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ARTICLE I-ENACTMENT, TITLE, PURPOSE

100 Short Title

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

101 Effective Date

This ordinance shall become effective immediately upon its adoption by the Springfield City Council.

102 Authority

Kentucky Revised Statutes (KRS) 100.201 gives legislative bodies and fiscal courts the authority to enact permanent land use regulations, including zoning and other growth management regulations, to promote public health, safety, morals, and general welfare of the City of Springfield. The Springfield Planning Commission and Springfield City Council have fulfilled the regulations set forth as prerequisites to the adoption of this Ordinance.

103 Purpose, Objectives and Goals

This Zoning Ordinance sets forth regulations and restrictions upon the erection, construction, alteration, repair or use of buildings, structures, or land, including height, number of stories, and size of buildings and other structures, size of yards, courts, and other open spaces, density of population, size and number of vehicular parking and loading, and location and intensity of use of such buildings, structures, and land for trade, industry, residence, or other uses in order to, among other things:

- (1) Promote public health, safety, morals, and general welfare;
- (2) Facilitate orderly and harmonious development and the visual or historical character;
- (3) Facilitate fire and police protection;
- (4) Prevent overcrowding of land, blight, danger, and congestion in the circulation of people and commodities, and the loss of life, health, or property from fire, flood or other dangers;
- (5) Protect airports, highways, and other transportation facilities, public facilities, schools, public grounds, historical districts, central business districts, prime agricultural land and other natural resources;
- (6) Regulate the use of water and wastewater treatment facilities;
- (7) Improve soil quality; and,
- (8) Protect other specific areas of the City of Springfield that need special protection

by the Springfield Planning Commission.

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 adopted for the promotion of the public health, safety, and general welfare.

105 Coordination or Conflict With Other Laws or Regulations.

- (a) 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.
- (b) Coordination with Subdivision Regulations. In all cases, the provisions of the Springfield Subdivision Regulations and amendments thereto shall apply in addition to the provisions of this Ordinance.
- (c) Conflict with Subdivision Regulations and Other Laws, Regulations, and Rules. This Zoning Ordinance does not repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of law, ordinance, or resolution, or with any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant or relating to the use of buildings, or premises, or with any private restrictions placed upon property by covenant, deed, or recorded plat; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or requires greater lot areas, larger yards, courts, or other open spaces than are imposed or required by such existing provisions of law, ordinance, or resolution, or by such rules, regulations, or permits or by such private restrictions, the provisions of this Ordinance shall control.
- (d) Conflict with Ordinance, Private Covenants, and Deeds. In case of conflict between this Zoning Ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of Springfield or the whole or part of any existing or future private covenant or deeds, the most restrictive shall apply.

106 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.

107 Jurisdiction

This Ordinance shall apply to all land and structures within the corporate limits of the City of Springfield.

108 Application of Regulations

No structure or land shall hereafter be used and no structure or part thereof shall be erected, moved, or altered, unless for a use expressly permitted by and in conformity with the regulations herein specified for the zoning district in which it is located, except that any structure damaged or destroyed may be restored if such structure does not involve a nonconforming use. 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 will be permitted.

109 Definitions

- (A) Regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted, and defined as set forth in this section and in KRS Chapter 100.
- (B) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means in these Regulations; and the word "regulations" means in these Zoning Regulations.
- (C) A "person" includes a firm, association, organization, partnership, trust, company, corporation, limited liability company, and an unincorporated association such as a club; the present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular; "shall" is always mandatory, the word "may" is permissive; a "building" includes a "structure;" a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied"; the word "lot" includes the words "plot" or "parcel"..

For the purposes of this ordinance, certain terms or words used herein shall be defined to have the following meaning:

Access: A point at which provisions are made for vehicular entrance to or exit from a street, and to or from a lot or other street.

Accessory Dwelling Unit: A residential living unit attached to or detached and located in the rear yard area, 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, sleeping, and bathroom facilities.

Accessory Structure: Any structure other than the principal structure detached therefrom, use of which is directly incidental and related to that of the principal structure or use of the land, and

which is located on the same lot as that of the principal structure. Accessory structure shall not include mobile home, bus, travel trailer, RV, trailer, cooler, vehicle, or freight container.

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

Acre: 43,560 square feet of land area.

Addition: As a construction term, an extension or increase in floor area or height of a building or structure.

Administrative Appeal: A case where an applicant alleges that there is an error in any order, requirement, decision, grant, or refusal made by an administrative official in the enforcement of the zoning regulation.

Administrative Official: Any department, employee, or advisory elected or appointed body, which is authorized to administer the provisions of the zoning regulation, subdivision regulations, and if delegated, any provision of any housing or building regulation or any other land use control regulation.

Adult Bathhouse: An establishment or business which provides services of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the Commonwealth of Kentucky and which establishment provides to its patrons an opportunity for engaging in specified sexual activities as defined in this Ordinance.

Adult Body Painting Studio: An establishment or business wherein patrons are afforded an opportunity to paint images on a body, which is wholly or partially nude. For purposes of this Ordinance, the adult body-painting studio shall not be deemed to include a tattoo parlor.

Adult Bookstore: An establishment having as a substantial or significant portion of its stock and trade in books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined herein or an establishment with a segment or section devoted to the sale or display of such material.

Adult Cabaret. An establishment or business which features male and/or female topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, burlesque shows, male or female impersonators, or similar entertainers.

Adult Day Care Center: A facility which provides part-time care, day or night, but less than twenty-four (24) hours, to at least four (4) adults not related to the operator or the facility by blood, marriage, or adoption.

Adult Establishments: Establishments, including but not limited to bookstores, motion picture theaters, mini motion picture theaters, bathhouses, massage parlors, modeling studios, body painting studios, cabarets, and video stores as defined in this Ordinance and provided that the adult establishments remain seven hundred fifty (750) feet from any school, church, park, day

care facility, another adult establishment, or residential zoned property.

Adult Massage Parlors. An establishment or business with or without sleeping accommodations which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, not operated by a medical practitioner or professional massage or physical therapist licensed by the Commonwealth of Kentucky and which establishment provides for its patrons the opportunity to engage in “specified sexual activity” as defined in this Ordinance.

Adult Modeling Studios. An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing, or otherwise.

Adult Motion Picture Theater (Indoor): An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined herein for observation by patrons therein.

Adult Motion Picture Theater (Outdoor): A parcel of land from which individuals may view a motion picture presented outdoors which presents material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined herein for observation by patrons therein.

Adult Novelty Shops: An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on, or designed for, specified sexual activity as defined herein or stimulating such activity.

Adult Video Store: An establishment having as a substantial or significant portion of its stock and trade in videotapes, DVDs, or other types of digital media for sale or rent which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or anatomical areas as defined herein or an establishment with a segment or section devoted to the sale, display or rental of such material.

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

Alley: A local public street used primarily for vehicular service access to the backs or to the sides of properties which otherwise abut on streets.

Alteration: As applied to a building or structure, a change or rearrangement in the structural parts or in the means of egress; or as an enlargement, whether by extending on a side or by

increasing in height; or the moving from one location or position to another. As applied to a building or structure in a historic district, landmark, or landmark site, it shall also mean any construction on or change to the exterior of a building, structure, or site, regardless of the requirement of permit from governmental agencies, including but not limited to the changing of siding or roofing materials and changing, eliminating, or adding doors, door frames, windows, window frames, shutters, steps, fences, railings, porches, balconies, signs, or other ornamentation. As applied to a watercourse, it shall mean changing the carrying capacity or location of a stream, channel, or waterway.

Antenna, Height Above Grade or Ground: The vertical distance between the highest point of the antenna and the finished grade directly below this point.

Apartment Building: A multi-family dwelling in a building containing five (5) or more dwelling units.

Arterial: A public street that serves major centers of activity. Arterials have the highest traffic volumes, speed limits, and right-of-way widths, and are used for moving vehicles safely and efficiently and providing direct connection between points of heavy traffic generation and neighborhoods at moderate speeds. Typical average daily traffic counts on arterial streets are 3,000 plus vehicles.

Assisted Living Facility: An apartment or home-style housing unit residence which provides assisted living to two (2) or more adult persons and which provides supportive services, such as cleaning, shopping, meals, laundry, transportation, twenty-four (24) hour supervision, and organized activities, within the residence or on the grounds of the residence.

B1 Seal: A seal indicating that a dwelling unit has been inspected and found to be in compliance with the applicable standards for human habitation.

B2 Seal: A seal indicating that the dwelling unit (1) has been inspected and found not to be in compliance with the applicable codes, (2) is a salvage unit unfit for human habitation, and (3) shall be sold only for use as a storage or utility building.

Banner: Any sign of lightweight fabric or similar material that is mounted to a pole, suspended between poles, or affixed to a building at one (1) or more edges. National, state, or municipal flags or the official flag of any institution or business shall not be considered banners.

Basement: Any portion of a building the average height of which is at least one-half (1/2) below grade plane.

Billboard or Outdoor Advertising Sign: An off-premises sign which directs attention to businesses, products, services, or establishments not usually conducted on the premises on which the sign is located or other sign erected by a company or individual for the purpose of selling advertising messages for lease or rent or otherwise for profit. The term outdoor advertising shall include billboard signs.

Boarding or Rooming House: A dwelling or part thereof, in which lodging is provided by the

owner or operator to more than three (3) persons and where meals are regularly prepared and served for compensation.

Board of Adjustment: Springfield Board of Adjustment.

Bona Fide Farm: Must meet the definitional requirements of KRS 132.010 (9) or (10)

Buffer: An area within a property, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, or berms, designed to limit sight and sound from the site to adjacent properties.

Building: Any structure, but not a mobile home or trailer, used or intended for supporting or sheltering any use or occupancy. All buildings shall be required to be positioned within all building setback lines. When measuring the distance required for the building setback lines, the outer most portion of the structure shall be used.

Building Code: Rules and regulations adopted by local legislative bodies to regulate building and construction standards. These include, but are not limited to, the Kentucky Building Code and the BOCA one and two family Building Code, and the National Electrical Code.

Building Height: A distance measured from the highest point of the roof for flat roofs; to the deck line of mansard roofs; to the ridge for gable, hip and gambrel roofs (excludes chimney). Building height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, sand domes not intended for human occupancy; monuments; water towers; observation towers; flagpoles; or, chimneys.

Building Inspector: A person appointed by the Mayor and whose responsibility it is to inspect items required by the Building Codes and these Subdivision Regulations.

Building Permit: A permit issued by the Building Inspector allowing a property owner or their agent to construct, alter, or remove a building, structure, etc., or engage in similar activity which would alter the character or the lot in question.

Building or Wall Sign: A sign which is painted on the exterior wall of a building, or attached to or placed flat against, or no more than eighteen (18) inches from, an exterior wall of a building, but not extending above the roof line.

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

Cellular Telecommunications Services: A retail telecommunications services that uses radio signals transmitted through cell sites and mobile switching stations.

Centerline: The center of the street established by survey, or when not established, center of a paved roadway.

Certificate of Appropriateness: Document issued by the Historic Preservation Board that gives approval of work to be completed on a landmark or property in a historic district.

Certified Local Government: A government meeting the requirements of the National Historic Preservation Amendments Act of 1980 (P.L. 96-515) and the implementing regulations of the U.S. Department of the Interior and the State Historic Preservation Office (Kentucky Heritage Council) of the Commonwealth of Kentucky.

Child Day Care Center: A facility which provides full- or part-time care, day or night, to at least seven (7) children who are not the children, grandchildren, children in legal custody, nieces, or nephews of the operator.

City Limits: The term “City Limits” in these regulations refers to the municipal or corporate limits of the City of Springfield.

Collector: A public street that functions to conduct traffic between major arterial streets, minor activity centers, and local streets and provides access to adjacent property. Collector streets may be further divided into major and minor collectors.

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

Commercial Animal Kennel: An establishment where more than five (5) dogs or other domesticated animals more than one (1) year old are housed, groomed, bred, boarded, trained, or sold.

Commission: Springfield Planning Commission.

Comprehensive Plan: The adopted plan for the City of Springfield that serves as a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationships. Such plan shall include all elements whether expressed in words, graphics, or other forms.

Conditional Use: A use which may be essential to or could promote the public health, safety, or welfare in one or more zones, but which 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. Any Conditional Use must be pursuant to the Conditional Uses listed in the Use Table for the zoning district in question and may not be approved for that zoning district if it is not so listed.

Conditional Use Permit: A legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the board of adjustment, consisting of two (2) parts: (1) a statement of the factual determination by the board of adjustment which justifies the issuance of the permit and (2) a statement of the specific conditions which must be met in order for the use to be permitted.

Condominium: A form of ownership with the following characteristics: (a) the unit (the interior and associated exterior areas designated for private use in the development plan) is owned or rented by the occupant and (b) all or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with KRS 381.805 et. seq. and in accordance with the provisions for open spaces, roads, or other development features as

specified in this Zoning Ordinance and the Subdivision Regulations.

Confined Animal Feeding Operations: Any animal feedlot and associated animal waste areas.

Construction and Demolition Debris Landfill: A site properly permitted by the Commonwealth of Kentucky on which non-hazardous materials from construction and demolition debris projects are disposed.

Corner Lot: A lot that abuts on two intersecting streets at their intersection.

County Clerk: Washington County Clerk.

Cul-De-Sac Street: A local street with only one (1) end open to vehicular traffic and the other end terminated by a permanent vehicular turnaround.

Dedicated Street: A street designated by plat or written deed to be used for public purposes.

Demolition: Any act that destroys in whole or in part a landmark, building, structure, building or structure in a historic district, physical feature, or other site destruction.

Density: A measure of the intensity of the use of a piece of land expressed or can be calculated in dwelling units, families, or housing structures per acre.

Design: The arrangement of land for lots, rights-of-way, easements, setback lines and improvements to include alignment, grade, length, and width of those elements.

Design Standards: Standards that set forth specific improvement or rehabilitation requirements.

Developer: An individual, partnership, corporation, Limited Liability Company (LLC) or other legal entity or agent thereof, which undertakes the activities covered by these Subdivision Regulations. Inasmuch as the subdivision plan drawings are merely a necessary means to the end of assuring development, the term "developer" includes "subdivider," "owner," "builder," etc. although the persons and their precise interests may vary at different project stages.

Development: Land being subdivided by a developer in accordance with the Subdivision Regulations; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any use or change in use of any buildings or land; any extension, landfill, or land disturbance, clearing, or other man-induced movement of land.

Development Plan: Written and/or graphic material for the provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, plan for screening or buffering, utilities, existing manmade and natural conditions, and all other conditions agreed to by the applicant.

Directional Motor Vehicle Control Sign: An on-premises sign that is erected, constructed, and maintained for the sole purpose of directing traffic in off-street parking areas. See also "Motor Vehicle Control Sign."

Directional Sign: A sign that serves solely to direct pedestrian or vehicular traffic or parking

within a premises or to provide related instructions or facility information but that contains no advertising other than the name and logo of the business on the premises, including entrance and exit signs.

Drive-in or Drive-Through Eating and Drinking Establishment: A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where a significant portion of the consumption takes place or is designed to take place outside the confines of the building. Such use often includes an intercom or speaker system, a menu board, and an outside service window. The terms “drive-in” and “drive-through” shall be considered interchangeable.

Driveway: A paved or unpaved area used for ingress or egress of vehicles and allowing access from a street to a building or other structure or facility.

Duplex: A building containing two (2) dwelling units on a single lot with separate entrances.

Dwelling: A building or structure designed or used for permanent human habitation.

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

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. See “Multi-Family Dwelling”.

Dwelling Unit: One or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and containing independent cooking, sleeping, and bathroom facilities.

Easement: The right, not ownership of the land, to cross property with facilities, such as but not limited to sewer, water, and transmission lines, or the right distinct from the ownership of the land to reserve and hold an area for drainage, access or other specified purposes.

Electric Sign: Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

Engineer: A qualified person registered and currently licensed to practice civil engineering by the state Board of Registration for Professional Engineers and Land Surveyors in the Commonwealth of Kentucky.

Entrance Sign: A permanent on-premise sign identifying a vehicular entrance.

Facade: That portion of an exterior elevation on the building extending from grade to top of the parapet

Family: A person living alone, or any of the following groups living together as a single non-profit housekeeping unit sharing common living, sleeping, cooking, and eating facilities: (a) any number of people related by blood, marriage, domestic partnership, adoption, guardianship, or other duly-authorized custodial relationship; (b) two (2) unrelated people; or (c) two (2) unrelated people and any children related to any of them.

Fence: An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Gas Station: Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail. (Uses permissible at a Gas 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 Gas Stations. A Gas Station is not a repair garage nor a body shop.)

Final Action: Any final adjudication of the application for any zoning map amendment, variance, conditional use permit, or appeal from any administrative official before the Planning Commission or Board of Adjustment, or appeal from the decision of the Planning Commission or Board of Adjustment to the Springfield City council, or the highest state or federal court to which any appeals shall be taken.

Final Plat: The record plat of a subdivision prepared by a Registered Land Surveyor in accordance with the Minimum Standards of Practice for Land Surveyors in Kentucky established by the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors and meet the minimum standards of the Subdivision Regulations

Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols used as a symbol of a government, political subdivision, or other official designated symbol of any institution or business.

Flag Lot: An irregularly shaped lot where access is provided from a public street frontage through a narrow, unobstructed strip (or “panhandle”), which is part of the lot. The building site within a flag lot does not immediately abut a public street but is located at the terminus of the access strip described herein. Building setback lines are to be shown the appropriate distance from the terminus of the access strip. No building shall be placed in the access strip. Within the Springfield corporate limits, flag lots shall only be used in those locations where, due to geometric, topographic, and other physical features, it would be impractical to extend a publicly dedicated street to serve lots located in said areas, as determined by the Planning Commission. Outside the Springfield corporate limits, one flag lot shall be permitted every five hundred (500) feet between access strips or “panhandles”, and shall have a minimum of a fifty (50) foot access strip or “panhandle.” Before any flag lot can be further subdivided, the developer shall build and dedicate the access strip into a public right-of-way pursuant to this Zoning Ordinance

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland water, the unusual and rapid accumulation

of runoff of surface waters from any source, and mudslides, which are caused or precipitated by accumulations of water on or underground.

Flood Plain: Any land designated as “Flood Plain” on the flood insurance maps of the Federal Emergency Management Agency (FEMA).

Fourplex: A building containing four (4) dwelling units.

Freestanding Sign: Any on-premise sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Frontage: That side of a lot abutting on a public street or otherwise approved street and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Front Yard: A space extending the full width of the lot between any building and the front lot, and measured perpendicular to the building at the closest point to the front lot line. In case of corner or through lots, front yards shall be provided on all frontages.

Front Yard Setback Line: A line in the interior of a lot, parallel with and measured a specific distance from the street right-of-way line. No buildings shall be placed in the space between the front yard setback lines and the right-of-way. Lots that front on more than one street or right-of-way must have a front yard setback line and a principal front yard setback line.

Grade: The inclination with the horizontal, of a road, unimproved land, etc., which is generally expressed by stating the vertical rise or fall as a percentage (%) of the horizontal distance.

Grade Plane: A reference plane representing the average of finished ground level adjoining the building at all exterior walls.

Gross Floor Area: The sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines, but excluding exterior balconies. All horizontal dimensions are to be measured by the exterior faces of walls, including the walls of the roofed porches having more than one (1) wall. The floor area of a building shall include the floor area of accessory buildings on the same lot.

Health Department: Washington County Health Department.

Home Occupation: Any business activity, profession, or trade carried on by a member(s) of the family residing on the premises, conducted in whole or in part inside the dwelling unit or accessory structure and is clearly subordinate to the residential use of the dwelling unit. Any use of the yard or accessory structures shall be incidental to the use of the dwelling for the home occupation. Such use shall not alter the character thereof by reason of noise, odor, traffic generation, or otherwise change the character of the principal structure or the surrounding area. The following activities are specifically excluded from this definition:

- (a) Day trading and investing, if limited to the benefit of family members, and not involving any compensation for these activities or advice;
- (b) Telecommuting as an employee or contract employee of an organization based

- outside the dwelling unit;
- (c) Private social events (e.g., Tupperware, Avon, Amway parties) provided they do not occur more than three (3) times per calendar year; and,

Household: A single housekeeping unit with common access to and use of all living and eating areas within the dwelling unit.

Housing or Building Regulation: Kentucky building code, plumbing code, and any other building or structural code promulgated by the Commonwealth of Kentucky or by its political subdivisions.

HUD Code: The Federal Manufactured Home Construction and Safety Standards for construction, design, and performance of manufactured housing as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5401, et. seq. and as mandated in the United States of America and as administered by the United States Department for Housing and Urban Development.

HUD Label: A label affixed by a manufacturer to a new manufactured home after a third-party inspector as required under the HUD Act has approved it. Also referred to as an A Seal.

Improvements: Physical changes made to raw land, and structures placed on or under the land surface, to make the land more usable for man's activities. Typical improvements in these regulations would be grading, street pavement, curbs, gutters, drainage ditches, storm and sanitary sewers, utility lines of all types, street name signs, property number signs, trees, etc.

Improvements Plan: Engineering and land surveying drawings that indicate the proposed manner or layout of specific design features and infrastructure improvements for a subdivision. Written and graphic material for the provision of a development, including but not limited to the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, roadways, parking facilities, signs, drainage of surface water, access points, plan for screening or buffering, utilities, existing manmade and natural conditions, and all other conditions agreed to by the applicant.

Identification Sign: Any sign that carries only the name of the firm, major enterprise, or principal product offered for sale on the premises, or a combination of these.

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.

Land Surveyor: A person licensed as a "Land Surveyor" by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

Landmark: A building, structure, or site having a special historical, architectural, cultural, or aesthetic value, meeting one or more of the criteria set forth in this Ordinance, and designed by

the City Council.

Landmark Site: The land on which a landmark and related buildings and structures are located and the land that provides the grounds, the premises or the setting for the landmark.

Landowner: The legal or beneficial owner or owners of all the land to be included in a development.

Legislative Body: Springfield City Council.

Loading/Unloading Area: An off-street space or berth used for the loading or unloading of vehicles.

Local Street: Public streets providing vehicular access and services to abutting property. A local street has a directional flow served by one (1) lane in each direction and allows on-street parking. The layout of a local street should discourage through traffic. Traffic volume should not exceed 300 ADT count per day.

Lot: A portion of subdivision or other parcel of land occupied by or to be occupied by only one principal building and its accessory buildings. Lots are the basic unit of a subdivision plan or the smallest division of land owned by a person. The term "lot" is used interchangeably with the term "tract."

Lot Area: The size of a lot measured within the lot lines and expressed in terms of acres or square feet.

Lot Coverage: That portion of the lot that is covered by buildings, structures, patios, walkways, travel ways, sidewalks, and parking areas. Lot coverage does not include uncovered, semi-pervious decks, playground areas with no structural element, or outdoor pools. The percent of lot coverage shall be determined by dividing the total covered area by the gross area of the lot.

Lot Depth: The horizontal distance between front and rear lot lines measured along the median between two (2) side lot lines.

Lot Frontage: The length of the front lot line measured at the street right-of-way line. The front of a lot shall be construed to be the portion nearest the street. A property line which abuts a fully controlled access street and which permanently has no access to that street shall be deemed not to have frontage 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 Line: A line dividing one (1) lot from another or from a street or public way.

Lot of Record: A lot which is part of a subdivision recorded in the office of the Washington County Clerk or a lot or parcel described by metes and bounds, the description of which has been so recorded prior to enactment of amendment of this ordinance which rendered such lot or parcel a non-conforming lot.

Lot Width: The horizontal distance between the side property lines measured at the front setback line. Lot width is measured along front setback line, except for the lot width of curve or

cul-de-sac lots shall be measured along the chord distance at the front setback between side property lines.

Major Collector: A public street that carries the majority of traffic entering arterial streets. For major collectors, the concept of service to abutting land should be subordinate to the provision of travel for major traffic movements. Generally, major collectors are state-maintained roads. The major collector street should carry an average daily traffic count between 1,000 to 3,000 trips per day.

Major Construction of Site Improvements: Construction of the following improvements, including but not limited to: new streets, including improvement or widening of existing streets; storm water management facilities; water supply system installation; and, fire hydrant installation.

Major Street Plan: The official map of the City of Springfield showing the existing and proposed public streets.

Major Subdivision: Division of land not classified as a minor subdivision and into three (3) lots or more from the parent tract, and/or where there is a need for major construction of site improvements. A Preliminary Plat, Improvements plan, and Final Plat are required for this type of subdivision.

Manufactured Home: A single-family residential dwelling unit fabricated as defined by KRS 227.550 and constructed in accordance with the federal act on or after June 15, 1976, in an off-site manufacturing facility for installation and assembly at the building site as a permanent structure with transport features removed, connected to all required utilities and including plumbing, heating, air conditioning, and electrical systems contained therein, and bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards, as defined in this Section.

Manufactured Home Construction and Safety Standards: Standards for the construction, design, and performance of a manufactured home as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5401, ET Seq. and as mandated in the United States of America and as administered by the United States Department of Housing and Urban Development, commonly referred to as the HUD Code.

Mayor: The chief elected official of the City of Springfield.

Medical Cannabis Cultivator: An entity licensed by the State of Kentucky pursuant to the Kentucky Revised Statute and 915 KAR 1:030 to plant, grow, cultivate, raise, harvest, trim, store, test, package, label, transfer, transport, sell medicinal cannabis seed, seedlings, medicinal plant, medicinal cannabis, or medicinal cannabis product to other license cannabis business in the state.

Medical Cannabis Dispensary: An entity licensed by the State of Kentucky pursuant to Kentucky Revised Statutes and 915 KAR 1.070 to perform retail sales of Medicinal cannabis to

registered qualified patient or visiting qualified patient as defined by the Kentucky Revised Statutes and corresponding regulations.

In zones where medical cannabis dispensaries are a Permitted Use, such dispensary must meet all of the following conditions:

- (i) Shall not be located within one thousand (1,000) feet of any elementary, secondary, or parochial school or regular and frequent site of after school activities, playground, public park or daycare center;
- (ii) Shall not be located within one mile of another cannabis dispensary as measured from the property lines;
- (iii) Shall not be located adjacent to any residential structure or zone; and,
- (iv) Shall not co-locate with a medical cannabis practitioner.

In zones where medical cannabis businesses other than dispensaries are a permitted or conditional use, such facilities must meet all of the following conditions:

- (i) Shall not be located within or adjacent to any residential structure or zone.

Medical Cannabis Processor: An entity licensed by the State of Kentucky pursuant to the Kentucky Revised Statute and 915 KAR 1:040 to process and/or packages raw medicinal cannabis plants material or plants into approved forms of medical cannabis under Kentucky Revised Statutes and regulations.

Medical Cannabis Producer: An entity licensed by the State of Kentucky pursuant to the Kentucky Revised Statutes and 915 KAR 1.050 which operates as both a cannabis cultivator and processor.

Medical Cannabis Safety Compliance Facilities: An entity licensed by the State of Kentucky pursuant to the Kentucky Revised Statutes and 915 KAR 1.110

Minimum Lot Area or Size: The smallest lot area established by the Zoning Ordinance on which a use or structure may be located in a particular zoning district.

Minor Collector: A public street that primarily serves residential or commercial development. Roadways within this classification are intended to convey traffic to an adjoining major collector or arterial street. Traffic volume should not exceed 1,000 average daily trips count per day.

Minor Subdivision: Division of land into two (2) lots or less from the parent tract for residential use; provided that there is no need for major construction of site improvements, including any new street or other public right-of-way or provision for a public area or public facility, and that the subdivision conforms to the setback line requirements and other requirements of the applicable zoning district, and conveys the right-of-way necessary for road widening and maintenance of city streets or county roads, where the granting of such right-of-way can be given without undue hardship.

Mobile Home: A structure manufactured prior to June 15, 1976, which was not required to be constructed in accordance with the federal act, which is transportable in one (1) or more sections,

which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or, when created on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and is designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. These homes bear a numbered Class A or B seal issued by the Kentucky Department of Housing, Building, and Construction, Office of the State Fire Marshal.

Mobile Home Park: A tract of land prepared and approved by the Planning Commission for the placement, either free of charge or for revenue purposes, of two (2) or more spaces for mobile or manufactured homes, according to applicable Zoning Ordinance regulations.

Mobile Home or Manufactured Home Space: That part of a mobile home park which is planned and improved for the placement of the stand, driveway, parking area, and related yard intended for the exclusive use of the dwelling occupant.

Modification: See definition of “alteration.”

Modular Home: A dwelling unit constructed on-site in accordance with the state or municipal code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Monument: An object (concrete, iron pin, or pipe) set in the ground to mark the boundaries of real estate or to mark a survey station.

Monument Sign: A freestanding sign supported primarily by solid structural features other than support poles.

Motor Vehicle Control Sign: An on-premise sign that is erected, constructed, and maintained for the purpose of directing traffic in off-street parking areas. See also “Directional Sign.”

Mulch Operation: Any use involving the grinding, shredding, storing, stockpiling, or recycling of natural materials, such as trees, leaves, or bark, into a usable product for landscaping or other purposes.

Multi-Building Development: Construction of two (2) or more buildings on a single tract of land that will not be divided into smaller parcels.

Multi-Family Dwelling: A dwelling unit within a building containing five (5) or more dwelling units. See “Dwelling, Multi. Family”.

New Construction: The act of making an addition to an existing building or structure or the erection of a new principal or accessory building or structure.

Nonconforming Lot: A lot, the area, dimensions, or locations of which was lawful prior to the adoption, revision, or amendment of this Zoning Ordinance and the Subdivision Regulations, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the regulations.

Nonconforming Use or Structure: An activity or a building, sign, structure, or a portion thereof which lawfully existed before the adoption or amendment of the zoning regulation, but which does not conform to all the regulations contained in the zoning regulation which pertain to the zoning district in which it is located.

Off-Premise Sign: Any sign that identifies, advertises, or promotes goods, services, individual and firm products, a person, place, activity, event, idea, or facility which is not conducted, sold, or offered upon the premises where such sign is located.

Off-Street Parking: A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

On-Premise Sign: A sign other than a temporary sign, which identifies, advertises, or promotes goods, services, individual and firm products, a person, place, activity, event, idea, or facility on which is available on the premises where the sign is located. On-premise signs do not include signs erected by the outdoor or billboard advertising industry in the conduct of the outdoor business.

Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Ordinary Repairs and Maintenance: Any work that corrects any deterioration or damage to a building or structure in order to restore it to its condition prior to the deterioration or damage.

Outdoor or Billboard Advertising Sign: An off-premises sign which directs attention to businesses, products, services, or establishments not usually conducted on the premises on which the sign is located or other sign erected by a company or individual for the purpose of selling advertising messages for lease or rent or otherwise for profit. The term outdoor advertising shall include billboard signs.

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

Parking Area: Any public or private unobstructed land area that has access to a street and which is designed and used for parking motor vehicles. The term includes parking lots, structures, garages, travelways, and private driveways.

Parking Lot: An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles. This term does not include areas for demolished, wrecked, junked, or for sale motor vehicles or where motor vehicle parts are located.

Parking Space: The area for the parking of a motor vehicle within a public or private parking area. As used in this Zoning Ordinance, it is a numerical designation used to determine the size of parking areas.

Permanent Foundation: A permanent masonry, concrete, or other footing approved by the

Building Inspector to which a building, structure, or manufactured home may be affixed.

Permitted Use: Any use allowed in a zoning district and subject to the restrictions applicable to the zoning district.

Personal Communications Services: As defined in 47 U.S.C. sec. 332(c).

Planned Unit Development (PUD): An area of minimum contiguous size, as specified by the Zoning Ordinance, to be planned, developed, operated, and maintained as a single entity containing multiple principal buildings to accommodate residential or commercial uses, or both, and appurtenant common areas and other uses incidental to the predominant uses, and of common ownership on one lot. Commonly referred to as cluster developments.

Planning Commission: The Springfield Planning Commission.

Plat: A map of subdivision showing the boundaries and location of individual properties, easements, streets, and other required information and prepared by a licensed land surveyor.

Pole Sign: Any freestanding sign that is mounted on a freestanding pole or other support so the bottom edge of the sign face is six (6) feet or more above grade.

Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported.

Preliminary Plat: A map or plan of proposed land subdivision containing the information and materials specified in the Springfield Subdivision Regulations.

Premises: A general term meaning part or all of any lot or part of all of any building or structure or group of buildings or structures located thereon.

Principal Building: A structure or building, including covered porches or any part of a permitted structure above the foundation, in which the principal use of the lot on which is located or conducted. Any dwelling shall be deemed the principal building on the lot on which it is situated. See "Principal Structure".

Principal Front Yard Setback Line: A line in the interior of a lot, parallel with and measured a specific distance from the street right-of-way line. A principal front yard setback line establishes the direction a principal structure must face on a lot with multiple road frontages. No buildings shall be placed in the space between the principal front yard setback lines and the right-of-way.

Principal Structure: A structure or building, including covered porches or any part of a permitted structure above the foundation, in which the principal use of the lot on which is located or conducted. Any dwelling shall be deemed the principal building on the lot on which it is situated. See "Principal Building".

Principal Use: The primary or predominant use of any lot.

Private Street: A means of access to a public street. A private street is owned and maintained by the property owners. No future resubdivision can occur on a private street.

Projecting Sign: A sign, other than a flat wall sign, which projects from and is supported by a wall of a building or structure.

Property Line: A line dividing one (1) lot from another or from a street or public way.

Public Facility: Any use of land whether publicly or privately owned for transportation, utilities, or communications, or for the benefit of the general public, including, but not limited to, libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers, including parks, and cemeteries.

Public Right-of-Way: A publicly owned strip of land occupied or intended to be occupied by a public street or road, and any associated utilities.

Public Street: A roadway set aside for vehicular traffic regardless of size or designation but excluding private easements, rights-of-ways and driveways. The word “public street” is used interchangeably with the term “road,” “highway,” “thoroughfare,” “avenue,” “drive,” “circle,” “parkway,” “place,” “court,” or similar term.

Rear Yard: A space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line.

Rear Yard Setback Line: A line in the interior of a lot, parallel with and measured a specific distance from the rear property line. No buildings shall be placed in the space between the rear yard setback lines and the rear property line.

Recreational Vehicle: Any vehicle used for transient dwelling purposes, including but not limited to a travel trailer, pick-up coach, motor home, or camping trailer.

Recreational Vehicle Park: A parcel of land available to the public in which two (2) or more recreational vehicle spaces are occupied or intended for occupancy by recreational vehicles for transient dwelling purposes and includes any service building, structure, enclosure, or other facility used as a part of the park.

Recycling Center or Plant: A lot or parcel of land, upon which is used materials are separated and processed for shipment for reuse in new products. A facility in which recyclables, such as newspapers, magazines, books, and other paper products, glass, metal cans, and other products, are recycled, reprocessed, and treated to return such products to a condition in which they again may be used in new products. A recycling center or plant does not include junkyards.

Residential Care Facility: A residence operated and maintained by a sponsoring private, non-profit or governmental agency to provide services in a homelike setting for persons with disabilities, as defined in KRS 100.982.

Restaurant: An establishment whose principal business is the serving of food and beverages primarily to individual diners or small groups of diners for immediate consumption.

Right-of-Way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary sewer main,

shade trees, drainage facilities, or for another special use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains and drainage facilities, shade trees, or the owner of the property on which such right-of-way is established shall dedicate any other use involving maintenance by a public agency to public use.

Roadway or Travelway: That portion of a street or parking lot intended for vehicular traffic.

Roof Line: The edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Roof Sign: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure.

Routine Maintenance: To repair or refurbish a sign, structure, or building, or any part thereof but not including expansion or total replacement.

Sale or Lease: Any immediate or future transfer of ownership or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.

Screening: A method of visually or audibly shielding or obscuring an adjacent or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Septic Tank: A watertight receptacle that receives the discharge of sewerage.

Setback Line: The required distance between every structure and the lot lines of the lot on which it is located, measured perpendicular to the building (at the eave overhang) and related front, side, or rear property line, exclusive of uncovered first floor porch, steps, and HVAC equipment (HVAC equipment must, however, be located a minimum of thirty (30) inches from the property line), and in which no building may be located.

Short-Term Rental (Residential): A dwelling, or portion thereof, which has guest rooms or suites used, rented, leased, hired out, or otherwise assigned for tenancy or occupancy for less than thirty (30) consecutive days in duration. This term does not include hotel or motel rooms.

Sidewalk: A paved path provided for pedestrian use and usually located at the side of a street within the right-of-way.

Side Yard: A yard extending along the side lot from the front yard to the rear yard and lying between the side lot line and the nearest portion of the principal building. In the case of through lots, side yards shall extend from the rear lot lines to the front lot line.

Side Yard Setback Line: A line in the interior of a lot, parallel with and measured a specific distance from the side property line. No buildings shall be placed in the space between the side

yard setback lines and the side property line.

Sign: Any device, display, or structure, other than a building or landscaping, which is readily visible from public property and is used primarily for visual communication for the purpose of, or having the effect of, bringing the subject matter on the device, display or structure, to the attention of persons off the premises on which the sign is displayed. The foregoing definition includes, but is not limited to numerals, pictorial representations, emblems, trademarks, flags, banners, streamers, pennants, inscriptions, and patterns and shall include a structure erected or used in connection with the display of any such device and all lighting or other attachments used in connection therewith.

Sign Area: The area enclosed by one rectangle, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure does not form part of the sign proper or of the display. The sign area composed of characters or words attached directly to a large, uniform building wall surface shall be the smallest rectangle which encloses the whole group.

Sign Face: The total surface area of a sign facing in one direction and visible from the street such sign is intended to face.

Sign Height: The vertical distance measured from the top most part of the sign or sign structure to the average grade level at the base of the sign.

Sign Projection: The distance by which a sign extends over public property or beyond the building line

Single Family Dwelling: A detached building designed for, or occupied exclusively by one (1) family as a residence or habitation.

Sinkhole: A pit in the ground caused by the dissolving or collapse of underlying rock layers, generally limestone. Some sinkholes result from enlargement of joints or crevices, the overlying soil slumping into the hollow thus created. Others are formed by collapse of cave roofs.

Site Plan: A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. Its purpose is to show how the intended use relates to the major landscape features and surrounding area.

Solid Waste: Any garbage, refuse, sludge, or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, residential, agricultural operations, or community uses.

Specified Anatomical Areas: Areas including less than completely and opaquely covered human genitals, pubic region, buttocks, anal region, or female breast below a point immediately above the top of the areola or human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities: Activities involving human genitals in a state of sexual stimulation

or arousal; acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock, or female breast; flagellation or torture in the context of sexual relationship; masochism, erotic or sexually oriented torture, beating, or infliction of pain; erotic touching, fondling, or other such contact with an animal by a human being; or human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in this definition.

Special Wastes: Wastes of high volume and low hazard which include, but are not limited to, mining wastes, utility wastes (fly ash, bottom ash, scrubber sludge), sludge from water treatment facilities and wastewater treatment facilities, cement kiln dust, gas and oil drillings, mud and oil production brines. This definition includes the definition of special waste in KRS 224.868, as amended.

Storage Building: Any building or structure used to provide storage area for a residential, commercial, or industrial structure, and which meets the definition of accessory structure.

Street: Any vehicular roadway.

Story: That part of a building between the surface of one (1) floor and the floor or roof immediately above. For the purpose of measuring maximum building height in stories, a maximum of twenty (20) feet of height shall be considered a story.

Story Above Grade: Any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade when the finished surface of the floor above the basement is more than six (6) feet above grade plan, more than six (6) feet above the finished ground level for more than fifty (50) percent of the total building perimeter, or more than twelve (12) feet above the finished grade level at any point.

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 any building, accessory building, mobile home, walls, fences, signs, billboards, poster panels, towers, porches, swimming or other recreational or commercial pools, and retaining walls, gas or liquid storage tanks, fences, and other manmade facilities or infrastructure. The term shall include poles and appurtenances thereto used for the provision of public utilities.

Subdivider: Any person who (1) having an interest in land causes it, directly or indirectly, to be divided into a subdivision, or (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or develops any interest, lot, parcel site, unit, or plat in a subdivision, or (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or develops a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision, or (4) directly or indirectly is controlled by, or under direct or indirect common control with any of the foregoing. The term "subdivider" includes "developer," "builder," etc., although the persons and their precise interest may vary at different project stages.

Subdivision: The division of a lot, tract, or parcel of land into two (2) or more lots, for the purpose, whether immediate or future, of sale, lease, or building developments or if a new street

is involved, any division of a parcel of land; provided that a division of land for agricultural use and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided; any division or redivision of land into parcels of less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this definition.

Subdivision Agent: Any person who represents or acts for or on behalf of a subdivider or developer in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except any attorney-at-law whose representation of another person consists solely of rendering legal services.

Survey: The process of precisely ascertaining the area, dimensions, and location of a tract of land.

Temporary Building: A temporary building used for the storage of construction materials and equipment incidental to on-site permitted construction or for temporary storage incidental to that of a principal building.

Temporary Construction Unit: Any transportable facility built on its own chassis used for offices or storage and which is located on a construction site. No temporary construction unit shall be used for sleeping or residential purposes in whole or in part.

Temporary Sign: Any sign or advertising display intended to be displayed for a period of less than thirty (30) days per calendar year except that construction project signs may remain for the duration of the construction.

Tiny Home: A structure intended to be a principal residence for humans which is differentiated from any other principal residence only by being diminutive in overall area but is otherwise fully equipped with sleeping, kitchen and bathroom facilities.

Total Floor Area: The area of all floors of a building, including finished attics and basements.

Townhouse or Townhome: An attached or semi-detached single-family dwelling with one (1) or two (2) side walls party to the adjacent dwelling. A townhouse or townhome building includes at least three (3) and no more than eight (8) dwelling units, may be one (1) or more stories, and may include a basement.

Transmission Tower: A structure principally intended for the location of wireless transmission and/or receiving antennas.

Transmission Tower Accessory Facility: A detached subordinate structure or building that is incidental and related to the transmission tower function, but not including broadcast studios or offices.

Travelway or Roadway: That portion of a street or parking lot intended for vehicular traffic.

Triplex: A building containing three (3) individual dwelling units.

Uniform Application: An application for a certificate of convenience and necessity issued under KRS 278.020 submitted by a utility to the Public Service Commission to construct an antenna tower for cellular telecommunication services or personal communications service in a jurisdiction, that has adopted planning and zoning regulations in accordance with KRS Chapter 100.

Usable Floor Space: The area of all floors that may be used as living, working, or storage areas.

Use: The purpose or activity for which land, building, or structure, or combination thereof, is designed, arranged, or intended, or for which it is occupied or maintained.

Utility: Any person, except a city, who owns, controls, or operates, or manages any facility used or to be used for or in connection with: (a) the generation, production, transmission, or distribution of electricity to or for the public, for compensation, for lights, heat, power, or other uses; (b) the production, manufacturing, storage, distribution, sale, or furnishing of natural or manufactured gas or a mixture of the same, to or for the public, for compensation, for lights, heat, power, or other uses; (c) the transporting or conveying of gas, crude oil, or other fluid substance by pipeline to or for the public, for compensation; (d) the diverting, developing, pumping, impounding, distributing, or furnishing of water to or for the public, for compensation; (e) the transmission or conveyance over wire, in air, or otherwise, of any message by telephone or telegraph for the public, for compensation; or (f) the treatment of sewerage for the public, for compensation.

Variance: A departure from strict conformance with the dimensional terms of these regulations pertaining to height, width, or location of structures, and the size of yards and open spaces, which may be approved by the Board of Adjustment, or under certain circumstances by the Planning Commission.

Vehicle Use Area: Any area occupied in whole or in part by motorized vehicles, including, but not limited to, parking lots, parking stalls, driveways, service areas, and roadways.

Wall or Building Sign: A sign which is painted on the exterior wall of a building, or attached to or placed flat against, or no more than eighteen (18) inches from, an exterior wall of a building, but not extending above the roof line.

Waste Disposal Facility: Any place where solid waste is managed, processed, or disposed of by incineration, landfilling, or any other method. A waste disposal facility does not include a container located on property where solid waste is generated and which is used solely for the purpose of collection and temporary storage of that solid waste prior to off-site disposal.

Waste Transfer Station: Any facility including loading docks, parking areas, and other similar areas, where shipments of solid waste are held, stored, or transferred during the normal course of transportation.

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:

Yard, Front: 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.

Yard, Rear: 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.

Yard, Side: 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.

Zero Lot Line: The location of a building on a lot in such a manner that one side of the building rests directly on a property line.

Zone or Zoning District: Any area or section of the City of Springfield for which a classification under this Ordinance or land use regulations governing apply uniformly. The terms “zone” and “district” are used interchangeably.

ARTICLE II—ADMINISTRATION AND ENFORCEMENT

200 Administration and Enforcement

201 Review Bodies; Clarification as to Jurisdiction.

(A) Springfield Planning Commission and Administrative Official.

(1) Springfield Planning Commission.

- (a) Duties and Responsibilities. The duties of the Springfield Planning Commission in regard to this Zoning Ordinance are established by KRS 100 and include, but are not limited to:
1. Hold public hearings in accordance with KRS and make a recommendation to the Springfield City Council in regard to zoning text or map amendments, including the designation of planned unit developments (PUDs);
 2. Review and take final action on detailed development plans; and,
 3. Review and make a recommendation to the Springfield City Council in regard to the designation of local historic districts and landmarks.
 4. If for any reason the Board of Zoning Adjustment is unavailable to take final action on variances and conditional use permits, the Planning Commission may do so in accord with KRS Chapter 100.
- (b) Membership. The Springfield Planning Commission shall consist of a minimum of six (6) citizen members appointed by the Mayor of the City

of Springfield, subject to the approval of the Springfield City Council. Should the Mayor fail to appoint within sixty (60) days following a vacancy, the Planning Commission shall appoint a new member to fill the vacancy.

- (c) Term of Office. The term of office shall be four (4) years ending on June 30 of the designated year. The term of all present members shall be staggered as existed at the time of the original adoption of this Ordinance. The Planning Commission shall otherwise be organized and operated in accordance with KRS 100.133 through 100.182.
- (d) Jurisdiction. The area of jurisdiction of the Springfield Planning Commission, insofar as this Zoning Ordinance is concerned, shall include all land within the corporate boundaries of the City of Springfield.

(2) Administrative Official.

- (a) Duties and Responsibilities. The duties of the Administrative Official, or designee, in regard to this Zoning Ordinance, shall include the following:

1. Make written interpretations of this Zoning Ordinance;
2. Serve as the Administrative Official pursuant to KRS 100.271;
3. Approve certain preliminary plats deemed administratively approvable; including retracement surveys;
4. Approve minor amendments to a PUD District;
5. Approve minor amendments to Detailed Development Plans; and,
6. Review building permits and certificates of occupancy for conformance with this Zoning Ordinance.
7. Review/approval/issuance of Zoning Permits, and approval of proposed signage and fencing.
8. Any other duties as assigned by the Planning Commission or City Council as allowed by law.

(b) Appointment. The Planning Commission, upon approval by the Mayor, shall designate and appoint an Administrative Official, also known as 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 Administrative Official/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 Administrative Official/Enforcement Officer may perform other functions for the City such as building inspector.

(B) Springfield Board of Adjustments.

- (1) Duties and Responsibilities. The Board of Adjustments shall have powers, duties, and responsibilities as set forth in KRS 100 and including, but not limited to, the following:
 - (a) Hear and decide administrative appeals where it is alleged by the appellants that there is an error in any order, requirement, permit, decision, determination, or refusal made by any administrative official in carrying out or enforcing any provision of this Zoning Ordinance;
 - (b) To make interpretations of the official zoning map;
 - (c) To make final action on conditional uses;
 - (d) To take final action on variances; and,
 - (e) To administer the non-conforming use regulations per KRS 100.253.
- (2) Membership. The Springfield Board of Adjustments shall consist of five (5) citizen members appointed by the Mayor of the City of Springfield, subject to the approval of the Springfield City Council. The Board of Adjustments membership may include not more than two (2) members of the Planning Commission. The Mayor and/or City Council may expand the Board membership to seven (7) members but at no time should the Board have less than three (3) members nor more than seven (7), nor shall the Board have an even number of members.
- (3) Term of Office. The term of office shall be four (4) years ending on June 30 of the designated year. The term of all present members shall be staggered so that no more than two (2) members terms shall expire within one (1) year. The Board of Adjustments shall otherwise be organized and operated in accordance with KRS 100.217 through 100.271.
- (4) Jurisdiction. The area of jurisdiction of the Springfield Board of Adjustments shall include all land within the corporate boundaries of the City of Springfield. The Board may only make those initial discretionary interpretations and decisions and allow only those departures from literal conformance with the zoning regulations which are specifically delegated to the Board of Adjustments.

(C) Building Inspector.

- (1) Duties and Responsibilities. The Building Inspector applies the provisions of the Kentucky Housing & Building Code (KHBC) and select provisions of this zoning ordinance relating to specific documents. The duties of the Building Inspector in regard to this Zoning Ordinance shall include the following:
 - (a) To enforce any applicable Building Code adopted by the Springfield City Council;

- (b) To ensure building permit compliance with the Zoning Ordinance; and,
- (c) To take final action on all building permits and certificates of occupancy.

(D) Legislative Body – Springfield City Council.

- (1) Duties and Responsibilities. The powers, duties, and responsibilities of the Springfield City Council in regard to this Zoning Ordinance shall include, but not be limited to, the following:
 - (a) To take final action on any text amendment of this Zoning Ordinance or amendment of the Official Zoning Map, including designation of planned unit developments (PUDs);
 - (b) To take final action on the designation of local historic districts or individual historic landmarks; and,
 - (c) To concur in the appointment of board membership as defined in this section of the Zoning Ordinance.

202 Exemption of Agricultural Use

202.1 Land which is a Bona Fide Farm and utilized for Agricultural Use as defined herein shall not require a zoning permit or be subject to zoning restrictions under this ordinance 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.

ARTICLE III-GENERAL PROVISIONS

300 Establishment of Zoning Districts: Provision for Official Zoning Map and Interpretations

(A) Establishment of Districts. For purposes of this Zoning Ordinance, the area of jurisdiction of this Zoning Ordinance is hereby divided into zoning districts which shall be designated as set forth below, and the district names in effect immediately prior to the effective date of this Zoning Ordinance, if any, are hereby converted as follows:

Zoning District	Designation	Page(s)
Single-Family Residential District	R-1	
One- to Three-Family Residential District	R-2	

Multi-Family Residential District	R-3	
Mobile Home Park District	MHP	
Central Commercial District	CC	
Commercial Restricted District	CR	
General Highway Commercial District	HC	
General Industrial District	I-1	

300.1 Official Zoning Map

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

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 when it is periodically reviewed as required, 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 Article VI of this ordinance and provisions of Kentucky law.

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 City 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. Nothing contained herein shall be deemed to limit the power of the Planning Commission or City Council to amend and/or readopt as provided in KRS Chapter 100.

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) Boundaries indicated as approximately following a street, highway, alley or railroad shall follow the center line of the street, highway, alley or railroad and said centerline shall be construed as the boundary of the district. Vacated rights-of-way shall not affect the original zoning.
- (b) Where a zoning district boundary approximately follows a platted 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, and in the event of natural change in the shoreline the boundary shall be construed as moving with the actual shoreline.
- (d) Where a boundary approximately follows the centerlines of rivers, lakes, or other bodies of water shall be construed to follow such centerlines.
- (e) Boundaries indicated as approximately parallel to features indicated in the paragraphs above shall so be construed; distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map, if an accurate legal description cannot be determined. Where boundary lines are established by zoning map amendment, the legal description used for that zoning map amendment shall control.
- (f) Where the lot in question is divided into two (2) or more districts, the entire area may be used in conformity with and is subject to the regulations established for the most

restrictive district in which any portion of the lot is located.

- (g) Boundaries indicated as approximately following political boundaries shall be construed as following such boundaries.
- (h) 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.
- (i) In any case where the exact location of a boundary is unclear, and the above stated rules do not indicate the exact locations of the zoning district boundaries, then said boundaries shall be determined by the Administrative Official and may be subject to appeal to the Springfield Board of Zoning Adjustments. The Administrative Official may also apply to the Board of Zoning Adjustment for an original interpretation.

300.4 Areas Unassigned to A Zoning District

Any area hereafter annexed into the City of Springfield shall remain in the same district as legally existed before annexation unless the district is specifically changed by ordinance according to the requirements of the relevant provisions of KRS of this Zoning Ordinance pertaining to amendments. If the property lies in unzoned territory, until annexation proceedings take place, the area is considered an extension of the largest contiguous district. If the classification of such an area is questionable, the Administrative Official may, upon approval by the Planning Commission, refuse to issue zoning or other permits until the area is assigned to a zoning district.

301.00 General Use Regulations.

The following general regulations will apply to all zoning districts:

- (A) Uses. Appendix A lists the uses allowed within zoning districts.
 - (1) Permitted Uses (P). A “P” indicates that a use category is allowed by right in the respective zoning district. These permitted uses are subject to all other applicable regulations of this Zoning Ordinance.
 - (2) Conditional Uses (C). A “C” indicates that a use category is allowed only if reviewed and approved as a conditional use in accordance with the conditional use permit procedures of Section 601(B): Conditional Use Permit. Conditional uses are subject to all other applicable regulations of this Zoning Ordinance and may have specific conditions set forth by the Board of Adjustment.
 - (3) Prohibited Uses. A blank or empty cell indicates that a use type is not allowed in the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Zoning Ordinance. Any use not allowed or not listed is deemed prohibited and detrimental to the development of the district.
 - (4) New or Unlisted Uses. If an application is submitted for a use type that is not listed in the use table, the Zoning Administrator shall be authorized to make a similar use interpretation based on the criteria set forth below. If the Zoning

Administrator determines that the proposed use does not fit any of the use descriptions of Appendix A, no similar use interpretation shall be made. The Zoning Administrator shall make a determination as to the use for the application that has been made.

- (a) The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category;
- (b) The relative amount of the area of floor space and equipment devoted to the activity;
- (c) Relative amounts of sales from each activity;
- (d) The customer type for each activity, retail or wholesale;
- (e) The relative number of employees in each activity;
- (f) Hours of operation;
- (g) Building and site arrangement;
- (h) Vehicles used with the activity;
- (i) The relative number of vehicle trips generated by the use;
- (j) How the use advertises itself;
- (k) Parking needs;
- (l) Noise level, odor, dust, vibrations, or smoke generated; and,
- (m) Utility use.

(5) Developments with Multiple Permitted Uses. When all principal uses of a development fall within one (1) use category, the entire development is assigned to that use category. When the principal uses of a development fall within different use categories, then each use is subject to all applicable regulations for that category.

(6) Accessory Uses. Accessory uses are customarily incidental and necessary to any permitted use and are allowed by right in conjunction with a principal use unless otherwise stated in the regulations. Accessory structures shall not include any business, trade, or industry or any access driveway or walkway thereto, unless clearly incidental to the permitted use. Also, unless otherwise stated, accessory uses are subject to the same regulations as the principal uses.

(7) Home Occupations. Home occupations shall be permitted on a limited basis in the residential districts. Permitted home occupations in these districts are set forth in the Use Table in Appendix A and may include academic tutoring, music lessons, catering, childcare (with less than 8 children attending), sewing/alterations/tailoring/embroidery, hair salon/cosmetologist/barber, and limited art/photography studio. Permitted home occupations shall meet the standards of the zoning district in which it is located.

(B) General Development Requirements and Standards.

(1) Development Plan. A development plan is intended to demonstrate the character

and objectives of the proposed development in adequate detail for the Planning Commission to evaluate the effect of the proposed development on the community and to determine what provisions, if any, shall be altered for the protection and promotion of the general public health, safety, and welfare. As a condition to the granting of any zoning map amendment, the Planning Commission is authorized to require the submission of a development plan. The Development Plan shall be filed in accordance with the provisions and requirements of Article VI of this Ordinance. Where agreed upon, this Development Plan shall be followed and shall be binding on all parties.

- (2) Water Supply and Sanitary Sewage Systems. All uses within the corporate limits of the City of Springfield shall be served by the public sanitary sewage system, unless otherwise specified by the City of Springfield. All uses within the corporate limits of the City of Springfield must have water supply either from an accessible water main, or if no water main is reasonably accessible, then from a source approved by the Washington County Health Officer. All applications for building permit or certificate of occupancy submitted to the Building Inspector shall be accompanied by the County Health Officer's certificate approving proposed and completed water and sewage facilities.
- (3) Principal and Accessory Buildings and Structures. Unless a plat and/or development plan has been approved for multi-building development, only one (1) principal building and accessory structures customarily incidental to any permitted use shall be allowed per permitted lot. No accessory building shall be used for residential purposes, except for necessary tenant dwellings required for agricultural production on agriculturally exempt lots or those qualifying as Accessory Dwelling Units or Tiny Home hereunder.
- (4) Lot Area.
 - (a) Minimum Lot Area. Unless otherwise specified in this Zoning Ordinance, lots served by sanitary sewer shall have a minimum lot area of seventy-five hundred (7,500) square feet, and lots not served by sanitary sewer shall have a minimum lot area of thirty thousand (30,000) square feet.
 - (b) Minimum Lot Area Above 100-Year Flood Level Required. No lot shall be created or developed which does not have at least 5,000 square feet of lot area above the 100-year frequency flood level.
- (5) Lot Width. Unless otherwise specified in this Zoning Ordinance, lots served by sanitary sewer shall have a minimum lot width of fifty (50) feet, and lots not served by sanitary sewer shall have a minimum lot width of one hundred (100) feet.
- (6) Yards.
 - (a) 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.

- (b) Use of Yards for Accessory Buildings. No accessory buildings are permitted in front or side yards. They are permitted only in the rear yards according to the dimensions and area regulations set forth in the specific zoning district regulations of this Ordinance.
- (c) Rear Dwelling Prohibited. No building in the rear of a main building on the same lot may be erected for residential purposes, except as approved by the Board of Adjustments, those qualifying as an Accessory Dwelling Unit or Tiny Home hereunder, or in a multi-family residential district.

(7) Building Line Setbacks.

- (a) Distance Greater than Minimum Required. Building setback lines as established by this Article may be greater than the minimums set forth.
- (b) Front Yard Setback Line. Unless otherwise specified in this Zoning Ordinance, the minimum front yard setback line shall be one-half (1/2) the width of the street right-of-way, and in no case shall this distance be less than thirty (30) feet. Lots fronting on a cul-de-sac shall have a minimum one hundred (100) foot front yard setback line. A waiver from strict enforcement of this front yard setback may be granted by the Zoning Administrator where the majority of existing development on the same block face is set back less than the required setback. In such case, the front yard setback may be the average setback line for that block face.
- (c) Rear Yard Setback Line. Unless otherwise specified in this Zoning Ordinance, the minimum rear yard setback line shall be no less than twenty-five (25) feet.
- (d) Side Yard Setback Line. Unless otherwise specified in this Zoning Ordinance, the minimum side yard setback line shall be no less than eight (8) feet.
- (e) Additional Setbacks for Corner Lots. Corner lots shall be required to provide a front yard along any lot line abutting a street. Unless the plat is expressly marked as to the street the dwelling will front, a rear yard shall be substituted for any side yard not abutting a street. Corner lots shall be required to provide a side yard abutting a street of at least thirty (30) feet.
- (f) Additional Setbacks Adjacent to Parkways or Other Highways. Lots that abut or are adjacent to a parkway or other fully controlled access highways which allow no direct access shall have a minimum building setback line from the right-of-way of said highway of twenty-five (25) feet. This building line shall be the same whether considered as front, side, or rear setback.

(8) Building Height.

- (a) Maximum Building Height. Unless otherwise specified in this Zoning Ordinance, no building shall exceed forty-five (45) feet in height.

(b) Height Exceptions. Building height regulations apply to buildings occupied regularly by persons or their activities. They do not apply to structures or portions of buildings, such as church spires, belfries, cupolas, and domes not intended for human occupancy; monuments; water towers; observation towers; flagpoles; or, chimneys. The Board of Adjustment shall interpret whether or not height regulations apply upon application by the Administrative Official in doubtful cases. The Kentucky Airport Zoning and Federal Aviation Agency height regulations in the vicinity of an airport shall take precedence over all other height regulations.

(9) Access and Visibility. All lots shall have access to a public street and shall comply with the access and visibility requirements set forth in the Subdivision Regulations. The Planning Commission shall approve access to buildings in a Planned Unit Development. Furthermore, in all but the Central Commercial District, no obstructions to vision between a height of two and one-half (2.5) feet and ten (10) feet above the imaginary plane defined by the following three points of intersection are permitted: at the intersection (a) of any two street rights-of-way, or (b) of streets and railways or (c) of a straight line intersecting those two rights-of-way at points thirty feet from the intersection.

(10) Accessory Buildings and Structures.

(a) General. Construction or installation of accessory buildings and structures, except as otherwise permitted by this Ordinance, shall require the issuance of a zoning permit and shall be subject to the following regulations. Accessory buildings and structures shall not include mobile homes, buses, travel trailers, recreational vehicles, trailers, coolers, vehicles, or freight containers. No accessory structure that is not designated to breakaway on impact shall be permitted in the right-of-way. Such structures include, but are not limited to, rock or brick mailbox structures. Any accessory structure may be connected to the principal building by a breezeway or other similar structure but shall not be considered as an attached accessory building, carport, or similar structure. Said breezeway shall not project nearer to the side lot line than the minimum side yard required for the principal building.

(b) Setbacks. Accessory structures shall be not located in the front yard and side yard and shall not extend beyond the principal structure. Accessory structures shall be located behind and to the rear of the principal structure. Accessory structures on corner lots adjoining residential uses or districts shall not extend beyond the front of the principal structure or be nearer to the side street than the depth of the required front setback for the principal structure along such street.

- (c) Height: The height of accessory structures shall not exceed the height of the principal structure. This restriction does not apply to radio towers, silos, flag poles or other structures which are not regularly occupied by human beings. If in doubt as to applicability, the Board of Adjustments shall interpret whether the structure in question is subject to height restrictions.
- (d) Size: The maximum size of accessory structures shall be fifty (50) percent of gross floor area of principal structure
- (e) Fencing.

- 1. Height: Unless otherwise specified in this Ordinance, fencing shall be permitted and shall conform to height restrictions. Fencing less than four (4) feet in height shall be permitted along all property lines. Fencing that is less than eight (8) feet in height shall be permitted along rear and side property lines and from the rear property line to the rear of the principal structure. Fencing greater than eight (8) feet in height shall be permitted with the prior approval of the Board of Adjustments or the Planning Commission. No fence may be located in a public roadway or the right-of-way thereto without advance written permission from the City of Springfield.

For all commercial or industrial zones, fencing of eight (8) feet or less is allowed in the front yard if neither solid nor opaque.

- 2. Materials. Fencing or screening constructed in front or side yards abutting a public street must be constructed of materials not eliminating or impeding view of the principal building from the public street and requires Planning Commission approval for location, height, material, and construction. Chain link or wire fences shall not be permitted in the front yard of Residential zones.
- 3. Setbacks. Fences may be located as close as zero (0) feet from all adjoining property lines, however, care should be exercised in determining the true and accurate location of said property boundary lines in advance of fence placement.

(f) Patios and Private Pools.

- 1. Patios. All patios must be at least 5 feet from any property line, right of way, or easement.
- 2. Private Pools. The following regulations apply to all private pool installations.
 - (a) Before construction can begin, owner must apply for a pool permit from the City, and submit all necessary

form.

- (b) Owner must erect and maintain an adequate enclosure surrounding the pool area. The enclosure, including gates, shall not be less than six (6) feet above the underlying ground. All gates shall be self-closing and self-latching with childproof latches placed at least four (4) feet above the underlying ground.
- (c) Electrical permits issued by a state and county approved inspector shall be required for electrical work and shall be issued only to properly licensed electrical contractors. Electrical inspector must make a rough-in and final inspections.
- (d) Owner must not alter the flow of water into adjacent properties during construction or operation of the pool.
- (e) Owner must get sign-off from Springfield Water and Sewer Authority, assuring that the pool is not draining into the sewer.
- (f) Before the pool may be used, an approved zoning permit must be obtained.
- (g) Owner must call Kentucky Underground Protection Inc. two (2) working days before you dig (1-800-752-6007).
- (h) Accessory fee structure applies. See fee schedule.

- (g) All accessory structures or constructs, including patios and wheelchair or handicap-access ramps but excluding unelevated driveways, must be at least five (5) feet from the property line. Non-elevated driveways can run along the property line with zero lot line setback.

(C) Sinkholes.

Sinkholes and other similar depressions and the area within fifty (50) feet horizontally from the rim of said sinkhole or that area subject to periodic flooding, whichever is greater, shall be preserved in its natural state for the purpose of providing drainage of the surrounding area. No building, street or any other improvement shall be made within the given area around a sinkhole. The Planning Commission shall have the power to increase the area around the sinkhole if drainage conditions warrant such action. The sinkhole may be "punched" or otherwise altered to improve drainage. The Planning Commission or its Administrative Official is hereby empowered to require appropriate survey work to identify such features, of any applicant seeking approval to divide, develop, or rezone property in Washington County where it is reasonably anticipated that such problems occur.

(d) Accessory Dwelling Units (ADU).

- 1. A residential lot may have one primary dwelling unit and one accessory dwelling unit (ADU).

2. An ADU may not be conveyed separately from the primary dwelling unit unless the lot parameters comply with all applicable subdivision regulations.
3. ADU's shall not be more than 750 square feet nor less than 200 square feet; ADUs shall have no more than two bedrooms.
4. All setback requirements that apply to the principal dwelling unit also apply to the ADU.
5. The minimum distance between the principal dwelling unit and the ADU must be at least 15 feet.
6. ADUs must be placed on a permanent foundation.
7. ADUs shall comply with the requirements of any applicable housing codes, building codes, and parking regulations, unless specifically noted in this section.
8. At least one off-street parking space must be provided for the ADU in addition to the parking required for the main dwelling unit.
9. ADUs shall comply with all other requirements for dwelling units contained in this zoning ordinance unless specifically stated in this section.
10. Any other appropriate or more stringent conditions deemed necessary by the Planning Commission or the Board of Adjustments to protect the public health, safety, and welfare, and character of the neighborhood may be imposed.
11. ADUs shall be considered residences, not accessory structures.
12. Application for a permit for an ADU shall be made to BOZA in accordance with established conditional use permit procedures. All general zoning permit application procedures, such as those found in Article VI, are also applicable.

(e) Tiny Homes as Primary Dwelling Units

1. Tiny homes as Primary Dwelling Units are permitted only in R-1 zones. There may be a maximum of two tiny homes present on one lot. Otherwise, Tiny Homes must comply with all the requirements of ADUs set forth in subparagraph (d) immediately above.
2. A tiny home may be constructed or installed as the only dwelling on a lot with all applicable appropriate permits.

301.1 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 are:

(a) No building permit, zoning 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. For cellular antenna towers, see Article 301.2 below.
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 or sale, 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 or short-term rental on the same premises.
6. Horticulture and landscaping of any premises.
7. Agriculture
9. Uncovered Patios on ground level
10. Handicap-accessible ramps

(b) Zoning permit required; no building permit or certificate of occupancy required:

1. **Advertising sign or structure:** All such signs shall meet the standards set forth within the individual districts as established in Article VII of this ordinance, except as provided for by (a)(4) and (a)(5) of this section.

301.2 Cellular Antenna Towers and Telecommunications Services Standards

- (A) Purpose and Intent. The purpose of this Section is to provide for the safest and most efficient integration of cellular antenna towers for cellular telecommunications services or personal communication services within the community, to provide for such facilities in coordination with the recommendations of the Comprehensive Plan, and to allow for such facilities with the intention of furthering the public health, safety, and general welfare.
- (B) General. Cellular antenna towers for cellular telecommunications services or personal communication services may be allowed in any zone after the Planning Commission reviews in accordance with the following procedures to ascertain agreement with the adopted Comprehensive Plan and the regulations contained within the Zoning Ordinance, and after being granted a Certificate of Necessity and Convenience by the Public Service Commission.
- (C) Applicability. Every utility, or a company that is engaged in the business of providing the required infrastructure to a utility that proposes to construct an antenna tower for cellular telecommunications services or personal communications services shall submit a copy of the utility's completed uniform application to the Planning Commission within five (5)

consecutive days of applying to the Public Service Commission for a certificate of necessity and convenience.

- (D) Application Requirements. Applications for the construction of cellular antenna towers or cellular telecommunications services or personal communications services shall include the following:
- (1) All information that the application is required to submit to the Public Service Commission, per the requirements of the uniform application;
 - (2) A copy of the applicant's FCC license, or if the applicant is not an FCC license holder, a copy of at least one (1) letter of commitment from an FCC license holder to locate at least one (1) antenna on the applicant's tower;
 - (3) Unless co-locating, certification, supported by evidence, that collocation of the proposed facility with an existing approved tower or facility cannot be accommodated. The applicant's certification shall include a listing of all existing towers and facilities within a two (2) mile radius of the proposed tower location, a description of each existing site, and discussion of the ability or inability to collocate on each existing site, according to the following:
 - (a) No existing towers or facilities are located within two (2) mile radius of the proposed tower location;
 - (b) Existing towers or facilities are not of sufficient height to meet the applicant's engineering requirements;
 - (c) Existing towers or facilities do not have sufficient structural strength to support the applicant's proposed antenna(s) or related equipment;
 - (d) The applicant's planned equipment would cause frequency interference with other existing or planned equipment of the tower or facility or the existing or planned equipment of the tower or facility would cause frequency interference with the applicant's planned equipment, and which cannot be reasonably prevented;
 - (e) Unwillingness of the owner of the existing tower or facility to entertain a collocation proposal.
 - (4) Unless collocating, certification, supported by evidence, that the proposed site is the only appropriate site for the location of the facility, the applicant's certification shall include a listing of all potential sites within a two (2) mile radius of the proposed tower location, a description of each potential site, and a discussion of the ability or inability of the site to host such a facility, according to the following:
 - (a) Unwillingness of the site owner(s) to entertain such a facility;
 - (b) Topographic limitations on the site;
 - (c) Adjacent impediments that would obstruct adequate transmission;
 - (d) Physical site constraints that would preclude the construction of such a facility;

- (e) A statement demonstrating that the proposal is in agreement with the adopted Comprehensive Plan and is in conformity with this section;
- (f) A development plan, drawn to scale not smaller than one (1) inch equals one hundred (100) feet, showing;
 - 1. The total area of the site in question;
 - 2. All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned;
 - 3. Existing topography and approximate delineation of any topographical changes shown by contour with intervals not to exceed five (5) feet;
 - 4. Location, height, arrangement, and identification of all nonresidential buildings, structures, and uses on the subject property and, where applicable, location and arrangement of all lots with lot dimensions;
 - 5. Location and arrangement of all common open space areas and methods of ownership and operation and maintenance of such lands shall be identified;
 - 6. Landscaping features, including identification of planting areas and the location, type, and height of walls and fences;
 - 7. Location of all signs, indicating their orientation, size, and height;
 - 8. All utility lines and easements for water distribution systems, including line sizes, easement widths, pipe type, hydrant and valves location, and other appurtenances, for sanitary sewer system, including pipe sizes, easement widths, gradients, pipe types, invert elevations, manhole locations and types, all lift or pumping stations location, types, sizes, and capacity and process of any necessary treatment facilities and other appurtenances, and for storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, easement widths, inlets and catch basin location and size, and retention and/or sedimentation basin location and sizes, and for other utilities, such as electric, telephone, etc., including the type of service and easement widths.
 - 9. Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, type of surfacing, dimensions, number and arrangement of off-street parking and loading and/or unloading spaces;
 - 10. Circulation system, pedestrian walkways, including alignment, grades, surface type, and width, and streets, including alignment, grades, surface type, pavement and right-of-way width, geometric details, and typical cross sections.
 - 11. Provisions of control of erosion and storm drainage, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be

implemented during all phases of clearing, grading, and construction.

(E) Application Process. Applications for the construction of cellular antenna towers or cellular telecommunications services or personal communications services shall be processed as follows:

(1) New Sites.

- (a) At least one (1) public hearing on the proposal shall be held, at which hearing interested parties and citizens shall have the opportunity to be heard. Notice of the time and place of such hearing shall be published at least once, but may be published two (2) or more times, in a newspaper of general circulation in the county, provided that one (1) publication occurs not less than seven (7) calendar days nor more than twenty-one (21) days before the occurrence of such hearing;
- (b) Notice of such hearing shall be posted conspicuously on the property in question for fourteen (14) consecutive days immediately prior to the hearing. Said posting shall consist of one (1) or more signs, constructed of durable material, and clearly depicting the following information: “(Name of Utility) proposes to construct a telecommunications (“tower” or “monopole”) on this site” (four (4) inch high lettering); date, place, and time of public hearing (one (1) inch high lettering); and address, including telephone number of the Planning Commission where additional information regarding the hearing may be obtained.
- (c) Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by first class mail, with certification by the Planning Commission secretary, or other officer of the Planning Commission, that the notice was mailed to an owner of every parcel of property within five hundred (500) feet of the base of the proposed tower or monopole. It shall be the duty of the applicant proposing the facility to furnish the Planning Commission with the names and addresses of said property owners. Records maintained by the PVA may be relied upon consecutively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the PVA’s records as having the same address.
- (d) Upon holding such hearing, the Planning Commission shall, within sixty (60) days commencing from the date that the application is received by the Planning Commission, or within a date specified in a written agreement between the Planning Commission and the applicant, make its final decision to approve or disapprove the uniform application. The Planning Commission shall submit to the Public Service Commission, along with their action, the basis for their decision. If the Planning Commission fails to

issue a final decision within sixty (60) days, and if there is no written agreement between the Planning Commission and the utility to a specific date for the Planning Commission to issue a decision, it is presumed that the Planning Commission has approved the utility's uniform application.

2. Previously Approved Site.

- (a) For facilities located on previously approved sites, the Planning Commission's Administrative Officer shall review the application for its conformity with these regulations and all regulations contained within the Zoning Ordinance;
- (b) If the Planning Commission's Administrative Officer determines that the application is in conformity with these regulations and all regulations contained within the Zoning Ordinance, an administrative approval may be granted;
- (c) If the Planning Commission's Administrative Officer determines that the application is not in conformity with these regulations and all regulations contained within this Zoning Ordinance, a public hearing, pursuant to this Section, shall be scheduled.

(F) Design Standards. At the time of the application submittal, the applicant shall provide information demonstrating compliance with the following requirements. Where the Planning Commission or its Administrative Official finds that the circumstances or conditions relating to the particular application are such that one (1) or more of the requirements listed below are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare and that such special conditions or circumstances make one (1) or more said requirements unreasonable, the Planning Commission or its Administrative Official may modify or waive such requirement, either permanently or on a temporary basis. The applicant shall request any such modification or waiver, and the applicant shall submit a written justification for each requested modification or waiver.

- (1) All structures, except fences, shall be located at least fifty (50) feet from the property line or lease line of any residentially zoned property;
- (2) A cellular antenna tower or alternative antenna tower structure may be constructed to a maximum height of two hundred (200) feet. This also applies to any tower taller than fifteen (15) feet constructed on the top of another building or structure, with the height being the overall height of the building/structure and tower together, measured from the grade to the highest point. The Planning Commission may allow antennas greater than two hundred (200) feet in height upon review of the applicant's justification that the additional height meets the criteria identified in this Section.
- (3) When any cellular antenna tower or alternative antenna tower structure is taller than the distance from its base to the nearest property line or lease line, the applicant shall

furnish the Planning Commission with a certification from an engineer registered in the Commonwealth of Kentucky that the tower will withstand winds of seventy (70) miles per hour, in accordance with the current ANSI/EIA/TIA standards.

- (4) Cellular antenna towers shall not be illuminated, except in accordance with other state and federal regulations.
 - (5) The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, ingress/egress shall only be from approved access points.
 - (6) A minimum of one (1) off-street parking space per provider shall be provided on the site.
 - (7) A chain link (eighty (80) percent open) or solid fences made from wood or other materials (less than fifty (50) percent open) shall be used to enclose the site. Such fences shall not be less than four (4) feet in height nor more than eight (8) feet in height. The use of woven wire, barbed wire, or sharp pointed fences shall be prohibited. Such fences shall be located within the front, side, or rear yard.
 - (8) Screening shall be required when the site in question abuts residentially zoned property. Screening shall be provided by evergreen trees planted in a staggered pattern at a maximum distance of fifteen (15) feet on center. The screening shall be placed in an area between the property line, or lease line, and a ten (10) foot setback.
 - (9) Any site to be purchased or leased for the installation of a cellular antenna tower or alternative antenna tower and ancillary facilities shall comply with the minimum lot size requirements of the zoning district in which the facility is to be located provided that such area shall not be required to exceed one-half (1/2) acre.
 - (10) Surfacing of all driveways and off-street parking areas shall be of either concrete or asphalt and shall comply with the requirements of this Zoning Ordinance.
 - (11) There shall be no signs permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs which are required by a federal, state, or local agency. Such signs shall not exceed five (5) square feet in area.
 - (12) All new cellular antenna towers shall be designed and constructed to accommodate a minimum of three (3) service providers.
 - (13) All option and site lease agreements shall contain non-exclusive co-location clauses.
- (G) Criteria. Evaluation of the proposal shall be based upon the following criteria:

- (1) Agreement with the various elements of the Comprehensive Plan and where applicable, any other adopted plan or regulation;
 - (2) Extent to which the proposal is consistent with the purposes of these regulations;
 - (3) Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc.)
- (1) Extent to which the proposal responds to the impact of the proposed development on adjacent land uses, especially in terms of visual impacts;
 - (2) Extent to which the proposed cellular antenna tower is camouflaged (e.g., use of “stealth technology”);
 - (3) Extent to which the proposed facility is integrated with existing structures (e.g., buildings, structures, etc.)
- (H) Amendments. Any amendments to plans, except for minor adjustments as determined by the Planning Commission or its Administrative Official, shall be made in accordance with the procedures set forth in this Section, subject to the same limitations and requirements as those under which such plans were originally approved.
- (I) Guarantee. To ensure the removal of all improvements at any abandoned telecommunications facility, any applicant filing a request under these regulations shall, at the time of the submittal, deposit with the Planning Commission, and to the benefit of the Planning Commission, a letter of credit, performance bond, or other security acceptable to the Planning Commission in the amount equal to the cost of the demolition and removal of the facility. An applicant having multiple telecommunications facilities within the Planning Commission’s jurisdiction may deposit a single guarantee in the amount equal to the cost of the demolition and removal of the one facility it owns which would cost the most to demolish and remove until such time as the number of multiple facilities exceeds four (4) such facilities, the applicant shall increase the amount on deposit to an amount equal to the cost of the most costly demolition and removal plus twenty-five (25) percent of the cost of demolition and removal of the applicant’s other existing facilities. Any guarantee submitted shall be irrevocable and shall provide for the Planning Commission to collect the full amount of the guarantee if the applicant fails to maintain the guarantee.
- (J) Penalties. Any person who violates any of the provisions of this article for which no other penalty is provided shall upon conviction be fined in an amount not less than twenty (20) dollars nor more than two hundred fifty (250) dollars. Each day of the violation shall constitute a separate offense. Any person violating this Ordinance may also be found guilty of a civil offense. The civil fine shall be no less than twenty (20) dollars no more than two hundred fifty (250) dollars. The civil fine shall be paid directly to the City of Springfield. If the fine is not paid within thirty (30) days from the date of notification, then the City may

recover said fine in a civil action in a Court of proper jurisdiction. The City may also obtain injunctions or abatement orders to ensure compliance with this Ordinance or pursue administrative remedies when appropriate, including injunctions and abatement proceedings.

301.3 Access Points

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.

301.4 Junkyards or Salvage Yards

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 Administrative Official 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.

301.5 Manufactured and Mobile Home Standards.

- (A) Purpose and Intent. The purpose of this Section is to provide the minimum standards to safeguard the health, welfare, and safety of the citizens of the City of Springfield by establishing standards for the placement of manufactured and modular homes on individual lots or subdivision development lots in the City of Springfield and distinguishing between manufactured and modular homes and mobile homes.
- (B) Standards.
 - (1) A manufactured or mobile home as defined in KRS 227.550, which does not bear a seal certifying that it was manufactured in accordance with the Federal Manufactured Home Construction and Safety Standards Act and not bearing either a Class A or B Seal issued by the Kentucky Department of Housing, Building, and Construction, Office of the State Fire Marshal is not acceptable for residential occupation.

- (2) Establishment, location, and use of manufactured homes as scattered site residences shall be permitted in agriculturally exempt areas and residential zones permitting installation of a single-family dwelling unit applying generally to such residential use in the district, subject to the following additional requirements:
- (a) Permanent foundation system shall be anchored in accordance with the state standards set forth in KRS 227.570.
 - (b) Exterior material shall be material customarily used on site-built dwellings, such as board siding, plywood or presswood siding, vinyl, stucco, brick, non-reflective aluminum, etc. and shall be compatible with the conventionally built residential structures in the neighborhood.
 - (c) Roofing material shall be of wood, tile, composition shingles, or other materials compatible with the conventionally built residential structures in the neighborhood that shall be installed on a surface appropriately pitched for the materials used.
 - (d) Exterior covering material extending to the ground or the top of the foundation shall be used. Skirting materials shall be used and be compatible with the conventionally built residential structures in the neighborhood.
 - (e) Structural additions or alterations shall be subject to the same regulations and requirements and procedures, including any applicable zoning permit or state building permit that must be complied with to obtain such a permit for additions or alterations to a conventionally built house.
 - (f) Manufactured homes in a manufactured home communities or mobile homes in mobile home parks shall conform to the requirements as prescribed in 902 KAR 15:010 for manufactured and mobile home communities.
 - (g) Manufactured homes not conforming to the requirements of this Section shall be permitted in the MHP District designed only for permitting mobile homes.

(C) Permitted Placement of Mobile Homes.

- (4) Class A and B mobile homes may be placed in manufactured home community or mobile home park as a permitted residential unit type and in accordance with these zoning regulations and the Springfield Subdivision Regulations.
- (5) Class A and B mobile homes may also be placed in the agricultural district for use as a tenant dwelling with the issuance of a conditional use permit by the Board of Adjustment and in accordance with this Zoning Ordinance and Subdivision Regulations.
- (6) Manufactured homes with no HUD Code seal and mobile homes with no Class A or B seal are not permitted in any zoning district or in mobile home parks. Those which at the time of the adoption of this Zoning Ordinance are located within the jurisdiction are non-conforming uses, subject to the same requirements as any other non-conforming use.

(D) Permits.

- (1) If building permits are required for other single-family residential dwellings, building permits for manufactured homes shall be issued, providing that the other requirements for the zoning district are met, upon presentation of certification either by the United States Department of Housing and Urban Development or the Kentucky Department of Housing, Building, and Construction, Office of the State Fire Marshal, that the home has been constructed in accordance with the Manufactured Home Construction and Safety Standards Act. Inspection shall be limited to the foundation of any accessory additions, such as porches, basements, or other added or altered structures.
- (2) If building permits are required for other single-family residential dwellings, building permits for Class A and Class B mobile homes shall be issued where permitted upon receipt of certification that they are Class A or Class B mobile homes and after compliance with all the other provisions of this Zoning Ordinance and Subdivision Regulations. Inspection shall be limited to the foundation and other on-site improvements, if any.

301.6 Off-Street and On-Street Parking and Loading/Unloading Standards.

(A) Off-Street Parking Requirements.

- (1) General. Off-street parking shall be provided with vehicular access to the public right-of-way and shall conform to the regulations set forth in this Section. The off-street parking requirements and ingress/egress shall not, except for single-family residences, be used in the computation of parking spaces. Off-street parking is not required in the Central Commercial District; however, off-street parking is required in all other zoning districts to insure on street parking does not result from normal use of the property. If off-street parking capacity is exceeded and street parking is generated more often than six (6) times during a six (6) month period, this will be deemed to result from normal use of the property and additional off-street parking shall be required.
- (2) Existing Parking Space. Existing off-street parking space provided for any building or use at the time of the enactment of this Ordinance shall not thereafter be reduced unless it exceeds the requirements of this Ordinance. Any existing building or use not providing off-street parking space in conformance with this Ordinance shall, at the time of any structural alteration of the building or expansion of the use, provide the required parking.
- (3) Minimum Parking Space Dimensions. The minimum dimensions of off-street parking shall be a minimum of ten (10) feet in width by twenty (20) feet in length. Additional area shall be required in order to provide vehicle maneuvering space, access, and egress and for purposes of rough computation, an off-street parking space with ingress/egress and maneuvering space is considered to be four hundred (400) square feet.

- (4) Minimum Number of Off-Street Parking Spaces. If three (3) or more off-street parking spaces are required by the table below, the owner shall have individual spaces marked and so designed, maintained and regulated as to prevent the need for parking or maneuvering incidental to parking to take place on any street, walk or public alleyway. The design for all off-street parking shall be such that any space may be utilized by one vehicle without having to move another. The following table sets forth the minimum number of off-street parking spaces for specific uses. The gross floor area of warehouses, storage space, employee workshop areas, or accessory structures shall not be utilized in the computation of parking space requirements. Where more than one (1) use occupies a building, the total of the combined standards shall be required:

Use	Minimum Parking Area or Parking Space(s)
<i>Residential</i>	
Home Occupation	One (1) space for each two hundred (200) square feet of gross floor area (GFA)
Residential Structure	Two (2) spaces per dwelling unit
Bed and Breakfast, Short-Term Rental (Residential), Rooming and Boarding House	One (1) space per room/unit offered for overnight accommodations plus two (2) spaces per dwelling unit
<i>Highway Commercial or Institutional</i>	
Assisted living and residential care facility	Two (2) spaces for every three (3) beds, or 0.66 spaces per bed
Churches, Sunday School, and other place of religious assembly	One (1) space per five (5) seats at maximum capacity
Day care or child care center	One (1) space per each four hundred twenty (420) square feet gross floor area (GFA), exclusive of kitchen and bathroom
General commercial or retail use not specified	One (1) space per each four hundred (400) square feet of gross floor area of the principal structure (GFA) up to 10,000 square feet of GFA; thereafter, one space for every two hundred square feet of the GFA plus one space for every truck or delivery/transport vehicle operated by the business (Note: The computation of GFA shall not include warehouses, storage space, employee workshop areas, or accessory structures).
Hospital, medical clinic, sanitarium, and nursing home	One (1) space per four (4) beds or each four (4) beds in use, whichever is greater, plus one (1) space for every one thousand

	(1,000) square feet of gross floor area (GFA)
Hotel or Motel	One (1) space per room offered for overnight accommodations
Professional office	One (1) space per two hundred (200) square feet of gross floor area (GFA)
School, elementary and middle	One (1) space per classroom
School, high school and postsecondary	Four (4) spaces per classroom or one (1) space per every six (6) seats in auditorium, gym, arena, or stadium at maximum capacity, whichever is greater; maximum three hundred (300) spaces
Theaters, auditorium, stadium, or other place of public assembly	One space for each five (5) seats at maximum capacity
<i>Industrial</i>	
General manufacturing or industrial use	One (1) space per employee at maximum capacity on a single shift plus one (1) space for every truck or delivery/transport vehicle operated by the facility
<i>Uses Not Elsewhere Specified</i>	
Unspecified use	One (1) space per three hundred (300) square feet of gross floor area (GFA)

- (5) Minimum Setback. Parking areas shall be located no closer than five (5) feet from any property line.
- (6) Space Arrangement and Layout. Off-street parking shall be located on the same property as the permitted use, unless the Planning Commission authorizes the use of other properties. Combined uses shall provide parking equal to the sum of the individual uses. The required parking area for the permitted use shall not be reduced or encroached upon in any manner; however, consolidated uses of a parking area by various properties may be granted a variance of the parking space requirement if the multiple uses served by the consolidated parking area generate parking demands at non-overlapping times of a 24-hour day.
- (7) Off-Street Parking on Adjacent Property. If off-street parking cannot be reasonably provided on the same lot on which the permitted use is conducted, the Board of Adjustments may permit off-street parking and loading on adjacent property, provided that such space is within four hundred (400) feet of an entrance to the permitted use. This off-street parking area shall be deemed as required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. The Planning Commission or Board of Zoning Adjustments may require a plat, deed, or any other proof necessary to show that the required loading/unloading space, if located off the premises it serves, is controlled by and available to the applicant.

(B) Off-Street Loading/Unloading Requirements.

- (1) General. All buildings and uses which generate regular trucking/delivery/transport traffic shall provide sufficient off-street loading/unloading space on premises such that no unloading/loading activity will be generated on the required off-street parking spaces or on any street. Areas which are specified as loading/unloading zones in compliance with City ordinances may be used to satisfy this requirement. Permitted uses shall provide off-street loading/unloading areas and adequate ingress/egress. No building shall be designed, erected, altered, used, or occupied unless the required off-street loading/unloading requirements are satisfied. Off-street loading/unloading areas shall be located on the same property as the permitted use and structure it serves and shall be paved.
- (2) Minimum Setback. Loading/unloading areas shall be located no closer than five (5) feet from any property line.
- (3) Minimum Size of Off-Street Loading/Unloading Spaces. Loading/unloading berths shall be a minimum of ten (10) feet in width, thirty-five (35) feet in length, and fifteen (15) feet in height.
- (4) Minimum Number of Off-Street Loading/Unloading. The following listing sets forth minimum number of off-street loading/unloading berths:

Gross Floor Area of Permitted Structures/Buildings	Minimum Off-Street Loading/Unloading Berths
Less than 40,000 square feet	1
40,001 – 100,000 square feet	2
100,001 – 160,000 square feet	3
160,001 – 240,000 square feet	4
240,001 – 320,000 square feet	5
320,001 – 400,000 square feet	6
Greater than 400,000 square feet	1 per additional 100,000 square feet GFA

- (5) Off-Street Loading/Unloading on Adjacent Property. If off-street loading/unloading cannot be reasonably provided on the same lot on which the permitted use is conducted, the Planning Commission or Board of Zoning Adjustments may permit off-street parking and loading on adjacent property, provided that such space is within four hundred (400) feet of an entrance to the permitted use. This off-street loading/unloading area shall be deemed as required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. The Board of Zoning Adjustment or Planning Commission may require a plat, deed, or any other proof necessary to show that the required loading/unloading space, if located off the premises it serves, is controlled by and available to the applicant.

- (C) On-Street Parking and Loading/Unloading. The on-street parking of vehicles twenty (20) feet or longer in length on public streets shall be prohibited in a residential district, except for limited delivery, maintenance, construction, or other loading/unloading purposes.

302 Specific Projects.

302.1 Child Day Care Centers.

- (A) A Child Day Care Center, whether home-based or located in a separate structure and properly licensed by the state agency presently charged with regulating childcare facilities in the Commonwealth of Kentucky, may be approved as a Conditional Use in Residential (R-1, R-2, R-3) or Commercial Restricted (CR) zoning districts subject to certain Exceptions and Specific Use Standards identified here. In zoning districts where a Child Day Care Center is already a Permitted Use, it shall be subject to the Specific Use Standards prospectively from the date of adoption of this ordinance.

- a. **Exceptions.** A Child Day Care Center does not include public or private schools or facilities operated in connection with shopping centers or other principal uses where children are cared for temporarily while parents, guardians or custodians are occupied on the premises or in the immediate vicinity. A Child Day Care Center does not include the provision of childcare, nursery, guidance or supervision by religious organizations only while religious services are being conducted. A Child Day Care Center does not include kindergarten programs operated as a part of a public educational system.
- b. **Specific Use Standards.** Child day care centers, nurseries, kindergartens or any facility or operation providing child care, guidance or supervision for which a license is required from the state agency presently having jurisdiction to regulate the provision of child care, with the exception of religious organizations providing child care, guidance or supervision only while religious services are being conducted or to kindergarten programs operated as a part of a public educational system, require compliance with the following requirements:

- i. The lot shall contain a minimum open space area as required by the Kentucky Cabinet for Health and Family Services or such other agency of the Commonwealth of Kentucky having authority to regulate facilities providing childcare;
- ii. A solid wall or adequate security fence not less than 6 feet high is maintained along all interior lot lines which separate play areas from adjacent properties and parking areas. Outdoor play areas shall be contiguous with the building so children can safely

walk from the building to the play area. Outdoor play area which lies within or adjoins a residential district shall be buffered by landscaping or a solid privacy fence.

- iii. The Board of Adjustments, if applicable, may set hours or otherwise limit outdoor play times for any facility located within a residential district or adjacent to a residential structure;
- iv. A letter from the fire marshal and the Kentucky Cabinet for Families and Children, or their successor agency certifying that the use complies with the requirements of that agency. This documentation must be supplied to the Planning Commission prior to issuance of a Certificate of Occupancy by the Building Inspector;
- v. Adequate and safe on-site parking, loading and unloading areas and driveways providing for safe ingress and egress with backing into the street specifically prohibited;
- vi. If the proposed use will be located within or adjacent to any residential district, then the structure shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with the immediate neighborhood, so that there is no evidence from the street that the use is other than residential (except for the sign); and
- vii. In residential zones (R-1, R-2, and R-3) child day cares as Home Occupations shall be limited to 3 to 6 children and shall require a Conditional Use Permit under Section 401.3 (C) of this ordinance.
- viii. All buildings and structures shall conform to the requirements of the zoning district in which they are located. Signage shall be limited as outlined by the applicable Use Category for each zoning district and as provided in Article VII hereof.

302.2 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.

(a) **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.

(b) **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.

(c) **Special Conditions:**

The Planning Commission shall attach reasonable special conditions to ensure 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.

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.

ARTICLE IV-ZONING DISTRICT REGULATIONS

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, Single Family (R-1)

- (A) Purpose & Intent. The Single-Family Residential District (R-1) is intended to provide opportunities for single-family residential development. Occupancy in these districts is limited to one family per residential unit. No accessory apartments shall be allowed in these districts. The R-1 District shall be served by public sanitary sewer.
- (B) Uses. General use regulations are set forth Section 301, and a listing of permitted, accessory, and conditional uses and structures in this District are set forth in the Use Table in Appendix A of this Ordinance. Any use and structure not listed in the Use Table shall be prohibited, unless otherwise determined by the Administrative Official.
- (C) Permitted Residential Unit Types. The following residential unit types shall be permitted in the R-1 district:
 - (1) Single-family detached dwellings, and,
 - (2) Manufactured or modular homes in compliance with Section 301.5.
- (D) R-1 Property Development Standards. Development in the R-1 District shall comply with the property development standards set forth in this Ordinance. Section 301 sets forth general use regulations for all zoning districts.

Lot Area (minimum)	8,000 square feet
Lot Width (minimum)	70 feet
Lot Coverage (maximum)	35 percent
Setbacks and Yards (minimum) Front Yard Setback	25 feet

Side Yard Setback	10 feet; two (2) side yards required
Rear Yard Setback	20 feet
Building Height (maximum)	30 feet or 2 stories
Accessory Structure Rear and Side Yard Setbacks (minimum)	8 feet

- (E) Signage. All signage shall comply with the provisions of Article VII of this Ordinance.
- (F) Off-Street Parking and Loading/Unloading. All off-street parking and loading/unloading areas shall comply with the provisions of Section 301.6 of this Ordinance.
- (G) Child Day Care as Home Occupation. Any child day care operated as a Home Occupation in a residential district shall meet the following standards: (1) Operated by and employs only persons residing on the premises; (2) 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; (3) No more than one Conditional Use Permit shall be granted per premises; (4) There shall be no change in the outside appearance of the dwelling or premises, or other visible evidence of the conduct of such home occupation; (5) There may be limited sales on the premises in connection with such home occupation; (6) No traffic shall be generated by such home occupation in greater volumes than would be expected in residential neighborhood; (7) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interferences, outside the dwelling unit; (8) Additional parking or other items may be required as a condition granted by the Board of Adjustment; and (9) Such home occupation shall serve no more than three (3) to six (6) children if in a residential zone.

402 Residential, Two to Three - Family (R-2)

- (A) Purpose & Intent. The Two or Three Family Residential District (R-2) is intended to provide opportunities for two-family and three-family residential development, including duplexes or townhomes, triplexes, condominiums, and townhouse developments of up to two-units in a single building. The R-2 District shall be served by public sanitary sewer.
- (B) Uses. General use regulations are set forth under Section 301, and a listing of permitted, accessory, and conditional uses and structures in this District are set forth in the Use Table in Appendix A of this Ordinance.
- (C) Permitted Residential Unit Types. The following residential unit types shall be permitted in the R-2 district:
 - (1) Duplexes or townhomes;
 - (2) Triplexes, Apartment buildings, townhomes or condominiums containing three (3) units per building;

- (3) Single-family detached dwellings; and,
- (4) Manufactured or modular homes in compliance with Section 301.5.

(D) R-2 Property Development Standards. Development in the R-2 District shall comply with the property development standards set forth in this Ordinance. Section 301 sets forth general use regulations for all zoning districts.

Lot Area (minimum) Single-Family Residential Two-Family Residential Three-Family Residential	6500 square feet 8800 square feet 11,800 square feet
Lot Width (minimum) Single Family Two Family	60 feet 75 feet
Lot Coverage (maximum)	35 percent
Setbacks and Yards (minimum) Front Yard Setback Side Yard Setback Rear Yard Setback	25 feet 10 feet; two (2) side yards required 15 feet
Building Height (maximum)	30 feet or 2 stories May be increased to 50 feet provided each side yard is increased by the same amount over the required yard minimum that the building is increased over the maximum R-1 building height of 30 feet
Accessory Structure Rear and Side Yard Setbacks (minimum)	5 feet

(E) Signage. All signage shall comply with the provisions of Article VII of this Ordinance.

(F) Off-Street Parking and Loading/Unloading. All off-street parking and loading/unloading areas shall comply with the provisions of Section 301.6 of this Ordinance

403 Residential, Multi-Family (R-3)

(A) Purpose & Intent. The Multi-Family Residential District (R-3) is intended to provide opportunities for townhouse and multi-family developments with greater than four (4) units in a single building. The R-3 District shall be served by public sanitary sewer.

(B) Uses. General use regulations are set forth Section 301, and a listing of permitted, accessory, and conditional uses and structures in this District are set forth in the Use Table in Appendix A of this Ordinance.

(C) Permitted Residential Unit Types. The following residential unit types shall be permitted in the R-3 district:

- (1) Townhomes or condominiums containing four (4) to eight (8) units per building;
 - (2) Four-plexes or Apartments containing greater than four (4) units per building;
 - (3) Residential unit types permitted in R-2 district utilizing the R-2 standards; and,
 - (4) Residential unit types permitted in R-1 district utilizing the R-1 standards.
- (D) R-3 Property Development Standards. Development in the R-3 District shall comply with the property development standards set forth in this Ordinance. Section 301 sets forth general use regulations for all zoning districts.

Lot Area (minimum)	
Single-Family Residential	6,500 square feet
Two-Family Residential	8800 square feet
Three-Family Residential	11,800 square feet
Four-Family Residential	16,000 square feet
Multi-Family Residential (5+ units)	16,000 square feet for first four (4) units plus an additional 35% for each additional unit
Lot Width (minimum)	75 feet
Lot Coverage (maximum)	35 percent
Setbacks and Yards (minimum)	
Front Yard Setback	25 feet
Side Yard Setback	10 feet; two (2) side yards required
Rear Yard Setback	15 feet
Building Height (maximum)	40 feet or 3 stories May be increased to 50 feet provided each side yard is increased by the same amount over the required yard minimum that the building is increased over the maximum R-1 building height of 30 feet
Accessory Structure Rear and Side Yard Setbacks (minimum)	5 feet

- (F) Signage. All signage shall comply with the provisions of Article VII of this Ordinance.
- (G) Off-Street Parking and Loading/Unloading. All off-street parking and loading/unloading areas shall comply with the provisions of Section 301.6 of this Ordinance.

404 Mobile Home Park (MHP)

- (A) Purpose & Intent. The purpose of the Mobile Home Park District is to allow for the placement of mobile homes in the City of Springfield in designated parks. All mobile home

parcs shall conform to all applicable local, state, and federal rules, regulations, and laws. The Mobile Home Park District shall be served by public sanitary sewer.

(B) Uses. General use regulations are set forth Section 301, and a listing of permitted, accessory, and conditional uses and structures in this District are set forth in the Use Table in Appendix A of this Ordinance. Any use and structure not listed in the Use Table shall be prohibited, unless otherwise determined by the Board of Zoning Adjustments.

(C) MHP Property Development Standards.

(1) General. Development in the MHP District shall comply with the property development standards set forth in this Ordinance. Section 301 sets forth general use regulations for all zoning districts. Only one (1) individual mobile home unit and accessory buildings customarily incidental to the individual mobile home unit shall be allowed per individual lot within in the mobile home park.

Mobile Home Park Standards	
Park Area (minimum)	1 acre (43,560 square feet)
Park Density (minimum)	10 mobile home lots per acre
Individual Mobile Home Lot Standards	
Lot Area (minimum)	4,000 square feet
Lot Width (minimum)	
1-Way Street	14 feet
1-Way Street with Parking on 1 Side	23 feet
1-Way Street with Parking on Both	32 feet
Sides	18 feet
2-Way Street	27 feet
2-Way Street with Parking on 1 Side	36 feet
2-Way Street with Parking on Both	
Sides	
Lot Coverage (maximum)	50 percent
Setbacks and Yards (minimum)	
Front Yard Setback	20 feet
Side Yard Setback	10 feet; two (2) side yards required
Rear Yard Setback	10 feet
Accessory Structure Standards	
Rear and Side Yard Setbacks (minimum)	5 feet
Note: If an accessory structure is less than 25 square feet in area or within 15 feet of the individual mobile home unit, the structure shall be considered to be a part of the unit.	

(2) Multi-Phase Park Development. A mobile home park may be developed in phases or stages as long as the developer complies with the overall approved plan for the entire park development and the initial phase or stage has a minimum of two (2) mobile home lots developed for use.

(3) Foundation Requirements. Individual mobile home lots shall have a concrete pad or other foundation satisfactory to the Planning Commission. Each pad shall be sufficient size to accommodate the mobile home unit to be situated thereon. Individual lot pads or foundations shall be a minimum of ten (10) feet from lot lines.

(4) Internal Street System. All mobile home parks shall be provided with convenient and safe internal vehicular access. Entrances shall be adequate to accommodate traffic and parking and shall meet all specifications and requirements of this Zoning Ordinance and the Subdivision Regulations. Entrances shall be approved by the City of Springfield. All internal streets shall have a right-of-way of not less than fifty (50) feet and pavement width of not less than twenty-two (22) feet. Each park shall have at least one (1) street which gives access to a public street. Such access streets in either a single mobile home park or adjoining parks shall not be less than one hundred (100) feet apart no less than one hundred twenty-five (125) feet from an intersection of two or more public streets. All streets within the park shall be paved and well lighted as specified in the Subdivision Regulations. No street within the mobile home park shall be closer than five (5) feet from any property line.

(5) Utilities.

(a) Water System. All mobile home parks and individual mobile home lots shall be served by water system meeting the standards specified by local and state regulations, and each mobile home lot shall be properly connected to the water system. The mobile home park and lots shall be served by a completely looped water distribution system adequate to serve the park, and each individual mobile home lot shall be connected. The mobile home park shall be served by fire hydrants spaced a maximum of six hundred (600) feet apart.

(b) Sanitary Sewer System. All mobile home parks and individual mobile home lots shall be served by a public sanitary sewer system. The mobile home park and lots shall be served by a complete collection system, including lateral collection for each individual mobile home lot and if necessary, lift or pumping stations. Where a public sanitary system is not readily accessible, mobile home parks and individual mobile home lots shall be served by an individual sanitary sewer system approved by the appropriate agency. Septic systems are prohibited.

(c) Electric and Telephone. All mobile home parks and individual mobile home lots shall be served by underground electrical and telephone utilities, unless waived by the Planning Commission through a public hearing process and demonstration of extreme hardship by the developer.

(6) **Off-Street Parking Requirements.**

(a) **General Requirements.** Off-street parking shall be provided with vehicular access to the public right-of-way in the MHP District and shall conform to the regulations set forth in this Section. Off-street parking shall be located on the same property as the permitted use, unless the Planning Commission authorizes the use of other properties. The off-street parking requirements and ingress/egress shall not, except for single-family residences, be used in the computation of parking spaces. The required parking area for the permitted use shall not be reduced or encroached upon in any manner. Combined uses shall provide parking equal to the sum of the individual uses. All off-street parking shall be paved.

(b) **Minimum Parking Area.** The minimum dimensions of off-street parking shall be ten (10) by twenty (20) feet, or two hundred (200) square feet.

(c) **Minimum Parking Spaces.** The minimum number of off-street parking spaces for individual mobile home lots shall be two (2) spaces.

(7) **On-Street Parking and Loading/Unloading.** The on-street parking of vehicles twenty (20) feet or longer in length on public streets shall be prohibited in a residential district, except for delivery, maintenance, construction, or other loading/unloading purposes.

405 Central Commercial District (CC)

(A) **Purpose & Intent.** The Central Commercial District is intended to provide for the continued vitality of downtown Springfield and the maintenance and re-use of existing historic structures. There shall be only one contiguous CC District within the corporate limits of the City of Springfield. This district hosts the majority of the City's government and professional offices and many of its historic structures nestled among older residences. This district shall be served by public sanitary sewer. The future goal for this district remains to support commercial activities in a concentrated area with an emphasis on specialty or boutique retail establishments, banks, places of amusement and assembly, restaurants, offices, parking lots and gas or motor vehicle stations. This planning goal should entice the public to the downtown area of the City of Springfield and, simultaneously, enable the public to participate in many types of commercial activities at one time without depending upon motor transportation for mobility.

(B) **Uses.** General use regulations are set forth in Section 301, and a listing of permitted, accessory, and conditional uses and structures in this District are set forth in the Use Table in Appendix A of this Ordinance. Any use and structure not listed in the Use Table shall be prohibited, unless otherwise determined by the Board of Zoning Adjustments.

(C) **Permitted Residential Unit Types.** In mixed use buildings, ground floor residential uses are prohibited, and residential and nonresidential uses shall not be permitted on the same floor unless served by separate entrances.

(D) **CC Property Development Standards.** Development in the CC District shall comply

district and utilizing the R-3 property development standards shall be permitted in the CR District.

- (D) CR Property Development Standards. Development in the CR District shall comply with the property development standards set forth in this Ordinance (see 406(C) for R-3 multi-family residential). Section 301 sets forth general use regulations for all zoning districts.

Lot Area (minimum)	30,000 square feet
Lot Width (minimum)	40 ft wSS; 60 ft woSS
Lot Coverage (maximum)	65 percent
Setbacks and Yards (minimum)	
Front Yard Setback	40 ft wSS; 60 ft woSS
Side Yard Setback	15 ft minimum; 30 ft if abutting residential zoning district
Rear Yard Setback	15 ft minimum; 30 ft if abutting residential zoning district
Building Height (maximum)	40 ft or 4 stories
Accessory Structure	
Rear and Side Yard Setbacks (minimum)	5 feet

- (E) Signage. All signage shall comply with the provisions of Article VII of this Ordinance.
- (F) Off-Street Parking and Loading/Unloading. All off-street parking and loading/unloading areas shall comply with the provisions of Section 301.6 of this Ordinance.
- (G) Prohibited Uses. Any use and structure not listed in the Use Table shall be prohibited, unless otherwise determined by the Board of Zoning Adjustments.
- (H) Buffering.
- (1) General. All CR development abutting a residential district or use shall be required to provide a buffer as deemed appropriate and approved by the Planning Commission in order to protect the residential area from unreasonable disturbance by movement of people or vehicles, light, noises, or views incompatible with residential areas.
 - (2) Height. All buffers shall be a minimum of eight (8) feet in height and shall not exceed ten (10) feet if manmade; natural/horticultural buffers may exceed ten (10) feet in height if approved by the Planning Commission.
 - (3) Design. The design and materials of buffering shall be compatible with adjacent residential areas and sufficient to minimize adverse impacts of the commercial development. The Planning Commission shall review and approval the design and materials of buffering.
- (I) Child Day Care as Conditional Use. A Child Day Care Center subject to certain

Exceptions and Specific Use Standards identified at 302.1, and any further conditions the Board of Zoning Adjustments may impose

407 General Highway Commercial (HC)

- (A) Purpose & Intent. The General Highway Commercial District (“HC”) is intended to encourage the establishment of an intensive commercial use area designed to meet the needs of a community or regional market area and typically oriented to customers who travel by motor vehicles. This District primarily provides retail and wholesale trade dependent upon vehicular traffic to supply both merchandise and customers and has large space uses, such as department stores, fast food restaurants, service stations, and specialty stores. This district shall have direct access to arterial or collector roads, and areas adjacent to residential districts shall be adequately buffered. The HC District shall be served by public sanitary sewer.
- (B) Uses. General use regulations are set forth Section 301, and a listing of permitted, accessory, and conditional uses and structures in this District are set forth in the Use Table in Appendix A of this Ordinance.
- (C) Residential Unit Types. Multi-family residential unit types can be a conditional use in the HC District if approval is granted by the Board of Zoning Adjustments; however, such units shall be developed utilizing the R-3 property development standards if a Conditional Use Permit is granted.
- (D) HC Property Development Standards. Development in the HC District shall comply with the property development standards set forth in this Ordinance. Section 301 sets forth general use regulations for all zoning districts.

Lot Area (minimum)	30,000 square feet
Lot Width (minimum)	50 feet
Lot Coverage (maximum)	65 percent
Setbacks and Yards (minimum)	
Front Yard Setback	40 ft wSS; 60 ft woSS
Side Yard Setback	15 ft minimum; 30 ft if abutting residential zoning district
Rear Yard Setback	15 ft minimum; 30 ft if abutting residential zoning district
Building Height (maximum)	40 ft or 3 stories
Accessory Structure	
Rear and Side Yard Setbacks (minimum)	5 feet

- (E) Signage. All signage shall comply with the provisions of Article VII of this Ordinance.
- (F) Off-Street Parking and Loading/Unloading. All off-street parking and loading/unloading areas shall comply with the provisions of Section 301.6 of this Ordinance. Additionally,

all parking and adjacent areas utilized by the public at night shall be adequately lighted and nearby private areas shall be protected from such lighting. Likewise, public streets shall be protected from such glare.

(G) Buffering.

- (1) General. All HC development abutting a residential district or use shall be required to provide a buffer as deemed appropriate and approved by the Planning Commission in order to protect the residential area from unreasonable disturbance by movement of people or vehicles, light, noises, or views incompatible with residential areas.
- (2) Height. All buffers shall be a minimum of eight (8) feet in height and shall not exceed twenty (20) feet.
- (3) Design. The design and materials of buffering shall be compatible with adjacent residential areas and sufficient to minimize adverse impacts of the commercial development. The Planning Commission shall review and approval the design and materials of buffering.

(H) Prohibited Uses. Any use and structure not listed in the Use Table shall be prohibited, unless otherwise determined by the Board of Zoning Adjustments. No use allowed in this HC 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, flare, odors, vibrations or fire hazard.

(I) Light Industrial Uses

Light Industrial Uses, when permitted as a Conditional Use in this HC district, are 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 Adjustments feels is necessary to allow the use to blend in with its unique surroundings.

408 General Industrial (I-1)

- (A) Purpose & Intent. The purpose of the General Industrial District (I-1) is to provide appropriate locations for manufacturing and assembly plants, including heavy industrial uses, warehousing and uses not otherwise permitted in other districts. A heavy industrial use is a use ordinarily requiring buildings and open area for manufacturing, fabricating, processing, extraction, heavy repairing, dismantling, warehousing, and storage or disposal of equipment, raw materials, manufacturing products, or wastes. This district shall be served by public sanitary sewer.
- (B) Uses. General use regulations are set forth Section 301, and a listing of permitted, accessory, and conditional uses and structures in this District are set forth in the Use Table in Appendix A.
- (C) I-1 Property Development Standards. Development in the I-1 District shall comply with the property development standards set forth in this Ordinance. Section 301 sets forth general use regulations for all zoning districts.

Lot Area (minimum)	43,560 square feet (1 acre)
Lot Width (minimum)	100 feet
Lot Coverage (maximum)	90 percent
Setbacks and Yards (minimum)	
Front Yard Setback	None
Side Yard Setback	None
Rear Yard Setback	None
Building Height (maximum)	None
Accessory Structure	
Rear and Side Yard Setbacks (minimum)	5 feet

- (D) Signage. All signage shall comply with the provisions of Article VII of this Ordinance.
- (E) Off-Street Parking and Loading/Unloading. All off-street parking and loading/unloading areas shall comply with the provisions of Section 301.6 of this Ordinance.
- (F) Performance Standards.
 - (1) Building Enclosures. Every use permitted in the I-1 District shall be operated in its entirety within a completely enclosed building. The Planning Commission may exempt uses from total enclosure (thus permitting outdoor display storage, or processing) and require an area screened from view at the nearest district boundary as a conditional use in this district.
 - (2) Landscaping. All I-1 lots shall have a ten (10) foot wide landscaping strip along all property lines abutting a public street, and all required yards shall be graded to ensure proper drainage and shall either be open landscaped and grassed areas or

be left in a natural state, if acceptable to the Planning Commission. If said area is to be landscaped, it shall be landscaped attractively with lawn, trees, shrubs, or other plantings, according to the initial submitted plans which were first approved. Landscaping shall not interfere with or block views of buildings or the identification of such buildings. The Planning Commission shall approve all landscaping plans.

- (3) Buffering. All I-1 development abutting a residential or business district or use shall be required to provide a buffer in order to protect the residential area from unreasonable disturbance by movement of people or vehicles, light, noises, or views incompatible with residential areas. Principal and accessory buildings and structures shall have a minimum setback of eighty (80) feet from any adjacent residential or business district or use, and buffering shall be a minimum of eight (8) feet in height but not exceed ten (10) feet in height, if the buffer is manmade; natural/horticultural buffers may exceed this height if approved by the Planning Commission. The Planning Commission shall approve all buffering plans.
- (4) Noise. Industrial noise shall be muffled so as not to become objectionable due to intermittence, beat, frequency, or shrillness.
- (5) Exterior Lighting. Any lights used for exterior illumination, except for overhead street lighting and warning, or traffic signals shall direct light away from adjoining zoning districts and shall minimize disturbance of adjacent properties and interference with traffic.
- (6) Internal Circulation and Ingress/Egress. Lots shall include sufficient internal circulation and ingress/egress to minimize traffic congestion. Ingress and egress shall have minimum twelve (12) foot wide lanes and minimum radius of curve at the pavement edge of thirty-six (36) feet.
- (7) Odorous Matter. No emission of odorous matter shall be allowed in excess of ambient air quality standards as set forth by the regulations adopted by the Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution, Bowling Green Air Quality Region.
- (8) Humidity, Heat, or Glare. Any activity producing humidity, in the form of steam or moist air or producing heat or glare, shall be carried on in such a manner that the steam, humidity, heat, or glare is not perceptible at or beyond any residential or commercial district boundary. Detailed plans for the elimination of humidity, heat, or glare may be required before the issuance of a building permit.
- (9) Vibration. Vibrations shall be measured at the lot line. No vibration is permitted which is discernible to the human sense of feeling for three (3) minutes or more duration in any one (1) hour.
- (10) Emissions and Open Burning. No emission of particulate matter, sulfur

compound, carbon monoxide, hydrocarbon, nitrogen oxide, and open burning shall be allowed in excess of regulations adopted by the Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution, Bowling Green Air Quality Region.

- (11) Radiation. All sources of ionizing radiation shall be registered or licensed by the Kentucky State Department of Health and operated in accordance with their regulations.
- (12) Electrical Radiation. Any electrical radiation shall not adversely affect, at any point on or beyond the lot line, any equipment other than those of the creation of the radiation. Avoidance of adverse effects from electrical radiation by appropriate mutual scheduling of operations is permitted.
- (13) Storage. Storage of material, supplies, and products on the property outside the building constructed thereon is permitted to the side and rear of the property providing that storage of materials, products, supplies, and products are within an area screened from view at the nearest district boundary, adjacent properties, public streets, or highways.
- (14) Fire and Explosive Hazards. Storage, utilization, or manufacture of solid materials which requires free burning and intense burning may be allowed if permitted in an industrial district, provided that said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible walls and protected throughout by an automatic fire extinguishing system. The bulk storage of flammable liquids or materials which produce flammable or explosive vapors or gases shall not be permitted in above-ground storage facilities, with the exception of fuel tanks or drums connected to heating devices or appliances located on the same lot as the fuel tanks and drums. Where a permitted use requires the storage of flammable liquids or materials that produce flammable or explosive vapors or gases, storage facilities shall have the following minimum setback from all boundary lines:

(a) Liquid Petroleum Gases.

Underground Storage Capacity	Minimum Setback
Less than 500 gallons	10 ft
501 – 2,000 gallons	25 ft
Over 2,000 gallons	50 ft.

(b) Flammable Liquids.

Underground Storage Capacity	Minimum Setback
Less than 500 gallons	6 ft
501 – 2,000 gallons	10 ft
2,001 – 5,000 gallons	20 ft
5,001 – 15,000 gallons	30 ft
15,001 – 20,000 gallons	40 ft
20,001 – 35,000 gallons	50 ft.

(c) Explosives.

Capacity	Minimum Setback
Less than 5 pounds	70 ft
6 – 10 pounds	90 ft
11 – 20 pounds	110 ft
21 – 25 pounds	125 ft
Greater than 25 pounds	Not permitted without prior approval from the Planning Commission

(15) Waste. No waste material or refuse shall be dumped upon or permitted to remain upon any part of the property outside of the buildings constructed thereon. All sewage and industrial waste shall be treated and disposed of in such manner so as to comply with the standards of the appropriate authority. All plans for waste disposal facilities shall be required before the issuance of any building permit. All waste shall be disposed of in accordance with the regulations of the Kentucky Department of Natural Resources and Environmental Protection, Division of Waste Management.

(16) Mining and Reclamation. All methods of operation, construction of roads, backfilling, grading, blasting, water impoundments, treatment facilities, and reclamation must be in conformance with the regulations adopted by the Department of the Natural Resources and Environmental Protection, Bureau of Surface Mining Reclamation and Environment (KRS 352). Any excavation or processing operations shall be subject to the regulations of the Kentucky Water Pollution Control Commission.

(17) Blasting and Explosives. All blasting and the use of explosives must be conducted in accordance with the regulations set forth by the Department of Mines and Minerals, Division of Explosives and Blasting (KRS 351).

(G) Prohibited Uses. Any use and structure not listed in the Use Table shall be prohibited, unless otherwise determined by the Board of Zoning Adjustments. Any use which in the opinion of the Board of Zoning Adjustments would be detrimental to the character of the

City of Springfield and/or the development of this district as a commercial center will be prohibited.

- (H) In the event that an industrial use that existed at the time of the passage of this ordinance is destroyed, the Board of Adjustments may allow dimensional variations from the Ordinance to conform to those dimensions which existed for the use of the premises prior to its destruction upon a finding by the Board of Adjustments that such variance will not be detrimental to neighboring properties or safe traffic flow.

ARTICLE V: NONCONFORMING STRUCTURES AND USES

500 Nonconforming Lots, Uses or Structures

- (A) Intent. Within the districts established by this Zoning Ordinance or amendments that may be later adopted, there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. It is the intent of this Zoning Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon or expanded, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- (B) Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this Zoning Ordinance that could not be built under the terms of this Zoning Ordinance by reason of restrictions on area, lot coverage, height, yard, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) No nonconforming structure may be enlarged, moved, or structurally altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
 - (2) Should such nonconforming structure or nonconforming portion of such structure be destroyed by any means to an extent of fifty-five percent (55%) or more of its replacement cost at the time of destruction, exclusive of foundations, it shall not be repaired or reconstructed except in conformity with the provisions of this Zoning Ordinance;
 - (3) Should such nonconforming structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved;

- (4) No nonconforming structure may be re-established after it has been discontinued for twenty-four consecutive months or more except when government action impedes access to the premises. A vacated premises or building of non-operative status shall be evidence of a discontinued use;
 - (5) No nonconforming structure may be changed to any other use except one which is a permitted use in the zoning district in which it is located;
 - (6) The provisions of this Section shall not apply to residential structures in industrial districts;
 - (7) When a nonconforming structure is superseded by a permitted use, the structure shall thereafter conform to the regulations for the zoning district, and the nonconforming use may not thereafter be resumed.
- (C) Nonconforming Uses of Land. Where at the time of passage of this Zoning Ordinance or amendments, lawful use of land exists which would not be permitted in the zoning district under the terms of this Zoning Ordinance, the lawful use may be continued as it remains otherwise lawful subject to the following provisions.
- (1) No nonconforming use, except single-family residential uses in the Agriculture and Single-Family Residential Districts, shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Ordinance;
 - (2) No such nonconforming use shall be moved in whole or part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance;
 - (3) If any nonconforming use of land ceases for any reason for twenty-four consecutive months or more, except where government action impedes access to the premises, any subsequent use of land shall not thereafter be used except in conformity with the regulations of the district in which it is located;
 - (4) No additional structure not conforming to the requirements of this Zoning Ordinance shall be erected in connection with such nonconforming uses of land.
- (D) Nonconforming Use of Structures or Structures/Premises. Where at the time of passage of this Zoning Ordinance or amendments, lawful use involving individual structures, or of structure and premises in combination, exists which would not be permitted in the zoning district under the terms of this Zoning Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) No structure, or structure and premises in combination, devoted to a

nonconforming use shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located;

- (2) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zoning district, and the nonconforming use may not thereafter be resumed;
- (3) If any nonconforming use of a structure, or structure and premises in combination, ceases for twenty-four (24) consecutive months or more, except when government action impedes access to the premises, any subsequent use of the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the zoning district in which it is located. Vacated premises or building of non-operative status shall be evidence of a discontinued use; and,
- (4) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purposes of this subsection is defined as damage to an extent of more than fifty-five percent (55%) or more of its replacement cost, exclusive of foundation, at time of destruction.

(E) Nonconforming Lots of Record.

- (1) Single Lot. In any zoning district in which single-family dwellings were permitted as of the adoption of this Zoning Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Ordinance notwithstanding limitations imposed by other provisions of this Zoning Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the zoning district, provided that yard dimensions and requirements other than these applying to area or width, or both of the lot shall conform to these regulations for the district in which such lot is located. If the nonconforming lot is converted to another use, the protected status granted hereunder terminates. Variance of yard requirements shall be obtained only through action of the Board of Adjustments.
- (2) Variance Required. The owner of a nonconforming lot of record at the time of the adoption of this Zoning Ordinance may submit an application to the Board of Adjustments for a variance from the terms of this Zoning Ordinance in accordance with the provisions of Article VI.

(F) Repairs and Maintenance.

- (1) Ordinary Repair. On any nonconforming structure or portion of a structure containing a nonconforming use, any change that does not require a building permit is considered ordinary maintenance and shall not affect the nonconforming status.
- (2) Unsafe Buildings. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to the lack of repairs and maintenance, and is declared by any building official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zoning district in which it is located.
- (3) Mobile Homes. Any mobile home that was properly permitted prior to the adoption of this Zoning Ordinance, but now considered a nonconforming use, may be replaced by a newer model, affixed with an “A” or “B” seal, without affecting its nonconforming status but must meet other requirements of all local, state, and federal rules, requirements, and restrictions.

ARTICLE VI: PROCEDURES AND FEES

600 Zoning Ordinance Text and Zoning Map Amendments.

- (A) Zoning Ordinance and Zoning Map Amendments. The Springfield Zoning Ordinance and Zoning Map may be amended or repealed but only in accordance with the procedures set forth in KRS Chapter 100 and in this Article.
- (B) Zoning Ordinance Text Amendment Procedures. The procedure for amendments to the Springfield Zoning Ordinance shall be the same as the adoption of the original Zoning Ordinance and as set forth in KRS Chapter 100.
 - (1) Origination of Zoning Ordinance Text Amendment. A proposal to amend the text of the Springfield Zoning Ordinance may originate with the Springfield Planning Commission or Springfield City Council. The Planning Commission must hold at least one (1) public hearing after proper notice is given.
 - (2) Public Notice. The Planning Commission shall publish in a newspaper of general circulation in Springfield-Washington County at least seven (7) days and no more than twenty-one (21) days before the public hearing in accordance KRS Chapter 424.

- (3) Public Hearing and Planning Commission Action. The Planning Commission shall hold at least one (1) public hearing and make a recommendation as to the text of the amendment and whether the amendment shall be approved or disapproved and shall state the reasons for its recommendation. In the case of a proposed text amendment originating with the Springfield City Council, the Planning Commission shall make its recommendation within sixty (60) days of the date of its receipt of the proposed text amendment.
 - (4) Legislative Body Action. The Planning Commission shall make a recommendation on the proposed zoning text amendment to the Springfield City Council, and Springfield City Council shall take final action on the zoning map amendment and shall approve or disapprove the zoning map amendment pursuant to KRS Chapter 100. Approval of the zoning ordinance text amendment shall take an affirmative vote of a majority of the Springfield City Council.
- (C) Zoning Map Amendment Procedures. The procedures for zoning map amendments shall be the same as defined in KRS Chapter 100 and in addition, as follows:
- (1) Origination of Zoning Map Amendment. A proposal for a zoning map amendment may originate with the Planning Commission, with the Springfield City Council, or with an owner of the property in question. Regardless of the origin of the proposed amendment, a pre-application conference must be conducted and a written application must be filed with the Planning Commission as set forth in these regulations.
 - (2) Pre-Application Conference. Prior to filing an application for a zoning map amendment, the applicant shall meet with the Planning Commission's Administrative Official to discuss the proposed amendment, requirements, procedures, and issues related to the proposed zoning map amendment. This pre-application conference is intended to alleviate potential problems and conflicts by recognition and consideration of existing conditions, necessary facilities, Comprehensive Plan recommendations, and other issues related to the proposed amendment. The pre-application conference shall be held no less than five (5) working days and no more than three (3) months prior to the filing of a zoning map amendment application. The Planning Commission shall not accept a zoning map amendment application if a pre-application conference has not been conducted.
 - (3) Zoning Map Amendment Application. An application for a zoning map amendment must be filed with the Planning Commission and must include the following information and documentation:
 - (a) Application signed by an owner or the owner's agent;
 - (b) Plat and site plan of the property in question, prepared by licensed land surveyor, including the following information:
 - 1. Names of owner(s) and applicant(s);

2. Scale and north arrow;
 3. Bearing and distances;
 4. Lot dimensions and setbacks;
 5. Locating distance to nearest road or railroad centerlines or rights-of-way;
 6. Address of property or intersecting street on each side;
 7. Rights-of-way of road and pavement width;
 8. Adjacent property, showing property lines and names of adjacent property owner(s);
 9. Acreage of property;
 10. Vicinity map;
 11. Surveyor's stamp and certification;
 12. Floodplain area(s) and FEMA certification;
 13. Exterior dimensions and use of all existing and proposed structures; and,
 14. Any and all other information necessary for determining conformance with the Zoning Ordinance.
- (c) Listing of adjoining property owners obtained from Washington County Property Valuation Administrator's records, including name(s), mailing addresses, PVA number, and property street address.
- (d) Certificate from the Washington County Health Department approving the proposed water and sewerage facilities.
- (e) Fifteen (15) copies of a Development Plan prepared and signed by a licensed land surveyor and/or registered professional engineer dependent upon development content. A Development Plan shall meet the following requirements and contain the information listed below:
1. Shall be drawn on durable, dimensionally stable media of a size no larger than 24" x 36." More than one (1) sheet may be used. Sheets shall be numbered in sequence if more than one (1) sheet is used, and each shall be labeled "Development Plan."
 2. Shall be drawn at a convenient and standard scale.
 3. Shall have a title block containing the following information:
 - (aa) Name of the development, if applicable;
 - (bb) Name and mailing address of the property owner(s);
 - (cc) Name and mailing address of the developer(s), if different from owner(s);
 - (dd) Name and mailing address of the professional land surveyor, if applicable, and name of the firm that performed the survey, if applicable;
 - (ee) Name and mailing address of the professional engineer;

- (ff) Date of preparation;
 - (gg) All other pertinent data and information.
4. Graphic and written scale;
 5. North arrow;
 6. Vicinity map of sufficient detail to locate land being subdivided and showing major streets and other durable physical features.
 7. Topographic map shall show the following:
 - (aa) Topographic contour lines must be depicted with sufficient accuracy to permit the planning of drainage, streets, and other proposed improvements. The plans must include two (2) foot contours on land less than five (5) percent gradient and five-foot (5') contours on land more than five (5) percent gradient. The contour lines are not to be more than one hundred (100) feet apart horizontally and shall extend for at least forty (40) feet beyond the boundary lines of the proposed development. Contours shall relate to the United States Geological Survey (USGS) of the area and shall relate to the nearest benchmark. All contours shall be marked in feet above sea level. The benchmark shall be clearly shown or identified.
 - (bb) Size, top of frame, and invert elevations for all culverts, manholes or catch basins and flow line elevations for all brooks at one hundred (100) foot stations. This data for at least forty (40) feet beyond the boundary lines of the proposed development.
 - (cc) Sinkholes shall be clearly labeled and their low point clearly marked.
 - (dd) All existing watercourses, inland wetlands, floodplains and flowage easements.
 - (ee) Present wooded areas indicated by foliage line.
 8. Names, locations, record sources, and current zoning designation of adjoining subdivisions and locations, record sources, current zoning designation, and names of owners of adjoining property along with intersecting property lines.
 9. Total calculated area of subject land computed either to the nearest hundredth of an acre or nearest square foot.

10. Layout of proposed tracts of land, including dimensions of lots, lot lines, lot numbers, and minimum building setback lines. Tracts shall be laid out according to sound planning principles.
 11. All existing and proposed structures.
 12. Direction and length of each line as follows: (1) Bearings shown in degrees, minutes, and seconds and distances shown to hundredths of a foot or (2) A geometrically-curved line identified with a beginning point, terminus point, and with sufficient curve data to define the curve.
 13. Cemetery or grave site, if discernible or of notice during the performance of the field survey or the required research.
 14. Accurate location, description and material of all monuments.
 15. Layout of existing and proposed streets and utilities on and adjacent to the subject property.
- (f) Other applications for variances or conditional uses.
- (g) Non-refundable fee. For zoning map amendments originated by the Planning Commission, Springfield City Council, or other governmental agency or entity, a filing fee shall not be required.
- (4) Administrative Official Review and Findings. Upon the filing of a zoning map amendment application, the Administrative Official shall review the application, make whatever studies the Planning Commission deems necessary and report findings at the public hearing. In addition, the Planning Commission may require an applicant to submit further information subsequent to the filing of an application if necessary to make a recommendation.
- (5) Public Notice. The Planning Commission shall give notice of the public hearing in accordance with the provisions of KRS Chapters 100 and 424 and as set forth in this Ordinance:
- (a) Published Notice. The Planning Commission shall publish a notice in a newspaper of general circulation in Springfield and Washington County at least seven (7) and no more than twenty-one (21) days before the public hearing in accordance with KRS Chapter 424.
 - (b) Mailed Notice.
 1. Map Amendments Originating with the Owner. Notice of the required public hearing shall be sent by first class mail to owners of

property adjacent to the subject land at least fourteen (14) days prior to the public hearing.

2. Map Amendments Originating with the Planning Commission or Springfield City Council. Per KRS Chapter 100, when a map amendment originates with the Planning Commission or Springfield City Council, notice of required public hearing shall be sent by first class mail to an owner of every parcel of property for which the classification is proposed to be changed at least thirty (30) days prior to the public hearing.

- (c) Posted Notice. The Planning Commission shall post a notice of the public hearing conspicuously on the property for fourteen (14) consecutive days immediately prior to the hearing and as set forth in KRS Chapter 100.

(6) Public Hearing and Planning Commission Action.

- (a) The Planning Commission shall hold at least one (1) public hearing and make findings of fact and a recommendation of approval or disapproval of the proposed map amendment to the Springfield City Council. The Planning Commission must find that the zoning map amendment is in agreement with the adopted Springfield Comprehensive Plan, or in the absence of such a finding, that one (1) or more of the following apply and such finding shall be recorded in the minutes and records of the Planning Commission:

1. That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate; and
2. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted Springfield Comprehensive Plan and which have substantially altered the basic character of such area.

- (b) The Planning Commission shall forward its findings of fact and recommendations in writing, including a summary of the evidence and testimony presented by the proponents and opponents of the proposed amendment, to the Springfield City Council.

- (7) Legislative Body Action. Upon receipt of the findings of fact and recommendations of the Planning Commission, the Springfield City Council shall take consider the zoning map amendment pursuant to KRS Chapter 100 requirements.

- (9) Land Use Certification Recordation. The Planning Commission secretary shall file a land use certificate in the Washington County Court Clerk's office for all zoning map amendments within thirty (30) days of the date upon which the legislative body

takes final action on the zoning map amendment. The land use certificate shall be completed and recorded in conformance with the KRS Chapter 100.

601 Procedural: Conditional Use Permits, Variances, and Appeals.

- (A) Conditional Use Permits, Variances, and Appeals. The Springfield Board of Adjustment shall have the power to hear and decide on applications for conditional use permits, variances, and appeals in accordance with the procedures set forth in KRS Chapter 100 and in this Article.
- (B) Conditional Use Permits. The owner of the subject property or an agent of the owner, bearing a written power of attorney granting authority for this purpose, may apply for a conditional permit.
 - (1) Application. An application for a conditional use permit must be filed with the Board of Adjustment. The application must be accompanied by the following information and documentation:
 - (a) Application signed by an owner or the owner's agent;
 - (b) Plat and site plan of the property to which the conditional use permit will apply, prepared by a licensed land surveyor and containing the following information:
 1. Names of owner(s) and applicant(s);
 2. Scale and north arrow;
 3. Bearing and distances;
 4. Lot dimensions and setbacks;
 5. Locating distance to nearest road or railroad centerlines or rights-of-way;
 6. Address of property or intersecting street on each side;
 7. Rights-of-way of road and pavement width;
 8. Adjacent property, showing property lines and names of adjacent property owner(s);
 9. Acreage of property;
 10. Vicinity map;
 11. Surveyor's stamp and certification;
 12. Floodplain area(s) and FEMA certification;
 13. Exterior dimensions and use of all existing and proposed structures;
and,
 14. Any and all other information necessary for determining conformance with the Zoning Ordinance.
 - (c) Listing of adjoining property owners obtained from Washington County Property Valuation Administrator's records, including name(s), mailing addresses, PVA number, and property street address.

- (d) Certificate from the Washington County Health Department approving the proposed water and sewerage facilities.
 - (e) Non-refundable fee.
- (2) Staff Review and Findings. Upon the filing of a conditional use permit application, the Board of Adjustment staff shall review the application, make whatever studies the Board of Adjustment deems necessary and report findings at the public hearing. In addition, the Planning Commission may require an applicant to submit further information subsequent to the filing of an application if necessary to make a recommendation.
- (3) Public Notice.
- (a) Published Notice. The Board of Adjustment shall publish in a newspaper of general circulation in Springfield and Washington County a public notice at least seven (7) days and not more than twenty-one (21) days before the public hearing in accordance with KRS Chapter 424.
 - (b) Mailed Notice. The Board of Adjustment shall send notice of the required public hearing by first class mail to owners of real property that are adjacent to the land that is subject to the conditional use permit application at least fourteen (14) days prior to the public hearing.
 - (c) Posted Notice. The Board of Adjustment shall post a notice of the public hearing conspicuously on the property for fourteen (14) consecutive days immediately prior to the hearing and as set forth in KRS Chapter 100.
- (4) Board of Adjustment Action. Within thirty (30) days of the receipt of a conditional use permit application, the Board of Adjustment shall hold at least one (1) public hearing. The Board of Adjustment may approve, modify, or deny any application. If it approves such permit, it may attach necessary conditions such as time limitations, requirements that one (1) or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the Board of Adjustment' minutes and on the conditional use permit, along with a reference to the specific section of the Zoning Ordinance listing the conditional use under consideration.
- (5) Land Use Certification Recordation. The Board of Adjustment secretary shall file a land use certificate in the Washington County Court Clerk's office for all conditional use permits within thirty (30) days of the date upon which the Board of Adjustment takes final action to adopt the conditional use permit. The land use certificate shall be completed and recorded in conformance with the KRS Chapter 100.
- (6) Revocation of Conditional Use Permits. The Board of Adjustment shall have the power, after notifying the permit holder and holding a public hearing, to revoke conditional use permits for noncompliance with the conditions therein or if the property owner violates any requirements of any local, state, or federal regulations. Furthermore, the Board of Adjustment shall have a 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.

- (7) Time Limit. In any case where a conditional use permit has not been exercised within the time limit set by the Board of Adjustment, or within one (1) year, if no specific time limit has been set, such conditional use permit shall not revert to its original designation unless there has been a public hearing. "Exercised," as set out in this section, shall mean that binding contracts for the construction of the main building or other improvements have been let, or in the absence of contracts, that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment is under contract, in development, or completed. When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions as designated in the permit.
- (8) Annual Review. The Administrative Official shall review all conditional use permits, except those for which all conditions have been satisfied, at least once annually, to determine if the conditions in the permit are being met. The Administrative Officer shall review any conditional use permit, except those for which all conditions have been satisfied, on the request of the Board of Adjustment to determine if the use of the conditions in the permit are being met and to determine if the land violates any laws or regulations.
- (a) Inspection and Report. The Administrative Officer 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 the conditions that are listed on the conditional use permit. If the property owner is not complying with all of the conditions listed on the conditional use permit, the Administrative Officer shall report the fact in writing to the Chairman of the Board of Adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the property owner at the same time that it is furnished to the Chairman of the Board of Adjustment.
- (b) Public Hearing. The Board of Adjustment shall hold a hearing on the report within thirty (30) days, and a notice of the time and place of the hearing shall be furnished to the property owner at least one (1) week prior to the hearing. If the Board of Adjustment finds that the facts alleged in the report of the Administrative Officer are true and that the property owner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board of Adjustment may authorize the Administrative Officer to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

- (9) Conditional Uses as Permitted Uses. Once the Board of Adjustment has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the Administrative Official, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file. Thereafter said use, if it continues to meet the other requirements of the Zoning Ordinance, will be treated as a permitted use.
- (C) Variances. The owner of the subject property or an agent of the owner, bearing a written power of attorney granting authority for this purpose, may apply for a variance.
- (1) Permitted Variances. The Board of Adjustment shall have the authority to hear and decide on applications for variances from the terms of this Zoning Ordinance as defined and permitted in KRS 100, but only in the following situations and provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Zoning Ordinance. The Board of Adjustments shall deny any request for a variance arising from circumstances that are the result of a willful violation of the Zoning Ordinance by the applicant subsequent to the adoption of the Zoning Ordinance from which relief is sought.
- (a) Where, by reasons of exceptional narrowness, shallowness, or shape of a specific piece of property, which at the time of the adoption of this Zoning Ordinance, was a lot of record; or,
- (b) Where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property, the strict application of dimensional requirements would cause practical difficulties to or exceptional and undue hardship upon the owner of such property. Financial disadvantage to the property owner is no proof of hardship within the purpose of this Ordinance; or,
- (c) Where it is shown that the land in question cannot be subdivided and that more open space is created, a lower density can be established, traffic problems are lessened, and a better relationship between the land and buildings is created by not subdividing the land and where a multi-building development will retain the neighborhood character and not violate this Ordinance.
- (2) Prohibited Variances. The following variances shall be prohibited:
- (a) Variances shall not be issued to allow the extension of a nonconforming use.
- (b) Variances shall not be permitted to increase the density of a use above that permitted by the applicable zoning district.
- (c) Variances shall not be permitted to allow a use prohibited by this Zoning Ordinance.

- (d) Variances shall not be permitted which arise from circumstances that are the result of willful violations of the Zoning Ordinance.
 - (e) Variances shall not be issued within any designated floodways.
- (3) Application. An application for a variance must be filed with the Board of Adjustment. The application must be accompanied by the following information and documentation:
- (a) Application signed by an owner or the owner's agent;
 - (b) Boundary survey and site plan of the property to which the variance will apply, prepared by a licensed land surveyor and containing the following information:
 1. Names of owner(s) and applicant(s);
 2. Scale and north arrow;
 3. Bearing and distances;
 4. Lot dimensions, setbacks, and coverage;
 1. Locating distance to nearest road or railroad centerlines or rights-of-way;
 2. Address of property or intersecting street on each side;
 3. Rights-of-way of road and pavement width;
 4. Adjacent property, showing property lines and names of adjacent property owner(s);
 5. Acreage of property;
 6. Vicinity map;
 7. Surveyor's stamp and certification;
 8. Floodplain area(s) and FEMA certification;
 9. Exterior dimensions and use of all existing and proposed structures; and,
 10. Any and all other information necessary for determining conformance with the Zoning Ordinance.
 - (c) Listing of adjoining property owners obtained from Washington County Property Valuation Administrator's records, including name(s), mailing addresses, PVA number, and property street address.
 - (d) Certificate from the Washington County Health Department approving the proposed water and sewerage facilities.
 - (e) Non-refundable fee.
- (4) Staff Review and Findings. Upon the filing of a variance application, the Board of Adjustment staff shall review the application, make whatever studies the Board of Adjustment deems necessary and report findings at the public hearing. In addition, the Board of Adjustment may require an applicant to submit further information subsequent to the filing of an application if necessary to make a recommendation.

(5) Public Notice.

- (a) Published Notice. The Board of Adjustment shall publish in a newspaper of general circulation in Springfield-Washington County a public notice at least seven (7) days and not more than twenty-one (21) days before the public hearing in accordance with KRS Chapter 424.
- (b) Mailed Notice. The Board of Adjustment shall send notice of the required public hearing by first class mail to owners of real property that are adjacent to the land that is subject to the variance application at least fourteen (14) days prior to the public hearing.
- (c) Posted Notice. The Board of Adjustment shall post a notice of the public hearing conspicuously on the property for fourteen (14) consecutive days immediately prior to the hearing and as set forth in KRS Chapter 100.

(6) Board of Adjustment Findings and Action.

- (a) Within thirty (30) days of the receipt of a variance application, the Board of Adjustment shall hold at least one (1) public hearing. The Board of Adjustment may approve, modify, or deny any application. The Board of Adjustments may grant a variance if it concludes that unnecessary hardship would result from the strict application of this Zoning Ordinance. The Board of Adjustment shall determine and express in writing, all of the following findings:
 - 1. That the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone;
 - 2. That the strict application of the provisions of the Zoning Ordinance would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - 3. That the circumstances are the result of the applicant taken subsequent to the adoption of the Zoning Ordinance from which relief is sought;
 - 4. That the requested variance will not adversely affect the public health, safety, or welfare, will not alter the character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow unreasonable circumvention of the requirements of the Zoning Ordinance.
- (b) In granting a variance, the Board of Adjustments may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in the furtherance of the purposes of this Ordinance.

(7) Land Use Certification Recordation.

The Board of Adjustment secretary shall file a land use certificate in the Washington County Court Clerk's office for all conditional use permits within thirty (30) days of the date upon which the Board of Adjustment takes final action to grant the variance. The land use certificate shall be completed and recorded in conformance with the KRS Chapter 100.

(D) Zoning Permits

The zoning permit ensures 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. It shall be unlawful to commence construction or alteration of any structure until the Administrative Official has issued a zoning permit authorizing such work except as specified:

1. Exceptions. No zoning permit shall be required in the following cases:
 - (a) Recurring maintenance work regardless of cost
 - (b) Installation of required improvements according to an approved preliminary subdivision plat or planned-development plat.
 - (c) 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.
 - (d) Public streets and all appurtenances necessary for traffic direction and safety.
 - (e) Private drives, private parking areas, and the parking of vehicles incidental to the principal use on the same premises.
 - (f) Exempt signs as outlined in Article VII of this ordinance.
 - (g) Horticulture and landscaping of any premises.
 - (h) Agriculture
 - (i) Or Handicap-accessible ramps which are preempted by state and federal laws.
2. Fees. The Planning Commission may establish a schedule of reasonable fees to be charged for the issuance of zoning permits.
3. Zoning Permit Procedure
 - (a) Application:

The applicant shall submit a plan along with the application 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 Administrative Official and/or the Board of Zoning Adjustments reserves the right to require additional information necessary to make said determination, including but not limited to survey drawn to scale, as-built survey,

copies of deeds, and/or plot plans. The Springfield Water & Sewer Commission's Certificate approving proposed water and sewage facilities must accompany applications for a zoning permit.

(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 Administrative Official shall issue a zoning permit authorizing such construction or alteration. If the proposed construction or alteration fails to conform, the Administrative Official shall refuse to issue a zoning permit and shall deliver written notice to the applicant stating the reason for the refusal. The Administrative Official shall act upon applications for zoning permits within two weeks 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 Administrative Official at the request of the Applicant and at the Administrative Official's sole discretion can issue a zoning permit authorizing partial construction, providing the Administrative Official 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, may 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 Administrative Official before it becomes void. The renewal request shall be submitted in writing.

(d) Permanent File:

The Administrative Official shall keep a permanent file of all applications with accompanying plans and all permits issued.

4. Flood Plains.

The Administrative Official may approve a zoning permit but shall advise the applicant when the site on which the applicant wants to build is within the 100-year flood plain, as determined by the United States Army Corps of Engineers. All applicable flood plain regulations and requirements must be completed. All buildings or structures in a designated flood-way or floodplain which tend to increase flood heights or obstruct the flow of flood waters shall be regulated by the Planning Commission, and therefore, require the review and approval of the Washington County Planning Commission.

(E) Appeals. Any person, or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the Administrative Official may take appeals to the Board of Adjustments.

- (1) Time Limitation. Such appeal shall be made within thirty (30) days of the grievance by filing a notice of appeal with the Board of Adjustments, specifying the grounds therefore and giving notice of such appeal to any and all parties of record.
- (2) Administrative Official Action. The Administrative Official shall transmit to the Board of Adjustment all papers constituting the record upon which the action appealed was taken and shall be treated as and be the respondent in such further proceedings.
- (3) Public Notice.
 - (a) Published Notice. The Board of Adjustments shall fix a reasonable time for hearing the appeal and give public notice in a newspaper of general circulation in Springfield and Washington County at least seven (7) days and not more than twenty-one (21) days before the public hearing in accordance with KRS Chapter 424.
 - (b) Mailed Notice. The Board of Adjustment shall send notice of the required public hearing by first class mail to the appellant and the Administrative Official at least one (1) week prior to the hearing.
- (4) Public Hearing. The Board shall hold one (1) public hearing within sixty (60) days and shall fix a reasonable time for the hearing of an appeal. The affected party may appear at the hearing in person or by an attorney. At the public hearing on the appeal held by the Board of Adjustments, any interested person may appear and enter his appearance, and all shall be given an opportunity to be heard.
- (5) Findings Requirements. The Board of Adjustment review on appeal shall be limited to a determination of whether the decision being appealed was (1) not based upon substantial evidence and (2) arbitrary and capricious. The Board of Adjustment shall affirm the decision that is being appealed unless one or both of the factors set forth above exists. The Board of Adjustment shall not substitute its judgment for the judgment of the Administrative Official.
- (6) 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.

602 Enforcement.

- (A) Enforcement Officer. The provisions of this Zoning Ordinance shall be administered and enforced by the Code Enforcement Officer, also known as the Administrative Official, of the City of Springfield or Springfield Planning Commission, or any other person authorized by the Springfield City Council or Springfield Planning Commission. Such enforcement personnel shall have the power to:

- (1) Make inspections of any premises necessary to carry out the enforcement of this Zoning Ordinance;
- (2) Issue citations for violations of this Zoning Ordinance in accordance with the provisions of KRS 100.991 and the procedures set forth in KRS 431.015;
- (3) Bring action or cause action to be brought in court of appropriate jurisdiction for any and all relief as provided in KRS 100.

(B) Penalties for Violations.

- (1) Violations Pursuant to KRS 100.991. Violations of this Zoning Ordinance pursuant to KRS 100.991 shall be subject to the following:
 - (a) Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 or any of the regulations adopted pursuant thereto for which no other penalty is provided, shall upon conviction, be fined not less than ten dollars (\$10) but not more than five hundred dollars (\$500) for each conviction. Each day of violation shall constitute a separate offense. The City may also enforce these regulations as permitted by KRS 83A.065.
 - (b) Any person, owner, or agent who violates this article shall, upon conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred (500) dollars for each lot or parcel which was subject of sale or transfer, or a contract for sale or transfer.
 - (c) Any person who intentionally violates any provision of KRS 100.3681 to 100.3684 shall be guilty of a misdemeanor punishable by a fine of not less than one hundred (100) dollars nor more than five hundred (500) dollars.
 - (d) Civil injunctions per KRS Chapter 100 and other applicable enforcement remedies as provided in the law.

(C) Other 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 or proceeding to prevent the occupancy of such buildings, structure, or land.

603 Schedule of Fees

Please note that all advertising and recording costs incurred are to be paid by the applicant prior to issuance of approval or permit.

Item Description	Fee
Administratively Approvable Plat Review	\$25.00
Plat: Preliminary Review	\$300.00
Plat: Final Review	\$150.00
Amendment, Zoning Map or Text aka Zone Change	\$300.00
Variance	\$50.00
Conditional Use Permit Application Review	\$100.00
Bond Release	\$200.00
Sign Approval	\$25.00

FEES FOR ZONING PERMITS	
1. New Residence	\$100.00
2. Additions	\$50.00
3. Accessory Buildings and Structures (sheds, pools, patios,)	\$25.00
4. Commercial/Industrial	\$.02/sq. ft.
	\$50.00 min.
	\$500.00 max.

ARTICLE VII: SIGN REGULATIONS

700 Sign Regulations

700.1 Intent

This article provides content-neutral sign standards that allow legitimate signage for agricultural, residential, professional office, business, and industrial activities while promoting signs that:

- A. Reduce intrusions and protect property values;
- B. Minimize undue distractions to the motoring public;
- C. Protect the tourist industry by promoting a pleasing community image; and
- D. Enhance and strengthen economic stability.

700.2 Scope

These provisions apply to the display, construction, erection, alteration, location, and maintenance of all new and existing signs within the city limits of the City of Springfield, Kentucky.

701 Exempt Signs

The following signs are exempt from the provisions of this Article and are, therefore, exempt from the requirement to obtain a sign permit:

- A. Signs not visible beyond the boundaries of the property upon which they are located.
- B. Government signs that are placed by government officers in the performance of their professional/elected duties.
- C. Temporary or permanent signs erected by public utility companies or construction companies in the performance of their professional duties.
- D. Vehicle signage when painted directly on a vehicle or attached magnetically.
- E. Temporary signage of 3 square feet or smaller placed on or after April 15 and removed by the last day of May. Temporary signage of three square feet or smaller placed on or after the first day of October and removed by November 15.
- F. Temporary signs for a new business for up to 30 consecutive days from the first day of business. Exempt signage shall only be displayed on the property where the new business is located.
- G. Signage placed by realtors in the performance of their professional duties.
- H. Window signage.

701.1 Signs Exempt from Permit Requirements

The following signs shall not require a permit:

- A. Incidental signs
- B. Historic markers
- C. Change of copy on any sign where the framework or other structural elements are not altered

702 Permit Requirements

- A. No sign regulated by this ordinance (except those specifically exempted in Section 701-701.1 above) shall be displayed, erected, relocated, or altered unless all necessary permits have been issued by the Planning Commission. Applicants shall submit an application form to the department before any permit may be issued.
- B. Property owner shall obtain a Certificate of Appropriateness from the Historical Preservation Commission (HPC) for signage proposed on a historical structure recognized by the National Register of Historic Places or the HPC. Applications are available online at the HPC website or by contacting the HPC directly. If the HPC fails to provide an application to the property owner within ten (10) days of the property owner's request, then this requirement for a Certificate of Appropriateness shall be waived.
- C. Signs shall only be erected or constructed in compliance with the approved permit.
- D. Applicants shall obtain a building permit for the footer of freestanding and monument signs. Applicants shall also obtain an electrical permit for signs that require electrical service. Final inspections for building permits and electrical permits require a minimum notice of 24 hours to the city's building inspector and/or state electrical inspector.
- E. Signs permitted as an accessory to a legal, nonconforming use shall be subject to the regulations of the zone in which the nonconforming use is located.

703 Nonconforming Signs

A legal, nonconforming sign may continue in existence as long as it is properly maintained in good condition.

These provisions shall not prevent the repair or restoration to a safe condition of any sign, but a nonconforming sign shall not be:

- A. Changed to another nonconforming sign except where only the face or copy is changed;
- B. Structurally altered so as to increase the degree of nonconformity of the sign;
- C. Expanded or enlarged;
- D. Reestablished after its removal; or
- E. Moved to a new location on the building or lot.

704 Illegal Signs

All illegal signs shall be subject to immediate enforcement action as outlined in Article VI of the City of Springfield Zoning Ordinance.

705 General Requirements

All signs in all zones shall meet the following requirements:

- A. Illuminated signs shall be located in a fashion which prevents all direct rays of light from shining beyond the property lines of the lot on which the sign is located.
- B. No light, sign, or other advertising device shall be designed or erected to imitate or resemble any official traffic sign, signal, or device or use any words, phrases, symbols, or characters implying the existence of danger, or the need to stop or maneuver the vehicle.
- C. No sign shall be attached to or painted on the surface of any tree, utility pole, or street light.
- D. Projecting signs shall have at least 7' of clearance above a road or sidewalk.
- E. Neon or other lighted tubing signs shall not be permitted except where such lighting is used behind solid lettering to produce a "halo" effect, or where it is used indirectly. Neon lighting shall not be used to outline buildings, structures, or ornamental features.
- F. No sign, except for government signs, shall be located within the sight triangle of any intersection. Refer to: Design Standards of the Subdivision Regulations of the City of Springfield.
- G. No sign shall be placed in or project into the public or private street right-of-way, except as specifically permitted herein.
- H. Freestanding, monument, and projecting face sign area shall be computed as follows:
 - a. Double-faced signs shall have only one face counted in calculating the area.
 - b. Sign with more than two faces shall have the area calculated by summing the area of all sign faces and dividing by two (2).
 - c. The area enclosing the perimeter of each cabinet shall be calculated to determine the area.

- d. The perimeter of the measurable area shall not include embellishments (e.g., pole covers, framing, or decorative roofing) provided there is no written copy on such embellishments.
- e. Maximum height shall be measured from the finished grade at the center of the sign and shall include the sign's base.
- I. Every sign, including those for which a permit is not required, shall be maintained in good condition at all times.

706 Prohibited Signs in All Zones

The following signs and/or sign features shall be prohibited in all zones:

- A. Mobile signs;
- B. Roof signs that extend higher than the top of the roof;
- C. Rotating or moving signs;
- D. Abandoned signs;
- E. Streamers, pennants, and tag signs or similar signs or devices except when attached to a permitted temporary sign;
- F. Any sign which emits any noise or odor;
- G. Freestanding signs which overhang any part of a building;
- H. Flashing or blinking signs;
- I. Billboards with an electronic message display system;
- J. Signs in a public right-of-way; and
- K. Handbills.

707 Signs Requiring a Conditional Use Permit in All Zones

- A. Signs painted directly on a building.
- B. Only the Board of Zoning Adjustments shall have the authority to approve sign variances or conditional use permits for signs unless the request is made to the Planning Commission in conjunction with a Development Plan. Applications for these signs shall be submitted and processed as outlined in Article VI of the City of Springfield Zoning Ordinance.

708 Signs Permitted by Specific Zone

Any sign not specifically permitted shall be prohibited.

708.1 Mobile Home Park (MHP) Zone

- A. One freestanding sign per park entrance. Sign shall not exceed 32 square feet in area, eight (8) feet in height, and shall have a minimum setback of 20 feet from any street.
- B. One nameplate wall sign per mobile home that shall not exceed one (1) square foot in area.

708.2 Low-Density Residential Zone (R-1)

- A. **Residence** - One nameplate wall sign not exceeding one (1) square foot in area.
 - a. One wall sign not exceeding one (1) square foot in area.

1. Every parcel shall be entitled to one sign not exceeding 36 square inches in area to be placed in any of the following locations:
 - i. On the front of every building, residence or structure;
 - ii. One each side of an authorized U.S. Postal Service mailbox; and
 - iii. On one post which measures no more than 48 inches in height and four (4) inches in width.
- B. **Home Occupation** - One wall sign not exceeding six (6) square feet in area.
- C. **Subdivision** - One freestanding sign per entrance into the subdivision not to exceed 32 square feet in area and eight (8) feet in height.
- D. **Buildings Used for Religious or Educational Activities**
 - a. One freestanding sign that shall not exceed 32 square feet in area and eight (8) feet in height;
 - b. One wall sign that shall not exceed 12 square feet in area;
 - c. One bulletin board that shall not exceed 12 square feet in area and eight (8) feet in height; and
 - d. Incidental signs which shall not exceed two (2) square feet in area nor require sign permits.
- E. **All other Conditional Uses:**
 - a. One freestanding sign that shall not exceed 32 square feet in area and eight (8) feet in height;
 - b. One wall sign that shall not exceed 12 square feet in area; and
 - c. Incidental signs which shall not exceed two (2) square feet in area nor require sign permits.

708.3 High-Density Residential Zones (R-2 and R-3)

- A. **Single Family Residence** - All single-family homes within these zones shall comply with the signage regulations for low-density residential zones regulated under Section 708.2 above.
- B. **Multi-Family Residence** - Multi-family residential buildings and conditional uses may have:
 - a. One freestanding sign that shall not exceed 32 square feet in area and eight (8) feet in height and shall have a front yard setback of 20 feet;
 - b. One wall sign that shall not exceed 12 square feet in area; and
 - c. Incidental signs which shall not exceed two (2) square feet in area nor require sign permits.
- C. **Buildings Used for Religious or Educational Activities**
 - a. One freestanding sign that shall not exceed 32 square feet in area and eight (8) feet in height;
 - b. One wall sign per building that shall not to exceed 12 square feet in area;
 - c. One bulletin board that shall not exceed 12 square feet in area and eight (8) feet in height; and
 - d. Incidental signs - which shall not exceed two (2) square feet in area nor require sign permits.

708.4 Standard Signage Permitted in all Commercial and Industrial Zones (CC, CR, HC and I-1))

- A. One freestanding or monument sign per street frontage with a maximum of two (2) signs per lot.
 - a. Freestanding signs shall not exceed 75 square feet in area, 25 feet in height, and shall have a minimum setback of 10 feet. When street frontage permits two (2) signs, the two freestanding signs may be combined into one (1) freestanding sign that shall not exceed 110 square feet in area. For buildings with more than one occupying business this freestanding sign may list all businesses within the building.
 - b. Monument signs shall not exceed 60 square feet in area, eight (8) feet in height, and shall have a minimum setback of 10 feet.
- B. One wall sign, canopy sign or awning sign per street frontage with a maximum of two (2) signs per building. The maximum allowed area for all signage in this category is 32 square feet or 15 percent of the wall area to which the sign, canopy or awning is attached, whichever is greater. Awnings shall have at least seven (7) feet of clearance when fully extended. When a building contains two or more separate businesses, these requirements shall be applied separately to the wall area of the portion of the building occupied by the individual business.
- C. One wall sign per tenant or lessee not exceeding two (2) square feet in area.
- D. One attraction board either attached to the wall or attached to the permitted freestanding sign not to exceed 32 square feet in area and eight (8) feet in height.
- E. One menu board for every property that includes a drive-thru lane, walk-up window or drive-up curbside. Menu boards shall not exceed 55 square feet in area and shall have a maximum height of eight (8) feet.
- F. Temporary signs – Shall include banners, streamers, tethered balloons, and inflatable signs and objects. One temporary sign per street frontage shall be allowed subject to the following conditions:
 - a. Shall not exceed 50 square feet per sign where non-rigid materials are used.
 - b. Shall not exceed 32 square feet per sign where rigid materials, such as wallboard or plywood, are used.
 - c. Shall comply with the applicable regulations for the zone in which they are located.
 - d. Shall not remain in place for a period of more than 14 continuous days.
 - e. Shall not be displayed for more than a total of eight (8) times in any calendar year.
 - f. Shall not be placed within the public right-of-way or the sight triangle at intersections.
- G. One marquee per theatre.
 - a. A marquee shall not exceed 32 square feet in area, shall not project more than eight (8) feet from the building face to which it is attached, and shall have a minimum clearance of eight (8) feet.
- H. Incidental signs – which shall not exceed two (2) square feet in area nor require sign permits.
- I. Buildings Used for Religious or Educational Activities

- a. In addition to signage permitted above, one bulletin board, not exceeding 32 square feet in area and eight (8) feet in height.
- b. Signs with electronic message display systems shall be prohibited in the CC (Central Commercial) and CR (Commercial Restricted) districts. Electronic message display systems may be incorporated into one freestanding or wall sign for each property located within the HC (General Highway Commercial) and I-1 (Industrial) zones.

708.5 Additional Signage Permitted in Specific Commercial and Industrial Zones

A. **Central Commercial (CC)** - In addition to the signage permitted in 708.4 above, the following signs shall be permitted:

- a. Permanent sidewalk sign - Where a building is located adjacent to the public right-of-way, one non-illuminated, freestanding sign may be permanently placed on the public sidewalk with the following restrictions:
 - 1. Sign shall not exceed five and one-half (5.5) square feet in area.
 - 2. The edge of the sign shall not extend beyond the curb line.
 - 3. The maximum dimensions of the support frame shall not exceed eight (8) square feet in area (maximum 48 inches wide or 36 inches high).
 - 4. The bottom of such support shall be seven (7) feet above the sidewalk and the vertical support shall be 24 inches from the curb.
- b. Portable sign - One shall be permitted for each business entrance subject to the following restrictions:
 - 1. Maximum surface area of the sign shall be six (6) square feet per face, maximum height of the sign shall be three (3) feet, and maximum width of the sign shall be two (2) feet.
 - 2. A minimum 36 inches wide pedestrian travel-way shall be maintained on the sidewalk. Signs may be designed with a changeable face and shall be removed from the public sidewalk when the business is closed.

B. **Commercial Restricted (CR)** - In addition to the signage permitted in 708.4, the following signs shall be permitted:

- a) Shopping Center Malls larger than 100,000 square feet may have one freestanding sign per street frontage with a maximum of 250 square feet per sign face and a maximum height of 30 feet. All other shopping malls may have one freestanding sign per street frontage with a maximum of 75 square feet per sign face and a maximum height of 25 feet.
- b) One interstate sign for those businesses which lie within a 2,500-foot radius of the center point of an interstate interchange overpass. This interstate sign shall take the place of either the permitted freestanding or wall sign outlined in 708.4 above. These businesses may have a combination of any two of these signs: interstate sign, freestanding sign, or wall sign. Interstate signs shall be subject to the following restrictions:
 - 1. Shall not have an electronic message display system.
 - 2. Individual signs shall not exceed 250 square feet in area.
 - 3. Height (from the base to the top of the sign) shall not exceed 90 feet.
 - 4. The sign's base shall be at least 90 feet from any residential zoned property.

5. In addition to a sign permit, a building permit shall be obtained prior to installation.

C. General Highway Commercial and Industrial Zones (HC and I-1)

In addition to the signage permitted in 708.4, the following signs shall be permitted:

- a. Shopping Center Malls larger than 100,000 square feet may have one freestanding sign per street frontage with a maximum of 250 square feet per sign face and a maximum height of 30 feet. All other shopping malls may have one freestanding sign per street frontage with a maximum of 75 square feet per sign face and a maximum height of 25 feet.
- b. One interstate sign for those businesses which lie within a 2,500-foot radius of the center point of an interstate interchange overpass. This interstate sign shall take the place of either the permitted freestanding or wall sign outlined in 708.4 above. These businesses may have a combination of any two of these signs: interstate sign, freestanding sign, or wall sign. Interstate signs shall be subject to the following restrictions:
 1. Shall not have an electronic message display system.
 2. Individual signs shall not exceed 250 square feet in area.
 3. Height (from the base to the top of the sign) shall not exceed 90 feet.
 4. The sign's base shall be at least 90 feet from any residential zoned property.
 5. In addition to a sign permit, a building permit shall be obtained prior to installation.
- c. One billboard shall be permitted subject to the following restrictions:
 1. The sign shall not have an electronic message display system.
 2. The property on which the billboard is located shall abut a federal or state highway.
 3. The sign shall be the principal use; there shall be no other buildings, freestanding signs, etc., on the lot.
 4. Signage face shall not exceed 720 square feet in area.
 5. The sign shall be located no closer than 300 feet to any other structure.
 6. The sign shall be at least 150 feet away from any residential zone or residential use.
 7. There shall be a 40-foot setback requirement from any right-of-way.
 8. Maximum height shall be 35 feet.

708.6 Planned Development

A permitted sign's height, size, location, and design features shall be determined by the sign requirements set forth in the zone in which the proposed or existing use is first permitted.

709 Advertising on Interstate Highways

No billboard shall be permitted adjacent to interstate or limited-access highways except in conformance with the setback requirements established by the Federal Bureau of Public Roads, the Kentucky Transportation Cabinet, and the requirements of this Zoning Ordinance with respect to the zoning district involved.

710 Maintenance Standards

Every sign, including those signs for which a permit is not required, shall be maintained in good condition at all times.

711 Penalties for Violation

Violation of the provisions of these sign regulations shall constitute a misdemeanor which shall be subject to the fines and penalties as set forth in Article VI for violation of this Zoning Ordinance.

712 Substitution Clause

The owner of any sign which is otherwise allowed by this chapter may substitute noncommercial speech in lieu of any other commercial speech or noncommercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial speech over any other noncommercial speech. This provision prevails over any more specific provision to the contrary.

713 Severability Clause

In the event any word or sentence in this ordinance, or provision or portion of this ordinance, or rules adopted by this ordinance is invalidated by any court of competent jurisdiction, the remaining words and/or sentences, provisions, or portions thereof shall not be affected and shall continue in full force and effect.

714 Definitions

The definitions contained in this section shall be applied in the interpretation of all sections within Article VII of this ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future tense, singular number shall include the plural, and plural include the singular.

1. **Abandoned Sign:** Signage that has been neglected and fallen into disrepair.
2. **Attraction Board:** Copy is changed manually or electronically on a regular basis.
3. **Awning Sign:** Applied directly to the surface of an awning; defined as a shelter supported entirely on a wall and made of non-rigid material supported by a frame.
4. **Banner Sign:** Made of non-rigid material with no enclosing framework.
5. **Billboard:** Signage intended for lease to a variety of businesses, organizations, and/or individuals. In such case, the sign itself shall be the income generator and the primary commercial use of the property.

6. **Bulletin Board:** Allows the manual or electronic change of copy and is used to notify the public of noncommercial events or occurrences such as church services, political rallies, civic meetings, or similar events.
7. **Canopy Sign:** Applied directly to the surface of a canopy; defined as a permanently roofed shelter covering a sidewalk, driveway, or similar area. Canopies may be supported by a building, columns, poles, braces, or a combination of both.
8. **Double-faced Sign:** Two (2) faces either set parallel or up to a 45 degree angle. Any two sign faces set at an angle greater than 45 degrees shall be considered two (2) separate signs.
9. **Electronic Message Display System:** Copy which uses rotating reflective discs, direct illumination, rotating veils, light emitting diodes (LEDs), liquid crystal diodes (LCDs), or other digital devices and is changed by a central computer.
10. **Farm:** A tract of at least 5 contiguous acres used for the production of agricultural or horticultural crops. Agricultural and horticultural crops shall be defined as, but not limited to, livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, ornamental plants, vineyards, and wineries.
11. **Flashing or Blinking:** Intermittent or sequential illumination for the purpose of attracting attention to the sign.
12. **Freestanding Sign:** Attached to the ground by columns, poles, braces, or other means and not attached to any building.
13. **Government Sign:** Temporary or permanent, erected by government employees or officers in the performance of their professional/elected duties.
14. **Handbill:** Printed or written material, circular, leaflet, pamphlet, or booklet designed for distribution on vehicles or other property, excluding postal distribution, which advertises merchandise, commodities, or services.
15. **Illegal Sign:** Does not meet the requirements of this zoning ordinance and has not been identified as a legal, nonconforming sign.
16. **Illuminated Sign:** Emits or reflects artificial light from any source.
 - a. **Directly illuminated:** Lighted by an unshielded light source (including neon tubing) which is visible as a part of the sign and where light travels directly from the source to the viewer's eye.
 - b. **Indirectly illuminated:** Light source projects light onto the exterior of the sign surface or onto the building where the sign is located.
 - c. **Internally illuminated:** Light source is within the sign, with a transparent or translucent background or cover which silhouettes letters or designs.
17. **Incidental Sign:** Not exceeding two (2) square feet in area.
18. **Interstate Sign:** Sign that is designed to be seen from an interstate highway.
19. **Marquee Sign:** Used in conjunction with a theatre, is attached to the building, and projects from the building.
20. **Menu Board:** Freestanding signs placed at properties where there is a drive-thru lane, walk-up window or drive-up curbside.
21. **Mobile Sign:** Affixed to a frame having wheels or capable of being moved. Mobile signs do not have a permanent foundation and cannot withstand the wind-load stress requirements of the adopted building code as they are designed to stand free from a building. The removal of wheels from such a sign or temporarily securing a sign of

this type shall not prevent it from being classified as a mobile sign within this definition. This includes signage placed in a truck bed or on a trailer designed to be pulled behind a vehicle.

22. **Monument Sign:** Attached to a permanent foundation or decorative base and not attached to or dependent for support from any building, pole, post, or similar upright.
23. **Nonconforming Sign:** Legally erected but does not comply with the current regulations for the zone in which it is located.
24. **Non-illuminated Sign:** Does not emit or reflect artificial light from any source.
25. **Portable Sign:** Small sign, easily transported by hand, placed outside during business hours and brought into the business after hours, usually tent style or A-frame.
26. **Projecting Sign:** Attached to a building, extends more than 24 inches.
27. **Roof Sign:** Projects above the cornice of a flat roof or the ridgeline of a gabled or hipped roof. In determining the top edge of the roof, calculation shall not include cupolas, pylons, chimneys, or other projections above the roofline.
28. **Rotating or Moving Sign:** Any portion of which moves by mechanical means or the wind; does not refer to changing copy with an electronic message display system.
29. **Sign:** Any copy, including material used to differentiate the copy from the background, which is applied to a surface as a means of identifying, advertising, announcing, or illustrating products, services, and/or events.
30. **Sign Clearance:** The vertical distance between the lowest point of any sign and the grade at the base of the sign.
31. **Sign Copy:** Any word, figure, number, symbol, or emblem affixed to a sign.
32. **Sign Height:** The vertical distance measured from the highest point of the sign, including the frame and any embellishments, to the bottom of the base of the sign.
33. **Sign Setback:** The horizontal distance between any street right-of-way and a sign. The measurement shall be taken at the closest point between the right-of-way and any part of the sign.
34. **Sign Surface:** That part of the sign on which the message is displayed.
35. **Square Foot:** A unit of area equal to one foot by one foot square.
36. **Street Frontage:** Property line that lies adjacent to street right-of-way.
37. **Temporary Sign:** A banner, pennant, poster, or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials and that appears to be intended to be displayed for a limited period of time. They are intended to be displayed for not more than 14 continuous days or more than eight (8) times per calendar year.
38. **Vehicle Signage:** Signage painted directly on a vehicle or attached magnetically.
39. **Wall Sign:** Attached directly to a building; includes mansards, canopies, awnings, and signs attached to a roof which do not project above the roofline.
40. **Window Display:** Merchandise or other objects placed inside a building to be viewed from outside the building.
41. **Window Sign:** Attached to or located within three (3) feet of the interior of a window and which can be seen through the window from the exterior of the structure.