



**ZONING ORDINANCE & REGULATIONS
CITY OF RUSSELLVILLE KENTUCKY
JANUARY 2001**

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January 15, 2001

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Draft Prepared by
AM Planning
Bowling Green, KY

with the assistance of
Citizens Review Committee

JANUARY 15, 2001

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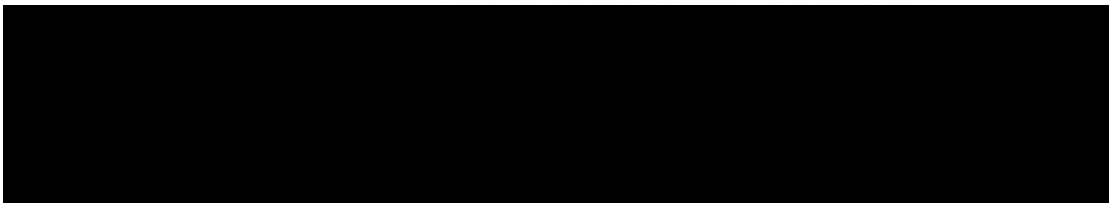
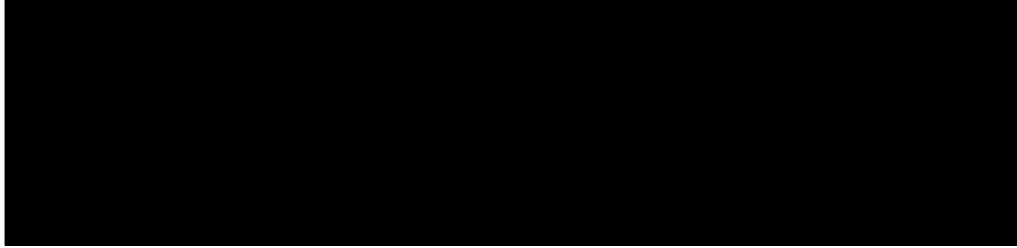


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ZONING ATLAS MAPS - RUSSELLVILLE, KENTUCKY MAY BE VIEWED AT THE OFFICE OF THE
RUSSELLVILLE ZONING ADMINISTRATOR

ARTICLE 1 INTRODUCTION

1.01 GOALS

The goals of this Chapter is to guide the use of land and the location of structures in a manner which will stabilize property values and assist in achieving an orderly pattern of land use within the City of Russellville, Kentucky.

Commentary

Through out this draft, the word ordinance has been changed to chapter. The purpose of this change is to recognize the zoning regulations are a part of the code of ordinances of the City of Russellville. Changing the word building to structure is made in order to broaden the goal section of the zoning regulations. Throughout the remainder of the ordinance the substitution of structure for building has been made except where the term building is appropriate to the context of the regulations.

1.02 OBJECTIVES

The objectives of this Chapter are: to promote public health, safety, morals, and the general welfare of the City of Russellville; to facilitate orderly and harmonious development; and to preserve the visual and/or historical character of the City of Russellville and the intensity of land use.

1.03 AUTHORITY

Zoning authority is granted by the Kentucky Revised Statutes, Chapter 100.

1.04 TITLE

This Chapter shall be known, and may be cited, and referred to as the "Russellville, Kentucky Zoning Ordinance", and the Zoning Map herein referred to, and incorporated is entitled "Zoning Map - Russellville, Kentucky". This zoning regulation is Chapter 154 of the Code of Ordinances of the City of Russellville and may be cited as such.

1.05 INTERPRETATION

The provisions of this chapter shall be held as minimum requirements for the promotion of public health, safety, morals, and general welfare. Whenever the provisions of this chapter require a more restrictive use of land, or impose higher standards than are required in other ordinances or regulations, private deed restrictions, or private covenants, this chapter shall govern. However, if the requirements of other ordinances or regulations are more restrictive than those established in this chapter, then those requirements shall govern.

Commentary

This change represents the consolidation of general provisions which were contained in both Article I and 9 of the old ordinance. This eliminates duplication that was found in the old zoning ordinance.

1.06 SEPARABILITY

If any clause, sentence, phrase, subdivision, paragraph, section, or part of this chapter be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy in which said judgements shall have been rendered.

1.07 COMPUTATION OF TIME

Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is Saturday, Sunday, or legal holiday, that day shall be excluded. When the period of time prescribed is less than seven days, Saturdays, Sundays, and holidays shall be excluded.

1.08 JURISDICTION, RELATIONSHIP TO EXISTING ZONING AND EFFECTIVE DATE

1.08.1 This chapter shall be effective throughout the incorporated limits of the City of Russellville.

1.08.2 To the extent the provisions of this chapter are the same in substance as those previously adopted provisions they replace, they shall be considered as continuations thereof and not as new enactments unless otherwise specifically provided. In particular, a situation that did not constitute a lawful nonconforming situation under the previously adopted zoning ordinance does not achieve lawful nonconforming status under this chapter merely by the repeal or the readoption of the Zoning Regulations.

1.08.3 The provisions of this chapter were originally adopted and became effective on 20th day of March 1984.

Commentary

Three new sections, 1.06, 1.07 and 1.08 were added to the regulations. These were separability, computation of time, and jurisdiction. The intent of section 1.06 is to insure, if one section of the regulations is held to be invalid by a court, it will not affect the validity of the entire zoning regulations. Section 1.07 is included to remove any doubts as to how to determine the time in which an act is to be performed. Section 1.08 establishes the relationship of the 1984 zoning ordinance and the 2001 revision and insures the continuity of the two documents.

ARTICLE 2 DISTRICTS AND BOUNDARIES

2.01 ZONING DISTRICTS ESTABLISHED

For the purpose of this chapter, the incorporated territory of the City of Russellville is divided into the following categories of zoning districts:

- A Agricultural District

- R-1 Single Family Residential District
- R-2 Single Family Residential District, Medium Density
- R-3 Single Family and Multi-Family Residential District, High Density
- R-4 High Density, Multi-Family Residential District

- B-1 Central Business District
- B-2 General Commercial District
- B-3 Highway Commercial District
- O-P Office and Professional District

- I-1 Light Industrial District
- I-2 Heavy Industrial District

- HD or HL Historic District or Landmark overlay Districts

Commentary

Two new zoning districts have been added to the zoning regulations. The intent of these new districts is to remove the problem of permitting excess number of land uses in a small number of districts. The problems that have arisen are: 1. Incompatible use are permitted in a particular zoning district because of the broad use of that district within the zoning map; 2. The purpose of the district has been distorted because they are being used in a manner in which they were not intended; 3. Property owners have been forced to request zone changes that were inappropriate and which caused opposition and controversy.

2.02 BOUNDARIES OF ZONING DISTRICTS, HOW ESTABLISHED AND AMENDMENTS TO ZONING ATLAS MAPS

- 2.02.1 The boundaries of the above zoning districts are hereby established as shown on the Russellville Zoning Map Atlas, dated January 15, 2001. A copy of which is appended hereto, and incorporated herein by reference. The original of The Russellville Zoning Map Atlas shall be kept on file in the Office of the Russellville City Clerk with a duplicate copy on file in the Office of the Zoning Administrator of the City of Russellville.

- 2.02.2 Amendments to the Russellville Zoning Map Atlas changing the zoning status of an area by ordinance or by action of law, after the effective date of this chapter, shall be promptly posted on the appropriate map sheet of the Russellville Zoning Map Atlas by the Zoning Administrator. Each

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amendment shall be identified on the map by a distinct numerical designation referring to the record of the amendment proceeding.

Commentary

New language has been added which creates a zoning atlas. The atlas format will permit the printing of the zoning map in a series of maps at a scale which will be easily used by the general public yet permit an overall maps size that will not be cumbersome to the user. The new zoning map format will permit prompt posting of approved zone changes on the appropriate atlas sheet. These regulations also, establish the city clerk's office as the repository of the official zoning map with a duplicate copy to be kept in the office of the Building Inspector.

2.03 RULES FOR INTERPRETATION OF ZONING DISTRICT BOUNDARY LINES

The boundary lines of districts are lot lines, the center lines of creeks or of such lines extended; the midpoint between railroad tracks; the center lines of streets or alleys or such lines extended; AND/or corporate limit lines. Boundary lines indicated as parallel to a street, alley, stream, or railroad shall be so construed. If the boundary line of a district is established by designated distance, such distance shall be placed on the Russellville Zoning Map Atlas.

Commentary

Additional criteria for interpreting the zoning district boundary lines have been added in section 2.03. These additional aides are intended to assist the zoning administrator and the board of adjustments in carrying out their duties.

2.04 DIVIDED LOTS - EXTENSION OF DISTRICTS

Where a district boundary line established on the Russellville Zoning Map Atlas divides a lot of single ownership which was a lot of record at the time of the passage of this chapter, then the least restrictive district requirements under which the lot was divided shall be applied to the entire lot.

2.05 VACATED STREET OR ALLEY

Whenever any public way is vacated through legal action, portions of it shall immediately, without further action, assume, and be a part of, the zoning district(s) through which they formerly passed.

2.06 ANNEXED LANDS

- 2.06.1 When the City of Russellville proposes to annex unincorporated territory, it shall prepare a comprehensive zoning map of the area to be annexed and shall submit the comprehensive zoning map to the Planning Commission.
- 2.06.2 The Planning Commission shall within 45 days of receipt of the comprehensive zoning map hold a public hearing. The public hearing will be held after the City of Russellville shall have adopted the ordinance stating the City's intention to annex and prior to the final action upon the ordinance of annexation.
- 2.06.3 The purpose of the public hearing will be to recommend a comprehensive zoning map effective for the property upon its annexation. Notice setting forth the time, date, location and purpose of the public hearing shall be published as required by KRS CHAPTER 424 and shall be given to the owners of all properties within the area proposed for annexation and to the adjoining property owners in accordance with KRS Chapter 100.212(2).
- 2.06.4 The City Council of the City of Russellville shall take final action upon the planning commission's

recommendations prior to adoption of the ordinance of annexation and shall include in the ordinance of annexation a map showing the zoning which will be effective for the annexed property.

Commentary

New language has been substituted for the process of how zoning district designations will be established when the property is annexed into the City of Russellville. This new section will cause the planning commission to prepare a comprehensive zoning map for the proposed territory to be annexed. It will be accomplished after the adoption of the proposal to annex and prior to final action on the ordinance to annex. The new procedure will more effectively deal with annexation and will eliminate the majority of hardships experienced under the procedure of the 1984 zoning ordinance. This was one of the most discussed issues by those interviewed in the process of reviewing the old zoning regulations.

2.07 REPLACEMENT OF RUSSELLVILLE ZONING MAP ATLAS AND RETENTION OF HISTORIC ZONING MAPS

2.07.1 In the event the Russellville Zoning Map Atlas is lost, destroyed, or damaged, to all or any part of the Russellville Zoning Map Atlas, on file in the Office of the Russellville City Clerk or the Zoning Administrator, the Zoning Administrator may have a new Zoning Map Atlas prepared. No further Russellville City Commission authorization or action is required so long as no district boundaries are changed in the process.

2.07.2 The Russellville City Clerk shall keep copies of superseded prints of the zoning map for historical reference.

Commentary

The new subsection to 2.07 requires the retention of historic zoning maps. This is important in order to establish when nonconforming uses were established and other matters that arise from time to time concerning questions of historic development of zoning in the City of Russellville.

ARTICLE 3 GENERAL PROVISIONS

3.01 PURPOSE OF ARTICLE

The purpose of this article is to establish and describe the following terms: General regulations applicable to all zones and districts; provisions for nonconforming uses and structures and lots of record; for bed and breakfast facilities.

Commentary

The creation of the purpose section for Article 3 is to establish the legislative intent that these regulations are applicable to every zoning district. Because of the length of Article 3 in the old zoning regulations the creation of the purpose section permits development of a simpler numbering system.

3.02 APPLICATION OF ZONE AND DISTRICT REGULATIONS

- 3.02.1 No structure or land shall hereafter be used, and no structure or part thereof shall be erected, moved, or altered unless for use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located.
- 3.02.2 No excavation, or cut, or fill of earth or debris shall hereafter be undertaken unless a permit is issued by the Zoning Administrator for such excavation, cut or fill.
- 3.02.3 Exception: The lawful use of any structures, facilities or premises existing at the time of the enactment, or subsequent amendment of this chapter, which is not in conformity may be continued, but shall not be extended, enlarged, or moved to occupy any portion of land, or structure, except in conformity with this chapter. Any structures or facilities damaged or destroyed by natural disaster or fire may be repaired or rebuilt for continued nonconforming use, but such repair or rebuilding must be accomplished within one year from the date of the damage or destruction.

3.03 ACCESS CONTROL

3.03.1 RESIDENTIAL DISTRICTS

- A. Lots of less than one hundred (100) feet in width shall have no more than one (1) point of access to any one public street. Lots wider than one hundred (100) feet shall be allowed one (1) additional point of access for each additional one hundred (100) feet of width or major fraction thereof.
- B. No point of access shall be allowed within twenty (20) feet of the intersection of the rights-of-way of intersecting streets.
- C. A point of access shall not exceed twenty (20) feet in width for one-way or one lane ingress or egress. No two-way egress or ingress access shall exceed thirty-five (35) feet in width.

3.03.2 BUSINESS AND COMMERCIAL DISTRICTS

- A. In all commercial districts, points of access to streets shall be controlled by the regulations of the Planning Commission. Before any building permit for any structure in a business or commercial zone may be issued, the prospective builder or operator of the proposed activity

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shall submit a sketch of the layout and design of the proposed structure(s) and/or the access points to the street to the Zoning Administrator for review as to their conformity with the regulations of the Planning Commission.

- B. The Planning Commission may require that when two or more consumer commercial establishments adjoin, or are so located along one side of a street as to make a single point of access practical, the establishments should share such access.
- C. Planned shopping areas of four or more establishments which adjoin, or are located in close proximity to each other on any arterial or collector street, may be required by the Planning Commission to be served by a road parallel to the street which has no more than two points of entry or egress. Such roadway shall be constructed at the expense of the owner.

Commentary

The Kentucky Department of Highways has designated all roads as either arterial, collector, or local. The terms "arterial or collector" streets have been substituted for the term "major" in order to clarify which properties fronting of specific streets are covered by this section.

- D. In a Planned Commercial District (see Article 7.02 of this chapter), ingress and egress shall be so designed as to minimize traffic congestion. No more than one entry-exit way shall be constructed for every one-hundred fifty (150) feet of highway frontage or bordering roadway.

3.04 ACCESSORY BUILDINGS

- 3.04.1 Accessory buildings must be at least six (6) feet from other buildings situated on the same lot, and six (6) feet from the boundary line of all property lines, except the front property line.
- 3.04.2 An accessory building in a residential district shall not be used for, nor be involved with the conduct of any business, trade, or industry on the premises.
- 3.04.3 No accessory building shall be permitted in the front yard of the lot on which it is located. In the case of double fronted lots or corner lots, the accessory building shall not be permitted within the building setback area.

Commentary

This amendment makes it clear that accessory buildings are not permitted in the front yards of lots. Nor are they permitted within the front yard setback when there is a corner or double front lot.

3.05 DWELLINGS IN REAR OF PRINCIPAL BUILDING

No building in the rear of a principal building shall be used for residential purposes unless it conforms to all yard open space, and off street parking requirements for a rear dwelling, measured from the required rear yard line of the principal building. A certificate of occupancy must be obtained before a rear dwelling can be used for residential purposes.

3.06 EXCEPTIONS TO HEIGHT LIMITATIONS

The height limitations of this chapter shall not apply to church spires, belfries, cupolas, domes not intended for human occupancy, monuments, water towers, observation and transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, masts, and aerials.

3.07 **NONCONFORMING LOT OF RECORD, LAND, PREMISES, STRUCTURES, AND USES**

3.07.1 INTENT

Unless otherwise specifically provided in this chapter and subject to the restrictions and qualifications set forth in Section 3.072 through Section 3.075, nonconforming situations that were otherwise lawful on the effective date of this chapter may be continued.

3.07.2 NONCONFORMING LOT OR LOT OF RECORD

- A. A lot, which at the time of the original adoption of this chapter was recorded in the Logan County Clerk's office, which was otherwise legal, but did not include sufficient area of land to conform to the minimum lot requirements or site development standard of this chapter will be considered nonconforming lot of record. The Zoning Administrator shall issue a building permit, after approval of the Board of Adjustments for construction of a structure on such non conforming lot of record, if proposed structures can comply with all site development requirements contained in this chapter for the applicable zone with the exception of minimum lot area and minimum lot frontage requirements.
- B. When a nonconforming lot can be used in conformity with all of the regulations applicable to the intended minimum use except minimum area of lot, the lot may be used for the minimum use just as if it were conforming. No use (e.g., a two family residence) requiring a greater lot size or minimum lot frontage than the established minimum area of lot for a particular zone is permissible on a nonconforming lot.
- C. When the proposed use for a nonconforming lot is one that is conforming in all other respects but the applicable setback requirements cannot reasonably be complied with, then the zoning administrator shall issue a building permit for the proposed structure after the applicant has received the required variance from the board of adjustments. In granting the variance, the board of adjustments must find that:
 1. The property cannot reasonably be developed for the minimum use without such variance;
 2. The variance is necessitated by the size or shape of the nonconforming lot; and
 3. The property can be developed as proposed without any significant adverse impact on surrounding properties. Mere inconvenience or financial hardship does not constitute grounds for finding compliance is not reasonably possible.
- D. This section applies only to undeveloped nonconforming lots. A lot is undeveloped if it has no substantial structures upon it or if the structures are proposed to be removed. A change in use of a developed nonconforming lot may be accomplished in accordance with section 3.074.
- E. When an undeveloped nonconforming lot adjoins and has continuous frontage with one or more other undeveloped lots under the same ownership, then neither the owner of the nonconforming lot nor his successors in interest may take advantage of the provisions of this section. The nonconforming developed lot and the adjoining lots shall be considered as one lot.

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- F. This section shall not apply to a developed nonconforming lot if one or more of the adjoining lots with continuous frontage is under the same ownership. The nonconforming developed lot and the adjoining lots shall be considered as one lot.

3.07.3 NONCONFORMING STRUCTURES

- A. Where a lawful structure exists at the original date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful.
- B. Except as specifically provided in this section, no person may engage in any activity that causes an increase in the physical structure or the placement of new structures on open land if such activity results in:
1. An increase in the total amount of space devoted to a nonconforming use, or
 2. Greater nonconformity with respect to dimensional restriction such as set back requirements, height limitations or density requirements or other requirements such as parking requirements.
- C. Any structure or portions thereof may be altered to decrease its nonconformity.
- D. Should a nonconforming structure be damaged, destroyed, or demolished by natural means, it may be reconstructed or repaired. The nonconforming structure thus damaged, destroyed or demolished, may be reconstructed or repaired but only to the extent of the square footage of the structure at the time of the event. The structure may not be extended or enlarged onto land outside the original building.
- E. Should a nonconforming structure be moved or demolished by any other means other than of section 3.07.5F, it shall thereafter conform to the regulations for the zone or district in which it is located after it is moved.

3.07.4 NONCONFORMING USES OF LAND

- A. When at the original date of adoption or amendment of this chapter, lawful use of land existed which would not be permitted by the regulations imposed by the chapter, the use may be continued so long as it remains otherwise lawful.
- B. A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural materials from the lot may be expanded to the boundaries of the lot where the use was established at the time it became non conforming.
- C. No nonconforming use shall be moved in whole or in part to any portions of open land than was occupied at the date of adoption or amendment of this chapter.
- D. The volume, intensity or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind or no violations of other paragraphs of this section occur.

- E. Any structure used for single family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconforming situation or increase the extent of the existing nonconforming situation with respect to such matters as setback and parking requirements.
- F. A nonconforming use may be extended through out any portion of a completed building that, when the use was made nonconforming by this chapter, was manifestly designed or arranged to accommodate such use. A nonconforming use may not be extended to additional buildings or to land outside the original building.
- G. When a nonconforming use of land is discontinued or abandoned so as to show a gross lack of diligence in usage for twelve (12) months or more, except when governmental action prevents such use, the land shall not thereafter be used except in conformity with the regulations of the zone or district in which it is located.

3.07.5 NONCONFORMING USE OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION:

- A. If lawful use involving individual structures or of structure and premises in combination exists at the date of adoption or amendment of this chapter that would not be allowed in the zone or district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful.
- B. No existing structure devoted to a use not permitted by this chapter in the zone or district in which it is located shall be enlarged, extended, constructed, reconstructed, removed, or structurally altered except in changing the use of the structure to a use permitted in the zone or district in which it is located.
- C. A nonconforming use may be extended through out any portion of a completed building that, when the use was made nonconforming by this chapter, was manifestly designed or arranged to accommodate such use. A nonconforming use may not be extended to additional buildings or to land outside the original building.
- D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zone or district and the nonconforming use may not thereafter be resumed.
- E. When an nonconforming use of land is discontinued or abandoned so as to show a gross lack of diligence in usage for twelve (12) months or more, except when governmental action prevents such use, the land shall not thereafter be used except in conformity with the regulations of the zone or district in which it is located.
- F. When a nonconforming use of a structure or structure and premises in combinations, is halted because of the damage, destruction, or demolition of the structure by natural means, it may be reconstructed or repaired and the nonconforming use resumed.
- G. The nonconforming structure thus damaged, destroyed or demolished, may be reconstructed or repaired but only to the extent of the square footage of the structure at the time of the event. The structure may not be extended or enlarges to land outside the original building. The nonconforming use may be resumed but not extended or enlarged its scope or area of operation prior to the damage, destruction or demolition.

3.07.6 REPAIRS AND MAINTENANCE

On any nonconforming structure or portion of structure and on any structure containing a nonconforming use, work may be done of ordinary repairs, or on repair or replacement of walls, fixtures, wiring, plumbing or other parts provided that the square feet of the nonconforming structure or portion shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any structure or part thereof.

3.07.7 CONDITIONAL USES NOT NONCONFORMING USES

Any existing principal permitted use at the date of the adoption or amendment of this chapter which would thereafter require a conditional use permit shall without further action be deemed a conforming use, but any enlargement or replacement of such use, in buildings or on land, shall require a conditional use permit.

Commentary

The only nonconforming sections in the 1984 zoning ordinance were those dealing with nonconforming signs and section 3.011 which permits nonconforming uses to continue. No doubt the reason for the limited discussion of nonconforming items in the 1984 zoning ordinance was brevity. However, in this instance, neither the user of the regulations or administrator are well served with brevity. By establishing a well defined set of parameters for how nonconforming status of uses, lots, and structures will be handled, fewer conflicts will arise. Also, it is important to maintain the continuity between the amendments of these regulations and the 1984 zoning ordinance.

3.08 **OFF STREET PARKING**

Off street automobile storage or parking areas shall be provided on any lot on which any of the following uses are hereafter established. Such space shall be provided with vehicular access to a street or alley. For purposes of computing the number of parking spaces available in a given area, the ratio of four hundred (400) square feet per parking space shall be used). The following are the minimum requirements for specific use:

- 3.08.1 Dwellings - One and one-half (1 ½) spaces for each dwelling unit.
- 3.08.2 Rooming houses and boarding houses - One (1) space for each two (2) rooms occupied, or intended for occupancy by roomers, in addition to the requirements of subsection 3.08.1 above.
- 3.08.3 Hotel, motel and other - tourist accommodations - One (1) space for each room offered for tourist accommodation, plus one (1) space for each employee on duty at any time.
- 3.08.4 Restaurants - one (1) space for each five (5) service seats at full capacity, plus one (1) space for each three employees. (Except in B-1 District).
- 3.08.5 Theater, auditorium, church or other place of public assembly (except in B-1 district) - One (1) space for each five (5) seats available at maximum capacity.
- 3.08.6 Commercial in B-2 Districts - Four (4) spaces for the first one thousand (1,000) square feet of floor space, and one additional space for each two hundred fifty (250) square feet of space above that.
- 3.08.7 Office and professional buildings outside the central business district - One (1) space for each employee whose basic duties are carried out inside the building, and two (2) spaces for each one hundred (100) square feet of waiting room or customer service area.

- 3.08.8 Industrial plant - One (1) parking space for each four (4) employees at maximum employment on a single shift plus one (1) space for each car or truck operated by the plant. The Planning Commission may require additional parking spaces as it deems necessary.
- 3.08.9 Mobile home or mobile home parks - One (1) space for each mobile home lot or unit, plus one-fourth (1/4) space for each mobile home lot. The additional parking may be in a central location.
- 3.08.10 Combined uses (such as tourist accommodation and restaurant) shall meet the minimum requirements for both or all uses.
- 3.08.11 Uses not elsewhere specified - One (1) space for each three hundred (300) square feet of gross floor area.

Commentary

The additions to the parking standards for tourist accommodation retain the original standards but clarify that hotels or motels are included. The addition of section 3.08.11 allows for a minimum parking standard for any other use not specifically covered.

3.09 UNLOADING SPACE

Every building or structure intended for business, warehouse, distribution or industrial use shall provide not less than one (1) loading and unloading space for each dock or door opening designed for unloading which will accommodate large trucks, tractors and semi-trailers for the delivery and receipt of merchandise off street. Such spaces shall have access to a public alley, or if there is no alley, to a public street (Except in the B-1 district).

Commentary

The text of the 1984 zoning ordinance required only that adequate unloading be provided for commercial activities. The requirements for providing unloading space have been expanded to cover wholesale, distribution and industrial.

3.10 SETBACK LINES

- 3.10.1 Setback lines shall be measured from the street edge facing property line to the outermost protrusion of the building or structure.
- 3.10.2 Front yard setback lines may be varied where the average depth of principal buildings on adjoining properties are less or greater than the depth prescribed elsewhere in this chapter. In such case, the front yard in question shall not be less than the average depth of existing front yards on the two (2) lots immediately adjoining.

3.11 STREET FRONTAGE REQUIRED

No lot shall be created which does not abut for at least fifty (50) feet on a street or public way. Nor may a residential structure be built on a lot that does not abut for at least fifty (50) feet on a street or public way.

3.12 SUBDIVISION COORDINATION REQUIRED

In all cases where the ownership of land is divided for the purpose of eventual development of building lots, the provisions of the subdivision regulation shall be applicable in addition to the provisions of this chapter.

3.13 TRAFFIC VISIBILITY ACROSS CORNER LOTS

Notwithstanding any other provisions of this chapter, in any zone, at any street, alley or driveway intersection, any structure, fences, or landscaping shall conform with the limitations of the applicable sight distance triangle as follows:

- 3.13.1 Street intersections: No obstruction to vision will be permitted within the triangular area formed by a straight line connecting the points on the center lines of the street at a distance of eighty (80) feet from their intersections.
- 3.13.2 Alley or driveway intersections with a street: No obstruction to vision will be permitted within the triangular area formed by a straight line connecting the points on the pavement edges of the street and alley/driveway at a distance of twenty (20) feet on the street from the alley/driveway and ten (10) feet on the alley/driveway from the street.
- 3.13.3 Alley or driveway intersections with an alley: No obstruction to vision will be permitted within the triangular area formed by a straight line connecting the points on the pavement edges of the alley and the alley/driveway at a distance of twenty (20) feet on the alley from the alley/driveway and ten (10) feet on the alley/driveway from the alley.
- 3.13.4 There shall be no obstruction to vision between a height of three and one-half (3 ½) feet and a height of ten (10) feet above the average elevation of the existing surfaces of each street, at the center line thereof.
- 3.13.5 The provisions of this section do not apply to the central business district, nor shall the requirements of this section be deemed as prohibiting any necessary retaining wall.
- 3.13.6 The Board of Adjustments may either increase or reduce the requirements of this section in the interest of safety, where unusual or special conditions warrant consideration.

3.14 WATER SUPPLY AND SEWAGE DISPOSAL APPROVAL

In every case all water and sewer designs for water supply or sewer disposal facilities whether proposed or completed, shall be in compliance with Kentucky state and local standards. All building shall be connected to city sewer mains and water supplies whenever they are accessible. A letter or certificate of approval for water and sewer from the city approving authority shall accompany all applications for building permits and certificates of occupancy.

3.15 BED AND BREAKFAST FACILITIES

Bed and breakfast facilities may be approved by the Board of Adjustment in R-1, R-2, R-3 and R-4 districts as a conditional permitted use provided that the following requirements are met:

- 3.15.1 Adequate off street parking shall be required of each applicant with at least one paved parking space for each authorized guest room. All plans for the construction of new parking must accompany the original applications. If non-resident employees are anticipated, additional parking may be required.
- 3.15.2 No meals shall be served to guests other than breakfast, and it shall only be served to registered guests. Guests may not be permitted to prepare food within the facility.

- 3.15.3 No other commercial activities of any kind shall be conducted on the premises.
- 3.15.4 One sign that is attached to the front wall of the building shall be allowed provided that it does not exceed four (4) square feet in size and is lighted only by indirect lighting. The sign may identify the name of the structure and other historical information and may contain the words "bed and breakfast", but it shall not have any advertising and shall be for identification purposes only.
- 3.15.5 The number of guest rooms in a facility shall be limited by the Board of Adjustment by the size of the structure and density of the neighborhood and in no event shall it exceed five (5) rooms and the number of guests in a facility at any one time shall not exceed fifteen (15) persons.
- 3.15.6 The maximum length of stay of any guest at any one time shall be twenty-one (21) days.
- 3.15.7 Exterior modifications shall be allowed only if the facility would retain the look of a home and would not resemble a commercial establishment.
- 3.15.8 The establishment shall pass periodic inspections by agencies that oversee such an establishment, and it shall be licensed by all proper agencies. These certifications shall be posted in a conspicuous location along with telephone numbers for emergency services posted near each telephone.
- 3.15.9 A resident manager shall live in the facility during all periods of operation.
- 3.15.10 Before an application can be approved, a signed consent form must be obtained from all adjoining property owners. The failure to obtain these consents shall automatically result in the disapproval of the application. A form for this consent shall be prepared by the zoning administrator for use in all applications. Written notification by certified mail shall be given to all property owners within one hundred fifty (150) feet from any boundary line of the proposed facility.
- 3.15.11 The approval of an application and issuance of a permit shall be a non-transferable, personal right that shall not pass with the property to subsequent owners. The failure of the applicant to actively participate in the management of the facility or if the facility is operated so that it unduly interferes with the residential nature of the area shall be grounds for revocation of the permit.

3.16 HOME OCCUPATIONS

The provisions of this section shall govern the conduct, establishment and maintenance of a home occupation in the R-1, R-2, R-3 and R-4 districts. Home Occupational permits are granted to a specific person for a specific location and are not transferable. In general, a home occupation will be so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence other than for a sign permitted elsewhere in these zoning regulations. The standards for home occupations in this section are intended to ensure compatibility with other permitted uses and with the residential character of the neighborhood. No home occupation shall be established unless and until a permit is issued, by the Board of

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Adjustments, in accordance with the provisions of these regulations :

3.16.1 The following types of activity may be considered for a home occupation permit:

An office in the residence of a physician, dentist, lawyer, engineer, architect, realtor, insurance agent; the studio of an artist; a teacher of music (limited to one two pupils at a time); making of handicraft, dressmaking, laundering, and beauty and barber shops.

3.16.2 Conditions of conduct that must be met:

Home occupations may be conducted within a dwelling subject to compliance with all of the following conditions:

- A No person other than members of the applicant's immediate family residing on the premises shall be engaged in such home occupation.
- B The home occupation shall be clearly incidental and subordinate to the use of the building as a residence.
- C The dwelling unit where the home occupation is to be carried out shall be the principal residence of the applicant.
- D No more than one (1) home occupation shall be carried on in or on the same premises nor shall an individual be granted more than one home occupation permit simultaneously.
- E The home occupations can be conducted within the dwelling unit or within a private garage of which he is the owner or occupant, but not both simultaneously. The location where the home occupation is conducted will be determined at time of approval of application. Regardless of where conducted, the home occupation may not take up more than twenty five (25) percent of the area of one floor of the structure in which it is located.
- F There shall be no change in the outside appearance of the dwelling or accessory building, nor shall the residence be altered or structural features changes in a manner which would not customarily found in a residential dwelling or accessory structure associated with a dwelling of the neighborhood where the residence or accessory structure is located.
- G There is no external storage or display of material, containers, finished products, equipment, or associated trucks or commercial vehicles.
- H No more than one commercially licensed vehicle shall be parked on the premises related to the home occupation.
- I There shall be no change in the outside appearance of the dwelling or premises, or other visible evidence of the conduct of such home occupation.
- J Two parking space shall be provided for the proper conduct of the home occupation off the street and other than in a required front yard.
- K No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interferences, outside the dwelling unit. In the case of electrical interferences, no equipment or process shall be used which creates visual or audible interference in any television or radio receivers off the premises, or cause

fluctuations in line voltage off the premisses.

3.16.3 FINDINGS NECESSARY FOR GRANTING A HOME OCCUPATION

Before a home occupation is granted, the board of adjustments must find:

- A That the applicant has or can fully comply with the standards of conduct of a home occupation.
- B That the granting of the home occupation will not alter the basic character of the vicinity where the home occupation will be conducted.
- C The board of adjustments may attach such conditions as it deems necessary to insure protection of the neighborhood involved and consistent with the purposes of this section.

3.16.4 APPLICATION FOR HOME OCCUPATION AND NOTICE REQUIREMENTS

An application for a home occupation shall be made in writing to the Board of Adjustments and shall be filed with the Zoning Administrator. The Board of Adjustments shall then hold at least one public hearing after notice as required by KRS Chapter 424. Notice of the hearing shall also be given at least fourteen (14) days in advance of the hearing by first class mail to the owners of all property adjoining where the home occupation will be conducted.

3.16.5 ABATEMENT

A home occupation permit may be revoked by the board of adjustment, following a public hearing, upon a determination that the occupation or use has been and is conducted so as to create one or more of the following conditions:

- A A nuisance or other undesirable condition interfering with the public health, safety, morals, or general welfare of the neighborhood in which it is located.
- B A violation of the provisions of these zoning regulations or any other applicable law, ordinance, or violation of the conditions imposed upon the home occupation permit.

The Zoning Administrator may initiate proceedings for the revocation of a home occupation permit. If the Zoning Administrator finds there are sufficient grounds for a revocation hearing before the Board of adjustments, the Zoning Administrator shall proceed in the manner:

- C There shall be a notice of revocation hearing prepared. Such notice shall set forth precisely the grounds of revocation and shall be forwarded to the Board of Adjustments and to the holder of the home occupation.
- D Notice of revocation proceedings shall be given to the holder of the home occupation permit at least fourteen (14) days in advance of the hearing by registered mail or by certified mail, return receipt requested, to the holder of the permit. The notice of revocation shall state the date, time and location of the revocation hearing and that the holder of the home occupation has the right to appear in person or be represented by an attorney and that the holder of the home occupation may present and be heard and to evidence to refute the allegations of the Zoning Administrator.

Commentary

Home occupations have been moved from section 5.04.4 in the 1984 zoning ordinance to this section because home occupations are now permitted in all residential districts. The home occupation remains a conditional use subject to the approval of the Board of Adjustments. The standards for home occupations have been expanded and standards for granting a home occupation have been added. Additionally, a procedure for revoking a home occupation has been established.

ARTICLE 4 SIGNS AND ADVERTISING DEVICES

4.1 PURPOSE OF ARTICLE

- 4.1.1 To assure maximum visibility along streets and to prevent unreasonable distraction for motor vehicle operators.
- 4.1.2 To preserve and enhance natural scenic beauty and historical sites by the avoidance of unsightly cluttering of signs and devices.
- 4.1.3 To promote pedestrian safety.
- 4.1.4 To facilitate police and fire protection.
- 4.1.5 To provide for orderly and visible informative advertising opportunities for all businesses and attractions which benefit from appropriate signs and advertising devices.
- 4.1.6 To protect free speech, by providing that the specific content of sign messages be determined by the sign owner, and that the content of sign messages be distinguished only for the purposes of determining the appropriate locations for signs based on their functions and features.

Commentary

A new subsection was added to this section, it recognize the sign provisions are content neutral. This has become a very significant issue in many jurisdictions.

4.2 SCOPE OF ARTICLE

- 4.2.1 The provisions of this section shall apply to the construction, erection, use, location, and maintenance of signs in all districts. The provisions of this Chapter shall apply to signs existing on the effective date of this Chapter.
- 4.2.2 Signs in legal existence on the effective date of this Chapter, but not in conformity with it, may remain in place; but the non-conforming sign shall not be extended, enlarged, or moved to occupy a portion of land or structure except in conformity with this Chapter.
- 4.2.3 Only routine maintenance may be performed on the sign and its structure until such time as the sign is brought into conformance with these regulations.
- 4.2.4 Unless otherwise permitted by this Chapter, no new sign may be erected, constructed or displayed within the planning area after the effective date of this Chapter unless all the provisions of this Chapter are met.

Commentary

KRS Chapter 177 is Kentucky's statute concerned with regulation of billboards along federal aid highways. The problem with the 1984 zoning ordinance was its reliance upon KRS 177 to provide regulation of billboards of federal aid highways. However, since 1984, KRS Chapter 177, has been amended to permit billboards along federal highways in properly zoned commercial and industrial districts. Thus, these type of signs are exempt from state regulation and Russellville ended up having no regulations of billboards on federal highways. Again this points up the problem associated with citing other regulations to accomplish local land use control objectives and then assuming that those

regulations will always be in place.

4.3 EXEMPT SIGNS

The following types of signs are exempt from permit requirements but must be in conformance with all other requirements of this article:

- 4.3.1 Signs that are not visible beyond the boundaries of the lot or parcel upon which they are located or from any public right-of-way.
- 4.3.2 Non-illuminated incidental signs under two (2) square feet in area.
- 4.3.3 Official traffic or government signs.
- 4.3.4 Temporary signs erected to warn of danger or hazardous conditions.
- 4.3.5 Signs displayed on trucks, buses, trailers, or other vehicles that are being operated in the normal course of a bona fide business or transportation service. This exemption does not include signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign.
- 4.3.6 Signs or other displays that are located inside buildings which may be incidentally visible from public rights-of-way and which are not primarily intended to communicate a message to or attract the attention of people moving about public rights-of-way.
- 4.3.7 Temporary traditional displays or decorations, when such are clearly incidental to and customarily and commonly associated with any national, local or religious holiday, celebration or festival.
- 4.3.8 Construction signs of thirty two (32) square feet or less.

Commentary

The 1984 zoning ordinance did not exempt any sign and only permits only those signs enumerated in the regulations. However, the administrative practice was to several types of signs as if they were exempt. This new section to the zoning regulations, reconcile this contradiction and brings the zoning regulations into conformance with actual practice.

4.4 SIGNS SUBJECT ONLY TO LIGHTING PROVISIONS

The following signs are generally outside the scope of this chapter and therefore shall be required to comply only with the general provision of this article relating to lighting:

- 4.4.1 Signs authorized to be erected under local, state, or federal law which identify streets, address numbers or public facilities, describe historic sites or districts, accommodate the delivery of mail, announce and promote special community events, or communicate public information.
- 4.4.2 Works of fine art, commemorative plaques, grave markers, similar devices which in no way depict, identify, or advertise a product or business.
- 4.4.3 Noncommercial symbols, flags, pennants or insignia of governments, or of religious, civic, fraternal, or educational institutions (except that such symbols used in connection with commercial promotions or as advertising devices shall comply with applicable regulations of this article).

- 4.4.4 Signs and other displays located inside a building window and intended to communicate a message or to attract attention of people moving about public rights-of-way.
- 4.4.5 Signs attached or incidental to retail product dispensers.
- 4.4.6 Signs displayed on and incidental to vehicles that are for sale, provided that the primary purpose of such a vehicle is not for the display of signs.

Commentary

Like the exempt section above, the 1984 zoning ordinance did not adequately address signs that more properly should not be subject to zoning regulations except for structural and codes issues. Again, the administrative practice was to permit these type of signs and only require electrical or structural permits. This new section brings the zoning regulations into conformance with actual practice.

4.5 SIGNS PROHIBITED

The following types of signs are prohibited in all districts:

- 4.5.1 Abandoned signs.
- 4.5.2 Signs imitating or resembling official traffic or government signs or signals.
- 4.5.3 Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign. (This does not apply to signs or letters on buses, taxis, or vehicles operating during the normal course of business.)

4.6 SIGNS AND PUBLIC RIGHTS-OF-WAY

No sign shall be erected on or overhanging the edge of any public right-of-way unless specifically provided in this article.

4.7 SIGNS AND TRAFFIC VISIBILITY

All signs erected near street and driveway intersections shall comply with the dimensional requirements of traffic visibility sight triangles, as specifically provided in article 3 of this chapter.

4.8 CHANGEABLE COPY

Any sign may include manual changeable copy. No sign shall include electronic changeable copy unless specifically provided in this article. The changing of such copy on permitted signs shall not require a permit, unless otherwise provided by this article.

4.9 ANIMATION

No sign shall be animated unless specifically provided in this article.

4.10 CONSTRUCTION AND SAFETY STANDARDS

All signs shall be erected in accordance with all applicable requirements of locally enforced building, fire, electrical and safety codes.

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4.11 MAINTENANCE

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The Zoning Administrator shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.

4.12 LIGHTING

Unless otherwise prohibited by this chapter, all signs may be illuminated.

Commentary

The 1984 zoning ordinance do not discuss several miscellaneous issued pertaining signs. No doubt the blanket use of KRS Chapter 177, caused most of these items to be excluded from the ordinance. By adding these sections to the zoning regulations, they will now be addressed and will give the zoning administrator guidance on these matters.

4.13 SIGN COMMITTEE

4.13.1 There is hereby created a sign committee which shall consist of the mayor, the zoning administrator, the chairperson of the Design Committee of Main Street Russellville, Inc. and a council member.

4.13.2 The sign committee shall be appointed by the mayor. The sign committee shall have those responsibilities as set forth in this chapter.

4.13.3 The Mayor shall serve as the chairman of the committee and the committee shall meet at the call of the Mayor or Zoning Administrator.

Commentary

This section does not create a new committee but does expand the committee and assign it new duties of deciding issues of signage in the historic downtown area. The existing committee retains its previous duties.

4.14 SIGNS PERMITTED IN ZONING DISTRICTS

4.14.1 RESIDENTIAL DISTRICTS

- A Unlighted real estate signs advertising the sale, rental, or lease of land the premises on which they are maintained. Such signs must not exceed ten (10) square feet in area, and are to be used only temporarily, real estate signs must be displayed at least five (5) feet from all lot boundaries.
- B An indirectly lighted sign advertising home occupations may not exceed two (2) square feet in area and must be affixed to the front of the building in which the activity is carried on.
- C Churches, schools, and other public and semi-public institutions may erect bulletin boards not exceeding twenty (20) square feet in area.
- D Subdivisions or recreational vehicle parks may be identified by one non-illuminated sign at each entrance. These signs shall not exceed thirty two (32) square feet in area.
- E Apartment complexes containing eight or more dwelling units may be identified by a permanent sign of no more than thirty-two (32) square feet in area.

- F All allowed freestanding signs shall have a maximum height limit of five (5) feet. The freestanding sign shall have a setback of twenty (20) feet from any public right-of-way or in the event the principal building is located closer than twenty (20) feet to a public rights-of-way, the freestanding sign will be placed next to the building parallel with the building.

Commentary

The major change in this section adjusts the size of signs to more nearly conform to standard measurements of materials used for signs. As an example 32 square feet is the area of a standard 4' x 8' piece of plywood. The increase of sign area for home occupations recognizes the need for slightly larger sign in order that the sign may be seen from the roadway. The placing of height restriction on all free standing signs insures that signs are not intrusive to the residential area. A standard for setback of the sign has been established to insure that signs are not placed next to the rights-of-way. Recreational vehicle signs regulations have also been added.

4.14.2 BUSINESS AND COMMERCIAL DISTRICTS

- A In the Central Business District, on-premise signs are permitted, but all signs must be compatible with the historical nature of the district. Prior to the erection or installation of any sign, a certificate of approval must be issued by the Sign Committee certifying that the sign is in compliance with the Secretary of the Interior's Standards for Rehabilitation and with the Design Guidelines adopted by the Main Street Russellville, Inc. and the City Council of City of Russellville. No flashing lights of any kind shall be permitted.
- B Outside the Central Business District, individual establishments in a commercial district which are not within a shopping center or a Planned Commercial District may choose to display either a free standing sign, or to hang a sign perpendicular to the front of the establishment. Such signs must not exceed one hundred (100) square feet in area, and the outermost edge of the sign must be at least ten (10) feet from the front property line. These signs may be lit so long as they are not illuminated in such a way as to constitute a hazard inhibiting the vision of vehicle operations. Retail gasoline sales establishments may also have one additional sign to display its prices and said sign shall not exceed fifty (50) square feet. The sign committee established pursuant to section 4.13 above shall also have the authority to approve nonconforming signs outside of the central business district if it is determined that said sign will not detract from or interfere with any surrounding buildings and will comply with the general planning of the area.

4.14.3 SHOPPING CENTERS

A shopping center may have one (1) free standing sign not exceeding one hundred (100) square feet in area and a directory of occupants not exceeding fifty (50) square feet. The total size of these signs combined, shall not exceed one hundred fifty (150) square feet. Signs on stores or service establishments within the center shall be placed on buildings in a flat manner, extending no more than twelve (12) inches outward from the building.

4.14.4 PLANNED COMMERCIAL DEVELOPMENTS

Each planned commercial development shall be permitted two (2) free standing signs not over thirty (30) feet in height, or more than one hundred fifty (150) square feet in area, and directory of firms not exceeding one hundred (100) square feet. Other signs in the development shall be attached to the buildings in a flat manner and shall not extend from the building more than twelve (12) inches.

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4.14.5 OFFICE AND PROFESSIONAL DISTRICT

Office or professional buildings may be designated by one (1) free standing sign not exceeding one hundred fifty (150) square feet in area bearing the name of the building or complex, and listing the names of the tenants. Individual signs of tenants shall be affixed to the front or sides of the structure, or upon doors or windows.

4.14.6 INDUSTRIAL DISTRICTS

- A Industrial parks designed for multiple occupancy shall be permitted one (1) free standing identity sign not to exceed one hundred fifty (150) square feet in area for each roadway or street which borders the park. No sign may be located closer to the street rights-of-way than twenty (20) feet.
- B Individual industry locations shall be permitted one (1) free standing sign not exceeding one hundred fifty (150) square feet in area for each street which borders its property. Such sign shall not be located closer than twenty (20) feet from a property line. Two signs not exceeding an aggregate of one hundred (100) square feet may be affixed flat against buildings.
- C Each industry, whether in a park, or occupying a separate lot, shall be permitted one (1) free standing sign of not more than twenty (20) square feet for directional purposes to assure the convenience of vendors and visitors.

4.15 TEMPORARY SIGNS

The following sign shall be permitted on a temporary basis in all districts and shall not require a permit unless otherwise noted:

- 4.15.1 One (1) construction signs for each street the lot on which the advertised project is located which identify the architects, engineers, contractors and other individuals or firms which are involved in a permitted project. Product logos may be displayed, but no additional advertising shall be allowed. Such signs shall be restricted to an area of thirty two (32) square feet for each firm. The signs must be restricted to the construction site, and shall be removed within fourteen (14) days after the completion of the advertised project.

Commentary

This section has been amended to the number of construction signs that may be placed on the construction site and doubles the size of the signs permitted. This amendment is in keeping with practice of permitting limited number of signs but to allow adequate acknowledgment of the participants in the project.

- 4.15.2 Real estate signs advertising the sale, rental, or lease of premises shall be restricted to a total of thirty two (32) square feet for properties other than residential. For residential properties the limit shall be ten (10) square feet. These signs shall not be illuminated, and must be removed within fourteen (14) days after the sale, lease, or rental by the seller, lessor, or his agent.
- 4.15.3 Signs advertising an auction shall be limited to thirty-two (32) square feet in size, and shall be removed within seven (7) days after the auction occurs.
- 4.15.4 Political campaign signs announcing the candidacy of individuals or those which seek support for or against a proposition to be voted on, may be placed upon private property with the consent of the

owner(s). Such political signs must not exceed twenty (20) square feet in area, and must be removed within seven (7) days after the vote is taken.

4.15.5 Street banners advertising a public entertainment or event require the approval of the Zoning Administrator. Such approval may be given for a period of fifteen (15) days prior to the event. The banners must be taken down within seven (7) days after the event takes place. A minimum clear view zone is to be maintained in accordance with section 3.022.

4.15.6 Temporary on premise banners advertising an event or product or service require the approval of the Zoning Administrator. Such approval may be given for a period of fourteen (14) days and then must be removed from premises. A minimum clear view zone is to be maintained in accordance with section 3.13.

4.16 PORTABLE SIGNS

4.16.1 Within any commercial zoning district, except B-1, and planned commercial developments or shopping centers, mobile, portable signs shall be permitted for periods of thirty (30) days for the purpose of advertising special events or sale specials which may be offered by an enterprise. Such signs must be placed so as not to obstruct the motorist's view of the right-of-way, and must be set back at least to the mid-point of the required setback line and the traveled portion of the roadway. In no instance shall such sign be closer than ten (10) feet to the roadway.

4.16.2 A permit for the placement of portable signs must be obtained from the Zoning Administrator. Permits will be valid for a period of **thirty (30)** days from the date of issue. Additional permit may be issued by the Zoning Administrator, for additional periods of time, not to exceed thirty (30) days. All permits for extension of time must be obtained from the Zoning Administrator in the same manor as the original permit.

4.16.3 The fee for the issuance of a portable sign permit shall be fifteen dollars (\$15.00) for each **thirty (30)** day period.

4.17 PERMANENT SIGNS, BILLBOARDS

4.17.1 Permanent signs, such as billboards, are classified as structures within the meaning of this chapter and require that a permit be obtained prior to erection or construction.

Commentary

As previously noted, billboards along federal aid highways are subject to state and federal regulation. However, the regulations of this chapter are in addition to those administered by the Kentucky Department of Transportation.

4.17.2 No billboards shall be permitted in any residential district or B-1.

4.17.3 Unless otherwise alter by another section of this chapter, the following maximum dimensions apply to billboards:

A Maximum area - Four hundred (400) square feet.

B Maximum height - Forty (40) feet. Height shall be measured from the average grade level at the base of the sign; however, if the average level at the base of the sign is lower than the average grade level of the adjacent highway, then the maximum height shall be thirty (30) feet, measured from the average grade level of the highway.

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C Minimum distance from rights-of-way or property line - Twenty (20) feet.

4.18 PERMITS FOR SIGN CONSTRUCTION OR ERECTION

4.18.1 Applications for the construction or erection of new permanent signs, or for modification of existing billboards and signs, shall be made to the zoning administrator on forms to be provided by him.

4.18.2 A fee in the amount of one dollar (\$1.00) per square foot subject to a minimum fee of twenty-five dollars (\$25.00) shall accompany the application to defray the cost of issuing a permit and for the inspection of the sign after its installation.

4.19 NON-CONFORMING SIGNS

Any non-conforming sign which is removed from the property, modified in a way that requires a building permit, or is relocated to another location on the same property must conform with this chapter.

Commentary

Section 3.0246 of the 1984 zoning regulations was modified to remove the conflict between it and section 3.0241A. These changes will reconcile the difference between the two sections and bring it into conformance with the City's actual enforcement policy.

ARTICLE 5 ZONING DISTRICTS

Commentary:

Certain changes have been made throughout Article 5 that will make the presentation of information for each district uniform. The purpose for these changes is to en the use of the district regulations. Even when the regulations are silent on the issue or the regulations do not apply to the district, that will be stated. In some instances these changes will be the addition of a new heading, while other instances the heading will only be modified. Where no additional commentary appears in Article 5, the reason is that the changes are as described above.

5.1 AGRICULTURAL DISTRICTS

5.1.1 Purpose

The purpose of the Agricultural zoning districts is to protect agricultural land situated on the fringe of the urban area of Russellville. It is acknowledged that these agricultural lands may become an urban area in the future. Generally these lands are recently annexed into the City of Russellville. Therefore, the agricultural activities conducted in the agricultural district are long standing. The types of uses permitted in the area and the intensity of use permitted in this district shall encourage and protect agricultural uses until urbanization is warranted, adequate services are available and the appropriate change in district classification is made.

Commentary

One of the changes found that was incorporated into the zoning regulations, was the addition of a purpose section where one did not previously exist. By creating a purpose section the legislative intent is established. With respect to land already zoned agriculture, the intent is to retain the agriculture character of the land until such time as it is timely to develop it into an urban use.

5.1.2 PERMITTED USES AND STRUCTURES

- A Land dedicated to agricultural purposes, including row cropping, plant nurseries, greenhouses, commercial kennels, riding stables, and fishing lakes shall be permitted in Agricultural Districts.
- B One (1) single family residence site built or modular home.
- C Residential care facilities as defined in KRS Chapter 100.982 through 100.984.
- D Recreational vehicle parks which meet the requirements of Article 6.
- E Forestry services.

Commentary

The changes made to this subchapter bring the heading into conformance the uniform headings established for all zoning districts. Other changes include removed redundant language, numbered the subsections and adding single family residence, residential care facilities and recreational vehicle parks to the list of permitted uses.

5.1.3 PERMITTED ACCESSORY USES AND STRUCTURES

Accessory buildings and uses shall be permitted as customarily incidental to the principal and conditional uses.

Commentary

The addition in this section will bring the agricultural zoning district into conformance with uniform headings for all

zoning districts. Accessory buildings and use are permitted for the first time.

5.1.4 CONDITIONAL PERMITTED USES AND STRUCTURES

Subject to the approval of the Board of Adjustment, the following uses of land may be approved within an agricultural district: Churches, Sunday School buildings, parish houses; hospitals, sanitariums, convalescent or nursing homes; multi-family residents; Home occupations as regulated under section 3.16; public and parochial schools and colleges and private schools for academic instruction; public buildings and properties; public parks; public utilities; quarries and gravel pits; public and private sewage disposal plants; garbage and/or refuse disposal sites; and wireless transmitting stations. Travel-trailer parks and/or campground sites may also be established in an agricultural district as a conditional uses. Crushed and broken stone, including riprap.

5.1.5 PROHIBITED USES

Within the city limits the following agricultural activities are prohibited: Egg and poultry production; farrowing; and other agricultural activities which constitute noise and/or waste nuisances.

5.1.6 EXEMPT USES AND STRUCTURES

Agricultural uses shall be exempt from these regulations as long as the use is exclusively for agriculture as defined in this chapter. Agricultural structures shall be exempt from these regulations as long as they are used exclusively for agricultural purposes. Agricultural buildings are required to file for a building permit for the exclusive purpose of determining that:

- 5.1.6.A The agricultural structures meet the setback lines from any street or highway as required in this chapter;
- 5.1.6.B The agricultural structure is located outside of a designated flood way or flood plain.

Commentary

This new section to the Agricultural district sets out the requirements of KRS 100.203. The planning and zoning statute prohibits regulations of agricultural uses and buildings except for provisions for setback lines to protect existing highways and to prevent agricultural uses and buildings from becoming damaged by floods or becoming flood hazards.

5.1.7 MINIMUM LOT REQUIREMENTS

No limitation.

5.1.8 MINIMUM YARD REQUIREMENTS

- 5.1.8.A Minimum lot frontage at front building line: 100 feet.
- 5.1.8.B Minimum front yard setback: 35 feet from the front property line.
- 5.1.8.C Minimum side yard setback from the side property line: 12 feet unless side yard has frontage on public road in which case the setback will be same as front yard setback.
- 5.1.8.D Minimum rear yard setback from rear property line: 25 feet unless rear property line has frontage on public road in which case the setback will be same as front yard setback.

5.1.8.E Minimum lot depth: 100 feet

Commentary

Additional yard requirements have been added to this subsection. These changes mirror the standards of the single family residential (R-1) district.

5.1.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

No limitation.

5.1.10 MAXIMUM HEIGHT OF STRUCTURE

No limitation.

5.1.11 MINIMUM OFF STREET PARKING AND LOADING REQUIREMENTS

See section 3.08.

5.1.12 SIGNS

See Article 4.

5.2 SINGLE FAMILY RESIDENTIAL DISTRICT (R-1)

5.2.1 Purpose

The purpose of the R-1 zoning district is to permit the establishment of very low density residential uses as the principal land use in the district. Related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced, orderly, convenient, and attractive residential area are also permitted. The permitted gross density shall not exceed 3 dwelling units per net acre.

Commentary

The purpose section for the R-1 residential zoning district is to establish the legislative intent of the district. The primary purposes of this district is provide for single family detached residential neighborhoods at a very low density.

5.2.2 PERMITTED PRINCIPAL USES AND STRUCTURES

The following uses are permitted in any R-1 District, subject to all the applicable development standards and requirements:

Single family dwellings, site built or modular home; residential care facilities as defined in KRS Chapter 100.982 through 100.984; and planned residential development projects as described in Section 7.04 of this chapter.

Commentary

Residential care facilities has been added to the permitted use section of the R-1 district. This addition will bring the ordinance into conformance with the KRS chapter 100 pertaining to residential care facilities. General language has been added which reminds the reader that permitted uses are still subject to the other provisions of this ordinance.

RUSSELLVILLE ZONING REGULATIONS

5.2.3 PERMITTED ACCESSORY USES AND STRUCTURES

Accessory buildings and uses shall be permitted as customarily incidental to the principal and conditional uses.

5.2.4 CONDITIONAL PERMITTED USES AND STRUCTURES

The following permitted uses are exceptions in R-1 District, and require the written approval of the Board of Adjustment: Bed and breakfast as regulated under section 3.15 of these zoning regulations; Home occupations as regulated under section 3.16; Churches and other places of worship; parish houses; public libraries; schools offering general or specialized education courses; day care and/or nursery services; public parks and non-commercial public recreational facilities; nursing homes; hospitals for the care of humans; philanthropic institutions and clubs of which the chief activity is customarily carried on as a business.

5.2.5 PROHIBITED USES AND STRUCTURES

All business and industrial uses not specifically allowed by this article are prohibited.

Commentary

The addition of the prohibited uses and structures section to the R-1 Zoning district will reinforce the fact that business and industrial uses are not permitted in this district. As has been stated earlier, this section will also bring this district into conformity with the other districts in form and style.

5.2.6 MINIMUM LOT REQUIREMENTS.

Lot area 18,500 square feet

5.2.7 MINIMUM YARD REQUIREMENTS

- A Minimum lot frontage at front building line: 100 feet at building line.
- B Minimum front yard setback: 35 feet from the front property line.
- C Minimum lot width at front property line: 40 feet.
- D Minimum side yard setback from the side property line: 12 feet unless side yard has frontage on public road in which case the setback will be same as front yard setback requirement.
- E Minimum rear yard setback from rear property line: 25 feet unless rear property line has frontage on public road in which case the setback will be same as front yard setback requirement.
- F Minimum lot depth: 100 feet
- G Minimum lot width: 40 feet
- H The minimum width of side yards along intersecting streets shall be the same as the front yard setback required for the residential district on such side street.

5.2.8 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

50% of gross lot area.

Commentary

This provision has been added to the R-1 district to insure that there will be maintained a minimum of area in open space.

5.2.9 MAXIMUM HEIGHT OF STRUCTURE

No principal structure in an R-2 District shall exceed Three (3) Stories or 45 feet in height. Height of the finished first floor shall comply with the requirements of Kentucky Building Code. The height of the finished first floor of all building in flood prone areas should be one foot above the 100 year flood elevation.

Commentary

This provision has been added to the R-1 district to insure that new structures will be in keeping with other structures and residential character found in Russellville.

5.2.10 MINIMUM OFF STREET PARKING AND LOADING REQUIREMENTS

See section 3.08.

5.2.11 SIGNS

See Article 4.

5.3 SINGLE FAMILY RESIDENTIAL DISTRICT MEDIUM DENSITY R-2

5.3.1 Purpose

The purpose of the R-2 zoning district is to provide for the establishment of a low density residential uses. The principal use of land in this district is for low density single family residential uses. Related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced, orderly, convenient, and attractive residential area are also permitted. The permitted gross density shall no exceed five dwelling units per net acre.

Commentary

The purpose section for the R-2 residential zoning district establishes the legislative intent for the district. This district provides for single family detached residential neighborhoods at a low density.

5.3.2 PERMITTED PRINCIPAL USES AND STRUCTURES

The following uses are permitted in any R-2 District, subject to all the applicable development standards and requirements:

Single family dwellings, site built or modular home, residential care facilities as defined in KRS Chapter 100.982 through 100.984, and planned residential development projects as described in section 7.04 of this chapter.

Commentary

Other than allowing approximately 1.5 additional dwelling units per gross acre, there are no differences between R-1 and R-2 in the 1984 zoning ordinance. Effectively the two residential districts are identical. Residential care facilities has been added to the permitted use section of the R-2 district. This addition will bring the ordinance into conformance with the KRS chapter 100 pertaining to residential care facilities. General language has been added which reminds the reader that permitted uses are still subject to the other provisions of this ordinance.

5.3.3 PERMITTED ACCESSORY USES AND STRUCTURES

Accessory buildings and uses shall be permitted as customarily incidental to the principal and conditional uses.

5.3.4 CONDITIONAL PERMITTED USES AND STRUCTURES

The following permitted uses are conditional uses in R-2 District, and require the written approval of the Board of Adjustment: Churches and other places of worship; parish houses; public libraries; schools offering general or specialized education courses; day care and/or nursery services; public parks and non-commercial public recreational facilities; nurses's homes; nursing homes; hospitals for the care of humans; philanthropic institutions and clubs of which the chief activity is customarily carried on as a business; bed and breakfast as regulated under section 3.15 of these zoning regulations; home occupations as regulated under section 3.16;

Commentary

The conditional uses set out in the R-2 are the same as those set forth in the R-1 zoning district. The 1984 zoning ordinance simply referred to the standards of R-1 rather than repeating them here. The reason the conditional uses for the R-2 district is to eliminate the need of the user of the zoning regulations from having to turn from section to section to find out the requirements under R-2 zoning district. Thus, the public should find the 2001 revision to the zoning regulations more user friendly.

5.3.5 PROHIBITED USES AND STRUCTURES

All business and industrial uses not specifically allowed by this article are prohibited.

Commentary

The addition of the prohibited uses and structures section to the R-2 Zoning district will reinforce the fact that business and industrial uses are not permitted in this district. As has been stated earlier, this section will also bring this district into conformity with the other districts in form and style.

5.3.6 MINIMUM LOT REQUIREMENTS.

LOT AREA

10,000 SQUARE FEET

5.3.7 MINIMUM YARD REQUIREMENTS

5.3.7.A Minimum lot frontage at front building line: 100 feet.

5.3.7.B Minimum front yard setback: 35 feet from the front property line.

5.3.7.C Minimum lot width at front property line: 40 feet.

5.3.7.D Minimum side yard setback from the side property line: 10 feet unless side yard has frontage on public road in which case the setback will be same as front yard setback.

5.3.7.E Minimum rear yard setback from rear property line: 25 feet unless rear property line has frontage on public road in which case the setback will be same as front yard setback.

5.3.7.F Minimum lot depth: 100 feet

5.3.7.G Minimum lot width: 35 feet

5.3.8 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

60% of lot area.

5.3.9 MAXIMUM HEIGHT OF STRUCTURE

No principal structure in an R-2 District shall exceed three (3) stories or 38 feet in height. Height of the finished first floor shall comply with the requirements of Kentucky Building Code. The height of the finished first floor of all building in flood prone areas should be one foot above the 100 year flood elevation.

Commentary

A provision for maximum height of structures has been added to the R-2 district. This maximum will insure that new structures will be in keeping with other residential structures found in the R-2 district. Also, A new sections has been added that establishes the maximum amount of lot that can be covered by building and the minimum depth of a lot. Each of these sections are in keeping with the residential styles that predominates in Russellville.

5.3.10 MINIMUM OFF STREET PARKING AND LOADING REQUIREMENTS

See section 3.08.

5.3.11 SIGNS

See Article 4.

5.4 **SINGLE FAMILY AND MULTI-FAMILY RESIDENTIAL DISTRICT MEDIUM DENSITY, R-3**

5.4.1 PURPOSE

The purpose of the R-3 zoning district is to provide for the establishment of a medium density residential uses. The residential uses range from single family to multi-family dwellings. The type of residential structures rang from detached to attached and from Townhouse to multi-family buildings. Related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced, orderly, convenient, and attractive residential area are also permitted. The permitted gross density shall not exceed fourteen (14) dwelling units per net acre.

Commentary

The purpose section for the R-3 residential zoning district is to establishes the legislative intent of the district. The purposes of this district is provide for a wider range of residential types than permitted in the R-1 or R-2 and to permit residential development at a density not to exceed 14 dwelling units to the acre.

RUSSELLVILLE ZONING REGULATIONS

5.4.2 PERMITTED PRINCIPAL USES AND STRUCTURES

The following uses are permitted in any R-3 District, subject to all the applicable development standards and requirements:

Single family, two family, townhouses, other types of single family attached and detached dwelling units, site built or modular home; residential care facilities as defined in KRS Chapter 100.982 through 100.984, and multi-family residences and planned residential developments subject to article 7.04.

Commentary

The additional residential uses are intended to encourage a wider variety of residential uses than was permitted under the 1984 zoning ordinance. General language has been added which reminds the reader that permitted uses are still subject to the other provisions of this ordinance.

5.4.3 PERMITTED ACCESSORY USES AND STRUCTURES

Accessory buildings and uses customarily incidental to the conditional uses shall be permitted.

5.4.4 CONDITIONALLY PERMITTED USES AND STRUCTURES REQUIRING BOARD OF ADJUSTMENT AUTHORIZATION

The following uses are conditional uses in an R-3 District and require the written approval of the Board of Adjustment:

Churches, other places of worship, and parish houses; public libraries; public and private elementary and secondary schools; day care and/or nursery services; public parks and public recreational facilities; public utilities; funeral homes; cemeteries; nursing homes; clinics and hospitals for human care; philanthropic institutions and clubs (except clubs of which the chief activity is customarily carrying on of a business). Bed and breakfast as regulated under section 3.15 of these zoning regulations; Home occupations as regulated under section 3.16;

Commentary

Home occupations have been moved to section 3.16. This was done because home occupations, even under the 1984 zoning regulations, were intended to be permitted in all residential districts. The home occupation remains a conditional use subject to the approval of the board of adjustments.

5.4.5 PROHIBITED USES AND STRUCTURES

All business and industrial uses not specifically allowed by this article are prohibited.

Commentary

The addition of the prohibited uses and structures section to the R-3 Zoning district will reinforce the fact that business and industrial uses are not permitted in this district. As has been stated earlier, this section will also bring this district into conformity with the other districts in form and style.

5.4.6 MINIMUM LOT REQUIREMENTS

The minimum required lot size in an R-3 district shall be 8,000 square feet for a single family dwelling, and 6,000 square feet for the first dwelling unit when the dwelling is for multi-family use with 3,000 square feet additional being required for each additional dwelling unit occupying the building.

Commentary

As presently constructed there are no differences between the density allowed in either the R-3 or R-4 zoning districts. The changes made to the density places the R-3 Zoning district mid-way between the density permitted by the R-2 and the R-4 zoning districts. Thus, there is a logical transition between the various residential districts. The term dwelling unit has replaced the term family in determining the number of square feet required for lots containing multi-family units. This change will simplify calculations because dwelling unit can readily be determined.

5.4.7 Minimum Yard Requirements

- A Minimum lot frontage at front building line: 75 feet for single family and 100 feet at for multi-family .
- B Minimum front yard setback: 35 feet from the front property line.
- C Minimum lot width at front property line: 40 feet.
- D Minimum side yard setback from the side property line : 10 feet unless side yard has frontage on public road in which case the setback will be same as front yard setback.
- E Minimum rear yard setback from rear property line: 25 feet unless rear property line has frontage on public road in which case the setback will be same as front yard setback.
- F Minimum lot depth: 100 feet
- G Minimum lot width: 35 feet

5.4.8 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

Sixty (60) percent.

Commentary

A new maximum lot coverage by all buildings section has been added to R-3 zoning district. The maximum lot coverage section is important to insure maintenance of the traditional residential character which is predominant in Russellville.

5.4.9 MAXIMUM HEIGHT OF STRUCTURE

No principal structure in an R-3 District shall exceed three (3) stories, or thirty-eight (38) feet in height. Height of the finished first floor shall comply with the requirements of Kentucky Building Code. The height of the finished first floor of all building in flood prone areas should be one foot above the 100 year flood elevation.

Commentary

A maximum height requirement has been established for the R-3 district. The purpose of the height section is to place a limit on the height of structures in keeping with the traditional residential neighborhood that is predominant in Russellville.

5.4.10 MINIMUM OFF STREET PARKING AND LOADING REQUIREMENTS

See section 3.08.

5.4.11 SIGNS

See Article 4.

5.5 SINGLE FAMILY AND MULTI-FAMILY RESIDENTIAL DISTRICT, HIGH DENSITY R-4

5.5.1 Purpose

The purpose of the R-4 zoning district is to provide for the establishment of a high density residential district. The principal use of land in this district is for higher density and more diverse residential uses. These uses range from single family to multi-family dwelling and the types of residential units ranges from detached to attached and from townhouse to multi-family buildings. Related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced, orderly, convenient, and attractive residential area are also permitted. The permitted gross density shall no exceed twenty (20) dwelling units per net acre.

Commentary

The purpose section for the R-4 residential zoning district establishes the legislative intent for this district. The purposes of the R-4 zoning district is provide for the widest range of residential land uses in Russellville and to permit residential density to be developed, up to 20 dwelling units to the acre.

5.5.2 PERMITTED PRINCIPAL USES AND STRUCTURES

The following uses are permitted in any R-4 District, subject to all the applicable development standards and requirements:

Single townhouses, other types of single family attached and detached units,, site built or modular home and multi-family dwellings, planned residential development projects as permitted in Article 7.04 of this Chapter; mobile home parks which meet the requirements of Article 6 of this Chapter and recreational vehicle parks which meet the requirements of Article 6.

Commentary

The changes made in this section correct problems found in the 1984 zoning regulations and reflect the necessary change required to convert the 1984 zoning regulations from a stand alone ordinance to a chapter in Russellville's code of ordinances. There is also the addition of recreational vehicle parks as a permitted use. General language has been added which reminds the reader that permitted uses are still subject to the other provisions of this ordinance.

5.5.3 ACCESSORY BUILDINGS AND USE

Accessory buildings and uses customarily incidental to the permitted and conditional uses shall be permitted.

5.5.4 CONDITIONAL PERMITTED USES AND STRUCTURES

The conditionally permitted use in this district shall be the same as that of an R-3 District.

5.5.5 PROHIBITED USES AND STRUCTURES

All business and industrial uses not specifically allowed by this article are prohibited.

Commentary

The addition of the prohibited uses and structures section to the R-4 zoning district will reinforce the fact that business and industrial uses are not permitted in this district. As has been stated earlier, this section will also bring this district into conformity with the other districts in form and style.

5.5.6 MINIMUM LOT REQUIREMENTS

The minimum required lot area within an R-4 District shall be 6,000 square feet for a single family dwelling, and for the first dwelling unit in a multi family structure. There shall be 2,000 additional square feet for each additional dwelling unit in a multi-family dwelling.

5.5.7 Minimum Yard Requirements

5.5.7.A Minimum lot frontage at front building line: 60 feet for single family and 85 feet for multifamily.

5.5.7.B Minimum front yard setback: 20 feet from the front property line.

5.5.7.C Minimum lot width at front property line: 40 feet.

5.5.7.D Minimum side yard setback from side property line: 10 feet from the side property line unless side yard has frontage on public road in which case the setback will be same as front yard setback.

5.5.7.E Minimum rear yard setback from rear property line: 25 feet from rear property line unless rear property line has frontage on public road in which case the setback will be same as front yard setback.

5.5.7.F Minimum lot depth: 100 feet.

5.5.7.G Minimum lot width: 40 feet.

5.5.8 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

Sixty (60) percent.

5.5.9 MAXIMUM HEIGHT OF STRUCTURE

No principal structure in an R-4 District shall exceed three (3) stories, or thirty-eight (38) feet in height. Height of the finished first floor shall comply with the requirements of Kentucky Building Code. The height of the finished first floor of all building in flood prone areas should be one foot above the 100 year flood elevation.

Commentary

A new height and maximum lot coverage by all buildings section has been added to R-4 zoning district. The height section parallels the R-3 district requirements and is used in order to limit the height of structures that meet the fire capabilities of the City of Russellville. The maximum lot coverage section also parallels the R-3 district and is important to insure the traditional residential character which is predominant in Russellville.

5.5.10 MINIMUM OFF STREET PARKING AND LOADING REQUIREMENTS

See section 3.08.

5.5.11 SIGNS

See Article 4.

5.6 CENTRAL BUSINESS DISTRICT, B-1

5.6.1 PURPOSE

The purpose of the Central business district is to accommodate and encourage further expansion and renewal of the historical and central business core of Russellville. A variety of business, institutional, public, quasi-public, cultural, residential and other related uses are encouraged in an effort to provide the mix of activities necessary to maintain the traditional nature of central business core of Russellville.

Commentary

The purpose section for the B-1 zoning district is to establish the legislative intent of for this district. The purposes of this zoning district is provide for wide range of business uses while protecting the historic character of the central business district and promoting the continued economic and social viability of the downtown area of Russellville.

5.6.2 PERMITTED PRINCIPAL USES AND STRUCTURES

The following uses are permitted in any B-1 District, subject to all the applicable development standards and requirements:

Any consumer and personal service or retail establishment.

Commentary

General language has been added which reminds the reader that permitted uses are still subject to the other provisions of this ordinance.

5.6.3 ACCESSORY USES AND STRUCTURES

Any accessory use or structure customarily and incidental to permitted principal or conditional uses may be permitted.

5.6.4 CONDITIONAL PERMITTED USES AND STRUCTURES

The following uses are conditional uses in a B-1 District and require written approval of the Board of Adjustment:

Apartments, townhouses, and single family dwellings, site built or modular houses; churches and other places of worship, parish houses; schools; day care centers and nurseries; funeral home; hospital or clinic for human care; and philanthropic institutions and clubs (except those whose principal activities are carried on as a business or commercial activity suitable to the district).

The Board of Adjustment may attach such conditions to its approval as are deemed essential to the preservation of the character of the district as a historical area.

5.6.5 PROHIBITED USES AND STRUCTURES

All business and industrial uses not specifically allowed by this article are prohibited.

Commentary

The addition of the prohibited uses and structures section to the B-1 Zoning district will establish the fact that some business and all industrial uses are not permitted in this district. As has been stated earlier, this section will also bring this district into conformity with the other districts in form and style.

5.6.6 MINIMUM LOT REQUIREMENTS

- A The minimum required lot area for residential development shall be 5,000 square feet for the first dwelling unit and 2,000 square feet for each additional dwelling unit. When residential and commercial land uses are located on same lot, the residential calculation for determining minimum lot requirements shall be used exclusively.
- B The minimum required lot area for other uses shall be 5,000 square feet.

Commentary

The minimum lot size of 5,000 square feet is the minimum lot size permitted in Russellville. Because residential uses are a desirable use in the central business district, provisions have been made for them. The lot size required for residential uses recognizes the limited land available for residential purposes and is equal to the density standard found in the R-4 district.

5.6.7 Minimum Yard Requirements

- 5.6.7.A Minimum lot frontage at front building line: 40 feet.
- 5.6.7.B Minimum front yard setback: No limitation.
- 5.6.7.C Minimum lot width at front property line: 40 feet.
- 5.6.7.D Minimum side yard setback from side property line: No limitation.
- 5.6.7.E Minimum rear yard setback from rear property line: No limitation.
- 5.6.7.F Minimum lot width: 40 feet

5.6.8 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

No limitation.

Commentary

Minimum lot widths for all new lots has been set for each zoning district. The 40 foot lot width is the standard used for Russellville. Because of the unique character of this district, no other minimum requirements for setbacks are required. Thus, if the lot were a minimum of 40 feet wide the building could cover the entire lot.

5.6.9 MAXIMUM HEIGHT OF STRUCTURE

No principal structure in a B-1 District shall exceed three (3) stories, or forty five (45) feet in height. Height of the finished first floor shall comply with the requirements of Kentucky Building Code. The height of the finished first floor of all buildings in flood prone areas should be one foot above the 100 year flood elevation.

Commentary

A section dealing with maximum height has been added to the B-1 zoning district. This section parallels the R-4 district.

requirements and is used in order to limit the height of structures that meet the fire capabilities of the City of Russellville. Also, the historic character of the area does not dictate more than a 36 foot height.

5.6.10 MINIMUM OFF STREET PARKING AND LOADING REQUIREMENTS

No limitations.

5.6.11 SIGNS

SEE ARTICLE 4.

5.7 GENERAL COMMERCIAL DISTRICT, B-2

5.7.1 PURPOSE

The purpose of the general commercial district is to serve the adjoining neighboring residential areas and to provide selected retail and service uses that may serve the entire community but not those retail and service uses intended to serve the regional retail service area of Russellville. These districts are located adjacent to the B-1 zoning district and in selected residential neighborhoods, on highways leading from the B-1 zoning district.

Commentary

The purpose section for the B-2 zoning district establishes the legislative intent for this district. The primary purposes of this zoning district is to accommodate a wide range of business uses located in commercial area of Russellville which were developed prior to the shopping center of today.

5.7.2 PERMITTED PRINCIPAL USES AND STRUCTURES

The following uses are permitted in any B-2 District, subject to all the applicable development standards and requirements:

- A Any retail business or service establishment on less than one acre;
- B Single family dwellings, site built or modular houses, provided they meet all lots and yard requirements of R-3 district.
- C A planned commercial or residential development.

Commentary

The reason for deleting the planned commercial development is that areas zoned B-2 should be limited to small lots which are presently developed or are in fill lots. Large undeveloped lots should not be permitted to be zoned this designation. They would be more appropriately zoned B-4. General language has been added which reminds the reader that permitted uses are still subject to the other provisions of this ordinance.

5.7.3 PERMITTED ACCESSORY USES AND STRUCTURES

Any accessory buildings or uses customarily incidental to the permitted uses may be permitted.

5.7.4 PERMITTED CONDITIONALLY USES AND STRUCTURES

The following uses are conditional uses in a B-2 District and require written approval of the Board

of Adjustment:

- A Apartment, multi-family dwellings, and townhouses; churches and other places of worship, parish houses; day care centers and nurseries; funeral homes and cemeteries; hospitals and clinics for human care; public parks and non-commercial recreational facilities; schools; and philanthropic institutions and clubs (Except those whose principal activities are carried on as a business).
- B See pages 84 & 85 for requirements for filing conditional uses and structures applications.

Commentary

In order to maintain consistency between the Russellville zoning regulations and the state statutes, the term special exception has been replaced by the term conditional use. The removal of the statement that the Board of Adjustments may establish conditions is redundant and thus has been removed.

5.7.5 REQUIRED CONDITIONS

Screening: Where a commercial lot adjoins a residential lot, a well maintained compact edge, a solid fence, or similar solid screening device at least six (6) feet in height shall be installed to screen the business use from the adjoining lot in the residential district. The screen shall begin at the front building line and extend along the common side lot line to the rear property line.

5.7.6 PROHIBITED USES AND STRUCTURES

All industrial uses not specifically allowed by this article are prohibited.

Commentary

The addition of the prohibited uses and structures section to the B-2 zoning district will establish the fact that some business and all industrial uses are not permitted in this district. As has been stated earlier, this section will also bring this district into conformity with the other districts in form and style.

5.7.7 MINIMUM LOT REQUIREMENTS

The minimum required lot area for residential development shall BE 5,000 square feet for first dwelling unit and 1,000 additional square feet for each additional dwelling unit in a multi-family dwelling.

The minimum required lot area for other uses shall be 5,000 square feet.

Commentary

A minimum lot size has been established for the B-2 zoning district. The 5,000 square feet is the minimum lot size for Russellville.

5.7.8 Minimum Yard Requirements

- A Minimum lot frontage at front building line: 40 feet.
- B Minimum front yard setback: 25 feet. Along federal aid highways, buildings may be no closer to the highway rights-of-way than thirty five (35) feet.
- C Minimum lot width at front property line: 40 feet.

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- D Minimum side yard setback from side yard line: No limitation.
- E Minimum rear yard setback from rear yard line: No limitation.
If the lot adjoins a residential district, the location of any building shall comply with the requirements of the adjoining residential district as to lot coverage, width, rear and side yards.

5.7.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

85 % of gross lot area.

Commentary

A provision establishing a minimum of 40 feet for lot with has been added to the B-2 zoning district. Setback standards and maximum lot coverage standards have also ben added.

5.7.10 MAXIMUM HEIGHT OF STRUCTURE

No principal structure in a B-2 District shall exceed three (3) stories, or thirty-six (36) feet in height. No permitted accessory structure may be taller than two stories or 24 feet in height. Height of the finished first floor shall comply with the requirements of Kentucky Building Code. The height of the finished first floor of all building in flood prone areas should be one foot above the 100 year flood elevation.

Commentary

A new height section has been added to B-2 zoning district. This section parallels the R-4 district requirements and is used in order to limit the height of structures that meet the fire capabilities of the City of Russellville. Also, because this zoning district is often located adjacent to residential districts, no structure should be more that a 36 feet height. Accessory structures now have a two stories or 24 feet in height limitation. The requirement that any building be equal to sidewalk level or above the roadway level is a important to insure proper drainage.

5.7.11 MINIMUM OFF STREET PARKING AND LOADING REQUIREMENTS

See section 3.08.

5.7.12 SIGNS/OR BILLBOARD REGULATIONS

See Article 4.

5.8 HIGHWAY COMMERCIAL DISTRICT, B-3**Commentary**

This is a new business zone. The purpose of the new highway commercial district, is recognize that the commercial developments have changes and the role of Russellville as a commercial center is in the process of changing. This new commercial zoning district is oriented to the motor vehicle using public. This new zoning district will also redefine the applicability of the general commercial district to its original purpose.

5.8.1 PURPOSE

The purpose of the Highway Commercial district is to encourage the establishment of commercial areas that can accommodate motor vehicle oriented customers. This district is specifically designed to service the motoring public and will be located along the major highways of Russellville.

Commentary

The purpose section for the B-3 zoning district establishes the legislative intent for this district. The primary purposes of this highway commercial district is accommodate commercial developments that cater to highway oriented customers

5.8.2 PERMITTED PRINCIPAL USES AND STRUCTURES

The following uses are permitted in any B-3 District, subject to all the applicable development standards and requirements:

5.8.2.A Any retail business or service establishment.

5.8.2.B Planned Commercial Developments .

5.8.2.C Single and multi-family residences site built or modular housing, within Planned Residential Developments.

5.8.2.D All proposed uses and structures located on lots of more than one acre must be developed under the Planned Development regulations under article 7 in addition to the standards imposed by this section.

5.8.2.E Recreational vehicle parks which meet the requirements of article 6.

Commentary

The uses permitted in the B-3 zoning district are the same as the B-2 zoning district, except for the addition of recreational vehicle parks. The difference being that B-3 permits developments that are larger than one acre and permits requires planned commercial developments. The recreational vehicle park must be developed under provisions contained under article 6. General language has been added that reminds the reader that permitted uses are subject to all requirements of this ordinance.

5.8.3 PERMITTED ACCESSORY USES AND STRUCTURES

Any accessory buildings or uses customarily incidental to the permitted uses are permitted.

5.8.4 PERMITTED CONDITIONALLY USES AND STRUCTURES

The following uses are conditional uses in a B-3 district and require written approval of the Board of Adjustments;

Churches and other places of worship, parish houses; day care centers and nurseries; funeral homes and cemeteries; hospitals and clinics for human care; public parks and non-commercial recreational facilities; schools; and philanthropic institutions and clubs (except those whose principal activities are carried on as a business).

5.8.5 REQUIRED CONDITIONS

A Screening: Where a commercial lot adjoins a residential lot, a well maintained compact hedge, a solid fence, or similar solid screening device at least six (6) feet in height shall be installed to screen the business use from the adjoining lot in the residential district. The screen shall begin at the front building line and extend along the common side lot line to the rear property line.

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- B Refuse facilities are permitted to be located outside a building provided it is completely screened from view of public streets and adjoining non-industrial zoned properties. These refuse facilities shall be screened on all sides except one by masonry walls or solid wood fencing not less than the height of the bin or container. One side shall be equipped with an opaque gate. Gates must have tie backs to secure in open position.
- C. Outside storage is not permitted.

5.8.6 PROHIBITED USES AND STRUCTURES

All industrial uses not specifically allowed by this article are prohibited.

Commentary

The addition of the prohibited uses and structures section to the B-3 Zoning district will establish the fact that some business and all industrial uses are not permitted in this district.

5.8.7 MINIMUM LOT REQUIREMENTS

The minimum required lot area for residential development shall be 5,000 square feet for first dwelling unit and 2,000 additional square feet for each additional family in a multi-family dwelling.

The minimum required lot area for other uses shall be 10,000 square feet.

Commentary

A new minimum lot size had been established in the B-3 zoning district. This minimum lot area is 5,000 square feet for residential uses and 10,000 square feet for all other uses.

5.8.8 Minimum Yard Requirements

- A Minimum lot frontage at front building line: 50 feet
- B Minimum front yard setback: 50 feet.
- C Minimum lot width at front property line: 100 feet.
- D Minimum side yard setback from side property line: 20 feet.
- E Minimum rear yard setback from rear property line: 25 feet.
- F Minimum lot width: 50 feet.

5.8.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

60% of gross lot area.

Commentary

A minimum lot width of 40 feet has been established for the B-3 zoning district.

5.8.10 MAXIMUM HEIGHT OF STRUCTURE

No principal structure in a B-3 District shall exceed four (4) stories, or forty five (45) feet in height. No permitted accessory structure may be taller than two (2) stories or twenty five (25) feet in height.

Height of the finished first floor shall comply with the requirements of Kentucky Building Code. The height of the finished first floor of all building in flood prone areas should be one foot above the 100 year flood elevation.

Commentary

A height section has been created in the B-3 zoning district. This section parallels the Planned Commercial Development requirements contained in the 1984 zoning ordinance. Also, because this zoning district is often located adjacent to residential districts, no structure should be more than 25 feet or 2 stories in height. Accessory structures should not be more than two stories or 25 feet in height. The requirement for minimum first floor elevation is included as a drainage consideration.

5.8.11 MINIMUM OFF STREET PARKING AND LOADING REQUIREMENTS

See section 3.8.

5.8.12 SIGNS/OR BILLBOARD REGULATIONS

See Article 4.

5.9 OFFICE AND PROFESSIONAL DISTRICT, O-P

5.9.1 PURPOSE

The purpose of the Office and Professional district is to encourage the establishment of groupings of professional, laboratory, executive, administrative, accounting, and similar uses. The district is designed to act as a buffer between other more intense non residential uses and high density residential districts.

Commentary

The purpose section establishes the legislative intent for the O-P zoning district. The primary purposes of this zoning district is to accommodate a select group of business and services and to cluster them together in suitable area of Russellville. A unique characteristic of this zoning district is that it is intended to act as a buffer between other less comparable zones.

5.9.2 PERMITTED PRINCIPAL USES AND STRUCTURES

The following uses are permitted in any O-P District, subject to all the applicable development standards and requirements:

Permitted uses for this district are: Diagnostic clinics, hospitals, and health clinics; architectural, engineering, realtor, management, insurance, accounting and financial institutions; medical offices for treatment by physicians, dentists, and other licensed practitioners; museums, art galleries, and libraries; and allied or similar uses to include the sale at retail of consumer items such as drugs, medical supplies or appliances, office equipment and supplies.

5.9.3 ACCESSORY USES AND STRUCTURES

Any accessory buildings or uses customarily incidental to permitted or conditional uses may be permitted.

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5.9.4 PERMITTED CONDITIONAL USES AND STRUCTURES

The following uses are conditional uses in an O-P district and require written approval of the Board of Adjustment:

Apartments, multi-family, townhouses; Single family; schools; and philanthropic institutions and clubs.

5.9.5 PROHIBITED USES AND STRUCTURES

All commercial and industrial uses not specifically allowed by this article are prohibited.

Commentary

The addition of the prohibited uses and structures section to the O-P Zoning district will establish the fact that some business and all industrial uses are not permitted in this district.

5.9.6 MINIMUM LOT

The minimum required lot area for residential development shall be 5,000 square feet for first dwelling unit and 1,000 additional square feet for each additional dwelling unit in a multi-family structure.

The minimum required lot area for other uses shall be 5,000 square feet.

Commentary

A 5,000 square feet minimum lot size has been established for the O-P zoning district.

5.9.7 Minimum Yard Requirements

5.9.7.A Minimum lot frontage at the building line: 40 feet

5.9.7.B Minimum front yard setback: 25 feet. Along federal aid highways, buildings may be no closer to the highway rights-of-way than fifty (50) feet.

5.9.7.C Minimum lot width at front property line: 40 feet.

5.9.7.D Minimum side yard setback from side property line: 10.

5.9.7.E Minimum rear yard setback from rear property line: 25 feet.

5.9.7.F Minimum lot width: 40 feet.

5.9.8 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

50 % of gross lot area.

Commentary

A minimum lot width of 40 feet has been established. Because this district is often located between residential and business areas, there was a need to establish yard setback and maximum lot coverage standards.

5.9.9 MAXIMUM HEIGHT OF STRUCTURE

No principal structure in an O-P district shall exceed three (3) stories, or thirty eight (38) feet in height. No permitted accessory structure may be taller than one (1) story or 16 feet in height. Height of the finished first floor shall comply with the requirements of Kentucky Building Code. The height of the finished first floor of all building in flood prone areas should be one foot above the 100 year flood elevation.

Commentary

A height section has been included in the O-P zoning district. This section parallels the R-4 district requirements and was established used in order to limit the height of structures that meet the fire capabilities of the City of Russellville. Also, because this zoning district is often located adjacent to residential districts, no structure should be more than a 24 feet height. Accessory structures should not be more than one story or 16 feet in height. The requirement of a minimum first floor elevation is included because of drainage considerations.

5.9.10 MINIMUM OFF STREET PARKING AND LOADING REQUIREMENTS

See section 3.08.

5.9.11 SIGNS

See Article 4.

5.10 LIGHT INDUSTRIAL DISTRICT, I-1

5.10.1 PURPOSE

The purpose of the light industrial district is intended for a variety of industrial areas which contain some industrial, distribution, and wholesale business establishments which are clean, quiet, and free of hazardous and objectionable elements such as noise, odor, dust, smoke, or glare; operate entirely within enclosed structures and generate little industrial traffic. In addition to such activity, certain types of commercial sales, service, distribution, and warehousing are deemed to be especially suited for location in the light industrial district.

Commentary

The proposed section for the I-1 zoning district establishes the legislative intent for this district. The primary purposes of this zoning district are accommodated industrial uses that are free of hazardous elements, and to accommodate distribution and warehouse activities.

5.10.2 METHOD OF CLASSIFICATION

The City of Russellville hereby adopts the Standard Industrial Classification (SIC) Manual and the Standard Industrial Codes, 1987, as prepared by the Executive Office of the President, Office of Management and Budget, as the method of classifying and defining permitted industrial uses within the I-1 district. Any subsequent amendments to said codes or standards may be hereafter adopted by the City of Russellville from time to time. A copy of the standard industrial codes shall be available from the Zoning Administrator.

Commentary

New land use classification systems have been established for determining which uses will be permitted in each of industrial zoning districts. While the new classification system at first seems more complicated, it is in reality a more

uniform way to determine which uses are permitted in each district. Because many industrial firms are required to file federal tax or other information using the federal Standard Industrial Classification (SIC) system. This system creates a series of codes for an extensive number of types of businesses and industries. Because of federal reporting requirement, most industries will readily have this information and the zoning administrator can easily determine the appropriate zoning district that the proposed land use fits.

5.10.3 PERMITTED PRINCIPAL USES AND STRUCTURES

The following uses are permitted in any I-1 District, subject to all the applicable development standards and requirements:

A MANUFACTURING

The following manufacturing activities are permitted, unless the use is specifically classified as needing a conditional use permit in an I-2 district, or emits a noise, odor, smoke or particulate matter, or toxic or noxious matter beyond the site:

Apparel and other finished products (SIC code 23);

Newspaper Printing and publishing and commercial printing, lithographic (SIC codes 2711 and 2752);

Office and computing machines (SIC codes 357);

Electric and electronic equipment (SIC code 36) [except electronic transmission and distribution equipment and electrical industrial apparatus (SIC codes 361 and 362)];

A new industry locating in an I-1 district must furnish to the Commission through the Zoning Administrator, the following: A description of the manufacturing, assembly, fabrication process that will take place at the site; the proposed quantities of smoke or particulate matter to be released into the air, noise, glare, or heat, vibration, and odorous matter that will be emitted from the site, quantity of flammable liquids and hazardous waste materials generated or produced on site, and quantity of chemicals or other hazardous materials that will be stored on the site. The zoning administrator may permit the new industry to file the same information as required by the Commonwealth of Kentucky or U. S. Environmental Protection Agency. All industrial activities shall be conducted within completely enclosed buildings.

B SALES, CONSTRUCTION AND SERVICE ESTABLISHMENTS

Sales lots, display and stocking areas for the following types of business:

Agricultural services (SIC code 07);

Forest services (SIC code 085);

Building Construction, General contractors and special trade contractors (SIC codes 15 and 17);

Motor vehicle and motor vehicle parts and supplies (SIC code 501);

Farm implements (SIC code 5083);

Lumber and building materials (SIC codes 503);

Building Materials, hardware, garden supply and mobile home dealers (SIC code 52)

General merchandise stores (SIC code 53);

Food stores (SIC code 54);

Automotive dealers and gasoline service stations (SIC code 55);

Apparel and accessory stores (SIC code 56);

Home furniture, furnishings, and equipment stores (SIC code 57);

Miscellaneous retail (SIC code 59);

Commercial uses as set out in permitted uses in General Commercial District (B-2), Highway Commercial District (B-3) or Office and Professional District (O-P).

C WAREHOUSING AND STORAGE

- Warehousing (SIC code 50 and 51);
- Trucking and courier services, except air (SIC code 421);
- and terminal and joint terminal maintenance facilities for motor freight transportation (SIC code 422);
- Public warehousing and storage (SIC code 422);

Commentary

The list of permitted uses has been described using the SIC codes and have been restructured to reflect the types of uses compatible with the purpose sections of the I-1 zoning district.

5.10.3.D Limitations on storage tanks for flammable, reactive, or hazardous materials

Above ground storage tanks, except hazardous waste materials	1,000 gallons
Above ground storage tanks for hazardous waste materials	500 gallons

Commentary

Standards for storage of flammable, reactive or hazardous materials have been developed that are appropriate to an I-1 zoning district.

5.10.4 PERMITTED ACCESSORY BUILDINGS AND USES

Any accessory building or use customarily incidental to the above permitted or conditionally permitted use shall be permitted.

5.10.5 CONDITIONAL PERMITTED USES AND STRUCTURES

The following uses are conditional uses in a I-1 District and require written approval of the Board of Adjustment:

- A Manufactured Ice (SIC Code 2097), Machine shops, jobbing and repair (SIC 3599); welding (SIC Code 7692), Electric motors (SIC 7694), and Special dies and tools, die sets, jigs and fixtures, and industrial molds (SIC 3544); fabrication and processing plants of articles to be sold at retail on the premises; photocopying and duplicating services (SIC code 7334); general contractors and special trade contractors (SIC codes 17 and 15) and Partitions, shelving, lockers, and office and store fixtures including cabinet shops (SIC code 254).

5.10.6 REQUIRED CONDITIONS

- A On lots adjacent to a residential district, all buildings shall be located so as to provide a minimum side yard of fifty (50) feet on the side adjoining the residential property.
- B Loading docks: Where possible, loading docks should be located so as not to front on a public way.
- C Storage facilities: No materials or supplies shall be stored or permitted to remain on any part of the property outside of the buildings constructed thereon.

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- D Manufacturing, processing, service and repair operations shall be conducted only within completely enclosed buildings.
- E Screening: Where a commercial lot adjoins a residential lot, a well maintained compact hedge, a solid fence, or similar solid screening device at least six (6) feet in height shall be installed to screen the business use from the adjoining lot in the residential district. The screen shall begin at the front building line and extend along the common side lot line to the rear property line.
- F Refuse facilities are permitted to be located outside a building provided they are completely screened from view of public streets and adjoining non-industrial zoned properties. These refuse facilities shall be screened on all sides except one by masonry walls or solid wood fencing not less than the height of the bin or container. One side shall be equipped with an opaque gate. Gates must have tie backs to secure in open position.
- G Outside storage is not permitted.
- H Waste disposal: No waste material or refuse may be dumped upon, or be permitted to remain upon any part of an industrial site outside of the buildings erected thereon except as may be required for pretreatment of waste prior to its being discharged into the municipal sewage system. No property shall be used for industrial purposes unless the city agrees to accept its sewage or the industry constructs its own approved facilities.

5.10.7 Prohibited uses and structures

Residential structures: elementary or high schools, public or private; churches; yards or lots for scrap or salvage operations or processing, storage, display or sales of any scrap, salvage, or second hand building material, wrecked automobiles, second hand automobile parts; and salvage yards or junk yards.

5.10.8 Minimum lot requirements

Minimum lot area for the I-1 Zoning District is one acre.

Commentary

A minimum lot area of one acre has been established for the I-1 zoning district. The 1984 zoning regulations set no minimum size lot in this district.

5.10.9 Minimum Yard Requirements

- A Minimum lot frontage at front building line: 25 feet.
- B Minimum front yard setback: 25 feet. Along federal aid highways, buildings may be no closer to the highway rights-of-way than fifty (50) feet.
- C Minimum lot width at front property line: 40 feet.
- D Minimum side yard setback from side property line: 25 feet.
- E Minimum rear yard setback from rear property line: 25 feet
- F Minimum lot width: 40 feet.

- G No yard shall be required for that part of a lot which abuts upon a railroad siding.
- H All buildings on corner lots adjoining a residential district shall be so located as to conform with corner lot requirements of said district.

Commentary

The changes in this section of the regulations were made in order that standards for yards would be presented in uniform format throughout the zoning regulations.

5.10.10 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

50 % of gross lot area.

Commentary

This is a new section which sets a maximum amount of lot area that may be covered by buildings and structures.

5.10.11 MAXIMUM HEIGHT OF STRUCTURE

No principal structure in an I-1 District shall exceed six (6) stories, or seventy-five (75) feet in height. No permitted accessory structure may be taller than two (2) story or twenty-four (24) feet in height. Height of the finished first floor shall comply with the requirements of Kentucky Building Code. The height of the finished first floor of all buildings in flood prone areas should be one foot above the 100 year flood elevation.

Commentary

A new height section has been added to I-1 zoning district. This section parallels the Planned Industrial Park district of the 1984 zoning ordinance. Provision for first floor minimum elevation is included because of drainage considerations.

5.10.12 MINIMUM OFF STREET PARKING AND LOADING REQUIREMENTS

See section 3.8.

Commentary

This new section will make uniform the format for each zoning district.

5.10.13 SIGNS AND BILLBOARDS

As permitted in Section 4.14.

5.11 HEAVY INDUSTRIAL DISTRICT, I-2

Commentary

The single most discussed issue mentioned by those interviewed during the review of the zoning regulations was the need to create an additional industrial zoning classification. This new zoning district satisfies this request. The diversity of industrial activity is too great to be adequately handled in a single district.

5.11.1 PURPOSE

The purpose of the Heavy Industrial district is to encourage the development of major manufacturing, processing, warehousing and other business establishments. These uses require extensive community

facilities, and reasonable access to arterial highways. They may have extensive open space and service areas and may have associated with the use certain environmental factors that may extend beyond their property boundaries.

Commentary

The legislative intent for the I-2 zoning district is established in the purpose section. The primary purpose of the I-2 zoning district is to allow the integration of major manufacturing uses that may have hazardous or environmental elements associated with them or which may have extensive outside storage or facilities.

5.11.2 CLASSIFICATION OF PROPERTIES PREVIOUSLY CLASSIFIED AS BEING IN THE INDUSTRIAL DISTRICT

All property which at the time of the adoption of this chapter were properly zoned industrial shall be deemed to be changed to the Heavy Industrial (I-2) district by action of law.

Commentary

The intent of this section is to clarify that all properties which were originally zoned industrial under the previous zoning will now be classified as heavy industrial (I-2) district. By this section all previously zoned industrial properties will continue to have the same level of permitted uses as were previously applied to them in the industrial category of the 1984 zoning ordinance.

5.11.3 METHOD OF CLASSIFICATION

The City of Russellville hereby adopts the Standard Industrial Classification Manual and the Standard Industrial Codes, 1987, as prepared by the Executive Office of the President, Office of Management and Budget, as the method of classifying and defining permitted industrial uses within the I-2 district. Any subsequent amendments to said codes or standards may be hereafter adopted by the City of Russellville from time to time. A copy of the standard industrial codes shall be available from the Zoning Administrator.

5.11.4 PERMITTED PRINCIPAL USES AND STRUCTURES

The following uses are permitted in any I-2 District, subject to all the applicable development standards and requirements:

A MANUFACTURING

- Soil preparation services (SIC code 071);
- Crop services (SIC code 072);
- Veterinary services (SIC code 074);
- Animal services, except veterinary (SIC code 075);
- Farm management services (SIC code 076);
- Landscape and Horticultural services (SIC code 078);
- Dairy Products (SIC code 202);
- Canned, frozen and preserved fruits, vegetables, and food specialties (SIC code 203);
- Bakery products (SIC code 205);
- Candy, chocolate, chewing gum products and salted or roasted nuts and seeds (SIC codes 2064, 2066, 2067 and 2068);
- Beverages (SIC code 208), except malt, wine or distilled and blended liquors (SIC codes 2082, 2083, 2084 and 2085);
- Manufactured ice (SIC code 2095);
- Apparel and other finished products (SIC code 23);

Newspaper printing and publishing and commercial printing, lithographic (SIC codes 271 and 275):

Any new industry locating in an I-2 district must furnish to the Commission through the Zoning Administrator, the following information prior to securing a building permit:

- A. A description of the manufacturing, assembly, fabrication process that will take place at the site;
- B. The proposed quantities of smoke or particulate matter to be released into the air; The level of noise; glare, or heat, vibration, and odorous matter that will be emitted from the site;
- C. The quantity of flammable liquids and hazardous waste materials generated or produced on site;
- D. The quantity of chemicals or other hazardous materials that will be stored on the site.

The Zoning Administrator may permit the new industry to file duplicates of the same information as required by the Commonwealth of Kentucky or U. S. Environmental Protection Agency when complying with this section.

B MINING and QUARRYING

Crushed and broken stone, including riprap (SIC code 142);
Sand and Gravel (SIC code 144):

C SALES AND SERVICE FIRMS

Agricultural services (SIC code 07);
Lawn and garden services (SIC code 0782);
Forest services (SIC code 085)
Motor vehicle and motor vehicle parts and supplies (SIC code 501) ;
Farm implements (SIC code 5083);
Building materials, hardware, garden supply and mobile home dealers (SIC code 52)
General merchandise stores (SIC code 53);
Apparel and accessory stores (SIC code 56);
Home furniture, furnishings, and equipment stores (SIC code 57);
Miscellaneous retail (SIC code 59).
Commercial uses as set out in permitted uses in General Commercial District (B-2).
Highway Commercial District (B-3) or the Office and Professional District (O-P).

D SERVICE ESTABLISHMENTS

Building construction, general contractors, heavy construction contractors and special trade contractors (SIC codes 15, 16 and 17);
Sales lots, display and stocking areas for the following types of business:
Building construction, general contractors and special trade contractors (SIC codes 15 and 17);
Motor vehicle and motor vehicle parts and supplies (SIC code 501) ;
Farm implements (SIC code 5083);
Lumber and building materials (SIC codes 503);
Services to dwellings and other buildings (SIC codes 734);
Computer and data processing (SIC code 737):

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Engineering, architectural and surveying services (SIC code 871);
 Accounting, auditing and bookkeeping services (SIC code 872);
 Research development and testing services (SIC code 873);
 Management and public relations services (SIC code 874);
 Labor unions and similar labor organizations (SIC code 863);

E WAREHOUSING AND STORAGE

Warehousing (SIC code 50 and 51);
 Trucking and courier services, except air (SIC code 421);
 Terminal and joint terminal maintenance facilities for motor freight transportation (SIC code 422);
 Public warehousing and storage (SIC code 422);
 Mini-warehouses.

Commentary

The list of permitted uses has been described using the SIC codes and has been restructured to reflect the types of uses compatible with the I-2 zoning district.

5.11.5 PERMITTED ACCESSORY USES AND STRUCTURES

Accessory buildings and uses shall be permitted which are customarily incidental to the principal and conditional uses. Employee recreational facilities may be located out of doors, except if they may not be lighted.

Commentary

The recommended addition in this section will bring the Heavy Industrial district into conformance with uniform headings used for all zoning districts. Accessory buildings and uses are permitted for the first time.

5.11.6 CONDITIONAL PERMITTED USES AND STRUCTURES

The following uses are conditional uses in a I-2 district and require written approval of the Board of Adjustment.

A MANUFACTURING

Custom slaughtering (SIC code 0751);
 Meat products (SIC code 201);
 Grain mill products (SIC code 204);
 Fats and oil processing and rendering mills (SIC code 207);
 Malt, wine or distilled and blended liquors (SIC codes 2082, 2083, 2084 and 2085);
 Miscellaneous food preparations and kindred products (SIC code 209);
 Tobacco products (SIC code 21);
 Textile mill products (SIC code 22);
 Lumber and wood products, except furniture (SIC code 24);
 Furniture and fixtures (SIC code 25);
 Paperboard containers and boxes and converted paper and paperboard products, except containers and boxes (SIC codes 265 and 267);
 Books and periodicals: publishing and printing and miscellaneous publishing (SIC codes 272, 273 and 274);
 Manifold forms and bankbook, looseleaf binders and bookbinding (SIC codes 276 and 278);
 Greeting cards (SIC Code 277);

Service industry for printing trade (SIC code 279);
 Chemicals and allied products (SIC code 28);
 Petroleum refining (SIC code 29);
 Rubber and miscellaneous plastics products (SIC code 30);
 Leather and leather products (SIC code 31);
 Stone, clay, glass, and concrete products (SIC code 32);
 Primary metal industries (SIC code 33);
 Fabricated metal products, except machinery and transportation equipment (SIC code 34);
 Industrial and commercial machinery and computer equipment (SIC code 35);
 Electronic and other electrical equipment (SIC code 36);
 Transportation equipment (SIC code 37);
 Measuring, analyzing and controlling instruments; photographic, medical and optical goods; watches and clocks (SIC code 38);
 Miscellaneous manufacturing industries including any other manufacturing not otherwise categorized by these regulations (SIC code 39);
 Agricultural lime (SIC code 5191);
 Monuments, finished to custom order (SIC code 5999);
 Terra cotta wholesale (SIC code 5032).

B BUSINESS SERVICES

Linen supply (SIC code 7213);
 Industrial laundries (SIC code 7218)

C PUBLIC FACILITIES

Public water and sewage treatment plants and other public facilities and utility plants.

D OTHER CONDITIONAL USES INCLUDE

Refuse dump; land fill; scrap iron and salvage yards; junk car lots; coal washing; and wrecking material yards. Employee recreational facilities which may be located and conducted out of doors and which have lighting.

5.11.7 REQUIRED CONDITIONS

- A Lots adjacent to a residential district, all buildings shall be located so as to provide a minimum side yard of one hundred (100) feet on the side adjoining the residential property.
- B Loading docks: Where possible, loading docks should be located so as not to front on a public street.
- C Storage facilities: No materials or supplies shall be stored or permitted to remain on any part of the property outside of the buildings constructed thereon without proper screening and adequate distance from adjoining properties.
- D Waste disposal: No waste material or refuse may be dumped upon, or be permitted to remain upon any part of an industrial site outside of the buildings erected thereon except as may be required for pretreatment of waste prior to its being discharged into the municipal sewage system. No property shall be used for industrial purposes unless the city agrees to accept its sewage or the industry constructs its own approved facilities.

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E. Limitations on storage tanks for flammable or reactive materials

Total capacity of flammable materials permitted (gallons) or if measured in cubic feet the quantity permitted shall not exceed thirty (30) times the quantities stated in gallons.

Business engaged in storage for resale	Above Ground	Below Ground
Materials having a closed cap flash point of less than 105 degrees Fahrenheit	5,000	100,000
Materials having a closed cap flash point of more than 105 degrees Fahrenheit but less than 187 degrees Fahrenheit	20,000	100,000
Materials having a closed cap flash point over 187 degrees Fahrenheit	50,000	100,000
Total storage	75,000	300,000

5.11.8 PERFORMANCE STANDARDS

All uses which are established after the adoption of these regulations shall be so operated as to comply with the performance standards set forth in this section of the regulations. Any use already established in an industrial district on the date of adoption of these regulations shall not be altered or modified as to conflict with or further conflict with these performance standards.

- A Vibration: No unreasonable vibration shall be permitted which is discernible without instruments at the points of measurement specified in these regulations and which constitutes a nuisance.
- B Smoke and particulate matter: Any use shall be so operated as to comply with the emissions standards adopted by the Kentucky Natural Resources and Environmental Protection Cabinet, Division for Air Quality standards.
- C Glare: No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the points of measurement as specified in these regulations shall be permitted.
- D Radioactivity or electrical disturbance: No activities shall be permitted which emit dangerous radioactivity at any point or electrical disturbance adversely affecting the operation of equipment other than the equipment of the creator of such disturbance and which constitutes a nuisance.
- E Noise: At no point from the points of measurement as specified in these regulations shall the sound pressure level of any individual operation or plant (other than background noises produced by sources not under the control of this ordinance, such as operation of motor vehicles or other transportation facilities), exceed the decibel levels in the designated octave bands shown below:

Maximum permitted sound pressure level, in decibels

Octave band cycles per second	Where point of measurement abuts a Residential District	Where point of measurement is not a Residential District
31.5	82	80
63	73	75
125	63	70
250	58	64
500	53	58
1,000	48	53
2,000	44	49
4,000	42	46
8,000	39	42

Method of measuring: Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards thereafter prescribed provided that such noises shall be capable of being accurately measured with such equipment.

5.11.8.F Noxious odors: The emission of noxious odors from gases or other odorous matter shall not be in such quantities as to be offensive or harmful beyond the boundary line of the parcel from which said odors emanate and which constitutes a nuisance.

5.11.8.G Toxic gases or matter: Toxic gases or matter shall not be emitted in such quantities as to be offensive or harmful beyond the boundary line of the parcel which the use is located and which constitutes a nuisance.

5.11.9 Measurement of performance standards

All measurements to determine compliance with the performance standards as set forth in these regulations shall be taken at a location or locations on a property line of the particular property which is the source of the emission.

Commentary

Performance standards for objectively measuring sound emission in the I-2 zoning district.

5.11.10 Prohibited uses and structures

The following uses and structures are prohibited in the I-2 district:

- A Mobile home parks, subdivisions, or mobile homes.
- B No private access to any use in this district shall be permitted through any residential district.
- C Pulp, paper, and paperboard mills (SIC Codes 261, 262, and 263)

5.11.11 MINIMUM LOT REQUIREMENTS

Minimum lot area for the I-2 Zoning District is two (2) acres.

Commentary

This section sets a minimum lot area of two acres for the I-2 zoning district.

5.11.12 Minimum Yard Requirements

- A Minimum lot frontage at building line: None
- B Minimum front yard setback: 25 feet. along federal aid highways, buildings may be no closer to the highway rights-of-way than fifty (50) feet.
- C Minimum lot width at front property line: 40 feet.
- D Minimum side yard setback from side property line: 25 feet.
- E Minimum rear yard setback from rear property line: 25 feet.
- F No yard setback shall be required for that part of a lot which abuts upon a railroad siding.
- G All buildings on corner lots adjoining a residential district shall be so located as to conform with corner lot requirements of said district.
- H Minimum lot width: 40 feet.

Commentary

The dimensional minimums enumerated above establish the standards for minimum yard requirements for the I-2 district. They are presented in uniform format in conformance with the other district regulations.

5.11.13 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

50 % of gross lot area.

Commentary

This is a new section which sets a maximum amount of lot area that may be covered by buildings and structures in the I-2 zoning district.

5.11.14 MAXIMUM HEIGHT OF STRUCTURE

No principal structure in an I-2 District shall exceed six (6) stories, or seventy five (75) feet in height. No permitted accessory structure may be taller than two (2) story or twenty-four (24) feet in height. Height of the finished first floor shall comply with the requirements of Kentucky Building Code. The height of the finished first floor of all buildings in flood prone areas should be one foot above the 100 year flood elevation.

Commentary

The height section parallels the standards found for the Planned Industrial Park (7.3) zoning district requirements in the 1984 zoning ordinance.

5.11.15 MINIMUM OFF STREET PARKING AND LOADING REQUIREMENTS

See section 3.8.

Commentary

This section contains reference to where parking and loading requirements are to be found elsewhere in the zoning regulations.

5.11.16 SIGNS AND BILLBOARDS

See article 4.14

ARTICLE 6
MOBILE HOMES, MOBILE HOME SUBDIVISION
MOBILE HOME PARKS AND
RECREATIONAL VEHICLE PARKS

Commentary

Throughout this article, mobile home subdivisions have been added in order to insure that this article also applies to mobile home subdivisions as well as individual mobile homes and mobile home parks. New provisions have been added that deal with the temporary placement of mobile offices and mobile construction and storage structures and recreational vehicle parks.

6.1 PURPOSE OF ARTICLE

The purpose for regulating the placement of mobile homes, mobile home subdivision, parks or recreational vehicle parks is to encourage the placement and development of mobile homes and mobile home parks and subdivisions that permit mobile homes on individual lots in well planned environments. Mobile home parks shall comply with the regulations of the Kentucky Mobile Home and Recreational Vehicle Park law as derived from Kentucky Revised Statutes Chapter 219.

Commentary

The purpose section for the mobile home and mobile home park and subdivisions regulations are to establish the legislative intent for this district. The primary purposes of the regulations is to promote the development of lots and parks specifically tailored to the needs of manufactured homes that are well planned.

6.2 MOBILE HOMES

6.2.1 Except as provided in section 5.21 below, mobile homes ~~and trailers~~ are restricted to mobile home parks or subdivisions permitting mobile homes.

6.2.2 When considered standard housing

Mobile homes shall be considered standard housing when the following conditions are met.

- A A building permit is obtained.
- B All axles are removed.
- C The home is anchored to a solid continuous foundation of concrete, concrete blocks, or other permanent material.

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- D It is veneered to the roof line with brick or stone from the ground line, or covered with vinyl or wood siding as to have the appearance of having been approved under Kentucky Building Code.
- E A gable roof is built over the entire unit with a pitch at least four (4) inches to the foot.

The above conditions must be met within ninety (90) days from the date the permit is issued, and a performance bond shall be required.

6.2.3 LOT SIZE

- A Individual lots within a mobile home park shall not be less than six thousand (6,000) square feet in area, on public sanitary sewer and one half acre when public sewer is not available. In no instance shall more than one (1) mobile home be permitted on a single mobile home lot.
- B The minimum width of a mobile home lot in a mobile home park or subdivision shall be forth (40) feet.

6.3 MOBILE HOME PARKS OR SUBDIVISIONS

Mobile home parks and subdivisions permitting mobile homes are permitted in R-4 zoning district subject to the provisions of this article. (By definition, the permanent placement of recreational vehicles is prohibited. Vehicles used for the purpose of travel which do not exceed the length of twenty-four (24) feet may be stored in the rear yard of any residential lot, provided that yard lot requirements of this chapter are maintained. They are not to be occupied.)

6.3.1 AREA AND DENSITY REQUIREMENTS

- A No mobile home shall be permitted on an area less than one (1) acre in size, provided the mobile home is placed on a lot within a mobile home park or subdivision which permits mobile homes.
- B A development plan for the mobile home park or subdivision must be approved in accordance with section 7.04 and the development contains 5 or more lots.
- C The mobile home park or subdivision may be developed in stages so long as each section complies with the overall plan approved for the entire tract, and initially has a minimum of five (5) mobile home lots developed for use. The number of mobile home lots permitted in a park shall not exceed twelve (12) units per net acre.

6.3.2 LOT SIZE

Individual lots within a mobile home park or subdivision shall not be less than six thousand (6,000) square feet in area, if on public sanitary sewers, or one half (½) acre in area, if public sanitary sewers are not available. In no instance shall more than one (1) mobile home be permitted on a single mobile home lot. The minimum width of a mobile home lot shall be forty (40) feet.

Commentary

The change in area of individual lots in a mobile home park will bring this section into conformity with local health department requirements and recognizes the need for larger lots when public sanitary sewers are not available.

6.3.3 SETBACK

No mobile home shall be located closer than fifteen (15) feet to any building within the park, or to any property or road rights-of-way. The setback requirement for R-4 districts must be met.

6.3.4 SPACING

No mobile home shall be located within twenty-five (25) feet of another mobile home, except that minimum end-to-end clearance of not less than ten (10) feet may be permitted. In instances where the sides opposite the entrance of two (2) mobile homes face each other, the space between the two may be reduced to no less than twenty (20) feet.

6.3.5 STREETS

- A All mobile homes shall abut on an internal street developed in the mobile home park. All streets within a mobile home park shall have a right-of-way of not less than twenty-five (25) feet, and a pavement of not less than twenty (20) feet in width. All the streets within a mobile home park must be hard surfaced, and must meet the requirements of the subdivision regulations of the City of Russellville.
- B All mobile homes shall abut on an internal street of the mobile home subdivision. All mobile home subdivision streets must meet the standards of the Russellville subdivision regulations.

6.3.6 MAINTENANCE OF STREETS

The streets and roadways of a mobile home park shall be maintained by the owner of the park. In subdivisions where mobile homes are permitted, the City of Russellville will take over the maintenance of the streets as prescribed by the Subdivision Regulations of City of Russellville.

6.3.7 ACCESS TO PUBLIC STREETS AND ROADWAYS

Each park shall have one (1) street which gives access to a public street, highway, or roadway. Such access streets shall not be less than one hundred and twenty five (125) feet from the intersection of two (2) or more public streets.

6.3.8 LIGHTING

All streets within a mobile home park or subdivision must be lighted, and meet the minimum standards of street lighting in the City of Russellville.

6.3.9 DRAINAGE

A drainage plan for the entire mobile home park or subdivision shall be filed with the development plan and shall be approved prior to development of any part of the mobile home park or subdivision. The drainage plan must meet the minimum standards of the City of Russellville and if developed in phases all drainage facilities required to accommodate the individual phases shall be constructed at time of development of that phase.

6.3.10 PARKING

Parking spaces must be provided as detailed in section 3.017 (J) of this chapter.

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6.3.11 UTILITIES

All lots within a mobile home park or subdivisions shall be provided with water, sewer, electric, and gas facilities meeting the standards specified by city and state regulations. Each mobile home shall be properly connected with said utilities.

6.3.12 FIRE PROTECTION

Water mains serving mobile home parks or subdivisions shall not be less than six (6) inches in diameter, including hydrant branch connections, installed in conformity with the minimum requirements of the serving utility.

Fire hydrants shall meet minimum specifications and shall be installed no farther apart than five hundred (500) feet. In no instance shall the distance of any mobile home or other structure from a fire hydrant exceed three hundred (300) feet.

6.3.13 ACCESSORY STRUCTURES

No accessory structures, including patios and pads shall be located within five (5) feet of any mobile home lot line. The maximum floor area of accessory structures shall not exceed one hundred (100) square feet, and the maximum height shall be no greater than ten (10) feet. All structures shall be built in compliance with building code.

6.3.14 PROCEDURE FOR PERMITTING

The following information shall be furnished as a minimum to the Planning Commission with the application for approval of a mobile home park or subdivision:

- A Applicants for a permit to operate a mobile home park shall submit a copy of the application submitted to the Kentucky Cabinet for Human Resources as required by KRS 219.350 as amended.
- B Dimensions and locations of all proposed lot lines, roads, and easements, numbering for each mobile home lot.
- C Contour lines to indicate slope and drainage.
- D Location of all utilities, public and private water, sewer, drainage, electrical, and gas facilities and easements.
- E The location of public areas such as visitor parking, recreational areas, etc.
- F A large scale plan of one (1) typical mobile home lot showing location, automobile parking, etc.
- G The location of planting for landscape purposes, or as may be required for protective screening by the Board of Adjustments.

Commentary

The provisions for issuance of building permits were moved from this section to remove redundant contained in the 1984 zoning ordinance.

6.4 ISSUANCE OF CERTIFICATE OF OCCUPANCY

The zoning administrator shall issue a certificate of occupancy for a mobile home in a mobile home park only after he has determined that the mobile home park has been developed according to all applicable regulations and special conditions as approved by the Planning Commission. The zoning administrator shall issue a certificate of occupancy for a mobile home on an individual lot when he has determined that the mobile home and lot conform these regulations.

Commentary

The modifications to this section clarifies the requirement that a certificates of occupancy will be issued for mobile homes.

6.5 TEMPORARY CONSTRUCTION OFFICES OR STORAGE UNITS

Temporary offices and construction storage units used on construction sites of nonresidential premises shall be permitted. Such uses must receive a permit and the temporary office or storage unit shall be removed immediately upon completion of the project. The permit shall expire within six months after the date of issuance, except that the zoning administrator may renew such permit for one additional period not to exceed six months, if it is determined that such renewal is reasonably necessary to allow the proposed building to be completed in order to make such building habitable.

Commentary

This is a new section in the zoning regulations. It permits the issuance of a permit for the placement of a mobile office and/or storage structure during the time a nonresidential site is under construction. There has been established a defined time period that the mobile office and/or storage structure may remain on site. The Zoning Administrator may permit an extension of the permit if necessary to complete constructions.

6.6 RECREATIONAL VEHICLE PARKS

Recreational vehicle parks are permitted in the Agricultural, Residential R-4 and Highway Commercial District, B-3, subject to the conditions of this article.

6.6.1 AREA REQUIREMENTS

- A. Ten (10) acres.
- B. A development plan for the recreational vehicle park must be approved in accordance with this section.
- C. The recreational vehicle park may be developed in stages so long as each section complies with the overall plan approved for the entire tract, and initially has a minimum of five acres of developed use.

6.6.2 LOT SIZE

Permanent individual lots, for long term rental or sale within a recreational vehicle park shall not be permitted. Spaces in the recreational vehicle parks shall be created which provides for convenient use of recreational vehicles. These spaces shall be for the use of travel trailers, other equivalent vehicles, or other short term housing or shelter arrangements or devices. Spaces shall be rented by the day only, and occupant of such space shall remain in the same trailer park not more than fourteen

(14) days.

6.6.3 SETBACK

No recreational vehicle shall be located closer than twenty five (25) feet to any building within the park, or to any property or road rights-of-way. The setback requirement for R-4 districts must be met regardless of the district in which the recreational vehicle park is located.

6.6.4 ACCESSORY USES

- A Management headquarters, recreational facilities, coin-operated laundry facilities and other uses and structures customarily incidental to operation of a recreational vehicle park are permitted as accessory uses.
- B Toilets, showers, and other essential plumbing facilities.
- C Stores, snack rooms, and other convenience establishments shall be permitted as accessory uses in a recreational vehicle park in districts where such uses are otherwise permitted.

6.6.5 All recreational vehicle parks shall have an internal street suitable for accommodating all recreational vehicles brought to the park. No parking, loading or maneuvering incidental to parking or placing the recreational vehicle shall be permitted on any public street, or rights-of-way, or any public grounds or on any private grounds not part of the recreational vehicle park. Each recreational vehicle shall provide off-street parking, loading and maneuvering space located and scaled so that the prohibitions above may be observed and parks owners shall be held responsible for violations of these requirements.

6.6.6 ACCESS TO PUBLIC STREETS AND ROADWAYS

Each recreational vehicle park shall have one (1) street which gives access to a public street, highway, or roadway. Such access streets shall not be less than one hundred and twenty five (125) feet from the intersection of two (2) or more public streets.

6.6.7 LIGHTING

All streets within a recreational vehicle park must be lighted, and shall meet the minimum standards of street lighting in the City of Russellville.

6.6.8 DRAINAGE

A drainage plan for the entire mobile home park or subdivision shall be filed with the development plan and shall be approved prior to development of any part of the mobile home park or subdivision. The drainage plan must meet the minimum standards of the City of Russellville and if developed in phases all drainage facilities required to accommodate the individual phases shall be constructed at time of development of that phase.

6.6.9 PARKING

Parking spaces must be provided as detailed in section 3.017 (J) of this chapter.

6.6.10 SITE PLANNING AND REQUIRED IMPROVEMENTS

The following information shall be furnished as a minimum to the Planning Commission with the application for approval of a recreational vehicle park:

- A. Applicants for a permit to operate a recreational vehicle park shall submit a copy of the application submitted to the Kentucky Cabinet for Human Resources as required by KRS 219.
- B. Dimensions and locations of all proposed vehicle spaces, roads, and easements.
- C. Contour lines shown at two (2) foot intervals and a drainage plan.
- D. Location of all utilities, public and private water, sewer, drainage, electrical, and gas facilities and easements.
- E. The location of facilities proposed and public areas. Examples of these facilities and areas are visitor parking, recreational areas, toilet facilities, management offices and laundry facilities.
- F. A large scale plan of one (1) typical recreational vehicle space showing location, automobile parking, maneuvering space, loading and other parking.
- G. The location of planting for landscape purposes, or as may be required for protective screening.

Commentary

This is a new section which permits the Planning Commission to approve the development of a recreational vehicle park.

ARTICLE 7 PLANNED DEVELOPMENT

7.1 PLANNED DEVELOPMENTS IN GENERAL

- 7.1.1 The development of land exceeding one (1) acre in size for residential (other than for one (1) single family dwelling on a lot of such size), commercial or for industrial uses shall be subject to the specific review of the Planning Commission, according to the provisions of this section. The developer of such acreage shall submit a plan for the proposed development showing metes and bounds and a plat showing location and type of proposed uses and structures. This plat must be accompanied by a survey by a certified land surveyor.
- 7.1.2 If the tract of land proposed to be developed is not appropriately zoned for the proposed use, a zoning amendment must be requested. All legal procedures must be followed, and a map amendment duly authorized prior to the start of the proposed development.
- 7.1.3 The owners of a tract of land may combine commercial or industrial land uses, or commercial and residential land uses as a single planned development. However, industrial and residential land uses may not be proposed as a single planned development. In combining land uses within a single planned development, the provisions of this section pertaining to residential or commercial planned developments or industrial park shall be met by the owners of the proposed planned development.
- 7.1.4 In approving proposals for planned developments, the planning commission must be satisfied that the proponents of the planned development project(s) are financially able to carry out the proposed project(s), and that construction will begin within one (1) year after approval of the plan.

Commentary

Language has been added which clarifies when Article 7 will apply. Also, for the first time provisions have been made for the creation of a planned development with mixed uses.

7.2 PLANNED COMMERCIAL DEVELOPMENTS

- 7.2.1 The owner of the land, or the developer shall be required to submit to the Planning Commission for its review and approval a preliminary plan showing the proposed use and development of the tract of land.

Commentary

The requirement for submitting a survey describing the metes and bounds of the land included in the planned commercial development of the 1984 zoning ordinance, has been deleted because it was redundant with the requirements of section 6.1. The language of this section has been modified to be consistent with the language for planned residential development and industrial park sections contained in this article.

- 7.2.2 It shall be the duty of the Planning Commission to investigate, and to ascertain, whether the proposed location and plan comply with the following:
- A That the project is at a location where traffic congestion does not exist at present on the streets to be used for access to the proposed commercial development, and where such congestion is not likely to be created by the proposed development.

- B Developer may, at the discretion of the Planning Commission, be required to furnish the Planning Commission a traffic study in sufficient detail to permit the Planning Commission to make these determinations. The traffic study shall be prepared by a professional engineer with demonstrated traffic planning experience. The expense of preparing the traffic study will be the responsibility of the developer.

Commentary

This new provision gives the Planning Commission the flexibility to require a traffic study for any planned commercial development which it feels may generate a enough traffic to cause the public streets to become congested.

- C That the development plan provides for a project consisting of two (2) or more establishments in a building, or in buildings of unified and harmonious design together with adequate, and properly arranged traffic and parking facilities and landscaping, and will have no adverse effect upon adjoining or surrounding development.
- D That the uses proposed are consistent with those permitted within the district.

7.2.3 REGULATIONS

The following regulations shall apply to the planned commercial development:

A MAXIMUM HEIGHT OF STRUCTURE

No building shall exceed three (3) stories or forty (40) feet in height. Height of the finished first floor shall comply with the requirements of Kentucky Building Code. The height of the finished first floor of all building in flood prone areas should be one foot above the 100 year flood elevation.

Commentary

The addition of minimum elevation for finished first floor is included because of drainage considerations.

B TRACT COVERAGE

The ground area occupied by all buildings shall not exceed, in aggregate, fifty (50) percent of the total area of the lot or tract.

C CUSTOMER PARKING SPACE

Notwithstanding any other requirement of this Chapter there shall be provided one (1) off street parking space for each four hundred (400) square feet of gross retail floor space.

D LOADING SPACE

Notwithstanding any other requirement of this chapter, there shall be provided one (1) off street loading space for each ten thousand (10,000) square feet of building floor space, or major fraction thereof.

At least one third (1/3) of the loading spaces shall be significant in area and offer vertical clearance for the accommodation of trucks of the tractor-trailer type.

E SIGNS

See Article 4.

7.2.4 SPECIAL CONDITIONS

The Planning Commission may attach reasonable conditions to ensure that there will be no departure from the intent of this Chapter. The proposed commercial development shall comply with all such conditions, and a final plat shall be submitted to the Planning Commission for its review prior to the start of construction.

7.3 PLANNED INDUSTRIAL PARK

A planned industrial park shall be subject to the following:

The owner of land or the developer shall be required to submit to the Planning Commission for its review and approval a preliminary plan showing for the proposed use and development of the tract of land.

Commentary

The acreage threshold has been lowered from four acres to one acre with the minimum acreage provision moved to section 7.1 of this article. This essentially will require all new industrial development to come before the Planning Commission as a planned industrial development. The language of this sections has been modified from the 1984 zoning ordinance, to be consistent with the language for planned commercial and residential development sections contained in this article.

7.3.1 CONDITIONS

It shall be the duty of the Planning Commission to investigate, and to ascertain, whether the proposed location and plan comply with the following conditions:

- A That the proposed industrial park is located where traffic congestion does not exist at present or the streets to be utilized for access to the proposed park and where congestion will not be likely to be created by the development. Developer may, at the discretion of the Planning Commission, be required furnish the Planning Commission a traffic study in sufficient detail to permit the Planning Commission to make these determinations. The traffic study shall be prepared by a professional engineer with demonstrated traffic planning experience. The expense of preparing the traffic study will be the responsibility of the developer.

Commentary

This new provision gives the Planning Commission the flexibility to require a traffic study for any planned commercial or industrial development when it feels may generate a enough traffic to cause the public streets to become congested.

- 7.3.1.B That the plan provides for an industrial park consisting of one (1) or more buildings of unified and harmonious design, together with the required parking facilities and landscaping, and that the development will have no adverse effect upon adjoining or nearby developments.

- 7.3.1.C That the uses permitted shall be those which are authorized for an industrial district.

7.3.2 REGULATIONS

The following regulations shall apply to a Planned Industrial Park:

7.3.3 MINIMUM HEIGHTS OF STRUCTURES

No building shall exceed six (6) stories, or seventy-five (75) feet in height. The height of the finished first floor of all building in flood prone areas should be one foot above the 100 year flood elevation.

7.3.4 FUMES AND ODORS

No noxious or offensive trade or activity shall be carried on, nor shall anything be done which may be, or become, an annoyance or nuisance by reason of unsightliness, or the excessive emission of odor, dust, fumes, smoke, or noise.

7.3.5 LANDSCAPING

The area between the building lines and the property lines is to be used either for open and landscaped areas or for off street parking. Any landscaped area shall be properly maintained in a sightly condition. Parking areas shall also be maintained in good condition.

7.3.6 BUILDING SETBACKS

No building may be erected within an industrial park nearer than one hundred (100) feet to the street rights-of-way upon which it faces, nor nearer than twenty-five (25) feet to the right-of-way of any other existing or proposed streets nor shall any such building be erected nearer than twenty-five (25) feet to the side or rear property lines.

7.3.7 GENERAL PROVISIONS

Other provisions as set forth in Section 5.10 or 5.11 of this Chapter dealing with loading docks, parking, storage, signs, screening, and waste disposal shall apply to an industrial park.

7.3.8 OTHER CONDITIONS

The Planning Commission may attach reasonable conditions to ensure that there shall be no departure from the intent of this Chapter. The proposed industrial park plan shall comply with all such conditions, and a final plat shall be submitted to the Planning Commission for its review and approval before construction begins.

7.4 PLANNED RESIDENTIAL DEVELOPMENTS

The owner of land, or the developer shall be required to submit to the Panning Commission for its review and approval a preliminary plan showing the proposed use(s) and development of the tract of land.

Commentary

The definition of a planned residential development has been moved to Article 9 in these regulations. The definitions and the language of this section has been modified to be consistent with the language for planned commercial development and industrial park sections contained in this article.

7.4.1 REGULATIONS

The following regulations shall apply to a planned residential development:

- A. Zoning: The proposed site must be located in a residential district.

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- B. Plot plan: A plat shall be presented for Planning Commission review which shows the following:
- a. Kind, location, bulk, and capacity of structures and uses.
 - b. General floor plan of buildings.
 - c. Location and identification of open spaces, streets, and all other means for pedestrian and vehicular circulation; parks and recreational areas, and other non--building sites.
 - d. Provision for automobile parking.
 - e. General nature and location of public and private utilities and other community facilities and services.
 - f. Provisions for landscaping and buffering. Buffering will be provided between the planned residential development and adjacent areas which are not residential in nature.

Commentary

Provisions have been added to the planned residential district requiring landscaping and buffering between the residential district and non residential land uses which are adjacent to the proposed residential development.

7.4.2 INTENSITY OF LAND USE.

The intensity of land use shall be no higher, and the standard for open space shall be no lower than that permitted by the zoning district in which the planned development is located.

7.4.3 ZONING RESTRICTIONS TO APPLY

In no case shall the Planning Commission authorize a use prohibited in the district in which the housing is located, or a smaller gross lot area than the minimum required for said district, or a greater height, or a larger coverage than required by this Chapter.

ARTICLE 8

ZONING ADMINISTRATION AND ENFORCEMENT

8.1 ZONING ADMINISTRATOR

- 8.1.1 The provisions of this Chapter shall be enforced by a Zoning Administrator designated by the City of Russellville.
- 8.1.2 The Zoning Administrator shall be authorized to issue building permits and/or certificates of occupancy in accordance with the literal terms of this chapter. The Zoning Administrator 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 this chapter.

Commentary

This section clearly establishes under what conditions the zoning administrator may act.

- 8.1.3 The Zoning Administrator shall keep accurate records in a permanent file for the issuance of building permits, certificates of occupancy, inspections, violations, stop orders, and condemnations. If the Zoning Administrator finds any provision of this chapter being violated, the person or persons responsible for such violation shall be notified by the Zoning Administrator through registered mail. Said notification shall order the discontinuation of any illegal use of land, buildings or structures.
- 8.1.4 In the event of the issuance of a discontinuation order the Zoning Administrator shall be required to inform the Logan County Joint Planning Commission of his action. Said information shall be in writing, and shall be issued to the Planning Commission on or before each monthly meeting.
- 8.1.5 Any permit or certificate of occupancy issued in conflict with the provisions of this chapter shall be null and void.

Commentary

The 1984 zoning ordinance contained sections pertaining to fees. These sections have been removed in the current zoning regulations. They served no purpose in the zoning regulations. In fact, it may cause problems if the county were to participate in paying the zoning administrator expenses. Primarily, it is not wise to put detailed administrative matters in the regulations.

8.2 BUILDING PERMITS

8.2.1 BUILDING PERMIT REQUIRED PRIOR TO CONSTRUCTION OR ALTERATION

It shall be unlawful to commence the excavation for, or the construction of any building, including accessory buildings, or to commence the building or alteration of any building, including accessory buildings before the Zoning Administrator has issued a permit for such work.

8.2.2 FEES APPLICABLE TO ISSUANCE OF BUILDING PERMITS

Unless otherwise set by this chapter, the fees to be charged for building permits shall be set by the Russellville City Council with the advice of the Zoning Administrator and the Planning Commission.

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8.2.3 EXCEPTIONS

No building permit or certificate of occupancy shall be required in the following cases:

- A Recurring maintenance.
- B Installation of required improvements in accordance with an approved plan.

8.2.4 PROCEDURE

- A Applications

In applying to the Zoning Administrator for a building permit, the applicant shall submit a plan along with the application. This plan must be drawn to scale, showing the dimensions of the lot to be built upon, the outside dimensions of all structures to be constructed or altered and all existing structures. The use of structures and the proposed yard depths should be detailed, and any other information pertinent to the assessment of conformance should be included. The City or County Health Officer's Certificate approving the water and sewage facilities must accompany the application. A drainage plan may be required to be filed with a request for a building permit. The Zoning Administrator make this determination after inspecting the site and consulting Flood Insurance Rate Map (FIRM) for City of Russellville and any other information deemed necessary.

Commentary

Provisions for adequate drainage is becoming more and more an issue as urban development occurs. A provision to furnish a drainage plan in order to secure a building permit is not so much new, as it was to clarify the fact that the drainage plan was required. This information will assist the zoning administrator in the issuance of a building permit.

- B. Issuance of permit

If the proposed construction or alteration conforms with all applicable ordinances, regulations, and codes, the Zoning Administrator shall issue a building permit authorizing construction or alteration.

If the proposed construction or alteration fails to conform, the Zoning Administrator shall refuse to issue a building permit, and shall cause delivery of written notice to the applicant stating the reason for refusal.

The Zoning Administrator shall act upon all applications for building permits within two (2) week from the date of their submission.

- C. Restraint of construction without permit

If no building permit has been issued, and a building begins, or continues to build, a restraining order may be obtained upon application to the appropriate court, and evidence of the lack of a building permit shall establish a prima facie case for the issuance of the restraining order.

- D. Validity

The issuance of a building permit shall not waive any provisions of this Chapter.

E. Duration

A building permit shall become void one (1) year from the date of issuance unless substantial progress has been made by that date on the construction or alteration authorized therein.

8.3 **CERTIFICATE OF OCCUPANCY**

No land or building or part thereof hereafter erected or altered shall be used until the Zoning Administrator shall have issued a certificate of occupancy stating that such land, building, or part thereof and the proposed use thereof, are found to be in conformity with the provisions of this chapter. Within three (3) days after notification that a building or premises, or part thereof is ready for occupancy or use it shall be the duty of the Zoning Administrator to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof are found to conform with the provisions of this Chapter; or if such certification is refused, to state in writing the cause for such refusal, and to immediately thereon mail notice of such refusal to the applicant at the address indicated on the application.

8.4 **BOARD OF ADJUSTMENT**

8.4.1 ESTABLISHMENT

The Board of Adjustments as constituted at the time of the adoption of these zoning regulations shall continue in power. Future appointments shall be made as required by KRS 100.217.

8.4.2 POWERS

There shall exist a board of adjustment with the duties and responsibilities as set forth in KRS 100.217-261.

8.4.3 CONTENT OF APPLICATION FOR CONDITIONAL USE

The applicant for a conditional use permit shall submit to the Board of Adjustment the following information in the manner prescribed by the Board of Adjustment:

- A. A boundary of the subject property and the zoning and owner names for all adjoining property.
- B. Vicinity sketch, oriented in the same direction as the boundary of the property.
- C. Location of all existing and proposed buildings and structures, including signs.
- D. Setback lines from all property lines.
- E. Location of all proposed and existing parking, points of ingress and egress, dumpster pads, sidewalks, and driveways.
- F. Drainage plan of the property.
- G. Number and density of dwelling units.
- H. Type and number of dwelling units.

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- I. Utility plan including location of all fire hydrants.
- J. Landscaping and buffer areas.
- K. Signage and lighting proposed for the site showing the height, size and location and for lighting the projection of lighting area.

8.4.4 CONTENTS OF APPLICATION FOR VARIANCE

The applicant for a variance shall submit to the Board of Adjustments the following information in the manor prescribed by the Board of Adjustments:

- A. boundary of the subject property and the zoning and owner names of all adjoining property.
- B. Vicinity sketch, oriented in the same direction as the boundary of the property.
- C. Location of all existing and proposed buildings and structures, including signs.
- D. The location of the setback lines from all property lines indicating which setback lines the variance is being requested.
- E. An explanation for why the required variance is being requested and that the variance requested is not the result of any action taken by the applicant.

8.4.5 CONTENTS OF APPLICATION FOR ADMINISTRATIVE REVIEW

The applicant requesting an administrative review shall submit to the Board of Adjustments information in enough detail that the Board of Adjustments may understand and act upon the requested review. The form of the information shall be in the manor prescribed by the Board of Adjustments.

Commentary

New sections dealing with the content of the application for conditional uses, variance and administrative hearings before the Board of Adjustments, have been added to these regulations. The information requested is the same as the Board of Adjustments administratively request of an applicant under the 1984 zoning ordinance. They have been incorporated into the present zoning regulations in order to better inform the applicant of the required information needed for a hearing.

8.5 **GRIEVANCE PROCEDURE**

Appeals from the decisions of the Planning Commission, Russellville City Commission or the Board of Adjustment may be taken to the Circuit Court of Logan County within thirty (30) days after final action of the bodies in accordance with KRS 100.347.

Commentary

The Russellville City Commission has been added to this section of the zoning regulations because of the requirements of KRS Chapter 100.347 and to inform the applicant of their rights under Kentucky's Planning and Zoning enabling statutes.

8.6 ENFORCEMENT

- 8.6.1 In case any building or structure is or is proposed to be erected, constructed, reconstructed, repaired, converted, or maintained or any building, structure or land is or is proposed to be used in violation of this chapter, the Building Inspector or any other appropriate authority, may issue citations of violation, institute legal proceedings to enforce these regulations.
- 8.6.2 Any other appropriate authority includes the Logan County Joint Cities Planning Commission, the City Commission of Russellville or the Board of Adjustments.
- 8.6.3 Legal proceedings may include obtaining an injunction, mandamus, or appropriate action or proceeding to prevent the work or occupancy of that building, structure, or land in any court of competent jurisdiction.

Commentary

Provision for enforcement of these zoning regulations has been included for the information of the general public and to clarify for local officials what enforcement alternatives are available to them.

ARTICLE 9

AMENDMENT TO ZONING REGULATIONS

9.1 APPLICATION FOR ZONING MAP AMENDMENT

- 9.1.1 A proposal for a zoning map amendment may originate with the Planning Commission, the City Council or with an 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 hold at least one (1) public hearing after request for the zoning map amendment. The Planning Commission shall make findings of fact and shall make a recommendation to the City Council. Included with the findings of fact will be a summary of the evidence and testimony presented by the proponents and opponents of the proposed zoning map amendment.
- 9.1.2 The Planning Commission shall within sixty (60) days from the date of its receipt of request for a zoning map amendment, forward to the City Council its recommendation of approval, disapproval or in case of a tie vote no recommendation of the proposed zoning map amendment;
- 9.1.3 An application for a zoning map amendment filed by a property owner or group of property owners must be filed with the Zoning Administrator at least twenty-one (21) days prior to the advertised meeting date. An application for a zoning map amendment filed by the Planning Commission or the Russellville City Commission must be filed with the Zoning Administrator at least twenty-one (21) days prior to the advertised meeting date. The Zoning Administrator may request information as required by this chapter and in such form as established by the Planning Commission.
- 9.1.4 Before the Planning Commission considers any proposed amendment to these regulations, the Zoning Administrator shall advertise the hearing according to KRS Chapter 424 and Chapter 100.211 and 100.212.
- 9.1.5 Zoning Map amendments proposed by the City of Russellville or the Planning Commission shall be advertised 30 days prior to the Planning Commission hearing.
- 9.1.6 Zoning Map amendments proposed by the Property owner shall be advertised at least 7 but not more than 21 days prior to the Planning Commission hearing and shall meet the notice requirements of KRS 100.212.
- 9.1.7 Before the Planning Commission makes its recommendation to City Council, it shall make findings of fact that support the recommendation for the proposed amendment. If the proposed amendment concerns an amendment to the Russellville Zoning Atlas, the Planning Commission shall find one of the following:
- A. The proposed amendment is in agreement with the comprehensive plan or in the absence of such a finding;
 - B. That the original zoning classification given to the property was inappropriate or improper or;
 - C. That major changes of an economic, physical, or social nature within the area involved which were not anticipated in the comprehensive plan, and which have substantially altered the basic character of such area.

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- 9.1.8 The Planning Commission shall place its recommendation, concerning the proposed amendment in writing.
- 9.1.9 The Russellville City Commission shall not act upon a proposed amendment until it shall have received written findings of fact and recommendations thereon from the Planning Commission. It shall take a majority of the entire membership of the City Council to override the Planning Commission recommendation. The Planning Commission shall insure that its recommendation together with a summary of the findings of fact are submitted to the City Commission by the time limit set out in section 9.1.B.
- 9.1.10 It shall take a simple majority vote of all members of the Logan County Joint Cities-County Planning Commission present where there is a properly constituted quorum to adopt a recommendation on a zoning map amendment.

9.2 APPLICATION FOR ZONING REGULATION TEXT AMENDMENT

- 9.2.1 A proposal to amend the text of the Russellville zoning regulation which must be voted by the City Commission may originate with the Planning Commission or the City Commission. Regardless of the origin of the proposed text amendment, it shall be referred to the Planning Commission before adoptions.
- 9.2.2 The Planning Commission shall hold at least one (1) public hearing after notice as required by 424 and make a recommendation as to the text of the amendment and whether the amendment shall be approved or disapproved and shall state the reasons for its recommendation.
- 9.2.3 The Planning Commission shall within sixty (60) days from the date of its proposal of or receipt of a request for an amendment to the text of the zoning regulations, forward to the City Council its recommendation. The Planning Commission shall state whether it approves or disapproved of the amendment and shall state the reasons for its recommendation.
- 9.2.4 Procedures prescribed in KRS 100.207 applicable to the publication of notice shall apply to any proposed amendment to the text of the zoning regulations.
- 9.2.5 It shall take a simple majority vote of all members of the Logan County Joint Cities-County Planning Commission present where there is a properly constituted quorum to adopt a recommendation on a zoning text amendment.

9.3 CONTENTS OF APPLICATION FOR ZONING MAP AMENDMENT

A proposal for amendment of the zoning map of the city of Russellville, Kentucky, shall include a metes and bounds description of the property to be rezoned along with a plat on the same scale as the "zoning map-Russellville, Kentucky" located in the Office of the Zoning Administrator.

9.4 CERTIFICATE OF LAND DEVELOPMENT

Certificates of Land Development shall be filed with the County Court Clerk by the Zoning Administrator in accordance with the requirements of KRS 100.3681 et. seq.

ARTICLE 10 DEFINITIONS

For the purpose of this Zoning Regulation, certain terms shall be interpreted as follows:

When not inconsistent with the context, words used in the present tense include the future tense, words in the singular number include the plural, words in the plural number include the singular. The word "person" includes association, firm, partnership, trust, governmental body, corporation, organization, as well as an individual. The word "structure" includes building. The word "occupied" includes arranged, designed, or intended to be occupied. The word "used" includes arranged, designed or intended to be used. The word "shall" is always mandatory and not merely directive. The word "may" is permissive. The word "should" is a preferred requirement. The word "lot" includes the words "plot" or "parcel". Words with self-evident meanings are not defined.

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

ALLEY: Any public or private way set aside for public travel less than 20-foot right-of-way.

ALTERATION: Work that changes the appearance of the exterior of a landmark or a building or structure in a historic district or on a landmark site regardless of whether the work requires a permit from the government.

BUILDING: Any structure constructed or intended for residence, business, industry, for either public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, house trailers, billboards, signs, and similar structures whether stationary or movable.

(1) **ACCESSORY BUILDING:** A subordinate building, the use of which is incidental to that of a principal building on the same lot.

(2) **PRINCIPAL BUILDING:** A building including covered porches and paved patios, in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be the principal building on the lot of which the same is situated.

CERTIFIED

LOCAL

GOVERNMENT: A government meeting the requirements of the National Historic Preservation Amendments Act of 1980 (P.L. 96-515) and the implementing regulations of the U.S. Department of the Interior and the Kentucky State Historic Preservation Office.

CHANGEABLE

COPY SIGN /

READER

BOARD: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

COMPREHENSIVE
ZONING MAP:

A map prepared by the Logan County Joint Cities-County Planning Commission of territory proposed to be annexed by the City of Russellville. The map shall show the current property owners, their addresses, and the proposed zoning of each parcel of land proposed to be annexed by the City of Russellville. The map will also show the names and addresses of all property owners contiguous to the areas proposed to be annexed. The names and addresses of property owners may be prepared in a list separate from the map.

CONDITIONAL USE: A use which has certain characteristics which may be detrimental to the neighborhood, but which may be permitted within a district other than a permitted use, requiring a conditional use permit and approval of the Board of Adjustments.

DEMOLITION: Any act that destroys in whole or in part a landmark or a building or structure in a historic district or on a landmark site.

DENSITY: A unit of measurement; the number of dwelling units per acre of land.

GROSS DENSITY: The number of dwelling units per acre of land to be developed prior to dedication of public rights-of-way.

NET DENSITY: The number of dwelling units per acre of land which is suitable for building after dedication of public rights-of-way, open space or other public areas.

DWELLING: A house, townhouse, apartment building or other buildings used primarily for human habitation that meet the minimum requirements of the Kentucky Building Code. The word "DWELLING" shall not include boarding or rooming houses, hotels, motels, house trailers, or other structures designated for transient residence.

SINGLE FAMILY DWELLING A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

TWO FAMILY DWELLING: A dwelling consisting of two dwelling units which may be either attached side by side or one above the other and each unit having a separate or combined entrance or entrances.

MULTI-FAMILY: A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls.

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

FAMILY: One or more persons occupying a premises and living as a single nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, nursing homes, fraternity, or sorority house.

HEIGHT OF
BUILDING: The distance from the established average sidewalk grade, street grade, or finished grade at the building line whichever is the highest, to the highest point of the building.

HISTORIC DISTRICT: An area meeting one or more of the criteria contained in Section 5A.064 of this

ordinance/resolution.

HOME OCCUPATION: Any use customarily conducted within a dwelling, carried on by a member or members of a family residing on the premises, which is clearly incidental to the residential use and which does not alter the character thereof by reason of noise, odor, traffic generation, or otherwise change the character of the surrounding area.

INDUSTRY: The activity of assemble, conversion, or change of form or appearance of physical materials or chemical elements, natural or manmade, in anticipation of enhanced economic value of usefulness.

LANDMARK: A building, structure or site meeting one or more of the criteria contained in Section 5A.064 of this ordinance/resolution.

LANDMARK SITE: The land on which a landmark and related buildings and structures are located and the land that provides the grounds, the premises or the setting for a landmark.

LOADING SPACE OFF STREET: Space logically and conveniently located for bulk pickups and delivers, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off street parking spaces are filled.

LOT: A piece, parcel, or plot or land occupied by or to be occupied by one principal building and its accessory buildings and including the open spaces required.

LOT COVERAGE: The ratio of enclosed ground floor area of all buildings and parking on a lot to the horizontally projected area of the lot, expressed as a percentage.

LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.

MINIMUM AREA OF LOT: The area of a lot which is computed exclusive of any portion of the right-of-way of any public street.

LOT OF RECORD: Any lot which is duly recorded and on file at the time of enactment of these regulations in the office of the County Clerk.

LOT WIDTH: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard. Provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the 80 percent requirements shall not apply.

MANUFACTURED HOUSING: Factory built, single family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as the HUD (U. S. Department of Housing and Urban Development) code.

MOBILE HOME: Any vehicle or similar portable structure used or constructed to permit its use as a conveyance upon the public streets and designated to permit the occupancy thereof as a

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residence for one or more persons.

MOBILE HOME

PARK: Any area of land upon which two or more occupied mobile homes are located and intended for lease or rent of individual spaced. The term "mobile home park" includes any land, building or structure used or intended for use as part of the facilities of the mobile home park.

MOBILE HOME

SUBDIVISION: Any area of land upon which two or more occupied mobile homes are located, and The term "mobile home subdivision" including any land or structure used or intended for use as an integrate part of the mobile home subdivision.

MODULAR HOUSING: A dwelling unit constructed in accordance with the standards set forth in the Kentucky Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. The term does not include a mobile home, recreational travel trailer or recreational motor vehicle as defined herein.

NON-CONFORMING

USE: A use of a building or land lawful at the time of enactment of these regulations that does not conform with the permitted use provision of these regulations for the district in which it is located.

PARKING SPACE -
OFF STREET:

Usable and accessible open space designed and designated for temporary automobile storage consisting of an area adequate for parking an automobile with room for opening doors on both sides and the properly related access ways.

PLANNED
COMMERCIAL
DEVELOPMENT:

Two (2) or more retail stores or business establishments, or one retail store and one service establishment sharing customer parking areas, regardless of whether or not said stores and establishments occupy separate structures or are under separate ownership.

PLANNED
INDUSTRIAL
PARK:

An area of land under single ownership or control of one person and available to industrial or business establishments in a pre-planned environment.

PLANNED
RESIDENTIAL
DEVELOPMENT:

An area of land under single ownership or control of one person and available to the public containing a variety of housing types in a pre-planned environment.

PLANNING
COMMISSION:

The Logan County Joint Cities-County Planning Commission.

PRESERVATION
BOARD

The Russellville Historic Preservation Board.

RECREATIONAL

TRAILER/ VEHICLE: A vehicle which provides sleeping and other facilities for short periods of time, which

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traveling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, pick-up coaches, motorized campers, motorized homes or other similar vehicles.

- SETBACK:** A line established by the zoning regulations, generally parallel with and measured from the front property line, defining the limits of a yard in which no building or accessory building or structure may be located above the ground, except as may be provided in these regulations.
- SHOPPING CENTER:** Two or more retail stores or business or service establishments or one retail store and business or service establishment share a common place name such as "shopping center", "market place", or similar identification.
- SIGN:** Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.
- SIGN, ANIMATED:** A sign that uses movement or change of lighting, either natural or artificial, to depict action or create a special effect or scene.
- SIGN AREA:** The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure.
- SIGN, BANNER:** A sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges. National flags, state or municipal flag, or the official flag of any institution or business shall not be considered banners.
- SIGN, BILLBOARD:** A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. See off-premise sign.
- SIGN,
CONSTRUCTION:** A temporary sign that contains a message relating to construction work in progress or upcoming on the premises where the sign is displayed.
- SIGN,
FREESTANDING:** A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure having a function other than the support of a sign.
- SIGN,
IDENTIFICATION:** A sign giving the nature, logo, trademark or other identifying symbol; address; or any combination of the name, symbol and address of a building, business, development or establishment on the premises where it is located and containing no advertising.
- SIGN, Off-PREMISES:** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.
- SIGN, ON-PREMISES:** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered on the property where the sign is located.

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- SIGN, PORTABLE:** A sign that is not permanent, affixed to a building, structure or ground.
- SIGN, TEMPORARY:** A sign that (i) is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (ii) is intended to remain on the location where it is erected or placed for a period of not more than 15 days, or (iii) is not permanently attached to the ground, building or other structure and which is designed or intended to be displayed for a short period of time.
- STREET:** Any public or private way set aside for public travel more than 20-feet right-of-way. The word "STREET" shall include the words roads, highways, and thoroughfare.
- ARTERIAL:** A street with access control, channelized intersections, restricted parking, and which collects and distributes traffic to and from collector streets.
- COLLECTOR:** A street which collects traffic from local streets and connects with arterial and local streets.
- LOCAL:** A street designed primarily to provide vehicular access to abutting property and to discourage through traffic.
- PUBLIC:** A street owned and maintained by state, county or city government.
- SIDE:** A street which intersects another street which carries more traffic than the side street.
- STRUCTURE:** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground.
- PRINCIPAL:** A structure in which is conducted the principal use of the lot on which it is located.
- ACCESSORY:** A structure on the same lot with, and of a nature customarily incidental and subordinate, to the principal structure.
- TOTAL FLOOR AREA:** The area of all floors of a building, including finished attics, and finished basements.
- USE:** The purpose or activity for which a building, structure, or land is occupied or maintained.
- PRINCIPAL:** The primary or predominant use of any lot.
- ACCESSORY:** A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.
- YARD:** An open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in these regulations.
- FRONT:** The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building.
- REAR:** The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building.
- SIDE:** A yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building.

ORDINANCE NO. 2000-15

AN ORDINANCE AMENDING
ORDINANCE NO. 84-4,

AN ORDINANCE DIVIDING THE CITY OF RUSSELLVILLE AND AREAS WITHIN ITS JURISDICTION INTO ZONES, SETTING FORTH GOALS, OBJECTIVES, AUTHORITY, THE TITLE TO WHICH THE ORDINANCE MAY BE REFERRED, GUIDELINES FOR INTERPRETATION THEREOF, AND DEFINITIONS; DIVIDING THE CITY INTO DISTRICTS AND BOUNDARIES AND PROVIDING FOR THE ZONING OF ANNEXED LANDS; STATING GENERAL PROVISIONS APPLICABLE TO ZONING DISTRICTS; DESCRIBING THE ZONING DISTRICTS AND THE BASIC REQUIREMENTS; STATING PROVISIONS APPLICABLE TO MOBILE HOMES AND MOBILE HOME PARKS; STATING PROVISIONS APPLICABLE TO PLANNED DEVELOPMENTS; STATING PROVISIONS APPLICABLE TO ZONING ADMINISTRATION; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE WITH A SEVERABILITY CLAUSE AND A REPEALER CLAUSE PROVIDING FOR THE EFFECTIVE DATE AND RECORDING OF THIS ORDINANCE AND ALL AMENDMENTS THERETO.

WHEREFORE, the Logan Joint Cities-County Planning Commission did on March 19, 1984, submit to the Russellville City Council with recommendation for adoption the Russellville, Kentucky, Zoning Ordinance and Zoning Map - -Russellville, Kentucky; and,

WHEREAS, the City Council of the City of Russellville approves the recommendation of the Logan Joint Cities - County Planning Commission and deems it in the best interest of the City of Russellville that the Russellville, Kentucky, Zoning Ordinance, and Zoning Map - - Russellville, Kentucky, be adopted for the City of Russellville and areas within its jurisdiction; and,

WHEREAS, the City of Russellville intends to divide the City of Russellville and areas within its jurisdiction into zones to promote public health, safety, morals, and general welfare of the City of Russellville, and to facilitate orderly and harmonious development and the visual or historical character of that area and to regulate the density of population and intensity of land use in order to provide for adequate light and air, and; intends that this zoning will provide for vehicle parking and loading space, as well as, facilitate police and fire protection and prevent the overcrowding of land,