

**Development Ordinance of Richmond, Kentucky**

As Adopted by the City Commission on July 23, 2024



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## **Article I | Introduction**

### **Section 100 | Overview**

This ordinance is designed to guide land use management, land division, and development decisions in the City of Richmond, Kentucky, to implement the city's Comprehensive Plan. The City of Richmond and the Richmond Planning Commission desire that this document facilitate the city's orderly development in the future.

The sequence of development in the city usually begins with a determination of how the land is to be used. Following this decision, the land may need to be divided into additional tracts or parcels (subdivided) before the final step involving the physical development of the land. This ordinance consists of two primary elements: the use of land and structures and the division and development of land.

The ordinance has been written in such a way as to provide a degree of flexibility in the use and development of land while being careful to protect the health, safety, and general welfare of citizens. One goal of the ordinance is to present the land use and development process in a format the intended user understands more easily. A second goal is to recognize that the particular qualities of Richmond are distinctive and need to be recognized in the overall development process. A third goal is to avoid excessive regulations and costs associated with land use and development decisions.





## **Article II | General Provisions**

### **Section 200 | Title**

This ordinance shall be known and may be cited as the Development Ordinance of Richmond, Kentucky.

### **Section 201 | Authority**

These regulations are adopted under the authority granted in Kentucky Revised Statutes (KRS) Chapter 100.

### **Section 202 | Purpose**

The purpose of this ordinance is to promote public health, safety, morals, and the general welfare of the City of Richmond, Kentucky, to facilitate orderly and harmonious use, subdivision, and development of land and structures, to protect the visual or historical character of the area, and to regulate the density of population and the intensity of land use to provide for adequate light and air. In addition, this ordinance is designed to provide for vehicle parking and loading space, as well as to facilitate police and fire protection, prevent the overcrowding of land, blight, danger, and congestion in the circulation of people and commodities, and prevent the loss of life, health, or property from fire, flood, or other dangers. These regulations are also used to protect airports, highways, and other transportation facilities, public grounds and facilities, historic districts, primary agricultural land and other natural resources, and other areas of the city that need particular protection.

### **Section 203 | Jurisdiction**

These regulations shall govern the use of land and structures and the subdivision and development of land within the corporate limits of the City of Richmond on and after the date of adoption.

### **Section 204 | Minimum Requirements**

The provisions of this ordinance shall be held to be minimum requirements in their interpretation and application. The Planning Commission may require standards above the minimum contained herein whenever it finds that public health, safety, and welfare protection warrants such increases.

**Section 205 | Consistency with Other Provisions**

The most restrictive or highest standard shall apply whenever there is a discrepancy between the minimum requirements outlined in these regulations and those of other lawfully adopted rules, regulations, resolutions, or ordinances.

**Section 206 | Separability and Severability**

Should any section or provision of these regulations be held void or invalid by any court of competent jurisdiction for any reason, it shall not affect the validity of any other clause, section, or provision thereof that is not itself void or invalid.

**Section 207 | Relation to the Comprehensive Plan**

Implementing these regulations is closely related to attaining goals and objectives in the current Comprehensive Plan for Richmond, Kentucky. The plan's land use and subdivision development sections should serve as primary reference points when administering these regulations.

**Section 208 | Repeal of Conflicting Ordinances**

All ordinances or parts of laws in conflict with this ordinance or inconsistent with its provisions are now repealed to the extent necessary to give this ordinance full force and effect.

**Section 209 | Effective Date**

This ordinance shall become effective from and after the date of its approval and adoption by the City of Richmond, Kentucky.

*Ordinance 24-14 | July 23, 2024*

### **Article III | Administration and Enforcement**

#### **Section 300 | City of Richmond**

The Richmond City Commission consists of a mayor elected for a four-year term and four Commissioners, each elected for two-year terms. This body is responsible for the overall governance of the city, with the City Manager overseeing the daily operations. The commission's specific responsibilities as pertain to planning, land use, and development activities are as follows:

1. Development, adoption, administration, and amendment of governmental affairs laws, regulations, and rules.
2. Adoption of the Comprehensive Plan's Goals and Objectives, which serve as the general guide for future growth and development.
3. Making the final decisions regarding all applications for land use changes and overseeing the administration of subdivision regulations and building codes.

#### **Section 301 | The Planning Commission**

The Richmond Planning Commission is a seven (7) member body whose members are appointed by the Mayor of Richmond with the concurrence of the City Commission. To the requirements of KRS 100, the planning commission has the following responsibilities:

1. Preparation of the comprehensive plan
2. Review and revisions to the comprehensive plan
3. Review and act upon all applications for the subdivision of land
4. Review and recommend to the appropriate governmental body all applications for amendments to the land use regulations and official land use map.
5. File certificates of land use restrictions

#### **Section 302 | Board of Adjustments**

The City of Richmond Board of Adjustment consists of five (5) members appointed by the Mayor of Richmond with the concurrence of the City Commission. The Board has the following responsibilities as pertains to this ordinance:

1. The power to hear and decide applications for conditional use permits
2. The power to act on applications for non-conforming uses and structures
3. The power to act on applications for variances
4. The power to hear and decide cases where it is alleged by an applicant that there is an error in any order, requirement, decision, grant, or refusal made by the Chief Enforcement Officer in the enforcement of these regulations.

**Section 303 | Planning and Zoning Department**

The City of Richmond Planning and Zoning Department shall be responsible for the overall administration of the Richmond Development Ordinance. The City Commission shall appoint a Planning and Zoning Director to oversee the specific duties of this office.

**Section 304 | Codes and Planning Officer**

The Planning and Zoning Director shall be in charge of the daily administration of the Development Ordinance. The Chief Enforcement Officer may be designated to issue building permits and certificates of occupancy following the literal terms of the regulation but may not have the power to permit any construction or to permit any use or any change of use that does not conform to the literal terms of the Development Ordinance. The Planning and Zoning Director and the Chief Enforcement Officer can issue citations for violating city ordinances.

**Section 305 | Ordinance Enforcement Board**

The Ordinance Enforcement Board shall hear and decide all appeals from the action or inaction of the Office of Ordinance Enforcement or other authorized departments or otherwise from the enforcement of the applicable building code, the property maintenance code, the fire prevention code, stormwater ordinance, water use ordinance, or sewer use ordinance, and enforce city ordinances under the provisions of KRS 65.8821.

All enforcement proceedings shall proceed under the provisions of KRS 65.8801-8838. Review of enforcement proceedings shall be as specified in KRS 65.8831. All appeals to the Ordinance Enforcement Board shall proceed under Section 5 in Ordinance 04-11. The City Clerk shall be the records custodian and administrator of all enforcement proceedings of the Ordinance Enforcement Board.

**Section 306 | Violations and Penalties**

Whenever a violation of this ordinance occurs or is alleged to have occurred, any person may file a written complaint with the Planning and Zoning Director stating fully the causes and basis of the complaint. Any person affected by the decision, notice, or order of the Office of Code Enforcement, except for zoning matters, or any person affected by a decision, notice, or order of a city official or agent who is acting under the applicable building code (except appeals under the Kentucky Building Code, KRS 198B.070), property maintenance code, or fire prevention code, and stormwater ordinance shall have the right to appeal to the Ordinance Enforcement Board by filing a written notice of appeal with the City Clerk within fourteen (14) days after the decision, notice, or order was served or made. The filing fees for a Notice of Appeals shall be \$25.00 and shall be paid upon filing the Notice of Appeal with the City Clerk.

Upon receipt of a Notice of Appeal, the Ordinance Enforcement Board shall convene a hearing to consider the appeal within fourteen (14) days of receipt. All parties to the appeal shall be notified of the time and place of the hearing by letter sent by certified mail, by personal service, or by leaving the notice at the person's usual place of residence with any individual residing therein who is 18 years of age or older and who is informed of the contents of the notice, no later than seven (7) days before the date of the hearing. The Ordinance Enforcement Board shall issue its decision on the appeal within ten (10) working days after the hearing. All appellate decisions of the Ordinance Enforcement Board may be appealed to the Madison District Court within thirty (30) days of the Ordinance Enforcement Board's final decision. Appeals from action or inaction of the enforcement of the Kentucky Building Code shall be made to the Kentucky Board of Housing, Buildings, and Construction under KRS 198B.070. Fines for violation of the ordinance enforced by the Ordinance Enforcement Board are described in Appendix G of this Ordinance.

Any person or entity claiming to be injured or aggrieved by any final action of the planning commission shall appeal the final action to the circuit court. Such appeal shall be taken within thirty (30) days after such action. Such action shall not include the commission's recommendations to other governmental bodies. All actions not appealed within thirty (30) days shall not be subject to judicial review, provided any appeal of a planning commission action granting or denying a variance or conditional use permit authorized by KRS 100.203(5) shall be taken under this subsection. In such cases, the thirty (30) day period for taking an appeal begins when the city commission grants or denies the map amendment for the same development. The planning commission shall be a party in any such appeal filed in the circuit court.

Any person or entity claiming to be injured or aggrieved by any final city commission action relating to a map amendment shall appeal from the action to the circuit court. Such appeal shall be taken within thirty (30) days after the final action of the city commission. All final actions, which have not been appealed within thirty (30) days, shall not be subject to judicial review. The city commission shall be a party in any such appeal filed in the circuit court.

Persons speaking at the public hearing in favor of the decision being appealed are not required to be parties to such an appeal.

Violations of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor.

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

Any person, owner, or agent who violates Chapter 100, KRS shall, upon conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer.

Any person who intentionally violates any provision of KRS 100.3682 to 100.3684 shall be guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

The planning commission may appoint enforcement officers who shall have the authority to issue citations for violations of these regulations that the officer has observed. However, they shall not have the powers of peace officers to make arrests or carry deadly weapons. The defendant shall appear within a designated time according to the citation. The procedure for citations issued by an enforcement office shall be as provided in KRS 431.015.

The use of a single-family detached dwelling located in any R-1 zoning district as a "Rooming and Boarding House" or "Group Home," not including a "residential care facility" within the meaning of KRS 100.982 and KRS 100.984, shall subject the owner thereof to a fine of not less than \$100.00 nor more than \$500.00. Each day of such use shall be considered to be a separate violation. Any fine assessed not paid within 30 days after the assessment has become final shall be added to the City ad valorem tax bill for the property in question and bear interest and penalties the same as apply to delinquent ad valorem taxes.

## **Article IV | The Use of Land and Structures**

### **Section 400 | Purpose**

The purpose of this section of the ordinance is to classify, regulate, and restrict the use and location of land and buildings designed for specific uses, to regulate and determine the area of yards and other open spaces surrounding buildings, to regulate and limit the density of population, and to realize the general purposes outlined in Section 202 of this ordinance. The City of Richmond is divided into land-use districts to accomplish this purpose.

### **Section 401 | Procedures**

The land use districts were established by adopting the original zoning ordinance and subsequent amendments to the written text and the official zoning map.

#### ***Section 401.1 | Amending the Text***

A proposal to amend the text of Article IV, The Use of Land and Structures, may originate with the Planning Commission or the City Commission. Regardless of the origin of the proposed amendment, it shall be referred to the Planning Commission before adoption.

The Planning Commission shall hold a public hearing after notice as required by KRS 424 and make a recommendation as to the text of the amendment and whether the text amendment shall be approved or disapproved, stating the reasons for its recommendation. In the case of a proposed amendment originating with the City Commission, the Planning Commission shall make its recommendations within sixty (60) days of the date of its receipt of the proposed amendment. It shall take an affirmative vote of a majority of the City Commission to adopt the proposed amendment.

#### ***Section 401.2 | Amending the Official Map***

Before application for amendment to the Official Land Use Management Map, the applicant is encouraged to have a conference with the Administrative Official to discuss the proposed land use change.

**Section 401.2.1 | Amendment Application.** A proposal to amend the Official Land Use Management Map may originate with the Planning Commission, the City Commission, or the owner of the property in question. No person who is not a licensed attorney shall be permitted to appear before the Planning Commission on behalf of an applicant to represent the applicant relative to the requested land use change. Any person may appear with an applicant to offer testimony or evidence concerning the requested land use change. The application for an amendment shall contain at least the following items:

**Section 401.2.2 | Interests and Ownership.** The applicant's name, address, and interest in the application and the name, address, and interest of every person, firm, or corporation represented by the applicant in the application, the name and signature of the owner or owners of the entire land area to be included within the proposed district and all encumbrances of such land and the names and addresses of owners of all adjacent property. If the applicant is not the owner, then the owner shall submit an affidavit certifying that the person acting as a representative has the authority to act on his/her behalf.

1. A copy of the deed(s) of the property in question describing the property with sufficient particularity to enable the City's GIS Department to make the necessary changes to the Official Land Use Management Map, together with a conceptual boundary map depicting the location of the property in question. If the deed(s) is insufficient for these purposes, the applicant must include a current survey and a current surveyor's legal description with the application.
2. Reason for the amendment. The reason and justification for the proposed amendment stated in the application is consistent with Section 401.2 C, 3, (A, B) of this ordinance.
3. Effect of the amendment. A statement describing the proposed amendment's nature, description, and effect on surrounding land uses and properties must be included.
4. The Planning Commission may require a development plan in conjunction with the application, and it shall be reviewed by both the Technical Advisory Committee and the Planning Commission in keeping with Section 401.3. If a development plan is approved as part of the land use map amendment, a certificate of land use restriction must be filed.
5. Other information specified in the zoning map amendment application form promulgated by the Planning and Zoning Department includes, without limitation, proposed findings of fact and conclusions of law relating to the proposed zone change.

**Section 401.2.3 | Planning Commission Action.** Following receipt of an application, the Planning Commission shall fix a time for a public hearing in keeping with the scheduled business meeting. The applicant shall then give public notice thereof per KRS Chapter 424; such notice shall include publication at least once and shall be made not less than seven (7) days nor more than twenty-one (21) days before the hearing date. The applicant shall also give notice at least 14 days before the hearing by first-class certified mail, with a return receipt requested, to the owners of the adjacent properties. A list of property owners with correct names and addresses shall be furnished to the Planning Commission, along with copies of all returned receipts and affidavits of publication as evidence of compliance before the hearing. In addition, the applicant shall post a notice on the property for fourteen (14) consecutive days. This notice shall comply with KRS Chapter 100.212 and any requirements established by the Planning Commission.

If the property classification proposed to be changed adjoins property in a different planning unit, notice of the hearing shall be given at least fourteen (14) days before the hearing by first class mail to the Planning Commission of that planning unit.



Suppose the property being proposed for a change in land use classification is part of a proposal for annexation by the City and is before the Planning and Zoning Commission for that body's recommendation as to the appropriate land use classification. In that case, the annexation applicant shall provide to the City's Planning and Zoning Department all of the information and documentation required for an application for a zoning map amendment, together with such current survey and certified plat as is necessary according to applicable provisions of the Kentucky Revised Statutes and relevant regulations of the office of the Kentucky Secretary of State together with proposed Findings of Fact in support of the zoning classification requested by the annexation applicant. It shall further be the responsibility of the annexation applicant to comply with every other requirement outlined in applicable provisions of the Kentucky Revised Statutes relating to annexation, all as may be amended from time to time.

The requirements of this Development Ordinance are based on the recommendations included in the Richmond Comprehensive Plan. Before any amendment to the Official Land Use Management Map is granted, the Planning Commission must first find that the proposed map amendment is in agreement with the Comprehensive Plan or, in the absence of such a finding, that one or more of the following apply:

1. That the original land use classification given to the property was inappropriate and that the proposed land use classification is appropriate or
2. Significant economic, physical, or social changes within the area were not anticipated in the adopted comprehensive plan, and these have substantially altered the fundamental character of such an area.

The Kentucky Revised Statutes and this Development Ordinance set specific standards that govern the Planning Commission's consideration of a land use change application. Applicants are cautioned that unless substantial evidence is presented to the Planning Commission relating to these specific standards, the law requires that the Planning Commission recommend that the application for a land use change be denied.

The Planning Commission shall hold a public hearing and make a finding of fact, which shall be recorded in the minutes and records of the Planning Commission. The Planning Commission may vote to approve, reject, or defer action on the proposed amendment. After voting, the Planning Commission shall forward its finding of fact and recommendation in writing to the City Commission. A tie vote shall be subject to further consideration by the Planning Commission not to exceed thirty (30) days, at the end of which, if the tie has not been broken, the application shall be forwarded to the City Commission without a recommendation for approval or disapproval.

**Section 401.2.4 | Action by the City Commission.** The appropriate legislative body shall not act upon a proposed amendment to the Official Land Use Management Map until it has received the written finding of fact and recommendation from the Planning Commission. Suppose the Planning Commission denies the requested map amendment before the City Commission approves such an amendment. In that case, it must take a majority vote of the legislative body's membership to override the Planning Commission's recommendation. When the legislative body has disapproved an application for a land use map amendment, an additional request for a change in land use for that tract of land shall not be filed within twelve (12) months of the date of disapproval.

***Section 401.3 | Development Plan Requirements***

As referenced in Section 401.2 B (5), the Planning Commission may require a development plan in conjunction with a proposal to amend the official map.

An application shall be submitted as part of any development plan and made on a form provided by the Codes and Planning Officer. The application shall contain the following information and items indicated on the Development Plan checklist (refer to Appendix A).

When the Planning Commission has approved a development plan, one copy shall be returned to the developer for compliance with final approval requirements. Such approval shall be effective one (1) year from the approval date. During that time, the general terms and conditions under which the development plan was granted will not be affected by any changes to these regulations. An extension of six (6) months may be granted provided the developer submits a written request to the Planning Commission and is approved. The approval date for each development plan is the date of the planning and zoning business meeting on which the plat is approved with or without conditions.

Upon receipt of a development plan prepared following the provisions above, the appropriate Codes and Planning Officer shall immediately forward copies to the Technical Advisory Committee, reviewing the development plan for compliance with applicable codes, ordinances, or standards.

The reviewing agencies shall review the plan for compliance with the standards, codes, or ordinances they are responsible for administering. Within seven (7) days of receiving a development plan, the agencies shall make a recommendation to the Planning Commission in writing to approve, disapprove, or approve with modifications or conditions.

**Section 402 | Certificates of Land Use Restrictions**

When land use restrictions are imposed to include variances, conditional use permits, conditional land use management conditions, unrecorded preliminary subdivision plats, and development plans, but not including land use management map amendments which impose no limitations or restrictions upon the use of the property other than those generally applicable to properties within the same land use district and not including any recorded subdivision plat, a certificate of land use restriction must be completed by the appropriate body (Planning Commission, Board of Adjustment, or City Commission), which finally adopts or imposes the land use restriction.

The certificates shall be in the format provided in Appendix B to these regulations. They shall be filed with the County Clerk within thirty (30) days of the date the body takes final action to impose or adopt the restriction. The Fiscal Court shall collect the County Clerk's filing fee from the applicant when any processing is initiated, which may result in the imposition, adoption, amendment, or release of any land use restriction. The fee shall be refunded to the applicant if no land use restriction is imposed or adopted as a result of the proceeding.

Upon receipt of the fee, the County Clerk shall file and maintain these certificates in the office's official records. The County Clerk shall index the certificates by the property owner and, if applicable, by name of subdivision or development. The County Clerk shall maintain in the office a record of the name and address of the agency having custody of the official land use management map for each planning unit within the county.

A new certificate shall be filed when a restriction reflected on the certificate is amended. In the case of such amendment or if the original restriction is released, the previous certificate shall be released by the secretary of the body that amended or released the restriction in the same manner as releases of encumbrances upon real estate. The failure to file, file on time, or complete the certificate correctly or accurately shall not affect the validity or ability to enforce any land use restriction or regulation. A subsequent proper filing may cure an improper filing. Nothing herein shall affect the running of time for any appeal or other act for which a time limit is prescribed in these regulations.

When a land use management map amendment is filed for more than five (5) contiguous properties or a land use restriction is imposed upon two (2) or more properties or lots in the same proceedings, a single certificate shall be filed for all the properties or lots collectively, and a single fee shall be paid.

**Section 403 | Conditional Use**

The Board of Adjustment shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses, which are specifically named in the Land Use Management Regulations and may be suitable only in specific locations in the district only if certain conditions are met.

The board may approve, modify, or deny any application for a conditional use permit. If it approves such a permit, it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the board's minutes and on the conditional use permit, along with a reference to the specific section in the regulations listing the conditional use under consideration. The board shall have the power to revoke conditional use permits or variances for non-compliance with the condition thereof. Furthermore, the board shall have a right of action to compel offending structures or uses to be removed at the cost of the violator and may have a personal judgment for such cost.

Granting a conditional use permit does not exempt the applicant from complying with all building, housing, and other regulations requirements.

In any case where a conditional use permit has not been exercised within the time limit set by the board or within one year from the date when the board granted the permit, if no specific time limit was then set, such conditional use permit shall conclusively be deemed to have been forever revoked and lapsed. The use permissible for the property shall revert to what existed before the grant of the permit.

The Chief Enforcement Officer shall review all conditional permits except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. Suppose the landowner is not complying with the conditions of the conditional use permit. In that case, the Chief Enforcement Officer shall report the fact in writing to the chairman of the Board of Adjustment.

The report shall state expressly how the landowner needs to comply with the conditions of the conditional use permit. A copy of the report shall be furnished to the landowner at the same time it is furnished to the chairman of the Board of Adjustment. The board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one week before the hearing.

Suppose the Board of Adjustment finds that the facts alleged in the Chief Enforcement Officer's report are accurate and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing. In that case, the Board of Adjustment may authorize the Chief Enforcement Officer to revoke the conditional use permit and take the necessary legal action to terminate the activity on the land that the conditional use permit authorizes.

Once the Board of Adjustment has completed a conditional use permit and all the conditions required are of such type that they can be satisfied entirely and permanently, the Chief Enforcement Officer, upon request of the applicant, may, if the facts warrant, decide that the conditions have been satisfied and note the conclusion in the margin of the copy of the conditional use permit which is on file with the county clerk as required in KRS 100.329. After that, said use will be treated as permitted if it continues to meet the other requirements of the regulations.

When an application is made for a conditional use permit for land located in or abutting any residential district, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant, the Chief Enforcement Officer, and owner of every parcel of property adjoining the property to which the application applies and such other persons as the regulations shall direct. Written notice shall be by first-class mail with certification from the board's secretary or other officer that the notice is mailed. It shall be the applicant's duty to furnish to the board the name and address of any owner of each parcel of property as described in this subsection. Records maintained by the property valuation administrator may be relied upon to determine the identity and address of said owner. Suppose such property is in a condominium or cooperative form of ownership. In that case, the person notified by mail shall be the president or chairperson of the owner group, which administers property commonly owned by the condominium or cooperative owners.

All conditional use permits approved by the Board of Adjustment shall be recorded in the county clerk's office at the applicant's expense.

**Section 404 | Variances**

The board shall have the power to decide on applications for variances and may impose reasonable conditions or restrictions on any variance it grants.

Per KRS 100.243:

“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 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 application; 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.

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.”

**Section 405 | Non-Conforming Uses and Structures**

The lawful use of a lot or a structure existing at the time of adoption of any land use regulations affecting it may be continued. However, such does not conform to the provisions of such regulations except as otherwise provided herein.

A nonconforming use may lapse for one year without being considered abandoned. The property owner may appeal to the Board of Adjustment for an additional year before the end of the first year. Any lapse of a nonconforming use for more than two years will result in the property being required to conform to existing land use requirements regarding appropriate uses.

A residential dwelling may be built upon a nonconforming lot when this ordinance was adopted, even though such a lot fails to meet the requirements for area or frontage, or both, that are generally applicable in the district. However, dimensional requirements other than those applying to the area or frontage (or both) of the lots shall conform to the regulations for the district in which such lot is located. Variances must be obtained from the Board of Adjustment as described in Section 404 of this ordinance.

The Board of Adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation when the regulation making it nonconforming was adopted. Nor shall the board permit a change from one nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification.

Should any nonconforming structure or nonconforming portion of a structure be damaged, destroyed, or demolished by any means, it may be reconstructed or repaired, but not to exceed the number of cubic feet existing in it and not to extend or enlarge the scope and area of its operation before its damage, destruction, or demolition.

#### ***Section 405.1 | Administrative Review***

The Board of Adjustments shall have the power to hear and decide cases where it is alleged by an applicant that there is an error in any order, requirement, decision, grant, or refusal made by an administrative official in the enforcement of the land use regulations. Such appeal shall be made within thirty (30) days.

#### ***Section 405.2 | Procedure for Appeals to the Board***

Appeals to the Board of Adjustment may be made by any person or entity claiming to be injuriously affected or aggrieved by an official action or decision of any land use regulations enforcement officer. Such appeal shall be taken within thirty (30) days after the appellant or his agent receives official notice of the action by filing a notice of appeal with the said officer and the board specifying the grounds thereof and giving notice of such appeal to any parties of record. Said officer shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At the public hearing on the appeal held by the board, any interested person may appear and enter his appearance, and all shall be allowed to be heard. The board will rehear an appeal only in cases where new evidence is available, or the appealing person or entity desires a complete transcription for the court record.

#### ***Section 405.3 | Public Notice of Appeal Hearing***

The board shall fix a reasonable time for hearing the appeal, give public notice per KRS Chapter 424 and written notice to the appellant and the Planning and Zoning Director at least one week before the hearing, and decide it within sixty (60) days. The affected party may appear at the hearing in person or be represented by an attorney.

***Section 405.4 | Appeals From the Board of Adjustment***

Any person or entity claiming to be injured or aggrieved by any final action of the Board of Adjustment shall appeal from the action to the county's circuit court in which the property, which is the subject of the action of the Board of Adjustment, lies. Such appeal shall be taken within thirty (30) days after the board's final action. All final actions, which have not been appealed within thirty (30) days, shall not be subject to judicial review. The Board of Adjustment shall be a party in any such appeal filed in the circuit court.

***Section 406 | Land Use Classification and Designation***

This section regulates the use of land and structures within the different districts to ensure compatibility and consistency with the districts' purposes. To determine which uses shall be permitted in the various districts, the uses shall be defined and listed by category in Section 406.1 below.

***Section 406.1 | Categories of Uses***

Three categories of uses are appropriate in determining the degree of review and regulation of land in the city:

1. **Principal or Permitted Uses:** These uses are deemed most appropriate and permitted outright in a district without granting any special conditions or the review by anybody other than the planning commission.
2. **Conditional Uses:** Depending on the situation, these uses may or may not be appropriate in a district. For these uses to be approved for a district, restrictions on location, size, extent, and character of performance may be required in addition to those already imposed by the ordinance and require review by the Board of Adjustments.
3. **Accessory Uses:** These uses are subordinate to or complement the principal use of the land or structure; Accessory uses do not require any further review by the planning commission or the Board of Adjustment.

***Section 406.2 | Unclassified Uses***

The Planning and Zoning Commission shall, upon application to it, determine whether an unclassified use is appropriate within a given zoning classification, considering the classified uses most closely related to the proposed use and the zoning classifications in which such uses are permitted or conditional uses. When the Commission has determined which, if any, zoning classification is appropriate for the proposed unclassified use, it shall further determine whether such use shall be a permitted use or a conditional use within such zoning classification.



**Section 406.3 | Land Use Districts**

Land use districts are divisions of land use in which more specific land use categories are identified. Each district is described below with the purpose it is designed to serve. Where no permitted (P) or conditional use (C) is indicated for an allowable use in a land use district, that use should not be allowed (excluding accessory land uses, which are covered in Section 409B).

**Section 406.3.1 | Residential Districts.** Residential districts are established to provide suitable sites and surroundings for dwelling units. The ordinance recognizes that there should be diverse settings to meet individual housing preferences.

**Section 406.3.1.1 | R-1A, R-1B, and R-1C Single Family Residential Districts.** These residential districts are designed to provide low|to medium-density neighborhoods of detached single-family residences and related uses and exclude uses incompatible with residential uses.

The R-1A district allows up to 3.6 dwelling units per gross acre.

The R-1B district allows up to 4.6 dwelling units per gross acre.

The R-1C district allows up to 5.1 dwelling units per gross acre.

**Section 406.3.1.2 | R-2, Two Family Residential (Duplex) District.** This district is designed to establish neighborhoods of single-family and two-family dwellings free from other uses incompatible with the district. The density shall not exceed 5.1 dwelling units per gross acre.

**Section 406.3.1.3 | R-3, Multi-Family Residential District.** This district is designed to establish areas where multi-family dwelling units are allowed at densities not exceeding 14.24 per acre.

**Section 406.3.1.4 | RE, Residential Estates.** This district is designed to allow single-family residential land use in annexed rural/agricultural areas of the city that are not adjacent to existing developed districts, to encourage a more harmonious relationship with surrounding land uses, and to promote the maintenance of open space. The maximum density of Residential Estates shall be one (1) unit per acre.

**Section 406.3.1.5 | MP, Mobile Home Park/Community District.** This district is designed to accommodate mobile and manufactured homes in a planned residential setting with a maximum density of eight (8) units per acre. Mobile home parks shall comply with state regulations for Kentucky Mobile Home and Recreational Vehicle Parks as permitted in KRS 219.310 to 219.410. In addition to the requirements set forth by KRS, each park shall provide a centrally located storm shelter. Such storm shelters shall be underground unless the Codes

Enforcement office approves engineered drawings for above-ground installations. Space within the shelter shall be provided at a rate that accommodates all park occupants.

**Section 406.3.2 | Planned Unit Development (PUD) Zone.** PUD regulations aim to empower and inspire more creative and imaginative land development design than possible under district zoning regulations. PUD allows substantial flexibility in planning and designing a proposal, providing a canvas for innovative solutions. This flexibility often accrues relief from compliance with conventional zoning ordinance site and design requirements. No PUD shall be permitted on less than forty (40) acres of land. However, a smaller tract adjacent to an existing PUD Zone may be allowed if the proposed development conforms to and extends the original development as if the new area had been a part of it. Please refer to Appendix I for all Planned Unit Development requirements and procedures.

**Section 406.3.3 | Business Districts.** Business districts are established to provide a diverse range of suitable sites and surroundings for commercial uses. This ordinance recognizes and supports the need for varied settings to meet individual commercial needs, ensuring adaptability and flexibility in the regulations.

**Section 406.3.3.1 | B-1, Neighborhood Business District.** The purpose of the B-1 District is to encourage the establishment of areas for convenient type business uses designed to meet the needs of residents in immediate neighborhoods. Such districts shall be located with access to a collector street.

**Section 406.3.3.2 | B-2, Central Business District.** The purpose of the B-2 (Downtown) District is to accommodate and encourage further expansion and renewal in the historic business core area of the city. Various business, governmental, residential, and other related uses are provided to provide the activities necessary to establish a genuinely urban character.

**Section 406.3.3.3 | B-3, Highway Business District.** The purpose of the B-3 District is to establish areas suitable for highway business uses only. This district is specifically designed to serve the traveling public. B-3 districts are generally located at intersections of major arterial streets or interchange areas along I-75. Strip development is not encouraged.

**Section 406.3.3.4 | B-4, Planned Shopping Center District.** The purpose of the B-4 District is to encourage the establishment of large clustered areas pre-planned for business uses. The ordinance recognizes different levels of shopping centers designed to meet the needs of variable-sized market areas:

- a) Neighborhood Shopping Center
  - a. This shopping center provides convenience goods for surrounding neighborhoods and is located at the intersection of collector or major

arterial streets, having access to both streets. The minimum area required is five (5) acres.

b) Community Shopping Center

- a. This shopping center provides goods for a larger area, including the entire community. These centers shall be located at the intersection of major arterial streets, having access to both streets. The minimum area required for a community shopping center is fifteen (15) acres.

c) Regional Shopping Center

- a. This shopping center provides goods for the entire community and outlying areas. A regional shopping center shall be located at the intersection of two major arterial streets or the interchange of I-75. The minimum area required for this shopping center is twenty-five (25) acres.

**Section 406.3.4 | PSP, Public and Semi-Public District.** The purpose of the PSP district is to provide for public and quasi-public uses, including schools, parks, universities, government buildings, churches, hospitals, and other related uses.

**Section 406.3.5 | Industrial Districts.** Industrial districts are established to provide suitable sites and surroundings for industrial uses. This ordinance recognizes that diverse settings should be available to meet individual industrial needs.

**Section 406.3.5.1 | I-1, Dispersed Industrial Sites.** The purpose of the I-1 District is to provide for small manufacturing clusters and dispersed industrial sites. These districts are designed to accommodate industries and wholesale business establishments, which have a minimal impact on surrounding land uses. This district may also be a transitional area between more intensive industrial and less intensive business or residential districts. Other uses, such as fire and emergency rescue facilities, ambulance and emergent health care facilities, daycare facilities providing service to industrial employees, and similar uses that are deemed compatible and consistent with the primary purpose and use in this district may be approved by the board of adjustment as a conditional use, on a case-by-case basis.

**Section 406.3.5.2 | I-2, Industrial Park District.** The purpose of this district is to encourage the grouping of both small manufacturers and larger-scale industries on a pre-planned site. Other uses that support and are compatible with the primary uses in these districts may be approved by the board of adjustment as a conditional use on a case-by-case basis. Other uses, such as fire and emergency rescue facilities, ambulance and emergent health care facilities, daycare facilities providing service to industrial employees, and similar uses that are deemed compatible and consistent with the primary purpose and use in this district may be approved by the board of adjustment as a conditional use, on a case-by-case basis.

**Section 406.3.6 | Agricultural Districts.** This district provides for land presently in non-urban uses (farmland, idle or vacant land, dispersed residences, etc.) being annexed into the city and remaining in these non-urban uses until development is anticipated. The minimum area required for inclusion in this district is one (1) acre.

**Section 406.3.7 | Overlay Districts.** Per K.R.S. 82.660, the City of Richmond may establish Overlay Districts to provide additional design standards and development regulations within any city area (See Section 410).

Per K.R.S. 82.660, the City of Richmond may establish Overlay Districts to provide additional regulations for design standards and development within any area of the city determined to be:

- a) An area with historical, architectural, natural, or cultural significance suitable for preservation or conservation.
- b) An area located near a body of water or along an established commercial corridor with a unique character related to the suitable location for conservation.

**Section 406.3.7.1 | Provisions for the Establishment of an Overlay District.** The requirements for the establishment of an overlay district are as follows:

- a) An accurate description of the boundaries of the district.
- b) A description of the district's historical, architectural, cultural, aesthetic, natural, or other distinctive characteristics to be preserved.
- c) Delegating responsibility for administering overlay regulations to an appropriate city government entity according to KRS 82.670.
- d) The standards, guidelines, or criteria that govern development within the district preserve, conserve, or protect the district's historical, architectural, cultural, aesthetic, or other distinctive characteristics. These standards, guidelines, or criteria may be set descriptively or illustrated and incorporate established architectural standards or guidelines by reference.
- e) Upon the effective date of the establishment of an overlay district, no person shall begin any significant structural change or any ordinary repairs to any building or structure, change or create any surface parking lot, or clear a parcel or lot of trees or other major vegetation, or change the appearance to signage within an overlay district until the city has issued a permit, without cost, certifying that the person has complied with the provisions of these regulations. This prohibition shall not apply to emergency repairs that need to be made to a building or structure within an overlay district.
- f) Development plans are required for all proposed development in overlay districts, per Section 401.3.
- g) The body delegated to administer this ordinance section shall follow the procedure described in Section 410 in establishing an overlay district.
- h) Overlay district regulations shall not conflict with the district's land use management regulations. They shall not permit uses prohibited by underlying district regulations or prohibit uses permitted by underlying district regulations.

**Section 406.3.7.2 | *Downtown Historic District (DH)*.** The purpose of a Downtown Historic District is to protect and preserve certain areas or individual structures and premises designated as having historic or architectural significance and to encourage uses that will lead to their continuance, conservation, and improvement in a manner appropriate to the area's heritage.

**Section 406.3.7.3 | *Transportation Corridor District (TC-1)*.** This Transportation Corridor Overlay District aims to protect and enhance the economic and aesthetic character of the Robert R. Martin Bypass by ensuring that proper planning and management principles are followed in future changes proposed for this area (see the comprehensive plan).

**Section 406.4 | Dimensional Requirements****Residential Dimensional Requirements.**

	R-1A	R-1B	R-1C	R-2	R-3	RE	MP	PUD <sup>1</sup>
Minimum building site area (sq. ft.)	12000	9500	8500	8500	6500 <sup>2</sup>	1 ac	4000	—
Minimum building site width at front ROW line	75	60	50	60	50	50	30	—
Minimum front yard setback <sup>3</sup>	25	25	25	25	25	25	25	—
Minimum side yard setback	10	7	5	5	5	10	15	—
Minimum rear yard setback <sup>4</sup>	35	20	15	20	20	25	15	—
Maximum structure height <sup>5</sup>	35	35	35	35	65	40	25	—

**Commercial Dimensional Requirements.**

	B-1	B-2	B-3	B-4 (NH)	B-4 (C)	B-4 (R)	P-1
Minimum building site area (square feet)	10000	-	10000	5 ac.	15 ac.	35 ac.	10000
Minimum building site width at front ROW line	50	25	50	200	500	1000	50
Minimum front yard setback <sup>6</sup>	25	0	25	35	100	100	25
Minimum side yard setback	10	0	10	25	25	50	25
Minimum rear yard setback	15	0	15	25	35	50	25
Maximum structure height <sup>7</sup>	35	100	100	35	65	100	65

<sup>1</sup> All PUD regulations shall fall under Appendix I.

<sup>2</sup> The minimum area for the first unit is 6500 square feet; each additional unit requires an additional 2800 square feet.

<sup>3</sup> In older established residential areas, any new residential structure shall be set back from the street at a distance similar to existing structures to maintain overall neighborhood appearance.

<sup>4</sup> All corner lots shall be twenty-five (25) percent larger due to the increased easement amounts.

<sup>5</sup> Accessory structures are limited in size and placement where structural failure cannot impact adjoining property or rights-of-way.

<sup>6</sup> In older established business areas, any new business structure shall be set back from the street at a distance similar to existing structures to maintain the overall neighborhood appearance.

<sup>7</sup> Accessory structures are limited in size and placement where structural failure cannot impact adjoining property or rights-of-way.

**Public and Semi-Public Dimensional Requirements.**

	PSP
Minimum building site area (square feet)	10000
Minimum building site width at front ROW line	100
Minimum front yard setback	25
Minimum side yard setback	15
Minimum rear yard setback	25
Maximum structure height <sup>1</sup>	60

**Industrial Dimensional Requirements**

	I-1	I-2
Minimum building site area (acres)	1 acre	Minimum of 5 consecutive tracts for park site, 1-acre minimum building site
Minimum building site width at front ROW line	100	200
Minimum front yard setback	25	25
Minimum side yard setback	25	0 when abutting an I zone 50 when abutting any other zone (25 foot required landscape buffer)
Minimum rear yard setback	25	0 when abutting an I zone 50 when abutting any other zone (25 foot required landscape buffer)
Maximum structure height	65	100 (Industrial Park covenants may be more restrictive)
Maximum Accessory Structure Height <sup>2</sup>	—	200 (Industrial Park covenants may be more restrictive)

**Agricultural Dimensional Requirements**

	AG
Minimum building site area (acre)	1 or 5 acres <sup>3</sup>
Minimum building site width at front ROW line	100
Minimum front yard setback	50
Minimum side yard setback	25
Minimum rear yard setback	25
Maximum residential building height	35

<sup>1</sup> Accessory structures are limited in size and placement where structural failure cannot impact adjoining property or rights-of-way.

<sup>2</sup> Accessory structures include, but are not limited to, water towers, gravity bins, stacks, and vents.

<sup>3</sup> The minimum building site area for a single-family dwelling is 1 acre; the minimum site area for a farm is 5 acres.

**Section 406.5 | Allowable Land Uses**

	R-1A	R-1B	R-1C	R-2	R-3	RE	MP	PUD	AG	B-2	B-3
Detached single-family dwellings <sup>1</sup>	P	P	P	P	P	P	—	P	P	—	—
Duplex dwellings	—	—	—	P	P	—	—	P	—	—	—
Townhomes and condominiums	—	—	—	P	P	—	—	P	—	—	—
Multi-family dwellings	—	—	—	—	P	—	—	P	—	—	—
Hotels and motels	—	—	—	—	C	—	—	—	—	—	—
Bed and breakfast inns	C	C	C	C	C	P	—	C	C	—	—
Residential care facilities	P	P	P	P	P	—	—	C	—	—	—
Mobile or manufactured homes	—	—	—	—	—	—	P	—	P	—	—
Mobile or manufactured home parks and communities	—	—	—	—	—	—	P	—	—	—	—
Beauty salon or barber shop	C	C	C	C	C	C	C	C	C	P	P
Single-family loft apartment	—	—	—	—	—	—	—	—	—	C	C
Multi-family loft apartment	—	—	—	—	—	—	—	—	—	C	—
Single-family basement apartment	—	—	—	—	—	—	—	—	—	C	—
Multi-family basement apartment <sup>2</sup>	—	—	—	—	—	—	—	—	—	C	—

<sup>1</sup> Includes modular homes

<sup>2</sup> Loft and basement apartments must meet or exceed all current building codes. Loft apartments in B-3 zones are only acceptable where the unit serves the business for employed personnel, such as night watchmen, maintenance personnel, etc. Parking requirements for B-2 zones in the “Downtown District” shall be resolved and set by the Board of Adjustments. Bicycle racks/storage shall be provided as part of new/redevelopment or as applicable. A loft apartment is a residential dwelling located above the first floor of a building. A basement apartment is a residential dwelling unit located below the first floor of a building. For these purposes, the first floor shall be located at the street level, from which primary



<b>Public and Semi-Public Uses</b>	<b>R-1A</b>	<b>R-1B</b>	<b>R-1C</b>	<b>R-2</b>	<b>R-3</b>	<b>RE</b>	<b>MP</b>	<b>PUD</b>
Schools	C	C	C	C	C	—	—	—
Police and Fire Stations	—	—	—	—	—	—	—	—
Governmental Offices	—	—	—	—	—	—	—	—
Parks and Playgrounds	C	C	C	C	C	C	P	P
Swimming Pools, Sports, and Recreation Facilities	—	—	—	—	—	—	—	—
Utility Facilities <sup>1</sup>	—	—	—	—	—	—	—	—
Cellular Antenna Towers <sup>2</sup>	—	—	—	—	—	—	—	—
Libraries and Museums	—	—	—	—	—	—	—	—
Churches	C	C	C	P	P	—	—	—
Cemeteries	—	—	—	—	—	—	—	—
RV Park	—	—	—	—	—	—	—	—

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access to the building is located. If there is uncertainty as to what the first floor of the building is, that question shall be resolved by the Board of Adjustment.

<sup>1</sup> Public utilities operating under state authority shall not be required to receive Planning Commission approval for the location or relocation of any of their service facilities. However, the utility in question shall provide the Planning Commission with information on the proposed change. See KRS 100.324

<sup>2</sup> Cellular antenna towers are permitted on existing structures in all districts except residential districts.

<b>Public and Semi-Public Uses</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>B-4<sup>1</sup></b>	<b>P-1</b>	<b>PSP</b>	<b>AG</b>
Schools	P	P	P	—	P	—	—
Police and Fire Stations	P	P	P	—	P	—	—
Governmental Offices	P	P	P	C	P	—	—
Parks and Playgrounds	—	—	—	—	—	P	P
Swimming Pools, Sports, and Recreation Facilities	C	C	C	—	—	P	C
Utility Facilities <sup>2</sup>	—	—	—	—	—	—	—
Cellular Antenna Towers <sup>3</sup>	—	—	—	—	—	—	—
Libraries and Museums	P	P	P	—	P	—	—
Churches	P	P	P	C	P	—	P
Cemeteries	—	—	—	—	—	C	C
RV Park	—	—	—	—	—	—	—

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<sup>1</sup> Bearing in mind that the primary contemplated use of a property within a B-4 zoning district is retail-type businesses, the Board of Adjustment should consider, in addition to the factors to be taken into consideration in evaluating a request for a conditional use as set forth elsewhere in this zoning code, the question of the length of time that the area proposed to be occupied has been unoccupied at the time of the application for a conditional use.

<sup>2</sup> Public utilities operating under state authority shall not be required to receive Planning Commission approval for the location or relocation of any of their service facilities. However, the utility in question shall provide the Planning Commission with information on the proposed change. See KRS 100.324

<sup>3</sup> Cellular antenna towers are permitted on existing structures in all districts except residential districts.

<b>Business and Personal Services</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>B-4</b>	<b>P-1</b>	<b>PSP</b>
Private Recreation and Sports Centers	—	C	C	C	—	—
Art Galleries and Exhibition Halls	—	P	P	P	—	P
Private Golf Courses	—	—	C	C	—	C
Arenas and Amphitheaters	—	—	C	—	—	P
Private Clubs and Lodges	C	P	P	P	—	C
Photography and Art	P	P	P	P	—	P
Barber and Beauty Shops	P	P	P	P	—	P
Health Centers and Weight Loss Facilities	C	P	P	P	—	—
Tanning Salons	C	P	P	P	—	—
Auto Repair and Auto Parking	C	P	P	C	—	—
Auto Body Shops	C	P	P	C	—	—
Miscellaneous Repairs	P	P	P	P	—	—
Laundromats	C	P	P	P	—	—
Tailors, Seamstresses, and Upholstering	—	P	P	P	—	—
Photo Development	P	P	P	P	—	—
Video Rental Shops	C	P	P	P	—	—
Amusement and Recreation	—	P	P	P	—	—
Pet Boarding Facilities	—	—	C <sup>1</sup>	—	—	—

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<sup>1</sup> In determining whether any given proposed site would be suitable for the location of a Pet Boarding Facility, the Board of Adjustments should consider the following factors:

- (1) Larger lots or sites should be preferred over smaller ones. An emphasis should be placed on separating outdoor pet runs or pens from adjoining property. Greater distances from the outdoor runs or pens to the adjoining property are preferable to lesser distances.
- (2) Outdoor pens or runs should be screened from neighboring residential uses by either landscaping or privacy fencing.
- (3) Except in unusual circumstances where pens or runs are isolated from surrounding property, all animals should be indoors before 8:00 p.m.
- (4) Outdoor runs and pens should be located at the rear of any building to the extent possible.
- (5) The types and numbers of the animals to be boarded should be considered.

<b>Retail Trade</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>B-4</b>	<b>P-1</b>	<b>PSP</b>	<b>AG</b>	<b>I-2</b>
Food Store (NH/Convenient)	P	P	P	P	—	—	—	—
Food Stores (Community)	C	P	P	P	—	—	—	—
General Merchandise	—	P	P	P	—	—	—	—
Auto Dealers	—	P	P	—	—	—	—	—
Service Stations	C	P	P	C	—	—	—	—
Apparel and Accessory Stores	C	P	P	P	—	—	—	—
Furniture, Furnishings, and Appliances	—	P	P	P	—	—	—	—
Eating and Drinking Establishments	P	P	P	P	—	—	—	—
Drug Stores and Pharmacies	P	P	P	P	—	—	—	—
Office Supplies	—	P	P	P	P	—	—	—
Toys and Sporting Goods	P	P	P	P	—	—	—	—
Books, Records, and Tapes	P	P	P	P	—	—	—	—
Hardware and Related Items	C	P	P	P	—	—	—	—
Gifts, Jewelry, and Novelties	P	P	P	P	—	—	—	—
Bicycles and Motorcycles	—	P	P	P	—	—	—	—
Auto Parts and Supplies	—	P	P	P	—	—	—	—
Package Liquor, Beer, and Wine	—	P	P	P	—	—	—	—
Pet Stores and Pet Grooming	P	P	P	C	—	—	—	—
Farm Equipment and Supplies	—	—	P	—	—	—	P	—
Feed, Seed, and Garden Supplies	—	—	P	P	—	—	—	—
Computers and Electronics	—	P	P	P	—	—	—	—
Miscellaneous Retail	C	C	C	C	—	—	—	—
Manufactured Home Sales	—	—	P	—	—	—	—	—
Hotels and Motels	C	P	P	—	—	—	—	—
Microbrewery	C	C	C	C	—	—	—	—
Micro winery	C	C	C	C	—	—	—	—
Brewpub <sup>1</sup>	C	P	C	C	—	—	—	—
Fireworks (permanent) <sup>2</sup>	—	—	—	—	—	—	—	P
Fireworks (seasonal) <sup>3</sup>	—	—	P	P	—	—	—	—

<sup>1</sup> The Board of Adjustments, in assessing whether a Microbrewery or a Micro-Winery is appropriate at any given proposed location, should take into consideration the size, scope, and appearance of the proposed Microbrewery or Micro-Winery contrasted with the nature and appearance of other businesses in the vicinity; the degree to which the operations and activities to be performed by the proposed facility will be consistent or inconsistent with the existing uses of other properties in the vicinity; together with such other considerations as are pertinent to the question of whether the proposed facility is appropriate at the particular proposed location. The Board shall have the right to require the applicant to submit to it all such information relating to the nature and appearance of the proposed structure and facilities and the operations and activities involved as the Board may deem necessary to its consideration of the requested Conditional Use Permit and, if the permit is to be granted, to impose such restrictions as it may deem necessary and appropriate.

<sup>2</sup> See Ordinance 92-42

<sup>3</sup> See Ordinance 92-42

<b>Professional Services</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>B-4</b>	<b>P-1</b>
Architects and Engineers	P	P	P	P	P
Accountants	P	P	P	P	P
Banks and Investment Services	P	P	P	P	P
Business Consultants	P	P	P	P	P
Real Estate	P	P	P	P	P
Tax Service	P	P	P	P	P
Attorneys	P	P	P	P	P
Advertising and Public Relations		P	P	P	P

<b>Health Services</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>B-4</b>	<b>P-1</b>	<b>PSP</b>
Hospitals	—	P	P	—	—	P
Physical Therapy	C	P	P	P	P	—
Assisted Care Facilities	C	C	P	P	—	—
Doctor and Dentist Offices	P	P	P	P	P	—
Hospice	C	C	P	P	—	—
Veterinary Offices	—	C	C	—	—	—
Pain Clinics	—	—	C	—	C	—
Massage Therapist	—	—	P	—	P	—

<b>Educational and Social Services</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>B-4</b>	<b>P-1</b>	<b>PSP</b>	<b>I-1</b>
Child Care Facilities	C	C	C	C	C	C	C
Counseling Services	—	P	P	—	P	—	—
Social Service Organizations	—	P	P	P	—	—	—
Business and Technical Training	—	P	P	C	P	P	—

<b>Warehousing and Storage</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>B-4</b>	<b>P-1</b>	<b>PSP</b>
Warehouse	—	C	C	—	—	—
Mini-Warehouses	C	C	P	—	—	—
Moving and Storage	—	P	P	—	—	—
Truck Freight Terminals	—	P	C	—	—	—
Food Lockers	—	P	P	—	—	—
Wholesale Distributors	—	P	P	—	—	—

<b>Manufacturing</b>	<b>I-1</b>	<b>I-2</b>
Food and Related	C	P
Apparel and Finished Goods	C	P
Lumber and Wood Products	C	P
Paper and Related		P
Printing and Publishing	P	P
Chemicals and Petroleum	C	P
Rubber and Plastics	C	P
Leather Products	—	P
Stone, Clay, Concrete, and Glass	P	P
Primary Metals	P	P
Industrial Equipment	P	P
Transportation Equipment	C	P
Temporary Towing <sup>1</sup> and Auto Storage Centers	—	P
Electronics	P	P
Distribution Center	P	P
Commercial and Industrial Warehousing <sup>2</sup>	P	P
Truck Freight Terminals	C	P
Adult (Sexually Explicit) Entertainment	—	P
Massage Parlor	—	C
Brewery	P	P
Winery	P	P
Distillery	P	P
Microbrewery	P	P
Micro-winery	P	P
Other uses, which, in the opinion of the Board of Adjustment, are deemed to be compatible and consistent with the permitted uses in this zone	C	C

<b>Agriculture<sup>3</sup></b>	<b>AG</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>
Crop Production	P	—	—	—
Pastures	P	—	—	—
Timber	P	—	—	—
Orchards and Vineyards	P	—	—	—
Horticulture	P	—	—	—
Livestock Production <sup>4</sup>	P or C	—	—	—
Poultry Production	P or C	—	—	—
Farm Machinery Repair and Servicing	P	—	—	—
Aquaculture	P	—	—	—
Agricultural Products Retail Outlet <sup>5</sup>	P	C	C	P
Commercial Nursery <sup>6</sup>	P	—	—	C

<sup>1</sup> Temporary towing is limited to 90 days.

<sup>2</sup> This does not include mini-warehouses.

<sup>3</sup> See the definition of agricultural uses in Article VI. A five-acre or larger lot the principal use of which is for a single-family dwelling is not considered an agricultural use.

<sup>4</sup> High-density livestock activity such as cattle/hog feed lots and similar intensive feeding operations are prohibited.

<sup>5</sup> See Appendix J

<sup>6</sup> See Appendix J

<b>Medical Cannabis</b>	<b>R-1A</b>	<b>R-1B</b>	<b>R-1C</b>	<b>R-2</b>	<b>R-3</b>	<b>RE</b>	<b>MP</b>	<b>PUD</b>
Tier I Medicinal Cannabis Cultivator	—	—	—	—	—	—	—	—
Tier II Medicinal Cannabis Cultivator	—	—	—	—	—	—	—	—
Tier III Medicinal Cannabis Cultivator	—	—	—	—	—	—	—	—
Tier IV Medicinal Cannabis Cultivator	—	—	—	—	—	—	—	—
Medicinal Cannabis Dispensary	—	—	—	—	—	—	—	—
Medicinal Cannabis Processor	—	—	—	—	—	—	—	—
Medicinal Cannabis Producer	—	—	—	—	—	—	—	—
Medicinal Cannabis Safety Compliance Facility	—	—	—	—	—	—	—	—

<b>Medical Cannabis</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>B-4</b>	<b>P-1</b>	<b>PSP</b>	<b>AG</b>	<b>I-1</b>	<b>I-2</b>
Tier I Medicinal Cannabis Cultivator	—	—	—	—	—	—	C <sup>1</sup>	P	—
Tier II Medicinal Cannabis Cultivator	—	—	—	—	—	—	C <sup>2</sup>	P	—
Tier III Medicinal Cannabis Cultivator	—	—	—	—	—	—	C <sup>3</sup>	P	—
Tier IV Medicinal Cannabis Cultivator	—	—	—	—	—	—	—	P	—
Medicinal Cannabis Dispensary	P	P	P	—	—	—	—	—	—
Medicinal Cannabis Processor	—	—	—	—	—	—	—	P	—
Medicinal Cannabis Producer	—	—	—	—	—	—	—	P	—
Medicinal Cannabis Safety Compliance Facility	—	—	P	P	P	—	—	P	—

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<sup>1</sup> The minimum lot size for a tier I medicinal cannabis cultivator shall be ten (10) acres.

<sup>2</sup> The minimum lot size for a tier II medicinal cannabis cultivator shall be forty (40) acres.

<sup>3</sup> The minimum lot size for a tier III medicinal cannabis cultivator shall be one hundred (100) acres.

**Section 407 | The Official Land Use Map**

For the purpose of administering this chapter, the City of Richmond is divided into land use areas and districts, the boundaries of which are shown on the Official Land Use Management Map.

The Official Land Use Management Map for the City of Richmond shall be identified by the title "Official Land Use Management Map of Richmond, Kentucky, and shall bear the signature of the mayor attested by the City Clerk and bearing the seal of the city following the statement "This is to certify that this map is the Official Land Use Management Map of Richmond, Kentucky, as adopted by Ordinance 06-05 by the City Council on February 28, 2006."

If, per the provisions of this chapter and KRS Chapter 100, amendments are made in the district or overlay district boundaries or other matters portrayed on the Official Land Use Management Map of the City of Richmond, such amendments shall be made to the Official Map promptly after the amendment has been approved by the appropriate governing body with an entry on the Official Map as follows: "By official action of the City Commission, this map is amended as authorized by Ordinance 06-05 which entry shall be signed by the mayor and attested by the City Clerk.

No changes of any nature shall be made to the Official Land Use Management Map or matter shown thereon except in conformity with the procedures outlined in this chapter and in KRS Chapter 100. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable as provided herein.

Regardless of the purported copies of the Official Land Use Management Map, which may from time to time be made or published, the Official Land Use Management Map, which shall be located in the office of the Planning and Zoning Director, shall be the final authority as to the current land use classification of land and water areas, buildings, and other structures in the city.

In the event the Official Land Use Management Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the appropriate governing body may adopt a new Official Land Use Management Map, which shall supersede the prior map, but no such correction shall have the effect of amending the original Official Land Use Management Map, or any subsequent amendment thereof. The new Official Land Use Management Map shall be identified by the same signature, seal, and wording provided in the original map.



**Section 408 | Interpretation of Boundaries**

Where uncertainty exists concerning the boundaries of any of the land use areas or districts as shown on the Official Land Use Management Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines or property lines shall be construed as following such lot lines or property lines.
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
4. Boundaries indicated as following railroad lines shall be considered midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of a change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, creeks, or other natural drainage courses shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features shown in divisions 1 through 5 above shall so be construed
7. Where physical or geographical features existing on the ground are at variance with those shown on the Official Land Use Management Map or in other circumstances not covered by divisions 1 through 5 above, the Planning Commission shall interpret the district or overlay district boundaries.

**Section 409 | Supplementary Use Regulations*****Section 409.1 | Home Occupations***

Home Occupations shall be permitted as an accessory use in all residential land use districts in Richmond, provided they comply with all of the following:

1. A home occupation permit shall be obtained from the Administrative Official who shall inspect the site where the home occupation is to be located to ensure compliance with this section of the ordinance. If the terms of this section are being violated, the Home Occupation Permit may be revoked.
2. Allowable uses include but are not limited to, professional offices, workshops, studios, and personal services. Retail sales and processing (manufacturing) of any product are not allowed.
3. The use shall be conducted entirely within the principal dwelling or attached garage. In agricultural districts, the use may be conducted in an accessory structure
4. The use shall not occupy more than 25% of the gross floor area of the structure.
5. Evidence of the use shall not be visible from the exterior of the dwelling. Signs are not permitted for Home Occupations.

6. There shall be no noise, odors, fumes, dust, or vibrations emitted from the building.
7. There shall not be more than one employee who is not a family member residing there.
8. Two off-street parking spaces shall be provided for customers and clients in addition to off-street parking for the residents.

### ***Section 409.2 | Accessory Uses and Structures***

Accessory uses and structures are subordinate to the principal use of the land or building, are located on the same lot, and serve a purpose that is customarily incidental to the principal land use or principal building use.

Residential accessory structures shall be permitted in all residential and agricultural districts (except where prohibited by private land use restrictions/covenants)

In-ground swimming pools shall be completely enclosed by a fence or wall at least four feet in height (separate from a fence or wall around the perimeter of the lot. The walls of an above-ground swimming pool may be considered part of the required fence height. All gates or openings in the fence shall be equipped with self-closing and self-latching devices. Pools shall not be located beneath or within five (5) feet of an overhead electric line. All ladders shall be removed while the pool is not in use, and decks, steps, or other means of access to an above-ground pool shall be secured within a fence or be equipped with self-closing and self-latching devices.

Residential accessory structures may be located in a side yard or rear yard, provided they comply with all setback requirements and do not occupy more than 25% of the yard area. A maximum of two (2) roofed accessory structures shall be allowed per lot.

Non-residential accessory structures shall be permitted in all commercial, industrial, and public/semi-public districts, provided they comply with all the district requirements. These structures include but are not limited to the following; storage buildings, storage silos, heating and mechanical equipment, conveyor equipment, trash dumpsters, compactors, incinerators, or electric substations.

**Section 409.3 | Roadside Sales**

Included in roadside sales are temporary stands and temporary places of business for sales of locally-grown fruit, flowers and vegetables, crafts, seasonal items such as Christmas trees, Memorial Day flowers, fireworks, and similar seasonal merchandise. Roadside sales shall be permitted in B-3 districts, provided:

1. A business license has been obtained from the city.
2. A roadside sales permit shall be obtained from the Chief Enforcement Officer, who shall approve the site and may issue a three-day or 21-day permit; however, not more than three permits may be issued to the same vendor at the same location during any calendar year.
3. Temporary structures permitted may include booths, tents, trucks, or tables, but campers or manufactured structures are not permitted.
4. One sign not more than 12 square feet in area may be permitted.
5. No merchandise or signs shall be displayed in any public way.
6. Adequate off-street parking shall be provided for customers. If the sale area is located on a commercial establishment lot, it shall not occupy any of the required off-street parking spaces.

**Section 409.4 | Yard and Garage Sales**

Yard and garage sales may be allowed in any district, provided that:

1. No vendors, merchants, or retail sales shall be allowed.
2. No merchandise or signs may be placed in any public way.
3. One sign may be allowed on the site, not more than four square feet in area and posted not more than 24 hours before the sale, and shall be removed immediately after the sale.

**Section 409.5 | Fences, Walls, and Hedges**

Fences, walls, and hedges serve to enclose similar land uses and to separate different land uses. They also serve as buffers to screen activities that might be inharmonious. There are two types of these devices;

1. those that do not impede visibility by more than twenty (20) percent and
2. those that do impede visibility by more than twenty (20) percent.

Type 1 includes but is not limited to chain link, woven wire, split rail, and other similar fences and low-density vegetative screens. These devices shall be permitted in any rear or side yard in any district, in the front yard of an agricultural district, and in the front yard of a residential district, provided they do not exceed four (4) feet in height and do not interfere with vehicular visibility.

Type 2 includes but is not limited to masonry walls, board and stockade fences, and chain link fences with inserts. These devices shall be permitted in the rear yard in any district provided it shall not exceed six feet in height.

No improvements shall be placed on the drainage or utility easements unless approved by the planning and zoning office.

Barbed wire, electrified fences, or similar protection devices shall not be permitted in any residential district or adjacent to any residential use in the City of Richmond. These devices shall be permitted in agricultural districts in conjunction with agricultural uses.

### ***Section 409.6 | Storage of Vehicles***

Storage of recreational vehicles, including campers, boats and trailers, motor homes, off-road vehicles, and other non-licensed vehicles, may be stored in any district, provided that:

1. Recreational vehicles shall not be stored in the front yard, on the front driveway, or in the street.
2. No more than two recreational vehicles may be stored on any lot, and their storage shall not impede the visibility of vehicular or pedestrian traffic.
3. Recreational vehicles may not be stored in any public way for more than twenty-four (24) hours.
4. Only operable, functional recreational vehicles possessing current vehicle registration are permitted when registration is required. No commercial trucks shall be stored on residential property.
5. Only recreational vehicles registered to the occupant may be stored on the occupant's lot.

### ***Section 409.7 | Outdoor Uses***

Unless specifically permitted elsewhere in this chapter, all usages, including storage or displays, shall be conducted entirely within completely enclosed structures. The following shall be exempted from this requirement:

1. Uses located within commercial or industrial districts.
2. Agricultural uses within any district.
3. Commercial storage or display of automobiles, trucks, boats, or recreational vehicles.
4. Trash dumpsters, compactors, or receptacles, firewood, and similar materials. These uses shall be located in the rear or side yard and screened from public view.

***Section 409.8 | Separate Building Site Required***

Unless specifically permitted elsewhere in this chapter, a separate building site shall be provided for each individual building or use, except for permitted accessory building or accessory uses.

***Section 409.9 | Visibility at Intersections***

Nothing shall be placed, erected, planted, or allowed to grow on a corner lot in such a manner as to materially impede vision in the area bounded by the street lines of such corner and a line joining points along said street lines. Refer to the Access Management and Roadway Manual, Chapter 3, for specific dimensions. Corner lots shall be graded to proper elevations to comply with this provision.

***Section 409.10 | Yard Requirements at District Boundaries***

Whenever two different districts adjoin, the minimum width and depth requirements of both adjoining front, side, and rear yards shall be the more restrictive of the two districts.

***Section 409.11 | Landscaping***

In the City of Richmond, a landscape plan shall be submitted with subdivision plats or development plans or the building permit applications (as appropriate), for review and approval by the Landscape Committee.

**Section 409.11.1 | Purpose.** The purpose of these landscape requirements is to enhance the aesthetic qualities of development and to minimize the friction that might occur between different land uses. In addition, the planting of trees, shrubs, and ground cover, and the use of fences, walls, and earthen mounds help to retard erosion, channel vehicular and pedestrian circulation, protect surrounding property values, reduce the effects of air, odor, visual, and noise pollution, and reduce glare from outdoor lighting.

**Section 409.11.2 | Developer's Responsibility.** The landscape requirements set forth in this section shall be provided as a condition of development by the developer or owner of the property being developed. An owner securing a change in land use classification which creates a different situation shall be the one deemed responsible for creating the different situation, and shall provide the required landscape buffer as a condition of such land use change. If the different situation already exists or is created by a general land use change not sponsored by the property owner, the landscape buffer shall be provided as a condition of the approval of any subdivision of the affected land.

**Section 409.11.3 | Compliance.** The Planning and Zoning Director shall be responsible for insuring compliance with this section of the ordinance as part of the subdivision plat or development plan review. The Planning and Zoning Director shall inspect the premises prior to the issuance of a certificate of occupancy to ensure that the landscape buffer is in place. If, due to seasonal variance, planting is not practical at the time required for the issuance of the certificate of occupancy, the developer shall post a bond to cover the cost of the landscape buffer, shall plant the landscape buffer as soon as reasonably possible, and shall notify the Planning and Zoning Director who will inspect the landscape buffer to ensure that it is in compliance with these regulations.

**Section 409.11.4 | Exceptions.** In a situation where by reason of exceptional topographic, dimensional, shape, or other special conditions, the enforcement of this section would create an undue hardship on the applicant, the applicant may request a variance or waiver of such requirements.

**Section 409.11.5 | Relationship to Yard Requirements.** The landscape buffer areas set forth in this section shall be included in the minimum yard required by the land use district where the development occurs. If the buffer area exceeds the yard requirement, the yard requirement shall be extended to accommodate the buffer.

**Section 409.11.6 | Buffer Area Conflicts.** Where landscape buffers are required in the same location as utility easements, the two may be combined, providing that the total width and screening requirements are met and it is not in violation of any required utility easements.

**Section 409.11.7 | Provisions of Planting Materials and Barriers.** Such trees, shrubs, ground covers, and barriers, as required, shall be provided by the developer by the developer or owner and considered as any other site improvement.

**Section 409.11.8 | Inclusion on Subdivision Plats and Development Plans.** Areas to be set aside for landscape buffer areas shall be shown on the subdivision plat or development plan. In addition, each lot shall have on shade tree planted for each 50 feet of street frontage. Unless otherwise specified, trees shall have a minimum trunk size of two inches in diameter. Plants shall be nursery grown and adapted to the local area.

**Section 409.11.9 | Maintenance of Landscape Buffer.** The property owner shall maintain landscape buffers and trees.

**Section 409.11.10 | Minimum Landscape Buffer Requirements.** The landscape buffers as described below shall apply to all common boundaries between different "land uses". The buffer effect may be accomplished by trees or shrubs and barriers in any combination that achieves the objectives of these requirements. In addition, ground cover shall be provided in the form of grass, low shrubs, or mulch. Plants shall be those that are acclimated to the local environment.

Adjoining Land Uses	Buffer Width	Trees, Shrubs, or Barriers	
Single adjoining Two-Family Residential	10 feet	1 small or medium tree at 40-foot intervals	6-foot continuous hedge or 4-foot wall/fence
Single-Family Adjoining Two-Family, Multi-Family, Manufactured Home Park or Community	10 feet	1 small or medium tree at 40-foot intervals	6-foot continuous hedge or 4-foot wall/fence
Multi-Family Adjoining Manufactured Home Park or Community	10 feet	1 medium or large tree at 40-foot intervals	Continuous hedge or at 10 intervals with wall or fence
Single-Family or Two-Family Adjoining Commercial or Industrial	15 feet	1 medium or large tree at 40-foot intervals	6-foot continuous hedge or intermittent planting with wall, or 6-foot wall or fence
Multi-Family, Manufactured Home Park or Community Adjoining Commercial or Industrial	10 feet	1 medium or large tree at 40-foot intervals	6-foot continuous hedge or intermittent planting with wall, or 6-foot wall or fence
Commercial Adjoining Industrial	10 feet	1 medium or large tree at 40-foot intervals	4-foot continuous hedge or trees at 10-foot intervals with wall, or 4-foot wall or fence
All Land Uses Adjoining Freeways, Highways, or Railroads	20 feet	1 medium or large tree at 30-foot intervals	6-foot continuous hedge or 6-foot wall or fence
All Land Uses Adjoining Utility Stations, Landfills, Salvage Yards, etc.	15 feet	1 medium or large tree at 30-foot intervals	6-foot continuous hedge or 6-foot wall or fence
All Land Uses adjoining the Agriculture Zone	10 feet	1 medium or large tree at 30-foot intervals	6-foot continuous hedge or 6-foot wall or fence

**Section 409.11.11 | Screening Fence or Wall.** If a fence or wall is used to provide screening, it shall be constructed such that visibility through any portion of the fence or wall is not greater than 80%. The fence or wall shall be of sufficient height to accomplish the purpose for which it is designed but shall not be greater than eight feet, nor less than four feet in height. The fence or wall may be constructed of wood, masonry, metal provided it is aesthetically pleasing.

**Section 409.11.12 | Landscaping or Screen Planting.** If trees or shrubs are to be used to provide screening, a species shall be used such that visibility through the screening is blocked by at least 80% throughout the year. The effective screening height of the trees or shrubs shall be at least four feet in height at the time of planting.

**Section 409.11.13 | Landscaping in Parking Lots.** A landscape plan is required for all commercial, industrial, and multi-family residential development. For every one hundred (100) square feet of vehicular use area (or fraction thereof), five (5) square feet of landscaped area shall be provided, in addition to landscaping around the perimeter of adjacent buildings. For every two hundred fifty (250) square feet of landscaping required one (1) tree shall be provided. The minimum size for a landscaped area shall be sixty-four (64) square feet, with at least a dimension of eight (8) square feet. The spacing of landscape areas shall be in such a manner as to provide coverage throughout the extent of the area in question. Planting shall include a combination of trees, shrubs, and ground cover as determined appropriate by the landscape review committee.

**Section 409.11.14 | Landscape Review Committee.** A Landscape Review Committee has been appointed, consisting of a registered landscape architect or horticultural specialist, a member from the general public, and a representative of the Codes and Planning Office. The committee shall review the proposed landscape plan in conjunction with the TAC meeting and submit its recommendations to the Planning Commission. The Codes and Planning Office shall inspect the landscape planting prior to issuance of a certificate of occupancy.

**Section 409.11.15 | Landscaping Required for Residential Lots.** Residential lots must have a minimum of two (2) trees per lot in R1-B and R1-C zones and a minimum of three (3) trees per lot in R1-A zones, with a minimum diameter of two and a half (2 ½) inches.

## **Section 410 | Overlay Districts**

### ***Section 410.1 | Downtown Historic District***

**Section 410.1.1 | Purpose.** The purpose of the Downtown Historic District is to protect, perpetuate, and encourage the nondestructive use of the structures and districts as having substantial historic, cultural, or architectural importance within the City of Richmond; to increase community pride and enhance the identity of the City by protecting the City's heritage and prohibiting the avoidable destruction or defacement of its cultural assets; to strengthen the City's economic base by encouraging the preservation of its viable and distinctive neighborhoods; to prevent creation of environmental influences adverse to such purposes; and to assure that new structures and uses within the district will be in keeping with the character of the area to be reserved and enhanced.



**Section 410.1.2 | Application of Regulations.** The Downtown Historic District classification and regulations there under shall be in addition to existing land use classification and management regulations applicable to the area. The area included in the Downtown Historic District is shown on the map entitled "Downtown Richmond" in the Comprehensive Plan.

**Section 410.1.3 | Procedures for Establishment of Historic Districts.** The procedures for establishing historic districts shall be as follows.

**Section 410.1.3.1 | Application.** An application for the establishment of a Historic District may be filed only by the Board of Architectural Review, the Planning Commission, the Richmond Commission, the owner of the subject property, or by a person with written authorization of the owner. Said application shall be filed with the Board of Architectural Review on the appropriate form. Upon the filing of an application by a governmental body, the Board of Architectural Review shall promptly notify the owner(s) by certified mail.

**Section 410.1.3.2 | Review and Recommendation by the Board of Architectural Review.** Upon the filing of an application for the establishment of a Historic District, the Board of Architectural Review shall study and review the application. Before taking action on the application, the Board shall give proper notice of a public hearing thereon in the same manner as prescribed for other amendments to the Land Use Management Map. The public hearing shall be conducted within sixty (60) days after the filing date, and the Board's recommendations shall be submitted in writing to the Planning Commission.

**Section 410.1.3.3 | Action by the Planning Commission and the City Commission.** The Planning Commission and City Commission shall follow the procedures for amending the Official Land Use Management Map as described in Section 401.2 of this ordinance.

**Section 410.1.3.4 | The Board of Architectural Review.** The Board of Architectural Review shall consist of five members appointed by the Mayor of Richmond with the approval of the City Commission as provided for in Ordinance No. 04-02. The Board shall consist of at least one member of the architectural or related profession, the real estate profession, a resident or business occupant of a Historic District in Richmond, and a person who has displayed an active involvement in historic preservation.

**Section 410.1.3.5 | Board Authority.** The Board shall not consider interior arrangement or use, but shall consider the historic or architectural qualities of the exterior of the contributing buildings concerned and the relationship of the contributing buildings to all others in the district so as to avoid incongruity and promote harmony therewith. In all instances the Board shall regulate those outside surfaces of a contributing building that can be viewed from a public right-of-way or street. Nothing in this ordinance shall be construed to prevent ordinary maintenance or repairs, which do not involve a change of design, material, or

of the outward appearance of a building. The authority of the Board shall apply in such cases of material change as painting previously unpainted masonry, sandblasting wood or masonry, or repainting masonry walls.

**Section 410.1.3.6 | Procedures.** Before a person may undertake any exterior changes to any property or structure in a Historic District (to include demolition), a Certificate of Appropriateness shall be required. The individual must apply for the certificate on a form provided by the Codes and Planning Office. All applications for a Certificate of Appropriateness shall be reviewed by the Board at a public hearing, except where the Board has granted the Building Inspector the authority to review an application without a public hearing or board action. Notice of the hearing shall be given by first class letter to all surrounding property owners at least fourteen (14) days prior to the hearing and give notice of the hearing by publication in the newspaper of highest circulation in Richmond, Kentucky, Kentucky not earlier than twenty-one (21) or later than seven (7) days before the public hearing.

At the public hearing, the Board shall consider the request for a Certificate of Appropriateness by examining the staff report, and hearing testimony of the applicant, and interested citizens speaking in favor or in opposition of the proposed changes. In review of material submitted, the Board shall examine the architectural design and the exterior surface treatment of the proposed construction on the site in question and its relationship to other structures within the area, the relationship of the proposed construction to the design of the building and other pertinent factors affecting the appearance and efficient functioning of the historic district or structure. The Board shall vote to approve or disapprove all or a part of the application within ninety (90) days after the completed application is filed. If the application is approved, the Building Inspector shall promptly issue the Certificate of Appropriateness. The applicant may then apply for a building permit to begin work. If the application is disapproved, the Board shall promptly transmit a written report stating the reasons for such disapproval to the applicant. A new application for the same property shall not be submitted until one year has passed.

If the Board of Architectural Review disapproves an application for a building permit in an Historic District, the applicant of said permit may appeal to the Planning Commission, which shall hold a public hearing thereon and shall vote on said appeal within ninety (90) days after the notice of appeal is filed with the Commission. If the Commission finds that the application for a building permit conforms to the intent of the Historic District regulations and it votes to approve the application, the Commission shall issue a Certificate of Appropriateness to the applicant and transmit a copy to the Building Inspector. In such cases, no building permit or certificate of occupancy shall be issued by the Building Inspector on said application for one (1) year from the date of the decision by the Commission. After one year has passed, the Building Inspector shall issue the building permit provided the applicant meets all other requirements of law.

Any person or persons aggrieved by any decision affecting an Historic District shall have the right to file a civil suit within thirty (30) days from the date of the decision in a court of competent jurisdiction under the usual rules of procedure governing orders and injunctive relief provided the situation warrants it. If the Board fails to act upon the application within (90) days after the application has been filed (unless there is an agreement for an extension), the application shall be deemed approved.

For a complete description of the requirements of Historic Districts, see Appendix F.

***Section 410.2 | Transportation Corridor District (Robert R. Martin Bypass, TC-1)***

**Section 410.2.1 | Purpose.** The purpose of the Transportation Corridor District is to protect and enhance the economic and aesthetic character of selected transportation corridors by insuring that property planning and management principles are followed in future changes proposed for these areas.

**Section 410.2.2 | Criteria and Specifications.** The Comprehensive Plan describes proposed corridors to be developed in the future. Selected highways and arterial streets are of critical importance to the City of Richmond. They carry high volumes of traffic, serve as entryways for visitors and residents, and are indicators of the quality of life found in the city. Standards are provided to ensure that traffic moves efficiently, that land uses are harmonious, and that the area is visually attractive.

**Section 410.2.3 | Applicability.** The Transportation Corridor District is intended to be applied to areas parallel to the rights-of-way of selected major highways and arterial streets for a depth of 750 feet on either side of centerline of the highway. The district is measured perpendicular to the right-of-way except at intersection where it may be expanded to allow for exit and entry ramps. The actual boundaries shall be determined at the time of adoption of the district and shall be shown on the Official Land Use Management Map.

**Section 410.2.4 | Buffer Requirements.** Landscape buffers are required parallel to the rights-of-way on properties within the Transportation Corridor. Buffers shall be a minimum of 20 feet in width. In determining the need for additional buffer widths, the Planning Commission shall consider the topography of the area, the existing and proposed land uses, the size of adjacent parcels, the traffic volumes of the corridor, and any additional factors the Commission deems reasonable in carrying out the purpose of this ordinance. District buffer requirements are described in Section 409 J, 10).

**Section 410.2.5 | Service Roads.** In order to facilitate the efficient movement of traffic, and to reduce the number of access points onto the major highway or arterial street where possible, a parallel service road shall be constructed as part of the proposed development. Parallel service roads shall be set back from the highway right-of-way a minimum of "250" feet measured to the proposed service road right-of-way and shall be tied into such service roads on adjacent properties as they are developed.

**Section 410.2.6 | Procedures.** Corridor Overlay Districts may be proposed by the City Commission or the Planning Commission by filing an application with the appropriate Administrative Official. The application shall clearly identify the essential character or qualities of the area that is to be protected by establishment of the district. The Planning Commission shall review the proposed designation in a public hearing as spelled out in Section 401.2, C. The City Commission shall act on the Planning Commission's findings in keeping with the provisions of Section 401.2, D.

**Section 410.2.7 | Future Development.** Once a Transportation Corridor District has been approved, any proposed development within that corridor shall be subject to these requirements in addition to the existing requirements of the underlying district. Such plats or development plans must be approved by the Planning Commission in accordance with appropriate sections of this ordinance.

## **Section 411 | Motor Vehicle Parking Standards**

### ***Section 411.1 | Purpose***

The requirements of this chapter are intended to provide off-street parking, queuing, and loading facilities in proportion to the need created by each land use by establishing requirements regulating the quantity and design of off-street parking areas to relieve traffic congestion and to minimize potential.

### ***Section 411.2 | Relationship to the Comprehensive Plan***

The parking and loading standards prescribed by this chapter are intended to implement land development code provisions that are consistent with the Comprehensive Plan's Goals, Objectives, and Policies, in accordance with Chapter 100 of the Kentucky Revised Statutes.

***Section 411.3 | Applicability***

The requirements of this chapter shall apply to all parking and loading areas in all districts, whether required by this Land Development Code or created for the convenience of property owners or users. No certificate of occupancy shall be provided unless and until the appropriate motor vehicle parking and loading facilities are provided in compliance with this chapter. All ADA parking spaces provided must meet ADA requirements in effect at time of construction approval.

Each application for a building permit shall include sufficient information or plans to enable the Administrative Official to determine whether or not the requirements of this section have been met, to include:

1. Location and dimensions of all parking spaces, driveways, aisles, and pedestrian walkways as per this ordinance and the Access Management and Roadway Manual.
2. Provisions for pedestrian and vehicular circulation, lighting, and drainage.
3. Number of anticipated employees, company-owned vehicles, building rooms, offices, square footage, or other related information for determining the number of spaces required.
4. Landscaping plan

All required off-street parking should be located on the same building site, or on a site adjacent to the land use served.

Collective off-street parking may be provided; however, the required number of spaces provided shall not be less than would otherwise be required individually.

***Section 411.4 | Parking Spaces Required/Allowed***

The minimum and maximum number of parking spaces required/allowed is based upon both the use and the zone/division in which that use is located. To determine the minimum number of parking spaces required and the maximum allowed, locate the applicable zone/division in which the use is located and apply that standard to the requirements associated with the specific use located in Table 411.1.

***Section 411.5 | Nonconforming Parking***

A use or structure with nonconforming off-street parking (insufficient off-street parking to meet the current land use requirements in compliance with Table 411.1, below) may be physically enlarged (e.g., expansion of structure or outdoor land use) or undergo a change in use in compliance with the following provisions.

**Section 411.5.1 | Residential Uses.** No additional parking spaces shall be required; provided, the change does not increase the number of dwelling units, nor eliminate the only portion of the site that can be used for the required or existing parking or access. Structures that are at least fifty (50) years of age are not subject to the minimum parking requirements, but are subject to the maximum parking requirements listed in Table 411.1

**Section 411.5.2 | Non-Residential Uses.** The number of existing parking spaces shall be maintained on the site and additional parking spaces shall be provided in compliance with this Chapter and Subparagraph. If the use is enlarged (e.g., expansion of structure or outdoor land use) so that it requires more parking than the previous use, only the number of parking spaces required for the enlargement shall be required to be added to the existing parking spaces. If the use of the structure is changed to one that requires more parking than the previous use, only the difference between the number of parking spaces required for the previous use and those required for the new use shall be required to be added to the existing parking spaces. The change shall not eliminate the only portion of the site that can be used for the required or existing parking or access. Structures that are at least 50 years of age are not subject to the minimum parking requirements, but are subject to the maximum parking requirements listed in Table 411.1.

***Section 411.6 | Parking Requirements for Uses Not Listed or to Be Determined***

For uses not listed in Table 411.1 or listed as to be determined in Table 411.1, the Administrative Official or designee is authorized to do any of the following:

1. Apply the minimum or maximum off-street parking space requirement specified in Table 411.1 for the listed use that is deemed most similar to the proposed use as determined by the Administrative Official or designee. This determination shall be based on the operating characteristics of the use, the most similar related occupancy classification, or other factors related to potential parking demand.
2. Establish the minimum off street parking space and loading requirements based on a parking study prepared by the applicant in accordance with section 411.15.

***Section 411.7 | Different Use Areas***

1. The number of parking spaces shall be computed based on the primary uses on the site except as stated below. Where there are two or more separate primary uses on a site, the required or allowed parking for the site shall be the sum of the primary uses. For joint-use parking provisions, see Section 411.7 of this chapter.
2. When more than twenty (20) percent of the gross floor area of all buildings on a site is in an accessory use, the required or allowed parking shall be calculated separately for the accessory use.

3. An accessory use constituting twenty (20) percent or less of the gross floor area of all buildings on a site shall be calculated independently when the accessory use is specified in the parking requirements for the primary use found in Table 411.1.

#### ***Section 411.8 | Calculations***

1. When the calculation of the number of required or allowed parking spaces result in fractions, any fraction less than one-half (1/2) shall be disregarded and any fraction of one-half (1/2) or more shall be rounded up to the next whole number.
2. If the maximum number of parking spaces allowed is less than one, then the maximum number is automatically increased to one.
3. If the maximum number of parking spaces allowed is less than or equal to the minimum number required, then the maximum number is automatically increased to one more than the minimum.
4. Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all floors of a non-residential building.
5. Where seating capacity is designated as the standard for determining parking space requirements, the capacity shall mean the number of seating units as determined by code.
6. Where the required parking is determined by the number of employees, the maximum number of employees on duty on the premises at one (1) time, or any two (2) successive shifts, whichever is greater, shall be used.
7. When the building floor area is designated as the standard for determining parking space requirements and that number is less than the minimum standard, the minimum standard shall apply and at least one (1) parking space shall be provided on the premises.
8. For development of potentially mixed uses, parking requirements shall be determined based on the most restrictive of the uses.

#### ***Section 411.9 | Off-Street Parking Reductions***

1. A ten (10) percent reduction in the minimum required number of spaces shall apply to any development within 1,000 feet of a designated transit route.
2. A ten (10) percent reduction in the minimum required number of spaces shall apply to any mixed-use development site (for the purposes of this provision mixed use means a development site that contains both residential and non-residential principal uses) that incorporates at least 25% of the gross floor area of the development site to residential use. An additional ten (10) percent reduction for the development site shall be applicable to developments that incorporate at least one mixed use structure (for the purposes of this provision mixed use means a structure that contains both residential

and non-residential principal uses) that contains a minimum of five (5) residential units.

3. An area equal to that needed to provide up to ten (10) percent of the parking spaces required for retail uses may be delineated from the balance of the parking lot with removable barriers and be used as open space, recreational facilities or outdoor sales/display area during the non-peak period (January 15th to November 15th or any other ten-month non-peak period approved by the Administrative Official).
4. A twenty (20) percent reduction in the minimum number of parking spaces required shall apply to any development that rehabilitates a structure that is eligible for or currently listed on the National Register for Historic Places in accordance with the Secretary of the Interior's Standards for Historic Preservation, or Sustainable Permit Projects.
5. A twenty (20) percent reduction in the minimum number of parking spaces required shall apply to any development that exceeds the minimum tree canopy required by five (5) percent.
6. A Parking Waiver from the Board of Adjustment must be obtained to reduce the minimum number of required parking spaces, except as provided above.
7. To exceed the maximum number of parking spaces permitted, a parking waiver must be obtained from the Board of Adjustment, except when those spaces in excess of the maximum allowed are located within a structured parking facility.

***Section 411.10 | Off-Street Parking Maximum Exceptions and Increases***

The following shall not count towards the maximum number of parking spaces:

1. Off-street parking spaces used as electric vehicle charging stations on a lot/parcel of land.
2. Off-street parking spaces designated for curbside pickup or associated drive through waiting spaces.
3. Off-street parking spaces located within structured parking facilities or elevated parking systems.
4. Off-street parking spaces designated for Handicap accessible parking.
5. Off-street parking spaces designated for carpool or vanpool.
6. Off-street parking spaces designated for vacuum stations associated with a car wash.
7. Off-street parking spaces designated for passenger drop-off and pick-up.
8. Off-street parking associated with mail centers/clusters.
9. Off street parking associated with dog parks or recreation facilities in a residential zone.



**Table 411.1 | Parking Space Requirements**

Occupancy Type	Specific Use	Minimum	Maximum
<b>Residential</b>			
Single-Family Detached Dwelling Units	Individual Detached Dwelling	Including the garage, ≤ 3 bedrooms = 2 spaces total 4 to 5 bedrooms = 3 spaces total 6 bedrooms = 4 total > 6 bedrooms = TBD by Administrative Official	Excluding the garage, ≤ 5 bedrooms = 4 spaces total ≥ 6 bedrooms = TBD by Administrative Official plus 2 additional for accessory structure
Two Family Attached Dwelling Units (Two Connected Units)	Duplexes, Lofts, and Basement Dwelling Units Attached to a Commercial Use	Per unit, including the garage, ≤ 3 bedrooms = 2 spaces total 4 to 5 bedrooms = 3 spaces total 6 bedrooms = 4 spaces total > 6 bedrooms = TBD by the Administrative Official	Per unit, excluding the garage, ≤ 5 bedrooms = 4 spaces total ≥ 6 bedrooms = TBD by the Administrative Official plus 2 additional for accessory structure
Multi-Family (Three or More Connected Units)	Apartment Complexes, Townhomes, and Condominiums	1 space per bedroom	2 spaces per bedroom
Institutional Living	Dormitories, Boarding, Transitional, Rehabilitation, Unhoused Shelters	1 per 4 residents plus 1 per employee	1 per maximum capacity of residents
Transient Living	Hotel, Motel, Bed and Breakfast, Airbnb, Rent based on nightly rate	1 per room, plus additional parking for each underlying use as determined by the Administrative Official	2 spaces per room
Group Living	Group Homes	Excluding the garage, 1 space per bedroom	1 space per 200 square feet of gross floor area

<b>Commercial</b>			
<b>Occupancy Type</b>	<b>Specific Use</b>	<b>Minimum</b>	<b>Maximum</b>
Office	Medical, Dental, Veterinary, Professional, Financial, General Office	1 space per 400 square feet of gross floor area	1 space per 200 square feet of gross floor area
Art and Photography Studios and Galleries	Studios and Galleries	TBD by the Administrative Official	
Restaurant	Dining Rooms, Bar, Pubs, Exterior Seating Areas	1 per 150 square feet of gross floor area	1 per 50 square feet of gross floor area
Fitness Centers and Athletic Facilities	Health Clubs and Centers, Gyms, Fitness Instruction	1 per 300 square feet of gross floor areas plus 1 per 200 square feet of gross area of classroom/instruction area	1 space per 100 square feet of gross floor area
Shopping	Goods or Service Oriented	1 per 300 square feet of gross floor area	1 per 100 square feet of gross floor area
Outdoor Sales and Display	Outdoor sales and display only	1 per 1,000 square feet of sales/display area	1 per 500 square feet of sales/display area
Outdoor Vehicle and Equipment Sales	Car sales and rentals, equipment sales and rental	1 per 400 square feet of net building and office area	TBD by Administrative Official
Vehicle Service	Quick Service	1 per 300 square feet of gross floor area plus stacking requirements	TBD by Administrative Official
	Repair	2 per bay plus 1 per 300 square feet of gross area (excluding service bays)	2 per bay plus 1 per 150 square feet of gross area (excluding service bays)
	Car Wash (Self Service)	1 space	2 spaces
	Car Wash (Full Service)	4 spaces	TBD by Administrative Official
	Fuel Station	1 per 300 square feet of gross floor area of retail space	1 per 100 square feet of gross floor area of retail space
Entertainment Uses	Bowling Alley, Bingo Halls, Go-Kart Facilities, etc.	TBD by Administrative Official	No more than 25% above minimum requirement

<b>Industrial, Manufacturing, and Warehouses</b>			
<b>Occupancy Type</b>	<b>Specific Use</b>	<b>Minimum</b>	<b>Maximum</b>
Manufacturing and Production	Factory or Assembly Plant	1 per 500 square feet of gross floor area	TBD by Administrative Official
Commercial Warehousing	Material Storage, Handling, or Distribution	1 per 500 square feet of gross floor area	TBD by Administrative Official
Non-Commercial Storage	Mini-Warehouse	1 per 500 square feet of gross office area plus 1 space per 15 climate-controlled storage units	TBD by Administrative Official

<b>Social and Institutional</b>			
<b>Occupancy Type</b>	<b>Specific Use</b>	<b>Minimum</b>	<b>Maximum</b>
School or Library	Primary, Secondary, University, Vocational, Public, and Private	TBD by Administrative Official	No more than 25% above minimum
Healthcare, Medical Treatment	Hospitals, Nursing Homes, Medical Clinics	TBD by Administrative Official	No more than 25% above minimum
Interment, Cremation, Grave Digging	Crematory, Cemetery, Mausoleum	TBD by Administrative Official	No more than 25% above minimum

<b>Mass Assembly</b>			
<b>Occupancy Type</b>	<b>Specific Use</b>	<b>Minimum</b>	<b>Maximum</b>
	Spectator Sports, Movies, Concerts, Entertainment, Religious, and etc.	TBD by Administrative Official	No more than 25% above minimum

<b>Leisure</b>			
<b>Occupancy Type</b>	<b>Specific Use</b>	<b>Minimum</b>	<b>Maximum</b>
	Golf Courses, Driving Ranges, Tennis Centers, Skate Parks, Horse Riding Stables, Amusement Parks	TBD by Administrative Official	No more than 25% above minimum

**Section 411.11 | Location of Parking on Lot**

1. Off-street parking is prohibited in all required building setbacks unless specifically authorized by the Administrative Official.
2. Parking for single-family residential uses and duplexes is permitted in the required front or street side yard only on a hard surface or approved semi-pervious driveway that does not exceed twenty (20) feet in width and that leads to a garage, carport, house or rear yard. Parking on approved circular driveways may be permitted as long as the circular driveway has been approved by the Administrative Official or designee.

**Section 411.12 | Off-Site Parking**

Parking spaces required by this chapter may be located off-site on property under the same ownership as the use the parking spaces are intended to serve. Such parking spaces must be located within 1,000 feet of the buildings or uses requiring the parking. The 1,000 feet requirement shall be measured by the shortest walking distance (using sidewalks and designated crosswalks) from the nearest point of the property on which the parking spaces are located, to the nearest point of the property on which the use is located and which the parking is intended to serve. The site must be properly zoned and have all proper approvals for automobile parking areas.

Parking spaces required by this chapter may be located on property under separate ownership from the use the parking is intended to serve as long as the following conditions are satisfied.

1. The applicant(s) demonstrates that one or more uses located off-site exceed the minimum number of parking spaces required by this chapter and are willing to allocate a certain number of the excess spaces to another use to meet its minimum number of required spaces.
2. The site is properly zoned and has all proper approvals for automobile parking areas.
3. Off-site parking spaces must be located within 1,000 feet of the buildings or uses requiring the parking. The 1,000 feet requirement shall be measured by the shortest walking distance (using sidewalks and designated crosswalks) from the nearest point of the property on which the parking spaces are located, to the nearest point of the property on which the use is located and which the parking is intended to serve.
4. All parties shall execute a properly drawn legal instrument/agreement providing for the use of the off-site parking spaces.
  - a. This instrument shall be drawn to the satisfaction of the Planning Commission's attorney and shall be executed by all parties concerned assuring the availability of the number of spaces designated for off-site use and shall be recorded in the County Clerk's Office.
  - b. No lease, easement or license of parking spaces may be canceled without sixty (60) days prior written notice to the Administrative Official and a copy of the signed lease, easement, license or agreement must be filed with the application.
  - c. The applicants and their successors shall annually provide certification to the Administrative Official that the parking spaces associated with the off-site parking agreement are still available.
  - d. The applicant shall provide the Administrative Official with immediate written notice at any time that any of the parking spaces associated with the off-site parking agreement become unavailable and shall have thirty (30) days from the time that the parking spaces associated with the off-site parking agreement became unavailable to provide the required number of parking spaces or to apply for a Parking Waiver to reduce the required number of spaces.
  - e. The Certificate of Occupancy of the use shall be conditioned upon the continued availability of the required number of parking spaces.

**Section 411.13 | Joint Use Parking**

The Administrative Official or designee may authorize the joint use of required parking spaces when two or more uses on the same or separate properties are able to share the same parking spaces because their peak parking demands occur at different times. Any joint use parking site must be properly zoned and have all proper approvals for automobile parking areas. Joint use of off-street parking spaces shall be subject to the following:

1. A Parking Study that conforms to the requirements of Section 411.15 shall be submitted by the applicants.
2. The number of parking spaces which may be credited against the requirements for the structures or uses involved shall not exceed the number of spaces reasonably anticipated to be available during any hours of operation.
3. The joint parking spaces must be located within 1,000 feet of the buildings or uses being served by such facility, measured by the shortest walking distance (using sidewalks and designated crosswalks) from the nearest point of the property on which the parking facility is located, to the nearest point of the property on which the use is located and which the parking is intended to serve. Additionally, signage shall be provided identifying any parking spaces that are being leased or jointly used, who those spaces are available to, and any other restrictions (e.g time available) that may apply. The location and size of such signage shall be required as part of the joint use agreement and shall be subject to review and approval by the Planning Commission or its designee.
4. Off street parking areas required for residential use shall not be included in any joint parking arrangement.
5. All parties shall execute a properly drawn legal instrument/agreement providing for the joint use of the off-street parking areas.
  - a. This instrument shall be drawn to the satisfaction of the Planning Commission's attorney and shall be executed by all parties concerned assuring the availability of the number of spaces designated for joint use and shall be recorded in the County Clerk's Office.
  - b. The applicants and their successors shall annually provide certification to the Administrative Official that the parking spaces associated with the joint use agreement are still available.
  - c. The applicant shall provide the Planning Commission with immediate written notice at any time that any of the parking spaces associated with the joint use agreement become unavailable and shall have thirty (30) days from the time that the parking spaces associated with the joint use agreement became unavailable to provide the required number of parking spaces or to apply for a Parking Waiver to reduce the required number of spaces.
  - d. The Certificate of Occupancy of the use shall be conditioned upon the continued availability of the required number of parking spaces.

**Section 411.14 | Stacked Parking<sup>1</sup>**

1. The use of stacked or valet parking may be used to meet the minimum number of parking spaces required if an attendant will always be present when the lot is in operation and upon Planning Commission approval.
2. The use of stacked parking may be permitted by the Planning Commission for any office or industrial use without an attendant present if the parking spaces used in this manner are designated for employee use only.
3. The specific design and layout of stacked or valet parking areas shall be approved by the Planning Commission.

**Section 411.15 | Use of Required Parking Spaces**

The following shall apply to the use of required parking spaces and areas:

1. Required parking spaces must be available for the use of residents, customers, visitors or employees of the use. They may not be assigned in any way to a use on another site, except where the joint use parking provisions are employed (see Section 411.7).
2. Fees may be charged for the use of required parking spaces.
3. Required parking spaces and areas shall not be used for the display, advertisement, sale, repair, dismantling or wrecking of any vehicles, equipment or materials.
4. Buildings or structures shall be permitted for shelters for guards, attendants or watchmen; however, any such structure shall not occupy required parking spaces and shall be appropriately delineated on the approved development plan.

**Section 411.16 | Surfacing and Facility Type**

All off-street parking areas and access driveways except for those serving agricultural uses shall be of a hard and durable surface such as asphalt, brick, concrete paving and interlocking paving blocks, including semi-pervious systems that retain space for vegetation, are acceptable paving materials. Other paving materials (including gravel) may only be permitted for equipment and goods storage only upon approval by the Administrative Official but must include a binding agent to stabilize the surface and prevent dust. No motor vehicle including but not limited to recreational vehicles shall be parked or stored on grass or any other surface that does not meet the above criteria.

**Section 411.17 | Striping**

All off-street parking spaces, except for those serving detached single-family uses and agricultural uses, shall be delineated using durable painted lines that meet the Manual of Uniform Traffic Control Devices (MUTCD) standards.

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<sup>1</sup> Parking within a driveway shall not be considered stacked parking.

***Section 411.18 | Wheel Stops and Protective Curbing***

Concrete wheel stops or curbing at least six (6) inches high and six (6) inches wide shall be provided to prevent vehicles from overhanging abutting sidewalks, properties or public rights-of-way, to protect landscaped areas and to protect adjacent properties. Such wheel stops or curbing shall be located at least three (3) feet from any adjacent wall, fence, property line, woody vegetation, walkway or structure.

***Section 411.19 | Landscaping***

Parking area landscaping shall be provided in accordance with the adopted landscape requirements identified in the City of Richmond Landscape Manual. Additionally, any parking facilities that provide parking for five or more vehicles shall provide screening, as defined by this code, on each side of any parking area that abuts a residential district or use.

***Section 411.20 | Lighting***

Parking area lighting shall be provided in accordance with Chapter 414 of this Code.

***Section 411.21 | Litter Receptacles***

All off-street parking areas serving retail uses and restaurants shall provide at least one outdoor litter receptacle within the parking area or at the building entrance. One additional outdoor litter receptacle shall be provided within the parking area or at the building entrance for each seventy-five (75) parking spaces located on the site.

***Section 411.22 | Handicapped Parking Spaces***

Handicapped parking spaces shall be provided as required by local ordinances or Federal or State law. All handicapped parking spaces shall be located so that:

1. The spaces provide easy access from the closest parking area to the major entrances of the use for which they are provided;
2. The disabled individual is not compelled to wheel or walk behind parked cars other than his or her own; and
3. A pedestrian way accessible to physically disabled persons shall be provided from each parking space to related facilities including curb cuts and/or ramps.

***Section 411.23 | Signage***

All signs within off-street parking areas shall be approved by the Administrative Official or designee. When necessary, the Administrative Official, at his/her discretion may require signage.

***Section 411.24 | Maintenance***

All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris. The owner of the property shall be responsible for all maintenance.

***Section 411.25 | Compact Vehicle Spaces***

Up to 15% of the minimum required parking spaces may be assigned as compact vehicles spaces with approval from the administrative official and the requirements listed below:

1. Compact vehicles spaces shall be clearly labeled for 'Compact Cars' and shall be approved in accordance with Section 411.10.8 shown above.
2. The minimum dimensions of compact vehicle spaces shall be in conformance with the established design criteria in 411.12(A)(3).
3. Design techniques such as use of lampposts, bollards, extra landscaped areas at the front of compact spaces or the location of compact spaces shall be incorporated into the parking lot plan to preclude the parking of standard size vehicles in compact vehicle spaces.

***Section 411.26 | Motorcycle Parking***

A commercial or other non-residential development may substitute motorcycle spaces for required automobile spaces at the rate of one (1) motorcycle space for each 25 automobile spaces, up to a maximum of five (5) percent of the minimum required motor vehicles spaces. No more than one (1) motorcycle space shall be permitted per row of parking.

***Section 411.27 | Drainage***

Any off-street parking area for five (5) or more vehicles and its access drives shall be graded and drained so that the natural flow of surface water shall not be channeled or concentrated onto adjacent property by means other than a designated drainage course.

***Section 411.28 | Visibility***

Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such a parking area shall be clearly visible by any pedestrian or motorist approaching the access or driveway from a public street, private street, or alley. Refer to the Access Management and Roadway Manual, Chapter 3.



**Section 411.29 | *Parking of Commercial Vehicles***

Commercial vehicles with or without signage, which are over nine (9) feet in width or nineteen (19) feet in length, shall not be parked in a parking area. Such vehicles shall be parked or stored in the required off-street loading space(s).

**Section 411.30 | *Access to Parking Spaces***

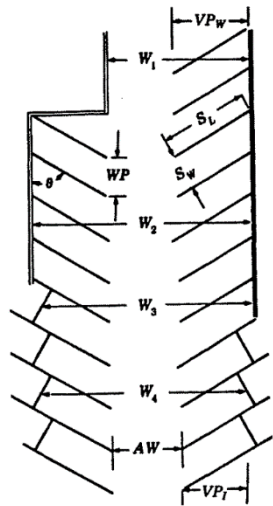
1. All parking areas, except stacked parking areas, must be designed so that a vehicle may enter or exit without requiring another vehicle to move.
2. Except for single-family dwellings and duplexes, each off-street parking space shall open directly upon a private aisle or private driveway of such width and design as to provide a safe and efficient means of vehicular access between the parking space and public streets. Parking spaces shall be designed to preclude vehicles backing from or onto a public street. Non-residential off-street parking facilities designed for vehicles backing from or onto an alley may be allowed at the discretion of the Administrative Official.
3. The location, width, and number of entrance and exit driveways serving public accessory parking facilities, drive-in businesses, fee parking lots, and public parking lots, shall be planned in such a manner as not to interfere with either the use of adjacent property or the flow of traffic on the streets to which they connect. Interconnection between off street parking areas shall be provided.
4. Location and other criteria for construction of curb cuts shall be approved by the Administrative Official. Refer to the Access Management and Roadway Manual for construction guidance.
5. Except for single-family dwellings and duplexes, entrance or exit driveways shall be wide enough to accommodate two-way traffic with travel lanes having a minimum width of twelve (12) feet for each lane. One-way directional traffic flow shall be at least fourteen (14) feet in pavement width.
6. The radius of the driveway apron shall be at least twenty (20) feet.
7. Properties located in a residential district shall not be utilized to provide parking for or access to non-residential uses.
8. On any residential property where the garage access is located in the side or rear yard of the property, there shall be a minimum ten (10) foot driveway accessing the garage.
9. Parking of vehicles in any parking lot shall be by marked stalls only.

**Section 411.31 | *Parking Space and Aisle Dimensions***

1. The dimensions of off-street parking spaces and associated drive aisles shall be determined by applying the minimum dimensional requirements found within Table 411.2. The width of compact vehicle spaces shall be at least eight (8) feet and the recommended length is 14' to 16'. The recommended aisle width for compact space parking areas is 20'. The width of motorcycle spaces shall be at least five (5) feet.
2. Parking structures developed to provide the minimum number parking spaces required by this section must meet the minimum dimensional requirements specified in Table 411.2. The design and layout of all other parking structures, including but not limited to those used to create parking spaces in excess of the maximum allowed for a particular use and those for-profit parking structures not associated with any particular use, shall be approved by the Planning Commission.
3. Parking spaces serving single-family residential developments located within driveways and garages need only meet the Stall Width and Stall Depth to Wall standards set forth in Figure 411.11.2.
4. Parallel parking spaces shall be at least ten (10) feet in width and twenty-two (22) feet in length.
5. The Administrative Official may modify the dimensional requirements of this Section when they find that such modifications would not adversely affect the functionality of the parking area and the safety of those that use it (such as the use of other acceptable standards like ITE Manual standards).

**Table 411.2 | Minimum Parking Dimensions**

	S <sub>w</sub>	WP	VP <sub>w</sub>	VP <sub>1</sub>	AW	W <sub>2</sub>	W <sub>4</sub>
Parking Angle in Degrees	Basic Stall Width	Stall Width Parallel to Aisle	Stall Depth to Wall in Feet	Stall Depth to Interlock	Aisle Width in Feet	Wall to Wall in Feet	Interlock to Interlock in Feet
45	8.5	12	17.5	15.3	13	48	44
45	9	12.7	17.5	15.3	12	47	43
45	9.5	13.4	17.5	15.3	11	46	42
60	8.5	9.8	19	17.5	18	56	53
60	9	10.4	19	17.5	16	54	51
60	9.5	11	19	17.5	15	51	50
75	8.5	8.3	19.5	18.8	25	64	63
75	9	9.3	19.5	18.8	23	62	61
75	9.5	9.8	19.5	18.8	22	61	60
90	8.5	8.5	18.5	18	26	62	60
90	9	9	18.5	18	24	60	60
90	9.5	9.5	18.5	18	24	60	60



- S<sub>w</sub> Basic Stall Width
- WP Stall Width
- VP<sub>w</sub> Stall Depth to Wall
- VP<sub>1</sub> Stall Depth to Interlock
- AW Aisle Width
- W<sub>2</sub> Parking Module Width (wall to wall)
- W<sub>4</sub> Parking Module Width (interlock to interlock)

**Section 411.32 | General Design Criteria**

1. The parking areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of making hazardous turning movements.
2. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians, bicyclists, or other vehicles and without interfering with parking areas. This includes the provision for “stop”, “yield”, “speed limit”, “do not enter” and other traffic signs at appropriate locations.
3. Vehicles parked on private driveways shall be arranged to avoid pedestrian / vehicle conflict (i.e. vehicles should not extend across sidewalks or other pedestrian facilities).
4. Dimensions are in feet.

**Section 411.33 | Queuing for Drive-Through Facilities**

In addition to meeting the parking requirements of this section, businesses utilizing drive through windows or those that offer drive through facilities shall provide sufficient stacking space for five (5) vehicles. For the purposes of this article, one stacking space shall be construed as a minimum of nine (9) feet in width and nineteen (19) feet in length. Such stacking space shall begin at the point of business transaction and shall accommodate five (5) vehicles without obstruction to through vehicular traffic or parked vehicle areas. The point of business transaction shall include teller windows, fast food order, location, a gasoline fuel pump, car way bay, or the drive through automated teller window.

**Section 411.33.1 | Minimum Dimensions.** Each queue space shall be at least ten (20) feet in width and twenty (20) feet in length.

**Section 411.33.2 | Design.** Each queue lane shall be clearly defined and designated so as not to conflict or interfere with other pedestrian or vehicular traffic on the site.

**Section 411.34 | Parking in Residential Areas**

The following regulations shall apply to outdoor parking for all residential zoning districts.

**Section 411.34.1 | Parking of Passenger Vehicles and Light Trucks.** Passenger vehicles and light trucks may be parked in any allowed parking area to the extent that the number of vehicles being parked does not exceed the maximum permitted in Table 411.1.

**Section 411.34.2 | Parking of Heavy Trucks.** The parking of heavy trucks and equipment is prohibited.

**Section 411.34.3 | Vehicle Service and Repair.**<sup>1</sup> Service and repair of vehicles not owned or leased by and registered to a resident of the site is prohibited. Vehicles may be serviced and repaired provided that the conditions listed in either 1 and 2 or 3 and 4, below, are met.

1. The vehicles are owned or leased by and registered to residents of the site and
2. The service and repair is minor. Minor service and repair includes tune-ups, replacement and servicing of oil and other fluids, and replacement and adjustment of minor parts such as tires, hoses, belts, filters, fuses and similar items. It does not include: body and fender repair and replacement; painting; engine or transmission removal or replacement; or any work using welders, torches, or air-driven power tools.
3. The vehicles are owned or leased by and registered to residents of the site; and
4. All work occurs within a completely enclosed structure.

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<sup>1</sup> Abandoned, junked, and inoperable vehicles are regulated by various City Ordinances.

**Section 411.35 | *Parking Waiver Provisions***

**Section 411.35.1 | General Parking Waivers.** In extraordinary cases in which the requirements of this Part would create hardship in the use of a particular site, the Planning Commission may consider granting a General Parking Waiver during the design and planning phase of a major development. All other parking waivers must be approved by the Board of Adjustment.

When required, General Parking Waivers are required when an applicant wishes to provide less parking spaces than are required by this Part, when an applicant wishes to provide more parking spaces than are allowed by this Part.

The following items must be provided to and approved by the Administrative Official before a General Parking Waiver request will be placed on the Planning Commission's or Board of Adjustment's meeting agenda:

1. A completed application form.
2. A development plan depicting the use and the off-street parking areas which, except as otherwise specified herein, shall be processed, implemented and enforced as prescribed by other portions of the Land Development Code. The applicant shall pay the fee specified for such a request unless the request is processed with a request for rezoning relating to the same property.
3. The names and addresses of:
  - a. Property owners
  - b. Neighborhood Association
  - c. Any property owner within 100 feet of any joint parking lot or off-site parking lot proposed to be used to meet the requirements of this part.
  - d. Adjacent Property Owners
4. Parking Study as prescribed in Section 411.15 of this Part.
5. A current recorded deed with an "End of Document Stamp" on the last page.
6. Any other submittal requirements as determined by the Administrative Official or designee.

**Section 411.36 | *Section Parking Studies***

A Parking Study shall be required when any of the following occurs:

1. An applicant wishes to utilize the Joint Use Parking.
2. An applicant requests a Parking Waiver to allow the provision of less parking spaces than are required by this Part.
3. An applicant requests a General Parking Waiver to allow the provision of more parking spaces than is allowed by this Part.
4. The Administrative Official, Planning Commission, City Commission, or Board of Adjustment requests a Parking Study due to unusual circumstances on or near the site.

A parking study shall not be required if a corridor or area specific parking study has been conducted that includes the development site in question. The corridor or area specific parking study shall be used to fulfill the parking study requirement of this code. A parking study shall not be required for parking waiver requests of 10% or less.

A Parking Study submitted to satisfy the requirements of this Part shall include the following information based upon the reason the Parking Study is required. The Administrative Official or designee, may waive any of these required contents or require additional information depending upon the specifics of the application. The Parking Study shall be reviewed by, and must be acceptable to, the Administrative Official or designee.

1. Joint Use Parking

- a. A description of each site's use(s) including a detailed calculation of its required/allowed parking, a listing of peak hour(s) of parking demand for each use and/or site, and an inventory of existing spaces on each site; and
- b. The results of at least three separate site surveys, conducted on different days, that depict the usage of the existing parking spaces hourly during the peak hours of usage and hourly four hours before and after that time. Site surveys are not needed for any portion of the period four hours before and after the peak hour in which the use is not in operation. One of the days surveyed should be the peak day or busiest day of operation, if one can be determined for the specific use(s); and
- c. Any other information requested by the Administrative Official.
- d. A map showing the location of on-street and off-street parking spaces used in the parking study. The map shall clearly delineate the location and number of spaces used in the study.

2. Parking Waivers for Space Reductions or Increases

- a. An analysis of the peak parking demand for two similar or like facilities in terms of use and size. The analysis should include the facilities' peak parking days of the week and hours of the day, as depicted by a study of the existing parking spaces hourly during the peak hours of usage and hourly four hours before and after that time for each facility. It should also include the number of spaces each facility contains; or
- b. The results of at least three separate site surveys, conducted on different days, that depict the usage of the existing parking spaces hourly during the peak hour of usage and hourly four hours before and after that time. Site surveys are not needed for any portion of the period four hours before and after the peak hour in which the use is not in operation. One of the days surveyed should be the peak day or busiest day of operation, if one can be determined for the specific use(s); and
- c. Any other information requested by the Administrative Official.

- d. A map showing the location of on-street and off-street parking spaces used in the parking study. The map shall clearly delineate the location and number of spaces used in the study.
3. Parking Waivers for Use of Spaces Located in Public Parking Lots
    - a. A map depicting the site and all lots, uses, streets, and alleys adjacent to on-street parking spaces proposed to be used to satisfy the minimum parking space requirements of this Part. The map should also depict the on-street parking spaces or public parking lot and should be drawn to scale and include a north arrow; and
    - b. The results of at least three separate site surveys, conducted on different days, that depict the usage of the existing on-street parking spaces or public parking lot during the peak hour of usage and four hours before and after that time. Site surveys are not needed for any portion of the period four hours before and after the peak hour in which the use is not in operation. One of the days surveyed should be the peak day or busiest day in the vicinity, if one can be determined for the specific use(s); and
    - c. A map showing the location of on-street and off-street parking spaces used in the parking study. The map shall clearly delineate the location and number of spaces used in the study; and
    - d. Any other information requested by the Administrative Official.

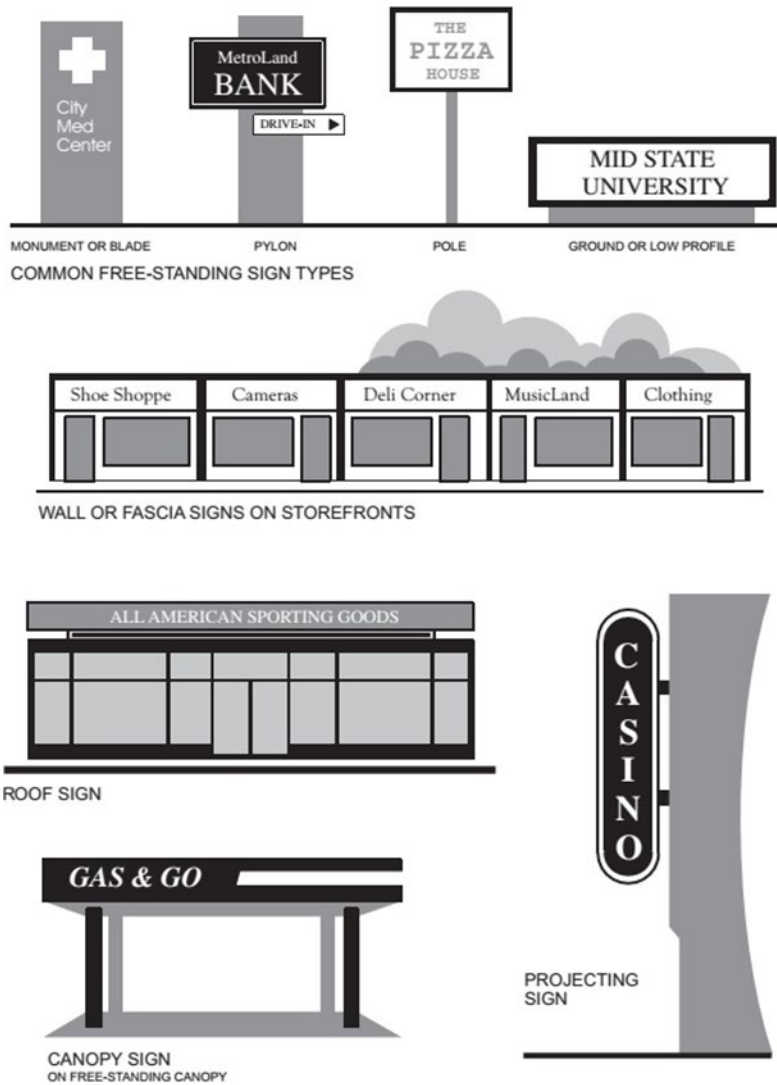
## **Section 412 | Sign Regulations**

### ***Section 412.1 | Purpose***

The purpose of this chapter is to protect the safety and orderly development of the community through the regulation of signs and sign structures.

**Section 412.2 | General Sign Types**

**Section 412.2.1 | General.** Sign types and the computation of sign area shall be as depicted in the Figures within this section. 412.2.1(1) through 412.2.1(4).



**FIGURE 412.2.1(1) | GENERAL SIGN TYPES**



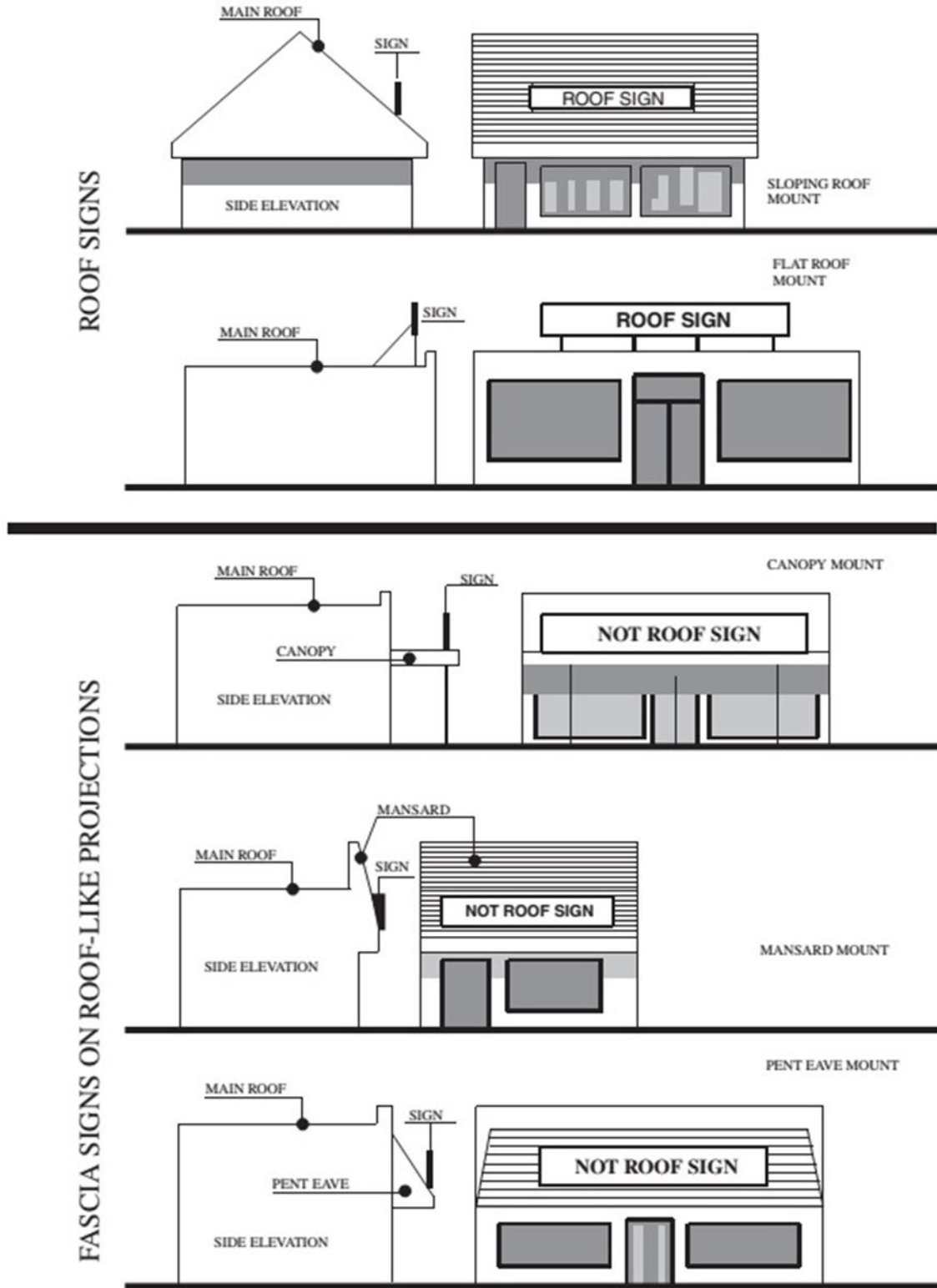
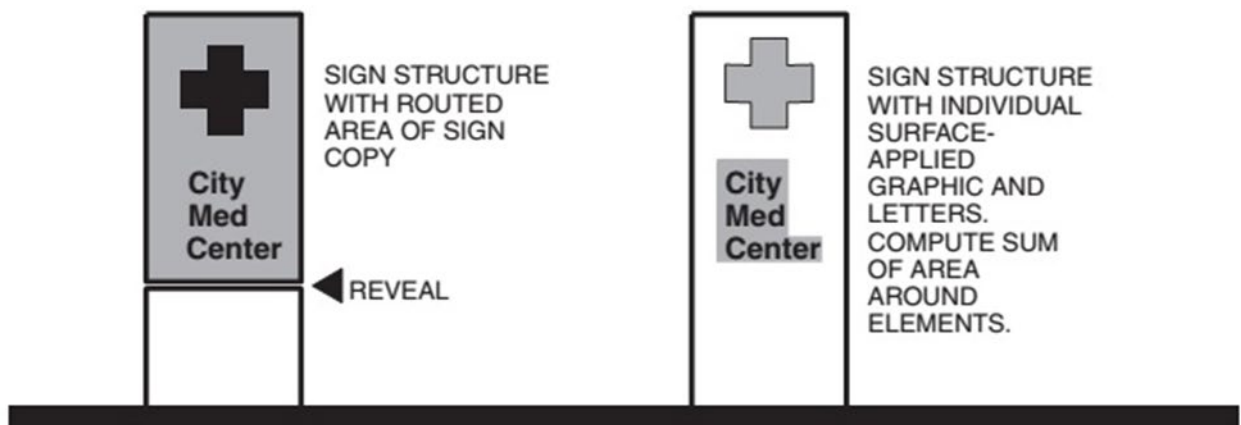


FIGURE 412.2.1 (2) COMPARISON—ROOF AND WALL OR FASCIA SIGNS

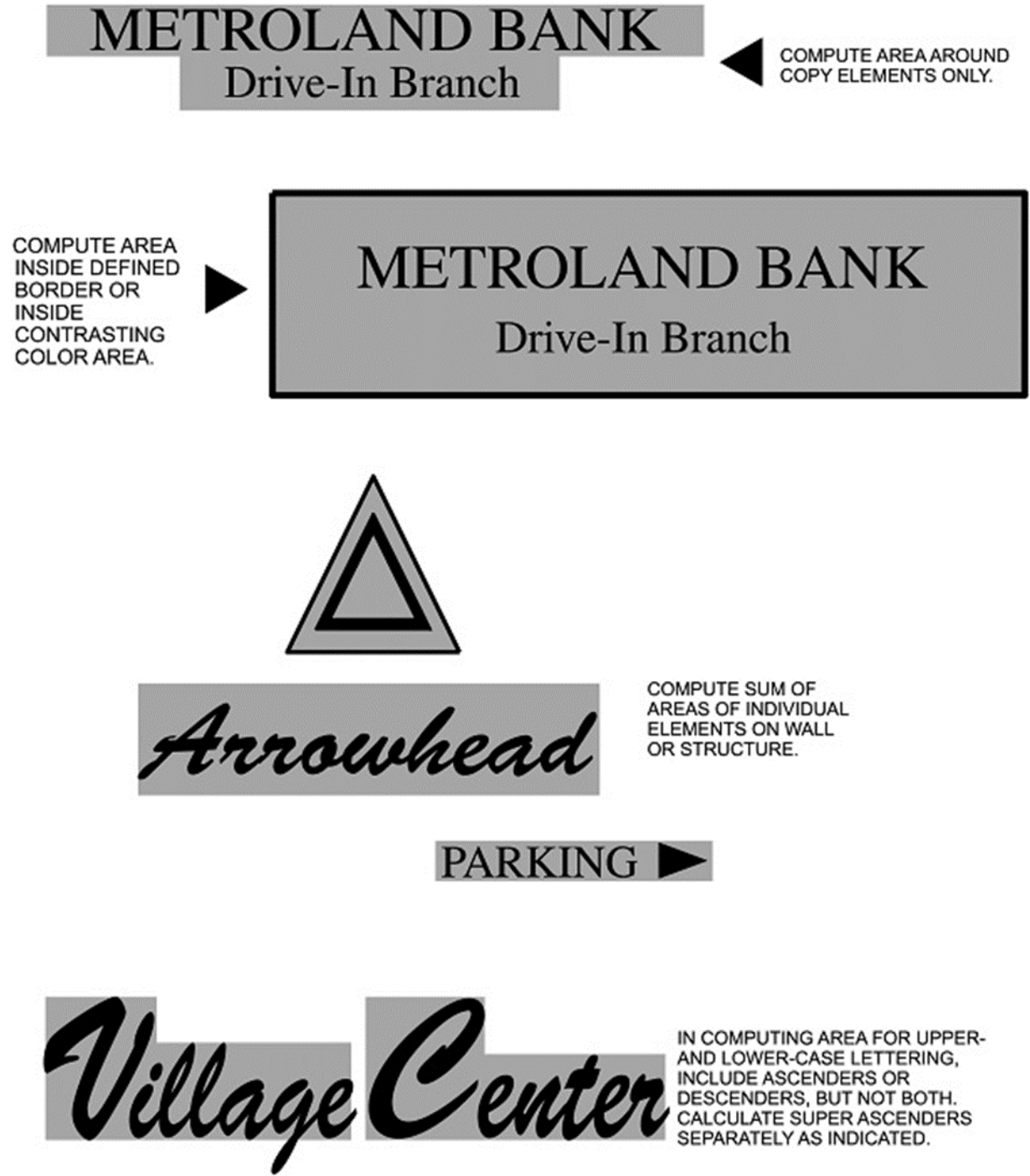


SIGN STRUCTURES



Notes: Sum of shaded areas only represents sign area. Sign constructed with panels or cabinets.

FIGURE 412.2.1 (3) | SIGN AREA—COMPUTATION METHODOLOGY



*Notes: Sum of shaded areas only represents sign area for code compliance purposes. Examples of signs consisting of individual letters, elements or logos placed on building walls or structures.*

**FIGURE 412.2.1 (4) SIGN AREA—COMPUTATION METHODOLOGY**

**Section 412.3 | General Provisions**

**Section 412.3.1 | Conformance to codes.** Any sign hereafter erected shall conform to the provisions of this ordinance and the provisions of the International Building Code and of any other ordinance or regulation within this jurisdiction.

**Section 412.3.2 | Signs in rights-of-way.** Signs other than an official traffic sign or similar sign shall not be erected within 2 feet (610 mm) of the lines of any street, or within any public way, unless specifically authorized by other ordinances or regulations of this jurisdiction or by specific authorization of the code official.

**Section 412.3.3 | Projections over public ways.** Signs projecting over public walkways shall be permitted to do so only subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of 8 feet (2438 mm) from grade level to the bottom of the sign. Signs, architectural projections, or sign structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the jurisdiction for such structures.

**Section 412.3.4 | Traffic visibility.** Signs or sign structures shall not be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape, or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal, or device.

**Section 412.3.5 | Computation of frontage.** If a premises contains walls facing more than one property line or encompasses property frontage bounded by more than one street or other property usages, the sign area(s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage. The sign area(s) thus calculated shall be permitted to then be applied to permitted signs placed on each separate wall or property line frontage.

**Section 412.3.6 | Animation and changeable messages.** Animated signs, except as prohibited in Section 412.5, are permitted in commercial and industrial zones only. Changeable signs, manually activated, are permitted for nonresidential uses in all zones. Changeable signs, electrically activated, are permitted in all nonresidential zones.

**Section 412.3.7 | Maintenance, repair, and removal.** Every sign permitted by this ordinance shall be kept in good condition and repair. Where any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the code official, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm using same shall, upon written notice by the code official forthwith in the case of immediate danger, and in any case within not more than 10 days, make such sign conform to the provisions of this ordinance, or shall remove it. If

within 10 days the order is not complied with, the code official shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.

**Section 412.3.8 | Obsolete sign copy.** Any sign copy that no longer advertises or identifies a use conducted on the property on which said sign is erected must have the sign copy covered or removed within 30 days after written notification from the code official; and upon failure to comply with such notice, the code official is hereby authorized to cause removal of such sign copy, and any expense incident thereto shall be paid by the owner of the building, structure or ground on which the sign is located.

**Section 412.3.9 | Nonconforming signs.** Any sign legally existing at the time of the passage of this ordinance that does not conform in use, location, height, or size with the regulations of the zone in which such sign is located, shall be considered to be a legal nonconforming use or structure, and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:

1. Structural alterations, enlargement or re-erection are permissible only where such alterations will not increase the degree of nonconformity of the signs.
2. Any legal nonconforming sign shall be removed or rebuilt without increasing the existing height or area if it is damaged, or removed if allowed to deteriorate to the extent that the cost of repair or restoration exceeds 50 percent of the replacement cost of the sign as determined by the code official.
3. Signs that comply with either Item 1 or 2 need not be permitted.

#### ***Section 412.4 | Exempt Signs***

**Section 412.4.1 | Exempt signs.** The following signs shall be exempt from the provisions of this chapter. Signs shall not be exempt from Section 412.3.4.

1. Official notices authorized by a court, public body, or public safety official.
2. Directional, warning or information signs authorized by federal, state, or municipal governments.
3. Memorial plaques, building identification signs and building cornerstones where cut or carved into a masonry surface or where made of noncombustible material and made an integral part of the building or structure.
4. The flag of a government or noncommercial institution, such as a school.
5. Religious symbols and seasonal decorations within the appropriate public holiday season.
6. Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
7. Street address signs and combination nameplate and street address signs that contain no advertising copy and that do not exceed 6 square feet (0.56 m<sup>2</sup>) in area.

**Section 412.5 | Prohibited Signs**

**Section 412.5.1 | Prohibited signs.** The following devices and locations shall be specifically prohibited:

1. With the exception of lawfully existing billboard signs, and those properly-permitted pursuant to the provisions of Section 412.6.5 below, and except as is otherwise specifically set forth in this Ordinance, off premises business or commercial signs are prohibited. A sign shall be deemed to be a business or commercial sign if it advertises a business, commercial establishment, product, or service.
2. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal, or device, or obstruct or interfere with a driver's view of approaching, merging, or intersecting traffic.
3. Except as provided for elsewhere in this code, signs encroaching on or overhanging public right-of-way. Signs shall not be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
4. Signs that blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.
5. Portable signs except as allowed for temporary signs.
6. Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
  - a. The primary purpose of such a vehicle or trailer is not the display of signs.
  - b. The signs are magnetic, decals or painted on an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
  - c. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets where applicable, and actively used or available for use in the daily function of the business to which such signs relate.
7. Vehicles and trailers are not used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.
8. Balloons, streamers, or pinwheels except those temporarily displayed as part of a special sale, promotion, or community event. For the purposes of this subsection, "temporarily" means not more than 20 days in any calendar year.
9. Illuminated signs are prohibited in residential zoning districts.

**Section 412.6 | Permits**

**Section 412.6.1 | Permits required.** Unless specifically exempted, a permit must be obtained from the code official for the erection and maintenance of all signs erected or maintained within this jurisdiction and in accordance with other ordinances of this jurisdiction. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of this ordinance.

**Section 412.6.2 | Construction documents.** Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the code official showing the dimensions, materials and required details of construction, including loads, stresses, anchorage, and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises on which the sign is to be erected and by engineering calculations signed and sealed by a registered design professional where required by the International Building Code.

**Section 412.6.3 | Changes to signs.** Signs shall not be structurally altered, enlarged, or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing or maintenance of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.

**Section 412.6.4 | Permit fees.** Permit fees to erect, alter or relocate a sign shall be in accordance with the fee schedule adopted within this jurisdiction.

**Section 412.6.5 | Electronic Billboards.** Outdoor Advertising Signs, consisting of digital billboards, are permitted in the B-3, B-4 (Highway Commercial), I-1, and 1-2 (Industrial) zones but only upon approval by the Board of Adjustments as to location and subject to such conditions as the Board may deem appropriate as to such location. No digital billboard shall be constructed, placed, or erected within 1,000 feet of any existing digital billboard. The Board of Adjustments shall require a light study to be submitted with any application for a digital billboard.

An Applicant for a digital billboard must demonstrate their ability and willingness to remove and abandon one existing static billboard (off-premises sign) within the City of Richmond upon issuance of the permit for the requested digital billboard. Upon approval of the application by the Board of Adjustments and approval by the City of the necessary structural plans for the digital billboard (see 412.6.2), the City shall issue any necessary permits for installation and operation of the digital billboard.

If applicable, a copy of any required State Permit shall be submitted to the Codes Enforcement department after issuance of the City Permit, but prior to commencement of construction of the billboard.

**Section 412.7 | Specific Sign Requirements**

**Section 412.7.1 | Identification signs.** Identification signs shall be in accordance with Sections 412.7.1.1 through 412.7.1.3.

**Section 412.7.1.1 | Wall signs.** Every single-family residence, multiple-family residential complex, commercial or industrial building, and every separate nonresidential building in a residential zone may display wall signs per street frontage subject to the limiting standards set forth in Table 412.7.1.1(1). For shopping centers, planned industrial parks or other multiple-occupancy nonresidential buildings, the building face or wall shall be calculated separately for each separate occupancy.

**TABLE 412.7.1.1(1) | IDENTIFICATION SIGN STANDARDS—WALL SIGNS**

Land Use	Aggregate Area (square feet)
Single-Family Residential	10
Multi-Family Residential	20
Nonresidential in a Residential Zone	20
Commercial and Industrial	See Table 412.7.1.1(2)

**TABLE 412.7.1.1(2) | SIGN AREA**

Distance of Sign From Road or Adjacent Commercial or Industrial Zone	Percentage of Building Elevation Permitted for Sign Area
0 to 100 feet	15
101 to 300 feet	20
Over 301 feet	25



**Section 412.7.1.2 | Free-standing signs.** In addition to any allowable wall signs, every single-family residential subdivision, multiple-family residential complex, commercial or industrial building, and every separate nonresidential building in a residential zone shall be permitted to display free-standing or combination signs per street frontage subject to the limiting standards set forth in Table 412.7.1.2.

**TABLE 412.7.1.2 | IDENTIFICATION SIGN STANDARDS | FREE-STANDING SIGNS**

Land Use	Number of Signs	Height (feet)	Area (square feet)	Spacing
Single-Family Residential	1	5	20	1 per subdivision entrance <sup>1</sup>
Multi-Family Residential	1	5	20	1 per driveway
Nonresidential in a Residential zone <sup>2</sup>	1	10	30	300 <sup>3</sup>
Commercial and Industrial <sup>4</sup>	1	See Figures 412.7.1.2(1), (2) and (3)	See Figures 412.7.1.2(1), (2) and (3)	150 <sup>5</sup>

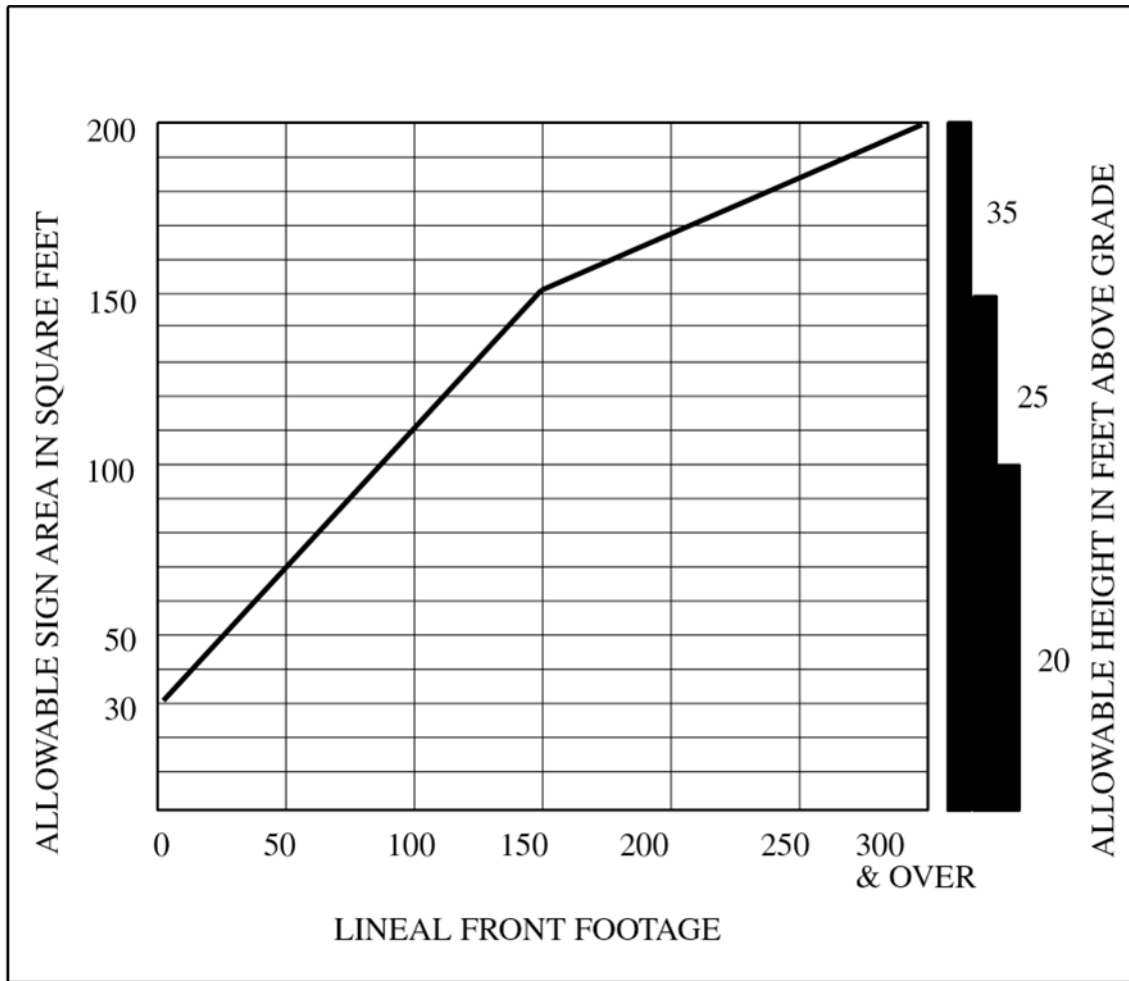
<sup>1</sup> For subdivision or apartment identification signs placed on a decorative entry wall approved by the code official, two identification signs shall be permitted to be placed at each entrance to the subdivision or apartment complex, one on each side of the driveway or entry drive.

<sup>2</sup> Excludes home occupation and existing nonconforming.

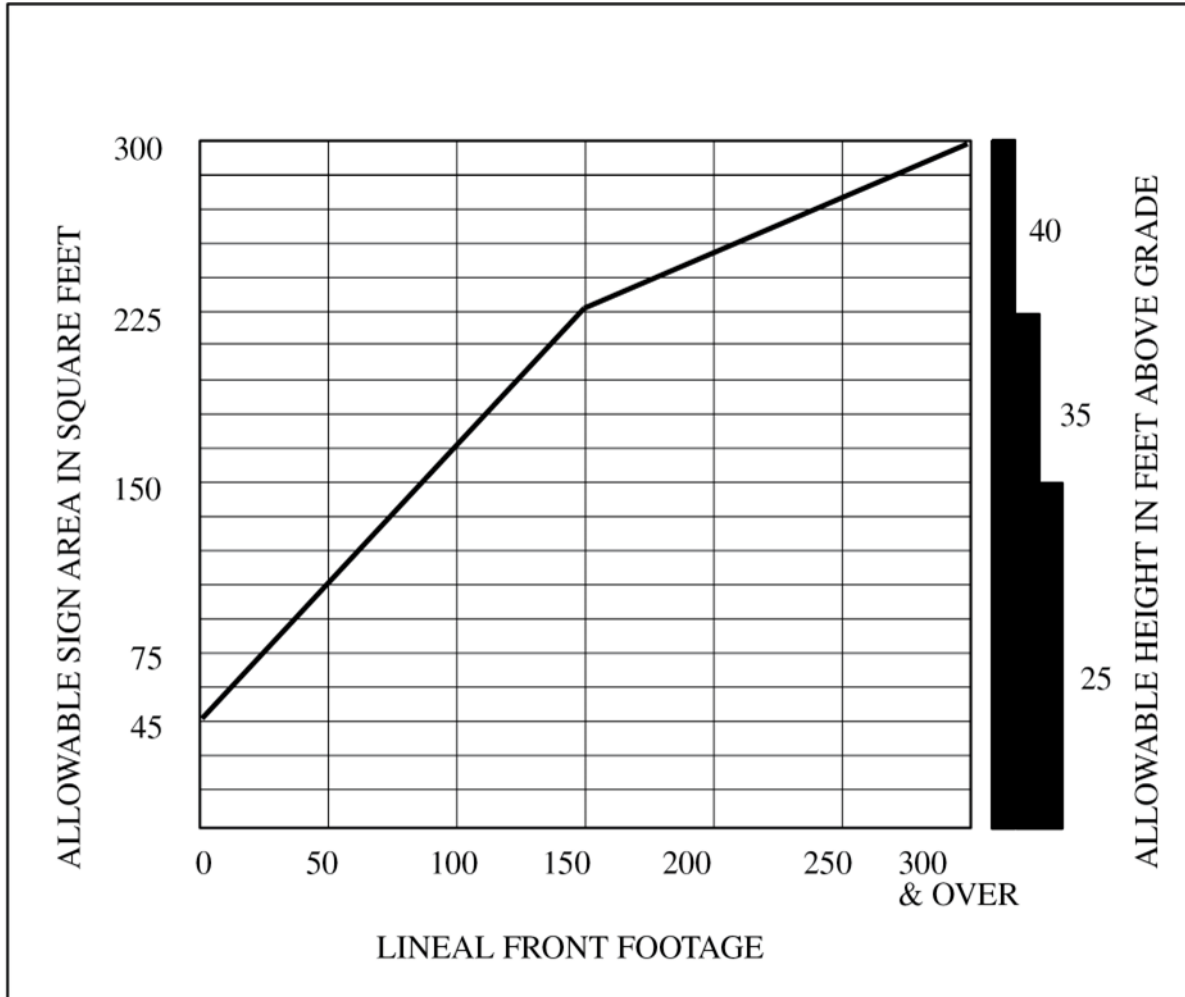
<sup>3</sup> Must be 50 feet from residential lot line.

<sup>4</sup> For shopping centers or planned industrial parks, two monument-style free-standing signs not exceeding 50 percent each of the permitted height and area, and spaced not closer than 100 feet to any other free-standing identification sign, shall be permitted to be allowed in lieu of any free-standing sign otherwise permitted in this table.

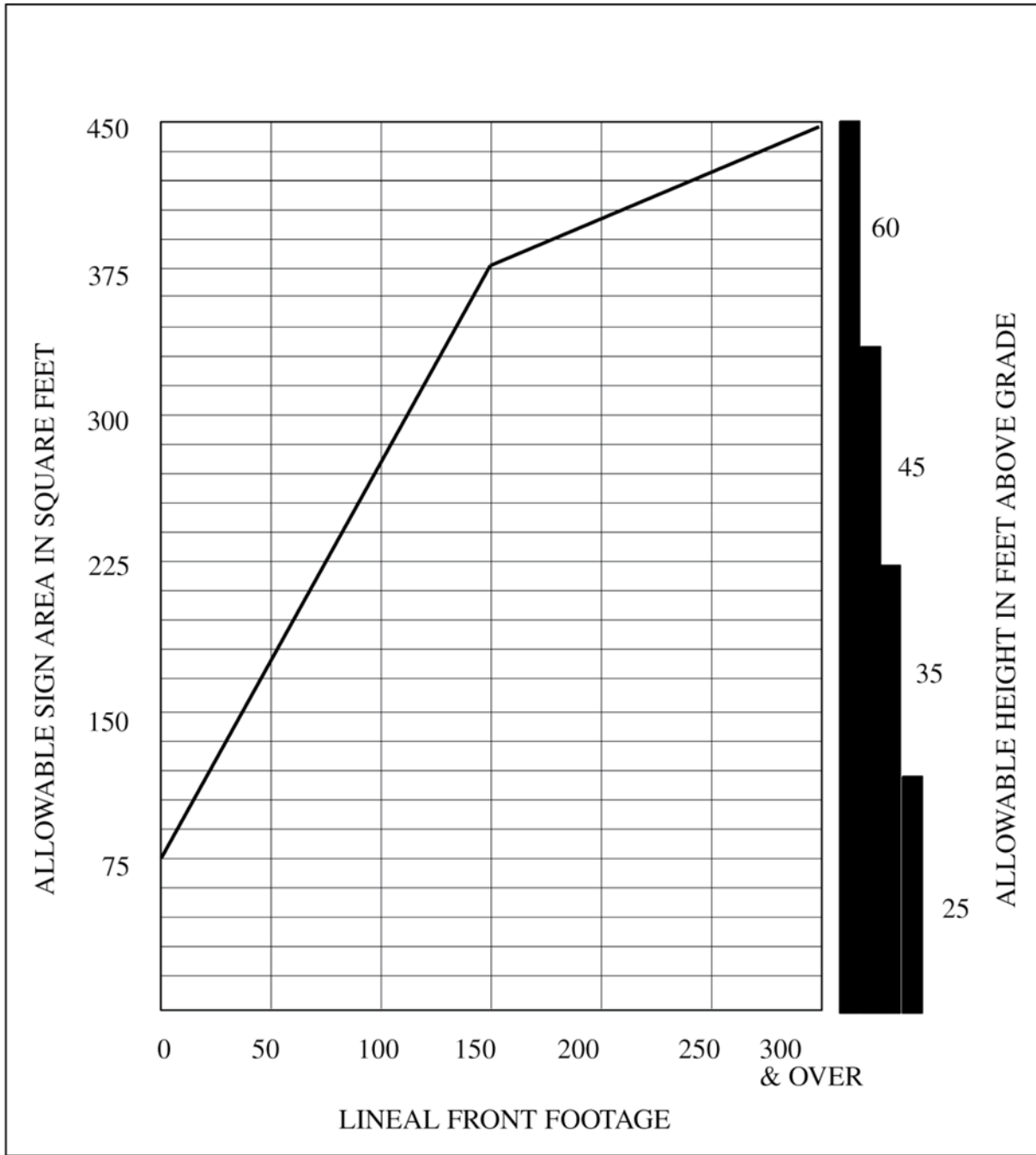
<sup>5</sup> Must be 50 feet from residential lot line.



**FIGURE 412.7.1.2(1) | ON-PREMISE FREE-STANDING SIGNS  
COMMERCIAL AND INDUSTRIAL ZONES  
VEHICULAR SPEED SUBJECT TO POSTED LIMITS UNDER 35 MPH**



**FIGURE 412.7.1.2(2) | ON-PREMISE FREE-STANDING SIGNS  
COMMERCIAL AND INDUSTRIAL ZONES  
VEHICULAR SPEED SUBJECT TO POSTED LIMITS BETWEEN 35 AND 55 MPH  
(INCLUSIVE)**



**FIGURE 412.7.1.2(3) | ON-PREMISE FREE-STANDING SIGNS  
COMMERCIAL AND INDUSTRIAL ZONES  
VEHICULAR SPEED SUBJECT TO POSTED LIMITS ABOVE 55 MPH**

**Section 412.7.1.3 | Directional signs.** Not more than two directional signs shall be permitted per street entrance to any lot. There shall be no limit to the number of directional signs providing directional information interior to a lot. In residential zones, the maximum area for directional signs shall be 4 square feet. For all other zones, the maximum area for any directional sign visible from adjacent property or rights-of-way shall be 6 square feet. Not more than 25 percent of the area of any directional sign shall be permitted to be devoted to business identification or logo, which area shall not be assessed as identification sign area. In all zones, the maximum height of a directional sign shall be 3 feet.

**Section 412.7.2 | Temporary signs.** Temporary signs shall be in accordance with Sections 412.7.2.1 through 412.7.2.6.

**Section 412.7.2.1 | Real estate signs.** Real estate signs shall be permitted in all zoning districts, subject to the following limitations:

1. Real estate signs located on a single residential lot shall be limited to one sign, not greater than 6 feet in height and 12 square feet in area.
2. Real estate signs advertising the sale of lots located within a subdivision shall be limited to one sign per entrance to the subdivision, and each sign shall be not greater than 32 square feet in area nor 6 feet in height. Signs permitted under this section shall be removed within 10 days after sale of the last original lot.
3. Real estate signs advertising the sale or lease of space within commercial or industrial buildings shall be not greater than 32 square feet in area nor 8 feet in height, and shall be limited to one sign per street front.
4. Real estate signs advertising the sale or lease of vacant commercial or industrial land shall be limited to one sign per street front, and each sign shall be not greater than 15 feet in height, and 50 square feet for property of 10 acres (40 470 m<sup>2</sup>) or less, or 100 square feet (9.3 m<sup>2</sup>) for property exceeding 10 acres (40 470 m<sup>2</sup>).
5. Real estate signs shall be removed not later than 10 days after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase.

**Section 412.7.2.2 | Development and construction signs.** Signs temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project or anticipated completion dates, shall be permitted in all zoning districts, subject to the following limitations:

1. Such signs on a single residential lot shall be limited to one sign, not greater than 6 feet in height and 12 square feet in area.
2. Such signs for a residential subdivision or multiple residential lots shall be limited to one sign, at each entrance to the subdivision or on one of the lots to be built on, and shall be not greater than 6 feet in height and 32 square feet in area.
3. Such signs for nonresidential uses in residential districts shall be limited to one sign, and shall be not greater than 6 feet in height and 32 square feet in area.

4. Such signs for commercial or industrial projects shall be limited to one sign per street front, not to exceed 8 feet in height and 32 square feet for projects on parcels 5 acres (20 235 m<sup>2</sup>) or less in size, and not to exceed 8 feet in height and 50 square feet for projects on parcels larger than 5 acres (20 235 m<sup>2</sup>).
5. Development and construction signs shall not be displayed until after the issuance of construction permits by the building official, and must be removed not later than 24 hours following issuance of an occupancy permit for any or all portions of the project.

**Section 412.7.2.3 | *Special promotion, event, and grand opening signs.*** Signs temporarily displayed to advertise special promotions, events and grand openings shall be permitted for nonresidential uses in a residential district, and for all commercial and industrial districts subject to the following limitations:

1. Such signs shall be limited to one sign per street front.
2. Such signs shall be displayed for not more than 30 consecutive days in any 3-month period, and not more than 60 days in any calendar year. The signs shall be erected not more than 5 days prior to the event or grand opening, and shall be removed not more than 1 day after the event or grand opening.
3. The total area of all such signs shall not exceed 10 square feet in any single-family residential district, 15 square feet in any multiple family residential district and 32 square feet in any commercial or industrial district.

**Section 412.7.2.4 | *Special event signs in public ways.*** Signs advertising a special community event shall not be prohibited in or over public rights-of-way, subject to approval by the code official as to the size, location, and method of erection. The code official may not approve any special event signage that would impair the safety and convenience of use of public rights-of-way, or obstruct traffic visibility.

**Section 412.7.2.5 | *Portable signs.*** Portable signs shall be permitted only in the C, CR and FI districts, as designated in this code, subject to the following limitations:

1. Not more than one such sign shall be displayed on any property, and shall not exceed a height of 6 feet nor an area of 32 square feet.
2. Such signs shall be displayed not more than 20 days in any calendar year.
3. Any electrical portable signs shall comply with NFPA 70, as adopted in this jurisdiction.
4. Portable signs shall not be displayed prior to obtaining a sign permit.

**Section 412.7.2.6 | Political signs.** Political signs shall be permitted in all zoning districts, subject to the following limitations:

1. Such signs shall not exceed a height of 6 feet nor an area of 32 square feet.
2. Such signs for election candidates or ballot propositions shall be displayed only for a period of 60 days preceding the election and shall be removed within 10 days after the election, provided that signs promoting successful candidates or ballot propositions in a primary election may remain displayed until not more than 10 days after the general election.
3. Such signs shall not be placed in any public right-of-way or obstruct traffic visibility.

**Section 412.7.3 | Requirements for specific sign types.** Signs of specific type shall be in accordance with Sections 412.7.3.1 through 412.7.3.7.

**Section 412.7.3.1 | Canopy and marquee signs.** The permanently-affixed copy area of canopy or marquee signs shall not exceed an area equal to 25 percent of the face area of the canopy, marquee, or architectural projection on which such sign is affixed or applied. Graphic striping, patterns, or color bands on the face of a building, canopy, marquee, or architectural projection shall not be included in the computation of sign copy area.

**Section 412.7.3.2 | Awning signs.** The copy area of awning signs shall not exceed an area equal to 25 percent of the background area of the awning or awning surface to which such a sign is affixed or applied, or the permitted area for wall or fascia signs, whichever is less. Neither the background color of an awning, nor any graphic treatment or embellishment thereto such as striping, patterns or valances, shall be included in the computation of sign copy area.

**Section 412.7.3.3 | Projecting signs.** Projecting signs shall be permitted in lieu of freestanding signage on any street frontage limited to one sign per occupancy along any street frontage with public entrance to such an occupancy, and shall be limited in height and area to 1.5 square feet per each 1 lineal feet of building frontage, except that no such sign shall exceed an area of 100 square feet. Such sign shall not extend vertically above the highest point of the building facade on which it is mounted by more than 5 percent of the height of the building facade. Such signs shall not extend over a public sidewalk in excess of 50 percent of the width of the sidewalk. Such signs shall maintain a clear vertical distance above any public sidewalk of not less than 8 feet.

**Section 412.7.3.4 | Under canopy signs.** Under canopy signs shall be limited to not more than one such sign per public entrance to any occupancy and shall be limited to an area not to exceed 6 square feet. Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way of not less than 8 feet.

**Section 412.7.3.5 | Roof signs.** Roof signs shall be permitted in commercial and industrial districts only. Such signs shall be limited to a height above the roofline of the elevation parallel to the sign face of not more than 5 percent of the height of the roofline in commercial districts, and 10 percent of the height of the roofline in industrial districts. The sign area for roof signs shall be assessed against the aggregate permitted area for wall signs on the elevation of the building most closely parallel to the face of the sign.

**Section 412.7.3.6 | Window signs.** Window signs shall be permitted for any nonresidential use in a residential district, and for all commercial and industrial districts, subject to the following limitations:

1. The aggregate area of all such signs shall not exceed 25 percent of the window area on which such signs are displayed. Window panels separated by muntins or mullions shall be considered to be one continuous window area.
2. Window signs shall not be assessed against the sign area permitted for other sign types.

**Section 412.7.3.7 | Menu boards.** Menu board signs shall not be permitted to exceed 50 square feet (4.6 m<sup>2</sup>).

### **Section 412.8 | Signs for Development Complexes**

**Section 412.8.1 | Master sign plan required.** Landlord or single owner controlled multiple-occupancy development complexes on parcels exceeding 8 acres (32 376 m<sup>2</sup>) in size, such as shopping centers or planned industrial parks, shall submit to the code official a master sign plan prior to issuance of new sign permits. The master sign plan shall establish standards and criteria for all signs in the complex that require permits, and shall address, at a minimum, the following:

1. Proposed sign locations.
2. Materials.
3. Type of illumination.
4. Design of free-standing sign structures.
5. Size.
6. Quantity.
7. Uniform standards for nonbusiness signage, including directional and informational signs.



**Section 412.8.2 | Development complex sign.** In addition to the freestanding business identification signs otherwise allowed by this ordinance, every multiple-occupancy development complex shall be entitled to one free-standing sign per street front, at the maximum size permitted for business identification free-standing signs, to identify the development complex. Business identification shall not be permitted on a development complex sign. Any free-standing sign otherwise permitted under this ordinance may identify the name of the development complex.

**Section 412.8.3 | Compliance with master sign plan.** Applications for sign permits for signage within a multiple-occupancy development complex shall comply with the master sign plan.

**Section 412.8.4 | Amendments.** Any amendments to a master sign plan must be signed and approved by the owner(s) within the development complex before such amendment will become effective.

### **Section 413 | Cellular Antenna Towers**

Due to the semi-public nature of cellular antenna towers and other wireless communication systems, it is the purpose of this section to regulate these facilities in order to:

1. Accommodate the need for cellular or wireless communications towers while regulating their location and number in the City of Richmond.
2. Minimize the adverse visual effects of such facilities through proper site and design.
3. Avoid potential damage to adjacent properties from structural failure of communication towers and support structures.
4. Encourage the joint use of any new and existing communications towers and support structures in order to reduce the number of such structures needed in the future.

#### ***Section 413.1 | Regulations***

The following regulations shall apply to cellular or wireless communication antennas and towers.

1. A cellular or wireless communications antenna that is mounted to an existing communication tower or other tall structure shall be permitted as a principal use in districts as provided for in Section 406.5. Otherwise, they will be treated as conditional uses.
2. Any cellular or wireless communications antenna that is mounted to an existing structure shall be compatible in color with that structure.
3. Cellular or wireless communications sites shall not be located any closer than five hundred (500) feet from any residential district.

4. The cellular or wireless communications company shall be required to demonstrate, using the latest technological evidence that the antenna or tower must be placed where it is proposed in order to satisfy its necessary function in the company's grid system.
5. If the cellular or wireless communications company proposes to build a new tower as opposed to mounting an antenna on an existing structure, it is required to demonstrate that it has contacted the owners of nearby tall structures within a one (1) mile radius of the site proposed. Has asked for permission to install the cellular or wireless communications antenna on these structures, and was denied for reasons other than economic ones. "Tall structures" shall include, but not limited to, smoke stacks, water towers, buildings over 50 feet in height, antenna support structures or other cellular or wireless communications companies, other communication towers, and roadway lighting poles.
6. The city or county may deny the application to construct a new cellular or wireless communications tower if the applicant has not made a good faith effort to mount the structure on existing structures.
7. The applicant shall demonstrate that the antenna/tower is to be constructed at the minimum height necessary in order to function satisfactorily.
8. The applicant shall demonstrate that the proposed cellular or wireless communications tower and its antenna are safe and the surrounding properties will not be negatively affected by tower failure, falling ice, or other debris, electromagnetic fields or radio frequency interference. In addition, all towers shall be fitted with anti-climbing devices as approved by the manufacturers, and shall be enclosed (along with support structures) by fence that is a minimum of eight (8) feet in height to prevent unauthorized access.
9. In order to limit the number of antenna support structures needed in the future, the proposed new tower shall be required to accommodate other users, including other cellular or wireless communications companies, and local law enforcement and emergency agencies.
10. The applicant must demonstrate that it is licensed by the Federal Communications Commission (FCC) to engage in such activities.
11. A site development plan shall be required as part of the application process.

#### **Section 414 | Outdoor Lighting**

The following regulations shall apply to any outdoor lighting located within the City of Richmond only, in any district where there are parking spaces for five (5) or more vehicles, or where a building, sign, or electrical permit is required for the installation of lighting fixtures.

##### ***Section 414.1 | Submission of Light Plan***

Any building, structure or use of land that requires a review and approval of a parking plan, as specified in this article, shall provide a lighting plan. A lighting plan may also be required at

the determination of the Chief Enforcement Officer, when a building, sign, or electrical permit application for lighting fixtures is filed. The lighting plan shall provide the following information as a minimum:

1. A photometric plan showing the proposed intensity levels of the lighting throughout the site, indicating foot-candle measurement shall be provided. The lighting plan shall include the property lines and right-of-way lines for the site, and shall include the first fifty feet of adjacent property, at a minimum. Light levels shall be indicated a minimum of thirty feet onto adjacent properties. The lighting plan shall indicate all site lighting including on-building security, flood, and other lights in the evaluation. The initial output of lamp fixtures, as defined by the manufacturer, is the value to be considered in the intensity analysis.
2. The lighting plan shall indicate the locations of each of the proposed fixtures.
3. The lighting plan shall indicate the minimum, maximum, and average intensity/illumination for the site.
4. Details of all proposed outdoor lighting fixtures shall be provided, indicating manufacturer, model and style of the fixture. A graphic representation of the fixture is requested. The fixture lamp type (i.e. low pressure sodium, metal halide, etc.) shall be indicated on the proposed plans.
5. The proposed height of the lighting fixtures shall be indicated.
6. The hours of use of the lighting fixtures shall be indicated on the plans.

**Section 414.2 | Height**

All outdoor lighting shall be designed, located, and mounted at heights no greater than twelve (12) feet above grade for non-cutoff-lights and twenty-two (22) feet above grade for cutoff lights. A greater height may be authorized in any district by a variance approved as required in Section 404. Lighting height should not exceed the permitted building height. The following guidelines are provided based on the intensity of the proposed use.

<b>Height Range by Activity Level</b>	
Low	10 feet to 15 feet
Medium	10 feet to 18 feet
High	10 feet to 22 feet

<b>Average Illumination by Activity Level</b>	
Examples of Activity Levels for Open Parking	
Low	Multi-family dwellings, education facilities, churches, local commercial and industrial use.
Medium	Community and neighborhood shopping centers, office parks, hospitals, commuter lots, community facilities (cultural, civic, recreational).
High	Regional shopping centers, motorist services at expressway interchanges, athletic facilities, and regional cultural or civic facilities.

**Section 412.3 | Illumination**

Outdoor lighting shall be designed and located with a maximum illumination of 0.5 footcandles at the property line. Lighting for parking areas and where security lighting is needed shall have a minimum of 0.5 footcandles. The guidelines for illumination levels listed below are based on the activity levels described above.

Average Illumination by Activity Level	
Low	1 footcandles
Medium	2 footcandles
High	3 footcandles

Maximum Illumination by Activity Level	
Low	5 footcandles
Medium	10 footcandles
High	15 footcandles

Uniformity of Illumination (maximum/minimum footcandle ratio) should not exceed 15.1

Illumination of Access Drive should not exceed average footcandles maintained at adjacent public record.

**Section 412.4 | Light Trespass**

Light trespass is any form of artificial illumination emanating from a light fixture (or illuminated sign) that penetrates other property and creates a nuisance. A lighting plan shall be provided by the property owner proposing the installation of outdoor lighting fixtures and shall meet the following minimum standards for light trespass:

1. Outdoor light fixtures shall be directed so that there will not be any objectionable direct glare source visible from any property, and shall be properly installed and thereafter maintained.
2. At a height of five (5) feet above the property line of the subject property, illumination from light fixtures shall not exceed 0.5 footcandles in a vertical plane on adjacent property.
3. Appropriate fixture lamp types and shielding shall be installed to prevent light trespass onto adjacent property.

***Section 412.5 | Shielding***

All outdoor lighting for non-residential uses shall be located, screened, or shielded so adjacent lots located in residential districts are not directly illuminated. Shielding may also be required for high intensity light fixtures to prevent glare to adjacent uses, public right-of-ways, and drivers. Perimeter lighting should be cut-off fixtures to prevent light trespass onto adjacent properties.

***Section 412.6 | Color and Glare***

No outdoor lighting shall be of such intensity or color distortion as to cause glare or to impair the vision of drivers, pedestrians, or adjacent properties. Shields and/or filters are required for light fixtures with high intensity and glare potential. All lighting shall be provided by cut-off fixtures with no extended/projected lenses.

***Section 412.7 | Factors for Evaluation***

The following factors shall be considered in the evaluation of lighting plans:

1. Pole height
2. Type of luminaries
3. Site coverage-average maintained
4. Uniformity: (1) maximum: minimum, (2) average: minimum
5. Intensity at property line

***Section 412.8 | Location***

Outdoor lighting need not comply with the yard requirements of each district, except that no such light shall obstruct vision in the sight triangles as specified elsewhere in this ordinance.

***Section 412.9 | Exemptions***

1. All outdoor lighting fixtures producing light directly by the combination of fossil fuels, such as kerosene lanterns or gas lamps, are exempt from the requirements of this section.
2. Holiday lighting shall be exempt from the requirements of this section.
3. All temporary emergency lighting needed by police or fire departments or other emergency services, as well as all vehicular luminaries, shall be exempt from the requirements of this section.

***Section 412.10 | Special Approval***

Search lights, laser source lights, or any similar high-intensity light shall not be permitted, except in emergencies by police and fire department personnel at their discretion, unless a temporary sign/use permit is issued by the Chief Enforcement Officer.

***Section 412.11 | Modifications***

Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the Chief Enforcement Officer for his approval, together with adequate information to assure compliance with this section, which must be received prior to substitution.

## **Article V | The Division and Development of Land**

### **Section 500 | Purpose**

The purpose of Article V is to regulate the subdivision and subsequent physical development of the land within the city limits of Richmond to ensure that lots, streets, sidewalks, public utilities, drainage facilities, and other related items are completed in such a way as to protect the health, safety, and general welfare of the public. The Access Management and Roadway Manual shall be used to provide specific documentation for the location of streets, driveway access points and construction of roadway and related facilities. Each set of plans for the development of land in Richmond shall have a Compliance Statement included as part of the submission of documents for review of the plans. A copy of the Compliance Statement can be found in Appendix D of the Access Management and Roadway Manual. These regulations spell out the procedure for submission, review, and recording of plats, the specification for format and contents of all subdivision plats, requirements for design of and specifications for lot layout, physical improvements of street, utilities, and other facilities, and the extent to which they shall be installed or dedicated as conditions precedent to approval of any plat. In addition, provisions for good and sufficient surety to ensure proper completion of physical improvements, and specifications for the extent to which land is to be used for public purposes are included.

### **Section 501 | Authority**

The legal authority for the subdivision and development of land is based upon KRS 100.277 as follows:

1. No person or his agent shall subdivide any land before securing the Planning Commission's approval of a plat designating the areas to be subdivided, and no plat of a subdivision of land within the planning unit's jurisdiction shall be recorded by the County Clerk until the plat has been approved by the Planning Commission and the approval entered thereon in writing by the chairman or other authorized officer of the Planning Commission.
2. No person owning land comprising a subdivision, or his agent, shall transfer, sell, or agree to sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has received final approval by the Planning Commission, and has been recorded. Any such instrument of transfer, sale, or contract shall be void and shall not be subject to be recorded, but all rights of such purchaser to damages are hereby preserved. The description of such a lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided, or deprive the purchaser of any right or remedies he may otherwise have.

3. When a tract of land is being divided and the property owner declares that the intended use is for agriculture, the Planning Commission shall review all survey plats of deeds submitted for must give testimony and provide a written notarized affidavit stating that the primary use of the land is for agricultural use and not for residential building development for sale or lease to the public (see definition of Agricultural Use). Additionally, the Planning Commission may require that a statement be placed on the plat to the effect that the land is not to be used for residential building development for sale or lease to the general public. If the intended use of the land for agricultural purposes is obvious from the initial plat review, the Planning Commission may designate the Planning and Zoning Director authority to sign off on the plat.

## **Section 502 | Administrative Procedures**

### ***Section 502.1 | Planning Commission Authority and Responsibilities***

The Richmond Planning Commission shall be responsible for administration of this section of the ordinance and shall have authority to engage in the following activities:

1. Review, process and take final action on all plans and plats as described in these regulations.
2. Receive applications, fees, drawings and maps as a result of subdivision review of various plats and plans and coordinate inspection services for constitution of public improvements.
3. Distribute copies of approval plans and plats to various legislative units and utility companies for review, comment and /or approval.
4. Maintain files for subdivision plats and plans.
5. Appoint administrative officers (city and county) to administer and enforce these regulations.
6. Seek advice if necessary from consultants and other local, regional, and state, agencies regarding subdivisions proposals.
7. Hear and take action on dimensional variances when a proposed development requires subdivision review and one or more variances (KRS 100.243). In determining whether a variance should be granted or not, the Planning Commission shall use the criteria outlined in KRS Chapter 100.
8. Hear and take action on individual waiver requests other than dimensional variances to seek relief from a requirement in the regulations. Upon written request by the applicant, the Planning Commission shall review and take action on a waiver request as a result of an unusual or extreme circumstance, while still meeting the intent in these regulations. Such circumstances may include new construction technology, existing topography, or site conditions that have existed for some time and are not the result of actions of the applicant. A waiver request must clearly demonstrate a hardship placed upon the applicant.



**Section 502.2 | *The City Commission's Authority and Responsibilities***

The legislative body's authority and responsibilities as governed by these regulations consist of the following:

1. Perform on-site construction inspections of public improvements in accordance with the approved plans or plats unless delegated to the Planning Commission.
2. Assure that all inspected public improvements are complete and have been constructed in accordance with the plans, plats, and specifications as approved by the Planning Commission and as required by each legislative unit and utility.
3. Review guarantees and bonds for the proper installation of public improvements as described in these regulations.
4. Make recommendations to the appropriate legislative authority for maintenance purposes of public improvements (includes street rights-of-way and utilities) on record plats and street rights-of-way on minor plats approved by the Planning Commission.

**Section 502.3 | *Amendments***

The Planning Commission may revise, modify, or amend the regulations by appropriate action taken at a scheduled meeting after the required notice and subsequent public hearing. All amendments are referenced in the beginning of this document and have been adopted in accordance with KRS Chapter 100.

**Section 502.4 | *Procedures for Obtaining Subdivision Approval***

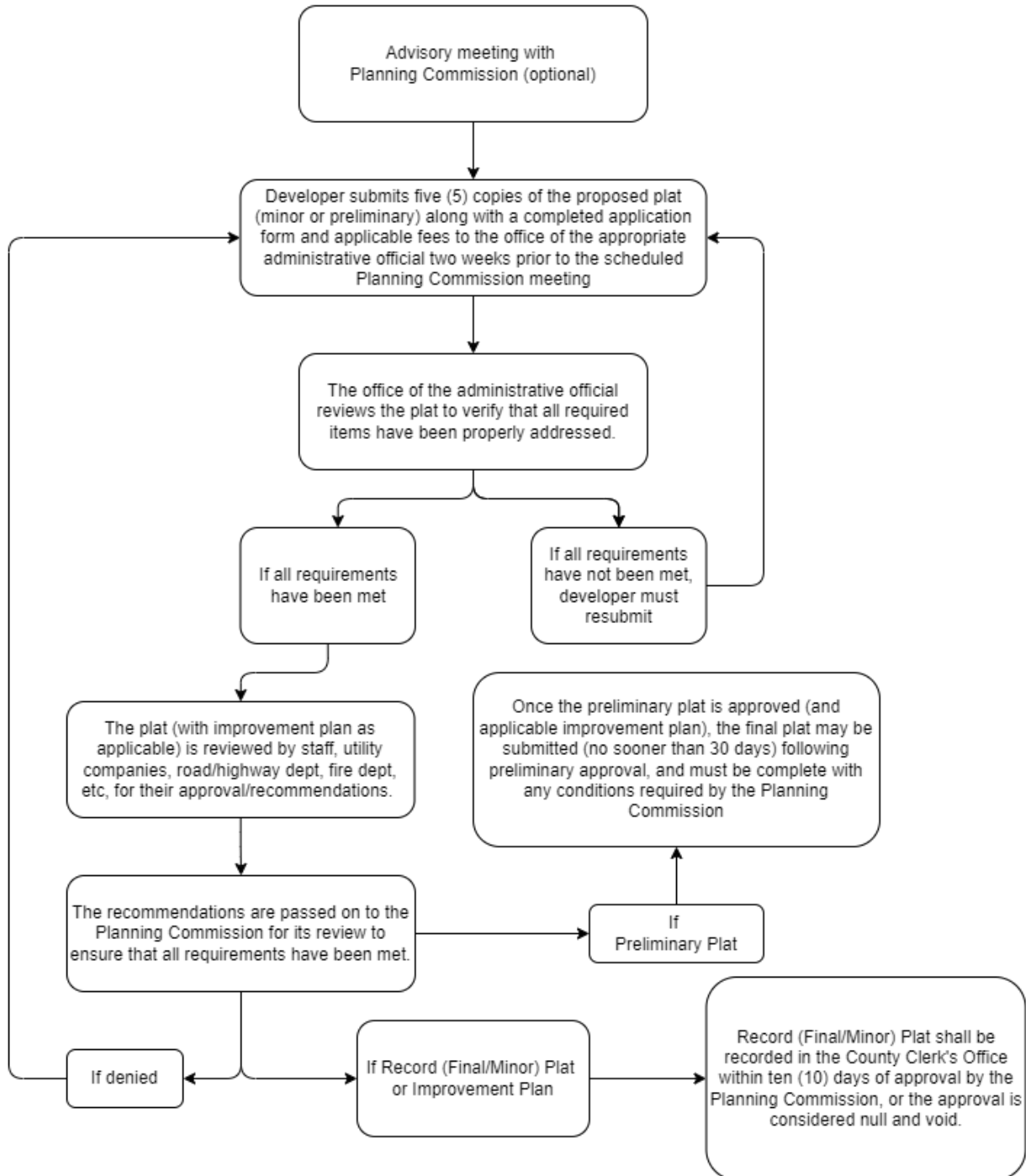
The procedure for obtaining approval of a subdivision plat from the Planning Commission generally includes the following:

1. Voluntary Advisory meeting with the Planning Commission staff.
2. The definition and determination of minor and major subdivision review.
3. Minor subdivision plat review and approval.
4. Major subdivision preliminary plat review and approval
5. Improvement plan review and approval
6. Record (final) plat review and approval.

The Planning Commission is assisted by the Technical Advisory Committee in the review process. The TAC shall review all plats for compliance with the technical provisions of the regulations prior to submission of the plat to the Planning Commission. The TAC shall meet monthly prior to the regular meeting of the Planning Commission.

The following chart briefly outlines the procedures and types of subdivision reviews.

**Subdivision Plat and Improvement Plan Review Process**



**Section 502.5 | *Advisory Meeting with the Planning Commission***

Prior to the preparation of any subdivision plan or plat, a subdivider or applicant is encouraged to meet with the Planning Commission's Planning and Zoning Director and staff in order to expedite the processing or review of each subdivision plan or plat. This meeting is intended to familiarize the subdivider with the current regulations and to ascertain the location of any planned development projects and infrastructure, which may affect the property being considered for subdivision. This step does not require a formal application or the filing of a plat with the Planning Commission, but does require the subdivider to submit the following information:

1. Name of the subdivision, date, direction, and scale.
2. Name and addresses of property owner(s).
3. A sketch plat of the property showing shape, approximate dimensions, and total acreage.
4. A vicinity map showing the general location of the property, existing roads, surrounding property, and major physical features.
5. Generalized layout of proposed streets and lots.
6. Available and proposed utilities.
7. Relationship to services, including schools, parks, etc.
8. Intended use for all parcels of land.

**Section 502.6 | *Minor Subdivisions***

The Planning and Zoning Director shall determine whether the proposed subdivision constitutes a minor or major subdivision. To qualify as a minor plat, a subdivision must meet one of the following requirements:

1. The subdivision contains no more than three (3) contiguous lots (counting the remainder of the parent tract). If more than three lots are involved then said lots shall be handled as a re-subdivision and processed as a preliminary and final plat.
2. The parcel to be subdivided will not involve the construction of any public water lines, storm or sanitary sewers, and streets, which require the review and processing through preliminary and final plats.
3. The subdivision provides for the transfer of land between adjacent property owners and does not involve the creation of any new lots or building sites.
4. The subdivision includes three (3) lots of record that are being consolidated to create a lesser number of parcels and involves no new public improvements.

Any plat that does not meet the above criteria shall be considered a major plat. Subdivision plats that are submitted for multi-family residential, commercial, and industrial development shall be considered as major plats and are subject to the preliminary and final plat review process, and submission of development plans.

**Section 502.7 | *Minor Plat Submission***

The sub divider shall submit an application for Minor Plat Approval to the Planning and Zoning Director with fifteen (15) signed copies and 2 digital copies (either .dwg or .dgn format) of the minor plat prepared in accordance with all applicable requirements of this ordinance. This application shall be filed in the Planning and Zoning Department according to the schedule provided by that department. For a list of information items to be provided in a minor plat, see Plat Requirements in Section 503. The Planning and Zoning Director shall review the minor plat to ensure that it meets all the applicable requirements, and shall take one of the following actions; 1) approve the minor plat; or 2) disapprove the minor plat. If the minor plat is disapproved, written notice of such action, including the reasons for disapproval shall be mailed to the applicant and notification given to the Chairman of the Planning Commission. If the minor plat is approved, the Chairman of the Planning Commission shall sign a copy of the original minor plat, which shall be forwarded directly to the county clerk's office for recording.

**Section 502.8 | *Major Subdivisions***

Any subdivision not meeting the requirements of Section 502.6 shall be considered as a major plat and subject to a two step review process; 1) review of the preliminary plat, and 2) review of the final plat.

**Section 502.9 | *The Preliminary Plat***

The purpose of the preliminary plat is to provide a graphic statement of the proposed development of a tract of land. The preliminary plat is "preliminary" in the sense that the Planning Commission may make recommendations for improving the design or improvement standards before they become finalized on the land. Upon approval of the preliminary plat by the Planning Commission, the developer is authorized to proceed with the construction plan process. If the proposed subdivision is to be constructed in more than one phase, the developer shall show the entire proposed development on the preliminary plat. Phases shall occur in such a way as to minimize the cost of extending utilities.

**Section 502.10 | *Submission***

The developer shall apply for approval of a plat/plan on the application form provided by the Department of Planning and Zoning according to the schedule provided by the department. The completed application shall be submitted to the Planning and Zoning Director along with the plat/plan and the Plat Requirements Checklist in accordance with the requirements of Appendix A. The Planning and Zoning Director may refuse to accept the proposed subdivision application if it is determined to be incomplete. The plat/plan shall be prepared by a registered engineer or surveyor (as applicable) at a scale not greater than one (1) inch = one hundred (100) feet, and shall be on one or more sheets 24x 36 inches in size and include 2 digital copies.

When plats/plans are being submitted for any plat/plan, GPS monumentation on State Plane Coordinate for that plat/plan shall be established and submitted digitally with that plat/plan.

***Section 502.11 | Number of Copies***

The developer shall submit fifteen (15) copies of the plat/plans, three (3) copies of the Best Management Plan and calculations, and two (2) digital copies with required supplementary information to the Planning and Zoning Director for distribution to the Technical Advisory Committee and the Planning Commission for review and recommendations.

***Section 502.12 | Plat Review***

The TAC shall conduct technical review of the plat and submit written comments to the Planning Commission no later than ten (10) working days prior to the Planning Commission work session. These comments will focus on any concerns or conditions that need to be addressed regarding the plat. The Richmond Utilities Board's procedure for review of water, sanitary sewage, and gas is specified in their Infrastructure Development Manuals.

The Planning Commission shall review the report of the TAC and shall receive additional information at its regular work session. The developer or an authorized representative shall be present at the meeting to answer questions or provide additional information. The intent of the work session is to generate discussion and provide pertinent information needed by the Planning Commission in their decision-making process. Conditions not yet met will be recorded in the minutes of the work session. Conditions shall be met before the plat will be voted on in the business session. If signatures have not been completed due to extenuating circumstances, the Planning Commission may approve the plat pending signatures.

Final consideration of the proposed preliminary plat will normally be made during a Planning Commission business meeting (regular or special called). In determining whether a preliminary plat shall be approved, the Planning Commission shall consider the following:

1. Conformance with plat requirements.
2. Adequate allocation of areas for streets, parks, schools, public and semi-public buildings, homes, utilities, businesses and industries.
3. Distribution of population and traffic in a manner so as to create conditions favorable to health, safety, convenience, and the harmonious development of the community.
4. Comments from other agencies and officials. Notice shall be given to other local governments if the subdivision includes a street extending into their jurisdiction.
5. Comments made by the public at the Planning Commission meeting.

No preliminary plat shall be approved until an access permit has been obtained from the state highway department (if applicable).

***Section 502.13 | Planning Commission Action***

Within sixty (60) days of the Planning Commission business meeting on the preliminary plat, the Commission shall make one of the following decisions; 1) approve the plat, 2) approve the plat pending signatures, 3) disapprove the plat, unless such time is extended by agreement of the Planning Commission and the developer, or 4) postpone taking action for specific stated reasons up to thirty (30) days. If the Planning Commission finds that the preliminary plat does not meet the requirements of the regulations, it shall either disapprove the plat or approve the plat, subject to signatures being completed within the same time period. Failure of the Planning Commission to act within the specified time shall be considered as approval of the plat. Approval of the preliminary plat by the Planning Commission does not constitute final approval of the subdivision, but is merely an authorization to proceed with the preparation of the final plat and construction of public facilities. In the event of a disapproval or conditional approval of the preliminary plat, a statement in writing by the Planning Commission setting forth the reasons for disapproval or the conditions for approval, shall be entered into the records of the Planning Commission.

***Section 502.14 | Effective Period of Approval***

At such times as a preliminary plat has been approved by the Planning Commission, one copy shall be returned to the developer for compliance with final approval requirements. Such approval shall be effective for one (1) year from the date of approval. The approval date for each plat is the date of the planning and zoning business meeting at which the plat is approved with or without conditions. During that time, the general terms and conditions under which the preliminary plat was granted will not be affected by any changes to these regulations. An extension of six (6) months may be granted provided the developer submits a written request to the Planning Commission and it is approved.

***Section 502.15 | Adjustment of Preliminary Plat Requirements***

The Planning Commission may waive the requirements in any individual case where in the Commission's judgment such a waiver would be in the public interest and would eliminate undue hardship. No waiver shall be granted which will have the effect of nullifying the intent and purpose of the regulations. In granting any waiver, the Commission shall attach such conditions as are necessary in its judgment to secure substantially the objectives of the requirements being adjusted. Any waiver of these requirements shall be requested specifically in writing by the developer with reference to the particular section to be waived. This request shall be accompanied by the submission of the preliminary plat and be entered in the minutes of the review meeting at least thirty (30) days prior to the plat elapsing.

***Section 502.16 | Amending the Preliminary Plat***

If the developer desires to make a substantial change in a preliminary plat that has been approved by the Planning Commission (such as a sufficient change in the number of lots, major realignment of street, changes to the stormwater infrastructure, or use of previously dedicated property), an amended preliminary plat must be filed in accordance with procedures previously described. The updated amendments must also meet the current regulations.

***Section 502.17 | Construction Plans***

All final plats, which contain a lot or lots requiring instillation of improvements shall have fifteen (15) copies of construction plans submitted to the Planning and Zoning office for approval 10 days prior by 12:00p.m. to the Technical Advisory Committee meeting. Upon review and approval of the construction plans per method and procedure adopted by the planning commission, one (1) set shall signed approved by the Planning and Zoning Director/ Planning and Zoning Engineer and returned to the applicant. Said construction plans shall be submitted and approval at minimum 30 days prior to approval of the final plat.

The applicant shall not proceed with any construction of subject improvements, which include roadways, storm sewer, or any other improvements in which the city will ultimately be taking ownership of until such time as he or she is in receipt of approved construction plans. Construction of such improvements shall comply with approved construction plans. The Planning Commission shall approve any deviation from approved plans of construction.

Based upon the Planning Commission's approval of plans, the Planning Commission shall not be liable for any error or omission of the design and/or construction.

A City of Richmond Planning and Zoning employee shall inspect all construction at various phases throughout the construction. In addition to the City of Richmond inspector the applicant/developer shall have his engineer submit the city's storm sewer infrastructure construction and functionality inspection form upon completion of the site and before a final plat shall be approved.

If, prior to inspection, any phase of construction is obscured by a subsequent phase of construction, the City Inspector shall order the applicant/developer to cease development. Test to determine conformance to the construction standards of the development ordinance shall be performed by a qualified Registered Engineer at the expense of the applicant/developer. If the tests are not satisfactory the said Inspector may require the removal of any material necessary to correct the construction deficiency.

The construction plans shall consist of but not be limited to: a proposed grading plan, stormwater plans (drainage calculations, layout of all storm lines, detention design and outlet structure design). Roadway design (plan, profile and critical cross sections), layout of all

sanitary sewer and water lines and any permits that may be required on the project. All water and sanitary sewer plans will continue to be submitted to Richmond Utilities for their approval.

***Section 502.18 | Final Plat***

The final plat serves as a plat of record for public recording and transfer of land, and as a check to assure that subdivision requirements (including any conditions stipulated in the preliminary plat) have been met. The final plat shall conform substantially to the preliminary plat and construction plans as approved, and it may constitute only a portion of the preliminary plat, which the developer proposes to develop and record. No final plat shall be approved until at least thirty (30) days following the approval of the construction plans. The Planning Commission at the business meeting will review no final plat until either all improvements on the preliminary plat/construction plans have been made or all unfinished items have been guaranteed by a bond or an irrevocable letter of credit.

Final plats cannot be submitted for approval less than 30 days after the preliminary plat and construction plans have been completed and approved with a signed and stamped copy on file with the City of Richmond's Planning and Zoning office.

***Section 502.19 | Submittal***

Within one (1) year of approval of the preliminary plat, the developer shall file the final subdivision plat for review and action by the Planning Commission. Failure to submit the final plat within a year's time shall require re-approval of the expired preliminary plat. An extension of six (6) months may be granted provided the developer submits a written request to the Planning Commission and it is approved.

The developer shall submit an application for final plat approval along with the plat requirements checklist to the Planning and Zoning Director. At the time of filing, a non-returnable filing fee shall be paid according to the fee schedule. The final plat shall be prepared and sealed by a registered engineer or surveyor (as applicable), at a scale not greater than one inch = one hundred (100) ft. on one or more sheets 24 x 36 inches in size. All final plats are to be submitted in digital format for G.I.S. mapping purposes only, as provided for in the city's Digital Submission requirements. The developer shall submit a CAD drawing that is geo-referenced and to real world scale. Submission shall be in a .dwg or .dgn format.

***Section 502.20 | Number of Copies***

Fifteen (15) copies of the final plat along with two (2) digital copies, together with any street profiles or other required plans shall be submitted to the Planning and Zoning Director.



**Section 502.21 | Plat Review**

The Technical Advisory Committee shall review the final plat as to computations, certifications, monuments, and related items to ensure that all required improvements have been completed to the satisfaction of city engineering standards. The TAC shall submit a written report to the Planning Commission for their consideration in reviewing the plat. In case a security bond or certified check has been posted, the developer's engineer will provide a detailed breakdown of the individual project development costs as well as the percentage of work completed on each improvement. The developer's engineer will verify that the amount of the surety is sufficient to cover the cost of required improvements yet to be completed.

**Section 502.22 | Planning Commission Action**

Within thirty-five (35) days after the review of the final plat, the Planning Commission shall approve or disapprove the plat. Failure of the Planning Commission to act upon the final plat within thirty-five (35) days shall be deemed approval of the plat. If the plat is disapproved, the grounds of the disapproval shall be stated in the records of the Planning Commission and the developer will be notified of the reasons for disapproval. Approval by the Planning Commission shall not constitute acceptance by the public of the dedication of any streets, other public way, or ground. When streets have been constructed, inspected, and approved, the dedicated street or public way shall be accepted for maintenance by the city within forty-five (45) days and shall be a public way for all purposes.

**Section 503 | Plat/Development Plan Requirements**

See Appendix "A" for the checklist for plat/plan requirements.

**Section 504 | Enforcement**

Chapter 100 of K.R.S. enables the Planning Commission to establish standards for local development as well as to establish the procedures necessary for implementing these standards. The statutes also include specific provisions for the enforcement of these regulations and penalties for the violation thereof as set forth in Section 306.

The city shall have a cause of action for all appropriate relief, including injunctions against any governmental bodies or any aggrieved person who violates this chapter or regulations adopted hereunder (K.R.S. 100.337).

**Section 505 | Plats of Record**

Much of the authority for regulating land subdivisions comes from the necessity for recording parcels of land within the County Clerk's Office as a condition for transfer of ownership.

All final/minor plats approved by the Planning Commission shall be recorded at the expense of the applicant in the office of the County Court Clerk. Following approval of the final/minor plat the Planning and Zoning Director shall return one (1) copy of the plat to the developer with Planning Commission certification thereon for filing with the clerk as an official plat of record. The plat being recorded shall be no more than 24 x 36 inches in size. A final/minor plat shall be recorded within one year of approval by the Planning Commission or else the approval automatically expires. The developer may request an extension of six (6) months by submitting a written request to the Planning Commission prior to the plat's expiration (K.R.S. 100.344).

**Section 506 | Land Sold in Violation (KRS 100.377)**

When it has been discovered that land has been sold or transferred, or that a contract has been entered into for the sale or transfer of land in violation of the provisions of this chapter pertaining to the regulation of subdivisions, the owner or owners of record shall file plats of the land in accordance with this chapter. When land is transferred or sold, or a contract has been entered into for sale or transfer of land in violation of this chapter, the land shall be governed by the subdivision regulations both prior to and after the platting of the land by the owner of record, as if a plat had been filed in accordance with the provisions of this chapter pertaining to subdivision regulations.

**Section 507 | Appeals**

Any person or entity claiming to be injured or aggrieved by final action of the Planning Commission shall appeal from the final action to the Madison County Circuit Court. Such appeal shall be taken within thirty (30) days after such action. Such action shall not include the Planning Commission's recommendations made other governmental bodies. All final actions, which have not been appealed within thirty (30) days, shall not be subject to judicial review.

## **Section 508 | Design and Improvements**

### ***Section 508.1 | Minimum Standards***

The standards set forth in this section are authorized under K.R.S. 100.281 and are considered to be minimum acceptable standards of design for safe, efficient, and economical development within the city. Where the Planning Commission determines that excess capacity facilities are needed, as defined in the respective sections, the city shall be responsible for arrangements to cover the cost of that capacity required beyond what is needed to serve the immediate development.

### ***Section 508.2 | Developer's Responsibility***

Generally, the developer shall be responsible for providing the land and constructing those public improvements required to serve his development. It is also the responsibility of the developer to notify the proper governmental agency when improvements are underway so that work can be inspected to ensure compliance with this ordinance. Additionally, the developer is required to notify the appropriate governmental agency when work is completed so that a final inspection can be conducted.

### ***Section 508.3 | Site Conditions***

**Section 508.3.1 | Land Suitability.** If the Planning Commission finds that the land proposed to be subdivided is unsuitable for subdivision development due to flooding, poor drainage, topography, or other such conditions that may endanger life, health, or property, the Planning Commission shall not approve the land for subdivision unless the developer proposes adequate methods for alleviating these unsuitable conditions.

In addition, the Planning Commission may refuse to approve what it considers to be scattered or premature subdivision of land which would involve danger or injury to the public health, safety, or

**Section 508.3.2 | Natural Features.** The street plan and lot layout of the proposed subdivision shall be so designed as to preserve natural features such as trees, streams, the natural lay of the land, and the disposition of topsoil.

## **Section 509 | Lot Development**

The size, proportion, and orientation of individual parcels of land and the buildings placed on them will vary with intended type of land use and with the geologic characteristics of the land. Other principles of lot use and layout are more generally applicable and are basic to principles of good subdivisions design.

***Section 509.1 | Lot Area and Dimensions***

Section 406.3 specifies the minimum lot area and dimensional requirements for each land use classification.

***Section 509.2 | Single Building Per Lot***

Each separate principal use building shall be situated on a separate and single Subdivided lot of record.

***Section 510 | Lot Layout******Section 510.1 | Lot Lines***

All side lines of lots should be at right angles to straight streets and radial to curved streets.

***Section 510.2 | Corner Lots***

Corner lots shall be laid out so as to provide at least minimum front yard requirements along both street frontages. Access to corner lots shall be as specified in the Access Management and Roadway Manual.

***Section 510.3 | Double Frontage Lots***

Lots shall not be laid out so that they have frontage on more than one street except for corner lots, or when the rear of the lot faces an arterial, freeway, or railroad right-of-way and the front of the lot faces on a minor street.

***Section 510.4 | Topography and Site Grading***

All parcels or lots shall be laid out in proper relationship to the topography and shall provide a building site of adequate size that will minimize problems of drainage and soil erosion.

**Section 510.4.1 | Purpose.** It is the intent of this Section to recognize that steep terrain, native vegetation, natural drainage courses, and other physical features characterize certain areas of the City. The intent is also to establish standards of development for these areas that help to protect the public health, safety, and welfare by minimizing potential for erosion, sedimentation, flooding, and landslides, while at the same time protecting and enhancing the visual quality of the City's natural landscape. Specific regulations and guidelines are necessary to address the following:

1. Protection of the people and property from hazards and problems associated with stormwater runoff, flooding, and erosion.
2. Minimizing the threat and consequential damage of landslides in hillside areas.
3. Aesthetic enhancement of the community.
4. Assisting with water quality and quantity issues throughout the community.

In order to complete the goals above, the city has compiled a set of design standards that are listed below:

1. The maximum slopes for any cut or fill shall be a maximum of 2:1 (two feet of horizontal run for each foot of rise or fall), except
  - a. Earthen dam embankments
  - b. Rock cuts
  - c. Where certified by a professional geotechnical engineer and supporting documentation.
2. Earthen dam embankments shall be 3:1 maximum unless a modification application is approved. The intent of the earthen dam embankment slope regulation is to provide for public safety, soil stability, and dam maintenance considerations.
3. When certification is provided by a professional geotechnical engineer it must be accompanied by a detailed plan for compacting of the fill/cut the disturbed material, a stabilization plan, and schedule.
4. Retaining walls may also be required whenever topographic conditions warrant or where necessary or determined by the city reviewer. All retaining walls shall be designed and submitted to the codes office by an engineer licensed in structures and certified in the state of Kentucky.
5. Any use of explosive/blasting materials for construction purposes will require the following:
  - a. Blasting Notification
  - b. the blaster's name
  - c. the blaster's license number, and
  - d. the required fees filed with the City of Richmond's Planning and Zoning office before any blasting can occur.

***Section 510.5 | Land Remnants***

If remnants of land exist after subdividing and have no apparent future use, which can be properly controlled, they shall be incorporated into the lot pattern of the proposed subdivision.

***Section 511 | Building Setback Line***

The building setback line for development of a parcel of land shall be in accordance with the requirements of Section 406.3

***Section 512 | Lot Identification******Section 512.1 | Monuments***

Permanent monuments of concrete or steel rods shall be set at all lot corners, angle points, and points of curves in streets and their locations marked on the final plat.

***Section 512.2 | Lot Numbers***

All parcels of land in a subdivision, other than streets, shall be given a consecutive lot number. This requirement applies to lots intended for non-residential use.

***Section 512.3 | Property Numbering System***

The 911 Office shall give individual lots a street address.

***Section 513 | Transportation***

Proposed streets shall be considered in their relationship to existing and planned streets, to topography, connectivity with other streets, public convenience and safety, and in relationship to proposed land uses to be served. Where it is desirable, consideration shall be given to other modes of transportation.

***Section 513.1 | Streets***

Streets, as ways for movement of vehicular traffic, served two principles functions:

1. The movement of people and goods, and
2. access to adjoining properties.

Unfortunately, these two functions often conflict due to the fact that the smooth flow of vehicular traffic is interrupted by the number of access points allowed. To adequately provide for these two competing functions, sound traffic engineering principles require using a street

classification system with several levels. Each classification serves the two functions in varying degrees. See the Access Management and Roadway Manual for additional documentation on streets.

### ***Section 513.2 | Street Classification System***

The Access Management and Roadway Manual, Chapter 2, documents the street classification system and definitions for the various types of streets.

### ***Section 513.3 | Conformance with Plan***

The arrangement, location, character, width, grade, and construction of all streets shall conform to the Transportation Plan Element of the city's Comprehensive Plan and shall be considered in relationship to existing and planned streets, topography, access to adjacent land, and public safety and convenience.

### ***Section 513.4 | Street Classification Standards***

Street classification standards, including the width of right of way, minimum pavement widths and percent grade for local, collector and arterial streets can be found in the Access Management and Roadway Manual, Chapter 10.

### ***Section 513.5 | Responsibility for Streets***

The developer shall construct all subdivision streets including all clearing, grading, laying of sub-base, base, and pavement, curbs and gutters, culverts, drain boxes, and related structures.

### ***Section 513.6 | General Street Design Criteria***

The Access Management and Roadway Manual shall guide the design for block length, street intersections, intersections and sight distance, street names, street signs, dedication of right of way, dead-end streets, half-streets, streetlights and other criteria of design.

### ***Section 513.7 | Street Construction***

The Access Management and Roadway Manual shall guide the construction of streets, including grading and embankments, cut section elevation, solid rock excavation, sub-grade preparation, concrete streets, bituminous concrete on macadam base, street cross sections, curbs and gutters and other criteria.

**Section 513.8 | Pedestrian Walkways**

Pedestrian walkways (sidewalks) are designed to provide for pedestrian safety and circulation. They also serve as important elements in the recreational system by providing space for walkers, hikers, and joggers.

Sidewalks are the responsibility of the developer and are to be provided in all residential subdivisions on both sides of the street. Pedestrian walkways shall be required for all commercial and industrial lots as determined by the Planning Commission.

The Access Management and Roadway Manual provides design criteria for sidewalks in Chapter 13.

**Section 513.9 | Bikeways and Shared-Use Trails**

A bikeway may be substituted for a sidewalk in areas where schools, parks, or other public facilities exist and may cause a high volume of bicycle traffic to ensure the safety of cyclists and encourage greater use of bicycles as an alternate means of transportation.

Chapter 13 of the Access Management and Roadway Manual provides guidance on the design of shared-use trails, bike lanes, and bike routes.

**Section 513.10 | Street Signs**

The developer shall install permanent street signs according to city standards in subdivisions. For more information, refer to Chapter 8 of the Access Management and Roadway Manual.

**Section 514 | Public Utilities and Facilities****Section 514.1 | Administration**

The Planning Commission's administration of these regulations shall take into account the relationships between new development and the adopted community plans for public facilities and utilities. Proposed development shall be considered in terms of required service by sanitary sewer facilities, water supply, stormwater drainage, energy supply, and communications services. Where necessary, the Commission shall require the provision of exclusive utility easements consistent with the need to serve the proposed and future development.

Specifications for public utility improvements shall meet the requirements provided by the agency responsible for the requested service.



**Section 514.2 | Water, Gas, and Sanitary Sewer System Improvements**

All development within the City of Richmond shall be served public water and sanitary sewer. The provision of gas is optional. The developer shall be required to provide an adequate potable water supply to all lots in the subdivision/development. The water distribution system shall be designed and constructed so as to form an integral part of the existing water distribution system and shall be in conformance with the city's Comprehensive Plan. In addition, the distribution system shall be in accordance with the current standards of the Natural Resources and Environmental Protection Cabinet, the State Fire Rating Bureau, and the Richmond Utilities Infrastructure Development Manuals. These manuals are incorporated herein by reference and include detailed specifications and drawings indicating the required practices and materials to be used for the construction of projects that will be turned over to Richmond Utilities upon completion. Additionally itemized in the Infrastructure Development Manuals are guidelines for the required submittals, construction, inspections, and as-built construction documentation of the subject project.

The quantity of water delivered to the water distribution system shall be sufficient to adequately, dependably, and safely supply the total reasonable requirements of its customers under maximum consumption conditions.

The water distribution system shall provide for fire protection in addition to meeting domestic use requirements. Fire hydrants shall be spaced not farther than five hundred (500) feet apart as measured over hard-surfaced roads, and in no event shall the distance between a fire hydrant and a building exceed three hundred (300) feet. Fire hydrants shall meet the minimum specifications and be installed in conformity with the Richmond Fire Department and the Richmond Utilities Board requirements. All Richmond Fire Department connections shall have a sign posted near the fire department connections that states the following information:

1. DO NOT BLOCK
2. Fire Department Connection
3. Business Name

Fire Department Connection number will be assigned by the Richmond Fire Department. Sign shall be reflective, 12" w by 18" h, white back ground with red letters and letter shall be 1 ½". All commercial buildings shall have Knox boxes placed on the building and any other building deemed necessary by the City of Richmond Fire Chief. Location will be assigned by the Richmond Fire Department. All fire connections shall have Knox Fire Department Connection caps placed on the fire department connection. Knox boxes and Knox Fire Department connection caps shall be ordered thru the Richmond Fire Department. The costs of the above items are the responsibility of the developer and or property owner.

Water mains shall be a minimum of eight (8) inches in diameter. Water, gas, and sanitary sewer system improvements are provided by the Richmond Utilities Board. Following the Technical Advisory Committee meeting, the developer and the developer's engineer shall be required to execute an agreement with Richmond Utilities in accordance with the Procedures Manual For Richmond Utilities Infrastructure Development and the related Technical Manuals.

Richmond Utilities will not be responsible for the technical accuracy of the design plans, and will review the plans from a general design and administrative basis. Following the project's completion as per the Richmond Utilities Acceptance Requirements, the developer's engineer is responsible for providing a copy of the recorded deed on computer disk as well as a 24" x 36" blue/line drawing. The developer's engineer will also provide Engineer's Digital Record Drawings (as-built drawings) on computer disk and 24" x 36" blue/line copy of the drawing before or at the time of the Developer's Request of Acceptance of Donated Utilities. In addition, the developer's engineer will insure that the As-Built drawings and the final plat shall be properly geo-referenced onto the Richmond Utilities Geographic Information System (GIS) Base Map.

During the installation of all water lines and fire hydrants, the developer and/or the contractor must notify the Richmond Fire Department and the Richmond Utilities Board so they may inspect said improvements. No improvements shall be covered or concealed until they have been approved by both agencies. No building permits shall be approved until the system is activated.

Sanitary sewage disposal shall be available for all proposed development and shall be designed, constructed, and inspected by the Richmond Utilities Board and shall meet the following requirements:

1. The minimum lateral size pipe connection to any residential dwelling shall be four (4) inches inside diameter (i.d.).
2. The minimum size sewer pipe to be used in a residential subdivision shall be eight (8) inches.
3. Each lot shall be provided with a separate and independent lateral.
4. Multi-family dwelling units two (2) through twelve (12) units shall be connected to a minimum six (6) inch i.d. lateral line before connecting to the sewer main. Each individual multi-family unit shall be connected to the six (6) inch common lateral line with a minimum four (4) inch i.d. sanitary lateral. Sanitary lateral design for multi-family developments of more than twelve (12) units shall be reviewed and must be approved by the Richmond Utilities Board prior to the commencement of construction.
5. No sanitary sewer system shall be used to dispose of stormwaters.
6. Sanitary sewage system plans shall show pipe sizes, types of pipe, location, type, and size of all lift or pumping stations and treatment facilities (as needed). Such plans shall

be designated as a logical extension of the existing public sewer system including trunk lines as needed to serve the subject tract and future extensions of the system.

Whenever the City of Richmond deems it appropriate and necessary to protect public health, safety and general welfare, and in keeping with the implementation of the Comprehensive Plan, the developer may be required to install water and sewage system improvements in excess of stated requirements. In these cases, the developer may be reimbursed by the utility agency for the difference in cost between the facilities actually needed in the development and the cost of facilities necessary to provide for planned future development.

### ***Section 514.3 | Electric, Telephone, and Other Improvements***

Electric, telephone, cable, and other related services not described elsewhere in these provisions should be provided within each subdivision according to the specifications of the appropriate agency providing the service.

### ***Section 514.4 | Stormwater Management***

These regulations affect all subdivision and development of land within the City of Richmond. Storm sewer systems are designed to collect and convey stormwater runoff from street inlets, runoff control structures, and other locations where the accumulation of stormwater is undesirable. The objective is to remove runoff from an area fast enough to avoid unacceptable amounts of ponding damage and inconvenience.

In general, the amount of stormwater runoff should be equal in terms of pre-development and post-development given the design of the stormwater system. Stormwater runoff from a site or subdivision shall not adversely impact natural drainage from an uphill drainage basin or to a downhill drainage basin or adjacent properties. The property owner shall be responsible for stormwater drainage facilities located on private property where runoff will be collected within that property and be minimally discharged over a larger area before the stormwater naturally drains on adjacent properties unless a large drainage basin exists or is being planned. Stormwater drainage easements shall be required if stormwater is discharging directly from a pipe to an adjoining property and being dispersed on the property. No storm sewer construction shall occur until permission has been granted by the appropriate agency. All stormwater infrastructure components shall be inspected and certified by the owner/developer's engineer.

In addition, the City of Richmond operates under the requirements of the Kentucky Pollutant Discharge Elimination System (KPDES), under which the city must develop, implement, and enforce a program to reduce pollutants from any stormwater runoff resulting from construction activities that result in a land disturbance greater than or equal to one (1) acre.

Accordingly, all construction site development of one (1) acre or more must provide the following information before commencement of construction activities:

1. Provide the city's Code and Planning Office with a signed copy of the completed Notice of Intent (NOI) form, KPDES Form NOI-SW, within forty-eight (48) hours prior to the initiation of site work.
2. At the time of request for a development plan review by the Planning Commission, the city's Code and Planning Office must receive a completed copy of the site-specific Best Management Practices Plan at a scale not greater than 1"=50 feet. The Technical Advisory Committee shall review this information at its regular meeting.
3. Within twenty-four (24) hours of the final design, provide the city with any updates to the Best Management Practices Plan made during the actual construction process.
4. Provide the city with a signed copy of the Notice of Termination (NOT) within forty-eight (48) hours of submittal to the state.

As provided for in Ordinance 03-57, the city has the right to 1) enter and inspect construction sites with any land disturbances for the presence of properly installed and functioning sediment control Best Management Practices and to assure compliance with the BMP site specific plan, 2) to review the records of the permittee and/or his contractor at both on-site and off site locations that pertain to the development, installation, maintenance, and operation of the BMP Plan, and 3) to require modification to the BMP Plan along with the correlating physical placement of the modifications at the site, when in the opinion of the city the current BMPs are not functioning to the degree necessary to prevent or minimize erosion or to provide proper sediment control. All expense for modifications required by the city shall be borne by the permittee and/or his contractor. No expense for proper maintenance or operation shall be borne by the city.

Where the permittee and/or his contractor is found to be in non-compliance, each non-compliance item shall be corrected within five (5) working days of notification. The first occurrence of non-compliance shall result in an issue of Notice of Violation; the second occurrence or continued non-compliance shall result in a stop work order; the third occurrence or continued non-compliance shall result in a five hundred dollar (\$500) fine per calendar day of non-compliance along with a filing of a complaint with the Kentucky Division of Water. The city has the right to take civil action against any permittee and/or contractor that consistently and persistently fails to comply with the requirements of Ordinance 03-57.

**Section 514.4.1 | Stream Buffers.** The purpose of this section is to establish minimum acceptable requirements for the design of buffers to:

1. Protect the streams, wetlands, and floodplains of the City of Richmond.
2. To protect the water quality of watercourses, reservoirs, lakes, and other significant water resources.
3. To protect the riparian and aquatic ecosystems
4. To provide for the environmentally sound use of the City's land resources.

It is the desire of the City to protect and maintain the native vegetation in riparian and wetland areas by implementing specifications for the establishment, protection, and maintenance of vegetation along all stream systems within our jurisdictional authority.

**Section 514.4.2 | Streams.** Perennial and intermittent watercourses identified through site inspection and US Geological Survey (USGS) maps. Perennial streams are those which are depicted on a USGS map with a solid blue line. Intermittent streams are those which are depicted on a USGS map with a dotted blue line. Both Perennial streams and intermittent streams are subject to design guidelines for stream buffers.

The specifications read as follows:

Stream Buffer:

1. Protects the physical and ecological integrity of the stream ecosystem.
2. Begins at the edge of the stream bank of the active channel and extend a minimum of 25 feet from the top of the bank.
3. Allowable uses within this zone are highly restricted to:
  - a. Flood control structures
  - b. Utility right of ways
  - c. Footpaths
  - d. Road crossings, where permitted.

The Stream buffer, including wetlands and floodplains, shall be managed to enhance and maximize the unique value of these resources. Management includes specific limitations on alteration of the natural conditions of these resources. The following practices and activities are restricted within this buffer.

1. Clearing of existing vegetation
2. Soil disturbance by grading, stripping, or other practices
3. Filling or dumping
4. Drainage by ditching, underdrains, or other systems

The following structures, practices, and activities are permitted in the stream buffer, with specific design or maintenance features, subject to the review and approved of the planning and zoning department:

1. Roads, bridges, paths, and utilities
  - a. An analysis needs to be conducted to ensure that no economically feasible alternative is available.
  - b. The right-of-way should be the minimum width needed to allow for maintenance access and installation.
  - c. The angle of the crossing shall be perpendicular to the stream or buffer in order to minimize clearing requirements.
  - d. Development plans must include a flood study to determine impacts on FEMA regulatory floodplains. Increase in the base flood elevation or any change to the regulatory floodway must be addressed through proper submittals to FEMA.
2. Stormwater Management
  - a. An analysis needs to be conducted to ensure that no economically feasible alternative is available and that the project is either necessary for flood control, or significantly improves the water quality or habitat in the stream.
  - b. In new developments, onsite and nonstructural alternatives will be preferred over larger facilities within the stream buffer.
  - c. When constructing stormwater management facilities (i.e., BMPs), the area cleared will be limited to the area required for construction and adequate maintenance access
  - d. Material dredged or otherwise removed from a BMP shall be stored outside the buffer.
  - e. Individual trees within the forest buffer that are in danger of falling, causing damage to dwellings or other structures, or causing blockage of the stream may be removed.

All drainage buffer areas shall be maintained through a declaration of protective covenant or by property owners in which case shall be documented on the final plat and/or the approved development plan. Any approved covenant shall be recorded in the land records and shall run with the land and continue in perpetuity.

**Section 514.5 | Basic Design Criteria**

**Section 514.5.1 | Degree of Protection Required.** The storm drainage system shall be adequate to handle the runoff from storms having various frequencies of occurrence for various degrees of site development, in accordance with the following general categories:

Conservation, Agricultural, Residential, Commercial, Industrial, and Concentrated High-Value Areas	25-year frequency
Flood Control Facilities	100-year frequency

The runoff compared from these storm frequencies shall be from the area within the subdivision and all other areas draining thereto.

**Section 514.5.2 | Determination of Quantity of Runoff for Design of Stormwater Collection Systems.** Each portion of the stormwater drainage collection system shall be capable of handling the peak flow of runoff. For drainage areas less than 200 acres, the method that shall be used is the "Rational Method." For areas greater than 200 acres, either the "Soil Conservation Service (SCS) Method or the "Rational Method", where  $Q=CIA$ ,<sup>1</sup> of the Kentucky Transportation Cabinet, Bureau of Highways shall be used:

**Section 514.5.3 | Runoff Coefficients.** The runoff coefficient is the portion of the precipitation expressed as a decimal that will reach a given stormwater facility. Each lot within a subdivision contributes runoff from the roof, driveway, sidewalk, and street. Generally, the smaller the lot width, the less impervious area. As the lot increases in width, so does the impervious area. Weighted coefficients shall be used with the impervious areas  $C = 0.95$  and all other areas  $C = 0.40$ .

Residential developments shall be calculated using lot impervious areas as follows:

Land Use	Average Percent Impervious	Hard Surface Area
Previous and/or existing pre-developed areas	Varies	Varies
Residential Uses, Average Lot Size/Width		
3 acres/300 feet	6	8,000
2 acres/200 feet	7	6,750
1 acre/100 feet	12	5,500
½ acre/100 feet	23	5,500
12,500 square feet/80 feet	34	5,000
9,000 square feet/70 feet	42	4,500
7,500 square feet/60 feet	44	4,000
6,000 square feet/50 feet	48	3,500
Multi-Family Residential	75	To be calculated
Commercial/Office	85	To be calculated
Industrial	72	To be calculated
Impervious Areas, Including Streets, Roofs, and Flatwork	72	To be calculated

**Section 514.5.4 | Intensity of Precipitation.** The "point" values of average precipitation intensity in inches per hour, at Richmond can be extrapolated from Exhibit # 2-504.5 Kentucky Bureau of Highways "Rainfall Intensity-Duration-Frequency Curves" for Lexington. For any given storm duration (concentration time to runoff) the curves show the average precipitation intensity of storms having 2, 5, 10, 25, 50, and 100 year frequencies.

<sup>1</sup>  $Q$  = peak runoff quantity in cubic feet per second;  $C$  = runoff coefficient varying with perviousness and other characteristics of the drainage area;  $I$  = average intensity of precipitation in inches per hour, varying with frequency of storm occurrence, duration or concentration time, and area of the tributary watershed;  $A$  = area in acres of tributary watershed.

**Section 514.5.5 | Time of Concentration (TC).** The time of concentration (TC) in minutes, is the estimated time it will take the storm runoff from the most remote part of the area to reach the point of the storm drainage system under consideration. This includes the time for water to flow over roofs, through roof gutters and downspouts, over ground, turfed areas, streets, through street gutters to the nearest inlet of the drainage system plus the time of flow in sewer pipes to the point under consideration. Unless otherwise determined by overland flow charts or nomographs, the Time of Concentration (TC) for inlets of stormwater collection systems may be used as follows:

Characteristics	Concentration Time <sup>1</sup>	
	Flat	Steep
For Residential and Undeveloped Areas	15 minutes	10 minutes
Residential on 1 Acre or Larger Lots	10 minutes	8 minutes

**Section 514.5.6 | SCS Method.** All formulas, constants, and data shall be used with regard to current manual from the US National Resources Conversation Service.

**Section 514.5.7 | Regional Method of Bureau of Highways.** All formulas, constants, and data shall be used with regard to the "Regional Method" from the Current Manual of Instruction of Drainage and Design, Ky. Transportation Cabinet, Bureau of Highways.

**Section 514.5.8 | Flow Times.** Flow times in sewers or conduits to the point of design may be determined from the hydraulic properties of the sewers upstream of that point, assuming average flow-full velocity at the proposed sewer slopes.

**Section 514.5.9 | Pipe Capacities.** Public storm sewer pipes shall be designed to carry peak flows as determined by the methods previously described. At the design storm, the drainage system shall be designed as an open channel (non-surcharged) flow. Manning's Formula shall determine sizes. For roughness coefficients, see the KYTC Drainage Manual.

**Section 514.5.10 | Minimum Pipe Size.** The minimum diameter for public storm sewer pipe shall be fifteen (15) inches.

**Section 514.5.11 | Minimum and Maximum Velocities.** Velocities in public storm sewer pipes, when flowing full at average peak flows, shall not be less than two (2) feet per second. Velocities shall not exceed fifteen (15) feet per second at the flow's re-entrance into the natural stream, unless approved by the Planning Commission's Engineer. The outlet velocities of all headwalls shall be shown on the profiles of the stormwater system.

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<sup>1</sup> At not time shall the Time of Concentration be greater than 30 minutes for design of storm inlets.



**Section 514.5.12 | Gradients of Pipe.** The sewer pipe shall be laid on gradients so that the velocity (flowing fully) shall be kept within the foregoing stated minimum and maximum unless other special provisions are made. Pipe sizes should be selected so as to avoid large differences in velocities between consecutive reaches.

**Section 514.5.13 | Hydraulic Grades.** To insure against surface ponding or street flooding due to surcharging, the hydraulic grade line (HGL) in any inlet or manhole may not be higher than the inlet grade. The HGL shall be shown on all profiles of the stormwater system. Design of all public storm sewer appurtenances shall consider the balance of energy plus the loss due to entrance in all structures having a critical change in horizontal or vertical alignment. In no case shall the difference in invert elevations be less than the result of equal crowns when a smaller pipe empties into a larger one. In no case shall storm sewer pipe sizes be reduced more than one standard increment of pipe diameter due to an increase in invert gradient after balancing the energy losses within the structure.

**Section 514.5.14 | Manholes (Junction Boxes).** Manholes shall be constructed in accordance with standards as shown in the current Standard Drawings, Ky. Dept. of Highways Manual. Drop manholes may be required to reduce the slope of any sewer that has a velocity that exceeds twenty (20) feet per second. Pipes shall not extend more than two (2) inches into the side of the manhole, and the invert of the outlet pipe shall be at the bottom.

**Section 514.5.15 | Inlets (Cath Basins) Capacity.** The capacity of the grate on the inlet should not be less than the quantity of flow tributary to the inlet. Inlets at low points or sags should have extra capacity as a safeguard for street flooding from flows overtopping the street curb. A safety swale designed for the one hundred (100) year storm shall be placed at the low points or sags. Curb openings on combination inlets should be used for overflows in the event that the grate is clogged. Special inlets may be required for streets with steep gradients to provide the extra capacity such situations require. All curb inlets are to be a minimum of five (5) foot open throat boxes and ten (10) foot where needed. Pipes shall not extend more than two (2) inches into the side of the manhole, and the invert of the outlet pipe shall be at the bottom. Inlet spacing shall be based upon gutter and inlet capacity, street slope and contributing drainage area. The spacing of inlets should ensure that street drainage generated along continuous grades or sags will not damage and flood private properties. For the design storm, no more than five (5) cfs shall enter any grade inlet; no more than eight (8) cfs shall enter any sump inlet; and no more than two and a Half (2.5) cfs is permitted to flow in side yards between houses. Along continuous grades (less than two (2) percent- 400 feet maximum;

1. Along continuous grades (two (2) percent and over)-600 feet maximum
2. At sag locations (draining less than two (2) percent grades)
3. 400 feet maximum between inlets or from a high point;
4. At sag locations (draining two (2) percent and more grades)
5. 600 feet maximum between inlets or from high point inlets may be required when drainage areas and /or street slopes are excessive.

**Section 514.5.16 | Intersections.** Stormwater runoff crossing the intersection of a street shall be kept to a minimum and must be approved by the Planning Commission's Engineer.

**Section 514.5.17 | Outfalls.** When storm sewer system outfalls into a flood plain of any major water course, the outfall must not be subject to frequent floods or backwaters. Standard headwalls and/or headwalls with wingwalls including rock channel protection as aprons for erosion control, shall be constructed for all outfalls. Suitable baffles or other energy dissipaters shall be provided if maximum velocities are exceeded. The invert of the first storm sewer appurtenance upstream of the outfall structure shall be above the elevation of the calculated one hundred (100) year flood plain for all channels with a drainage area of more than fifty (50) acres within the project shall be shown on the Improvement Plan.

**Section 514.5.18 | Culverts and Bridges.** Culverts and bridges shall be designed in accordance with the methods given in the Kentucky Dept. of Highways Manual of Location and Design, except that stormwater quantities to be handled by the culverts and bridges shall be determined on the basis described in these standards. The allowable headwater (AHW) shall not be greater than  $HW/D=2+$ .

**Section 514.5.19 | Headwalls.** Standard headwalls for pipe sizes 15 inch through 24 inch and headwalls including wingwalls and aprons for pipes larger than 24 inches shall be constructed at the outfall of all storm sewers in accordance with Standard Construction Drawings as provided in the current KYTC Standards Drawings Manual.

**Section 514.5.20 | Other Drainage Improvement Measures.** Other drainage improvement measures may be undertaken to provide the necessary hydraulic characteristics required for adequate drainage. These other measures include stream bed clearing, removal of obstructions, stabilization of banks of areas to eliminate erosion, widening, deepening or realignment of streams, construction of ponds behind dams, or other measures for adequate drainage.

**Section 514.5.21 | Specifications for Construction and Materials.** See Street and Storm Drainage Construction Specifications.

**Section 514.5.22 | Lot Grading.** Within the limits of the public right-of-way adjacent to street pavements, all final grading for grass strip, sidewalks, and yards shall comply with minimum and maximum grades in accord with typical sections for streets as shown in the current city street specifications. For lots that drain toward the street, the areas between the right-of-way line and the curb shall be graded so that water drains to the street at a minimum grade of one (1) inch per foot (approximately 8 percent) except where sidewalks are required (see typical sections). All grading behind the street shall be done in a fashion that does not allow ponding of water adjacent to the paved street. For lots that drain away from the street,

the area between the right-of-way and the curb shall be graded so that water drains away from the street at a minimum of 1/2 inch per foot (approximately 4 percent) except where sidewalks are required

**Section 514.5.23 | Top Soil.** If grading results in the stripping of top soil, top soil shall be uniformly spread over the lots as grading is finished. Temporary silt barriers should be installed around stock-piled top soil in order to control erosion.

**Section 514.5.24 | Trees.** All development projects should provide for retention of any existing tree that can be utilized in the final development plan, and the grading should be adjusted to the existing grade of the trees where practical.

**Section 514.5.25 | Swales.** Swales carry surface runoff from roofs, yards, and other areas to the rear of lots or along common property lines to streets or other drainage areas to prevent ponding of water near buildings or other portions of the lot. Surface drainage swales shall have a minimum grade of two (2) percent and shall be constructed so that the surface water will drain onto a street, storm inlet, or natural drainage area. Swales for handling lot drainage shall be constructed as a part of final lot grading and be seeded and mulched or sodded as soon as possible to prevent erosion.

**Section 514.5.26 | Roof and Subsurface Drains.** Roof downspouts, footing or foundation drains shall be discharged onto the same parcel of land from which the water is generated. Roof downspouts shall be piped to natural drainage areas away from the street or onto concrete splash blocks, which direct water away from the building into swales, or other natural drainage areas. Downspouts constructed toward the street shall be discharged on the surface as far back onto the lot as possible and in no case be closer than twenty (20) feet back from the nearest edge of the right-of-way line. All subsurface drains shall be constructed toward the rear of the lot or connected into the storm sewer system. Any connection into a storm sewer system must be approved by the inspector. Outlets for roof drains shall have erosion controls in place at the outlet areas to minimize erosion on site.

### ***Section 514.6 | Erosion Controls***

**Section 514.6.1 | General.** In order to minimize runoff damage to downstream properties, sediment pollution of public and private waters and hydraulic overloading of existing drainage facilities, the stormwater runoff from a subdivision or development site shall not exceed the pre-development discharge from that subdivision or development site, calculated by using an undeveloped runoff coefficient  $C = (0.40)$ .

**Section 514.6.2 | Drainage Channels.** Erosion controls for drainage channels shall be provided to control runoff velocities as follows:

1. Velocities of less than two (2) fps
  - a. Design velocities should generally be greater than 1.5 fps to avoid excessive deposition of sediments. When flat slopes are unavoidable, concrete paving should be used to accelerate runoff.
2. Velocities between one and one-half (1.5) and four (4) fps.
  - a. The bottom and sides of the earth channel shall be seeded, mulched, and fertilized to an elevation of three (3) feet above the design water surface. Seeding shall be a perennial or annual mixture of grass seeds. At a rate of seventy five (75) pounds per acre. Acceptable whole fertilizer shall be applied at a rate of seventy-five (75) pounds per one thousand (1000) feet. On slopes of over five (5) percent, the bottom and sides of the earth channel shall be sodded and pegged to remain in place. Where seeding or sodding is required and the soil is not capable of supporting vegetation, appropriate action shall be taken to bring the soil to an acceptable condition, which will support the growth of seed or sod.
3. Velocities over four (4) fps.
  - a. The bottom and sides of the earth channel shall be protected from erosion with an application of stone rip-rap, coarse aggregate and/or dumped rock channel linings. The type of application thickness and quantities shall be designed by the engineer to insure maintenance free permanent stabilization.
4. Reinforced concrete pavement at least four (4) inches thick may also be used at bends, changes in alignment, junctions with other ditches, and at other locations where erosion is likely to occur. On slopes over ten (10) percent, consideration should be given to the construction of larger sized channel linings, gabions (wire boxes) or paved channels with energy blocks or dissipaters to reduce excessive velocities and damage to receiving streams. Consideration should be given for the construction of other methods of lining for erosion control including check dams, drop structures, gabions, etc. subject to approval by the Planning Commission's engineer.

**Section 514.6.3 | Detention and Retention Basins.** Detention/Retention Basins shall be provided for all subdivisions and developments. These basins may be designed for each individual lot, but regional basins are encouraged to be provided throughout the development. Such facilities shall be designed so that no standing water will remain in detention basins during dry weather, or the design of retention basins that will not allow standing water to stagnate and present health hazards. In certain cases, other non-basin detention/retention techniques such as underground vault storage may be utilized when approved by the Commission. Individual site storm water management shall be reviewed under the current regulations. The amount of water to be detained shall be determined by the method described in Section 514.5. Such facilities shall be constructed in such a way that failure of the structure will not result in loss of life, damage to homes, or any interruption of public utility use or

service. Addition of trash racks and/or rip-rap around outlet structures in detention/retention areas shall be installed by the owner/developer.

**Section 514.6.4 | Storage Requirements.** The amount of detention/retention required for a subdivision or development shall be the amount determined from the inflow-outflow hydrograph based on the twenty-five (25) year storm frequency. If the Modified rational Method is used by a computer program, the storm duration used shall be the one that produces the maximum storage. If calculated by hand, the duration shall be greater than the time of concentration.

**Section 514.6.5 | Discharge from Basins.** The discharge from the detention/retention basin shall be controlled by a multi-stage release structure and not be greater than a pre-developed runoff rate based on two (2) and twenty-five (25) year storm frequency at that particular storage point where the discharge occurs. The routing of an emergency spillway shall be shown based on the one-hundred (100) year storm frequency. Trash racks shall be installed on the low inflow outlet in detention basins.

**Section 514.6.6 | Maintenance of Basins.** Unless dedicated to and accepted by the City, the owner of each lot and/or the developer of each subdivision shall be responsible for properly maintaining each retention/detention basin in order for such facility to function according to its design and purpose. Maintenance for the detention/retention areas shall be noted on the plat/development plan, including access roads. If publicly dedicated, the area shall be included within the right-of-way and shown on the final plat/development plan. The area of the pond or lake shall be owned and maintained by the adjoining residents. This shall include maintaining the shoreline and removing sedimentation and shall be included in the subdivision's restrictive covenants.

#### ***Section 514.7 | Drainage Channel or Water Course Relocations***

In order to minimize hillside slippage near relocated drainage channels or water courses due to drainage channel depth or character of the earth in the drainage channel fill and side slopes, precautions shall be taken to compact the fill and side slopes, provision of under drainage, bank protection of reinforcing or other measures. Additional easement width shall be provided at such possible slide areas.

#### ***Section 514.8 | Best Management Practices***

All subdivisions developments shall have a Best Management Practices (BMP) document prepared and submitted with the plat or development plan. This document shall meet the minimum requirements as stated in the current Kentucky Best Management Practices for Construction Activities prepared by the Ky. Division of Water. Three (3) copies of the document shall be submitted and a copy shall be on site at all times. All graded areas are to be

maintained at all times to prevent erosion and excessive runoff. Several methods used to prevent soil erosion during development are included in the current city street specifications such as drainage swales, silt checks, temporary retention dams, etc., and are to be used during the grading operation. All slopes and graded areas are to be seeded as soon as practical after the grading operation has been completed and/or building development has been finished. Additional erosion control measures to prevent erosion and excessive runoff may be required if the developer or builder has not accomplished it.

#### ***Section 514.9 | Mud and Debris***

Until all lot and street improvements in the subdivision have been completed, the developer/contractor and or builder shall take such measures as are necessary to prevent erosion of graded surfaces, and to prevent the deposit of soil and debris from graded surfaces onto public streets, into drainage channels or sewers, or onto adjoining land.

#### ***Section 514.10 | Specifications for Construction and Materials***

In all other respects, the design, materials, and construction shall be as specified in Sections 206,212, 601, 610, 703, and 710 of the Ky. Standard Specifications for Road and Bridge Construction.

#### ***Section 514.11 | Equipment on Streets***

At any time equipment without rubber tires use any existing pavements, all necessary precautions shall be taken to insure that the street surface, gutters, and curbs, receive no damage.

#### **Section 515 | Community Facilities and Open Space**

The process of land subdivisions and development represents a long-term commitment to a particular land use. Included in the land uses are those that are deemed appropriate for community facilities. It is important that sufficient land be set aside for public purposes.

#### ***Section 515.1 | Official Public Properties Map***

If the city has adopted an Official Public Properties Map as provided for in KRS 100.317, which includes such public uses, then, in addition to the provisions for reservation, the city may prevent the development of such area by refusing to issue a construction permit. Unless such permit is granted, no person shall recover any damages for the taking for public use of any improvement or structure constructed within the lines shown on the Official Map. Any such structure or improvement shall be removed at the expense of the owner when the land is acquired for public use.

***Section 515.2 | Unforeseen Development***

Where it is considered essential by the Planning Commission in its review of large scale or planned unit development not anticipated in the adopted Comprehensive Plan, the Commission May require the reservation for purchase of such areas of an extent and location suitable for the needs created by such development for public use for no more than two (2) years.

**Section 516 | Construction Guarantees*****Section 516.1 | Completion of Improvements***

Prior to the submission of the final plat to the Planning Commission for approval, the developer shall either have completed all improvements required by applicable City ordinance or code and/or depicted on the Preliminary Plat/Construction Plans or shall tender with the application for final plat approval an Irrevocable Letter of Credit as a construction guarantee as to the remaining improvements, such letter of credit to be in the form prescribed by the City's Department of Planning and Zoning and in the amounts to be determined in accordance with the further provisions of this ordinance.

***Section 516.2 | Construction Performance Guarantees***

The developer may execute and file guarantees of construction with the city in lieu of any items listed in the Minimum Construction Standards Prior to The Issuance of the Construction Guarantee section A of this ordinance from the Preliminary Plat/Construction Plans, when requesting approval of the final plat. However, no structure on a lot can be sold or issued a Certificate of Occupancy until such time as all improvements applicable to that lot are completed.

The letter of credit shall be filed with the Planning and Zoning department of Richmond in the amount of: (i) one hundred twenty-five percent (125%) of the cost of the completion of all remaining improvements; and, (ii) as a guarantee against faulty materials or poor workmanship, 25% of the cost of the construction and installation of all required improvements and infrastructure which have been construction at the time of the application for final plat approval, all of such costs to be estimated and determined by the City's Engineer or the Planning and Zoning staff together with any fees associated with inspection of the property. The letter of credit shall be security for the full performance by the developer for the construction and installation of all improvements to the property required by applicable City ordinance or code and/or depicted on the Preliminary Plat/Construction Plans, all of which shall be completed, except as may be otherwise set forth herein, within twenty-four (24) consecutive calendar months of the date of approval of the final plat, or within the time frame of a mutually agreed upon extension applied for by the

developer and formally approved by the Planning and Zoning Commission, such extension, however, not to exceed an additional twelve (12) consecutive calendar months. Any application for such extension shall be made in writing, shall be filed not less than ninety (90) days prior to the expiration of the initial twenty-four (24) month period, and shall express in detail the circumstances which have given rise to the developer's inability to complete the development within the initial twenty-four (24) month period. The application shall be filed with the Department of Planning and Zoning not less than ten (10) days prior to the workshop session at which it will come before the Planning and Zoning Commission for initial review and consideration.

Any provisions hereinabove to the contrary notwithstanding, at such time as all required improvements are complete, inspected, and accepted by the City, with the exception only of portion of sidewalks which adjoin any vacant lot or lots, the developer may (i) apply for a reduction in the amount of the posted letter of credit; and (ii) apply for an extension of time beyond the maximum time for completion set forth above within which to construct and install sidewalks adjoining such vacant lot or lots; provided, however, that no such extension shall encompass a period of time in excess of five (5) years from the date of final plat approval. If such application be made and granted, the letter of credit shall be reduced to an amount equal to one hundred twenty-five percent (125%) of the estimated cost of completing remaining sidewalks.

Failure of the developer to complete all required improvements to the property within the time limits above set forth shall entitle, but not require, the City to make one or more draws against the letter of credit for the cost of completion. The fact of the existence of the letter of credit securing the developer's responsibilities and obligations hereunder shall not relieve or release the developer from its primary liability to complete such improvements; rather, such liability shall exist and continue until such time as the improvements are in fact completed and accepted by the City.

At such time as the developer has completed all required improvements, the developer shall notify the Director of Planning and Zoning, who will then procure necessary inspections. Such notification shall be accomplished by the developer's submission to the Department of Planning and Zoning of a written request for final inspection including all development completion reports required, same to be signed and stamped by a licensed engineer as to accuracy, together with all fees payable for City inspection. If the improvements are in conformance with the requirements, Director will so notify the Planning Commission and shall recommend the release of letter of credit.

No developer, or any principal, owner, director, shareholder, member thereof, nor any other entity in which the developer or any principal, owner, director, shareholder, or member thereof is, as to such other entity, a principal, owner, director, shareholder, or member thereof, who shall have failed to complete any required improvements, including sidewalks, in



a timely manner as hereinabove set forth shall be eligible to submit another preliminary or final plat or any development plan for any commercial or business project until all outstanding developments have been completed and all development infrastructure has been accepted by the City.

#### **Section 516.2.1 | Minimum Construction Prior to Issuance of Construction**

**Guarantee.** The following minimum construction standards must be completed and have passed inspection by the appropriate agency prior to posting a construction guarantee or submittal of a final plat. Twenty-five percent (25%) of the total cost of all installed improvements must have a construction guarantee posted to ensure against faulty materials or poor workmanship. No structure on a lot can be sold or issued a Certificate of Occupancy until such time as all improvements applicable to that lot are completed.

1. **Street Sections:** All dense graded aggregate (DGA), base, curb and gutter, except panels for utility crossings, must be in place. The surface course of bituminous, sidewalk, and bike trail/lane may be included in the construction guarantee.
2. **Storm Sewer System:** The system must be completed to the point that it is functional according to the approved engineered plans. The design engineer shall submit in writing the functionality of the storm system. Twenty-five percent (25%) of the total cost of the storm water detention or retention system must be bonded to ensure against faulty materials or poor workmanship and shall remain a construction guarantee throughout all phases of development.
3. **Signage:** All street signs and directional signs must be in place. Street stripping may be bonded.
4. **Utilities:** It is the responsibility of the utility provider to approve and accept any and all utilities.
5. **Buffers:** Approved buffers or landscape buffers may be included in the construction guarantee.
6. **Exceptions:** The Planning Commission may approve changes from these minimum construction requirements in cases where the developer requests a modification. For any such exception, the developer shall be required to show good cause for the exception and prove that the intent of these Regulations shall not be impaired by the exception. The Commission shall not take action on any such case until it has received recommendations in writing from the affected utility or department. The Commission may require special conditions to be attached to the final plat where such conditions are necessary to protect the public interest in the timely completion of the public improvements.

**Section 516.2.2 | Issuance of a Temporary Certificate of Occupancy.** The Department of Planning and Zoning shall have the authority, notwithstanding the fact that the development in question as detailed in the approved development plan has not been fully completed, to authorize the issuance of a temporary certificate of occupancy by the Department of Codes Enforcement only in the following circumstances:

1. The Development at issue is either a multi-family or commercial development;
2. The Development as actually constructed when application is made for the temporary certificate of occupancy is in conformity with all applicable building codes as determined by the Department of Codes Enforcement and is, accordingly, suitable and ready for occupancy;
3. Landscaping will require certification from a landscape architect/professional for seasonal conditions pertaining to plantings with a cost estimate for landscape completion.
4. The only work remaining to be completed consists of either or both of landscaping and final coat blacktopping, and, in the case of final coat blacktopping, the local blacktopping plants have closed and blacktop material cannot at present be obtained;
5. The applicant has executed the “Agreement Relating to the Issuance of a Temporary Certificate of Occupancy” in the form set forth in the appendices and has posted the security therein described.

***Section 516.3 | Maintenance and Repair Improvements***

The developer is responsible for the maintenance and repair of the improvements installed. The developer shall be responsible for any damage done to the improvements by construction traffic, local traffic, or by any other means, and shall insure the accessibility to all occupied lots until final acceptance for maintenance by the city. Upon completion of work and prior to public acceptance, the developer shall clean up all ground occupied or affected with his work. Failure to maintain or repair improvements may result in withholding approval of subsequent units of the development, or the billing of the developer for such cleanup services performed by the city.

In developments where the infrastructure has been accepted by the City of Richmond any/all developers/contractors working within the development will be responsible for repairing of City’s infrastructure if damaged. Liens may be placed on all properties under construction to cover the full amount of repairs to city infrastructure.

***Section 516.4 | Liability Insurance***

The developer shall furnish proof of such insurance as required by the city which shall indemnify and save harmless the city from any and all liability arising from any conditions related to the construction or installation of improvements by the developer. The insurance shall not be allowed to expire earlier than one year from the date of acceptance of maintenance by the city. A copy of the policy shall be filed with the City Clerk.

**Section 517 | Schedule of Fees, Charges, and Expenses**

<b>Application or Item</b>	<b>Fee Amount in US Dollars</b>
Land Use Map Amendments (Annexations and Zone Changes)	\$500.00 per parcel
Zoning Classification Letters	\$30.00 per copy or item
Preliminary or Amended Preliminary Plat	\$300.00
Construction Plan Review (Infrastructure)	\$800.00
Final or Amended Final Plat	\$300.00
Punchlist for Construction Guarantee	\$200.00
Certificates of Land Use Restriction	Set by Madison County Courthouse
Minor, Easement, or Consolidation Plat	\$150.00
Development or Amended Development Plan	\$450.00
Construction Guarantee for Issuance of Temporary Certificate of Occupancy	\$100.00
Land Disturbance Permit (Commercial Site Under One Acre)	\$100.00
Land Disturbance Permit (Commercial Site Over One Acre)	\$400.00
Flood Plain or Flood Zone Permit	\$200.00
Blasting Permit	\$500.00
Conditional Use Permit	\$200.00
Request for a Variance or Waiver	\$200.00 per item
Appeals	\$100.00 per hearing
Application for Non-Conformity	\$200.00
Right of Way Encroachment Permit	\$100.00
Sign Permit Application	\$50.00
Home Occupation Application	\$50.00
Cell Tower Application	\$2,500.00
Hard Copy of Development Ordinance	\$40.00 each
Various Applications Not Listed	\$100.00
Compensation for All Special Called Meetings (Paid by All Applicants)	\$1500.00 per agenda item

**Article VI | Definitions**

For the purpose of these regulations, certain words, phrases, and their derivatives are defined as follows:

1. The words “person” or “subdivider” include a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
2. Words used in the future tense include the present; words used in the present include the future; words used in the singular form include the plural form; words used in the plural form include words used in the singular form; words used in the masculine form include the feminine form; words used in the feminine form include the masculine form.
3. The word “shall” is a mandatory requirement; the word “may” is a permissive requirement, and the word “should” is a preferred requirement.

For the purposes of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**A****Abandoned Sign**

A sign structure that has ceased to be used, and the owner intends no longer to have used, for the display of sign copy, or as otherwise defined by state law.

**Access Management**

Refers to regulations stated in this document, which promotes the safe reasonable access between public and private roads and adjacent land. Refer to the Access Management and Roadway Manual for further documentation on this subject.

**Accessory Use or Structure**

A use of structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.

**Administrative Official**

An individual appointed by the Planning Commission to act on the Commission's behalf in carrying out the provisions of these regulations, or an individual appointed to assist the Administrative Official and authorized to act on his behalf, or to perform the duties of the Administrative Official in his absence.

**Adult Establishment**

See Appendix K

**Agricultural Use**

Agricultural use means the use of a tract of at least (5) contiguous acres of land for production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, and aquaculture, including provisions for dwellings for persons and their families who are engaged in the above agricultural use on the land, but not including residential building development for sale or lease to the public, and shall also include, regardless of the size of the tract of land used, small wineries licensed under K.R.S. 243.155, and farm wineries licensed under K.R.S. 243.156. Commercial feed lots and the raising of fur-bearing animals is not considered to be normal agriculture uses. For the purpose of this chapter, a five acre or larger lot the principal use of which is for single-family dwelling shall not be considered an agricultural use.

**Alley**

A marginal access street providing access to the properties, which it abuts.

**Animated Sign**

A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

**Electrically activated.** Animated signs producing the illusion of movement by means of electronic, electrical, or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both classifications noted in Items 1 and 2 as follows:

1. **Flashing.** Animated signs or animated portions of signs where the illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds 4 seconds.
2. **Patterned illusionary movement.** Animated signs or animated portions of signs where the illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

**Environmentally activated.** Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

**Mechanically activated.** Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

**Architectural Projection**

Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also "Awning;" "Backlit awning;" and "Canopy, Attached and Free-standing."

**As Built Drawings**

Drawings that accurately reflect the improvements as constructed on the site.

**Alteration**

Any change, addition, or modification in construction or type of occupancy; any change in the structural members of a building such as walls and partitions, columns, beams or girders, the completed act of which may be referred to herein as altered or reconstructed.

**Awning**

An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

**Awning Sign**

A sign displayed on or attached flat against the surface or surfaces of an awning. See also "Wall or fascia sign."



**B****Babysitting Service**

Facilities for the care and maintenance of three or less children, not related by blood or adoption, whether conducted during the daytime or overnight.

*Cross Reference:* See “Day Care Center”

**Backlit Awning**

An awning with a translucent covering material and a source of illumination contained within its framework.

**Banner**

A flexible substrate on which copy or graphics may be displayed.

**Banner Sign**

A sign utilizing a banner as its display surface.

**Basement**

That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

**Bed and Breakfast Establishment**

A building occupied as a dwelling unit, but which also has guestrooms or suites which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes by persons not members of the single-family unit. The building shall be further defined as either a bed-and-breakfast inn, or a bed-and-breakfast home.

**Bed-and-Breakfast Home**

A bed-and-breakfast establishment having five (5) or less guestrooms or suites.

**Bed-and-Breakfast Inn**

A bed-and-breakfast establishment having six (6) or more guestrooms or suites.

**Billboard**

See “Off-premise sign” and “Outdoor advertising sign.”

**Block**

A parcel of land within a subdivision that is bounded by streets and the exterior boundary of the subdivision.

**Brewery**

Any place or premises where malt beverages are manufactured for sale, including all offices, granaries, mash rooms, cooling rooms, vaults, yards, and storerooms connected with the premises; or where any part of the process of the manufacture of malt beverages is carried on; or where any apparatus connected with the manufacture is kept or used; or where any of the products of brewing or fermentation are stored or kept.

**Brewpub**

A Microbrewery or Micro-Winery which includes a restaurant.

**Buildable Area**

The portion of a building site remaining after the required front yard, rear yard, side yards, and building setback lines and buffer zones have been provided.

**Buildable Lots**

Which meet all design criteria in these regulations. The intent of this type of lot is to construct buildings on it. Non-buildable lots cannot be used for building purposes, but can be platted for transfer purposes only.

**Building**

Any covered structure, either temporary or permanent, intended for the shelter, housing, or enclosure of person, animals, chattels, or property of any kind.

**Building Elevation**

The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

**Building Height**

The vertical distance from established grade to the highest finished roof surface in the case of flat (or nearly flat) roofs, or to a point at the average height of roofs having a pitch of more than one foot in 4 1/2 feet. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

**Building, Main or Principal**

A building in which is conducted the principal use of the lot on which it is situated.

**Building Permit**

A written permit issued by the Administrative Official authorizing the construction, repair, alteration or addition to a building or structure.

**Building Site**

The lot or tract of contiguous lots, which comprises the land occupied by a principal building and any accessory buildings and including open spaces, yards, minimum area, and off-street parking facilities.

**C****Cannabis Business**

An entity licensed under KRS 218B as a cultivator, dispensary, processor, producer, or safety compliance facility. Such licensed cannabis businesses shall not be located within one thousand (1,000) feet of an existing elementary or secondary school or a daycare center.

**Canopy (Attached)**

A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. See also “Marquee.”

**Canopy (Free-standing)**

A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a free-standing canopy may be illuminated by means of internal or external sources of light.

**Canopy Sign**

A sign affixed to the visible surface(s) of an attached or free-standing canopy. For reference, see Section 412.2.

**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 for medicinal cannabis in compliance with KRS 218B; or a visiting qualified patient who has obtained and possesses (1) a valid out-of-state registry identification card, and (2) documentation of having been diagnosed with a qualifying medical condition.

**Carport**

A shelter for one or more vehicles, which is not fully enclosed by its walls, and one or more doors.

**Cellular Antenna Tower**

A tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.

**Cellular Communications Services**

A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

**Cemetery**

Land used or intended to be used for the burial of human or animal dead and dedicated for cemetery purposes to include columbarium, crematory, mausoleum, and mortuary, if operated in connection with and within the boundaries of such cemetery.

**Changeable Sign**

A sign with the capability of content change by means of manual or remote input, including signs that are:

**Electrically activated.** Changeable sign where the message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also “Electronic message sign or center.”

**Manually activated.** Changeable sign where the message copy or content can be changed manually.

**Clinic, Dental Medical**

A building in which a group of physicians, dentists, and allied professionals or assistants are associated for the purpose of carrying on their profession; the clinic may include a dental or medical laboratory, but it shall not include inpatient care or operating rooms for major surgery.

**Co-location**

Locating two (2) or more transmission antennas or related equipment on the same cellular antenna tower.

**Combination Sign**

A sign that is supported partly by a pole and partly by a building structure.

**Commercial greenhouse<sup>1</sup>**

An establishment primarily engaged in propagating and growing plants in containers, in soil or in other growing medium for the purpose of being sold and transplanted. The term "commercial greenhouse" shall include sale of the following items: plants grown on the premises or tended in a controlled environment of the greenhouse or plant nursery; sale of fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizer, all to be used in the soil or upon the live plant to preserve the life and health of the plants sold; landscape counseling, site planning and contracting services when not the primary activity and when using plants grown or tended on the premises of the greenhouse or plant nursery.

**Compatibility Standards**

Standards that have been by the City of Richmond under the authority of KRS 100.348 for the purpose of protecting and preserving the monetary value of real property located within the city's jurisdiction.

**Completely Enclosed Structure**

A building enclosed by a permanent roof and solid exterior walls pierced only by windows and customary entrance and exit doors.

**Comprehensive Plan**

Refers to the current Richmond Comprehensive Plan, which is designed to deal with all functions of the city over the entire area.

**Certificate**

Refers to required certifications for minor and record plat reviews as noted in 290.035 through 290.038, and 290.90 through 290.036.

**Conditional Use**

A use which is essential or would promote the public health, safety, or welfare in one or more land use districts, but which would impair the integrity and character of the land use districts in which it is located, or in adjoining land use districts, unless restrictions on location, size, extent, and character or performance are imposed in addition to those imposed in the land use regulations. Such uses may be permitted in a district as conditional uses, only when specific provisions are made in this chapter.

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<sup>1</sup> The term "commercial greenhouse" applies only to land use as provided for in the zoning ordinance and subdivision regulations and is not intended to affect the status of any business with regard to any federal or state tax laws or similar statutes. A medicinal cannabis cultivator, producer, and processor are more specifically defined and regulated, and are not a "commercial greenhouse."

**Conditional Use Permit**

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

1. A statement of the factual determination by the Board of Adjustment, which justifies the issuance of the permit;
2. A statement of the specific conditions, if any, which must be met for the use to be permitted.

**Condominium**

The ownership of a single unit within a multiple unit structure or complex in which all common elements are held in joint ownership by the owners of the individual units. (Statutory Reference: Horizontal Property Law, KRS Chapter 381)

**Construction Plans**

A set of plans that are submitted after the preliminary plat has been approved and before the final plat can be submitted. These plans shall consist of but no be limited to : a proposed grading plan, stormwater plans (drainage calculations, layout of all storm lines, detention design, outlet structure design), roadway design (plan, profile and critical cross sections), layout of all sanitary sewer and water lines and any permits that may be required on the project.

**Copy**

Those letters, numerals, figures, symbols, logos, and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

**Covenant**

A written promise or pledge placing a restriction on the use of the land. Sometimes referred to as a Restrictive Covenant or Deed Restrictions.

**Culvert**

A transverse drain that channels water under a bridge, street, or driveway.

**D****Day Care Center**

Facilities for the daycare and maintenance of four or more children or adults without living accommodations for the clientele. The definition shall include day nurseries, nursery schools, kindergartens, and related facilities but shall not include facilities providing overnight care.

Cross Reference: See Babysitting Service

**Detention Basin/Pond**

A facility for the temporary storage of stormwater runoff, designed to slow down or retard its release.

**Developer**

Any individual, firm, association, corporation, governmental agency, or any other legal entity commencing proceedings under these regulations to carry out the development of land as defined herein, for such entity or for another.

**Development**

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, excavating, grading, paving, or drilling operations. Agricultural activities such as plowing, cultivating, and gardening activities are not included in this definition.

**Development Complex Sign**

A free-standing sign identifying a multiple-occupancy development, such as a shopping center or planned industrial park, that is controlled by a single owner or landlord, approved in accordance with Section 412.8.2 of this chapter.

**Development Plan**

A development plan is a written and graphic description of a development, including any and all of the following items; location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing man-made and natural conditions, and all other conditions agreed to by the developer.

**Digital Billboard**

A digital billboard is an Outdoor Advertising Sign and is a Changeable Sign that changes its message or copy by programmable electronic or mechanical processes.



**Directional Sign**

Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

**Distillery**

Any place or premises where distilled spirits are manufactured for sale, including all offices, storage areas, granaries, mash rooms, cooling rooms, vaults, yards, and storerooms connected with the premises; or where any part of the process of the manufacture of distilled spirits is carried on; or where any apparatus connected with the manufacture is kept or used; or where any of the products of such manufacture are stored or kept.

**Double-Faced Sign**

A sign with two faces, back-to-back.

**Drive-In Restaurant**

Any place or premises used for the sale, dispensing, or serving food, refreshments or beverages in automobiles, including establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages in automobiles on the premises.

**Dwelling**

A building or part thereof used as a place of habitation under one of the following categories:

1. Single-Family Detached Dwelling. A building and accessories thereto principally used, designed, or adapted for use by a single family.
2. Duplex Dwelling. A building and accessories thereto principally used, designed, or adapted for use by two families, the living quarters of which are completely separate.
3. Townhouse. A group of three or more attached single-family dwellings each separated by a common vertical wall and each having a separate lot and entrance at street level. Townhouses may be owner-occupied or rental properties.
4. Rooming and Boarding House. A building designed or used to provide living accommodations for not more than six occupants in which there are no cooking facilities for each occupant, or in which all occupants share common cooking facilities.
5. Multi-Family Dwelling. A building or group of buildings designed or used for rental or lease as dwelling units for three or more families with separate living quarters and cooking and bathroom facilities for each family.
6. Group Home. A dwelling unit housing person unrelated by blood, adoption, or marriage, and operating as a single household. Group homes include sorority or fraternity houses, hospices, or orphanages, and half-way houses. (also, refer to definition of Condominium above)

**E****Easement**

A right or privilege granted by the property owner to use a parcel of land for specified purposes not inconsistent with the general property rights of the owner (for example, for utilities, drainage, access, and the like).

**Electric Sign**

Any sign activated or illuminated by means of electrical energy.

**Electronic Message Sign or Center**

An electrically activated changeable sign where the variable message capability can be electronically programmed.

**Erected**

Built, constructed, altered, reconstructed, moved, or any physical operations on the premises which are required for construction. Excavating, filling, and similar earthwork shall be included in this definition.

**Establishment**

The place of business of any non-residential use, whether an entire building, or an area within a building which is separated by walls and designed to be used solely by the persons who own, lease, rent, or otherwise occupy the area. When more than one non-residential use occupies the same area, it shall be deemed one establishment.

**Exterior Sign**

Any sign placed outside a building.

**F****Family**

One or more persons occupying a single dwelling unit, provided that no such family shall contain more than two persons, unless all members are related by blood, adoption, or marriage, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as part of a family or families.

*Statutory Reference: Residential care facility for handicapped persons allowed in residential districts and subdivisions. See KRS 100.982-100.984.*

**Fascia Sign**

See "Wall or fascia sign."

**Flag Lot**

A panhandle-shaped lot not meeting minimum frontage requirements and where access to the public street is by a narrow right-of-way.

**Flashing Sign**

See "Animated sign, electrically activated."

**Flood**

A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of inland water; the usual and rapid accumulation of runoff or surface waters from any source and mud slides, which are caused or precipitated, by accumulation of water on the surface or underground.

**Flood, 100 Year Frequency**

Any normally level of flooding that is likely to occur on an average of once every 100 years.

**Flood Plain or Flood Prone Area**

Any normally dry land area that is susceptible to being inundated by water from any source.

**Floodway**

The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the 100 year flood without cumulatively increasing the water surface elevation more than one foot at any point.

**Free-Standing Sign**

A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or on the ground. For visual reference, see Section 412.2.

**Frontage**

All the property abutting on one side of the street right-of-way measured along the right-of-way line of the street between the lot lines as extended to intersect the right-of-way line of that street. In no case shall the line along an alley be considered as acceptable frontage.

**Frontage (Building)**

The length of an exterior building wall or structure of a single premise orientated to the public way or other properties that it faces.

**Frontage (Property)**

The length of the property line(s) of any single premise along either a public way or other properties on which it borders.

**G****Garage**

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

**Grade**

A ground elevation established for the purpose of regulating the number of stories and the height of a building. The building grade shall be level with the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

**Gross Floor Area**

Total gross area on all floors of a building as measured to the outside surface of exterior walls, excluding crawl spaces, garages, carports, breezeways, attics without floors, and open porches, balconies, and terraces.

**Ground Sign**

See “ Free-standing sign.”

**Group Home**

A dwelling unit housing persons unrelated by blood, adoption, or marriage, and operating as a single household. Group homes include sorority or fraternity houses, hospices, orphanages, and halfway houses;

**H****Historic Overlay District**

An area or neighborhood designated as historic by the Richmond Board of commissioners through the creation of an overlay district.

**Home Occupation**

An accessory use that may be permitted to be operated within a dwelling in any land use district.

**Homeowner's Agreement**

A legal document involving agreement among property owners for certain rights and privileges for the use of land. Agreements usually involve the joint use or open space, common areas, sidewalks, recreational facilities, streets, utilities, driveways, and the like. Typically, such agreements address such items as a legal description of the land, identifying members of the agreement, explanation of rights and privileges, purpose of the agreement (for example, access), assessments, maintenance, construction materials, utility crossovers, and the like.

**Hospital**

An institution providing health services, both for in-patients and out-patients, and medical and surgical care of the sick and injured, which includes, as an integral part, such related facilities as laboratories, training facilities, central service facilities, staff offices, and other related functions.

**Hotel**

A building occupied as the temporary abiding place of more than six persons, for compensation, where rooms do not contain independent cooking facilities, and which is open to transient or permanent guests, or both. The term includes motel.

**I****Illuminated Sign**

A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

**Improvement Plan**

A professionally prepared design document and specifications of the proposed construction of improvements and infrastructure (for example, streets, sidewalks, storm drainage, sanitary sewers, sewage disposal, and the like), which will be dedicated for public use and public maintenance upon completion.

**Inspector**

An individual or group of individuals representing either the legislative body, utility, or Planning Commission, whose sole duty is to inspect the construction and installation of public improvements.

**Interior Sign**

Any sign placed within a building, but not including “window signs” as defined by this ordinance. Interior signs, except for window signs as defined, are not regulated by this chapter.

**J**

**Junction Box**

A stormwater manhole that connects two or more drainage pipes. It is used where there is a change in direction, elevation, or size of the pipes.



**K****Kentucky Registered Engineer Engaged in the Practice of Civil Engineering**

A registered professional engineer in good standing with the Kentucky Board of Registration for Professional Engineers and Land Surveyors, who is proficient in the discipline of civil engineering as related to subdivision development and design of public improvements and infrastructure. The engineer responsible for designing the public and private improvements on each plat shall retained by the subdivider to ensure that the improvements are made in accordance with the approved plat and drawings by the Richmond Planning Commission and these regulations.

**Kentucky Registered Land Surveyor**

A registered land surveyor in good standing with the Kentucky Board of Registration for Professional Engineers and Land Surveyors. The land surveyor shall be responsible for meeting the survey and plat preparation requirements of these regulations.

**L****Landmark**

A building, structure, historic site, or public improvement designated as historic by the Richmond Board of Commissioners. Property eligible to be designated as Landmarks may include a brick street, cemetery, fountain, and other public improvements.

**Loading Space**

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

**Lot**

A parcel of land occupied or intended for occupancy by a use permitted in these regulations, including any principal buildings together with the accessory buildings, yard areas, and parking spaces required by these regulations, and having its principal frontage upon a publicly maintained street.

**Lot Lines**

The lines bounding a lot as defined herein:

1. Front Lot Line
  - a. The common boundary line of a lot and a street right-of-way line. In the case of a corner lot or double frontage lot, the common boundary line and that street right-of-way line toward which the principal or usual entrance to the main building faces.
2. Rear Lot Line
  - a. The boundary line of a lot, which is most nearly opposite the front lot line of such lot. In the case of a triangular or wedge-shaped lot, for measurement purposes only, a line ten feet in length within the lot parallel to and at the maximum distance from the front lot line.
3. Side Lot Line
  - a. Any boundary line of a lot other than a front lot line or rear lot line.

**Lot of Record**

A lot which is part of a subdivision plat recorded in the office of the Madison County Clerk, or a lot or parcel surveyed or described by metes and bounds, the description of which has been so recorded prior to adoption of these regulations.

**Lot Types**

Lots described in this chapter are as follows:

1. Corner Lot A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at one interior angle of less than 135 degrees.
2. Interior Lot A lot with only one street frontage.

**Lot Width**

The linear width of a lot or building site as measured at the front right-of-way line.

**M****Maintenance Acceptance**

Maintenance acceptance follows public dedication whereby a legislative unit accepts a public improvement such as roads or utilities for maintenance.

**Mansard**

An inclined decorative roof-like projection that is attached to an exterior building facade.

**Manufactured Home**

A single-family residential dwelling constructed in accordance with the National Mfg. Housing Construction and Safety Standards Act of 1974, 42 USC 5401 through 5426, as amended, manufactured after June 15, 1976, and designed to be used as a single-family 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. The term shall include house trailers and recreational vehicles.

**Manufactured Home (Qualified)**

A manufactured home that meets all of the following criteria; 1) manufactured on or after July 15, 2002, 2) is affixed to a permanent foundation and is connected to the appropriate facilities and installed in compliance with KRS 227.570, 3) is at least 20 feet wide at its smallest width or is 2 stories in height and oriented on the lot with its main entrance door facing the street, 4) has a minimum total living area of 900 square feet, and 5) is not located in a manufactured home land-lease community.

**Manufactured Home Park or Community**

An area of land upon which manufactured homes, manufactured home space, or both, are provided for rent or lease by the owner of the land.

**Manufactured Home Subdivision**

An area that is subdivided into individual lots, which are offered for sale for the placement of manufactured homes.

**Marquee**

See "Canopy (attached)."

**Marquee Sign**

See "Canopy sign."

**Massage Therapist**

Shall be defined to mean a person who is licensed by the Kentucky Board of Licensure for Message Therapy to administer massage or massage therapy to the public for compensation.

**Medicinal cannabis**

Marijuana as defined in KRS 218A.010 when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed, or used in accordance with KRS 218B. This definition includes medicinal cannabis products and raw plant material; but does not include industrial hemp or industrial hemp products as defined in KRS 260.850.

**Medicinal cannabis cultivator**

A business that is licensed to grow medicinal cannabis in compliance with KRS 218B, more specifically to:

1. Acquire, possess, plant, cultivate, raise, harvest, trim, or store cannabis seeds, seedlings, plants, or raw plant material;
2. Deliver, transport, transfer, supply, or sell raw plant material or related supplies to other licensed cannabis businesses in this state; or
3. Sell cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction.

Medicinal cannabis cultivators are regulated in four tiers by KRS 218B, as follows:

1. A Tier I cultivator shall not exceed an indoor growth area of two thousand five hundred (2,500) square feet.
2. A Tier II cultivator shall not exceed an indoor growth area of ten thousand (10,000) square feet.
3. A Tier III cultivator shall not exceed an indoor growth area of twenty-five thousand (25,000) square feet.
4. A Tier IV cultivator shall not exceed an indoor growth area of fifty thousand (50,000) square feet.

**Medicinal cannabis dispensary**

An establishment that is licensed in compliance with KRS 218B to:

1. Acquire or possess medicinal cannabis from a cultivator, processor, or producer in this state;
2. Acquire or possess medicinal cannabis accessories or educational material; (c) Supply, sell, dispense, distribute, or deliver medicinal cannabis, medicinal cannabis accessories, and educational material to cardholders or other dispensaries;
3. Sell cannabis seeds to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction; or
4. Acquire, accept, or receive medicinal cannabis products from a cardholder pursuant to KRS 218B.110.

**Medicinal cannabis processor**

A business that is licensed in compliance with KRS 218B to:

1. Acquire or purchase raw plant material from a cultivator, processor, or producer in this state;
2. Possess, process, prepare, manufacture, manipulate, blend, or package medicinal cannabis;
3. Transfer, transport, supply, or sell medicinal cannabis and related supplies to other cannabis businesses in this state; or
4. Sell cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction.

**Medicinal cannabis producer**

A business that is licensed in compliance with KRS 218B to:

1. Acquire, possess, plant, cultivate, raise, harvest, trim, or store cannabis seeds, seedlings, plants, or raw plant material;
2. Deliver, transport, transfer, supply, or sell raw plant material, medicinal cannabis products, or related supplies to other licensed cannabis businesses in this state;
3. Sell cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction;
4. Acquire or purchase raw plant material from a cultivator in this state; or (e) Possess, process, prepare, manufacture, manipulate, blend, or package medicinal cannabis.

**Medicinal cannabis product**

Any compound, manufacture, salt, derivative, mixture, or preparation of any part of the plant Cannabis sp., its seeds or its resin; or any compound, mixture, or preparation which contains any quantity of these substances when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed, or used in accordance with KRS 218B. This definition does not include industrial hemp products as defined in KRS 260.850.

**Medicinal cannabis safety compliance facility**

An establishment licensed in compliance with KRS 218B to:

1. Acquire or possess medicinal cannabis obtained from cardholders or cannabis businesses in this state;
2. Return the medicinal cannabis to cardholders or cannabis businesses in this state;
3. Transport medicinal cannabis that was produced by cannabis businesses in this state;
4. Produce or sell approved educational materials related to the use of medicinal cannabis;
5. Produce, sell, or transport of equipment or materials other than medicinal cannabis, including but not limited to lab equipment and packaging materials that are used by cannabis businesses and cardholders, to cardholders or cannabis businesses licensed under this chapter;
6. Test medicinal cannabis produced in this state;

7. Train cardholders and cannabis business agents;
8. Receive compensation for actions allowed under this section; and
9. Engage in any non-cannabis-related business activities that are not otherwise prohibited or restricted by state law.

**Menu Board**

A free-standing sign orientated to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has not more than 20 percent of the total area for such a sign utilized for business identification.

**Microbrewery** A Brewery, as that term is defined herein, which produces or manufactures not more than twenty-five thousand barrels of malt beverage in one year.

**Micro-Winery** A Winery, as that term is defined herein, which produces or manufactures not more than twenty-five thousand gallons of wine in one year.

**Minimum Building Setback Line**

A line parallel to the front, side, and/or rear lot line, and set back from the lot lines a sufficient distance as specified in the Land Use Management Ordinance.

**Modular Home**

A single-family residential dwelling constructed in accordance with the International Residential Code, without a steel chassis, and designed to be used as a permanent dwelling and placed on a permanent foundation also constructed in accordance with the International Residential Code. A modular home may consist of two or more sections constructed at a location other than its permanent location, transported in sections to be placed on the permanent foundation at its final location. Removal of the chassis and placement of a manufactured home on a permanent foundation shall not be deemed a modular home.

**Monuments**

Permanent man-made markers used to mark corners of property boundaries or points of change in street alignment. Monuments must conform to the minimum standards of practice for land surveying in the Commonwealth of Kentucky.

**Multiple-Faced Sign**

A sign containing three or more faces.

**Multi-Tenant**

Commercial Development A development containing two or more non-residential uses on the same building site such as shopping centers, shopping malls, or office complexes.

**N****Net Floor Area**

The total area of all floors of a structure as measured to the outside of exterior walls, but excluding rooms designated as and used exclusively for storage, mechanical or janitorial rooms, uninhabitable areas, or rooms which when occupied would result in a vacancy elsewhere in the structure, such as restrooms, dressing rooms, locker rooms, and employee cafeterias. Areas not to be excluded are hallways, corridors, vestibules, lobbies, or other space occupied by partition walls, furniture, fixtures, appliances or machinery.

**Non-Conforming Use or Structure**

An activity or a building, sign, sign structure or a portion thereof which lawfully existed at the time of adoption of these regulations but which does not conform to all of the regulations contained in this chapter which pertain to the district in which it is located. (Cross Reference: Non-conforming Uses or Structures, 405; Statutory Reference: Non-conforming Use, KRS 100.253).

**Nursing Home**

Intermediate and Care Any institution, however named, maintained for the care or treatment of four or more individuals unrelated to the owner or operator or their Skilled spouses, which employs nursing services or procedures in the care of such residents that require treatment, judgment, technical knowledge, and skills beyond those possessed by the untrained person.

**Nursing Home, Personal Care**

Any institution, however named, maintained for the care or treatment of four or more ambulatory individuals unrelated to the owner or operator or their spouses, who required supervision, not nursing care.



**O****Off-Premise Sign**

See “Outdoor advertising sign.”

**On-Premise Sign**

A sign erected, maintained, or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

**Open Space**

An area open to the sky, which may be one, the same lot with a building. The area may include along with the natural environmental features, swimming pools, tennis courts, and other recreational facilities that the Planning Commission deems permissive. Streets, structures for habitation, and similar structures shall not be included.

**Outdoor Advertising Sign**

A permanent sign erected, maintained, or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

**P****Parapet**

The extension of a building facade above the line of the structural roof.

**Parcel**

This term is synonymous with Lot.

**Parent Tract**

Refers to any existing parcel of land shown as a unit or continuous units in common ownership dating back to 1/5/95. The parent tract may be subdivided in accordance with the requirements of a minor subdivision and major subdivision.

**Plat**

A professionally prepared drawing to an appropriate scale of a proposed lot(s) or parcel(s) of land as required in these regulations.

**Plat (Preliminary)**

A professionally prepared drawing of proposed subdivision that is part of the major subdivision procedure containing detailed surveying and engineering information as required in these regulations.

**Plat (Record)**

A professionally prepared drawing of a proposed subdivision as required in these regulations, which will be recorded in the County Clerk's office. Sometimes referred to as the Final Plat.

**Pole Sign**

See "Free-standing sign."

**Political Sign**

A temporary sign intended to advance a political statement, cause, or candidate for office. A legally permitted outdoor advertising sign shall not be considered to be a political sign.

**Portable Sign**

Any sign not permanently attached to the ground or to a building or building surface.

**Projecting Sign**

A sign other than a wall sign that is attached to or projects more than 18 inches (457 mm) from a building face or wall or from a structure where the primary purpose is other than the support of a sign. For visual reference, see Section 412.2.

**Public Dedication**

Public dedication involves a property voluntarily transferring land for public uses (streets, utilities, open space). Public dedication does not imply acceptance by the legislative body for public maintenance.

**Public Improvement**

Any physical improvement that will become the responsibility of the local governing body for maintenance purposes upon completion of construction, dedication, and acceptance. This includes streets and utilities.

**Public Facility**

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

**Public Utility**

Any person, firm, corporation, partnership, municipal or county board, department, or commission that owns, controls, operates, or manages any facility for the production, transmission, or distribution of electricity, natural or manufactured gas, steam, water, telephone or telegraph messages, cable television signals, or the treatment of sewage for disposal.

**R****Real Estate Sign**

A temporary sign advertising the sale, lease or rental of the property or premises on which it is located.

**Recreational Vehicle Space**

A parcel of land in a recreational vehicle park for the placement of a single recreational vehicle.

**Residential Care Facility**

A residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities.

**Restaurant**

A portion of the premises is devoted to dining: (i) which includes kitchen facilities used to prepare food on premises for consumption by the public on premises; (ii) which is designed to seat and in fact does seat not less than 50 people; and (iii) from which is derived 50% or more of the gross annual income of the business.

**Retention Basin**

A pond, pool, or basin used for the permanent storage of water runoff. Unlike detention basins, retention basins have the potential for water recreation and water-oriented landscaping since water remains in the structure.

**Revolving Sign**

A sign that revolves 360 degrees (6.28 rad) about an axis. See also “Animated sign, mechanically activated.”

**Right-of-Way**

A term denoting land, property, or interest therein usually acquired by dedication, prescription, or condemnation, and intended to be used for a street, sidewalk, railroad, or some similar use. In the case of a street right-of-way, this strip of land includes the roadway itself and additional land for ditches, sidewalks, utilities, and future expansion of the roadway.

**Recreational Vehicle**

Any of the following:

1. a “travel trailer”, or vehicular, portable structure, built on a chassis, designed to be used as a temporary dwelling for travel, recreation, or vacation;
2. a “pickup coach”, or structure designed to be mounted on a truck for use as a temporary dwelling for travel, recreation, or vacation;

3. a “motor home”, or portable, temporary dwelling to be used for travel, recreation, or vacation, constructed as an integral part of a self-propelled vehicle;
4. a “camping trailer”, or a canvas or other collapsible folding vehicle which does not have toilet, lavatory, or bathing facilities; or
5. a “self-contained recreational vehicle”, or a recreational vehicle which can operate independent of connections to sewer, water, and electric systems containing one or more of a water-flushed toilet, lavatory, shower or bath, or kitchen sink, all of which are connected to water storage and sewage holding tanks located within the recreational vehicle.

**Roof Line**

The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

**Roof Sign**

A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and that is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs. For a visual reference, and a comparison of differences between roof and fascia signs, see Section 412.2.

**Rooming and Boarding House**

A building designed or used to provide living accommodations for not more than six occupants in which there are no cooking facilities for each occupant, or in which all occupants share common cooking facilities.

**RV (Recreational Vehicle) Park**

A parcel of land available to the public in which two or more recreational vehicle spaces are occupied or intended for occupancy by recreational vehicles for transient dwelling purposes and including any service building, structure, enclosed, or other facility used as a part of the park.

**S****Setback Line**

A line established by these regulations generally parallel with and measured from the lot line, defining the limits of a yard, in which no building other than an accessory building may be located.

**Self-Service Storage Facilities**

A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

**Semi-Public**

Uses that are quasi-public, to include churches, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

**Sign**

Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

**Sign Area**

The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, that comprise the sign face. The area of any double-sided or “V” shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the sign.

**Sign Copy**

Those letters, numerals, figures, symbols, logos, and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

**Sign Face**

The surface on, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface on which the sign copy is displayed by a distinct delineation, such as a reveal or border. See Section 412.2.

1. In the case of panel or cabinet-type signs, the sign face shall include the entire area of the sign panel, cabinet, or face substrate on which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.

2. In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.
3. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.
4. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

**Sign Structure**

Any structure supporting a sign.



**T****Technical Advisory Committee**

A committee appointed by the city, comprised of representatives of city agencies, utilities, and other public/private entities for the purpose of reviewing the technical aspects of subdivision plats and development plans and making recommendations to the Planning Commission.

**Temporary Sign**

A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

**Tenant Space**

The area within a multi-tenant commercial development or multi-family residential development which is separated by walls and designed to be used solely by the persons who lease, rent, or otherwise occupy the area. When two or more persons lease the same common area, it shall be deemed as one tenant space.

**Tract**

A parcel or lot identified by letter or number of which the boundaries are shown on a recorded plat or in a deed.

**U**

**Under Canopy Sign or Under Marquee Sign**

A sign attached to the underside of a canopy or marquee.

**Uninhabitable Areas**

Areas of a structure not designed or used for human occupancy, such as walk-in coolers, crawl spaces, or attic spaces.

**Uniform Application**

An application for a certificate of convenience and necessity issued under KRS 278.020 submitted by a utility to the Public Service Commission to construct an antenna tower for cellular telecommunications services or personal communications service in a jurisdiction, that has adopted planning and land use regulations in accordance with KRS Chapter 100.

**Use**

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

**V****V Sign**

Signs containing two faces of approximately equal size, erected on common or separate structures, positioned in a “V” shape with an interior angle between faces of not more than 90 (1.57 rad) degrees with the distance between the sign faces not exceeding 5 feet (1524 mm) at their closest point.

**Variance**

A departure from dimensional terms of the Land Use Management Ordinance pertaining to the height, width, or location of structures and the size of yards and open spaces where such departure meets the requirements of K.R.S. 100.241 to 100.247.

**W****Waiver**

Permission granted by the Planning Commission to waive or eliminate, upon written request from a subdivider, any requirement or standard in these regulations, when the applicant has presented written justification or data that the intent of these regulations can be met while waiving the requirement.

**Wall or Fascia Sign**

A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches (457 mm) from the building or structure wall, including signs affixed to architectural projections from a building provided that the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed. For a visual reference and a comparison of differences between wall or fascia signs and roof signs, see Section 412.2.

**Watercourse**

A natural or man-made channel through which water flows. Drainage from lots and small minor swales are not considered to be watercourses.

**Window Sign**

A sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

**Winery**

Any place or premises where wine is manufactured for sale, including all offices, storage areas, vaults, yards, and storerooms connected with or on the premises; or where any part of the process of the manufacture, fermentation, storage and ageing of wine is carried on; or where any apparatus connected with same is kept or used; or where any of the products of fermentation are stored or kept.

**Y****Yard**

A required open space unoccupied and unobstructed by any structure or portion of any structure, except as otherwise permitted.

1. Front Yard
  - a. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
2. Rear Yard
  - a. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.
3. Side Yard
  - a. An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot to the nearest point of the main building.