If any word or words, phrase or phrases, sentence or sentences of this order shall be declared unconstitutional, it shall not thereby invalidate any other portion of this order.

1.7 DEFINITIONS

Except as herein otherwise provided, all existing and future structures and use of premises within the County of Jessamine lying outside of the City Limits of Nicholasville shall conform with all applicable provisions of this order. Each zoning district is established to permit only those uses specifically listed as permitted, except as hereinafter provided under the Non-Conforming provisions, and is intended for the protection of those uses. No other uses shall be permitted.

1.8 Definitions

For the purpose of these regulations certain terms, phrases, words and their derivatives are defined as follows. Words used in the present tense include the future; words in the singular include the plural and the plural the singular. The word "building" includes the word "structure", the word "shall" is mandatory and not directory.

Accessory Building: A structure incidental to the principal structure on the lot.

Accessory Use: A use incidental to a principal use of a lot or building. In buildings restricted to residential use, professional offices, studios or customary incidental home occupations conducted within the principal building but only by a person resident in the dwelling, provided, no more than one person, and a resident of the premises, is employed regularly and that not more than twenty-five (25) percent of the total floor area in any dwelling unit is devoted to such use. Except for the conditions set out in Article III, Section 3.3422, no displays or changes in fronts shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a dwelling.

Administrative Official: Any department, employee, or advisory elected or appointed body which is authorized to administer any provision of this order, any subdivision regulation, any other housing or building regulation or any other land use control regulation.

Agriculture: The use of land for farming, dairying, pasturage, animal and poultry husbandry and other similar uses; and the necessary accessory uses for packing, treating or storing the produce; providing however that the operation of accessory uses shall be secondary to that of the principal agricultural activities.

Section 1.8 amended June 6, 2000
Section 1.8 amended April 3, 2001

Appeal: A request for a review of the Zoning Ordinance Administrator's interpretation of any provision of this ordinance or a request for a variance.

Area of Special Flood Hazard: The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

Assisted Living Facilities: A certified (per KRS 194A.729) residential facility, other than a nursing home, for persons who are fifty-five (55) years of age or over, which provide living and sleeping facilities and some assisted living services that may include but are not limited to, meal preparation, laundry services, room cleaning, transportation, recreation and/or some medical services, to be provided for the exclusive use of the facility's residents.

Attached Dwellings: Single family residential housing its located in R-1 Variable Density developments which are attached at the side and/or rear lot lines to form a multi-family dwelling structure similar to a condominium style housing unit Attached dwellings shall only be located in R-1V zones on 6,000 -9,999 square foot -minimum size lots. Said housing shall not exceed 15% of the R-1V zone in which it is located. Only one (1) single family residential housing unit may be placed on a 6,000 - 9,999 square foot lot.

Barn: A building used for storing hay and grain and other agricultural produce and for housing livestock or farm equipment.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Board: The County Board of Adjustment unless the context indicates otherwise.

Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Building Permit: An official document or certification that is issued by the County or City Building Inspector before a project is started and. which authorizes the installation, construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, or moving of a building or structure on a specific lot. The permit will acknowledge that such use or building complies with the provisions of the Zoning Ordinance of Jessamine County (or the City of Wilmore Zoning Regulation), and the Kentucky Building or Residential Code, or any authorized variance therefrom.

Building Setback Line: A line in the interior of a property which is parallel to and a specific distance from the front, side and rear of the property lines. The front setback is to be measured from the dedicated right of way or easement of the road. In the absence of a dedicated right of way or easement it shall be measured from the centerline of the pavement at a distance of the specified setback plus twenty-five (25') feet.

Certified Mobile Home: A structure designed to be transported on its own chassis larger than seven hundred and twenty (720) square feet, designed to be used as a year-round residential dwelling, built prior to the enactment of the National Certified mobile home Construction and Safety Act of 1974 which became effective for all certified mobile home construction June 15, 1976 and subsequently upgraded to be able to receive a "B" seal certifying that the unit has been inspected and is in compliance with standards set forth in the HUD Code. Such certified mobile homes shall be placed onto a fixed permanent foundation with the wheels, trailer tongue, and hitch assemblies removed, in accordance with approved Installation Standards, and shall have an approved foundation siding/skirting enclosing the entire perimeter of the home. Such certified mobile homes shall be considered as real estate in accordance with Kentucky Revised Statutes 132.750. Mobile homes not meeting these standards shall not be permitted in any zone.

Certified Mobile Home Or Manufactured Home Park: A zoned area in which manufactured/certified mobile home lots are rented for use as sites for manufactured and/or certified mobile homes for residential use. Ownership of all land in a certified mobile home or manufactured home park shall be maintained by the developer, his heirs, successors or assigns. No lots shall be severed and sold from the certified mobile home or manufactured home park. No lot shall be occupied by more than one manufactured or certified mobile home unless it complies with all requirements for a manufactured or certified mobile home park. All manufactured or certified mobile home parks shall consist of a minimum of five (5) acres.

Citizen Member: Any member of the Planning Commission or Board of Adjustment who is not an elected or official or employee of the City or County.

Cluster Development: The Use of Agricultural and/or Conservation lands whereby twenty percent (20%) of such land, not to include road acreage, may be developed into single-family dwelling lots of one (1) acre or more. The lots should be grouped closely together along the access road, which cannot be an existing public road. Eighty percent (80%) of the Agricultural and/or Conservation lands involved remains agricultural and is prohibited from future development. The residual farmland, (i.e. that which is not utilized for single-family dwelling units), may be owned jointly or in common by the owners of the building lots, or an association of the owners of the subdivision, or a person or entity who does not necessarily own a dwelling unit within the subdivision.

Additional, one-acre lots may be granted for the development in exchange for demolition or removal of legally existing, habitable dwellings on the Parent Tract in excess of those currently permitted by this Ordinance. To qualify as a legally existing, habitable dwelling, there must be a record of property taxes having been paid on the dwelling continuously for the previous ten (10) years; it must be recognized as legal under this Ordinance; and it must be habitable and occupied as a residence during the past year as evidenced by an electrical or other

utility bill reflecting normal usage. For each such dwelling that is removed or demolished, the proposed development may be granted one (1) lot in addition to those otherwise granted under this Ordinance. The Board of Architectural Review shall evaluate each dwelling to be demolished or removed and in any case where the Board determines the public interest necessitates the preservation of a historic home, that dwelling shall not be demolished or removed and no additional lot will be granted for such dwelling.

Conditional Use: A use which is essential to or would promote the public health, safety, or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or of adjoining zones, unless restriction on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulations.

Debris or Trash: A stack, pile or random clutter of trash, junk and worthless items plus abandoned mobile homes and inoperative vehicles.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Development Plan: A development plan is a written and graphical description of how the property is to be developed by which the Planning and Zoning Commission may consider many aspects of the development. In this manner, the Commission can review all aspects of a proposal simultaneously.

Dimensional Variance: A departure from the terms of the zoning regulation pertaining to height or width of structures or the size of yards and open spaces, where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape, or topography, and not as a result of the actions of the applicant, the literal enforcement of the zoning regulations would result in unnecessary and undue hardship.

Dwelling: A building or structure in which people live, including mobile or modular homes.

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first flood plain management ordinance adopted by Jessamine County based on specific technical base flood elevation data which established the area of special flood hazards.

Existing Mobile Home Park or Mobile Home Subdivision: A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed

(including, at the minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Expansion to an Existing Mobile Home Park or Mobile Home Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of sheet).

Farm: A place on which agricultural operations are conducted at any time as a principal use.

Farmers Market: Any establishment existing to sell produce, meat, eggs, cheese, flowers, wool, and other agricultural products produced in Kentucky. This shall also include goods principally made from agricultural products, such as baked goods, woven fabrics, and preserves. Farmers markets may sell items approved by the Kentucky Craft Marketing Program. Nonagricultural items, such as antiques, flea market items, or imported goods shall not be eligible for sale at farmers markets.

Farm Stands: Seasonal establishments existing to exclusively sell home grown produce, meat, eggs, cheese, flowers and other agricultural products produced on the premises. Products purchased for resale are specifically excluded.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters; (2) the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM): An official map of a community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A.

Flood Insurance Rate Map (FIRM): An official map of a community on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the Flood Hazard Boundary-Floodway Map and the water surface elevation of the base flood.

Frontage Road: A public street construed adjacent to but not connecting with the Nicholasville By-Pass. The function of this type of street is to serve the areas of development near

the By-Pass and to channel traffic congestion created by this development to public roads (existing on the date of the adoption of this ordinance amendment) intersecting the By-Pass, thereby enhancing the purpose of the By-Pass and promoting traffic safety.

Frontage Street: A street constructed parallel to an existing public street. The purpose of a street of this type is to prevent direct access from a heavily traveled road into individual lots. Individual lots would have access from the frontage street thereby eliminating multiple entrances and resultant congestion.

Full cutoff (fco): A light fixture, which cuts off all upward transmission of light.

Gate: Any apparatus that is constructed in such a way that it can be used to barricade and/or control the ingress and egress of motor vehicles within a right of way. This definition shall also include the installation of any structure that gives the appearance of a gate or can be converted to be used as a gate.

Guardhouse: Shall be defined as a building that is constructed at the entrance of a residential subdivision and designed to house a person or electronic monitoring equipment for the purpose of observing or monitoring the ingress or egress of vehicular traffic for the safety and security of residents of the subdivision without interference or impediment to movement of traffic.

Geographical Condition: Topography of land, contours, degree of slope, drainage basins or other physical attributes of the land, Such as sinkholes and wetlands, which may affect the development of the site.

Glare: Discomfort experienced by an observer with a direct line of sight to a light source. Intense and distracting light.

Habitable Floor: Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation or a combination thereof. A floor used only for storage purposes is not a "habitable floor".

Historic Structure: Any structure that is:

Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual Listing on the National Register;

- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or as a district preliminarily determined by the Secretary to qualify as a registered historic district;

- e. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a) By an approved state program as determined by the Secretary of the Interior, or
 - b) Directly by the Secretary of the Interior in states without approved programs

Home Occupation: An occupation carried on in a dwelling unit by a member or members of the bonafide residents of the dwelling and which is clearly incidental and secondary to the use of the dwelling unit for residential purposes. A home occupation shall occupy no more than 25% of the total floor space of a dwelling.

- a) No person other than members of the family residing on the premises shall be engaged in such operation.
- b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation or other than one sign, not exceeding four square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
- d) No home occupation shall be conducted in any accessory building
- e) A customary incidental home occupation is to be construed as an accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than the prescribed name plate.
- f) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

- g) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuations in line voltage off the premises.

Infrastructure: Physical improvements located near or as part of a development such as, but not limited to, the following: public road system, public water utility, electrical utility, natural gas, and/or sewers.

Junkyard: A lot, land or structure, or part thereof used primarily for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in ruining condition and/or for the sale of parts thereof.

Landfill: The use of land as a placement, storage or dumping area, including the burial thereof, of any waste, scrap or discarded material. These materials shall include, but are not limited to, animal or vegetable matter in any form and paper, wood, metal, chemical (liquid or solid), plastic or roofing products. This definition shall not be construed to prohibit normal farming operations.

Light Trespass: Excess light projected onto a property from a fixture not located on that property. Spill light. Obtrusive light.

Manufactured Home: A single-family residential dwelling unit fabricated in an off-site manufacturing facility designed to be transported on its own chassis for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended. Manufactured homes conforming to the "types" found in Section 3.51 of this ordinance shall only be permitted in the zoning districts specified in the zoning ordinance. All manufactured homes shall be placed onto a fixed permanent foundation with the wheels, trailer tongue, and hitch assemblies removed, in accordance with approved installation standards, and shall have an approved foundation siding/skirting enclosing the entire perimeter of the home in accordance with Section 3.5 of these regulations.

Mean Sea Level: The average height of the sea for all stages of the tide.

Mobile Home: Anytime the term "mobile home" is used in this ordinance, it shall be construed to meet the definition of "certified mobile home" or "manufactured home".

Modular Home: Factory-built homes to state building codes and transported to a building site in multi-section units. Modular homes must be placed on site on a permanent foundation in accordance with state and local building regulations and the local zoning

ordinance and subdivision regulations. Modular homes shall be permitted wherever site-built homes are permitted.

New Construction: Structures for which the "start of construction" commenced on or after the effective date of Jessamine County's flood plain management regulations and includes any subsequent improvements to such structures.

Nicholasville By-Pass: A public highway constructed on the west side of Nicholasville, Kentucky, the sole purpose of which is to conduct vehicle traffic originating north and south of Nicholasville on Highway 27, around the City in the most efficient manner thereby alleviating traffic congestion on Highway 27 through Nicholasville.

Non-Conforming Use of Structure: An activity or a building, sign, structure or a portion thereof which lawfully existed before the adoption or amendment of the zoning regulation, but which does not conform to all of the regulations contained in the zoning regulation which pertain to the zone in which it is located.

Outdoor Advertising: A visible, immobile contrivance or structure in any shape or form, the purpose of which is to advertise any product or service, campaign, event, etc.

Outdoor Storage: The storage of any material or product, including but not limited to equipment, machinery, vehicles, pipe and building materials on a lot that is not stored within an enclosed building. This term does not include (1) items that are prominently displayed for sale, (2) vehicles and equipment used off the premises in the every day operation of the business located on the lot and (3) coal yards, lumber yards, concrete plants, blacktop plants and quarries.

Panelized Home: Factory built homes in which panels—a whole wall with windows, doors, wiring and outside siding—are transported to the site and assembled. Panelized homes must be placed on site on a permanent foundation in accordance with state and local building regulations and the local zoning ordinance and subdivision regulations. Panelized homes shall be permitted wherever site-built homes are permitted.

Parent Tract: All that property contained in a single deed of record forming one continuous boundary of land irregardless of being described as one or multiple tracts.

Permanent Foundation: A Type I manufactured or certified mobile home shall be secured to a permanent foundation which may include mortared block and/or poured concrete foundation installed in accordance with Section 3.511(2)(a). The following are suggested recommendations for foundation footers.

- a) the foundation shall be bearing on poured concrete footers extending from the front to the rear of the home;

- b) the bottom of the footer shall be no less than 24 inches below fished grade at intervals no greater than 8 feet apart;
- e) the footers shall have a minimum thickness of 8 inches and a minimum width of 24 inches, when footer exceeds depth of 8 inches, one (1) #4 steel reinforcement bar shall be installed vertically no greater than 4 feet apart;
- d) the footers shall contain a minimum of two #4 steel reinforcing bars full length longitudinally

An approved anchoring system which may consist of snaps, cable, turnbuckles, chains, ties, or other approved materials shall be used to secure the manufactured or certified mobile home to the foundation.

Planning Operations: The formulating of plans for the physical development and social and economic well-being of a planning unit, and the formulating of proposals for means of implementing the plans.

Planning Unit: Any city or county, or any combination of cities, counties, or parts of counties engaged in pinning operations.

Plat: The map of a subdivision.

Political Subdivision: Any city or county.

Pre-Cut Home: Factory-built housing in which building materials are factory-cut to design specifications, transported to the site and assembled. Pre-cut homes include kit, log, and dome homes. Pre-cut homes must meet local and state building codes and must be placed on site on a permanent foundation in accordance with state and local building regulations and the local zoning ordinance and subdivision regulations. Pre-cut homes shall be permitted wherever site-built homes are permitted.

Public Facility: Any use of land whether publicly or privately owned for transportation, utilities, or communications, or for the benefit of the general public, including, but not limited to, libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers including parks, and cemeteries.

Public Road: For the purposes of interpretation and enforcement of these ordinances shall be defined as an existing Federal, State or County maintained road or a public access road constructed to street construction standards as required by the Subdivision Regulations of the Jessamine County-City of Wilmore Joint Pinning Commission and proposed for dedication in fee to the legislative body of Jessamine County or a road for the use of the public owned and maintained by an individual property owner, a developer or a home owner's association that intersects with an existing Federal, State or County maintained road and is approved by the

Jessamine County-City of Wilmore Joint Planning and Zoning Commission as meeting requirements of their subdivision regulations for right-of-way width and strict construction standards required at time of construction for acceptance by the legislative body of Jessamine County.

R-1V Variable Density Development: A residential development in which the gross number of housing units is established for a Parent Tract of land prior to development based on one (1) residential housing unit per gross acre. The right to create this set number of units shall not be impacted by such factors as road rights-of-ways, proposed common areas, open space, greenways, parks, trails or other public or private easements such as biking and walking trails, or publicly owned buildings designated to serve the needs of the community and the general population of the area such as libraries, schools, fire, police or emergency services.

Additional lots may be granted for the development in exchange for demolition or removal of legally existing, habitable dwellings on the Parent Tract in excess of those currently permitted by this Ordinance. To qualify as a legally existing, habitable dwelling, there must be a record of property taxes having been paid on the dwelling continuously for the previous ten (10) years; it must be recognized as legal under this Ordinance; and it must be habitable and occupied as a residence during the past year as evidenced by an electrical or other utility bill reflecting normal usage. For each such dwelling that is removed or demolished, the proposed development may be granted one (1) lot in addition to those otherwise granted under this Ordinance. The Board of Architectural Review shall evaluate each dwelling to be removed or demolished and in any case where the board determines the public interest necessitates the preservation of a historic home, that dwelling shall not be demolished or removed and no additional lot will be granted for such dwelling.

Recreational Vehicle: A portable vehicular structure not build to the National Manufactured Housing Construction and Safety Standards Code (or the obsolete ANSI 119.1 Certified Mobile Home Design and Construction Standard) designed primarily for travel, recreational camping or vacation purposes, either having its own motor power or mounted onto or drawn by another vehicle, and including but not limited to travel and camping trailers, truck campers, and motor homes.

Regulation: Any enactment by the legislative body of a city or county whether it is an ordinance, resolution, or an order and including regulations for the subdivision of land adopted by the planning commission.

Residential Building: A permanent structure constructed on a lot or parcel of land to be used for residential purposes.

Residual Farmland: 80% of the parent tract of land proposed for subdivision and development under 3.224(a) which is dedicated as Residual Farmland or conservation land. All land set aside as Residual Farmland shall be contained in one deed of record and shall not be subdivided or sold in parcels. Permitted uses for Residual Farmland shall be stipulated in Section 3.221 and 3.223 of this ordinance.

Set-Back Line: The distance required by these regulations to be maintained between a given lot line and any structure - front, rear, or side, as specified.

Sign: Any word, lettering, parts of letters, figures, numbers, phrases, sentences, emblems, devices, (including loud speakers), designed pictures, trade names or trademarks by which anything made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, a service, a commodity or a product, which is visible from any public street or right-of-way and designed to attract attention. The term "sign" shall not include the flag, pennant or insignia or any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious, or like society, campaign, drive, movement or event. A flat or wall sign is a sign that is attached to a building.

Single Family Dwelling: A building or structure on a permanent foundation which provides shelter, sanitation, and amenities for permanent habitation by a single family unit, including site-built homes, modular, panelized, and pre-cut homes. Manufactured and Certified Mobile Homes shall only be permitted in accordance with Section 3.5 of this Ordinance.

Site-Built Home: A dwelling constructed in accordance with state and local building codes at the site it will occupy from the various materials of which it is comprised which were transported to the site unassembled.

Skirting (Foundation) /Foundation Siding/Perimeter Enclosure: A permanent perimeter structural system completely enclosing the space between the floor joists of the home and/or the entire undercarriage of the manufactured or certified mobile home and the ground and installed in accordance with Section 3.5 of this Ordinance.

Start of Construction: The start of construction for a structure (other than a mobile home) on a site is when the initial excavation is begun for the structure. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" is the date in which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

Street: Any public or private way approved by the Fiscal Court as being adequate for present or future travel. The word "street" shall include the words "roads", "highway", and "thoroughfare". Farm roads on private property shall be considered the same as a driveway.

Structure: Anything constructed or made, the use of which required permanent location in or on the ground or attachment to something having a permanent location in or on the ground including buildings, signs and mobile homes.

Subdivision: The division of a parcel of land into three (3) or more lots or parcels, except in a county containing a city of the first, second or third class or in an urban county government where a subdivision means the division of a parcel of land into two or more lots or parcels: for

the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land: providing that a division of land for agricultural purposes into lots or parcels of five (5) acres or more and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided: any division or re-division of land into parcels of less than one acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this act.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the building. The market value of the building should be (1) the appraised value of the building prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the building prior to the damage occurring. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions or (2) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Substantially Improved Existing Manufactured Home Parks or Subdivisions: is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities, and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Tenant House: A house which is occupied by an employee of the farm owner or farm lessee, or, is occupied by a member of the farm owner's family.

Unobstructed Open Space: An area of land required to be maintained as specified herein, upon which no structure may be erected except those accessory structures used in connection with the movement or regulation of traffic.

Variance: A departure from the dimensional terms of the zoning regulation pertaining to the height, width, length, or location of structures, and the size of yards and open spaces where such departure meets the requirement of KRS 100.241 to 100.247.

Variable Density Development: A single family residential development where set densities and development guidelines are applied to a parent tract of undeveloped property upon a ZMA and development plan being presented. The developer is then allowed to plan and locate his housing units in conformity with the adopted Jessamine County-City of Wilmore Comprehensive Plan, and other development guidelines and standards established by the Jessamine County-City of Wilmore Subdivision Regulations. Variable density developments can only be located on property where public sanitary sewer service is available. Variable Density developments must be accessed by street and road systems as designated on Exhibit 6.1, Jessamine County Land Use/Transportation Map that are sized to accommodate the traffic generated by the proposed development and the future needs of adjacent properties. Collector roads depicted on Exhibit 6.1 shall follow the general alignment as reflected thereon. All Variable Density Developments shall set aside a minimum of five (5) percent of the Parent Tract as open space, parks and trails.

Zone or District: An established area within the community in which certain specified portions of the provisions of these regulations are specifically applicable.

SECTION 1.8 (RESIDUAL FARMLAND) AMENDED AUGUST 21, 2001

SECTION 1.8 (GATED SUBDIVISION OR COMMUNITY) ADOPTED NOVEMBER 19, 2002 (OMITTED SEPTEMBER 30, 2008)

SECTION 1.8 (GATEHOUSE SUBDIVISION OR COMMUNITY) ADOPTED NOVEMBER 19, 2002 (OMITTED SEPTEMBER 30, 2008)

SECTION 1.8 (PUBLIC ROAD) ADOPTED NOVEMBER 19, 2002

SECTION 1.8 (R1V ZONE/ATTACHED DWELLING/VARIABLE DENSITY DEV.) ADOPTED MARCH 29, 2005

SECTION 1.8 (BARN/TENANT HOUSE) ADOPTED SEPTEMBER 20, 2005

SECTION 1.8 (CLUSTER DEVELOPMENT & R-1VARIABLE DENSITY DEVELOPMENT ADOPTED NOVEMBER 29, 2005

SECTION 1.8 (FULL CUTOFF (FCO)/LIGHT TRESPASS/GLARE) ADOPTED DECEMBER 6, 2005

SECTION 1.8 (FARMERS MARKET) ADOPTED JULY 1, 2008

SECTION 1.8 (FARM STANDS) ADOPTED JULY 1, 2008

SECTION 1.8 (GATE) ADOPTED SEPTEMBER 30, 2008

SECTION 1.8 (GUARDHOUSE) ADOPTED SEPTEMBER 30, 2008

**SECTION 1.8 (BUILDING HEIGHT, BUILDING PERMIT, VARIANCE)
ADOPTED MAY 21, 2013**

SECTION L8 (ASSISTED LIVING FACILITIES) ADOPTED DECEMBER 4, 2012

ARTICLE II

ESTABLISHMENT OF ZONES

2.1 ESTABLISHMENT OF ZONES: PROVISIONS FOR OFFICIAL ZONING MAP

2.11 Zones

For the purpose of these regulations the County of Jessamine is hereby divided and/or may be divided, into the following zones:

A-1	General Agricultural	B-2	Local Commercial
A-2	Conservation Zone	B-3	Highway Mixed Use Business
R-1	Residential	I-1	Light Industrial
R-2	Residential	I-2	Heavy Industrial
R-3	Residential	H-	Historic District
P-I	Professional Office	KKR	Kentucky River Recreational
B-1	Highway Commercial		

2.12 Zoning Map

The above zones are bounded and defined as shown on a map entitled "Official Zoning Map—Jessamine County, Kentucky."

In addition to its title, the official zoning map shall be identified by the signature of the County Judge Executive attested by the County Clerk and bearing the seal of the county under the following words: "This is to certify that this is the official zoning map referred to in Section 2 .12 of the Zoning Ordinance of the County of Jessamine, adopted by the Fiscal Court of the County of Jessamine."

If in accordance with the provisions of the regulations and Kentucky Revised Statutes, changes are made in zoning boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made by the local governing body together with any entry on the official Zoning Map (brief description of nature of change), which entry shall be signed by the County Judge Executive and attested by the County Clerk. No amendment to these regulations which involves matters portrayed on the Official Zoning Map shall become effective until after such change and entry have been made on said map.

No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth herein. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of these regulations and punishable as provided under Section 4.4 herein.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the County Court Clerk shall be the final authority as to the current zoning status of land, buildings and other structures within the county.

2.13 Replacement of the Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed or difficult to interpret because of the nature or number of changes and additions, the Fiscal Court may, by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original zoning regulations or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the County Judge Executive attested by the County Clerk and bearing the seal of the county under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted _____ for the county of Jessamine, Kentucky." The old map shall be retained as part of the commission's records.

2.2 RULES FOR INTERPRETATION OF ZONE BOUNDARIES

Where uncertainty exists as to the boundaries of zones as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- B. Boundaries indicated as approximately following city limits shall be construed as following city limits;
- C. Boundaries indicated as approximately following platted lot lines shall be construed as following platted lot lines;
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracts;

- E. Boundaries indicated as approximately following the center lines of streams, rivers, valleys, ditches, galleys, or other bodies of water shall be construed to follow such center lines;
- F. Boundaries indicated as parallel to, or extensions of, features listed in Numbers A through E above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- G. Were physical or manmade features existing on the ground are at variance with those shown on the Official Zoning Map of in other circumstances not covered by A through F above, the Board of Adjustment shall interpret the zone boundaries.

ARTICLE III
REGULATIONS

3.1 APPLICATION OF REGULATIONS

The regulations established herein within each zone shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter otherwise provided.

- A. No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the zone in which it is located.

- B. No building or other structure shall hereafter be erected or altered.
 - 1. To exceed the height;
 - 2. To accommodate or house a greater number of facilities;
 - 3. To occupy a smaller lot area;
 - 4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces.than herein required or in any manner contrary to the provisions of these regulations.

- C. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with these regulations with these regulations shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

- D. No yard or lot existing at the time of passage of these regulations shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of these regulations shall meet at least the minimum requirements established herein.

- E. The only exception to the foregoing requirements shall be that any lot which meets all of said requirements on or after May 1, 1971 and which is thereafter reduced in size solely by reason of taking pursuant to the Eminent Domain Act of Kentucky (KRS Chapter 416) or any successor legislation or any comparable federal legislation or by reason of a conveyance to an entity having the power to take under any such legislation and in lieu of such taking, shall not be restricted as to use on the sole basis that it no longer complies with the minimum size standards of the zone in which it lies.

- F. No Lot Line or part of a lot established under this ordinance or the Subdivision Regulations of the Jessamine County-City of Wilmore Joint Planning Commission shall cross, encroach upon or lay within any proposed dedicated Right-of-Way for a new public or private street. Area of

lots including portions of dedicated for Right-of-Ways required by the Subdivision Regulations shall meet all minimum development standard requirements specified for the zone.

- G. No lot can be bisected by a dedicated road right-of-way and still be considered one contiguous lot for purposes of meeting the development standards for a particular zone.

3.2 ZONE REGULATIONS

No land shall be used or occupied and no structure shall be designed, erected, altered, used or occupied except for the following primary permitted uses for each of the several following zones, together with lawfully permitted home occupations and temporary uses are listed below and permitted accessory uses.

SECTION 3.1 E ADOPTED JANUARY 4, 2000
SECTION 3.1 F & G ADOPTED JULY 3, 2001

3.21 ALL ZONES

3.210 Development Regulations

- A. All lots, parcels or b proposed for subdivisions in Jessamine County regardless of number of lots shall meet all development standards re aired by these ordinances including the minimum frontage requirement on a Public Road or Street as defined in Section 1.8 of this Ordinance, A retracement plat of lots, parcels or tracts as they existed prior to May 1, 1971 shall be excluded from this section of the Jessamine County Zoning Ordinance.
- B. There shall be no subdivision of land on privately owned streets or roads for use by the public in. Jessamine County which are not constructed to the standards for street construction required by the Subdivision Regulations of the Jessamine County-City of Wilmore Joint Planning Commission and or which are not maintained by an individual property owner, a developer or home owner's association.
- C. Any residential use proposed for a parent tract or lot or parcel which is granted as a conditional use or as accessory to a. conditional use shall not exceed a density of one (1) single family unit per five (5) acres in an A-1 Zone or one (1) singe family unit per acre in a R-1 zone.
- D. All new structures in Jessamine County fronting on US Highway 27, US Highway 68 and KY Highway 29 (from US Highway 68 to Banta Lane in Wilmore) shall be set back two-hundred (200) feet from the right-of-way. The first one-hundred (100) feet shall be either landscaping parking areas or open space. No structure(s) shall be allowed in the two-hundred (200) foot setback area.

A Landscaping Plan shall be submitted along with the application for a Zone Map Amendment, Development Plan,. or Subdivision Plat for approval by the Planning Commission in the case of a single lot to be developed with no zone map amendment or subdivision, this article shall apply. There shall be no variance, waiver, exception, change or alteration granted by the Planning Commission.
- E. All new development fronting on US Highway 27 north of the City Limits of Nicholasville to the Fayette County line, shall have a frontage road as defined in Subdivision Regulations Article 4.204 incorporated into the Development Plan for a Zone Map Amendment, a Subdivision Plat, or a Single Lot.

The Frontage Road shall extend to the properties on each side of the development and shall be designed in such a manner that it will be feasible and reasonable, to continue the road, except as provided for under Jessamine County Subdivision Regulations Article 3.305. There shall be no variance, waiver, exception, change or alterations granted by the Planning Commission and Board of Adjustments.
- F. Outdoor lighting: All Development Plans, Major Subdivision Flats and non-residential site plans submitted for review, consideration and approval by the Planning Commission shall

submit a Lighting Plan, as required by Article V (1)(C)(III)(5)(C), Community Services Impact Statement, Lighting, of this zoning ordinance, and Articles 2.201(f) and 3.304(III),(o) of the Subdivision Regulations for the Jessamine County-City of Wilmore Joint Planning Commission. The intent is to eliminate glare, minimize light trespass beyond the property proposed to be developed, and eliminate hazards associated with light shining onto roads that may cause temporary blindness of motorists.

No lighting shall be permitted which would glare onto any street, into any adjacent property, or be deemed as light trespass. Full-cutoff lighting fixtures shall be required for parking lot lighting. Wall-packs and floodlights shall either be full-cutoff design or have shields such that they do not put any light above the horizon and shall be mounted to not glare on any roadways and neighboring properties. Typical pole mounted "dusk-to-dawn" security lights shall use reflecting skycaps instead of clear plastic refractors.

- G. Dump sites: All known dumping sites or landfills shall have a perimeter easement extending beyond the boundaries of the site. This easement shall be twice the minimum distance across the dump or landfill site, but not less than twenty-five (25) feet. The easement shall prohibit construction thereon, or removal of any overburden; unless the site is remediated according to the standards of the Kentucky Environmental and Public Protection Cabinet.
- H. Guardhouse: Any guardhouse or decorative entryway to a development proposed for construction within the right-of-way of a public or county maintained road shall be presented to the Planning Commission for approval. Maintenance of any guardhouse or decorative entryway shall be the responsibility of the developer or a home owners association. A plat notation designating the party responsible for maintenance shall be required on the final plat prior to being recorded in the Jessamine County Clerk's office.

3.211 Uses Permitted

- A. Public park, playground, and other public recreation areas.
- B. Uses by temporary permit:
 - a. Non-commercial concrete batching plant (permit not to exceed six (6) months).
 - b. Temporary building, office or yard for construction (permit not to exceed twelve (12) months).
- C. Accessory buildings and uses, provided that they comply with all the provisions contained herein. In all zones, accessory buildings must comply with all yard requirements established for the principal permitted uses.

SECTION 3.210 ADOPTED NOVEMBER 19, 2002
SECTION 3.211 ADOPTED NOVEMBER 19, 2002
SECTION 3.210 D & E ADOPTED JANUARY 4, 2005
SECTION 3.210 ADOPTED DECEMBER 5, 2005
SECTION 3.210 G ADOPTED MARCH 20, 2007
SECTION 3.210 H ADOPTED SEPTEMBER 30, 2008
SECTION 3.211 ADOPTED OCTOBER 21, 2008

3.22 CENTRAL AGRICULTURE, ZONE A-1

Purpose:

The purpose of the general agricultural zone is to provide for the protection of general agricultural activities from incompatible land uses and to protect the rural character of the county, while at the same time providing for the needs of those individuals wanting to reside in this zone. This zone is intended for application to rural areas of the county designed for agricultural use by the Comprehensive Plan.

3.221 Principal Use

- a) Agricultural activities including agricultural crops, dairying, and the raising of fowl or animals of any kind; arboretums; and principal single family residential buildings. Type I Manufactured Homes as principal residences shall only be permitted on five (5) acres in accordance with Section 3.51 of this Ordinance;
- b) Feed lots, greenhouses, nurseries, kennels, riding or bowling stables, fishing lakes, sportsmen farms, unless included in Section 3.221(c) below;
- c) Commercial feed lots involving more than 150 head of livestock per acre or the feeding of more than 150 livestock on consignment; commercial green houses consisting of over 35,000 square feet under roof and involving plant materials intended for retail sale; commercial kennels at which ten (10) or more dogs are boarded; commercial riding stables at which fifty (50) or more horses are available for hire; sportsmen farms with shooting ranges; agricultural research farms; golf courses, are also permitted provided that a development plan is submitted for Planning Commission review per Section 5.1G of this Ordinance.

This development plan should also include, but not be limited to, a presentation of the following information:

- i) layout of proposed structures, driveways, parking area required to service the proposed facility, proposed outdoor activity area and proposed buffering of neighboring properties;
- ii) for golf courses in addition to (i) above, indicate layout and orientation of the golf course, including the tees, the fairways, the greens, and any driving ranges, and proposed protection to adjoining residences, structures, roads and/or land;
- iii) proposed sewage disposal system:

Section 3.221 amended March 16, 1999
Section 3.221(a) amended June 6, 2000

3.212 Uses prohibited

- A. Gated Subdivisions or Communities as defined in Section 1.8 shall be prohibited in Jessamine County.
- B. On all parcels of five (5) acres or less there shall be no outdoor storage for more than fifteen (15) days of junked, wrecked, or non-operative automobiles, commercial highway or off road vehicles, boats, or any other motorized vehicles, including automotive car or truck parts or similar scrap or salvage materials in Jessamine County. The fifteen (15) day time period shall start at time of mailing or hand delivery of the citation by the Enforcement Officer to the owner, lessee, tenant, or occupant of the property.

On parcels of five (5) acres or more the storage of five (5) or more junked or non-operative vehicles as defined in KRS 177.905(2)(3) shall be prohibited unless permitted by the Kentucky Commissioner of Highways.

- C. Maintenance of Private Property:
 - 1. No person owning, leasing, occupying or having charge of any premises shall allow to exist, keep or maintain any nuisance thereon, which is visible from an adjoining public road and/or private residential property or public facility. A nuisance shall consist of but not limited to:

Garbage dumps;
Refuse;
Discarded furniture and/or appliances;
Salvage materials such as concrete slabs, asphalt, tires, roofing materials;
Hazardous materials;
Excessive amount of organic materials; or
Items or materials possessing similar characteristics to those previously mentioned.

2. Upon inspection by the Code Enforcement Officer of land which a violation of this section exists, said officer shall issue a notice to the property owner requiring the violation be corrected within fifteen (15) days of the date of the violation notice. If no extension of time to comply with this section has been granted, or if an extension is granted and the property owner thereafter remains in violation of this section, the Code Enforcement Officer may:
 - a. Cause the County to enter the property to remedy the violation via removal of nuisances identified as being in violation. The County shall then cause a bill to be issued to the property owner for the County's expenses incurred in remedying the violation. The property owner shall have ten (10) days to pay this bill to the County. If the bill is not paid in ten (10) days, the County shall have a lien against the property and may file a statement of Lien upon the real estate with the County Clerk, and may therefore enforce its lien by civil action brought in Jessamine Circuit Court; and/or
 - b. Invoke Section 4.4 of this ordinance regarding Penalties for Violation.
 3. This section shall not apply to any nuisance that is created by a business enterprise operating in compliance with all applicable laws and zoning regulations in a permitted zone or under a conditional use permit; or any operation maintained by the County Government. Furthermore, this section shall not apply to a condition or use created by a pre-existing or newly established agricultural operation or farming practice which is necessary to the operation and maintenance of an agricultural enterprise.
- D. Any merchandise for sale to the general public adjacent to a County, State or Federal Highway shall be set back behind the road right-of-way.
- E. Gates:
Gates as defined in Section 1.8 of this ordinance shall be prohibited from being constructed, installed, or erected within the right-of-way of any public or county maintained road or any road that is proposed for dedication as a public or county maintained road.

F. Guardhouses

Construction of guardhouses or decorative entryways within the right-of-way of a public or county maintained road without approval of the Planning Commission as required in Section 3.210 of this ordinance shall be prohibited.

SECTION 3.212 AMENDED NOVEMBER 19, 2002

SECTION 3.212(B) AMENDED JANUARY 6, 2004

SECTION 3.212(B) AMENDED JUNE 5, 2007

SECTION 3.212(B) AMENDED DECEMBER 1, 2009

SECTION 3.212(B) AMENDED AUGUST 3, 2010

SECTION 3.212 (E) and (F) ADOPTED SEPTEMBER 30, 2008

SECTION 3.212(C) AMENDED NOVEMBER 15, 2015

3.213 Purposes and Objectives

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion in flood heights or velocities;
2. Require that uses vulnerable to flood, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural flood plains, stream channels and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase erosion or flood damage;
5. Prevent or regulate the constriction of flood barriers which will un-naturally divert flood waters or which may increase flood hazards to other lands

3.2132 General Provisions

- A. Lands to Which This Ordinance Applies - This Ordinance shall apply to all areas of special flood hazards within the jurisdiction of Jessamine County.

- B. Basis for Establishing the Areas of Special Flood Hazard - The areas of special flood hazard identified by the Federal Insurance Administration is its Flood Hazard Boundary Map(FNBM), #210125 0001A-0020A, dated August 1978, and any revisions thereto are adopted by reference and declared to be a part of this Ordinance; or the areas of special flood hazard identified by the Federal Insurance Administration through a specific and engineering report entitled "The Flood Insurance Study for Jessamine County," dated August 1978 with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps and any revision thereto are hereby adopted by reference and declared to be a part of this Ordinance
- C. Establishment of Development Permit - A development permit shall be required in conformance with the provisions of this ordinance
- D. Compliance – No structure or land shall hereafter be locate, extended, converted, Or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.
- E. Abrogation and Greater Restrictions - This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposed the more stringent restrictions shall prevail,
- F. Interpretation in the interpretation and application of this ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally constructed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statutes.
- G. Warning and Disclaimer of Liability - The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and win occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood d.--rages This ordinance Shall not create liability on the part of Jessamine Fiscal court or by an officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

3.2133 Administration

A. Designation of Local Administrator

The Zoning Administrator is hereby appointed to administer and implement the provisions of this ordinance.

B. Ones and Responsibilities of the Zoning Administrator -

Duties of the Zoning Administrator shall include, but not be limited to: (1) Review all development permits to assure that the pen it requirements of this Ordinance have been

satisfied; (2) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required; (3) Notify adjacent communities and the Department of Natural Resources prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Insurance Administration; (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished; (5) Verify and record the actual elevation (including basement) of all new or substantially improved structures; (6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood proofed; (7) When flood proofing is utilized for a particular structure the Zoning Administrator shall obtain certification from a registered professional engineer or architect; (8) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Zoning Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article; (9) When base flood elevation data has not been provided in accordance with Section 3.2133 (b), then the Zoning Administrator shall obtain, review, and reasonably utilize any base food elevation data available from a federal, state or other source, in order to administer the provisions of Section 3.2134; (10) All records pertaining to the provisions of this Ordinance shall be maintained in the Office of the Zoning Administrator and shall be open for public inspection.

C. Permit Procedure-

Application for a development permit shall be made to the Zoning Administrator on forms furnished by him or her and may include, but not be limited to, the following plans in duplicate drawn to scale showing the lure, location, dimensions, and elevations of the area in question; existing or proposed structures, fill storage of materials; drainage facilities, and the location of the foregoing. Specifically the following information is required; (1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; (2) elevation relation to mean sea level to which any non-residential structure has been flood proofed; (3) Provide a certificate from a registered professional engineer or architect that the non-residential flood proofed structure meets the flood proofing criteria in Section 3.2134 (B)(2); (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

D. Variance Procedures -

- (1) The Joint Board of Zoning Adjustments as established by Jessamine Fiscal Court and Wilmore City Council shall hear and decide appeals and requests for variances from the requirements of this ordinance;
- (2) The Board of Adjustments shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Zoning Administrator in the enforcement or administration of this Ordinance;

- (3) Any person aggrieved by the decision of the Board of Adjustments or any taxpayer may appeal such decision to the Jessamine Circuit Court, as provided in KRS 100;
- (4) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Section;
- (5) In passing upon such applications, the Board of Adjustments shall consider all technical evaluations, all relevant factors, standards specified in other section, of this ordinance,, and (a) the danger that materials may be swept into other lands to the injury of others; (b) the danger to life and property due to flooding or erosion damage; (C) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner; (d) the importance of the services provided by the proposed facility to the community; (e) the necessity to the facility of a waterfront location, where applicable; (1) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; (g) the compatibility of the proposed use with existing and anticipated development; (It) the relationship of the proposed use to the Comprehensive Plan and flood plain agent program for that area; (i) the safety of access to the property in times of flood for ordinary and emergency vehicles; (j) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and (k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and -water systems, and streets and bridges. (1) Generally, variances may be issued for new constriction and substantial improvements to be-erected on lot of one half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a-k) have been fully considered. As the lot size increases beyond the one half (1/2) acres, the technical justification required for issuing the variance increases.
- (6) Upon consideration of the factors list above and the purposes of this ordinance, the Board of Adjustments may attach such conditions to the panting of variances as it deems necessary to further the purposes of this ordinances.
- (7) Variances shall not be issued within any designated flood moray if any increase in flood levels during the past flood discharge would result
- (8) Conditions for Variances -
 - (a) Variances shall Only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; (Co) Variance shall only be issued upon (1) showing a good slid sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances; (c) Any applicant to whom a variance is panted shall be given written notice that the structure will be permitted to built with a lowest floor elevation five (5) feet below the base flood elevation, and that
 - the cost of flood insurance will commensurate with the increased risk resulting from the reduced lowest floor elevation; (d) The Zoning Administrator shall maintain the records of all appeal actions and report any variances to the Federal insurance Administration upon request.

3.2134 Provisions for Flood Hazard Reduction

A. General Standards - In all areas of special flood hazards the following provisions are required:

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (3) All new Construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (4) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (5) New and replacement sanitary sewage systems shall be designed to minimize or eliminate filtration of flood waters into the systems and discharges from the systems into flood waters; and,
- (6) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding
- (7) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facades shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

B. Specific Standards -

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2132 B, or Section 3.2133 B (11), the following provisions are required:

- (1) Residential Construction -
New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation;
- (2) Non-Residential Construction -
New Construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or, together with attendant utility and sanitary facilities, be flood proofed so that below the base flood level the structure is water tight with was substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 3.2133 C (3):
- (3) Mobile Homes -

- (1) No mobile home shall be placed in a flood way or coastal high hazard area, except in an existing mobile home park or existing mobile home subdivision;
- (2) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by prom a over-the-top and frame ties to ground anchors. Spec-Mc requirements shall be that: (i) over-the-top ties be provided at each of the four (4) corners of the mobile home, with two (2) additional des per side at intermediate locations and mobile homes less than fifty (50) feet long requiring one (1) additional tie per side; (ii) frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and mobile home less than 50 feet long requiring four (4) additional ties per side; (iii) any additions to the mobile home be similarly anchored.
- (3) For new mobile home parks and subdivisions; for expansions to existing home parks and subdivisions; for existing mobile home parks and subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced, and for mobile homes not placed in a mobile home park or subdivision require: (i) stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level; (ii) adequate surface drainage and access for a hauler are provided; and (iii) in the instance of elevation on pilings: (1) lots are large enough to permit steps, (2) piling foundations are placed stable soil no more than ten (10) feet apart and (3) reinforcement is provided for pilings more than six (6) feet above the ground level.

(4) Floodways

Located within areas of special flood hazard established in Section 3.2132 B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of food waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (a) Prohibits encroachments, including fill, new construction, substantial improvements and other developments unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result any increase in flood levels dining occurrence of the base flood discharge;
- (b) If Section 3.2134 B (4)(a) is satisfied., all new construction and substantial improvements shall comply with all applicable flood ha7ard reduction provisions of Section 12134.

(5) Elevated Buildings -

New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (i) Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all openings shall be no higher than one (1) foot above grade; and
 - (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of flood waters in both directions. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and,
 - (c) The exterior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (5) Standards for Manufactured Homes and Recreational Vehicles
- (a) All manufactured homes placed or substantially improved (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must meet all the requirements for new construction, including elevation and anchoring.
 - (b) Manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
 - (i) the lowest floor of the manufactured home is elevated to or above the level of the base flood elevation, or
 - (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above grade
 - (iii) the manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement
 - (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, any manufactured home placed or substantially improved must meet the standards of Article 5, Section B (4)(b)(i) and (iii) above.
- All recreational vehicles placed on sites must either:
- (i) be on the site for fewer than 180 consecutive days,
 - (ii) be fully licensed and for highway use, or
 - (iii) meet the permit requirements for new construction, including anchoring and elevation requirements for "manufactured homes".

A recreational vehicle is test- for highway use if it is on its wheels or jacking system, is attached to the site by quick disconnect type utilities and security devices and has no permanently attached additions.

Standards for Subdivision Proposals

- (1) All subdivision proposals shall consistent with the need to minimum flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of fifty (50) lots or five (5) acres.

3.2315

After approval of the final plat by the Planning Commission, the area of any drainage easement which is shown on the final plat shall not be altered or used for any purpose that would impede the flow of water over the easement.

- iv) proposal for use of chemicals on site (for golf courses), proposed method of disposal of chemicals and other waste, including measures to prevent run-off of chemicals and animal waste;
- i) method to minimize and shield lighting from adjacent parcels, if applicable;
- ii) analysis of proposed trips generated per day by proposed commercial use and capacity of adjacent road network to handle these trips.

3.222 Accessory Uses

Any use, including Farm Stands, on the same lot with and of a nature customarily incidental and subordinate to the principal use shall be permitted as an accessory use in the general agricultural zone. A Type I and/or Type II Manufactured Home may be permitted as secondary residence in the general agricultural zone on twenty-five (25) acres in addition to the required acreage for the primary residence in accordance with Section 3.51 of this Ordinance, provided that it is for the operation of the farm on which it is located and is owned and occupied by a farmer or a farm family and provided that there are only one such manufactured home located on each lot containing the minimum square footage for a single family dwelling. A fares shall be defined as agricultural land as provided by KRS 132.010.

3.223 Conditional Uses

The following uses, if approved by the Board of Adjustments shall be permitted as Conditional Uses in the prime agricultural zone:

- A. Cemeteries,
- B. Hospitals,
- C. Nursing homes, convalescent homes, or assisted living facilities,
- D. Churches, schools and colleges,
- E. Public facilities and buildings,
- F. Veterinary clinics,
- G. Home occupations,
- H. Farmers markets: If the applicant proposes to sell items not produced on the applicant's farm, the Board of Adjustment shall require a development plan before approving the conditional use permit. An applicant must be actively engaged in agricultural production, and some of the products for sale in the farmers market must be produced on the applicant's farm.
- I. Horse arenas accommodating events with more than seventy (70) participants provided the site adjoining US 27, US 68, KY 39, KY 169, KY 1267, KY 1974 or is on a road that intersects one of the aforementioned roads and is at least twenty-two (22) feet wide the entire distance from such intersection to the proposed arena.
- J. Kentucky River Recreational Centers (KRRC) - Seasonal recreation and

conservation uses such as riding trails, launch ramps, fishing and excursion boat docks, and beaches within areas of Special Flood Hazard along the shores of the Kentucky River; and recreational facilities to include swimming pools, cabins, lodges, playgrounds, amphitheaters, campgrounds, picnic shelters, seasonal camps, fishing boat, canoe and kayak rentals with accessory retail and concession stand uses in areas adjacent to the Kentucky River outside areas of Special Flood Hazard. All KRRC conditional use permits will be limited to seasonal use for no more than nine (9) months of operation in any calendar year and shall require approval of a final development plan subject to the following limitations:

1. The Special Provisions of Article 3.233 shall apply;
2. All KRRC activities shall be located on a single lot, equal to or greater than five (5) acres in size, abutting the Kentucky River with the number of seasonal Recreational Buildings (with or without food preparation facilities) limited to one seasonal Residential Building per each five (5) acres contained within the KRRC lot.
3. Seasonal Residential Buildings with food preparation facilities shall be limited to a maximum of eight (8) bedrooms each and seasonal Residential Buildings without food preparation facilities shall be limited to a maximum of twelve (12) bedrooms each..
4. The approved conditional uses contained in the Kentucky River Recreational Center shall not be extended to the same occupant for a period longer than twenty-one (21) consecutive days.
5. in order to facilitate the specific permitted conditional uses listed above, one additional season multi-purpose recreational structure shall be permitted per each ten (10) acres contained within the KRRC lot.
6. Accessory retail/concession square footage, limited to a maximum of fifteen hundred (1,500) square feet, may be added to one of the seasonal Recreational Buildings or one of the permitted seasonal multi-purpose recreational structure(s).
7. Limited dimensional spacing variances to cluster structures and uses may be granted in order to minimize soil disturbance.
8. A caretaker representing the owner may be allowed to live on the premises year round in quarters attached to a permitted seasonal Residential Building or seasonal multi-purpose recreational structure within the KRRC lot.
9. See Article 3.3 for sign regulations,
10. See Article 3.4 for parking regulations.
11. Prohibited Uses:
 - A. Mobile Homes
 - B. Any other use not expressly permitted is prohibited.
 - C. Changes or damage to any portion of the Palisades or any cliff which shall be designated as a scenic area_ The following acts or uses are prohibited ad the scenic easement area must remain in its natural state.

1. Removal or cutting of plants, flowers, shrubs or trees.

2. Removal of rocks, ledges, dirt, or any material.
 3. Painting or defacing the surface, hang gliding, repelling, or any similar uses.
- K. Special Event Venue, to include weddings and auxiliary events associated with weddings, charitable events, fund raisers, receptions, and corporate picnics.

SECTION 3.221 AMENDED MARCH 16, 1999

SECTION 3.221 (a) AMENDED JUNE 6, 2000

SECTION 3.222 AMENDED JUNE 6, 2000

SECTION 3.222 AMENDED JULY 1, 2008

SECTION 3.223 AMENDED JULY 1, 2008

SECTION 3.223 (J) ADOPTED AUGUST 17, 2010

SECTION 3.223 (C) AMENDED DECEMBER 4, 2012

SECTION 3.223 (K) ADOPTED DECEMBER 15, 2015

3.224 DEVELOPMENT STANDARDS

Minimum Lot Size	5 acres
Lot Width at Building Line	200 feet
Minimum Front Yard	60 feet
Minimum Rear Yard	25 feet
Minimum Side Yard	25 feet
Minimum Frontage on Public Road	200 contiguous feet
Minimum Building Height	45 feet
Minimum Road Frontage for Cul-de-Sac Lots	50 feet

There shall be no variance, waiver, exception, change or alteration granted by the Planning Commission as to these standards, except in regards to non-conforming lots as provided in Section 3.75 of this ordinance or Section 4.305 of the Subdivision Regulations. No variance shall be made by the Board of Adjustments except those relating to location of buildings, structures or other dimensional variances as defined in KRS 100.111(24) and as limited in KRS 100.241, KRS 100.243 and KRS 100.247, and for divisions of property where such divisions are for preservation and/or conservation purposes only; and where such divisions will result in a conveyance to a nationally recognized conservation or preservation organization such as the Nature Conservancy.

SECTION 3.224 AMENDED JUNE 29,1999

SECTION 3.224 AMENDED MARCH 7, 2000

SECTION 3224 AMENDED FEBRUARY 20, 2007 (building height)

SECTION 3.224 AMENDED MARCH 29, 2011 (side yard, lot width & frontage on public road)

SECTION 3.224 AMENDED MAY 6, 2014 (paragraph)

DEVELOPMENT STANDARDS FOR CLUSTER DEVELOPMENTS

- (a) Maximum development density shall be one (1) single-family residential unit for every five (5) acres of the parent Tract. The size of the building lots and density may vary from one (1) to five (5) acres; however, the total residual farmland as defined in Section 1.8 including road right-of-ways shall not be less than 80% of the parent tract as defined in Section 1.8. One (1) single family dwelling unit shall be reserved for use of the residual farmland. The maximum number of cluster development building lots sharing a common lot line in a cluster shall be twenty (20). There shall be no variance, waiver, exception, change or alteration granted by the Planning Commission as to these standards with two (2) exceptions, First, where public interest necessitates the preservation of a historic home as recommended by the Board of Architectural Review, one (1) additional lot may be created where the home is located, Such lot shall be conveyed by separate deed with a deed restriction or covenant requiring the preservation and restoration of the historic home. Second, additional, one (1) acre lots may be granted for the development in exchange for demolition or removal of legally existing, habitable dwellings on the parent tract as further defined and restricted herein by section 1.8 - Cluster Development. All dwellings to be eliminated shall be removed or demolished prior to the recording of the initial final plat for the development. All such additional lots meted shall comply with the development standards of this Ordinance and the Subdivision Regulations.

- (b) At time of application all parent tracts accessed by a State Rural Secondary or County Road may be approved for development with a total number of units not to exceed maximum density of one (1) cluster development unit per five (5) acres of the parent tract

The minimum size of a cluster building lot shall be one (1) acre. The remaining reserved portion of the parent tract shall be used for agriculture zone and/or conservation purposes, and roads with one (1) residential unit reserved for the parent tract.

The minimum acreage necessary for a cluster development is twenty-five (25) acres in the original parent tract.

CLUSTER DEVELOPMENT STANDARDS SECTION (a) REVISED JANUARY 4, 2000

CLUSTER DEVELOPMENT STANDARDS SECTION (a) REVISED MAY 2, 2000

CLUSTER DEVELOPMENT STANDARDS SECTION (b) REVISED AUGUST 21, 2001

CLUSTER DEVELOPMENT STANDARDS SECTION (a) RETIRED NOVEMBER 29, 2005

- iii individual cluster lot standards are:
 - a. One (1) acre minimum with four (4) acres to be set aside for each cluster lot
minimum set aside to be 80% of parent tract
 - b. Minimum Lot Width at the Building Line 100'
 - c. Minimum Front Yard Setback 50'
 - d. Minimum Rear Yard Setback 50'
 - e. Minimum side Yard Setback 12'
 - f. Minimum Road Frontage 100'
 - g. Maximum Building Height 45''
 - h. Minimum Road Frontage for Cul-de-Sac Lots 40'

There shall be no variance, waiver, exception, change or alteration granted by the Planning Commission as to these standards except as set forth in Section 3.224(a) herein. Otherwise, no variance shall be made by the Board of Adjustments except those relating to location of buildings, structures or other dimensional variance as identified in KRS 100.111(24) and as limited in KRS 100.241, KRS 100.243 and KRS 100.247.

- i. Roped or Box Curb and Gutter is required for cluster pods if more than 50% of individual lots have a road frontage of 100' to 149.0'. Constructed roadways leading from existing public road(s) and/or connecting between pods having a length less than 149.94 shall be required to have curb and gutter. There shall be no variance or waiver from this requirement.
- j. Curb and Gutter are not required for cluster pods if less than 50% of individual lots have road frontage of 100' to 150'. Constructed roadways leading from existing public roads; and/or connecting between cluster pods having a length greater than 150' are not required to have curb and gutter.
- k. Sidewalks shall not be required in cluster developments except where proposed by the developer. Maintenance of sidewalks proposed by the developer shall be the responsibility of individual property owners.
- l. In general the Street Design Standards shall conform to Section 4.204 of the Subdivision Regulations, except pavement width shall be as follows:
 With box curb and gutter - 28' Back to Back of Curb
 Without curb and gutter - 22' Edge to Edge of Blacktop
 There shall be no variance or waiver from this standard.

- iv A. If the access road is intended for private use, a homeowner's association must be created for road maintenance and improvement, using mandatory membership, and a lien based assessment system recorded in the County Courthouse. Furthermore, private-use

only access roads shall also be approved by the appropriate legislative body prior to preliminary plat application. All access roads to and within the cluster development shall be constructed in accordance with the standards imposed by the Subdivision Regulations for the Jessamine County-City of Wilmore Joint Planning Commission. Parent tract having a potential number of Cluster Development units of twenty (20) or more may be constructed in such a manner as to provide for two entrances into the proposed development or right-of-way for street continuation into adjacent property(ies)

B. A variance may be granted to allow right of way access roads to abut or adjoin property lines provided fencing as required under 3.224 Section xiii is constructed at the time of development and any additional water flow from the construction of such road is retained on the parent tract of the proposed development. Additional screening may also be required by the Planning Commission.

- v. a. No cluster lot line shall be allowed within 400' of public rights-of-way. There shall be no variance or waiver from this dimension. A landscape and buffering plan as specified under Section xiii of this ordinance shall be required in addition to any natural screening which may exist. A variance from this screening requirement may be granted only when the contour of the land and existing screening provides total visual block of the development from adjacent right-of-ways.
- b. No cluster lot line shall be allowed within 200' of adjacent property lines. This dimension may be varied if the following is provided. Fencing as required, under 3.244 Section xiii and screening as required under 3.224 Section vii unless waived in writing by the adjacent property owner at time of development.
- c. Distance between cluster pods shall be a minimum of 200' as measured from the nearest lot lines between each pod. There shall be no variance or waiver from this dimension.
- vi. Cluster lots shall not have a depth in excess of 4.5 times the width of the lot at the building

SECTION 3.224 (a)(iii) AMENDED NOVEMBER 29, 2005

SECTION 3.224 (a)(iii) AMENDED MAY 17, 2006

SECTION 3 114 (a)(iii)(g) AMENDED FEBRUARY 20, 2007

vii. In order to minimize visibility of cluster lots from adjacent property or public rights-of-way, all cluster lots shall take advantage of existing trees, shrubs and greenery which provides natural screening from roads and adjacent property where feasible. Applicants shall submit a landscape and buffering plan in addition to existing screening. The plan as approved by the P1 Running Commission shall be shown on the final plat of record of the cluster. Applicant shall provide a performance bond or letter of credit to the Planning Commission to cover the cost of established plus 25%. After establishment of screening a surety bond shall be provided in the same amount to cover cost of maintenance for a period of five years. Establishment and perpetual maintenance of any approved landscape plan shall be the initial responsibility of the developer or his heirs. The Developer shall any subsequent landowner upon whose property the screening exist with the responsibility for perpetual maintenance of established screens.

Assignment of responsibility may be done by Deed Restrictions or separate Contractual Agreement Documents recorded in the Office of the Jessamine County Clerk.

The following shall be the minimum standards for screening.

MINIMUM STANDARDS FOR SCREENING

Screening shall consist of a combination of shrub or hedge and coniferous trees.

The shrub or hedge shall be of a type of hat will attain a minimum height of six (6) feet with 50% winter opacity. It shall be maintained at a height no lower than six (6) feet. The individual hedge plantings shall be at least three (3) feet tall and shall be planted no farther apart than two and one half feet. (2 1/2). These plantings distances are designed to create a solid screen and supplemental plantings may be required if this is not achieved within three years.

The coniferous trees shall initially be six (6) feet in height that will obtain a mature height of at least twenty (28) feet. Maximum spacing shall be 30' on center of 60' on center in staggered rows.

Members of the Planning Commission may make a visual on site inspection of the Proposed development site and review fat landscape plan to determine the adequacy of the screening. The applicant shall be required to re-design the lot layout or provide additional berming or vegetation if the commission determines screening is inadequate.

viii. Agricultural preservation being the intent of these regulations, the premature subdivision or development of land shall be discouraged.

Sufficiency of infrastructure - The Planning Commission may deny approval of any proposed cluster development for which infrastructure sufficient to serve the needs generated by the proposed development is neither available nor planned for construction as part of the capital improvement program of the providing agency. The developer shall demonstrate the adequacy of the infrastructure, water, drainage, septic system and other physical impact controls. At time of preliminary plat application, the developer shall submit comprehensive soil evaluations for each cluster pod site prepared by the County Sanitation Officer to determine the suitability of the site for septic disposal systems. Off site sewage disposal systems will not be permitted. Water pressure shall meet the minimum Public Service Commission requirement of 30 psi at the meter with the providing agency having reserve storage capacity to serve all customers of its service territory including the proposed development for a period of 24 hours based on its average daily usage at the time of application. All water distribution lines within the proposed development shall be a minimum of 6 in size.

Fire Hydrants will be required as part of the development where adequate pressure and flow (sustained flow of 2500 is available for fire fighting purposes. If the proposed development lies within the urban service area of an incorporated city then all plans for water lines and fire hydrants shall be approved by the city's utility engineer prior to preliminary plat application.

- x. Cluster developments shall consist of single-family on-site cowl-ducted dwelling units. Manufactured mobile homes, double wide mobile homes are prohibited in cluster developments.
- xi. All applicable standards and requirements of the subdivision regulations for the Jessamine County-City of Wilmore Planning Commission shall apply to the development of clusters.
- xii. Conservation Easements, Rest-die-dye Covenants and Conditions Applicable to Residual Farmland to Cluster Developments.

(a) The plat and the deed of a cluster development shall provide a restrictive covenant which runs with the land restricting the use of the residual farmland to agricultural use or open space use. This restriction shall terminate at such time as the cluster development is annexed into a city in accordance with the Kentucky Revised Statutes and is re-zoned for single-family residential use compatible in design and size to the existing cluster development with a density of no less than one home per acre or the smallest sized lot in the existing cluster, whichever is greater.

(b) The following wording shall appear on all deeds and plats approved under this ordinance:

The residual farmland of this cluster development, consisting of ___ acres, as shown on plat recorded in Plat Cabinet _____ Slide _____ in the office of the Jessamine County Clerk, shall be restricted to agricultural use or open space use with this covenant to be perpetual and running with the land. This covenant may terminate only at such time as

this cluster development is annexed into a city in accordance with the Kentucky Revised Statutes and is re-zoned to single-family residential use compatible in design and size to the existing cluster development with a density of no less than one home per acre or the smallest sized lot in the existing cluster, whichever is greater,

(c) In lieu of a restrictive covenant as described in subsections (a) and (b) of this section, the developer may grant a conservation easement to a third party. Such easement shall appear on the plat and in the deed in addition to wording which reads as follows:

The Residual Farmland of this cluster development is subject to a perpetual conservation easement running with the land which is recorded in Deed Book __, Page ____ in the Jessamine County Clerk's office. Such Easement may terminate only at such time as this cluster development is annexed into a city in accordance with the Kentucky Revised Statutes and is re-zoned to single-family residential use compatible in design and size to the existing cluster with a density of no less than one home per acre or the smallest sized lot in the existing cluster, whichever is greater.

A letter of intent shall also be provided to the Planning Commission indicating that the conservation easement will be accented by the third party if the plat is approved.

(d) The following additional language shall appear on those plats of cluster developments and in the deed, if any, to the Residential Farmland of such cluster developments where the maximum number of cluster lots have been depicted .o the plat:

No residence shall be constructed upon the Residual Farmland unless and until the cluster development is anne2Q-.3dittto a city in accordance with the Kentucky Revised Statutes and is re-zoned to single-family residential use compatible in design and size to the existing cluster with a density of no less than one home per acre or the smallest sized lot in the existing cluster, whichever is greater.

xiii. The following requirements for fencing shall apply and be cons 9.ucted at tie of development:

A 48 inch high woven wire four board plank fence shall be constructed on the property line of each cluster pod and along any right-of-way access that abuts adjacent property lines. Woven wire fence shall consist of 10 No. 9 wires with 12 inch stays 47 inches in height. Supporting pose shall be 5 to 5 inch cca treated line post with spacing between post not to exceed 12 ft. End and brace post assemblies shall be placed at 500 ft. intervals or less. Fence may be topped with cca treated plank or barb wire. All post shall be placed on the residential side of property line with wire stapled to farm side of property line. Plank fencing shall consist of four or more cca treated popular or oak planking nailed horizontally to 6 inch cca treated post spaced no farther apart than 8 ft. on center. Post shall be placed on the residential side of property line with plank nailed to farm side of spy line. Along right-of-ways plank may be nailed on roadway side of fence. After construction post and plank shall be coated with preservative paint. Future

maintenance and/or replacement of fencing shall be shared jointly by individual property owners fronting along said fences for that portion abutting their property.

Prospective purchasers of residential lots in agricultural cluster residential developments are placed upon notice that hunting and fishing within accepted guidelines are common and legal and may be expected to occur in an around residual cluster developments. These practices, if lawfully conducted within accepted safety guidelines shall not constitute a nuisance within the meaning of KRS 401.500 et seq.

CLUSTER DEVELOPMENT STANDARDS SECTION xii (b) REVISED APRIL 17, 2007

Customary agricultural Practices within Cluster Residential Developments in the Agricultural A-1 Zone shall not constitute a nuisance as codified in KRS 411.500 et seq: The preservation of agriculture and the rural character of Jessamine County is the pose of the regulations. In order to thrive, customary agricultural practices must not be subjected to claims of nuisance from owners or residents of rural residential development. Customary agricultural practices, including but not limited to the following are expected and encouraged in and around rural residential development; plowing, spraying, mowing, irrigation, forage harvesting (baling hay, chopping silage), planting, harvesting, construction on fences, waterways, ponds and contours; weaning calves, working cattle, feeding/finishing dry lot cattle And other livestock and other reasonable agricultural practices which from time to time shall be customary in this area. These practices are essential to the perpetuation and operation of the remaining agricultural land and are expected to result in the detection of odors, noise and dust on neighboring properties.

xv. Based on the foregoing, Section xiv, the Jessamine County Fiscal Court makes the following determination as outlined in KRS 411.500.

1. The use of customary agricultural practices on that portion of the cluster residential development reserved for agricultural uses and conservation use is a lawful and necessary use of the property if the agricultural way of life is to be preserved in Jessamine County.

xiv. 2. The use of customary agricultural practices on that portion of the residential development is reserved for agricultural uses and conservation use is the proper manner in which agricultural land should be used in Jessamine County. These practices have developed over time as a method most likely to optimize the utility and preservation of agricultural land.

3. The use of customary agricultural practices on that portion of the residential developments reserved for agricultural uses and conservation use is essential to the financial success of Jessamine County's agricultural community, which constitutes a substantial portion of the general community.

3. The use of customary agricultural practices on that portion of the residential developments reserved for agricultural uses and conservation use is necessary if the agricultural community is to continue its influence on and contribution to the growth and prosperity of the county at large.
 4. The use of customary agricultural practices on that portion of the residential developments reserved for agricultural uses and conservation use results in the end, volume duration of annoyance or interference with neighboring properties which are insignificant when compared to the contribution this use makes to the financial and cultural well-being of the county.
 6. The use of customary agricultural practices on that portion of the residential developments reserved for agricultural use and conservation is essential to the maintenance of the finance viability for those areas reserved to agricultural uses and conservation use. These areas having no development potential until such time as they are annexed and re-zoned, are valued only for agricultural production_ The value generated by the creation of the reserved agricultural and conservation use area reduce the development cost and enhances the utility of each residential lot. The absence of the area would necessitate greater expense and less efficient use of capital and land required of residential development in the agricultural area..
 8. The use of customary agricultural practices on that portion of the residential developments reserved for agricultural use and conservation use is vital to the continued existence of the rural way of life in Jessamine County.
- xvi.. Notice of the application for approval of a cluster development shall be given to adjacent property owners by both certified mail and by sign on the subject property at least fourteen (14) but nor more than twenty-one (21) days prior to the Planning Commission meeting at which the cluster proposal is to be considered. The sign and notice shall inform the recipient of the hearing and the address and phone number where further information is available.

3.225 Exceptions

1. Where the topography and other natural features of a lot or parcel in the A-i Zone make compliance with the above development standards impossible, the Board of Zoning Adjustments, upon application for a Dimensional Variance as -provided elsewhere herein, may grant a variance from the A-1 `front and rear yard requirement if it finds, in addition to other findings which may be mandated by law of regulation for variance that:
 - A. The road frontage of the lot exceeds the minimum for the zone by twenty-five (25) percent and/or that,

- B. No principal structure will be constructed on the lot, as a result of granting a variance, which is less distant from the principal structures on the adjacent parcels than the distance required by the minimum road frontage requirements for the zone.

3.23 CONSERVATION-PRESERVATION DISTRICT (CP)

3.231 Intent: This zoning district is intended to discourage development and promote and protect land areas and water quality generally depicted as Conservation Future Land Use in the adopted Comprehensive Plan that are physically and environmentally sensitive and unique, including, but not limited to, watercourse corridors, significant natural features, karst areas, wooded areas, conservation resources, wildlife habitats, woodlands, present and future water supplies, and wildlife habitats along Jessamine, Sinking and Marble Creeks, the Kentucky River Palisades, arid land areas adjacent to the 100 year flood plain of the Kentucky River.

SECTION 3.225 AMENDED JANUARY 24, 2002

3.232 Permitted Uses

- A. Agricultural fanning
- B. Wildlife, native and forest preserves
- C. Public owned parks

3.233 Special Provisions

To achieve the intent of the Conservation-Preservation Zoning District (CP), all proposed land uses shall demonstrate the following to the Planning Commission:

1. Landscaping shall be of species native to the Bluegrass Region and no landscaping shall be done without prior approval of the landscaping plan by the Planning Commission;
2. Fertilization / pesticide control of the land shall use environmentally friendly methods of fertilization and pest control;
3. All natural springs, cave entrances and open sinkhole throats shall have at least a 100 foot radial foot protected zone;
4. Natural water flow shall not be obstructed by any means or use;

- 5 Outdoor Lighting Plans shall receive prior approval from the Planning Commission. Outdoor lighting is discouraged at or near the Kentucky River Palisades.

SECTION 3.23 ADOPTED MAY 2, 2006
SECTION 3.231 AMENDED SEPTEMBER 21, 2010

3.24 Residential R-1, R-2, R-3, R-1(Variable Density)

3.241 R-1 Residential

3.2411 Permitted Uses

- A. single-family dwellings
- B. Home occupations as specified below and as restricted in section 1.8 (definition of home occupations) herein. No home occupations shall be permitted which change the appearance of the structure from that of a residence.
 - 1. Beauty Shop
 - 2. Custom dressmaking, millinery, tailoring, sewing of fabrics
 - 3. Office in which goods, wares, or merchandise are not commercially created, stored or sold
 - 4. Tutoring, limited to not more than four (4) children simultaneously
 - 5. Fine art studio in which are created only individual works of art
 - 6. Rooming and/or boarding of not more than four (4) persons

3.2412 Conditional Uses

- A. Public and parochial schools and colleges, private schools and colleges for

academic instruction.

- B. Country clubs, golf course, libraries, community centers, churches, private non-commercial recreation areas, public utilities and public transportation.

3.2413 Accessory Structures and Uses Permitted

Garages and other accessory structures and uses customarily associated with the uses permitted this district.

3.2414 Building Height

The maximum building height shall not exceed forty-five (45) feet.

3.2415 Required Lot Area and Width

Every single-family dwelling shall be located on a single lot of not less than forty-three thousand five hundred sixty (43,560) square feet of one (1) acre. The minimum lot width measured at the front of the lot and at the building setback line shall not be less than one hundred (100) feet. Except lots located on cul-de-sacs or curves in the street may be reduced to a minimum frontage of forty (40) feet.

SECTION 3.2414 AMENDED FEBRUARY 20, 2007

3.2416 Yards Required

A. Front Yards

The minimum front yard setback line shall be fifty (50) feet from the right-of-way.

B. Side yards

There shall be a minimum side yard on each side of any structure of twelve (12) feet as measured from the property line to the nearest building or structure.

C. Rear Yard

There shall be a minimum rear yard building setback line of not less than fifty (50) feet as measured from the rear property line to the nearest building or structure.

- D. Comer Lot Yards
Corner lots shall be laid out so as to provide at least minimum front yard requirements along both street frontages.
- E. Yards for Buildings Constructed Under a Conditional Use
All public and semi-public building, including accessory buildings shall have at least the same front yard setback required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback for such buildings of fifty (50) feet from any lot line.

3.2417 Uses Prohibited

- A. Mobile Homes
- B. Any other use not expressly permitted is prohibited. Exception: Conditional Uses approved by the Board of Adju6i.wents.

3.22 R-2 Residential

3.2421 Permitted Uses

- A. Any use permitted in the Residential R-1 Zone and two-family dwellings.
- B. Home occupations as specified below and as restricted in Section 1.8 (definition of home occupations) herein. No home occupations shall be permitted which change the appearance of the structure from that of a residence.
 1. Beauty Shop
 2. Custom dress making, millinery, tailoring, sewing of fabrics for custom apparel and custom home furnishings.
 3. Office in which goods, wares, or merchandise are not commercially created, stored, or sold
 4. Tutoring limited to not more than four (4) children simultaneously
 5. Fine arts studio in which is created only individual works of art
 6. Rooming and/or boarding or not more than four (4) persons

SECTION 2416(D) AMENDED DECEMBER 1, 2009

3.2422 Conditional Uses

- A. Public and parochial schools and colleges, private schools and colleges for academic instruction.
- B. County clubs, a golf course, libraries, community centers, churches, public and private non-commercial recreation areas, public utilities and public transportation.

3.2423 Accessory Structures and Uses Permitted

Garages and other accessory structures and uses customarily associated with the uses permitted in this district.

3.2424 Building Height

Same as the Residential (R-1) Zone.

3.2425 Required Lot Area and Lot Width

Every single-family dwelling shall be located on a single lot of not less than one (1) acre, (43,560 square feet) in area. The minimum lot width measured at the building line shall be not less than one hundred (100) feet. Every two-family dwelling shall be located on a single lot of not less than two (2) acres. The minimum required lot width at the building setback for a two-family dwelling shall be one hundred fifty (150) feet

3.2426 Yards Required

- A. Front Yards
The minimum front yard setback line shall be twenty-five (25) feet from the right-of-way
- B. Side Yards
There shall be a minimum side yard on each side of any structure of six (6) feet as measured from the property line to the nearest building or structure and a total of fourteen (14) feet on both sides of any structure.
- C. Rear Yards
There shall be a minimum rear yard building setback line of not less than twenty-five (25) feet as measured from the rear property line to the nearest building or structure.
- D. Corner Lot Yards
Corner lots shall be laid out so as to provide at least minimum front yard requirements along both street frontages.

- E. Yards for Public and Semi Public Buildings
All public and semi-public buildings, inch-Wing accessory buildings, shall have at least the same front yard setback required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback for such buildings of fifty (50) feet from any lot line.

SECTION 3.2525 AMENDED SEPTEMBER 5, 2000
SECTION 3.2426(D) AMENDED DECEMBER 1, 2009

3.2427 Uses Prohibited

- A. Mobile homes.
- B. Any other use not expressly permitted is prohibited. Exception:
Conditional Uses approved by the Board of Adjustments

3.243 Residential, R-3

3.2431 Permitted Uses

- A. Any use permitted in the Residential (R-2) Zone.
- B. Two-family dwellings.
- C. Multi-family dwellings

Mobile home parks, provided they meet the requirements of Simon 3.5 of this Zoning Ordinance

3.2431 Conditional Uses

Churches

Mobile homes on individual lots, when approved by the Board of Zoning Adjustments, and provided that the following conditions are met:

That the structure located on the subject property is substandard or dilapidated according to generally accepted local or national standards, and that the replacement of said 1.--; LI facture by a mobile home would constitute an improvement the existing housing situation; and/or

2. That the adjoining properties on one or both sides of the subject property are presently occupied by mobile homes as principal users.

3.2432 Uses Prohibited

Any use prohibited in the Residential R-2 Zone. Exception: Conditional Uses approved by the Board of Adjustments.

3.2433 Building Height

No building or structure shall exceed three (3) stories or forty-five (45) feet in height without special permission of the Planning Commission.

3.2434 Required Lot Area and Lot Width

Every family dwelling shall be located on a single lot of not less than one (1) acre (43,560 square feet). Every multi-family and two-family dwelling shall be located on a single lot of not less than two (2) acres for the first dwelling unit plus one (1) acre for each additional unit. The minimum required lot width at the building setback line for a single-family dwelling shall be on hundred (100) feet; for two-family and multi-family dwellings the sn3I ,rte width shall be one hundred and fifty (150) feet for the first unit plus fifty (50) feet for each additional

SECTION 3.2434 AMENDED SEPTEMBER 5, 2000

3.2435 Yards Required

A. Front Yards

Twenty-five (25) feet required from right-of-way tee;

B. Side Yards

There shall be a minimum side yard on each side of any building or structure of six (6) feet as measured from the property line to the nearest building or structure, and a total of fourteen (14) feet on both sides of any structure.

C. Rear Yards

There shall be a minimum rear yard building setback of not less than twenty-five (25) feet as measured from the rear property line to the nearest building or structure.

D. Corner Lot Yards

Corner lots shall be laid out so as to provide at least minimum front yard requirements - along both street frontages.

E. Yards for Public and Semi-Public Buildings

All public and semi-public building, including accessory buildings shall have at least the same front yard setback required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback for such buildings of fifty (50) feet from any lot.

SECTION 3.435 (D) AMENDED DECEMBER 1, 2009

3.244 R-1 V VARIABLE DENSITY RESIDENTIAL: R-1V

It shall be the policy of the Jessamine County-City of Wilmore Joint Planning Commission to promote progressive development of land and construction thereon by encouraging variable density developments to achieve:

1. A maximum choice of living environments by allowing a variety of housing and building types and lot sizes.
2. A more useful pattern of open space and recreation areas.
3. A development pattern which utilizes optimal home building sites while preserving and utilizing natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
4. A more efficient use of land that is generally not achieved through conventional development, resulting in substantial savings through shorter utility lines and streets.
5. A development pattern in harmony with land use density, transportation facilities, and con unity facilities objectives of the Comprehensive Plan.

3.2441 Provisions Governing R- 1V Variable Density Developments

Because of the special characteristics of R-1V developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this section and those of the other sectors of the ordinance, the provisions of this section shall prevail for the development of land for R-1V residential developments. Subjects not covered by this section shall be governed by the respective provisions found elsewhere in this ordinance.

3.2442 Location Principals

R-1V Variable Density Developments shall be located where public sanitary sewer service is available.

3.2443 Permitted Uses

Single family residential dwelling units and public uses such as community centers, recreational facilities, and homeowner association clubhouses.

SECTION 3.2442 AMENDED SEPTEMBER 21, 2010

3.2444 Conditional Uses

Churches for worship services, accessory church uses, public and parochial schools, private schools, provided that a Development Plan is submitted for Planning Commission review and approval per Article 5.1G, Multi-Lot Subdivisions, of this Zoning Ordinance.

3.2445 Prohibited Uses

Commercial businesses, industrial uses, schools and colleges with on campus student housing. There shall be no accessory or outbuildings on lots of 10,000 square feet or less.

3.2446 Attached Dwellings

Single-family attached residences with no more than four (4) units being attached as defined in Section 1.8 of this ordinance are permitted R-1V zones on 6,000 - 9,999 square foot lots with zero side/rear yard setbacks. Only one single family residential housing unit may be placed on a 6,000 - 9,999 square foot lot.

3.2447 Parking

Off-street parking shall be provided for at least four (4) vehicles per dwelling unit (including garage and driveway).

3.2448 Development Standards

The following regulations shall apply to attached and single family dwellings in an R-IV Zoning District.

1. Public Sanitary Sewer: All dwelling units shall be connected to public sanitary sewer. There shall be no variance, waiver or exception granted by the Planning Commission or Board of Zoning Adjustment per sanitary sewer.

2. Height: No building shall be erected or altered to a height of more than forty-five (45) feet.

Buildings, Uses and Setbacks: No building shall encroach on any required front yard. On corner lots front yard setback standards shall apply to all adjacent streets.

4. Lot sizes and setbacks shall conform to the standards set in the following including percentage of Parent Tract for various lot sizes:

SECTION 3.2448(2) AMENDED FEBRUARY 20, 2007

- A. Lot Requirements - Variable Density Zone (R-1V)**;
1. Minimum Lot Size: 6,000 feet: Maximum Lot Size: 9,999 square feet:
Attached Dwelling Units:
 - a. Minimum Lot Width 60'
 - b. Minimum Front Yard: 20'
 - c. Minimum Each Side Yard: 0
 - d. Maximum Rear Yard: 0
 - e. Maximum Number Of Lots 15% of total lots allowed
 - 1 a. Non-Attached Dwelling Units:
 - a. Minimum Lot Width: 60'
 - b. Minimum Front Yard: 20'
 - c. Minimum Each side Yard: 10'
 - d. Minimum Rear Yard: 15'
 - e. Maximum Number of Lots: 15% of total lots allowed
 2. Minimum Lot Size: 10,000 square feet; Maximum Lot Size: 14,999 square feet
 - a. Minimum Lot Width: 70'
 - b. Minimum Front Yard: 20'
 - c. Minimum Each side Yard: 10'
 - d. Minimum Rear Yard: 15'
 - e. Maximum Number of Lots: 15% of total lots allowed
 3. Minimum Lot Size: 15,000 square feet: Maximum Lot Size: 29,999 square feet
 - a. Minimum Lot Width: 80'
 - b. Minimum Front Yard: 40'
 - c. Minimum Each Side Yard: 10'
 - d. Minimum Rear Yard: 25'
 - e. Maximum Number of Lots 15% of total lots allowed
 4. Minimum Lot Size: 30,000 square feet: Maximum Lot Size: 43,559 square feet
 - a. Minimum Lot Width: 100'
 - b. Minimum Front Yard: 40'
 - c. Minimum Each Side Yard: 10'
 - d. Minimum Rear Yard: 25'
 - e. Maximum Number of Lots 25% of total lots allowed
 5. Minimum Lot Size: 43,560 square feet; Maximum Lot size: None

- a. Minimum Lot Width: 120'
- b. Minimum Front Yard: 50'
- c. Minimum Each Side Yard: 12'
- d. Maximum Rear Yard: 50'
- e. Maximum Number of Lots 30-100% of total lots allowed

SECTION 3.2448(A)(1) AMENDED NOVEMBER 29, 2005

- 6. Transfer of Lot Sizes: Any portion of an above lot size category not used can be transferred to any larger lot size category.

**All front yards are hum right-of-way

**All side yards are from side lot line: Rear yards are from rear lot line

**All minimum lot widths also apply to minimum road frontage on a public sweet

- 7. Additional lots may be granted for the development in exchange for the demolition or removal of legally existing, habitable dwellings on the parent tract as further defined and restricted herein by Section 1.8-R-1 Variable Density Development. Such additional lots shall be added to the total number of lots normally allowed for the development, and such total shall be used to calculate the maximum number of lots per lot size category. All dwellings to be eliminated shall be removed or demolished prior to recording of the initial final plat for the development. All such additional lots grated shall comply with all development standards of this Ordinance and the Subdivision Regulations.

3.2449 Street Design Standards

Collector road location in the R-1V Zone shall generally conform to the Comprehensive Plan. Where proposed collectors are depicted on the map, urban collector roads shall be built. Such roads shall be continued through the property and stubbed for future extension in accordance with the Jessamine County Land Use Map.

Street design for Brannon Road (KY Highway 1980) shall be based on Figure 23 of the Northeast Jessamine Transportation Study (Jones, Jones and Goulding, 2003). Brannon Road from US27 East to Tates Creek Road shall consist of the fall section and shall be built commensurate with development. West of US27, along portions where there is a new alignment proposed for. Brannon Road, the southern half of the cross section shall be constructed commensurate with development. The dedicated right-of-way in this area shall be no less than 120 fed: to provide space for the northern half or the road section to be built in the future. In the case of development along existing Brannon Road, improvements to the existing road are required in accordance with the subdivision regulations; however, a right-of-way in addition to

the existing width shall be dedicated for a total right of way width of 120 feet to provide space for future widening.

All other streets in the R-1V Zone shall be tubas collector or local streets as defined in the Jessamine County-City of Wilmore Subdivision Regulations, Article 4.204.

SECTION 3.2448 A 7 ADOPTED NOVEMBER 29, 2005
SECTION 3.2249 AMENDED SEPTEMBER 21, 2010

3.2450 Utility Requirements

On less than one (1) acre lots, underground utilities, including communication cables, telephone and electrical systems shall be required. On lots one (1) acre or larger, the above utilities are highly preferred and encouraged within the limits of Variable Density developments. Appurtenances to these systems which can be effectively screened, maybe exempted from these requirements if the Planning Commission finds that such exemption will not violate the intent or character of the proposed development.

3.2451 Open Space and Disposition Thereof

All Variable Density Developments shall set aside at least five (5) percent of land of the parent

- A. Lot Requirements - Variable Density Zone (R-1V)**;
1. Minimum Lot Size: 6,000 feet- Maxim= Lot Size: 9,999 square feet: Attached Dwelling Units:
 - a. Minimum Lot Width 60'
 - b. Minimum Front Yard: 20'
 - c. Minimum Each Side Yard: 0
 - d. Maximum Rear Yard: 0
 - e. Maximum Number Of Lots 15% of total lots allowed
 - 1 a. Non-Attached Dwelling Units:
 - a. Minimum Lot Width: 60'
 - b. Minimum Front Yard: 20'
 - c. Minimum Each side Yard: 10'
 - d. Minimum Rear Yard: 15'
 - e. Maximum-Number of Lots: 15% of total lots allowed
 2. Minimum Lot Size: 10,000 square feet; Maximum Lot Size: 14,999 square feet
 - a. Minimum Lot Width: 70'
 - b. Minimum Front Yard: 20'
 - c. Minimum Each side Yard: 10'
 - d. Minimum Rear Yard: 15'
 - e. Maximum Number of Lots: 15% of total lots allowed
 3. Minimum Lot Size: 15,000 square feet: Maximum Lot Size: 29,999 square feet
 - a. Minimum Lot Width: 80'
 - b. Minimum Front Yard: 40'
 - c. Minimum Each Side Yard: 10'
 - d. Minimum Rear Yard: 25'
 - e. Maximum Number of Lots 15% of total lots allowed
 4. Minimum Lot Size: 30,000 square feet: Maximum Lot Size: 43,559 square feet
 - a. Minimum Lot Width: 100'
 - b. Minimum Front Yard: 40'
 - c. Minimum Each Side Yard: 10'
 - d. Minimum Rear Yard: 25'

e. Maximum Number of Lots 25% of total lots allowed

5. Minimum Lot Size: 43,560 square feet, Maximum Lot size: None

a. Minimum Lot Width: 120'

b. Minimum Front Yard: 50'

c. Minimum Each Side Yard: 12'

d. Maximum Rear Yard: 50'

e. Maximum Number of Lots 30-100% of total lots allowed

SECTION 3.2448(A)(1) AMENDED NOVEMBER 29, 2005

Tract for open space, parks, or trails. All blue-line streams shall have a 150 foot wide floodway easement (or 100 year floodplain, whichever is greater) from the center of the stream and be kept as greenways or developed as riparian buffers in their natural state. Open Space land reserved under the R-1V zone shall either be held and maintained: 1) in corporate ownership by owners of the subdivision/parent tract in the pre-development And development stages; 2) for the use of each lot owner within the subdivision and be maintained post-development jointly by all lot Owners upon the 'formation of a homeowners association; or, 3) be dedicated to the appropriate legislative body and retained as public common open space for parks, recreation, trails and related recreational uses. All land dedicated to the appropriate legislative body must meet the Planning Commission's requirements as to size, shape, and location- Land proposed to be dedicated as parks or open space shall be reviewed by the Nicholasville-Jessamine County Parks and Recreation Department with a written analysis and recommendation to be forwarded to the Planning Commission for review and consideration by the Planning Commission, A recommendation to the appropriate legislative body by the Planning Commission per Article 4.700 of the Jessamine County-City of Wilmore Subdivision Regulations shall be made per acceptance of any recreational or open space lands to be dedicated. The responsibility for the maintenance and ownership of all open spaces shall be specified by the, developer before approval of the final development plan, and noted on the adopted development plan and preliminary and final subdivision plat.

3.2452 Restrictions, Easements, and Covenants Applicable to R-1V Zones

- (a) The development plan of a Variable Density (R-1-V) development of subdivision plat shall provide an easement and covenant which runs with the land prohibiting further development or subdivision of proposed common areas, greenways, parks or public easement areas such as biking and walking trails.
- (b) The following wording shall be noted on all deeds and plats approved under this ordinance:

All proposed common areas, greenways, parks and public easement areas of this subdivision known as _____ and consisting of a total of _____ acres as shown on plat recorded in Plat Cabinet _____ Slide _____ in the office of the Jessamine County Clerk shall be restricted from further development or subdivision and shall be used as proposed by the plat with this easement to be a perpetual easement and a covenant running with the land. This easement and restriction is required by the Variable Density Zoning District Ordinance amendment recorded in Fiscal Court Order Book _____ Page _____ in the office of the Jessamine County Clerk.

SECTION 3.244 ADOPTED MARCH 29, 2005

R-1V Lot Allocation Example (Hypothetical)				
100 Acre Farm				
Lot Size Category (sf)	Number of Lots	% of the Total Lots	Acreage Used (Acres)	Average Lot Size (sf)
6,000 - 9999	15	15%	2.5	7,260
10,000 - 14,999	15	15%	3.5	10,164
15,000 - 29,999	15	15%	6	17,424
30,000 - 43,559	25	25%	21	34,590
43,560 +	30	30%	43	62,496
Local Street R.O.W.			13	
Arterial Street R.O.W.			6	
Open Space			5	
Totals	100	100%	100	

In the Table above the Maximum allowable % is allocated to each Lot Size Category

R-1V Lot Allocation Example (Hypothetical)				
200 Acre Farm				
Lot Size Category (sf)	Number of Lots	% of the Total Lots	Acreage Used (Acres)	Average Lot Size (sf)
6,000 - 9999	30	15%	5	7,260
10,000 - 14,999	30	15%	7	10,164
15,000 - 29,999	30	15%	12	17,424
30,000 - 43,559	50	25%	42	34,590
43,560 +	60	30%	90	62,496
Local Street R.O.W.			23	
Arterial Street R.O.W.			6	
Open Space			10	
Totals	200	100%	200	

In the Table above the Maximum allowable % is allocated to each Lot Size Category

OR

R-1V Lot Allocation Example (Hypothetical)				
100 Acre Farm				
Lot Size Category (sf)	Number of Lots	% of the Total Lots	Acreage Used (Acres)	Average Lot Size (sf)
6,000 - 9999	5	5%	1	8,712
10,000 - 14,999	10	10%	2.5	10,890
15,000 - 29,999	30	30%	11	15,972
30,000 - 43,559	0	0%	0	-
43,560 +	55	55%	67	53,064
Local Street R.O.W.			11.5	
Arterial Street R.O.W.			2	
Open Space			5	
Totals	100	100%	100	

80% is allowable in the 15,000 - 29,999 sf Category for this example because 15% of the lots were transferred from the two smaller Lot Size Categories

55% is allowable in the 43,560+ sf Category for this example because 25% of the lots were transferred from the 30,000 - 43,559 sf Lot Size Category

R-1V Lot Allocation Example (Hypothetical)				
200 Acre Farm				
Lot Size Category (sf)	Number of Lots	% of the Total Lots	Acreage Used (Acres)	Average Lot Size (sf)
6,000 - 9999	10	5%	2	8,712
10,000 - 14,999	20	10%	5	10,890
15,000 - 29,999	60	30%	22	15,972
30,000 - 43,559	0	0%	0	-
43,560 +	110	55%	134	53,064
Local Street R.O.W.			23	
Arterial Street R.O.W.			4	
Open Space			10	
Totals	200	100%	200	

80% is allowable in the 15,000 - 29,999 sf Category for this example because 15% of the lots were transferred from the two smaller Lot Size Categories

55% is allowable in the 43,560+ sf Category for this example because 25% of the lots were transferred from the 30,000 - 43,559 sf Lot Size Category

3.25 Professional Office, P-1

3.251 This zone is primarily for offices and related uses. Retail sales of products are prohibited except where directly related to office functions.

3.2511 Permitted Uses

- A. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
- B. Offices for business, professional, governmental, civic, social, fraternal, political, religious, and charitable organizations, including real estate sales offices.
- C. Research development and testing laboratories or centers.
- D. Schools for academic instruction.
- E. Libraries, museums, art galleries, and reading rooms.
- F. Funeral parlors.
- G. Medical and dental offices, clinics, and laboratories.
- H. Telephone exchanges, radio, and television studios,
- I. Studios for -work or teaching of fine arts, such as photography, music, drama, dance, and theater.
- J. Community Centers and private clubs, churches, Sunday Schools.
- K. Hospitals, nursing and rest homes and rehabilitation homes.
- L. Computer and data processing centers.
 - M. Ticket and Travel Agencies
 - N. Kindergartens Nursery Schools, Dry Nurseries and Child Care Centers
 - O. Cable Television System Signal Distribution Centers and Studios

3.2512 Conditional Uses

- A. Offices of Veterinarians, Animal Hospitals
- B. Parking Areas and Structures

3.2514 Building Height

Forty-five (45) feet

3.2515 Required Lot Area and Lot Width

Every professional office building shall be located CS a single lot of not less than one (1) acre. The minimum lot width measured at the building setback line shall not be less than one hundred (100) feet.

3.2516 Yard Required

- A. Front yards
The minimum front yard setback line shall be forty (40) feet from the right-of-way of any public or private street.
- B. Side Yards
There shall be a minimum side yard on each side of any structure of ten (10) feet as measured from the property line to the nearest building or structure, and a total of twenty (20) feet on both sides of any structure.
- C. Rear Yards
There shall be a minimum rear yard setback line of not less than forty (40) feet as measured from the rear property line to the nearest building or structure.
- D. Corner Lot Yards
The minimum setback line on any street shall be forty (40) feet from the right-of-way of any public or private street. The rear yard setback line on corner lots shall be reduced to ten (10) feet.

SECTION 3.2514 AMENDED FEBRUARY 20, 2007

3.2517 Uses Prohibited

- A. Mobile Homes
- B. Any other use not expressly permitted is prohibited.

3.2518 Off-Street Parking and Loading

See Section 3.4 pertaining to off-street parking and loading.

3.2519 Signs and Outdoor Advertising

See Section 3.3 pertaining to signs and outdoor advertising

3.26 Commercial Districts, B-1, B-2, B-3

FOR OUTDOOR STORAGE - SEE 3.264

3.261 B-1 Highway Commercial

The B-1 Highway Commercial Zone is established to provide locations for business oriented primarily toward serving the motoring public and for those businesses, churches and schools which due to their nature are best suited locations along major streets or highways.

3.2611 Permitted Uses

- A. Motels, tourist cabins, and tourist courts
- B. Restaurants, drive-in restaurants, ice cream sales and other food and drink service establishments
- C. Drive-in dry cleaning establishments
- D. Service stations
- E. Souvenir shops, gift shops
- F. Garages for repair of motor vehicles within closed buildings
- G. Drive-in theaters

SECTION 3.2518 ADOPTED MARCH 31, 2009
SECTION 3.2519 ADOPTED MARCH 31, 2009

- H. Automobile (new and used), tuck, house trailer (or mobile home), and boat sales and services
- I. Recreational uses and places of amusement
- J. Bait shops and sporting equipment sales
- K. Grocery Stores and Supermarkets
- L. Beauty Salons and Barbershops
- M. Churches
- N. Schools

3.2612 Building Height

No building or structure shall exceed forty-five (45) feet in height.

3.2613 Required Lot Area and Lot Width

The minimum lot area for highway commercial uses shall be 20,000 square feet. No lot shall be developed for highway commercial use which is less than one hundred fifty (150) feet wide at the setback line.

3.2614 Percentage of Lot Coverage

Any principal or accessory building shall not cover more than thirty-three (33) percent of the lot.

3.2615 Yards Required

A. Front Yards

The front yard building setback line for all buildings and accessory buildings shall be a minimum of fifty (50) feet away from existing or proposed right-of-way line of any street or road.

In case of service station, all gas pumps, gas pump islands, Pease pits or racks and other similar facilities shall be located no closer than twenty-five (25) feet from a street or highway right-of-way line.

SECTION 3.26 AMMENDED MAY 2, 2002

SECTION 3.2612 AMENDED FEBRUARY 20, 2007

B. Side Yards

A minimum side yard of twenty-five (25) feet is required for all highway commercial uses as measured from the property line to the nearest building or structure.

Where the side yard joins a residential district, the minimum side yard shall be fifty (50) feet

C. Rear Yards

A minimum rear yard of thirty (30) feet shall be required for all structures in the B-1 Highway Commercial Zone as measured from the rear property line to the nearest building or structure.

Where the rear yard joins a residential district, the minimum rear yard shall be fifty (50) feet

3.2616 Off-Street Parking and Loading

See Section 3.4 pertaining to off-street parking and loading.

3.2617 Signs and Outdoor Advertising

See Section 3.3 pertaining to signs and outdoor advertising.

3.262 B-2 Local Commercial

The B-2 Local Commercial Zone is established for business in small communities and unincorporated villages designed primarily to service the specific localities involved.

3.2621 Permitted Uses

- A. Grocery Store
- B. Tourist Cabins
- C. Restaurants
- D. Service Stations
- P. Souvenir Shops, Gift Shops
- F. Bait Shops and Sporting Equipment Sales
- G. Beauty Shops and Barber Shops
- H. Churches

I. Schools

3.2622 Building Height

No building height or structure shall exceed forty-five (45) feet in height

3.2623 Required Lot Area, Width and Percentage of Lot Coverage

The minimum lot area for local commercial uses shall be one-half acre (21,780 square feet). No lot shall be developed for local commercial use which is less than one hundred fifty (150) feet wide at the building setback line, provided that the Planning Commission may approve of a commercial use for lesser areas and narrower width where a lot of record is involved and the area and width is substantially identical with that existing as to neighboring commercial buildings, No principal or accessory building shall cover more than thirty-three (33) percent of the lot without special permission of the Planning Commission.

3.2624 Yards Required

The yard requirements shall be the same as in Commercial B-1 Zones, except that the Planning Commission may permit lesser yards to be established where the lot involved is a lot of record and lesser yards will be in conformity with existing commercial structures in the area.

SECTION 3.2622 AMENDED FEBRUARY 20, 2007
SECTION 3.262 AMENDED AUGUST 1, 2000

3.2631 PRINCIPAL USES

1. Department stores, retail outlets and similar establishments for retail sale of merchandise.
2. Small specialty stores for retail sale of merchandise.
3. Stores providing services such as barber and bey shops, appliance repair shops etc.
4. Drug stores & pharmacies
5. Cafeterias & restaurants with indoor dining.
6. Rest rants with legal alcohol sales in accordance with. Jessamine County Alcoholic Beverage Sales Ordinance 03JC-0100 and KRS242.185 Subsection (2)(3) or (6) provided 70% or more of gross receipts is derived from sale of food.
7. Grocery stores, bakery outlets, etc.
8. Following commercial type uses,
 - a. Amusement enterprises such as indoor theaters, billiard halls or pool halls, bowling alley and skating
 - b. Hotels and motels.
 - c. Parking lots and structures.
 - d. Passenger transportation terminals
 - e. Churches, Sunday Schools, family centers and parish houses.
 - f. Nursery schools, day nurseries and child care centers.
 - g. Miniature golf courses
 - h. Indoor athletic facilities
9. Following professional office and business type uses,
 - a. Offices for business, professional, government civic, social, fraternal, political, religious and charitable organizations
 - h. Hospitals, nursing, convalescent and rest home.
 - c. Medical and dental offices, clinics and laboratories.
 - d. Research, development, and testing laboratories.
 - e. Libraries, museums, art galleries, and reading rooms.
 - f. Funeral parlors.
 - g. Schools and colleges for academic, technical, vocational, or professional instructions.
 - h. Telephone exchanges, radio and television stations.
 - i. Studios for work or teaching of -Erie arts such as photographic, music, drama, dance and theater.
 - j. Ticket and travel agencies.
 - k. Computer and data processing centers.
 1. Real estate and insurance offices.

- m. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies without drive thru facilities.

3.2632 ACCESSORY USES (Uses and structures which are customarily accessory, clearly incidental and subordinated to permitted uses.)

- 1. Following commercial type use.
 - a. Wholesale, warehousing and storage. However, use of outdoor storage contains shall be by conditional use with adequate buffering and screening to eliminate public view from adjacent streets, highways and parking areas.
- 2. Following office or professional use.
 - a. Retail sales or personal services, including facilities for serving food, only for employees, residents or visitors to any permitted use and having no display space visible from the exterior of the building.

3.2633 CONDITIONAL USES (Permitted only with Board of Adjustment approval and subject to any conditions imposed by BOA including but not limited to design of structures, placement within development, screening & parking restrictions.)

- 1. Following Commercial type uses
 - a. Small animal clinics And hospitals provided that all exterior walls are completely soundproof and provided that animal pens be completely within the principal building and used for the treatment of small animals. However, they shall not be located adjacent to and or on the same side of the street as any establishment which sells food on a wholesale or retail basis.
 - b. One sign not to exceed thirty-two (32) square feet in size announcing the opening or special promotion of a business or enterprise for a period not to exceed a total of sixty (60) days in one calendar year.
- 2. Following Professional type uses
 - a. Establishments limited to the filling of prescriptions and the sale of pharmaceutical and medical supplies.
 - b. Offices of veterinarians, small animal hospitals.
 - c. Banks, credit agencies, credit institutions, savings and loan companies with drive thru facilities
 - d. Other uses as may be deemed appropriate by the Board of Adjustment.
- 3. Home Improvement Sales Centers provided limber and other large its merchandise is enclosed in building or placed on rear or side lot with screening to block visibility of material from front and public roadways.

4. Establishments primarily engaged in agricultural sales and services provided merchandise is enclosed in buildings or placed on rear or side lot with screening to block visibility of material from front and public roadways.
5. Drive-in and drive thru-restaurants.
6. Convenience stores, gas stations and satellite gasoline sale facilities.
7. Greenhouse plant nursery and landscaping businesses.
8. Service stations and vehicle repair shops.
9. Combined indoor-outdoor athletic facilities.

3.2634 PROHIBITED USES (Other uses substantially similar to those listed herein are also deemed prohibited.)

1. Cocktail lounges and night clubs with entertainment, dancing and sale of alcoholic beverages.
2. Adult only book stores and entertainment businesses.
3. Agricultural tractor or implements dealerships.
4. New and used truck dealerships
5. New and used car dealerships.
6. Boat and marine sales.
7. Manufactured and mobile home sales.
8. Recreational vehicle sales, R.V.'s, Camper trailer, camper and other similar truck topper sales.
9. Portable and outdoor storage building sales.
10. Concrete lawn ornaments or other similar manufactured products displayed on outdoor sales lots.
11. Car & truck rentals and other similar rental businesses with outside storage of vehicles, machinery and merchandise.
12. Animal boarding and training facilities.
13. Billboards.
14. Uses permitted in industrial zones shall be prohibited in this zone.

3.2635 LOCATION STANDARDS

To be located only in areas where the following apply:

1. Land designated for B-1, or B-3 use on a future land use map; and,
2. Land is located within an area where public sewer service is available at time of request for ZMA.

3.2636 LOT, YARD, AND SIGHT REQUIRMENTS

Minimum Lot Size	N.A.
Minimum Lot Width	50'
Minimum Front Yard	50'
a. Set back along US 27 and US 68 shall be 200' from RW	
Minimum Rear Yard	25'
Maximum Lot Coverage	25'
Maximum Height of Building	100' or 6 stories

SECTION 3.263 AMMENDED JANUARY 6, 2004

3.264 Outdoor Storage Uses

Outdoor storage uses shall be enclosed on all sides by a solid wall, solid fence or similar opaque material not less than six (6) feet in height. Non-Conforming industrial uses are subjected to this requirement.

3.27 General Industrial Districts, I-1, I-2

FOR OUTDOOR STORAGE, SEE - 3.264

3.271 General Description

The industrial districts are intended primarily for manufacturing assembly plants and warehousing conducted so the noise, odor, and glare of each operation is not objectionable to neighboring uses.

3.272 Light Industry, I-1

3.2721 Uses Permitted

The following uses are permitted in the I-1 General Industrial District:

- A. Manufacturing, fabrication, and/or processing of any commodity, except as set out in Section 3.2732, the uses being conditionally permitted there being expressly prohibited here.
- B. Retail sales of any commodity manufactured, fabricated or processed on the premises, or of any premises, or of any commodity designed especially for use in agriculture, mining, industry, business, transportation or construction., including, but not limited to, the following uses:
 - 1. Building material sales yard and limber yards, including the sale of rock, gravel, sand and the like as an incidental part of the main business.
 - 2. Contractor's equipment storage yard or plant, or rental of equipment storage yard or plant, or rental of equipment commonly used by contractors.
 - 3. Freighting or trucking yard or terminal .
- C. Wholesale or storage of any article.

3.2722 Conditional Uses

Any use, other than those prohibited above, which in the opinion of the Board of Adjustments would not emit detrimental or obnoxious noise, vibration, smoke, odors, dust, and/or other objectionable conditions beyond the confines of its property.

3.2723 Name Plates and Signs

All name plates and signs must conform to Section 3.3.

3.2724 Lot Area, Height and Yard Requirements

The following minimum required lot area, frontage and yard area shall apply within a light industry zone:

Height	60 feet
Lot Area	1/2 acre
Lot Width	100 feet
Front Yard Depth	40 feet
Side Yard Depth	20 feet total; with 8 foot minimum on one side
Rear Yard Depth	40 feet

The height limit may be raised with the written approval of the Planning Commission.

3.273 Heavy Industry, I-2

Intent - This zone is intended for manufacturing, industrial related uses, that involve potential nuisance factors.

For Outdoor Storage See - 3.264

3.2731 Principal Uses

Any use permitted in the Light Industry I-1 zone.

Asphalt plants, Concrete plants, rock or stone crusher, mill or quarry.

3.2732 Conditional Uses

The following uses are conditional uses and require written approval of the Board of Adjustment. These conditional uses shall not be permitted in any other zone.

1. Abrasives manufacturing,
2. Acid (non-corrosive and corrosive) manufacturing.
3. Aerosol packaging.
4. Ammonia, chlorine or bleaching powder manufacturing.
5. Animal black, lamp black or bone black manufacturing.
6. Automobile assembling and manufacturing.
7. Automobile wrecking, scrap iron storage or wrecking
8. Blast furnace.
9. Bleaching plant.
10. Boiler shops and operative reciprocating hammers or chisels or other noise-producing machine operated tools.
11. Bolt or screw thread rolling or cutting
12. Bottle making
13. Brewing and distillery.
14. Brick, tile and terra-cotta. and other clay products manufacturing.
15. Briquette manufacturing from previously prepared charcoal.
16. Bronze caging.
17. Building materials salvage yard and wrecking material yard.
18. Candle or sperm oil manufacturing.
19. Canvas manufacturing.
20. Carpet or rug manufacturing.
21. Celluloid and pyroxyline manufacturing or explosive or inflammable cellulose or prone products manufacturing or storage.
22. Cement, lime, gypsum, or plaster of paris manufacturing.
23. Chemical manufacture.
24. Coal storage and washing including transfer yards and facilities.

25. Coke manufacturing.
26. Correctional institutions.
27. Creosote manufacturing or treatment.
28. Cupola or metal smelting furnace and ore or metal reduction.
29. Die casting and making
30. Disinfectant, insecticide or poison manufacture.
31. Distillation of tar, coal, petroleum, refuse, grain, wood, or bones and the manufacture of tar.
32. Dye or dyestuff manufacturing and printing ink manufacturing.
33. Electric power generating plant.
34. Excelsior and fiber manufacturing.
35. Explosive manufacturing or storage except for small arms ammunition.
36. Fencing, woven wire manufacturing.
37. Fertilizer manufacturing using organic materials, compose or storage.
38. Fish curing, smoking, or packing, fish oil manufacturing or refining.
39. Forge.
40. Foundry.
41. Gas (acetylene, illuminating or heating) manufacture or storage.
42. Gas storage: Above or below ground storage for resale of flammable, or nonflammable gas or oxidizer in liquid or gaseous form, the storage of any empty container which contained any gas in any form, and the receiving of or dispensing of any gas in any form unless the method of distribution is first permitted as a conditional use in this zone, and provided such operations conform to the standards prescribed by the National Fire Protection Association, the Kentucky Occupational Safety and Health Standards for General Industry, and any requirements of the Fire Marshall. Such conformance shall be certified in writing by the Fire Marshall, and any required protective measures for the containers shall be met in all ways.
43. Gas storage and distribution facility where the means of distribution is railroad tank cars, gas piping, or tank trucks which may each have a water capacity in excess of 4,000 gallons; however, the volume shall be governed by National Fire Protection Association regulations.
44. Glass fiber manufacturing.
45. Glucose manufacturing.
46. Glue manufacturing, size or gelatin manufacturing where the processes include the re nip or recovery of products from fish, animal refuse or offal, including fat rendering.
47. Commercial grain drying and poultry feed manufacturing from refuse, mash, or grain.
48. Hair manufacturing.

49. Landfills.
50. Leaf mold and similar plant material processing or manufacturing
51. Linoleum, oil clothe or oiled goods manufacturing
52. Commercial livestock feed yards.
53. Machinery wrecking or storage yard, salvage storage yard.
54. Match manufacturing
55. Monument works.
56. Nitrating processes.
57. Oil, paint, shellac, turpentine varnish or enamel manufacturing or the grinding of colors by machine.
58. Paper or pulp manufacturing.
59. Perfume manufacturing.
60. Petroleum or inflammable liquids production, refining and storage.
61. Plaster manufacturing and products.
62. Potash manufacturing or refining.
63. Pyroline plastic manufacturing.
64. Railroad roundhouse or yards.
65. Roofing material factory.
66. Rubber manufacturing, tearing or reclaiming plant.
67. Commercial sand blasting.
68. Commercial sawmill.
69. Shoe blacking or polish manufacturing
70. Slaughtering of animals, except for personal use, or stock yards.
71. Smelting of aluminum, copper, iron, zinc, ore.
72. Soda ash, caustic soda or washing compound containing chlorine bleaching powder manufacturing or refining.
73. Stadium.
74. Steel mill.
75. Storage, curing or storage of raw, green or slated hides or skins.
76. Commercial storage, drying, or cleaning of rags, glass, cloth, paper or clippings, including sorting, refining;, baling wool, pulling and scouring and including garbage transfer station.
77. Sulphurous, sulfuric, nitric, picric, carbolic, or hydrochloric or other corrosive acid manufacturing.
78. Sugar refining or starch manufacturing.
79. Tar or asphalt roofing or waterproofing manufacturing.
80. Terra cotta manufacture.
81. Textile manufacturing
82. Tire -manufacturing.
83. Vehicle storage yards.
84. Yard for storage of dismantled, or partially dismantled automobiles.

85. Any other use possessing similar characteristics to these uses listed above.

A landfill is permitted only in the Heavy Industry, I-2 Zone, and is prohibited in all other zones in the planning area. The placement, storage, dumping, burying or disposal of any waste products, scrap or discarded material shall not be permitted to allow seepage or discharge into any water table, surface stream, underground steam, or the atmosphere, or to endanger the health, safety or welfare of the inhabitants of the planning area. Any material that is toxic or harm-6A to people, animals, or any portion of the natural environment is prohibited. This use of land is subject to the jurisdiction of the Board of Adjustment. An application for a landfill or waste products storage area shall not be heard by the Board of Adjustment until detailed plans and specifications have been approved by all local, state or federal agencies having control over such disposal and/or storage. The Board of Adjustment may employ an independent environmental firm to determine if the proposed use conforms to the requirements of section. The necessity of such employment shall be at the sole discretion of the Board of Adjustment and shall be paid for by the applicant.

3.2733 Accessory Uses

Uses and structures which are customarily accessory, clearly incidental and subordinate to the permitted and conditionally permitted uses allowed in the I-2 Zone.

3.2734 Prohibited Uses

All uses other than those listed as municipal, accessory or conditional uses shall be prohibited.

3.2735 Lot Area, Frontage and Yard Requirements

The following minimum required lot areas, frontage and yard area shall apply within a Heavy Industrial Zone:

Height	No Limit
Lot Area	1 Acre
Lot Width	125 Feet
Front Yard Depth	100 Feet
Side Yard Depth	50 Feet
Rear Yard Depth	75 Feet

3.28 Historic District (H)

The intent of the Historic District (H) is to give protection to certain areas or individual structures and premises designated as having substantial historic

significance This district and its regulations are intended to protect against destruction, degradation, or encroachment upon the areas, structures and premises designated to be of substantial historic significance; to encourage uses which will lead to their continuance, conservation and improvement in a manner appropriate to the preservation of the historic heritage of the City of Wilmore and Jessamine County and the Commonwealth of Kentucky; to promote the economy by maintaining tourist attractions; to prevent creation of environmental influences adverse to such purposes; and to assure that new structures and uses within Historic Districts will be in keeping with the character to be preserved and enhanced.

3.281 Permitted Uses and Regulations

The Historic District classification and regulations thereunder shall be established in addition to the zone classification and regulations thereto as shown on the Zoning Map for the subject areas. The use, dimensional and other requirements for said zone as provided in this zoning ordinance shall apply. Where there are conflicts between the procedures and regulations herein established for Historic Districts and other procedures and regulations in this Zoning Ordinance, it is intended that the provisions as set forth in this Historic District shall apply.

3.2811 Location Standards

A Historic District may be established at any location within the City of Wilmore or Jessamine County which conforms to the criteria set forth in Section 3.28 hereinabove and which is designed to meet the goals as provided in Section 3.28 hereinabove.

3.2812 Board of Architectural Review

A Board of Architectural Review shall be created.

3.2813 Membership

The Board of Architectural Review shall consist of five (5) members, one of which shall be appointed by the Mayor of the City of Wilmore and four (4) which shall be appointed by the county Judge-Executive. Two of two for two (2) years, and one for one (1) year, and subsequently, members shall be appointed (1) for terms of three (3) years as vacancies occur, or (2) to fill the remaining term for any membership vacancy occurring during said term. All members shall have a known interest in historic district preservation.

3.2814 Powers and Duties

The Board of Architectural Review shall make recommendations to the Wilmore-Jessamine County/ Planning and Zoning Commission and the City of Wilmore and to the Jessamine Fiscal Court on all matters relating to the preservation, conservation

and enhancement of structures, premises and areas of substantial historic or architectural significance and /matters relating to the establishment of Historic Districts and regulations to be enforced thereunder. The Board of Architectural Review shall inspect and designate such structures, premises and areas in the City of Wilmore and Jessamine County as it considers having substantial historic or architectural significance.

Section 3.2811 Amended July 21, 1998

3.2815 Organization and Meetings

The Board of Architectural Review- shall adopt rules for the conduct of its duties, elect a chairman, and keep minutes of all meetings. Meetings shall be held at regularly scheduled times, or at the call of the chairman or in his absence at the call of the vice-chairman, or at the request of the Planning and Zoning Commission. A quorum shall consist of three (3) members, but a lesser number may conduct public hearings or meetings at which the principal purpose is collection of information, provided that no action binding on the Board shall be taken at such hearings or meetings. All meetings and records of the Board of Architectural Review shall be public. Recommendations by the Board of Architectural Review shall be made by a majority vote of those members at any meeting where a quorum of members is present. The Planning and Zoning Commission may provide a secretarial staff and financial assistance to the Board of Architectural Review.

3.2816 Procedure for Establishment of Historic District

The procedure for the establishment of an Historic District shall be as follows:

3.2817 Application

An application for the establishment of a Historic District may be filed only by the Board of Architectural Review, the Planning Commission, the City of Amore, Jessamine County the owner of the subject property or by a person with written authorization of the owner. Said application shall be filed with the Board of Architectural Review in such form and accompanied by such information as required by this Zoning Ordinance and the By-Laws of the Board of Architectural Review. Upon the filing of an application by a governmental body, the Board of architectural Review shall promptly notify the owner by certified mail.

3.2818 Recommendation by Board of Architectural Review

Upon the filing of an application for the establishment of a Historic District, the Board of Architectural Review shall study and review the application. Before voting upon the application, the Board shall give notice of the time, place and reason for holding a public hearing thereon in the same manner as for zoning map amendments. After notice of the public hearing and within sixty (60) days after the filing date, the Board shall hold a public

hearing on the proposed application and recommend to the Commission that the application for the establishment of a Historic District be approved or disapproved, the Board shall forward its recommendation, with its reasons therefore, in writing to the Planning and Zoning Commission and the City of Wilmore and Jessamine County upon the recommendation for the establishment of a Historic District shall be the same as for zoning map amendments. Historic District boundaries will be shown on the official zoning map.

3.2819 Certificate of Appropriateness Required

For purposes of this section, an application for a demolition permit shall be deemed the same as an application for a building permit and shall be subject to the same procedures. The building Inspector shall issue no building permits for the construction, destruction, alteration, moving of any structure or premises, and the Board of Adjustments shall take no action resulting in the issuance of any building permit or certificate of occupancy in an Historic District except as expressly authorized under Section 3.2951 herein below and after the issuance of a Certificate of Appropriateness before a building permit

3.2822 Action by Board of Architectural Review

Upon the filing of an application for a building permit, certificate of occupancy, or sign in a Historic District, the Building inspector shall promptly notify the Board of Architectural Review of such an application. The Board shall meet within fourteen (14) days after notification by the Building inspector of the filing of such applications. The Board, where it deems it necessary in order to review a particular application, may require the submission of any or all of the following items: architectural plans, plot plans, landscaping plans, plans for off-street parking, proposed signs, elevations of all portions of proposed structures facing streets, and elevation photographs for respective drawings showing proposed structures. In its review of material submitted, the Board of Architectural Review shall examine the architectural design and the exterior surface, treatment of the structures on the site in question, and their relationship to other structures on the site in question, and their relationship to other structures within the area, and other pertinent factors affecting the appearance and efficient functioning of the Historic District. The Board shall not consider any interior arrangements nor shall it make requirements except for the purpose of preventing developments obviously incongruous to the historic aspects of the district. The Board shall vote to approve or disapprove the application within thirty (30) days after the application is filed for a building permit with the Building Inspector.

3.281 Approval by Board of Architectural Review

If the Board of Architectural Review approves the application for a building permit or an occupancy permit in a Historic District, it shall promptly cause a Certificate of Appropriateness to be issued to the applicant stating the matters which have been approved or, if applicable, that the building -to be destroyed is structurally unsound and beyond economic repair or of insufficient historic significance. It shall at the same time transmit a copy of said certificate to the Building Inspector. Upon receipt of the Certificate of Appropriateness, the Building Inspector shall issue the building permit or certificate of occupancy if it meets all other requirements of law. The Building Inspector shall inspect the cons action or alteration approved by such certificate from time to time and report to the Board of Architectural Review Any work not in accordance with such certificate.

3.2822 Disapproval by Board of Architectural Review

If the Board of Architectural Review recommends disapproval of the application for a building permit or an occupancy permit in a Historic District, it shall promptly transmit a written report stating the reasons for such disapprovals to the Planning and Zoning Commission. In said written report the Board shall make recommendations in regard to an appropriate architectural design, exterior surface treatment, or other appropriate matters to make the application conform to the intent of the Historic District regulations. In the event the Board of Architectural Review recommends disapproval of occupancy in a Historic District, the applicant for said permit may appeal to the Planning and Zoning Commission, which shall hold a public hearing thereon and shall vote on said appeal within sixty (60) days after the notice of appeal is filed with the Planning and Zoning Commission. The Planning and Zoning Commission shall give notice of the lime, place and reason for holding a public hearing in the same manner as for zoning map amendments. If the Planning and Zoning Commission votes to recommend that the application for a building permit be approved, it shall issue a Certificate of Appropriateness to the applicant and transmit a copy to the Building Inspector. If the Commission votes to disapprove the application for a building permit or a certificate of occupancy shall be issued by the Building Inspector on said application for a period of three (3) months from the date of the decision of the Planning and Zoning Commission, the Building Inspector shall issue the building permit or certificate of occupancy provided that the application meets all other requirements of law.

3.2823 Failure of Board of Architectural Review to Act

Upon failure of the Board of Architectural Review to take final action upon any case within thirty (30) days after the application for a building permit or certificate of occupancy has been filed with the Building Inspector, and unless a mutual agreement has been made for an extension of said time, the application shall be deemed to be disapproved.

3.3 Signs and Out Door Advertising

3.31 Intent

The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign and advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the visual deterioration of the natural and built environment and enhance community development

3.32 General Sign Regulations

1. Billboards

For the pose of this ordinance, billboards shall be defined as a freestanding sign advertising a business, commodity, service, activity, or entertainment not taking place on the premises upon which the billboard is located. No new billboards shall be permitted in any zone in Jessamine County.

2. Signs

a. Setbacks

All signs, unless otherwise specified in this ordinance, shall be set back from the established right-of-way of any road or highway at least as far as three-quarters of the required front yard depth for the principal building in the zone in which it is located.

b. Real Estate Signs

No sign, other than real estate signs advertising the sale, rental or leasing of the premises, shall be permitted in. any residential zone except as provided in Section 3.32. Said real estate signs shall not exceed two feet by three feet (2'x3') in area and shall be displayed a minimum ten (10) feet from pavement and may not be located in any public right-of-way.

c. Projecting Sites

No projecting sign shall be erected or maintained from the front or face of any building for a distance greater than two feet, including those projecting from the face of any theater, hotel, or motel marquee. No sign shall be placed on the roof of any building. Awnings shall be constructed as part of the building to which they are attached and a sign may be mounted flush thereto.

d. Banners and Pennants

No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of the sign.

e. Window Signs

No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape. Nor shall any sign be erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than twenty (20) percent of any window surface.

f. Wall Signs

No building wall shall be used for display of advertising except that pertaining to the use carried on within such

3. Illuminated Signs

Any illuminated sign or lighting device shall employ only light emitting a constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams or illumination to be directed or beamed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or resection that may constitute a traffic hazard or nuisance nor shall any sign be erected or maintained which would involve lighting or motion resembling traffic or directional signals or warnings or display words such as "stop" or "danger".

External illumination of sign(s) shall be by a steady stationary light source, shielded and directed solely at the sign;

Spot-lighting of signs shall be restricted to not more than one (1) shielded light per fixture per side for sign faces up to forty (40) square feet and not more than two (2) shielded light fixtures per side for sign faces over forty (40) square feet;

The intensity of the light shall not exceed 20 foot candles at any point on the sign face;

Signs shall not have light-reflecting backgrounds but may use light-reflecting letters;

All wiring, fittings, and materials used in construction, connection, and operation of the electrically illuminated signs shall be in accordance with the provisions of the National Electric Code or the local electric code in effect.

4. Temporary Signs

All temporary signs must be set back a minimum of ten (10) feet from the edge of the pavement and may not be located in any public right-of-way. Political and yard sale signs shall not exceed four feet by four feet (4' x 4') in size and must not obstruct visibility at intersections. Under no circumstances shall political or yard sale signs be posted on utility poles. All violations of these requirements will be penalized as per Section 4.4 of this Zoning Ordinance.

Provisions regarding the regulation of other temporary signs apply as required in other sections of this Article.

5. Government Signs

Any official informational or directional sign or historic marker erected by a governmental agency is permitted in all zones and does not require a location or building permit

6. Sign Area

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

7. Lack of Conflict

In no way shall the provisions of this Article be taken to be in conflict with any state or federal regulations regarding obstructions or the placement of structures state or federal rights-of-way. In all cases, the most restrictive provision will apply.

3.321 Agricultural Districts

General Agricultural Zone (A- I): Permitted signs within this zone maybe either freestanding or wall-mounted unless otherwise specified: no freestanding sign may exceed eight (8) feet in height: signs shall be either non-illuminated or indirectly illuminated and set back ten (10) feet from the right-of-way unless otherwise specified.

Signage options include:

- (1) One name plate per residence or other permitted use; not exceeding one (1) square foot in area.
- (2) One identification sign for permitted home occupation, not exceeding four (4) square feet.
- (3) One identification sig for a farm or estate; not exceeding thirty-two (32) square feet.
- (4) One identification sign for any permitted use not otherwise specifically provided for: not exceeding thirty-two (32) square feet in area.
- (5) One identification sign for a permitted church or school for academic instruction: not exceeding thirty-two (32) square feet in area: in addition, one bulletin board sign: not exceeding twelve (12) square feet in area may be permitted subject to a total maximum square footage area limitation of forty (40) square feet for both signs.
- (6) One non-illuminated business sign advertising agricultural products grown or raised on the premises: not exceeding thirty-two (32) square feet in area.
- (7) For farms utilizing more than one point of access, one non-illuminated or indirectly illuminated sign per entrance indicating the name of the faith and directional information as necessary to provide information as to the particular farm activity which must be served by only that point of access: not to exceed ten (10) square feet in area.

3.33 Residential Districts

Signs are permitted in residential districts only in accordance with the following provisions:

1. Signs pertaining to the lease or sale of a building or land may be erected temporarily as provided in Section 3.32(2) of this Ordinance.

SECTION 3.321 ADOPTED DECEMBER 1, 2009

2. Temporary signs, for one year, may be erected to advertise a new subdivision of five (5) or more lots, provided that the sign is no larger than sixty (60) square feet in area, is not internally illuminated, advertises only the subdivision in which it is located and is erected only at a dedicated street entrance. Permanent signs for the same purpose and with the same other restrictions are additionally limited to a size no greater than thirty (30) square feet in area.
3. One non-illuminated sign may be erected in conjunction with the construction of a building to identify the owner, architect, engineer, contractor and others instrumental in the construction of the building provided that such sign is not more than twelve (12) square feet in area, no more than fifteen (15) feet above the ground, and is removed within thirty (30) days of receiving the Certificate of Occupancy.
4. One identifying sign of not more than fifteen (15) square feet in area may be erected for churches and/or other places of worship, libraries, schools, parks, hospitals for human care, social clubs, societies, and other public facilities of a similar nature. Such sign shall be solely for the purpose of displaying the name of the institution. It may be illuminated but shall not be flashing. Such sign shall be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign does not obstruct traffic visibility at street or highway intersections.
5. Directional signs, not exceeding two (2) square feet in area shall be permitted only on major thoroughfare approaches to institutions listed in (4) above. No such signs shall be permitted on minor residential streets.
6. One (1) indirectly lighted name plate sign for a dwelling group of four (4) or more dwellings not exceeding two feet by three feet (2 x 3) in area. Such signs may indicate only the names of the buildings or of the occupant of the buildings.
7. Signs for home occupations as specified in the definitions of this Ordinance shall permit one (1) non-illuminated name plate/sign not over two (2) square feet in area mounted flat against the outside wall of the main building.
8. Freestanding signs shall not exceed a height of twenty-five (25) feet.

3.34 Business Districts

In all business districts, each business shall be permitted to have permanent outside signs. Signs permitted under this section shall be limited to those as described below.

1. Each business shall be entitled to have one sign which is mounted flush against a building. The depth of such a sign from a face to the building shall not exceed two (2) feet. The area of such a flush mount sign shall be limited to a total surface area equivalent to 1 Y. square feet of sign area for each lineal foot of building width occupied by such enterprise. In the event that the area shall exceed 50 square feet, then an additional application must be made and approved by the Board of Adjustment. Awnings shall be constructed as part of the building to which they are attached and a sign may be mounted flush thereto.
2. Additionally, one (1) free standing sign per establishment/lot of one hundred (100) foot frontage or less and one (1) additional structure for each additional one hundred (100) feet of lot frontage. Any such freestanding sign structures in a B-1 or B-2 District shall be no more than 72 square feet in area nor shall two or more smaller signs be so arranged and integrated as to create a single sign in excess of 72 square feet. In a B-3 District, such freestanding signs shall not exceed three (3) square feet for each lineal foot of lot frontage with a maximum of three hundred (300) square feet for any single sign. All such freestanding signs shall be set back twenty-five (25) feet, or more, from the front property line.

The dimensional of any two-faced or multi-sided sign must be determined by measuring the surface area on one side of the sign. Free standing signs shall not exceed a height of thirty (30) feet in B-1 and B-2 Districts.

All freestanding sign(s) adjacent to a Residential District shall be located on hundred (100) feet from the adjacent property line of the Residential Shielding of light source shall be designed so as not to allow any such light source(s) for sign(s) to produce glare or emit light in excess of five (5) foot candles into a Residential District.

If a business is adjacent to more than one street or highway, additional freestanding signs may be allowed upon application to and receiving approval of the same from the Board of Adjustment.

3. Real estate signs advertising the sale, rental or leasing of the premises, shall be permitted in any business zone provided that such signs shall not exceed four feet by three feet (4' x 3') in area and shall be displayed at least ten (10) feet from all lot lines.
4. Directional signs, not exceeding two (2) square feet in area shall be permitted only on major thoroughfare approaches to the business; the top of which shall not exceed three (3) feet in height if freestanding. No such signs shall be permitted on minor residential streets.

SECTION 3.34(3)(4) AMENDED AUGUST 3, 2010

3.34A Professional Office Zone

Permitted signs may be either free standing or wall mounted, as specifically noted: signs shall be non-illuminated, indirectly illuminated, or internally illuminated unless otherwise specified. The top of any free standing sign shall not exceed ten (10) feet in height from the ground.

1. Identification signs, limited to one freestanding sign per building and one wall mounted sign per street frontage with a maximum of two such wall mounted signs per building; free standing sign not to exceed forty (40) square feet in area.; wall mounted signs not to exceed five (5%) percent of the wall area to which it is attached; minimum setback of twenty-five (25) feet from the front property line for a freestanding sign.
2. One nameplate per tenant or lessee, not exceeding two (2) square feet in area; non-illuminated or indirectly illuminated only.
3. Informational signs, not exceeding twenty (20) square feet. Such signs shall be included in the computation for maximum Square footage specified in 3.34A(1) above, and shall be freestanding only when included as a part of a permitted freestanding identification sign.
4. One attraction board, wall mounted or attached to the permitted freestanding identification sign, the area of the attraction board to be included in. the maximum permitted sign area.
5. Directional signs, not exceeding two (2) square feet in. area shall be permitted only on major thoroughfare approaches; the top of which shall not exceed three (3) feet in height if freestanding. No such signs shall be permitted on minor residential streets.

3.35 Industrial Districts

1. All signs permitted in business districts are also permitted in I-1 and I-2 Districts and subject to the requirements thereof.
2. One (1) sign structure for identification and direction purposes may be erected at access points to public streets provided that such signs are no larger than fifty (50) square feet in area.
3. Free standing sign structures shall not exceed a height of 30 feet.

SECTION 3.34(5) AMENDED MARCH 31, 2009
SECTION 3.34 A ADOPTED MARCH 31, 2009

3.36 Non-Conforming Signs

A legal non-conforming sign may continue in existence and shall be property maintained in good condition. These sign regulations shall not be construed to prevent the strengthening, repair, or restoring to a safe condition any sign, but a non-conforming sign shall not be:

- a. Changed to another non-conforming sign; except where only the faces or the messages are changed, or where the sign is reduced in height, size or area;
- b. Structurally altered (except to meet safety requirements) so as to prolong the life of the sign;
- c. Altered so as to increase the degree of non-conformity of the sign;
- d. Expanded or enlarged;
- e. Re-established after its discontinuance for ninety (90) days;
- f. Moved to a new space location on the building or lot

3.37 Signs Prohibited

Except as may be hereinafter specifically permitted, it shall be unlawful for any person to erect, place or use within the county when visible from any public way, any of the following signs:

- a. Off-premise signs.
- b. Any sign, other than a traffic directional/safety sign in any street right-of-way except signs in landscaped medians of private streets where the sign meets the minimum sight triangle distances.
- c. Any sign painted on or attached to trees, other natural features, or utility poles.
- d. Abandoned or dilapidated signs.
- e. Any sign which is portable or not securely attached to a building or the ground.
- f. Inflatable signs, shelters or balloons of any type.

- g. Roof signs or signs where any portion of the sign extends above the roof of the building where the sign is located.
- h. Klieg lights, search lights or rotating lights of any kind.
- i. Any sign with moving or mechanical parts, including, but not limited to, any electronic sign that depicts images, moving or not moving, that resemble a projected image.
- j. Any sign(s) and/or light source(s) for a sign that may produce glare and/or temporary blindness to drivers of motor vehicles.

3.38 Maintenance

Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Administrative Official, proceed at once to put such a sign in a safe and secure condition, or remove the sign.

3.39 Violations

In any case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Ordinance, the Administrative/Enforcement Officer shall notify in writing the owner or lessee thereof to remove or alter such sign so as to comply with this Ordinance. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Section 4.4 of this Ordinance.

SECTION 3.3 AMENDED AUGUST 15, 2000
SECTION 3.39 AMENDED MARCH 31, 2009

3.4 OFF-STREET PARKING AND LOADING

In all zones, off-street parking facilities for the storage or parking of motor vehicles for use of occupants, employees and patrons of the building hereafter erected, altered, or extended after the effective date of these regulations shall be provided and maintained as herein prescribed.

A. General Requirements

1. In determining the number of parking spaces (minimum space allowed will be 9' x 18') required, if such space results in fractional parts thereof the number of said spaces required shall be construed to the nearest whole number.
2. Whenever a use is increased in floor area, such additional parking space shall be provided that the parking space specified herein for the whole area shall be available.
3. For the purpose of these regulations, "floor area" in the case of offices, merchandising or service types of uses shall mean the gross floor area of the structure.
4. Off-street parking facilities for one and two-family dwellings shall be located on the same lot or plat of ground as the building served. Off-street parking facilities for other than one and two family dwellings shall be within three hundred (300) feet of the building intended to be served. An industry which employs five hundred (500) or more employees may supply off-street parking at a distance greater than three hundred (300) feet from such industry upon approval of the Board of Adjustments.
5. The off-street parking facilities for uses not specifically mentioned herein shall be the same as those required for uses of a similar nature.
6. Collective off-street parking facilities may be provided; however, such facilities shall be no less than the sum of such facilities as would otherwise be individually required.
7. The amount of off-street parking space required for uses, buildings, or additions thereto shall be determined according to the following requirements, and the space so required shall be stated in the application for a building permit and shall be reserved for such use:

SECTION 3.4 (A)(1) AMENDED JULY 3, 2012

<u>Use</u>	<u>Required Off-Street Parking Space</u>
a. One and two family dwellings	Two (2) parking spaces for each family unit
b. Multiple Dwellings	One and one half (1 1/2) parking spaces per family unit
c. Tourist homes, cabins or motels	One (1) parking space for each sleeping room or suite including that of the owner or manager of residence on the premises
d. Hospitals, sanitariums, nursing homes, assisted living facilities, convalescent homes and homes for the aged or similar use	One (1) space for each three (3) patients plus one (1) space for each employee and staff member on a maximum shift
e. Orphanages or similar uses	One (1) space for each ten (10) beds
f. Hotels	One (1) space for each three (3) guest sleeping rooms
g. Private clubs, fraternities, boarding and lodging houses	One (1) space for each two (2) guest sleeping rooms
h. Community centers, libraries, museums, post offices, civic center	One (1) space for each one hundred (100) square feet of floor space
i. Theaters and auditoriums (Other than incidental to schools)	One (1) space for each four (4) seats plus one (1) additional space for each two (2) employees
j. Churches and schools	One (1) space for each four (4) seats in a principal auditorium or one (1) space for each seventeen (17) classroom seats, whichever is greater
k. Dance halls, pool and billiard his and exhibition halls without fixed seats	

One (1) space for each one hundred (100) square feet of floor area used for (lancing or assembly

- l. Stadium or sports arenas One (1) space for each four (4) seats
- m. Bowling alleys Five (5) parking spaces for each alley
- n. Mortuaries or funeral homes One (1) space for each flay (50) square feet of floor space in the slumber rooms, parlors, or individual funeral service rooms
- o. Establishments for sale and consumption on the premises of beverages, food, or other refreshments excluding drive-in restaurants One (1) space for each one hundred (100) square feet of floor area plus one (1) space for each four (4) employees
- p. Medical or dental clinics, banks, business or professional offices One (1) space for each two hundred (200) square feet of floor area
- q. Beauty parlors and barber shops One (1) space for each two hundred (200)-square foot of floor area
- r. All retail stores, including drive-in restaurants and other similar establishments except as otherwise specified herein Highway Commercial Zone-Two (2) square feet of parking space for every (1) Square foot of ground floor area
- s. Industrial establishments, including manufacturing, research and testing One (1) spate for each two (2) employees on the maximum working shift
- t. Warehouses and storage buildings Sufficient parking space to accommodate employees and the loading and unloading of material
- u. New and Used Car/Truck Sales Lots: One (1) designated and marked space for each employee per maximum working shift and 10% of the total sales lot area

designated and marked for customer parking.

Off-street parking and loading regulations for all zones are as follows:

- a. Any vehicle parking space in a commercial or industrial zone shall be used for parking only. Any other use of such space, including repair work or servicing of any kind, other than in an emergency, or the requirement of any payment for the use of such space shall be deemed to constitute a separate commercial use in violation of the provisions of these regulations.
- b. No building or structure of any kind shall be erected in any off-street parking space except a parking garage containing parking spaces equal to the requirements of these regulations.
- c. No signs shall be displayed in any such vehicle standing space except signs to direct the orderly use of such space.
- d. The design of all off-street parking lots and means of access thereto shall be subject to the approval of the Board of Adjustment.
- e. The vehicle parking space on any lot as set forth and designated in these regulations shall be deemed to be required open space on such lot, and shall not be reduced or encroached upon in any manner.
- f. All parking spaces, drives, and isles in commercial and industrial zones shall be surfaced with a bituminous or other dust-free surface.

In all commercial and industrial zones, a minimum area of three hundred (300) square feet per car shall be required in computing the total area to be devoted to parking.

- B. On the same premises with every building, structure or part thereof erected and occupied for manufacturing, storage, warehouse goods display, department stores, wholesale storage, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the sale receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading service in order to avoid undue interference with public use of streets or alleys. Such space, unless otherwise adequately provided for, shall include a ten foot (10') by twenty-five (25') loading space, with four-teen (14) height clearance for every ten thousand (10,000) square feet or fraction thereof in excess of three thousand (3,000) square feet of building floor use of land for the above mentioned purposes. Furthermore, such space shall be located on the property owner side of the right-of-way line, or set back greater than twenty (20) feet from the edge of pavement, whichever is greater.

Section 3.4 (A)(7)(U) and 3.4 (B) Amended August 21, 2001

3.5 CERTIFIED MOBILE HOMES/MANUFACTURED HOMES/MOBILE HOME PARKS

3.51 TYPES OF MANUFACTURED HOMES

For the purpose of this ordinance, manufactured homes are divided into- three (3) classification types. Type I, Type II, and Type III; the following standards shall apply:

3.511 Type I Manufactured Homes (Double Wide Units)

1. Construction and Safety Standards

Certified by the Mobile Home Manufacturers Association and the Department of Housing and Urban Development as meeting all Federal construction and safety standards;

2. Acceptable Installation Standards

Installed in accordance with the following requirements:

- a. It shall be attached and installed on a permanent foundation in accordance with Section 1.8 of this ordinance and/or KAR 25:032 and any other applicable local and state building codes;
- b. All wheel, trailer tongue and hitch assemblies shall be removed during installation; and
- c. It shall be permanently corrected to an approved water and sewage disposal system and shall comply with all public health requirements governing plumbing installations.
- d. It shall have all factory installed doors remain operational after installation for emergency ingress and egress with steps constructed to comply with state building code standards.

3. Acceptable Appearance Standards

When installed, meets all the following standards designed to achieve compatibility in appearance between the manufactured home and the site built home in this community:

- a. A poured concrete or masonry skirting wall shall be constructed beneath and along the entire perimeter of the manufactured home even if said wall is not structurally required by the manufacturer's installation specification; Footers for masonry skirting walls shall be 24 inches below grade, 24 inches wide with minimum thickness of 8 inches.
 - b. A minimum area of 1,000 square feet and a minimum width of the main body of the manufactured home as assembled on the site of not less than 20 feet at any point along the total length of the home;
 - c. The roof shall have a pitch of not less than 2 1/2 feet of rise for every 12 feet of horizontal run, and eaves shall overhang 6 inches on the gable sides and 8 inches on the eave sides, is constructed of roofing materials acceptable under, and installed in accordance with the local building codes applicable to all single dwellings;
 - d. All exterior walls shall be constructed of non-reflective siding materials which will have the appearance of wood or masonry, regardless of their actual composition, and shall be applied in accordance with the local building code applicable to all residential construction.
4. Type I Manufactured Homes shall only be permitted in:
- a. Existing non-conforming mobile home parks;
 - b. Certified Mobile Home or Manufactured Home Parks;
 - c. The General A-I Zone on a parcel of five (5) acres or more and occupied as the primary residence;
 - d. The A-1 Zone as accessory uses (secondary residences) on a parcel of 25 acres or more; the twenty-five (25) acre requirement is in addition to the required acreage for the primary residence;
 - e. The A-1 Zone as a replacer dent home for a residential structure on a non-conforming lot or lot of record established before May 6, 1971 as long as there is a ratio of at least 62% (5) site built houses per 38% (2) manufactured houses existing within a 2000 ft radius of the lot.

3.512 Type U Manufactured Home (Single Wide Units)

A Type II Manufactured Home is one in which meets the "Construction and Safety Standards" in Section 3.511(1); is installed as required in 815KAR25:030; Type II Manufactured Homes may include Certified Mobile Homes if the "Construction and Safety Standards" and other installation standards noted in this section are complied with. All Type II Manufactured Homes (Single Wide Units) shall have skirting around the entire perimeter.

1. Type II Manufactured Homes shall only be permitted in:
 - a. Existing non-conforming mobile home parks;
 - b. Certified Mobile Home or Manufactured Home Parks;
 - c. The General A-1 Zone as the primary residence by the deeded owner of a lot or parcel which qualifies as a Farm trader KRS 132:010 & 132:420; and is installed in accordance with Section 3.511(2)(a-d) with a vented perimeter skirting wall constructed of a fire retardant material that has the actual appearance of brick, concrete, stucco or natural stone.
 - d. The General A-1 Zone when occupied as the primary residence by a mother, daughter, father or son of the Grantor of a lot or parcel of five acres more and installed in accordance with Section 3.511(2)(a-d) with a vented perimeter skating wall constructed of a fire retardant material that has the actual appearance of brick, concrete, stucco or natural stone.
 - e. The A-1 Zone as accessory uses (secondary residences) on parcels of 25 acres or more; the twenty-five (25) acre requirement is in addition to the required acreage for the primary residence. If more than one Type II manufactured housing unit is located on an A-1 parcel the 25 acre requirement shall apply to each unit;
 - f. The A-I zone as a conditional use approved under 3.514 of this ordinance;
 - g. Is permanently connected to an approved water and sewage disposal system and is in compliance with all public health requirements governing plumbing installations; and,

- h. Is installed with all factory doors operational for emergency ingress and egress with steps constructed to comply with, state building code standards.

3.513 Type III Manufactured Home (constructed prior to 1974)

A Type III Manufactured Home is one which does not meet the "Construction and Safety Standards" in Section 3.511(1) but has a current B-1 inspection seal. Type III Manufactured Homes may include Certified Mobile Homes.

Type III Manufactured Homes shall:

- a. Only be permitted in the A-I Zone, for housing agricultural workers engaged in the harvesting of seasonal agricultural crops or products by conditional permit on a lot or parcel of 25 acres or more; the 25 acre requirement is in addition to the required acreage for the primary residence; if more than one Type II or III manufactured housing unit is located on an A-1 parcel the 25 acre requirement shall apply to each unit;
- b. Be installed as required in 815KAR25:030;
- c. Be permanently connected to an approved water and sewage disposal system and is in compliance with all public health requirements governing plumbing installations;
- d. Be set back 200 feet from a public road; The Board of Adjustments may require any additional screening or location standards which it deems necessary to minimize the visibility of a Type II or Type III Manufactured Home from adjoining property or public right-of-way;
- e. Have skirting around the entire perimeter; and,
- f. Is installed with all factory doors operational for emergency ingress and egress with steps constructed to comply with state building code standard.

3.514 Conditions for Variance for Other Manufactured or Mobile Homes

A Variance to the acreage density requirement of 3.512(1)(c) may be granted by the Board of Adjustment only in cases of Hardship when temporary housing is needed after the loss of a home due to wind, fire or flood or housing is needed for care of an

elderly or infirm relative. Any variance granted under this section shall be by Conditional Use Permit to the owner of the property and shall not be transferable to any future owners, heirs or assignees and shall be subjected to the following conditions and any others which may be recruited by the Board of Adjustments.

- a. Shall be installed in accordance with 3,512 with gridding around the entire perimeter.
- b. Shall only be permitted as an accessory use on lots of 10 acres or more;
- c. Shall be set back 200 feet from a public Toad and screened as may be required by the Board of Adjustment;
- d. Conditional permit shall be reviewed annually to determine continued hardship need; and,
- e. Permit holder shall notify planning and zoning administrator as soon as hardship condition ends.

3.515 Installation Permit

1. A Manufactured Home Installation permit in lieu of a building permit shall be issued for any Type I, II, or III Manufactured Home that is to be located in Jessamine County. The person or persons applying for a installation permit shall provide:
 - a. A Permit from the Health Department for a sewage disposal system
 - b. The name and address of a certified Manufactured Home Dealer or certified Manufactured Home Installer that will be responsible for installation
2. An Installation Permit shall not be issued for any used or previously occupied manufactured home that does not have a B-1 inspection seal issued by the State Fire Marshall or a certified Mobile Home Dealer prior to, and within 90 days of the permit application.

3.516 Building Inspections

1. The local building code enforcement officer shall inspect any Manufactured Home installation or portion of same that:
 - a. Is performed by someone other than a Certified Dealer or Installer;

- b. May be subject to other applicable local and state building code regulations not included in 815KAR25.030.

3.517 Other Manufactured or Mobile Homes prohibited.;

Pre-existing or non-conforming mobile homes shall only be replaced with Type I or Type II Manufactured Homes or other single family residences when the non-conforming mobile homes are moved from the current location.

All other Manufactured or Mobile Homes shall be prohibited from being located in Jessamine County.

3.52 Mobile Home Parks Permitted

Mobile home parks shall be permitted only in the R-3 residential zone where a public sewer system is available.

3.521

No mobile home park shall be permitted on an area of less than five (5) acres in size, although the developer shall be permitted to develop the park in stages as long as he or she complies with an overall plan approved by the Planning Commission for the entire tract. The number of mobile homes permitted in the mobile home park shall not exceed a density of eight (8) mobile homes per net acre--a net acre being the land to be subdivided into areas for home placement after streets and other required improvements have been installed.

3.522 Lot Requirements

Individual areas for home placement within a mobile home park shall not be less than five thousand (5,000) square feet in area, and in no instance shall more than one (1) mobile home be permitted in an area designated for home placement. The minimum home placement area width shall be fifty (50) feet.

3.523 Setback

No mobile home or accessory building or structure shall be located closer to any street than the minimum front yard setback for permanent residential structures along said street. Where the mobile home park is bounded by a dedicated street, the minimum setback be thirty (30) feet.

Section 3.5 amended June 6, 2000

Section 3.5 amended April 3, 2001

3.56 Spacing

No mobile home shall be located within thirty (30) feet from another mobile home, except that a minimum end-to-end clearance of not less than twenty (20) feet shall be permitted.

3.57 Utilities

All lots within the mobile home park shall be provided with sewer, water, and electrical facilities meeting the standards specified by local building regulations, and each mobile home shall be property connected with said utilities.

3.58 Accessory Structures

No accessory building or structure, including patios, shall be located within five (5) feet from any individual lot line.

3.59 Procedure for Establishing Mobile Home Parks

In that mobile home parks are permitted as conditional use only, the prospective developer, before attempting to obtain a building permit or beginning any construction, shall prepare a plan showing the lot dimensions and bearings of the parcel he or she intends to develop, its location within the calmly, general layout or design he or she intends to follow and improvements he or she expects to install on the land. He or she shall then moot with the Jessamine County Joint Planning Commission, the purpose being to inform the developer of any plans that would affect his or her development and to allow the Planning Commission to review the plan to insure that the developer's plans are not in conflict with any of the Commission's plans. This meeting would also form a common ground whereby the Planning Commission and the prospective developer could reach an understanding of the types of improvements necessary.

In making recommendations on the development plan, the Planning Commission may recommend certain conditional requirements pertaining to such things as landscaping, screening, and road requirements.

After recommendations from the Planning Commission, the prospective developer shall meet with the Board of Zoning Adjustment and request the necessary permission before a building permit can be issued. Any conditional retirements established by the Board of Zoning Adjustment shall be considered as a part of the

official zoning regulations and failure to comply therewith shall be subject to the penalties contained herein.

3.60 Exception to Mobile Home Prohibition

These regulations shall not be construed so as to prohibit the location of storage of a single mobile home on a lot in addition to a principal building, provided the mobile home is owned by or has permission from the occupant of the principal building or dwelling unit on the lot and provided the mobile home is parked on the rear of the lot and the setback and yard requirement for an accessory building in the zone are observed, and provided that the mobile home is not connected to any service utility nor used for sleeping purposes for more than two (2) weeks per year.

3.61 Junkyards

Junkyards are not designated as permitted uses in any district and are consequently nonconforming uses in all districts. They shall conform with Section 3.7 of this ordinance prescribing regulation for nonconforming uses. The Enforcement Officer shall ensure that all existing junkyards maintain valid permits to operate issued by the Kentucky Department of Highways, as required by Kentucky Revised Statutes 177.990, and he or she shall ensure that all screening by the Department of Highways is maintained as long as the junkyards remain in operation.

3.7 NON-CONFORMING USES AND STRUCTURES

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

3.71

No structure containing a non-conforming use shall hereinafter be expanded.

3.72

Any structure containing a non-conforming use which has been damaged to the extent of seventy-five (75%) of its fair sales value immediately prior to damage shall not be repaired or reconstructed except in conformity with this ordinance

3.73

No non-conforming use may be re-established after it has been discontinued for one (1) year. Vacating of premises or building or non-operative status shall be evidence of a discontinued use.

3.74

The Board of Adjustment shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time the regulation which makes its use non-conforming was adopted, nor shall the Board permit a change from one (1) non-conforming use to another unless the new non-conforming use is in the same or a more restrictive classification.

3.75

A legal, non-conforming lot (lot of record), shall not be altered or reconfigured in a manner that increases its non-conformity, but may, with Joint Planning Commission approval, be altered or reconfigured as long as the square footage and/or road frontage remains the same or is increased in a manner that reduces the nonconformity.

SECTION 3.74 AMENDED JULY 7, 2009

SECTION 3.75 ADOPTED MAY 6, 2014

3. CELL TOWERS

A. INTENT

The intent of this section of the Zoning Ordinance is to regulate the placement of cellular Communication towers in unincorporated Jessamine County which will provide adequate cellular telecommunication service while protecting the public, preserving the character and value of surrounding property, and protecting the view from residential areas. The Jessamine County-City of Wilmore Joint Planning Commission and Jessamine County Fiscal Court have the authority to plan for and regulate the siting of cellular antenna towers in accordance with the locally adopted planning or zoning regulations.

B. DEFINITIONS

1. CELLULAR ANTENNA TOWER is any tower constructed for, or existing

facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services;

2. CO-LOCATION means locating two (2) or more transmission antennae or related equipment on the same cellular antenna tower;
3. HEIGHT, ANTENNA TOWER is the distance from the anchored base of the tower, whether on the top of another building or at grade, to the highest point of the structure, even if the highest point is the top of an antenna:
4. TELECOMMUNICATIONS FACILITY is the lot, not, or parcel of land that contains the telecommunications antenna, its support structure, any accessory buildings and parking, and may include other uses associated with and ancillary to telecommunications transmission;
5. CELLULAR TELECOMMUNICATIONS SERVICE means a retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations;
6. PERSONAL COMMUNICATION SERVICE has the meaning as defined in 47 U.S.C. sec. 332(c);
7. UNIFORM APPLICATION means an application to construct a cellular antenna tower submitted to a planning commission in conformity with KRS 100.9865 and 100.987;
8. ANTENNAE OR RELATED EQUIPMENT means transmitting, receiving, or other equipment used to support cellular telecommunications service or personal communications service. This definition does not include towers;
9. GUYED TOWER is a type of wireless transmission tower that is supported by thin guy wires;
10. MONOPOLE is a slender self-supporting tower on which wireless antennae can be placed;
11. UTILITY has the meaning as defined in KRS 278.010(3);
12. LATTICE TOWER is a freestanding steel framework tower.

C. GENERAL PROVISIONS

An antenna tower for cellular telecommunications services or personal communications services may be allowed in any district after receiving Jessamine County-City of Wilmore Joint Planning Commission (hereinafter 'Planning Commission') review in accordance with the Planning Commission's filing procedures to ascertain its agreement with the Comprehensive Plan and the zoning ordinance. Co-location of service facilities is preferred. Co-location objectives may be satisfied by configuration of new facilities for multiple carriers or by co-location on existing facilities. Any request for review of a proposal to construct such an antenna tower or to refigure, enlarge or re-construct an existing antenna tower, shall be made only in accordance with this Section C.

However, if the property is subject to an existing Conditional Use Permit, the property owner shall obtain approval of the appropriate amendment or modification request. Such request shall be filed simultaneously with the uniform applicator. Review of the Conditional Use Permit plan shall be limited to a determination of the impact of the antenna tower for cellular telecommunications services or personal communications services construction on the requirements of the Conditional Use Permit. The property owner shall be responsible for making alternative provision for any alteration of the development plan or Conditional Use Permit or shall obtain a variance or waiver of the specific Permit requirement affected by the location of the tower on the site.

1. Prohibited Actions of the Planning Commission in regulating the placement of cellular antenna towers, in regulating the placement of cellular antenna towers, the Planning Commission shall not:

(1) Regulate the placement of a cellular antenna tower on the basis of the environmental effects of radio frequency emissions to the extent that these facilities comply with the regulation of the Federal Communications Commission concerning radio frequency emissions;

(2) Institute a moratorium upon the siting of cellular antenna towers;

(3) Regulate the placement of antennae or related equipment on an existing structure; Require the submission of application materials in addition to those required by KRS 100.9865 and 100.987, unless agreed by both parties.

2. Application Fee

An applicant for the construction of cellular antenna towers for cellular telecommunication services or personal communication services shall pay an application fee in the amount of

two thousand five hundred dollars (\$2,500) upon submission of a uniform application. Applications for co-location of antenna(e) on an existing structure shall pay an application fee in the amount of two hundred fifty dollars (\$250).

3. Contents of Uniform Application

(1) A statement that every person who, according to the records of the Property Valuation Administrator, owns property within one thousand (1,000) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed, has been:

(a) Notified by certified mail, return receipt requested, of the proposed construction, which notice shall include a map of the location of the proposed construction and will include the telephone number and address of the local Planning Commission. The notice will also inform the property owner of his or her right to participate in the Planning Commission's proceedings on the application,

(b) The applicant shall furnish to the Planning Commission a list of property owners who received the notice, together with a copy of the notices required by C3(1)(a) above and the names and addresses of the owners of property to whom the required Notices will be sent. Records maintained by the Property Valuation Administrator may be relied upon to determine the identity and address of said owners. If the property is in a cooperative form of ownership or has co-owners, notice may be in the manner described in KRS 100.214 (2) for such ownership.

(c) A statement that the chief executive officer of the affected local governments and their legislative bodies have been notified, in writing, of the proposed construction. A copy of the notice sent to the chief executive officer of the affected local government and their legislative bodies. The applicant shall obtain the name and address of the applicable governmental officials from the Planning Commission through its authorized representative.

(2) Notice of the filing of the request shall be posted conspicuously in a visible location on the proposed site of the telecommunications facility and in a visible location on the nearest public road at the same time that notice by first class mail is sent. The applicant shall certify that the postings have been made. The notices shall remain until the Planning Commission issues its final decision or 60 days has passed since acceptance of the request by the Planning Commission, whichever occurs first. The posting shall be as follows:

(a) Each sign shall be at least two (2) feet by four (4) feet in size;

(b) A written notice, stating that "[Name of Applicant] proposes to construct a

telecommunication tower on this site" and including the addresses and telephone numbers of the Applicant and Planning Commission, has been posted and shall remain in a visible location on the proposed site until final disposition of the application; and

(c) A written notice, stating that "[Name of Applicant] proposes to construct a telecommunications tower near this site" and including the addresses and telephone numbers of the Applicant and the Planning Commission, has been posted on the public road nearest the site;

(d) In both posted notices, the words "proposes to construct telecommunications tower and/or facility" shall be printed in letters at least (4) inches in height, and the words "Jessamine County-City of Wilmore Joint Planning Commission at (859) 885-6415" shall be painted in letters at least one (1) inch in height. Both signs shall be constructed of durable, weatherproof material,

(e) Any such signs may also include any notes required to be made by regulations of the Kentucky Public Service Commission including 807 KAR 5:063 (as now in effect, or as amended).

(3) A statement that notice of the location of the proposed construction has been published in a newspaper of general circulation in the county in which the construction is proposed;

(4) A brief description of the character of the general art in which the tower is proposed to be constructed, which includes the existing land use for the specific property involved.

4. Documentation:

Any request filed under this Section C for review of a proposal to construct an antenna tower shall include the following:

(1) Every utility or a company that is engaged in the business of providing the required infrastructure to a utility that proposes to construct an antenna tower for cellular telecommunications services or personal communications services within the jurisdiction of the Planning Commission shall:

(a) Submit a copy of the Applicant's completed uniform application to the Jessamine County-City of Wilmore Joint Planning Commission to construct an antenna tower for cellular or personal telecommunications services. The uniform application shall include a grid map that shows the location of all existing cellular antenna towers and that

indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes:

1. All of the planning unit's jurisdiction.

2. A one-half (112) mile area outside of the boundaries of the planning unit's jurisdiction, if that area contains either existing or proposed construction Sites for cellular antenna towers.

(b) Include in any contract with an owner of property upon which a cellular antenna tower is to be constructed a provision that specifies, in the case of abandonment, a method that the utility will follow in dismantling and removing a cellular antenna tower, including a timetable for removal; and

(c) Comply with any local ordinances concerning land use, subject to the limitations imposed b 47 U.S.C. sec. 332 (c), KRS 278,030, 278.040, and 278,280.

(2) All information contained in the application and any updates, except for any map or other information that specifically identifies the proposed location of the cellular antenna

tower then being reviewed, shall be deemed confidential and proprietary within the meaning of KRS 61.87S, The Planning Commission shall deny any public request for the

inspection of this information, whether submitted under the Kentucky's Open Records Act

or otherwise, except when ordered to release the information by a court of competent jurisdiction. Any person violating this subsection shall be guilty of official misconduct in the second degree as provided under KRS 522.030.

(3) The full name and address of the Applicant must be included in the application. The Applicant must also provide the identity and qualification of each person directly responsible for the design and construction of the proposed tower. In addition, the Applicant is required to Provide articles of incorporation, if applicable. Directions from the county seat to the proposed site, including highway numbers and street names if applicable, with the telephone number of the person who prepared the directions shall be submitted with the application.

(4) A geotechnical investigation report, signed and sealed by a professional engineer registered in Kentucky, that includes boring logs and foundation design recommendations.

(5) A written report, prepared by a professional engineer or land surveyor, of findings as to the proximity of the proposed site to flood hazard areas.

(6) The lease or sale agreement for the property which the tower is proposed to be located, except that, if the agreement has been filed in abbreviated form with the county clerk, an applicant may file a copy of the agreement as recorded by the county clerk and, if applicable, the portion of the agreement demonstrating compliance with KRS 100.987(2).

(7) A site development plan or survey, signed and sealed by a professional engineer registered in Kentucky, that shows the proposed location of the tower and all easements and existing structures within five hundred (500) feet of the proposed site on the property which the tower will be located, and all easements and existing structures within two hundred (200) feet of the access drive, including the intersection with public street system.

(8) A vertical profile sketch of the tower, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennae.

(9) The tower and foundation design plans and a description of the standard according to which the tower was designed, signed, and sealed by a professional engineer registered in Kentucky.

(10) A map, drawn to a scale no less than one (1) inch equals two hundred (200) feet, that identifies every structure and every owner of real estate within one thousand (1,000) feet of the proposed tower.

(11) The planning commission requires the applicant to make a reasonable attempt to co-locate additional transmitting or related equipment. The applicant shall provide the local planning unit with a statement indicating that the applicant has;

(a) Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities, and that identifies the location of the tower or suitable structure on which the applicant will co-locate its transmission and related facilities; or

(b) Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structures such as a telecommunications tower on another suitable structure capable of supporting the applicant's facilities and that:

1. Identifies the location of the towers or other structures on which the applicant attempted to co-locate; and

2. Lists the reasons why the co-location was unsuccessful in each instance.

Reasons for not co-locating on a site would include, but not be limited to, the following:

- (a) Existing towers or facilities are located within the study area;
- (b) Existing towers or facilities are not of sufficient height to meet the applicant's engineering requirements;
- (c) Existing towers or facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
- (d) Applicant's Planned equipment would cause radio frequency interference with other existing or planned equipment of the tower or facility, or the existing or planned equipment of the tower or facility would cause interference with the applicant's planned equipment which cannot be reasonably prevented;
- (e) Unwillingness of the owner of the existing tower or facility to entertain a reasonable proposal;
- (f) Existing towers or facilities do not provide an acceptable location for requisite coverage for the applicant's communications network.

Potential sites that should be considered (in order from most preferred to least preferred) include: highway rights-of-way except designated parkways, existing utility towers, industrial districts, commercial districts and commercial centers, office towers, and residential towers. Reasons for not locating on a potential site would include, but not be limited to, the following:

- (a) Unwillingness of the site owner to entertain a telecommunications facility;
- (b) Economically impractical;
- (c) Topographic limitations of the site;
- (d) Adjacent impediments that would obstruct adequate cellular telecommunications and/or personal communications transmission;
- (e) Physical site - constraints that would preclude the construction of a telecommunications facility;
- (f) Technical limitations of the telecommunications system;
- (g) Existing potential sites do not provide an acceptable location for requisite coverage for the applicant's communications network;

(11) The Planning Commission may deny uniform application to construct a cellular tower based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures.

(12) In the event of co-location, a utility shall be considered the primary user of the tower, if the utility is the owner of the antenna tower and if no other agreement exists that prescribes an alternate arrangement between the parties for use of the tower. Any other entity that co-locates transmission or related facilities on a cellular antenna tower shall do so in a manner that does not impose additional costs or operating restrictions on the primary user.

(13) Upon the approval of an application for the construction of a cellular antenna tower from the Planning Commission, the applicant shall notify the Public Service Commission within ten (10) working days of the approval. The notice to the Public Service Commission shall include a map showing the location of the construction site. If an applicant fails to file notice of an approved uniform application with the Public Services Commission, the applicant shall be prohibited from beginning construction on the cellular antenna tower unit such notice has been made.

(14) All new telecommunications facilities shall be configured to accommodate at least two telecommunications providers in addition to local emergency service accommodations.

(15) A statement shall be included that the Applicant has considered the likely effects of the installation on nearby land uses and values and has concluded that there is a no more suitable location reasonably available from which adequate service to the area can be provided, and that there is no reasonably available opportunity to locate its antennae and related facilities on an existing structure, including documentation of attempts to locate its antennae and related facilities on an existing structure, if any, with support radio frequency analysis, where applicable, and a statement indicating that the applicant attempted to locate its antennae and at facilities on a tower designed to host multiple wireless service providers' facilities or on an existing structure, such as telecommunication tower or other suitable structure capable of supporting the applicant's antennae and related facilities.

(16) A map of the area in which the tower is proposed to be located, that is drawn to scale, and that clearly depicts the necessary search area within which an antenna tower should pursuant to radio frequency requirements, be located shall be included in the application.

(17) After an Applicant's submission of the uniform application to construct a cellular antenna tower, the Planning Commission shall:

- (a) Review the uniform application in light of its agreement with the Jessamine County-City of Wilmore Comprehensive Plan and locally adopted zoning regulations;
- (b) Make its final decision to approve or disapprove the uniform application; and
- (c) Advise the Applicant in writing of its final decision within sixty (60) days commencing from the date that the uniform application is submitted to the Planning Commission or within a date certain specified in a written agreement between the local planning commission and the applicant if the Planning Commission fails to issue a final decision within sixty (60) days and if there is no written agreement between the local Planning Commission and to applicant to a specific date for the Planning Commission to issue a decision, the uniform application shall be deemed approved.

(18) If the Planning Commission disapproves of the proposed construction, it shall state the reason for disapproval in its written decision and may make suggestions which, in its opinion, better accomplish the objectives of the Comprehensive Plan and locally adopted zoning regulations. No permit for construction of a cellular or personal communications services antenna tower shall be issued until the planning commission approves the uniform application or sixty (60) day time period has expired, whichever comes first.

(19) A party aggrieved by a final action of the Planning Commission under the provisions of KRS100.985 to 100.987 may bring an action for review in any court of competent jurisdiction.

Design Standards

At the time of filing of a request under this Section C, the Applicant shall provide information demonstrating compliance with the requirements listed below. Where the Planning Commission finds that the conditions or circumstances relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of surrounding property or the public health, safety, or welfare, either at the time of application or in the foreseeable future, and that such special conditions and circumstances make one or more said requirements unduly burdensome, the Planning Commission may modify or waive such requirement either permanently or on a temporary basis. Any such modification or waiver shall be requested by the Applicant, and the Applicant shall submit a written justification for each requested modification or waiver.

(1) The site shall be landscaped in accordance with the requirements of the Zoning Ordinance, if any, for utility substations. If the site is an easement, the boundaries of the tract on which the easement is located shall be treated as the property boundaries.

(2) Any monopole, guyed, lattice, or similar type cellular antenna tower and any alternative cellular antenna tower structure similar to these towers, such as light poles, shall be maintained in either galvanized steel finish or be painted light gray or light blue in color. Alternate sections of aviation orange and aviation white paint may be used ONLY when the Federal Aviation Administration (FAA) finds that none of the alternatives to such marking are acceptable.

(3) Towers shall not be artificially lighted except as required by the FAA. Upon commencement of construction of a cellular tower, in cases where there are residence uses located within a distance which is three hundred (300) percent of the height of the cellular tower from the cellular tower and when required by federal law, dual mode lighting shall be requested from the FAA.

(4) The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification or repairs. To accommodate such visits, access shall be only from access points approved by the applicable Works Department, and there shall be provided on site an area sufficient to accommodate the parking of the service vehicle.

(5) The site shall be enclosed by a security fence of a minimum height of eight (8) feet and the fence may be located in any required yard.

(6) If the use of any cellular antenna or cellular antenna tower or alternative cellular antenna tower structure is discontinued, the owner shall provide the Planning Commission with a copy of the notice to the Federal Communications Commission (FCC) of intent to cease operations within 30 days of such notice to the FCC. If the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure will not be reused, the owner shall have 180 days from submittal of the FCC notice to the Planning Commission to obtain a demolition permit and remove the antenna or tower that will not be reused. If the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure is to be reused, the owner shall have no more than twelve (12) months from submittal of the FCC notice to the Planning Commission in which to commence new operation of the antenna or tower to be reused. Upon failure to commence new operation of the antenna or tower that is to be reused within twelve (12) months, the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure shall be presumed abandoned, and the owner shall obtain within 90 days of the expiration of the twelve (12) month period, a demolition permit and remove the antenna or tower that is presumed abandoned within 60 days of obtaining the demolition permit. If the owner fails to remove an antenna or tower in the time provided by this paragraph, the Planning Commission may, on grounds of public safety, health, and welfare, cause the demolition and removal of the antenna or tower and recover its cost of demolition and removal.

(7) The only signs allowed shall be emergency information signs, owner contact information, warning or safety instructions, and signs required by a federal, state, or local agency. Such signs shall not exceed five (5) square feet in area.

(8) All new cellular antenna towers are required to accommodate and permit the co-location of telecommunications equipment that assists police, fire, and emergency medical services free of charge.

Existing Telecommunications Facilities

Telecommunications facilities in existence on the date of the adoption of this ordinance which do not comply with this ordinance (“Existing telecommunications facilities”) are subject to the following provisions:

(1) Existing telecommunication facilities may continue in use for the purpose now used, but may not be expanded or replaced without complying with this ordinance, except as further provided in this section.

(2) Existing telecommunications facilities which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored to their former use, location and physical dimensions subject to obtaining a building permit therefore, but without otherwise complying with this ordinance.

(3) The owner of any existing telecommunications facility may replace, repair, rebuild and/or expand such telecommunications facility to accommodate co-located antennae or facilities, or to upgrade the facilities to current engineering, technological or communications standards by obtaining a building permit therefore, and without having to conform to the provisions of this ordinance (including, but not limited to, provisions of this ordinance regarding notice to local zoning authorities or posting of signs) or to otherwise request local zoning approvals, so long as such facilities are not increased in height by more than 20% and/or setbacks are not decreased by more than 20% from the original height or setback during the life of the structure.

(4) Any such replacement, repair, reconstruction or enlargement shall not violate the design standards described in C.5 above beyond that existing at the date of the adoption of this ordinance.

D. CONFLICTS

That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3.8 adopted (insert date of adoption).

SECTION 3.8 ADOPTED APRIL 20, 2009

SECTION 3.8 AMMENDED AUGUST 4, 2009

3.9 CEMETERIES

The intent of this section is to establish guidelines for developing or dividing land with cemeteries, and the general upkeep and security of inactive and private family cemeteries. Nothing in this ordinance shall exempt a property owner, developer of the Planning Commission from applicable state statutes and regulations (KRS and KAR). A parcel of land on which an inactive and private family cemetery is located may be used as allowed by the site's zoning classification and other applicable regulations. Relocation or removal of grave sites shall be allowed only under applicable Kentucky Revised Statutes and Kentucky Administrative Regulations.

3.9.1 Preservation: Ownership of Cemetery on Tract Proposed for Development

In preserving a cemetery, while at the same time developing or dividing a parcel, an applicant shall follow one (1) of the following options:

- a. Transfer the existing cemetery as part of a buildable lot. Ownership and maintenance of the cemetery would be left to the individual lot owner.
- b. Make the existing cemetery a separate lot. Ownership and maintenance of the cemetery would be assigned by written agreement with either the original owner of the cemetery, subdivision, Homeowners Association, the developer of a subdivision, a local legislative unit, or an historical organization.
- c. In all of the above options, the developer and/or owners shall comply with Section 3.9.2. (a)-(i)

3.9.2 Preservation and Maintenance

These requirements shall be followed if a developer or property owner wishes to preserve an existing cemetery, while at the same time developing or dividing their property. The regulations outlined below apply only to private inactive family cemeteries and not to active cemeteries where grave sites are clearly identified by Planning Commission Staff. Any waiver of these regulations must be requested from the Board of Adjustment. If a private cemetery exists on a parcel of land and the exact location of grave sites is not able to be determined, or a cemetery is discovered during construction, a developer or property owner is advised to follow the procedures and guidelines state in Section 3.9.3.

- a. Cemetery boundaries shall be established by the developer and submitted to the Architectural Review Board for approval. Request for approval should include evidence of location such as fences, walls, grave stones, natural features or recorded

documents. If sufficient evidence for location of cemetery boundary does not exist then the Architectural Review Board may require developer(s) to have a professional archeologist view the site and make a determination as to the boundaries and potential number of grave sites.

(1) No new structure or building addition shall be built within 30 feet of an existing private family cemetery regardless of adjoining property lines or land ownership. This 30 foot limitation is also required regardless of whether the cemetery is part of a building lot or is conveyed as a separate lot. The 30 foot limitation shall be in the form of an exclusive cemetery easement.

(2) No ceding, excavating, paving or land disturbance shall be allowed within thirty (30) feet of a cemetery.

- b. Developer shall repair or replace any existing cemetery fences or walls. Stone or masonry fences shall be replaced with the same type or suitable material. Existing cemetery fences or walls shall be repaired or replaced at time of development or prior to Final Plat or Final Development Plan approval.
- c. Developer shall be required to construct a new fence if one does not exist at time of establishment of cemetery boundary. Fence material shall fit with the character of the proposed development. The following materials are acceptable: Stone, Thick, Ornamental Iron, pressure treated wood (picket or plank constructed) with a quality of workmanship and material the guarantees a life expectancy of 20 years.
- d. At time of construction of new fence, dead or decaying trees and heavy underbrush shall be removed from the cemetery. Remaining trees shall be pruned to a height to create a clear vertical view of 8 feet. Ground cover shall also be established at this time.
- e. A statement by the property owner, applicant or developer shall be made on the Development Plan or Division Plat regarding cemetery ownership and maintenance
- f. A Certificate of Land Use Restriction, Cemetery Easement and a Deed Restriction shall be recorded in the Jessamine County Clerk's office acknowledging the location, size, ownership and maintenance of a cemetery. This information shall also be recorded on the Final Development Plan, and the Final Plat for a subdivision if not yet recorded.
- g. Public or controlled access shall be provided by the developer or owner to the existing cemetery with a minimum five (5) foot wide recorded ingress/egress

pedestrian Cemetery Access Easement accessible from a public or private street within the development. The recording of the Cemetery Access Easement shall follow the same guidelines in 3.9.2.(h).

3.9.3 Cemetery Preservation, Relocation and Discovery Procedures

In order to assist property owners or developers in their cemetery preservation or relocation work, the following procedures and guidelines shall be followed. These procedures or guidelines are to be followed by each property owner or developer and shall be enforced by the Architectural Review Board and the Zoning Enforcement Officer. The procedures are based upon either cemetery preservation or relocation plans.

- a. **Preservation of Existing Cemetery:** If a property owner desires to preserve an existing cemetery while developing or diving his or her own property, then the property owner shall state his or her intent to the Architectural Review Board and the Jessamine County, City of Wilmore Joint Planning Commission in writing and follow the lot and maintenance requirements as stated in these Regulations.
- b. **Relocation of an Existing Cemetery:** If a property owner desires to relocate an existing cemetery with advice from the Architectural Review Board, then the property owner shall state his or her intent to the Architectural Review Board and the Planning Commission in writing and follow the requirements for relocation per Kentucky Revised Statutes and Kentucky Administrative Regulations. Copies of all required state and local applications and permit during the relocation procedure shall be submitted to the Planning Commission and Architectural Review Board.
- c. **Discovery of an Unknown Cemetery:** If a property owner or developer unintentionally discovers a cemetery during construction, which was previously unknown, all work in the immediate area shall cease immediately. The property owner or developer shall be responsible to report this disclosure to the Jessamine County/Wilmore Planning Commission and Agricultural Review Board. As a result, the following steps should be taken:
 - (1) First the property owner or developer has the option of stating in writing to the Planning Commission and the Architectural Review Board whether he or she will preserve the cemetery in accordance with these and state regulations or relocate the cemetery in accordance with state law. Either option will result in a submittal to the Planning Commission a revised subdivision plat, development plan and/or zoning permit to be reviewed and approved by the Planning Commission, Planning Commission staff and the Architectural Review Board

shall be available to advise the property owner or developer of the benefits of cemetery preservation versus relocation.

- (2) Second, if a property owner or developer decides not to report the presence of a cemetery that is previously unknown and attempts to conceal any evidence that a cemetery ever existed and discovery of this fact is presented to the Planning Commission or Fiscal Court, then the Planning Commission shall notify the property owner or developer in writing to stop construction work in the area surrounding the cemetery. At the next regularly scheduled Planning Commission Meeting, the property owner or developer must be present to discuss the matter and offer a solution. This solution shall include the following:

- a. The boundaries of the cemetery shall be identified by a professional (Kentucky Registered) archaeologist at the expense of the owner or developer;
- b. The cemetery fence (if it exists) shall be repaired, replaced or reconditioned at the owner or developer's expense. The cemetery's condition shall be returned to its natural state and maintained per Section 3.9.2 and ownership shall be established per Section 3.9.1;
- c. Inspection of the cemetery preservation work shall be done periodically by the Planning Commission Enforcement Officer to insure that the work is completed in a reasonable amount of time.

3.9.4. Subdivision Regulations for the Jessamine County/City of Wilmore

- a. Articles III and IV of the Subdivision Regulations for Jessamine County / City of Wilmore shall be amended to reference this section of the Jessamine County Zoning Regulations.

SECTION 3.9 ADOPTED OCTOBER 17, 2000

ARTICLE IV
ADMINISTRATION

4.1 ADMINISTRATIVE OFFICIAL

4.11 Appointment

An administrative official shall be designated by the Fiscal Court or other legislative bodies to administer and enforce this region and other such housing and building regulations as may be adopted by said body. He or she may be provided with the assistance of such other persons as the authoritative body may direct.

4.12 Powers and Duties

- A. The Administrative Official shall issue building permits and certificates of zoning compliance in accordance with the terms of this regulation, but may not have the power to permit any construction, or to permit any use or any change of use which does not conform to the literal terms of the zoning regulation.
- B. If the Administrative Official shall find that any of the provisions of this regulation are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He or she shall order discontinuance of illegal work being done, or shall take any other action authorized by this regulation to insure compliance with or to prevent violation of its regulations.

4.13 Certificates of Zoning Compliance for New, Altered or Non-Conforming Uses and/or

Structures

It shall be unlawful to use or occupy, or permit the use or occupancy, of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of structure until a certificate of zoning compliance shall have been issued therefore by the administrative official stating that the proposed use of the building or land conforms to the requirements of these regulations.

Lawful non-conforming structures or uses to be continued, renewed, changed, or extended, shall require a certificate of zoning compliance issued by the administrative official. Upon enactment or amendment of these regulations, owners or occupants of non-conforming uses or structures shall have three (3) months to apply for such certificates of zoning compliance.

The certificate of zoning compliance shall state specifically wherein the non-conforming use differs from the provisions of these regulations.

A temporary certificate of zoning compliance may be issued by the administrative official for a period not exceeding six (6) months during alterations or partial occupancy of the building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.

The administrative official shall maintain a record of all certificates of zoning compliance and copies shall be furnished, upon request, to any person.

Failure to obtain a certificate of zoning compliance required by the terms of this regulation shall be a violation of such regulation and punishable under Section 4.4 of these regulations.

4.14 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance

Certificates of zoning compliance issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and any other use, arrangement, or construction at variance with that authorized shall be deemed in violation of this regulation and punishable as provided by Section 4.4 hereof.

4.2 THE BOARD OF ADJUSTMENT

4.21 Creation and Procedure

A Joint Jessamine County-City of Wilmore Board of Adjustment is hereby established, which shall consist of seven (7) members. The County Judge/Executive shall appoint and the Fiscal Court shall approve four (4) members, and the Mayor shall appoint and the Council shall approve three (3) members. All members shall be citizen members appointed for a period of four (4) years. Members of the Board of Adjustment may be removed from office by their particular appointing authority in accordance with state law. Vacancies shall be filled for the unexpired term of the member affected. To be eligible for appointments to the Board of Adjustment, a citizen must be: (1) age 25 or older, (2) a high school graduate, (3) a property owner, and (4) a resident of Jessamine County for five (5) years or more.

4.211 Meetings of Board; Quorum; Minutes; Bylaws

A. The Board of Adjustment shall conduct meetings at the call of the chairperson,

who shall give written or oral notice to all members of the board at least seven (7) days prior to the meeting, which notice shall contain the date, time and place for the meeting, and the subject or subjects which will be discussed.

- B. A simple majority of the total membership of the Board of Adjustment as established by regulation or agreement shall constitute a quorum. Any member of the Board of Adjustment who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify him or herself from voting on the question.
- C. The Board of Adjustment may adopt bylaws for the transaction of business and shall keep minutes and records of all proceedings, including regulations, transactions, findings, and determinations and the number of votes for and against each question, and if any member is absent or abstains from voting indicating the face all of which shall, immediately after adoption be filed in the office of the Board. If the Board has no office, such records may be kept in the custody of an officer of the Board and shall be available to the general public. A transcript provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

4.212 Procedure For All Appeals to Board

Appeals to the board may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action or decision of any zoning enforcement officer. Such appeal shall be taken within thirty (30) days after the appellant or his agent receives notice of the action appealed from, by filing with said officer and with the Board a notice of appeal specifying the grounds thereof, by paying the filing fee and transcript deposit and giving notice of such appeal to any and all parties of record. Said officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At any hearing by the Board any interested person may appear and enter his appearance, and shall be given an opportunity to be heard.

4.213 Public Notice of Appeal Hearing

The Board shall fix reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the administrative official at least one (1) week prior to the hearing and shall decide it within sixty (60) days. The affected party may appear at the hearing in person or by attorney.

4.214 Stay of Procedure

An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him or her, that by reason of facts stated in the centerline, a stay would, in his or her opinion, cause eminent peril to life or property. In such

case, proceedings shall not be stayed except by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, and on notice to the five official from whom the appeal is taken and on due cause shown.

4.22 The Board of Adjustment: Powers and Duties

4.221 Administrative Review

The Board of Adjustment shall have the power to hear and decide cases where it is alleged by an applicant that there is error in any order, requirement, decision, grant, or refusal made by an administrative official in the enforcement of the zoning regulations, under the procedure set out in Sections 4.22-4.24, In exercising this power, the Board of Adjustment may, so long as such action is in conformity with the tens of these regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken. The appellant will be responsible for the provision of transcripts of Board of Adjustment meets at which actions taken by it relevant to the appeal were discussed or acted upon.

4.222 Conditional Use Permits

The Board shall have the power to hear and decide applications for Conditional Use Permits to allow the proper integration into the community of uses which are specifically named uses in the zoning regulations as permitted only in specific locations in the zone or only if certain conditions are met.

- A. The Board may approve, or deny any application for a conditional use permit. If it approves such permits ft may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in. the Board's minutes and on the conditional use permit, along with a reference to the specific section in the zoning regulation listing the conditional use under consideration. The Board shall have power to revoke conditional use permits, or variances for non-compliance with. the condition thereof Furthermore, the Board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in person for such cost.
- B. Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing and other regulations.
- C. In any case where a conditional use permit has not been exercised within the time limit set by the Board, or within one (1) year, if no specific time limit has been set, such conditional use permit shall expire. Exercised, as set forth in this section, shall mean that binding contacts for the construction of the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment shall be under contract, in development,

or completed. When construction is not a part of use, exercised shall mean that the use is in operation in compliance with the conditions as set forth in the permit.

- D. The administrative official shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect that land or structure where the conditional use is located in order to ascertain that the land owner is complying with all of the conditions which are listed on the conditional use permit if the landowner is not complying with all of the conditions listed on the conditional use permit, the administrative official shall report the fact in writing to the chairman of the Board of Adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions of the conditional use permit, and a copy of the report shall be fished to the landowner at the same time that it is furnished to the chairman of the Board of Adjustment. The Board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing. If the Board of Adjustment finds that the fact alleged in the report of the administrative official to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.
- E. Once the Board of Adjustment has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the administrative official, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the comity clerk, as required in KRS 100.344. Thereafter said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.

4.223 Dimensional Variance

- A. The Board shall have the power to hear and decide on applications for dimensional variances where, by reasons of the exceptional narrowness, shallowness, or unusual shape of a site on the effective date of the zoning regulation or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height or width of building or size of yards, but not population density) of the zoning regulation would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The Board may impose any reasonable conditions or restrictions on any variance it decides to grant.

- B. Findings Necessary for Granting Variances--Before any valiance is granted, the Board must find all of the following, which shall be recorded along with any imposed conditions and restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance.
 1. The specific conditions in detail which are unique to the applicant's land and do not exist on other land in the same zone.
 2. The manner in which the strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone.
 3. That the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation.
 4. Reasons that the variance preserve, not harm the public safety and welfare, and will not alter the essential character of the neighborhood.
- C. Lot of Record-
Where the owner of a lot of official record, which lot at the time of the adoption of this regulation does not include sufficient land to conform to the yard or other requirements of this regulation, an application may be submitted to the Board of Zoning Adjustment for a variance from the terms of this regulation. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the Board of Zoning Adjustment.
- D. Variance Cannot Contradict Zoning Regulation-
The Board shall not possess the power to grant a variance to permit a use of any land, building, or structure which is not permitted by the zoning regulation in the zone in question, or to alter density requirements in the zone in question.

4.3 APPEALS FROM COMMISSION OR BOARD OF ADJUSTMENT

4.31 Procedure

- A. Any person or entity claiming to be injured or aggrieved by any action of the Planning Commission or Board of Adjustment may appeal from the action to the circuit court of the county in which the land lies. Such appeal shall be taken within thirty (30) days after the final action of the Commission or Board. Final action shall not include Commission's recommendations made to other governmental bodies.
- B. All appeals shall be taken in the appropriate circuit court within thirty (30) days after the action or decision of the Planning Commission or Board of Adjustment and all decisions wht have not been appealed within thirty (30) days shall become final. After the appeal is taken, the procedure shall be governed by the rules of civil procedure. When an appeal has been filed, the

clerk of the circuit court shall issue a summons to all proper parties and shall cause it to be delivered for service as in any other lawsuit.

- C. It is the intent of these orders that all questions of interpretation and enforcement shall be first presented to the administrative official, and that such-questions shall be presented to the Board of Adjustment only on appeal from the decision of the administrative official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the administrative official, and that recourse from the decision of the Board of Adjustment shall be to the course as provided by law.

4.4 PENALTIES FOR VIOLATION

Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 and 100.991 (2) or any of these regulations for which no other penalty is provided, shall upon conviction be fined not less than ten (10) but no more than five hundred (500) dollars for each conviction. Each day of violation shall constitute a separate offense.

ARTICLE V: AMENDMENTS

5.1 AMENDMENT PROCEDURE

For the purpose of establishing and main fining sound, stable, and desirable development within; Jessamine County, neither these regulations nor the official zoning map, shall be amended except as follows:

- A. Amendments to Zoning Regulations: Hearings
 - I. A proposal for amendment to any zoning regulation or the zoning map may originate with the Planning Commission, with the Fiscal Court or any legislative body which is a member of the unit, or with the owner of the property in question. Regardless of the origin of the proposed amendment, it shall be referred to the Planning Commission before adoption. The Planning Commission shall then hold at least one (1) public hearing after notice as required by KRS Ch. 424 and make recommendations to the Fiscal Court, and it shall take a majority of the Fiscal Court to override the recommendation of the Planning Commission.
 - II. All procedures for public notice, publication, and adoption of an amendment shall be the same as for the original enactment of a zoning regulation.
 - III. The zoning regulation or map shall not be amended, changed, or modified in such a manner as to create a free standing zone of less than five (5) acres, except for B-1 Highway Commercial which may be as small as three (3) acres and for a parcel of less than five (5) acres for which a zone map amendment is requested that permits as a primary use, the use which has continuously occurred or existed on the property since May 6, 1971, but in no case shall the area of the free standing zone be less than the minimum lot size standard of the zone requested.
 - IV. If the Zoning Regulation Amendment proposal originates with the owner of the property in question the application shall be made in writing to the Planning Commission to be received by the Administrative Officer by the day indicated on the APPLICATION DEADLINE SCHEDULE posted in the office of the Administrative Officer. Applications received after the day indicated on the Deadline Schedule shall not be received at the next regularly scheduled Planning Commission meeting,

SECTION 5.1A(III) AMENDED OCTOBER 1, 2002

B. Findings Necessary for Map Amendment

Before any map amendment is granted, the Jessamine Fiscal Court must find that the map amendment is in agreement with the Comprehensive Plan, or in the absence of such finding, that one (1) or more of the following apply and such finding shall be recorded in the minutes and records of the Planning Commission or the Jessamine Fiscal Court.

(a). That the existing zoning classification given to the property was inappropriate and that the proposed zoning classification is appropriate.

II. That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of such area. In addition, the Planning Commission, as a condition to the granting of any Map Amendment, shall require the submission of a development plan. It must acted upon by the Planning Commission prior to the Map Amendment request being acted upon by the appropriate legislative body. Development Plans to be reviewed shall be submitted to the administrative officer by the day indicated on the APPLICATION DEADLINE SCHEDULE posted in the office of the administrative officer. Development Plans received after the day indicated on the Deadline Schedule shall not be reviewed at the next regularly scheduled Planning Commission meeting.

The development plan shall be followed and there shall be no variance from the approved development plan, except for a decrease in the number of lots. Specific requirements of the development plan are outlined in Sections 5.1(D) or 5.1(F) and 5.1(G) of this article, as appropriate.

C. Map Amendment' Application Procedure

The following are required as part of the Zone Map Amendment application procedure and unless waived by vote of the Commission, must be submitted to the Planning Commission to be received by the administrative officer by the day indicated on the APPLICATION DEADLINE SCHEDULE posted in the office of the administrative officer before any action is taken on a Zone Map Amendment application. Applications received after the day indicated on the Deadline Schedule shall not be reviewed at the next regularly scheduled Planning Commission meeting.

I. Completed Zone Map Amendment application form;

II. Fifteen (15) copies of a plat of the property, measuring no more than 24" x 36" prepared by a licensed surveyor, which shows a vicinity map with the applicant property identified in relation to the City of Nicholasville and which shows major topographic features of the applicant property, including contours steams, springs, major vegetation and soil characteristics and types.

III. Community Services Impact Analysis

The analysis of the potential impact of the Zone Map Amendment upon each of the community services shall contain the following information:

1. Public Education

- a. A description of the number of enrollees in the public education system who reside within the boundaries of the applicant property at the time of application for Zone Map Amendment;
- b. A description of the individual schools which school age residents of the applicant property presently attend to include: (1) Total enrollment at the schools, (2) Number of classrooms at the schools, (3) Number of teachers at the schools, (4) Teacher/pupil ratio at the schools;
- c. A description of the anticipated number of enrollees in the public education system who would reside within the boundaries of the applicant property if the Zone Map Amendment application is approved and the applicant property is fully developed;
- d. A description of the individual schools which school age residents of the applicant property would attend if the Zone Map Amendment application is approved and the applicant property is fully developed to include: (1) Anticipated total enrollments at the schools, (2) Anticipated total classrooms at the schools, (3) Anticipated number of teachers at the schools, (4) Anticipated teacher/pupil ratio at the schools;
- e. A description of the amount of money paid to the public agency responsible for public education by the applicant property during the tax year preceding the year in which the Zone Map Amendment application is submitted;
- f. An estimate of the amount of money which the public school system would be required to spend to provide educational services to the students who would be anticipated to reside within the boundaries of the applicant property if the Zone Map Amendment application is approved;
- g. An estimate of the amount of money that would be paid to the public agency responsible for the education of school age children which are anticipated to reside within the boundaries of the applicant property if the Zone Map Amendment application is approved and the property is fully developed;
- h. Subtract the estimate (g) from the estimate in (f). If the subtraction results in a deficit, describe a course of action which could be taken by the provider of public education services to the community or by the applicant to make up the deficit which will occur if the Zone Map Amendment application is approved and the property is fully developed;

2. Fire Protection Service

- a. Describe the amount of tax money to finance fire protection services which the applicant property generated during the tax year previous to the year of the Zone Map Amendment application;
 - b. Describe the amount of tax money for fire protection services which could reasonably be anticipated to be generated by the applicant property if the application is approved and the property is fully developed.
 - c. Describe the equipment and staff of the fire protection service available to the applicant property including travel time.
3. Police Protection Service
- a. Same as (a) in 1 and 2 above.
 - b. Same as (b) in 1 and 2 above.
 - c. Same as (c) in 1 and 2 above
4. Water and Sewer Service
- a. Describe the diameter of water lines and sewer lines serving the properties adjacent to the applicant property if those lines will be used to serve the applicant property. If new lines will be installed to serve the applicant property describe the diameter of these lines.
 - b. Describe the water pressure of the water lines which serve the properties adjacent to the applicant property and, if these lines will be used to serve the applicant property; whether the water pressure to adjacent properties will be affected.
 - c. Describe the estimated total daily water usage and sewage generation within the boundary of the applicant property if the Zone Map Amendment is approved and the property is fully developed.
 - d. Describe the total daily production capacity of the water system and the total daily treatment capacity of the sewer system. If the provider of the water service to the applicant property is a wholesaler, describe the daily production capacity of its supplier.
 - e. If the provider of the water service is a public agency describe: (1) the amount of money which the public agency will be required to expend to provide water and/or sewer service to the applicant property, (2) the amount of money the public agency will receive from the applicant property when fully developed, if it provides water and sewer service; (3) subtract (2) from (1). If the subtraction results in a deficit, describe a course of action which could be taken by the public agency or by the applicant to make up the deficit which will occur if the Zone Map Amendment application is approved and the property is fully developed.

5. Electric and Telephone Service and Outdoor Lighting
 - a. Describe the type of electric and telephone service, and identify the providers of these services, which are available to the properties.
 - b. Estimate the total monthly electrical usage within the boundaries of the applicant property if the lone Map Amendment application is approved and the property is fully developed.
 - c. Describe in graphic and/or text format where outside lighting is proposed, type of lighting proposed, how the applicant proposes to comply with Article 3.21 (F), Lighting, of this ordinance to minimize light glare, trespass, hazards associated with temporary blindness of motorists and security lighting.

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6. Public Streets and Roads
 - a. Describe the public transportation facilities which serve the properties adjacent to the applicant property including pavement width, right-of-way width, surface type and condition. If a developer constructed road will be necessary to provide access to subdivisions of applicant property, describe this road as above.
 - b. Describe the anticipated average daily traffic volume on these roads at the time of submission of the Zone Map Amendment application.
 - c. Describe the anticipated average daily traffic volume on these roads if the Zone Map Amendment is approved and the property is fully developed.
 - d. if any access to the applicant property is gained from a local road, which is maintained through the expenditure of locally generated tax money, to this public road would be necessary to accommodate any increase in average daily traffic volume upon it which is attributable to the development of the applicant property.
 - e. Estimate the costs to the public agency which would be responsible for the anticipated needed improvements to the public road serving the applicant property.
 - f. Estimate the amount of money paid by the applicant property to the Public agency responsible for the maintenance of the public road which serves the applicant property during the tax year previous to the year in which the application is submitted.
 - g. Estimate the amount of money the public agency responsible for the public road which serves the applicant property could anticipate

receiving from the applicant, if the application is approved and the property were fully developed.

- h. Subtract (c) from (g). If the subtraction results in a deficit, describe a course of action by the public agency or the applicant which could be taken to make up the deficit which will occur if the Zone Map Amendment application is approved, the property is fully developed and the needed improvements are made by the public agency.
 - i. Estimate the total amount of money expended by the responsible public agency for local road improvements and maintenance during the year preceding the year in which the Zone Map Amendment application is submitted.
 - j. Estimate what percentage (e) is of (i).
- IV. A statement by the applicant explaining why the zone change is requested.
- V. A check, made payable to the Jessamine Fiscal Court, for the application fee.
- VI. A check, made payable to the Jessamine Fiscal Court in the amount of \$100.00 for court reporter's fees (transcript) and reproduction costs. If expenses for transcript and reproduction are less than \$100.00, the balance will be refunded. If transcript and reproduction costs exceed \$100.00, the applicant will be billed for the excess.
- VII. A list of names and addresses of owners of property adjacent to the applicant property.
- VIII. A stamped (First Class Mail) envelope for each name shown on the list of adjoining property owners.
- IX. A completed "Receipt for Certified Mail" slip (Postal Service form 3800) for each shown on the list of adjoining property owners.
- X. A completed "Return Receipt" card (Postal Service Form 3811) for each name shown on the list of adjoining property owners.
- XI. A check or cash equal to Restricted Delivery Postal Charges for each envelope.
- D. The Procedure for obtaining a Zoning Map Amendment to the Commercial Zone shall be the same as required by the foregoing and, in addition, as follows:
- 1. Preliminary Development Plan Required-

A preliminary development plan shall be submitted with the application for a Zoning Map Amendment with the information, as specified in the Subdivision Regulations, Section 2.201 et seq., and in addition, include approximate total gross floor area of anticipated retail facilities; the approximate total gross floor area of anticipated office and service facilities; the approximate number of anticipated off-street parking spaces; the stages which will be followed in the construction of the proposed shopping center; vicinity sketch; topography with contour intervals not greater than five (5) feet location, arrangement, and approximate dimensions of existing and proposed driveways, streets, sidewalks, parking areas and are arrangements of spaces, points of ingress and egress, and other vehicular and pedestrian right-of-way; screening, landscaping, buffering, recreational; and other open space areas; approximate size, location height, floor area, area arrangement and use of proposed existing buildings and signs; storm drainage areas, proposed and existing easements, and a note stating that no grading, stripping, excavation, filling or other disturbance of the natural ground cover shall take place prior to approval of an erosion control plan. All applications for Zoning Map Amendment to the Commercial Zone shall require the approval of the preliminary development plan as a condition precedent to the approval of the Zoning Map Amendment

2. Final Development Plan Required -

Within two (2) years of final approval by the appropriate legislative body of any Commercial Zoning Amendment, unless an extension is granted by the Commission, the applicant shall submit a final development plan to the Commission for its review and approval; otherwise, an application to change the Commercial Zone to its previous zone or other appropriate zone shall be filed by the Commission. The final development plan shall show the information as specified by the Subdivision Regulations, Section 2.301 et. seq., and in addition, location, size, height, and orientation of all signs, using building elevation drawings where appropriate; vicinity sketch; topography with contour intervals not greater than two (2) feet; boundary features such as bearings and dimensions of all property lines; size, location, height, floor area, area and arrangement of proposed and existing buildings and signs; screening, landscaping, buffering, recreational and other open space areas showing dimensions of materials of fences, planting, buffer and other open space areas; location, arrangement, and dimensions of the following: existing and proposed driveways, streets and street cross-section drawings, sidewalks, parking areas including number of off-street parking spaces, points of ingress and egress, off-street loading areas and other vehicular and pedestrian right-of-way; utilities information such as proposals for gas, water, electricity and telephone supply and storm water and sanitary sewer disposal including location of easements,

size of water and sewer lines, hydrants, and the like; location mid dimensions of other existing or proposed easements; and statistical summary of above-described items. The Commission shall approve a final development plan with such conditions as are found necessary to comply with this ordinance, if any, within ninety (90) days after the applicant submits his or her development plan.

3. Building Permit Required -

No building permit shall be issued until a final development plan has been approved by the Commission. The approved final development plan shall limit and control the issuance of all building permits, and shall restrict the construction, location, and use of all land and structures to all conditions set forth in the plan. Amendments to the plan can be made only by official Commission action.

4. Construction Deadline-

If construction is not initiated within one (1) year from the date of approval of the final development plan by the Commission, unless an extension is granted by the Commission, an application to change the Commercial Zone to its previous zone or other appropriate zone shall be filed by the Commission.

5. Prohibited Uses -

In a Commercial Zone all other uses other than as permitted herein are prohibited.

E. FILING LIMITATIONS

1. In the event the applicant for a zoning map amendment receives a decision on the merits of the request from the Planning Commission relative to a particular parcel of land, another zoning map amendment requesting the same change relative to the same parcel of property shall not be considered by the Planning Commission for a period of one (1) year from the date of the Planning Commission's decision on the merits.

SECTION 5.1 (D) AMENDED JANUARY 6, 2004

2. In the event the applicant for a zoning map amendment relative to a particular parcel of land withdraws the request anytime after the filing of the original Public Notice, another request for the same change relative to the same property shall not be considered by the Planning Commission for a period of six (6) months from the date of withdrawal.

The word "withdrawal" shall be construed to mean the voluntary removal from consideration before the Planning Commission by the applicant for the zone change request such that a new application must be filed before it can be considered. The Planning Commission shall have the right in its sole discretion to decide whether a zone change request may be continued until a future date without the applicant having to file a new application, or whether the applicant must present the request on the date originally scheduled for hearing. The applicant shall not have the right to withdraw the request at any time after commencing the presentation.

F. Development Plan. Requirements

Applications for any proposed amendment to the Zoning Map shall include a development plan in accordance with the provisions of this regulation. The development plan is intended to demonstrate to the Planning and Zoning Commission the character and objectives of the proposed development in adequate detail for the Planning and Zoning Commission to evaluate the effect of the proposed development would have on the community and determine what provisions, if any, should be altered for the protection and promotion of the general public welfare. A public hearing on the Zoning Map Amendment shall not be held until the final development plan has been submitted to the Commission for action. The Commission shall either approve or disapprove the development plan and shall make findings of fact to support their decision. If the development plan is approved, the minutes of the Commission shall specify that the development plan approval is void unless the appropriate legislative body approves the Zoning Map Amendment. Once approved by the Commission, the development plan shall be followed. The development plan shall be a covenant running with the land. If the development plan is disapproved by the Commission and the Zoning Map Amendment is subsequently approved by the appropriate legislative body, a development plan must be resubmitted to the Commission and approved before construction can begin. Potential Zone Change applicants have the option of submitting a development plan in a conceptual form prior to the time of the re-zoning application, with a final and more detailed plan submitted for Commission consideration at the time of re-zoning request. The potential zone change applicant may complete a conceptual development plan application form. A fee (see Article VI of the Jessamine County Zoning Ordinance) shall be collected from the potential zone change applicant as to cover the

cost of mailing meeting notices to all adjoining property owners. The conceptual development plan (a generalized graphic and written representation of the final development plan requirements) shall be prepared in accordance (yet in a general manner) with Section 5.1 (G) of this article.

G. Contents of Development Plan

The Planning Commission shall require development plans to include the following elements in graphic or written form as are applicable to the subject property and appropriate for adequate public review of the development proposal. A development plan does not constitute approval to build or do any development construction. This restriction shall be shown as a note on the plan

A new development plan must be submitted upon the consolidation of lots or construction of new buildings on a lot that were not specified on the prior development plan.

For Single Lot Subdivisions

1. A title block containing the plan name, date, development plan type name and address of the owner/developer and written and graphic scale. The name, signature and seal of the Engineer or Landscape Architect responsible for the preparation of the plan. The plat shall be at a scale of 1"=200' or larger.
2. The boundary description, including area and bearings and dimensions of all property lines of the subject property, its record plan designation (LF available); and the record plan name or owner's name of all adjoining property.
3. A vicinity sketch, oriented in the same direction as the design scheme with measurements to existing streets at a scale of 1"=2000'.
4. Existing topography and proposed topographic changes, with contour intervals not greater than five (5) feet, unless other contour intervals are deemed appropriate by the Commission.
5. North arrow with property generally oriented toward the top of the plan.
6. Site Statistics including: Total Gross Area, Area of ROW, Total Net Area, # of Lots, Density-Lots/gross acre, and lots/net acre.
7. Zoning Classification of the property and adjacent properties.
8. Completion of environmental impact assessment form for all zone change requests. Applicants requesting a zone change for any property in excess of ten (10) acres, or to any Industrial or Business districts shall complete an Environmental Impact Analysis as outlined in 3.304 of the Jessamine County-City of Wilmore Subdivision Regulations.
9. Areas of substantial existing trees including those located along fence rows and drainage areas along with a general description of the type and size of such trees. Significant rock outcroppings, streams, floodplains, sinkholes (and other surface depressions), and other natural features shall also be known.

10. Historical sites, structures, and monuments present on the site, and a statement as to the impact of development on such sites, structures, monuments or graveyards.
11. Storm drainage areas, floodplains, conceptual drainage controls and storm water retention and any other designated environmentally sensitive or geologic hazard area.
12. Screening, landscaping and buffering, recreational and other open space areas.
13. Location and cross-section of any proposed or existing streets within or abutting the subject property.
14. The location, arrangement, and approximate dimensions of existing and proposed streets and driveways, parking areas and arrangement of spaces, points of ingress and egress, access points for construction vehicles, and other vehicular and pedestrian right-of-way.
15. Maximum size, location, height, floor area, and arrangement and use of proposed and existing buildings, signs, and any other structures.
16. Proposed and existing easements for utilities or other purposes.
17. An owner's certification, signed and witnessed as follows: "I (We) do hereby certify that I am (we are) the only owner(s) of the property shown hereon, do fully agree to all graphic and textual representations shown hereon, and do adopt this as my (our) development plan for the property."
18. A Commission's certification to be signed by the Commission's Chairperson if and when the plan is fully approved, as follows: by the Jessamine County-City of Wilmore Joint Panning Commission at its meeting held on (date)."

For Multi-Lot Subdivisions

1. A title block containing the plan name, date, development plan type, name and address of the owner/developer and written and graphic scale. The name, signature and seal of the Engineer or Landscape Architect responsible for the preparation of the plan. The plat shall be at a scale of 1"=200' or larger,
2. The boundary description, including area and bearings and dimensions of all property lines of the subject property, its record plan designation (if available); and the record plan name or owner's name of all adjoining property.
3. A vicinity sketch, oriented in the same direction as the design scheme with measurements to existing streets at a scale of 1"=2000'.
4. Existing topography and proposed topographic changes, with contour intervals not greater than five (5) feet, unless other contour intervals are deemed appropriate by the Commission.
5. North arrow with property generally oriented toward the top of the plan.
6. Zoning Classification of the property and adjacent properties.

7. Completion of environmental impact assessment form for all zone change requests. Applicants requesting a zone change for any property in access of ten (10) acres, or to any Industrial or Business districts shall complete an environmental impact analysis as outlined in 3.304 of the Jessamine County-City of Wilmore Subdivision Regulations.
8. Areas of substantial existing trees including those located along fence rows and drainage areas along with a general description of the type and size of such trees. Significant rock outcroppings, streams, floodplains, sinkholes (and other surface depressions), and other natural features shall also be shown.
9. Historical sites, structures, and monuments present on the site, and a statement as to the impact of development on such sites, structures, monuments or graveyards.
10. Storm drainage areas, flood plains, conceptual drainage controls and storm water retention and any other designated environmentally sensitive or geologic hazard area.
11. Screening, landscaping and buffering, recreational and other open space areas.
12. Location and width of any existing or proposed streets within or abutting the subject property, where possible.
13. Parks, recreational or other open spaces if these areas are to be provided for the proposed development.
14. Maximum size of any buildable lot.
15. Maximum number of lots to be developed. No increase permitted in the number of lots proposed. Street pattern and lot layout shall be shown.
16. Existing easements for utilities
17. An owner's certification, signed and witnessed as follows: "I (We) do hereby certify that I am (we are) the only owner(s) of the property shown hereon, do fully agree to all graphic and textual representations shown hereon, and do adopt this as my (our) development plan for the property."
18. A Commission's certification to be signed by the Commission's Chairperson if and when the plan is fully approved, as follows: "I do hereby certify that this development plan was approved by the Jessamine County-City of Wilmore Joint Planning Commission at its meeting held on (date)."

ARTICLE VI

ARTICLE VI — SOIL EROSION AND SEDIMENT CONTROL

6.1 FINDINGS OF FACT

The following findings of fact related to the causes of soil erosion are made:

- 6.1(a) Significant erosion results from rainfall and runoff over unprotected soil. Erosion is measured by intense rainfalls, long slopes, steep slopes, and lack of adequate vegetative cover. These conditions are in part caused by or aggravated by improper construction, grading, or excavation which results in removal of natural ground cover without taking appropriate steps to control erosion problems.

6.2 PURPOSES AND OBJECTIVES

The intent of this ordinance is to:

- 6.2(a) Reduce soil erosion in Jessamine county.

- 6.2(b) Provide procedures for submission, review, and approval of erosion control plans to be submitted prior to soil disturbance.

6.3 SCOPE OF COVERAGE

The following are included within the scope of this ordinance:

- 6.3(a) Erosion Control Plans are required in the following circumstances:

All persons submitting to the Jessamine County-Wilmore Joint Planning Commission major subdivision plats or development plans must include a note on the preliminary plat or development plan stating that no grading, excavating, stepping, filling or other disturbance of the natural ground cover shall take place prior to approval of the erosion control plan. An erosion control plan shall be submitted after a preliminary plat or development plan has been approved.

Any persons disturbing the natural ground cover in an area for which there is an approved erosion control plan shall conform to the requirements of such plan without exception.

6.3(b) Grading Permits are required in the following circumstances:

All persons doing any grading, stripping, excavating, filling or otherwise disturbing the natural ground cover in an area for which no erosion control plan has been approved, must obtain a grading permit prior to commencing such work, unless exempted under Section 6.3(d). For any work or developments not requiring a fully developed erosion control plan, a grading plan addressing at a minimum the handling of topsoil and off-site runoff during grading must be submitted in conjunction with the grading permit application. A grading permit shall not be issue for any Industrial or Commercial Zone where a development plan has not been approved by the Joint Planning Commission.

6.3(d) Exceptions

No grading permit or separate erosion control plan shall be required for the following (Each subsection of this section shall constitute a separate, independent exception)

6.3(d)(1) Finished grading and excavation below finished grade (a) for basements and footings of a single-family or duplex residential structure authored by a valid building permit; (b) for accessory structures related to single-family residences or duplex structures authorized by a valid building permit (c) for retaining walls eighteen (18) inches or less; (d) for swimming pools, or; (e) for cemeteries for human or animal burial, provided the disturbed material or fill is handled in such a manner as to conform to the approved erosion control plan for the area or where no such erosion control plan is in effect such work must be done in a manner which presents no significant erosion hazard.

6.3(d)(2) An excavation or fill provided it meets all of the following:

- a) is less than four (4) feet in vertical depth at its deepest point as measured from the natural ground;
- b) does not result in a total quantity of more than 100 cubic yards of material being removed from, deposited on or distributed on any lot, parcel or subdivision thereof;
- c) does not impair existing surface drainage, constitute a potential erosion hazard, or act as a source of sedimentation to any adjacent land or water course;
- d) has no final slopes steeper than one (1) foot vertical in three (3) feet horizontal;

- e) has proper vegetative cover re-established as soon as possible on all disturbed areas; and
- f) has no fill placed on a surface having a slope steeper than five (5) feet horizontal to one (1) foot vertical.

6.3(d)(3) Accepted agricultural land management practices such as plowing, cultivation or agricultural structures, ponds, waterways, nursery operations such as the removal and/or transplanting of cultivated sod, shrubs, and trees, tree cuttings at or above existing ground level, and logging operations leaving the stump, ground cover and root mat intact. Non-agricultural uses permitted in the A-1 zone are not excepted from the requirements of soil erosion and sediment control.

6.3(d)(4) Grading, on existing developed lots or parcels, provided it meets all of the following:

- a) the aggregate area(s) affected, or stripped at any one time does not exceed 8,000 square feet, and is not within a natural drainage way (i.e. designated flood plain);
- b) the grade change does not exceed eighteen (18) inches at any point and does not alter the drainage pattern
- c) proper vegetative cover is re-established as soon as possible on all disturbed areas; and
- d) the grading does not involve a quantity of material in excess of 100 cubic yards.

6.3(d)(5) Installation of approved subsurface sewage treatment lateral sewer lines, geothermal systems, telephone lines, electricity lines, gas lines, or other public service facilities.

6.4 PROCEDURES AND STANDARDS FOR APPROVING SOIL EROSION CONTROL PLANS AND FOR ISSUING GRADING PERMITS

6.4(a) Administrative Procedure

Applications for approval of erosion control plans and grading permits shall be submitted to the Administrative Officer of the Jessamine County-City of Wilmore, Joint Planning Commission as specified in Sections 6.4(a) and 6.4(a)(2). The application shall contain the applicant's name and address and other relevant information requested on the application forms. It shall also contain a proposed erosion control plan containing the information required by Section 6.4(b). The application must be signed by the owner of the property or an authorized agent, and

the erosion control plans must be certified by a registered professional engineer or licensed landscape architect if submitted in association with a major subdivision plat or development plan.

6.4(a)(1) Request for Approval for Erosion Control Plans Associated With a Major Subdivision or Development Plan

All erosion control plans shall be reviewed by the Jessamine County-City of Wilmore Planning Commission which shall approve or disapprove the erosion control plan as a part of the construction plans submitted for all major subdivision plats or development plans under the standards set by this ordinance. Such an approved erosion control plan shall have the same status and effect as a grading permit and a separate grading permit shall not be required. Upon completion of the work required under and approved erosion control plan, the Enforcement Officer shall certify on such plan that the work has been completed.

6.4(a)(2) Application for Approval of Grading Permit

Applications for approval of grading permits shall be filed with the Administrative Officer. The Administrative Officer shall review such plans and a grading permit shall be issued or denied by the Administrative Officer. Review of the decision of the Administrative Officer is available through the Board of Adjustment. Upon completion of the work required under an approved grading permit, the Enforcement Officer shall certify on the permit that the work has been satisfactorily completed.

6.4(a)(3) Extension of Time

Every approved erosion plan or grading permit shall expire six (6) months from the issuance of a grading permit or approval of an erosion control plan. If work is not completed within the terms of the permit, or work is not commenced within six (6) months after issuance, the permit holder may request an extension with a maximum of two (2) extensions not to exceed three (3) months each. Each extension shall be inspected by the Enforcement Officer.* The Administrative Officer may extend the deadlines contained in the plan or permit respectively upon a showing by the applicant a) that there is sufficient justification for the delay;

b) that the delay will not create a new erosion hazard or permit an existing one to continue; and c) that a new completion date has been set.

*Each inspection for an extension of a permit shall be \$100.00 plus Engineering Consulting Fees.

6.4(b) Contents of the Soil Erosion Plan

For purposes of obtaining a grading permit or for coordination with a major subdivision plan or development plan, an erosion control plan containing the following information must be submitted unless, such information is available to the Administrative Officer in an acceptable form. This information must be supplied for the entire tract of land whether or not the property will be developed in stages. If the development occurs in stages the erosion control plan shall be approved as a whole; however, after construction has begun on the initial stage the, Administrative Officer or the Enforcement Officer must inspect the site prior to granting approval for the issuance of building permits for any other stage of construction.

- 6.4(b)(1) The erosion control plan shall be drawn at a scale of 1"=100' (or less) indicating:
 - a) the site location as well as the adjacent primes, And
 - b) identification of any structures or natural feature on the land adjacent to the site and within 250' which has a significant impact on drainage or siltation controls.

- 6.4(b)(2) Property boundary bearings and distances for the site on which the work is to be performed.

- 6.4(00) A soil survey or a description of the main soil types (available from the Jessamine County Soil Conservation District).

- 6.4(b)(4) The anticipated time of exposure of each area prior to the completion of effective erosion and sediment control measures.

- 6.461)(5) Existing topography at contour intervals not exceeding five (5) feet

- 6.4(b)() Proposed topography at contour intervals not exceeding five (5) foot.

- 6.4(b)(7) Elevation, dimension, location, extend and the slope of all proposed grading The finished grade elevation of top of fills adjacent to all County, State, or Federal highway shall not exceed a height greater than

four (4) feet above highest elevation point of centerline elevation of that highway.

If applicant proposes to use the fill area for stockpile of additional material, to be only used onsite, at an elevation above this four (4) feet max:1=m then the erosion plan must specify in detail information sufficient to accurately describe procedure and timetable of its disposal onsite, to include but not limited to:

- a. Proposed contour of maximum limits of stockpile.
- b. Timetable giving ending date of stockpiling, date to begin removal and date of final completion.
- c. Proposed re-grade plan of deposition of stockpile material with volume calculations to demonstrate that volumes balance, accounting for shrink/swell.
- d. Typical sections showing slopes of existing fills and stockpile and completed fill area.
- e. Stockpile(s) shall meet all requirements of this ordinance specifically as to slope coverage, stabilization, erosion control and re-vegetation.

- 6.4(b)(8) Location and identification of all sites (either man-made or natural) which have a significant impact on drainage or siltation controls.
- a. All cuts and fills shall be a ratio of three (3) to one (1). All fills shall be no closer than twenty (20) feet, at the toe of the fill, from adjacent properties. All cuts shall bend no closer than ten (10) feet, at the top of the cut, from adjacent properties, unless mutually agreed upon by contiguous land owners in writing, or except that the building of a retaining wall designed and sealed by an engineer may allow for a distance of five (5) feet for cuts or fills
- 6.4(b)(9) Plans and specifications for all drainage provisions, retaining walls, cribbing, planting, anti-erosion devices or other protective devices (whether temporary or permanent) to be constructed in connection with, or as a part of the proposed work, together with a map showing the drainage area of land tributary to the site and a statement explaining the amount of estimated runoff used to determine the design characteristics of any drainage device. Upstream drainage must be considered and explained if any adverse effect is possible.

- 6.4(b)(10) Plans for removal, re-contouring or other final disposition of sediment basins or other structural improvements or devices included in the plan
- 6.4(b)(11) If a sedimentation basin is required, it should be designed by a registered engineer.
- 6.4(b)(12) The plans and specifications shall specify in detail the means and methods that soil cover and re-vegetation of all slopes shall be accomplished. As a minimum, all slopes shall consist of a minimum twelve (12) inches rock free soil cover, the top four (4) inches shall be suitable topsoil. Permanent, acceptable grass coverage shall be established within six (6) months of placement and/or disturbance of slope.

6.4(c) Factors Which Shall be Considered in Reviewing Applications for Erosion Control Plans and/or Grading Permits

- 6.4(c)(1) The development should relate to the specific site conditions.
- 6.4(c)(2) The plan should keep land grading and land disturbance to a minimum under the circumstances.
- 6.4(c)(3) Both surface and storm water drainage systems should be integrated to accommodate the increased runoff incurred during land grading.
- 6.4(c)(4) To prevent soil erosion, existing temporary and future protective vegetative cover should be emphasized.
- 6.4(c)(5) The plan shall coordinate grading operation and sediment control measures so as to minimize land exposure to erosion.
- 6.4(c)(6) Sediment basins below high sediment producing areas should be planned, installed, and maintained as safety devices to catch and trap excessive sediment from the development site.
- 6.4(c)(7) The plan should utilize available technology to keep soil erosion to a minimum level.

- 6.4(c)(8) Retaining walls shall be planned, installed and maintained where slope is steeper than one (1) foot vertical in two (2) horizontal on excavated slopes, cuts or fills greater than four (4) foot vertical.
- 6.4(c)(9) Fill areas shall be engineered to be appropriate for intended use. Plan should include method for placement of large material such as concrete slabs or rock boulders with dimension greater than two (2) feet in any direction. Method of placement should be designed to prevent voids in fill which may cause shifting, sliding or settling of material,
- 6.4(c)(10) Location of Adjacent Property Lines;
If excavation, cutting or filling encroaches within twenty-five (25) feet of an adjoining property line, such property shall be surveyed and pinned if no existing survey or subdivision plat exists for said site. Property lines shall be pinned for all work within twenty-five (25) feet of any adjacent property. No permit will be issued until this is done.

6.5 FAILURE TO COMPLETE WORK OR COMPLY WITH TERMS OF PLAN

In the event of failure to complete the work or failure to comply with all the requirements, conditions and terms of the permit or plan, the Administrative Officer or Enforcement Officer may order stoppage of work. The Joint Planning Commission may instruct the Administrative Officer to refuse to issue any additional building permits and/or it may order work authorized by plan or permit to be completed.

6.6 VIOLATIONS AND PENALTIES

6.6(a) Violations

Whenever, by the provisions of this Ordinance, the performance of any act is required, or the performance of any act is prohibited, a failure to comply with such provisions shall constitute a violation of this Ordinance.

6.6(b) Corrections of Violations

All violations shall be corrected within a time period as specified by written notice issued by the Administrative Officer or Enforcement Officer, but in no case shall such periods be less than 24 hours. The time period determination shall be at the discretion of the Administrative Officer or the Enforcement Officer and dependent upon weather and soil conditions, and the type and

scope of off-site damages being induced by the violation, but in no case shall the time period impose unrealistic requirements under prevailing weather and working site soil conditions. If the violation is not corrected as specified in the written notice, the Administrative Officer or Enforcement Officer may issue an order to the violator to cease all work; they may refuse to issue any additional budging permits. The Joint Planning Commission may initiate prosecution in District Court or initiate civil compliance procedures.

6.6(c) Penalties

Any person, firm or corporation who violates, neglects, omits or refuses to comply with any provision of this Ordinance, or any permit or exceptions granted hereunder, or any lawful requirement of the Joint Planning Commission, shall be fined on conviction in accordance with Article IV Section 4.4 of this Zoning Ordinance. Each day that a violation is maintained shall be deemed a separate offense. The time of violation shall be measured from the time written notice to correct is given to the permittee. The imposition of any penalty shall not exempt the offender from compliance with the provisions of this Ordinance.

6.7 DEFINITIONS

6.7(a) Erosion - The process by which the ground strface is worn away by the action of wind or water.

6.7(b) Evacuation or Cut - Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or re-located, and shall include the conditions resulting therefrom.

6.7(c) Fill- A deposit of soil, rock, concrete, or asphalt to replace or supplement the original soil or sub-soil.

6.7(d) Grading - Any stripping, excavating, filling stockpiling of soil or any combination thereof, and shall include the land in its excavated or filled condition.

6.7(e) Natural Features - Shall in elude but not be limited to, existing water courses, soils, vegetation (including grasses, shrubs, legumes, etc.) and tree stands having frees 5" or greater in diameter of 15' or greater in height, whichever is less.

- 6.7(f) Natural Ground Surface - Any ground surface in its original state before any grading, excavation or filling, and shall be established by the Administrative Officer or Enforcement Officer when there is any question of its location.
- 6.7(g) Sediment - Any solid material, both mineral and organic that is in suspension, is being transported, or has been moved from its site or origin by air, water or gravity as a product of erosion.
- 6.7(h) Slope - Any -inclined, exposed, surface of a fill, excavation, or natural terrain.
- 6.7(i) Soil - All earth material of whatever olden that overlies bedrock, and may include the decomposed zone of bedrock which can be readily excavated by mechanical equipment.
- 6.7(j) Stripping - Any activity which removes or significantly disturbs the vegetative surface cover including cleaning and grubbing operations.

6.8 GRADING PERMIT

A grading permit shall be subject to the same dimensional limitations and fee structure as a building permit

SECTION VI ADOPTED JUNE 1, 1999

SECTION 6.3B AMENDED JANUARY 24, 2002

SECTION 6.4(b)(7) AMENDED JANUARY 24, 2002

SECTION 6.4(a)(3) AMENDED JUNE 27, 2006

SECTION 6.4(b)(8)(2) AMENDED JUNE 27, 2006

SECTION 6.4(C)(10), ADOPTED JUNE 27, 2006

ARTICLE VII: MISCELLANEOUS

7.1 SCHEDULE OF FEES, CHARGES AND EXPENSES

The Fiscal Court of the County of Jessamine shall establish a schedule of fees, charges and expenses, and a collection procedure for building permits, certificates of zoning compliance, appeals and other matters pertaining to these regulations. The schedule of fees listed below shall be posted in the office of the administrative official, and may be altered or amended only by the Fiscal Court

No permit, certificate or variance shall be issued unless or until such costs, charges, fees, or expenses listed below have been paid in full; nor shall any action be taken on proceedings had before the Board of Adjustments unless or until preliminary charges and fees have been paid in full.

BUILDING PERMIT FEES

NON-COMMERCIAL STRUCTURES

1. Dwellings (Permanent)

Single Family Dwellings	\$900 per unit + \$.05 per sq. ft.*
Townhouse	\$900 per unit + \$.05 per sq. ft.*
Duplex	\$500 per unit + \$.05 per sq. ft.*
Multi-family	\$300 per unit + \$.05 per sq. ft.*

Fees include four (4) inspections by Building Inspector. Additional visits \$50.00 per visit

2. Manufactured Home (Installation Permit)

Type I Home	\$900 per unit \$.05 per sq. ft. (Same as Single Family Dwelling) *
Type II & III Home	\$45.00*

**Or 1 (one) tenth of 1% of the contract cost — whichever is greater*

3. Accessory Buildings, Garages, Additions, Swimming Pools, Demolitions, Etc.

Detached Garage, Storage Building, Shed or Other Accessory Structure 0-399 sq. ft.	1 (one) tenth of construction cost,
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	\$25.00 minimum fee
Detached Garage, Storage Building, Shed or Other Accessory Structure	
> 400 sq. ft.	\$100 per unit + 8.05 per sq. ft.*
Addition	\$100 + \$.05 per sq. ft.*
Remodel	\$100 + \$.05 per sq. ft.*
Demolition	\$100.00
Swimming Pool	1 (one) tenth of construction cost, \$25.00 minimum fee

COMMERCIAL AND PROFESSIONAL STRUCTURES

1. Primary and accessory buildings	
0 —1,000 sq. ft.	\$500*
1,001 — 2,000 sq. ft.	\$600*
2,001 — 3,000 sq. ft.	\$700*
3,001 — 4,000 sq. ft.	\$800*
4,001 — 5,000 sq. ft.	\$900*
5,001 — 10,000 sq. ft.	\$1,000*
10,001— 20,000 sq. ft.	\$2,000*
20,001+ sq. ft.	\$3,000 + \$.05 per sq. ft.*

2. Remodel, Fitup, Sign, Parking Lot, Etc.

Remodel, Tenant Fitup, Change of Use	\$100 + \$.05 per sq. ft.*
Demolition	\$100
Parking or Storage Lot	\$100*
Sign or Billboard	\$1.00 per sq. ft., \$25.00 <u>min</u> fee
Tent (over 400 sq. ft.)	\$50 + \$.05 per sq. ft.
Canopy (over 700 sq. ft. — open on all 4 sides)	\$50 + \$.05 per sq. ft.

Liquid and/or Storage Tank (Above and/or Below Ground)

1 (one) tenth of \$.01 per gallon capacity, \$25 min_ fee*

Cellular Tower	\$2,500
Cellular Tower Expansion, Co-Location, Equipment Replacement, Etc.	\$250

**Or 1 (one) tenth of 1% of the contract cost — whichever is greater*

GENERAL (APPLIES TO ALL CONSTRUCTION)

Inspection Recheck/Additional Inspection	\$50
Construction without a Permit	Three times the applicable building permit fee (See text below)
Reissue Permit	\$25
<i>There shall be a fee assessed for any alterations or revisions to a previously issued building permit.</i>	
Release for Stop Work Order	\$100 per release
Release for Illegal Occupancy	\$200 per release

CONSTRUCTION IN PROGRESS WITHOUT A PERMIT

The building permit fee for construction already in progress shall be triple the regular amount (see above):

- A. Excavating and grading, including diggings of footers, shall not be considered construction
- B. Pouring of footers shall be considered construction
- C. Any mobile unit placed in a position on any lot or parcel so as to be ready for occupancy in that location shall be considered construction.

PLANNING COMMISSION FEES

- 1. ZONE MAP AMENDMENTS
 - To A-1, or R-1 \$200 + \$6.00 per acre
 - To R-2 \$200 + \$8.00 per acre
 - To R-3 or R-1V \$200 + \$10.00 per acre
 - To P-1 \$200 + \$12.00 per acre
 - To B-1, B-2 or B-3 \$200 + \$14.00 per acre
 - To I-1 \$200 + \$20.00 per acre
 - Certified Mail As set by United States Postal Service
 - Transcript \$350 min. fee (any additional costs to

be

paid by applicant)

\$300 minimum fee on all Zone Map Amendment applications

2. MAJOR SUBDIVISION PLANS

Major Subdivision Plats, Preliminary, Final, & Amended

ZONE

A-1	\$300 + \$5.00 per lot or \$25.00 per acre (whichever is greater)
R-1, R-2, R-3 & R-1V	\$300 + \$20.00 per lot or \$100 per acre (whichever is greater)
B-1, B-2,13-3, P-1, I-1 & I-2	\$300 + \$20.00 per lot or \$150 per acre (whichever is greater)
Certified Mail	As set by United States Postal Service

3. MINOR SUBDIVISION & CONSOLIDATION PLATS

All Zones	\$250
Non-conforming Minor Plats	\$250
Plat Recording Fee	As set by the Jessamine County Clerk

4. DEVELOPMENT PLANS

Development Plan Review	\$300 + Engineering Costs
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5. CONSTRUCTION PLANS

Construction Plan Review	\$300 fee + Engineering Costs
Punch List for Construction	\$300 fee + Engineering Costs

6. CELLULAR TOWERS

Cellular Tower Zoning Application	\$2,500.00
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7. GRADING PERMITS

Grading Permit Application	\$300 fee + Engineering Costs
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BOARD OF ADJUSTMENT FEES

1. DIMENSIONAL VARIANCE

ZONE

A-1, R-1, R-1V, R-2, & R-3	\$100.00
B-1, B-2, B-3, P-1, I-1 & I-2	\$200.00
Certified Mail	As set by United States Postal Service
Certificate of Land Use: Processing Fee	\$10.00
Certificate of Land Use: Recording Fee	As set by Jessamine County Clerk

2 **CONDITIONAL USE PERMIT ZONE**

A-1, R-1, R-1V, R-2, & R-3	
B-1, B-2, B-3, P-1, I-1 & I-2	
Certified Mail	\$100.00
Certificate of Land Use — Processing Fee	\$200.00
Certificate of Land Use — Recording Fee	As set by United States Postal Service
	\$10.00
	As set by Jessamine County Clerk

3. **ADMINISTRATIVE APPEAL**

Administrative Appeal Application	\$100.00
Transcript	\$350 min. fee (any additional costs to be paid by applicant)

MISCELLANEOUS

Special Called Meeting (<i>to be paid in advance and divided amongst the applicants</i>)	\$500 + \$100 per commission member in attendance)
Certificate of Zoning Compliance	
A-1, R-1, R-1V, R-2 & R-3	\$30.00
B-1, B-2, B-3 & P-1 Zones	\$40.00
I-1 & I-2 Zones	\$50.00
Zoning Letter	\$25.00
Comprehensive Plan (Printed)	\$75
Comprehensive Plan (Disc)	\$10
Zoning Ordinances (Printed)	\$10
Subdivision Regulations (Printed)	\$10

SECTION 7.1(7) — AMENDED DECEMBER 6, 2005
SECTION 7 — AMENDED SEPTEMBER 15, 2015
SECTION 7.1(Miscellaneous) - AMENDED JULY 11th, 2017

JESSAMENE COUNTY WILMORE PLANNING COMMISSION
APPLICATION FOR GRADING PERMIT

Date _____
Application No. _____

NOTE: This application shall expire six (6) months from the date of issuance in accordance with Section 6.4(a)(3) of the Jessamine County Zoning Ordinance.

1. Name of Applicant _____
Address _____
Phone _____
2. Name of Engineer (if applicable) _____
Address _____
Phone _____
3. Name of Subdivision (Plat Cabinet/Slide Reference) _____
4. Location/Description; note in city or in county:

(In addition, please attach copy of deed and plat if applicable)

5. Zoning District _____
6. Number of Lots/Area of Tract _____
7. List all proposed grading changes and/or improvements proposed:

8. Describe proposed handling, storage, and replacement of topsoil:

9. Describe proposed handling of off-site rim-off; attach stormwater management plan; is culvert required, describe type and size and anticipated flow:

10. If a retaining wall is required, attach construction details, including, but not limited to height, materials, type of construction:

