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**ARTICLE I**  
**Title, Interpretation, and Enactment**

**100 Title**

This Ordinance shall be known and referred to as the “Zoning Ordinance for the City of Stanton, Kentucky.” It may be cited as the “City of Stanton Zoning Ordinance” or the “Zoning Ordinance.”

The map referred to herein is entitled the “Zoning Map for the City of Stanton, Kentucky”. It may be cited as the “City Zoning Map” or the “Zoning Map”. Certified copies of this ordinance and the map are on file with the Stanton City Clerk’s Office.

**110 Authority**

Authority for this Ordinance is granted by the Kentucky Revised Statutes, Section 100.201 through Section 100.271. The Stanton Planning and Zoning Commission and the Stanton City Council have fulfilled the requirements set forth as prerequisite to the adoption of this Ordinance. This Ordinance was substantially revised and readopted by the City of Stanton Planning Commission and the Stanton City Council in 2024.

**120 Goal and Objective**

The goal of this Ordinance is to maintain a program of Zoning for the City of Stanton. The objective of this Ordinance is to guide the use of land and the location and design of structures in a manner that will stabilize property values, assist in achieving a sound growth policy, promote an orderly pattern of land use, and direct development of community facilities and services within the jurisdiction of the City of Stanton.

**130 Purpose**

The Zoning regulation and district set forth herein have been made in accordance with the Stanton Comprehensive Plan Update prepared by the Joint Planning Commission to:

- a. Promote the general welfare, health, safety, and convenience of the citizens of Stanton.
- b. Execute the provisions of the Stanton Comprehensive Plan Update regarding growth and development in Stanton, to ensure suitable and satisfactory arrangements between the various types of land use.
- c. Lessen traffic congestion and secure safety from fire, flood and other dangers in the City of Stanton and the developed areas of the County.
- d. Provide adequate light and air while preventing the encroachment of undesirable noise, odor, glare, and vibration.
- e. Facilitate the adequate provision of transportation, schools, recreation, and other public improvements stemming directly or indirectly from the use of land in the City of Stanton.

**140 Jurisdiction**

This Ordinance shall apply to all lands within the corporate limits of the City of Stanton.

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## **150 Interpretation**

In their interpretation and application, the provisions of this Ordinance shall be led to be minimum requirements, adopted for the promotion of the public health, safety, morals, and general welfare. Whenever the requirements of this ordinance differ from the requirement of any other lawfully adoption rules, regulations, resolutions, or ordinances the most restrictive, or that imposing higher standards, shall govern.

## **160 Separability Clause**

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance, or any part thereof other than the part so declared unconstitutional or invalid.

## **170 Repeal of Conflicting Resolution and Ordinances, Effective Date**

All ordinances, resolutions, or parts of same in conflict with this Zoning Ordinance or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. Any previously adopted ordinance entitled Zoning Ordinance for the City of Stanton, Kentucky, together with all amendments thereto, is hereby repealed, and declared to be of no effect. This ordinance shall become effective from and after the date of its approval and adoption as provided by law.

## **180 Continuity**

Nothing in this Ordinance shall change the effective date of a violation of any provision of any previously adopted Zoning Ordinance that continues to be a violation of any provision of this ordinance.

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## **ARTICLE II**

### **Terms and Definitions**

Unless the context otherwise requires, the following definitions shall be used in the interpretation of this Ordinance. The words which are defined are those having special or limited meanings in this Ordinance. Words with self-evident meaning are not defined here. Words used in the present tense include the future; words used in the singular include the plural and the plural include the singular; the word “shall” is mandatory; the word “may” is permissive; the word “should” is preferred; the word “building” includes the word “structure”; the word “lot” includes the words “plot” and “parcel”; the word “person” includes a firm or corporation as well as an individual; and the word “submission” indicates a complete filing as called for by the Ordinance. These definitions shall be first used in the interpretation of any words or phrases used in this Ordinance. Any words or phrases not defined in this Ordinance shall be given the definition provided in KRS Chapter 100 or KRS Chapter 219. Words neither defined in this Ordinance nor in KRS 100 and KRS 219 shall be given their ordinary meaning and usage.

#### **1. Access Permit**

A permit issued by the Administrative/Enforcement Officer which authorizes the construction or alteration of any access point from private property onto a City street or road.

#### **2. Accessory Use or Structure**

Any use or structure subordinate to the principal use or structure located on the same lot serving a purpose customarily incidental to the use of the principal structure or the land use which has commonly, habitually and by long practice been established as reasonably associated with the primary use.

#### **3. Accessory Dwelling Unit**

A dwelling unit that is a separate, complete housekeeping unit limited to two (2) bedrooms, kitchen, sleeping area, and full bathroom facilities. ADUs may be either detached (standalone or above an accessory building) or attached (in a basement or in an attached addition) to an existing dwelling.

#### **4. Administrative/Enforcement Officer**

The Administrative/Enforcement Officer is an individual who shall be appointed by the Mayor of Stanton upon recommendation of the Planning Commission, and approved by the Stanton City Council, to administer this Ordinance. This officer may also be known as the Building Inspector, Enforcement Officer, Zoning Administrator, or various other titles descriptive of the work performed. The duties and titles may be split between one or more persons as required.

#### **5. Alley**

Any public or private way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

#### **6. Alteration**

Any change or addition to the supporting members or foundation of a building or other structure.

#### **7. Apartment**

A room or suite of rooms in a multi-family building, consisting of at least one (1) habitable room, together with a kitchen or kitchenette and sanitary facilities.

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## **8. Agricultural Use**

The use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building for sale or lease to the public

## **9. Approving Authority**

The Stanton Planning Commission unless a different agency is specifically designated by ordinance.

## **10. Automotive Repair, Major**

Repair or motor vehicles or trailers, including rebuilding or reconditioning of engines and/or transmissions; collisions services including body, frame or fender straightening or repair; overall painting or paint shop and vehicle steam cleaning.

## **11. Automotive Repair, Minor**

Incidental minor repairs, upholstery, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1 ½) tons capacity, but not including any operation name under "Automotive Repair, Major" or any other similar thereto. Cars and trucks being repaired or under repair shall not be stored outside the building for more than 48 hours.

## **12. Automotive Wrecking**

The dismantling or disassembling of used motor vehicles, or the storage, sale or dumping of dismantled, obsolete, or wrecked vehicles or their parts.

## **13. Basement**

A story whose floor line is below grade at any entrance or exit and whose ceiling is not more than five (5) feet above grade at any such entrance or exit.

## **14. Bed and Breakfast**

A residential unit where 4 or fewer sleeping rooms are provided for transient persons for compensation, and in which meals may be served to overnight guests.

## **15. Bedroom**

A room in a dwelling containing a door, closet, and egress. Rooms meeting these criteria are considered bedrooms even if labeled differently on floor plans.

## **16. Billboard**

A sign, or structure, which directs attention to a business, commodity, service, activity, or entertainment not conducted, sold, or offered upon the premises upon which the sign is located.

## **17. Board**

The Board of Adjustment for Stanton, Kentucky.

## **18. Boarding or Lodging House**

A dwelling or part thereof occupied by a single housekeeping unit where meals and lodgings are provided for four (4) or more persons (not transients) for compensation by previous

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arrangement.

**19. Brewpub**

A restaurant that includes the brewing of beer as an accessory use. The area used for brewing, including bottling, kegging, and packaging, shall not exceed 25 percent of the total floor area of the premises.

**20. Building**

Any structure having enclosed space and a roof, used, or intended to be used for the shelter of persons, animals, or property.

**21. Building, Height of**

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

**22. Building Lines**

Line beyond which no building or part thereof shall project, except as otherwise provided by this Ordinance.

**23. Buildable Lot Area**

Line beyond which no building or part thereof shall project except otherwise provided by this Ordinance.

**24. Building Permit**

A permit issued by the Administrative/Enforcement Officer, which includes a building inspection schedule, authorizing construction, or alteration of a specific building on a specific lot.

**25. Cannabis Business**

An entity licensed under KRS 218B as a cultivator, dispensary, processor, producer, or safety compliance facility.

**26. Carport**

An open-sided automobile shelter that can be attached to or detached from another structure.

**27. Certificate of Compliance**

A certificate issued by the Administrative/Enforcement Officer, after a change in ownership or a change in use has taken place, which certifies that the structure or property meets zoning requirements.

**28. Certificate of Occupancy**

A certificate issued by the Administrative/Enforcement Officer, after construction has taken place, which certifies that the building meets minimum standards for human occupancy.

**29. Clinic**

A place used for the diagnosis and treatment of sick, ailing, infirm, and injured persons and those who need medical or surgical attention but limited to outpatients only.

**30. Commercial Floor Area**

Building floor area devoted to the display of merchandise, the performance of consumer

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services, or the circulation and accommodation of customers.

## **31. Common Open Space**

An open space area within or related to a site designated as a development, and designed, and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

## **32. Commission, Planning**

Planning Commission of Stanton, Kentucky.

## **33. Comprehensive Plan**

A plan prepared to serve as a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate manner with the planning area.

## **34. Conditional Use**

A use which is essential to or would promote the public health, safety, and/or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or of adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those set forth by the Zoning regulations.

## **35. Conditional Use Permit**

Legal authorization to undertake a conditional use, issued by the Board of Zoning Adjustment, consisting of two parts:

- a. A statement of the factual determination of the Board of Zoning Adjustment, the issuance of the permit; and
- b. A statement of the specific conditions which must be met for the use to be permitted.

## **36. Consolidation**

The joining together of two or more contiguous lots for the purpose of sale, lease or building development.

## **37. Convalescent or Nursing Home**

An establishment in which provides full-time convalescent or chronic care or both for three (3) or more individuals who are not related by blood or marriage to the operator and who by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home. Hospital or sanitarium shall not be construed to be included in this definition.

## **38. Court**

An open, unoccupied, and unobstructed space other than a yard, on the same lot with a building or a group of buildings.

## **39. Consumer Services**

Sale of any service to individual customers for their own personal benefit, enjoyment, or convenience, and for fulfillment of their own personal needs.

## **40. City Council**

Legislative body for the City of Stanton, Kentucky.

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**41. Coverage**

The percentage of the lot area covered by the building including all overhanging roofs.

**42. Craft Brewery, Distillery, or Winery**

A production facility with a manufacturer or wholesaler license and does not include any retail type liquor license, on the lot or parcel, that is primarily a manufacturing facility, where malt liquors or spirits are manufactured on the premises, that may include a tap room that is less than or equal to thirty percent of the total floor area of the facility or one thousand square feet, whichever is greater.

**43. Development Plan**

A presentation in the form of sketches, maps, and drawings of a proposed use and/or structure by the owner of the land which sets forth in detail the intended development (see site plan).

**44. Developer**

The legal or beneficial owner or owners of all land proposed to be included in a development including the holder of options or contracts to purchase or other such persons having a proprietary interest in such land.

**45. Dispensary**

A retail facility that prepares and sells cannabis products.

**46. District**

An area or zone of the municipality for which regulation governing the use of premises or structures or height and area of buildings are uniform.

**47. Drive-through**

A commercial facility which is accessory to a primary commercial structure which allows direct service to customers from a structure to a parked vehicle. Also known as “drive-thru.”

**48. Dwelling**

A building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, boarding or rooming house, motel, or mobile home.

**49. Dwelling Group**

A group of two or more detached dwelling located on a parcel of land in one ownership and having any yard or court in common.

**50. Dwelling, Multi-Family**

A building or portion thereof designed for or occupied by three (3) or more families living independently of each other.

**51. Dwelling, Single-Family**

A building occupied exclusively for residential purposes by one (1) family.

**52. Dwelling, Two-Family**

A building designed to be occupied by two families living independently of each other.

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**53. Dwelling Unit**

One or more rooms designed for or used by one (1) family for living or sleeping purposes and having on (1) kitchen or kitchenette.

**54. Easement**

A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes such as roadways, utilities, drainage and conservation.

**55. Electric Vehicle (EV)**

A vehicle that can be powered by an electric motor that draws electricity from a battery and is capable of being charged from an external source. An EV includes both a vehicle that can only be powered by an electric motor that draws electricity from a battery (all-electric vehicle) and a vehicle that can be powered by an electric motor that draws electricity from a battery and by an internal combustion engine (plug-in hybrid electric vehicle).

**56. EV Infrastructure**

EV infrastructure includes structures, machinery, and equipment necessary and integral to support an EV, including battery charging stations, rapid charging stations, and battery exchange stations.

- a. An **EV battery charging station** is defined as an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within an EV.
- b. An **EV rapid charging station** is defined as an industrial grade electrical outlet that allows for faster recharging of EV batteries through higher power levels.
- c. An **EV battery exchange station** is defined as a fully automated facility that will enable an EV with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process.

**57. Family**

A person living alone or two or more persons related by blood, marriage, or adoption, or not more than five (5) unrelated persons living or cooking together in a dwelling unit, for non-profit purposes, as distinguished from a group occupying a boarding house, lodging house, hotel, or motel.

**58. Farmer's Market**

A regular, seasonal gathering of two or more local (within 100 miles) agricultural producers (vendors) who sell produce and other agriculturally produced materials and value-added agriculturally sourced products directly to consumers. A Farmer's Market can be sponsored or organized by a government entity, a non-profit organization, or a faith-based organization.

**59. Filing**

Filing with the City Clerk of Stanton unless a different county official is designated by ordinance.

**60. Final Approval**

The official action of the planning commission taken on a final plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion.

**61. Fitness Center**

A facility with equipment or space for exercising, physical training or improving physical Fitness.



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**62. Floor Area, Total**

The area of all floors of a building including finished attics, finished basements and covered porches.

**63. Garage, Private**

A detached accessory building or a portion of the principal building used by the occupants of premises for the shelter or storage of vehicles owned or operated by the occupants of the principal.

**64. Garage, Public**

A building or structure used for the parking of vehicles on an intended profit basis.

**65. Garbage**

Any animal or vegetable waste resulting from the handling, preparation, cooking, storage, or consumption of food.

**66. Gazebo**

A detached accessory structure with open sides and a roof cover.

**67. Governing Body**

The chief legislative body of the City of Stanton.

**68. Gross Floor Area (G.F.A.)**

The total area of a building or structure expressed in square feet and measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall. Gross floor area shall not include vehicular parking and loading areas within the structure; or any space where the floor-to-ceiling height is less than six (6) feet.

**69. Height of Structure**

The vertical distance measured from the average finished grade at the front building line to the highest point of a structure.

**70. Home Occupation**

An occupation or profession carried on within a dwelling by the occupant thereof which is clearly incidental and secondary to the use of the dwelling for residential purposes; provided that no trading in merchandise is carried on and there is no display of merchandise or sign other than one non-illuminated sign two (2) square feet in area attached to the main or accessory building.

**71. Home Occupation, Agricultural**

Any occupation as defined in "Home Occupation" which occurs in the residential dwelling on the farm, plus any occupation conducted in an accessory building in an agricultural zone, provided that:

- a. No more than three (3) persons other than a member of the family residing on the premises shall be engaged in such occupation.
- b. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one non-illuminated sign, not exceeding eight (8) square feet in area,
- c. That the use is clearly incidental and subordinate to the land's principal agricultural use.

**72. Hospital or Sanitarium**

An establishment which provides accommodations, facilities, and services over a continuous

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period of twenty-four (24) hours or more for observation, diagnosis and care of two (2) or more individuals suffering from illness, injury, deformity or abnormality or from any condition requiring medical services. Convalescent homes and nursing homes are not included.

### **73. Host**

Any person who is the owner of record of residential real property or any person who is a lessee of residential real property, or anyone who manages a residential real property, pursuant to a written agreement for the lease of such real property, who offers a dwelling unit or a structure located on the property (or a portion thereof), for Short Term Rental pursuant to a single reservation and payment.

### **74. Hotel or Motel**

A series of attached, semi-attached or detached sleeping or living units, for the accommodation of automobile transient guests, said units having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants.

### **75. Industry, Heavy**

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

### **76. Industry, Light**

Those industries whose processing of products results in none of the conditions described for heavy industry.

### **77. Junk**

Scrap brass, scrap copper, scrap iron, scrap lead, scrap tin, scrap zinc, and all other scrap metals and the alloys and bones, rags, used cloth, used rope, used rubber, used tinfoil, used bottles, old or used machinery of any type, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates (fabricated of any material), used pipe or pipe fittings, used conduit or conduit fittings, used automobiles in inoperable condition, used tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.

### **78. Junk Yard**

A place where junk, waste, discarded or salvaged material are bought, sold, exchanged, stored, baled, packed, disassembled or handled including auto wrecking yards, house wrecking for storage of salvaged house wrecking and structural steel materials and equipment; but not including such uses when conducted entirely within a completely enclosed building, and not including pawn shops, and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations.

### **79. Kennel, Commercial**

A compound where three or more dogs over four months of age are kept and where the owner is actively engaged in buying dogs for resale, consistently selling offspring of the owner's dogs, and/or boarding dogs which are not owned by the owner for compensation.

### **80. Kennel, Noncommercial**

A compound in or adjoining a private residence where hunting or other dogs are kept for the

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hobby of the householder or for protection of the householder's property. The occasional sale of the pups by the keeper of a noncommercial kennel does not change the character of residential property.

## **81. Land Disturbance Activity**

Any activity that increases the rate of erosion, including but not limited to clearing, grading, excavation, demolition activities, or other activity that exposes soil.

## **82. Land Use Plan**

Proposals for the most appropriate economic, desirable, and feasible patterns for the general location, character, extents, and inter-relationship of the manner in which the community should use its public and private land.

## **83. Lighting**

The following definitions clarify terms related to Lighting.

- a. FOOT-CANDLE: A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.
- b. FULLY SHIELDED: A method of construction and/or manufacture which does not allow any light dispersion to shine above the horizontal plane running through the lowest point on the fixture and which limits the illumination 90 degrees above nadir to a maximum of 2.5% and 80 degrees above nadir to a maximum of 10 % of the maximum illumination in any lateral angle around the light fixture.
- c. LAMP: The light source.
- d. LUMINAIRE: A complete lighting unit consisting of a lamp or lamps together with the parts or attachments designed to distribute, control, or direct the light (reflectors, refractors, diffuser, lens), protect the lamps (housing), and connect the lamps to the power supply (ballast). A luminaire does not include the pole or the building mounting devices.

## **84. Limited Food Service**

The preparation and service of food carried on within a residential unit by the occupant thereof for compensation, provided that such food service shall not be available to the public but shall be provided to private groups on a pre-arranged basis.

## **85. Loading Space**

An off-street space or berth on the same lot with a building or contiguous to a group of buildings and accessory buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street, alley, or other appropriate means of access.

## **86. Lot**

A piece or parcel of land occupied or intended to be occupied by a principal building or group of such buildings and accessory building, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by the Ordinance and having frontage on a public street. Agricultural tracts not included. Interchangeable with "tract" or "parcel."

## **87. Lot Area**

The computed areas within the lot lines.

## **88. Lot, Corner**

A lot abutting and situated at the intersection of two streets.

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**89. Lot Depth**

The mean horizontal distance between the front and rear lot lines.

**90. Lot, Interior**

A lot other than a corner lot.

**91. Lot Lines**

The property lines bounding a lot.

- a. Lot Line, Front: The property line separating the lot front and the street.
- b. Lot Line, Rear: The lot line opposite and most distant from the front lot line.
- c. Lot Line, Side: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

**92. Lot, Through**

A lot having frontage on two parallel or approximately parallel streets.

**93. Lot Width**

A lot having frontage on two parallel or approximately parallel streets.

**94. Lot of Record**

Recorded lot on file in the County Clerk's Office prior to the adoption of Zoning or which has subsequently been approved by Minor or full Subdivision Plat or other legal process.

**95. Manufactured Home**

See Article IX definitions of Type I, II, and III Manufactured Homes.

**96. Map**

A map of the jurisdiction indicating district boundaries according to this Ordinance.

**97. Medical Facility**

- a. FREE STANDING EMERGENCY ROOM: A walk-in medical facility offering emergency care and may service ambulance patients. Typically, these facilities are open 24 hours a day and treat both urgent and emergent medical conditions. Patient stays more than 24 hours are not permitted. Medical personnel and diagnostic equipment is available as it would be in a hospital-based emergency room.
- b. HOSPITAL: An institution that provides physical or mental health services, inpatient or overnight accommodations, and medical or surgical care for the sick or injured. The institution typically includes related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices, which are integral parts of the facilities.
- c. MEDICAL OFFICE: An office building where physicians, and similar personnel provide treatment and examination of patients solely on an outpatient basis. This includes chiropractic and urgent care offices, counselling centers, and excludes hospitals and emergency rooms.
- d. URGENT CARE: Walk-in medical facility focused on the delivery of outpatient care outside of a traditional emergency room. Urgent care centers primarily treat injuries or illnesses requiring immediate care, but not serious enough to require an emergency room visit. Patient stays more than 24 hours are not permitted.

**98. Mixed Use**

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A project or single building which includes both primary non-residential and primary residential uses, where the different types of land uses are in proximity, planned as a unified complementary whole, and functionally integrated for the use of shared vehicular and pedestrian access and parking areas. Mixed use developments are Conditional Uses in Pedestrian Oriented Commercial Districts (B-2).

**99. Mobile Home or Trailer**

See definitions relating to the three types of manufactured homes, certified mobile homes, and mobile homes/trailers in Article IX.

**100. Mobile Home Park or Trailer Park**

An area of land upon which two or more occupied mobile homes are placed, either free of charge or for revenue purposes, and which is constructed in compliance with the standards of this ordinance as specified in Article IX.

**101. Modular Storage Unit**

Any portable container, storage unit, pod, or other shed-like structure housed outside of a principal building or accessory structure which is leased or rented that is intended to be used for the temporary storage of personal property. Placement of portable storage units shall comply with all accessory structure regulations for the applicable zoning district.

**102. Motel or Hotel**

A series of attached, semi-attached or detached sleeping or living units, for the accommodation of automobile transient guests, said units having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants.

**103. Municipality**

Any incorporated city, borough, town, township, or village.

**104. Municipal Authority**

The City Council of Stanton, Kentucky.

**105. Nonconforming Use or Structure**

An activity or a building, sign, structure, or a portion thereof which lawfully existed before the adoption or amendment of the Zoning Ordinance, but which does not conform to all of the regulations contained in the Zoning regulation which pertain to the zone in which it is located.

**106. Open Space**

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment of owners and occupants of land adjoining or neighboring such open space. Such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

**107. Parking Space**

A space with a minimum rectangular dimension of not less than nine (9) feet in width and nineteen (19) feet in length for ninety-degree parking.

**108. Patio**

An at grade surface made of concrete, stone, tiles, pavers or other hard materials. It can be

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covered or uncovered but cannot have permanent walls as an enclosure and is considered accessory non-habitable space.

**109. Pergola**

A porch or patio covering formed of horizontal trelliswork supported on columns or posts. Aka, arbor.

**110. Plan**

The provisions for the development of a planned unit development including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities, common open space, and public facilities. The phrase “provisions of the plan” when used in this act shall mean the written and graphic material referred to in this definition.

**111. Planned Unit Development**

An area with a specified minimum contiguous acreage of 10 acres to be developed as a single entity according to a plan, containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified in the Zoning Ordinance.

**112. Planned Unit Residential Development**

An area with specified minimum contiguous acreage of five (5) acres to be developed as a single entity according to a plan containing one or more residential clusters, which may include appropriate commercial, or public or quasi-public uses primarily for the benefit of the residential development.

**113. Planning Commission**

The Stanton Planning Commission was established pursuant to Chapter 100 of the Kentucky Revised Statutes.

**114. Plat**

A map or maps of a subdivision showing lot lines therein.

**115. Porch**

An above grade structure made of wood, concrete, metal, or other standard construction materials that is attached to a primary structure. It can be covered or uncovered but cannot have permanent walls as an enclosure and is considered accessory non-habitable space.

**116. Principal Use of Structure**

The primary use of the land or the main structure on a lot which determines the primary activity that takes place on the land or in the structure. Accessory uses or structures are subordinate to an existing primary use.

**117. Preliminary Approval**

The conferral of certain rights pursuant to this act prior to final approval after specific elements of a subdivision plan have been agreed upon by the planning commission.

**118. Premises**

A lot or other tract of land under one ownership and all structures on it.

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**119. Public Open Space**

An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, state or county agency, or other public body for recreational or conversational uses.

**120. Refuse**

All putrescible and non-putrescible solid wastes, including garbage, rubbish, debris, ashes, street cleanings, abandoned or inoperable automobiles or trailers, abandoned or inoperable household appliances, moveable furniture not designed for or modified to withstand the elements and outdoor use, solid market wastes, packaging materials and industrial wastes. Interchangeable with “rubbish.”

**121. Residential Cluster**

An area developed as a single entity according to a plan containing residential housing units in which individual lots have a common or public open space area.

**122. Residential Unit**

Any unit designed by use by one family for living purposes being self-contained, and being either in a detached, semi-detached, attached, multi-family or multi-story structure.

**123. Restaurant**

A business establishment where prepared meals, drinks, or refreshments may be purchased to be consumed on or off the premises (does not include package sale of alcohol or groceries). Classification of restaurants are as follows:

- a. Service Order: Business with wait staff that takes customers’ orders and delivers food or drink directly to customer onsite. Can include curbside or carryout services, but food is generally consumed onsite. No dedicated drive-thru facilities.
- b. Counter Order: Customer orders food or drink from counter or window and food is consumed on- or offsite. With or without drive-thru.
- c. Carryout/delivery: Food or drink is prepared onsite for consumption offsite. Walk- or drive-up facilities.

**124. Setback Line**

The distance between a lot line, easement, or right-of-way line and any structure -- front, rear, or side as specified.

**125. Short Term Rental**

Any dwelling unit that is not a permanent residence and is leased in its entirety or in which a portion of the same is leased is leased to one party for a period of less than 30 consecutive days. The location being leased would not be the primary residence of the party leasing the property from the Owner or their designated representative.

Short terms rentals are classified as:

- a. Type-1: A short term rental of one or more bedrooms in an owner-occupied dwelling while the owner is occupying the same dwelling unit for the entire rental period.
- b. Type-2: 1. A short-term rental of an owner-occupied dwelling if the owner is not occupying the dwelling during the entire rental period. 2. A short term rental of a permitted accessory dwelling unit (ADU) where the ADU's owner is present in the primary dwelling unit during the rental period. 3. A short term rental of one dwelling unit within a duplex whether the duplex's owner is present in the duplex's other dwelling unit during the rental period.

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- c. Type-3: A short term rental that is not owner-occupied.

**126. Short Term Rental Cluster**

A group of 1 (one) to 3 (three) properties that share common boundaries that are being used as Type 3 Short Term Rentals.

**127. Site Plan**

A development plan drawn to accurately represent real property to a standard scale showing one or more lots on which is rendered:

- a. the existing and proposed topography of the lots
- b. the location of all existing and proposed buildings, drives, parking spaces, means of ingress and egress, drainage facilities, landscaping, structures and signs, lighting, screening devices, and
- c. any other information that may be reasonably required to make an informed decision.

**128. Stacking Lanes**

A portion of a parking area or a parking lot, other than a parking aisle or a parking space which provides standing room for vehicles in a queue and without limiting the generality of the foregoing this may include a queue for a drive-through restaurant, a drive-through bank, or a drive-through carwash.

**129. Story**

The portion of a building, other than a basement, included between the surface of any floor and the ceiling next above it.

**130. Street**

A public right-of-way which provides a public means of access to abutting property. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

**131. Subdivision**

The division of a parcel of land into three or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land, provided that a division of land for agricultural purposes into lot or parcel of five acres or more and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided.

**132. Subdivision Regulations**

The regulations governing the subdivision of land within the City of Stanton as adopted by the Stanton Planning Commission.

**133. Transient Guest**

A person or persons who enter a contractual arrangement with a host whereby the person or persons pay rent to the host or owner of the property or to a person designated by the host or owner to receive rent, including through a digital hosting platform, in exchange for occupancy of a Short-Term Rental for a period of less than 30 days.

**134. Trash**

Any manufactured materials such as metal cans, paper, plastic containers, cardboard, glass,



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containers, packing materials and similar items.

**135. Variance, Dimensional**

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

**136. Vision Clearance Triangle**

An area at the intersection of two roads, streets, alleys, or other public ways described by a triangle measured along the edge of the pavement or the flowline of the roadway in which no fence, wall, landscaping, structure or other obstruction is permitted to obstruct the view more than forty-two (42) inches in height.

<b>Street / Road Classification</b>	<b>Required Distance from Intersection</b>
Non-residential drive	25'
Local Street	25'
Minor Collector	40'
Major Collector / Arterial / Parkway	55'

**137. Yard**

An open space or lot other than a court, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.

- a. Yard, Front: That portion of the yard extending the full width of the lot and extending between the front lot line and the nearest part of the principal building.
- b. Yard, Rear: That portion of the lot extending the full width of the lot and extending between the rear lot line and the nearest part of the principal building.
- c. Yard, Side: Those portions of the yard extending from the nearest part of the principal building to the side lot line.

**138. Zoning Permit**

A permit issued by the Administrative/Enforcement Officer authorizing construction or alteration of signs, fences, accessory structures or authorizing grading activity, construction or excavation within the floodplain, or the demolition of any structure on a specific lot.

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**ARTICLE III**  
**Administration and Enforcement**

**300 Administrative/Enforcement Officer**

Provisions of this Ordinance shall be enforced by an Administrative/Enforcement Officer who may be designated as provided in Article II, Section 2 of this Ordinance to the administer said Ordinance. The Administrative/Enforcement Officer may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of the Chief of Police and/or County Sheriff’s Office in enforcing orders, of the City and/or County Attorney in prosecuting violations, and other officials.

The Administrative/Enforcement Officer shall be authorized to issue building/zoning permits and/or certificates of occupancy in accordance with the literal terms of this Ordinance but may not have the power to permit any construction, or to permit any use or any change of use which does not conform to the literal terms of this Ordinance.

The Administrative/Enforcement Officer shall keep accurate records in a permanent file for the issuance of building permits, certificates of occupancy, inspections, violations, stop orders, and condemnations. If the Administrative/Enforcement Officer finds any provisions of this Ordinance being violated, the person or persons responsible for such violation shall be notified by the Administrative/Enforcement Officer through registered mail. Said notification shall order the discontinuation of any illegal use of land, buildings, and/or structures.

Any permit or certificate of occupancy issued in conflict with the provisions of this Ordinance shall be null and void.

The Administrative/Enforcement Officer shall be required to inform and/or report their actions to the Planning Commission. Said report shall be in writing and issued to the Planning Commission on or before each monthly meeting.

**310 Building Permits**

It shall be unlawful to commence the excavation for or the construction of any building, including accessory buildings, or to commence the moving, alteration, or demolition of any building, including accessory buildings, until the Administrative/Enforcement Officer has issued a zoning or building permit for such work.

Building permits shall be required for all structures with a roof, as well as all fences, walls, patios, and decks. Dog houses with less than 18 square feet of floor area and less than four feet in height shall be exempt from building permit requirements, provided that all required yards and setbacks for accessory buildings are maintained, and provided that all dog houses with all related run or penned enclosure must obtain a zoning permit. No doghouse shall be placed closed to any residence on and adjoining lot that to the principal residence on the lot upon which the doghouse is located. Any kind of animal house, pen, or any type of kennel enclosure is an accessory use.

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

- a. Recurring maintenance work.
- b. Installation of required improvements according to an approved subdivision plat.

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## **320 Procedure**

- a. Application: In applying to the Administrative/Enforcement Officer for a building permit, the applicant shall provide and submit a site plan along with the application, drawn to scale, showing the dimensions of the lot to be built upon, the outside dimensions of all structures to be constructed or altered and all existing structures, the use of structures, yard depths, and any other information necessary for determining compliance with this order. The City Water and Wastewater Office's or the County Health Department's certificate approving proposed water and sewage facilities must accompany applications according to Section 880 of this Ordinance.
- b. Issuance: If the proposed construction or alteration conforms with all applicable ordinances, regulations and codes, the Administrative/Enforcement Officer shall issue a building permit authorizing such construction or alteration. If proposed construction or alteration fails to conform the Administrative/Enforcement Officer shall refuse to issue a building permit and shall cause delivery of written notice to the applicant stating the reasons for refusal. The Administrative/Enforcement Officer shall act upon applications for building permits within two (2) weeks from the date of their submission.
- c. Restraint of Construction without Permit: If no building permit has been issued and a builder begins or continues to build, a restraining order may be obtained upon application to the proper court of record. Evidence of lack of a building permit shall establish a prima facie case for the issuance of the restraining order.
- d. Validity: The Issuance of a building permit shall not waive any provisions of this regulation.
- e. Duration: A building permit shall expire (1) year from the date of issuance unless substantial progress has been made by the date on the construction or alteration authorized therein. The applicant can request a renewal without fee before the expiration date. A full resubmittal and full fee must be paid after the expiration date.

## **330 Certificate of Occupancy**

No land or buildings or part thereof hereafter erected or altered in its use or structure shall be used until the Administrative/Enforcement Officer shall have issued a Certificate of Occupancy stating that such land, building or part thereof and the proposed use thereof, are found to be in conformity with the provisions of this regulation. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Administrative/Enforcement Officer to make a final inspection thereof and to issue a Certificate of Occupancy if the land, building or part thereof and the proposed use thereof, are found to conform with the provisions of this regulation; or, if such certification is refused, to state refusal, in writing with the cause and immediately thereupon to mail notice of such refusal to the applicant at the address indicated in the application.

## **340 Enforcement by Commission**

The Planning Commission may bring action for all appropriate relief including injunctions against any governmental bodies or any aggrieved person who violates the provisions of this Ordinance.

## **350 Enforcement**

- a. Correction Period: All violations of this Ordinance shall be corrected within a period of thirty (30) days after the order to correct is issued by the Administrative/Enforcement Officer or in such longer period of time, not exceeding six (6) months, as the Administrative/Enforcement Officer may determine. A violation not corrected within the allowed time for correction shall be reported to the

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City and/or County Attorney and who shall initiate prosecution procedures.

- b. Violation a Misdemeanor: Every person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance or any permit, license, or exception granted hereunder, or any lawful order of the Administrative/Enforcement Officer, the Board of Adjustment, the Planning Commission, the City Council, or the Fiscal Court issued in pursuance of this Ordinance shall be guilty of a Class B misdemeanor.
- c. Remedies: The Administrative/Enforcement Officer, the Board of Adjustment, the Planning Commission, the City Council, the Fiscal Court, or any interested party may institute an injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin, abate or remove any violation of this Ordinance.

**360 Penalties**

Any person who violates any of the provisions of the Zoning Ordinance, for which no other penalty provided, shall upon conviction be fined not more than \$500.00 for each conviction. Each day of violation shall constitute a separate offense.

Any person, owner or agent involved in the sale or transfer of a lot or parcel and who violates this Ordinance shall, upon conviction, be fined not less than \$200.00 nor more than \$500.00 for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer.

Any corporation, company, limited liability company, or similar organizations, which violates any of the provisions of the Zoning Ordinance shall upon conviction be fined not more than \$10,000.00 for each conviction. Each day of violation shall constitute a separate offense.

**370 Fee Schedule**

The Stanton Planning Commission shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of occupancy, appeals, and other matters pertaining to this ordinance.

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**ARTICLE IV**  
**Board of Adjustment**

**400 Establishment of Board**

The Board of Adjustment shall be established before the City Zoning Ordinance shall be legally enforced. The Board established shall consist of three (3), five (5), or seven (7) citizen members, two of whom may be citizen members of the Planning Commission or Board of Adjustment who is not also an elected or appointed official or employee of the City Council. The term of office for members of the Board shall be four years, but the term of office of members first appointed shall be staggered so that a proportional number serve one, two, three, and four years respectively. Vacancies on the Board shall be filled within sixty days by the respective legislative body. If the Mayor fails to act within that time, the Planning Commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

All members of the Board shall, before entering upon their duties, qualifying by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before a judge, county judge-executive, notary public, clerk of a court, or justice of the peace of Powell County.

Reimbursement for expenses or compensation or both may be authorized for members of the Board.

Any member of the Board may be removed by the appointing authority for the inefficiency, neglect of duty, malfeasance, or conflict of interest. The appointing authority who exercises the power to remove a Board member shall submit a written statement to the Planning Commission setting forth the reasons for removal and the statement shall be read at the next meeting of the Board of Adjustment. The member so removed shall have the right of appeal to the Circuit Court of Powell County.

The Board shall annually elect a chairman, vice-chairman, and a secretary and any other officer it deems necessary. Any officer shall be eligible for the re-election at the expiration of the term.

**410 Meetings of Board, Quorum, Minutes, Bylaws**

The Board shall conduct meetings at the call of the chairman who shall give written or oral notice to all members of the board at least seven days prior to the meeting which notice shall contain the date, time, and place for the meeting, and the subject or subjects which will be discussed.

A simple majority of the total membership, as established by regulation or agreement, shall constitute a quorum. Any member of the Board who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself from voting on the question.

The Board shall adopt bylaws for the transaction of business and shall keep minutes and records of all proceedings, including regulations, transactions, findings, and determinations and the number of votes for and against each question, and if any number is absent or abstains from voting, indicating the fact, all which shall, immediately after adoption, be filed in the office of the Board. If the Board has no office, such records may be kept in custody of an officer of the Board and shall be available to the public. A transcript of the minutes of the Board shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

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## **420 Other Rights and Powers of Board**

- a. The Board of Adjustment may employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties.
- b. The Board shall have the right to receive, hold, and spend funds which it may legally receive from any and every source in and out of the Commonwealth of Kentucky, including the United States Government, for the purpose of carrying out its duties.
- c. The Board shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before it. The Chief of Police and/or Sheriff shall sever such subpoenas. The Circuit Court, may, upon application by the Board, compel obedience to such court or such subpoena by proceedings of contempt.
- d. The Chairman of the Board shall have the power to administer an oath to witnesses prior to their testifying before the board on any issue.

## **430 Conditional Use Permits**

The board shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the Zoning Ordinance which may be suitable only in specific locations in the district only if certain conditions are met:

- a. The board may approve, modify, or deny any application for a conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitations, requirements that one (1) or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the board's minutes and on the conditional use permit, along with a reference to the specific section in the zoning regulation listing the conditional use under consideration. The board shall have power to revoke conditional use permits, or variances for noncompliance with the condition thereof. Furthermore, the board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.
- b. Granting of a conditional use permit does not exempt the applicant from complying with all the requirements of building, housing, and other regulations.
- c. In any case where a conditional use permit has not been exercised within the time limit set by the board, or within one (1) year if no specific lime limit has been set, such conditional use permit shall not revert to its original designation unless there has been a public hearing. "Exercised," as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement have been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment under contract, in development, are completed. When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions as set forth in the permit.
- d. The administrative official shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all the conditions listed on the conditional use permit, the administrative official shall report the fact in writing to the chairman of the board of adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the chairman of the board of adjustment. The board shall hold a hearing on the report within a reasonable time and notice of the time and



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- place of the hearing shall be furnished to the landowner at least one (1) week prior to the hearing. If the board of adjustment finds that the facts alleged in the report of the administrative official are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the board of adjustment may authorize the administrative official to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.
- e. Once the board of adjustment has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the administrative official, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file. Thereafter said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.
  - f. When an application is made for a conditional use permit for land located within or abutting any residential zoning district, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant, administrative official, the mayor and city clerk, an owner of every parcel of property adjoining the property to which the application applies, and such other persons the board of adjustment by laws shall direct. Written notice shall be by first-class mail with certification by the board's secretary or other officer that the notice was mailed. It shall be the duty of the applicant to furnish to the board the name and address of an owner of each parcel of property as described in this subsection. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.
  - g. When any property within the required notification area for a public hearing upon a conditional use permit application is located within an adjoining city, county, or 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:
    - i. If the adjoining property is part of a planning unit, notice shall be given to that unit's planning commission; or
    - ii. If the adjoining property is not part of a planning unit, notice shall be given to the mayor of the city in which the property is located or, if the property is in an unincorporated area, notice shall be given to the judge/executive of the county in which the property is located.

**440 Dimensional Variance**

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

Before any variance is granted, the Board must find all of the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the

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applicant to constitute proof of the dimensional variance:

- a. The specific conditions in which are unique to the applicant’s land and which do not exist on other land in the same zone.
- b. The manner in which the strict application of the provisions of the Ordinance would deprive the applicant of reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone.
- c. That the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the Ordinance.
- d. Reasons that the variance will preserve, not harm, the public safety and welfare will not alter the essential character of the neighborhood.
- e. Consideration of all adjoining property owner’s comments regarding the variance request.

The Board shall not possess the power to grant a variance to permit a use of any land, building, or structure which is not permitted by the Ordinance in the district in question, or to alter density requirements in the district in question.

A dimensional variance applies to the property for which it is granted, and not the individual who applied for it. A variance also runs with the land and is transferrable to any future owner of the land, but it cannot be transferred by the applicant to a different site.

## **450 Recording of Variances and Conditional Use Permits**

All variances and conditional use permits approved by the Board of Adjustment shall be recorded at the expense of the applicant in the Office of the County Court Clerk.

## **460 Existing Nonconforming Use, Continuance, Change**

The lawful use of a building or premises, existing at the time of the adoption of the Zoning Ordinance affecting it may be continued, although such use does not conform to the provisions of such regulation, except as otherwise provided herein (See Article V for details).

The Board of Adjustment shall now allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the Ordinance, which makes its use nonconforming, was adopted. Nor shall the Board permit a change from the one nonconforming use to any other nonconforming use.

## **470 Administrative Appeal**

The Board shall have the power to hear and decide case where it is alleged by an applicant that there is error in any order, requirement, decision, grant, or refusal made by the Administrative/Enforcement Official in the enforcement of this Ordinance. A request for review shall be taken within days after the applicant or his agent receives notice of the action alleged to be in error.

## **480 Procedure for All Appeals to Board**

Appeals to the Board may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action or decision of any officer enforcing this Ordinance. Such appeal shall be taken within thirty days after the appellant, or his agent receives notice of the action appealed from by filing with said officer and with the appropriate Board a notice of appeal specifying the grounds thereof and giving notice of such appeal to any and all parties of record. Said officer shall forthwith transmit to

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the Board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At any hearing by the Board any interested person may appear and enter his appearance, and all shall be given opportunity to be heard.

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

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission or Board of Adjustments may appeal from the action to the circuit court of the county in which the land lies.

All appeals shall be taken in the circuit court within thirty days after the action or decision of the Planning Commission or Board of Adjustment and all decisions which have not been appealed within thirty days shall become final. After the appeal is taken the procedure shall be governed by the rules of civil procedure. When an appeal has been filed, the Clerk of the Circuit Court shall issue a summons to all parties, including the Planning Commission in all cases, and shall cause it to be delivered for service as in any other law action.

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**ARTICLE V**  
**Nonconforming Lots, Structures, and Uses**

**500 Intent**

It is the intent of this ordinance to permit nonconforming lots, structures, and/or uses to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded, extended, or be used as grounds for adding structures or uses prohibited elsewhere in the same district.

**510 Nonconforming Lots of Record**

In any district in which single-family dwellings are permitted, a single-family dwelling and permitted accessory uses, including manufactured and certified mobile homes as permitted in Article IX, may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area and width or both that are generally applicable in the district, if yard dimensions and requirements other than those applying to area or width, or both of the lot shall conform to the regulations for such district in which such lot is located. Variance of yard requirement shall be obtained only through action of the Board of Adjustment.

**520 Nonconforming Uses of Land and Structures**

Where, at the time of passage of this ordinance, the lawful use of a building or premises exists which would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as it remains otherwise legal with the following limitations:

- a. A non-conforming use shall not be extended, enlarged, or moved to occupy any portion of land or structure except in conformity with this Ordinance.
- b. A non-conforming use shall not be re-established after discontinuation for a period of one year. Vacating of premises or building or nonoperative status shall be evidence of a discontinued use.
- c. A non-conforming structure damaged to an extent greater than fifty (50) percent of the current replacement value may be repaired and restored only to a structure and use conforming to the provisions of the Ordinance; provided, however, that a nonconforming residential structure may be rebuilt in the same general yard area if such damage is due to fire or natural causes and if rebuilt within 12 months of the date of damage. Manufactured and certified mobile homes are only placed on lots in conformance with Article IX. Restoring to a safe condition of any structure declared to be unsafe by any public official shall not be prohibited by this regulation.
- d. All non-conforming uses shall be changed only to a conforming use; provided, however, that dimensional variances may be granted.
- e. An owner claiming a continuing non-conforming use shall bear the burden of showing that said use was in existence as of the effective date of this ordinance and has not been discontinued for a period of one (1) year since said effective date. An owner may register a continuing non-conforming use with the Administrative/Enforcement Officer within twelve (12) months of the adoption of this ordinance to establish that said use was in existence as of the effective date of this ordinance.

**530 Nonconforming Structures**

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Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restriction on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may continue so long as it remains otherwise lawful.

Any proposed addition or substantial remodeling of a nonconforming structure may be granted after the public hearing as a dimensional variance by the appropriate Board of Adjustment. The Board must first determine that the proposed addition or substantial remodeling will not facilitate or expand a nonconforming use before such variance can be granted.

### **540 Ordinary Repair and Maintenance**

Work may be done on ordinary repair and maintenance, or on repair or replacement of non-load bearing walls, fixtures, wiring, or plumbing. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition a building or other structure in accordance with the order of an appropriate public agency which declares such building or other structure to be unsafe and orders its restoration to a safe condition.

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**ARTICLE VI**  
**Establishment of Districts**

**600 General Regulation**

No land shall be used or occupied, and no structure shall be erected, altered, used, or occupied except for the principal uses permitted for each of the eleven zoning districts created by this Ordinance together with lawfully permitted conditional uses and/or accessory uses as listed in the following Sections of this Ordinance.

**610 Official Zoning Map**

The official City Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk and bear the seal of the City under the following words: “This is to certify that this is the City Zoning Map referred to in Section 620 of the City Zoning Ordinance adopted by the Stanton City Council on (Date) as part of Ordinance No. 96-02 of the City of Stanton.”

No changes shall be made in the City Zoning Map except in conformity with the procedures set forth in this Ordinance. If, in accordance with the provisions of this chapter and KRS Chapter 100, amendments are made in the zones or overlay district boundaries or other matters portrayed on the Official Zoning Map of the City of Stanton, such amendments shall be made to the Official Zoning Map promptly after the amendment has been approved by the appropriate governing body with an entry on the Official Zoning Map as follows:

“By official action of the City Council, this map is amended as authorized by the [Ordinance Number]” and signed by the Mayor and attested by the City Clerk.

If the City Zoning Map becomes, damaged, destroyed, lost, or difficult to interpret, the City Council may, by resolution, adopt a new City Zoning Map. The new map may correct original drafting errors or other omissions, but the corrections shall not be in effect amendments of the original map including amendments thereto.

**620 Interpretation of District Boundaries**

Boundaries of districts established under provisions of this ordinance are shown on the City Zoning Map on file in the Office of City Clerk, Stanton, Kentucky.

Boundaries of districts shown on the City Zoning Map shall be interpreted as follows.

- a. Boundaries indicated as approximately following the center lines of streets, highways, alleys, railroad tracks shall be construed to follow such lines.
- b. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
- c. Boundaries indicated as approximately following city corporation limits shall be construed as following such corporation line.
- d. Boundaries indicated as approximately following the center lines of streams, rivers or other bodies of water shall be construed to follow such center lines.
- e. Boundaries indicated as parallel to or extensions of features indicated in 620 (a) through 620 (d) above, shall be so construed. Distances shall be determined by the scale of the City Zoning Map unless specifically shown on the map.

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- f. All questions not covered by 620 (a) through 620 (e) concerning the exact location of any district boundary line or portion thereof, shall be determined by the Board of Adjustment.

Where a district boundary line on the City Zoning Map divides a lot of single ownership which was recorded at the time of enactment of this Ordinance, the Board of Adjustment may permit the extension of the regulations for either portion of the lot a distance not to exceed 50 feet into the remaining portion of the lot.

Whenever any street, alley, public way, or public easement is vacated through legal action, the abutting districts shall be extended, depending on the land to which the vacated lands revert.

## **630 Annexation**

In every case when land becomes part of the City through annexation, such applicant for annexed land shall concurrently request a map amendment to assign a Zone District which is most appropriate for the immediate proposed use for the property. If the applicant does not request a map amendment in a timely manner the Planning Commission shall initiate a map amendment within six months of the finalization of the annexation to assign a Zone District which is most appropriate for the existing use on the property.

## **640 Districts Established**

The following zoning district classifications are established for the City of Stanton, Kentucky:

A-1	Agricultural
R-1	Low Density Residential
R-2	Medium Density Residential
R-3	High Density Residential
B-1	General Commercial
B-2	Pedestrian Oriented Commercial
B-3	Highway Commercial
I-1	Light Industrial
I-2	Heavy Industrial
P-1	Public/Civic
SFHA	Special Flood Hazard Areas

## **641 Expressly Prohibited Uses in All Districts**

- a. Hazardous waste storage, hazardous material production, incineration, landfills, storage and/or handling of any type of the aforementioned uses are expressly prohibited in all zones in Stanton.
- b. Accumulation of junk, refuse, garbage or trash and the storage of interior household items outside of enclosed structures.
- c. Exterior Storage of Nonoperating or Non-licensed Vehicles: No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant, or otherwise shall allow any partially dismantled, wrecked, junked, discarded or otherwise nonoperating motor vehicle to remain on such property longer than ten (10) day; and no person shall leave any such vehicle on property within the City of Stanton for longer than ten (10) days; except that this section shall not apply to historic motor vehicles registered and licensed in conformance with KRS 186.043, property where such use is allowed under zoning ordinances, or other applicable laws, or to any vehicle in an enclosed building or so located upon the premises as not to be readily visible for may public place or from any surrounding private property. This section shall further not apply with regard to any vehicle on the



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premises of a business enterprise operated in a lawful place, other than in a residential district, and operated in a lawful manner, when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the county government of any other public agency or entity.

- d. **Duty of Maintenance of Private Property:** No person owning, leasing, occupying, or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the property in the neighborhood in which such persons are located. Nuisances shall consist of but not limited to abandoned buildings, abandoned mobile homes, garbage dumps, etc.
- e. **Livestock in City Limits**
  - 1. *Swine prohibited within corporate limits.* It shall be unlawful to keep swine within the corporate limits of the city at any time during the year.
  - 2. *Poultry, chickens, etc prohibited within corporate limits.* Except in districts zoned as "agricultural" by the City of Stanton's Zoning map, it shall be unlawful to keep poultry, chickens, geese, turkeys, ducks, cornish hens, game birds, ostriches, emus, within the corporate limits of the city at any time during the year. No domesticated or undomesticated birds shall be kept in a cage or similar container outdoors in the City limits of Stanton.
  - 3. *Livestock prohibited within corporate limits.* Except in districts zoned as "agricultural" per the City of Stanton's zoning ordinance, it shall be unlawful to keep livestock of any kind, including, but not limited to lamas, alpacas, bison, horses, goats, sheep and cattle, within the corporate limits of the city at any time during the year. This section shall not apply to livestock participating in a scheduled parade so long as the livestock is not kept in the city beyond the time span established for the parade or other event.
  - 4. *Rabbits limited within corporate limits.* Except in agriculturally zoning districts or properties defined as a farm under this ordinance, it shall be unlawful:
    - i. To keep undomesticated rabbits or hares within the corporate city limits at any time during any year;
    - ii. To keep more than three domesticated rabbits or hares that have not been spayed or neutered as a pet within the corporate city limits at any time during any year; or
    - iii. To keep domesticated rabbits or hares for sale or consumption within the corporate city limits at any time during any year. Domesticated rabbits or hares maintained as pets must be maintained in such a manner as to eliminate any foul odor being emitted upon property located within the corporate city limits at any time during any year.
    - iv. Livestock running at large prohibited. It shall be unlawful for any person to suffer or permit any cow, calf, horse, mare, colt, mule, sheep, goat or other such stock owned by such person, or under his or her control, to run at large within the city limits.
  - 5. *Exotic Animals.* No person shall maintain, possess, harbor or keep an exotic animal or hybrids of exotic animals within the city limits of Stanton. An exotic animal is defined as: a normally undomesticated animal, which is usually found in the wild, is particularly and potentially dangerous to persons and property, or which does not generally live in or about the habitation of humans, including but not limited to, lions, monkeys, deer, coyotes, alligators, crocodiles, apes, giraffes, bears, tigers and wolves or any hybrid thereof.

## 642 Yard Regulations

- a. Any part of any yard, open space, off-street parking or loading space required in connection with any building to comply with these regulations shall not be included as part of any yard, open space, or parking or loading space for any other building unless approved as a variance by the Board of Adjustment.

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- b. A yard or lot existing at the time of adoption of this Ordinance, or created subsequently, shall not be reduced in dimension or area below the minimum requirements set forth in these regulations.
- c. Front yards for corner and/or through lots shall be of the depth required by this Ordinance for the district in which the lots are located. The side yard adjacent to the other street shall be of the depth required by this Ordinance for front yards in the district in which the lot adjacent to the corner and/or through lot is located.
- d. Front yards and side yards for corner lots shall be measured from the street right-of-way line, provided that for the purposes of this measurement no city street shall be less than fifty (50) feet wide. This provision shall not be construed as requiring the dedication of any property to the public. For any parcel facing a street or road that does not have a defined right-of-way the setback distance shall be measured from the closest edge of pavement or sidewalk.
- e. Steps, terraces, decks, carports, bay windows, fire escapes, balconies, open porches, and other unenclosed architectural features may extend into required yard space not more than nine (9) feet, provided that no such projection shall be less than five (5) feet from a side lot line. Enclosing such projection into yard space is prohibited.
- f. In any required front yard or side yard for corner lots, no fences or walls shall be permitted which materially impede vision across or into such yard above forty-two (42) inches in height. Fences, walls, and hedges are permitted in or along the edge of a yard except as provided above. In Planned Unit Developments requiring Development Plan review, the Planning Commission may permit fences, walls, and hedges above forty-two (42) inches in height in the front yard.

**643 Setback Lines, Exceptions**

Front yard setback lines may be varied where the average depth of principal buildings on adjoining properties is less or greater than the depth prescribed elsewhere in this Ordinance. In such case, the front yard in question shall not be less than the average depth of existing front yards on the two (2) lots immediately adjoining.

**644 Lot Access Requirements**

Every lot upon which a building is erected for use shall either be adjacent to or have direct and permanent access to a public street. Access to buildings in a Planned Unit Development shall be approved by the Planning Commission. Any new access point on a city or county road or street that is not associated with an approved building or zoning permit shall require an Access Permit issued by Planning & Zoning or have written approval from the Kentucky Transportation Cabinet (KYTC) is connected to a State Highway. Any existing access point that is modified from its original configuration shall require an Access Permit or written approval from KYTC.

The following restrictions regarding lot access control shall apply:

- a. Lots with less than 100 feet of frontage on a public street shall have no more than one (1) point of access to the public street. Lots with more than 100 feet but less than 400 feet shall have no more than two (2) points of access to the public street. Lots with more than 400 feet of frontage shall have no more than two (2) points of access for each 400 feet of frontage.
- b. The location of access drives for lots with 400 or more feet of frontage shall be approved by the Planning Commission.
- c. No point of access shall be allowed within twenty (20) feet of the intersection of the right-of-way lines of intersecting streets.
- d. No curbs on public streets or public right-of-way shall be cut, removed, or altered, nor shall any curb or pavement be constructed within the right-of-way without written approval of the Admirative/Enforcement Official.

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- e. Approaches: Driveways for residential areas shall be provided with a minimum width of nine (9) feet and a minimum radius at the curb of five (5) feet, or a five (5) foot flare. Aprons at entrances shall be flush with the road or have maximum of 0.75-inch (3/4") lip where feasible. The approach should have a radius equal to the height of the lip. In areas of heavier traffic volumes or where special conditions are encountered, the Planning Commission may require an increase in driveway width and radii/flare requirements.
- f. An access drive shall not exceed twenty (20) feet in width for one-way and/or one-lane ingress or egress. Two-way and/or two-lane access drives shall not exceed thirty-five (35) feet in width.
- g. Culvert size and material must be approved by Planning & Zoning office.

## **645 Water Supply and Sewage Disposal**

No building or dwelling can be constructed without water supply and sewage disposal facilities which have been approved by the County Health Department. Wherever water and sewer mains are accessible, buildings shall be connected to such mains. In every case, individual water supply and sewage disposal must meet the requirements set by the County Health Department and the City's water and sewer department superintendent. A certificate showing approval of proposed and/or completed water and sewage facilities must accompany applications for building permits and certificates of occupancy.

## **646 Land Disturbance Activities**

Land disturbance activities shall be permitted without a conditional use permit only to the degree necessary to permit construction of buildings, streets, or accessory uses for which a building permit has been granted. Materials used for fill shall be natural materials only, such as sand, gravel or dirt, and shall not consist of rubbish, refuse, garbage or decomposable animals or vegetable materials.

## **647 Temporary Building or Temporary Use**

Temporary permits not to exceed six (6) months and renewable for additional six (6) months periods for a maximum of eighteen (18) months may be issued by the Administrative/Enforcement Officer for site construction purposes. Non-renewable temporary permits for no more than sixty (60) days may be issued by the Administrative/Enforcement Officer for carnivals, circuses, tent revival meetings and similar special event activities. Temporary events by local schools, churches and civic clubs of short duration shall not require a permit.

Before issuing a temporary permit, the Administrative/Enforcement Officer shall find that the site is adequate for the proposed activity and that the proposed use, including related parking and traffic is not detrimental to the surrounding area.

The Board of Adjustment may permit temporary conditional uses for a period not to exceed six (6) months for structures and/or uses referred to above provided that the requirements for site adequacy, parking, and traffic are met in addition to the Board's conditions.

## **648 Minimum District Size**

No land district created under the provisions of this Ordinance shall be less than two (2) acres in size.

## **649 Additional Standards in All Districts**

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Development Standards by District, Table 6.1									
District	A-1	R-1	R-2	R-3	B-1, B-3	B-2	I-1	I-2	P-1 / FP
Min. Lot Area	5 acres	10,000 sf	8,000 SFD/ 9,000 2FD	7,000 SFD/ 9,000 2FD**	None	None	None	None	Special review
Min. Lot Width at Bldg Line	200'	100'	60' SFD/ 70' 2FD	60' SFD/ 70' 2FD	100'	None	100'	100'	Special review
Front Setback	60'	30'	25'	20'	25' or 1/2 ROW	None	40' or 1/2 ROW	50' or 1/2 ROW	Special review
Side Setback (each)	25'	20'	8'	8'	Adj Res*	None	25'/50' adj res	25'/50' adj res	Special review
Rear Setback	25'	25'	20'	15'	Adj Res*	None	25'	25'	Special review
Max. Bldg Height	45'	30' / 2 sty	36' / 3 sty	36' / 3 sty	25' / 2 sty	36' / 3 sty	36' / 3 sty	36' / 3 sty	Special review
*if adjacent to residential district, must comply with adjacent district's requirements									
**Multi-family: 7,000 sf for 1st unit, + 4,000 sf for each additional unit									

- Parking Standards see Article X
- Signs see Article XI
- Lighting see Article XII
- Fences see Article XIII
- Alternate Energy Standards see Article XIV
- Landscaping see Article XV

**650 Agricultural District**

The intent of the Agricultural District is to preserve, promote and protect the rural character of the land, including agricultural uses, significant natural features, wooded areas, the water courses, and to minimize erosion of soil, siltation and pollution of streams and lakes.

**651 Agricultural District (A-1)**

The purpose of A-1 districts is to preserve agricultural endeavors and open space in Stanton.

*1. Permitted Uses*

- a. Land used exclusively for agriculture, farming, dairying, stock raising
- b. Horticultural services
- c. Hunting, trapping, wildlife refuge, forestry
- d. Single-family detached dwellings
- e. Churches and cemeteries.

*2. Conditional Uses*

- a. Hospitals, nursing homes, convalescent homes, rest homes, orphanages, rehabilitation homes
- b. Sewage disposal plants and water treatment plants.
- c. State approved sanitary landfills. The Board of Adjustment may attach special conditions necessary to protect neighboring premises from undesirable effects of such operation.
- d. Veterinarian clinics

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- e. Agricultural home occupations
- f. Recreational facilities, including playgrounds, golf courses, country clubs, sportsman's farms, riding stables, fishing lakes and private clubs.

3. *Permitted Accessory Uses*

- a. Accessory uses in connection with agricultural, farming, dairying, stock raising or similar uses, such as tenant homes, agricultural structures, stables, and parking areas.
- b. Roadside stands offering for sale only agricultural products grown on the premises.
- c. Keeping of roomers or boarders by a resident family
- d. Swimming pools and tennis courts for private use
- e. Horse training track

4. *Special Uses in A-1 District*

For the purpose of this Ordinance, all lots 5 acres or greater meet the definition of agricultural use necessary to qualify for the special exemptions noted in Article VII.

**660 Residential Districts**

The purpose of residential districts is to establish and preserve diverse housing types for the needs of all residents of the City free from other uses except those which are both compatible with and convenient to the residents of such a district.

**661 Low Density Residential District (R-1)**

The low-density residential classification is the most restrictive residential district. The principal land use in this district is for single-family dwellings and for associated religious, recreational, educational, and public facilities necessary to provide for a balanced and attractive low density residential area. Lands in this district are intended to be protected from encroachment of uses detrimental to and not performing a function appropriate to the residential environment. Property values are stabilized, and orderly growth promoted by providing adequate light, air, and open space and through consideration of proper function relationships or each permitted use.

1. *Permitted Uses*

- a. Detached single-family dwellings.

2. *Conditional Uses*

The following uses are special exceptions and require written approval of the Board of Adjustment. The Board may attach certain conditions to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate.

- a. Churches, parish houses and other places of worship
- b. Public libraries and public schools
- c. Public parks, non-commercial recreational areas and other public facilities of a non-commercial nature.
- d. Funeral homes and cemeteries
- e. Hospitals and clinics for human care, nursing and convalescent homes and nurses' homes
- f. Philanthropic institutions and clubs, except a club which is customarily carried on as a commercial activity.
- g. Non-commercial kennel on the premises of a residence occupied by the owner or tenant as a dwelling house.
- h. Bed and breakfast options.

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- i. Qualified Manufactured Homes that meet the restrictions listed in Article IX
- j. Public utilities and businesses involved with providing internet, phone, or utility services to the community.
- k. Accessory dwelling units.
- l. Farmer's markets
- m. The office or studio in the residence of a physician, dentist, artist, surveyor, lawyer, engineer, information technology (IT) professional, teacher (with musical instruction limited to one (1) pupil at a time), architects, certified public account (CPA), realtor and insurance agent, provided that not more than one-half (1/2) of the area of one (1) floor of the dwelling is devoted to such accessory use, and that no more than one (1) person, not a resident on the premises, is employed, and that no such use shall require structural alterations or involve construction features not customary in dwellings. An indirectly lighted nameplate, not over two (2) square feet in area, attached flat against the building shall be permitted.

Other accessory uses may also include customary home occupation of handcraft, dressmaking, and laundering; provided that such occupations shall be conducted exclusively by resident occupants in their place of residence and provided further that not more than one quarter (1/4) of the area of one (1) floor of said residence shall be used for such purpose and that structural alterations or construction involving features not customarily found in dwellings are not required. An indirectly lighted sign of not over two (2) square feet in area and attached flat against the building shall be permitted.

Any business conducted as an accessory use must be confined to the interior of the principal building with all merchandise kept inside the building.

- n. Short term rentals (must meet the following standards):
  - i. Conditional Use Permits for Short Term Rentals and business licenses are not transferable between owners.
  - ii. Must be registered and have current business license and no delinquent city taxes including transient room tax, property tax, and employee withholding taxes.
  - iii. No criminal or nuisance violations.
  - iv. Minimum of 1 off-street parking space per bedroom either paved or graveled.
  - v. No signs are permitted on the property where the rental is located advertising the property as a rental property or providing contact information relative to how the property may be rented.
  - vi. Up to 3 (three) properties with Type 3 Short Term Rentals can share contiguous property lines to form a Short-Term Rental Cluster. There must be two non-Short Term Rental properties between any two Short Term Rental Clusters.
  - vii. The Board of Adjustment can allow greater density of STRs if they determine there is no adverse effect on the health, safety, and welfare to the adjacent neighbors and the community.

### *3. Accessory Uses*

Accessory uses and buildings may be permitted only as customarily incidental to any of the permitted and Conditional Uses listed above. See Article VIII

### *4. Special Use*

A planned Unit Development for residences shall be permitted as a special use in conformance with Article XVI of this Ordinance.

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5. *Prohibited Uses*

Within the R-1 zone district, the use of dumpsters for the collection, deposit, and transportation of garbage or refuse except where said dumpster is placed on the property for a period less than 30 days with said placement of the dumpster being directly related to the construction of or removal of a residence on the subject property is prohibited. (9/9/10)

**662 Medium Density Residential District (R-2)**

The two-family residential district is intended to provide for medium population density. Single-family and two-family dwelling units are the principal uses permitted along with the associated uses referred to in Section 661 as being necessary to provide a balanced and attractive residential area. The purpose of this district is the same as that of the R-1, Low Density Residential District except that two-family, detached, dwelling units are permitted.

1. *Permitted Uses*

- a. Detached single-family dwellings
- b. Detached two-family dwellings

2. *Conditional Uses*

- a. Any use conditionally permitted in an R-1 residential district and subject to the requirements thereof as provided in Section 661 (2).

3. *Accessory Uses*

Accessory uses and buildings may be permitted as customarily incidental to any of the principal and Conditional Uses listed above.

4. *Special Use*

A Planned Unit Development for residences shall be permitted as a special use in conformance with Article XVI of this ordinance.

**663 High Density Residential District (R-3)**

This residential district provides for medium and high population density. The principal use of land may include two family residential units to multi-family dwellings. Uses are also permitted on a conditional or accessory basis that complement the more intense residential use that is intended in an R-3 district.

1. *Permitted Uses*

- a. Detached single-family dwellings
- b. Detached two family dwellings (duplexes)
- c. Multi Family dwellings including town houses, condominiums, rooming and boarding houses
- d. Mobile home subdivisions and Type I Mobile Homes

2. *Conditional Uses*

- a. Any use conditionally permitted in an R-1 residential district and subject to the requirement thereof as provided in Section 661 (2) except accessory dwelling units and short-term rentals.
- b. Private nursery, day school, kindergarten and childcare center.
- c. Mobile home park
- d. Recreational vehicle park
- e. Type II, III, and Certified Mobile Homes

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3. *Accessory Uses*

Accessory uses and buildings may be permitted as customarily incidental to any of the permitted and Conditional Uses listed above.

4. *Special Use*

A Planned Unit Development for residences shall be permitted as a special use in conformance with Article XVI of this Ordinance.

**670 Commercial Districts**

Accommodate existing and future business development in such locations and with such regulations so as to provide availability and accessibility for the success of business operations to encourage the development of new business at appropriate locations and to preserve and protect existing and future development of non-business uses of access points, service roads, parking and loading areas, screening, and other regulations.

**671 General Commercial Districts (B-1)**

The purpose of the General Commercial District is to provide retail stores and personal service outlets to meet the need of the people in adjacent or nearby residential areas for convenient services. These districts are closely related to residential districts, but they are also commercial areas that generate activities that can be disruptive in residential areas unless they are properly regulated. The intent of these regulations is to make the B-1 as compatible as possible with associated residential districts while permitted commercial activity.

1. *Permitted Uses*

Any convenience-type retail business or service establishment such as follows:

Groceries, drug stores, shoe repair shops, hardware store, barber and beauty shops, clothing shops, garages for motor vehicle repair within an enclosed building, restaurants, self-service laundries, filling stations and public electric vehicle (EV) charging stations, places of amusement and assembly, yoga or martial arts studios, fitness & health centers, car washes and antique shops. Any other retail business or service establishment which is determined by the Board of Adjustment to be of the same general character as the above-mentioned uses.

2. *Conditional Uses*

Billboards, churches and other places of worship; parish houses; public libraries; schools offering general education courses, public parks, and non-commercial public recreational facilities; public utilities; funeral homes; cemeteries; nurses' homes, hospitals and clinics for human care, dispensaries, farmer's markets, philanthropic institutions and clubs. Including a club of which the chief activity is customarily carried on as a business; mobile home park; mobile home subdivision; recreational vehicle park.

The Board of Adjustment may attach certain conditions to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate.

3. *Accessory Uses*

Any accessory use or building customarily incidental to the above permitted uses is permitted, including dwelling units occupying the same building as the principal commercial use and being for use by the owner and/or operator of the permitted commercial use.



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4. *Required Conditions*

- a. Screening: Where a side lot line is shared with an adjoining residential lot, a well-maintained compact hedge, a solid fence, or similar solid screening device at least six (6) feet in height shall be installed to screen the businesses use from the adjoining lot in the residential district. The screen shall begin at the front building line and extend along the common side lot line to the rear property line.
- b. Access to Highways and Streets: In all commercial zones, points of access to highways and streets shall be controlled by the Planning Commission and by Article VIII, Section 820 of this ordinance. Before any building permit for any structure in a B-1 district may be issued the prospective builder or operator of the proposed B-1 activity shall submit a sketch of the layout and the design of the proposed structure and/or use and its access points to the highway and/or street to the Planning Commission. The Planning Commission may require that when two or more consumer commercial establishments adjoin along one side of any street or highway that they share access points to the street. When more than four consumer commercial establishments adjoin along any highway or street, a road parallel to the highway or street may be built, at the expense of all adjoining consumer commercial establishments, to provide service to all consumer commercial. 1 establishment on the same side of the street or highway. This road shall have access to the highway or street at no more than two points for every four consumer commercial establishments. The provisions of Article VIII of this Ordinance shall also apply in a B-1 district. Parking and off-street loading requirements are provided in Article X of this ordinance.

c.

**672 Pedestrian Oriented Commercial District (B-2)**

The Pedestrian Oriented District is intended for the conduct of retail business and for personal and business service for the city and its trade area. It is the most intensely developed district and contains stores and services for all areas of the city, requiring a high degree of internal interaction that demands close proximity and freedom of movement by pedestrians within the District.

1. *Permitted Uses*

Any consumer and personal service establishment such as follows:

Shoe repair shops, drug stores, hardware stores, barber and beauty shops, clothing stores, banks and other financial institutions, hotels, office buildings, restaurants without drive-thrus, poolrooms, gift shops and variety stores, printing shops, jewelry stores, mail-order houses, radio and television studios, yoga or martial arts studios, and fitness & health centers, craft brewery or distillery (less than 5,000 sf G.F.A.),.

Dry cleaning establishments are permitted, provided that establishments meet all fire code requirements; have installed venting which assures dispersion of all obnoxious fumes and odors at least twenty-five (25) feet above the street level or five (5) feet above the roof level of the highest adjoining building, whichever is the higher; use only nonflammable solvents as specified by the Underwriters' Laboratory, Incorporated, receive and disburse merchandise for processing on the premises; and provide at least two (2) off-street parking spaces for customers.

**In no case, shall the following uses be permitted within the Pedestrian Oriented Business District:**

New or Used car sales, farm implement sales, trailer sales, drive-in theaters, drive-in restaurants, drive-thru lanes or windows, public electric vehicle (EV) charging stations, EV battery exchanges, EV rapid charging stations, or any other similar uses which the Board of Adjustment determines to be detrimental to the district as a pedestrian-oriented retail consumer-service district.

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## 2. *Conditional Uses*

The following uses are special exceptions and require written approval of the Board of Adjustment: Churches and other places of worship; parish houses; public libraries; passive recreation and/or public parks, service stations, municipal county, state and federal buildings, public utilities; funeral homes; hospitals and clinic for human care, farmer’s markets, philanthropic institutions and clubs” including a club of which the chief activity is customarily carried on as a business; use of upper floors as residential dwelling by the owner of the business on the lower floors, the owner of the building, or as rental property.

The Board of Adjustment may attach certain conditions to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate.

## 3. *Accessory Uses*

Any accessory use or building customarily incidental to the above permitted uses is permitted.

## 4. *Required Conditions*

All permitted and Conditional Uses within the Pedestrian Oriented Business District shall be conducted wholly within an enclosed building except for off-street parking and loading facilities provided for under Article X of this Ordinance.

### **673 Highway Commercial District (B-3)**

The B-3 District is for the conduct of retail sales and personal business oriented to vehicles and vehicular travel primarily on major streets, roads, and arterials. Characteristically, the District is centering about major road intersections and along arterial routes. Travel within the District is mainly by way of private automobile.

#### 1. *Permitted Uses*

- a. Any uses in the General Commercial District (B-1).
- b. The following uses are also permitted within the Highway Business District:  
New or used car sales, farm implement sales, trailer sales, equipment rental, building material sales, self-storage facilities, drive-in theaters, craft brewery or distillery (less than 10,000 sf G.F.A.), EV battery exchanges, EV rapid charging stations, or any other similar uses.

#### 2. *Conditional Uses*

The following uses are special exceptions and require written approval of the Board of Adjustment: Churches and other places of worship public libraries; public parks, and commercial public recreational facilities; public utilities; funeral homes; cemeteries; roadside stands and clubs, farmer’s markets, including a club of which the chief activity is customarily carried on as a business; dwelling units occupying the same building as the principal commercial use and being for the use of the owner and/or operator of the permitted commercial use; mobile home park; mobile home subdivision; recreational vehicle park, sexually-oriented businesses pursuant to City Ordinance No. 07-208.

The Board of Adjustment may attach certain conditions to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate.

#### 3. *Accessory Uses*

Any accessory use or building customarily incidental to the above permitted uses is permitted including drive-thru lanes and windows.

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4. *Special Use*

A Planned Unit Development for highway business shall be permitted as a special use in conformance with Article XVI of this Ordinance.

5. *Required Conditions*

Same as the required conditions for the B-1 District.

**680 Industrial Districts**

**681 Light Industrial District (I-1)**

The Light Industrial District is primarily intended for production and assembly plants and industrial operations or services that are conducted in such manner that noise, odor, dust, glare, and vibration produced is essentially contained within the premises.

1. *Permitted Uses*

Any use permitted in the Pedestrian Oriented Commercial District.

Wholesale, storage; warehouse, animal hospital; bakery; bottling works; building material yard; cabinet making; carpenter's shop; clothing manufacturer; dairy; dyeing and dry-cleaning works; fruit canning or packing; ice plants; laundry; milk distribution station; optical goods; paper boxes; pencils; printing; publication or engraving; and trucking terminals.

Other industrial uses not listed above shall be considered conditional uses and will require written approval of the Board of Adjustment.

2. *Conditional Uses*

The following uses are special exceptions and require written approval of the Board of Adjustment: Any industrial, manufacturing, fabrication, processing or industrial service use which the Board of Adjustment determines would not emit obnoxious noise, odor, smoke, dust, or vibration beyond the confines of its property may be conditionally permitted.

Facilities for the cultivation, processing, production, and testing of cannabis products subject to KRS 218B.

The Board may attach certain conditions to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use could locate.

3. *Accessory Uses*

Any accessory use or building customarily incidental to the above permitted and Conditional Uses.

4. *Special Uses*

A Planned Unit Development for light industries shall be permitted as a special use in conformance with Article XVI of this Ordinance.

5. *Required Conditions*

- a. Yards: on lots adjacent to a residential district, all buildings shall be located so as to provide a minimum yard of fifty (50) feet.
- b. Loading Docks: No loading dock shall be constructed fronting on any public street or roadway.

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- c. Storage Facilities: No materials or supplies shall be stored or permitted to remain on any part of the property outside the buildings constructed thereon without proper screening and adequate distances from the adjoining properties.
- d. Waste Disposal: No waste material or refuse shall be dumped upon or permitted to remain upon any part of an industrial property outside of buildings constructed thereon. In addition, the property shall not be used by any industry whose primary business requires industrial sewerage, unless the governing municipal body authorizes the use of its sewage disposal facilities or said industry constructs its own sewage disposal plant.

**682 Heavy Industrial District (I-2)**

The Heavy Industrial District is primarily intended production and assembly plants and industrial operations or services that by virtue of the external effects of their noise, odor, dust, glare or vibration should be isolated from residential uses. Heavy industries should be located in areas with topographic features suitable for such industries and where adequate utilities and transportation are available.

*1. Permitted Uses*

- a. Any use permitted in the I-1 Light Industrial District, except that no building, structure, or portion thereof shall be erected, constructed and or used for any dwelling use.

*2. Conditional Uses*

The following uses are special exceptions and require written approval of the Board of Adjustment:

- a. Abattoirs (slaughter house); acid manufacture, acetylene gas manufacture; ammonia manufacture; asphalt manufacture, refining or storage; blast furnace, brick kiln, charcoal manufacture and pulverizing; chemical manufacture, creosote treatment and manufacture; exterminator or insect poison manufacture; fat rendering, fertilizer manufacture, flour and grain milling; gasoline storage, wholesale; junk yards; leather curing and tanning lime-manufacture; monument works; plaster of paris manufacture, quarry works, refuse dump, rock crushing; salvage storage yard; sawmill; scrap iron; storage yard; stock yards; sulfur; sulfuric acid, or derivatives manufacture; tar distillation or manufacture; terra cotta manufacture; wrecking material yard; and coal washing; storage and transfer yards and facilities.
- b. Any other industrial, manufacturing, fabrication or processing uses which the Board of Adjustments determines to be non-detrimental to surrounding properties nor possess other characteristics that would be a nuisance to the residents of the City of Stanton.

The Board may attach certain conditions to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate.

*3. Accessory Uses*

Any accessory use or building customarily incidental to the above permitted and Conditional Uses.

*4. Special Use*

A Planned Unit Development for heavy industries shall be permitted as a special use in conformance with Article XVI of this ordinance.

*5. Required Conditions*

- a. All required conditions listed in the I-1 Light Industrial District.
- b. Junk yards, salvage, and scrap iron yards and similar uses shall be enclosed by an acceptable fence, wall or other screening not less than six (6) feet in height. The Board of Adjustment

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shall determine the acceptability of said screening.

**690 Public/Civic (P-1)**

The Public/Civic Zone District is for government, school, and other public land uses which are typically not regulated by local zoning ordinances and subdivision regulations. These can include the county courthouse, public schools, federal offices, and municipal water and sewer facilities. Standards are set by special review by the Board of Adjustment.

**695 Special Flood Hazard Area (SFHA)**

The Special Flood Hazard Area is that portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards as shown on a FHBM or FIRM as Zone A, AE, A I -A30, AH, AO, or AR. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Powell County, dated February 17, 2010, with the accompanying Flood Insurance Rate Maps (FIRMS), other supporting data and any subsequent amendments thereto, have been adopted by reference and declared to be a part of these regulations by Stanton, and for those land areas acquired by Stanton through annexation pursuant to City of Stanton Flood Damage Prevention Ordinance No. 09-1216.

All development within any SFHA shall be regulated through the provisions adopted in the Flood Damage Prevention Ordinance. Any proposed construction or land disturbance activities within a regulated floodplain must be reviewed by the Administrative / Enforcement Officer and the City of Stanton's Floodplain Coordinator before any activity commences.

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## **ARTICLE VII**

### **Application of Regulations**

**700 Application of Regulations**

All existing and future structures and uses and premises within the City of Stanton, shall conform to all applicable provisions of the Zoning Ordinance. Each zoning district is established to permit only those uses specifically listed as permitted uses or accessory uses, except as provided under the conforming or conditional uses provisions and is intended for the protection of those uses. No other uses are permitted except as specifically permitted elsewhere in his ordinance.

**710 Special Provisions for Agricultural Areas**

For the purposes of this ordinance, land which is used solely for agricultural, farming, dairying, stock raising or similar purposes, shall have no regulations imposed as to building permits, height, yard, location or court requirements for agricultural buildings except that:

- a. Setback lines/and or buffer zones shall be required for the protection of existing and proposed streets and highways. In connection therewith, all requirements of the Commonwealth of Kentucky Department Transportation, Bureau of Highways Regulations as regarding distance, sight and drainage shall be compiled with; and
- b. All buildings or structures in designated floodway or floodplain or which tend to increase flood heights or obstruct the flow of flood waters may be fully regulated.

**720 Subdivision of Agricultural Land**

Landowners or developers desiring to subdivide agricultural land for any non-agricultural use must meet the following requirements:

- a. Obtain a zoning change to the appropriate zoning district unless the intended use is suitable in the agriculture district.
- b. Conform to the Subdivision Regulations, including design and processing requirements.
- c. Conform to the dimension requirements and other special requirements as may be imposed by the Commission.

**730 Subdivision or Consolidation of Lots**

In all cases where the ownership of land is divided or consolidated for the purpose of eventual development of lots, the provisions of the City of Stanton Subdivision Regulations shall apply in addition to the provisions of this Ordinance.

**740 Coordination with Subdivision Regulations**

In all cases, the provisions of the Subdivision Regulations of Stanton and amendments thereto shall apply in addition to the provision of the Zoning Ordinance.

**750 Certificate of Land Use Restrictions**

Whenever a legislative body approves a Zoning Map Amendment, whenever the Planning Commission approves a development plan or subdivision plan, and whenever the Commission approves a development

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plan or subdivision plat, and whenever the Board of Adjustments approves a variance or conditional use permit, a Certificate of Land Use Restriction as detailed on the following page shall be filed with the county clerk.

**CERTIFICATE OF LAND USE RESTRICTION**

1. Name and address of property owner(s)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Address of Property

\_\_\_\_\_

3. Name of subdivision or  
Development (If applicable)

\_\_\_\_\_

4. Type of Restriction(s) (Check all that apply)

\_\_\_\_\_ Zoning Map Amendment to \_\_\_\_\_ Zone  
\_\_\_\_\_ Development Plan  
\_\_\_\_\_ Subdivision Plat  
\_\_\_\_\_ Variance  
\_\_\_\_\_ Conditional Use Permit  
\_\_\_\_\_ Conditional Zoning Condition  
\_\_\_\_\_ Other (Specify) \_\_\_\_\_

5. Name and address of Planning Commission, Board of Adjustment, legislative body which maintains the original records containing the restriction.

\_\_\_\_\_

\_\_\_\_\_  
Signature of Completing Official

\_\_\_\_\_  
Name and Title of Completing

Official (type or print)



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**ARTICLE VIII**  
**Supplemental District Regulations**

**800 Applicability**

Except as hereinafter specified, the provisions of this Article shall apply to all districts. The provisions of this Ordinance affect every building and use. No building or land shall be used, and no building shall be erected, moved, altered, or demolished, except in conformity with these regulations. No excavations cut or fill of earth or debris shall be undertaken unless a permit is issued in conformance with the provisions of this Ordinance.

**830 Accessory Buildings & Uses**

Accessory buildings may only be permitted in conjunction with a primary permitted use. In no case shall an accessory building be permitted as a standalone use on any lot.

Accessory buildings shall be permitted in rear yards only and must be at least six (6) feet from any other buildings on the same lot and six (6) feet from all adjoining lots. On any corner lot adjoining in the rear another lot which is in residential district accessory buildings shall conform to the side yard requirements for the residential district.

Accessory uses in all residential zone districts cannot exceed the square footage of the primary use (residence) to which they are subordinate (excluding barns in agricultural zone districts). Accessory use square footage includes attached and detached garages, sheds, ADUs, and all uses listed as accessory uses in the applicable Zone District. Primary use square footage shall include all habitable areas on all floors within the primary residence, including unfinished basements and fully enclosed porches. Covered porches and decks shall not count towards either primary or accessory square footage.

No buildings in the rear of a main or principal building on the same lot shall be used for residential purposes unless it conforms to all requirements of this Ordinance.

**831 Swimming Pools**

All in-ground swimming pools or similar structure built for the purpose of holding or containing water or fluid materials shall be protected by a fence at least four (4) feet high with a self-closing lockable gate to prevent unauthorized or accidental access by children. Above-ground pools greater than four feet in height measured from normal grade to the top rail with a retractable or removable ladder or a self-closing, lockable gate blocking the stairs and all pools smaller than 100 square feet and 18" in depth or less and not containing any recirculating equipment shall be exempt from this requirement.

The Enforcement Officer shall have the authority to waive this requirement considering extenuating circumstances regarding a particular piece of property such as natural barriers preventing access and location on large, fenced lots.

All public swimming pools must meet all applicable state regulations regarding fencing.

**832 Lot of Every Building**

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Every principal building shall be located on a separate lot. Except in a Planned Unit Development, only one principal building may be erected on a single lot unless requirements of this Ordinance are met as though it were on an individual lot.

## **840 Exceptions to Height Limitations**

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flagpoles, masts, and aerials; provided, however, that a conditional use permit is obtained for the exception from the Board of Adjustment.

## **850 Outdoor Storage**

The outdoor storage of all materials is regulated in the following sections.

## **860 Residential Storage (R-1, R-2, R-3)**

1. All outdoor storage on residential lots shall comply with the following:
2. Recreational Vehicles. No recreational vehicles, trailers, motorized watercraft, or other similar equipment shall be parked or stored in the front yard on any residential property, except in a carport, garage, or enclosed building. Storage shall be permitted within the side or rear yard and shall be screened from view from any public road or neighboring residential property. Temporary storage of such equipment may be permitted in a front yard or driveway on a residential property for a period not to exceed seventy-two (72) hours.
3. Temporary accessory storage structures including dumpsters or modular storage units may be allowed in the front yard or driveway for not more than 60 days, except that a longer period may be allowed where linked to a permitted activity that has received an appropriate approval from the Stanton Board of Adjustment.
4. Except as provided in subsections 2 and 3 above, no storage shall be permitted within the front yard of any residential lot. In the case of a reverse-frontage or corner lot where more than one yard is considered a front yard, storage may be permitted within the minimum front yard setback in no more than one such front yard, where screened from view of public rights-of-way and adjacent residential uses or residential zoning districts if property owner can demonstrate that there are no other suitable locations due to the nature of a lot, including but not limited to topography, location of on-lot sewage disposal areas and/or stormwater management facilities.
5. There shall be no outdoor storage of household items which are customarily intended for indoor use. This includes appliances, furniture, personal items, electronics, textiles and clothing, small storage containers, cardboard boxes, bedding, and other similar materials. All storage must be in a fully enclosed structure or screened from view of any adjacent property by a privacy fence.
6. Outdoor storage of construction equipment or materials, where not required for on-site construction pursuant to a valid construction permit or for normal property maintenance, shall not be permitted.
7. No storage shall be permitted within access rights-of-way, or on drainage areas, culverts, stormwater management structures, floodways or other environmentally sensitive areas.
8. No storage is permitted if the storage is likely to cause, or causes, a nuisance, or otherwise threatens to adversely affect public health, safety and welfare.

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9. All outdoor trash or refuse containers serving multiple-family dwellings and offices or both shall be screened on all sides from public view by a minimum five-and-one-half-foot-high wall or fence.

## **870 B-1 (General Commercial Districts) and B-3 (Highway Commercial Districts) Storage**

1. All storage on the premises shall be maintained within a completely enclosed building or behind sight-obscuring fencing. Storage will not occur within any required front or flanking street yard or in any public street or public right-of-way. Automobiles, recreational vehicles, and other vehicles or machinery normally displayed for sales purposes on an open lot may be so displayed.
2. All outdoor trash, garbage, or refuse storage areas shall be screened on all sides from public view and at a minimum enclosed on three sides with a five-and-one-half-foot-high concrete block, masonry wall, or sight-obscuring fence with a sight-obscuring gate for access.
3. Outdoor storage must be a secondary use to the main business in a B-1 zone and the primary use must be established before outdoor storage may commence.

## **875 B-2 (Pedestrian Oriented Commercial Districts) Storage**

1. All storage shall be wholly within an enclosed building; retail products which are for sale or rental may be stored outdoors during business hours only, so long as such storage does not occur within any required front or flanking street yard, or in any public street or block any public right-of-way. Recreational vehicles and other machinery normally displayed for sales purposes on an open lot may be so displayed. No inoperable or not currently licensed vehicles or remnants thereof shall be stored or displayed outdoors.
2. All outdoor trash, garbage, or refuse storage areas shall be screened on all sides from public view and at a minimum enclosed on three sides with a five-and-one-half-foot-high concrete block, masonry wall, or sight-obscuring fence with a sight-obscuring gate for access.

## **880 I-1 (Light Industrial Districts) Storage**

1. Storage of all raw materials, finished products, machinery, and equipment, including company-owned or -operated trucks and motor vehicles, must be within an entirely enclosed building or six-foot-high sight-obscuring, nonpierced fence.
2. Storage areas must conform to the minimum setback regulations of the zone. Automobiles and other machinery normally displayed for sales purposes on an open lot may be so displayed.
3. Inflammable liquids and gases shall be stored in underground tanks in the aquifer sensitive area in accordance with uniform standards prescribed by the State Fire Marshal and the City Fire Department.

## **890 I-2 (Heavy Industrial Districts) Storage**

1. All material stored on property located in the I-2 zone shall be fenced in such a manner as to not create a nuisance or endanger or damage adjacent property and the environment.
2. Inflammable liquids and gases shall be stored in underground tanks in the aquifer sensitive area in accordance with uniform standards prescribed by the State Fire Marshal and the City Fire Department.

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**ARTICLE IX**  
**Manufactured and Mobile Homes**

**900 Intent**

It is the intent of this Article to encourage provision of alternative, modest housing in general residential areas by permitting the use of certain manufactured homes and certified mobile homes, as defined herein, in all districts in which similar dwellings constructed on site are permitted, subject to the requirements set forth herein to assure acceptable similarity in exterior appearance between such manufactured homes and dwellings that have been or might be constructed under these and other lawful regulations on adjacent or nearby lots in the same district.

It is further the intent of this Article is to guide the establishment of mobile home parks, mobile home subdivisions and recreational vehicle parks in areas providing a residential setting and convenient to major arterials, and to provide maximum compatibility between the adjacent uses and the mobile home park or subdivision.

**910 Certified Mobile Homes Permitted**

Certified mobile homes shall be allowed only as provided in Article VI and in this Article, with the following exceptions:

- a. In an A-1 district, certified mobile homes used as dwelling units by farm owners, members of the farm owner's immediate family or full-time employees of the farm owner, provided that prior approval of the sanitary waste disposal system is granted by the Powell County Health Department, and provided that the 'setback" requirements of the zoning district can be met. Placement of more than two certified mobile homes as permitted herein shall require application and approval of the Stanton Planning Commission. Provided further, in no event shall the certified mobile home and dwelling unit density exceed one (1) certified mobile home and one (1) dwelling unit per five (5) acres.
- b. Certified mobile homes used as temporary offices of construction companies on or near a construction site.
- c. All certified mobile homes used as dwellings are to be placed on fixed permanent foundations with the wheels or mobile parts removed, and they are to be considered as real estate in accordance with Kentucky Revised Statutes 132.750.

**920 Classification of Manufactured/Certified Mobile Homes**

Manufactured and certified mobile homes shall be classified by type as to acceptable compatibility or similarity in appearance with site constructed residences:

- a. *Type I Manufactured Homes / Qualified Manufactured Homes*  
Type I Manufactured Homes / Qualified Manufactured Homes shall:
  - i. have more than nine hundred and fifty (950) square feet of occupied space in a double or larger multi section unit;
  - ii. be placed on a permanent foundation;
  - iii. utilize a permanent perimeter enclosure in accordance with approved installation standards, as specified in Section 940(1);
  - iv. be anchored to the ground, in accordance with the One and Two Family Dwelling Code and to the manufacturer's specifications;

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- v. have wheels, axles and hitch mechanisms removed;
  - vi. have utilities connected, in accordance with the One and Two Family Dwelling Code and manufacturer's specifications;
  - vii. have siding material of a type customarily used on site-constructed residences. The list of approved siding materials shall be adopted and revised by Planning Commission action only; and
  - viii. have roofing materials of a type customarily used on site-constructed residences. The list of approved roofing materials shall be adopted and revised by Planning Commission action only.
  - ix. considered Conditional Use in R-1, R-2, R-3 and must be approved by the Board of Adjustment and meet all of the criteria listed under the definition of "Qualified Manufactured Home" in Section 970.
- b. *Type II Manufactured Homes*  
Type II Manufactured Homes shall:
- i. have more than three hundred and twenty (320) square feet of occupied space in a single, double, expando, or multi-section unit (including those with add-a-room units);
  - ii. be placed onto a support system, in accordance with approved Installation Standards, as specified in Section 940(1);
  - iii. be enclosed with foundation siding/skirting, in accordance with approved Installation Standards, as specified in Section 940(2);
  - iv. be anchored to the ground, in accordance with manufacturer's specifications or the ANSI/NFPA 501 A Installation Standards;
  - v. have utilities connected in accordance with manufacturer's specifications or the ANSI/NFPA 501 A Installation Standards;
  - vi. have siding material of a type customarily used on site-constructed residences; and have roofing material of a type customarily used on site-constructed residences.
  - vii. considered Conditional Use and meet all the following requirements:
    - a. Existing non-conforming mobile home parks;
    - b. Certified Mobile Home or Manufactured Home Parks;
    - c. The General A-1 Zone as the primary residence by the deeded owner of a lot or parcel which qualifies as a Farm under KRS 132.010 & 132.420; and is installed in accordance with Section 920 (1)(a-h) with a vented perimeter skirting wall constructed of a fire retardant material that has the actual appearance of brick, concrete, stucco or natural stone.
    - d. The General A-1 Zone when occupied as the primary residence by a mother, daughter, father or son of the Grantor of a lot or parcel of five acres more and installed in accordance with Section 920 (1)(a-h) with a vented perimeter skating wall constructed of a fire retardant
    - e. material that has the actual appearance of brick, concrete, stucco or natural stone.
    - f. The A-1 Zone as accessory uses (secondary residences) on parcels of 25 acres or more; the twenty-five (25) acre requirement is in addition to the required acreage for the primary residence. If more than one Type II manufactured housing unit is located on an A-1 parcel the 25 acre requirement shall apply to each unit;

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- g. Is permanently connected to an approved water and sewage disposal system and is in compliance with all public health requirements governing plumbing installations; and,
- h. Is installed with all factory doors operational for emergency ingress and egress with steps constructed to comply with, state building code standards.

c. *Type III Manufactured Homes*

Type III Manufactured Homes shall:

- i. have more than three hundred and twenty (320) square feet of occupied space in a single, double, expando, or multi-section unit (including those with add-a-room units);
- ii. be constructed after the 1976 Federal Mobile Home Construction and Safety Act went into effect;
- iii. be placed onto a support system, in accordance with approved Installation Standards, as specified in Section 940(1);
- iv. be enclosed with foundation siding/skirting, in accordance with approved Installation Standards, as specified in Section 940(2);
- v. be anchored to the ground, in accordance with manufacturer's specifications or the ANSI/NFPA 501 A Installation Standards; and
- vi. have utilities connected, in accordance with manufacturer's specifications or the ANSI/NFPA 501 A Installation Standards.
- vii. considered Conditional Use and meet the requirements listed in Section 920 (2)(g).

d. *Certified Mobile Homes*

For purposes of determining appropriateness for placement, certified mobile homes shall.

- i. have more than three hundred and twenty (320) square feet of occupied space;
- ii. be placed onto support system, in accordance with approved Installation Standards, as specified in Section 940(1); and
- iii. be built prior to the 1976 Federal Mobile Home Construction and Safety Act and be upgraded to be able to receive a "B" seal certifying that the unit has been inspected and in compliance with standards set forth in the HUD Code.

**930 Schedule of Uses**

Manufactured or certified mobile homes are permitted for permanent residences as follows:

<b>Table 9.1</b>	TYPE I MH	TYPE II MH	TYPE III MH	CERTIFIED MOBILE HOME
A-1	P	P	P	P
R-1	C	X	X	X
R-2	C	X	X	X
R-3	C	C	C	C
B-1	X	X	X	X
B-2	X	X	X	X
B-3	X	X	X	X

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I-1	C*	C*	X	X
I-2	C*	C*	X	X
P-1 / SFHA	X	X	X	X

P. Permitted  
 C - Conditional  
 X - Not Permitted  
 C\* Conditional - BOA can permit them for industrial related purposes only.

**935 Compatible in Terms of Value**

The Board of Adjustment shall consider all criteria set forth in KRS 100.348 in order to determine and ensure that when a qualified manufactured home is placed or proposed to be placed in a residential zone it is compatible in terms of assessed value, with existing housing located within a one eighth mile or less radius from the proposed location of the qualified manufactured home. If the proposed qualified manufactured home is not compatible in terms of assessed value, then same shall be grounds to deny the Conditional Use Permit.

**940 Manufactured/Certified Mobile Home Installation Requirements**

1. Installation Standards

a. Permanent Perimeter Enclosure

Those manufactured homes designated in the Zoning Ordinance as requiring a permanent perimeter enclosure must be set onto an excavated area, with foundations, footings and crawl space or basement walls constructed in accordance with the terms of the One and Two Family Dwelling Code. The space between the floor joists of the home and the excavated underfloor grade shall be completely enclosed with the permanent perimeter enclosure (except for required openings).

b. Foundation Siding/Skirting (for temporary structures)

All manufactured or certified mobile homes without a permanent perimeter enclosure shall have an approved foundation siding/skirting enclosing the entire perimeter of the home. Foundation siding/skirting and back-up framing shall be weather-resistant, non-combustible or self-extinguishing materials, which blend with the exterior siding of the home. Below grade level and for a minimum distance of six (6) inches above finish grade, the materials shall be unaffected by decay or oxidation. The siding shall be installed in accordance with manufacturer's recommendations or approved equal standards.

The siding shall be ventilated by openings, which shall have a net area of not less than one and one-half (1 1/2) square feet for each twenty-five (25) linear feet of exterior perimeter. The openings shall be covered with corrosion resistant wire mesh not larger than one half (1/2) inch in any dimension. The underfloor area shall be provided with an eighteen (18) inch by twenty-four (24) inch minimum size access crawl hole, which shall not be blocked by pipes, ducts, or other construction interfering with the accessibility of the underfloor space, or other approved access mechanism.

2. Support System

a. Type I Manufactured Homes:



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All HUD-Code TYPE I Manufactured Home load-bearing foundations shall be installed in conformance with the regulations in the One and Two Family Dwelling Code and with the manufacturer's installation specifications.

b. Type II and III Manufactured Homes and Certified Mobile Homes:

All HUD-Code TYPE II and III Manufactured Homes and all Certified Mobile Homes not placed on a permanent foundation, shall be installed on a support system in conformance with the manufacturer's installation specifications or with the Support Systems regulations in the ANSI/NFPA 501A 1977 Installation Standards.

3. Improvement Location Permits

a. Requirements

Prior to the location, relocation or establishment of any manufactured or certified mobile home, the homeowner or authorized representative shall secure from the planning commission's designated administrator an Improvement Location Permit, which states that the building and its location conform with the Comprehensive Plan. Each application for an Improvement Location Permit shall be accompanied by:

- i. those plot plans as required for all dwelling units, but which at a minimum include elevations or photographs of all sides of the home, exterior dimensions, roof materials, foundation siding or permanent perimeter enclosure treatment, foundation siding or perimeter retaining wall treatment, foundation construction and materials, exterior finishes & the like (see the Manufactured Home Data Sheet at the end of this ordinance);
- ii. health department approval for any sewage disposal or water supply, where applicable;
- iii. P.U.D. or subdivision permit approval, where applicable;
- iv. a copy of the approved instructions, which will be used for installation purposes, where applicable;
- v. such other information, as may be required by the Planning Commission's designated administrator for proper enforcement of this ordinance; and
- vi. an agreement signed by the homeowner or authorized representative pledging compliance with the terms set by the plan commission in the Improvement Location Permit.

b. Issuance of Permit

After receipt of the information required for an Improvement Location Permit, the Planning Commission's designated administrator shall review the standards set in this ordinance. If the applicant has met all required standards, then within three (3) working days the Improvement Location Permit shall be issued by the designated administrator.

c. Additional Action Necessary

If after receipt of the information required for an Improvement Location Permit, the Planning Commission's designated administrator finds that the applicant has not fully met the standards set in the ordinance, and the changes or additional actions needed are deemed by the designated administrator to be relatively minor or simple, within three (3) working days a conditional approval can be issued, with the stated conditions which must be met prior to occupancy spelled out, and the reasons for change clearly stated in writing. If the applicant agrees in writing to the further conditions, the effect being an amendment to the application to conform to the requirements, approval is given and the applicant proceeds. If the applicant does not agree, the application is denied, with reasons stated in writing.

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- d. Denial of Permit  
If any of the major elements are clearly out of line with the standards, within three (3) working days issuance of the Improvement Location Permit will be denied, with a written statement specifying the reasons for the denial.
- 4. Certificate of Occupancy (optional)
  - a. Occupancy Requirement  
Prior to the occupancy of any manufactured or certified mobile home, the homeowner or authorized representative shall secure from the Planning Commission's designated administrator a Certificate of Occupancy, stating that the building and its use comply with all provisions of the ordinance applicable to the building or the use in the district in which it is to be located.
  - b. Issuance of Certificate  
After submission of an application for a Certificate of Occupancy, the Planning Commission's designated administrator shall inspect the property and make such referrals to other local officials for technical determinations, as he deems appropriate, for conformance with conditions of the Improvement Location Permit and the standards set in this ordinance. If the applicant has conformed with all of the required conditions and standards, a Certificate of Occupancy shall be issued within three (3) working days.
  - c. Temporary Certificate  
If after submission of the application for Certificate of Occupancy and the examination by the Planning Commission's designated administrator, it is found that the applicant has not fully met the required conditions and standards, a temporary Certificate of Occupancy, along with a written statement of necessary modifications, may be issued for a period not to exceed two (2) months, pending completion of the modifications.
  - d. Denial of Certificate  
If any of the major conditions or standards have not been complied with, the Certificate of Occupancy is denied, with a written statement specifying the reasons for the denial.
- 5. Failure to Obtain Required Permits  
Failure to obtain either an Improvement Location Permit or a Certificate of Occupancy shall be violation of this ordinance and punishable under the provisions of this ordinance.

## **950 Temporary Use of Manufactured or Certified Mobile Homes**

- 1. Circumstances for Permit Issuance  
Subject to conditions, fees, and standards otherwise required by this Ordinance, a temporary use permit shall be issued:
  - a. to an applicant in the process of building a conventional dwelling to locate a manufactured or certified mobile home on a building lot during the course of construction of the dwelling; such permit shall not be issued until after a building permit for the dwelling has been issued;
  - b. to an applicant to use a manufactured or certified mobile home as a caretaker's quarters or construction office at a job site; and
  - c. to an applicant whose own health or the health of another necessitates care, and where the facts show that an unnecessary hardship would occur if not permitted to locate a manufactured home adjacent to the residence of one who is able to provide such care or in need of such care.

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2. Length of Permit

A temporary use permit may be issued, at the discretion of the Planning Commission's designated administrator, for a period not to exceed two (2) years. The temporary permit may be renewed for additional one (1) year periods upon showing of good cause, and with permission to do so. However, at the discretion of the Planning Commission's designated administrator, a temporary use permit may be issued to an applicant for a health or age related circumstance for a period coterminous with the health or age related circumstance.

3. Permit Expiration

At the time the temporary permit expires, the manufactured or certified mobile home and all appurtenances shall be removed from the property within ninety (90) days.

4. Utility Requirements

Manufactured or certified mobile homes used for temporary uses shall have an approved water supply, sewage disposal system, and utility connections, where appropriate, and at the discretion of the Planning Commission's designated administrator.

5. Permit Fee

A temporary use permit shall be issued by the Planning Commission's designated administrator. The fee shall be twenty-five dollars (\$25.00) and is in addition to all other required permits for utilities and sewage disposal systems.

**960 Penalty for Violation**

1. Failure to Comply

Each day of non-compliance with the provisions of this ordinance constitutes a separate and distinct ordinance violation. Judgment of up to **one thousand dollars (\$1,000)** per day may be entered for a violation of this ordinance.

2. Subject to Removal

A home, sited upon property in violation of this ordinance, shall be subject to removal from such property; however, the homeowner must be given a reasonable opportunity to bring the property into compliance before action for removal can be taken. If action finally is taken by the appropriate authority to bring into compliance, the expenses involved may be made a lien against the property.

3. Removal Method

The Planning Commission's designated administrator may institute a suit in an appropriate court for injunctive relief to cause such violation to be prevented, abated or removed.

**970 Manufactured Home Definitions**

1. Add-a-Room Unit

A unit of manufactured housing, not designed as a part of the original structure, which may have less occupied space than a manufactured housing section.

2. Anchoring System

An approved system of straps, cables, turnbuckles, chains, ties, or other approved materials used to secure a manufactured or certified mobile home.

3. ANSI/NFPA 501A Standard for Installation of Manufactured/Certified Mobile Homes

Model national standards (including all authorized successor documents) for installation of

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manufactured and certified mobile homes, as adopted and copyrighted by the National Fire Protection Association and the Manufactured Housing Institute.

4. **Approved**  
Acceptable to the appropriate authority having jurisdiction, by reason of investigation, accepted principles, or tests by nationally recognized organizations.
5. **Expando Unit**  
An expandable manufactured housing unit.
6. **Foundation Siding/Skirting**  
A type of wainscoting constructed of fire and weather resistant materials, such as aluminum, particle board, treated pressed wood or other approved materials, enclosing the entire undercarriage of the manufactured or certified mobile home.
7. **Manufactured Home**  
A single-family residential dwelling constructed after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., as amended, and designed to be used as a single-family residential dwelling with or without permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air conditioning, and electrical systems contained therein.
8. **Manufactured Home Subdivision**  
A parcel of land platted for subdivision according to all requirements of the comprehensive plan and Zoning Ordinance designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by manufactured homes.
9. **Manufactured Housing Construction and Safety Standards Code**  
Title VI of the 1974 Housing and Community Development Act (42 U.S.C 5401 et sequentia), as amended (previously known as the Federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder (including information supplied by the home manufacturer), which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules.
10. **Manufactured or Mobile Home Community (Park)**  
A parcel of land on which two (2) or more manufactured or certified mobile homes are occupied as residences.
11. **Mobile Home**  
A transportable structure larger than three hundred and twenty (320) square feet, designed to be used as a year-round residential dwelling, and built prior to the enactment of the Federal Mobile Home Construction and Safety Act of 1974, which became effective for all mobile home construction June 15, 1976. (For criteria for certified mobile homes see Section 920(4).)
12. **Occupied Space**  
The total area of earth horizontally covered by the structure, excluding accessory structures, such as, but not limited to, garages, patios and porches.
13. **One and Two Family Dwelling Code**  
The nationally recognized model building code prepared by the Council of American Building Officials.
14. **Permanent Perimeter Enclosure**  
A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground.
15. **Permanent Foundation**  
Any structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

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16. Qualified Manufactured Home

A manufactured home that meets all of the following criteria:

1. Is manufactured on or after July 15, 2002;
2. Is affixed to a permanent foundation and is connected to the appropriate facilities and is installed in compliance with KRS 227.570;
3. Has a width of at least twenty (20) feet at its smallest width measurement or is two (2) stories in height and oriented on the lot or parcel so that its main entrance door faces the street;
4. Has a minimum total living area of nine hundred (900) square feet; and
5. Is not located in a manufactured home land-lease community.

17. Recreational Vehicle

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

18. Section

A unit of a manufactured home at least ten (10) body feet in width and thirty (30) body feet in length.

19. Special Exception Permit or Conditional Use Permit

A device for permitting a use within a district other than a principally permitted use.

20. Support System

A pad or a combination of footings, piers, caps, plates, and shims, which, when properly installed, support the manufactured or certified mobile home

**980 Mobile Home Subdivision/Park and Recreational Vehicle Park**

1. Mobile Home Subdivisions

a. Definition

A mobile home subdivision is a subdivision used exclusively for placement of certified mobile homes for residential use along with other expressly permitted uses as permitted herein. To qualify as a mobile home subdivision, neither the subdivision developer nor his heirs, successors or assigns shall be permitted to rent subdivision lots. Lots in a mobile home subdivision shall be available for sale to the general public. Nothing herein shall prohibit the purchaser of an individual lot from placing a certified mobile home upon the lot purchased from the subdivision developer and renting the subdivision lot and certified mobile home thereon.

b. Procedures For Subdividing

The procedure for subdividing land for mobile home subdivisions shall be the same as those for subdividing land for conventional dwellings. The Stanton Subdivision Regulations shall be the minimum standards, requirements and procedures governing the filing, designing, utilities, facilities and other improvements or physical complements of mobile home subdivisions.

c. Minimum Mobile Home Subdivision Requirements (not withstanding any other provisions of this ordinance)

The site and proportions of lots in any mobile home subdivision shall conform to the zoning of the property in effect at the time of the final plat submission with the following exceptions. No lot in a mobile home subdivision shall contain less than 20,000 square feet of land where public sewers are not available, or less than 6,000 square feet of land where public sewers are available.

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All lots shall front on a public street and have a minimum width at the building line of 70 feet. No more than one (1) certified mobile home within the subdivision shall be situated on any one single subdivided lot.

Corner lots shall be laid out so as to provide at least minimum front yard requirements along both street frontages. Access to corner lots shall be at a distance of at least 50 feet from the intersection of the right-of-ways.

The minimum setback line from the street right-of-way and all yard requirements shall conform with the zone in which the mobile home subdivision is located.

## 2. Mobile Home Parks

### a. Definition

A mobile home park is a residential area in which mobile home lots are rented exclusively for use as sites for certified mobile homes for residential use along with other uses permitted herein. Ownership of all land in a mobile home park shall be maintained by the developer, his heirs, successors or assigns. No lots shall be severed and sold from the mobile home park.

### b. Basic requirements

- i. Mobile home parks shall comply with the regulations of the Kentucky Mobile Home and Recreational Vehicle Park Law, as set forth in Chapter 219 of the Kentucky Revised Statutes.
- ii. All mobile home parks shall abut upon an arterial or collector thoroughfare.
- iii. No mobile home park shall be located on less than five (5) acres of land where public sewers are not available or less than two (2) acres of land where public sewers are available.
- iv. No person shall operate a park without having first obtained a permit, as provided for in KRS 219.310 to 219.410.
- v. An application for a permit to construct a mobile home park shall be submitted to the Planning and Zoning Commission and shall contain the same information as that submitted to the Kentucky State Bureau for Health Services. In addition, the following information shall be presented to the Commission.

A vicinity map showing the proposed location of the park in relation to major streets or highways.

A description of the method proposed for disposal of storm drainage.

Proof of receipt of KRS 219 Mobile Home Park Permit.

### c. Construction Plan Submission

Following tentative approval from the Commission and the Bureau for Health Services, the applicant shall submit a complete plan, drawn to scale, submitted in triplicate, of the proposed park or alteration, showing the following:

- i. A site plan showing all existing facilities and proposed facilities, as follows:
  - The area and dimensions of the tract of land to be developed.
  - The number, location and size of all lots for certified mobile homes.
  - A detailed drawing of the foundation for the placement of certified mobile homes within the mobile home subdivision.
  - The location and width of roadways, driveways and walkways; the number, location and size of all off street automobile parking spaces.
  - The location of parking, street lighting and electrical systems; detail drawings of water supply if sources other than approved public water supply system; detail drawings of sewage disposal facilities if other than a public sewage disposal

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system is to be used; the location and size of all existing or proposed water and sewer lines, vents and riser pipes.

A separate floor plan of all buildings and other improvements either existing or proposed.

Size and location of public areas to be provided within the park

d. Location and General Layout

All certified mobile homes shall be located at least 50 feet from any park boundary line abutting a public street or highway, and at least 20 feet from other park property boundary lines.

e. Utility Systems

i. Responsibilities of Permit Holder:

The person to whom a permit is issued for a mobile home park shall operate the park in compliance with this ordinance and KRS 219, and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair, and in a clean and sanitary condition.

The park management shall notify park occupants of all applicable provisions of this ordinance and KRS 219, and inform them of their duties and responsibilities under this ordinance.

ii. Supplementary Provisions and Regulations:

The Commission may impose such other conditions as it deems necessary to ensure that the mobile home park will not adversely affect the public health, safety or general welfare.

The developer in designing the park and the Commission in reviewing the park proposal shall give special attention to ensuring that the park is compatible with existing and planned land use and with circulation patterns of adjoining properties.

Off-street parking shall be provided according to the following requirements:

2 spaces for each mobile home lot.

1 space for each full-time park employee

1 space for each 400 square feet of gross floor area for any structure used for office, recreational or cultural activities 1 space for each 4 mobile home lots for use by guests.

2 parking spaces required for each certified mobile home should be located on the mobile home lot; all other required spaces should be located in bays convenient to facilities

Adequate anchorage facilities must be provided for each certified mobile home. Each certified mobile home must be equipped with tie-downs which must be used.

iii. Existing Parks

Any mobile home park presently holding a valid construction or operating permit on the effective date of this ordinance which does not fully meet the design and construction requirements of this ordinance may continue to presently operate so long as the facilities in the park are capable of being maintained in a safe and sanitary manner and no public health nuisance is allowed to exist.

3. Recreational Vehicle Parks

a. Definition

Recreational vehicle parks are designed to accommodate recreational vehicles for short periods of time, ranging from one (1) night to several weeks.

b. Basic Requirements

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- i. Size:  
The minimum size of a recreational vehicle park shall be not less than five (5) acres.
- ii. Density:  
Minimum lot area per recreational vehicle space shall be not less than 2,500 square feet except that 20% of the lots may be as small as 1,200 square feet in area, but these may be used by tent campers only.
- c. Zoning  
Recreational vehicle parks may be permitted as conditional use in R-3, B-1, and B-3 districts provided they meet the following criteria, and provided further that they are approved by the Commission:
  - i. That the proposed park will contribute to the welfare and convenience of the traveling public seeking this type of accommodations.
  - ii. That the park will not be detrimental to the health, safety or general welfare of persons who live in the adjacent areas.
  - iii. That the park will comply with all city, county, state or federal regulations. Documentation of such compliance shall be required of applicants for recreational vehicle park construction permits.
  - iv. That the park will comply with all adopted plans (prepared by or for governmental agencies) for the neighborhood or community.
- d. Existing Recreational Vehicle Parks  
Any recreational vehicle park presently holding a valid construction or operating permit on the effective date of this ordinance which does not fully meet the design and construction requirements of this ordinance may continue to operate so long as the facilities in the park are capable of being maintained in a safe and sanitary manner and no public health nuisance is allowed to exist.

## **990 Transient Recreational Vehicles**

Transient recreational vehicles may be parked on any lot in a residential district for a maximum of 10 days without a permit. If the recreational vehicle will be in the residential district for more than 10 days, a permit must be obtained from the Administrative/Enforcement Officer for a maximum of 30 additional days. There shall be no permanent attachment to water, sewer, gas, electric, or phone by any such recreational vehicle.

All sewage must be disposed of in an appropriate manner.



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**ARTICLE X**  
**Off-Street Parking, Loading & Stacking**

**1000 Existing Parking Spaces**

Existing off-street parking provided for any building or use at the time of adoption of this Ordinance shall not thereafter be reduced if such reduction results in parking area less than that required by this Ordinance. Any existing building or use not provided with conforming parking space shall be provided with off-street parking space in conformance with this Ordinance at the time of any structural alteration of the building or expansion of the use.

**1010 Required Off-Street Parking Spaces**

When any building is built or any use of the land is initiated, there shall be provided sufficient off-street parking space and stacking on the premises so that no automobile parking or idling on any street will result from the normal activity. If the off-street parking capacity is exceeded and street parking is generated more often than six times during a six-month period, this shall be considered as resulting from normal activity, and additional off-street parking shall be provided. All employee and customer parking must be contained on the same parcel where the primary permitted use is located. Parking standards are listed in the following table:

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Required Automobile Parking Spaces, Table 10.1a		
Residential	Use	Minimum Spaces Required
Dwelling note: 18' parking spaces in front of garage (full driveway) shall be credited toward parking requirements	Single-family, two-family, or duplex	2.0 per dwelling unit if on-street parking is available adjacent to the lot, 3.5 per dwelling unit if on-street parking is not available adjacent of the lot
	Multi-family, townhomes, condominiums, apartments	One bedroom 1.25 spaces per unit, two - bedroom 2 spaces per unit, 3 bedroom or larger 2.5 spaces per unit. An additional .25 spaces per unit for guest parking
	Home occupations	1.0 per dwelling unit
	Group Living Facility	2.0 per dwelling unit and 1.0 per staff per shift and 0.25 per bed
	Trailer Park Office	3.25 per 1,000 s.f. GFA
	Mobile Homes	2.0 per dwelling unit
Institutional	Use	Minimum Spaces Required
Library, museum		3.25 per 1,000 s.f. GFA
Hospital		1.75 per bed
Convalescent/Nursing Home		0.25 per bed
Religious assembly	Houses of worship, funeral home, mortuary,mausoleum	1 space per 4 occupants
Correction facility		Special review
Recreational	Use	Minimum Spaces Required
Outdoor uses	Golf course	8.0 per hole (includes associated uses such as club house, maintenance shop, etc)
	Driving range	1.0 per tee
	Boarding stable	0.5 per stable
	Miniature golf	2.0 per hole
	Spectator sport facility	20 per field or diamond or 0.25 per seat whichever is larger
	Campground	1 per campsite
	Passive recreational uses (hiking/equestrian/bicycle trails, picnic areas)	Special review
	Playground, park, active recreational uses (fields, diamonds, etc.)	Special review
	Tennis courts, swimming pool	1.0 per 1,000 s.f. GFA
Carnivals, festivals, flea markets	Special review	

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Required Automobile Parking Spaces (cont.), Table 10.1b		
Commercial	Use	Minimum Spaces Required
Office	Medical/dental	5.0 per 1,000 s.f. GFA
	Government office, business, or professional office	4.0 per 1,000 s.f. GFA
	Convention facility	5.5 per 1,000 s.f. GFA
	Veterinarian	5.5 per 1,000 s.f. GFA
Retail	General retail	4.0 per 1,000 s.f. GFA
	Auto sales, building materials, furniture	2.5 per 1,000 s.f. GFA
Wholesale		4.0 per 1,000 s.f. GFA
Restaurant	Fast food, drive-in, brew pub or distillery	15.0 per 1,000 s.f. GFA
	Carry-out, speciality, sit-down. A;; other	10.0 per 1,000 s.f. GFA
	Craft brewery	1.0 per 3 occupancy rating of tasting room and 1.5 per s.f. GFA of brewery space
Lodging	Hotel, motel, bed & breakfast, short term rental	1.0 per sleeping room and 75% of spaces for other associated uses (e.g. restaurants, offices)
Indoor commercial recreational facility	Tennis/raquet club	0.75 per 1,000 s.f. GFA
	Firing range	1.5 per firing stall
	Bowling center	4.25 per lane
	Roller/ice rink	4.0 per 1,000 s.f. GFA
	Recreation center, health club	1.0 per 6 occupancy rating
	Event center	1.0 per 3 occupancy rating
Banks		4.0 per 1,000 s.f. GFA
Service establishments	Barber, beauty salon, dry cleaners	4.0 per 1,000 s.f. GFA
Vehicle facilities	Gas station, service station, vehicle repair	5.5 per 1,000 s.f. GFA
Theater	Live or movie	0.5 per fixed seat
Industrial	Use	Minimum Spaces Required
Warehouses		0.5 per 1,000 s.f. GFA
Storage	Mini-warehouses, self-storage	5.5 per 1,000 s.f. GFA for office, minimum 5 spaces
Manufacturing, processing, fabrication		1.5 per 1,000 s.f. GFA

1. Additional parking standards: The Board of Adjustment may alter the standards listed above when necessary to conform with Section 1010 and shall use similar criteria of floor area, employment, or capacity to interpret standards for buildings and uses not specifically listed above.

**1020 Off-Street Loading and Unloading Space Regulations for Trucks**

All buildings and uses which generate regular trucking traffic shall be provided with sufficient off-street loading and unloading space on the premises so that they will generate no loading or unloading activity on their required parking spaces or on any street. The Board of Adjustment shall interpret the amount of loading and unloading space required for any building or use whenever the Administrative/Enforcement Officer is unable to apply this standard literally and applies to the Board for an original interpretation.

**1030 Additional Parking, Loading, and Unloading Regulations**

1. Arrangement of off-street parking space: Off-street parking space required for any building or use may be located within walking distance or four hundred feet from the premises it serves but detached therefrom and may be consolidated into a large parking area serving other buildings and uses if approved by the Board of Adjustment. The Administrative/Enforcement Officer shall

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apply to the Board for an original interpretation when building permits are requested in such cases. The Board may not authorize the total amount of parking space required for all buildings and uses to be diminished except as follows: If a consolidated parking area serves buildings or uses which do not generate automobile parking at the same times -ie.: Churches and stores, - total parking space may be diminished to the maximum required by those buildings and uses which do generate the parking of automobiles at the same time.

2. Proof of availability: The Board of Adjustment may require a plat, deed, and any other proof necessary to show that required parking space, if located off the premises it serves, is controlled by and available to the applicant for a building permit.
3. Surfacing of parking, loading, and unloading spaces: Parking, loading, and unloading spaces and the access thereto shall be surfaced in a manner adequate to eliminate dust and mud.

## **1040 Drive-Through Stacking Requirements**

These regulations are intended to ensure that an adequate amount of space is allocated for on-site maneuvering and circulation, that vehicles in a queue for service do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on nearby residential uses.

The regulations of this section apply to all uses that include drive-through facilities and to all portions of a development that comprise the drive-through facility.

The regulations apply to new developments, the addition of drive-through facilities to existing developments, and the relocation of existing drive-through facilities.

Any use in any district that has drive-through lanes and windows must provide sufficient space on site for vehicles to queue while customers is being served, placing an order, or waiting to place an order or to receive service.

## **1050 Parts of a Drive-Through Facility**

A drive-through facility is composed of two parts:

1. The stacking lanes, the space occupied by vehicles queuing for the service to be provided; and
2. The service area, where the first point of service occurs. The following activities are considered points of service: menu boards, service windows, gas pumps, air compressors, vacuum cleaner stations.

## **1060 Drive-Through Setbacks and Landscaping**

1. Service points and stacking lanes on lots abutting A-1, R-1, R-2, and R-3 districts must be set back at least 80 feet and screened with solid fencing or landscaping.
2. Service points and stacking lanes on lots abutting General and Central Business zone districts must be set back at least 30 feet.
3. If the service points and stacking lanes are within 50 feet of and visible from the roadway, they must be set back at least 20 feet from the right-of-way.

## **1065 Exceptions**

A stacking lane is not required for accessory facilities where vehicles do not routinely stack up while waiting for the service. Examples are window washing, air compressor, and vacuum cleaning stations.

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Site Plan Required

The development site plan must show the location and dimensions of the following:

1. Driveways;
2. Stacking lane, including lane markings;
3. Drive aisle between stacking land and on-site parking areas;
4. Service points (including menu boards and service windows);
5. Associated facilities (including communications systems and access aisles);
6. Adjacent residential uses.

**1070 Stacking Lane Design and Layout**

1. Stacking lanes must be designed so that they do not interfere with on-site parking and vehicle circulation.
2. Stacking spaces must be nine feet wide by 20 feet long.
3. All stacking lanes must be clearly identified, through such means as striping, landscaping, pavement design, and signs.
4. Stacking starts at first stopping point.
5. Layout must provide for a minimum nine feet wide escape lane allowing motorists to exit the stacking lane before reaching the drive-thru window.
6. Stacking spaces necessary for the provisions of drive-through lanes shall be determined using the following table:

<b>Required Stacking Space, Table 10.2</b>		
<b>Type of Facility</b>	<b>Inbound Vehicles</b>	<b>Outbound Vehicles</b>
Drive-in bank	2 spaces per service position	1 space per service position
Drive-in beverage, food sales / pharmacies	4 spaces per service position	1 space per service position
Laundry / Cleaners	3 spaces per service position	1 space per service position
Attendant car wash	10 spaces per service to wash line	6 spaces between end of wash stall and other circulation lane
Automatic car wash	3 spaces per service position	1 spaces per service position
Automatic car wash as an accessory use	2 spaces per service position	1 spaces per service position
Service station	4 spaces per aisle	1 space per aisle
Gatehouse (residential)	<50 lots = one space per ten lots; > 50 lots = five spaces	1 space

**1075 Drive-Through Noise**

Speakers associated with drive-through facilities may not be audible from abutting residential zones or any abutting lots occupied by residential uses. Sound attenuation walls, landscaping or other buffering measures may be required to ensure that the facility will not have adverse noise-related impacts on nearby residential uses.

**1080 City Ordinances**

Nothing in this Article shall be construed to conflict with the City Code of Ordinance and any other city ordinances regarding the parking of vehicles on city streets.

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**ARTICLE XI  
Signs and Billboards**

**1100 Intent and Purpose**

This section is intended to provide for the orderly control of Signs, to permit the use of Signs necessary for adequate identification, direction, and notification as may be required by law in order to promote the health, safety and welfare of the citizens of the City of Stanton, to preserve the right of free speech and expression, to minimize distractions to motorists, bicyclists and pedestrians, and to protect aesthetic qualities by preventing visual clutter, protecting scenic views and preserving the City's character.

Contained in this section are the requirements for Signs which are allowed in various zone districts. These include details pertaining to the size, shape, height, location, setbacks and construction of Signs.

**1110 General**

No Sign shall be erected, maintained, or modified unless it is in full compliance with the regulations for the zone district in which it is located and all applicable provisions and regulations of this Zoning Ordinance, Kentucky Revised Statutes and Federal regulations.

No Sign shall be placed in the right-of-way of any public street/road or highway except those approved by local, state, or federal government agencies.

Signs requiring permits are only allowed as an accessory use and cannot be constructed on property that does not have a primary use. Signs not requiring permits are allowed as described in Section 1140.

Signs located in the Vision Clearance Triangle (VCT) shall comply with the VCT provisions: The VCT is an area at the intersection of two roads, streets, alleys or other public ways described by a triangle measured along the edge of the pavement or the flowline of the roadway in which no fence, wall, landscaping, structure or other obstruction is permitted to obstruct the view more than forty-two (42) inches in height.

<b>Street / Road Classification</b>	<b>Required Distance from Intersection</b>
Non-residential drive	25'
Local Street	25'
Minor Collector	40'
Major Collector / Arterial / Parkway	55'

A non-commercial message may be substituted, in whole or in part, for the message on any Sign that is not on public property or right-of-way, other than a Cautionary Sign. The substitution Sign must be of similar material and quality as the Sign it is replacing, unless the substitution Sign falls within the Banner Sign exception of Section 1140 below and may be made without any additional or permitting.

Billboards: For the purpose of this ordinance, billboards shall be defined as a freestanding sign advertising a business, commodity, service, activity, or entertainment not taking place on the premises upon which the billboard is located. Billboards, where permitted, shall be set back from the established right-of-way of any state or federal road or highway at least 100 feet. Signs and billboards located at the intersection of two or more roads or highways shall meet the setback requirements of both roads and highways. Billboards shall be permitted only along state and federal highways in highway business (B-3), light and heavy industrial districts (I-1 and I-2), and agricultural (A-1) zoning districts. They shall be located no closer than 500 feet from any residential district or subdivision and shall not exceed a height that will impede the direct line of sight of a pre-existing residential dwelling or place of business. Billboards shall be a

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maximum of 10' by 40' (400 square feet) and shall be located no closer than 200 feet apart measured from the center of each billboard on the same side of the road or highway and no closer than 50 feet to the side or rear property line.

Temporary signs: All temporary signs must be set back a minimum of 25 feet from the centerline on the adjacent road or 10 feet from the right-of-way of the road whichever is a greater distance from the edge of the pavement and 10 feet from any adjoining property. Political signs shall not exceed 32 square feet in size and must abide by all regulations regarding visibility at intersections in Section 870 of this Ordinance. Political signs shall be posted no earlier than 60 days prior to the election and shall be removed no later than 7 days following the date of the election. Yard sale signs may be posted no earlier than 7 days prior to the start of the yard sale and must be removed no later than 2 days following the final day of the yard sale. Under no circumstances shall political or yard sale signs be posted on utility poles. All violations of these requirements will be penalized as per Section 360 of this Zoning Ordinance.

## **1120 Sign Permits**

No Sign, except for those not subject to Sign Permits listed below, shall be erected or modified without first obtaining a Sign Permit from Planning and Zoning. The Sign Permit shall be valid for one year, and all work must be completed within this time frame or a new or renewal Sign Permit will be required.

Prior to construction or modification of a Sign requiring a Sign Permit, an application for a Sign Permit for such Sign shall be filed with Planning and Zoning and shall include the following:

1. Application.
2. Plot plan drawn to scale showing property boundaries of the lot, parcel or tract with all existing structures, Vision Clearance Triangles and location of the proposed Sign. All existing Signs on the site must be included on the plot plan.
3. Elevation drawing, picture, or rendering of the Sign and/or building wall showing the height, area, dimensions and materials of the proposed Sign. See requirements below for sign area measurement.
4. A nonrefundable processing fee in an amount established by the City Council.

Nonconforming Uses: Nonconforming Signs shall be subject to the procedures and requirements in the Article V of this Zoning Ordinance.

Signs shall be maintained in good condition at all times. Signs shall be kept neatly painted, including all metal parts and supports that are not galvanized or of rust-resistant metals. Banners and banner flags shall not be torn or in disrepair.

## **1130 Prohibited Signs**

The following types of Signs are expressly prohibited in all districts:

- a. Balloons or similar types of "lighter than air" objects tethered to the ground or wall by lines or other method.
- b. Search lights.
- c. Signs consisting of any flashing, blinking, rotating, moving, or otherwise animated parts or lighting except those Signs that meet the Electronic Message Centers regulations outlined below.
- d. Off-Premises signs, and Pole Signs.
- e. Abandoned or dilapidated signs.
- f. Any sign which is portable or not securely attached to a building or the ground.
- g. Roof Signs.
- h. Signs that emit any sound (except drive thru Signs described below), smoke, or odor.



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- i. Signs that are structurally unsafe or are a health or safety hazard.
- j. Signs that impair the visibility of traffic movement, or distract or contain an element that distracts, the attention of driver in a manner likely to lead to unsafe driving conditions.

**1140 Signs Not Requiring Permits**

- a. Temporary Ground Signs: Six (6) Temporary Ground Signs shall be allowed on each property. Temporary Ground Signs shall not be erected for more than 6 months within a consecutive 12-month period. Temporary Signs shall not be illuminated in any way.
  - i. All Zone Districts: Temporary Ground Signs shall not extend outside the property line, shall not exceed 42 inches in height and shall not be more than 8 square feet per Sign Face in area, except as provided in Section D.1.b below.
  - ii. Agricultural Zone Districts: Properties meeting the minimum lot size requirements of the Agricultural Zone District shall be allowed Temporary Ground Signs of up to 32 square feet in lieu of the 8 square foot Temporary Ground Signs described above. Temporary Ground Signs more than 8 square feet shall be set back 10 feet from the property line and shall not exceed 10 feet in height.
- b. Signs or tablets, not to exceed 2 square feet, when cut into any masonry surface or inlaid to be part of the building or when constructed of bronze or other incombustible material.
- c. Window Signs: Window Signs that do not exceed twenty-five percent (25%) of the Window Sign Area in which they are displayed. Window Signs do not count against the overall allowed square footage of signage on the site, but Window Signs total maximum square footage cannot exceed the overall Sign area square footage allowed on site.
- d. Temporary Banner Signs: Banner Signs shall be allowed for up to six months, on non-residential uses and shall be limited to a total of one (1) Banner Sign per business, organization, or tenant, not to exceed 50 square feet per Sign. Banners Signs shall be securely mounted to a wall, structure or duly permitted Sign.
- e. Portable or Wheeled Signs: Portable or Wheeled Signs shall be allowed on non-residential uses and shall be limited to a total of one (1) Portable or Wheeled Signs per business, organization, or tenant, not to exceed 12 square feet per Sign Face, with a maximum height of 6 feet. The Portable or Wheeled Signs shall not inhibit pedestrian access or circulation, and placement of such Signs shall allow a minimum of 30 inches of clearance around the device to ensure uninhibited pedestrian access or circulation.
- f. Flags: The total area of flags shall not exceed 30 square feet and shall be affixed to permanent flagpoles or flagpoles that are mounted to buildings. Flags cannot exceed the height permitted in the zone district.
- g. Drive Thru Signs: Ground Signs located in parking lot drive thru aisles that are no larger than 50 square feet and oriented toward the drive thru. A maximum of two are permitted per drive aisle.
- h. Parking Lot Signs: Signs located interior to parking lot boundaries that are no larger than 5 square feet, no taller than 42 inches, except as otherwise required pursuant to federal law or regulation. Parking Lot Signs shall be limited to a total of one (1) sign per 15 parking spaces and shall be limited to one (1) sign every fifty (50) feet, except as otherwise required pursuant to federal law or regulation.
- i. Cautionary Signs: Cautionary Signs shall be no more than 5 square feet per Sign. Free-standing Cautionary Signs shall be no taller than 42 inches. Cautionary Signs may also be located on a wall or fence and shall not exceed the height of the wall or fence on which it is placed. Signs shall be limited to one (1) Sign every one-hundred (100) feet on the property lines or on any fence or other permitted structures that lies within the property lines. Cautionary Signs serve a compelling government interest because they promote the safety and welfare of pedestrians and motorists by alerting people to danger which reduces accidents and other injuries.
- j. Wall Signs in residential zone districts up to 4 square feet. Such Signs may not be illuminated.

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- k. Projecting Signs on agricultural, commercial, or industrial zoned properties less than 10 square feet. One Sign allowed per tenant.

## **1150 Specific Zone District Sign Regulations Requiring a Permit**

- a. Residential Zone Districts (R-1, R-2, R-3)
  - i. Entry Feature Signs: Signs located on an entry feature. These Signs shall be reviewed as part of
  - ii. the building permit for the entry feature. Multiple Signs per entry feature are allowed, provided the total Sign square footage does not exceed 50 square feet. The Signs can be illuminated either by a concealed light source or Internal Illumination.
  - iii. No other Signs requiring permits are allowed in Residential Zone Districts.
- b. Agricultural Zone District
  - i. Maximum Number of Signs Requiring a Permit per Lot: One Single-Faced Ground Sign or one Double-Faced Ground Sign for each lot line adjacent to a street and any combination of other authorized Signs subject to Total Sign Area Per Lot requirements.
  - ii. Total Sign Area Per Lot: 200 square feet (The longest building wall containing a customer entrance will determine tenant building frontage).
  - iii. Setback from lot lines: 10 feet
  - iv. Wall signs: Maximum 50 s.f. and no taller than wall to which it is attached.
  - v. Ground signs: 50 s.f. per face and no taller than 12'.
- c. Business Zone Districts (B-1, B-2, B-3)
  - i. Maximum Number of Signs Requiring a Permit per Lot
    - 1. Entry Feature Signs: Entry Feature Signs located at the entry to commercial developments from Public Rights of Way that are no larger than 50 square feet and no taller than 12 feet. Two (2) Single-Faced Ground Signs, or one (1) Double-Faced Ground Sign is allowed per primary access. The Signs can be illuminated either by a concealed light source or Internal Illumination.
    - 2. Single and Multi-Tenant Buildings: One Single-Faced Ground Sign or one Double-Faced Ground Sign per lot adjacent to a street. Any number of Wall or Projecting Signs subject to the Sign area limitations outlined in this Section.
    - 3. Accessory Buildings (including but not limited to garden centers, car washes, fuel pumping canopies): Three (3) Wall Signs.
  - ii. Setback: 8 feet. For setbacks on lot lines not adjacent to a street, the setback may be 5 feet.
  - iii. Materials: Ground Sign material shall be similar to the architecture and materials of the building.

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Single Tenant Sign Characteristics, Table 11.1		
Type	Maximum Sign Area	Maximum Sign Height
Wall Signs	1 square foot of total Sign area per linear foot of Building Frontage* not to exceed 350 square feet total.	Wall height to which sign is attached.
	No individual Sign shall exceed 150 square feet.	
	Each building will be allowed to have a minimum of 100 square feet of total Sign area regardless of the amount of Building Frontage. However, if the building does not have 100 linear feet of Building Frontage the maximum individual Sign size shall not exceed 50 square feet or 1 square foot of Sign per linear feet of Building Frontage, whichever is greater.	
Accessory Building Wall Signs	50 s.f. total sign area	Wall height to which sign is attached.
Ground Signs	50 s.f. per sign face	12 feet.

\*The longest building wall containing a customer entrance will determine building frontage.

Multi-Tenant Sign Characteristics, Table 11.2		
Type	Maximum Sign Area	Maximum Sign Height
Wall Signs	1 square foot of total Sign area per linear foot of tenant Building Frontage* not to exceed 350 square feet total.	Wall height to which sign is attached.
	No individual Sign shall exceed 150 square feet.	
	Each tenant will be allowed a minimum of 50 square feet of total Sign area regardless of tenant Building Frontage.	
	Tenants that do not have Building Frontage will be allowed 1 Wall Sign not to exceed 50 square feet. The area of this Sign will not be deducted from the total allowable Sign area.	
Accessory Building Wall Signs	50 s.f. total sign area	Wall height to which sign is attached.
Ground Signs	50 s.f. per sign face	12 feet.

\*The longest building wall containing a customer entrance will determine building frontage.

**1150 Sign Area Measurement**

1. Area to be Measured: The area of a Sign shall be measured in conformance with the regulations as herein set forth; provided that the Sign Structure or bracing of the Sign shall be omitted from measurement unless such Sign Structure or bracing is made a part of the message or face of the Sign.
2. Sign area is calculated as the area that encloses the limits of text and graphics of a Sign, together with any frame or material or color forming, integral part of the display or used to differentiate

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- the Sign's message from the background which it is placed. The area excludes the structure upon which the Sign is placed unless the structure is an integral part of the display or used to differentiate it from the background. The area includes any open areas contained within the outer limits of the display face of a Sign, or between any component, panel, strip, or figure of any kind composing the display face, whether this open area is enclosed by a frame or border or not.
3. Signs with Backing: The area of all Signs with Backing or a background, material or otherwise, that is part of the overall Sign display shall be measured by determining the sum of the areas of such square, rectangle, triangle, portion of a circle or any combination thereof, which creates the smallest single continuous perimeter enclosing the extreme limits of the Display Surface or face of the Sign, including all frames, backing, face plates, nonstructural trim or other component parts not otherwise used for support.
  4. Signs without Backing: The area of all Signs without Backing or a background, material or otherwise, that is part of the overall Sign display shall be measured by determining the sum of the areas of each square, rectangle, triangle, portion of a circle, or any combination thereof, which creates the extreme limits of each word, written representation (including any series of letters), emblems or figures of similar character, including all frames, face plates, nonstructural trim or other component parts not otherwise used for support for parts of the Sign having no backing.
  5. Total Sign Area per Lot Measurement:
    - i. Only a Single-Face of a Ground Sign is considered.
    - ii. For a Double-Faced Ground Sign, the total area of the largest face shall determine the Total Sign Area of the Sign
  6. Sign Face Measurement:
    - i. Standard formulas for common regular geometric shapes must be used. All display faces of a Sign must be included.
    - ii. For irregularly shaped Signs, area is measured as the area within the smallest eight-sided right-angled polygon that encloses all of the text, graphics and framing of the Sign.
    - iii. Sign Face Area must include spaces between separate letters of a Sign.
    - iv. The base of a Ground Sign should not be included in Sign Face Area measurement.
  7. Sign Height Measurement:
    - i. Wall Signs may not exceed the height of the wall to which Sign is attached. Wall shall be understood as the highest vertical point before the wall becomes the roof. Signs may not be displayed as extensions of the roof structure.
    - ii. Ground Sign height shall be measured by the average Grade on either side of the Sign to the highest point on the Sign. Ground Signs may not exceed 12 feet in height.
  8. Building Frontage Measurement (Wall Signs): The longest wall on a building that has an entrance on it will be the wall that is used for determining frontage. Only one wall is used in determining frontage for an entire building, or the tenant of a building.

**1160 Sign Illumination**

Except as otherwise provided herein, Signs may be illuminated. However, such illumination shall be either by a downcast, concealed light source or Internal Illumination and shall comply with the requirements of the Lighting Section of this Zoning Ordinance. All lighted Signs must have stationary and steady lighting and lights must be shielded so that light source is not visible beyond the property boundaries.

1. Maximum illumination levels shall not exceed 0.3 foot candles as measured in front of the Sign, 50 feet away, for all Sign types.
2. For residential parcels, there shall be no internally illuminated signs, except for an allowance for address numbers to be illuminated with no light spill past the walls of the residence.

Internally Illuminated Signs: Only the Sign Copy may be illuminated. The Sign must be displayed on a semi-

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opaque material; transparent or clear materials are not allowed so that the internal light source is not visible.

Externally Illuminated Signs: Light source must be steady and stationary and tilted toward the Sign face no more than 5 feet away.

Halo Illumination Signs: Light source must not be visible, and the Sign must not be displayed on a reflective surface.

## **1160 Electronic Message Centers**

Design Requirements:

- a. Electronic Message Centers (“EMCs”) are permitted on Ground Signs which enclose the electronic message center component on all sides.
- b. EMCs are permitted to be both Single- and Double-Faced.

Operational Requirements:

- a. The EMC shall contain static messages only;
- b. Shall display messages for a period of not less than thirty (30) seconds (multiple EMCs, if used on the same Sign, shall be synchronized to change messages at the same time);
- c. Shall not use transitions or frame effects between messages;
- d. Shall conform to the Illumination Requirements set forth below; and

Illumination Requirements:

- a. EMC Illumination Limits: The difference between the off and solid-white measurements shall not exceed 0.3 foot-candles, as measured in front of the Sign, 50 feet away..
- b. Dimming Capabilities. All EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurements.

Location Requirements:

- a. EMCs must meet setbacks of 8 feet from property lines.
- b. No EMCs are permitted on scenic byways as defined and designated by the Kentucky Transportation Cabinet.

## **1180 Variances**

The Board of Adjustment will have the power to hear appeals and grant variances to the provisions of this Section.

## **1190 Violations**

In any case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Ordinance, the Administrative/Enforcement Officer shall notify in writing the owner or lessee thereof to alter such sign to comply with this ordinance. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Section 360 of this Ordinance.

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## **ARTICLE XII Lighting**

### **1200 Intent and Purpose**

To provide consistent regulations for lighting in accordance with common standards and practices, to minimize glare, brightness, and light trespass and to protect nighttime public safety, residential privacy, and movement of traffic and people.

### **1210 General Provisions**

- a. Regulation
  - i. Nothing in this section is intended to preclude compliance with the specific zone district regulations, other regulations within this Zoning Ordinance or with City, County, State and Federal regulations as they may exist. Where Federal, State, County or City requirements conflict with the provisions of this section, the more restrictive standard shall apply.
  - ii. Nothing in this section is intended to prevent the use of any design, material or method of installation not specifically proscribed by this section provided any such alternate has been approved by the City. An alternate may be approved if the proposed design, material, or method provides approximate equivalence (or is superior) to the specific requirements of this section and complies with the intent of this section.
- b. Applicability
  - i. All new exterior lighting designed, constructed, erected, or otherwise placed into operation and any alterations, rehabilitation, relocation, or renovation to more than 75 percent of existing luminaires commenced after ADOPTION DATE, shall be in conformance with the requirements of this section.
  - ii. Parking lot additions/expansions over fifty percent (50%).
  - iii. Luminaires pre-existing and legally installed and operative before ADOPTION DATE, are exempt from the requirements of this section for the life of the luminaires.

### **1220 Prohibitions**

The installation, illumination, or maintenance of any of the following shall be prohibited in all zone districts.

- a. Strobe lights.
- b. Search lights.
- c. Lasers and other high intensity beams.
- d. Blinking, flashing, flickering, rotating, pulsing, or changing intensity lights.
- e. Any incident or reflected light that may be confused with or construed as a traffic control device, except as authorized by the State, Federal, County, or City government.

### **1230 Exemptions**

The following shall be exempt from the requirements of this section:

- a. Holiday lights (decorations), clearly incidental and customary and commonly associated with any national, local, or religious holiday provided that such lights shall be illuminated for a period of not more than 60 consecutive days nor more than 60 days in any one year. Holiday lights may be of any type, number, area, height, location, illumination, or animation, except that they shall not

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produce incident or reflected light that may be confused with or construed as a traffic control device.

- b. Any lighting required by the FAA for air traffic control, navigation, and warning purposes.
- c. Emergency lighting as required by law enforcement or emergency services personnel to protect life or property provided such lighting is temporary and is discontinued immediately upon abatement of the emergency necessitating said lighting.
- d. Street or road lighting.
- e. Construction lighting provided such lighting is temporary and is discontinued immediately upon completion of the construction work.
- f. Traffic control signals and devices.
- g. Lights affixed to operable and licensed vehicles or operable agricultural vehicles.

**1240 Standards**

All lamps over 1,750 lumens (approximately equivalent to a 100-watt incandescent bulb) shall be full cut-off fixtures, unless otherwise specified in this section.

- a. Shielding shall not be required for lamps which accent entranceways, art, water features/fountains, landscaping, sculptures, statuary and other similar objects provided the light is concealed and narrowly focused on the object of interest. This exception does not include pathway lighting, bollards, or other pedestrian or trail circulation illumination.
- b. Luminaires and their supporting structure shall be wholly confined to the property.
- c. Pole heights shall not be greater than 20 feet.
- d. All pole lights for public sports shall be sited in a way that minimizes the impacts to the surrounding residential properties, faced internal to site and downcast.
- e. Maximum illumination levels resulting from on-site lighting shall not exceed the following as measured on the property line:

Use	Maximum Illumination Levels (foot candles)
Commercial / Industrial	No limit
Commercial / Industrial Adjacent to Residential	0.2
Commercial / Industrial adjacent to ROW	0.3
Residential, Active Recreational, Agricultural adjacent to similar uses and ROW	0.2
All uses adjacent to Passive Recreational uses	0.1
Passive Recreational adjacent to all uses and ROW	0.1

- f. Maximum ground level illumination levels of parking lots shall not exceed the following:



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Use	Maximum Illumination Levels (foot candles)
Commercial / Industrial	8
Multi-family Residential	5
Recreational	3
Luminaires and light fixtures associated with canopies	15

g. Average ground level illumination of parking lots shall not exceed the following:

Use	Average Illumination Levels (foot candles)
Commercial / Industrial	2
Multi-family Residential	2
Active Recreational	2

- h. All illuminated signage or illuminated outdoor advertising devices shall comply with the requirements of this section in addition to the requirements of the Signs Section of this Zoning Ordinance.
- i. All outdoor lighting shall be installed with an on/off switch.
- j. Bollards or similar light fixtures shall not exceed 4 feet in height and shall be used with the intention of illuminating landscape features or pedestrian walkways.
- k. Pole-mounted light fixtures in parking and/or loading dock areas shall be placed a minimum of 5 feet outside the parking lot area; or 4 feet behind perimeter tire stop locations; or mounted on pedestals at least 30 inches in height above the parking lot surface; or protected by other means as deemed appropriate by Planning and Zoning.
- l. All luminaires and light fixtures associated with canopies, including but not limited to fuel islands, seasonal outdoor sales areas, shopping centers, theaters, bank drive-thrus, and hotels shall be full cut-off. All light emitted from the canopy shall be substantially confined to the ground directly beneath the perimeter of the canopy. No lighting of any kind, except as permitted by the signage section of this Zoning Ordinance, shall be allowed on the top or sides of a canopy.
- m. Lighting Plan:  
 A lighting plan certified by a lighting designer, lighting engineer, or licensed electrical contractor, shall show all the following:
  - i. The location and height of all existing and proposed building and ground-mounted luminaires;
  - ii. Photometric data indicating all the following items: the maximum foot-candles at all property lines, the location of the highest calculated foot-candles, and the average foot-candles in parking lot(s);
  - iii. A description of all proposed luminaries, including lamp type, the manufacturer, lamp wattage, lumen output per lamp, mounting or support device, and shielding (manufacturer’s catalog cuts and drawings may be submitted);
  - iv. Any additional information as may be required by Planning and Zoning to determine compliance with City regulations or to support the Illuminating Engineering Society of North America’s recommended practices. Exceptions to the Illuminating Engineering Society of North America's recommended practices can be made by the City where necessary for safety purposes;

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- v. All calculations and results, including all sources and assumptions; and
- vi. A statement of certification addressing accountability for the content and accuracy of the submitted lighting plan and the installation of the lights according to the approved lighting plan. It is the responsibility of the owner to ensure compliance to all standards in effect.

### **1250 Measurements**

- a. Illumination shall be measured in foot-candles. All on-site illumination readings shall be measured with a meter sensor in a horizontal position at ground level.
- b. All foot-candles in this section are initial horizontal levels.
- c. All foot-candle measurements shall include the sum of all on-site lighting installations, including all illuminated signs, illuminated outdoor advertising devices, building-mounted lights, and any light spillage from inside buildings.
- d. Pole-mounted luminaire heights shall be measured from finished grade to the top of the luminaire. Where a pole is located on a berm, the berm height shall be included in the height of the luminaire.

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**ARTICLE XIII**

**Fences**

**1300 Intent**

The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed fences of all types.

**1310 Definition**

For the purposes of this Ordinance, a "fence" is defined as: any construction of wood, metal, wire, masonry, or other material, created for the purpose of assuring privacy, protection, enclosure or for other aesthetic reasons, but excluding shrubbery and plantings.

**1320 Permit Required**

It shall be unlawful for any person to construct, or cause to be constructed, any fence upon any property within the city limits of the City of Stanton, Kentucky without first having obtained a permit from the City of Stanton in the manner provided for in this ordinance.

**1330 Permit Application**

Any person desiring to build or to cause to be built a fence upon property owned in the city limits of the City of Stanton shall first apply to the Administrative / Enforcement Officer for a permit. Such application shall contain a completed application form, a to-scale site plan of the entire property including all structures and indicating the location of existing and proposed fences.

**1340 Standards**

- a. Front Yard. In residential zones, fences in the front yard shall not exceed 4 feet in height. No front yard fence shall be taller than 3 feet tall unless the fence consists of at least 75% of open space uniformly distributed along its surface to provide vision through the fence.
- b. Side and Rear Yard. In residential zones, fences in the side and rear areas shall not exceed 6 feet in height. A corner lot will be considered to have two front yards. All yards which have a street right-of-way are considered front yards regardless of what direction the house faces.
- c. Materials. All fences in residential areas of the City of Stanton shall be constructed of standard fencing materials such as wood, masonry, or woven wire or iron fencing and shall in all circumstances be keeping with the residential character of the neighborhood. In no circumstances will barbed wire or similar materials be used in the construction of any fence in a residential lot in the City of Stanton. No temporary fencing shall be permitted unless required as part of permitted construction activity.
- d. Maintenance. Any person within the city limits of the City of Stanton who erects or maintains a fence shall be fully responsible for the maintenance of said fence and shall assume full responsibility for any damage arising due to the erection of such fence. All fences shall be properly maintained with respect to overall appearance and safety.
- e. Property boundaries. Any fence in a residential zone may be placed up to the property line of the adjoining property owner. It is the owner's responsibility to verify the location of the property lines before beginning construction of a fence.

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- f. All in-ground swimming pools or similar structure built for the purpose of holding or containing water or fluid materials shall be protected by a fence at least four (4) feet high with a self-closing lockable gate to prevent unauthorized or accidental access by children. Above-ground pools greater than four feet in height measured from normal grade to the top rail with a retractable or removable ladder or a self-closing, lockable gate blocking the stairs and all pools smaller than 100 square feet and 18" in depth or less and not containing any recirculating equipment shall be exempt from this requirement.
- g. No fence in the city limits of Stanton shall be erected to block or materially interfere with the view of vehicular traffic. Vision clearance triangles (VCT) shall be always maintained. The VCT is an area at the intersection of two roads, streets, alleys, or other public ways described by a triangle measured along the edge of the pavement or the flowline of the roadway in which no fence, wall, landscaping, structure, or other obstruction is permitted to obstruct the view more than forty-two (42) inches in height.

**Vision Clearance Triangle Distances, Table 13.1:**

<b>Street / Road Classification</b>	<b>Required Distance from Intersection</b>
Non-residential drive	25'
Local Street	25'
Minor Collector	40'
Major Collector / Arterial / Parkway	55'

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**ARTICLE XIV**  
**Alternate Energy Standards**

**1400 Intent**

The intent of this ordinance is to facilitate the siting, development, construction, installation, and decommissioning of Renewable (solar and wind) Energy Systems (RESs) in the City of Stanton in a predictable manner that promotes and protects the safety, health, and welfare of the community. This ordinance encourages the appropriate siting of RESs to bolster local economic development and job creation, diversify the state’s energy portfolio, strengthen energy, and grid security, and reduce other environmental impacts. The appropriate siting of RESs considers, avoids to the extent possible, and mitigates any adverse impacts to wildlife, productive and nationally important agricultural lands, forests, endangered species habitat, and historic, natural, and other sensitive lands. The appropriate siting of RESs also establishes standards and requirements to assure that the use and enjoyment of lands located adjacent to and in the proximity of RESs are fully protected.

The requirements of this Ordinance are intended to be supplemental to any safety, health, or environmental requirements of federal, state, or local laws, and regulations.

**1410 Definitions**

*Renewable Energy System (RES)* devices, including its components and subsystems, that collects solar and/or wind energy for electricity generation, consumption, or transmission, or for thermal applications.

*Solar Energy System (SES)* a device, including its components and subsystems, that collects solar energy for electricity generation, consumption, or transmission, or for thermal applications. SESs are in turn divided into three types depending on how the system is incorporated into the existing land use:

*Integrated Solar Energy System* an SES where the solar materials are incorporated into the building materials, such that the building and solar system are reasonably indistinguishable, or where the solar materials are used in place of traditional building components, such that the SES is structurally an integral part of the house, building, or other structure. An Integrated SES may be incorporated into, among other things, a building façade, skylight, shingles, canopy, light, or parking meter.

*Rooftop Solar Energy System* an SES that is structurally mounted to the roof of a house, building, or other structure and does not qualify as an Integrated SES.

*Ground Mounted Solar Energy System* an SES that is structurally mounted to the ground and does not qualify as an Integrated SES. Ground Mounted SESs are subcategorized as follows:

- *Small Scale Ground Mounted Energy System (Small Scale SES)* a Ground Mounted SES with a Footprint of less than 2,500 square feet
- *Intermediate Scale Ground Mounted Energy System (Intermediate Scale SES)* a Ground Mounted SES with a Footprint of between 2,501 square feet and ten (10) acres.

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- *Large Scale Ground Mounted Solar Energy System* (Large Scale SES) a Ground Mounted SES with a Footprint of more than ten (10) acres.

*Exempt Solar Energy System* (Exempt SES) an SES that is a facility of a municipally owned electric system or public utility regulated by the Kentucky Public Service Commission or Federal Energy Regulatory Commission, which is exempt from planning and zoning requirements under KRS 100.324.

*Farmland of Statewide Importance* a map unit identified by the Natural Resources Conservation Service as including soils that nearly meet the requirements for prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods.

*Footprint* of the SES is calculated by drawing a perimeter around the outermost SES panels and any equipment necessary for the equipment to function, such as transformers and inverters. The footprint does not include perimeter fencing or visual buffers, nor transmission lines or portions thereof that are required to connect the SES to a utility or customer outside the SES perimeter.

*Prime Farmland* a map unit identified by the Natural Resources Conservation Service of the United States Department of Agriculture as having the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses.

*Siting Board Regulated SES* an SES that constitutes a “merchant electric siting facility” under KRS 278.700(2), the construction and siting of which is subject to review and approval of the Kentucky State Board on Electric Generation and Transmission Siting. A merchant electric siting facility is an electricity generating facility or facilities that, together with all associated structures and facilities can operate at an aggregate capacity of ten megawatts (10 MW) or more and sell the electricity produced in the wholesale market, at rates and charges not regulated by the Kentucky Public Service Commission.

*Wind Energy System* (WES) a device, including its components and subsystems, that collects wind energy for electricity generation, consumption, or transmission.

## 1420 Applicability

- a. This ordinance applies to the siting, construction, installation, and decommissioning of any new RES within the jurisdiction of the City of Stanton after the effective date of this ordinance.
- b. A RES in operation, or which has begun physical construction prior to adoption of this ordinance, shall be considered to have legal nonconforming status in accordance with KRS 100.253.
- c. The following are not subject to this ordinance:
  - i. Modification to an existing RES that alone or in combination increases the total RES Footprint by no more than 5% of the original Footprint.
  - ii. Routine maintenance and repair, including replacement of solar panels, not increasing the RES Footprint.
- d. Any Exempt RES shall provide the Planning Commission with information concerning service facilities which have been located on and relocated on private property in accordance with KRS 100.324(3).
- e. An RES shall comply with all applicable federal, state, and local laws, regulations, and permitting and other requirements, and applicable building, fire, electrical, and plumbing codes.

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**1430 Conditional Use Permit Requirements and Allowed Uses**

**P:** The RES is a use that is allowed in the district without the necessity of obtaining a zoning permit or prior planning approval, provided that the applicable requirements below are met. A variance from any of the standards applicable to a RES may be obtained through the Board of Adjustment or other authority having jurisdiction.

**CUP:** Conditional Use Permit required. The RES is allowed in the district subject to the requirements set forth below and only if the applicant first obtains a Conditional Use Permit.

**Table 14.1**

<b>Accessory Uses</b>	<b>Residential</b>	<b>Commercial</b>	<b>Industrial</b>	<b>Agricultural</b>
Integrated RES	P	P	P	P
Rooftop RES	P	p	P	P
Ground Mounted RES	P	P	P	P
Small Scale*	P	P	P	P
Intermediate Scale	CUP	P	P	CUP
Large Scale	CUP	CUP	CUP	CUP
<b>Primary Use</b>	<b>Residential</b>	<b>Commercial</b>	<b>Industrial</b>	<b>Agricultural</b>
Integrated RES	-	-	-	-
Rooftop RES	-	-	-	-
Ground Mounted RES	-	-	-	-
Small Scale	P	P	P	P
Intermediate Scale	CUP	P	P	CUP
Large Scale	CUP	CUP	CUP	CUP

\* A Small-Scale Ground Mounted RES qualifies as an accessory use only if its area is less than 50% of the footprint of the primary structure.

**1440 General Requirements Applicable to Integrated & Rooftop Solar Energy Systems**

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1. Solar & Wind Access. Consistent with KRS 381.200(2), a property owner may obtain a solar or wind easement from another property owner for the purpose of ensuring adequate exposure to sunlight or wind for an Integrated or Rooftop RES. Such easement shall be recorded in the office of the Powell County Clerk.
2. Tree Removal. The removal of trees or natural vegetation for an Integrated or Rooftop RES shall be limited to the extent practicable and shall comply with all the requirements of this ordinance regarding tree removal, and any applicable state or federal requirements.
3. Height Restrictions. A rooftop RES shall conform to any height restrictions for roof mounted mechanical devices or equipment for the applicable zoning district and may exceed the maximum permitted height for the structure type by no more than five (5) feet for SES and ten (10) feet for WES. A rooftop SES shall be positioned on the roof so as not to extend above or beyond the edge of any ridge, hip, valley, or eave, provided that where it is mounted on a sloped roof, the SES shall not vertically exceed the highest point of the roof to which it is attached by more than five (5) feet.
4. Lighting. Integrated and Rooftop RESs shall not be illuminated and shall be designed and installed to prevent off-site glare. Nothing in this Ordinance is intended to preclude installation of lighting required by the Federal Aviation Administration.

## **1450 General Requirements Applicable to Ground Mounted SESs**

- a. Solar & Wind Access. Consistent with KRS 381.200(2), a property owner may obtain a solar or wind easement from another property owner for the purpose of ensuring adequate exposure to sunlight or wind for a Ground Mounted RES. Such easement shall be recorded in the office of the Powell County Clerk.
- b. Tree Removal. The removal of trees or natural vegetation for a Ground Mounted RES shall comply with all the requirements of this ordinance regarding tree removal and mitigation, and any applicable state or federal requirements.
- c. Lighting. Lighting of a Ground Mounted RES shall be limited to the minimum necessary for safe operation, and shall be directed downward, incorporate full cut-off features, and incorporate motion sensors where feasible. Lighting shall be designed to avoid light trespass. Nothing in this Ordinance is intended to preclude installation of lighting required by the Federal Aviation Administration.
- d. Height Requirements for Ground Mounted RES. A Ground Mounted RES shall not exceed twenty (20) feet in height for SES or the maximum height for the zone district as measured from the highest natural grade below each solar panel or turbine without approval by the Board of Adjustment or other authority having jurisdiction. The height restriction excludes utility poles, storage batteries, substation structures, and antennas constructed for the project. A Ground Mounted RES may exceed twenty (20) feet in height upon a finding that the RES would be more productive, use less land, or provide other environmental, economic, or other benefits if the height limitation is increased.
- e. Siting Restrictions for Ground Mounted RES
  - i. An Intermediate or Large Scale Ground Mounted RES, measured from the closer of the outer edge of the nearest panel or perimeter fencing, shall be located at least fifty (50) feet from the property line of any property zoned for residential or agricultural use, at least thirty (30) feet from the property line of any property zoned for commercial, business, industrial, office, or institutional use, and at least fifty (50) feet from the centerline of any public road.
  - ii. An Intermediate or Large Scale Ground Mounted RES, measured from the closer of the outer edge of the nearest panel or perimeter fencing, shall be located no closer than one hundred (100) feet from a residence located on a property other than that on which the Ground Mounted RES is to be installed.



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- iii. These setback provisions above can be waived in writing by the adjacent property owner to whom the property line or residence setback is applicable.
- iv. Setbacks are not required where the property line is shared by two or more participating landowners.
- v. Setback requirements may be reduced by 25% where effective existing or proposed visual screening is determined to exist by the Board of Adjustment or other authority having jurisdiction.
- vi. Setback requirements may be expanded by a Board of Adjustment or other authority having jurisdiction, as a condition of approval of a Conditional Use Permit, where deemed necessary to assure effective screening.
- f. Screening. Ground Mounted RESs shall be effectively screened from properties zoned for residential use other than that on which the RES is to be constructed.
  - i. Ground Mounted RESs approved as a conditional use shall have or install a visual buffer of natural vegetation, plantings, earth berms, and/or fencing that will provide an effective visual and lighting screen between the RES and properties zoned for residential use, unless waived by the Board of Adjustment or other authority having jurisdiction. Existing buffers along an SES perimeter shall be preserved when reasonably practicable.
- g. Protection of Farmland And Revegetation Of Disturbed Areas
  - i. Compaction of soil associated with the location of roads and installation staging areas for Intermediate and Large Scale Ground Mounted RES on land zoned for agricultural use shall be minimized to the extent possible. Compaction of soil associated with the location of roads and installation staging areas for all Ground Mounted RES on land zoned for agricultural use that are classified either as prime farmland or farmland of statewide importance shall be avoided to the extent possible, and the soils shall be de-compacted as part of the decommissioning process.
  - ii. Upon completion of construction and installation of the Ground Mounted RES, all temporary roads constructed by the applicant shall be removed, and all disturbed areas shall be graded and reseeded with native vegetation in order to establish an effective ground cover and to minimize erosion and sedimentation.
- h. Signage. A Ground Mounted RES may include such signage as is required by law to provide safety information, and other signage as may be allowed under this Ordinance.
- i. Decommissioning. Other than as specifically approved by the Board of Adjustment or other authority having jurisdiction upon application and notice, decommissioning shall begin no later than twelve (12) months after a Ground Mounted RES has ceased to generate electricity or thermal energy:
  - a. If the Ground Mounted RES was a permitted use without a conditional use permit, all structures and facilities associated with the RES shall be removed within six (6) months of the beginning of decommissioning. All materials shall be recycled or otherwise reused to the extent reasonably practicable and the disturbed areas shall be reclaimed, revegetated, and restored consistent with the zoning classification of the property.
  - b. If the Ground Mounted RES was allowed under a conditional use permit, the RES shall be decommissioned according to the decommissioning plan approved in the Conditional Use Permit.

## **1460 Conditional Use Permit Application Requirements**

- a. Applications for an RES requiring a conditional use permit shall include the following information:

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1. Name, address, telephone number, and email address (if available) of the applicant, the project owner, and the project operator.
2. The address of the property on which the RES will be located and the property owner's name, address, telephone number, and email address if available.
3. Documentation, such as a deed, lease, or other agreement with the landowner, demonstrating the applicant's right to use and control the property.
4. A topographic map that depicts vegetative cover, watersheds, floodplains, and other geographic information about the property and surrounding area.
5. A conceptual description of the project, including the maximum number of modules, mounting type (fixed-tilt or tracking), system height, system capacity, total land area covered by the system, and information about all associated structures or facilities such as transformers, substations, feeder lines, and battery storage.
6. A conceptual site plan including property lines, zoning classification of the property and all adjacent properties, existing buildings and proposed structures, the proposed location of the solar equipment, transmission lines, any associated structures and facilities, and substations. The conceptual site plan shall also identify existing and proposed temporary or permanent roads, drives, and parking, fencing or other methods to ensure public safety, and a visual buffer plan demonstrating how proposed visual buffers will effectively screen the proposed RES from adjacent properties zoned for residential use.
7. A map from the Natural Resources Conservation Service identifying prime farmland and farmland of statewide importance (if in a district zoned as agricultural), documentation from the U.S. Fish and Wildlife Service regarding the presence any identified critical habitat for rare or endangered federal or state species. The application shall also contain a Federal Emergency Management Agency map delineating floodplains.
8. Information demonstrating that approval of the RES will not result in any disproportionate individual or cumulative environmental burden on low-income communities or communities of color.
9. A decommissioning plan prepared by a registered professional engineer, and updated every seven (7) years, containing the following:
  - i. The anticipated life of the project and defined conditions upon which decommissioning will be initiated;
  - ii. The estimated decommissioning cost, including removal of the RES and related foundations, pads, underground collector lines and roads, and the salvage value of any equipment in current dollars and the calculations supporting the decommissioning estimate. The estimated salvage value of the material using current, publicly available material indices and/or firm quotes from a decommissioning or recycling company experienced in the decommissioning of RES, shall be provided. The Board of Adjustment or other authority having jurisdiction shall consider the salvage value identified in computing the amount, if any, of financial assurance required under subsection e.
  - iii. The manner in which the project will be decommissioned, including provision and a timetable for the removal of all structures and foundations, and for the revegetation and restoration of the property to its original condition or a condition compatible with the zoning of the parcel(s);
  - iv. The party responsible for decommissioning;

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- v. A performance bond, letter of credit, or other financial assurance payable to City of Stanton, sufficient to cover the net costs identified in subsection 9ii and to assure that decommissioning of the site can be achieved by a third party in the event that a permittee defaults in that obligation, which financial assurance shall be provided prior to commencement of construction;
  - vi. A copy of any lease containing specific agreements regarding decommissioning with the landowner;
- 10. Proof of adequate casualty and liability insurance covering installation and operation of the RES;
  - 11. A description of the measures that will be taken to minimize erosion and sedimentation, and to promptly stabilize and revegetate disturbed areas with native vegetation.
  - 12. Where the applicant for a Conditional Use Permit is also seeking a construction certification pursuant to KRS 278.700 – 278.716, the applicant may submit a copy of a complete state siting board application and site assessment report meeting the requirements of KRS 278.706 and 278.7008 in lieu of the above requirements of Section 1460(a)1-7.
- b. A conditional use permit issued by a Board of Adjustment or other authority having jurisdiction shall include, at a minimum, all applicable requirements of Section 1460 of this Ordinance, and any additional conditions deemed by the Board necessary or appropriate pursuant to KRS 100.237 to allow the proper integration of the proposed RES into the zone and location in which it is proposed.

**1470 Public Notice and Public Comment**

Public notice of an application for a Conditional Use Permit for a Ground-Mounted RES shall conform to the public notice requirements generally applicable to conditional use permit applications. The public notice and hearing requirements of this Chapter shall be in addition to and independent of any local hearing conducted pursuant to KRS 278.712.

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**ARTICLE XV**  
**Telecommunication Facilities**

**1500 Intent**

The intent of this Article is: to provide for the safest and most efficient integration of cellular antenna towers for cellular telecommunications services or personal communications services within the community; to provide for such facilities in coordination with the recommendations of the comprehensive plan; and to allow for such facilities with the intention of furthering the public health, safety, and general welfare.

**1505 Applicability**

Every utility, or a company that is engaged in the business of providing the required infrastructure to a utility, that proposes to construct an antenna tower for cellular telecommunications services or personal communications services shall submit a completed uniform application to the planning commission. The planning commission shall not regulate the placement of antennas or related equipment on an existing structure.

**1510 Pre-Application Conference**

Applicants are encouraged to notify the Planning & Zoning office to discuss proposals, allow for early coordination and to identify those items which are in conformance/nonconformance with the comprehensive plan, zoning ordinance, and the provisions of these regulations.

**1520 Definitions**

For the purposes of these regulations, the following definitions shall apply:

1. "Cellular Antenna Tower" means a tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.
2. "Cellular Telecommunications Service" means a retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.
3. "Co-location" means locating two (2) or more transmission antennas or related equipment on the same cellular antenna tower.
4. "Personal Communication Service" has the meaning as defined in 47 U.S.C. sec. 332(c).
5. "Uniform Application" means an application to construct a cellular antenna tower submitted to a planning commission in conformity with KRS 100.985 and KRS 100.987.
6. "Utility" has the meaning as defined in KRS 278.010(3).
7. "Antennas or Related Equipment" means transmitting, receiving, or other equipment used to support cellular telecommunications service or personal communications service. This definition does not include towers.

**1525 General**

Cellular antenna towers for cellular telecommunications services or personal communications services may be allowed in any zone after Planning Commission review in accordance with the following

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procedures to ascertain agreement with the adopted comprehensive plan and the regulations contained within the zoning ordinance.

## **1530 Application Requirements**

Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall include the following:

- a. Two (2) copies of all information that the applicant is required to submit to the Planning Commission, per the requirements of the uniform application.
- b. The full name and address of the applicant.
- c. The applicant's articles of incorporation, if applicable.
- d. A geotechnical investigation report, signed and sealed by a professional engineer registered in Kentucky, that includes boring logs and foundation design recommendations.
- e. A written report, prepared by a professional engineer or land surveyor, of findings as to the proximity of the proposed site to flood hazard areas.
- f. Clear directions from the county seat to the proposed site, including highway numbers and street names, if applicable, with the telephone number of the person who prepared the directions.
- g. The lease or sale agreement for the property on which the tower is proposed to be located, except that, if the agreement has been filed in abbreviated form with the county clerk, an applicant may file a copy of the agreement as recorded by the county clerk and, if applicable, the portion of the agreement that specifies, in the case of abandonment, a method that the utility will follow in dismantling and removing the proposed cellular antenna tower including a timetable for removal.
- h. The identity and qualifications of each person directly responsible for the design and construction of the proposed tower.
- i. Eight (8) copies of a site development plan or survey, signed and sealed by a professional engineer registered in Kentucky, that shows the proposed location of the tower and all easements and existing structures within five hundred (500) feet of the proposed site on the property on which the tower will be located, and all easements and existing structures within two hundred (200) feet of the access drive, including the intersection with the public street system.
- j. A vertical profile sketch of the tower, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas.
- k. The tower and foundation design plans and a description of the standard according to which the tower was designed, signed, and sealed by a professional engineer registered in Kentucky.
- l. A map, drawn to a scale no less than one (1) inch equals two hundred (200) feet, that identifies every structure and every owner of real estate within five hundred (500) feet of the proposed tower.
- m. A statement that every person who, according to the records of the property valuation administrator, owns property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed, has been:
  - i. Notified by certified mail, return receipt requested, of the proposed construction which notice shall include a map of the location of the proposed construction.
  - ii. Given the telephone number and address of the local Planning Commission; and
  - iii. Informed of his or her right to participate in the Planning Commission's proceedings on the application.
- n. A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners.

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- o. A statement that \_\_\_\_\_ (the chief executive officer of the affected local government and the legislative body) have been notified, in writing, of the proposed construction.
- p. A copy of the notice sent to \_\_\_\_\_ (the chief executive officer of the affected local government and the legislative body).
- q. A statement that:
  - i. a written notice, of durable material at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower on this site" and including the addresses and telephone numbers of the applicant and the planning commission, has been posted and shall remain in a visible location on the proposed site until final disposition of the application; and
  - ii. a written notice, at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower near this site" and including the addresses and telephone numbers of the applicant and the planning commission, has been posted on the public road nearest the site.
- r. A statement that notice of the location of the proposed construction has been published in a newspaper of general circulation in the county in which the construction is proposed.
- s. A brief description of the character of the general area in which the tower is proposed to be constructed, which includes the existing land use for the specific property involved.
- t. A statement that the applicant has considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided, and that there is no reasonably available opportunity to locate its antennas and related facilities on an existing structure, including documentation of attempts to locate its antennas and related facilities on an existing structure, if any, with supporting radio frequency analysis, where applicable, and a statement indicating that the applicant attempted to locate its antennas and related facilities on a tower designed to host multiple wireless service providers' facilities or on an existing structure, such as a telecommunications tower or other suitable structure capable of supporting the applicant's antennas and related facilities.
- u. A map of the area in which the tower is proposed to be located, that is drawn to scale, and that clearly depicts the necessary search area within which an antenna tower should, pursuant to radio frequency requirements, be located.
- v. A grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes:
  - i. all of the planning unit's jurisdiction; and
  - ii. a one-half (1/2) mile area outside of the boundaries of the planning unit's jurisdiction, if that area contains either existing or proposed construction sites for cellular antenna towers.

## **1540 Application Fee**

An applicant for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall pay an application fee in the amount of \$1,500 upon submission of a uniform application, with \$2,500 being the maximum aggregate amount for application and any applicable building permit fees.

## **1550 Application Procedure**

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Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall be processed as follows:

1. At least one (1) public hearing on the proposal shall be held, at which hearing interested parties and citizens shall have the opportunity to be heard. Notice of the time and place of such hearing shall be published at least once, in a newspaper of general circulation in the county, provided that one (1) publication occurs not less than seven (7) calendar days nor more than twenty-one (21) calendar days before the occurrence of such hearing.
2. Notice of the proposal shall be posted by the applicant and shall remain in a visible location on the proposed site until final disposition of the application. Such notice shall consist of a written notice, of durable material at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower on this site" and including the addresses and telephone numbers of the applicant and the Planning Commission.
3. Notice of the proposal shall be posted by the applicant and shall remain on the public road nearest the site until final disposition of the application. Such notice shall consist of a written notice, of durable material at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower near this site " and including the addresses and telephone numbers of the applicant and the Planning Commission.
4. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by certified mail, return receipt requested, to the owner of every parcel of property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed. Said notice shall include a map of the location of the proposed construction, the telephone number and address of the Planning Commission and shall inform the addressee of his or her right to participate in the Planning Commission's proceedings on the application. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.
5. Upon holding such hearing, the Planning Commission shall, within sixty (60) days commencing from the date that the application is received by the Planning Commission, or within a date specified in a written agreement between the Planning Commission and the applicant, make its final decision to approve or disapprove the uniform application. If the Planning Commission fails to issue a final decision within sixty (60) days, and if there is no written agreement between the Planning Commission and the utility to a specific date for the Planning Commission to issue a decision, it shall be presumed that the Planning Commission has approved the utility's uniform application. In the event the application is filed in a timely manner where the Planning Commission's regular scheduled monthly meeting will not accommodate a public hearing, the Planning Commission will request a written agreement between said Commission and the applicant to extend the sixty (60) day deadline.

## **1560 Design Standards**

The applicant shall provide information demonstrating compliance with the following requirements. Where the Planning Commission finds that circumstances or conditions relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable, the Planning Commission, or its duly authorized representative, may modify or waive such requirement, either



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permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver.

1. All structures, except fences, shall be located a minimum distance from the property line or lease line of any adjoining property that is equal to one-half (1/2) the height of the tower, but not less than fifty (50) feet.
2. A cellular antenna tower, or alternative antenna tower structure, may be constructed to a maximum height of two hundred (200) feet regardless of the maximum height requirements listed in the specific zoning district. This also applies to any tower taller than fifteen (15) feet constructed on the top of another building or structure, with the height being the overall height of building/structure and tower together, measured from the grade to the highest point. The Planning Commission may allow antennas greater than two hundred (200) feet in height upon review of the applicant's justification that the additional height meets the criteria identified in Section 1570.
3. The cellular antenna tower shall be constructed in compliance with the current ANSI/EIA/TIA 222-F standards and other applicable state standards.
4. Cellular antenna towers shall not be illuminated, except in accordance with other state or federal regulations.
5. The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, ingress/egress shall only be from approved access points.
6. Woven wire or chain link (eighty (80) percent open) or solid fences made from wood or other materials (less than fifty (50) percent open) shall be used to enclose the site. Such fences shall not be less than six (6) feet in height nor more than eight (8) feet in height. The use of barbed wire or sharp pointed fences shall be prohibited. Such fence may be located within the front, side, or rear yard.
7. Screening shall be provided by evergreen trees, with a minimum height of six (6) feet, planted in a staggered pattern at a maximum distance of fifteen (15) feet on center. The screening shall be placed in an area between the property line, or lease line, and a ten (10) foot setback.
8. Any site to be purchased or leased for the installation of a cellular antenna tower, or alternative antenna tower, and ancillary facilities, shall be at least five thousand (5,000) square feet in area.
9. Surfacing of all driveways and off-street parking areas shall comply with the requirements of Article X of this Zoning Ordinance.
10. There shall be no signs permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs which are required by a federal, state, or local agency. Such signs shall not exceed five (5) square feet in area.
11. All new cellular antenna towers shall be designed and constructed to accommodate a minimum of three (3) service providers.
12. All option and site lease agreements shall not prohibit the possibility of co-location.

## **1570 Criteria**

- a. Approval or disapproval of the proposal shall be based upon an evaluation of the proposal's agreement with the Comprehensive Plan and Zoning Ordinance and any other pertinent city ordinances and regulations.
- b. The Planning Commission may require the applicant to make a reasonable attempt to co-locate additional transmitting or related equipment. The Planning Commission may provide the location of existing cellular antenna towers on which the Commission deems the applicant can successfully co-locate its transmitting and related equipment. If the Planning Commission requires the applicant to attempt co-location, the applicant shall provide the Planning Commission with a statement indicating that the applicant has:

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- i. Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities, and that identifies the location of the tower or suitable structure on which the applicant will co-locate its transmission and related facilities; or
- ii. Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities and that:
  1. Identifies the location of the towers or other structures on which the applicant attempted to co-locate; and
  2. Lists the reasons why the co-location was unsuccessful in each instance.
  3. The Planning Commission may deny a uniform application to construct a cellular antenna tower based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures.
  4. The Planning Commission shall not regulate the placement of a cellular antenna tower on the basis of the environmental effects of radio frequency emissions to the extent that the proposed facility complies with the regulations of the Federal Communications Commission concerning radio frequency emissions.

## **1575 Amendments**

Any amendments to plans, except for minor adjustments as determined by the Planning Commission, or its duly authorized representative, shall be made in accordance with the procedure required by Section 1530, subject to the same limitations and requirements as those under which such plans were originally approved.

## **1580 Siting Strategies**

It is recommended that the Planning Commission work cooperatively with the service providers of cellular telecommunications services or personal communications services and use the following list of recommended strategies when evaluating the siting of service facilities:

- Service Providers should be required to file an "annual plan" covering the applicant's present telecommunications towers and co-location sites within the City of Stanton.
- Service Providers should be required to co-locate or share towers/facilities with other providers in order to minimize the proliferation of towers/facilities.
- Wherever possible, service providers should be required to use existing structures or facilities that meet all of the requirements of the proposed installation. For example, water towers, radio and television towers, tall buildings, commercial signs, etc., in order to minimize the proliferation of new towers/facilities.
- Wherever possible, siting of such facilities should be required to be located in areas identified for industrial or commercial type uses.
- Ground level compounds such as equipment shelters, backup generators, etc. should be heavily screened from view.
- Towers should be camouflaged or designed in such a manner to blend into the surrounding area. For example, changes in topography of the land may be used effectively to separate such facilities from adjacent residential uses.
- To provide for proper separation, adequate setbacks should be provided based upon adjacent land uses and character of affected areas.

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- The type of tower (e.g., monopole, carillon, etc.) should be evaluated based upon adjacent land uses and character of affected areas.
- When the facility is no longer required, the owner should remove it and the land restored to its natural state.

### **1590 Confidentiality**

From the time that a uniform application is received by the Planning Commission, all information contained in the application and any updates, except for any map or other information that specifically identifies the proposed location of the cellular antenna tower then being reviewed, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The Planning Commission shall deny any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction, or when and to the extent that confidentiality is waived in writing by the applying utility. The Planning Commission will request that the applicant waive confidentiality on the contents of the uniform application, with the exception of any information that indicates the general position of future proposed construction sites for new cellular antenna towers as discussed in Section 1530 (v).

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**ARTICLE XVI**  
**Planned Development Units**

**1600 General**

A Planned Unit Development project which may depart from the literal conformance with the regulations for individual-lot development may be permitted in those districts where it is designated as a special use under the district regulations. All Planned Unit Development projects shall be subject to the following regulations:

**1610 Procedure**

When a Planned Unit Development project is proposed, the procedure and standards for major subdivision approval as set forth in the Subdivision Regulations shall be followed in their entirety. A preliminary plat and final plat, both approved by the Planning Commission shall be required for every Planned Unit Development project. The Planning Commission may establish a schedule of reasonable fees to be charged for plat review. The project shall be developed according to the approved final plat. Building permits and certificates of occupancy shall be required for each building.

**1620 Uses**

The uses of premises in a Planned Unit Development project shall conform with the permitted uses of the district in which it is located when it is permitted as a special use. If a Planned Unit Development project is proposed which includes mixed uses or other uses that are not permitted in the district where it is proposed or uses not permitted in any district, the project may be permitted only after an overlay to the City Zoning Map designating the proposed location as a Planned Unit Development district is approved by the Planning Commission. The overlay district may be permitted only after the conditional approval of the preliminary plat and shall be valid only for that project as approved.

**1630 Standards**

In any Planned Unit Development project, although it is permissible to depart from literal conformance with the individual-lot dimension and area regulations, there shall be no diminution of the total equivalent lot area, parking area, and loading and unloading area requirements that would be necessary for the equivalent amount of individual-lot development. The Planning Commission may allow reductions in these requirements however, upon proof by the developer that efficiencies of large-scale development may permit such reductions without destroying the intent of this Ordinance.

**1640 Special Conditions**

The Planning Commission shall attach reasonable special conditions to ensure that there shall be not departure from the intent of this Ordinance. The Planned Unit Development project shall conform with all such conditions. Because a Planned Unit Development project is inherently more complex than individual-lot development and because each such project must be tailored to the topography and neighboring uses, the standards for such projects cannot be inflexible. The following standards define the typical special conditions the Planning Commission shall attach in addition to the standards for lot, parking, and loading and unloading area defined in Section 1230 above. The Planning Commission may also attach any other reasonable special conditions.

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- a) It is desirable that access points to all arterial streets shall be located no more frequently than once every eighth to a quarter of a mile. The Planning Commission may approve the platting of temporary access points.
- b) Wherever there is an abrupt change in uses - i.e., residential to commercial - it is desirable that a buffer area of open space or protective planting be placed between them which will protect each use from the undesirable effects of the other.
- c) Parking and other public areas used at night shall be adequately lighted, and private areas shall be adequately protected from such lighting and any other lighting from public areas. Public streets may also require protection from excessive glare of lighted areas.
- d) It is desirable that all Planned Unit Development projects be constructed promptly after approval of the final plat. Construction shall be initiated within one year after approval of the final plat and shall be completed in a reasonable length of time. Failure to initiate construction within one year shall void the permit.

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**ARTICLE XVII**  
**Development Plans**

**1700 General**

This section sets forth the content and procedure for submission, review, and approval of all development plans required by the Planning Commission.

Preliminary Development Plans are required for all new Commercial, Industrial or Multi-family structures or for additions to existing Commercial, Industrial or Multi-family structures that either did not previously have an approved Final Development Plan or which significantly change a previously approved Final Development Plan.

The Commission at its discretion may require the submission and approval of a Final Development Plan if the Commission finds there are existing or potential substantial flood, drainage, traffic, topographic, or other similar problems relating to the development of the subject property that could have an adverse effect on existing or future development of the subject property in the vicinity.

**1710 Preliminary Development Plans Required**

Preliminary development plans shall be submitted prior to the issuance of any construction or grading permits and shall contain all information required by Section 1730 below. A public hearing on a map amendment shall not be held until the required preliminary development plan has been submitted to the Commission.

If the Preliminary Development Plan is disapproved or if the Commission fails to approve or disapprove the Plan and the map amendment is subsequently approved by the City Council, the Commission shall approve a Development Plan for the subject property which shall be the Final Development Plan.

**1720 Final Development Plans Required**

Final Development Plans required herein shall be submitted within two (2) years of the approval of the Preliminary Development Plans and the Commission shall approve a Final Development Plan for the subject property with such conditions as are found necessary to comply with the provisions of this Ordinance, if any, within ninety (90) days after the applicant has submitted his Development Plan.

**1730 Contents of Preliminary Development Plan**

- a. Vicinity sketch
- b. Topography with contour interval of five (5) feet or less
- c. Location, arrangement, and approximate dimensions of existing and proposed driveways, streets, sidewalks, parking areas, and layout of spaces, points of ingress and egress, and other vehicular and pedestrian rights-of-way
- d. Screening, landscaping, buffering, recreational, and other open space areas
- e. Approximate size, location, height, floor area, building area, arrangement and proposed use of existing buildings and signs
- f. Proposed design of storm drainage areas and facilities.
- g. Proposed and existing easements

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## **1740 Contents of Final Development Plan**

- a. Vicinity sketch
- b. Topography with contour interval of two (2) feet or less
- c. Boundary features such as bearings and dimensions of all property lines
- d. Size, location, height, floor area, building area, and arrangement of proposed and existing buildings and signs
- e. Screening, landscaping, buffering, recreational and other open space areas showing dimensions of and materials of fences, planting, buffer and other open areas
- f. Location, arrangement, and dimensions of existing and proposed driveways, streets and street cross section drawings, sidewalks, parking areas including a number of off-street parking spaces, points of ingress-egress, off-street loading areas and other vehicular and pedestrian rights-of-way
- g. Utilities information on existing and proposed water, gas, electric, telephone, and sewer lines, including location of easements, size of lines and location of appurtenances
- h. Location and dimensions of other existing or proposed easements
- i. Statistical summary of above items.

## **1750 Approval of Development Plan Before Building Permit**

When the Planning Commission has required a Development Plan to be submitted no building permit shall be issued until a Development Plan is approved by the Commission and a copy of said plan is certified by the Chairman and Secretary of the Commission. The approval of a Development Plan shall limit and control the issuance of all building and occupancy permits, and restrict the construction, location and use of all land and structures to the conditions set forth in the plan.

## **1760 Amendments to Development Plan**

Amendments to approved Development Plans can be made only by official Planning Commission action.



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**ARTICLE XVIII  
Amendments**

**1800 General**

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the legislative body may, by ordinance, after receiving a recommendation thereon from the Planning Commission, and subject to procedures by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

**1810 Application for Amendment**

A proposal for amendment to the Official Zoning Map may originate with the Planning Commission, the City Council, any other government body, the owner of the subject property, or by a person having written authorization from the owner of the subject property. A proposal for amendment to the text of this ordinance may originate with any person or governmental body.

Regardless of the origin of the proposed amendment an application must be filed with the Planning Commission requesting the proposed amendment in such form and accompanied by such information as required by this ordinance and the Planning Commission. The Planning Commission will require the prior submission of a development plan prepared in accordance with Article XVII of this Ordinance, which when approved by the Commission, shall be followed. At the time of filing an application, a non-returnable filing fee shall be paid according to the schedule of fees; however, there shall be no filing fee for an amendment requested by the City Council, the planning commission, or any governmental agency. Upon the filing of an application for a map amendment by a governmental body, the Planning Commission shall promptly notify the owner of the subject property by registered mail or certified mail, receipt requested.

**1820 Planning Commission Procedure**

Upon the filing of an application for an amendment to the Official Zoning Map or the text of this ordinance, the Planning Commission shall study and review the application as provided in this ordinance and the bylaws of the Planning Commission.

The Planning Commission shall then hold at least one (1) public hearing after notice as required by KRS 424 and KRS 100 and shall make findings of fact and a recommendation for approval or disapproval of the proposed amendment to the various legislative bodies involved. 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 or legislative body without a recommendation for approval or disapproval.

**1830 Notice of Public Hearing**

Notice of the time, place and reason for the required public hearing shall be given by one publication in the newspaper of general circulation in the County, not earlier than twenty-one (21) days or later than seven (7) days before the public hearing in accordance with KRS 424.130 and KRS 100.211.

Any 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, and the names of two (2) streets on either side of the property which intersect the street on which the property is located; and 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 two (2) streets on either side of the property.

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When a hearing is scheduled on a proposal by a property owner to amend any zoning map, the following notice shall be given in addition to any other notice required by statute, local regulation or ordinance:

- a. Notice of the hearing shall be posted conspicuously on the property the classification of which is proposed to be changed for fourteen (14) consecutive days immediately prior to the hearing. Posting shall be as follows:
  - i. The sign shall state "zoning change" and the proposed classification change in letters three (3) inches in height. The time, place and date of hearing shall be in letters at least one (1) inch in height; and
  - ii. the sign shall be constructed of durable material and shall state the telephone number of the Planning Commission Office; and
  - iii. it shall be the responsibility of the applicant to post the sign conspicuously on the property. The Enforcement Officer shall verify to the Planning Commission at the hearing that placement occurred pursuant to the provisions of this ordinance.
- b. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by first class mail, with certification by the commission secretary or other officer of the planning commission that the notice was mailed to an owner of every parcel of property adjoining the property the classification of which is proposed to be changed. It shall be the duty of the person or persons proposing the map amendment to furnish to the planning commission the names and addresses of the owners of all adjoining property. Records maintained by the Property Valuation Administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then 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. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the Property Valuation Administrator's records as having the same address.

In addition to the public notice requirements of this section, when the planning commission or legislative body of any planning unit originates a proposal to amend the zoning map of that unit, notice of the public hearing shall be given at least thirty (30) days in advance of the hearing by first class mail to an owner of every parcel of property the classification of which is proposed to be changed. Records by the Property Valuation Administrator may be relied upon to determine the identity and address of said owner.

## **1840 Public Hearing on Application**

After notice of the public hearing as provided for above, the Planning Commission shall hold a public hearing on the proposed amendment.

## **1850 Recommendation of Commission for Zoning Map Amendment**

Before recommending to the City Council that an application for amendment to the Zoning Map be granted, the Planning Commission, or the legislative body must find that the map amendment agrees with the community's Comprehensive Plan, or in the absence of such a finding, that:

- i. the original zoning classification given to the property was inappropriate or improper, and that the proposed classification is proper, or
- ii. that there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the Comprehensive Plan adopted by the Planning Commission and which have substantially altered the basic character of the area.

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After voting to recommend that an application for amendment to the Official Zoning Map be granted or denied, the Planning Commission shall forward its findings of fact and recommendation in writing to the City Council, if the subject property is within the territorial jurisdiction of the City at the time the Planning Commission's recommendation is made thereon.

## **1860 Action by City Council on Zoning Map Amendments**

The City Council shall not act upon a proposed amendment to the Official Zoning Map until it has received the written findings of fact and recommendation thereon from the Planning Commission. The Planning Commission recommendation relating to the proposed amendment shall become final and the map amendment shall be automatically implemented subject to the provisions of KRS 100.347, as set forth in the Planning Commission recommendations, unless within twenty-one (21) days after the final action by the planning commission:

1. Any aggrieved person files a written request with the Planning Commission that the final decision shall be made by the appropriate legislative body; or
2. The appropriate legislative body files a notice with the Planning Commission that the legislative body shall decide the map amendment.

It shall take a majority of the entire legislative body to override the recommendation of the Planning Commission and it shall take a majority of the entire legislative body to adopt a zoning map amendment whenever the Planning Commission forwards the application to the legislative body without a recommendation of approval or disapproval due to a tie vote.

Unless a majority of the entire legislative body votes to override the Planning Commission's recommendation, such recommendation shall become final and effective and if a recommendation of approval was made by the Planning Commission, the ordinance of the legislative body adopting the zoning map amendment shall be deemed to have passed by operation of law.

If the legislative body chooses to decide the map amendment, the legislative body 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. The legislative body shall also notify the Enforcement Officer and the Chairman of the Planning Commission as to when the proposed map amendment will be heard by the legislative body prior to the legislative body's final action. The legislative body shall complete and file for recording with the County Clerk, a Certificate of Land Use Restriction for any map amendment approved with conditions by the City Council and/or legislative body.

## **1870 Recommendation of Commission for Text Amendment**

After voting to recommend that an application for amendment to the text of this ordinance be granted or denied, the Planning Commission shall forward its recommendation in writing to the City Council. In the case of a proposed amendment originating with a legislative body, the planning commission shall make its recommendation within sixty (60) days of the date of its receipt of the proposed amendment.

## **1880 Action by City Council on Text Amendments**

The City Council shall not act upon a proposed amendment to the text of this ordinance until it shall have received the written recommendation thereon from the Planning Commission. If the proposed amendment originated with the Planning Commission, it shall take a majority of the entire City Council to

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override the recommendation of the Planning Commission. If the proposed amendment originated with a legislative body, it shall take an affirmative vote of the majority of the legislative body to adopt the proposed amendment. The legislative body shall take final action within ninety (90) days of the date upon which the planning commission takes its final action upon such proposal.

### **1890 Special Conditions to the Granting of Zoning Changes**

As a condition to the granting of any zoning change for new subdivision developments, or new Multi-family Residential, or Commercial, or Industrial structures, the Planning Commission shall require the submission of a Development Plan as per Article XVII which, where agreed upon, shall be followed.

As a further condition to the granting of a zoning change, the Commission shall require that substantial development or construction be initiated within two years; otherwise, the zoning may be reverted to the prior designation with a public hearing in accordance with the procedures established in this Article.