

E. SCHEDULE I: HIGHWAY-ORIENTED COMMERCIAL DISTRICT (C-1):

(1) **GENERAL INTENT:** Applies where highway-oriented commerce prevails or is most appropriate. More than one such district may be provided for, but none shall be smaller than four (04) acres.

(2) **REGULATORY THRUST:** To shape/reshape highway strip shopping areas to maximize safety while building a shopping environment fully-oriented to the needs of motorists, to encourage clustered development and joint-parking arrangements, and to promote efficient use of land and public resources.

(3) **PERMITTED USES AND STRUCTURES:** General retail businesses, department stores, hardware and home improvement stores, restaurants and the like, bakeries, groceries, indoor food markets, specialty foods and the like; personal-professional stores/offices such as beauty/barber shops, pharmacies or doctors/lawyers/insurance offices, antique and souvenir shops; dance and personal entertainment/recreation places including aerobics, dance, martial arts studios; and buildings of public assembly.

(4) **PERMITTED "ACCESSORY" USES AND STRUCTURES:** Dwellings with private entrances over, behind or adjacent to businesses; signs that meet the limitations established in following sections of this regulation; garages or small storage buildings that meet lot, yard, and distance-separation criteria applicable; wholesaling that is subordinate to and not detractive from retailing.

(5) **CONDITIONAL USES AND STRUCTURES:** All shopping centers/malls, commercial complexes, recreational theme parks, flea markets, warehouses, structures with no side or front yards, and all usages with more than 250 square feet of outdoor storage.

(6) **MINIMUM YARD REQUIREMENTS:** All structures shall have at least one front yard and one partial side-yard. The front yard shall begin at the line of setback, thirty feet from the public right-of-way. It shall then extend to the front of the building, a distance of at least ten (10) feet, and shall span the entire front of the building. The yard shall be covered for the most part in durable outdoor tile with occasional openings exposing soil wherein shrubs or small trees may be planted. The partial side yard shall extend from the side of the building a width of at least ten (10) feet, and shall run from the setback line to the rear of the building. The side yard shall be landscaped. Each structure shall also have a back yard of at least 300 square feet that is tiled or composed of greenery, and among other purposes this site shall serve as the primary storage site for refuse.

(7) **LOT SIZE:** 10,000 Square feet, minimum.

(8) **FLOOR AREA REQUIREMENTS:** None.

(9) **MAXIMUM HEIGHT:** Fifty (50) feet.

(10) **SIGNS:** Signs may be freestanding or affixed to buildings. If the sign is freestanding, the base shall be set back at least 20 feet from any public right-of-way. Otherwise, the provisions of Paragraph N(2)t entitled "SIGN STANDARDS AND ENFORCEMENT" shall apply.

(11) **PARKING:** One (01) off-street parking space per every 165 square feet of floor area is required for all new facilities, on-site, in addition to yard and other dimensional criteria.

(12) **ACCESS:** An access way onto a commercial lot *from any public road* shall not be authorized unless, at its point of intersection with said road, there is at least 400 feet of unobstructed sight-distance in both directions along said road so that persons entering and leaving can reasonably see approaching vehicles. If said road or a directional portion thereof is less than 400 feet in length, unobstructed sight-distance shall be required only for the length of the road up to its point of termination – *for example:* an access way located 250 feet from the terminus of a public road would only be required to have 250 feet of unobstructed sight-distance in the direction approaching the terminus, but if in the opposite direction the road's terminus was located 500 feet from the subject access way the 400 foot requirement would still be in effect.

F. SCHEDULE II: DOWNTOWN COMMERCIAL DISTRICT (C-2):

(1) **GENERAL INTENT:** This zone is applicable where downtown, pedestrian-oriented commerce is the prevailing or most appropriate land use. Only one such district shall be provided for.

(2) **REGULATORY THRUST:** To shape/reshape the downtown to provide a safe pedestrian-oriented environment, to encourage suitable joint-parking arrangements and to promote the efficient use of land and public resources.

(3) **PERMITTED USES AND STRUCTURES:** General retail businesses, restaurants and the like, bakeries, indoor food markets and the like including specialty foods, personal-professional stores/offices and the like such as but not limited to beauty/barber shops or pharmacies or doctor/lawyer/insurance offices; hardware and home improvement shops and the like; antique and souvenir shops; dance and personal entertainment/recreation places including aerobics, dance, and martial arts studios; and buildings of public assembly.

(4) **PERMITTED "ACCESSORY" USES AND STRUCTURES:** Dwellings with private entrances over, behind or adjacent to businesses; signs that meet the limitations established following; garages or small storage buildings that meet lot, yard, and distance-separation criteria applicable; wholesaling subordinate to and not detractive from retailing.

(5) **CONDITIONAL USES AND STRUCTURES:** All shopping centers/malls, commercial complexes, structures with no side or front yards, and all usages with any outdoor storage.

(6) **MINIMUM YARD REQUIREMENTS:** All structures shall be situated so as to provide for a sidewalk of at least 20 feet in width along the major streets, and in addition to that a front yard. The front yard shall begin at the edge of the sidewalk closest the building and shall extend back five (05) or more feet to the front of the building, and it shall span the entire front of the building. If parking is provided at the front of the building, the parking facilities may separate the sidewalk and the required yard space. The yard shall be covered for the most part in concrete and durable outdoor tile with occasional openings exposing the soil wherein shrubs or small trees shall be planted. Each structure shall also have a back yard of sufficient size for unloading of merchandise and storage of refuse.

(7) **LOT SIZE:** 7,500 Square feet, minimum.

(8) **FLOOR AREA REQUIREMENTS:** None.

(9) **MAXIMUM BUILDING HEIGHT:** Fifty (50) feet.

(10) **SIGNS:** Signs may be freestanding or affixed to buildings. Notwithstanding the language of Section II, Paragraph N(2)t, no freestanding sign in this district shall exceed 50 square feet, and the base shall be set back at least 10 feet from any public right-of-way. If the sign is large, the Administrative Official shall require such additional setback of the base as to ensure that no portion of the sign overhangs a public right-of-way. Also, see Section II, Paragraph N(2)t: "SIGN STANDARDS AND ENFORCEMENT."

(11) **PARKING:** The minimum requirement is one off-street parking space for every 200 square feet of floor area, or agreement to assist the city, financially, in eventual parking lot construction. Said agreement shall be effectuated by the language used in the building permit issued by the Administrative Official, and said language shall specify that the terms of this agreement to provide parking shall be binding as long as an approved use remains in business in the C-1 Zone.

G. SCHEDULE III: INDUSTRIAL DISTRICT (I):

(1) **GENERAL INTENT:** To apply where manufacturing is free of air, visual and noise pollution, and outdoor storage, and where factories and/or repair facilities generally employ less than 150 persons. It is intended that several such districts be located about the city; but that no such district shall be smaller than four (04) acres. It is not intended that any such district should be bounded on all sides by developed or semi-developed residential areas.

(2) **REGULATORY THRUST:** To provide suitable separation between industrial and other areas, to promote safety, and efficient use of land and public resources.

(3) **PERMITTED USES AND STRUCTURES:** Manufacturing, distribution, storage, packing, cabinetry, carpentry, small manufacturing and/or agricultural supply facilities, including those with on-site retail outlets, terminal and transfer facilities, and wholesale/retail operations incidental to the above.

(4) **PERMITTED "ACCESSORY" USES AND STRUCTURES:** Dwellings with private entrances over, behind or adjacent to industrial buildings; signs that meet the limitations established in Paragraph N(2)t of this regulation; garages or storage buildings that meet lot, yard, and distance-separation criteria applicable; wholesaling/retailing that is subordinate to and which does not detract from manufacturing; and parks and ballfields for the use of employees, their families and others.

(5) **CONDITIONAL USES AND STRUCTURES:** Any manufacturing or other industrial operation that will employ more than one hundred fifty (150) persons, which will have a base floor area of greater than 60 percent, or which will have, at any time, more than 625 Square Feet of outdoor storage. Large fences for visual screening of outdoor storage shall be required in the language of the conditional use permit, as well as appropriate screening and/or buffering for adjoining uses.

(6) **MINIMUM YARD REQUIREMENTS:** All structures shall have at least one front yard, which shall, at the minimum, begin at the line of minimum setback, thirty feet from the public right-of-way and extend a distance of at least ten (10) feet back to the front of the building. Each structure shall also have a back yard of at least thirty (30) feet measured outward from the back of the building, which shall also be the site for storage of refuse, said refuse area being screened from off-site view.

(7) **LOT SIZE:** 20,000 Square feet, minimum.

(8) **FLOOR AREA REQUIREMENTS:** To ensure room for outdoor storage, shipping, loading and parking, the base floor area shall not exceed seventy (70) percent of the total lot size.

(9) **MAXIMUM HEIGHT:** Fifty (50) feet.

(10) **SIGNS:** See Section II, Par. N(2)t entitled "SIGN STANDARDS AND ENFORCEMENT."

(11) **PARKING:** Fifteen (15) parking spaces of suitable size for cars and pickup trucks, plus 1.25 parking spaces for every two employees at the projected maximum factory employment two years from the startup date for operations, on the shift of maximum employment (this information shall be provided by the company as a precondition to issuance of permits. Parking for cars, pickups and SUV's shall be separate from parking for 3-ton and over trucks.

H. SCHEDULE IV: PUBLIC AND SEMI-PUBLIC, OR SPECIAL PURPOSE (SP):

(1) **GENERAL INTENT:** To create a unique environment for large schools, hospitals, clinics, medical office buildings, parks and recreational facilities, and commercial facilities within or adjacent to such facilities. This district may also apply to public and semi-public buildings, churches and offices. However, it is not intended that all such usages should necessarily be assigned this zonal designation since some of the foregoing facilities may be permitted in other zones. For example, a small doctor's or dentist's office may be permitted within a commercial zone, and a small park may be permitted within a residential zone. It is intended that several SP zones should exist about the city, however it is not intended that individual commercial uses and structures should be zoned "SP."

(2) **REGULATORY THRUST:** To provide for or facilitate the expansion of a parklike environmental setting complete with lots of greenery, visual amenities, commons, and protected open space, and/or low density commercial uses appropriate to the site.

(3) **PERMITTED USES AND STRUCTURES:** Parks, playgrounds, recreational centers and uses, schools, colleges, churches, governmental buildings, cemeteries, hospitals, clinics, doctor's buildings, nursing homes, private clubs and lodges, social centers, office complexes, private non-profit institutions and offices, small commercial buildings and uses, and uses appropriate for public parks.

(4) **PERMITTED "ACCESSORY" USES AND STRUCTURES:** Dwellings with private entrances over, behind or adjacent to main buildings; signs that meet the limitations established following; garages or storage buildings that meet lot, yard, and distance-separation criteria applicable; large fences and evergreen hedges for screening visually and defining property boundaries.

(5) **CONDITIONAL USES AND STRUCTURES:** Any facility that will employ more than thirty (30) persons, and planned unit developments containing mixed commercial, residential and other usages.

(6) **MINIMUM YARD REQUIREMENTS:** All structures shall have at least one front yard, which shall, at the minimum, extend from the line of minimum setback to the front of the building a distance of at least twenty (20) feet. Each structure shall also have a back yard of at least thirty (30) feet measured outward from the back of the building; and side yards of at least ten (10) feet measured outward from the sides of the principal building. The effect shall be one of open space, or one of independent structures accessed by walkways with the structures surrounded by areas of shrubs and trees.

(7) **LOT SIZE:** 20,000 square feet, minimum.

(8) **FLOOR AREA REQUIREMENTS:** The base floor shall not exceed fifty (50) percent of the total lot size.

(9) **MAXIMUM HEIGHT:** Fifty (50) feet.

(10) **SIGNS:** Provisions shall be identical to those specified for the C2, Downtown Commercial Zone.

(11) **PARKING:** Five (05) parking spaces for cars and pickup trucks, minimum, *plus* an additional amount of parking spaces to be determined by the planning commission, which amount shall either be: (1) one parking space for every 2 anticipated users, which shall apply for buildings like churches, or (2) one parking space for each 200 square foot of floor area, as in doctor's buildings.

I. SCHEDULE V: SINGLE-FAMILY RESIDENTIAL, LOW-DENSITY (R-1):

(1) **GENERAL INTENT:** To provide a framework of suitable amenities and safety for families, children, and pedestrians, including low developmental densities and adequate off-street parking. This district is designed to promote modern residential development for single-family units – but at a level that may also provide favorable return on infrastructure development expenses for both the developer and the city. It is intended that several such districts should exist about the city, and that R-1 areas should be buffered by distance, open space, or medium-density residential development from commercial and industrial areas. It is not intended that small R-1 pockets should exist in places where they are surrounded by areas of higher density.

(2) **REGULATORY THRUST:** To provide suitable protection for on-site-constructed (“stick-framed”) single family residences on lots of 11,000 square feet or larger, and thereby to protect and sustain low-density development amenable for families with children.

(3) **PERMITTED USES AND STRUCTURES:** Single Family Residences.

(4) **PERMITTED "ACCESSORY" USES AND STRUCTURES:** Garages, carports and outbuildings for storage, playhouses, antennas and satellite dishes. Other uses possible that are customarily accessory and clearly incidental and subordinate to permitted uses or to approved conditional uses.

(5) **CONDITIONAL USES AND STRUCTURES:** Home Occupations as indicated in the applicable section, signs that advertise home occupations in accordance with the applicable portions of this regulation.

(6) **MINIMUM YARD REQUIREMENTS:** Minimum yard depths shall be 35 feet for the front yard, 35 feet for the back yard, and 12 feet for the side yards. In addition, no outer wall of an accessory use or structure shall be located closer than eight (08) feet from an adjoining back lot boundary, and no accessory use or structure shall be located within a front yard, or within a side yard that is less than forty (40) feet in width; also no outer wall of an accessory structure shall be closer than twenty (20) feet from a principal structure (house or garage) in this zone, notwithstanding any other provision of this regulation.

(7) **MINIMUM LOT SIZE:** Eleven thousand (11,000) Square Feet, minimum.

(8) **MINIMUM SQUARE FOOTAGE:** 1,200 Square Feet LIVING AREA.

(9) **FLOOR AREA RATIO:** None.

(10) **MAXIMUM HEIGHT:** Forty (40) feet.

(11) **SIGNS:** None.

(12) **MINIMUM PARKING AND ACCESS:** Space within a garage or carport for two cars. The garage or carport may be either attached, detached, or located in or adjacent to the basement of the principal building; and, in addition, there shall be room in a paved driveway for at least two automobiles parked side-by-side. A driveway or access way entrance from a public or private street shall not be authorized unless, at its point of intersection with said street, there is at least 300 feet of unobstructed sight-distance so that persons entering and leaving the driveway can reasonably see approaching vehicles.

J. SCHEDULE VI: SINGLE-FAMILY RESIDENTIAL, MODERATE-DENSITY (R-2):

(1) **GENERAL INTENT:** To provide a framework of suitable amenities and safety for families, children, and pedestrians, including relatively low developmental densities and adequate off-street parking. This district is designed to promote modern residential development at single-family densities, and to promote the development of small apartments interspersed with single-family units but segregated therefrom by physical boundaries. It is intended that several such districts should exist about the city. However, it is not intended that small pockets of single-family development in higher density areas should be zoned R-2.

(2) **REGULATORY THRUST:** To provide suitable protection for on-site-constructed ("stick-framed") single family residences on lots of 9,000 square feet or larger, and thereby to protect and sustain low-to-moderate density development, and to allow for duplex apartment units suitably screened or separated from single-family units. Any apartment shall be authorized only by conditional use permit. Further, *it is not intended* that single-family and apartment units should be co-mingled. The provisions of the conditional use permit awarded for the purpose of apartment construction should always ensure that apartments and single-family homes are separated by block (street) boundaries or by distinct physical boundaries (such as creeks, unusually wide side-yards, screening hedges, vinyl fencing, or wide utility easements). Further, it should be specifically understood that duplexes *are not required* in new subdivisions in R-2 districts. An emphasis of this regulation is to provide incentives for increased residential development within the city, while retaining lots of significant size and a general flavor conducive to single-family units.

(3) **PERMITTED USES AND STRUCTURES:** Single Family Residences.

(4) **PERMITTED "ACCESSORY" USES AND STRUCTURES:** Garages and outbuildings for storage, playhouses and satellite dishes. Other uses customarily accessory and clearly incidental and subordinate to permitted uses or to approved conditional uses.

(5) **CONDITIONAL USES AND STRUCTURES:** Home Occupations as indicated in the applicable section, signs that advertise home occupations in accordance with the applicable portions of this regulation, new duplex apartments with suitable screening provisions as indicated in the Paragraph N, and conversion of older dwelling units or relatively large nonconforming structures into duplexes or triplexes.

(6) **MINIMUM YARD REQUIREMENTS:** Minimum yard depths shall be 30 feet for the front yard, 30 feet for the back yard, and 10 feet for the side yards. In addition, no outer wall of an accessory use or structure shall be located closer than five (05) feet from an adjoining back lot boundary, and no accessory use or structure shall be located within a front yard, or within a side yard that is less than forty (40) feet in width; also no outer wall of an accessory structure shall be closer than fifteen (15) feet from a principal structure in this zone, notwithstanding any other provision of this regulation. When a duplex is to be built adjacent to a single-family residential structure, the minimum side yard on the side adjacent to the single-family structure shall be enlarged to 20 feet, and an evergreen screening hedge or 6' high vinyl fence shall be emplaced extending from the front setback line to the back of the lot. When a single-family structure is to be built adjacent to a duplex, only an evergreen screening hedge or a 6' high vinyl fence shall be required.

(7) **LOT SIZE:** Nine thousand (9,000) square feet, minimum.

(8) **MINIMUM SQUARE FOOTAGE:** 980 square feet. See also paragraph /subparagraphs N(2)u.

(9) **FLOOR AREA RATIO:** None.

(10) **MAXIMUM HEIGHT:** Forty (40) feet.

(11) **SIGNS:** None.

(12) **PARKING AND ACCESS:** Space within a garage or carport for two cars. The garage or carport may be either attached, detached, or located in or adjacent to the basement of the principle building; and, in addition, there shall be room in a paved driveway for at least two automobiles parked side-by-side. A driveway or access way entrance from a public or private street shall not be authorized unless, at its point of intersection with said street, there is at least 300 feet of unobstructed sight-distance so that persons entering and leaving the driveway can reasonably see approaching vehicles.

K. SCHEDULE VII: MEDIUM-DENSITY RESIDENTIAL (R-3):

(1) **GENERAL INTENT:** To provide a framework of suitable amenities and safety for families, children, and pedestrians in a medium-density residential environment. This district is designed to promote an attractive and suitable mix of mobile homes, apartments and stick-built housing on small to medium-sized lots, and to provide for the separation of each type from the other by distance and/or screening.

(2) **REGULATORY THRUST:** *Distinction from the R-1 and R-2 zones shall be gained by the authorization of smaller lots, by authorization of duplexes as permitted uses, and by the authorization of triplexes, mobile homes, mobile home parks and mobile home subdivisions as conditional uses. Mobile homes shall be authorized only by conditional use permit in order to ensure that each is "like new" in overall condition, has a shingled roof, two-thirds vinyl siding, and underpinning. Mobile homes shall be authorized by conditional use permit only in the R-3 and agricultural districts. It is not the intent of this regulation that single-family, apartment and mobile home units should be co-mingled. The three should, instead, always be separated by block (street) boundaries or by distinct physical boundaries (such as creeks, unusually wide side-yards, screening hedges, vinyl fencing, or wide utility easements). Such barriers shall be required as a provision of the conditional use permit, and construction and maintenance of the same shall be the responsibility of the owners of the newest units constructed adjacent to an existing unit of a different residential type.*

(3) **PERMITTED USES AND STRUCTURES:** Single-family residences and duplex apartments.

(4) **PERMITTED "ACCESSORY" USES AND STRUCTURES:** Parking lots, garages and outbuildings for storage, playhouses and satellite dishes. Other uses customarily accessory and clearly incidental and subordinate to permitted uses or to approved conditional uses.

(5) **CONDITIONAL USES AND STRUCTURES:** Home Occupations as indicated in the applicable section, and signs that advertise home occupations in accordance with the applicable portions of this regulation; also new triplexes, and conversion of older dwelling units or relatively large nonconforming structures into triplex apartments or fourplexes – with the provision that all apartment units must be 860 square feet or larger. Also authorized are "like-new" mobile homes, mobile home parks and subdivisions with screening provisions as indicated in Paragraph N. All mobile homes shall have 2/3 vinyl siding, shingled roofs, and underpinning, and when fully emplaced shall be virtually indistinguishable from stick-built housing.

(6) **MINIMUM YARD REQUIREMENTS:** Minimum yard depths shall be 30 feet for the front yard, 25 feet for the back yard, and 8 feet for the side yards. In addition, no outer wall of an accessory use or structure shall be located closer than five (05) feet from an adjoining lot boundary, and no accessory use or structure shall be located within a front yard or a side yard that is less than forty (40) feet wide; also no outer wall of an accessory structure shall be closer than ten (10) feet from a principal structure - notwithstanding any other provision of this regulation. When a duplex, triplex or mobile home is located adjacent to a single-family residential structure, the minimum side yard on the side adjacent to the single-family structure shall be enlarged to 20 feet, and an evergreen screening hedge or 6' high vinyl fence shall be emplaced extending from the front setback line to the back of the lot. When a single-family structure is to be built adjacent to a duplex, only a screening hedge or a 6' high vinyl fence shall be required.

(7) **MINIMUM LOT SIZE:** Eight thousand five-hundred (8,500) square feet for single-family and duplex lots, and six thousand eight hundred (6,800) square feet for mobile home lots.

(8) **MINIMUM SQUARE FOOTAGE:** 860 square feet. See also paragraph /subparagraphs N(2)u.

(9) **FLOOR AREA RATIO:** None.

(10) **MAXIMUM HEIGHT:** Forty (40) feet.

(11) **SIGNS:** None.

(12) **PARKING AND ACCESS:** *Single-family Stick-Built Homes and Mobile Home Subdivisions:* No less than a paved parking pad 20' in width plus a paved driveway 16' in width. *Apartments:* No less than a paved parking pad 18' in width for each unit, plus a paved 16' wide driveway. A driveway/access way entrance from a public/private street shall not be authorized unless, at its point of intersection with said street, there is at least 300 feet of unobstructed sight-distance so those entering/leaving said drive can reasonably see approaching vehicles.

L. SCHEDULE VIII: HIGH-DENSITY RESIDENTIAL (R-4):

(1) **GENERAL INTENT:** To provide a framework of suitable amenities and safety for families, children, and pedestrians in a high-density residential environment. This district is designed to promote the development of apartment building complexes.

(2) **REGULATORY THRUST:** To promote amenable, convenient, safe and economical high-density development. *Distinction from the other residential zones shall be gained by authorization of single-family units and duplexes as permitted uses and larger apartment complexes as conditional uses.* As in the R-2 Zone, different residential types shall be clearly separated by distinct physical barriers, with construction and maintenance of those barriers the responsibility of the owners of the newest units constructed adjacent to an existing unit of a different residential type.

(3) **PERMITTED USES AND STRUCTURES:** Single-family residences, and duplex apartments.

(4) **PERMITTED "ACCESSORY" USES AND STRUCTURES:** Parking lots, garages and outbuildings for storage, playhouses and satellite dishes. Other uses customarily accessory and clearly incidental and subordinate to permitted uses or to approved conditional uses. No outer wall of an accessory use or structure shall be located closer than eight (08) feet from an adjoining back or side lot boundary.

(5) **CONDITIONAL USES AND STRUCTURES:** Home Occupations as indicated in the applicable section, and signs that advertise home occupations in accordance with the applicable portions of this regulation; also new triplexes, fourplexes and larger apartment complexes, and apartment units larger than 740 square feet, conversion of older residential structures or relatively large nonconforming structures into fourplex apartments or fiveplexes, and planned unit developments containing only residential uses and structures.

(6) **MINIMUM YARD REQUIREMENTS:** Minimum yard depths shall be determined by the location of parking. *For apartments located alongside a public road,* parking shall be in the back of the apartment complex and the minimum front yard depth from the road shall be 30 feet. In that circumstance, one side yard shall be partially occupied by a driveway at least 16 feet in width, and there shall be a minimum 6-foot side yard between that driveway and the side of the apartment complex, as well as a 2-foot yard or paved median area between the outer edge of the driveway and the lot line (this provides for a 24' access way as one side yard, and the opposite side yard shall be a minimum of 8 feet in width). The rear yard shall contain a parking area 35 feet in depth as well as a 07 foot landscaped area separating the rear of the apartment complex from the parking area. *For second-tier and other lots located within an apartment complex,* the minimum front yard depth shall be 07 feet, and shall separate a front-parking area from the apartment building; and the minimum back yard depth shall be 25 feet. (At the discretion of the property owner the front and back yard depth requirements may be flipped, but one shall always be 25' and the other 7', with the 7' yard separating the parking area from the apartment building). In addition, where no access way requirements exist the minimum side-yard requirement shall be 08 feet.

(7) **LOT SIZE:** Nine-thousand four-hundred (9,400) for lots adjoining a public road, and six-thousand four-hundred (6,400) for second-tier and other lots.

(8) **MINIMUM SQUARE FOOTAGE:** 740 square feet. See also paragraph /subparagraphs N(2)u.

(9) **FLOOR AREA RATIO:** None.

(10) **MAXIMUM HEIGHT:** Fifty (50) feet.

(11) **SIGNS:** None.

(12) **MINIMUM PARKING AND ACCESS:** *Duplexes, Triplexes and Single-family:* No less than a paved parking pad 18' in width for each unit, plus a paved driveway 16' (feet) in width. *Fourplexes and above:* A paved parking area with two spaces available per each apartment unit, plus a paved driveway 16' in width. A driveway or access way from a public or private street shall not be authorized unless, at its point of intersection with said street, there is at least 300 feet of unobstructed sight-distance so that persons entering and leaving the way can reasonably see approaching vehicles.

M. SCHEDULE IX: AGRICULTURAL ZONE (A):

(1) GENERAL INTENT: To preserve farmland, greenbelts and open space, and to designate areas where building permits are not required due to the proliferation of agricultural usages.

(2) REGULATORY THRUST: To provide a minimum of regulations, yet to ensure safety, convenience and a sound basis for growth should the character of the area change. Building permit requirements are waived for farm outbuildings, but for residential units the requirements of the R-1 Zone shall be in effect with respect to unit square footage and front yard requirements.

(3) PERMITTED USES AND STRUCTURES: Single Family Homes, and up to two fully-underpinned mobile homes on a single tract of five acres or more, farm buildings located no closer than 20 feet from an adjoining property line, and buildings and dwelling units located no closer than 35 feet to a public right-of-way.

(4) PERMITTED "ACCESSORY" USES AND STRUCTURES: Garages, barns, coops and outbuildings for storage, signs in accordance with the applicable portions of this regulation that advertise farm occupations and sales. Other uses customarily accessory and clearly incidental and subordinate to permitted uses or to approved conditional uses. No outer wall of an accessory use or structure shall be located closer than twenty (20) feet from an adjoining back or side lot boundary and shall not be located within a side or front yard; and no outer wall of an accessory structure shall be closer than twenty (20) feet from a principal structure in this zone, notwithstanding other requirements elsewhere in this regulation.

(5) CONDITIONAL USES AND STRUCTURES: Like-new mobile homes under the same provisions as provided for the R-3 district, including provisions for separation from all other dwelling units. Also, buildings smaller than 980 square feet, and all buildings designed for the slaughtering of livestock.

(6) MINIMUM YARD REQUIREMENTS: Minimum yard depths shall be 35 feet for the front yard, 35 feet for the back yard, and 12 feet for the side yards.

(7) LOT SIZE: three acres, minimum.

(8) MINIMUM SQUARE FOOTAGE: 1,100 square feet per unit.

(9) FLOOR AREA REQUIREMENTS: None.

(10) MAXIMUM HEIGHT: Fifty (50) feet.

(11) SIGNS: Farm-related business signs no larger than 32 square feet and no closer than 15 feet to a public right-of-way. "Home Occupations" and real estate signs, as defined and regulated elsewhere herein.

(12) PARKING AND ACCESS: Each unit shall have room in one or more driveways for at least three off-street parking spaces. A driveway or access way entrance from a public or private street shall not be authorized unless, at its point of intersection with said street, there is at least 300 feet of unobstructed sight-distance so that persons entering and leaving the driveway can reasonably see approaching vehicles.

N. SUPPLEMENTARY PROVISIONS APPLICABLE THROUGHOUT THE PLANNING UNIT:

(1) NONCONFORMING USES AND STRUCTURES:

- a. **VACANT NONCONFORMING LOT:** Where no structure exists on a Nonconforming Lot of Record, no structure shall hereinafter be erected unless its use and associated dimensional criteria conforms to the designated use and dimensional criteria of the zoning district in which the structure is located. A Non-Conforming Lot of Record shall not be developed in any way, and no variance shall be issued - where the front yard depth is less than 75 percent of the required levels, or where the overall lot size is less than 65 percent the required size. A variance shall only be issued by the Board of Adjustment or Planning Commission, and usually by the former. The Planning Commission may issue a variance at the time it approves a proposed plat, but only under those circumstances.
- b. **DISCONTINUANCE OF A NONCONFORMING USE OR STRUCTURE:** When a non-Conforming Use or Structure has been discontinued in occupancy and/or operation for a period of ninety (90) days, no non-conforming use may be reestablished on those premises. However, the board may extend the discontinuance beyond 90 days, but no longer than one year, by issuance of a conditional use permit, if an owner certifies that an upgrading of the discontinued use or structure is going to be performed that will make the discontinued use or structure more compatible with the zone in which it is located.
- c. **CHANGE OF NONCONFORMING USES:** The Board of Adjustment shall not permit a change from one non-conforming use to another non-conforming use except in the circumstances defined in the following paragraph.
- d. **USING CONDITIONAL USE PERMITS TO PROMOTE ACCELERATED CONVERSION TO MORE ACCEPTABLE NONCONFORMING USES AND STRUCTURES:** When and where the Board finds (and records) that a unique opportunity exists to eliminate a deteriorating eyesore, a health or safety hazard, or a serious land-use conflict, it may authorize by conditional use permit a conversion so that the problematic nonconforming use becomes more closely-conforming to the permitted uses in the zone in question. In facilitating such a conversion, the Board shall use the following guidelines: {1} *Residential R1, R2 and R3* - if the proposed conversion involves a non-conforming commercial use in an R-1 residential zone, *for example*, the Board may authorize conversion to a permitted or conditional use authorized for the R-2 zone to facilitate said conversion; in short, permitted and conditional use provisions of the next-higher residential zone may be applied to facilitate the conversion; {2} *Other-than-Residential* - the Board may allow mixing of commercial and industrial usages to facilitate needed conversions, but shall take appropriate steps to eliminate density conflicts such as noise and odor, and shall not allow fundamentally incompatible usages to exist side-by-side without appropriate separation by spacing and buffering.
- e. **PARKING AND NONCONFORMING USES:** The Board may authorize by conditional use permit addition of parking/loading spaces to a nonconforming use if it can be shown that those spaces would reduce reliance on on-street parking and would not increase conflicts between the existing nonconforming use and nearby permitted uses.
- f. **DAMAGE/DESTRUCTION OF A NONCONFORMING USE:** A nonconforming use or structure that has been damaged or destroyed may be returned to its original dimensions and used for the previous non-conforming purposes, but it shall be made visually conforming, at minimum, to the permitted zonal uses and structures. For example, a damaged or destroyed non-conforming commercial structure located in a residential zone may be returned to its original use but the new or repaired structure shall closely resemble a residential dwelling in its basic design and appearance. Likewise, a damaged or destroyed industrial building in a commercial zone may be returned to its original use, but from the front and sides it shall have the appearance of a commercial structure.

(2) CRITERIA AND INTERPRETATION: The following basic provisions supplement the standards of the “schedules of district regulations” and shall effect additional standards and govern interpretation of this regulation.

- a. **A BUILDING PERMIT IS AN AGREEMENT TO CONFORM, AND THE ADMINISTRATIVE OFFICIAL MUST ENSURE CONFORMANCE:** When a building permit is issued, it shall be construed as a promise by the permittee to adhere to the dimensional criteria of this regulation. It shall be the duty of the Administrative Official to ensure that the permittee understands the applicable criteria of this regulation prior to his/her signature on the Building Permit form, and the Administrative Official shall then enforce those criteria, literally, so that development occurs precisely in conformance with this regulation. In particular, this shall include on-site inspections to ensure that footers and access ways are properly positioned, in accordance with the criteria of this regulation.
- b. **DIMENSIONAL CRITERIA:** Minimum lot, yard, dwelling unit and other dimensional criteria are specified in the “Schedules of District Regulations,” and these schedules shall be the fundamental governing criteria for development. However, Section II, Par. N, here, is also fundamental to this Regulation, dealing more specifically with interpretation, but also establishing additional dimensional criteria. Proper enforcement of the dimensional criteria of this Regulation thus requires reference not only to Schedules I through IX, but also to Paragraph N and associated subparagraphs.
- c. **DEFINITION OF “DENSITY” AND “USE CLASSIFICATION”:** The zonal designation R-2 shall be considered higher in “density” than an R-1 zone, and in like manner higher numbers shall denote higher density and a more intensive use of land. However, the term “Commercial,” for example, represents a “use classification” rather than a density, and is one of several “use classifications” including the designations “Residential,” “Industrial,” “Public and Semi-Public,” and “Agricultural.”
- d. **HOW DENSITY AND USE CLASSIFICATION SHOULD IMPACT STRUCTURAL SPACING:** It is the intent of this regulation that where tracts of different “use classifications” adjoin, structures located on those tracts should be separated by a minimum distance of 50 feet, and that a 6 foot vinyl fence shall be erected along the property line separating the two structures. For structures on adjoining tracts that share the same use classification but represent densities that are *non-successive* in number (such as R-1 and R3) the foregoing standard shall apply, but the minimum spacing shall be 40 feet. For densities of the same “use classification” with successive numbers, such as R-1 and R-2, there need not be extraordinary spacing and buffering unless a proposed structure is being approved by conditional use permit. If this is the case, and if an apartment or condominium is being permitted adjacent to a single family unit, the minimum side yard on the side adjacent to the single-family structure shall be enlarged to 20 feet, and an evergreen screening hedge or a 6’ high vinyl fence shall be emplaced extending from the front setback line to the back of the lot
- e. **ONE BUILDING - ONE USE:** Unless a “conditional use permit” has been approved allowing a relatively unique development project, only one principal building and one accessory structure may be erected on any lot. Temporary structures shall be permitted during construction only.
- f. **SETBACK:** Setback refers to a minimum open-space that must exist between a public right-of-way line and any wall, porch or overhang of a building emplaced alongside that right-of-way. No portion of a building can exist within the setback area. The setback area may contain walkways, driveways, shrubbery, trees, fences and at-grade parking spaces (but the administrative official shall not allow any of these appurtenances to be built or emplaced by a private property owner on the public right-of-way, itself). It is the intent of this regulation that the minimum setback of a building from a public right-of-way should be 30 feet, as specified in Section 2, Paragraph C.
- g. **GENERAL INTERPRETATION OF YARDS:** Front and back yards are generally oriented parallel to

public rights-of-way, while side yards tend to be oriented perpendicular to the public right-of way from which access is gained. This is true except on corner lots, which are required to have two front yards. In any event, a front yard runs approximately parallel to the public way from which access is gained, and its width extends from the property line on one side of the principal building or structure to the property line on the opposite side of the principal building or structure. The same is true of the back yard. However, a side yard exists only along the side of the principal building or structure, and does not extend past the front or back corner of said structure.

- h. RESIDENTIAL FRONT YARD REQUIREMENTS: A residential “front yard” begins at a public right-of-way and extends in *depth* to the front of the residential structure. Depth is therefore computed perpendicular to the front of a house or building, and perpendicular to any rights-of-way. The *width* of the front yard extends from the adjoining property line on one *side* of the house to the adjoining property line on the *opposite side* of the house. This rule effects the standard definition of a front yard as commonly used by property owners in a residential neighborhood. However, this definition or interpretation applies only to residential zones. This interpretation causes a *front yard* to run *concurrently* with the uniform building *setback* that is in effect throughout the city. For example, a minimum front yard depth requirement of 30 feet, and a setback of 30 feet, places the front of a residential building without overhang at 30 feet (minimum) from the right-of-way. However, a minimum front yard requirement of 35 feet and a setback of 30 feet places the front of a residential structure without overhang at 35 feet (minimum) from the right-of-way. The interpretation provided in this subparagraph shall be in effect in all residential districts.
- i. COMMERCIAL, INDUSTRIAL OR OTHER FRONT YARD REQUIREMENTS: “Front yards” within commercial, industrial or SP districts do NOT run concurrently with the required setback. Instead, they represent “add-ons” to setback. If the setback is 30 feet, for example, and the front yard requirement in a commercial zone is 10 feet, an additional 10 feet of setback is effectively imposed by the yard requirement so that the front of a structure without overhang is placed at 40 feet from the public right-of-way. By contrast, it shall NEVER in any type of zone be interpreted that a required front yard depth of ten (10) feet reduces the required setback to only ten feet. The interpretation provided in this subparagraph shall be in effect in all nonresidential districts.
- j. SIDE AND BACK YARD REQUIREMENTS: All side and back yard requirements represent the minimum distance allowable, as measured by a line running perpendicular to a side or back wall of a structure and extending straight outward therefrom to the adjoining lot-line. If the (minimum) side-yard requirement is seven feet, for example, a portion of the side yard may be wider than seven feet, but no portion of the same side yard may be narrower than seven feet. Similarly, if the (minimum) back-yard depth requirement is 25 feet, a portion of the back yard may be greater than 25 feet in depth, but no portion of the back yard can be less than 25 feet in depth. Deviation from the literal requirements can only be granted in *exceptional* cases, by *variance*.
- k. YARD REQUIREMENTS PERTAINING TO ACCESSORY BUILDINGS: It is the intent of this regulation that in the absence of other governing criteria in a “Schedule of District Regulations,” there shall be at least fifteen (15) feet of open space, patio or walkway separating a detached accessory building from the main or principal building. Further, no accessory building shall be emplaced in a front or side yard, except that an accessory structure may be located in a back yard to the side of a house. Nothing in this paragraph shall be construed as preventing an applicant from attaching a garage or carport to the side of a principal dwelling – if there is enough land on the lot to meet the minimum side and other yard criteria as specified in the appropriate schedule of district regulations.
- l. ACCESSORY BUILDINGS OR STRUCTURES AND ADJOINING LOTS: It is the intent of this regulation that in the absence of other governing criteria in a “Schedule of District Regulations,” no outer wall of an accessory use or structure shall be emplaced within five (05) feet of an adjoining lot

line, and that there should always be at least five (05) feet of clear open space between a lot or property line and an accessory use or structure.

- m. **USES NOT REQUIRING EXCEPTIONS:** No Building Permit or Certificate of Occupancy shall be required for the following:
 - {1} In-ground utilities and associated structures.
 - {2} Public streets, signs and signals.
 - {3} Private drives and parking areas.
 - {4} Real estate sale, rent or auction signs not exceeding sixteen (16) square feet in area.
 - {5} Horticulture, landscaping, and the planting of screening hedges not required by this regulation.
 - {6} Bona-fide agricultural buildings, including barns, sheds and other outbuildings.
 - {7} Temporary signs that will be removed in a reasonably short time (90 days or less).
 - {8} Signs of a political nature erected by candidates for public office, or their supporters.

- n. **POLLUTION, SAFETY AND AVOIDANCE OF LAND-USE CONFLICTS:** Heavy or intensive industrial uses, areas of outdoor storage, and/or activities that, at any time, emit pollutants or foul odors, shall not be located within sight of any commercial business or residential subdivision, and shall not be situated in such a way that normal wind patterns will carry pollutants or odors across such areas. When a more intensive use, or a new use-classification is proposed for an area, consideration shall be given to potential safety and pollution problems, and if these or significant land-use conflicts are deemed likely to occur, it is the intent of this regulation that a proposed building permit or zone change should be denied, and that low-density residential properties should be given the maximum possible consideration and protection.

- o. **PLATS AND DRAWINGS:** The Administrative Official shall require the submission of such plats, drawings, private certifications and pertinent information as may be needed, in his/her judgment, to fully and properly enforce the provisions of this zoning regulation. Such plats and drawings shall be on file prior to issuance of a building permit or conditional use permit, and prior to authorizing an applicant to hook-on to city utilities, and they shall further be kept on file for a period of at least five years following approval of the certificate of occupancy.

- p. **INTERSECTIONS AND SPACING:** No intersection shall have more than four intersecting legs, and no intersection leg shall vary more than 15 degrees from a perfect 90-degree right angle. No signs, shrubs, hedges, walls, fences or any type of structure which might obscure vision shall be placed within 40 foot radius of the centerpoint of an intersection of streets narrower than 20 feet, or within 50 foot radius of the centerpoint of an intersection wherein at least one street is wider than 20 feet, or within 20 foot radius of the centerpoint of a driveway at its point of entrance onto a public street. Dog-leg (offset, four-way) intersections are not permissible. Intersections shall occur no closer than 528 feet (one-tenth mile) from each other, and there shall be at least 300 feet of clear visibility on all directional legs of an intersection.

- q. **SIGHT DISTANCE PROVISIONS:** Provisions for unobstructed sight distance at the intersection of access ways, driveways, public and private streets and other vehicular ways with public thoroughfares are hereby effected in accordance with the specified requirements of the "schedules of district regulations." In the absence of such a specification in a schedule of district regulations, or in the event of a question about whether any thoroughfare is covered by these provisions, it is the intent of this regulation that any and all public and private vehicular ways should be covered by this provision, and that if not specifically stated elsewhere the minimum unobstructed sight distance shall be 300 feet in the direction of any approaching traffic on a public vehicular way. "Unobstructed sight distance" shall mean that at the point of intersection, there shall be no vertical or horizontal curve on the roadway, or no sign, tree, shrub, unmowed lawn, fence, principal or accessory building, or in fact anything that would reduce visibility at the point of encroachment to less than the minimum specified distance. The

purpose of this requirement is to prevent accidents, save lives and property, and effect minimum standards that require consideration of sight distance in the placement of all access ways.

- r. **STREET CONSTRUCTION REQUIREMENTS:** All streets, roads, and access ways shall be constructed with a minimum 6-inch dense grade aggregate base, which base shall be rolled, stabilized and covered by at least 4 inches of blacktop. All streets or roads shall be at least 20 feet in paved width, 40 feet in right-of-way width, and appropriately ditched and drained. Curbs shall not be used without the construction of adjoining gutters and spills. All streets and roads shall be constructed so as to appropriately serve their purpose, which shall mean, *for example*, that residential streets shall not be routinely used as an access or egress route for shopping center, commercial or industrial park traffic.
- s. **PARKING SPACES AND LOTS; PHYSICAL DIMENSIONS, NUMBER AND GENERAL DESIGN:** No individual parking space shall be smaller than 150 square feet. No aisle between parking rows shall be smaller than 25 feet in width when the pull-in angle for parking is 90 degrees, and said aisle shall not be smaller than 22 feet when the pull-in angle is less than 90 degrees. The required number of parking spaces is generally specified in the appropriate schedule of district regulations. Should the parking standards for a proposed use not be specified, the planning commission shall make an appropriate determination based on a sampling of standards effected in nearby communities. All driveways, parking lots and parking areas shall be paved with asphalt or concrete. Areas designated for parking expansion need not be paved, but if they are even occasionally used, they must be graveled.
- t. **SIGN STANDARDS AND ENFORCEMENT:** Except as otherwise provided within the "Schedules of District Regulations" the maximum size for a freestanding sign shall be 250 square feet. Signs or freestanding letters with their entire backsides fully affixed to a building structure may be larger than 250 square feet, but may not exceed 300 square feet. No freestanding sign shall be higher than 30 feet above ground level, and wiring to all freestanding signs shall be through conduit, located underground. No freestanding sign, sign denoting a home occupation, or sign requiring an electrical hookup shall be emplaced without a "Sign Permit," which shall be provided at a cost of \$0.50 per square foot (measured as sign-area length times width) by the Administrative Official, who shall require of an applicant a drawing and a written statement indicating the applicant's plans for sign emplacement. The Administrative Official shall also ensure emplacement of the sign in conformance with the standards of this regulation through on-site inspection. Real estate for-sale signs, auction signs, and vacancy-for-rent signs shall not require sign permits and may be erected in any zone. There shall be one and only one freestanding sign per commercial building. However, each such freestanding sign may also include as many name-plate-type subsigns as there are businesses within the center.
- u. **APARTMENTS:** Any building containing more than one residential unit shall be considered an apartment structure, and each unit in an apartment structure shall be considered to be an apartment. Except in the case of duplexes in an R-3 or R-4 district, apartment buildings shall be allowed only by conditional use permit. Apartments in the R-2 residential district shall be no smaller than 980 square feet; in the R-3 district the minimum apartment size shall be 860 square feet, and in the R-4 district the minimum apartment size shall be 740 square feet. Each apartment shall be divided into primary and secondary living areas. The primary living area shall, at minimum, consist of living room, kitchen and bedroom space, and the secondary living area shall, at minimum, consist of bathroom, laundry room and walk-in closet space. Regardless of the apartment size, the secondary living area shall be no smaller than 180 square feet. Walls between apartment units shall be insulated with R-13 insulation and at least one side of any separating studwall shall include plywood or a suitable sound-stop board.
- v. **HOME OCCUPATIONS:** Home occupations shall be permitted as conditional uses in all zones, along with non-lighted signs 6 square feet in size or smaller. Home occupation permits shall first be authorized by the Board of Adjustment, as is required of any "conditional use." The cost of the conditional use permit fee for a home occupation, if awarded, shall be \$75. Thereafter, a home occupation permit shall be issued annually by the Administrative Official for a fee of \$25. The home occupation permit shall simply constitute a certification that the provisions of this regulation with

respect to home occupations are being met by the owner of the home occupation, and the home occupation permit shall legally constitute an "annual extension" of the conditional use permit. The home occupation permit shall be issued by the Administrative Official, but in the absence of the Administrative Official it may be issued by the city clerk at the time that a home occupation business license is issued by the City Clerk. If the permit is issued by the City Clerk, however, that official shall fully coordinate said issuance with the Administrative Official to ensure that the permittee is in compliance with the provisions of this regulation governing home occupations. A sample Home Occupation Permit form is included in the appendix. Any home occupation permit shall contain the following language: "Home occupations shall not produce noticeable traffic, nor shall they store materials and/or equipment outdoors, nor shall they produce apparent odors, noise or vibrations. A home occupation shall not change the outward appearance of a structure from that of a home, shall only be permitted at the specified address, and shall not change the essential nature of a neighborhood from that of residential." The Administrative Official shall enforce said provisions throughout the city.

- w. **GENERAL INTENT AND EFFECT:** The general intent of this Regulation is to ensure a safe, clean, orderly, non-cluttered environment with sufficient accommodations, amenities and protections to avoid developmental problems, conflicts, loss of property-value, and/or the downgrading of neighborhood amenities. A high priority is attached to the provision of sufficient protections for families, children, and, in fact, for all citizens, and to the implementation of the Comprehensive Plan.
- x. **UNFAIR ADVANTAGE:** No requirement herein should ever be used by persons, entities or corporations to gain unfair competitive advantage – as might be gained by emplacing a screening hedge or fence in such a way as to block the view of a commercial building or sign, etc. Equally, no requirement herein shall be used for any spiteful, nefarious or illegal purpose. The Administrative Official shall be permanently on guard and attentive to such possibilities, and shall be empowered to exercise all discretionary and enforcement powers necessary to protect existing and permitted enterprises and activities and ensure that provisions of this regulation are not misused, abused or otherwise violated. Any misuse or abuse of regulatory provisions shall be considered a violation of this regulation and shall be punishable by fine. The Administrative Official shall ensure that required facilities and appurtenances such as fences or shrubs are not only properly constructed, but properly maintained after construction with all due regard for the rights of others, and he/she shall have all necessary authority to ensure that the basic protective nature of this regulation is fulfilled.

(3) **PLANNED UNIT DEVELOPMENT (PUD) STANDARDS:** This regulation effects Planned Unit Development standards as a loophole for achieving harmonious mixed-use development and/or deviating from the literal standards of zoning. If a development is to qualify as a PUD, it must include provisions for at least 100 dwelling units, for a system of streets, roads, walkways and parking areas, and it must provide for the extension of the water and sewer services of the City of Russell Springs to the development. In addition, it must include a scheme of mixed land-use classifications and densities, and it must meet the following requirements: A PUD shall be approved by Conditional Use Permit in a series of reviews, negotiations and/or hearings involving the planning commission, the board of adjustment, the mayor, the city commission and interested citizens. To attain said approval it shall meet the following minimum requirements:

- a. **PUD PLAN REQUIRED:** A detailed PUD plan must be developed and submitted to the planning commission for review. The planning commission chairman shall invite the mayor, and members of the city commission and board of adjustment to attend this review. The plan must contain maps and engineering graphics prepared with GPS surveying equipment, specifying the location of available city water and sewer infrastructure, planned infrastructural expansions, planned street construction, planned underground cable and electrical services, and specific statements of intent matched by timetables and explanations of proposed financing. The planning commission shall approve this plan, and then deliver the plan to the board of adjustment – which may then issue a Conditional Use Permit including all the parameters of the approved PUD Plan.
- b. **PUD PLAN MUST CONFORM TO COMPREHENSIVE PLAN AND ZONING REGULATION:**

The PUD plan must demonstrate *substantial conformance* to the land use, transportation and community facilities goals of the Comprehensive Plan, and it must be *substantially harmonious* with the zoning district and other criteria established by this zoning regulation. The planning commission's review of a PUD proposal shall be designed to ensure said conformance and harmony.

- c. PUD PLAN MAY SHOW HIGH-DENSITY OR EFFICIENT DEVELOPMENT, BUT WITH SUITABLE AMENITIES: The PUD plan may provide for a more efficient use of land than is generally achieved through conventional development, resulting in substantial savings through shorter extensions of utilities and streets. It may also provide for a greater density of housing and population than that reflected by present zoning. However, the plan must also show how increased densities will be effectively and comfortably accommodated by private amenities and common benefits. The PUD plan may embrace a variety of housing types and alterations in yard, lot and other developmental criteria. A PUD shall achieve a useful and efficient pattern of housing and open space, and may include accessory commercial uses and services. The PUD plan shall provide for preservation and utilization of natural topography, drainage patterns and geologic features, scenic vistas, trees and other types of vegetation that aid drainage and retard erosion.
- d. GENERAL STANDARDS FOR PUD'S: For portions of a PUD located along minor streets within the second and successive tiers of the development, the minimum setback and front/back yard depth requirements may be reduced to as little as 20 feet, and the side-yard width requirements may be reduced substantially or even eliminated. However, portions of a PUD located along major roads shall be built at the prevailing standards for the applicable zone. Wherever apartments and condominiums are included in a PUD, particular care shall be given to the quality of construction, providing for 2"x 8" or greater firewalls with soundproof insulation between units, attractive screening between adjoining patios, decks and balconies, and a pattern of landscaping that includes walkways, pedestrian trails, open space and recreation areas. Height and parking requirements shall be the same as for appropriate uses within a given schedule of district regulations. For example, an apartment complex developed within a PUD shall have the same height and parking criteria as applicable within an R-4 Zone, and a shopping center adjoining the apartment complex shall have the same height and parking criteria as applicable within a Highway-Oriented Commercial Zone. Appropriate standards, quality construction and concern for styles, appropriate coloration and natural setting shall integrate the PUD into the surrounding landscape and neighborhood and establish standards of development that meet or exceed those of adjoining units.
- e. PROVISIONS GOVERNING PUD APPROVAL: After the conditional use permit has been issued by the board of adjustment, the zoning administrator shall then, as construction ensues, issue a building permit and certificate of occupancy for each building within the PUD complex – charging a fee of only \$25 for each building permit (since fees were largely paid in the conditional use permit) and ensuring that each conforms to the conditional use permit. A Planned Unit Development shall be assigned to the SP Zone if the proposed PUD contains multiple or mixed land-use classifications. If the PUD is entirely residential, however, it shall be assigned to the R-4 residential zone. Variances may also be necessary to accommodate the PUD proposal. .
- f. PUD TYPES: A PUD may be largely commercial, largely residential, largely light industrial, or a mixture of all three combined into a parklike environment with adequate provisions for safety, privacy and convenience. In this environment, differing use types shall be separated by open space, commons and natural greenery. At least ten (10) percent of the land in a Planned Unit Development shall be reserved for common open space and recreational facilities.
- g. PUD OWNERSHIP: The PUD plan shall also address issues of ownership and maintenance of common land, and may include provisions dedicating land suitable for recreational purposes to the City. The project land may be owned, leased, or controlled either by a single person or corporation, or

by a group of individuals or corporations. Such ownership may be by a public or private corporation, or by a legally constituted neighborhood association.

(4) SUPPLEMENTAL COORDINATIVE STANDARDS: Development shall be in accord with what has been approved in the permitting process.

- a. COORDINATION OF STREET DEVELOPMENT BETWEEN JURISDICTIONS: If a subdivision plat includes a proposal for any street to cross a jurisdictional line out of the planning unit, notice of that proposal shall be given to the Mayor of Jamestown, if the road crosses into Jamestown, or the Russell County Judge-Executive, if the proposed road crosses into unincorporated territory.
- b. APPROVED STREETS MUST BE ACCEPTED: Where a proposed street or public way is within a city, the person who desires to offer for dedication said street or public way must present to the city legislative body a map or plat of the territory bounded, intersected or immediately adjacent to the proposed public way or easement, showing the proposed name, nature and dimensions of the public way or easement offered for dedication. Approval shall then be as specified in KRS 82.400. However, where street or public ways have been constructed, inspected and approved in accordance with Subdivision Regulations that have been adopted by the Russell Springs Planning Commission, the abovedescribed procedure shall be waived, and the dedicated street or public way shall automatically be deemed beneficial to the public interest and shall, by operation of law, be automatically accepted for maintenance by the city forty-five (45) days after inspection and final approval by the Administrative Official. Thereafter, the street shall be a public way for all purposes, KRS Chapter 83A, regarding a city's adoption of ordinances, notwithstanding.
- c. RELATION TO REGIONAL PLANNING COUNCIL: Pursuant to KRS Chapter 147, as revised, Kentucky's Area Development Districts have been required to create "Regional Planning Councils", one in each district. These councils are required to review plans and recommend methods of coordination between units. If notice of Regional Planning Council meetings are sent to the City of Russell Springs, they should be forwarded to the Chairman of the Planning Commission, who shall either attend the meetings or appoint a representative to attend the meetings on behalf of the planning commission.

SECTION 3. AMENDMENT OF THE MAP OR TEXT OF THE ZONING REGULATION:

A. PROCEDURE FOR AMENDING ZONING MAP AND TEXT OF REGULATION – NOTICE – HEARING – TIME LIMIT FOR FINAL ACTION:

(1) GENERAL PROCEDURE FOR PROCESSING OF MAP AMENDMENT: A proposal for a zoning map amendment may originate with the planning commission of the unit, with the city commission, 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 then hold at least one (1) public hearing after notice as required by this chapter and make findings of fact and a recommendation for approval or disapproval of the proposed map amendment to the city commission. The findings of fact and recommendation shall include a summary of the evidence and testimony presented by the proponents and opponents of the proposed amendment. A tie vote shall be subject to further consideration by the planning commission for a period not to exceed thirty (30) days, at the end of which if the tie has not been broken, the application shall be forwarded to the city commission without a recommendation of approval or disapproval. It shall take a majority of the entire city commission or fiscal court to override the recommendation of the planning commission and it shall take a majority of the entire city commission to adopt a zoning map amendment whenever the planning commission forwards the application to the city commission without a recommendation of approval or disapproval due to a tie vote. Unless a majority of the entire city commission

votes to override the planning commission's recommendation, such recommendation shall become final and effective and if recommendation of approval was made by the planning commission, the ordinance of the city commission adopting the zoning map amendment shall be deemed to have passed by operation of law. (Note: Subparagraph (1) on map amendments, above, and Subparagraph (2) on text amendments, following, are excerpts from KRS 100.211.)

(2) GENERAL PROCEDURE FOR PROCESSING OF TEXT AMENDMENT: A proposal to amend the text of any zoning regulation which must be voted upon by the city commission may originate with the planning commission of the unit or with the city commission. 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 notice as required by KRS Chapter 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. In the case of a proposed amendment originating with the city commission, the planning commission shall make its recommendation within sixty (60) days of the date of its receipt of the proposed amendment. It shall take an affirmative vote of a majority of the city commission to adopt the proposed amendment. The City Commission shall take final action upon a proposed zoning map amendment within ninety (90) days of the date upon which the planning commission takes its final action upon such proposal. If the proposed zone change is not approved, neither the proposed change nor one identical to it shall be reconsidered for a period of two (2) years.

(3) AN INTERPRETATION IS NOT AN AMENDMENT: If any provision of the zoning regulation is found, in practice, to be unclear or ambiguous by the Zoning Administrator or Board of Adjustment, it shall be referred to the Planning Commission for interpretation. The Planning Commission shall then meet and issue its findings in writing, which findings shall include a more detailed and precise statement of the portion of the zoning regulation found to be unclear or ambiguous. Each such interpretation shall be appended to the zoning regulation with the following heading: "INTERPRETATION #____, ADOPTED ON (Date_____) BY THE RUSSELL SPRINGS PLANNING COMMISSION IN RELATION TO THE (state the subject). It is hereby recognized that interpretation is a normal and ongoing part of the planning process, and that the Planning Commission is the entity charged by Chapter 100 of the Kentucky Revised statutes with the responsibility of maintaining and (with the help of the City Commission) enforcing all land use regulations. The Planning Commission shall therefore have full authority for interpretation and clarification of this regulation, and shall not hesitate to issue the same when called upon by the Zoning Administrator or Board of Adjustment. However, any interpretation of the text or map that effects a substantive change in the meaning of the Zoning Regulation or the distribution of the city's zoning districts shall occur only as an official text or map change by the Planning Commission, and shall thereupon follow the provisions established in Subparagraph (1) or (2), above.

(4) APPLICATION FOR AMENDMENT IS REQUIRED, ALONG WITH FEE: When a private citizen or group originates a proposed amendment an application must be filed with the Planning Commission requesting the proposed amendment. The purpose of the application is to give the applicant an adequate opportunity to make a case for the proposed amendment by providing information that is germane and appropriate to the action under consideration. That application shall be consummated in such form and accompanied by such information as shall be required by the Planning Commission in order to give the measure full and appropriate consideration, and in order for the Planning Commission to be able to take precise and appropriate action on the proposal, if it is approved. The required information may include statements, plats, maps, drawings, lists of adjacent property owners and other items as might be reasonably deliberated upon by the Commission. At the time of filing of an application, a non-returnable filing fee shall be paid according to the schedule of fees.

(5) PUBLIC HEARING NOTICES: Following initial consideration of the amendment by the Planning Commission and the establishment of a date for the public hearing, notice of public hearing shall be given in accordance with Chapter 424 of the Kentucky Revised Statutes. To ensure compliance, the Chairman of the Planning Commission shall direct the Administrative Official to transmit a hearing notice on the request for rezoning to every affected and adjoining property owner. The list of affected and adjoining property owners shall be provided by the person or persons proposing the zone change, and the records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of the owners. If the property affected by or adjacent to the proposed zone change is in condominium or cooperative forms of ownership, the person notified by mail shall be

the president or chairman of the owner group which administers property commonly owned by the condominium or cooperative owners. The Secretary of the Planning Commission shall certify that the notices were mailed so as to be received by every owner of adjoining property no later than 14 days in advance of the scheduled hearing. The notices shall be sent by first class mail. Before voting upon any proposed amendment, the Planning Commission shall also ensure that it has provided due and ample notice to affected parties who might wish to provide input. To ensure that this is done, it shall publish in the newspaper of general circulation in Russell Springs a notice of the time, place and reason for holding a Public Hearing on the proposed amendment. The notice of the public hearing shall be published one time and shall appear in said newspaper at least 14 days in advance of the hearing. It shall be the responsibility of the Administrative Official to ensure that this deadline is adhered to. The published notice shall include the street address of the property in question, or if one is not available or practicable due to the number of addresses involved, a geographic description sufficient to locate and identify the property, including the names of two streets on either side of the property and which intersect the street on which the subject property is located. When the property in question is located at the intersection of two (2) streets, the notice shall designate the intersection by name of both streets rather than name the two streets on either side of the property. If a proposed amendment of the zoning map originates with the City Commission or the Planning Commission, one difference in the foregoing procedures shall be effected. In such a case, the Secretary of the Planning Commission shall certify that the notices were mailed so as to be received by every owner of affected and adjoining property no later than 30 days in advance of the scheduled hearing. The notices shall be sent by first class mail, and records of the property valuation administrator may be relied upon to determine the identity and address of all affected and adjacent property owners. (Note: an "affected" property owner is one whose property is impacted by the zone change, and whose property will be changing from one zonal designation to another.)

(6) PUBLIC HEARING SIGN: In addition to the mailed and published notices, the Administrative Official shall erect a sign indicating a possible zone change on the affected property. The sign shall be posted on the subject property fourteen (14) days in advance of the date of hearing, and shall state "ZONE CHANGE" in three-inch lettering, and then in two-inch lettering, it shall add (for example) "FROM (R-1), Single-Family Residential" TO (I), Industrial." The lettering on the sign shall be black, and the sign background shall be white or yellow. The sign shall be of durable material and shall also include in one-inch high lettering, the time, date and place of the public hearing, and the telephone number of the Administrative Official, which shall be an official contact number for the Russell Springs Planning Commission. The Administrative Official shall inspect the property each day to ensure that the sign remains standing for 14 consecutive days prior to the hearing.

(7) HEARING TRANSCRIPT: The Chairman of the Planning Commission shall appoint an employee of the City or a member of the Planning Commission to take a transcript, in summary, of the hearing, as it proceeds. The summary shall bear the names of each person offering input, and the substance of their input. This transcript, plus any letters received shall be delivered to the Planning Commission which shall consider its decision.

(8) NOTICES WHEN PROPERTY IS IN ADJACENT POLITICAL JURISDICTIONS: If the property the classification of which is proposed to be changed adjoins property in a different planning unit, or property which is not part of any planning unit, notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by first class mail to certain public officials, as follows:

- (a) If adjoining property is part of a planning unit, notice shall be given to that unit's planning commission.
- (b) If the adjoining property is not part of a planning unit, notice shall be given to the mayor of Jamestown, if the property is in Jamestown, or the County Judge-Executive, if the property is in an unincorporated area.

B. FINDINGS NECESSARY FOR MAP AMENDMENTS:

Before any Map Amendment is granted, the Planning Commission or the City Commission must find that the proposed Map Amendment is in agreement with the adopted Comprehensive Plan, or, in the absence of such a finding, that one or more of the following apply and such finding shall be recorded in the minutes and records of the Planning

Commission or City Commission:

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

(2) That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of such area.

C. CURRENCY OF THE ZONING MAP:

The Planning Commission and the Administrative Official shall ensure that amended zoning district boundaries are accurately added to an update of the Official Zoning Map.

D. APPEAL FROM A DECISION OF THE PLANNING COMMISSION:

The City Commission shall be the final resting place for all appeals before proceeding thereafter to the courts. The City Commission may elect to hear an appeal, or it may elect not to hear an appeal. Whatever the case, an aggrieved party may appeal a decision of the Planning Commission or the City Commission to the Circuit Court, and, as provided for in KRS 100.347, such appeal must be made within 30 days after any final decision of the *Planning Commission*. This 30 day time period is traced-to and begins at the date/time of the final decision of the Planning Commission, and not the date of consideration, if any, given by the City Commission.

SECTION 4. VIOLATIONS, FINES AND FEES:

A. VIOLATIONS AND FINES:

(1) **PROCESS OVERVIEW AND HELPING APPLICANTS TO AVOID VIOLATIONS:** The building permit approval process provides for review of all proposed building activity to ensure compliance with the Zoning Regulation. During this review, the Administrative Official shall fully inform the applicant of the parameters and requirements of the zoning regulation. The applicant's signature on a Building Permit or Conditional Use Permit shall constitute his/her agreement to the terms of this regulation. Thereafter the Administrative Official shall make occasional visits to the approved site, noting and recording building activities, and, where possible, making suggestions to help applicants avoid violations.

(2) **CERTIFICATE OF OCCUPANCY REQUIRED, ESTABLISHING COMPLIANCE OR NONCOMPLIANCE:** No building or structures shall be used for any purpose unless it has been inspected at the end of the construction process, found in compliance with the zoning regulation and issued a Certificate of Occupancy. It shall be the responsibility of the Administrative Official to conduct the final inspection and to issue the Certificate of Occupancy if the new building or structure is found to be in compliance with this regulation.

(3) **WHAT CONSTITUTES A VIOLATION:** Only the use, arrangement and construction set forth literally in a Building Permit or a Conditional Use Permit shall be authorized. Deviation from the literal terms of the Building Permit or Conditional Use Permit shall be deemed a violation of this regulation. Furthermore, any deviation from the literal standards of any portion of this zoning regulation shall be deemed a violation. When a violation has been committed, a fine shall be levied, and appropriate actions may be undertaken in the courts to collect fines, if necessary, and to remove the structure or use that is in violation. Any person may file a written complaint alleging a violation of this regulation. Regardless of the origin of the complaint, it shall be the responsibility of the Administrative Official to investigate the complaint and take appropriate action, in consultation with the Chairman of the Planning Commission, the Mayor and the City Attorney.

(4) **FINES FOR REGULATORY VIOLATIONS:** In accordance with KRS 100.991(1), any person or entity

in violation of any provision of the Zoning or Subdivision Regulations (the requirements of which are outlined in 100.201 through 100.347), or in violation of the terms of a Building Permit or Conditional Use Permit which have been developed pursuant to the provisions of KRS 100.201 through 100.347, shall, upon conviction, be fined not less than ten dollars (\$10) but not more than five hundred (\$500) for each conviction. Each day of violation shall constitute a separate offense

(5) **FINES FOR VIOLATIONS IN REGARD TO LOTS OR PARCELS:** In accordance with KRS 100.991(2), any person, owner or agent convicted of violating this regulation shall be fined - for each lot or parcel sold, transferred, or contracted for sale or transfer - not less than one hundred (\$100) dollars but no more than five hundred (\$500) dollars.

(6) **EXTENT OF REMEDIAL ACTION:** Nothing herein shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

B. SCHEDULE OF FEES:

The Planning Commission shall maintain and enforce a Schedule of Fees for: (1) Building Permits, (2) Conditional Use Permits, (3) Certificates of Occupancy, and (4) Applications for Map or Text Amendments. The Schedule of Fees shall be posted in the office of the Administrative Official. The Administrative Official is hereby authorized to increase or lower the zoning map amendment fees each year in accordance with the increase or decrease in the Federal Consumer Price Index (commonly known as the "CPI"). It is intended that the Administrative Official should post a new schedule based on the new CPI on or about May 1st of each year, and that with a new posting, the new schedule shall become effective immediately, by operation of law. *The Schedule of Fees shall be as follows:*

- (1) **APPEAL TO THE BOARD OF ADJUSTMENT OF AN ACTION OF THE ADMINISTRATIVE OFFICIAL** - \$25, which amount shall be refunded to the applicant if the appeal overturns the Administrative Official's decision or action.
- (2) **SIGN PERMITS AND HOME OCCUPATIONS** – See Section II, Paragraph N(2)t through N(2)v.
- (3) **APPLICATION FOR ZONING MAP AMENDMENT** - \$700.
- (4) **BUILDING PERMIT** - Building permit costs shall be computed as follows:
 - (a) Multiply the total cost estimate (all costs except the cost of the lot) by 0.0015.
 - (b) Multiply the square footage of the enclosed, finished living area (the area excluding sidewalks, porches, garages and basements) by \$0.10.
 - (c) **Average the results of (a) and (b). Example:** Cost estimate for a 4,000 SqFt building is \$300,000.
 From (a): \$300,000 X 0.0015 = **\$450** **From (b):** 4,000 X 0.10 = **\$400**
 Average: \$450 + \$400 = \$850, and finally \$850 / 2 = **\$425**
 - (d) The Administrative Official shall accept only those cost estimates that are substantially in line with current building costs. When a cost estimate is in question, he/she may require submission of up to three additional, independent estimates, the average of the highest two of which may be used to ensure the validity of step (a), above.
 - (e) If the permit is for a structure (such as a radio tower or a pipeline) and not a building, the cost estimate alone shall be used to assess a building permit or conditional use permit fee.
- (5) **CERTIFICATE OF OCCUPANCY** – Cost of the Building Permit multiplied by 0.15.
- (6) **CONDITIONAL USE PERMIT** – Figured as the cost of the Building Permit multiplied by two (2). When a Conditional Use Permit is awarded, the Conditional Use Permit becomes the Building Permit and therefore no additional building permit fees are assessed. With respect to "home occupations," see also Section 2, Paragraph N(2)v.

- (7) VARIANCE – Figured as the cost of the Building Permit multiplied by 0.5. A variance is always an “add-on” cost to the Building Permit or Conditional Use Permit.
- (8) OUT-OF-COURT LEGAL SETTLEMENTS – Payment of all permits and fines, plus attorney’s fees

SECTION 5: LEGAL STATUS:

A. VALIDITY:

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

B. CERTIFICATION OF PASSAGE:

This Zoning Regulation and Map shall take effect upon its adoption by ordinance by the Legislative Body and after subsequent summary publication in local newspapers as required by state statute.

C. MAINTENANCE OF THE COMPREHENSIVE PLAN:

The Planning Commission shall review and amend the Comprehensive Plan as warranted, but at least once every five (5) years. In conducting the review, the Chairman of the Planning Commission shall initiate among the planning commission a discussion about the adequacy of the plan, and shall appoint each member to review a certain portion of the plan and then report back to the entire commission with recommendations. The Planning Commission shall call the Administrative Official to sit-in on this review process, and he/she, likewise shall be asked to report to the entire commission with recommendations. The Secretary shall compile a written transcript as the individual reports are given, and a copy of the transcript shall be provided all members. If it becomes clear in this process that revision needs do not include the sections on Goals and Objectives, Land Use, Transportation and Public Facilities, the Planning Commission shall simply enact all recommendations in the form of a resolution and send the resolution to the City Commission for adoption. If and when the resolution is adopted by the City Commission, the Planning Commission shall enter a copy of the resolution in its records, and append copies of the resolution to each copy of the Comprehensive Plan. This action shall then complete the review. If the Land Use, Transportation or Goals and Objectives chapters need substantive revision due to significant changes, the Planning Commission shall enact a resolution recommending that the City Commission consider a total revision of the Comprehensive Plan and begin the procurement of a planning firm, planner or appropriate agency to effect the revisions. After work has begun on a revision, and during preparation of the statement of goals and objectives, or at least fourteen (14) days prior to any public hearing on the adoption, amendment, or re-adoption of any element of the comprehensive plan, the planning commission shall give notice of the preparation of the statement or shall give notice of the hearing on the plan revision to the Mayor of the City of Jamestown, the County Judge-Executive of Russell County, and other public entities, as appropriate. The notice shall also be sent to the Regional Planning Council for the Lake Cumberland Area Development District. Other requirements of Chapter 100 of the Kentucky Revised Statutes pertaining to the revision of a Comprehensive Plan, including the requirement for a public hearing, shall thereafter be observed.

D. MAINTENANCE OF THE ZONING AND SUBDIVISION REGULATIONS:

The Planning Commission shall ensure that substantive changes in the Comprehensive Plan are considered with respect to their possible or implicit effects on the Zoning Regulation. Where an effect is clear, the Planning Commission shall initiate in the same general manner as described in Paragraph C of this Section, a review of the Zoning Regulation, and, if applicable, a review of the Subdivision Regulation. Revision of either the Zoning Regulation or the Subdivision Regulation, if found to be needed at some future date, shall also be effected in compliance with the provisions specified in Section 3 of this regulation.

E. PROCEDURE FOR ENFORCEMENT:

The Administrative Official, or such enforcement officers as may be appointed to assist him by the Planning Commission, shall have the authority to issue Citations for violations that the officer has observed, and in accordance with the applicable state law, KRS 100.991, a defendant shall appear at the designated place and time, pursuant to the Citation. The procedure for Citations issued by the Administrative Official or enforcement officers shall be as provided in KRS 431.015. In accord with KRS 100.991, the powers of these officials shall be limited to issuance of Citations, and they shall not have the powers of peace officers to make arrests or to carry deadly weapons.

The terms "Administrative Official" and "Enforcement Officer" may be considered synonymous, and may be used interchangeably, except that if both are employed the Administrative Official shall be directly responsible to the Planning Commission, and he/she shall supervise the activities of the Enforcement Officer.

As noted or implied heretofore in this regulation, enforcement of zoning requires consideration of applications for building permits, conditional use permits, variances, certificates of occupancy and other devices. Application forms for the same have been developed and are provided as "appendices" to this zoning regulation. It is intended that these and all other appendices should not be part/parcel to the official zoning regulation. Thus, they may be amended at any time by the Administrative Official without official revision of the text of the regulation by the Planning Commission.

F. PROCESSING OF COMPLAINTS:

Complaints pertaining to the type and quality of ongoing development within a given area are generally within the purview of zoning, and should be brought to the attention of the Administrative Official, and ultimately the Planning Commission. On the other hand, complaints relating to the behavior or lifestyle of individuals residing within a previously developed area are generally beyond the purview of zoning, and must be resolved by other means. It is the intent of this regulation that the planning commission should consider only those complaints related to comprehensive planning, zoning or subdivision regulation. It is further the intent of this regulation that *all* relevant complaints relating to these regulations should be documented in writing and investigated by the Administrative Official prior to referral to the Planning Commission. When a relevant complaint is received, the Administrative Official should expeditiously investigate and report the results to the Planning Commission at its next meeting, if possible. To improve the documentation of complaints, a "complaint form" is provided as an appendix to this zoning regulation. It is intended that city employees should retain and actively use copies of this form when receiving complaints from private entities or citizens, but that relevant complaints should be expeditiously passed along to the Administrative Official for action as heretofore defined.

PRESENTED AT PUBLIC HEARING (DATE/TIME) 6-20-05, AT (LOCATION) City Hall
PASSED AND RECOMMENDED FOR ENACTMENT BY THE RUSSELL SPRINGS PLANNING COMMISSION;
DATE: 6-20-05.

ATTEST: 

Chairman of the Planning Commission

THE FOREGOING ZONING REGULATION WAS ENACTED BY ORDINANCE OF THE CITY COMMISSION
OF THE CITY OF RUSSELL SPRINGS, KENTUCKY:

Date of First Reading: 7-14-05

Date of Second Reading: 8-11-05

Effective date, which is the date of publication of a summary of this regulation in a newspaper
of local distribution: 8-18-05

CERTIFYING PASSAGE AND APPROVAL:


Mayor

ATTEST: 

City Clerk