

BYLAWS AND RULES OF PROCEDURE
FOR
CITY OF SPRINGFIELD PLANNING COMMISSION

PREAMBLE

We hold that the purpose of comprehensive planning and zoning is to direct the growth and physical development of City of Springfield along orderly, and economic lines for their prosperity, health, safety , morals, happiness and general welfare.

We hold that these goals and objectives are such as to challenge the vision and inspire the best effort of any citizen.

We pledge ourselves to hear and decide all matters brought before us without favor or prejudice to any individual, group, class, race or creed.

We will not grant variations in any adopted plan or regulation for any individuals, group or organization for reasons of personal convenience, profit or caprice.

We will remain always on guard against ill-considered deviations which will offend consistency or which even minutely nullify the purpose of the Comprehensive Plan.

ARTICLE I MEETINGS

1. **The Annual Meeting** for the installation of new members to fill expired terms of office and for the election of officers shall be held in the office of the City Administrator or an office designated by the Commission, at the first regular meeting following the the first day of August each year.
2. **Regular Meetings** of the Commission shall be held at City Hall in the office of the City Administrator, or an office designated by the Commission.
3. **Special Meetings** of the Commission may be called by the Chairperson who shall give written or oral notice to all members of the Commission at least seven days prior to the meeting, which notice shall contain the date, time and place for the meeting, and the subject or subjects which will be discussed. A special meeting may be held at any time without call, provided all members of the Commission sign a written waiver of notice specifying therein the time, place and business to be transacted at said meeting.
4. All meetings and hearings of the Commission shall be open to the public, but the Commission may go into executive session in discussing matters before it or for arriving at decisions to discuss any and all matters as allowed by law.

5. Notices of meetings shall be mailed by the Secretary to each member at least seven days prior to the meeting, and shall set forth in outline form matters to come before the Commission.
6. A quorum of the Commission shall consist of four members for the transaction of any business
7. The concurring vote of a majority of a quorum of the Commission (as described in Article 1 Meeting (6) of these Bylaws) shall be required for the exercise of powers of functions conferred on this commission
8. The Commission shall adopt bylaws for the transaction of business and shall keep minutes and records of all proceedings, including regulations, transactions, findings, and determinations and the number of vote for and against each question, and if any member is absent or abstains from voting, indicating the fact, all of which shall, immediately after adoption, be filed in the office of the City Administrator.
9. The third consecutive absence of a member at meetings of the Commission shall be made known to the officer who appointed or who has the power to appoint such member. Such continued absence without reason acceptable to the Commission shall be considered prima-face evidence that such appointed member has neglected his duties as a member of the Commission and the appointing officer shall notify the member to that effect and shall request the resignation of said absenting member.

ARTICLE II OFFICERS Duties of

1. Chairperson

The Chairperson shall have the following duties:

- (a) Preside at meetings of the Commission.
- (b) When authorized by the Commission, shall execute in its name all contracts, bonds and other obligations.
- (c) Shall appoint all committees.
- (d) Shall have general supervision of the conduct of the affairs of the Commission and of the employees thereof.
- (e) Shall perform such other duties as are usually exercised by the Chair of a Board or a chief officer of a corporation.

2. Vice Chairperson

- (a) The Vice Chairperson shall perform the duties of the Chairperson during the absence or disability of the Chairperson.

3. Secretary

- (a) The Secretary shall attend all regular and special meetings and hearings and keep a record of same and transcribe same properly in the minute book of the Commission.
- (b) The Secretary shall send all notices of meetings of the Commission required to be sent under these bylaws or as directed by the Chairperson.

- (c) The Secretary, unless otherwise directed, shall attend meetings of committees and, when directed, transcribe the minutes thereof.
- (d) The Secretary, under the supervision of the Chairperson, shall have charge of the office of the Commission and all books, papers, and records thereof and shall attend to all correspondence of the Commission.

ARTICLE III COMMITTEES

- 1. The Chairperson of the Commission shall appoint all committees and one member as Chairperson thereof, and the committee shall meet at such times and places as directed by the Chairperson of the committee.
- 2. All reports of the Committees shall be made in writing and the original copy thereof shall be filed and become a part of the records of the Commission.

ARTICLES IV ELECTIONS AND APPOINTMENTS

- 1. The Chairperson of the Commission shall be elected by the members of the Commission at each annual meeting thereof and shall hold office for one year or until the successor is elected and qualified.
- 2. The Vice Chairperson shall be elected by the members of the Commission at each annual meeting of the Commission immediately after the election of the Chair and shall hold office for one year or until the successor is elected and qualified. (KRS 100.143)
- 3. Any vacancy in the office of Chairperson or Vice Chairperson of the Commission may be filled by the members of the Commission at any regular meeting or special meeting called for such purpose after such vacancy has occurred.
- 4. The Secretary shall be appointed or elected at the pleasure of the Commission and shall hold office at the pleasure of the Commission.
- 5. The Secretary, a member of the staff or other authorized agent, shall post two printed notices of the hearing in conspicuous locations on or near the property or premises affected in the case. Such notices shall be posted at least three days prior to the date of hearing of the case.

ARTICLE V HEARINGS

- 1. Hearings shall be held in the office of the City Administrator unless the Commission designated some other place.
- 2. A quorum for a hearing shall be the same as that required for a meeting of the Commission.
- 3. Hearings shall be open to the public, but the Commission may go into executive session in discussing matters before it or for arriving at decisions.

4. The appellant or applicant may appear in his own behalf or be represented by a duly authorized agent at said hearing. In the absence of any personal appearance, by either the appellant, applicant or authorized agent, at a hearing the Commission will proceed to dispose of the matter on the record before it.

5. Unless otherwise directed by the Commission, the order of hearing shall be as follows:

- (a) A statement by the Chairperson of the purpose of the hearing and the reading, if necessary, of the notices thereof.
- (b) A statement, including documentary evidence, if any, by the appellant, applicant, or authorized agent.
- (c) A statement or statements, including documentary evidence, if any, by any interested parties in the case.
- (d) Rebuttal and statements, if any by the appellant, applicant or agent.

6. The final disposition of any matter before the Commission shall be in the form of an order, or resolution, duly adopted, specifically setting forth any variations or notifications and conditions which may be imposed by the Commission on the matter before it.

7. The concurring vote of the majority of a quorum of the Commission (as described in Article 1 Meetings (6) of these Bylaws) shall be required for the adoption of any resolution or order. If the vote is not unanimous, the vote of each member present shall be voted on each order or resolution.

8. An applicant, presenter, or sponsor may withdraw the matter brought before the Commission at any time.

ARTICLE VI RECONSIDERATION

1. No matter acted upon, dismissed or denied by the Commission, can be considered again except (1) on a motion by a member of the Commission to reconsider the vote or (2) on a motion by the appellant, applicant or agent for a re-hearing. Such motions shall be made within thirty days from the date the final action was taken.

2. If the Commission, on a motion of any members, reconsiders the vote or reviews any final decision that it has made, and reverses or modifies such decision; any such re-consideration review, reversal or modification shall not prejudice the rights of any person who has in good faith acted therein before the order was reversed or modified.

3. The Commission shall not grant a motion for a reconsideration on any matter that it acted upon unless new facts, new plans, or new conditions or circumstances materially changing the aspect of the case are presented in support of a motion by the appellant, applicant or agent. Before a matter shall be reconsidered the applicant shall submit evidence in writing to substantiate his request. At its next regular meeting the Commission shall consider whether or not to grant the request and re-docket the case.

ARTICLE VII AMENDMENT OF BYLAWS AND RULES OF PROCEDURES

The foregoing Bylaws and Rules of Procedure, or any part thereof, may be amended at any meeting of the Board after not less than two weeks notice has been given to all members of the Commission and a copy of the proposed amendments sent with the notice, provided, however it shall require the concurring vote of a majority of the full commission to make any amendment or change in these Bylaws and Rules of Procedure.

SPRINGFIELD CITY COUNCIL

John W. Cecconi, Mayor

John R. Hardin
Brian Bishop
Mike Elliott

Carolyn Hardin
Willie Ellery
Paul Borders

SPRINGFIELD PLANNING COMMISSION

Bettie Jane Ball, Chairperson

John Pettus
Tom Bystrek
Cherry Gibson

Betty Hall

ARTICLE I

ENACTMENT, TITLE, PURPOSE

100. SHORT TITLE

This ordinance shall be known and may be cited as “The Springfield, Kentucky Zoning Ordinance”. The zoning map referred to herein is entitled “Zoning Map—Springfield, Kentucky”. A copy of the text and map is on file with the Washington County Court Clerk.

101. EFFECTIVE DATE

This ordinance shall become effective immediately upon its adoption, the general welfare demanding it.

102. AUTHORITY

The power to enact this ordinance is granted to this municipality under the authority of Kentucky Revised Statutes, Section 100,201 (1966).

103. PURPOSE, OBJECTIVES AND GOALS

It is the intent, purpose, and scope of this ordinance to promote and protect the health, safety, morals, or general welfare of the City by empowering it to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.

The objectives and goals of this ordinance are to provide for the harmonious and orderly development of the City in accordance with the Single Document Plan of Springfield, Kentucky.

104. INTERPRETATION

This Zoning Ordinance shall be strictly construed and may not be extended by implication except where the intention of the City Council must prevail. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Whenever this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions or ordinances, the provisions of this ordinance shall govern.

105. SEVERABILITY CLAUSE

If any word or words, phrase or phrases, sentence or sentences of this ordinance should be declared unconstitutional, it shall not thereby invalidate any other portion of this ordinance.

106. APPLICATION OF REGULATIONS

All existing and future structures and uses of premises within the City of Springfield shall conform with all applicable provisions of this ordinance. Each zoning district is established to permit only those uses specifically listed as permitted, except as hereinafter provided under the non-conforming provisions, and is intended for the protection of those uses. No other uses permitted.

ARTICLE II

ADMINISTRATION AND ENFORCEMENT

200. ENFORCEMENT OFFICER

The Planning Commission shall designate and appoint an Enforcement Officer, who may be a member of the Planning Commission, who shall be charged with and provided with the authority to enforce the ordinances, regulations, and orders of the Planning Commission and to issue zoning permits and certificates of occupancy. The Enforcement Officer, in the performance of his/her duties and function, may enter upon any land and make examinations and surveys that do not occasion damage or injury to private property. The Enforcement Officer may perform other functions for the City such as building inspector.

201. ZONING PERMITS

The zoning permit insures that the contemplated use is in accord with those permitted in that district and that all dimensional and other requirements of the zoning ordinance are met. A zoning permit is not the same as a building permit although it may be obtained at the same time and from the same person.

201.1 REQUIRED PRIOR TO CONSTRUCTION OR ALTERATION

It shall be unlawful to commence construction or alteration of any structure until the Enforcement Officer has issued a zoning permit authorizing such work except as specified in Sections 308 and 201.2 of the Zoning Ordinance. The Planning Commission may establish a schedule of reasonable fees to be charged for the issuance of zoning permits.

201.2 EXCEPTIONS:

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

1. Recurring maintenance work regardless of cost
2. Installation of required improvements according to an approved preliminary subdivision plat or planned-development plat.
3. Local public utility distributing and collecting structures such as pipes and transmission lines, transformers, meters, etc. Large utility structures such as substations are permitted only as conditional uses.
4. Public streets and all appurtenances necessary for traffic direction and safety.
5. Private drives, private parking areas, and the parking of vehicles incidental to the principal use on the same premises.
6. Real estate signs located on the premises being advertised for rent, not to exceed a total of ten (10) square feet in sign area.
7. Signs not over four (4) square feet in area identifying permitted home occupation on the same premises.
8. Horticulture and landscaping of any premises.
9. Agriculture
9. Fences not over four (4) feet in height.
10. Uncovered Patios.

The Planning Commission may establish a schedule of reasonable fees to be charged for the issuance of zoning permits.

201.3 PROCEDURE

- A. **Application:** In applying to the Enforcement Officer for a zoning permit, the applicant shall submit a plan along with the application, drawn to scale, showing the dimensions of the lot to be built upon, the outside dimensions of all structures to be constructed or altered and all existing structures, the use of all structures, yard depths, and any other information necessary for determining conformance with the Zoning Ordinance. The County Health Officer's Certificate approving proposed water and sewage facilities must accompany applications according to paragraph 302.4 of the Zoning Ordinance for building permits and certificates of occupancy.
- B. **ISSUANCE:** If the proposed construction or alteration conforms with all applicable provisions of the Zoning Ordinance and all other applicable ordinances, regulations and codes, the Enforcement Officer shall issue a zoning

permit authorizing such construction or alteration. If the proposed construction or alteration fails to conform, the Enforcement Officer shall refuse to issue a zoning permit and shall deliver written notice to the applicant stating the reason for the refusal. The Enforcement Officer shall act upon applications for zoning permits within one week from the date of their submission. In instances where the proposed construction or alteration does not fully conform to all applicable provisions of the Zoning Ordinance and all other applicable ordinances, regulations and codes, the Enforcement Officer at the request of the Applicant and at the Enforcement Officer's sole discretion can issue a zoning permit authorizing partial construction, providing the Enforcement Officer follows guidelines previously approved by the Planning Commission for such action. In addition, the Planning Commission in order to promote and protect the health, safety, morals or general welfare of the City, require issuance of a zoning permit for partial construction in some instances.

In both of the above instances, it is the responsibility of the Applicant to conform to all regulations in order for any zoning permit to remain valid.

- C. **Duration:** A zoning permit shall become void twelve months from the date of issuance unless substantial progress has been made by that date on the construction or alteration authorized therein. A zoning permit may be renewed without fee upon review by the Enforcement Officer before it becomes void.
- D. **Permanent File:** The Enforcement Officer shall keep a permanent file of all applications with accompanying plans and all permits issued.

202 EXEMPTION OF AGRICULTURAL USE

202.1 Land which is used solely for agricultural, farming, dairying, stock raising, or similar purposes shall not require a zoning permit or be subject to height, yard or location requirements for agricultural buildings except that:

- (a) Set back lines may be enforced to protect existing or proposed streets and highways.
- (b) Buildings in designated flood ways or flood plains may be fully regulated.

203 **BOARD OF ADJUSTMENT**

203.1 **APPOINTMENT AND PROCEDURES**

A Board of Adjustment is hereby established, which shall consist of three (3), five (5), or seven (7) members, all of whom must be citizen members, and not more than two (2) of whom may be citizen members of the Planning Commission. The City Council shall designate the number of Board members by Municipal Order. Members shall thereafter be appointed by the Mayor, subject to the approval of the City Council, each for a period of four (4) years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one (1), two (2), three (3), and four (4) years respectively. Members of the Board of Adjustment may be removed from office by the appropriate appointing authority for cause upon written charges and after public hearing. Vacancies shall be filled within sixty (60) days by the appropriate appointing authority. (Note: KRS 100.217)

203.2 **POWERS**

The Board of Adjustment shall have the following powers:

- A. **Administration Review:** The Board of Adjustment shall have the power to hear and decide cases where it is alleged by an applicant that there is error in any order, requirement, decision, grant or refusal made by the Enforcement Officer in the enforcement of the zoning regulation. Such appeal shall be taken within sixty (60)-days. The Board shall also make those interpretations and decisions specifically delegated to it by the provisions of the Zoning Ordinance.
- B. **Variances:** The Springfield Board of Zoning Adjustments may grant variances in accordance with KRS 100.
- C. **Conditional Use Permits:** The Board of Zoning Adjustments may grant conditional use permits in accordance with the requirements of KRS Chapter 100, for those conditional uses specifically permitted in each zoning classification.
- D. **The Planning Commission** can grant variances and Conditional use permits the same as the Board of Zoning Adjustment where authorized by KRS Chapter 100.

203.3 **PROCEDURE FOR APPEALS**

An application to the Board for an original interpretation or decision or an appeal from a decision of the Enforcement Officer or Administrator shall be made in writing on forms prescribed by the Board. An appeal must be filed within sixty (60) days after the Enforcement Officer has refused a zoning permit or certificate of occupancy, or the right to appeal shall be

waived. The Enforcement Officer shall transmit to the Board the complete record of the decision appealed. The Board shall hold a hearing at which all pertinent evidence concerning the interpretation, decision, or appeal shall be examined, and the Board shall make their decision within two weeks after the hearing. The following rules shall govern all decisions made by the Board.

- A. Limits of Authority: The Board shall act only within the strict limits of its authority as defined in the Zoning Ordinance. The Board has no authority to vary the use regulations or other regulations not specifically delegated to it. The Board shall not hold hearings on applications or appeals seeking decisions that the Board is not authorized to make.
- B. Special Conditions: The Board may attach special conditions to any decision it is authorized to make to ensure that the intent of the Zoning Ordinance will be carried out.
- C. Majority Vote Required: The concurring vote of a majority of a quorum of the membership of the Board shall be necessary in making any decision. The chair shall have the right to vote on any subject or matter before the Board.
- D. Additional Powers: In exercising the above powers, the Board shall have all the powers of the Enforcement Officer in addition to its other power and duties.

204 CLARIFICATION OF ADMINISTRATIVE JURISDICTIONS

The following is a recapitulation of the agencies with jurisdiction and the extent of their jurisdictions concerning the administration of the Zoning Ordinance.

- 204.1 The Enforcement Officer has initial authority for the literal enforcement of the Zoning Ordinance. He has no discretionary authority to allow any departure from the literal conformance with the Zoning Ordinance.
- 204.2 The Board of Zoning Adjustment and Appeals has authority to hear appeals from decision by the Enforcement Officer and to make literal interpretations of the pertinent provisions to correct any possible misinterpretation by the Enforcement Officer. The Board also has the authority to make only those initial discretionary interpretations and decision and allow only those departures from literal conformance which are specifically delegated to it. The Board has authority to allow conditional uses.
- 204.3 The Circuit Court has jurisdiction to determine all questions and issues properly brought before it on appeal from decisions of the Board of Zoning Adjustment and Appeals or the Planning Commission according to the KRS Statues, Section 100.347.

204.4 The Planning Commission, in addition to its other primary responsibilities concerning adoption and amendment of the Zoning Ordinance and subdivision plat review and approval, has the authority and responsibility for approval or disapproval of planned development projects. This responsibility – like subdivision plat review – involves guiding the initial conversation of open or agricultural land to develop land, including the proper arrangement of streets in relation to other existing or planned streets, provision of adequate open space, and the avoidance of congestion, etc., and is consequently equivalent to the Planning Commission’s primary responsibility for subdivision plat review and approval.

205 PENALTIES AND REMEDIES

205.1 PENALTIES

Any person violating any provisions of these regulations shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each offense. Each day such violation shall continue after notice to cease shall constitute a separate offense.

205.2 REMEDIES

In such case any building is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is used in violation of this regulation, the Enforcement Officer or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies may institute an injunction, mandamus or other appropriate action of proceeding to prevent the occupancy of such buildings, structure, or land.

**ARTICLE III
GENERAL PROVISIONS**

300 **ESTABLISHMENT OF ZONING DISTRICTS: PROVISION FOR
OFFICIAL ZONING MAP AND INTERPRETATIONS**

300.1 **OFFICIAL ZONING MAP**

The City is hereby divided into zones, or districts, as shown on the Official Zoning Map, Springfield, Kentucky, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 300.1 of the Zoning Ordinance of the City of Springfield, Kentucky," together with the date of the adoption of this ordinance.

If, in accordance with the provisions of this ordinance and KRS 100, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map as follows: "On "date", by official action of the City Council, the following (change) changes were made in the Official Zoning Map: (brief description of nature of change), " which entry shall be signed by the Mayor and attested by the City Clerk. No amendment to this ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. An unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under Section 205.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the County Clerk shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

300.2 REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The

new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the city under the following words: “This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Zoning Ordinance of the City of Springfield, Kentucky.”

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

300.3

INTERPRETATION OF ZONING DISTRICT BOUNDARIES

The following rules shall be used to interpret the exact location of the zoning district boundaries shown on the Zoning Map:

- A. Where a zoning district boundary follows a street or railroad the center line of the street or railroad right-of-way is the boundary of the district.
- B. Where a zoning district boundary approximately follows a lot or property line, that line is the boundary of the district.
- C. Where a zoning district boundary follows a stream or the shore of a body of water, that stream or shoreline is the boundary of the district.
- D. Where a zoning district boundary does not clearly follow any of the features mentioned above, its exact location on the ground shall be determined by measurement according to the map scale.
- E. In any case where the exact location of a boundary is not clear, the Board of Zoning Adjustment and Appeals shall use these rules to determine the exact location upon application by the Enforcement Officer for an original interpretation.

300.4

AREAS UNASSIGNED TO A ZONING DISTRICT

In case any area in which the Zoning Ordinance does not apply hereafter becomes a part of the City of Springfield, the Planning Commission shall initiate the amendment procedure to assign such areas to a zoning district within sixty (60) days after the new area has become a part of Springfield. Until such proceedings take place, the area is considered an extension of the largest contiguous district. If the classification of such an area is questionable, the Enforcement Officer may, upon approval by the Planning Commission, refuse to issue zoning permits until the area is assigned to a zoning district.

301. **DEFINITIONS**

For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular; the word “shall” is mandatory, the word “may” is permissive; the words “used” or occupied” include the words “intended, designed, or arranged to be used or occupied”; the word “lot” includes the words “plot” or “parcel”.

Accessory Structure: A detached structure, the use of which is customarily incidental to the principal structure of the property.

Accessory Use: A use customarily incidental and subordinate to, the principal use of the property.

Conditional Use: A use which may be essential to or could promote the public health, safety, or welfare in one or more zones, but would impair the integrity and character of the zone in which it is located, or in adjoining zones unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulations.

Dwelling, Single-Family: A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.

Dwelling, Mobile Home: A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.

Dwelling, Two-Family: A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

Dwelling, Multiple-Family: A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

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

Family: The determination of whether a structure is one family, two family, etc. shall be determined by the number of separate kitchen cooking facilities in the structure. This definition shall not apply to institutional uses such as nursing homes, or boarding homes which charge a fee per individual resident.

Filling Station: Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail. (Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage nor a body shop.)

Home Occupation: An occupation conducted in a dwelling unit provided that:

- a. No person other than members of the family residing on the premises shall be engaged in such occupation;
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign as permitted by section 305.4 and shall be mounted flat against the wall of the principal building;
- d. No home occupation shall be conducted in any accessory buildings;
- e. There shall be no sales in connection with such home occupation;
- f. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- g. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Junkyard: A lot, land or structure, or part thereof used primarily for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and/or for the sale of parts thereof.

Lot: For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- a. A single lot of record;
- b. A portion of a lot or record;
- c. A combination of complete lots of record, of complete lots of record and portions of a lot of record, or of portions of lots or records;
- d. A parcel of land described by metes and bounds;

provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirement of this ordinance.

Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under “yards” in this ordinance.

Lot of Record: A lot which is part of a subdivision recorded in the office of the County Clerk or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Parking Space, Off-Street: For the purposes of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the City.

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

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

- b. Flags and insignia of any government except when displayed in connection with commercial promotion;
- c. Legal notices; identification, informational or directions signs erected or required by governmental bodies;
- d. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- e. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

Variations: A departure from strict conformance with the dimension and area regulations, which may be approved by the Board of Adjustment.

Yard: The open space surrounding the principal building on any lot, unoccupied and unobstructed by any portion of that building from the ground to the sky except where specifically permitted by this Zoning Ordinance. Yards are further defined as follows:

Front Yard: That portion of the yard extending the full width of the lot and measured between the front lot line and a parallel line tangent to the nearest part of the principal building, which line shall be designated as the front yard line.

Rear Yard: That portion of the yard extending the full width of the lot and measured between the rear lot line and a parallel line tangent to the nearest part of the principal building.

Side Yard: Those portions of the yard extending from the front yard to the rear yard and measured between the side lot lines and parallel lines tangent to the nearest parts of the principal building.

Zone: Any area or section of the City of Springfield for which regulations governing the use of buildings and premises or the height and area of buildings are uniform. The terms “zone” and “district” are used interchangeably.

302. **GENERAL DEVELOPMENT REGULATIONS**

302.1 COORDINATION WITH SUBDIVISION REGULATIONS

In all cases where the ownership of land is divided for the purpose of eventual development of lots of any kind – residential, commercial or industrial – the Subdivision Regulations, adopted for Springfield, and amendments thereto, shall apply in addition to the provisions of the Zoning Ordinance.

It is desirable that access points to the arterial streets serving all zoning districts shall be located no more frequently than once every quarter (1/4) mile.

Topography and traffic volumes shall determine the exact locations. Heavy arterial traffic volumes demand greater access spacing. Along any arterial street where subdivided land and its minor streets are not sufficiently developed to permit acceptably spaced access points, the Springfield Planning Commission (hereinafter known as the Planning Commission) may approve the platting of temporary access points and may require that temporary access points shall be eliminated by the developer when minor streets or marginal access streets are extended to the approved permanent access points. Such requirements shall be listed as special conditions on the recorded final plat. Access points shall also meet Federal and State standards where applicable.

302.2 CONDITIONAL USE REGULATIONS

Conditional uses may be permitted in districts as designated under the zoning district regulations but only when specifically approved by the Board of Zoning Adjustment in accordance with KRS Statutes. Subdivisions, when permitted, shall be subject to all respective regulations governing their approval. All other conditional uses shall be subject to the following regulations:

- A. All Districts: The following conditional uses only may be approved in all Zoning districts:
 - 1. Non-local public utility and private transmission lines and pipes.
 - 2. Radio, T.V. and telephone transmission structures.
 - 3. Large utility structures and public service buildings.
 - 4. Expansion of railroads and appurtenances.
 - 5. Government buildings and uses.
 - 6. Churches and libraries.

- B. Specified Districts: Other conditional uses may be approved only in those zoning districts where they are designated as conditional uses under the zoning district regulations.

- C. Procedure: An applicant shall submit an application for a conditional use permit to the Enforcement Officer. And the applicant shall follow all procedures set forth in Paragraph 201.4A of this ordinance and KRS 100.237.

The administrative official shall refer the application to the Board of Zoning Adjustment. The Board of Zoning Adjustment is authorized by KRS 100.237 to grant, modify, or deny a conditional use permit. Payment of a fee shall be required of the applicant before the issuance of the conditional use permit. Other regulations for conditional use permits are as follows:

1. The Board of Zoning Adjustment 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, along with reference to the specific section in the zoning regulation listing the conditional use under consideration. The Board of Zoning Adjustment shall have the power to revoke conditional use permits, or variances for non-compliance with the conditions thereof. Furthermore, the Board shall have the right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in person for such cost.
2. Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of this ordinance and other ordinances and regulations of the City of Springfield.
3. A conditional use permit shall be exercised within one (1) year from the date of issuance within the meaning of KRS 100.237.
4. The Enforcement Officer shall review all conditional use permits, except for 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 in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions which are listed on the conditional use permit, the Enforcement Officer shall report the fact in writing to the Chair of the Board of Zoning Adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions on the permit and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the Chair of the Board of Zoning Adjustment. Upon hearing the report, as required by KRS 100.237, if the Board finds the facts alleged to be true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board may authorize the Enforcement Officer to revoke the conditional use permit and to take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

5. Once the Board of Zoning Adjustment has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the administrative official, upon the request of the applicant may, if the facts warrant, make a determination that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the Washington County Court Clerk, as required by KRS 100.344. Therefore, said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.
6. As required by KRS 100.344, a copy of a conditional use permit must be filed with the County Court Clerk at the applicant's expense.

302.3 PLANNED UNIT DEVELOPMENT REGULATIONS

A planned-development project may be allowed in those zoning districts where it is designated as a permitted use under the zoning district regulations. (A minimum of three acres is required for a planned-development project). A planned-development project may depart from literal conformance with individual lot dimension and area regulations. A planned-development project may be under single or divided ownership. All planned-development projects shall be subject to the following regulations:

- A. Procedure: When a planned-development project is proposed, the procedure for subdivision approval as set forth in the Springfield Subdivision Regulations shall be followed in its entirety even though the ownership of land may not be divided. A preliminary plat and final plat, both approved by the Planning Commission shall be required for every planned-development project. The Planning Commission may establish a schedule of reasonable fees to be charged for plat review. The project shall be developed according to the approved final plat. Zoning permits and certificates of occupancy shall be required for each building according to this Zoning Ordinance.
- B. Uses and Densities: The uses of premises and development densities in a planned-development project shall conform with the permitted uses and densities of the zoning district in which it is located.
- C. Standards: In any planned-development project, although it is permissible to depart from literal conformance with the individual lot dimension and area regulations, there shall be no diminution of total-equivalent-lot-area, parking area, and loading unloading-area requirement that would be necessary for the equivalent amount of individual lot development with one exception; the Planning Commission may allow reductions in these requirements if the developer can satisfactorily prove that large-scale

development may permit such reductions without destroying the intent of these regulations.

D. Special Conditions: The Planning Commission shall attach reasonable special conditions to insure that there shall be no departure from the intent of this Zoning Ordinance. The planned-development project shall conform with all such conditions. Because a planned-development project is inherently more complex than individual-lot development and because each such project must be tailored to the topography and neighboring uses, the standards for such projects cannot be inflexible. The Planning Commission shall attach special conditions based on all of the following standards in addition to imposing the standards for total area, parking area, and loading and unloading area defined in Paragraph C above. The Planning Commission may also attach any other reasonable special conditions.

1. It is desirable that access points to all arterial streets shall be located no more frequently than one every eighth to quarter mile. The Planning Commission may approve the platting of temporary access points in *conformance with Section 302.1 of the Zoning Ordinance*.
2. Wherever there is an abrupt change in uses – e.g., residential to commercial – it is desirable that a buffer area of open space or protective planting be placed between them which will protect each use from the undesirable effects on the other.
3. Parking and other areas used by the public at night shall be adequately lighted, and private areas shall be adequately protected from such lighting and any other lighting from public areas. Public streets may also require protection from excessive glare of lighted areas.

302.4 APPROVED WATER SUPPLY AND SEWAGE DISPOSAL FOR BUILDINGS

It shall be unlawful to construct any building without water supply and sewage disposal facilities which have been approved by the County Health Officer. Wherever water and sewer mains are accessible, buildings shall be connected to such mains. In every other case, individual water supply and sewage disposal must meet the requirements set by the County Health Officer. The County Health Officer's certificate approving proposed and completed water and sewage facilities must accompany applications for building permits and certificates of occupancy.

302.5 REGULATION OF PRINCIPAL BUILDING

Unless a plan has been approved for a planned unit development or the development is part of a planned retail shopping center only one (1) principal building and its permitted accessory structures may be erected on any lot of record. Temporary structures are permitted during construction only.

303. GENERAL REGULATIONS FOR LOTS AND YARDS

303.1 OBSTRUCTIONS TO VISION AT STREET INTERSECTIONS

The following shall apply in all but the Central Commercial District. Within the area defined by the intersection of any two right-of-way-lines of streets, or of streets and railroads, and a straight line intersecting those two right-of-way lines at points thirty (30) feet from their intersection, no obstructions to vision between a height of two and one-half (2 ½) feet and ten (10) feet above the imaginary plane defined by those three points of intersection are permitted. This regulation shall not be deemed to prohibit any necessary retaining wall.

303.2 FRONT YARD REGULATIONS FOR DOUBLE-FRONTAGE LOTS

Double-frontage lots shall, on both of the streets involved, meet the front yard regulations of the district in which they are located.

303.3 FRONT YARD REGULATIONS FOR CORNER LOTS

Corner lots shall meet the front yard regulations on the side facing the principal street, but a ten-foot (10') reduction in the front yard regulation is permitted on the side facing the secondary street, providing such reduction does not result in a side yard less than that otherwise required by this ordinance.

303.4 APPLICATION OF YARDS TO ONE BUILDING ONLY

No part of a yard required for any building may be included as fulfilling the yard requirements for an adjacent building.

303.5 USE OF YARDS FOR ACCESSORY BUILDINGS

No accessory buildings are permitted in front yards. They are permitted in rear or side yards according to the dimension and area regulations.

303.6 **FENCE REQUIREMENTS**

- A. Residential – Fences may be constructed in all residential zones subject to the following requirements:
 - 1. The maximum allowed height for a fence located in the front yard is 4 feet.
 - 2. The maximum allowed height for a fence located in the side or rear yards (from the front façade of the structure back) is 8 feet.
 - 3. No fence may be located in a public roadway right-of-way without written permission from the City of Springfield.
 - 4. All fences must meet the requirements of Section 303.1 of these regulations.
 - 5. Fences may be located as close as 0 feet from all adjoining property lines, however care should be exercised in determining the true and accurate location of said property boundary lines.

- B. Commercial Industrial – Fences may be constructed in all commercial or industrial zones subject to the following requirements:
 - 1. The maximum allowed height for a fence located in the front yard is 4 feet for solid fencing and 8 feet for fencing that is not opaque.
 - 2. The maximum allowed height for a fence located in the side or rear yards (from the front façade of the structure back) is 8 feet.
 - 3. No fence may be located in public roadway right-of-way without written permission from the City of Springfield.
 - 4. All fences must meet the requirements of Section 303.1 of these regulations.
 - 5. Fences may be located as close as 0 feet from all adjoining property lines, however care should be exercised in determining the true and accurate location of said property boundary lines.

304. **GENERAL REGULATIONS FOR VEHICLES**

304.1 OFF-STREET PARKING REGULATIONS FOR AUTOMOBILES

- A. Required Off-Street Parking Space: When any building is built or any use of the land is initiated, except in the Central Commercial District there shall be provided sufficient off-street parking space on the premises so that no automobile parking on any street will result from the normal activity. If the off-street parking capacity is exceeded and street parking is generated more often than six (6) times during a six (6) months' period, this shall be considered as resulting from normal activity and additional off-street parking shall be provided. The Board of Zoning Adjustment shall interpret

the amount of parking space required for any building or use, assisted by the following standards, literally, or determine a parking-space deficiency according to the standards above. In either case, he shall apply to the Board for an original interpretation.

- B. Parking Space: For the purposes of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked, and shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley, and so that any automobile may be parked and unparked without moving another. For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at four hundred (400) square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the City.
- C. Off Street Parking Standards: The following standards comprise the minimum off-street parking requirements for the several common types of buildings and uses listed:
1. Dwelling: One (1) parking space per dwelling unit.
 2. Indoor retail businesses: One (1) parking space each four hundred (400) square feet of commercial floor area up to 10,000 sq. ft. and one space each two hundred (200) sq.ft. over 10,000 sq. ft plus one (1) space for every truck operated by the business.
 3. Industrial plants: One (1) parking space for every two (2) employees at maximum employment on a single shift plus one (1) space for every truck operated by the plant.
 4. Places for public assembly, institutions, and recreational facilities: One (1) parking space for every five (5) persons based on maximum capacity.
 5. Additional parking standards: The Board of Zoning Adjustment may raise the standards listed above when necessary to conform with Paragraph B, above, and shall use similar criteria of floor area, employment, or capacity to interpret standards for buildings and uses not specifically listed above.

6. Parking: For computing the number of parking spaces in a given area, the ratio of two hundred and fifty (250) square feet per parking space shall be used.

304.2 **OFF STREET LOADING AND UNLOADING SPACE REGULATIONS FOR TRUCKS**

All buildings and uses which generate regular trucking traffic shall be provided with sufficient off-street loading and unloading space on the premises so that they will generate no loading or unloading activity on their required parking spaces or on any street. Areas specified as loading zones in compliance with the city ordinance can be used to satisfy this requirement. The Board of Adjustment shall interpret the amount of loading and unloading space required for any building or use whenever the administrative official is unable to apply this standard literally and applies to the Board for an original interpretation.

304.3 **ADDITIONAL PARKING, LOADING AND UNLOADING REGULATIONS**

- A. Arrangement of off-street parking spaces: Off-Street Parking space required for any building or use may be detached form, but located within, walking distance of four hundred (400) feet from the premises it serves, and may be consolidated into a large parking area serving other buildings and use if approved by the Board of Zoning Adjustment. The administrative official shall apply to the Board for an original interpretation when building permits are requested in such cases. The Board may not authorize the total amount of parking space required for all buildings and uses to be diminished, except as follows: if a consolidated parking area serves buildings or uses which do generate the parking at the same time
- B. Proof of availability: The Board of Adjustment may require a plat, deed, and any other proof necessary to show that required parking space, if located off the premises it serves, is controlled by and available to the applicant for a building permit.
- C. Surfacing of parking, loading, and unloading spaces: Parking, loading and unloading spaces, and the access thereto shall be surfaced in a manner adequate to eliminate dust and mud.

305. **GENERAL REGULATIONS FOR SIGNS AND OUTDOOR ADVERTISING**

305.1 PURPOSE

There has been increasing concern over the indiscriminate location of signs, billboards and other outdoor advertising devices. The following regulations are established to preserve the natural features along the highways leading through the City of Springfield and to protect residential property values by prohibiting billboards and other outdoor advertising devices in the City's residential area.

305.2 APPLICABILITY

Any individual person or firm erecting, placing or hanging any signs in Springfield shall apply for a building permit showing that such sign is in conformance with the City's Zoning Ordinance, except in pursuance of Item No. 3 below .

305.3 NONCONFORMING SIGNS AND BILLBOARDS

Nonconforming signs and billboards shall be allowed to continue in existence provided they are properly maintained and kept in a good state of repair; however, no new signs or billboards shall be permitted under any circumstances except in conformance with the regulations contained herein for those zoning districts where such signs or billboards are a permitted use.

305.4 GENERAL PROVISIONS

- A. Outdoor advertising shall be classified as a business use and shall be permitted only in the following zoning districts:
1. All Industrial Districts,
 2. The Central Commercial District, and
 3. The General Highway Commercial District
 4. Commercial Restricted.
 5. No outdoor advertising sign or display shall be erected, placed, painted, repainted, or hung nearer to the street right-of-way line upon which said display faces than the building lines provided in districts where the use is permitted, except one (1) sign advertising the primary nature of the business or industry conducted on the premises may be placed not closer than five (5) feet to the street right-of-way line, but shall in no case be permitted to obstruct the view of traffic nor exceed an area of twelve (12) square feet in the Central Commercial District or sixty (60) square feet in any other district; provided however that there shall be no limit on any sign on the side of an industrial building. However, in the Central Commercial

District where buildings may be built up to the street right-of-way line, overhanging and projecting signs shall be permitted provided they comply with other provisions of this ordinance and with the regulations contained in the City's Building Code as now or hereafter amended.

6. Signs suspended from any building in the Central Commercial District shall not project more than twenty-four (24) inches over any sidewalk or right-of-way line, and the bottom of such sign shall not be less than twelve (12) feet above the finished grade of the sidewalk.
7. All outdoor advertising displays and signs advertising specific events to be held over a period of time shall be removed within seven (7) days after the last day of the event.
8. Any sign containing less than two (2) square feet; any sign posting property; any sign advertising the specific property on which it is placed for sale or rent which contains less than ten (10) square feet may be erected without a building permit or certificate of occupancy. All other signs shall require a building permit or certificate of occupancy.
9. In any residential district, small professional or announcement signs of professions or businesses permitted in these zones shall be permitted but shall not exceed four (4) square feet in area.
10. In any zoning district, signs advertising the property on which they are located for sale, rent, lease, or trade may be erected as set forth in area and distance as follows:

<u>Area in Signs</u>	<u>Distance From Right-of-Way Line</u>
12 square feet or less	12 feet
13-20 square feet	50 feet
21-40 square feet	100 feet
41-60 square feet	150 feet

It is further provided that no sign in any of the aforementioned districts shall exceed sixty (60) square feet in area.

11. Directional signs, not exceeding two (2) feet, may be erected provided they are not within the right-of-way of any street.
12. Signs advertising lodging and tourist homes within residential districts shall be limited in size to six (6) square feet and the top of such signs shall not be higher than six (6) feet measured from ground level. Not more than one (1) sign on the premises shall be used to advertise any tourist home.

Such tourist homes and places of lodging signs shall be located not closer than two (2) feet from any street right-of-way line and so placed that they will not obstruct the view of traffic in

any way. Any illumination of such signs shall be shaded so that they in no way interfere with the vision of motorists or adjoining property owners.

13. Loud speakers, juke boxes, public address systems, and electric amplifiers shall be permitted if the use of the same is for the occupants of the building only within which such equipment is installed and does not create a nuisance and disturb the peace of the other persons or properties in its own or any other district.
14. Signs or other outdoor advertising which involve traffic lighting or motion resembling traffic or directional signals, warnings such as “stop” or “danger” or any other similar signals which are normally associated with highway safety or regulations are prohibited.

Additionally, no sign, outdoor commercial advertising device constituting a nuisance because of light, glare, focus, animation, or flashing, or any illuminated signs of such “intensity of illumination” as to unduly disturb the use of residential property shall be erected or continue in operation.

15. Outdoor advertising structure shall be adequately maintained. Such maintenance shall include property alignment of structure, continued readability of structure and preservation of structure with paint or other surface finishing material. If an outdoor advertising structure is not maintained, the administrative official shall issue written notice of any disrepair to the owner of said structure. If the disrepair is not corrected within thirty (30) days of issuance of said notice, said structure shall be removed at the owner’s expense.

306. **MOBILE HOMES AND MOBILE HOME PARKS**

306.1 DEFINITION

A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location or jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.

306.2 MOBILE HOMES PERMITTED

All future mobile homes shall be permitted only in mobile home parks, which shall be permitted by conditional use only in the Highway Commercial Zones.

306.3 AREA AND DENSITY REQUIREMENTS

No mobile home park shall be permitted on an area of less than two and one-half (2 ½) acres in size, although the developer shall be permitted to develop the park in stages as long as he complies with an overall plan approved by the Planning Commission for the entire tract. The number of mobile homes permitted in the mobile homes park shall not exceed a density of eighteen (18) mobile homes per net acre – a net acres being the land to be subdivided into lots after streets and other required improvements have been installed.

306.4 LOT REQUIREMENTS

Individual lots within a mobile home park shall not be less than twenty-four hundred (2,400) square feet in area, and in no instance shall more than one (1) mobile home be permitted on a single lot. The minimum lot width shall be forty (40) feet.

306.5 SETBACK

No mobile home or accessory building or structure shall be located closer to any street than the minimum front yard setback for permanent residential structures along said street. Where the mobile home park is not bounded by a dedicated street, the minimum setback shall be thirty (30) feet.

306.6 SPACING

No mobile home shall be located within thirty (30) feet from another mobile home, except that a minimum end-to-end clearance of not less than ten (10) feet shall be permitted, and in instances where the sides opposite the entrance of two (2) mobile homes face each other, the amount of space between the two mobile homes may be reduced to not less than twenty (20) feet.

306.7 UTILITIES

All lots within the mobile home park shall be provided with sewer, water and electrical facilities meeting the standards specified by city and state regulations, and each mobile home shall be properly connected with said utilities.

306.8 ACCESSORY STRUCTURES

No accessory structures or buildings, including patios, shall be located within five (5) feet from any individual lot line.

306.9 PROCEDURE

The prospective developer, before attempting to obtain a building permit or beginning any construction, shall prepare a plan showing the lot dimensions and bearings of the parcel he intends to develop, location with respect to the City, general layout or design he intends to follow and improvements he expects to install on the land. He shall then meet with the Planning Commission, the purpose being to inform the developer of

any plans the City may have that would affect his plan to ensure that the developer's plans are not in conflict with the City's Future Land Use Plan. This meeting would also form a common ground whereby the Planning Commission and the prospective developer could reach an understanding of the types of improvements necessary.

After approval by the Planning Commission, the prospective developer shall meet with the Board of Zoning Adjustment and request the necessary conditional use approval. At this time the Board of Adjustment may make conditional requirements as stipulated in Section 302.2.

306.10 NONCONFORMING MOBILE HOMES AND MOBILE HOME PARKS

All mobile homes in existence within the corporate limits of the City of Springfield on the date of passage of this ordinance and which cannot be brought into compliance with the provisions of this ordinance shall be required to move into an approved mobile home park within one (1) year from the date of establishment of a mobile home park approved by the Planning Commission and the Board of Zoning Adjustment as set out herein. However, all existing mobile homes within the City of Springfield which complied with all existing regulations at the time of passage of this ordinance and can be made to comply with the provisions of this ordinance by relocating said mobile home on the same lot shall be allowed to remain in their present location as long as the mobile home is occupied by the present resident. Should the present resident owner or renter decide to move elsewhere, the right to maintain the mobile home outside an approved park shall be terminated and the owner shall be required to move the mobile home into a mobile home park before the mobile home can be re-occupied. No mobile home shall be permanently re-located on another lot.

It is further provided that existing mobile home parks legally operating at the time of passage of this ordinance may continue to operate, but shall be required to maintain a lot size of two thousand four hundred (2,400) square feet per mobile home and comply with other provisions of this ordinance. Existing occupants will be allowed to remain, but as the occupants move out, no new residents will be permitted until the park meets the two thousand four hundred (2,400) square feet per trailer lot size.

No future mobile home shall be permanently located outside of an approved park. However, future mobile homes may be temporarily located outside of an approved mobile home park if they comply with the provisions of the Zoning Ordinance for residences, but shall be required to re-locate within an approved park within thirty (30) days after the establishment of such a park. After an approved park is installed, this temporary provision shall cease.

306.11 CONFLICT OF ORDINANCES

All parts of any existing ordinance in conflict herewith are hereby repealed.

306.12 EXCEPTION

This ordinance shall not be construed so as to prohibit the location or storage of a single mobile home on a lot in addition to a principal building, provided the mobile home is owned by or has permission from the occupant of the principal building or dwelling unit on the lot and provided the mobile home is parked on the rear of the lot and the setback and yard requirements for an accessory building in the zone are observed, and provided that the mobile home is not connected to any service utility nor used for sleeping purposes for more than two (2) weeks per year.

307. **JUNKYARDS**

Junkyards are not designated as permitted uses in any district and are consequently nonconforming uses in all districts. They shall conform with Article V of this ordinance prescribing regulations for nonconforming uses. The Enforcement Officer shall ensure that all existing junkyards maintain valid permits to operate issued by the Kentucky Department of Highways, as required by Kentucky Revised Statutes 177.905 through 177.990, and shall ensure that all screening required by the Department of Highways is maintained as long as the junkyards remain in operation.

308. **EXCEPTIONS**

308.1 USE EXCEPTIONS

Several types of structures and uses which may or may not be listed as permitted uses in any district are, nevertheless, not prohibited from any district. These structures and uses, with required permits, are:

- A. No building permit or certificate of occupancy required:
 - 1. Local public utility distributing and collecting structures such as pipes and transmission lines, transformers, meters, etc. Large utility structures such as substations are permitted only as conditional uses.
 - 2. Public streets and all appurtenances necessary for traffic direction and safety.
 - 3. Private drives, private parking areas, and the parking of vehicles incidental to the principal use on the same premises.
 - 4. Real estate signs located on the premises being advertised for rent, not to exceed a total of ten (10) square feet in sign area.

5. Signs not over four (4) square feet in area identifying permitted home occupation on the same premises.
 6. Horticulture and landscaping of any premises.
 7. Agriculture
 8. Fences not over four (4) feet in height.
 9. Uncovered Patios.
- B. Building permit required; no certificate of occupancy required:
Advertising sign or structure: All such signs shall meet the standards set forth within the individual districts as established in Section 305 of this ordinance, except as provided for by A4 and A5 of this section.

308.2 HEIGHT EXCEPTIONS

Height regulations apply to buildings and portions of buildings occupied regularly by human beings. Unless otherwise provided, they do not apply to structures or portions of buildings such as radio towers, silos, and flag poles, which are not regularly occupied by human beings except for maintenance. The Board of Adjustment shall interpret whether the height regulations apply whenever there is doubt.

308.3 LOT OF RECORD

When the owner of a lot of official record, which lot at the same time of the adoption of this ordinance does not include sufficient land to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Adjustment for a variance from the terms of this ordinance in accordance with the provision of Section 203. Such lots may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the Board of Zoning Adjustment.

ARTICLE IV
ZONING DISTRICT REGULATIONS

(See Section 300 for regulations on district boundaries and establishment of districts.)

400. ZONING SCHEDULE

To facilitate public understanding of this ordinance and for the better administration thereof the regulations limiting the bulk and arrangement of buildings are set forth in the annexed schedule for each of the districts and established by Section 300 of this ordinance. Such schedule is hereby adopted and declared to be a part of this ordinance hereinafter referred to as the schedule, and may be amended in the same manner as any other part of this ordinance.

Wherever in such schedule there appear the words “same as in (symbol of district) above” such words shall be construed to include the specific limitations set forth in the same column for the district thus referred to. Otherwise all limitations as to percentage of area, permissible height, required yard, and minimum sizes thereof and other requirements shall be those set forth in such schedule, which for each district named shall be read across the schedule from left to right.

401. RESIDENTIAL DISTRICTS, R-1, R-2 AND R-3

The following regulations shall apply in residential districts.

401.1 USES PERMITTED

- A. Single-family dwellings in R-1, R-2 and R-3 Districts.
- B. Two family and three family dwellings in R-2 and R-3 Districts.
- C. Multi-family dwellings in R-3 Districts.
- D. Planned Development project for residential use only. For regulations, see section 302.3.

401.2 ACCESSORY STRUCTURES AND USES PERMITTED

- A. Private pools, fenced or covered so as to prevent unauthorized or accidental use by children.
- B. Garage or other buildings not used as a dwelling and accessory to the principal use.

401.3 CONDITIONAL USES

- A. Public or Private facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals and institutions, and doctor's offices.
- B. Home Occupations: Customary home occupations provided that they conform to the regulations in the definition of home occupations, Section 301.

401.4 DIMENSION AND AREA REGULATIONS

The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimension and Area Regulations, back page of this ordinance.

402. COMMERCIAL RESTRICTED DISTRICT, CR

402.1 GENERAL DESCRIPTION

The Commercial Restricted District is to allow additional commercial uses in mixed use areas where special restrictions must be imposed on new commercial development or land use to prevent unnecessary adverse impact on existing non-conforming residential land use within the district.

402.2 USES PERMITTED

- A. Property and buildings in the CR District shall be used only for the following purposes:
 - 1. Antique Shop
 - 2. Banks and other financial institutions, including loan and finance companies, providing the principal or main office is not located in this district
 - 3. Curio or gift shop
 - 4. Drug store, gift shop or soda fountain
 - 5. Grocery store or supermarket
 - 6. Tourist cabins and tourist courts
 - 7. Restaurants, grills, cafes, and similar eating establishments
 - 8. Multi-Family Housing
 - 9. Professional and Governmental Offices
- B. Name plate and signs in accordance with section 305 of this ordinance.
- C. Accessory buildings and uses customarily incidental to the above uses.
- D. Planned development projects for commercial uses on Section 302..3 applies

402.3 USES PROHIBITED

- A. Any business use which is primarily of a wholesale, storage, warehousing, or industrial nature.
- B. Animal hospital, coal yard, live animal or poultry sales, gasoline, oil, alcohol, or other volatile or flammable material storage above ground in excess of five hundred (500) gallons, automobile graveyard or dis-assembly plant, and any other uses which in the opinion of the Board of Zoning Adjustment would be detrimental to the development of the Commercial Restricted District.
- C. Automobile service station, automobile sales (new and used), truck, mobile home and boat sales and service, garages for repair of motor vehicles within a closed building, gasoline service stations but not including strictly gasoline service where offered as an accessory to a neighborhood grocery store or food market, self service laundries.

402.4 SPECIAL REGULATIONS

Prior to the issuance of a zoning permit or initiation of new use in the CR District, the owner/developer must obtain planning commission approval of the proposed development plan in accordance with the following information.

- (1) Application – Applicants for approval of a development plan in the CR District must submit with their application a detailed plan of the proposed development which provides the following standards and procedures.
 - Site plan drawn to scale showing the location of the property, road frontage and adjacent and abutting land uses, lot size, height floor area and arrangement of proposed and existing buildings.
 - Type of use proposed
 - Hours of operation
 - Significant tree masses and other natural features
 - Provisions for screening, buffering and landscaping
 - Lighting and signage
 - The location, arrangement, and dimensions of existing and proposed streets and driveways, adjacent streets, sidewalks, parking areas (including number of off-street parking spaces), points of ingress and egress, off-street loading areas, and other vehicular, bicycle, or pedestrian right-of-ways
 - Proposed stages of development, if applicable, and the anticipated time required to develop each stage
 - Other such information the Planning Commission deems appropriate

- All development plans shall be drawn to a sufficient scale to clearly delineate the applicant's proposed use and development of the subject property. Such scale shall be indicated on the development plan.
- (2) Planning Commission review – Upon submission of the application the planning commission shall schedule a public meeting of the entire planning commission to review the proposed development plan within two (2) weeks from the date of the application. The scope of the planning commission review shall include:
- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views and historic sites;
 - b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;
 - c. The provision of sufficient open space (scenic and recreation) to meet the needs of the proposed development;
 - d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;
 - e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping signage) and land use or uses with the existing and projected future development of the area;
 - f. Conformance of the development plan with the Comprehensive Plan and Zoning District Regulations.
- (3) If, upon review of the development plan, the planning commission finds that the proposed development conforms to all state and local regulations and that the proposed use will not have any unnecessary adverse impact on surrounding land uses or that the developer has taken all reasonable steps to avoid unnecessary adverse impact on surrounding land uses, the plan shall be approved.
- (4) Binding Elements:
The Planning Commission shall designate, at the time of approval or amendment of any general or detailed district development plan, those elements, provisions, and restrictions of the approved plan, including a time period for development plan expiration, that shall be an integral and permanent part of the district development plan and thereby binding on the use and development of the subject property. Items shown on the approved plan that are not designated by the Planning Commission as an integral and permanent part of the plan shall not be binding on the use and development of the subject property except as required by other provisions of this regulation.

(5) Binding Elements Run With the Land:

The binding elements of a general or detailed district development plan granted approval by the Planning Commission shall run with the land and be binding on the owner and applicant, their successors, heirs, or assigns, unless otherwise amended by subsequent application and review.

(6) Condition of Approval

A condition to the approval of any development plan applied for pursuant to this section shall be that building permits for improvement of any such property be issued only in conformance with the binding elements of a district development plan conforming to these regulations and approved by the Planning Commission in accordance with its By-Laws and Rules of Procedure; such binding elements shall be strictly complied with and be enforceable in the same manner as the Zoning District Regulations.

402.5 COMMERCIAL RESTRICTED CONDITIONAL USES

Lumber yards: provided that the proposed use or extension of an existing use receives approval of the Planning Commission as required under Section 402.4 prior to consideration of the Conditional Use Permit by the Board of Adjustment.

403. **GENERAL HIGHWAY COMMERCIAL DISTRICT, HC**

403.1 GENERAL DESCRIPTION

The General Highway Commercial District is for the conduct of retail trade and personal service enterprises to meet the regular needs and for the convenience of the people of adjacent residential areas and to provide services to the motoring public, some part of which is through traffic.

No uses permitted in this district shall be dangerous, offensive or detrimental to the present or intended character of the district or vicinity by reason of the emission of dust, gas, smoke, noise, fumes, glare, odors, vibrations or fire hazard.

403.2 USES PERMITTED

- A. Property and buildings in the HC General Highway Commercial District shall be used only for the following purposes:
1. Antique Shop
 2. Automobile Service Station
 3. Automobile Sales (new and used), truck, mobile home and boat sales and service
 4. Automobile parking lot

5. Banks and other financial institutions, including loan and finance companies, providing the principal or main office is not located in this district.
 6. Curio or gift shop.
 7. Drug store or soda fountain.
 8. Garages for repair of motor vehicles within a closed building
 9. Gasoline service stations, including normally related services but not including major automobile repair
 10. Grocery store or supermarket
 11. Motels, tourist cabins, and tourist courts.
 12. Restaurants, grills, cafes, and similar eating establishments
 13. Self-service laundries
 14. Professional and Governmental Offices
 15. Above ground storage of flammable material meeting the following requirements:
 - i. Certification is provided that the storage facility or tank meets all applicable requirements and regulations of the state and/or local government including but not limited to State Fire Marshall's requirements and regulations.
 - ii. Storage is limited to one tank only, no larger than 4,000 gallons in size per lot or location.
 - iii. The site and/or facilities are designed to contain spillage on site and to a designated area on site as determined by the Zoning Administrator.
 - iv. Storage is limited to diesel fuels or other fuels that have levels of flammability the same or less than that of diesel fuel.
 - v. All tanks used for storage shall be fully screened from view from adjacent properties and from the public right-of-way by fencing or other appropriate means as determined by the Zoning Administrator.
- B. Name Plate and signs in accordance with Section 305 of this ordinance..
- C. Accessory buildings and uses customarily incidental to the above uses.
- D. Planned development projects for commercial uses only. Section 302.3 applies. A planned-development project may be allowed in those zoning districts where it is designated as a permitted use under the zoning district regulations. (A minimum of three acres is required for a planned-development project). A planned-development project may depart from literal conformance with individual lot dimension and area regulations. A planned-development project may be under single or divided ownership.

All planned-development projects shall be subject to the following regulations:

- i. Procedure: When a planned-development project is proposed, the procedure for subdivision approval as set forth in the Springfield Subdivision Regulations shall be followed in its entirety even though the ownership of land may not be divided. A preliminary plat and final plat, both approved by the Planning Commission shall be required for every planned-development project. The Planning Commission may establish a schedule of reasonable fees to be charged for plat review. The project shall be developed according to the approved final plat. Zoning permits and certificates of occupancy shall be required for each building according to this Zoning Ordinance.
- ii. Uses and Densities: The uses of premises and development densities in a planned-development project shall conform with the permitted uses and densities of the zoning district in which it is located.
- iii. Standards: In any planned-development project, although it is permissible to depart from literal conformance with the individual lot dimension and area regulations, there shall be no diminution of total-equivalent-lot-area, parking area, and loading unloading-area requirement that would be necessary for the equivalent amount of individual lot development with one exception; the Planning Commission may allow reductions in these requirements if the developer can satisfactorily prove that large-scale development may permit such reductions without destroying the intent of these regulations.

IV Special Conditions: The Planning Commission shall attach reasonable special conditions to insure that there shall be no departure from the intent of this Zoning Ordinance. The planned-development project shall conform with all such conditions. Because a planned-development project is inherently more complex than individual-lot development and because each such project must be tailored to the topography and neighboring uses, the standards for such projects cannot be inflexible. The Planning Commission shall attach special conditions based on all of the following standards in addition to imposing the standards for total area, parking area, and loading and unloading area defined in Paragraph C above. The Planning Commission may also attach any other reasonable special conditions.

1. It is desirable that access points to all arterial streets shall be located no more frequently than one every eighth to quarter mile. The Planning Commission may approve the platting of temporary access points and may require that temporary access points shall be eliminated by the developer when minor streets or marginal access streets are extended to the approved permanent access points.

Such requirements shall be listed as special conditions on the recorded final plat. Access points shall also meet Federal and State standards where applicable.

2. Wherever there is an abrupt change in uses – e.g., residential to commercial – it is desirable that a buffer area of open space or protective planting be placed between them which will protect each use from the undesirable effects on the other.
3. Parking and other areas used by the public at night shall be adequately lighted, and private areas shall be adequately protected from such lighting and any other lighting from public areas. Public streets may also require protection from excessive glare of lighted areas.

403.3 USES PROHIBITED

- A. Any business use which is primarily of a wholesale, storage, warehousing, or industrial nature, except those uses for which a conditional use permit has been granted under Section 403.5(D).
- B. Animal hospital, coal yard or lumber yard, live animal or poultry sales, gasoline, oil, alcohol, or other volatile or flammable material storage above ground in excess of five hundred (500) gallons, (except as provided in section 403.2 (#15) above) ice plant, automobile graveyard or dis-assembly plant, and any other uses which in the opinion of the Board of Zoning Adjustment would be detrimental to the development of the General Highway Commercial District as a retail shopping center.
- C. Any type of residence other than mobile homes as conditional uses except where such residence is an incidental use to the principal use on the lot and located within the building housing the principal use.
- D. Light Industrial Uses (as listed or defined in Section 405.2) subject to the following restrictions or conditions:
 1. Industrial activities shall be located inside a building.
 2. Hours of operation may be limited.
 3. Noise generated on site by industrial activities shall not be discernable or audible off the property on which the conditional use is located.
 4. Lighting on site shall be that customarily associated with commercial uses otherwise allowed in the HC zone.
 5. No noxious or obnoxious odor shall be generated by the industrial activity that will be discernable or detectable off the property on which the conditional use is located.
 6. Building size, for newly constructed buildings used for industrial activities permitted by conditional use in this zone shall be limited to 20,000 square feet in total (whether one or more buildings are involved). Industrial activities seeking to

expand beyond this size limitation shall locate in otherwise properly zoned industrial areas.

7. Any other condition or conditions that the Board of Zoning Adjustment feels is necessary to allow the use to blend in with its unique surroundings.

403.4 SPECIAL REGULATIONS

There shall be no outdoor storage or display of merchandise and no outdoor processing or services shall be rendered unless authorized as a conditional use. All structures accessory to an outdoor conditional use shall be located at least thirty-five (35) feet from lot lines.

403.5 CONDITIONAL USES

- A. Outdoor storage, display, processing or service rendered.
- B. Mobile home parks.
- C. Multi-family housing as regulated in the R-3 Multi-family district.

403.6 DIMENSION AND AREA REGULATIONS FOR LOTS AND STRUCTURES

- A. The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimension and Area Regulations.
- B. When a Commercial District is adjacent to a residential district the yard requirements in the residential district shall apply to all abutting yards (i.e., residential front yard requirements shall apply to the commercial front yard, residential rear yard requirements shall apply to the commercial rear yard, etc.) Front and street side yards shall be continued into the Commercial District to a minimum of 50 feet or to the first street intersection.

403.7 PARKING

- D. Required Off-Street Parking Space: When any building is built or any use of the land is initiated, except in the Central Commercial District there shall be provided sufficient off-street parking space on the premises so that no automobile parking on any street will result from the normal activity. If the off-street parking capacity is exceeded and street parking is generated more often than six (6) times during a six (6) months' period, this shall be considered as resulting from normal activity and additional off-street parking shall be provided. The Board of Zoning Adjustment shall interpret the amount of parking space required for any building or use, assisted by the following standards, literally, or determine a parking-space deficiency according to the standards above. In either case, he shall apply to the Board for an original interpretation.

- E. Parking Space: For the purposes of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked, and shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley, and so that any automobile may be parked and unparked without moving another. For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at four hundred (400) square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the City.
- F. Off Street Parking Standards: The following standards comprise the minimum off-street parking requirements for the several common types of buildings and uses listed:
1. Indoor retail businesses: One (1) parking space each four hundred (400) square feet of commercial floor area up to 10,000 sq. ft. and one space each two hundred (200) sq.ft. over 10,000 sq. ft plus one (1) space for every truck operated by the business.
 2. Places for public assembly, institutions, and recreational facilities: One (1) parking space for every five (5) persons based on maximum capacity.
 3. Additional parking standards: The Board of Zoning Adjustment may raise the standards listed above when necessary to conform with Paragraph B, above, and shall use similar criteria of floor area, employment, or capacity to interpret standards for buildings and uses not specifically listed above.
 4. Parking: For computing the number of parking spaces in a given area, the ratio of two hundred and fifty (250) square feet per parking space shall be used.

All buildings and uses which generate regular trucking traffic shall be provided with sufficient off-street loading and unloading space on the premises so that they will generate no loading or unloading activity on their required parking spaces or on any street. Areas specified as loading zones in compliance with the city ordinance can be used to satisfy this requirement. The Board of Adjustment shall interpret the amount of loading and unloading space required for any building or use whenever the administrative official is unable to apply this standard literally and applies to the Board for an original interpretation.

404. **CENTRAL COMMERCIAL DISTRICT, CC**

The purpose of this district is to provide commercial activities in a concentrated area with an emphasis on large-scale and specialty establishments. This will enable the public to participate in many types of commercial activities at one time without depending upon motor transportation for mobility.

404.1 **USES PERMITTED**

- A. Any retail business or retail services.
- B. Places of amusement and assembly, offices, hotels, garages, filling stations, parking lots and other motor vehicle services.
- C. Dwelling units occupying the same building as the principal business.
- D. Name plate and signs in accordance with the provisions of Section 305 of this ordinance
- E. Planned development projects. Section 302.2 applies.

404.2 **USES PROHIBITED**

Uses which in the opinion of the Board of Adjustment would be detrimental to the development of the Central Commercial District as a retail shopping center.

404.3 **CONDITIONAL USES**

- A. Public facilities such as libraries, parks, recreational facilities, hospitals, institutions, public communications media, etc.
- B. Outdoor storage, display, processing, or services rendered.

404.4 **DIMENSION AND AREA REGULATIONS FOR LOTS AND STRUCTURES**

- A. The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimension and Area Regulations.
- B. When a Commercial District is adjacent to a residential district the yard requirements in the residential district shall apply to all abutting yards (i.e. residential front yard requirements shall apply to the commercial front yard, residential rear yard requirements shall apply to the commercial rear yard, etc.) Front and street side yards shall be continued into the Commercial District to a minimum of 50 feet for to the first street intersection.

405. **GENERAL INDUSTRIAL DISTRICT, I-1**

405.1 **GENERAL DESCRIPTION**

This industrial district is intended primarily for manufacturing and assembly plants and warehousing conducted so the noise, odor, dust, and glare of each operation is not objectionable to neighboring uses.

405.2 **USES PERMITTED**

The following uses are permitted in the I-1 General Industrial District, but shall require the written approval of the Planning Commission and the Board of Zoning Adjustment and shall be considered as conditional uses.

- A. Manufacturing, fabrication, and/or processing of any commodity.
- B. Retail sales of any commodity manufactured, fabricated or processed on the premises, or of any commodity designed especially for use in agriculture, mining, industry, business, transportation or construction, including but not limited to the following uses:
 - 1. Building material sales yard and lumber yard, including the sale of rock, sand, gravel, and the like as an incidental part of the main business.
 - 2. Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.
 - 3. Freighting or trucking yard or terminal.
- C. Wholesale sale or storage of any article.
- D. Animal hospital.
- E. Any use which in the opinion of the Board of Zoning Adjustment would not emit detrimental or obnoxious noise, vibration, smoke, odors, dust and/or other objectionable conditions beyond the confines of its property.
- F. Any use that is permitted in the Central Commercial District providing the Planning Commission and Board of Adjustment finds that the use would not be inconsistent with the immediate surroundings and would uphold the purposes and objectives of this ordinance. (This provision is intended mainly for application to the area north of the railroad tracks and the Central Business District).
- G. Planned Development Project. Section 302.3 applies.

405.3 ACCESSORY STRUCTURES AND USES PERMITTED

- A. Dwelling unit for caretaker or watchman employed by the industrial firm.
- B. Garages and other buildings and uses accessory to the principal use.

405.4 SPECIAL REGULATIONS

There shall be no outdoor storage, display, or processing of products in any industrial district unless authorized as a conditional use. All structures accessory to an outdoor conditional use shall be located at least twenty-five (25) feet from front lot lines.

405.4 CONDITIONAL USES

- A. All light or heavy industry.
- B. Outdoor storage, display or processing.

405.6 DIMENSION AND AREA REGULATIONS FOR LOTS AND STRUCTURES

- A. The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimension and Area Regulations. These are to be followed in all cases except where an industrial use that existed at the time of passage of this ordinance is destroyed. In this case the Board of Adjustment may allow dimensional variances if they find that such variance will not be detrimental to neighboring property.

NONCONFORMING STRUCTURES AND USES

500. NONCONFORMING STRUCTURES

Nonconforming structures may be continued subject to the following regulations:

- A. Alterations: A nonconforming structure shall not be enlarged, replaced, (*) or structurally altered except in conformance with this ordinance. Any structure, however, may be restored to a safe condition if declared unsafe by the administrative official or other official with jurisdiction. This does not apply to nonconforming structures in the regulatory floodplain.
- B. Extensions: Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but shall not be extended or moved to occupy any portion of land or a structure which would otherwise conform with this ordinance.

- c. Changes: A nonconforming use may be changed only to a conforming use unless the Board of Zoning Adjustments shall find that the proposed nonconforming use is less detrimental to the district than the existing nonconforming use of the property. The Springfield Planning Commission shall specify such appropriate conditions and safeguards as may be required in connection with such change.

* Except on the original foundation.

AMENDMENTS

600. PROCEDURE

To make any amendment to the Zoning Ordinance, either to the text or to the map, the following procedure shall be followed. If any use or density is not permitted in a zoning district by the provisions of the Zoning Ordinance, it may not be permitted by any agency unless the Zoning Ordinance is amended according to the amendment procedure.

- A. Review by the Planning Commission: No amendment shall be made without first being reviewed by the Planning Commission. The Planning Commission may refuse to review proposed amendments which have been proposed and rejected within the past year.
- B. Public Hearing: The Planning Commission may call a public hearing at any time to consider zoning amendment and may establish a separate schedule of reasonable fees to be paid by the applicant for the zoning amendment, which fees shall cover the cost of adequate advertisement of the hearing by such means as the Planning Commission determines to be necessary. Notice of the hearing must be published in a newspaper having general circulation throughout the city no less than seven (7) and no more than twenty one (21) days before the scheduled hearing takes place. In addition the Planning Commission shall comply with any other notice requirements of KRS Chapter 100.
- C. Recommendations to the City Council: The Planning Commission shall submit its recommendations to the City Council within ninety days after the public hearing. The Planning Commission may revise proposed amendments, in which case such amendments shall be presented again at a public hearing according to Kentucky Revised Statutes. The Planning Commission may also initiate proposed amendments.
- D. Action by the City Council: To overrule the Planning Commission's recommendation, a recorded vote of not less than a majority of the entire membership of the City Council shall be necessary.

601. FEES

- | | | |
|----|---|---|
| A. | FEE FOR ADMINISTRATIVELY APPROVABLE PLATS | \$ 25.00 |
| B. | FEE FOR PRELIMINARY PLAT | \$300.00 |
| C. | FEE FOR FINAL PLAT | \$150.00 |
| D. | FEE FOR ZONING CHANGE | \$300.00 |
| E. | FEE FOR VARIANCE | \$ 50.00 |
| F. | FEE FOR CONDITIONAL USE | \$100.00 |
| G. | FEE FOR BUILDING PERMITS | |
| | 1. New Residence | \$100.00 |
| | 2. Additions | \$ 50.00 |
| | 3. Accessory Buildings | \$ 25.00 |
| | 4. Commercial/Industrial | \$.02/s.f.
\$ 50.00 min.
\$500.00 max. |
| H. | FEES FOR BOND RELEASE | \$200.00 |
| I. | SIGNS | \$ 25.00 |
| J. | ALL ADVERTISING AND RECORDING COSTS ARE TO BE PAID BY THE APPLICANT | |
| K. | THE PLANNING COMMISSION MAY WAIVE ANY OF THE ABOVE STATED FEES FOR ANY APPLICANT, AT ITS SOLE DISCRETION. | |

INSERT SCHEDULE OF DIMENSIONS

PURPOSE, AUTHORITY AND JURISDICTION

SECTION 10. PURPOSE

These subdivision regulations are designed to encourage the development of residential, commercial and industrial subdivisions according to recognized standards which provide for sound, efficient, and economical development; to provide for safe, convenient, and efficient traffic circulation; to coordinate land development to insure that future growth will be orderly and conducive to the provision of minimum outlay of public and private expenditures in providing services to developing areas; to minimize fire hazards; to provide adequate light and air in inhabitable structures; and to provide sound and efficient guidelines for the overall development of the area where these subdivision regulations are in force.

SECTION 11. SHORT TITLE

The full title of these subdivision regulations shall be “The Land Subdivision Regulations of Springfield, Kentucky.” The short title of these regulations shall be known, and may be cited, as the “Subdivision Regulations”.

SECTION 12. AUTHORITY AND ADMINISTRATION

These regulations are adopted by the Springfield Planning Commission and the Springfield City Council under the authority granted by the Kentucky Revised Statutes, Chapter 100. The regulations shall be administered by the Springfield Planning Commission.

SECTION 13. AREA OF JURISDICTION

The Springfield Planning Commission, by virtue of adoption of these regulations, shall have jurisdiction and control over the subdivision of all land within the corporate limits of the City of Springfield and within the unincorporated area adjacent to the city for a distance of one mile from the corporate boundary.

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ARTICLE II

MAJOR AND MINOR CLASSES OF SUBDIVISIONS ESTABLISHED FOR PROCESSING PURPOSES

SECTION 20. PURPOSE

The purpose of this article is to establish different classes of land subdivisions on the basis of their importance to the overall development of the community. The classification of land subdivisions will expedite the processing of certain classes of subdivisions and permit the establishment of requirements for subdivision plan preparation and approval which may vary for the different classes of subdivisions.

SECTION 21. PROCESSING CLASSES FOR SUBDIVISIONS

Chapter 100, Kentucky Revised Statutes, defines a subdivision as “the division of a parcel of land into two or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; providing that a division of land for agricultural purposes into lots or parcels of five acres or more and not involving a new street shall not be deemed a subdivision. The term includes a re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided”.

The Statutes further provide that no land shall be subdivided, transferred, or sold, or agreed to be sold until after a plat of such land is prepared and approved in conformance with the requirements established by the Planning Commission. Metes and bounds descriptions shall not be used for the above purposes to replace the required platting procedures, and no plat shall be accepted for recording by the County Clerk until it has been approved in writing by the Planning Commission.

In order to proceed towards establishing such requirements, subdivisions shall be classified as follows:

21.10 Major Subdivision - Shall be those subdivisions of land which are generally of major significance to the future development of the community, and shall include all subdivisions which do not conform to the definitions established for minor subdivisions. Generally, major subdivisions would be those which create five or more lots for sale or building development for the establishment of residential, commercial, or industrial activities. If the Commission determines that a minor subdivision is of significant importance to the development of an area, the subdivision may be treated as a major subdivision.

21.11 Minor Subdivision – Shall be those subdivisions of land which are generally of secondary planning significance to the community’s future development. Such minor subdivisions are described below, and shall conform to the requirements established in Article II.

21.111 Consolidation of Minor Subdivision – Shall be those subdivisions characterized by the following:

21.1111 Adjoining Properties – The subdivision shall be solely for the purpose of transferring a portion of a parcel or tract of land to an adjoining property with which it is to be consolidated. Such adjoining property shall have a common boundary with the parcel of land intended for transfer.

21.1112 Conformance to Community Plans – The subdivision shall be in conformance with community development plans, implementation devices, and other applicable regulations or ordinances; including, among other considerations, any necessary dedication for adequate street rights-of-way.

21.112 Building Site Minor Subdivision – Shall be those subdivisions characterized by the following:

21.1121 Number of Divisions - There shall be a maximum of five lots in a building site minor subdivision.

21.1122 Access – All lots shall abut for at least fifty (50) feet upon a street dedicated for public use. Lots may abut upon private access easement when all of the following conditions are met:

21.11221 The private street will serve no more than 4 lots;

21.11222 The minimum width of access easement shall be thirty (30) feet;

21.11223 The length of private street shall not exceed 150 feet;

21.11224 The minimum pavement width shall be sixteen (16) feet;

21.11225 The slope of the street shall not exceed twelve (12) percent;

21.11226 All setbacks established for the zone in which the property is located shall be observed from the easement line;

21.11227 All utilities must agree to serve any lots fronting on a private street;

21.11228 The private street shall not adversely impact neighboring properties; and

21.11229 A deed of restrictions outlining maintenance responsibilities for the private street shall be filed with the plat.

If a new street dedicated to the public is involved, the subdivision shall be considered a major subdivision. If a

new private street is involved, the subdivision shall be considered a minor subdivision.

21.1123 Conformance to Community Plans – The subdivision shall be in conformance with community development plans, implementation devices, and other applicable regulations or ordinances; including, among other considerations, any necessary dedication for adequate street rights-of-way.

21.12 Administratively Approvable Plats – If all of the following apply, the respective plat may be approved for recording by the Zoning Enforcement Officer:

- A. The plat reflects a change in lot lines that do not increase the number of lots/tracts or where the division of property results in only one additional lot and there has been no more than one (1) such division in the prior five (5) years, the minor subdivision may be approved by the Zoning Enforcement Officer for recording..
- B. The use of the property is to remain the same or is a use allowed in the current zoning classification for the property.
- C. The Zoning Enforcement Officer may at his or her sole discretion refer any plat, subject to approval under this section, to the Planning Commission for its approval.

ARTICLE III

REQUIREMENTS FOR MINOR SUBDIVISION PLATS

SECTION 30. PURPOSE

The purpose of this article is to establish special requirements to expedite the preparation and processing of minor subdivision plats.

SECTION 31. PROCEDURE

Where a proposed subdivision can be classified as a minor subdivision according to Article II, the procedure for submission of a preliminary plat for approval may be waived by the Planning Commission after the advisory meeting. However the procedure for approval of the final plat remains the same.

ARTICLE IV

PROCEDURE FOR SUBMISSION OF MAJOR SUBDIVISION PLATS

SECTION 40. PURPOSE

The purpose of this article is to establish the procedure which shall be followed by the developer and the Planning Commission in preparing, reviewing, and approving all subdivision plans. (Except that minor subdivisions may skip the preliminary plat phase with approval of the Planning Commission.)

SECTION 41. PRE-APPLICATION CONFERENCE

The developer should arrange a conference with the Planning Commission before a preliminary plat is submitted. The purpose of the conference is to afford the developer an opportunity to avail himself the assistance of the Commission and its staff before he prepares a preliminary plan and makes formal application for its approval. This procedure will reduce the number of unnecessary and costly changes which are often required when a plat is submitted for review before the Commission has had an opportunity to review it.

41.10 Sketch Plan – The developer should have a rough sketch plan prepared before the pre-application conference to show the boundaries of the tract, location and sidewalks, the proposed street and lot arrangement, and other pertinent information.

41.11 Office Visit – The developer should then visit the Commission's office and informally discuss his ideas with the Commission or its staff. This informal discussion shall not constitute a formal application and will be considered confidential. The developer should also consult with the utility companies and other local agencies at this time.

SECTION 42. PRELIMINARY PLAT PROCEDURE

All subdivision plats shall receive their first official consideration as preliminary plats. No developer shall proceed with any construction work, including grading, before a plat has been given preliminary approval.

The following procedures shall be required during the preliminary plat procedure:

42.10 Design Plans – The developer shall have a registered surveyor, registered engineer, landscape architect, architect, or community planner (provided that engineering data is supplied by a registered engineer or surveyor for landscape architects, and community planners) prepare the preliminary plat in conformance with the format, design, and improvement requirements of these regulations. Utility companies and other concerned city and county agencies should be consulted before the preliminary plat is prepared.

42.11 Formal Application and Submission – A completed application secured from the Commission’s office and six (6) prints of the preliminary plat (including improvement drawings and other required preliminary plat information) submitted to the Planning Commission shall constitute an application for formal action on the preliminary plat. For maximum assurance that a plat will receive commission consideration at a certain meeting, the plats should be submitted at least twenty (20) days before such meeting.

42.111 Letter of Availability – A letter addressing the availability of utilities shall be filed with the preliminary plat.

42.12 Distribution and Review of Plats – The Commission shall make copies of the preliminary plats available to all concerned city and county agencies. The Commission will consider all comments from these agencies before making recommendations on the plats.

42.13 – Notification of Action – After Commission action, two (2) copies of the plat will be marked in conformance with the Commission’s actions and the developer shall be notified of the Commission’s action and requested to pick up his plat.

42.131 Approval – Means the developer is authorized to proceed with physical improvements in the proposed subdivision and to proceed with the preparation of the final plats. Lots shall not be sold until a final plat has been approved.

Preliminary approval grants a developer a maximum time limit of twelve (12) months during which he shall submit a final plat, unless a time extension is granted by the Commission. During this twelve (12) month period, no changes shall be made unless they are for the purpose of correcting obvious errors or omissions.

42.132 Conditional Approval – Means the developer may proceed as outlined above in Section 42.131 but only after corrected preliminary plats have been submitted to the Commission’s chair.

42.133 Postponement - Means action is delayed for definite reasons which shall be noted by the Commission.

42.134 Disapproval – Means the denial of approval for the submitted plat. Before further action can occur, the developer must revise his plat to conform to the Commission’s requirements.

SECTION 43. FINAL PLAT PROCEDURE

All subdivision plats shall receive their second and last consideration as final plats. No developer shall sell or agree to sell any lot until after a final plat has been approved. The following procedure shall be required for all final plats:

43.10 Design Plans – The developer shall have a registered surveyor or engineer prepare a final plat in conformance with the format, design, and improvement requirements of these regulations. The final plat is a legal record of the subdivision as surveyed in the field and must agree with the approved preliminary plan, except that final plans covering a portion of the approved preliminary plat may be submitted.

43.11 Time Lapse – Unless a time extension has been requested by the developer and granted by the Commission, all final plats shall be submitted within twelve (12) months of the approval date of the preliminary plat. If a time period in excess of twelve (12) months elapses, the preliminary plat must be re-submitted and approved before final plat approval can be considered.

43.12 Material to be Submitted – The following final plat materials must be submitted by the developer. For maximum assurance that a plat will be considered at a certain Commission meeting for the plat materials should be submitted at least ten (10) days prior to such meeting.

43.121 Subdivision Plats – Six (6) prints of the plat showing the manner in which the land is proposed to be subdivided and legally recorded shall be presented to the Commission. The plats shall be in conformance with specifications outlined in Article V.

43.122 Bond for Physical Improvements – The Commission shall have no obligation to allow developers to post surety bonds in lieu of completed physical improvements, but it may permit said bonds if it so desires. When bonds are permitted, the developer shall submit cost estimates to the Commission to cover the full cost of all physical improvements. The developer shall then post a surety bond with the Commission, running to the Planning Commission for and on behalf of the City of Springfield. A time period of one (1) year will be allowed for construction of improvements.

42.123 Utility Approval – A copy of a letter approving the location and size of all easements and rights of way must be obtained from the following utilities: Kentucky Utilities, Springfield Water and Sewer Commission, Western Kentucky Gas, Telephone Company and Cable Television.

43.13 Distribution and Review of Plats – The Commission shall make copies of the final plat available to all concerned city and county agencies. The Commission will consider all comments from these agencies before making recommendations on the plats.

43.14 Notification of Action – After Commission action two (2) copies of the plat will be marked in conformance with the Commission’s action and the developer shall be notified of the Commission’s action and requested to pick up his plat.

43.141 Approval – Means the final plat has been signed by the Chair of the Commission and may be recorded. After recording, the developer may sell or agree to sell lots by reference to the approved and recorded final plat. Commission approval shall not be deemed to constitute or effect an acceptance by the City or County of the dedication of any street or other proposed space offered for dedication, since such acceptance is the prerogative of the City and County legislative bodies.

43.142 Conditional Approval – Means the developer may proceed as outlined above in Section 43.141 but only after he has met the conditions attached to the approval.

43.143 Postponement – Means the Commission has deferred action until some future Commission meeting in order that certain clarification can be made in regard to the plat.

43.144 Disapproval – Means complete denial of the final plat. To request review and action, the developer must revise the plat to conform to Commission requirements and re-submit a new set of final plats.

43.15 Recording Final Plat – Within ninety (90) days of the Commission’s approval, unless a time extension has been granted by the Commission previous to the expiration date, a certified copy of the final plat shall be filed for recording in the Washington County Clerk’s Office. The Commission’s action becomes null and void if this requirement is not met. The Commission’s action is also voided if the certified plat is altered in any manner (except for Commission requirements) between the date of Commission approval and recording.

43.16 Release of Bond – If a surety performance bond has been permitted by the Commission its release shall be approved by the Commission after all improvements, in the opinion of the Commission, have been satisfactorily completed.

43.17 Private Engineer’s Inspection – Before the surety performance bond is released, the developer’s engineer must certify that all physical improvements have been completed and are in full conformance with the Commission’s regulations.

ARTICLE V

SPECIFICATIONS FOR PLATS

SECTION 50. PURPOSE

The purpose of this article is to describe the content and format of required plat materials and the information which the plats must contain. Conformance to these requirements will provide for the expedient processing of plats.

All plans shall adhere to these specifications unless the Commission grants permission for modifications due to unusual or special circumstances. Plans which are flagrantly or repeatedly lacking the required data shall be returned to the developer by the Commission immediately after the absence of data is apparent.

SECTION 51. PLAN MATERIALS FOR PRE-APPLICATION CONFERENCE

As previously described in Section 41 of “Procedures”, the minimum plat materials for the pre-application conference should be a sketch plan showing the boundaries of the tract, a rough street and lot layout, the sidewalk plans and other information concerning pertinent physical features. The sketch is not required to be to any definite scale, drawn on any special material, or meet any other specifications.

SECTION 52. PRELIMINARY PLAT MATERIALS

The preliminary plat material shall consist of three categories of materials as explained below. Other material may be submitted by the developer may be required by the Planning Commission.

52.10 Restrictive Covenants – When the developer proposes to regulate land use in a subdivision and otherwise protect a development, one draft copy of such covenants shall be submitted as part of the preliminary plat materials.

52.11 Land Subdivision Plat – Six (6) prints of the proposed subdivision shall be submitted on sheet sizes of 18” x 24” or 24” x 36”, unless the Commission grants permission for other sizes because of unusual or special circumstances. If necessary, more than one sheet may be used if a key map is prepared to relate each sheet to the entire subdivision. The information required on the preliminary plats shall be positioned in the following manner:

52.111 Title Block – The title block should be placed on the bottom of the sheet, and shall contain the following information:

52.1111 Subdivision Name – The name of the proposed subdivision, which shall not duplicate or approximate the name of any other subdivision in Springfield or Washington County.

52.1112 Property Identification – The record name and mailing address of the property being subdivided.

52.1113 Identification – The name and mailing address of the property owner and the developer's engineer.

52.1114 Legend Information – Graphic scale, written scale, north point, date of preparation, and any other pertinent legend data.

52.112 Location Sketch – A sketch showing the general location of the subdivision shall be placed in the upper right or left corner of the sheet. The location sketch shall be drawn at a scale large enough to show the proposed subdivision's relationship to existing and proposed features such as major traffic arteries, schools, recreation areas, shopping areas and industrial areas

52.113 Lot Design – The design scheme shall be drawn at a scale of one hundred (100) feet or less to the inch, and shall show the following existing conditions and proposed development features

52.1131 Existing Conditions – The following information of existing conditions shall be illustrated:

52.11311 Boundary Lines – The location, distance, and bearings of the boundary lines.

52.11312 Streets – Street names, right-of-way widths, and approximate grades shall be shown on all streets adjacent to and within the proposed subdivision.

52.11313 Utilities – The location and size of all utilities and easements adjacent to and within the proposed subdivision.

52.11314 Topography – Contours with five foot intervals, referenced to U.S.G.S. datum.

52.11315 Subsurface Conditions – When required, result of tests made to ascertain soil percolation quality if individual sewage disposal systems are proposed.

52.11316 Other Conditions on the Tract – Such as watercourses, marshes, wooded areas, isolated preservable trees, and houses or barns and other significant features which will be retained or removed.

52.11317 Conditions on Adjacent Land – Such as approximate direction and gradient of ground slope; railroads, commercial areas, and other nearby nonresidential land uses or adverse influences; owners of adjacent, unplatted land; subdivision names adjacent platted land; perimeter lotting and typical lot size in adjacent subdivision.

52.1132 Proposed Development on Tract – The following information on proposed development shall be shown:

52.11321 Streets – The proposed names, right-of-way and pavement widths, and approximate grades and direction thereof.

52.11322 Other Rights-of-Way or Easements – The location, width and purpose.

52.11323 Lots and Setback Lines – The location and approximate distances of all lot lines. Lot numbers shall also be shown.

52.11324 Setback Lines – The location of proposed building setback lines with dimensions showing the setback from the street rights-of-way.

52.11325 Public Sites – The name, acreage, and use of any sites proposed for public use such as parks, playgrounds, and school sites.

52.11326 Multi-Family and Non-Residential Uses – The acreage and use of non-public uses such as multi-family dwellings, shopping centers, church etc.

52.11327 Sidewalks – The location of sidewalks, cross-sections showing width of sidewalks, materials, location and other pertinent information.

52.12 Other Materials – When the tract shown on the subdivision plan represents only a portion of the developers holding, an additional sketch shall be required to illustrate the proposed street layout for the remainder of the tract.

SECTION 53. FINAL PLAT MATERIALS

The final plat materials shall consist of three groups of material; restrictive covenants; plat for recording; and as-built improvement construction drawings. Other materials may be submitted by the developer or required by the Commission.

53.10 Restrictive Covenants – When the developer intends to regulate land use in a subdivision and otherwise protect the development, two (2) copies of the restrictive covenants shall be submitted as part of the final plat materials.

53.11 Plat for Recording – A legible plat suitable for recording with an overall sheet size of 18” x 24” or 24’ x 36” shall be prepared. If necessary, more than one sheet may be used if a key map is shown to relate each sheet to the entire platted area. Six (6) prints of this plat shall be submitted by the developer when he makes application for final approval. The information

the information shown hereon is correct to the best of my knowledge and belief; and all requirements of the Subdivision Regulations have been fully complied with.

Date Engineer's Name Engineer's Seal

53.1123 Commission's Certification

COMMISSION'S CERTIFICATION

I hereby certify this record plat was approved by the Springfield Planning Commission on _____, 20_____, and is now eligible for recording.

Date Planning Commission Chair

53.1124 Commissions Certification for Administratively Approvable

Plats

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of Washington County, Kentucky, with the exception of such variances, if any, as are noted on the plat and/or in the minutes of the Planning Commission, and that it has been approved for recording in the office of the Washington County Clerk.

Chair or Administrative Official Date

53.113 Location Sketch – A sketch showing the general location of the subdivision in relation to the surrounding area should be placed in the upper right or left hand corner of the sheet. The location sketch shall be drawn at a scale large enough to show the proposed subdivision's relationship to existing and proposed community features such as major traffic arteries, schools, recreation area, shopping areas and industrial areas.

53.114 Lot Design – The design scheme shall be drawn at a scale of one hundred (100) feet to or less to the inch, and shall show the following information for the proposed subdivision and adjacent land:

53.1141 Street on Adjacent Land - The exact location of street on adjacent land, and the width along the property lines for all existing or recorded streets intersecting or paralleling and boundaries of the proposed subdivision.

53.1142 Owners of Adjacent Land - For adjacent land which is platted, show the boundaries with dashed lines, the record name, date of recording, and plat book and page number. For adjacent land which is unplatted, show the name(s) of record.

53.1143 Boundary Lines of Tract – In a line style and weight which will distinguish the developer’s property from all adjacent property, show the tract boundary lines with lengths to hundredths of a foot and bearings to the nearest minutes. These boundaries shall be determined from an accurate survey in the field.

53.1144 Monuments - Show the accurate location and material of all permanent reference monuments.

53.1145 Streets, Easements, and Lot Lines – For street rights-of-way show the names, bearings, angles of intersection, right-of-way and pavement widths; for all easements or other rights-of-way show the locations, widths, and purposes; for lot lines show dimensions in feet to hundredths of a foot and bearings to the nearest minute.

53.1146 Lot Numbers – Lot numbers shall be shown and numbered in numerical order.

53.1147 Reservations and Dedications – Show the accurate outline of all property which is either offered for dedication to public use or which is reserved by covenant in the deeds for the common use of the property owners in the subdivision, with the purpose plainly printed thereon.

53.1148 Building Setback Lines – Show the minimum building setback line which shall be at least one-half of the total width of the street right-of-way on which the building fronts.

53.115 Construction Drawings – Two (2) copies of these drawings shall be submitted to the City or County Engineer (whichever has jurisdiction) on a sheet size of 18” x 24” or 24” x 36”. The drawings shall be referenced to the name and unit number of the proposed subdivision, and shall show the following information:

53.1151 Street Profiles – The profile of each street indicating the existing ground surface and the grade of the new street surfaces at a horizontal scale equal to the horizontal scale of the record plat, and a vertical scale of 1/10th of the horizontal scale, with final grades indicated.

53.1152 Street Cross Sections – A cross section of each new street shall be shown at a scale of ten (10) feet or less to the inch, and shall include the width of pavement, the location and width of sidewalks, and the location of utilities.

53.116 Other Materials – In addition to other sketches or material which may be required by the Planning Commission, the following shall apply to surety performance bonds and recording of plats:

53.1161 Release of Surety Performance Bond – When the Commission has approved a final plat and permitted bonding to insure completion of required improvements, and the developer has completed such improvement, the following procedure shall apply.

53.11611 City (County) Engineer’s Inspection – After completing all improvements, the developer shall notify the City (County) Engineer that the improvements are ready for final inspection.

53.11612 Engineer’s Notification to Commission – If the City (County) Engineer finds the improvements are complete in conformance with Commission requirements, he shall notify the Commission by letter and recommend the release of the bond. Conversely, if the date of completion has passed and the improvements are not completed in accordance with Commission requirements, the Engineer shall notify the Commission and recommend that the bonding company be notified to complete the required work within a specified period of time.

53.11613 Planning Commission Action – The Planning Commission shall then act on the Engineer’s recommendation and either release the bond and/or call for completion of the required improvements.

ARTICLE VI
DESIGN AND PHYSICAL IMPROVEMENT REQUIREMENTS

SECTION 60. PURPOSE

The purpose of this article is to establish the minimum design standards and the minimum standards to which developers shall conform in providing and constructing physical improvements within a subdivision.

SECTION 61. COMPLETION OF IMPROVEMENTS

Unless the Planning Commission approves a surety performance bond, all required improvements shall be completed prior to final plat approval.

With the Commission's approval the developer, in lieu of completing the improvements as stated above, shall furnish the Commission with a surety performance bond running to the Springfield Planning Commission for and on behalf of the City of Springfield. The bond shall be sufficient to cover the cost of all required improvements to be installed by the sub-divider.

All physical improvements shall be installed under the direction and supervision of the developer's engineer.

SECTION 62. CLASSIFICATION OF STREETS

Streets within or adjacent to a proposed subdivision shall be classified according to one or more of the classifications noted below, and physical improvements and design standards shall be required in accordance with each classification.

The required improvements shall be installed by the developer at his expense in accordance with the specifications of the official or agencies having jurisdiction. Improvements exceeding these minimum requirements may be provided by the developer or required by the Commission.

Add pages 22 & 23 here!

62.12 Expressways and Arterials – Design and improvement requirements for expressways and arterial streets will be determined by the Planning Commission with the advice of the City Engineer and the Kentucky Department of Highways.

SECTION 63. MISCELLANEOUS STREET DESIGN STANDARDS

The following standards shall apply to street design:

63.10 Conformity to Major Street Plan – The location of all streets in a proposed subdivision shall conform in general alignment to the Transportation Plan.

63.11 Street Continuity – The proposed street layout shall provide for the continuation of existing streets to adjoining tracts, unless the Planning Commission deems such extension undesirable for specific reasons of topography or design. Where it is desirable in the opinion of the Planning Commission to provide street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property.

63.12 Relation to Topography – Streets shall be designed with respect to topography to produce the most usable and property situated lots, provide proper drainage for storm water and produce proper grades.

63.13 Street Names – Proposed streets in alignment with existing streets should bear the name of the existing street. When streets are not in alignment, no names shall be used which would duplicate or be confused with names of existing streets.

63.14 Conflicting Traffic or Land Use – When a proposed subdivision contains or is adjacent to existing or proposed railroad rights-of-way, arterial street right-of-way, other significant rights-of-way, or conflicting and detrimental land uses; the Planning Commission may require marginal access streets, reverse frontage lots, lots with rear service alleys, lots with additional depth, or other measures which may be necessary for protection of abutting properties and the maintenance of function of major traffic arteries.

63.15 Portions of Streets (Proposed) – New half or partial streets shall not be permitted. The entire minimum right-of-way shall be dedicated when a proposed subdivision is located on one or both sides of a street.

63.16 Existing Deficient Street Rights-of-Way – Subdivisions platted along existing streets should dedicate additional right-of-way, if necessary, to meet the minimum width requirements specified in these regulations.

63.17 Reserve Strips and Private Streets – There shall be no reserve strips or private streets platted within a subdivision.

63.18 Oversized Improvements – Whenever street rights-of-way or improvements are required in excess of what is necessary to meet the demands of the subdivision under consideration, the Commission should require dedication or improvement costs of the developer only to the extent required by his subdivision. The appropriate authorities should be encouraged to finance the acquisition or cost of the additional improvements.

63.19 Street Intersections – Minimum standards for intersection design are as follows:

63.191 Number of Approaches – Intersections involving more than four basic street approaches shall be prohibited. Merging lanes, deceleration lanes, “Y” intersections, etc., are not in this prohibition and are considered as parts of one street approach.

63.192 Angle of Intersection – For a tangent distance of at least one hundred (100) feet, measured from the intersection of right-of-way lines, all streets should intersect at an angle of ninety (90) degrees. In no case should the angle of intersection be less than seventy-five (75) degrees.

63.193 Street Jogs – Street jogs with centerline offsets of less than one hundred fifty (150) feet should not be made.

63.194 Excessive Grades at Intersections – When a street grade at the approach to an intersection exceeds three (3) percent, a leveling area shall be provided with grades of not greater than three (3) percent for a distance of fifty (50) feet from the intersection of street centerlines. Vertical curves shall then be used to connect the intersecting grades.

63.195 Minimum Property Lines Radii – At street intersections the minimum radius at property lines shall be twenty (20) feet for all streets.

63.196 Construction Standards – All streets to be dedicated to public use shall conform to construction standards as proposed by the City Engineer and endorsed or adopted by the legislative body, conformance with these standards is evidenced by the signature of the City Engineer on the Final Recorded Plat.

SECTION 64. BLOCK DESIGN STANDARDS

The following standards shall be observed in the design of blocks.

64.10 Residential Block Length – Intersecting streets shall be provided at such intervals as necessary to meet existing street patterns, topography, and standards required for safe and convenient vehicular and pedestrian circulation. Blocks should not, however, exceed sixteen hundred (1600) feet in length, nor be less than five hundred (500) feet in length.

64.11 Residential Block Width – The width of blocks shall be sufficient to provide for two tiers of lots of appropriate depth.

64.12 Non-Residential Blocks – Blocks intended for non-residential uses shall be of such length, width, and other design as the Commission finds necessary for the prospective use, including adequate provision for off-street parking, loading and unloading, and limitation and control of vehicular access points to adjacent streets.

SECTION 65. LOT DESIGN STANDARDS

The following standards shall be required in the design of lots.

65.10 Corner Lots – Corner lots shall be of sufficient width to permit compliance with the required minimum setback line. In order to comply with the additional width requirement and continue the same size homes as are on adjoining lots, corner lots shall be increased to whatever width is necessary.

65.11 Lot Lines – Side lot lines shall be at right angles to straight street centerlines and radial to curved street centerlines. Rear lot lines should consist of straight lines with a minimum number of deflections.

65.12 Access – All lots shall abut a public street for at least sixty (60) feet. Lot frontage on curved streets and cul-de-sac may be reduced to a minimum of thirty-five (35) feet, but such lots shall be at least sixty (60) feet wide at the minimum building setback line.

65.13 Lot Dimensions – Lots located in areas where a zoning ordinance is in effect shall conform to the zoning regulations, except residential lots not served by public sewer shall be at least eighty feet wide and fifteen thousand (15,000) square feet in area. Where no zoning ordinance is in effect, residential lots served by public sewer shall be at least seventy (70) feet wide and eight thousand (8,000) square feet in area.

A greater lot area than specified above may be required for residential lots if, in the opinion of the City (or County) health officer, there are factors of drainage, soil conditions, or other conditions to cause potential health problems.

65.14 Building Setback Line – The minimum building setback line from the right-of-way shall be at least one-half (1/2) of the total width of the street right-of-way. In no instance shall this distance be less than twenty-five (25) feet nor be required to be more than forty (40) feet.

65.15 Development of Hazardous Areas – When lots are located on land which is subject to flooding, subsidence, or other hazards injurious to the health and safety of potential users; and when such hazards cannot be eliminated or adequate safeguards provided to protect the health and safety of potential users, the Planning Commission may declare such land to be unsuitable for subdividing and disapprove such plans or portions thereof.

SECTION 66. EASEMENT DESIGN STANDARDS

66.10 Utilities - Easements twelve (12) feet in width may be required between, at the rear, or across lots whenever necessary. Easements of greater width may be required if necessary for the extension of water and sewer lines or other utilities.

66.11 Storm Water Drainage Easement – Storm water easements or drainage rights-of-way may be required by the Planning Commission if necessary for proper drainage within or through subdivision.

66.12 Connection to Existing Easements – When necessary, utility and drainage easements shall connect with existing easements on adjoining properties.

SECTION 67. COMMUNITY FACILITIES DESIGN STANDARDS

67.10 Accessing the need for Community Facilities – During the review of subdivision plats the Planning Commission shall consider the adequacy of existing or proposed community facilities which will serve the additional population to be housed in a proposed subdivision. Sub-dividers shall also give consideration to dedicating or reserving land for facilities which will be needed in a subdivision—such as public buildings, recreational areas, and shopping facilities.

67.11 Adequacy of Such Areas – Areas provided or reserved for such community facilities shall be adequate for building sites, landscaping, and off-street parking.

SECTION 68. OTHER REQUIRED IMPROVEMENTS

68.10 Water Supply System – Every subdivision shall be provided with a complete water distribution system adequate to serve the proposed subdivision.

The entire water system shall be provided by the developer and shall be designed to meet the approval of the agency having jurisdiction.

68.11 Storm Water Drainage System – Provision shall be made for the satisfactory drainage of storm water by means of underground pipes and/or surface ditches. The storm water drainage system shall be provided by the developer and shall be designed to meet the approval of the agency having jurisdiction.

68.12 Sanitary Sewage Disposal System – Provision shall be made for the satisfactory disposal of sanitary sewage in all subdivisions. When the Planning Commission determines that a public sanitary sewer main is reasonably accessible, the developer shall provide a complete sanitary sewer system according to specifications of the agency having jurisdiction.

If a sanitary sewer main is not reasonable accessible, lots of 15,000 square feet or larger may be permitted to use individual disposal systems, if such systems fully conform to the requirements of the agency having jurisdiction.

68.13 Electric Supply System – Provision shall be made in every subdivision for a satisfactory electric supply system. Every consideration should be given to the possibility of underground installation of all necessary wires.

68.14 Monuments –

68.141 Concrete Monuments – Two (2) concrete monuments at least thirty-six (36) inches in a length and four (4) inches square with a suitable center point shall be set on at least two corners of the boundary of a subdivision and at such intermediate points as shall be required by the City Engineer.

68.142 Iron Pin Monuments – Iron pin monuments three-fourths (3/4) inch in diameter and at least twenty-four (24) inches long shall be placed at all points on boundary lines when there is a change of direction and at all lot corners. These pins shall be placed only after all grading and other construction have been completed. A guard stake at least 1” x 3” x 24” shall be placed next to each pin with the lot number and the number of the adjoining lot plainly lettered on the flat faces of the stake.

ARTICLE VII

GENERAL PROVISIONS

SECTION 70. VARIANCES

These land subdivision regulations are adopted as minimum requirements, and all developers should consider developing their subdivisions at higher standards. Thus, the developer is encouraged to go beyond the requirements of these regulations and the Planning Commission may require standards above the minimum contained herein, whenever it feels that public health, safety, or welfare purposes justify such increases.

The Planning Commission may also reduce or otherwise vary the requirements of these regulations whenever it encounters the situations described below. In granting such variances, the Commission may attach and require whatever conditions it feels are necessary to secure the basic objectives of the regulations.

70.10 Exceptional Conditions – When the Commission finds that strict application of these regulations would result in extreme practical difficulties because of exceptional and unique topographic or other physical conditions, the Commission may modify these regulations to the extent necessary to provide relief for the undue hardship; provided, however, that such relieve may be granted without detriment to the public welfare and without substantially impairing the intent and purpose of these regulations. In granting such variances or modifications, the Planning Commission may require such conditions as will substantially secure the objectives of the standards or requirements so varied or modified. Financial disadvantage to the property owner is no proof of hardship within the purpose of these regulations.

70.11 Design Innovation and Large Scale Development – These regulations may be modified by the Planning Commission in the case of plans for cluster development, planned unit development, or other design innovations which, in the Commission’s opinion, achieve the basic objectives of these regulations. The Commission may require such conditions as it deems necessary to secure the objectives of these regulations.

SECTION 71. AMENDMENTS

The Commission may revise, modify, or amend these regulations by appropriate action taken at a regularly scheduled meeting after the required notice and public hearing as specified in KRS 160.

SECTION 72. VIOLATIONS AND PENALTIES

The following violations and penalties are hereby cited from Chapter 100, Sections 100-277, 100.283, 100.291 and 100.991 of the Kentucky Revised Statutes.

72.10 No Subdivision of Land Before Approval – No person or his agent shall subdivide any land before securing the approval of the Planning Commission of a plat designating the areas to be subdivided.

72.11 No Selling of Land Before Approval – No person owning land composing a subdivision, or his agent, shall transfer or 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 of the Planning Commission and been recorded by the County Clerk. Any such instrument of transfer, sale, or contract shall be void and shall not be subject to be recorded.

72.12 Metes and Bounds Descriptions – The description of lots or parcels 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.

72.13 No Recording Before Approval – No plat of a subdivision of land shall be recorded by the County Clerk until the plat has been approved by the Commission and the approval entered thereon in writing by the Chair of the Commission.

72.14 Injunctions – The Planning Commission shall have the power to apply for an injunction against any type of subdivision construction by a sub-divider or a landowner where the subdivision regulations have been violated.

72.15 Penalties – Any person or entity who violates any of these provisions or any of the regulations adopted pursuant hereunder for which no other penalty is provided, shall upon conviction be fined not less than ten (10) but no more than five hundred dollars (\$500) for each conviction. Each day of violation shall constitute a separate offense.

SECTION 73. SEPARABILITY

Should any section, subsection, paragraph or provision of these regulations be held invalid or unenforceable by a court of competent jurisdiction, such decision shall in no way affect the validity of any other provision of these regulations.