

# CITY OF GLASOW

## CHAPTER 158: ZONING REGULATIONS

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**GENERAL PROVISIONS****§ 158.001 TITLE.**

This chapter shall be known as the “Zoning Regulations of the City of Glasgow.”  
(1989 Code, § 154.001) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995)

**§ 158.002 PURPOSE.**

(A) The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purposes of promoting the public health, safety, morals and convenience, order, prosperity and the general welfare of the community.

(B) They have been designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

(1989 Code, § 154.002) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995)

**§ 158.003 APPLICATION OF DISTRICT REGULATIONS.**

(A) The regulations set by this chapter shall be held to be the minimum requirements. Within each district, they shall be applied uniformly to each class or kind of structure or land, except as hereinafter provided. More particularly:

(1) No building, structure or land shall hereafter be used or reused and no buildings or structure or part thereof shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected constructed, reconstructed, moved or structurally altered unless in conformity with the regulations herein specified for the district in which it is located.

(2) No building or other structure shall hereafter be erected or altered:

(a) To exceed the height or bulk;

(b) To accommodate or house a greater number of families;

(c) To occupy a greater percentage of lot area; or

(d) To have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required; or in any other manner contrary to the provisions of this chapter.

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

(4) No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

(5) However, any structure damaged or destroyed may be restored if that structure does not involve a non-conforming use.

(a) Damaged or destroyed structures located over a setback requirement of the zoning ordinance may be relocated in the same location provided they are erected on the existing foundation and do not further encroach into the setback requirement in a circumstance where conforming to the setback requirement would create an undo hardship on the property owner.

(6) Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted, rules, regulations, ordinances or resolutions, the most restrictive, or that imposing the higher standards, shall apply.

(7) Any area annexed after the adoption of this zoning regulation shall be assigned to a district as set forth in § 158.044.

(B) For penalty, see KRS Chapter 100.991 and § 158.999 of this code of ordinances. (1989 Code, § 154.003) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

#### § 158.004 DEFINITIONS.

(A) For the purpose of this chapter, certain terms or words used herein shall be interpreted as follows.

(1) The word person includes a firm, association, organization, partnership, trust company or corporation as well as an individual.

(2) The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.

(3) The word shall is mandatory, the word may is permissive.

(4) The words used or occupied include the words intended, designed or arranged to be used or occupied.

(5) The word lot includes the words plot or parcel or tract.

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

**ACCESSORY.** Any supplementary item, object, or group of objects which aids in any vocation and is clearly incidental to the land use.

**ACRE.** An area consisting of forty three thousand – five hundred and sixty (43,560) square feet.

**ADDITION.** An extension or increase in floor area or height of a building or structure.

**ALTERATION.** As applied to a building or structure, a change or rearrangement in the structural parts or in the means of egress; or as an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another. As applied to a building or structure in a historic district or on a landmark site, it shall also mean work that changes the appearance of the exterior regardless of whether the work requires a permit from the government. As applied to a watercourse, it shall mean changing the carrying capacity or location of stream, channel or waterway.

**AGRICULTURE.** The use of land for farming, dairying, pasturage, animal & poultry husbandry and other similar uses; and the necessary accessory uses for packing, treating or storing of produce, providing however, that the operation of any such accessory uses shall be secondary to that of the principal agricultural activities and; provided, further, that the above uses shall not include the commercial feeding of garbage or offal, defined as the by-product of animal processing to swine or other animals.

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

**ASSISTED LIVING FACILITY.** A structure or structures with sleeping rooms for unrelated individuals, requiring minimal medical supervision, usually with communal living space and kitchen. Facilities may also include office and sleeping rooms for staff members. **ASSISTED LIVING FACILITY** does not include a nursing home, residential care facilities, halfway house, or residential treatment program.

**BAR OR LOUNGE.** Any eating, drinking, or entertainment (including nightclubs, taverns, dance halls, pool halls and similar uses) establishments which derives less than fifty (50%) percent of its income from food sales.

**BED AND BREAKFAST.** A residential establishment in a private dwelling that supplies temporary accommodations to overnight guests.

**BINDING ELEMENT.** Those conditions agreed to by the Joint City-County Planning Commission and the applicants which are imposed upon a development plan or zone change application and which control the development and use of the property in question. The conditions may be in writing or by graphic representation. **BINDING ELEMENTS** are enforceable by the Joint City-County Planning Commission staff or code enforcement officer whether they are formally recorded in the Barren County Clerks Office or not.

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

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

(b) **APARTMENT BUILDING.** Three or more living units.

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

**CANNABIS BUSINESS.** An entity licensed under this chapter as a cultivator, dispensary, processor, producer, or safety compliance officer.

**CARDHOLDER.** A registered qualified patient, designated caregiver, or visiting qualified patient who has applied for, obtained, and possesses a valid registry identification card issued by the Kentucky Cabinet for Health and Family Services to purchase medical cannabis.

**CARPORT.** A site built or pre-fabricated covered structure intended for use as storage for a vehicle.

**CENTERLINE OF STREET.** The center of the surveyed street right-of-way.

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

**CULTIVATOR.** An entity responsible for planting, raising, harvesting, trimming, and curing medical cannabis.

**DAYCARE.** Any facility that offers part-time care day or night, but less than twenty four (24) hours per day to either children or adults not related to the operator or the facility by blood, marriage, or adoption and are not the children, grandchildren, children in legal custody, nieces or nephews of the operator.

**DENSITY.** A measure of the intensity of the use of a piece of land expressed in dwelling units, families, housing structures per acre, or minimum lot size requirements.

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

(b) **NET DENSITY.** The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential use.

**DEVELOPMENT PLAN.** Written and/or graphic material for the provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage facilities, access points, a plan for landscaping, screening, or buffering, utilities, existing, man made and natural conditions, and all other conditions agreed to by the applicant. For further information, refer to Chapter 152 of the City of Glasgow Code of Ordinances.

**DISPENSARY.** An entity responsible for purchasing and selling finished medical cannabis products to cardholders.

**DWELLING.** A house, townhouse, apartment building or other buildings used primarily for

human habitation that meet the minimum requirements of the housing code. The word **DWELLING** shall not include boarding or rooming houses, hotels, motels, house trailers or other structures designed for transient residence.

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

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

(c) **DWELLING, MULTI-FAMILY.** A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls.

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

**EARTH MOUNDS.** Ridges of piled earth constructed with proper slopes (not to exceed 3:1) and plant material to prevent erosion.

**FACADE.** The principal face of a building, either artificial or structurally essential.

**FAMILY.** One or more persons occupying a premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, nurses home, fraternity or sorority house.

**FENCE.** An artificially constructed barrier of wood, metal, or masonry materials erected to enclose or screen areas of land which is consistent with the surrounding neighborhood.

**FINISHED GRADE.** The elevation of the site after excavating or filling which conforms to the approved final grading plan. The finish grade is also the grade at the top of a paved surface.

**FLOOD HAZARD AREA OR SPECIAL FLOOD HAZARD AREA.** Any area included in the flood area as delineated by the Flood Insurance Rate Map (FIRM).

**FLOOD INSURANCE RATE MAP (FIRM).** An official map of a given area, on which the Federal Emergency Management Agency (FEMA) has delineated the area to be in a flood hazard area.

**GROUND COVER.** Planting with a mature height of 12 inches or less including but not limited to grass, certain junipers, and ivy. Within landscaped areas next to a public right-of-way, crushed rock, tree bark or process shale may also be used.

**HALFWAY HOUSE.** A residence for former mental patients, convicts, or recovering drug users or alcoholics that serves as a transitional environment between confinement and the return to society.

**HEDGE.** A row of bushes planted at such interval as to create a continuous mass within two years after planting.

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

**HOME OCCUPATION.** Any use customarily conducted within a dwelling, carried on by a member or members of a family residing on the premises, which is clearly incidental to the residential use and which does not alter the character thereof by reason of noise, odor, traffic generation or otherwise change the character of the surrounding area. A Home Occupation constitutes any activity wherein payment is received on the premises or foot and/or vehicle traffic is increased beyond the parameters of typical residential use.

**INOPERABLE VEHICLE.** Any vehicle for conveyance that has surpassed the ability to move of its own power or force from a human or animal.

**JUNKYARD.** A place where waste of discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled, or handled including vehicle wreckage in which the general operation is located outside of a building.

**JUVENILE DETENTION CENTER.** A juvenile detention center is defined as any facility that houses persons deemed by the Commonwealth of Kentucky to be a convicted criminal younger than an adult. Varying from a residential treatment facility or residential treatment program a juvenile detention center is a location that precludes those detained from leaving the facility without supervision.

**KENNEL.** Any lot or premises on which four or more dogs, or small animals, at least four months old or older are kept.

**LANDSCAPE BUFFER AREA (LBA).** An area of land, including landscaping, earth mounds, walls, and fences, that is located between land uses of different character and is intended to mitigate negative impacts and minimize conflict between the more intense use on adjacent properties.

**LANDSCAPE PLAN.** A scaled drawing, including dimensions and distances, existing and proposed buildings, vehicle use areas, landscape buffer areas, driveways, and the location, size and description of all landscape material.

**LANDSCAPING.** The use of planting material, pavements, walls, fences and earth mounds to enhance the aesthetic and safety characteristics of new and existing development.

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

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

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

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

**LOT OF RECORD.** Any lot which is duly recorded and on file at the time of enactment of this chapter in the office of the County Clerk.

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

**LOT DEPTH.** The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

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

**MANUFACTURED HOME.** A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. This definition does not preclude nor supersede any definition found in KRS 100.348 (2)(c), further described in Section 158.275 of this ordinance.

**MIXED USE DEVELOPMENT OVERLAY.** A type of urban development that blends residential, commercial, cultural, or institutional uses, where those functions are physically and functionally integrated and provides pedestrian connections.

**MOBILE HOME.** A structure, transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation erected prior to 1976.

**MOBILE / MANUFACTURED HOME PARK.** Any area of land upon which two or more occupied mobile homes, manufactured homes or qualified manufactured homes are located and including any building or structure used or intended for use as a part of the equipment of the **MOBILE / MANUFACTURED HOME PARK.**

**MODULAR HOUSING.** A structure designed primarily for residential or commercial occupancy, designed and constructed to the Kentucky or National Building Code, which is manufactured in one or more sections in a factory for installation on a permanent foundation at its final location and has an affixed M-Seal.

**NON-CONFORMING LOT.** A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of this Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

**NON-CONFORMING STRUCTURE.** A structure (including signs) or building the size, dimensions and location of which was lawful prior to and at the time of the adoption, revision or amendment to this Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

**NON-CONFORMING USE.** A use of a building or land lawful at the time of enactment of this chapter that does not conform with the permitted use provisions of this chapter for the district in which it is located, in accordance with KRS 100.253(3)..

**OPACITY.** An objects imperviousness to the passage of light.

**NON-OWNER OCCUPIED.** A dwelling unit which is occupied as a dwelling by someone other than the owner of the property for either temporary or permanent residence.

**OWNER OCCUPIED.** A dwelling unit which is occupied as a dwelling by the owner of the property.

**PANEL BUILT DWELLING.** A dwelling that is constructed as separate pieces (walls, floors, roof) that is factory built and shipped to a site with finished walls/floor that are stacked on top of each other for transport.

**PARKING SPACE, OFF-STREET.** For the purpose of this chapter, usable and accessible open space designed and designated for temporary automobile storage consisting of an area adequate for parking an automobile with room form opening doors on both sides and the properly related access ways not located within a street right-of-way.

**PERSON.** A firm, association, organization, partnership, trust, company or corporation as well as an individual.

**PLANNED UNIT DEVELOPMENT (PUD).** A large scale development providing flexibility in design and a mixture of uses, separately, which are not possible under traditional zoning.

**PROCESSOR.** An entity responsible for processing and packaging raw plant material into usable product formats as they relate to medical cannabis.

**PRODUCER.** A license combining medical cannabis cultivator and processor licenses into one location.

**QUALIFIED MANUFACTURED HOME.** A manufactured home that meets the requirements set forth in KRS 100.348 (2)(d) and is further described in Section 158.275 of this ordinance.

**RECREATIONAL VEHICLE (RV).** A recreational vehicle (RV) is either a motorized or pull behind, wheeled vehicle used for camping or other recreational activities, including Class A, B, C, fifth wheel, travel coaches, or travel trailers.

**RECYCLING CENTER.** A facility for the collection and temporary storage of segregated, non-hazardous materials for subsequent use in the secondary materials market which are to be transported to another location for processing.

**RESIDENTIAL CARE FACILITY.** A residence operated and maintained by a sponsoring private, non-profit or governmental agency to provide services in a homelike setting for persons with disabilities, as defined in KRS 100.982 and 100.984.



**RESIDENTIAL TREATMENT PROGRAM.** A set of organized and intensive individual and group therapeutic activities, provided in a twenty-four (24) hour setting, which assists a client in recovering from alcohol or other drug abuse. For the purposes of this zoning ordinance, a halfway house shall be considered, and adhere to all regulations of a Residential Treatment Program.

**RESTAURANT.** An establishment whose principal business is the serving of food and beverages primarily to persons seated within the building.

**SAFETY COMPLIANCE FACILITY.** A facility responsible for contamination and purity testing of raw plant material and products as they relate to medical cannabis.

**SALVAGE YARD.** A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scraps or discarded material or equipment.

**SCREENING.** A method of visually or audibly shielding or obscuring an adjacent or nearby structure or use from another by fencing, walls, earth mounds, or densely planted vegetation.

**SETBACK.** A line established by the zoning ordinance, generally parallel with and measured from the front property line, defining the limits of a yard in which no building, or accessory building or structure may be located above the ground, except as may be provided in this chapter.

**SHORT TERM RENTAL.** A dwelling unit or sleeping unit occupied for no more than thirty (30) days by a non-owner occupant.

**SHRUBS.** Planting materials with a functional mature height of two to 12 feet with foliage for its full height.

**SIGN.** Any device designed to inform or attract the attention of persons not on the premises on which the sign is located; however, the following shall not be included in the application of the regulations herein:

(a) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises not having commercial connotations;

(b) Flags and insignias of any government, except when displayed in connection with commercial promotion;

(c) Legal notices; identification, information or directional signs erected or required by government bodies;

(d) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights; and

(e) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

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**STORAGE YARD.** Any locale in which an item, group of items or accessories (see **ACCESSORY**) is stored and is clearly incidental to the primary use of the occupation taking place on

the property.

***STREET.***

(a) Any public or private way set aside for public travel more than 20-feet right-of-way.

(b) The word ***STREET*** shall include the words ***ROADS, HIGHWAYS*** and ***THOROUGHFARE***.

***STRUCTURE.***

(a) Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

(b) ***ACCESSORY STRUCTURE.*** A structure on the same lot with, and of a nature customarily incidental and subordinate, to the principal structure.

***TINY HOME/NON-TRADITIONAL and/or SMALL DWELLING.*** A Single-Family Residential Dwelling equal to or greater than one hundred twenty (120) square feet but less than one thousand (1,000) square feet that is modular, panel built, mobile, manufactured, or a Tiny House On Wheels (THOW) that may be built on a permanent chassis that is delivered to a site or constructed on-site using traditional building methods with or without a permanent foundation.

***TOTAL FLOOR AREA.*** The area of all floors of a building, including finished attics and finished basements.

***TOWNHOME.*** A dwelling unit that has an exterior wall with another dwelling unit that abuts the exterior wall of another dwelling unit such that it is structurally independent. Such exterior walls shall extend from the ground to the roof.

***TREES.*** Planting materials with a functional mature height of ten or more feet. When used in conjunction with VUA landscape islands, trees should have a minimum clear height of five feet from the ground to the lowest branch.

***USABLE FLOOR SPACE.*** The area of all floors that may be used as either living, working or storage areas.

***USE.*** The purpose or activity for which a building, structure or land is occupied or maintained.

***VEHICLE.*** Any device or structure for transporting persons or things for conveyance.

***VEHICLE USE AREA (VUA).*** Any area occupied in whole or in part by motorized vehicles, including, but not limited to, parking lots, parking stalls, driveways, service areas, and roadways.

***WALL.*** A permanent contiguous barrier of wood, metal, or masonry materials erected to enclose or screen areas of land which is consistent with the surrounding neighborhood.

***YARD.*** An open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this chapter.

(a) **FRONT YARD.** The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building.

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(b) **REAR YARD.** The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building.

(c) **SIDE YARD.** A yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building.

(1989 Code, § 154.004) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2319, passed 11-8-1999; Am. Ord. 2542, passed 10-24-2005)

### **§ 158.005 PLACEMENT OF SIGNS, DIRECTIONAL SIGNS, OUTDOOR ADVERTISING DISPLAYS AND SPECIAL EVENT SIGNS.**

(A) This section shall not apply to any sign located on the property to which it relates, but shall apply only to off-premises signs as defined below.

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

(C) Before construction of any sign further described in this section a construction permit pursuant to § 111.29 of the City of Glasgow Code of Ordinances.

(1989 Code, § 111.29) (Ord. 2054, passed 5-23-1994; Am. Ord. 2328, passed 3-13-2000)

(D) No provision hereon is intended to supersede any Ordinance or regulation adopted by the City of Glasgow.

**DIRECTIONAL SIGN.** A sign conveying directions to a premises other than the premises on which the sign is located.

**OUTDOOR ADVERTISING DISPLAY.** An identification, description or illustration which directs attention to a product, person, business or service not offered or sold as the primary use, business or activity on the premises where it is located, and which is owned by one other than the one whose product, person, business or service is advertised.

**SIGNS.** Any type of sign described herein, as well as any other publicly displayed placard, banner, board or marker bearing information or advertising.

**SPECIAL EVENTS SIGNS.** Signs or advertising displays which relate specifically to a scheduled special event. **SPECIAL EVENTS** shall be defined as not to exceed 30 days.

(E) No sign shall be erected or placed on any right-of-way, whether it is a city street, way, alley or a state highway, which specifically includes the placing of a sign, by any means, upon any street, sidewalk, curbing or upon any utility pole, tree or post along and adjacent to the streets and alleys of the city. However, any licensed real estate agent or real estate auctioneer, after first obtaining express permission from the Code Enforcement Officer, shall be permitted to place an auction sign within the city's right-of-way, so long as the sign is removed within 24 hours of the conclusion of the auction sale. This exception shall not apply to any other rights-of-way but city rights-of-way.

(F) No sign shall be erected or placed in such a fashion or in such a location as to obstruct the

flow or view of traffic.

(G) Special events signs shall be removed within five calendar days from the final day of the event and all special events signs shall contain the event date on the sign itself.

(H) No directional sign or outdoor advertising display shall be erected or placed in any residential zone, with the exception of real estate signs advertising the sale, rental or lease, and signs relating to home occupations, which are governed by § 158.078, or signs for permanent identification for the dwelling (i.e., house number).

(I) All signs as defined herein shall be kept and maintained in a good state of repair.

(J) With the exception of billboards, which may only be erected adjacent to the rights-of-way of U.S. Highway 31-E, Kentucky Highway 68-80, Kentucky Highway 90, and the Cumberland Parkway pursuant to § 111.20 et seq. of the City of Glasgow Code of Ordinances, all signs, as defined herein, shall not exceed six feet in height and ten feet in width, inclusive of all mounting apparatus, unless another ordinance, relating to a specific application or circumstance, provides otherwise.

(K) So long as it complies with all other provisions of this section, and so long as it is constructed and placed with the express permission of the property owner, a permanent, off-premises, free standing, directional sign or outdoor advertising display relating to a business, or grouping of businesses, whose offices, stores or facilities are at another location, may be larger than the dimensions set forth in division (H) above, but shall not exceed 12 feet in height and 20 feet in width and shall comply with all other applicable planning and zoning regulations. All permanent, off-premises, free-standing, directional signs or outdoor advertising displays shall be constructed with substantial, permanent, weather-resistant materials.

(L) Any sign located, or left remaining, in violation of this section shall be immediately removed by the city's Code Enforcement Officer, or his or her designee, if the sign's removal may be accomplished by simply pulling it from the ground or removing it from a pole, tree, post and the like and any such sign shall be temporarily retained at the city landfill for a period of 14 days to allow the rightful owner an opportunity to reclaim it. After 14 days, the sign shall be disposed of at the city landfill. In the event the sign is affixed by a more permanent means, and its owner can be readily identified, the Code Enforcement Officer shall notify the owner, in writing, of the violation, and further notify the owner that the sign must be removed within ten days from the receipt of the written notification and it shall be assumed that the notification is received with five days from the date affixed to the notification. If the sign's owner cannot be readily identified, or if the sign is not so removed by the owner within the prescribed time period after written notification, the Code Enforcement Officer or his or her designee, shall remove the sign by all necessary means and the owner, if readily identifiable, shall be liable to the city for the costs associated therewith, including the cost of labor. (Ord. 2646, passed 12-8-2008; Am. Ord. 2803, passed 10-22-2012) Penalty, see § 158.99

### ***SUPPLEMENTAL DISTRICT REGULATIONS***

#### **§ 158.020 REAR DWELLINGS.**

(A) No dwelling shall be erected on a lot which does not abut on at least one street for at least 40 feet and meets the applicable square footage requirements of the zoning classification in which the

property resides.

(B) (1) No building in the rear of a main building on the same lot may be erected or modified for residential purposes unless approved by the Board of Adjustment as a conditional use.

(2) The Board of Adjustment shall determine that adequate vehicular access will be provided and that the criteria stated herein are met.

(1989 Code, § 154.020) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995) Penalty, see § 158.999

**§ 158.021 REDUCTIONS IN LOT AREA PROHIBITED.**

(A) No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area or other requirements of this code are not maintained.

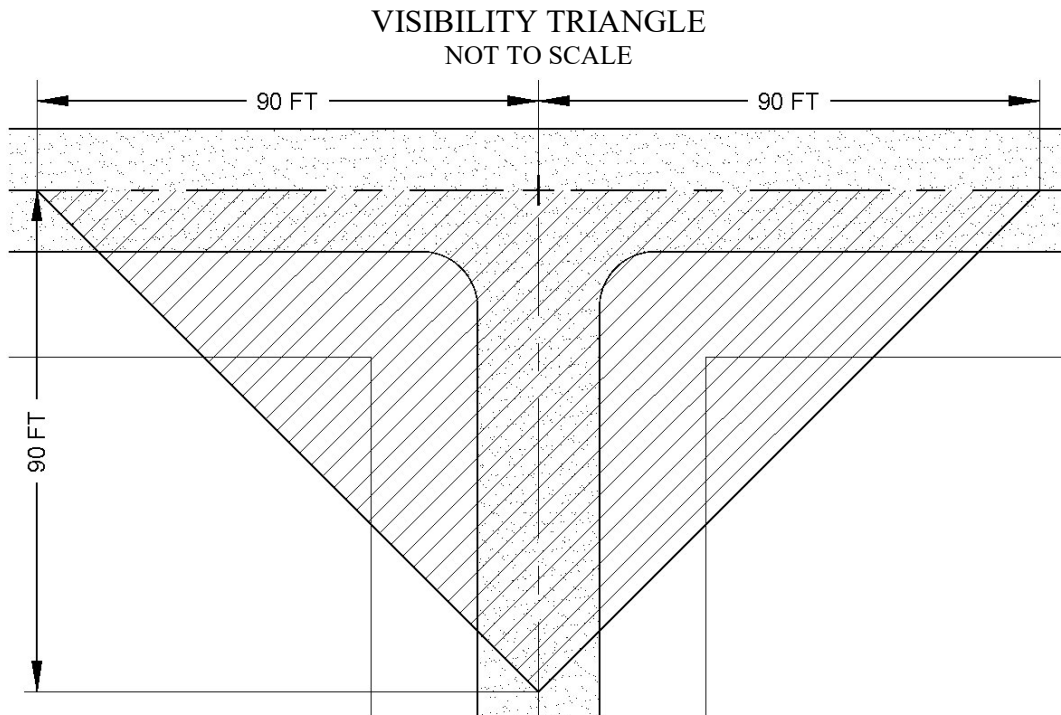
(B) This section shall not apply when a portion of a lot is acquired for a public purpose.

(1989 Code, § 154.021) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995)

**§ 158.022 OBSTRUCTIONS TO VISION AT STREET INTERSECTIONS.**

Notwithstanding any other provision of this chapter, in any zone, except the Central Business District, at any street, alley or driveway intersection, any structure, fences or shrubs shall conform with the limitations of the applicable sight distance triangle as follows.

(A) *Street intersections.* No obstruction to vision will be permitted within the triangular area formed by a straight line connecting the points on the center lines or the street at a distance of 90 feet from their intersections, see example below:



(B) *Alley or driveway intersecting with a street.* No obstruction to vision will be permitted within the triangular area formed by a straight line connecting the points on the pavement edges of the street and alley/driveway at a distance of 20 feet on the street from the alley/driveway and ten feet on the alley/driveway from the street.

(C) *Alley or driveway intersecting with an alley.* No obstruction to vision will be permitted within the triangular area formed by a straight line connecting the points on the pavement edges of the alley/driveway and the alley at a distance of 20 feet on the alley from the alley/driveway and two feet on the alley/driveway from the alley.

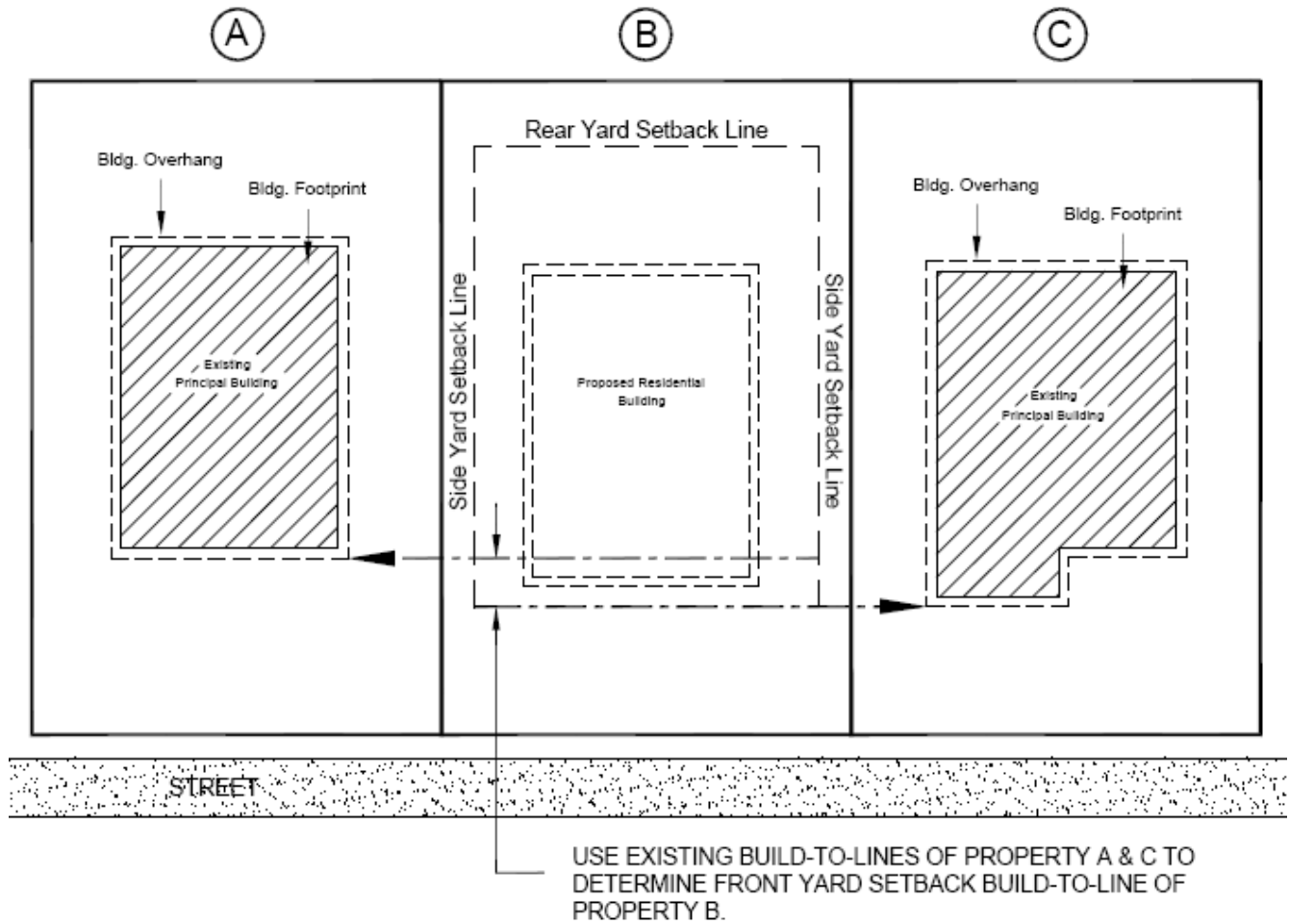
(1989 Code, § 154.022) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

### **§ 158.023 BUILDING LINE SETBACK.**

(A) A building line to establish a front yard for all buildings and structures shall be established at a distance from the street right-of-way equivalent to one-half the width of the right-of-way of the street on which the building fronts. In no case shall this distance be less than 35 feet.

(B) Any lot, other than corner lots, which abuts on two streets shall have a building line to establish a front yard setback for both streets. However, any lot, other than corner lots, which abuts on two streets and the street located at the rear of the property is classified as limited or controlled access (no access is permitted) by the governing body, the building line established along said street shall be considered a rear yard setback.

(C) The front yard setback requirement may be varied without Board of Adjustment approval for new residential developments proposed on existing lots of record in a R-1, Low Density Residential District, and R-2, Medium Density Residential District, where the depth of principal buildings on adjoining properties is less than the depth prescribed else where in this chapter. In such case the front yard in question shall not be less than the shorter depth of existing front yards on the two lots immediately adjoining the subject property. Corner lots shall conform to applicable front yard setbacks of the zoning district and commercial buildings shall not be used in analysis of front yard setbacks.



(1989 Code, § 154.024) (Ord. 1063, passed - -1967; Am. Ord. 1423, passed - -1976; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2542, passed 10-24-2005; Am. Ord. 2774, passed 2-27-2012)

**§ 158.024 SIDE YARD ON CORNER LOTS.**

(A) The side yard requirements for all principal buildings on corner lots shall be such that no corner lot building extends toward the side street more than ten feet beyond the setback line set for buildings along the street considered to be the side street to the corner lot, but in no case shall the side yard width be less than 25 feet.

(B) Accessory buildings shall conform to setback lines established on either street and conform to the requirements of § 158.022.

(1989 Code, § 154.025) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.025 GROUP HOUSING.**

(A) In the case of group housing of two or more buildings to be constructed on a plot of ground, not subdivided into the customary streets and lots, and which will not be subdivided or where the existing or contemplated streets and lot layout make it impracticable to apply the requirements of this chapter to the individual building units in such group housing, the application of the terms of this chapter may be varied by the Board of Adjustment in a manner which will be in harmony with the character of the neighborhood.

(B) However, in no case shall the Board of Adjustment authorize a use prohibited in the district in which the housing is to be located or a smaller lot area per dwelling unit or number of dwelling units per structure than the minimum required in the district or a greater height or a smaller year area than the requirements of this chapter permit in such a district.

(1989 Code, § 154.026) (Ord. 1063, passed - -1967; Am. 1084, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.026 EXCEPTION ON HEIGHT LIMITS.**

The height limitations of this chapter shall not apply to: church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, wind mills, chimneys, smokestacks, derricks, conveyors, flagpoles, radio towers, masts and aerials.

(1989 Code, § 154.027) (Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.027 STRUCTURES TO HAVE ACCESS.**

Every structure hereafter erected or moved shall be on a lot adjacent to a public street and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

(1989 Code, § 154.028) (Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.028 LANDSCAPE AND BUFFER AREA MINIMUM REQUIREMENTS.**

The purpose of this section is to improve the appearance of vehicular use areas and property abutting public right-of-ways; to buffer residential areas from proposed commercial and industrial developments; to protect, preserve and promote the aesthetic appeal, character and value of the community, and to promote the public health and safety through the reduction of noise pollution, air pollution, visual pollution, and artificial light glare.

(A) *Conflicting regulations.* Should the requirements set forth in this section be found in conflict with other provisions of these regulations, building code, or other regulations, law, or ordinance, the regulations which are more restrictive and impose higher standards or requirements shall govern.

(B) *Landscaping requirements.*

(1) *Applicability.* The landscaping provisions of this section are applicable to the B-3, Highway Service Business District, I-1, Light Industrial District, and I-2, Heavy Industrial District.

(a) *New development.* No new site development, building, structure, or vehicle use area (VUA) shall hereafter be constructed unless landscaping is provided as required by the provisions of this section.

(b) *Change to existing development.* No building, structure, or VUA shall be expanded, moved, or reconstructed and no use shall be changed to another use or increased in intensity unless landscaping is provided as required by the provisions of this section. Landscaping shall be provided only for any additional buildings, structures, or VUAs over and above that of the existing development.



(2) Landscaping for vehicular use areas (VUAs). Any open VUA (excluding loading, unloading, and storage areas in an industrial zone) containing 6,000 or more square feet of area, or 23 or more vehicular parking spaces, shall provide and maintain landscaped areas equal to 10% of the VUA (i.e. for each 100 square feet, or fraction thereof, of VUA, ten square feet of landscaped areas shall be provided).

(a) Minimum area. The minimum landscape area permitted shall be 60 square feet with a six feet minimum dimension to all trees, measured at the center of the tree, from edge of pavement where vehicles overhang.

(b) Maximum contiguous area. In order to encourage the required landscape areas to be properly dispersed, no required landscape area shall be larger than 350 square feet in VUAs under 30,000 square feet in size, and no required area shall be larger than 1,500 square feet in VUAs over 30,000 square feet. The maximum distance between landscape areas shall be 120 feet measured from the perimeter of the landscape areas edge of pavement. Landscape areas larger than above are permitted as long as the additional area is in excess of the required minimum.

(c) Minimum trees. A minimum of two trees shall be required for each 250 square feet, or fraction thereof, of required landscape area. Trees shall have a clear trunk of at least five feet above the ground and be located at least six feet, measured at the center of the tree, from the VUA edge of pavement. The remaining area shall be landscaped with shrubs or ground cover, not to exceed two feet in height.

(d) VUA landscape islands. Landscape islands are required at the ends of all parking bays within the VUA. A minimum of one tree shall be planted within each landscape island. There shall be no more than 30 parking spaces in a single row or 60 parking spaces in a double row between islands in a VUA. Trees shall have a clear trunk of at least five feet above the ground and be located at least four feet, measured at the center of the tree, from the VUA edge of pavement.

(e) VUA setbacks. All VUAs shall be located no closer than five feet of any property line or street right-of-way. Parked vehicles may hang over the interior landscaped area no more than two and one-half feet, as long as concrete or other wheel stops are provided to ensure no greater overhang or penetration of the landscaped area. To assure that landscape materials do not constitute a driving hazard, all landscape areas shall comply with the "sight distance triangle" requirements of § 158.022.

(f) Credit for existing vegetation. Existing vegetation which is proposed to be used to fulfill the landscape requirements shall be shown on the required landscape plan, and may only be used when approved by the Planning Commission. All vegetation to be used must be on the property requiring the landscape plan. If in the future, the existing vegetation is removed, the vegetation shall be replaced in compliance with this section.

(3) Screening for service structures. All service structures shall be fully screened except when located in an industrial zone or when located more than 30 feet above the established grade (roof-top structures). Service structures in an industrial zone shall be fully screened when the development is located adjacent to any zone except industrial. For the purpose of this section, service structures shall include storage yards, propane tanks, dumpsters, air conditioning units and condensers, electrical transformers and other equipment or elements providing service to a building, structure, or VUA. Permitted accessory structures shall not be considered as service structures.

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(a) Location of screening. A continuous planting, hedge, fence, wall or earth mound shall enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one side is required. The average height of the screening material shall be one foot more than the height of the enclosed structure, but shall not be required to exceed eight feet in height. Whenever a service structure is screened by plant material, such material may not count toward the fulfillment of required landscaping for VUAs.

(b) Protection of screening material. Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regularly occurring basis, a fixed barrier to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The barrier shall be at least 18 inches from the material and shall be of sufficient strength to prevent possible damage to the screening when the container is moved or emptied. The minimum front opening of the screening material shall be 12 feet to allow service vehicles access to the container.

(C) *Landscape buffer areas (LBAs)*. Landscape buffer areas (LBAs) shall be provided for the purpose of minimizing conflict between commercial and industrial developments adjoining residential areas.

(1) Applicability. The landscape buffer area (LBA) provisions of this section are applicable to the B-2, General Business District, B-3, Highway Service Business District, OP, Office and Professional District, I-1, Light Industrial District, and I-2, Heavy Industrial District. No new site development, building, structure, or vehicle use area (VUA) shall hereafter be constructed unless LBAs are provided as required by the provisions of this section.

(2) Responsibility of providing LBAs. The LBA requirements set forth in this section shall be provided as a condition of development by the person in charge of or in control of the property, whether as owner, lessee, tenant, occupant, or otherwise, which proposes the use adjacent to any residential district. A property owner securing a map amendment (zoning change) which creates an incompatible situation shall be deemed the one who creates such situation and shall immediately provide the LBA as a condition of the map amendment (zoning change). If the incompatible situation already exists or is created by a general map amendment (zoning change) sponsored by the Planning Commission or Glasgow City Council, the LBA shall be provided as a condition of the approval of any future subdivision or development plan of the affected land.

(3) Minimum contiguous area. LBAs shall be contiguous and located along the entire common property line of the subject property and any adjoining residential district. An LBA within a B-2, General Business District, and OP, Office and Professional District, shall have a minimum width of at least ten feet. A LBA within a B-3, Highway Service Business District, shall have a minimum width of at least 25 feet. LBAs located within an I-1, Light Industrial District, shall have a minimum width of at least 35 feet and 50 feet when located within an I-2, Heavy Industrial District. In situations where a slope occurs along the LBA, the required landscaping and screening shall be placed (in relation to the slope) where it will most effectively screen the more intensive use from the adjoining property. The maximum allowed slope in an LBA shall be three to one. No building, structure, or VUA shall be placed within an LBA. LBAs shall not count toward required landscaping for VUAs.

(4) Planting materials and screening. The following table describes the minimum landscape (planting materials and screening) requirements for a LBA adjoining a residential area:

<i>Zoning District</i>	<i>Minimum Planting Materials and Screening</i>
B-2 and OP	A double row continuous six feet high planting or hedge or a six feet high fence, wall, or earth mound.
B-3	One deciduous shade tree and two evergreen trees per 120 linear feet of LBA, or fraction thereof, or four evergreen trees per 120 linear feet of LBA, or fraction thereof, and a double row continuous six feet high planting or hedge or a six feet high fence, wall, or earth mound.
I-1 and I-2	One deciduous shade tree and two evergreen trees per 100 linear feet of LBA, or fraction thereof, or four evergreen trees per 100 linear feet of LBA, or fraction thereof, and a double row continuous six feet high planting or hedge or a six feet high fence, wall, or earth mound.

(5) Exceptions.

(a) Screening within an LBA may be waived by the Planning Commission with the written concurrence of the adjoining property owner(s).

(b) LBAs may be waived by the Planning Commission when an arterial or collector highway separates the subject property from an adjoining residential district.

(c) LBAs are not required when a commercial property is used solely for residential purposes. When a residential use within a commercial zone is changed to another use, the LBA requirements of this section shall apply.

(D) *Landscape materials.* Landscape materials shall consist of the following and are described in more detail in the Plant Materials List, (see Exhibit 1.0) and also available at the Planning Commission Office and Building Inspection Department.

(1) Walls and fences. Walls shall be constructed of masonry and/or concrete products and faced with natural stone, stone veneer, or brick. Fences shall be constructed of wood or other weatherproof, durable materials generally used in the exterior construction of buildings. Fence post shall be structurally stable based on the material used, and shall have a maximum spacing of eight feet on center. If wood is used, the posts shall be four-inch by four-inch minimum. Posts shall be set in or anchored to crowned concrete footers at least six inches larger in each direction than the post it supports. The base of the footer shall be at least 24 inches below finished grade. If wood is used for any member, it shall be softwood treated with water-borne preservative to the American Wood Preservers Institute standard LP-2 for above ground use or LP-22 for ground contact use, or all heart redwood, or all heart cedar. All cut surfaces of pressure treated lumber shall be water-proofed. If another material is used, it shall be weatherproof. Slats are to be minimum one-half-inch in thickness and are to be placed on the outside of the fence (decorative side facing residential area) unless the design is two-sided (shadow-box, and the like). All hardware is to be galvanized or otherwise rustproof. Chain link fencing without slats blocking public view may not be used to meet the requirements of this section. Chain link

fencing without slats may be installed in the required landscape areas only if it is in addition to the required continuous planting, hedge, fence, wall or earth mound. In industrial zones, there shall be no height limitation on walls or fences; in all other zones, however, there shall be an eight feet maximum height restriction. All walls or fences shall have a minimum opacity of 80%. Walls and fences allowed to meet the requirements of this section shall not be used for the erection or display of any sign or other advertising device.

(2) Earth mounds. Earth mounds shall be physical barriers which block or screen the view similar to a hedge, fence, or wall. Mounds shall be constructed with proper and adequate plant material to prevent erosion. A difference in elevation between areas requiring screening does not constitute an earth mound. Maximum slope shall be three to one.

(3) Plants. All plant materials shall be living plants (artificial plants are prohibited) and shall meet the requirements listed below. When plant material is used for screening, the plant material must be able to provide the required screening after three complete growing seasons. Trees are required to provide the minimum required crown spread after four complete growing seasons.

(a) Quality. Plant materials used in conformance with provisions of this section shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations. Bare root plants, with the exception of shrubs and hedges, vines and ground covers shall be prohibited.

(b) Deciduous trees (trees which normally shed their leaves in the fall) shall be species having an average mature crown spread of greater than 15 feet and having trunk(s) which can be maintained with over five feet of clear wood in areas which have visibility requirements. Trees having an average mature spread of crown less than 15 feet may be substituted by grouping of the same so as to create the equivalent of a 15 foot crown spread. A minimum overall height of ten feet and a minimum caliper (trunk diameter, measured six inches above ground) of at least one and three-fourths inches immediately after planting shall be required. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than 15 feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior container dimensions shall be five feet square and five feet deep and for which the construction requirements shall be four inches thick, reinforced concrete.

(c) Evergreen trees. Evergreen trees shall be a minimum of five feet high with a minimum caliper of one and one-half inches immediately after planting.

(d) Shrubs and hedges. Shrubs and hedges shall be at least 12 inches in average height when installed. All plants shall be installed to provide a minimum 50% winter opacity and an 80% summer opacity, between one foot above finished grade level to the top of the required planting.

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

(f) Grass and ground cover. Grass of the fescus (Gramineak) or Bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns in Glasgow, and may be sodded, plugged, sprigged, or seeded; except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover such as organic materials shall be planted not more than

15 inches on center and in such a manner as to present a finished appearance and have 75% of complete coverage after two complete growing seasons. In certain cases, groundcover also may consist of rocks, pebbles, sand, and similar approved materials.

(E) *Maintenance and installation.* All landscape materials shall be installed in a sound, workmanship-like manner, and according to accepted, good construction and planting procedures. Any landscape material which fails to meet the minimum requirements of this section at the time of installation shall be removed and replaced with acceptable materials. The person in charge of or in control of the property whether as owner, lessee, tenant, occupant, or otherwise shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris, at all times. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three months. Topping trees or the severe cutting of limbs to stubs larger than three inches in diameter within the tree crown to such a degree as to remove the normal canopy shall not be considered proper or permitted for the maintenance of trees as required by this section. Violation of these installation and maintenance provisions shall be grounds for the Building Inspection and/or Codes Enforcement Department to refuse a building occupancy permit, require replacement of landscape material, or institute legal proceedings to enforce the provisions of this section.

(F) *Plan submission and approval.*

(1) Whenever any property is affected by the provisions of this section, the property owner or developer shall submit a landscape plan for review. The landscape plan shall be prepared and sealed by an architect, landscape architect or engineer licensed to practice in the state when an open VUA (excluding loading, unloading, and storage areas in an industrial zone) is proposed which contains 6,000 or more square feet of area and/or 23 or more vehicular parking spaces.

(2) The Building Inspection Department shall be the approving agency where a landscape plan is required in conjunction with a building permit and/or certificate of occupancy. The Planning Commission shall be the approving agency where a landscape plan is required in conjunction with a subdivision plat, development plan, and/or map amendment (zoning change).

(G) *Building permit and certificate of occupancy.*

(1) When a landscaping plan is required for new development, no building permit shall be issued until the required landscaping plan has been submitted and approved, and no certificate of occupancy shall be issued until the landscaping is completed as certified by an on-site inspection by the Building Inspection Department. When a landscaping plan is required for a change to existing development, no use shall commence until the requirements of this section have been satisfied.

(2) A temporary certificate of occupancy may be issued prior to the installation of a landscape plan, only with the submission of an acceptable improvement guarantee. The person in charge of or in control of the property whether as owner, lessee, tenant, occupant, or otherwise shall be responsible for posting an acceptable improvement guarantee (surety bond, certified or cashiers check, or irrevocable letter of credit from a banking institution with offices in the state) with the Planning Commission. The amount of the improvement guarantee shall be based upon the cost of the proper installation of the uninstalled landscape material shown in the submitted plan with the cost certified by a landscape contractor, architect, landscape architect or engineer licensed to practice in the state. The amount of the improvement guarantee shall also include an inflation factor and/or administrative

contingency cost of 15% of the base cost to complete the work in the event of foreclosure of the improvement guarantee.

(H) *Posting of an improvement guarantee.* After an improvement guarantee has been posted, the landscaping material required in the approved landscaping plan shall be installed within four months after the date of posting the improvement guarantee. Extensions of the planting period may be granted by the Planning Commission upon a demonstration by the property owner or developer that such an extension is warranted because of adverse weather conditions or unavailability of required plant materials. No more than three such two month extensions may be granted. The improvement guarantee shall be called if the required landscaping has not been installed by the end of the approved planting period and the Planning Commission shall apply the proceeds of the improvement guarantee to have the work completed. After the required improvements have been constructed in accordance with the provisions of this section and upon final inspection and approval, the Planning Commission shall release the improvement guarantee.

(I) *Plan content.* The contents of the plan shall include the following:

(1) Plot plan, drawn to an easily readable scale, showing and labeling by name and dimensions, all existing and proposed property lines, easements, buildings, and other structures, vehicular use areas (including parking stalls, driveways, service areas, and the like) water outlets and landscape material (including botanical name and common name, installation size, on center planting dimensions where applicable, and quantities for all plants used).

(2) Typical elevations and/or cross sections as may be required.

(3) Title block with the pertinent names and addresses (property owner, person drawing plan), scale, date, north arrow.

(4) Zone of site and adjacent properties.

(5) The location and dripline of any existing significant trees or tree stands, including those in fence rows and drainage areas, a general description of type and size of trees, and any proposed provisions for preserving trees.

(6) Vehicle use areas, required and provided landscape areas, and landscape buffer areas.

(J) *Administration.* The enforcement of this section shall be carried out as set forth on the following section:

(1) *Enforcement.* The requirements of this section will be administered by the Building Inspection Department and/or Planning Commission as outlined above and enforced by the City Code Enforcement Officer. It shall be unlawful to occupy any premises unless the landscaping provisions of this section have been met.

(2) *Violations.* In cases where the person in charge of or in control of the property whether as owner, lessee, tenant, occupant, or otherwise fails to install required landscaping, or where the person in charge fails to properly maintain required landscaping, the Code Enforcement Officer shall notify the responsible party of such violation and order correction of the same. If necessary, the appropriate authority shall institute appropriate action to eliminate the violation.

(3) Penalties. Fines and other penalties may be imposed upon violators in accordance with the provision of the Zoning Ordinance. After notification of the responsible party, each day of continued violation shall constitute a separate violation.

(K) *Variances*. In such individual situations where, by reason of exceptional topographic, dimensional, shape, or other special circumstances of the site, the enforcement of these requirements would create an undue hardship on the applicant, that applicant may appeal an application for a variance to the Board of Adjustment. In accordance with KRS 100.243 the applicant for a proposed map amendment (zoning change), at the time of the filing of the application for the map amendment (zoning change), may elect to have any variances for the same development to be heard and finally decided by the Planning Commission at the same public hearing set for the map amendment (zoning change). The reviewing body may impose any reasonable condition or restrictions on any variance it decides to grant.

(Ord. 2542, passed 10-24-2005; Am. Ord. 2774, passed 2-27-2012; Am. Ord. 2802, passed 10-22-2012)

## ***DISTRICTS AND BOUNDARIES***

### **§ 158.040 ZONING MAP.**

(A) The map herein referred to, which is identified by the title “Zoning Map of Glasgow,” dated February 2, 1967, and all explanatory matter thereon, is hereby adopted and made a part of this chapter by reference.

(B) A copy of the map shall be maintained on file in the office of the City Clerk/Administrator and shall be available for public inspection during normal office hours.

(1) The zoning map herein referred to, which is identified by the title “Zoning Map of Glasgow,” dated February 1967, together with its amendments and all explanatory matter thereon, is hereby adopted and made a part of this chapter by reference. One of the explanatory items contained on the map will be a ledger showing the zoning district designations contained in this chapter.

(2) (a) The City Commission may authorize the reproduction of the zoning map for use by the general public, as a zoning atlas. There shall be on each sheet of the zoning atlas the following notation, “THIS IS A REPRESENTATION ONLY AND IS NOT INTENDED TO REPLACE THE ZONING MAP OF GLASGOW, DATED FEBRUARY 1967,” and that it carry the specific date depicted by the reproduction.

(b) In all cases, the zoning map, adopted February 1967, and located in the City Clerk/Administrator’s office shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the city.

(3) No changes of any nature shall be made in the zoning map, except in conformity with this chapter and after the adoption of an ordinance by the City Council. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable in accordance with § 158.999.

(4) A copy of the zoning map shall be maintained on file in the office of the Joint City-

County Planning Commission and shall be available for public inspection during normal office hours. (1989 Code, § 154.038) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.041 REPLACEMENT OF OFFICIAL ZONING MAP.**

(A) In the event that the zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes or additions, the City Council may enact a resolution to adopt a new zoning map which shall supersede the prior zoning map. The new zoning map may correct drafting or other errors or omissions in the prior zoning map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new zoning map shall be identified by the following words: “This is to certify that this zoning map superseded and replaced the zoning map adopted February 1967, as part of the Zoning Map of Glasgow, dated (date the Glasgow City Council adopted the replacement map).”

(B) Unless the zoning map, adopted February 1967, has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment  
(1989 Code, § 154.039) (Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)



**§ 158.042 DESIGNATION OF DISTRICTS.**

For the purpose of this chapter, the city is hereby divided into zoning districts, as shown on the zoning map and designated as follows:

- (A) Residential District, R-1 (low density);
- (B) Residential District, R-2 (medium density);
- (C) Residential District, R-3 (small lot medium density);
- (D) Residential District, R-4 (medium density multi-family);
- (E) Central Business District, B-1;
- (F) General Business District, B-2;
- (G) Highway Service District, B-3;
- (H) Office and Professional, OP;
- (I) Planned Unit Development, PUD;
- (J) Light Industrial District, I-1;
- (K) Heavy Industrial District, I-2;
- (L) Mixed Use, MU;
- (M) Agricultural District;
- (N) Public District, P; and

(O) Public Square Historic Overlay District.

(1989 Code, § 154.040) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2360, passed 10-9-2000; Am. Ord. 2496, passed 7-26-2004; Am. Ord. 2774, passed 2-27-2012)

**§ 158.043 BOUNDARIES OF DISTRICTS.**

(A) The city is hereby divided into zoning districts. The boundaries of the districts are hereby established as shown on the zoning map, dated February 1967.

(B) Unless otherwise shown on the zoning map, the boundary lines of districts are lot lines, the centerline of streets or alley or the lines extended, railroad right-of-way centerline lines, the centerline of creeks or corporate limit line as it existed at the time of enactment of this chapter.

(C) Questions concerning the exact location of district boundary lines shall be determined by the Joint City-County Planning Commission.  
(1989 Code, § 154.041) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995)

#### **§ 158.044 AREAS UNASSIGNED TO A ZONING DISTRICT.**

In case any area hereafter becomes a part of the incorporated area of the city, the Joint City-County Planning Commission shall initiate the procedure set forth in KRS 81A.420(1) and KRS 100.209 in order to assign the area to a zoning district. Building permits shall not be issued for the area until it is assigned to a zoning district.  
(1989 Code, § 154.042) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995)

### ***AGRICULTURAL DISTRICT***

#### **§ 158.055 PURPOSE.**

The purpose of the Agricultural zoning districts is to provide a location for land situated on the fringe of the urban area of Glasgow and for agricultural and related open space purposes, but that may become an urban area in the future. Generally, these areas will be located near urban development. Therefore, the agricultural activities conducted in the agricultural district should not be detrimental to urban land uses. The types of uses the area and intensity of use permitted in this district shall encourage and protect agricultural uses until urbanization is warranted. Adequate services are available and the appropriate change in district classification is made.  
(1989 Code, § 154.055) (Ord. 1063, passed - -1967; Am. Res. 800, passed 3-26-1990; Am. Ord. 2124, passed 8-28-1995)

#### **§ 158.056 PERMITTED USES AND STRUCTURES.**

The following uses are permitted in the Agricultural District:

(A) Agriculture, including greenhouses and plant nurseries, customary agricultural buildings and structures, commercial animal farms and tobacco warehouses;

(B) Churches, Sunday school buildings and parish houses;

(C) Commercial kennels, riding stables and fishing lakes; provided that, any building in which animals are housed shall conform to the minimum distance requirements of § 158.060;

(D) Hospitals, sanitariums, medical and dental offices and convalescent or nursing homes, religious or charitable institutions; provided that, any such building shall conform to the minimum distance requirements of § 158.060;

(E) One-family detached dwellings and multiple-family dwellings including apartment houses;

(F) Public and parochial schools and colleges and private schools and colleges for academic instruction;

(G) Public buildings and properties, except for storage yards, warehouses, garages or for the

disposal of garbage, refuse or sewage;

(H) Public parks, playgrounds and community center; private non-commercial recreation areas, institutional or recreational centers including country clubs and golf courses; sportsperson's farms, public and private forest and wildlife preserves and similar conservation areas;

(I) Public utility or railroad structures or properties for operating and service facilities, wireless transmitting stations, but not including railroad freight yards nor any facilities for manufacturing or processing such as a gas or a steam plant;

(J) Assisted living facilities; residential care facilities, halfway homes; provided that, any such building shall conform to the minimum distance requirements of § 158.060.

(K) The boarding of animals or livestock shall comply with Chapter 90 of the City of Glasgow Municipal Code;

(L) Daycares as permitted in the requirements of § 158.351; and

(M) Residential treatment programs permitted in the requirements of § 158.370.

(N) Medical cannabis cultivator facilities

(1989 Code, § 154.056) (Ord. 1063, passed - -1967; Am. Res. 800, passed 3-26-1990; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2319, passed 11-8-1999; Am. Ord. 2774, passed 2-27-2012)

### **§ 158.057 ACCESSORY USES.**

The following accessory uses are permitted in the Agricultural District:

(A) Accessory uses and structures customarily incidental to any aforesaid permitted principal use, located on the same lot therewith, such as agricultural structures, tenant homes, servants quarters in separate structures, dormitories for employees, private stables and exercise tracts or parking area; not including any business, trade or industry nor any access driveway or walk thereto unless clearly incidental to a permitted principal use;

(B) Keeping of roomers or boarders by a resident family;

(C) Office of a resident physician, dentist, architect, engineer, attorney or similar professional person when located within his or her dwelling; and

(D) Roadside stands offering only for sale agricultural products produced on the premises. These stands shall be located at least 30 feet from the pavement or off the established right-of-way, whichever is the greater distance from the center line of the road.

(1989 Code, § 154.057) (Ord. 2124, passed 8-28-1995)

### **§ 158.058 PERMITTED SIGNS.**

(A) Signs showing name of farm, owner or tenant, name of institution of establishment; name of horses or breeds of livestock; bulletin boards of churches, schools and other public and semi-public

institutions; roadside stand signs or any sign advertising a product produced, or a service rendered on the premises. No zoning permit is required for such signs.

(B) Any other advertising device including any sign, billboard, notice poster, display or other device intended to attract the attention of operators of motor vehicles on the highways and including a structure erected in connection with the display of any such device and all lighting or other attachments used in connection therewith; however, not including directional or other official signs or signals erected by the state or other public agency having jurisdiction. The advertising devices are permitted subject to the following conditions.

(1) They do not exceed 50 feet in length and 25 feet in height, including border and trim, but excluding supports on land adjacent to an interstate highway and shall not be larger than 25 feet in length by 15 feet in height on land adjacent to other public roads.

(2) They do not prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.

(3) They do not attempt or appear to attempt to direct the movement of traffic or interfere with, imitate or resemble any official traffic sign, signal or device.

(4) Signs which contain, include or are illuminated by any flashing or moving lights are prohibited.

(5) Signs over 12 square feet in area shall be set back 25 feet from the right-of-way. In addition, the signs must be a minimum of 50 feet from any adjoining property lines.

(6) A sign permit for their erection is obtained from the City of Glasgow Building Inspector's Office.

(1989 Code, § 154.057A) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

### **§ 158.059 PROHIBITED USES AND STRUCTURES.**

(A) Retailing of goods on the premises, except for agricultural products grown or raised directly on the property.

(B) Townhomes.

(1989 Code, § 154.057B) (Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

### **§ 158.060 MINIMUM YARD REQUIREMENTS.**

All buildings or uses listed below under the subchapter shall have a minimum distance from all side and rear yards of at least 100 feet from any side or rear property line when that property line abuts in any residential district or any lot occupied by a school, church or institution for human care, commercial golf driving ranges; hospitals, sanitariums, and charitable institutions for contagious diseases or for the insane, feebleminded, liquid or drug addicted and penal correctional institutions. (1989 Code, § 154.058) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.061 CONDITIONAL USES PERMITTED BY BOARD OF ADJUSTMENT.**

The following uses, subject to certified approval of the location, size, plans and operational features of each such enterprise by the Board of Adjustment:

(A) Airports and landing fields; provided that, the location, size and plans for the airport or aircraft landing field and its operational features are approved by all city, county, state or federal agencies having jurisdiction;

(B) Cemeteries, crematories, columbaria, mausoleums and animal burial grounds; provided that, the establishments conform to the minimum distance requirements of this chapter;

(C) Commercial golf driving ranges, provided any such use conforms to the minimum distance requirement of § 158.060;

(D) Mining, extraction, storing and processing of minerals or raw materials:

(1) The Board of Adjustment may attach such conditions and safeguards as it deems necessary to protect neighboring properties or districts from any detrimental or obnoxious effects incidental to the operations; and

(2) In addition, the Board of Adjustment shall require a written agreement approved by the Board of Adjustment from the owners of the operation to the effect that, upon termination, the land involved shall be reclaimed to as near its original state as is practical, in the opinion of the Board of Adjustment. The reclamation may include replacing topsoil to its original depths and provide suitable vegetative cover.

(E) All establishments or enterprises operated publicly or privately for the disposal of garbage, sewage, rubbish, offal or other waste or surplus material, not originating upon the premises, including hog-feeding farms; (The Board of Adjustment may attach such conditions and safeguards as it deems necessary to protect neighboring properties or districts from any detrimental or obnoxious effects incidental to these operations.)

(F) Manufactured home parks may be permitted subject to the provisions of § 158.276; and

(G) Customary incidental home occupations, as permitted in R-1 residential zoning district. (1989 Code, § 154.059) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

***R-1, LOW DENSITY RESIDENTIAL DISTRICT*****§ 158.075 PURPOSE.**

The purpose of the R-1 zoning district is intended to be the most restrictive residential district. The principal use of land in this district is for low density single-family and two-family residential uses and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced, orderly, convenient and attractive residential area. (1989 Code, § 154.070)

(Ord. 2124, passed 8-28-1995; Am. Ord. 2891, passed 11-28-16)

**§ 158.076 PERMITTED USES AND STRUCTURES.**

(A) In R-1 Zones, single-family and two-family dwellings shall be permitted.

(B) Residential care facilities, as provided in KRS Chapter 100.982 through 100.984, are permitted.

(1989 Code, § 154.071) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995)

**§ 158.077 CONDITIONAL USES PERMITTED BY BOARD OF ADJUSTMENT.**

(A) The following uses are conditional uses and require written approval of the Board of Adjustment: churches and other places of worship; parish houses; public libraries; hospitals for human care; nursing home; cemeteries; schools offering general education courses; public parks; daycare as provided in § 158.351; and non-commercial public recreational facilities; municipal, county, state or federal use; public utilities; and philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business.

(B) Professional offices, studios or customary incidental home occupations, which shall be those occupations that the Board of Adjustment finds to be non-objectionable in residential areas of the city, conducted within the principal building, but only by a person residing in the dwelling; provided that, tools or instruments used in the pursuance of these occupations are ordinarily found in the home and that not more than 25% of the total floor area in any dwelling unit is devoted to such use. No displays or change in facade such as an unusual looking window or door shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a dwelling.

(C) 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. (1989 Code, § 154.072) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2319, passed 11-8-1999; Am. Ord. 2774, passed 2012)

**§ 158.078 ACCESSORY USES.**

Accessory buildings or uses customarily incidental to any aforesaid use are permitted in residential districts, but only under the following conditions:

(A) The taking of boarders or tourists or the leasing of rooms by the family residing on the premises, provided not more than six rooms are used for such purposes; (For purposes of advertising, one sign (unlighted) not over two square feet in area, may be used.)

(B) Professional offices, studios or customary incidental home occupations, which shall be those occupations that the Board of Adjustment finds to be non-objectionable in residential areas of the city, conducted within the principal building, but only by a person residing in the dwelling; provided that, tools or instruments used in the pursuance of these occupations are ordinarily found in the home and that not more than 25% of the total floor area in any dwelling unit is devoted to the use; (For the purpose of advertising, one sign (unlighted) not over two square feet in area may be used. No displays or change in facade such as an unusual looking window or door shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a dwelling.)

(C) Real estate signs advertising the sale, rental or lease on only the premises on which they are maintained, and not over six square feet in area.

(D) No accessory structure may occupy a lot that does not have a principal building located on the lot.

(E) Any residential dwelling other than the principal structure shall comply with Section 158.020 of this Ordinance. (1989 Code, § 154.073) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2012)

**§ 158.079 PROHIBITED USES AND STRUCTURES.**

The following uses and structures are prohibited:

(A) Manufactured home parks or manufactured homes; assisted living facilities; halfway home; residential treatment program, residential treatment facilities; bars or lounges, and restaurants, townhomes and

(B) All uses and structures not of a nature specifically or provisionally permitted herein are prohibited. (1989 Code, § 154.074) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2012)

**§ 158.080 HEIGHT OF STRUCTURES.**

Within the R-1 zoning district, the following height regulations shall apply.

(A) No principal structure shall exceed two stories or 30 feet in height unless each side yard is increased over the required minimum by five feet for every five feet, or fraction thereof, of additional height over 30 feet. In no case shall the height exceed 50 feet.

(B) Accessory structures shall not exceed the stories or height of the principal building. (1989 Code, § 154.076) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995)

**§ 158.081 MINIMUM YARD REQUIREMENTS.**

(A) All buildings, except unattached buildings of accessory use, shall have the following minimum yard spaces:

<i>Yard Type</i>	<i>Minimum Width</i>
Front yard	One-half distance of right-of-way, but not less than 35 feet
Side yard	12 feet
Rear yard	25 feet

(B) Unattached accessory structures shall have the following minimum yard spaces:

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<i>Yard Type</i>	<i>Minimum Space</i>
Side yard	Six feet
Rear yard	Six feet
Distance to principal building	Ten feet

(1989 Code, § 154.076) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995)

**§ 158.082 PERMITTED SIGNS.**

(A) No advertising signs or billboards other than those specifically permitted under § 158.078 and further detailed in § 158.005 shall be allowed.

(B) For the purpose of advertising, one sign (unlighted) not over two square feet in area may be used.

(1989 Code, § 154.077) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.083 MINIMUM LOT REQUIREMENTS.**

Minimum lot areas for the R-1 District are as follows:

<i>Number of Units</i>	<i>Minimum Lot Area</i>	<i>Lot Coverage Building and Parking</i>	<i>Minimum Lot Width</i>
One	12,000 square feet	25%	100 feet
Two	15,500 square feet	25%	100 feet

(1989 Code, § 154.078) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995)

**§ 158.084 OFF-STREET PARKING AND LOADING.**

The off-street parking and loading areas are the same as required in § 158.400 *et seq.*

**§ 158.085 FENCING.**

Fencing for privacy or security purposes within the R-1 zoning district shall adhere to the following:

(A) Materials for fencing shall be restricted to materials whose intended original use is for providing privacy and/or security. No used materials are to be utilized or re-purposed as fencing included but not limited to pallets, metal roofing, tires, barrels, etc.

(B) A fence can be placed directly on a property line(s) with the exception of the Front yard property line which must be a minimum of ten (10') feet from the property line / right-of-way.

(1) A fence may be permitted to be located on the Front yard property line provide it is no more than three (3') feet in height and does not intrude into the Visibility Triangle found



in § 158.022.

(1989 Code, § 154.079) (Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

### ***R-2, MEDIUM DENSITY RESIDENTIAL DISTRICT***

#### **§ 158.095 PURPOSE.**

The purpose of the R-2 zoning district is to provide for the establishment of medium density single-family residential district. The principal use of land in this district is for low density single-family through four-family residential uses and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced, orderly, convenient and attractive residential area.

(1989 Code, § 154.080) (Ord. 2124, passed 8-28-1995)

#### **§ 158.096 PERMITTED USES AND STRUCTURES.**

(A) In R-2 zones, single-family, two-family and up to four-family dwelling units per structures shall be permitted.

(B) Townhomes as provided in § 158.320.

(C) Residential care facilities, as provided in KRS Chapter 100.982 through 100.984, shall be permitted.

(1989 Code, § 154.081) (Ord. 2124, passed 8-28-1995; Am. Ord. 2891, passed 11-28-2016)

#### **§ 158.097 CONDITIONAL USES PERMITTED BY BOARD OF ADJUSTMENT.**

(A) The following uses are conditional uses and require written approval of the Board of Adjustment: churches and other places of worship; parish houses; public libraries; hospitals for human care; nursing homes; cemeteries; schools offering general education courses; public parks; and non-commercial public recreational facilities; daycare as provided in § 158.351; public utilities; and philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business.

(B) 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.

(C) Professional offices, studios or customary home occupations, which shall be those occupations that the Board of Adjustment finds to be non-objectionable in residential areas of the city, conducted within the principal building but only by a person residing in the dwelling; provided that, tools or instruments used in pursuance of these occupations are ordinarily found in the home and that not more than 25% of the total floor area in any dwelling unit is devoted to the use. No displays or change in facade such as an unusual looking window or door shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a dwelling.

(1989 Code, § 154.082) (Ord. 2124, passed 8-28-1995; Am. Ord. 2319, passed 11-8-1999)

**§ 158.098 ACCESSORY USES.**

Accessory structures or uses customarily incidental to any aforesaid use are permitted in R-2 zones but only under the following conditions:

(A) The taking of boarders or tourists or the leasing of rooms by the family resident of the premises, provided not more than six rooms are used for such purposes; (For purposes of advertising, one sign (unlighted) not over two square feet in area, may be used.)

(B) Real estate signs advertising the sale, rental or lease of property and only on the premises which are for sale, rent or lease; and (Real estate signs may be no larger than six square feet in area.)

(C) No accessory structure may occupy a lot that does not have a principal building located on the lot.  
(1989 Code, § 154.083) (Ord. 2124, passed 8-28-1995)

**§ 158.099 PROHIBITED USES AND STRUCTURES.**

The following uses and structures are prohibited:

(A) Manufactured home parks and manufactured homes; assisted living facilities; halfway home; residential treatment program; bars or lounges, and restaurants and

(B) All uses and structures not of a nature specifically or provisionally permitted herein are prohibited.  
(1989 Code, § 154.084) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995)

**§ 158.100 HEIGHT OF STRUCTURES.**

Within the R-2 zoning district, the following height regulations shall apply.

(A) No building shall exceed two stories or 30 feet in height, unless each side yard is increased over the required minimum by five feet for every five feet, or fraction thereof, of additional height over 30 feet. In no case shall the height exceed 50 feet.

(B) Accessory structures shall not exceed the stories or height of the principal building.  
(1989 Code, § 154.085) (Ord. 2124, passed 8-28-1995)

**§ 158.101 MINIMUM YARD REQUIREMENTS.**

(A) All buildings, except unattached accessory structures, shall have the following minimum yard spaces:

<i>Yard Type</i>	<i>Minimum Width</i>
Front yard	One-half distance of right-of-way, but not less than 35 feet
Side yard	Ten feet
Rear yard	25 feet

(B) Unattached accessory structures shall have the following minimum yard spaces:

<i>Yard Type</i>	<i>Minimum Space</i>
Side yard	Five feet
Rear yard	Five feet
Distance to principal building	Ten feet

(1989 Code, § 154.086) (Ord. 2124, passed 8-28-1995)

**§ 158.102 PERMITTED SIGNS.**

(A) No advertising signs or billboards other than those specifically permitted hereunder shall be allowed.

(B) For the purpose of advertising, other than real estate signs, one sign (unlighted) not over two square feet in area may be used.

(C) Real estate signs advertising the sale, rental or lease of property and only on the premises which are for sale, rent or lease. Real estate signs may be no larger than six square feet in area. (1989 Code, § 154.087) (Ord. 2124, passed 8-28-1995)

**§ 158.103 MINIMUM LOT REQUIREMENTS.**

Minimum lot areas for the R-2 District are as follows:

<i>Number of Units</i>	<i>Minimum Lot Area</i>	<i>Lot Coverage Building and Parking</i>	<i>Minimum Lot Width</i>
One	7,500 square feet	35%	75 feet
Two	11,000 square feet	35%	100 feet
Three	14,500 square feet	35%	100 feet
Four	18,500 square feet	35%	100 feet

(1989 Code, § 154.088) (Ord. 2124, passed 8-28-1995)

**§ 158.104 OFF-STREET PARKING AND LOADING.**

The off-street parking and loading areas are the same as required in §§ 158.400 *et seq.*

**§ 158.105 FENCING.**

Fencing for privacy or security purposes within the R-2 zoning district shall adhere to the following:

(A) Materials for fencing shall be restricted to materials whose intended original use is for providing privacy and/or security. No used materials are to be utilized or re-purposed as

fencing included but not limited to pallets, metal roofing, tires, barrels, etc.

(B) A fence can be placed directly on a property line(s) with the exception of the Front yard property line which must be a minimum of ten (10') feet from the property line / right-of-way.

(1) A fence may be permitted to be located on the Front yard property line provide it is no more than three (3') feet in height and does not intrude into the Visibility Triangle found in § 158.022.

(1989 Code, § 154.088A) (Ord. 2124, passed 8-28-1995)

### ***R-3, SMALL LOT MEDIUM DENSITY RESIDENTIAL DISTRICT***

#### **§ 158.115 PURPOSE.**

The purpose of the R-3 zoning district is to provide for the establishment a small lot medium density residential district which will remove a number of older established residential lots found in the city from non-conforming lot status and to allow the development of this pattern of lots in the future. This district will preserve the medium gross densities of development of the original R-2 district. The principal use of land may be one of several types dwelling units, ranging from single-family to four-family dwellings and including garden apartments, condominiums and townhouses.

(1989 Code, § 154.089) (Ord. 2124, passed 8-28-1995)

#### **§ 158.116 PERMITTED USES AND STRUCTURES.**

(A) In R-3 zones, single-family, two-family and multiple-family dwellings shall be permitted.

(B) Townhomes as provided in § 158.320.

(C) Residential care facilities, as provided in KRS Chapter 100.982 through 100.984 shall be permitted.

(D) Daycare as provided in § 158.351.

(1989 Code, § 154.089A) (Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012; Am. Ord. 2891, passed 11-28-2016)

#### **§ 158.117 CONDITIONAL USES PERMITTED BY BOARD OF ADJUSTMENT.**

(A) The following uses are conditional uses and require written approval of the Board of Adjustment: churches and other places of worship; parish houses; public libraries; hospitals for human care; nursing homes; cemeteries; schools offering general education courses; public parks; and non-commercial public recreational facilities; public utilities; and philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business.

(B) 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.

(C) Professional offices, studios or customary home occupations, which shall be those occupations that the Board of Adjustment finds to be non-objectionable in residential areas of the city, conducted within the principal building but only by a person residing in the dwelling; provided that, tools or

instruments used in the pursuance of these occupations are ordinarily found in the home and that not more than 25% of the total floor area in any dwelling unit is devoted to the use. No displays or change in facade such as an unusual looking window or door shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a dwelling.

(1989 Code, § 154.089B) (Ord. 2124, passed 8-28-1995; 2319, passed 11-8-99)

#### **§ 158.118 ACCESSORY USES.**

Accessory structures or uses customarily incidental to any aforesaid use are permitted in R-3 zones by only under the following conditions:

(A) The taking of boarders or bed and breakfast accommodations or the leasing of rooms by the family resident on the premises provided not more than six rooms are used for such purposes; (For purposes of advertising, one sign (unlighted) not over two square feet in area, may be used.)

(B) Real estate signs advertising the sale, rental or lease or only the premises on which they are maintained and not over six square feet in area; and

(C) No accessory structure may occupy a lot that does not have a principal building located on the lot.

(1989 Code, § 154.089C) (Ord. 2124, passed 8-28-1995)

#### **§ 158.119 PROHIBITED USES AND STRUCTURES.**

The following uses and structures are prohibited:

(A) Manufactured homes and manufactured home parks; assisted living facilities; halfway home; residential treatment program; bars or lounges, and restaurants and

(B) All uses and structures not of a nature specifically or provisionally permitted herein are prohibited.

(1989 Code, § 154.089D) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.120 HEIGHT OF STRUCTURES.**

Within the R-3 zoning district, the following height regulations shall apply.

(A) No principal structure shall exceed two stories or 30 feet in height unless each side yard is increased over the required minimum by five feet for every five feet, or fraction thereof, of additional height over 30 feet. In no case shall the height of a structure exceed 50 feet.

(B) Accessory structures shall not exceed the stories or height of the principal building.  
(1989 Code, § 154.089E) (Ord. 2124, passed 8-28-1995)

**§ 158.121 MINIMUM YARD REQUIREMENTS.**

(A) All buildings, except unattached accessory structures, shall have the following minimum yard spaces:

<i>Yard Type</i>	<i>Minimum Width</i>
Front yard	One-half distance of right-of-way, but not less than 35 feet
Side yard interior	Ten feet
Rear yard	25 feet

(B) Unattached accessory structures shall have the following minimum yard spaces:

<i>Yard Type</i>	<i>Minimum Space</i>
Side yard	Five feet
Rear yard	Five feet
Distance to principal building	Ten feet

(1989 Code, § 154.089F) (Ord. 2124, passed 8-28-1995)

**§ 158.122 PERMITTED SIGNS.**

(A) Within the R-3 district, no advertising signs or billboards other than those specifically permitted hereunder shall be allowed.

(B) For the purpose of advertising a home occupation, one sign (unlighted) not over two square feet in area may be used.

(1989 Code, § 154.089G) (Ord. 2124, passed 8-28-1995)

**§ 158.123 MINIMUM LOT REQUIREMENTS.**

Minimum lot areas for the R-3 District are as follows:

<i>Number of Units</i>	<i>Minimum Lot Area</i>	<i>Lot Coverage Building and Parking</i>	<i>Minimum Lot Width</i>
One	6,500 square feet	35%	40 feet
Two	8,000 square feet	35%	50 feet
Three	10,000 square feet	35%	50 feet
Four	12,000 square feet	35%	65 feet

(1989 Code, § 154.089H) (Ord. 2124, passed 8-28-1995)

**§ 158.124 OFF-STREET PARKING AND LOADING.**

The off-street parking and loading areas are the same as required in §§ 158.400 *et seq.*

**§ 158.125 FENCING.**

Fencing for privacy or security purposes within the R-3 zoning district shall adhere to the following:

- (A) Materials for fencing shall be restricted to materials whose intended original use is for providing privacy and/or security. No used materials are to be utilized or re-purposed as fencing included but not limited to pallets, metal roofing, tires, barrels, etc.
- (B) A fence can be placed directly on a property line(s) with the exception of the Front yard property line which must be a minimum of ten (10') feet from the property line / right-of-way.
  - (1) A fence may be permitted to be located on the Front yard property line provide it is no more than three (3') feet in height and does not intrude into the Visibility Triangle found in § 158.022.

(1989 Code, § 154.089I) (Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

***R-4, MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT*****§ 158.135 PURPOSE.**

The purpose of the R-4 zoning district is to provide for the establishment of medium density multiple family dwellings which may have a relatively intense concentration of dwelling units served by large open spaces consisting of common areas and recreation facilities, thereby resulting in medium gross densities. The principal use of land may be one or several dwelling types, ranging from single-family to low rise multiple-family dwellings and including two-family dwellings, garden apartments, condominiums and townhouses. This district may function as a buffer or transition between major streets or commercial developments and lower density residential areas.

(1989 Code, § 154.089J) (Ord. 2124, passed 8-28-1995)

**§ 158.136 PERMITTED USES AND STRUCTURES.**

(A) In R-4 zones, single-family, two-family and multiple-family dwelling units and assisted living facilities.

(B) Townhomes as provided in § 158.320.

(C) Residential care facilities, as provided in KRS Chapter 100.982 through 100.984, shall be permitted.

(D) Daycare as provided in § 158.351.

(1989 Code, § 154.089K) (Ord. 2124, passed 8-28-1995; Am. Ord. 2319, passed 11-8-99; Am. Ord.

2774, passed 2-27-2012; Am. Ord. 2891, passed 11-28-2016)

### **§ 158.137 CONDITIONAL USES PERMITTED BY BOARD OF ADJUSTMENT.**

(A) The following uses are conditional uses and require written approval of the Board of Adjustment: churches and other places of worship; parish houses; public libraries; hospitals for human care; nursing homes; assisted living facilities; halfway house; residential treatment program; cemeteries; schools offering general education courses; public parks; and noncommercial public recreational facilities; public utilities; and philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business.

(B) 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.

(C) (1) Professional offices, studios or customary home occupations, which shall be those occupations that the Board of Adjustment finds to be non-objectionable in residential areas of the city, conducted within the principal building, but only by a person residing in the dwelling; provided that, tools or instruments used in the pursuance of these occupations are ordinarily found in the home and that not more than 25% of the total floor area in any dwelling unit is devoted to the use.

(2) For the purpose of advertising, one sign (unlighted) not over two square feet in area may be used.

(3) No displays or change in facade such as an unusual building is being utilized in whole or in part for any purpose other than a dwelling.

(D) Manufactured home parks with a minimum of five manufactured home spaces may be permitted provided they meet the requirements of § 158.276. (1989 Code, § 154.089L) (Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

### **§ 158.138 ACCESSORY USES.**

Accessory structures or uses customarily incidental to any aforesaid use are permitted in R-4 zones by only under the following conditions:

(A) The taking of boarders or bed and breakfast accommodations or the leasing of rooms by the family resident on the premises provided not more than six rooms are used for such purposes; and (For purposes of advertising, one sign (unlighted) not over two square feet in area, may be used.)

(B) Real estate signs advertising the sale, rental or lease or only the premises on which they are maintained and not over six square feet in area;

(C) No accessory structure may occupy a lot that does not have a principal building located on the lot. (1989 Code, § 154.089M) (Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

### **§ 158.139 PROHIBITED USES AND STRUCTURES.**

(A) Short-term rental(s).



All uses and structures not of a nature specifically or provisionally permitted herein are prohibited. (1989 Code, § 154.089N) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995)

**§ 158.140 HEIGHT OF STRUCTURES.**

Within the R-4 zoning district, the following height regulations shall apply.

(A) No building shall exceed three stories or 50 feet in height.

(B) Accessory structures shall not exceed the stories or height of the principal building. (1989 Code, § 154.089O) (Ord. 2124, passed 8-28-1995)

**§ 158.141 MINIMUM YARD REQUIREMENTS.**

(A) All buildings, except unattached accessory structures, shall have the following minimum yard spaces:

<i>Yard Type</i>	<i>Minimum Width</i>
Front yard	One-half distance of right-of-way, but not less than 35 feet
Side yard interior	15 feet
Rear yard	25 feet

(B) Unattached accessory structures shall have the following minimum yard spaces:

<i>Yard Type</i>	<i>Minimum Width</i>
Side yard	Five feet
Rear yard	Five feet
Distance to principal building	Ten feet

(1989 Code, § 154.089P) (Ord. 2124, passed 8-28-1995)

**§ 158.142 PERMITTED SIGNS.**

Within the R-4 district, no advertising signs or billboards other than those specifically permitted under § 158.183 shall be allowed.

(1989 Code, § 154.089Q) (Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.143 MINIMUM LOT REQUIREMENTS.**

Minimum lot areas for the R-4 District are as follows:

<i>Lot Coverage Number of Units</i>	<i>Minimum Lot Area</i>	<i>Building and Parking</i>	<i>Minimum Lot Width</i>
One	7,500 square feet	75%	75 feet
Two	11,000 square feet	75%	100 feet
Three	14,500 square feet	75%	100 feet
Four	18,500 square feet	75%	100 feet
*Over four	add 3,000 square feet to the lot area	75%	100 feet

\* A maximum density of 20 dwelling units per net acre shall not be exceeded. (1989 Code, § 154.089R) (Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012; Am. Ord. 2891, passed 11-28-2016)

**§ 158.144 OFF-STREET PARKING AND LOADING.**

The off-street parking and loading areas are the same as required in §§ 158.400 *et seq.*

**§ 158.145 FENCING.**

Fencing for privacy or security purposes within the R-4 zoning district shall adhere to the following:

- (A) Materials for fencing shall be restricted to materials whose intended original use is for providing privacy and/or security. No used materials are to be utilized or re-purposed as fencing included but not limited to pallets, metal roofing, tires, barrels, etc.
- (B) A fence can be placed directly on a property line(s) with the exception of the Front yard property line which must be a minimum of ten (10') feet from the property line / right-of-way.
  - (1) A fence may be permitted to be located on the Front yard property line provide it is no more than three (3') feet in height and does not intrude into the Visibility Triangle found in § 158.022.

(1989 Code, § 154.089S) (Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012; Am. Ord. 2802, passed 10-22-2012)

***B-1, CENTRAL BUSINESS DISTRICT*****§ 158.155 PURPOSE.**

The purpose of the B-1 Central Business zoning district is to accommodate the commercial, office, service, residential and public activities and uses commonly found in a central business area of an urban city. It is also the intent of the B-1 district to encourage the preservation of the historic nature of the central business area of the city within its present context while not discouraging its continued development and redevelopment as a viable center of employment. There shall be only one contiguous B-1 district area.

(1989 Code, § 154.090) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995)

**§ 158.156 PERMITTED USES AND STRUCTURES.**

The following uses and structures are permitted in the B-1 District:

(A) Retail stores, sales and display rooms and shops, such as department, variety, apparel and shoe stores, drug stores, food stores and flower shops; provided that, incidental manufacturing is permitted only for production of goods for sale at retail on the premises;

(B) Personal and business service establishments, such as barber or beauty shops, shoe repair shops, tailor shops, self-service laundries and laundry pick-up stations;

(C) Offices, studios, business schools and financial and lending institutions;

(D) Hotels, motels and eating and drinking establishments, bars or lounges;

(E) Indoor amusement and recreation establishments and places of assembly such as theaters, poolrooms, bowling alleys, dance halls and auditoriums;

(F) Parking lots and parking garages;

(G) Public buildings and lands;

(H) Churches, parish houses, Sunday school buildings, hospitals, clinics, clubs, lodges and mortuaries;

(I) Used car lots, automobile service stations and public garages for major or minor repair;

(J) Establishments providing repair and service for radio, television and appliances;

(K) Printing and publishing establishments;

(L) Multiple-family dwellings;

(M) Townhomes as provided in § 158.320.

(N) Assisted living facilities, residential care facilities; and

(O) Other uses or buildings which are customarily accessory and clearly incidental to the above permitted uses.

(1989 Code, § 154.091) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2319, passed 11-8-1999; Am. Ord. 2774, passed 2-27-2012)

### **§ 158.157 PROHIBITED USES AND STRUCTURES.**

The following uses and structures are prohibited in the B-1 District:

(A) Warehousing (except storage incidental to principal permitted uses) and transfer and storage establishments;

(B) Manufacturing, except as provided under retailing above;

(C) Manufactured home parks or manufactured homes; halfway home; residential treatment program; and

(D) Medical cannabis cultivating, producing, processing, safety compliance facilities or dispensaries;

(E) All uses and structures not of a nature specifically or provisionally permitted herein.

(1989 Code, § 154.092) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

### **§ 158.158 MINIMUM LOT REQUIREMENTS.**

The following minimum lot requirements shall apply in the B-1 District: multiple-family dwellings same as medium density residential set forth in §§ 158.075 *et seq.*

(1989 Code, § 154.093) (Ord. 2124, passed 8-28-1995)

### **§ 158.159 MINIMUM YARD REQUIREMENTS.**

The following minimum yard requirements shall apply in the B-1 district: all buildings located on lots adjacent to a residential district shall be located so as to conform on the adjacent side with the side yard requirements for the adjacent residential district.

(1989 Code, § 154.093A) (Ord. 2124, passed 8-28-1995)

### **§ 158.160 HEIGHT OF STRUCTURES.**

No building shall exceed three stories or 40 feet in height.

(1989 Code, § 154.093B) (Ord. 2124, passed 8-28-1995)

### **§ 158.161 OFF-STREET PARKING AND LOADING.**

The off-street parking and loading are the same as required in §§ 158.400 *et seq.*

(1989 Code, § 154.094) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012; Am. Ord. 2802, passed 10-22-2012)

**§ 158.162 PERMITTED SIGNS.**

Business signs and advertising structures are permitted; provided:

- (A) They do not extend any closer than one foot to the street pavement;
- (B) They are not fixed or supported by a beam, post or pier into the sidewalk or street pavement;
- (C) They extend not less than nine feet above the sidewalk; or
- (D) They are approved in writing by the administrative official.

**§ 158.163 FENCING.**

Fencing for privacy or security purposes within the B-1 zoning district shall adhere to the following:

- (A) Materials for fencing shall be restricted to materials whose intended original use is for providing privacy and/or security. No used materials are to be utilized or re-purposed as fencing included but not limited to pallets, metal roofing, tires, barrels, etc.
- (B) A fence can be placed directly on a property line(s) with the exception of the Front yard property line which must be a minimum of ten (10') feet from the property line / right-of-way.
  - (1) A fence may be permitted to be located on the Front yard property line provide it is no more than three (3') feet in height and does not intrude into the Visibility Triangle found in § 158.022.

(1989 Code, § 154.094) (Ord. 1063, passed - -1967; Am. Ord. 1112, passed - -1968; Am. Ord. 2124, passed 8-28-1995)

***B-2, GENERAL BUSINESS DISTRICT*****§ 158.175 PURPOSE.**

The purpose of the B-2 general business district is primarily intended to serve the adjoining neighboring residential areas and to provide selected retail and service uses that may serve the entire community, but not those retail and service uses intended to serve the regional retail service area of Glasgow. These districts are located adjacent to the B-1 zoning district and on selected residential neighborhoods, on highways leading from the Central Business District and near or adjacent to the Central Business District.

(1989 Code, § 154.105) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995)

**§ 158.176 PERMITTED USES AND STRUCTURES.**

The following uses and structures are permitted in the B-2 District:

- (A) Motels and eating and drinking establishments, bars or lounges;

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- (B) Commercial recreational establishments, such as swimming pools, roller rinks and bowling alleys;
- (C) Automobile service stations and public garages for major or minor repair;
- (D) New or used car lots;
- (E) Retail stores, sales and display rooms; provided that, incidental manufacturing is permitted only for production of goods for sale at retail on the premises;
- (F) Offices, studios and financial or lending institutions;
- (G) Farm implement establishments;
- (H) Churches, parish houses, Sunday school buildings, club and lodge buildings;
- (I) Personal and business service establishments, including those with processing on the premises, such as laundry and dry cleaning plants, rug cleaning plants and printing establishments for the general public, but not for the trade;
- (J) Transportation and communication buildings and uses, such as bus and railroad passenger and freight stations and telephone exchanges and utility substations;
- (K) Clinics and laboratories;
- (L) Parking lots and garages;
- (M) Single- and multiple-family dwellings;
- (N) Assisted living facilities, Residential Care Facilities, Residential Treatment Programs permitted in the requirements of § 158.370, Juvenile detention centers; and
- (O) Halfway houses and residential treatment programs; and
- (P) Daycare as provided in § 158.351; and
- (Q) Medical cannabis safety compliance facility;
- (R) Medical cannabis dispensary;
- (S) Any uses or structures which are customarily accessory and clearly incidental to the above permitted uses.
- (T) The above uses are subject to the following limitations.
  - (1) All storage yards which are customarily accessory and clearly incidental to the above uses shall be screened from view from any adjoining public right-of-way or residential district in accordance with the screening provisions as set forth in § 158.028.
  - (2) Uses listed under division (I) above shall be entirely within enclosed buildings.

(3) Development within the B-2 Zoning District shall comply with the Landscape Buffer Area (LBA) requirements as set forth in § 158.028. (1989 Code, § 154.106) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2319, passed 11-8-1999; Am. Ord. 2542, passed 10-24-2005; Am. Ord. 2774, passed 2-27-2012; Am. Ord. 2802, passed 10-22-2012)

**§ 158.177 CONDITIONAL USE PERMITTED BY BOARD OF ADJUSTMENT.**

(A) Manufactured home parks with a minimum of five manufactured home spaces may be permitted, provided they meet the requirements of § 158.276.

(B) Townhomes as provided in § 158.320.

(C) Other special exceptions are:

(1) Commercial greenhouses and plant nurseries;

(2) Animal hospital, veterinary clinic or kennel; and

(3) Utility substations.

(1989 Code, § 154.107) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.178 PROHIBITED USES AND STRUCTURES.**

The following uses and structures are prohibited in the B-2 District:

(A) Hospitals, restoriums and schools;

(B) Manufacturing, except as provided under retailing;

(C) Medical cannabis cultivating, producing, processing facilities;

(D) Truck terminals, storage warehouses, wrecking or junk establishments or yards, used building materials and similar uses; and

(E) All uses and structures not of a nature specifically or provisionally permitted herein.

(1989 Code, § 154.108) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2891, passed 11-28-2016)

**§ 158.179 MINIMUM LOT REQUIREMENTS.**

The minimum lot area for the B-2 Zoning District is 7,500 square feet. Single- and multiple-family dwellings shall have the same minimum lot requirements as the R-2 Medium Density Residential District.

(1989 Code, § 154.109) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2542, passed 10-24-2005)

**§ 158.180 MINIMUM YARD REQUIREMENTS.**

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The following minimum yard requirements apply in the B-2 District:

(A) For single- and multiple-family dwellings, the requirements shall be the same as the R-2, Medium Density Residential District.

(B) All other buildings and structures:

(1) Front yard, as required by § 158.023; and

(2) Rear yard, one story: 20 feet; and two-three stories: 25 feet.

(C) All buildings on lots adjacent to a residential zone shall be located so as to conform on the adjacent side with the yard requirements for the adjacent residential district. No building, structure, or vehicle use area (VUA) shall be placed within a Landscape buffer Area (LBA) as set forth in §158.028.

(D) All buildings on corner lots shall be located so as to conform with corner lot side yard requirements of residential districts as set forth in § 158.024. (1989 Code, § 154.110) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2542, passed 10-24-2005; Am. Ord. 2774, passed 2-27-2012)

**§ 158.181 HEIGHT OF STRUCTURES.**

No building shall exceed three stories or 40 feet in height. (1989 Code, § 154.111) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995)

**§ 158.182 OFF-STREET PARKING AND LOADING.**

The off-street parking and loading requirements are as set forth in §§ 158.400 *et seq.* (1989 Code, § 154.112) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012; Am. Ord. 2802, passed 10-22-2012)

**§ 158.183 PERMITTED SIGNS.**

(A) Free-standing business signs and advertising structures are permitted when projecting no closer than three feet to the right-of-way line and when approved in writing by the administrative official;

(B) The signs must not be a traffic hazard, an obstruction to vision, nor a public nuisance;

(C) Signs may not be placed in the obstruction to visibility area as provided for in § 158.022;

(D) Signs shall not exceed maximum building height established in § 158.181.

**§ 158.184 FENCING.**

Fencing for privacy or security purposes within the B-2 zoning district shall adhere to the following:

(A) Materials for fencing shall be restricted to materials whose intended original use is for providing privacy and/or security. No used materials are to be utilized or re-purposed as



fencing included but not limited to pallets, metal roofing, tires, barrels, etc.

(B) A fence can be placed directly on a property line(s) with the exception of the Front yard property line which must be a minimum of ten (10') feet from the property line / right-of-way.

(1) A fence may be permitted to be located on the Front yard property line provide it is no more than three (3') feet in height and does not intrude into the Visibility Triangle found in § 158.022.

(1989 Code, § 154.113) (Ord. 1063, passed - -1967; Am. Ord. 1112, passed - -1968; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

***B-3, HIGHWAY SERVICE BUSINESS DISTRICT***

**§ 158.195 PURPOSE.**

(A) The B-3 zoning district is intended to encourage the establishment of intensive commercial uses area designed to meet the needs of a community or regional market area and typically oriented to customers who travel by motor vehicle.

(B) These zones will have large space uses, such as department stores, fast food restaurants, service stations and specialty stores as examples. They will have direct access to arterial or collector roads.

(1989 Code, § 154.114) (Ord. 2124, passed 8-28-1995)

**§ 158.196 PERMITTED USES AND STRUCTURES.**

The following uses and structures are permitted in the B-3 district:

(A) Motels and eating and drinking establishments, bars or lounges;

(B) Commercial recreational establishments, such as golf driving ranges, miniature golf courses, swimming pools, roller rinks, bowling alleys, drive-in theaters and racquetball clubs;

(C) Automobile garages for major or minor repairs;

(D) New or used car lots and house trailer sales lots;

(E) Retail stores, sales and display rooms, provided that incidental manufacturing is permitted only for products of goods for sale at retail on the premises;

(F) Offices, studios and financial or lending institutions;

(G) Farm implement establishments;

(H) Churches, parish houses, Sunday school buildings, club and lodge buildings;

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(I) Wholesale, supply and distribution, with or without warehousing and transfer and storage establishments;

(J) Personal and business service establishments, including those with processing on the premises, such as laundry and dry cleaning plant, rug cleaning plants and printing establishments primarily for the general public and not for the trade;

(K) Transportation and communication buildings and uses and telephone exchanges and utility substations;

(L) Animal hospitals, veterinary clinics or kennels;

(M) Shops of general trade and supply house of these trades, such as, carpenter, electrical, plumbing and heating, sheet metal, upholstering, sign painting and plant and decorating shops;

(N) Hospitals, medical clinics and laboratories;

(O) Parking lots and garages;

(P) Residential dwelling units of a variety of types including, but not limited to single-family, duplex- and multi-family provided they take the R-4 development standards;

(Q) Mortuaries;

(R) Business schools, middle schools, high schools and colleges or universities;

(S) Assisted living facilities, Residential care facilities, Juvenile detention centers;

(T) Daycare as provided in § 158.351;

(U) Medical cannabis safety compliance facility;

(V) Medical cannabis dispensary;

(W) Medical cannabis cultivator, processor and producer facilities;

(X) Halfway house and residential treatment programs; and

(Y) The above uses are subject to the following conditions.

(1) Development within the B-3 Zoning District shall comply with the landscaping requirements and landscape buffer area (LBA) requirements as set forth in § 158.029.

(2) Uses provided in divisions (I), (L) and (M) above shall be entirely within enclosed buildings.

(1989 Code, § 154.115) (Ord. 2124, passed 8-28-1995; Am. Ord. 2319, passed 11-8-99; Am. Ord. 2542, passed 10-24-2005; Am. Ord. 2774, passed 2-27-2012)

**§ 158.197 CONDITIONAL USES PERMITTED BY BOARD OF ADJUSTMENT.**

The following uses may be permitted with the approval of the Board of Adjustment:

(A) Manufactured home parks with a minimum of 20 manufactured home spaces, provided they meet the requirements of § 158.276; and

(B) Commercial greenhouses, plant sales facilities and nursery.

(1989 Code, § 154.116) (Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.198 PROHIBITED USES AND STRUCTURES.**

The following uses and structures are prohibited in the B-3 District:

(A) Manufacturing, except as provided under retaining;

(B) Warehousing, distribution centers, truck terminals, storage warehouses, wrecking or junk establishments or yards, used building materials and similar uses; and

(C) Townhomes;

(D) Medical cannabis cultivating facilities;

(E) All uses and structures not of a nature specifically or provisionally permitted herein.  
(1989 Code, § 154.117) (Ord. 2124, passed 8-28-1995)

**§ 158.199 MINIMUM LOT REQUIREMENTS.**

The minimum lot area for the B-3 Zoning District is 7,500 square feet. Single and multiple-family dwellings shall have the same minimum lot requirements as the R-4, Medium Density Multi-Family Residential District.

(1989 Code, § 154.118) (Ord. 2124, passed 8-28-1995; Am. Ord. 2542, passed 10-24-2005)

**§ 158.200 MINIMUM YARD REQUIREMENTS.**

The following minimum yard requirements apply in the B-3 Zoning District:

(A) For single family and multiple family dwellings, the requirements shall be the same as the R-4, Medium Density Multi-Family Residential District.

(B) All other buildings and structures:

(1) Front yard, as required by § 158.023; and

(2) Rear yard:

(a) One story: 20 feet; and

(b) Two through three stories: 25 feet.

(C) All buildings on lots adjacent to a residential zone shall be located so as to conform on the adjacent side with the yard requirements for the adjacent residential district. No building, structure, or vehicle use area (VUA) shall be placed within a landscape buffer area (LBA) as set forth in § 158.028. (1989 Code, § 154.119) (Ord. 2124, passed 8-28-1995; Am. Ord. 2542, passed 10-24-2005; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.201 HEIGHT OF STRUCTURES.**

No building shall exceed three stories or 40 feet in height. (1989 Code, § 154.120) (Ord. 2124, passed 8-28-1995)

#### **§ 158.202 OFF-STREET PARKING AND LOADING.**

The off-street parking and loading requirements are set forth in §§ 158.400 *et seq.* (1989 Code, § 154.121) (Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.203 PERMITTED SIGNS.**

(A) Free standing business signs and advertising structures are permitted and with written approval by the administrative official.

(B) The signs must not be a traffic hazard, and obstruct vision, nor a public nuisance.

(C) Signs may not be placed in the obstruction of visibility triangle as provided for in § 158.022.

(D) Signs shall not exceed maximum building height established in § 158.201.

#### **§ 158.204 FENCING.**

Fencing for privacy or security purposes within the B-3 zoning district shall adhere to the following:

(A) Materials for fencing shall be restricted to materials whose intended original use is for providing privacy and/or security. No used materials are to be utilized or re-purposed as fencing included but not limited to pallets, metal roofing, tires, barrels, etc.

(B) A fence can be placed directly on a property line(s) with the exception of the Front yard property line which must be a minimum of ten (10') feet from the property line / right-of-way.

(1) A fence may be permitted to be located on the Front yard property line provide it is no more than three (3') feet in height and does not intrude into the Visibility Triangle found in § 158.022.

(1989 Code, § 154.122) (Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

***OP, OFFICE AND PROFESSIONAL DISTRICT*****§ 158.215 PURPOSE.**

The provisions of this subchapter are established with the purpose and intent of providing space for professional offices in appropriate locations to accommodate the needs of the community.

**§ 158.216 PERMITTED USES AND STRUCTURES.**

Within any office and professional district no structure or land shall be used, arranged or designed to be used unless otherwise provided by this chapter, except for one or more of the following uses:

- (A) Apothecary for the preparing and selling of drugs and medicine, excluding general merchandise;
- (B) Single-family dwelling, provided all restrictions pertaining to R-1 zone are complied with;
- (C) Churches and other places of worship;
- (D) Diagnostic laboratories located within hospitals, clinics or medical office buildings;
- (E) Legal, architectural, engineering, realtor, management, insurance, accountant offices and banking facilities;
- (F) Health clinic for the treatment of humans;
- (G) Medical care hospitals and convalescent hospital for the treatment of humans;
- (H) Medical offices of therapeutic, preventative or corrective personal treatment services by physicians, dentists and other licensed practitioners for treatment of humans, as well as the provision of medical testing and analysis services;
- (I) Offices for organizations used primarily for management, accounting, correspondence or research, provided that no merchandise services are rendered on the premises;
- (J) Public, parochial and private, non-profit museums, art galleries and libraries;
- (K) Public, parochial and private, primary and secondary schools;
- (L) Surface automobile parking lot;
- (M) Assisted living facilities, residential care facilities; and
- (N) Accessory uses customarily incident to any of the above permitted uses.
- (O) The above uses are subject to the following condition. Development within the OP zoning District shall comply with the landscape buffer area (LBA) requirements as set forth in § 158.028. (1989 Code, § 154.124) (Ord. 2124, passed 8-28-1995; Am. Ord. 2319, passed 11-8-99; Am. Ord. 2542, passed 10-24-2005; Am. Ord. 2774, passed 2-27-2012)

**§ 158.217 CONDITIONAL USES PERMITTED BY BOARD OF ADJUSTMENT.**

The following uses may be permitted with the approval of the Board of Adjustment:

- (A) Medical cannabis safety compliance facility and dispensaries.

**§ 158.218 HEIGHT OF STRUCTURES.**

(A) (1) No building or signage structure shall be erected or structurally altered so as to exceed two and one-half stories or 30 feet in height, except as provided herein.

- (2) Churches, hospitals, schools or any public building (which is defined as any building customarily open to the public) permitted to be constructed in the Office and Professional District may be built to a height of 50 feet or five stories.

(3) Any building in excess of 50 feet in height shall have a minimum set back of 35 feet and have a three to one height to yard ratio.

(B) Any building exceeding 50 feet in height shall have a fire suppressor system that meets the requirements of the National Fire Protection Association 13, Standards for Installation of Sprinkler Systems (current edition).

(C) (1) Any building exceeding 50 feet in height with the National Fire Protection Association 13, Standards for Installation of Sprinkler Systems (current edition) fire suppression system shall have its final development plan approved by the Chief of the Glasgow Fire Department.

(2) An annual inspection shall be conducted by the Glasgow Fire Department of the maintenance and integrity of the fire suppression system.  
(1989 Code, § 154.124A) (Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.219 MINIMUM YARD REQUIREMENTS.**

(A) All buildings, except unattached accessory structures, shall have the following minimum yard spaces:

<i>Total Width</i>	<i>Minimum Width</i>
Front yard	One-half distance of right-of-way, but not less than 35 feet
Side yard	12 feet
Side yard exterior (corner lot)	
Backing up to an abutting side yard	20 feet
Backing up to an abutting rear yard	20 feet
Rear yard	
Abutting agricultural or residential district	40 feet
All other districts	25 feet

(B) Unattached accessory structures shall have the following minimum yard spaces:

<i>Yard Type</i>	<i>Feet</i>
Side yard	Five feet
Rear yard	Five feet
Distance to principal building	Ten feet

(C) No building, structure, or vehicle use area (VUA) shall be placed within a landscape buffer area (LBA) as set forth in § 158.028. (1989 Code, § 154.124B) (Ord. 2124, passed 8-28-1995; Am. Ord. 2542, passed 10-24-2005; Am. Ord. 2774, passed 2-27-2012)

**§ 158.220 OFF-STREET PARKING AND LOADING.**

The off-street parking and loading requirements are as set forth in §§ 158.400 *et seq.* (1989 Code, § 154.124C) (Ord. 2124, passed 8-28-1995)

**§ 158.221 USES PROHIBITED.**

(A) No trailer coach or manufactured home park, manufactured home, mobile office, or job trailer shall be permitted in this district.

(B) Mobile offices or job trailers used during construction are permitted if use is temporary provided it meets the stipulations set forth in § 158.302. (1989 Code, § 154.124D) (Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

(C) Halfway home and residential treatment program;

(D) Townhomes;

(E) Medical cannabis cultivating, processing and producing facilities;

**§ 158.222 OUTDOOR STORAGE.**

All outdoor storage facilities are prohibited, except for the storage of waste products in approved waste containers. (1989 Code, § 154.124E) (Ord. 2124, passed 8-28-1995)

**§ 158.223 MINIMUM LOT REQUIREMENTS.**

The minimum lot area for the OP Zoning is 7,500 square feet. Single- and multiple-family dwellings shall have the same minimum lot requirements as the R-1 Low Density Residential District.

**§ 158.224 FENCING.**

Fencing for privacy or security purposes within the OP zoning district shall adhere to the following:

- (A) Materials for fencing shall be restricted to materials whose intended original use is for providing privacy and/or security. No used materials are to be utilized or re-purposed as fencing included but not limited to pallets, metal roofing, tires, barrels, etc.
- (B) A fence can be placed directly on a property line(s) with the exception of the Front yard property line which must be a minimum of ten (10') feet from the property line / right-of-way.
  - (1) A fence may be permitted to be located on the Front yard property line provide it is no more than three (3') feet in height and does not intrude into the Visibility Triangle found in § 158.022.

(1989 Code, § 154.124F) (Ord. 2124, passed 8-28-1995; Am. Ord. 2542, passed 10-24-2005)

### ***PLANNED UNIT DEVELOPMENT (PUD)***

#### **§ 158.225 PURPOSE.**

It is recognized that the Glasgow Zoning Ordinance provides zoning which allows all types of residential, commercial, office and professional and industrial uses and provides minimum standards in each zone to ensure the health, safety, and welfare of the community. It is also recognized that such traditional zoning practices can, at times, restrict and hamper innovative, but proper approaches. This zoning classification is intended to establish areas which allow for innovation which may not be accomplished through traditional zoning techniques. Planned Unit Development zones are intended to: provide for flexibility which would not be possible using traditional techniques; promote the advantages of modern large-scale site planning for community development; to promote the efficient uses of land and minimize land use conflicts; to preserve, to the greatest extent possible, existing landscape features and amenities; provide more usable and suitably located recreational, public, and common facilities; to provide for development to further the implementation of the adopted Comprehensive Plan.

#### **§ 158.226 GENERAL DESCRIPTION.**

A Planned Unit Development (PUD) is a large-scale development comprised of a mixture of smaller zones. Each zone shall follow its own existing and individual zoning regulations currently adopted in the Glasgow Zoning Ordinance. Each zone shall be independent and distinguishable from one another.

#### **§ 158.227 PERMITTED AND PROHIBITED ZONING CLASSIFICATIONS.**

(A) The following zoning classifications are permitted within a Planned Unit Development (PUD): R-1 (Low Density Residential), R-2 (Medium Density Residential), R-3 (Small Lot Medium Density Residential), R-4 (Medium Density Multi-Family Residential), B-2 (General Business), B-3 (Highway Service Business), OP (Office and Professional), P (Public), MU (Mixed Use).

(B) The following zoning classifications are not permitted within a Planned Unit Development (PUD): AG (Agriculture), B-1 (Central Business), I-1 (Light Industrial), I-2 (Heavy Industrial) and PUD.



**§ 158.228 MINIMUM DEVELOPMENT REQUIREMENTS.**

(A) The Planned Unit Development minimum shall be no less than twelve (12) acres, contiguous, in size. No PUD shall be extended, modified (change of use), or reduced after receiving Final Planning Commission approval.

(1) The minimum amount of zoning classifications permitted to establish a PUD is three (3) in any combination, not including P (Public).

(2) The maximum development coverage for a PUD shall be seventy-five (75%) percent, inclusive of all proposed right-of-ways, sidewalks and parking lots. The minimum development greenspace coverage for a PUD shall be twenty-five (25%) percent, inclusive of parks, buffer zones and yards with a maximum of ten (10%) percent comprised of existing vegetation.

(3) All Planned Unit Developments must comply with Section 152 of the Glasgow

Development Plan ordinance and Article 6 of the Barren County Subdivision Regulations pertaining to roadway, curb and gutter and sidewalk construction.

(B) All required height and yard restrictions, setback requirements, parking and loading requirements, accessory structures, fences, walls and sign requirements shall be in accordance with the submitted zoning classifications within the PUD.

(C) Any common open space/recreational areas shall be centrally situated so as to be readily accessible, available to and usable by all residences of the PUD, including but not limited to parks, hiking/running trails, pools, outdoor sports facilities (basketball/tennis courts, ball fields, etc.), and playgrounds. The aforementioned uses can be submitted and calculated into the total for the necessary minimum greenspace requirement.

**§ 158.229 APPLICATION AND PROCESSING.**

(A) All Planned Unit Developments (PUD) shall require a pre-application meeting.

(1) No application for a PUD shall be accepted prior to a pre-application meeting conducted between a developer and his/her representatives and the Planning Commission staff and any applicable City of Glasgow representatives.

(2) The application for a PUD must be submitted to the Planning Commission including the plat, deed, preliminary civil plans, preliminary zoning classifications and application fees.

(3) The Planning Commission staff review of any PUD application is approximately thirty (30) days.

(4) All Final submissions of a PUD must include civil plans, and the use and zoning plan.

(B) All Planned Unit Developments (PUD) shall have Phase One minimum of three (3) acres.

**§ 158.230 EXPIRATION.**

Any preliminary approval of a Planned Unit Development (PUD) that has not received a final approval within twelve (12) consecutive months of preliminary approval by the Planning Commission will be deemed void and the zoning classification will revert to the pre-approval zoning classification. Any final approval of a Planned Unit Development (PUD) where construction has not commenced within twelve (12) consecutive months of final approval by the Planning Commission, the development plans will be void, however, the overall zone classification shall remain in effect. After completion of phase one, if substantial construction has not been initiated within a period of twenty-four (24) consecutive months then the development plan shall be void, however, the overall zone classification shall remain in effect. The amount of construction constituting initiating substantial construction shall be as approved in final approved plan by the Planning Commission.

***P-PUBLIC DISTRICT*****§ 158.235 PURPOSE.**

The provisions of this subchapter are established with the purpose and intent of providing space for public related uses in appropriate locations to accommodate the needs of the community. (Ord. 2360, passed 10-9-2000)

**§ 158.236 PERMITTED USES AND STRUCTURES.**

Within any public district no structure or land shall be used, arranged, or designed to be used, unless otherwise provided by this subchapter, except for one or more of the following uses:

- (A) Cemeteries and other public burial areas.
- (B) Churches and other places of worship.
- (C) Non-commercial public recreational facilities.
- (D) Open uses of land for public recreation and historical parks.
- (E) Public libraries and nonprofit museums.
- (F) Public courthouse, office, and maintenance buildings designated for governmental use.
- (G) Public schools and colleges or universities.
- (H) Accessory uses customarily incident to any of the above permitted uses.

(Ord. 2360, passed 10-9-2000)

**§ 158.237 CONDITIONAL USES PERMITTED BY BOARD OF ADJUSTMENTS.**

- (A) Airports and heliports.
- (B) Public landfills.

(C) The Board of Adjustments may attach such conditions and safeguards as it deems necessary to protect neighboring properties or districts from any detrimental or obnoxious effects incidental to such operations.

(D) In addition, the Board of Adjustments shall require and approve a written agreement from the owners of such operation to the effect that, upon termination, the land involved shall be reclaimed to as near its original state as is practical, in the opinion of the Board of Adjustments. Such reclamation may include replacing topsoil to its original depths and providing suitable vegetative cover. (Ord. 2360, passed 10-9-2000; Am. Ord. 2774, passed 2-27-2012)

**§ 158.238 HEIGHT OF STRUCTURES.**

(A) No building or signage structure shall be erected or structurally altered so as to exceed two and one half stories or 30 feet in height except as provided herein. Hospitals, schools or any public building (which is defined as any building customarily open to the public) permitted to be constructed in the Public District may be built to a height of 50 feet or five stories. Any building in excess of 50 feet in height shall have a minimum set back of 35 feet and have a three to one height to yard ratio.

(B) Any building exceeding 50 feet in height with the National Fire Protection Association 13, Standards for Installation of Sprinkler Systems (current edition) fire suppression system shall have its final development plan approved by the Chief of the Fire Department. An annual inspection shall be conducted by the Fire Department for the maintenance and integrity of the fire suppression system. (Ord. 2360, passed 10-9-2000; Am. Ord. 2774, passed 2-27-2012)

**§ 158.239 MINIMUM YARD REQUIREMENTS.**

(A) All buildings, except unattached accessory structures, shall have the following yard spaces:

<i>Total Width</i>	<i>Minimum Width</i>
Front yard	One half the distance of right-of-way, but not less than 35 feet
Side yard abutting residential district	20 feet
Side yard all other districts	10 feet

(B) Unattached accessory structures shall have the following minimum yard spaces:

<i>Total Width</i>	<i>Minimum Width</i>
Side yard	5 feet
Rear yard	5 feet
Distance to principal building	10 feet

(Ord. 2360, passed 10-9-2000)

**§ 158.240 OFF-STREET PARKING AND LOADING.**

The off-street parking and loading requirements are as set forth in §§ 158.400 *et seq.*

(Ord. 2360, passed 10-9-2000; Am. Ord. 2774, passed 2-27-2012)

**§ 158.241 MINIMUM LOT REQUIREMENTS.**

Minimum lot area for the P-Public District is as follows:

<i>Minimum Lot Area</i>	<i>Lot Coverage Building and Parking</i>	<i>Minimum Lot With</i>
7,500 sq. ft.	75%	75 ft.

(Ord. 2360, passed 10-9-2000)

**§ 158.242 FENCING.**

Fencing for privacy or security purposes within the Public zoning district shall adhere to the following:

- (A) Materials for fencing shall be restricted to materials whose intended original use is for providing privacy and/or security. No used materials are to be utilized or re-purposed as fencing included but not limited to pallets, metal roofing, tires, barrels, etc.
- (B) A fence can be placed directly on a property line(s) with the exception of the Front yard property line which must be a minimum of ten (10') feet from the property line / right-of-way.
  - (1) A fence may be permitted to be located on the Front yard property line provide it is no more than three (3') feet in height and does not intrude into the Visibility Triangle found in § 158.022.

***I-1, LIGHT INDUSTRIAL DISTRICT***

**§ 158.245 PURPOSE.**

The purpose of the I-1 Light Industrial district is to provide locations for warehouse, distribution and service operations and those industrial uses which are primarily assembling or light fabricating operations where there is no outside storage or activity other than loading or unloading other than that provided in § 158.244. This district is designed to upgrade industrial development standards, prevent industrial blight, and protect light industrial development from incomparable residential, commercial or heavy industrial uses. This district may function as a buffer or transition between heavy industrial development.

(1989 Code, § 154.125) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.246 PERMITTED USES AND STRUCTURES.**

The following uses and structures are permitted in the I-1 Light Industrial District:

- (A) Manufacturing;
- (B) Wholesaling, warehousing, transfer and storage and truck terminals;

- (C) Service and repair establishments;
- (D) Transportation and communication buildings and uses and utility substations;
- (E) Lumber and building material yards, except secondhand;
- (F) Bulk storage of flammable liquids;
- (G) Laboratories;
- (H) Veterinary establishments;
- (I) Retail and eating establishments designed to serve the needs of this District;
- (J) Medical cannabis cultivator, processor and producer facilities;
- (K) The above uses are subject to the following limitations:

(1) Manufacturing, processing and service and repair operations shall be conducted only within completely enclosed buildings.

(2) Uses shall conform to the following performance standards: no dust, vibration, gases or odors shall be produced which are perceivable beyond the boundary lines of the tract or lot on which the use is located and no smoke or noise shall be produced which is annoying or detrimental to neighboring properties.

(3) Development within the I-1 Zoning District shall comply with the landscaping requirements and landscape buffer area (LBA) requirements as set forth in § 158.028.

(L) Uses and structures which are customarily accessory clearly incidental to the above permitted uses, provided they are not of a nature of having characteristics prohibited under § 158.238. (1989 Code, § 154.126) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2542, passed 10-24-2005; Am. Ord. 2774, passed 2-27-2012)

**§ 158.247 CONDITIONAL USES PERMITTED BY BOARD OF ADJUSTMENT.**

The following uses may be permitted with the approval of the Board of Adjustment:

- (A) Recycling Centers, provided they conform with all regulations set forth in § 158.325;
- (B) Daycare as provided in § 158.351; and
- (C) Juvenile Detention Centers.

**§ 158.248 PROHIBITED USES AND STRUCTURES.**

The following uses and structures are prohibited in the I-1 Light Industrial District:

- (A) Dwelling units, boarding and rooming houses, hotels, motels, house trailer courts or parks;

(B) Townhomes;

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(C) Schools, churches, charitable institutions, private clubs and lodges, hospitals and restoriums; assisted living facilities, halfway houses, residential treatment programs, residential care facilities;

(D) Automobile wrecking yards, junkyards, scrap and salvage yards for secondhand building materials;

(F) No private access to any use in this district shall be permitted through any residential district;

(G) Medical cannabis safety compliance facilities and dispensaries;

(H) Manufactured home parks or manufactured homes; and

(I) Bars or lounges; and

(H) All uses and structures not of a nature specifically or provisionally permitted herein. (1989 Code, § 154.127) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.249 MINIMUM LOT REQUIREMENTS.**

Minimum lot area for the I-1 District is one acre. (1989 Code, § 154.127A) (Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.250 MINIMUM YARD REQUIREMENTS.**

The following minimum yard requirements shall apply in the I-1 District:

(A) Front yard: as required by § 158.023.

(B) Rear yard:

(1) One story: 20 feet.

(2) Two or more stories: 25 feet.

(C) Side yard:

(1) On lots adjacent to a residential district, all buildings shall be located so as to provide a minimum side yard of 25 feet along that portion of the property adjacent to the residential district.

(2) On lots adjacent to any district other than residential, all buildings shall be located so as to provide a minimum side yard of ten feet.

(D) Landscape buffer areas (LBAs). No building, structure, or vehicle use area (VUA) shall be placed within a landscape buffer area (LBA) as set forth in § 158.028. (1989 Code, § 154.128) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2542, passed 10-24-2005; Am. Ord. 2774, passed 2-27-2012)

**§ 158.251 HEIGHT OF STRUCTURES.**

No building shall exceed 50 feet in height.  
(1989 Code, § 154.129) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.252 OFF-STREET PARKING AND LOADING.**

Off-street parking and loading requirements are the same as those set forth in §§ 158.400 *et seq.*  
(1989 Code, § 154.130) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012; Am. Ord. 2802, passed 10-22-2012)

**§ 158.253 PERMITTED SIGNS.**

(A) Sign requirements are the same as those set forth for the B-2 Districts in § 158.183.

(B) Signs may not be placed in the obstruction to visibility area as provided for in § 158.022.  
(1989 Code, § 154.131) (Ord. 1063, passed 2-27-1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.254 PERMITTED OUTSIDE STORAGE REQUIREMENTS.**

(A) The storage area, not including any principal structures or accessory structures, must consist of two (2) or more acres.

(B) Any such area shall be fenced as to prevent viewing from the general public.

(1) Fencing shall be constructed in a way to have a minimum opacity of eighty (80%) percent. At any point in time in which the fence no longer has the original opacity, after initial construction, due to damage or lack of maintenance the subject property will be in violation of this code.

(C) The outside storage must be incidental to the operation of the business and does not include the storage of inoperable vehicles, waste, refuse, manufacturing bi-products, or conflict with any supplemental regulations as pertaining to recycling centers, salvage yards, scrap or junk yards.

**§ 158.255 FENCING.**

Fencing for privacy or security purposes within the I-1 zoning district shall adhere to the following:

(A) Materials for fencing shall be restricted to materials whose intended original use is for providing privacy and/or security. No used materials are to be utilized or re-purposed as fencing included but not limited to pallets, metal roofing, tires, barrels, etc.

(B) A fence can be placed directly on a property line(s) with the exception of the Front yard property line which must be a minimum of ten (10') feet from the property line / right-of-way.

- (1) A fence may be permitted to be located on the Front yard property line provide it is no more than three (3') feet in height and does not intrude into the Visibility Triangle found in § 158.022.

(Ord. 2774, passed 2-27-2012)

### ***I-2, HEAVY INDUSTRIAL DISTRICT***

#### **§ 158.255 PURPOSE.**

The purpose of the I-2 Heavy Industry zoning districts is to provide appropriate locations for heavy industrial uses and other uses not otherwise provided for in the other districts. A heavy industrial use is one which ordinarily requires both buildings and open area for manufacturing, fabricating, processing, extraction, heavy repairing, dismantling and storage or disposal of equipment, raw materials, manufactured products or wastes. Within the Heavy Industrial Districts, the regulations set forth in this subchapter shall apply.

(1989 Code, § 154.145) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995)

#### **§ 158.256 PERMITTED USES AND STRUCTURES.**

The following uses and structures are permitted in the I-2 Heavy Industrial District:

(A) Uses permitted in the I-1 Light Industrial Districts set forth in §§ 158.245 *et seq.*; and

(B) Industrial or manufacturing uses not in conflict with any other ordinance or law of the city and which would not emit detrimental or obnoxious noise, vibration, smoke, odor, gases, dust or produce other objectionable conditions beyond the limits of the Heavy Industrial District in which it is located shall be considered conditional use and will require written approval by the Board of Adjustment. In granting approval of the use, the Board of Adjustment shall act in accordance with the provisions of this chapter and may require any appropriate conditions or safeguards it deems necessary.

(C) Medical cannabis cultivator, processor or producer facilities;

(D) The above uses are subject to the following limitation. Development within the I-2 Zoning District shall comply with the landscaping requirements and landscape buffer area (LBA) requirements as set forth in § 158.028.

(1989 Code, § 154.146) (Ord. 1063, passed 2-27-1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2542, passed 10-24-2005; Am. Ord. 2802, passed 10-22-2012)

#### **§ 158.257 CONDITIONAL USES PERMITTED BY BOARD OF ADJUSTMENT.**

The following uses are conditional uses and require written approval of the Board of Adjustment.

(A) Junk yards; salvage yards provided they meet the requirements set forth in § 158.330, *et seq.*;

(B) Automobile wreckage yards provided they meet the requirements set forth in § 158.333, *et seq.*;

(C) Any use of a nature such as to emit detrimental or obnoxious noise, smoke, odors, gases, dust or vibration or produce other seriously objectionable conditions perceivable beyond the limits



of the Heavy Industrial District in which it is located;

(D) Adult oriented uses subject to the general provisions of § 116.10 *et seq* of the City of Glasgow Code of Ordinances.

(E) In granting approval of the use, the Board of Adjustment shall act in accordance with the provisions of this chapter and may require any appropriate conditions or safeguards it deems necessary. (1989 Code, § 154.146A) (Ord. 2124, passed 8-28-1995; Am. Ord. 2542, passed 10-24-2005; Am. Ord. 2774, passed 2-27-2012; Am. Ord. 2802, passed 10-22-2012)

### **§ 158.258 PROHIBITED USES AND STRUCTURES.**

The following uses and structures are prohibited in the I-2 Heavy Industrial District:

(A) Dwelling units, boarding and rooming houses, hotels, motels and house trailer courts or parks;

(B) Townhomes;

(C) Schools, churches, charitable institutions, private clubs and lodges, hospitals and restoriums, assisted living facilities, halfway houses, residential treatment programs, residential care facilities; and

(D) No private access to any use in this district shall be permitted through any residential district;

(E) Medical cannabis dispensary and safety compliance facilities;

(F) Manufactured home parks or manufactured homes; and

(G) Eating establishments, Bar and lounges; and

(H) All uses and structures not of a nature specifically or provisionally permitted herein. (1989 Code, § 154.147) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

### **§ 158.259 MINIMUM LOT REQUIREMENTS.**

Minimum lot area for the I-2 District is one acre. (1989 Code, § 154.147A) (Ord. 2124, passed 8-28-1995)

### **§ 158.260 MINIMUM YARD REQUIREMENTS.**

The following minimum yard requirements shall apply in the I-2 Heavy Industrial District:

(A) Front yard: as required by § 158.023.

(B) Rear yard:

(1) One story: 20 feet.

(2) Two or more stories: 25 feet.

(C) Side yard:

(1) On lots adjacent to a residential district, all buildings shall be located so as to provide a minimum side yard of 50 feet along that portion of the property adjacent to the residential district. Streets or public right-of-way shall be included in this side yard requirement.

(2) On lots adjacent to any district other than residential, all buildings shall be located so as to provide a minimum side yard of 25 feet.

(D) Landscape buffer areas (LBA's). No building, structure, or vehicle use area (VUA) shall be placed within a landscape buffer area (LBA) as set forth in § 158.028. (1989 Code, § 154.148) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2542, passed 10-24-2005; Am. Ord. 2774, passed 2-27-2012)

**§ 158.261 HEIGHT OF STRUCTURES.**

No building shall exceed 100 feet in height. (1989 Code, § 154.149) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995)

**§ 158.262 OFF-STREET PARKING AND LOADING.**

The off-street parking and loading requirements shall be the same as set forth in §§ 158.400 *et seq.* (1989 Code, § 154.150) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.263 PERMITTED SIGNS.**

The sign requirements shall be the same as set forth in § 158.183 for the B-2 District. Signs may not be placed in the obstruction to visibility area as provided for in § 158.022.

**§ 158.264 FENCING.**

Fencing for privacy or security purposes within the I-2 zoning district shall adhere to the following:

- (A) Materials for fencing shall be restricted to materials whose intended original use is for providing privacy and/or security. No used materials are to be utilized or re-purposed as fencing included but not limited to pallets, metal roofing, tires, barrels, etc.
- (B) A fence can be placed directly on a property line(s) with the exception of the Front yard property line which must be a minimum of ten (10') feet from the property line / right-of-way.
  - (1) A fence may be permitted to be located on the Front yard property line provide it is no more than three (3') feet in height and does not intrude into the Visibility Triangle found in § 158.022.

(1989 Code, § 154.151) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995)

***MIXED USE OVERLAY DISTRICT*****§ 158.270 PURPOSE.**

(A) The mixed use overlay districts are intended to implement focal point plans for growth areas, to promote innovative, attractive and efficient uses of land, to encourage planned development and multi-modal transportation systems and to permit flexibility and creativity in the design of such planned developments. The purpose of this overlay shall include, but not limited to, the following:

(1) To encourage and promote the public health, safety and general welfare of the citizens of the City, including the development and coordination of municipal growth and services.

(2) To encourage originality, flexibility, innovation in site planning and development, and vehicular and pedestrian circulation, including the architecture, landscaping and graphic design of proposed developments in relation to the area as a whole.

(3) To discourage monotonous, unsightly, and inharmonious developments, minimized discordant and unsightly surroundings and visual blight and avoid inappropriate and poor quality design.

(4) To promote orderly community growth, protect and enhance property values for the community as a whole and other environmental and aesthetic considerations which generally enhance rather than detract from community standards and values of the comfort and prosperity of the community, and to promote and enhance construction and maintenance practices that will intend to enhance environmental and aesthetic quality for the community as a whole.

**§ 158.271 PERMITTED USES AND STRUCTURES.**

The following uses and structures are permitted in the Mixed Use Overlay District:

(A) Single- and multiple-family dwellings;

(B) Uses within the permitted uses of § 158.156, § 158.176, § 158.216 and § 158.236 of the B-1 (Central Business), B-2 (General Business), OP (Office and Professional) and P (Public) districts.

**§ 158.272 PROHIBITED USES AND STRUCTURES.**

The following uses and structures are prohibited in the Mixed Use Overlay District:

(A) Hotels, motels, and house trailer courts or parks;

(B) Manufactured home parks or manufactured homes, and model home sales lots;

(C) Hospitals and restoriums; assisted living facilities, halfway houses, residential treatment programs, residential care facilities;

(D) Automobile wrecking yards, junkyards, scrap and salvage yards for secondhand building materials;

- (E) Adult entertainment establishments;
- (F) Outdoor storage of any type;
- (G) Any establishment with driver-thru or drive-in service;
- (H) New or used car lots, automobile service stations and public garages for major or minor repair;
- (I) Warehousing (except storage incidental to principal permitted uses) and transfer and storage establishments;
- (J) Farm implement establishments;
- (K) All schools, public and private, except for pre-schools;
- (L) Cemeteries and other public burial areas;
- (M) Public landfill;
- (N) Any light (I-1) or heavy (I-2) industrial uses;
- (O) All uses and structures not of a nature specifically or provisionally permitted herein.

**§ 158.273 MINIMUM DEVELOPMENT REQUIREMENTS.**

(A) Mixed Unit Development minimum shall be no less than two (2) acres, contiguous, in size. However, an area of less than two (2) acres maybe zoned MU, provided it is adjacent to an area currently zoned MU.

(B) The maximum development coverage for a MU shall be ninety (90%) percent, inclusive of all proposed right-of-ways, sidewalks and parking lots. The minimum development uses coverage for a MU shall be as follows:

(1) Residential shall be twenty-five (25%) percent of total use or greater, of which, no more than fifty (50%) percent is considered multi-family and at least twenty (20%) percent of all residential must meet current published affordable housing minimum standards according to the Glasgow Housing Authority. All residential units shall be eight hundred (800<sup>2</sup>) feet squared or larger.

(2) Commercial shall be twenty-five (25%) percent of total use or greater.

(3) Public/Common use shall be ten (10%) percent of total use or greater.

(C) Access shall be provided to the MU Development via a major arterial or collector street, as identified within in the Comprehensive Plan. In addition to access to the site via a major arterial or collector street, other connections to the local street network may be permitted as approved in the development plan.

(D) Each building shall have a different exterior surfacing from any adjoining building as to distinguish it from each building.

(E) Each building shall be constructed so as to be a structurally independent building. Adjoining side-walls may abut; however, they cannot be physically or chemically tied. If the side-walls are non-abutting, a spacing of no less than 36" inches and no more than 48" inches shall be provided to allow for maintenance of structure (distance shall be measured between exterior wall surfaces and shall not include any roof projection or overhang). The wall of the dwelling located on the lot line shall have no windows, doors, air conditioning units or any other type of openings, structures or equipment.

(F) All proposed MU developments must include a centralized postal delivery space. Such spaces can be exterior through the use of Cluster Box Units (CBU's) or maybe interior such as a private post office. Any such interior spaces shall count towards the public/common use requirement.

(G) All Planned Unit Developments must comply with Section 152 of the Glasgow Development Plan ordinance and Article 6 of the Barren County Subdivision Regulations pertaining to roadway, curb and gutter and sidewalk construction.

#### **§ 158.274 HEIGHT OF STRUCTURES.**

No building shall exceed fifty (50) feet above grade, unless meeting the specifications of § 158.550, Green Building.

#### **§ 158.275 MINIMUM YARD AND SETBACK REQUIREMENTS.**

The following minimum yard and setback requirements shall apply in the MU District:

(A) Front yard: Ten (10') foot.

(B) Side yard: Exterior units only shall be ten (10') feet and all interior may be at zero.

(C) Corner Unit Front yard: Twenty (20') feet diagonally from the corner property pin.

#### **§ 158.276 OFF-STREET PARKING AND LOADING.**

The off-street parking and loading requirements are as set forth in §§ 158.400 *et seq.*, and shall be the sum of all uses.

(1989 Code, § 154.124C) (Ord. 2124, passed 8-28-1995)

#### **§ 158.277 SIGNS.**

All signage must be on the structure. Signage shall be limited to one (1) wall sign mounted to the structure for each roadway frontage. In cases where there are multiple tenants, each tenant within the property shall be allowed one (1) wall sign on the front building facade. The external building signs may be lighted, however lighting must be mounted to the structure as well. Development monument style signs may be erected at each entry for the development.

#### **§ 158.278 FENCES.**

Fences shall be limited to private residential yards and subject to § 158.028(B)(3).

**§ 158.279 LIGHTING.**

Adequate outside lighting shall be provided to ensure safe movement of persons and vehicles and for security purposes. At the same time, such lighting shall directed downward and arranged so as to minimize glare and reflection on adjacent residential properties and public streets.

**§ 158.280 APPLICATION AND PROCESSING.**

(A) All Mixed Use Developments (MU) shall require a pre-application meeting.

(1) No application for a MU shall be accepted prior to a pre-application meeting conducted between a developer and his/her representatives and the Planning Commission staff and any applicable City of Glasgow representatives.

(2) The application for a MU must be submitted to the Planning Commission including the plat, deed, preliminary civil plans, preliminary use plan classifications, preliminary lighting, preliminary landscape plans and application fees.

(3) The Planning Commission staff review of any MU application is approximately thirty (30) days.

(4) All Final submissions of a MU must include civil plans, the use plan, lighting and landscape plan and phase plan.

(B) All Mixed Use Developments (MU) shall have a Phase One minimum of one (1) acre.

**§ 158.281 EXPIRATION.**

Any preliminary approval of a Mixed Use Development (MU) that has not received a final approval within twelve (12) consecutive months of preliminary approval by the Planning Commission will be deemed void and the zoning overlay classification will revert to the pre-approval zoning classification. Any final approval of a Mixed Use Development (MU) where construction has not commenced within twelve (12) consecutive months of final approval by the Planning Commission, the development plans will be void, however, the overall zone overlay classification shall remain in effect. After completion of phase one, if substantial construction has not been initiated within a period of twenty-four (24) consecutive months then the development plan shall be void, however, the overall zone overlay classification shall remain in effect. The amount of construction constituting initiating substantial construction shall be as approved in final approved plan by the Planning Commission.

***PUBLIC SQUARE HISTORIC OVERLAY DISTRICT*****§ 158.290 PURPOSE.**

(A) Cultural resource protection on the state and local level is growing across the country. During the 1980s many states passed legislation that mandated that preservation be integrated into local and state planning efforts. An estimated 2,000 communities across the country have chosen to implement historic preservation plans and design guidelines that preserve and protect the historic integrity of their communities. The reasons for establishing design guidelines are both aesthetic and economic. The preservation of historic resources helps to enhance a community's sense of character and identity. An

active preservation policy maintains and promotes property values and encourages heritage tourism. Preservation is also increasingly seen as a revitalization tool for communities.

(B) Glasgow has experienced continuous growth since the mid-1800s. The architectural character of this Renaissance Kentucky Area is diverse with a cluster of 20th century commercial buildings in the downtown area surrounding the county courthouse core and a wide variety of architectural styles appearing in residential and commercial areas that radiate outward from the central core.  
(Ord. 2496, passed 7-26-2004)

#### **§ 158.291 PUBLIC SQUARE HISTORIC DISTRICT BOUNDARY DESCRIPTION.**

Beginning at a point in the northwest corner of the district at the intersection of North Liberty Street and West Water Street, thence continuing eastward along the south side of West Water Street, thence turning northward along the west side of North Race Street, thence turning eastward across North Race Street and continuing eastward along the north side of Block 21, lot 1, thence turning southward along the east side of Block 21, lot 1, thence turning eastward along the north side of Block 21, lot 2, then turning southward along the west side of North Green Street, thence turning eastward across North Green Street and continuing eastward along the north side of Block 29, lot 13, thence turning southward along said lot, thence turning eastward along the southern lot line of lot Block 29, 2A, thence turning northward along the east side of Block 29, lot 8, thence turning eastward along north side of said lot, thence turning southward along the east side of said lot, thence turning eastward across Block 29, lot 4, and continuing eastward along the north side of Block 29, lot 6, thence turning southward along the west side of North Broadway Avenue, thence turning eastward along the north side of East Main Street, thence turning northward along the west side of Block 35, lot 3, thence turning eastward along the north side of said lot, thence turning southward along the east side of said lot, continuing south along the west side of North Broadway Street across East Main Street, thence turning westward along the south side of Block 36, lot 2A, thence turning north along the west side of said lot, thence turning westward along the south side of East Main Street, continuing across North Broadway Street, thence turning southward along the west side of North Broadway Street, then turning east along the north side of East Washington Street to the corner of South Lewis Street, thence turning southward along the east side of Block 37, lot 4, thence turning westward along the south side of said lot, thence turning northward along the west side of said lot, then turning westward along the south side of East Washington Street, thence turning southward along the east side of Block 37, lot 1, thence turning westward along the south lot line of said lot, thence turning northward along the west side of said lot, thence turning westward along the north side of East Washington Street, then turning southward along the west side of South Green Street, thence turning westward along the north side of West Wayne Street, continuing across South Race Street, thence turning northward along the west side of Block 15, lot 9, continuing northward along the west side of lot 5, thence turning westward along the south side of lot 3, thence turning northward along the west side of said lot to West Washington Street, thence turning westward along the south side of West Washington Street, thence turning northward along the west side of North Liberty Street, thence turning west along the south side of Block 8, lot 6, thence turning northward along the west side of said lot, thence turning eastward along the south side of West Main Street, thence turning northward along the east side of North Liberty Street to the point of beginning at the intersection of North Water Street.  
(Ord. 2496, passed 7-26-2004)

### § 158.292 ESTABLISHING HISTORIC PRESERVATION DESIGN GUIDELINES.

The *Historic Preservation Design Guidelines*, attached to Ord. 2497 as 'Exhibit A' are approved in all respects and the city does establish the guidelines for the implementation and enforcement of the new Public Square Historic Overlay District.

(Ord. 2497, passed 7-26-2004)

#### ***MANUFACTURED HOME PARKS & TINY HOME DEVELOPMENTS***

### § 158.295 MANUFACTURED HOME PARKS & TINY HOME DEVELOPMENTS ALLOWED AS PERMITTED USES AND CONDITIONAL USES.

For the purpose of this section the following definitions and stipulations set forth in KRS 100.348 (2) shall apply:

(1) As used in this section unless the context requires otherwise:

- a. "Compatibility standards" means standards that have been enacted by a local government under the authority of this section for the purpose of protecting and preserving the monetary value of real property located within the local government's jurisdiction;
- b. "Local government" means a city, county, urban-county government, charter county government, or consolidated local government that is engaged in planning and zoning under KRS Chapter 100;
- c. "Manufactured Home" means 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 USC. 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;
- d. "Qualified manufactured home" means a manufactured home that meets all 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; and
- e. "Permanent foundation" means a system of support that is:
  1. Capable of transferring, without failure, into soil or bedrock, the maximum design load imposed by or upon the structure;
  2. Constructed of concrete; and
  3. Placed at a depth below grade adequate to prevent frost damage.
- f. Tiny Homes shall be any of the following as defined in § 154.004:
  1. **PANEL BUILT DWELLING.** A dwelling that is constructed as separate pieces (walls, floors, roof) that is factory built and shipped to a site with finished walls/floor that are stacked on top of each other for transport.



2. **TINY HOME/NON-TRADITIONAL and/or SMALL DWELLING.** A Single-Family Residential Dwelling equal to or greater than one hundred twenty (120) square feet but less than one thousand (1,000) square feet that is modular, panel built, mobile, manufactured, or a Tiny House On Wheels (THOW) that may be built on a permanent chassis that is delivered to a site or constructed on-site using traditional building methods with or without a permanent foundation.

The following compatibility standards apply to all mobile homes, manufactured homes, qualified manufactured homes as described in KRS 100.348 (2)(c) and Tiny Homes:

Parking of a manufactured home in any R-1, B-1, R-2, R-3, OP, I-1 or I-2 District shall be prohibited, but may be permitted in a R-4 District with special permission of the Joint City-County Planning Commission, B-2 District according to § 158.177 in the B-3 District according to § 158.197 and in an Agricultural District according to § 158.061.  
(1989 Code, § 154.164) (Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.296 COORDINATION WITH STATE STATUTES ON MOBILE HOME PARKS.**

All manufactured home or qualified manufactured home parks shall conform with all applicable provisions of this zoning code and all attached special conditions. All manufactured home parks shall be subject to the regulations as set forth in §§ 158.297, 158.300 and 158.309.  
(1989 Code, § 154.165) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.297 WHERE PERMITTED.**

Manufactured homes shall be permitted only in manufactured home parks, except as provided for in § 158.308.  
(1989 Code, § 154.166) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.298 AREA AND DENSITY REQUIREMENTS.**

(A) No manufactured home park or tiny home development shall be permitted on an area of less than three acres in size.

(B) The developer may be permitted to develop in stages as long as he or she complies

with the overall approved plan for the entire tract and initially has a minimum of ten (10) lots developed for use.

(C) The number of homes permitted in the park shall not exceed a density of twelve (12) homes per net acre.

(D) A net acre is the land to be subdivided into lots after streets and other required improvements have been installed.  
(1989 Code, § 154.167) (Ord. 1160, passed - -1969; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.299 LOT REQUIREMENTS.**

Individual lots within a manufactured home park or tiny home development shall not be less than three thousand (3,000) square feet in area and in no instance shall more than one manufactured home be permitted on a single lot. The minimum lot width shall be 35 feet.

(1989 Code, § 154.168) (Ord. 1160, passed - -1969; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.300 SETBACK.**

No manufactured home, tiny home or structure shall be located closer to a public street than 35 feet or than the minimum front yard setback for permanent residential structures in the residential zone in which the park is located. No home shall be closer than 25 feet from a street within the manufactured home park. No home shall be located closer than 15 feet to any building within the park or to any property line of the park.

(1989 Code, § 154.169) (Ord. 1160, passed - -1969; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.301 FRONTAGE.**

All manufactured home parks or tiny home developments shall front on a public street or road for at least 100 feet.

(1989 Code, § 154.170) (Ord. 1160, passed - -1969; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.302 SPACING.**

No home shall be located within 30 feet of another home except that a minimum end-to-end clearance of not less than ten feet shall be permitted and in instances where the sides opposite the entrance of two homes face each other, the amount of space between the two homes may be reduced to not less than 20 feet.

(1989 Code, § 154.171) (Ord. 1160, passed - -1969; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.303 STREETS.**

All spaces shall abut upon a street. All streets within the development shall have a right-of-way of not less than 30 feet and a pavement of not less than 22 feet. Each development shall have at least one street which gives access to a public street. Such access streets in either a single development or adjoining developments, shall not be less than 100 feet apart nor less than one hundred and twenty-five (125') feet from an intersection of two or more public streets. All streets within the development shall be hard-surfaced and well-lighted as specified in the subdivision regulations contained in Chapter 157. No street within the development shall be closer than five feet of the property line.

(1989 Code, § 154.172) (Ord. 1160, passed - -1969; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.304 PARKING.**

(A) One paved automobile parking area shall be provided on every lot, plus one parking space for each lot.

(B) This additional parking may be in a central location, but in no case shall the parking be more than 350 feet from the lot for which it is provided.

(1989 Code, § 154.173) (Ord. 1160, passed - -1969; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.305 UTILITIES.**

All lots within the development shall be provided with water, sewer and electrical facilities meeting the standards specified by city and state regulations and each home shall be properly connected with those utilities.

(1989 Code, § 154.174) (Ord. 1160, passed - -1969; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.306 ACCESSORY STRUCTURES.**

No accessory structure including patios and pads shall be located within five feet from any lot line.

(1989 Code, § 154.175) (Ord. 1160, passed - -1969; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.307 CONDITIONS.**

The Joint City-County Planning Commission shall attach any condition it deems necessary to ensure the proper development of the manufactured home park or tiny home development.

(1989 Code, § 154.176) (Ord. 1160, passed - -1969; Am. Ord. 2124, passed 8-28-1995)

**§ 158.308 REQUIREMENTS FOR LOCATION OUTSIDE APPROVED PARKS.**

A mobile home, manufactured home or qualified manufactured home, whether permanent or portable, shall not be permitted on lots outside of approved manufactured home parks unless the following requirements have been met:

(A) This use shall be allowed on individual lots of record only;

(B) Any structure that comes under the above description, shall be allowed as the principal building only, and in no case be set adjacent to, or become a part of, any other building on the lot;

(C) The placement of any such structure must be approved in writing by the Board of Adjustment;

(D) The Board of Adjustment shall hold a public hearing and advertise the hearing according to law before this special exception may be granted;

(E) 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;

(F) The Board of Adjustment may permit a structure of this description to be placed on lots that

do not meet the density requirements of R-2 Residential Districts, but in no case shall they be permitted on lots that do not meet the density requirements for manufactured home parks; and

(G) The Building Inspector, Plumbing Inspector or utility companies shall not allow utility service to these structures until all requirements as set forth by the Board of Adjustment have been complied with.

(H) If any structure that comes under the above description should ever be moved or destroyed and the Board of Adjustment has previously granted a Conditional Use Permit for the proposed structure and the property owner has not changed since the Board of Adjustment ruling, a structure that comes under the above description can be replaced without Board approval so long as the structure is newer than the previous structure.

(I) If any structure that comes under the above description should ever be moved or destroyed and the Board of Adjustment has not previously granted a Conditional Use Permit for the proposed structure the current property owner must apply for a Conditional Use Permit before any replacement of the structure is to occur.

(1989 Code, § 154.177) (Ord. 1160, passed - -1969; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

### **§ 158.309 EXPANSION OF MANUFACTURED HOME PARK OR TINY HOME DEVELOPMENT.**

(A) Where the owner of an existing manufactured home park or tiny home development sees the need to expand his or her development and is willing to bring the present park into compliance with this subchapter, the Board of Adjustment may grant a variance to the area requirements and issue a permit for expansion.

(B) The applicant shall submit a preliminary and final plat in compliance with this subchapter. The final plat shall also show the following information:

(1) Public area, such as visitors' parking, recreational area, and the like, if the areas are proposed;

(2) Large scale plan of one typical lot showing home location, automobile parking space and the like; and

(3) Location of planting for landscaping purposes or as required for protective buffer purposes as a special condition.

(C) The Joint City-County Planning Commission may attach reasonable special conditions to its approval of a manufactured home park or tiny home development and direct the Building Inspector to issue a building permit when the applicant presents a valid construction permit from the state's Department of Health, Division of Environmental Health, and Sanitation Program, as required by KRS Ch. 219. The Building Inspector shall not issue the building permit until he or she has received written authorization from the Joint City-County Planning Commission or Board of Adjustment, if the manufactured home park or tiny home development is to be located within the city limits and until the valid construction permit is presented.

(1989 Code, § 154.178) (Ord. 1160, passed 2-27-1969; Am. Ord. 1183, passed - -1969; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

***NON-TRADITIONAL MANUFACTURED HOUSING / TEMPORARY STRUCTURES***

**§ 158.315 REGULATIONS FOR MODULAR HOUSING.**

Modular Housing, as defined in Section 158.004 is a structure designed primarily for residential or commercial occupancy, designed and constructed to the Kentucky or National Building Code, which is manufactured in one or more sections in a factory for installation on a permanent foundation at its final location.

(A) Any structure meeting the above description shall be allowed in any R-2, R-3, R-4, or AG zoning district when the primary use of the structure is for dwelling purposes, so long as the proposed structure is in accord with the surrounding neighborhood.

(B) Any structure meeting the above description is prohibited in an R-1, B-1, OP, or Public Zoning District.

(C) Any structure meeting the above description is prohibited in any B-2, B-3, I-1, or I-2 zoning district when it is considered to be the principal structure for the use and not incidental to a principal structure.

**§ 158.316 RECREATIONAL VEHICLES AND PARKS.**

A recreational vehicle (RV) as defined in Section 158.004 is a motorized or pull behind, wheeled vehicle used for camping or other recreational activities.

(A) An RV shall under no circumstances be utilized as the principal structure for any residential or commercial use.

(B) No RV shall be used as an incidental structure or accessory structure to any residential or commercial use for a length of time greater than one (1) fourteen (14) days period after the date of violation notification per six (6) month(s).

(C) Any proposed RV park shall conform to all regulations required to establish a mobile / manufactured home park in all zoning districts which allow it.

(1) When considering a proposed RV park the Joint City-County Planning Commission reserves the right to deny any an all application based on roadway capacity, buffer zones, safety issues, etc. in accordance with Section § 158.307 of the Glasgow Zoning Ordinance.

**§ 158.317 JOB TRAILERS.**

A job trailer is any structure that is transportable in one or more sections, which is built on a permanent chassis and used as an office for on-site construction purposes or construction storage, with or without a permanent foundation.

(A) A job trailer is allowed to be located on any job site that is currently under construction or in

(B) the pre-meditated phases of construction.

(C) A job trailer does not require approval from the Glasgow Board of Adjustment.

(D) In any case where a job is completed and the structure has been issued a certificate of occupancy or resumed normal business the job trailer is to be removed from the site within thirty (30) days of such occurrence.

(Ord. 2774, passed 2-27-2012; Am. Ord. 2891, passed 11-28-2016)

### **§ 158.318 TEMPORARY STRUCTURES.**

(A) A temporary structure is any structure that does not have a permanent foundation, falls below the minimum square footage requiring a building permit per the Kentucky Building Code, and does not meet the definition of an accessory set forth in § 158.004.

(B) Temporary structures are not to be utilized as a principal structure for the purpose of conducting business for a duration of time exceeding fourteen (14) days.

(1) Fireworks stands receiving approval from the State Fire Marshall may remain for the time prescribed to them.

(Ord. 2891, passed 11-28-2016)

### **§ 158.319 NON-TRADITIONAL STRUCTURES.**

(A) No manufactured structure (pre-fabricated building, shipping container, etc.) may be utilized as an occupancy of any classification for any purpose without being repurposed to meet the standards of the Kentucky Residential Code or Kentucky Building Code. No such structure may be used as a principal structure within a residential zoning district or accessory structure with the intent that it be used as a residential dwelling without receiving a Conditional Use Permit from the Glasgow Board of Adjustment.

(Ord. 2891, passed 11-28-2016)

## ***TOWNHOMES***

### **§ 158.320 PURPOSE**

A Townhome, as defined in Section § 158.004, is intended to promote more efficient use of land as compared with typical single family residential development and to introduce a type of housing design that is more affordably priced. This use of design principles allows for the integration and relation of the internal and external living areas by placing the dwelling units against one (1) or more of the property lines, thus permitting outdoor spaces to be grouped and utilized at a larger scale.

(A) Townhomes shall be allowed in any R-2, R-3, R-4, B-1, PUD and MU zoning district(s), as required in § 158.095, § 158.115, § 158.135, § 158.155, § 158.225, § 158.270.

(B) Townhomes shall be a Conditional Use in B-2, General Business Zoning District.

(C) Townhomes are prohibited in any AG, R-1, B-3, OP, P, I-1, or I-2 zoning district(s).

**§ 158.321 DESIGN, CONSTRUCTION AND LEGAL REQUIREMENTS**

(A) Each unit shall have a different exterior surfacing from any adjoining unit as to distinguish it from each unit.

(B) Each unit shall be constructed so as to be a structurally independent unit. Adjoining side-walls may abut, however they cannot be physically or chemically tied. If the side-walls are non-abutting, a spacing of no less than 36" inches and no more than 48" inches shall be provided to allow for maintenance of structure (distance shall be measured between exterior wall surfaces and shall not include any roof projection or overhang). The wall of the dwelling located on the lot line shall have no windows, doors, air conditioning units or any other type of openings, structures or equipment.

(C) Each unit shall be deeded and platted individually with zero side yard lot lines (permitted exceptions for exterior units and unattached units where lot lines divided equally shall run through the center). On detached units, the space between shall be deemed as a perpetual easement to the adjoining property.

(D) Any accessory structures will be confined to the rear yard only, and must of the same material as the primary structure (permitted accessory structures include enclosed garage, carports and storage sheds).

(E) All sidewalks shall be a minimum of four (4') feet in width and constructed to all applicable City of Glasgow requirements. Sidewalks must be provided for any portion of the development that fronts a City maintained roadway and the developments roadway.

**§ 158.322 DEVELOPMENT REQUIREMENTS**

(A) No townhome development shall be less than one (1) acre in size.

(B) The townhome development has a 60% maximum lot coverage for structures and 25% for greenspace, which can include front yards, side yards (not including spaces between detached units) and rear yards.

(C) The lot width in townhome developments are as follows: R-2 (Medium Density Residential) and B-2 (General Business)(when applicable) will have a minimum interior lot width of twenty-four (24') feet and all exterior lot widths will be a minimum thirty-eight (38') feet. R-3 (Small Lot Medium Density Residential) will have a minimum interior lot width of twenty (20') feet and all exterior lot widths will be a minimum thirty-four (34') feet. R-4 (Medium Density Multi-Family Residential), B-1 (Central Business), PUD (Planned Unit Development) and MU (Mixed Use) will have a minimum interior lot width of sixteen (16') feet and all exterior lot widths will be a minimum thirty (30') feet.

(D) A development plan must be submitted and approved prior to construction commencing for any proposed townhome development.

**§ 158.323 SETBACK**

Townhomes shall be located a minimum of six (6') foot from the interior edge of the four (4') required sidewalk in the front yard setback. All interior side yard setbacks shall be zero and exterior side yard setback shall be ten (10') foot from the interior edge of the four (4') required sidewalk. A minimum twenty (20') rear yard must be provided (can include parking).

**RECYCLING CENTERS****§ 158.325 PURPOSE**

A Recycling Center, as defined in Section § 158.004, in any AG, R-1, R-2, R-3, R-4, B-1, B-2, B-3, Public or OP District shall be prohibited, but may be permitted with approval of the Glasgow Board of Adjustment within an I-1 District in accordance with § 158.247 and is a permitted use within an I-2 District.

(Ord. 2774, passed 2-27-2012)

**§ 158.326 COORDINATION WITH STATE STATUTES ON RECYCLING CENTERS**

All recycling centers shall conform to all applicable provisions of this zoning code and all attached special conditions. All recycling centers shall be subject to the regulations imposed by all State and Federal Mandates.

(Ord. 2774, passed 2-27-2012) Penalty, see § 158.999

**§ 158.327 REQUIREMENTS**

(A) No recycling center shall be permitted on any lot with an area of less than five (5) acres in size.

(B) No recycling center may be closer than fifty (50') feet from any public right-of-way.

(C) Any recycling center adjacent to a residential area must have the minimum required Landscape Buffer Area (LBA) set forth in § 158.028(C) of the landscaping ordinance.

(D) Outside storage within the facility must adhere to § 158.254 of this zoning ordinance.

(E) Automobile wreckage, or building materials salvage is not permitted within a recycling center.

(F) The Glasgow Board of Adjustment may attach any provisions the Board deems necessary to uphold the characteristics of the surrounding neighborhood and to impede any dangers to the safety, health and welfare of the surrounding areas when a Conditional Use Permit is required in an I-1 (Light Industrial) zone.

(Ord. 2774, passed 2-27-2012) Penalty, see § 158.999

**JUNKYARDS AND SALVAGE YARDS****§ 158.330 PURPOSE**

Junkyards and Salvage Yards, as defined in Section § 158.004, in any AG, R-1, R-2, R-3, R-4, B-1, B-2, B-3, I-1, Public or OP District shall be prohibited, but may be permitted with approval of the Glasgow Board of Adjustment within an I-2 District in accordance with § 158.257 of this ordinance.

(Ord. 2774, passed 2-27-2012) Penalty, see § 158.999

**§ 158.331 COORDINATION WITH STATE STATUTES ON JUNKYARDS AND SALVAGE YARDS**



All junkyards and salvage yards shall conform to all applicable provisions of this zoning code and all attached special conditions. All junkyards and salvage yards shall be subject to the regulations imposed by all State and Federal Mandates.

(Ord. 2774, passed 2-27-2012) Penalty, see § 158.999

**§ 158.332 REQUIREMENTS**

(A) No junkyards or salvage yards shall be permitted on any lot with an area of less than ten (10) acres in size.

(B) No junkyards or salvage yard may be closer than seventy-five (75') feet from any public right-of-way.

(C) Any junkyard or salvage yard adjacent to a residential area must have the minimum required Landscape Buffer Area (LBA) set forth in § 158.028(C) of the landscaping ordinance.

(D) Any junkyard or salvage yard must be completely enclosed with a fence, as defined in 158.004, that allows ninety-five (95%) percent opacity.

(E) The Glasgow Board of Adjustment may attach any provisions the Board deems necessary to uphold the characteristics of the surrounding neighborhood and to impede any dangers to the safety, health and welfare of the surrounding areas.

(Ord. 2774, passed 2-27-2012) Penalty, see § 158.999

**§ 158.333 INOPERABLE VEHICLES CONSTITUTING AN AUTOMOBILE JUNKYARD**

Numerous inoperable vehicles, as defined in 158.004, in a specific zone constitute a junkyard and must meet the criteria for land usage requirements of a junkyard, i.e. locate within an I-2 (Heavy Industrial) District and apply for a Conditional Use Permit from the Board of Adjustment.

(A) Three (3) or more inoperable vehicles in an R-1, R-2, R-3, R-4, or OP District constitutes a Junkyard and will not be permitted.

(B) Five (5) or more inoperable vehicles in a B-1, B-2, B-3, or I-1 District constitute a Junkyard and will not be permitted. Five (5) or more inoperable vehicles in an I-2 District will require a Conditional Use Permit from the Board of Adjustment.

(C) In any such case where a property owner specializes in the sale of inoperable vehicles such use must meet any all requirements of a junkyard and / or salvage yard.

(Ord. 2774, passed 2-27-2012) Penalty, see § 158.999

***DAYCARE***

**§ 158.350 PURPOSE**

A Daycare is defined as any facility that offers part-time care day or night, but less than twenty four (24) hours per day to either children or adults not related to the operator or the facility by blood, marriage, or adoption and are not the children, grandchildren, children in legal custody, nieces or

nephews of the operator. The Glasgow Zoning Ordinance will not supersede or contradict KRS 199.00 in any way and in any case that care for any person is initiated, under the definitions set forth in KRS 199.00, all State requirements and licensing are to be followed and attained. No permit or ordinance granting permission to anyone providing such care by any entity in the City of Glasgow relinquishes the care provider from meeting the requirements set forth in KRS 199.00.

(Ord. 2774, passed 2-27-2012)

### **§ 158.351 TYPES OF DAYCARE**

(A) Any Daycare providing care for six (6) or less persons shall be allowed in an AG, R-3, R-4, B-2, B-3, OP, and MU zoning district.

(1) Daycares providing care for six (6) or less persons within an R-1, R-2, or I-1 zone shall require a Conditional Use Permit from the Glasgow Board of Adjustment.

(a) The Glasgow Board of Adjustment may attach any stipulations it deems necessary to ensure that the essential character of the general vicinity of the neighborhood is not altered and that no threat to the general safety, health and welfare of the public will occur.

(2) No daycare, as defined in Section 158.350, shall be permitted within a B-1, I-2 or Public zoned district.

(B) Any Daycare providing care for seven (7) or more persons shall be allowed in an AG, B-2, B-3, OP or MU zoning district.

(1) Daycares providing care for seven (7) or more persons within an I-1 district shall require a Conditional Use Permit from the Glasgow Board of Adjustment.

(a) The Glasgow Board of Adjustment may attach any stipulations it deems necessary to ensure that the essential character of the general vicinity of the neighborhood is not altered and that no threat to the general safety, health and welfare of the public will occur.

(Ord. 2774, passed 2-27-2012)

### **§ 158.352 REQUIREMENTS**

(A) Any daycare as defined in Section 158.350 that has been in existence for over ten (10) contiguous years is considered an existing non-conforming use and will be allowed to continue said use. Evidence that the daycare has been in existence, should the burden of proof be required, shall only occur when financial documents (tax returns, etc.) are presented to the Planning Commission and/or Code Enforcement Staff.

(Ord. 2774, passed 2-27-2012)

### ***ASSISTED LIVING FACILITY***

### **§ 158.355 PURPOSE**

An Assisted Living Facility is defined as a structure or structures with sleeping rooms for unrelated individuals, requiring minimal medical supervision, usually with communal living space and kitchen. Facilities may also include office and sleeping rooms for staff members. **ASSISTED**

**LIVING FACILITY** does not include a nursing home, residential care facilities, halfway house, or residential treatment program.  
(Ord. 2774, passed 2-27-2012)

**§ 158.356 WHERE PERMITTED**

(A) Assisted living facilities shall permitted within AG, B-1, B-2, B-3 and OP zoning districts.

(B) Assisted living facilities shall be permitted within an R-4 zoning district with a Conditional Use Permit from the Glasgow Board of Adjustment.

(1) The Glasgow Board of Adjustment may attach any stipulations it deems necessary to ensure that the essential character of the general vicinity of the neighborhood is not altered and that no threat to the general safety, health and welfare of the public will occur.

(C) No assisted living facility shall be permitted within an R-1, R-2, R-3, I-1, I-2 or Public zoned district.  
(Ord. 2774, passed 2-27-2012) Penalty, see § 158.999

**§ 158.357 REQUIREMENTS**

(A) Any assisted living facility shall adhere to the minimum density and yard requirements of the prospective zoning district in which they are located.

(B) In any instance where individual dwellings are provided as housing for the individuals receiving care the following criteria must be met:

(1) Inner street networks within the assisted living community shall be designed in accordance with Article 6 of the Barren County Subdivision Regulation street design standards regardless of the subdivision of the parcel or the likelihood of the proposed street network being submitted to the City of Glasgow as right-of-way for City maintenance.

(a) If the street network is intended to be submitted as City maintained right-of-way the minimum right-of-way widths shall be provided as set forth in Article 6 of the Barren County Subdivision Regulations.

(2) Sidewalks shall be constructed along the proposed street network regardless of likelihood of submission to the City of Glasgow for City maintenance.

(3) Individual dwellings, communal buildings, maintenance sheds and office/staff buildings or dormitories shall have the appearance of dwelling units and be constructed in a nature becoming that of the surrounding neighborhood.

(4) Assisted living facilities shall provide minimum parking spaces as set forth in § 158.400 of the Glasgow Zoning Ordinance.

(5) Signs advertising within an assisted living facility shall be in accordance with the sign requirements set forth in the prospective zoning district in which it is located.

(a) Signs, decorative entrances or archways located at the entrance of any assisted living facility require a Conditional Use Permit from the Glasgow Zoning Ordinance if the zoning district in which it is located does not allow a sign of that nature.

(b) The Glasgow Board of Adjustment can restrict or deny any requests for such signs in the general interest of the public safety, health or welfare or if said sign is not in accordance with the aesthetics of the surrounding neighborhood.

(Ord. 2774, passed 2-27-2012) Penalty, see § 158.999

### ***RESIDENTIAL CARE FACILITY***

#### **§ 158.360 PURPOSE**

A Residential Care Facility is a residence operated and maintained by a sponsoring private, non-profit or governmental agency to provide services in a homelike setting for persons with disabilities, as defined in KRS 100.982 and 100.984.

(A) Residential care facilities shall be permitted within AG, R-1, R-2, R-3, R-4, B-1, B-2, B-3, and OP zoning districts.

(B) Residential care facilities are prohibited within an I-1, I-2 and Public zoned district.

(Ord. 2774, passed 2-27-2012)

#### **§ 158.361 REQUIREMENTS**

(A) Any residential care facility shall adhere to the minimum density and yard requirements of the prospective zoning district in which they are located.

(B) Residential care facilities are to be operated within a solitary residence and not in the manner of a community or subdivision. Any facility in which care is given in multiple buildings by one or more individuals not residing in the building shall be considered an assisted living facility and shall adhere to the regulations set forth in Section 158.355, *et seq.*

(C) Residential care facilities are to have the appearance of a dwelling and be constructed in a nature becoming that of the surrounding neighborhood.

(D) Signs advertising a residential care facility shall be in accordance with the sign requirements set forth in the prospective zoning district in which it is located.

(Ord. 2774, passed 2-27-2012) Penalty, see § 158.999

### ***RESIDENTIAL TREATMENT PROGRAM***

#### **§ 158.370 PURPOSE**

A residential treatment program is a set of organized and intensive individual and group therapeutic activities, provided in a twenty-four (24) hour setting, which assists a client in recovering from alcohol, drug or substance abuse. For the purposes of this zoning ordinance, a halfway house shall be considered, and adhere to all regulations of a Residential Treatment Program. The Glasgow

Zoning Ordinance will not supersede or contradict KRS 216.B00 in any way and in any case that care for any person is initiated, under the definitions set forth in KRS 216.B00, all State requirements and licensing are to be followed and attained. No permit or ordinance granting permission to anyone providing such care by any entity in the City of Glasgow relinquishes the care provider from meeting the requirements set forth in KRS 216.B00.

(A) Residential treatment programs shall be permitted within AG, B-2 and B-3 zoning districts.

(B) Residential treatment programs shall be permitted within an R-4 zoning district with a Conditional Use Permit from the Glasgow Board of Adjustment.

(1) The Glasgow Board of Adjustment may attach any stipulations it deems necessary to ensure that the essential character of the general vicinity of the neighborhood is not altered and that no threat to the general safety, health and welfare of the public will occur.

(C) No residential treatment program shall be permitted within an R-1, R-2, R-3, B-1, OP, I-1, I-2 or Public zoned district.

(Ord. 2774, passed 2-27-2012) Penalty, see § 158.999

### **§ 158.371 REQUIREMENTS**

(A) Any residential treatment program shall adhere to the minimum density and yard requirements of the prospective zoning district in which they are located.

(B) Residential care facilities are to be constructed in a nature becoming that of the surrounding neighborhood.

(C) Signs advertising a residential care facility shall be in accordance with the sign requirements set forth in the prospective zoning district in which it is located.

(D) Residential care facilities are to have one (1) staff person on location at all times whenever a client is currently residing in the dwelling and/or receiving treatment.

(Ord. 2774, passed 2-27-2012) Penalty, see § 158.999

### ***JUVENILE DETENTION CENTER***

### **§ 158.375 PURPOSE**

A juvenile detention center is defined as any facility that houses persons deemed by the Commonwealth of Kentucky to be a convicted criminal younger than an adult. Varying from a residential treatment facility or residential treatment program a juvenile detention center is a location that precludes those detained from leaving the facility without supervision. This ordinance is not intended to contradict any Commonwealth of Kentucky statute or ordinance.

(A) Juvenile detention centers shall only be allowed in B-2 and B-3 zoning district.

(B) A juvenile detention center can locate within an I-1 zoning district with a Conditional Use Permit from the Glasgow Board of Adjustment.

(1) The Glasgow Board of Adjustment may attach any stipulations it deems necessary to

ensure that the essential character of the general vicinity of the neighborhood is not altered and that no threat to the general safety, health and welfare of the public will occur.

(C) No juvenile detention center may locate in any AG, R-1, R-2, R-3, R-4, OP, B-1, I-2 or Public zoning district.

(Ord. 2774, passed 2-27-2012) Penalty, see § 158.999

### **§ 158.376 REQUIREMENTS**

(A) Any juvenile detention center shall adhere to the minimum density and yard requirements of the prospective zoning district in which they are located.

(Ord. 2774, passed 2-27-2012) Penalty, see § 158.999

### ***SHORT-TERM RENTAL (STR)***

### **§ 158.380 PURPOSE**

A Short-Term Rental (STR) is a residence which is not owner occupied and rented or leased to occupants for a period of thirty (30) days or less.

(A) STR(s) shall be permitted as a Conditional Use within the R-1, R-2, and R-3 zoning districts and permitted within the B-1, B-2, B-3, and OP zoning districts.

(B) STR(s) are prohibited within an R-4, I-1, I-2 and Public zoned district.

### **§ 158.381 REQUIREMENTS**

(A) No STR shall allow for more than two (2) occupants per bedroom(s).

(B) There shall only be one individual advertised STR allowed per dwelling unit.

(C) STR(s) shall not be allowed any closer than one thousand (1,000') feet from one another as measured by the adjacent roadway in all Residential zoning districts other than R-1, which is restricted to one (1) per one thousand five hundred (1,500) feet as measured by the adjacent roadway.

(D) Parking for STR(s) shall not exceed the minimum set forth in § 158.400(1) for dwellings.

(1) Violators of this provision will be towed at the property owner's expense.

### ***OFF-STREET PARKING AND LOADING***

### **§ 158.400 SPACES REQUIRED; COMPUTATION OF NUMBER OF PARKING SPACES AVAILABLE.**

(A) Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; the space shall be provided with vehicular access to a

street or an alley. For purposes of computing the number of parking spaces required in a given area, the total area for parking and maneuvering shall be calculated at no less than 270 square feet per parking space. The following are minimum requirements for specific uses:

- (1) Dwellings: two spaces for each family dwelling unit.
- (2) Bar or Lounges: one space per 100 square feet of gross floor area. Total parking can be combination of: Private, Shared (see § 158.403) and Public (must be within 1,000 feet of lot).
- (3) Townhomes: two spaces for each family dwelling unit. Total parking can be a combination of: Private, designated off-street and the rear yard can include private parking.
- (4) Bed and breakfast, boarding houses, and rooming houses: one space for each bedroom intended for occupancy.
- (5) Conference Center: one space for each 150 square feet of main meeting room space.
- (6) Place of Public Assembly (Auditorium, Place of Worship Stadium, Theater, and the like): one space for each five seats available at maximum capacity.
- (7) Hospitals: one space for each four beds plus one space for each 1,000 square feet of gross floor area.
- (8) Industrial plant and factories; one space for each employee maximum shift plus one space for each vehicle operated by the use.
- (9) Commercial or retail uses, except in the B-1 business district: one space for each 300 square feet of floor space.
- (10) Day-care center (children and adult): one space for each 420 square feet of gross floor area exclusive of kitchen and bathroom.
- (11) Medical Library, Museum, Art Gallery: one space per 1,000 square feet of gross floor area, plus five spaces for each craft room, meeting room or special facility room.
- (12) Medical offices, health clinic and pharmacies: one space for each 200 square feet of gross floor area.
- (13) Restaurant: one space for each four seats at maximum capacity. Carry out only Restaurant, one space per 100 square feet of gross floor area.
- (14) Nursing homes: and assisted living facilities (in which the residents do not live in separate dwellings): one space per four authorized beds plus one space for each 1,000 square feet of gross floor area.
- (15) Elementary and middle schools: two spaces for each classroom.
- (16) High school and post secondary schools: four spaces for classroom or one space for each six seats in auditoriums, gyms, arena or stadium, whichever requires the greater number of spaces.

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(17) Offices: one space for each 300 square feet of gross floor area.

(18) Hotels and motels: one space for each bedroom plus one space per 400 square feet of banquet, restaurant, office, and/or meeting space contained within the facility.

(19) Storage or warehousing: one parking space per 1,000 square feet of gross floor area.

(20) Wholesale and Furniture stores: one space for each 500 square feet of gross floor area.

(21) Auto showroom or dealer (new or used): one space per 400 square feet for showroom and office space, plus two spaces per service bay.

(22) Uses not elsewhere specified: one space for each 300 square feet of gross floor area.

(B) Required parking space associated with the permitted use shall not be reduced or encroached upon in any manner.

(C) Combined uses shall provide parking equal to the sum of the individual uses.

(D) Automobile parking spaces shall be located no closer than five feet of any property line and shall be so located and designed as to prohibit any part of a vehicle, in the use of the space to overhang any property line.

(E) No parking space shall be designed in a manor which requires the automobile to back onto any publicly traveled right-of-way, be it city, state or federally maintained or privately maintained.

(F) Public parking areas must be paved with a durable dustless bound surface. Yard storage areas or farm equipment and construction/commercial vehicle and implement sales and rental establishments must be gravel or similar material when meeting the following requirements:

(1) Permission for gravel lots must be approved by the Glasgow Board of Adjustment as a Variance.

(2) The lot is located within a B-2 (General Business District), B-3 (Highway Service Business District), I-1 (Light Industrial District) or an I-2 (Heavy Industrial District).

(3) Primary structures (store fronts) for retail establishments must be less than eighteen thousand (18,000) square feet in area.

(4) Public parking areas must be paved within twelve (12) months of a Certificate of Occupancy being issued and all ADA required spaces must be paved before occupancy is to occur.

(5) The provisions set forth in this chapter shall apply to new development only; any existing development at the time of adoption is excluded from these requirements until new development takes place on the property.

(G) Temporary gravel lots for public parking areas shall only be allowed as a Conditional Use by the Glasgow Board of Adjustment. Temporary approval may be granted for no more than twelve (12) months.

(1989 Code, § 154.190) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord.



2319, passed 11-8-1999; Am. Ord. 2542, passed 10-24-2005; Am. Ord. 2774, passed 2-27-2016; Am. Ord. 2891, passed 11-28-2016)

#### **§ 158.401 ADJACENT SPACE NOT AVAILABLE.**

If vehicle storage space or standing space required in § 158.400 cannot be reasonably provided on the same lot on which the principal use is conducted, in the opinion of the Board of Adjustment, the Board of Adjustment may permit such space to be provided on other off-street property provided that space lies within 400 feet of an entrance to the principal use. This vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

(1989 Code, § 154.191) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.402 ACCOMMODATIONS FOR SEMI-TRAILERS AND TRACTORS.**

Every new building or structure intended for use for business or industrial use shall provide not less than one loading and unloading space that will accommodate semi-trailers and tractors for the loading and unloading of vehicles off the street or public alley. This space shall have access to a public alley or, if there is no alley, to a public street.

(1989 Code, § 154.192) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.403 SHARED PARKING AGREEMENTS.**

In any situation where a property owner uses parking spaces on an adjacent property in an agreed upon “shared” parking agreement:

(A) Said agreement must be recorded in a miscellaneous book and housed in the Barren County Clerk’s office.

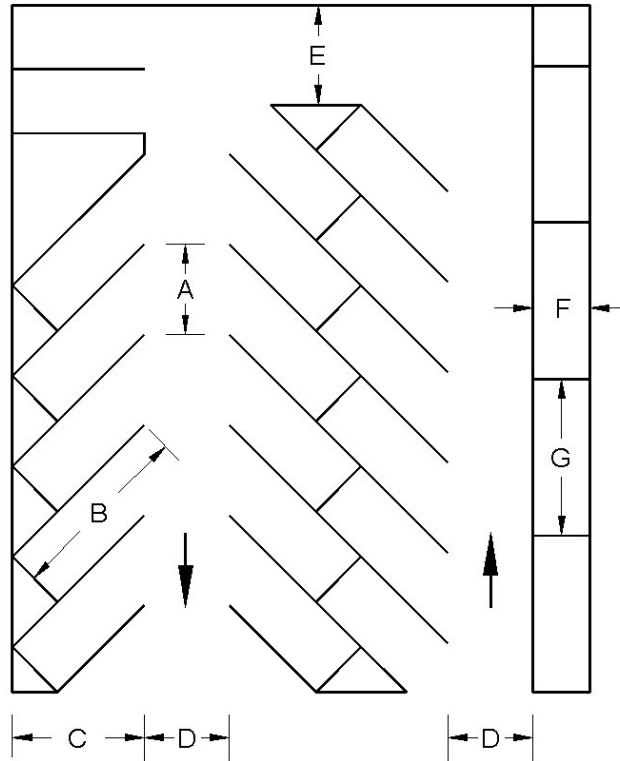
(B) The subject property owner for which use the “shared” parking arrangement is being provided for must still be able to provide seventy-five (75%) of the required parking on the subject property in which the use takes place.

(Ord. 2774, passed 2-27-2012) Penalty, see § 158.999

#### **§ 158.403 PARKING SPACE DESIGN.**

The following minimum standards shall apply to the width and length of parking spaces and aisles for multi-family residential, commercial, and industrial developments:

*Minimum Parking Layout Dimensions in feet for Vehicle Use Areas at Various Angles*



<i>Description</i>	<i>Diagram</i>	<i>45°</i>	<i>60°</i>	<i>75°</i>	<i>90°</i>	<i>Parallel</i>
Stall width, parallel to aisle	A	12.7 ft.	10.4 ft.	9.3 ft.	9.0 ft.	
Stall length of line	B	25.0 ft.	22.0 ft.	20.0 ft.	18.0 ft.	
Stall depth to wall	C	17.5 ft.	19.0 ft.	19.5 ft.	18.0 ft.	
Aisle width between stall lines	D	12.0 ft.	16.0 ft.	22.0 ft.	24.0 ft.	22.0 ft.
Cross Aisle, one-way	E	12.0 ft.	12.0 ft.	12.0 ft.	12.0 ft.	12.0 ft.
Cross Aisle, two-way	E	22.0 ft.	22.0 ft.	22.0 ft.	22.0 ft.	22.0 ft.
Parallel parking space width	F					8.0 ft.
Parallel parking space length	G					22.0 in.

(Ord. 2542, passed 10-24-2005; Am. Ord. 2774, passed 2-27-2012)

**§ 158.404 STACKING SPACES FOR DRIVE-THRU FACILITIES.**

In addition to meeting the off-street parking requirements of this section, drive-thru facilities shall comply with the following minimum stacking space per lane standards:

<i>Use Type</i>	<i>Minimum Spaces</i>	<i>Measured From</i>
Automated teller machine	3	Teller
Bank teller lane	4	Teller or window
Car wash stall, automatic	5	Entrance
Car wash stall, self-service	3	Entrance
Gasoline pump island	2	Each end of pump island
Restaurant drive-thru	8	Pick up window
Other drive-thru	3	Pick up window

(Ord. 2542, passed 10-24-2005; Am. Ord. 2774, passed 2-27-2012)

***NON-CONFORMING LOTS, USES, STRUCTURES OR STRUCTURES AND PREMISES IN COMBINATION***

**§ 158.415 NON-CONFORMING LOTS OF RECORD.**

(A) In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter notwithstanding limitations imposed by other provisions of this chapter. The lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though the lot fails to meet the requirements for area or width, or both, of the lot shall conform to the regulations for the district in which the lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

(B) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter and no portion of the parcel shall be used or sold in manner which diminishes compliance with lot width and area requirements establishments by this chapter nor shall any division or any parcel be made which creates a lot with width or area below the requirements stated in this chapter.

(1989 Code, § 154.216) (Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.416 NON-CONFORMING USES OF LAND.**

Where at the time of passage of this chapter lawful use of land exists which would not be permitted by the regulations imposed by this chapter, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(A) No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter;

(B) No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by the use at the effective date of adoption or amendment of this chapter;

(C) If any such non-conforming use of land ceases for any reason for a period of more than six months any subsequent use of such land shall conform to the regulations specified by this chapter for the zoning district in which the land is located; and

(D) No additional structure not conforming to the requirements of this chapter shall be erected in connection with the non-conforming use of land.

(1989 Code, § 154.217) (Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.417 NON-CONFORMING USES OF STRUCTURES.**

Where a lawful structure existed at the effective date of adoption or amendment of this chapter that could not be built under the terms of these regulations by reason of restrictions on area, lot coverage, height yards, its location on the lot or other requirements concerning the structure, the structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(A) No such non-conforming structure shall be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its non-conformity;

(B) Should the non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than 55% of its replacement cost at time of destruction, it shall not be reconstructed, except in conformity with the provisions of this chapter; and

(C) Should the non-conforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(1989 Code, § 154.218) (Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.418 NON-CONFORMING USES OF STRUCTURES AND PREMISES IN COMBINATION.**

If lawful use involving individual structures or of structure and premises in combination, existed at the effective date of adoption or amendment of this chapter that would not be allowed in the district under the terms of this chapter the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.

(A) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located.

(B) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for the use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside the building.

(C) If no structural alterations are made, any non-conforming use of a structure, or structure and

premises, may as a conditional use be changed to another non-conforming use; provided that, the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting the change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this chapter.

(D) Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district and the non-conforming use may not thereafter be resumed.

(E) When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three year period, except when government action impedes access to the premises, the structure or structure and premises in combination, shall not thereafter be used, except in conformity with the regulations of the district in which it is located.

(F) (1) When non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

(2) Destruction for the purposes of this section of this subchapter is defined as damage to an extent of more than 55% of the replacement cost at time of destruction.

(1989 Code, § 154.219) (Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.419 CONTINUATION.**

Any use of land or structure existing at the time of enactment or subsequent amendment of this chapter, but not in conformity with its provisions, may be continued with the limitations set forth in this subchapter.

(1989 Code, § 154.220) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.420 EXPANSION.**

No structure containing a non-conforming use shall hereafter be expanded, so as to add to usable floor area.

(1989 Code, § 154.221) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.421 DAMAGE.**

Any structure containing a non-conforming use which has been damaged to the extent of 50% of its replacement cost at time of destruction, shall not be repaired or reconstructed, except in conformity with this chapter.

(1989 Code, § 154.222) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.422 REESTABLISHMENT.**

No non-conforming use may be reestablished after it has been discontinued for six consecutive months or 18 months during any three-year period. Vacating of premises or building or non-operative

status shall be evidence of a discontinued use.

(1989 Code, § 154.223) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.423 REPLACEMENT.**

One non-conforming use may replace another non-conforming use provided the Board of Adjustment determines that the proposed new use is decidedly less detrimental to the district than the existing non-conforming use and provided no additional space is required.

(1989 Code, § 154.224) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.424 REPAIRS AND MAINTENANCE.**

(A) On any structure devoted in whole or in part to any non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding 10% of the current replacement value of the building; provided that, the cubical content of the building as it existed at the time of adoption or amendment of this chapter shall not be increased.

(B) If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

(C) Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any city official charged with protecting the public safety, upon order of that official.

(1989 Code, § 154.225) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

***AMENDMENTS***

**§ 158.435 AMENDING OR REPEALING REGULATIONS ACCORDING TO PROCEDURE.**

All zoning regulations and zoning map boundaries provided for in this chapter may be amended or repealed, but only in accordance with the procedure set forth in this subchapter.

(1989 Code, § 154.235) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.436 WRITTEN REQUEST FOR AMENDMENT.**

A proposal for amendment to the zoning regulations may originate with the Joint City-County Joint City-County Planning Commission, the Glasgow City Commission, or the owner of the subject property. Regardless of the origin of the proposed amendment an application must be filed with the Joint City-County Planning Commission at least 60 days prior to the regular monthly meeting date requesting the proposed amendment accompanied by such information as required by this chapter and in the form as established by the Joint City-County Planning Commission. The Joint City-County Planning Commission may require the submission of further information subsequent to the filing of an

application as provided by this chapter.

(1989 Code, § 154.236) (Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.437 HEARING.**

Within 60 days after receipt of a request for amendment, the Joint City-County Planning Commission shall hold a public hearing at which parties in interest and citizens shall have an opportunity to be heard. Notice shall be given as required by law KRS Chapter 100.211, stating the time, place and purpose of the hearing. Following the hearing, the Joint City-County Planning Commission shall act upon the proposed amendment. A simple majority vote of all members present where there is a recommendation of approval or disapproval. Contained in the motion for approval or disapproval of the recommended amendment will be a statement of findings of fact in the case of a zoning map amendment or a statement or reasons supporting or opposing the amendment in the case of a zoning text amendment.

(1989 Code, § 154.237) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.438 PROPOSAL TO CITY COUNCIL.**

Within 45 days after the hearing, the Joint City-County Planning Commission shall forward a written recommendation that the proposed amendment be approved or disapproved, together with finding of fact supporting the recommendation or reasons for its recommendation in the case of text amendment, and a summary of the evidence and testimony presented by the proponents and opponents of the proposed amendment to the City Council. In the event of a tie vote by the Joint City-County Planning Commission, proposed amendment shall be subject to further consideration for a period not to exceed 30 days, at the end of which if the tie has not been broken, the proposed amendment shall be forwarded to the City Commission without a recommendation of approval or disapproval.

(1989 Code, § 154.238) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.439 COUNCIL ACTION UPON RECOMMENDATION.**

(A) Upon receipt of the Joint City-County Planning Commission's recommendation, the City Council shall adopt, reject or modify the proposed amendment in accordance with its usual procedures.

(B) It shall take a majority of the entire City Commission to override the recommendation of the Joint City-County Planning Commission and it shall take a majority of the entire City Commission to adopt a zoning map amendment whenever the Joint City-County Planning Commission forwards the proposed amendment to the City Council without a recommendation of approval or disapproval due to a tie vote.

(C) Unless a majority of the entire City Commission votes to override the Joint City-County Planning Commission's recommendation, the recommendation shall become final and effective and if a recommendation of approval was made by the Joint City-County Planning Commission, the ordinance of the City Commission adopting the zoning map amendment shall be deemed to have passed by operation of law.

(D) In the case where the proposed amendment is to the text of this chapter, it shall take an affirmative vote of a majority of the City Commission to adopt the proposed amendment.

(1989 Code, § 154.239) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord.

2774, passed 2-27-2012)

**§ 158.440 ENTRY OF CHANGE ON MAP.**

(A) If, in accordance with the provisions of this chapter and KRS Chapter 100, changes are made in district boundaries or other matter portrayed on the official zoning map, the changes shall be made on the official zoning map promptly after the amendment has been approved by the City Council.

(B) There shall be recorded in the Barren County Court Clerk's office a certificate of land use restrictions as required by KRS 100.3681 through 100.3684 for all zoning map amendments, development plans, unrecorded subdivision plats, variances or conditional use permits. (1989 Code, § 154.240) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.441 APPEALS FROM BOARD OF ADJUSTMENT, THE JOINT CITY-COUNTY PLANNING COMMISSION OR GLASGOW CITY COMMISSION.**

The following appeals may be made from a final action of either the Board of Adjustment, the Joint City-County Planning Commission or the City Commission as follows.

(A) (1) Any person or entity claiming to be injured or aggrieved by any final action of the Board of Adjustment, the Joint City-County Planning Commission or by the Glasgow City Commission shall take its appeal in accordance with the provisions of KRS 100.347.

(2) The appeal shall be taken within 30 days after the final action of the matter pending before the body.

(B) For purposes of this chapter, final action shall be deemed to have occurred on the calendar date when the vote is taken to approve or disapprove the matter pending before the body. (1989 Code, § 154.241) (Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

***BOARD OF ADJUSTMENT***

**§ 158.455 CREATION; APPOINTMENT.**

(A) A Board of Adjustment is hereby established in accordance with KRS 100.217.

(B) (1) The Board of Adjustment shall constitute three members, not more than two of whom may be members of the Joint City-County Planning Commission.

(2) They shall be appointed by the Mayor and term of membership shall be for four years.

(C) (1) Vacancies shall be filled for any unexpired term by the Mayor within 60 days.

(2) If the Mayor fails to do so within that time the Joint City-County Planning Commission shall fill the vacancies. (1989 Code, § 154.250) (Ord. 1047, passed - -1967; Am. Ord. 1063, passed 2-27-1967; Am. Ord. 1294, passed - -1973; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2542, passed 10-24-2005; Am. Ord. 2774, passed 2-27-2012)



**§ 158.456 MEETINGS.**

(A) Meetings of the Board of Adjustment shall be held at the call of the Chairperson, who shall give written or oral notice to all members of the Board of Adjustment at least seven days prior to the meeting.

(B) The notice shall contain the day, time and place for the meeting and the subjects which will be discussed.

(1989 Code, § 154.251) (Ord. 1047, passed - -1967; Am. Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.457 QUORUM.**

A simple majority of the total membership of the Board of Adjustment shall constitute a quorum.

(1989 Code, § 154.252) (Ord. 1047, passed - -1967; Am. Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.458 FINANCIAL INTEREST.**

Any member of the Board of Adjustment who has any direct or indirect financial interest in the outcome of any question before the Board of Adjustment shall disclose the nature of the interest and shall disqualify himself or herself from voting on the question.

(1989 Code, § 154.253) (Ord. 1047, passed - -1967; Am. Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

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**§ 158.459 DUTIES; PROCEDURES.**

(A) The Board of Adjustment shall adopt bylaws for the discussion of business and shall keep minutes and records of all proceedings including regulations, transactions, fines and determinations and the number of votes for and against each question and, if any member is absent or abstains from voting, indicating the fact, all of which shall immediately after adoption be filed in the office of the Board of Adjustment.

(B) The Board of Adjustment shall keep the minutes of its proceedings, which shall be a public record and be immediately filed in the office of the Board of Adjustment and with the city.

(C) (1) A transcript of the minutes of the Board of Adjustment shall be provided if requested by a party at the expense of the requesting party.

(2) The transcript of the minutes of the Board of Adjustment shall be provided if requested by a party at the expense of the requesting party and the transcript shall constitute the record.

(1989 Code, § 154.254) (Ord. 1047, passed - -1967; Am. Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.460 POWERS.**

The Board shall have all powers permitted to be exercised by the Board by KRS Chapter 100. (1989 Code, § 154.255) (Ord. 1047, passed - -1967; Am. Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.461 EMPLOYING PLANNERS OR OTHER PERSONS.**

The Board of Adjustment may employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties as provided in KRS 100.223. (1989 Code, § 154.256) (Ord. 1047, passed - -1967; Am. Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.462 FINANCES.**

The Board shall have the right to receive, hold and spend funds which it may regularly receive from any and every source, including the U.S. government, as provided in KRS 100.227. (1989 Code, § 154.257) (Ord. 1047, passed - -1967; Am. Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.463 SUBPOENA POWER.**

The Board of Adjustment shall have the power to issue subpoenas as provided in KRS 100.231. (1989 Code, § 154.258) (Ord. 1047, passed - -1967; Am. Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.464 ADMINISTRATION OF OATHS.**

The Chairperson of the Board of Adjustment shall have the power to administer an oath to witnesses prior to their testifying before the Board of Adjustment on any issue, as provided in KRS 100.233. (1989 Code, § 154.259) (Ord. 1047, passed - -1967; Am. Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.465 CONDITIONAL USE PERMITS.**

The Board of Adjustment shall have the power to hear and decide applications for conditional use permits as provided in KRS 100.237. (1989 Code, § 154.260) (Ord. 1047, passed - -1967; Am. Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.466 VARIANCES.**

(A) The Board of Adjustment shall have the power to hear and decide all applications for variances. The Board may impose any reasonable conditions or restrictions on any variance it decides to grant. (KRS 100.241)

(B) (1) Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the

general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Board shall consider whether:

(a) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone;

(b) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and

(c) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

(2) The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

(KRS 100.243)

(1989 Code, § 154.261) (Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.467 ADMINISTRATIVE REVIEW.**

The Board of Adjustment shall have the power to hear and decide cases where it is alleged by an applicant that there is error in any order, requirement, decision, grant or refusal made by an administrative official in the enforcement of any zoning regulation, as provided in KRS 100.257. (1989 Code, § 154.262) (Ord. 1047, passed - -1967; Am. Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.468 PROCEDURE FOR ALL APPEALS TO BOARD OF ADJUSTMENT.**

All appeals to the Board of Adjustment may be taken as provided in KRS 100.261 and the appeals shall be processed, as provided in KRS 100.261 and 100.263. (1989 Code, § 154.263) (Ord. 1047, passed - -1967; Am. Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

### ***ADMINISTRATION AND ENFORCEMENT; FEES***

#### **§ 158.480 ADMINISTERING OFFICIALS.**

The provisions of this chapter shall be administered and enforced by the Building Inspector, designated by the Mayor, who shall have the power to make inspections of buildings or premises necessary to carry out his or her duties, to issue building permits or certificates of occupancy, or both, in accordance with the literal terms of this chapter and regulations implementing this chapter, but may not have the power to permit any use or any change of use which does not conform to the literal terms of this chapter and other zoning regulations.

(1989 Code, § 154.275) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.481 BUILDING PERMIT REQUIRED.**

(A) It is unlawful to commence the excavation for or the construction of any building, or any accessory buildings, or to commence the moving or alteration of any buildings including accessory buildings, until the Building Inspector has issued a building permit for this work.

(B) No permit shall be required to remove dirt or fill dirt on land within the city limits, except where immediate construction is planned.

(1989 Code, § 154.276) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012) Penalty, see § 158.999

**§ 158.482 ISSUANCE OF A BUILDING PERMIT.**

(A) In the application to the Building Inspector for a building permit, the applicant shall submit a plat of the building lot prepared by a registered land surveyor and a dimensioned sketch or scale plan indicating the shape, size, height and location of all buildings to be erected or altered on that lot and the location of any buildings already on the lot or, in the alternative, in lieu of a plat of the building lot prepared by a registered land surveyor. There may be provided to the Building Inspector with the application for a building permit a certification from a registered land surveyor that the proposed construction for which the permit is requested conforms with all setback, side yard and rear yard requirements and that all buildings proposed to be constructed are properly located on the lot for which the building permit is sought, either one or both at the discretion of the Building Inspector.

(B) However, the Building Inspector may waive this request at his or her sole discretion if the proposed construction does not require either a plat or certificate. He or she shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Building Inspector for determining whether the provisions of this chapter are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this chapter and other ordinances of the city then in force, the Building Inspector shall issue a building permit for the excavation or construction. If a building permit is refused, the Building Inspector shall state this refusal, in writing, with the cause, and shall immediately thereupon mail notice of the refusal to the applicant at the address indicated upon the application. The Building Inspector shall grant or deny the permit within a reasonable time from the date the application is submitted.

(C) (1) The issuance of a permit shall in no case be construed as waiving any provisions of this chapter.

(2) A building permit shall become void six months from the date of issuance unless substantial progress has been made by that date on the project described therein.

(3) The city, or any officer or administrative municipal official, shall not be held liable for a permit issued in error or unintentional violation of this chapter.

(1989 Code, § 154.277) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.483 CERTIFICATE OF OCCUPANCY.**

No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Building Inspector shall have issued a certificate of occupancy stating that the land, building or part thereof, and the proposed use thereof are found to be in conformity with the provisions of this chapter. Within three days after notification that a building or premises is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building or part thereof are found to conform with the provisions of this chapter; or, if the certification is refused, to state refusal, in writing, with the cause, and immediately thereupon mail notice of the refusal to the applicant at the address indicated upon the application. (1989 Code, § 154.278) (Ord. 1063, passed - -1967; Am. Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

**§ 158.484 SCHEDULE OF FEES, CHARGES AND EXPENSES.**

The City Council shall establish a schedule of fees, charges and expenses and a collection procedure for building permits, certificates of occupancy, appeals, variances, conditional use and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the administrative official and will be made available to the public during regular business hours. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application. (1989 Code, § 154.279) (Ord. 2124, passed 8-28-1995; Am. Ord. 2774, passed 2-27-2012)

***REVIEW PROCESS*****§ 158.495 REQUIREMENT FOR CERTIFICATE OF APPROPRIATENESS.**

A certificate of appropriateness shall be required before a person may undertake the following actions affecting a landmark or a property in a Historic Preservation District:

- (A) Alteration of the exterior of a building or structure that is visible to the public;
- (B) New construction;
- (C) Demolition; or
- (D) Relocation.

(Ord. 2496, passed 7-26-2004; Am. Ord. 2774, passed 2-27-2012)

**§ 158.496 APPLICATION TO THE COMMISSION.**

(A) When seeking a building permit from the city government, the City Code Enforcement Officer shall forward to the Commission every application for a permit that would authorize an exterior alteration visible to the public, new construction, demolition or relocation affecting the landmark, landmark site, or a property in a historic district. The Code Enforcement Officer shall give the applicant a form from the Commission requesting additional information from the application.

(B) A certificate of appropriateness application form is available at Renaissance/Main Street office. When a person wishes to undertake an exterior alteration visible to the public affecting a landmark, a landmark site, or a property in a historic district that does not require a building permit, that person shall apply directly to the Commission for a certificate of appropriateness.

(C) The applicant shall supply the Commission with the information it requests in order to reach a decision on his or her application for a certificate of appropriateness. The applicant shall provide, where applicable, drawings of the proposed work, photographs of the existing building or structure or site and adjacent properties, and information about the building materials to be used.  
(Ord. 2496, passed 7-26-2004; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.497 STOP WORK ORDER - INJUNCTION.**

(A) In the event work is being performed without the required certificate of appropriateness, the City Code Enforcement Officer shall issue a stop work order. In the event that work is being performed which is not in accordance with such certificate, the City Code Enforcement Officer shall issue a stop work order and any law enforcement officer may cite violators in District Court. All work shall cease on the designated property. No additional work shall be undertaken as long as such stop work order shall continue in effect. The Historic Preservation Commissioners shall meet with the owner or tenant to resolve the problem. The city may apply in Circuit Court for an injunction to enforce its stop work order.

(B) In the event work requiring a certificate of appropriateness but not a building permit is being performed without the required certificate of appropriateness, the Code Enforcement Officer shall issue a stop work order and any law enforcement officer may cite violators to District Court. All work shall cease on the designated property. No additional work shall be undertaken as long as such stop work order shall continue in effect. The city may apply in Circuit Court for an injunction to enforce its stop work order.  
(Ord. 2496, passed 7-26-2004; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.498 ACTION BY THE HISTORIC PRESERVATION COMMISSION.**

(A) The Commission shall hold a public hearing on each certificate of appropriateness within 30 days after a completed application is received by the Commission. The Commission shall make a decision on the application within 45 days after the receipt of a completed application provided that the Commission may extend the time for decision an additional 60 days when the application is for demolition or new construction. The Commission shall approve or disapprove each application, and it shall give its reasons for its decision using the criteria contained in these guidelines. The Commission may suggest modifications to an application and may then approve a certificate of appropriateness providing for revisions in the plans submitted. If the Commission fails to decide on an application within the specified time period, the application shall be deemed approved.

(B) Notice of the public hearing shall be given at least 14 days in advance of the hearing by first-class mail, with certification by the Commission secretary or other appointed officer that the notice was mailed to the applicant and to an owner of every parcel of property adjoining the subject property. It shall be the duty of the applicant to furnish the 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 the owner. If the property is in condominium or cooperative forms of ownership, the person notified by mail shall be the president or

chairman of the owner group which administers property commonly owned by the condominium or cooperative owners. 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.

(C) Notice shall be published in a newspaper of general circulation in the city at least seven and no more than 21 days before the public hearing in accordance with KRS Chapter 424. In addition, notice shall be posted conspicuously on the subject property for 14 consecutive days immediately prior to the public hearing. The Commission may include in its application fee a charge for the cost of giving notice of the public hearing. When an application has been approved, the applicant shall be given a certificate of appropriateness.

(Ord. 2496, passed 7-26-2004; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.499 CRITERIA IN DECIDING ON APPLICATIONS.**

In making a decision on an application, the Commission shall use design guidelines adopted by the City Council. The Commission shall consider: the effect of the proposed work on the landmark or the property in the historic district upon which work is to be done; and the relationship between such work and other structures on the landmark site or other property in the historic district. In evaluating the effect and the relationship, the Commission shall consider historical and architectural significance, architectural style, design, arrangement, texture, materials and color. The certificate of appropriateness from the Commission shall not relieve the applicant from complying with the requirements of other state and local laws and regulations.

(Ord. 2496, passed 7-26-2004; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.500 CONSULTATION WITH APPLICANTS.**

In making a decision on an application, the Commission shall be aware of the importance of finding a way to meet the current needs of the applicant. The Commission shall also recognize the importance of approving plans that will be reasonable for the applicant to carry out. Before an applicant prepares his or her plans, he or she may bring a tentative proposal to the Commission for its comments.

(Ord. 2496, passed 7-26-2004; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.501 ROUTINE ALTERATIONS - ORDINARY MAINTENANCE.**

(A) The Commission shall prepare a list of routine alterations that shall receive immediate approval from the Chairman or Vice-Chairman of the Commission without a public hearing when an applicant complies with the specifications of the design guidelines. The list shall include suggested paint colors appropriate for different types of building such as repairs to doors, windows, awnings, roofs, etc. At each meeting the Commission shall be informed of the certificates of appropriateness that have been issued under this provision.

(B) Ordinary repairs and maintenance may be undertaken without a certificate of appropriateness provided this work on a landmark, a landmark site or a property in a local historic district does not change its exterior appearance that is visible to the public. Every person in charge of a landmark or a property in a historic district shall keep in good repair: all of the exterior portions of such buildings or structures; and all interior portions thereof which, if not so maintained, may cause such buildings or structures to deteriorate or become damaged or otherwise to fall into a state of disrepair. The purpose of this provision is to prevent a person from forcing the demolition of his or her building by neglecting it and by permitting damage to the building because of weather or vandalism. No provision in these

Design Guidelines shall be interpreted to require an owner or tenant to undertake an alteration or to restore his or her building to its original appearance. The provisions of these Design Guidelines shall be in addition to the provisions of the Kentucky Building Code requiring buildings and structure to be kept in good repair.

(Ord. 2496, passed 7-26-2004; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.502 EMERGENCY SITUATION.**

(A) An owner shall immediately notify the City Code Enforcement Officer of emergency conditions dangerous to life, health, or property affecting a landmark, a landmark site, or a property in a local historic district and the owner shall promptly provide evidence of the dangerous conditions that has been prepared by a person with professional qualifications in evaluating buildings and structures.

(B) At its next meeting the Commission shall be informed of the certificates of appropriateness that were issued. In situations requiring temporary action, an owner may do work in order to temporarily protect his or her property from further damage provided he or she reports this work to the Commission within two business days.

(C) In any case where the City Code Enforcement Officer determines that there are emergency conditions dangerous to life, health or property affecting a landmark, a landmark site, or a property in a historic district, he or she may order the remedying of these conditions without the approval of the Commission. The City Code Enforcement Officer shall promptly notify the Chairperson of the Commission of the action being taken. If consultation is not possible, the city shall notify the Commission of the action taken after the completion of the work.

(D) In the case of unusual circumstances whereby the normal process for obtaining a certificate of appropriateness creates undue hardship for the health, safety and welfare of the applicant, the Commission may at its discretion waive the normal process and give immediate approval for a certificate of appropriateness. The Commission shall site its reasons for such immediate approval.  
(Ord. 2496, passed 7-26-2004; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.503 CONFORMITY WITH THE CERTIFICATE OF APPROPRIATENESS.**

All work performed pursuant to a certificate of appropriateness shall conform to the provisions of such certificate. It shall be the responsibility of the Commissioners or its designee to inspect from time to time any work being performed to assure such compliance. In the event work is being performed which is not in accordance with such certificate, the city shall issue a stop work order. All work shall cease in the designated property. No additional work shall be undertaken as long as such stop work order shall continue in effect. The Commission shall meet with the owner or tenant to resolve the problem. The City Attorney may seek in Circuit Court an injunction and any other appropriate relief in order that the intent of these design guidelines shall be carried out.

(Ord. 2496, passed 7-26-2004; Am. Ord. 2774, passed 2-27-2012)

#### **§ 158.504 LENGTH OF VALIDITY OF A CERTIFICATE OF APPROPRIATENESS.**

A certificate of appropriateness shall remain valid for one year after it is issued. Work is required to start before the end of the one-year period. If the approved work has not been completed within two years after the certificate of appropriateness was issued, the Commission shall review the situation and may require an application for a certificate of appropriateness for the work that remains to be done.

(Ord. 2496, passed 7-26-2004; Am. Ord. 2774, passed 2-27-2012)



**§ 158.505 APPEAL OF COMMISSION'S DECISION.**

Any party in interest shall have a right to appeal to the City Council any decision of the Commission regarding an application for a certificate of appropriateness. Such appeal must be filed in writing with the City Clerk within 14 days after the final decision of the Commission. The City Council shall hold a public hearing and shall vote on the appeal within 60 days of its receipt. The City Council shall transmit its decision in writing to the applicant, the Commission, and the City Code Enforcement Officer.

(Ord. 2496, passed 7-26-2004; Am. Ord. 2774, passed 2-27-2012)

**§ 158.506 DEMOLITION.**

When an applicant wishes to demolish a landmark, a building or structure on a landmark site or a building or structure in the local historic district, the Commission shall negotiate with the applicant to see if an alternative to demolition can be found. The Commission may ask interested individuals and organizations for assistance in seeking an alternative to demolition and in obtaining estimates on rehabilitation costs for the threatened building. After its public hearing, the Commission may decide that a building or structure in the historic district or on a landmark site in the local historic district may be demolished because it does not contribute to the historic district or to a landmark. On all other demolition applications, the Commission shall study the question of economic hardship for the applicant and shall determine whether the landmark or property in the local historic district can be put to reasonable beneficial use without the approval of the demolition application. In the case of an income-producing building, the Commission shall also determine whether the applicant can obtain a reasonable return from his or her building. The Commission may ask applicants for additional information to be used in making these determinations. If economic hardship or the lack of a reasonable return is not proved, the Commission shall deny the demolition application unless the Commission finds grounds to grant the demolition application as outlined in § 158.399 "Criteria in Deciding on Applications".

(Ord. 2496, passed 7-26-2004; Am. Ord. 2774, passed 2-27-2012)

**§ 158.507 MOVING A LANDMARK OR A BUILDING OR STRUCTURE IN A HISTORIC PRESERVATION DISTRICT**

(A) When an applicant wishes to move a landmark, a building or structure on a landmark site, or a building or structure in a local historic district or when an applicant wishes to move a building or structure to a landmark site or a lot containing a landmark or to a property in a local historic district, the Commission shall consider:

- (1) The contribution the building or structure makes to its present setting;
- (2) Whether there are definite plans for the site to be vacated;
- (3) Whether the building or structure can be moved without significant damage to its physical integrity; and
- (4) The compatibility of the building or structure to its proposed site and adjacent properties.

(B) These considerations shall be in addition to the points contained under § 158.399, "Criteria in Deciding on Applications".

(Ord. 2496, passed 7-26-2004; Am. Ord. 2774, passed 2-27-2012)

## § 158.550 GREEN BUILDING INCENTIVE

### § 158.551 PURPOSE

It shall be the policy of the City of Glasgow to promote, reward and invest in healthy, resilient, environmentally responsible, high-performing buildings, within the city limits through the establishment of incentives for projects that take on additional responsibility in building design and construction for the benefit of not only building owners and occupants, but also neighbors, public infrastructure, our shared land, air and water resources, and the development and growth of a twenty-first century economy.

### § 158.552 CERTIFICATIONS

The LEED green building certification program is developed and managed by U.S. Green Building Council, Inc. Building and/or development type and use will dictate the most appropriate LEED rating system certification incentives to be applied for. The accepted certification program will be that certification requirement that is currently in effect at the time of filing.

### § 158.553 INCENTIVES

(A) Density. By achieving the desired LEED certification level, the building/developer/owner may receive the pre-determined density bonus as outlined below. Density bonus shall be granted as an addition to the allowed lot coverage requirements, specified by zone. Where density cannot be increased horizontally through lot coverage, such as in a MU zoning, density shall be granted vertically.

(B) Review Process. By achieving the desired LEED certification level, the building/developer/owner may receive the pre-determined density bonus as outlined below. Reduction in the standard application and review process shall be granted to be submitted to the Planning Commission for approval.

(C) Fee Reduction. By achieving the desired LEED certification level, the building/developer/owner may receive the pre-determined density bonus as outlined below. Fee reductions shall be granted for development application fee's to the appropriate LEED certification level.

(D) Incentive Award Level. The below lists the incentives awarded by LEED certification level.

(1) By Building:

- (a) LEED Certified
- (b) LEED Silver - 5% density only
- (c) LEED Gold - 10% density only
- (d) LEED Platinum - 15% density, 25% fee reduction

(2) By Development:

- (a) LEED Certified
- (b) LEED Silver - 5% density only and 30 day review process

- (c) LEED Gold - 10% density only, 25% fee reduction and 30 day review process
- (d) LEED Platinum - 15% density, 50% fee reduction and 30 day review process

#### **§ 158.554 APPLICATION AND PROCESS**

Projects desiring to take advantage of an incentive shall submit a completed application of intent to achieve LEED certification at the level required for the desired incentive, signed by the developer/owner. This application shall also include proof of LEED project registration with the Green Building Certification Institute, the project verification affiliate of USGBC. To be eligible for incentives Green Building application and fee's must be submitted at time of all development applications, forms, plans and fee's. Along with Green Building application and fee's, the developer/owner must submit a letter of credit, in addition to the letter of credit for all roadway construction.

The LEED certification program is administered by the Green Building Certification Institute, the project verification affiliate of USGBC. LEED certification includes the submission of documentation to the Green Building Certification Institute for official, independent, third-party review against LEED credit criteria. Satisfactory compliance will result in award of LEED certification and must be submitted to the Planning Commission to release the Developer/Owner from the binding pledge and/or penalties, see § 158.999.

#### **§ 158.600 EXHIBITS.**

Exhibits are listed in the following order after the final Section of this Chapter.

- 1.0 Landscape Planting Materials List
- 2.0 City of Glasgow Ordinance #2497, Historic Preservation Design Guidelines  
(Ord. 2774, passed 2-27-2012)

#### **§ 158.999 PENALTY.**

(A) In case any building or structure is, or is proposed to be erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is, or is proposed to be used in violation of this chapter, the Building Inspector, Code Enforcement Officer, or Joint City-County Planning Commission Staff member or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by the violation, in addition to other remedies, may institute an injunction, mandamus or other appropriate action or proceeding to prevent the work or occupancy of that building, structure or land in any court of competent jurisdiction.  
(1989 Code, § 154.998)

(B) The provisions of this zoning ordinance are to be administered and enforced by one or more Zoning Enforcement Officers, including the City of Glasgow Code Enforcement officer, the City of Glasgow Building Inspector, or the Joint City-County Planning Commission staff. Designated enforcement personnel have the power and duty to:

(1) Make inspections of any premises necessary to carry out the enforcement of this zoning ordinance.

(2) Issue citations for violations of this zoning ordinance in accordance with the provisions of KRS 100.991, the procedures as set forth in KRS 431.015 and the procedures set forth in this article.

(C) Upon representation of official credentials any zoning enforcement officer, defined by Section (B) of this article may enter premises within the jurisdiction of this Zoning Ordinance, during reasonable hours, for the purposes of determining compliance with the provisions of this Zoning Ordinance or conditions established at the time of development approval.

(D) All buildings, land used and structures erected, converted, enlarged, reconstructed, moved, or structurally altered, as well as any land developed must comply with all applicable provisions of the Zoning Ordinance, Barren County Subdivision Regulations, any applicable storm water management or erosion control regulations, any applicable ordinances set forth by the City of Glasgow, and any findings due to a Zone Change hearing conducted by the Joint City-County Planning Commission.

(1) For definitive purposes a Violation is any contradiction to any aforementioned Development Regulation, be it willfully or unknowingly.

(2) For definitive purposes Development Regulations include any and all applicable provisions of the Zoning Ordinance, Barren County Subdivision Regulations, any applicable ordinances set forth by the City of Glasgow, and any findings due to a Zone Change hearing conducted by the Joint City-County Planning Commission.

(E) Each day that a violation remains uncorrected after receiving notice of the violation from any Zoning Enforcement Officer constitutes a separate violation of this zoning ordinance for purposes of calculating cumulative penalties.

(F) The owner of any land or structure will be presumed to know of activity occurring on the premises and thus will be charged with a violation of the Development Regulations for any violation found on the premises. Where an architect, engineer, contractor, builder, agent or other person appears to have participated directly in a violation of the Development Regulations, the Zoning Enforcement Officer may also charge such person with a violation of this Zoning Ordinance.

(G) Unless otherwise expressly stated by this Zoning Ordinance or state law, any violation of the Development Regulations, including but not limited to the following, will be subject to the remedies and penalties provided for in this article:

(1) To use land or buildings in any way inconsistent with the requirements of the Development Regulations;

(2) To engage in development activity in any way inconsistent with the requirements of the Development Regulations.

(3) To engage in the use of a building, land or development activity requiring one or more permits or approvals under the Development Regulations without obtaining all such required permits or approvals;

(4) To engage in the use of a building, land, or development activity requiring one or more permits under the Development Regulations in any way inconsistent with any such permit or approval conditions imposed thereon;

(5) To violate the terms of any permit or approval granted under the Development Regulations or any condition imposed on such permit or approval.

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(6) To violate any lawful order issued by any person or entity under the Development Regulations.

(H) The Zoning Enforcement Officer will deny or withhold all permits, certificates, or other forms of authorization on any land or structure or improvements thereon:

(1) Upon which there is an uncorrected violation of a provision of the Development Regulations or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the city; and

(2) Owned or being developed by a person who owns, developed, or otherwise caused an uncorrected violation of a provision of the Development Regulations or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City of Glasgow.

(I) Instead of withholding or denying a permit or other authorization, the official with authority to approve the permit or authorization may grant such authorization if adequate assurances are in place to ensure correction of the violation and provided that granting the permit or authorization will not compromise the public health, safety, or general welfare.

(J) Any permit or other form of authorization required under the Development Regulations may be revoked by the Zoning Enforcement Officer or by any official with authority to issue such permit, as defined in Section 158.999 (B), when the Zoning Enforcement Officer or other authorized official determines:

(1) That there is departure from the plans specifications, or conditions as required under terms of the permit or approval.

(a) A departure from plans approved by the Joint City-County Planning Commission shall require the owner to present revised plans and applicable fees at a formal meeting for approval of the Planning Commission.

(2) That the development approval was procured by false representation.

(3) That any of the provisions of the Development Regulations are being violated.

(K) The Zoning Enforcement Officer is authorized to issue or post, in a prominent location, a notice of revocation and order requiring the use or construction to stop immediately. Upon receipt of the notice of revocation, the property owner or the authorized agent, or the user or occupant of the property must immediately stop the use or activity. The Zoning Enforcement Officer is also authorized to file an informal stop work order with any other City Entity that the owner must obtain a permit, or approval from.

(L) Where a violation of the Development Regulations involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject to the City of Glasgow may, upon notice to the applicant and other known parties of interest (including any holders of building permits affected), revoke the plan or other approval or condition to ensure strict compliance with the Development Regulations, or require the provision of financial security to ensure that construction is completed in compliance with approved plans, or impose such other reasonable conditions. Any required financial security must be in a form approved by the City of Glasgow.

(M) The City may commence a civil action or proceeding in court to stop any violation of the Development Regulations or of a permit, certificate, or any other form of authorization granted hereunder, to remove a violation, or to restore the premises in question to the condition in which they existed prior to violation.

(N) The relief sought pursuant to this section may include:

(1) An injunction or other equitable relief.

(2) An order in the nature of mandamus or abatement.

(3) A declaratory judgment action.

(4) A judgment or order enforcing any requirement of, or under the Development Regulations to pay a fee or reimburse or compensate the City, including when the city is required or authorized to take specified action at the expense of the landowner; or

(5) Any other judgment or order available under Kentucky law.

(O) When a Zoning Enforcement Officer, based upon personal observation or investigation has reasonable cause to believe that a person has committed a violation of the Development Regulations the officer is authorized to issue a citation to the offender. When authorized, a Zoning Enforcement Officer may, in lieu of immediately issuing a citation, give notice that a violation can be remedied within a specified time period. If the person to whom the notice is given fails or refuses to remedy the violation within the time specified, the Zoning Enforcement Officer is authorized to issue a citation.

(P) If the Zoning Enforcement Officer elects to give notice of violation in lieu of immediately issuing a citation, this notice should be sent to the offending party by certified mail at the last known address of the party or hand delivered.

(Q) The City of Glasgow has the authority to possess a lien on real property owned by the person found to be in violation of the Development Regulations for all fines assessed for the violation and for all charges and fees incurred by the City in connection with the enforcement of this code. The lien must be notice to all persons from the time of its recording and must bear interest at the legal rate until

paid. The lien must take precedence over all other subsequent liens, except state, county, school board and city taxes, and may be enforced by judicial proceedings.

(R) In addition to the remedy prescribed in paragraph (O) above, the person found to have committed the violation will be held personally responsible for the amount of all fines assessed for the violation and for all charges and fees incurred by the City in connection with the enforcement of the ordinance. The City may bring a civil action against the person and will have the same remedies as provided for the recovery of a debt.

(S) Any person, firm, corporation, or entity that violates any provision of this subchapter is subject to a civil fine of not less that \$100.00 per day per violation but not more than \$500.00 per day per violation, or the cost to the City of Glasgow to abate the violation, or both.

(T) As an additional alternative remedy to the above penalty, any violator who violates any

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provision of this ordinance and has been previously issued two (2) or more citations of violations of this ordinance on the same property within a twelve month period may be assessed additional civil penalties of \$500.00 per day per violation.

(U) The City of Glasgow must possess a lien for all fines, penalties, charges, attorney's fees and other reasonable costs associated with enforcing this code and placing of a lien on the parcel of real property pursuant to this code. The lien must be superior to and have priority over all other subsequently filed liens, except state, county, school board, and city taxes.

(V) The imposition of the penalties herein prescribed will not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premises, or to stop an illegal act, conduct, business, or utilization of the building, structure, or premises in violation of the Development Regulations.

(W) Any person violating the provisions of § 158.005 shall be deemed of a violation and shall be fined, upon conviction by the Code Enforcement Board, not less than \$50, nor more than \$300 with each day that any violation or failure to comply occurs, or is continued, constituting a separate offense. (Ord. 2774, passed 2-27-2012; Am. Ord. 2803, passed 10-22-2012)

(X) Any person violating the provisions of § 158.550 shall be deemed of a violation and shall be fined, upon conviction by the Planning Commission, not less than \$2.50 per completed square feet built, nor more than \$5.00 per completed square feet built within 12 months of certificate of occupancy.