

# **Eddyville Zoning Ordinance**

**For the  
City of Eddyville, Kentucky**



**May 6, 2013**

*Prepared By:*  
**The Pennyrile ADD  
300 Hammond Dr  
Hopkinsville, KY 42240**

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# **ARTICLE I**

## **GENERAL PROVISIONS**

**1.1 ADOPTION.** The Eddyville Zoning Ordinance, adopted by ordinance of the City of Eddyville, is confirmed and adopted as follows:

**1.2 SHORT TITLE.** This Zoning Ordinance shall be known and may be cited as the “Zoning Ordinance of Eddyville, Kentucky.”

**1.3 OBJECTIVES.** The objectives of this Zoning Ordinance are to promote the public health, safety and general welfare of the City of Eddyville; to facilitate orderly and harmonious development in the visual or historic character of the city; to regulate the density of population and the intensity of land use in order to provide for adequate light and air; to provide for vehicle parking and loading space; to improve the appearance of vehicular use areas and property abutting public rights-of-way; to require buffering between non-compatible land uses; and to protect, preserve and promote the aesthetic appeal, character, and value of the surrounding neighborhoods; to promote public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature, and artificial light glare; to facilitate fire and police protection; to prevent the overcrowding of land, blight, danger and congestion in the circulation of people and commodities; to prevent the loss of life, health or property from fire, flood, or other dangers; highways, and other transportation facilities, public facilities, including schools and public grounds, historic districts, central districts, natural resources, and other specific areas of the city which need special protection.

**1.4 INTERPRETATION.** In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be the minimum requirements adopted for the promotion of health, safety, comfort, prosperity and general welfare. It is not intended by the Zoning Ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law, ordinance or order, or with any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, or with any private restrictions placed upon property by covenant, deed or recorded plat; provided, however, where this Zoning 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 order, or by such rules, regulations or permits, or by such private restrictions, the provisions of the Zoning Ordinance shall control.

**1.41 Conflict of Ordinance.** Whenever these regulations, or subdivision plats approved in conformance with these regulations, are in conflict with other local ordinances, regulations, or laws, the more restrictive ordinance, regulation, or law shall govern and shall be enforced by appropriate local agencies. When subdivision and development plans, approved by the Eddyville-Kuttawa-Lyon County Joint Planning Commission, contain setback or other features in excess of the minimum Zoning Ordinance requirements, such features as shown on the approved plan shall govern and shall be enforced by the Zoning Administrator. Private deed restrictions or private covenants

for a subdivision, which have not been approved by the Joint Planning Commission and made a part of the approved subdivision plan, do not fall within the jurisdiction of enforcement by any local agency and cannot be enforced by the Zoning Administrator.

**1.5 REPEAL OF CONFLICTING LAW.** The Eddyville Zoning Ordinance adopted by the City of Eddyville, Kentucky and amendments thereto, existing prior to adoption of this Zoning Ordinance, is hereby repealed upon the adoption date of this Zoning Ordinance.

**1.6 SEPARABILITY.** If any clause, sentence, subdivision, paragraph, section or part of this Zoning Ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

**1.7 PLANNING AREA.** The Planning Area shall include all of the territory in the incorporated city limits of Eddyville, Kentucky.

**1.8 RECORDING.** A copy of this Ordinance shall be filed in the Office of the Lyon County Court Clerk.

**1.9 OFFICIAL ZONING MAP.** The City of Eddyville is hereby divided into zones and districts as provided herein and as shown on the Official Zoning Map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Zoning Ordinance. The Official Zoning Map shall be the official record of zoning status of all land in the City and be kept on file in the office of the City Clerk and shall be known herein as the "Official Eddyville Zoning Map."

**2.0 ZONING MAP AMENDMENTS.** Amendments to the Zoning Map changing the zoning status of an area made by ordinance of the local legislative bodies, after the effective date of said ordinance, shall be promptly posted on the Official Zoning Map by the Joint Planning Commission. Each amendment shall be identified on the map by a numerical designation referring to the Planning Commission's record of the amendment proceeding.

**2.2 RULES FOR INTERPRETATION OF ZONE AND DISTRICT BOUNDARIES.**

Where uncertainty exists as to the boundaries of zones and districts as shown on the Zoning Map, the following rules shall apply:

**2.21** Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;

**2.22** Boundaries indicated as approximately following platted lot lines shall be construed as following such lines;

**2.23** Boundaries indicated as approximately following city limits shall be construed as following such city limits;

**2.24** Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

- 2.25** Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- 2.26** Where the above stated rules do not indicate the exact location of the zone or district boundaries, then said boundaries shall be determined by appeal before the Board of Adjustment.

## **ARTICLE II DEFINITIONS**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Other terms shall be defined as in KRS 100.111.

***ACCESSORY USE* or *STRUCTURE*.** A use or structure subordinate to the principal use and located on the same premises serving a purpose customarily incidental to the principal use. For example, a retail business is not considered customarily incidental to a residential use. Residential accessory uses may include storage of household goods, parking areas, gardening, servants' quarters, private swimming pools, private emergency shelters, garages, carports and other similar uses.

***ADMINISTRATIVE OFFICIAL*.** Any department, employee, or advisory elected or appointed body which is authorized by the body of jurisdiction to administer any provision of the planning, zoning, and/or subdivision regulations, and if delegated, any provision of any housing or building regulations or any other land use control regulations.

**ADULT ORIENTED USES.** This includes, but is not limited to, all the following uses:

- a. Adult Bookstore/Video Store** – an establishment whose primary business includes the sale or rental of material (including books, periodicals, magazines, films, videotapes, CD-ROMs, DVDs, audio Tapes, or other printed or pictorial material) whether for on-premise or off-premise viewing, that is intended to provide sexual stimulation or gratification, or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas; and who devotes more than 15 percent of their total floor area to the items listed above.
- b. Adult Theater** – an establishment, whether open or enclosed, used for presenting material, for viewing, that is distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas. This definition includes adult arcade, adult mini-motion picture theater, adult booth(s), adult drive-in theaters.
- c. Adult Dancing** – Shall mean and include, but not limited to any dancing which exposes to view by patrons or spectators on the premises at any time the specified anatomical areas and/or specified sexual activities, as set forth herein.
- d. Adult Dancing Establishments** – an establishment including but not limited to any restaurant (eating and drinking establishment), lounge, dance hall, night club, or other



- such place whose business includes the offering to customers of live entertainment wherein employees, agents, servants, or independent contractors perform routines and/or display or expose specific anatomical areas, offered as adult oriented entertainment for viewing by patrons and spectators on the premises and characterized by the emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
- e. **Adult Motel** – a motel or similar establishment with the word “adult” or otherwise that advertises the presentation of adult material, offering public accommodations for any form of considerations which provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, or other adult cable or satellite transmissions for the primary purpose of engaging in sexual gratification or as related to specific sexual activities.
  - f. **Massage Parlor** – an establishment providing massages, for hire, by persons other than a licensed health care professional, including those activities that rub, stroke, knead, or tap the body with the hand or an instrument or both for the purpose of engaging in sexual gratification or as related to specific sexual activities. This does not include any licensed or sanctioned athletic activity that generally employs or uses a physical trainer and/or those listed herein under the definition of Licensed Massage Therapist.
  - g. **Specified Anatomical Areas** – less than completely and opaquely covered human genitals or pubic region; the cleavage of the human buttock; any portion of the human female breast below a horizontal line across the top of the areola at its highest point; the entire lower portion of the female breast, not including cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel provided that the areola is not exposed in whole or part.
  - h. **Specified Sexual Activities** – shall include, but not be limited to, human genitals in a state of sexual stimulation or arousal; sexual intercourse or sodomy.
  - i. **Licensed Massage Therapist** - (Licensed Health Care Professional) – any person who has graduated from a 600 hour Massage Therapy School, accredited by the State of Kentucky or who possesses a valid state license in massage therapy from any state which regulated the same by means of written examination; this may also include a physician, nurse, occupational therapist, physical therapist, podiatrist, or chiropractor.
  - j. **Protected Uses** – any use or area identified herein that may be influenced by or are susceptible to the secondary effects of adult oriented uses including: any residentially zoned area, public or private school, church, library, day care facility, public park or playground.

### ***AGRICULTURAL USE.***

- a.** A tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provisions for dwellings for persons and their families who are engaged in the agricultural use on the tract, but not including residential building development for sale or lease to the public;
- b.** Regardless of the size of the tract of land, small farm wineries licensed under KRS 243.155;
- c.** A tract of at least five (5) contiguous acres used for the following activities involving horses:
  - 1. Riding lessons;
  - 2. Rides;
  - 3. Training;
  - 4. Projects for educational purposes;
  - 5. Boarding and related care; or
  - 6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS 230, involving seventy (70) or less participants. Shows, competition, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations; or
- d.** A tract of land used for the following activities involving horses:
  - 1. Riding lessons;
  - 2. Rides;
  - 3. Training;
  - 4. Projects for educational purposes;
  - 5. Boarding and related care; or
  - 6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS 230, involving seventy (70) or less participants. Shows, competition, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations. This paragraph shall only apply to acreage that was being used for these activities before July 13, 2004.

***ALLEY.*** A dedicated public right-of-way other than a street, that affords a secondary means of access to abutting properties.

**ALTERATION.** Any change, rearrangement, or addition to a building, its supporting members, or its foundation other than repairs, and any modification in construction or in building equipment.

**AUTOMOTIVE REPAIR, MAJOR.** Repair of motor vehicles or trailer, including rebuilding or reconditioning of engines and/or transmissions, collision services repair, overall painting or paint shop and vehicle steam cleaning.

**AUTOMOTIVE REPAIR, MINOR.** Incidental minor repairs, upholstering, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half tons capacity, but not including any operation named under automotive repair, major, or any other similar thereto. Cars or trucks being repaired or under repair shall not be so stored outside the building for more than 48 hours.

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

**BASEMENT.** The portion of a building located partially underground but having more than one-half of its clear floor-to-ceiling height below the average grade of adjoining ground.

**BLOCK.** A surface land area which is separated, and distinguished from other surface land areas by visible physical boundaries such as streets, railroads, rivers, extremely steep land, or other physical barriers.

**BOARD.** The Board of Adjustments of the city, having jurisdiction unless the context indicates otherwise.

**BOAT REPAIR.** Repair and servicing of boats and other marine crafts.

**BOARDING HOUSE (ROOMING or LODGING HOUSE).** A residential building, or portion thereof, other than a motel, apartment hotel, or hotel, containing lodging rooms for accommodation of three or more persons who are not members of the keepers' family and where lodging or meals or both are provided by prearrangement and for definite periods at a definite prearranged price.

**BUILDING or STRUCTURE.** Any covered structure for the support, shelter, or enclosure of person, animals or moveable property of any kind, and which is permanently affixed to the land.

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

**BUILDING SETBACK.** A line parallel to the street right-of-way, or other property line, at any story level of a building that includes the overhang of the building, and set at a distance which all

or any part of the building is to be set back to from the property line, except as otherwise provided by these regulations.

***BUILDING PERMIT.*** A permit issued by the authorized officer allowing a proprietor or his agent to construct, alter, or remove a building, and the like, or engage in similar activity which would alter the character of the building or lot in question.

***BUILDING, PRINCIPAL.*** A building, including any permanently covered space such as porch and carports, and attached garages in which is conducted the principal use of the lot on which it is situated. In a Residential District, any dwelling shall be deemed to be the principal building on its lot.

***CAMPS or CAMPGROUNDS.*** Tracts of land or a design or character suitable for and used for seasonal, recreational, and other similar living purposes. The tracts may have located on them a structure of a seasonable, temporary, or moveable nature such as a recreation vehicle (RV) or tent. There shall be no sites within any Camp or Campground that has any tent, RV or lodging that is on the site for longer than three (3) contiguous months in any one (1) calendar year. This excludes cabins as part of a Planning Commission approved site plan and rented to different tenants on a daily or weekly basis. Mobile Homes are not allowed even as temporary uses.

***CERTIFICATE OF ZONING COMPLIANCE, ZONING CERTIFICATE or ZONING PERMIT.*** A certificate issued by the Building Inspector, before use or occupancy of any building or land stating that the proposed use of the building or land conforms to the requirements of these planning-zoning regulations. This shall apply to any building, premises, or land, or combination (except for the raising of crops and other agricultural activities) hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use of structure.

**COMMERCIAL CONFINED FEEDING OPERATIONS.**

Any livestock operation that has over the 300 head of cattle, hogs (swine), sheep or chickens that have more than 50 percent of their feed imported into their pens or buildings.

***COMMISSION or PLANNING COMMISSION.*** The Eddyville, Kuttawa, Lyon County Joint Planning Commission.

***COMPREHENSIVE PLAN.*** The extensively developed and evolving plan, also called a master plan, adopted by the Planning Commission.

***CONDITIONAL USE.*** A use which is essential to or would 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 to be located, or in adjoining zones, unless special restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulations.

***CONDITIONAL USE PERMIT.*** Legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the Board of Adjustment consisting of two parts:

- (a) A statement of the factual determination of the Board of Adjustment which justifies the issuance of the permit; and
- (b) A statement of the specific conditions which must be met in order for the use to be permitted.

**CONSERVATION.** Preservation of land, water, flora, fauna, and cultural artifacts in their original state.

**CONSUMER SERVICE.** Sale of any service to individual customers for their own personal benefit, enjoyment, or convenience. For example, consumer services include the provision of the personal services such as beautician and barbering services, the provision of lodging, entertainment, specialized instruction, financial services, transportation, laundry and dry cleaning services, and all other similar services.

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

**DEVELOPER.** An individual, partnership, corporation or other legal entity or agent thereof, which undertakes the activities covered by these regulations. Inasmuch as the subdivision plan drawings are merely a necessary means to the end of assuring satisfactory development, the term “developer” includes “subdivider”, “owner”, “builder”, and the like, even though the persons and their precise interests may vary at different project stages.

**DIMENSIONAL VARIANCE.** A departure from the terms of the planning-zoning regulations pertaining to height or width of structures and size of yards and open spaces, where such departure will not conflict with the public interests and where, owing to conditions peculiar to the property only because of its size, shape or topography, and not as a result of the actions of the applicant, the literal enforcement of the planning-zoning regulations would result in unnecessary and undue hardship.

**DWELLING or DWELLING UNIT.** Any building or portion thereof with one, or a suite of two or more rooms occupied or intended to be occupied exclusively for residential purposes, that is living and sleeping, by one family or housekeeping unit, and which includes permanently installed cooking and lawfully required sanitary facilities. This definition shall thus exclude a tent, cabin, trailer, or trailer coach or other temporary or transient structure or facility.

- (a) **SINGLE-FAMILY.** A single independent building occupied or construction to be occupied exclusively for residential purposes by one family or housekeeping unit.
- (b) **TWO-FAMILY.** A single independent building occupied or constructed to be occupied exclusively by not more than two families or housekeeping units.

(c) **MULTI-FAMILY.** A building or portion thereof, or group of buildings on one lot but containing separate living units, occupied or constructed to be occupied by more than two families of housekeeping units.

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

**DWELLING UNIT RENTALS.** Any single-family residential, duplex or condo units that are rented with short term rental leases involving renting units by the day or week.

**EASEMENT.** The right to use another person's property, but only for a limited and specifically named purpose. The owner generally may continue to make restricted use of such land since he has given up only certain, and not all, ownership rights.

**ENGINEER.** A qualified person registered and currently licensed to practice civil engineering in the state. Whenever qualifications are questioned, the commission will consult with the local chapter of The Kentucky Society of Professional Engineers or The Consulting Engineers Council of Kentucky.

**ESSENTIAL SERVICES.** Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface to overhead, gas, electrical, steam, water, sanitary sewerage, stormwater drainage, and communication systems and accessories thereof such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signal, pump lift stations, hydrants, and the like, but not including buildings.

**FAMILY.** A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

**FARM.** A place on which agricultural operations are conducted at any time under the control or supervision of one person, partnership or a manager. Places of less than five acres are counted as farms if the estimated sales of agricultural products for the year amounted or normally would amount to at least \$500. (Based on 2010 dollar to be adjusted for inflation.)

**FLOOR AREA.** The sum of the gross floor area for each of the several stories under roof measured from the exterior limits or faces of a building or structure.

**GARAGE, PUBLIC.** A building or land available to the public to use, operated for gain and which is used for storage, repair, rental, greasing, washing painting, servicing or equipping motor vehicles.

**GRADE.** The inclination, with the horizontal, of a road, unimproved land, and the like, which is generally expressed by stating the vertical rise or fall as a percentage of the horizontal distance.

**GRADE, FINISHED.** The completed surfaces of ground, lawns, walks, paved areas and roads brought to grades as shown on plans or designs relating thereto, or in existence at the time the certificate of zoning compliance is issued.

**GROUP HOUSEHOLD.** A group of individuals not related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single household unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

**HOME OCCUPATION.** An accessory use carried on in a dwelling unit or other structure accessory to a dwelling unit, but in no case occupying more than 25% of the total floor area of the building or buildings, by a member or members of the bona fide residents of the dwelling, except as permitted for a professional home occupation, and which is clearly incidental and secondary to the use of the dwelling unit for residential purposes, so that the character thereof is not changed, and it shall not have any exterior evidence of such secondary use.

**HOSPITAL.** Includes sanitarium, clinic, rest home, nursing home, convalescent home, house for the aged, and other place for observation, diagnosis, treatment or care of two or more individuals suffering from illness, injury, deformity or abnormality or from a condition requiring medical services.

**HOTEL.** An establishment containing lodging rooms for occupancy by transient guests, but not including a boarding or rooming house. Such an establishment provides customary hotel services such as maid and bellboy services, furnishings of and laundry of linens used in the lodging rooms, and central desk with telephone.

**HOUSING or BUILDING REGULATION.** Any regulations incorporating any housing, building or safety code, including, but not limited to such codes as plumbing, electrical, elevator, boiler, fire safety, and minimum housing, or any other regulation.

**HUD LABEL.** The label affixed to a new manufactured home by the manufacturer after it has been approved by a third-party inspector, as required under the HUD Act.

**IMPACT AREA.** A radius of 200 yards drawn around the proposed placement of a qualified manufactured home with the proposed placement being the center point of the Manufactured Home.

**IMPROVEMENT BOND.** Performance bond or other type of surety with fixed expiration date after which date the Commission shall cause the surety to be used in completing any necessary work.

**IMPROVEMENTS.** Physical changes made to raw land, and structures placed on or under the land surface, in order to make the land more usable for people'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, and the like.

**INDUSTRY.** The processing of products or raw material. The two categories of industry are defined according to the following performance standards.

- (a) **GENERAL INDUSTRY.** The industry in which processing of products results in the emission of any atmospheric pollution, visible light flashes or glare, odors, or noise or vibration which may be heard or felt off the premises, or that industry which constitutes a fire or explosion hazard.
- (b) **LIGHT INDUSTRY.** The industry in which procession of products results in none of the conditions described for above type industry.

**JUNK YARD.** A lot, land or structure, or part thereof of 200 square feet or more, 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.

**KENNEL.** Any premises or portions thereof on which four or more dogs, cats or other household domestic animals over four months-of-age are kept, or on which more than two such animals are maintained, bred, or cared for, for enumeration or sale. (See KRS 100.365 for further definition.)

**LAND SURVEYOR.** A person licensed as a land surveyor by the state.

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

**LODGING ROOM.** A room rented as sleeping and living quarters, but without cooking facilities, and with or without an individual bathroom. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one lodging room.

**LOT.** A single parcel of land which may be legally described as such, or two or more adjacent numbered lots or parts of such lots in a recorded subdivision plat having principal frontage on a street which comprises a site occupied by, or intended for occupancy by one principal building or principal use together with accessory buildings and uses, yards and other open spaces required by this chapter.

**LOT AREA.** An amount of surface land contained within the property lines of a lot, including land within easements on the lot, but excluding any land within street rights-of-way.

**LOT, CORNER.** A lot which has an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting upon a curved street shall be considered a corner lot in the



tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135 degrees

**LOT, DEPTH.** The average horizontal distance from the street line of the lot to its opposite rear line measured at right angles to a straight front lot line, or the tangent to the middle of the arc if it is a curved front line.

**LOT, DOUBLE FRONTAGE.** A lot having two or more of its nonadjoining property lines abutting upon a street or streets.

**LOT, FRONTAGE.** The distance along the front lot line.

**LOT, INTERIOR.** A lot other than a corner lot.

**LOT, RECORDED.** A lot designated on a subdivision plat or deed duly recorded pursuant to statute in the County Clerk's office.

**LOT, REVERSE FRONTAGE.** A double frontage lot which has its vehicular access point limited to the back of the lot, rather than having access on its front as do most lots.

**LOT, ZONING.** A parcel of land composed of one or more recorded lots, occupied or to be occupied by a principal building or buildings or principal use or uses along with permitted accessory buildings or uses meeting all the requirements for area, buildable area, frontage, width, yards, setbacks, and any other requirements set forth in this chapter.

**LOT LINE, FRONT.** The line separating the lot from the street right-of-way, and in this respect it constitutes a portion of the street right-of-way line.

**LOT LINE, REAR.** A lot line other than front or side lot lines, contributing to the definition of property boundaries.

**LOT LINE, SIDE.** A lot line starting from a point along the front lot line and other than a rear lot line and contributing to the definition of property boundaries.

**LOT WIDTH.** The straight horizontal distance measured between the opposite two points of the intersection of the building line with the two opposite side lot lines.

**MANUFACTURED HOME.** A single-family residential dwelling constructed after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act, Act of 1974, 42 U.S.C. §§ 5401 *et seq.*, as amended, and designed to be used as a single-family residential dwelling with or without permanent foundation when connected to the required utilities, and which includes plumbing, heating, air conditioning and electrical systems contained therein. (KRS 100.348). See *Qualified Manufactured Home* definition on page 16.

**MANUFACTURED HOME PARK.** A parcel of land under single ownership on which two or more manufactured homes are occupied as residences and meeting the requirements of this section.

**MOBILE HOME.** A structure manufactured prior to June 15, 1976, that was not required to be constructed in accordance with the National Manufactured Housing Construction in Safety Standards Act, that is transportable in one or more sections, that, in the traveling mode is eight body feet or more in width and 40 body feet or more in length, or when erected on site, 400 or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling on a temporary or permanent foundation, when connected with the permanent required utilities, including plumbing, heating, air conditioning and electrical systems. (KRS 100.348)

**MODULAR HOME.** An off-site building system which is designed to be used as a residence and which is not a manufactured home, qualified manufactured home or mobile home. A modular home meets the same Kentucky Residential Building Code as site-built homes, and it does not have a HUD Label or title

**MOTEL.** A series of attached, semi-attached or detached sleeping or living units, each with at least a bedroom and a bathroom, for the temporary accommodation of transient guests, the units having convenient access to off-street parking spaces, for the exclusive use of guests or occupants.

**MULTI-FAMILY DWELLING.** A building grouping a number of rooms or suite of rooms with an independent entrance for each from outside or from a common hallway, and consisting of at least one habitable room, together with a kitchen or kitchenette and sanitary facilities per each such room or suite of rooms.

**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 of the regulations, contained in the zoning regulations which pertain to the zone in which it is located.

**NONRETAIL COMMERCIAL.** Commercial sales and services to customers who intend resale of the products or merchandise sold or handled. For example, nonretail commercial includes wholesale activities, warehousing, trucking terminal, and similar commercial enterprises.

**NURSING HOME or REST HOME.** A home for the aged, chronically ill or incurable persons in which three or more persons not of the immediate family are received, kept, or provided with food and shelter and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured.

**OPEN SALES LOT.** Land used or occupied for the purpose of buying or selling merchandise stored or displayed out-of-doors prior to sale. Such merchandise includes, but is not limited to, passenger cars, trucks, motor scooters, motorcycles, boats, monuments, and trailers.

**OPEN SPACE.** Parks, common greens, other recreation space or generally open areas available to the public or yards or other open areas provided in connection with residential buildings occupied by more than two families per lot which are intended for the sole use of the occupants of such buildings and their guests.

**OUTDOOR ADVERTISING.** Visible or immobile structure in any shape or form the purpose of which is to advertise any product or service, campaign, event, and the like.

**PARKING SPACE.** An off-street space used for the temporary location of one licensed motor vehicle, which is at least 200 square feet in area and nine feet wide, not including access driveway, and having direct access to a street or alley (space may be either enclosed or open).

**PERFORMANCE STANDARDS.** A criterion established to control noise, odor, smoke, particulate matter, toxic or noxious matter, vibration, fire and explosion hazards, or glare or heat generated by or inherent in uses of land or buildings.

**PERMANENT FOUNDATION.** Any structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity. The permanent foundation system shall include a method of transporting loads to the earth and shall provide for a continuous exterior enclosure between the perimeter of the house and the earth. The overall system shall be an engineered system to comply with soil conditions. Applicable standards would include manufacturer's recommendations in compliance with H.U.D. requirements and recognized standards such as A225.1 (ANSI) and Guideline Standards for the Installation of Manufactured Housing (CABO).

**PERMIT.** Refers to a written official document permitting an action relating to the use, development, or improvement of land or building. Permit shall include the certification indicating compliance with the requirements of these regulations as well as certification permitting occupancy and/or use of the land or building in question.

**PLANNED UNIT DEVELOPMENT.** An area of land controlled by a single landowner and developed as a single entity for a number of dwellings and/or buildings, the plan for which does not necessarily correspond in lot size, bulk, type of dwelling unit, density, lot coverage or required open space to any other residential or commercial zone.

**PLAT.** The map of a subdivision, recorded with the county courthouse.

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

**PROCESSING.** Manufacturing, reduction, extraction, packaging, repairing, cleaning, and any other similar original or restorative treatment applied to raw material, products, or personal property.

**PROFESSION or PROFESSIONAL.** A business in which gain or livelihood depends on and requires specialized knowledge and often long intensive academic preparation, and usually follows a line of conduct and requires adherence to technical or ethical standards. Included in this definition, but not limited, are the following professional business activities: accounting,

chiropractry, dentistry, practice of medicine, landscape architecture, land surveying, practice of law, optometry, osteopathy physiotherapy, podiatry, professional planning, architecture, brokerages (stocks, real estate) engineering, or psychology.

**PROFESSIONAL RESIDENCE OFFICE.** A residence in which the occupant has a professional office which is clearly secondary to the dwelling used for dwelling purposes and does not change the residential character thereof, and where not more than three persons are working.

**PUBLIC FACILITY.** Any use of land whether publicly- or privately-owned for transportation, utilities, or communication, or for the benefit of the general public, including, but not limited to, libraries, streets, schools, fire or police station, governmental building, municipal building, cemeteries, and recreational centers including parks.

**QUALIFIED MANUFACTURED HOME.** A manufactured home meeting all of the following criteria:

- (a) Is manufactured on or after July 15, 2002;
- (b) Is affixed to a permanent foundation and is connected to the appropriate facilities and is installed in compliance with KRS 227.570;
- (c) Has a width of at least 20 feet at its smallest width measurement and oriented on the lot or parcel so its main entrance door faces the street;
- (d) Has a minimum total living area of 900 square feet; and
- (e) Is not located in a manufactured home land-lease community.

**RECREATION VEHICAL (RV).** A Recreational Vehicle means any of the following:

- (a) "Travel trailer" means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation, or vacation;
- (b) "Pickup coach" means a structure designed to be mounted on a truck for use as a temporary dwelling for travel, recreation, or vacation;
- (c) "Motorhome" means a portable, temporary dwelling to be used for travel, recreation, or vacation, constructed as an integral part of a self-propelled vehicle;
- (d) "Camping trailer" means a canvas or other collapsible folding structure, mounted on wheels and designed for travel, recreation, or vacation use;
- (e) "Dependent recreational vehicle" means a recreational vehicle which does not have toilet, lavatory, or bathing facilities; or

- (f) “Self-contained recreational vehicle” means a recreational vehicle which can operate independent of connections to sewer, water, and electric systems. It contains a water-flushed toilet, lavatory, shower or bath, kitchen sink, all of which are connected to a water storage and sewage holding tanks located within the recreational vehicle.

**RELATIVES.** Persons standing in the relation of son, daughter, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, father, or mother, brother, sister, grandchildren or grandparents.

**RETAIL SALES.** Sale of any product or merchandise to customers for their own personal consumption or use, not for resale.

**RIGHT-OF-WAY.** Land used generally for streets, sidewalks, alleys or other public uses. Right-of-way also is a land measurement term, meaning the distance between lot property lines which generally contains not only the street pavement, but also the sidewalks, grass area, and underground and above-ground utilities.

**ROADWAY.** The portion of the street right-of-way which contains the street pavement and gutter or surface ditch and is used primarily as a channel for vehicular movement and secondarily as a drainage channel for stormwater.

**SALES AREA: AUTOMOBILE, MOBILE HOME or TRAILER.** An enclosed or open area, other than a street, used for the display sale or rental of new or used motor vehicles, mobile homes, trailers, or boats in operable condition, and where no repair work is done.

**SANITARY LANDFILL.** A method of disposing of refuse by spreading and covering such refuse with earth to a depth of two or more on the top surface and one foot or more on the sides of the bank.

**SECTION.** A unit of a manufactured home at least ten body feet in width and 30 body feet in length.

**SERVICE AREA.** Includes those parts of any lot which are used primarily to provide access for servicing the use on the lot, including land used for delivery of goods, storage and collection of wastes and provision for maintenance.

**SETBACK, BUILDING.** The minimum horizontal distance between the front line of a building or structure and the lot line to include the furthest part of the building's overhang.

**SIGN.** A structure, building or part thereof, or pennant, for visual communication that is used for the purpose of bringing the subject thereof the attention of the public. A sign does not include the flag or insignia of any nation, state or city nor any political, education, charitable, philanthropic, religious advertising campaign, provided that such advertising shall not be displayed for a period exceeding 30 days.

**STABLE.** A building in which horses are kept for public or private use, remuneration, hire or sale.

**STATION, FILLING or GASOLINE.** An area of land, together with any structure thereon, used for the retail sale of motor, fuel and lubricants and incidental services, such as lubrication and handwashing, of motor vehicles, and the sale, installation or minor repair of tires, batteries or other automobile accessories, but not for painting or major repairs. Open storage shall be limited to no more than four vehicles stored for minor repair bearing current license plates. Such storage shall not exceed 72 hours duration and shall not permit the storage of wrecked vehicles.

**STORAGE or STORAGE SPACE.** Land or enclosed building used for the keeping of goods, wares, supplies or equipment.

**STORY.** That part of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it then the ceiling above it. See Appendix A to this chapter.

**STREET.** An improved, public right-of-way 50 feet or more in width which provides a public means of access to abutting property consisting of more than one lot in more than one ownership, or any such right-of-way more than 30 feet and less than 50 feet in width provided it existed prior to the enactment of these regulations and provided such street has been accepted by the city. The term **STREET** shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.

**STREET, CENTERLINE OF.** The line which is usually at an equal distance from both street lines, or right-of-way lines.

**STREET GRADE.** The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the street grade.

**STRUCTURAL ALTERATION.** Any change, other than incidental repairs which would prolong the life of the supporting members of a building or structure such as bearing walls or partitions, columns, beams or girders or any substantial change in the roof or exterior walls.

**STRUCTURE.** See definition of **BUILDING** or **STRUCTURE** above.

**SUBDIVISION.** A division of real property, improved or unimproved, or portion thereof shown, on the last preceding tax roll as a unit or as contiguous units, into three or more parcels, lots, plots, sites, or other division of land, with or without streets for the purpose of immediate or future sale, transfer of the ownership, or building development, except that the division of land for agricultural purposes in parcels of more than ten acres not involving any new streets or easement of access shall be exempted from the application of this term.

**SUPPORT SYSTEM.** A pad or combination of footing, piers, caps, plates and shims, which when properly installed, support the manufactured/mobile home.

***THEATER, DRIVE-IN.*** Open land with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical production, to patrons seated in automobiles or on outdoor seats.

***TOURIST HOME.*** Same as ***BOARDING*** or ***LODGING HOUSE*** except where the overnight accommodation is provided for compensation for transient type of guests.

***TRAILER, TRAVEL TRAILER.*** A vehicular portable structure built on a chassis and not exceeding a gross weight of 4,500 pounds when factory equipped for the road or an overall length of 30 feet and designed to be used as a temporary dwelling for travel, recreational, and vacation uses.

***USE.*** The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

***USE, CONDITIONAL.*** Uses of such variable nature as to make control by rigid preregulation impractical. After due consideration in each case, by the Board of Adjustments, after receiving the report and recommendation of the Planning Commission relative to the impact of such use at the particular location, such ***CONDITIONAL USE*** may or may not be granted by the Board of Adjustments.

***USE, PERMITTED.*** A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and performance standards, if any, of such district.

***USE, PRINCIPAL.*** The main use of land or buildings as distinguished from a subordinate or accessory use. It may be either a permitted or special use.

***UTILITIES.*** Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

***VARIANCE.*** A modification from the literal provisions of these regulations by the Board of Adjustment in cases where a literal enforcement of its provisions would result in unnecessary hardship due to circumstances unique to the individual property or use for which the variance is granted. Financial disadvantage to the property owner is no proof of hardship within the purpose of these regulations. No granting of a variance shall be materially detrimental to the public welfare or injurious to the surrounding improvements or subdivision.

***WILDLIFE RESERVE.*** Includes bird sanctuary, zoo, forest reserve, game reserve, botanical garden.

**YARD.** An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise provided in this chapter.

**YARD, CORNER SIDE.** A side yard which adjoins a street or thoroughfare.

**YARD, FRONT (SETBACK).** A yard which is bounded by the side lot lines, front lot line, and the front yard line.

**YARD, INTERIOR SIDE.** A side yard which is located immediately adjacent to another lot or to an alley separating such side yard from another lot.

**YARD, REAR (SETBACK).** A yard which is bounded by side lot lines, rear lot line, and the rear yard line.

**YARD, SIDE (SETBACK).** A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

**ZONE.** An established area within the community in which the provisions of these regulations are applicable.



## **ARTICLE III GENERAL REGULATIONS**

### **3.1 Manufactured, Mobile and Modular Home Placement Guidelines**

#### **Permitted Placement**

- 1 A “mobile home” as defined by KRS 219.320 and incorporated herein is not allowed in any zoning districts in the City of Eddyville.
- 2 Manufactured homes constructed between June 1976 and July 15, 2002 are not allowed in any zoning districts in the City of Eddyville.
- 3 Modular homes as defined herein are allowed in all Residential and Lake Resort Zoning Districts providing they meet all size and other requirements of each district.
- 4 A “qualified manufactured home” as a permanent residence approved individually, by specific materials and design, can be permitted as a Conditional Use in any district permitting a dwelling unit, subject to the requirements applying to residential uses in the district, subject to the compatibility criteria herein. Applications for approval shall be submitted to the Planning Commission on the appropriate forms as required to make a determination on the compatibility of the proposed structure.

### **3.2 Procedure for Approval of Qualified Manufactured Homes.**

- 1 At a minimum, the application shall contain the following information:
  - a. Name, address and phone number of applicant;
  - b. Building detail, including but not limited to, structure size, structure height, building area, roof pitch, foundation detail, photo or illustration of home and number of stories;
  - c. Legal description of property;
  - d. Plan of the proposed site for the qualified manufactured home placement showing streets, property lines, lot dimensions, setbacks, existing structures, proposed structures, setback distances and all utility and drainage easements.
- 2 Within 60 days from the receipt of the application, the Planning Commission will make a determination to deny, conditionally approve or approve the proposed placement of the qualified manufactured home based on the *Compatibility Standards for Qualified Manufactured Homes* as stated herein.

### **3.3 Compatibility Standards for Qualified Manufactured Homes.**

1 In order to determine the percent of compatibility or incompatibility of qualified manufactured homes the following calculations apply.

- a. The site of the proposed qualified manufactured home will be the center point and a radius of 200 yards will be drawn encompassing the impact area.
  - b. The number of habitable single-family units within the impact area will be counted. The number of existing units, which meet or exhibit the same characteristics of the proposed qualified manufactured homes, will be counted.
  - c. In determining compatibility, each characteristic, i.e., size, roof pitch and elevation, will be counted separately. The following measurements apply.
    - 1) The size of a proposed qualified manufactured home that has a gross floor area of 200 square feet above or below the median of existing structures within a 200-yard radius of the proposed site is deemed compatible.
    - 2) The roof pitch of a proposed qualified manufactured home that demonstrates a roof pitch at or above the median of existing structures within a 200-yard radius of the proposed site is deemed compatible.
    - 3) The elevation of a proposed qualified manufactured home that measures at or above the medium vertical height of the surrounding existing structures shall be deemed compatible.
    - 4) The number of stories of a proposed qualified manufactured home that conforms with the median number of stories of existing structures shall be deemed compatible.
    - 5) The skirting of all proposed qualified manufactured homes must be masonry in the form of brick or concrete block based on the average footers on homes in the area.
- 2 The number of units for each characteristic will be totaled and divided by the total number of units to determine the applicable percentage.

### **3.4 Replacement of Nonconforming Homes.**

1. A manufactured or mobile home placed and maintained on a tract of land and deemed to be a legal nonconforming use prior to the adoption of this chapter, shall continue to be a legal nonconforming use. If the nonconforming use is discontinued, or

abandoned for more than two years, the land thereafter must be used in conformity with all provisions of this chapter.

- 2 A manufactured or mobile home deemed a legal nonconforming use may not be replaced by a qualified manufactured home unless it meets all Compatibility Standards for Qualified Manufactured Homes and all other requirements herein, unless it is in a Manufactured Home Residential District.

### **3.5 Off-Street Parking and Loading.**

- 1 Off-street automobile and vehicle storage and parking space shall be provided on any lot on which any of the following uses are hereafter established. Such space shall be provided with vehicular access to street or alley and shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
  - a. Dwellings: Two parking space for each dwelling unit. Garage parking is not included in these two required spaces.
  - b. Tourist accommodations: One parking space for each room offered for tourist accommodations.
  - c. Theater, stadium, auditorium, or other places of public assembly: One parking space for each two (2) seats, based on maximum seating capacity.
  - d. Hotel: One parking space for each guest sleeping room. Twenty five percent of all parking spaces must be 10 feet wide and 20 feet long and be designated for vehicles with trailers. These spaces designated for trailers must have adequate turning radius for vehicles with trailers to enter and exit these designated parking spaces.
  - e. Stores and similar establishments for business use: One parking space for each 150 square feet of store floor area, plus loading, unloading and servicing areas.
  - f. Office building: One parking space for each 150 square feet of office floor area.
  - g. Industrial or manufacturing establishments: One parking space for each five workers, based on peak employment, and adequate space for loading and unloading all vehicles used incidental to the operation of the industrial or manufacturing establishment.

### **3.6 Non-Conforming Uses or Structures.**

An activity, building sign, structure, or portion thereof, which lawfully existed before the adoption or amendment of the Zoning Ordinance, but which does not conform to all the regulations contained in the Zoning Ordinance for such use or structure. Any use or building which does not conform to this Ordinance may not be:

1. Changed to another non-conforming use;
2. Re-established after discontinuance for six months;
3. Extended except in conformity to this chapter; or
4. Rebuilt after damage exceeding 2/3 of its PVA value immediately prior to damage, residences excepted.

### **3.5 Adult Uses Placement Guidelines**

#### **1. Permitted Use in I-1 Industrial District**

All adult oriented uses may only be permitted in an I-1 Industrial District provided they meet a 1,000 foot separation distance from all *Protected Uses* to include any residential zoned area, public or private school, church, place of worship, library, day care facility, public park or playground. The separation distance will be measured from the closest property line from which the adult use is proposed to the closet property line of the parcel which is listed herein as a *Protected Use*. See the definition section on all adult oriented uses.

## **ARTICLE IV DEVELOPMENT PLANS**

### **4.1 Development Plan Review**

A Development Plan Review is required for all proposed commercial, church, PUD's, industrial and multi-family developments. The purpose of this Article is to establish and define what is required as part of a planning review procedure. All development plans must be approved by the Planning Commission. The criteria for the element that must be a part of the development plan, and the plan review process, is outlined in an Addendum to the Zoning Ordinance entitled ***DEVELOPMENT PLAN APPROVAL AND LANDSCAPING GUIDELINES Content and Format Standards, Zoning Ordinance Addendum, City of Eddyville, Kentucky.***

## **ARTICLE V LANDSCAPING AND LAND USE BUFFERS**

### **5.1 Landscaping Plan Review**

A Landscape Plan Review is required for all proposed commercial, church, industrial, PUD and multi-family developments. The purpose of this Article is to establish and define what is required as part of a landscaping review procedure. All landscape plans must be approved by the Planning Commission. The criteria for the element that must be a part of the landscape plan, and the plan review process, is outlined in an Addendum to the Zoning Ordinance entitled ***DEVELOPMENT PLAN APPROVAL AND LANDSCAPING GUIDELINES Content and Format Standards, Zoning Ordinance Addendum, City of Eddyville, Kentucky.***

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

### **6.1 Statement of Purpose.**

The intent of Planned Unit Development (PUD) is to permit greater flexibility and consequently, more creative and imaginative design for developments than generally is possible under the conventional zoning regulations. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities and preservation of natural qualities of open space.

### **6.2 Permitted Districts.**

- a. A residential PUD is permitted in R-2 residential districts and Lake Resort Districts upon approval of the Planning Commission.
- b. A combination of Residential and commercial planned unit developments are allowed only in Lake Resort Districts, in accordance with the provisions of this chapter.
- c. Condos or multi-family developments are only allowed in R-3 and LR Districts, in accordance with the provisions of this chapter.

### **6.3 Standards.**

- a. *Area size.* The minimum size of a PUD shall not be less than five (5) acres.
- b. *Building site coverage.* The total lot coverage permitted for all buildings on the site shall not exceed 60% of the lot area.
- c. *Building height limit.* The maximum building height limit of any building shall not exceed 70 feet in height.
- d. *Setback requirements.* Setback requirements shall be as follows:
  - (a) Front yard: any building facing a local street, minor or major artery, as defined in the Subdivision Regulations, shall be one-half of the right-of-way or not less than 25 feet and not to exceed 40 feet;
  - (b) Side yard (from adjoining property line): 20 feet; and
  - (c) Rear yard (from adjoining property line): 20 feet.

### **6.4 General Requirements.**

- a. *Platting requirements.* Each PUD shall be platted. The plat shall contain information as required in the *Eddyville Development Plan and Landscape Regulations*. The plat shall also conform to the requirements set forth in this section. In the event that conflicts occur, this section shall prevail.

- b. *Density.* The density for all approved PUD plans shall not exceed the density requirements found in the underlying zoning district.
- c. *Open Space.* At least 20% of the total gross area shall be devoted to the properly planned, permanent, usable open space. The common open space shall be used for recreational, park or environmental amenity for common enjoyment by occupants of the development, but shall not include public or private streets, driveways or utility easements.
- d. *Maintenance of common open space.* Planned unit developments shall be approved subject to the submission of a legal instrument or instruments setting forth a plan or manner of permanent care and maintenance of the open spaces, recreational areas and community owned facilities. No such instruments shall be accepted until approval by the City Attorney as to legal form and effect, and the Planning Commission as to suitability for the proposed use of the open space.
- e. *Landscaping.*
  - (a) A landscaping plan shall be required at a time of initial submission, showing the spacing, sizes and specific types of landscaping material.
  - (b) Existing trees shall be preserved whenever possible. The location of trees should be considered when planning the common open space, location of buildings, underground structures, walks, paved area, playgrounds, parking areas and finished grade levels.
  - (c) A grading plan which will confine excavation, earth-moving procedures and other changes to the landscape in order to ensure preservation and prevent despoliation of the area to be retained as common open space will be required.
- f. *Traffic circulation.* Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic.
- g. *Street construction.*
  - (a) Standards of design and construction for both public and private streets, within planned residential development, shall comply with the standards of design set forth in the Subdivision Regulations of the Joint Planning Commission.
  - (b) Streets in a PUD may be dedicated to public use or may be retained under private ownership. Standards for construction shall be the same for both public and private streets.
- h. *Parking.*
  - (a) For each dwelling unit, there shall be off-street parking spaces consisting of not less than two (2) off-street parking spaces that does not include garage parking. Variances from this requirement can be obtained from the Board of Zoning Adjustment.
  - (b) Parking areas shall be arranged so as to prevent through traffic to other parking areas.
  - (c) Parking areas shall be screened from adjacent structures, roads, and traffic arteries with hedges, dense planting, earth berms, changes in grade or walls.

- (d) No more than 15 parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
  - (e) No more than 60 parking spaces shall be accommodated in any single parking area.
  - (f) All streets and any off-street loading area shall be paved. All areas shall be marked so as to provide for orderly and safe loading, parking, and storage.
  - (g) Parking for nonresidential purposes shall be provided appropriate to the type of nonresidential use, as set forth in the *Eddyville Development Plan and Landscape Regulations*.
  - (h) All common parking areas shall be adequately lighted. All such lighting shall be so arranged as to direct the light away from adjoining residences.
  - (i) All parking areas and off-street loading areas shall be graded and drained so as to dispose of all surface water without erosion, flooding and other inconveniences. All off-street parking spaces are required to have an asphalt or concrete surface.
- i. *Buffers.* Where a PUD abuts another district of lower intensity, a permanent open space at least 25 feet wide shall be provided along the property line and shall be maintained with landscaping. No driveway or off-street parking shall be permitted in this area.
- j. *Nonresidential development.*
- (a) Nonresidential uses, limited to those specifically recommended for approval by the Planning Commission, are permitted in a planned unit development provided that such uses primarily are for the service and convenience of the residents of the development.
  - (b) Layout of parking areas, service areas, entrances, exits, yards, courts, landscaping and control of signs, lighting, noise or other potentially adverse influences shall be such as to protect residential character within the PUD District and desirable character in any adjoining residence district.
  - (c) No building permit for any nonresidential use in a mixed PUD, (i.e., residential/commercial or professional ) shall be issued prior to having at least 50% of the residential dwellings under construction.
- 7 *Development Plan Review.* A Development Plan Review is required as per the design guidelines listed in the *Eddyville Development Plan and Landscape Regulations*.
- 8 *Approval process.* The following requirements must be fulfilled prior to approval of a PUD application.
- a. Upon receipt of an application and site plan for the proposed development, the Planning Commission shall hold a Public Hearing. The Planning Commission may approve, in concept, the preliminary development plans and shall have the authority to attach conditions to the plan. However, no grading or other construction may start on the parcel without a Final Development Plan approved by the Planning Commission using the same design requirements that are listed in the *Eddyville Development Plan and Landscape Regulations*.



- b. If the PUD is developed in stages, the total area shall be reviewed as a Master Preliminary Development Plan at the Public Hearing and each successive stage or phase can be approved under a Final Development Plan without a Public Hearing providing the Planning Commission feels the phase requesting Final Development Plan approval has no significant changes from the Preliminary Plan.
- c. *Planning Commission action.* The Planning Commission will either:
  - (a) Grant approval, which means the developer may proceed with the project; Postpone action, which means action is delayed for reasons which shall be noted by the Commission; or
  - (b) Deny approval, which means denial of approval for the submitted PUD. Before any further action is taken, the developer must review his plan to conform to the Commission's recommendations.

## **ARTICLE VII ZONING DISTRICT REGULATIONS**

### **Zoning Districts and the Adoption of Official Zoning Map.**

The following Zoning Districts are delineated on the Official Zoning Map dated May 6, 2013 and filed with the City and County Clerks. The map is made a part of this chapter and identifies the locations of the following Zoning Districts:

- 1. Agricultural (A-1)**
- 2. Single-Family Residential (R-1)**
- 3. Medium Density Residential (R-2)**
- 4. Multi-Family Residential (R-3)**
- 5. Lake Residential District (L-1)**
- 6. Suburban Residential District (SR)**
- 7. Manufactured Home Residential District (MHR)**
- 8. Central Business District (B-1)**
- 9. Highway Commercial District (B-2)**
- 10. Lake Resort District (LR)**
- 11. Light Industry District (I-1)**
- 12. General Industry District (I-2)**
- 13. Conservation District (CD)**

## **Single-Family Residential (R-1)**

### **1 Permitted and Accessory Uses.**

Permitted and Accessory Uses are listed in the *Zones and Use Tables* herein. The R-1 District is a low density residential zoning district designed for single-family homes and those uses compatible with single-family residential development.

### **2 Minimum Lot Size Requirements.**

For single-family there shall be a minimum of 14,000 square feet of lot area. The minimum lot width at the building line shall be not less than 100 feet.

### **3 Building Setbacks.**

Buildings facing streets shall be set back 50 feet from the right-of-way of the street or road on which the building abuts. Side yard setbacks shall be 15 feet and rear yard setbacks shall be 25 feet except that garages may extend up to 5 feet from the rear property line. On corner lots contiguous with two (2) streets/roads, the side yard setback shall be 50 feet from the right-of-ways of both streets.

### **4 Building Height.**

No building shall exceed two and one-half stories or 35 feet in height.

### **5 Utility Connections.**

Use of city water and sanitary sewer is mandatory.

## **Medium Density Residential (R-2)**

### **1. Permitted and Accessory Uses.**

Permitted and Accessory Uses are listed in the *Zones and Use Tables* herein. The R-2 District is a medium density residential zoning district designed for single-family homes, duplexes, triplexes and those uses compatible with medium density residential development.

### **2. Minimum Lot Size Requirements.**

For single-family there shall be a minimum of 10,000 square feet of lot area with the minimum lot width at the building line of not less than 80 feet.

Every two-family (duplex) and three-family (triplex) shall be located on a lot of not less than 7,000 square feet for the first dwelling unit plus 1,500 square feet for each additional unit up to three (3) units. The minimum required lot width at the building line for two-family and three-family homes is 100 feet.

**3. Building Setbacks.**

Buildings facing streets shall be set back 40 feet from the right-of-way of the street or road on which the building abuts. Side yard setbacks shall be 12 feet and rear yard setbacks shall be 25 feet except that garages may extend up to 5 feet from the rear property line. On corner lots contiguous with two (2) streets/roads, the side yard setback shall be 40 feet from the right-of-ways of both streets.

**4 Building Height.**

No building shall exceed two and one-half stories or 35 feet in height.

**5 Utility Connections.**

Use of city water and sanitary sewer is mandatory.

## **Multi-Family Residential (R-3)**

**1. Permitted and Accessory Uses.**

Permitted and Accessory Uses are listed in the *Zones and Use Tables* herein. The R-3 District is a high density residential zoning district designed for multi-family apartment complexes, as well as single-family, duplexes, triplexes and those uses compatible with high density residential development.

**2. Minimum Lot Size Requirements.**

For single-family there shall be a minimum of 10,000 square feet of lot area with the minimum lot width at the building line of not less than 80 feet.

Every two-family (duplex) and three-family (triplex) shall be located on a lot of not less than 7,000 square feet for the first dwelling unit plus 1,500 square feet for each additional unit up to three (3) units. The minimum required lot width at the building line for two-family and three-family homes is 100 feet. Multi-family dwellings (four units or greater) shall have a maximum of six (6) dwelling units per building and 12 units per net acre. All proposed new buildings or additions require approval of a Development Plan and Landscape Plan by the Planning Commission to ensure adequate parking, setbacks and address other development issues specific to each individual development. See *Development Plan Guidelines* and *Landscape and Land Use Buffering* standards in the Zoning Ordinance Addendums.

**3. Building Setbacks.**

Buildings facing streets shall be set back 40 feet from the right-of-way of the street or road on which the building abuts. Side yard setbacks shall be 10 feet and Rear yard setbacks shall be 25 feet. On corner lots contiguous with two (2) streets/roads, the side yard setback shall be 40 feet from the right-of-ways of both streets.

**4 Building Height.**

No building shall exceed three (3) stories or 45 feet in height.

## **5 Utility Connections.**

Use of city water and sanitary sewer is mandatory.

## **Lake Residential District (L-1)**

The Lake Residential District is established specifically for property having lake frontage and properties located in close proximity thereto which would logically be included in the same zoning district and generally involve lake-view lots. The purpose of this district is to provide regulations that appropriately apply to lake property but which would not necessarily be applicable to other districts.

### **1. Permitted and Accessory Uses**

Permitted and Accessory Uses are listed in the *Zones and Use Tables* herein.

### **2. Minimum lot size requirements**

The minimum lot size requirements shall be 10,000 square feet with a lot width of not less than 75 feet at the proposed building location.

### **3. Building Setbacks**

In an L-1 District, the lots with lakeshore frontage will have the front-yard be the yard facing the lake, and the rear-yard facing the street. Those lots that do not have lake frontage will have the yard that faces the street be considered the front yard for the purposes of this zoning district and these building setback requirements.

#### *Lots with Lake Shore Frontage*

All buildings with lakeshore frontage shall be set back to a point at, or beyond, the Lake Barkley Army Corp Building Easement Line (I.E., elevation 378 feet) which will be considered the front yard setback. The rear yard setback (street side) and building lines for lots facing all other streets shall be set back 40 feet from the right-of-way line of the street or road on which the building abuts. A side yard setback of 15 feet shall be required from all other side property lines. All garages and accessory buildings could be placed either in the front or rear yard (street side).

#### *Lots without Lake Shore Frontage*

The front yard setback (Street side) and building lines for lots facing all other streets shall be set back 40 feet from the right-of-way line of the street or road on which the building abuts. A side yard setback of 20 feet shall be required from all other side property lines. The rear yard setback shall be 20 feet. Due to the need to preserve lake views, accessory structures could be placed either in the front or rear yard.

### **4. Parking**

Parking and loading areas shall be required within the individual property as stated by the Parking and Loading Requirement Chapters herein.

### **5. Utility connections.**

Use of city water and sanitary sewer is mandatory.

## **Suburban Residential District (SR)**

### **1 Permitted and Accessory Uses.**

Permitted and Accessory Uses are listed in the *Zones and Use Tables* herein. The SR District is a suburban residential zoning district designed for single-family dwellings and those uses compatible with low density residential development that does not have access to city sanitary sewer and must be on septic systems.

### **2 Minimum Lot Size Requirements.**

For single-family there shall be a minimum of 1/2 acre (21,780 square feet) of lot area.

### **3 Building Setbacks.**

Buildings facing streets shall be set back 50 feet from the right-of-way of the street or road on which the building abuts. Side yard setbacks shall be 15 feet and rear yard setbacks shall be 25 feet. On corner lots contiguous with two (2) streets/roads, the side yard setback shall be 50 feet from the right-of-ways of both streets.

### **4 Building Height.**

No building shall exceed two and one-half stories or 35 feet in height.

### **5 Utility Connections.**

On lot septic systems are allowed. City water is required.

## **Manufactured Home Residential District (MHR)**

### **1 Permitted and Accessory Uses.**

Permitted and Accessory Uses are listed in the *Zones and Use Tables* herein. The MHR District is a manufactured home park zoning district designed for single-family manufactured homes and those uses compatible with manufactured home park developments.

All proposed new Manufactured Home Parks require approval of a Development Plan by the Planning Commission to ensure adequate parking, setbacks and address other development issues specific to each individual development. See *Development Plan Guidelines* and *Landscape and Land Use Buffering* standards in the Zoning Ordinance Addendums.

### **2 Minimum Lot Size Requirements.**

A MHR District is designed to facilitate the use of a manufactured home park development which must have a minimum of 5 acres for the proposed park. Each lot side will be addressed in the site plan review by the Planning Commission.

### **3 Building Setbacks.**

Buildings facing streets shall be set back 50 feet from the right-of-way of the street or road on which the building abuts. Side yard setbacks shall be 15 feet and rear yard setbacks shall be 25 feet. On corner lots contiguous with two (2) streets/roads, the side yard setback shall be 50 feet from the right-of-ways of both streets.

**4 Building Height.**

No building shall exceed two and one-half stories or 35 feet in height.

**5 Utility Connections.**

Use of city water and sanitary sewer is mandatory.

**TABLE 1: ZONES AND USE TABLE**

<b>P= PRINCIPALLY PERMITTED USES:</b> Uses listed and other uses (not otherwise listed in table) substantially similar to those listed are deemed permitted.													NOTE:
<b>C= CONDITIONALLY PERMITTED USES:</b> Uses which are permitted only with Board of Adjustment approval.													
<b>A= ACCESSORY USES:</b> Uses and structures permitted which are customarily accessory, clearly incidental and subordinate to permitted uses.													
ZONES													USES
R-1	R-2	R-3	SR	L-1	B-1	B-2	LR	I-1	I-2	A1	CD	MHR	
													<b>A RESIDENTIAL</b>
	C	P	C	C			P			C			1 Bed and breakfast home
		C					C						2 Boarding or lodging house
A	A	A	A	A			A			A			3 Dwelling: Accessory
		P					C						4 Dwelling: Multi-family
P	P	P	P	P			P			P			5 Dwelling: Single-family detached
		P					C						6 Dwelling: Townhouses and condos
	P	P					C			C			7 Dwelling: Two-family & three-family
P	P	P	P	P			P			P			8 Dwelling Unit Rentals
		C				C							9 Residential Care Facilities
		C											10 Fraternity or sorority house, dormitory
										P			11 Seasonal farm worker housing
A	A	A	A	C			A						12 Guest quarters
													13 Mobile Home (See Definitions)
												P	14 Manufactured Home (See Definitions & Article III)
C	C	C	C	C			C			C		P	15 Qualified Manufactured Home (See Article III)
P	P	P	P	P			P			P			16 Modular Home (See Definitions and Article III)
												C	17 Manufactured Home Park (See Article III)
					C	P	C						18 Motel or hotel
		C	C										19. Group Household
													<b>B COMMUNITY AND OTHER PUBLIC USES</b>
					C	P	C						1 Amusements, indoor
				C	C	C	C			C	C		2 Amusements, outdoor
	C	C			C	P							3 Child day-care centers, child nurseries, adult day care centers
C	C	C	C	C	C	C	C			C			4 Churches, Sunday Schools, parish houses
					C	C		C	C	C	C		5 Circuses and carnivals, temporary
					C	C	C			C	C		6 Civic center, auditorium, exhibition halls, amphitheater, Drive-in-theater
							C			C			7 Commercial Camp grounds
					P	P	C						8 Community centers, public
					P	P	C						9 Libraries, museums, art galleries
					C	P							10 Passenger transportation terminals
					P	P	C						11 Philanthropic institutions and clubs
					C	P	C						12 Recreational activities, indoor
							C						13 Restaurants that are part of a marina.
							C			C	C		14 RV Parks
C	C	C			C	C							15 Private schools, colleges, studios; academic, technical, vocational or professional, private elementary and secondary schools
				C			C						16 Marinas and boat mooring facilities
							C						17 Outdoor cabins that are related to lake lodging



**TABLE 2: ZONES AND USE TABLE**

<b>P= PRINCIPALLY PERMITTED USES:</b> Uses listed and other uses (not otherwise listed in table) substantially similar to those listed are deemed permitted.												NOTE:
<b>C= CONDITIONALLY PERMITTED USES:</b> Uses which are permitted only with Board of Adjustment approval.												
<b>A= ACCESSORY USES:</b> Uses and structures permitted which are customarily accessory, clearly incidental and subordinate to permitted uses.												
ZONES												USES
R-1	R-2	R-3	SR	L-1	B-1	B-2	LR	I-1	I-2	A1	CD	
					C	P						<b>C INSTITUTIONAL</b>
								C				1 Hospitals; surgical centers; convalescent and rest homes; orphanages, rehabilitation facilities, assisted living facilities
												2 Penal or correctional institution
												<b>D BUSINESS</b>
					P	P						1 Banks and credit unions
					P	P	P					2 Restaurants
					P	P	C					3 Hair styling, beauty and barber shops, tanning salons
					P	P						4 Home appliance and computer repair and services
P	P	P	P	P			P			p		5 Home occupation
					P	P						6 Medical and dental offices, clinics and laboratories
					p	p	C					7 Offices for business, professional, governmental, civic, social, fraternal, political, religious and charitable organizations
					P	P	C					8 Retail stores
					C	P						9 Pawnshops
					C	P		p				10 Research, development and testing laboratories or centers
						C	C					11 Maintenance and repair facilities for boats.
					P	P				C		12 Radio and television studios
					P	P	C					13 Ticket and travel agencies
					P	P						14 Copy and printing services
								C				15 Adult entertainment establishments and adult hotels (See Adult Placement Guidelines Article III)
												<b>E MERCANTILE</b>
					C	P				C	C	1 Farmers market
					P	P						2 Retail sale of food products
					P	P	C					3 Retail sale of merchandise
						P	C			C		4 Retail sale of plant, nursery or greenhouse products
						P				C		5 Produce stands
					C	P				C		6 Sale of feed, grain or other agricultural supplies
						P						7 Wholesale supply establishment
					C	P						8 Convenience stores with or without fuel stations
					C	P						9 Home improvement centers with no outdoor storage
					C	P						10 Home improvement centers with outdoor storage
					P	P						11 Groceries

**TABLE 3: ZONES AND USE TABLE**

<b>P= PRINCIPALLY PERMITTED USES:</b> Uses listed and other uses (not otherwise listed in table) substantially similar to those listed are deemed permitted.												NOTE:
<b>C= CONDITIONALLY PERMITTED USES:</b> Uses which are permitted only with Board of Adjustment approval.												
<b>A= ACCESSORY USES:</b> Uses and structures permitted which are customarily accessory, clearly incidental and subordinate to permitted uses.												
ZONES												USES
R-1	R-2	R-3	SR	L-1	B-1	B-2	LR	I-1	I-2	A1	CD	
						P	C					<b>F AUTOMOBILE AND TRUCK RELATED</b>
						P						<b>1</b> Automobile or boat rental
						P						<b>2</b> Automobile or other vehicle sales lot, establishment
										C		<b>3</b> Automobile, motorcycle or other vehicle race tracks
					C	P						<b>4</b> Automobile service/fuel stations, with or without convenience stores
					C	P						<b>5</b> automobile, truck boat repair, major
						P		C				<b>6</b> Automobile body shop
					C	P		C				<b>7</b> Automobile, truck and boat repair, minor
					C	P						<b>8</b> Car-wash; self-serve or automatic
								C				<b>9</b> Loading and unloading facilities
					C	C	C					<b>10</b> Parking areas, private garages
					A	A	A					<b>11</b> Parking areas or structures
	A	A			A	A	A	A	A			<b>12</b> Parking lots
								P				<b>13</b> Tire re-treading and recapping
						P						<b>14</b> Truck rental
								P	P			<b>15</b> Truck terminals
						P						<b>16</b> Taxi cab or limousine service
						P		C				<b>17</b> Automobile auction facilities
												<b>G INDUSTRIAL</b>
						P						<b>1</b> Contractor equipment dealer, sales and rentals
								P	P			<b>2</b> Dairy or other food product bottling plants
										P		<b>3</b> Extraction of crude petroleum, natural gas
									C	C		<b>4</b> Quarrying of sand, gravel, etc.
									P			<b>5</b> Heavy industrial uses (See Definitions)
								P	P			<b>6</b> Light industrial uses (See Definitions)
								C	C			<b>7</b> Scrap metal recycling
						C		P				<b>8</b> Machine, welding and other metal work shops
								P	P			<b>9</b> Manufacturing and assembling, light
								P	P			<b>10</b> Manufacturing, compounding, assembling, processing, packaging and certain other industrial uses
					P	P	C					<b>11</b> Making of articles to be sold at retail on the premises
					P	P						<b>12</b> Printing
								P	P			<b>13</b> Boat Manufacturing
						C		P				<b>14</b> Shops of special trade and general contractors
				C	C	P						<b>15</b> Furniture repair and upholstery
				C	C	P						<b>16</b> Furniture restoration and refinishing
									C			<b>17</b> Auto and boat Salvage
								C	P			<b>18</b> Concrete and asphalt plant

**TABLE 4: ZONES AND USE TABLE**

<p><b>P= PRINCIPALLY PERMITTED USES:</b> Uses listed and other uses (not otherwise listed in table) substantially similar to those listed are deemed permitted.</p> <p><b>C= CONDITIONALLY PERMITTED USES:</b> Uses which are permitted only with Board of Adjustment approval.</p> <p><b>A= ACCESSORY USES:</b> Uses and structures permitted which are customarily accessory, clearly incidental and subordinate to permitted uses.</p>												NOTE:	
ZONES												USES	
R-1	R-2	R-3	SR	L-1	B-1	B-2	LR	I-1	I-2	A1	CD		
												<b>H AGRICULTURE</b>	
										P		1 Agricultural structures, stables	
										P		2 Dairying and stock-raising	
										P		3 Farming	
						P				C		4 Farm equipment dealer	
										P		5 Forestry	
									P	P		6 Grain drying	
										P		7 Horse sales establishment	
						P				P		8 Landscaping services	
												<b>I ANIMAL RELATED</b>	
										P		1 Animal burial grounds	
										C		2 Commercial confined feeding of livestock	
						P						3 Animal hospital or clinic	
					C	P						4 Pet grooming	
						P				C		5 Pet training	
										C	C	6 Hunting game preserves	
					C	P				C		7 Taxidermy	
						C				C		8 Kennel, commercial	
			C							C		9 Kennel, non-commercial	
					C	P				C		10 Veterinarian office	
												<b>J PERSONAL SERVICE</b>	
										C	C	1 Cemetery, mausoleum, columbarium, crematory	
					P	P						2 Funeral home	
					C	P						3 Laundry, clothes cleaning	
					P	P						4 Dry cleaning or laundry drop off and pick up stations with or without drive-through windows, where no cleaning of garments occurs on site	
					P	P						5 Pharmaceuticals and medical supplies, sale of	
					P	P	C					6 Retail sales or personal services	
												<b>K PUBLIC AND SEMI-PUBLIC</b>	
										C		1 Airport	
										C		2 Land fill	
					P	P						3 Municipal, county, state, or federal buildings and uses	
P	P	P	P	P	P	P	P	P	P	P	P	4 Public utility facilities	
						C						5 Bus terminals	
						C		C		C		6 Radio or TV transmitting or relay facilities including line of sight relays	
										C	C	7 Recreational uses, private outdoor	
P	P	P	P	P	P	P	P			P	C	8 Recreational facilities, public and parks	
P	P	P	P									9 Public Schools	

**TABLE 4: ZONES AND USE TABLE (continued)**

<b>P= PRINCIPALLY PERMITTED USES:</b> Uses listed and other uses (not otherwise listed in table) substantially similar to those listed are deemed permitted.								<b>NOTE:</b>				
<b>C= CONDITIONALLY PERMITTED USES:</b> Uses which are permitted only with Board of Adjustment approval.												
<b>A= ACCESSORY USES:</b> Uses and structures permitted which are customarily accessory, clearly incidental and subordinate to permitted uses.												
<b>ZONES</b>												<b>USES</b>
<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>SR</b>	<b>L-1</b>	<b>B-1</b>	<b>B-2</b>	<b>LR</b>	<b>I-1</b>	<b>I-2</b>	<b>A1</b>	<b>CD</b>	
						C		C	P			<b>L STORAGE</b>
					C	P						<b>1</b> Storage, outdoor
					C	P	C	C				<b>2</b> Storage (incidental) for retail sales establishment
						C		P				<b>3</b> Storage Rental facilities
						C		P				<b>4</b> Storage for wholesale supply establishment
						P		P				<b>5</b> Storage yards for delivery vehicles
						P		P				<b>6</b> Warehouse
A	A	A	A	A	A	A	A	A	A	A		<b>7</b> Individual Storage

## Central Business Districts (B-1)

### 1 Permitted and Accessory Uses.

Permitted and Accessory Uses are listed in the *Zones and Use Tables* herein. The B-1 District is a commercial zoning district designed for retail, entertainment, government and service uses, as well as those uses compatible with downtown business development. Uses deemed incompatible are any uses with outside storage, or outside display or products, to include used car lots and auto dealerships.

All proposed new buildings or additions require approval of a Development Plan and Landscape Plan by the Planning Commission to ensure adequate parking, setbacks and address other development issues specific to each individual development. See *Development Plan Guidelines* and *Landscape and Land Use Buffering* standards in the Zoning Ordinance Addendums.

### 2 Minimum Lot Size Requirements.

There is no minimum lot size requirement in a B-1 District. However, all proposed new buildings or additions require approval of a Development Plan by the Planning Commission to ensure adequate lot size for the proposed development and other development issues specific to each individual request.

### 3 Building Setbacks.

Buildings facing streets shall be set back 50 feet from the right-of-way of the street or road on which the building abuts. Side yard setbacks shall be 15 feet and rear yard setbacks shall be 25 feet. On corner lots contiguous with two (2) streets/roads, the side yard setback shall be 50 feet from the right-of-ways of both streets.

All proposed new buildings or additions require approval of a Development Plan by the Planning Commission to ensure adequate parking, setbacks and address other development issues specific to each individual development. Setbacks will be based on averaging adjoining property setbacks and site plan considerations.

**4 Building Height.**

No building shall exceed (3) stories or 45 feet in height.

**5 Utility Connections.**

Use of city water and sanitary sewer is mandatory.

## **Highway Commercial District (B-2)**

**1 Permitted and Accessory Uses.**

Permitted and Accessory Uses are listed in the *Zones and Use Tables* herein. The B-2 District is a commercial zoning district designed for business that requires good road access or high traffic counts to market their services or products. This District is designed to handle heavier commercial uses that may not be appropriate in a B-1 District. All uses allowed in a B-1 District are allowed in a B-2 District.

All proposed new buildings or additions require approval of a Development Plan and Landscape Plan by the Planning Commission to ensure adequate parking, setbacks and address other development issues specific to each individual development. See *Development Plan Guidelines* and *Landscape and Land Use Buffering* standards in the Zoning Ordinance Addendums.

**2 Minimum Lot Size Requirements.**

The minimum lot size requirements shall be 25,000 square feet with a lot width of not less than 120 feet at the proposed building location.

**3 Building Setbacks.**

Buildings facing streets shall be set back 50 feet from the right-of-way of the street or road on which the building abuts. Side yard setbacks shall be 15 feet and rear yard setbacks shall be 25 feet. On corner lots contiguous with two (2) streets/roads, the side yard setback shall be 50 feet from the right-of-ways of both streets.

All proposed new buildings or additions require approval of a Development Plan by the Planning Commission to ensure adequate parking, setbacks and address other development issues specific to each individual development. See *Development Plan*

*Guidelines and Landscape and Land Use Buffering* standards in the Zoning Ordinance Addendums.

**4 Building Height.**

No building shall exceed (3) stories or 45 feet in height.

**5 Utility Connections.**

Use of city water and sanitary sewer is mandatory.

**6 Parking and Loading.**

Parking and loading areas shall be required within the individual property as stated by the Parking and Loading Requirement Chapters herein.

## **Lake Resort District (LR)**

**1. Permitted and Accessory Uses.**

Permitted and Accessory Uses are listed in the *Zones and Use Tables* herein to include the following:

Commercial uses commensurate with the development of a resort community shall be permitted. These may include activities appealing to a tourist, transient or temporary resident market, eating establishments, amusement and recreation, sale of souvenirs, curios, antiques, handicrafts, specialized apparel, sundries, variety merchandise, outdoor theaters (summer stock type), sale, maintenance, construction, repair and storage of boats and motors, including the dispensing of motor fuel and lubricants, ships stores and provisions, handicraft or primitive type manufacturing where the primary intent is for the display of the process as a tourist attraction, and the sale of items manufactured on the premises or similar to those manufactured on the premises. Such industry shall be limited to those involving no offensive odors, or physical dangers to spectators. Display of merchandise or work in process shall not extend beyond ten feet from building.

All proposed new commercial or multi-family buildings or additions require approval of a Development Plan and Landscape Plan by the Planning Commission to ensure adequate parking, setbacks and address other development issues specific to each individual development. See *Development Plan Guidelines* and *Landscape and Land Use Buffering* standards in the Zoning Ordinance Addendums.

**2. Minimum Lot Size Requirements.**

- a. For dwellings not operating as a conditional use there shall be a minimum lot area of 8,000 square feet, for multiple dwellings there shall be not less than 5,000 square feet per dwelling unit.

- b. For single-family dwellings there shall be a minimum of 75 feet width at the building line, multiple dwellings shall in the aggregate have not less than 20 feet frontage per dwelling unit, but in no event less than the single-family dwelling minimum.

### **3 Building Setbacks.**

In an LR District, the lots with lakeshore frontage will have the front-yard be the yard facing the lake, and the rear-yard facing the street. Those lots that do not have lake frontage will have the yard that faces the street be considered the front yard for the purposes of this zoning district and these building setback requirements.

#### *Lots with Lake Shore Frontage*

All buildings with lakeshore frontage shall be set back to a point at, or beyond, the Lake Barkley Army Corp Building Easement Line (I.E., elevation 378 feet) which will be considered the front yard setback. The rear yard setback (street side) and building lines for lots facing all other streets shall be set back 40 feet from the right-of-way line of the street or road on which the building abuts. A side yard setback of 10 feet shall be required from all other side property lines. All garages and accessory buildings could be placed either in the front or rear yard (street side). These setbacks do not include decks that, at no point, are higher than six (6) feet from the ground to include railings, etc.

#### *Lots without Lake Shore Frontage*

The front yard setback (Street side) and building lines for lots facing all other streets shall be set back 40 feet from the right-of-way line of the street or road on which the building abuts. A side yard setback of 20 feet shall be required from all other side property lines. The rear yard setback shall be 20 feet. Due to the need to preserve lake views, accessory structures could be placed either in the front or rear yard.

### **4 Building Height.**

No building shall exceed two and one-half stories or 35 feet in height.

### **5 Utility Connections.**

Use of city water and sanitary sewer is mandatory.

### **6. Parking and Loading.**

Parking and loading areas shall be required within the individual property as stated by the Parking and Loading Requirement Chapters herein.

## **Light Industry (I-1)**

### **1 Permitted and Accessory Uses.**

Permitted and Accessory Uses are listed in the *Zones and Use Tables* herein. Any manufacturing or processing use which would not be deteriorating to neighboring

properties because of the emission of smoke, noise, odor, dust, vibrations, or hazardous of fire or explosion.

All proposed new buildings or additions require approval of a Development Plan by the Planning Commission to ensure adequate parking, setbacks and address other development issues specific to each individual development. See *Development Plan Guidelines* in the Zoning Ordinance Addendums.

**2 Minimum Lot Size Requirements.**

The minimum lot size requirements for any lot, or parcel is one (1) acre in any I-1 Districts.

**3 Building Setbacks.**

Buildings facing streets shall be set back 60 feet from the right-of-way of the street or road on which the building abuts. Side yard setbacks shall be 20 feet and Rear yard setbacks shall be 25 feet. On corner lots contiguous with two (2) streets/roads, the side yard setback shall be 60 feet from the right-of-ways of both streets.

**4 Building Height.**

There are no maximum building height requirements in this district.

**5 Parking and Loading.**

Parking and loading areas shall be required within the individual property as stated by the Parking and Loading Requirement Chapters herein.

**6 Utility Connections.**

Use of city water and sanitary sewer is mandatory.

**General Industry (I-2)**

**1 Permitted and Accessory Uses.**

Permitted and Accessory Uses are listed in the *Zones and Use Tables* herein.

Any manufacturing or process, which is not specifically listed in the *Zones and Use Tables* herein, and may be deteriorating to neighboring properties because of the emission of smoke, noise, odor, dust, vibrations, or hazardous because of the dangers of fire or explosion, are to be considered uses that are relevant to an I-2 District. Any type of manufacturing plant, process or quarry that is deemed to have said emissions or hazards by the Planning Commission must be considered, and approved or disapproved, as a Conditional Use in an I-2 District.

All proposed new buildings or additions require approval of a Development Plan by the Planning Commission to ensure adequate parking, setbacks and address other development issues specific to each individual development. See *Development Plan Guidelines* and *Landscape and Land Use Buffering* standards in the Zoning Ordinance Addendums.



**2 Minimum Lot Size Requirements.**

The minimum lot size requirements for any lot, or parcel is five (5) acres in any I-2 Districts.

**3 Building Setbacks.**

Buildings facing streets shall be set back 60 feet from the right-of-way of the street or road on which the building abuts. Side yard setbacks shall be 20 feet and Rear yard setbacks shall be 25 feet. On corner lots contiguous with two (2) streets/roads, the side yard setback shall be 60 feet from the right-of-ways of both streets.

**4 Building Height.**

There are no minimum building height requirements in this district.

**5 Parking and Loading.**

Parking and loading areas shall be required within the individual property as stated by the Parking and Loading Requirement Chapters herein.

**6 Utility Connections.**

Use of city water and sanitary sewer is mandatory.

**Agricultural Districts (A-1)**

**1. Permitted and Accessory Uses.**

Permitted and Accessory Uses are listed in the *Zones and Use Tables* herein. The A-1 District inside the Eddyville City Limits is designed to allow agricultural crops, dairying and the raising of farm animals. However, the District prohibits commercial confined feeding operations for livestock that meets the commercial confined feeding operation definition herein.

**2. Minimum Lot Size Requirements.**

The minimum lot size requirements for any lot, or parcel is one (1) acre in any A-1 Districts.

**3. Building Setbacks.**

Buildings facing streets shall be set back 50 feet from the right-of-way of the street or road on which the building abuts. Side yard setbacks shall be 15 feet and Rear yard setbacks shall be 25 feet. On corner lots contiguous with two (2) streets/roads, the side yard setback shall be 50 feet from the right-of-ways of both streets.

**4. Building Height.**

There are no minimum building height requirements in this district.

## **Conservation District (CD)**

### **1 Permitted and Accessory Uses.**

Permitted and Accessory Uses are listed in the *Zones and Use Tables* herein. The Conservation District has been created for areas which are subject to periodic flooding as indicated by the FEMA Flood Plain Maps, designated recreational areas, parks, cemeteries, and the Lake Barkley Army Corp Building Easement Line (I.E., elevation 378 feet).

## **ARTICLE VIII SIGN REGULATIONS**

### **8.1 Regulations of Signs**

1. The purpose of this section is to permit such signs that will not, by reason of their location, type, size, construction or manner of display, endanger life or limb, confuse or mislead, obstruct vision, interfere with traffic safety, or otherwise endanger the public health, safety and welfare and further to regulate such permitted signs in a manner which will prevent annoyance, disturbance or nuisance to the citizens.
2. **Permitted Signs in All Zones**
  - a. Any sign or sign structure established, installed, maintained or authorized by a governmental agency.
  - b. Flags, emblems and other identification insignia of any institution, not to exceed 24 square feet.
  - c. Nameplates identifying buildings, addresses, building numbers and similar identifying markers.
  - d. On-premise real estate signs announcing property for sale or lease providing the size of such signs does not exceed 6 square feet or 6 feet in height.
  - e. Temporary signs announcing an event such as auctions, civic events, elections and promotions not exceeding an area of 32 square feet.
  - f. Directional and traffic signs and devices located on the premises.
3. **On-Premise Signs Permitted in the Following Zones and Under the Following Conditions:**
  - a. *All Residential Zones:* Ground pole and wall signs are permitted, subject to the following:
    - 1) Name plate signs shall not exceed an area of two (2) square feet.
    - 2) Identification signs for institutional use shall not exceed an area of 24 square feet.

3) Properly permitted home occupations and conditionally permitted Bed and Breakfasts may have one identification sign that must be on the same lot/parcel as the building and not exceeding an area of 6 square feet in area.

4) Subdivision identification signs, limited to one sign per major entrance, with a maximum area of 32 square feet and a maximum height of 7 feet.

**b. Central Business District (B-1) Zones:**

1) Wall signs are permitted as follows:

Wall signs are not to exceed the square feet of one wall which the sign is attached. They may not be attached to the roof or extend more than 8 inches from the wall. There shall be no more than one wall sign per business. These signs may only identify the business.

2) Wall signs and free standing signs are permitted as follows:

In B-1 zones there may be no more than two major identification signs per place of business. These may be either wall sign or free standing or one of each. Free standing signs may not exceed a maximum area of 100 square feet and maximum height of the main building.

**c. Highway Commercial District (B-2) Zones:** Wall signs and free standing signs are permitted as follows:

1). Wall signs are permitted as follows:

Wall signs may not exceed a maximum area of 2 square feet per lineal foot of building frontage. In no event shall the area exceed a total of 100 square feet. They may not be attached to the roof or extend more than 8 inches from the wall. There shall be no more than one wall sign per business. These signs may only identify the business.

2). In B-2 zones, there may be no more than two major identification signs per place of business. These may be either wall sign or free standing or one of each. Free standing signs may not exceed a maximum area of 100 square feet and maximum height of 25 feet. Free standing signs must set back at least 25 feet from right-of-ways and may be used for identification only. The minimum setback from side and rear lot lines is 10 feet for property lines that are not contiguous to right-of-ways lines. However, any businesses in an B-2 zone within 1,500 feet of the center of the I-24 interchange are allowed one poll sign with a maximum area of 300 square feet which does not have any height restrictions. Free standing signs must set back at least 25 feet from right-of-ways, and may be used for identification only. The minimum setback from lot lines is 10 feet.

- d. **Lake Resort Zones (LR):** In Lake Resort (LR) zones, both wall and free standing signs may be utilized subject to the same requirements as those applicable in a B-1 zone.
- e. **Industrial Zones:** In Industrial I-1 and I-2 zones, both wall and free standing signs may be utilized subject to the same requirements as those applicable in a B-1 zone

**4. Off-Premise Signs are Permitted Only in the Following Zones Under the Following Restrictions.**

- a. In B-2 zones, free standing bill board signs are allowed provided they are within 1,500 feet of the centerline on the interstate, the maximum area is 300 feet per sign face and there must be 500 feet separation distance between bill boards. The height of the bill board shall be no greater than 65 feet.

If the applicant can demonstrate a need for additional height for a bill board sign in order that the proposed sign may be seen by interstate motorist for 30 seconds prior to exiting the interstate, the 65 foot height maximum may be increased upon application to the Board of Adjustments. This 30 second limit is based upon the need for a minimum of 30 seconds to make safe lane changes at interstate speed limits. The inability of an applicant to achieve 30 seconds of visibility from either direction is ground from denial of an application for a bill board height variance.

**5. Integrated Development Signs.**

For integrated developments under single ownership or under unified control, including shopping centers, manufacturing districts, apartment developments, additional illuminated signs may be erected providing they do not exceed 100 square feet in gross surface area, and contain only name and location of the development, and the name or type of business of the occupants of the development. Signs in a residential area shall not be illuminated. Signs shall be set back at least 25 feet from each street right-of-way and the bottom edge of such sign shall be at least eight feet above ground level where it will not block the vision of traffic otherwise at ground level or higher. The overall height of the sign shall not exceed 25 feet above ground level.

**6. Signs Prohibited in All Zones**

- a. Signs that incorporate lights that flash or move;
- b. Banners, pennants, spinners, streamers, except when used in the promotion of public non-commercial events;

- c. String lights or any unshielded lights that are visible by the public from a street and are used for commercial purposes, excluding the use of such lights for holiday decoration and low intensity fluorescent lights incorporated into architectural design for the highlighting of architectural features.
- d. Signs with visible moving or revolving parts, whether by means of mechanical, electrical or wind driven force.
- e. Signs which obscure the visibility of any traffic sign or control device on public streets or roads, whether the obscuring is due to color, size, location or illumination.
- f. Any sign or sign structure which is structurally unsafe as a result of poor construction, inadequate maintenance, dilapidation or obsolescence.
- h. Signs which utilize such words as Stop, Danger or Yield or other similar words, phrases or symbols in such manner as to be deceptively similar to official signage, implying the need or requirement to stop or the existence of a dangerous condition.
- i. Portable or folding signs, “A” frame signs, “T” shaped signs or any other similar free standing signs.
- j. Free standing or projecting signs placed on or over public property or right-of-ways.
- k. Window feature signs which cover in excess of 20% of business’s windows area.
- l. Any sign attached to or painted on trees, rocks or other natural features.
- m. Any sign other than traffic control signs or devices located in or above public streets or roads.
- n. Illuminated signs located within 100 feet of residential uses unless such sign is designed so that it does not shine on that use.
- o. Signs mounted on the roof of any building.

## **ARTICLE IX ADMINISTRATION AND ENFORCEMENT**

### **9.1 Administration by Inspector**

This chapter shall be enforced by the Eddyville Zoning Administrator appointed by the City Council. No land or structure shall be changed in use and no structure shall be erected, altered, or moved until the Zoning Administrator has issued a building permit certifying that the plans and intended use of land, buildings, and structures are in conformity with this chapter. No land or structures hereafter erected, moved, or altered in its use shall be used until the Building Inspector shall have issued a certificate of occupancy stating that such land or structure is found to be in conformity with the provisions of this chapter.

### **9.2 Board of Zoning Adjustment; Appeals**

There shall be a Board of Zoning Adjustment appointed in pursuance of KRS 100.217 through 100.251. After public hearing duly advertised, the Board of Adjustment shall, decide appeals from alleged error in the Building Inspector's decisions, appeals for variance in yard sizes, lot size or height, where exceptional and peculiar hardship would be caused by enforcement of the regulations in this chapter and where such variance would not substantially derogate from the intent of this chapter. The Board of Zoning Adjustment does not possess the power to permit a use prohibited by this chapter. The Board of Zoning Adjustment shall always act with due consideration to promoting the public health, safety, convenience and welfare encouraging the most appropriate use of land and conserving property value, shall permit no building or use detrimental to a neighborhood, and shall prescribe appropriate conditions and safeguards in each case.

### **9.3 Amendment**

Such regulations, restrictions, and boundaries as are provided for in this chapter may be amended, supplemented, changed, modified, or repealed, in accordance with KRS Chapter 100.

### **9.4 Repeal of Conflicting Regulations**

Any zoning regulations interim or otherwise now in effect in the city, and in conflict with these zoning regulations as they are established in this chapter, are repealed. However, all suits at law or in equity and/or all prosecutions resulting from violation of any zoning regulations heretofore in effect, which are now pending in any of the courts of the state or of the United States, shall not be abated or abandoned by reason of adoption of these zoning regulations, but shall be

prosecuted to their finality the same as if these zoning regulations had not been adopted, and any and all violations of existing interim zoning regulations, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted. Nothing in these zoning regulations shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may have heretofore been instituted or prosecuted.



**DEVELOPMENT PLAN APPROVAL GUIDELINES**  
**Content and Format Standards**  
**Eddyville, Kentucky**

**City of Eddyville Zoning Ordinance**  
**Addendum**



**Adopted: May 6, 2013**

*Prepared By:*  
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**Hopkinsville, KY 42240**

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# **DEVELOPMENT PLAN APPROVAL GUIDELINES**

## **Content and Format Standards**

All major developments shall receive Development Plan approval according to the procedure described in this Addendum.

### **OPTIONAL INITIAL STEP**

Applicants may submit a conceptual plan of the proposed development to provide for consultation with Commission Engineer and Zoning Administrator.

### **PRELIMINARY DEVELOPMENT PLAN APPROVAL**

All applicants for Preliminary Development Plan approval shall obtain Plan approval pursuant to the procedure outlined below.

- A. Applicants must file twelve (12) copies of the Preliminary Development Plan for Planning Commission Approval and pay required fee. The Plan must:
  - 1. Be filed on the first working day of the month pursuant to the adopted Filing Deadlines and Review Schedule in the Planning Commission Office (generally six weeks prior to consideration by Planning Commission).
  - 2. Conform to the Content and Format Standards herein.
  - 3. Provide for adequate circulation and parking pursuant to the Zoning Ordinance Standards.
  - 4. Include, for approval by the commission engineer, Construction Plans and Specifications, which shall contain:
    - a. A description of all proposed new streets, parking lots, utilities, and access in accordance with these standards, and
    - b. The proposed Site Preparation Plan, which includes the grading plan, erosion control plan, and stormwater management plan in accordance with these guidelines and standards.
    - c. Landscaping Plan pursuant to the Landscape and Land Use Buffer section of this Ordinance.
- B. All applicants shall meet with members of the Technical Review Committee (TRC) at the scheduled meeting of the TRC to discuss the submitted plan and receive comments.
- C. By the "Response Date" in the Filing Deadline and Review Schedule, applicants shall:
  - 1. Respond to staff and TRC comments, in writing or in a meeting prior to the response date;

2. Submit three (3) revised Preliminary Development Plans (if revision is required);
  3. Submit ten (10) copies of the Preliminary Plan, as revised, reduced to 8.5" x 11" to the Planning Commission office for mailing to Commission members.
- D. Planning Commission shall consider the application for Plan approval at its regularly scheduled meeting.

If certain minor requirements have not been met, the Planning Commission may approve the Plan with Conditions of Approval, which must be met before it can be signed or the Final Development Plan submitted for approval.

- E. Applicants shall provide three (3) copies of the approved Final Development Plan to the Planning Commission office, which the Planning Commission Chair or designee shall sign, and one of which shall be returned to the applicant as the "owner's copy."

All applicants for development plan approval must obtain Final Plan approval pursuant to the procedure outlined below.

- A. Applicant must file three (3) original plans, with original signatures. There is no filing deadline for Final Development Plans.
- B. The Final Plan must be accompanied by an adequate bond or letter of credit to ensure that all site improvements required by these Development Regulations and the Zoning Ordinance shall be completed prior to occupancy of the site. Landscaping may be completed after occupancy but no later than one year of plan approval.
- C. Final Plans must be in conformity with the Contents and Format Standards and all changes or conditions required by the Planning Commission from the approved Commission must be noted.
- D. Any significant changes will be reviewed according to the adopted Filing Deadline and Review Schedule and considered by the Planning Commission at a regularly scheduled meeting for its approval or disapproval. Minor changes could be approved by the Commission Engineer or Chair.
- E. If the submitted Final Development Plan substantially conforms to the Plan that was approved by the Commission, if all certificates have been signed, and the requirements of the Planning Commission have been met, the Planning Commission Chair shall approve the Final Plan in writing using the Certifications Form in Appendix A, and shall mail a copy of the Plan to the applicant.
- F. Final Plans approved by the Planning Commission shall be certified as approved by the Planning Commission chair or designee on all three (3) of the original copies of the Final Plan. One original shall be designated the "official copy" and shall be retained in the files of the Planning Commission. One copy shall be designated "owner's copy" and shall be furnished to the property owner or applicant. The third copy shall be recorded in the Lyon County Recording Office.
- G. No building permit shall be issued until the Final Plan has been signed. No Certificate of Occupancy shall be issued by the building inspector until all the improvements shown on the approved plan are

completed, inspected, and certified as approved by the Building Inspector, and/or bonded to secure the installation of landscaping.

## **CONTENT AND FORMAT**

The Development Plan and accompanying documents shall be submitted on uniform size sheets of either 18" x 24" or 24" x 36", and shall contain the following information in addition to the information shown on the approved Plan. If more than one sheet is required to show the development plan, an index of the same size listing all the sheets shall also be submitted. The following requirements are separated to show the basic information required for Development Plans.

### **BASIC REQUIREMENTS**

A. A title block to include:

The information in the title block of the approved Plan, except for the label, which shall read "Development Plan" as appropriate.

B. Addition to the legend:

The date of the original drawing, and any revision dates.

C. Addition to the information block:

Individual lot acreage for all lots.

D. All certifications as required in Appendix A.

E. Engineer's name, address, phone number, Stamp and Licenses number that is certifying the plans.

F. Existing contours at intervals of two (2) feet for the site and adjacent land up to fifty (50) feet from the site boundary.

G. The names of land owners, subdivisions or developments and zoning classification of all adjacent lots of record.

H. The bearings and distances of original property lines of the area to be developed, location of existing intersection, adjacent property lines, existing streets (including right-of-ways and names), easements, buildings, water courses, including floodplains and any streams courses and sinkholes, significant individual trees, or stand of trees. Also, trees must be shown on land within 50 feet of the boundary and off-site sinkholes which receive surface run-off from the existing site and/or proposed development shall be labeled and their low point marked.

I. The proposed location and dimensions of all new streets, alleys, lots, building lines and easements, including typical sections of each existing and proposed street keyed to the plan.

- J. Location of existing sanitary and storm sewers, water mains, culverts, electric, gas, cable television, and telephone lines, and other above ground and underground structures within the tract or immediately adjacent. The location and size of the nearest water main and sanitary sewer. The location and size of the nearest fire hydrants on all sides up to 500 feet from the proposed development.
- K. Location and type of existing and new monuments and pins, which shall be placed at the intersection of street center lines, changes in street direction, and the intersections and angles of the development boundary.

**Note:** All survey information shall be to the “Minimum Standards of Practice for Land Surveying in Kentucky.”

### **ADDITIONAL INFORMATION REQUIRED FOR DEVELOPMENT PLANS**

- A. Add to information block: the number of units and square footage of buildings.
- B. Show on the drawing of the proposed development:
  - 1. Proposed location, right-of-way, pavement width, and plans of new streets or driveways pursuant to Eddyville Subdivision Regulations, including entrances or access points, typical sections, curbs and gutters, sidewalks, changes to existing streets, and street names, including a statement whether KYTC encroachment permit is required. **Note:** KYTC encroachment permit, if needed, must be received prior to final plan approval.
  - 2. Location and width of sidewalks or other walkways showing handicapped accessibility, slope, and material type.
  - 3. All parking areas including required and provided parking calculations, dimensions of spaces and aisles, Vehicular Use Area calculations pursuant to the Landscape and Land Use Buffer Ordinance, location and dimensions of islands, handicapped spaces, and striping.
  - 4. Building foot print, entrances and heights, loading and service areas for all buildings;
  - 5. Proposed sign locations, lighting, dumpster locations and screening, and any traffic control devices such as stop signs, stop bars, and arrows indicating direction of movement.

### **SITE PREPARATION STANDARDS**

#### **GRADING STANDARDS**

- A. General
  - 1. No physical disturbance shall occur on any site proposed for development, including borrow pits, but not including single family dwelling construction, unless a grading plan and an erosion control plan have been submitted to and approved by the Planning Commission Engineer.

2. The initial construction on any site shall conform to the approved erosion control plan, unless otherwise authorized in writing by the Planning Commission Engineer.

B. Erosion Control Plan Format, Contents and Standards

1. The water quality protection measures shall conform to the erosion and sediment control provisions in the Soil Conservation Service handbook dated November, 1969, Standards and Specifications for Soil Erosion and Sediment Control in Urbanizing Areas, which is hereby incorporated in this Ordinance by reference. Supplemental reports, data and additional information may be required by the Commission Engineer where necessary to demonstrate that these standards are met.
2. The Erosion Control Plan and specifications shall include all the following, except where specifically excluded by the Commission Engineer:
  - a. Existing contours with intervals of not more than two (2) feet where the slope is less than ten percent (10%). Proposed contours with intervals of one (1) foot where possible.
  - b. Location of the following:
    - i. All areas where ground will be disturbed noting nature of the disturbance;
    - ii. Soil type in those areas;
    - iii. Proposed location of stockpiled stripped topsoil, which shall not be in a natural drainway nor in close proximity to neighboring properties.
  - c. Specific proposed temporary water quality protection/erosion control measures during construction which shall include but not be limited to a silt fence around the downhill perimeter of the disturbed area and straw bales in outflow channels.
  - d. Specific proposed permanent water quality protection/erosion control measures during the life of the facility, including locations and specifications for vegetation or crushed stone.
  - e. Specific method of disposal of excess cut or demolition debris.
  - f. The Applicant's Certification stating that all land clearing, construction and development shall be done pursuant to the approved plan. (See Appendix A)

C. Grading Plan Format, Contents and Standards

1. The Grading Plan shall contain the following unless specifically excluded by the Planning Commission Engineer:
  - a. Existing and proposed contours and their intervals (not greater than two feet), including slope ratios in areas greater than 3:1.

- b. Existing and proposed spot elevations at intersections, finish floors (for development plans), high points, low points, and other points necessary to show effectiveness of grading, drainage, and tree preservation (where proposed).
  - c. A two-foot grading setback from property lines.
2. Grading pursuant to an approved Grading Plan shall conform to the following standards:
- a. Materials:
    - i. Topsoil shall be removed from all areas to be disturbed;
    - ii. The natural ground surface shall be prepared to receive fill by removing any vegetation or non-conforming fill;
    - iii. No fill or cut or operation of heavy equipment shall occur within the drip line of the existing trees designated to be preserved;
    - iv. No debris shall be stored in areas for roadways and/or building sites;
    - v. Topsoil moved during the course of construction shall be redistributed on all exposed unpaved areas to provide an even cover and shall be stabilized by seeding, planting, or mulch within 21 days.
    - vi. Excess cut or demolition debris shall not be deposited in a natural drainway or sinkhole. Water quality and erosion protection measures shall be implemented on all off-site storage sites within the control of the developer.
  - b. Fill:
    - i. No organic material or topsoil shall be permitted in the fill;
    - ii. No rock or similar irreducible material with a maximum dimension greater than twelve inches shall be buried or placed in fill unless approved by the Planning Commission Engineer;
    - iii. Fill, including pre-existing fill, shall be compacted in no greater than one-foot layers to a minimum of 95% of maximum density (ASTM, 99, current) when supporting structures or streets are to be constructed on the fill or if that compaction is necessary as a safety measure to aid in preventing the saturation, slipping, or erosion of the fill;
  - c. Slope stability:
    - i. Cut slopes shall not exceed 2:1 without a retaining wall, unless benched into sound bedrock or other competent material, or unless it can be demonstrated that the slope is stable through bedrock outcrop or similar condition.
    - ii. No compacted fill shall be made which creates an exposed surface steeper than 2:1.



- iii. Filling shall not be permitted on natural slopes steeper than 2:1 unless an analysis proving the stability of the soil is submitted to and approved by the Planning Commission Engineer.
- iv. On slopes exceeding 25% (15 degrees), special engineering requirements consistent with accepted engineering practices may be required. This shall also apply to soils with an excessive shrink-swell factor.

## **STORM WATER MANAGEMENT**

All developments shall be designed to insure that stormwater falling on the site shall be absorbed or detained on-site to the extent that the controlled release rate of stormwater runoff shall not exceed the pre-development stormwater runoff rate, for a 25-year 24-hour storm or a 10-year 1-hour storm, demonstrated by accepted engineering method in a Stormwater Management Plan.

### **Stormwater Management Plan Format, Contents and Standards:**

The required Stormwater Management Plan shall contain the following information unless specifically excluded by the Planning Commission Engineer.

- A. A topographic map of the project site and adjacent areas, of the same scale as the main site plan, unless the commission engineer requires a greater scale because of unusual site characteristics, which shall demonstrate the location of all existing:
  - 1. Streams, flood plains and calculated high water elevations;
  - 2. The shorelines of lakes, ponds, and wetlands;
  - 3. Sinkholes and their drainage areas;
  - 4. Detention basins including their inflow and outflow elevations and structures, if any; and
  - 5. All existing sanitary and storm sewers and their flowline elevations.
- B. The proposed stormwater management system drawn on a topographic map, which shall identify the location of all drainage structures including the following information:
  - 1. Flowline elevation, slope, type, and size of storm sewers and waterways discharging onto the site and receiving storm sewers and waterways at the points into which stormwater from the site will drain;
  - 2. Where existing channels or other open drainage facilities will be changed either by construction or by increasing the volume therein, show a profile and one or more cross sections of the existing and proposed channels or other open drainage facilities, showing existing conditions and the proposed changes thereto, together with the high water elevations expected from stormwater runoff and the relation of structures, streets, and other utilities to such channels;

3. Identification of the means by which open channels shall be protected from erosion (appropriate vegetative cover, lining or other treatment). **Note:** Sod or crushed stone may be required to stabilize drainage channels in highly erosive soils or slopes greater than 3:1. Earthen channel side slopes shall be no steeper than 2 to 1. Open channels with lining shall have a maximum gradient on side slopes of 67 percent. Channel side slopes steeper than 67 percent shall be designed as structural retaining walls.
4. Identification of an excess stormwater passage through the development, which shall, where feasible, preserve and utilize the existing natural drainage on the site, and demonstration that its capacity will transport the peak run-off from a 100-year 24-hour storm and that in such a storm, no water level will exceed the level of the first floor of any building;
5. Demonstration that proposed alterations to any natural drainways or creeks will not decrease their hydraulic capacity to the extent that water is moved to new off-site locations;
6. For all detention basins and inflow and outflow structures:
  - a. A plot or tabulation of storage volumes with corresponding water surface elevations, which shall have adequate capacity to contain the storage volume of tributary stormwater runoff with at least one (1) foot of freeboard above the water surface of overflow in the emergency spillway in a 100-year, 24-hour storm.
  - b. Design hydrographs of inflow and outflow for the 25-year, 24-hour or 10-year one hour events for the site under existing and developed conditions;
  - c. Demonstration that the floor of the basin will be constructed and compacted to provide at least a 2% minimum slope to the outlet pipe to ensure that detained waters fully drain and do not create a health and safety hazard or visual nuisance.
  - d. Demonstration that overflow for a storm in excess of the design capacity will be provided and designed to function as part of the excess stormwater passage.

**APPENDIX A**  
**CERTIFICATIONS AND EASEMENT DESCRIPTIONS**

## Form A

### CERTIFICATION OF AVAILABLE CAPACITY FOR WATER SERVICE

I hereby certify that Eddyville Water and Sewer Department has the capacity within the water distribution system to supply the \_\_\_\_\_ (name of development) with water services. Provision of water service will be contingent upon the review and approval of all on-site and off-site plans and specifications for the proposed system, construction of the water distribution system by/at the cost of the developer, built to City approved specifications and approval by the City.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
GENERAL MANAGER

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## Form B

### CERTIFICATION OF AVAILABLE CAPACITY FOR SEWAGE SERVICE

I hereby certify that Eddyville Water and Sewer Department has the capacity within the sewer collection system to supply the \_\_\_\_\_ (name of development) wither sewage disposal services. Provision of services will be contingent upon the review and approval of all on-site and off-site plans and specifications for the proposed system, construction of the sewer collection system by-at the cost of the developer, built to City approved specifications and approval by the City.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
GENERAL MANAGER

---

## Form C

### CERTIFICATION OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of the development with my (our) free consent.

The following

1. Site shall be constructed and maintained in accordance with this plan. Any deviation from the plan, including landscaping, shall first be approved by the Planning Commission or the commission engineer.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
(Owner Name Typed Here)

## Form D

### CERTIFICATION OF FINAL DEVELOPMENT PLAN APPROVAL

I hereby certify that the development plan shown hereon has been found to comply with the Development Regulations for Eddyville, Kentucky, with the exceptions of such variances, if any, as are noted in the minutes of the Planning Commission and that it has been approved for construction and obtaining building permits.

\_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Chair, Lyon County Joint Planning Commission

---

## Form E

### DRAINAGE EASEMENT DESCRIPTION

Drainage easements contain stormwater channels, stormwater storage areas/facilities, and access rights for maintenance of such facilities. No channel alteration or construction that would obstruct the flow of stormwater is allowed. There shall be no storage or disposal of grass clippings, trash, debris, or other potential obstructions that may wash into stormwater channels or storage areas.

(The drainage easement description shall also specify maintenance responsibilities.)

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## Form F

### UTILITY EASEMENT DESCRIPTION

Easements grant and convey to the Kentucky Utilities Company, their successors, assigns, and lessees, the right of ingress and egress is hereby granted to users of the utility easement as required to construct, operate, maintain and reinforce facilities within said easements.

## APPENDIX B

### DEVELOPMENT PLAN CHECK LIST

#### DEVELOPMENT PLAN CHECK LIST

The following information should be included on the final plan presented for review by the Commission unless accompanied by a request for waiver. Samples of all certifications can be found in Appendix A.

	<u>YES</u>	<u>NO</u>
A. Uniform size sheets, 18" x 24" or 24" x 36"; index of the same size, if necessary.	_____	_____
B. Title block:		
o Name of the proposed development, city name, county name;	_____	_____
o Names, addresses, phone numbers of landowner(s) and developer(s);	_____	_____
o Name, address, phone number, and seal and/or stamp of the licensed engineer and/or registration number of land surveyor responsible for the plat.	_____	_____
o Label "Development Plan"	_____	_____
C. Legend:		
o North arrow	_____	_____
o Graphic Scale (not more than 1" = 100 ft.)	_____	_____
o Date of original and revisions	_____	_____
o Acreage of land to be developed	_____	_____
D. Vicinity map, 2,000 feet to the inch or greater.	_____	_____
E. Information Block:		
o Total gross acreage	_____	_____
o Acreage in R.O.W.	_____	_____
o Net acreage by zone	_____	_____
o Individual lot acreage for each lot	_____	_____
o other	_____	_____
F. Boundary lines of area being developed with accurate distances and angles; correct legal description of the property.	_____	_____

G.	Contours, not more than two (2) foot intervals	_____	_____
H.	Proposed right-of-ways, pavement widths, of new streets or private drives	_____	_____
I.	Proposed utility and other easements	_____	_____
J.	Parking areas including required data	_____	_____
K.	Grading Plan	_____	_____
L.	Sign locations	_____	_____
M.	Dumpster location	_____	_____
N.	Fire Hydrant location (existing or new)	_____	_____
O.	Statement of whether a KYTC entrance permit is required	_____	_____
P.	All relevant signature blocks and certificates	_____	_____
Q.	Location of 100 yr flood plain (if applicable)	_____	_____

## DEVELOPMENT PLAN SUPPLEMENTARY INFORMATION

The following items of supplementary information shall be required, unless otherwise waived by the Planning Commission, and shall be included as part of the Development Plan approval process. These following plans need to be separate plans from the main site plan and have individual titles on the Supplement Plans (IE., Stormwater Plan, Landscape Plan, Erosion Control Plan).

	YES	NO
A. Street or private road plans with cross sections.	_____	_____
B. Water and Sanitary sewer plans (with proposed locations of lines only).	_____	_____
C. Storm Water Plans	_____	_____
D. Erosion Control Plans	_____	_____
E. Final Landscape Plan.	_____	_____



APPLICATION FOR DEVELOPMENT PLAN APPROVAL –Eddyville, KENTUCKY

Date \_\_\_\_\_

1. Name of Applicant \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

2. Name of Surveyor or Engineer \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

3. Name of Development \_\_\_\_\_

4. Is a zoning change requested? \_\_\_\_\_

5. If YES, the plan may not be approved until it conforms with the local zoning.

6. Do you propose deed restrictions? \_\_\_\_\_

(If YES, please attach a DRAFT copy)

7. List other materials submitted with this application.

Item	Number
a. _____	_____
b. _____	_____
c. _____	_____
d. _____	_____
e. _____	_____
f. _____	_____

# **LANDSCAPE AND LAND USE BUFFERING**

## **Content and Format Standards**

### **Eddyville, Kentucky**

**City of Eddyville Zoning Ordinance  
Addendum**



**May 6, 2013**

*Prepared By:*  
**The Pennyrile ADD  
300 Hammond Dr  
Hopkinsville, KY 42240**

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## LANDSCAPE AND LAND USE BUFFERING

### PURPOSE.

The intent of this chapter is to improve the appearance of properties, vehicular use areas (VUA's), and property abutting public right of ways; to provide standards for buffering between non-compatible land uses, and to protect, preserve, and promote aesthetic appeal of properties, character, and value of the surrounding neighborhoods; to promote public health and safety through the reduction of noise pollution.

### SITES AFFECTED.

This chapter applies to all new developments subject to site plan review, to include all new commercial and multi-family developments, as well as all Planned Unit Developments (P.U.D.). Industrial and one and two-family developments which are not P.U.D.'s or Zero Lot Line (Z.L.L.) developments, are exempt from these requirements. The requirements stated in this section shall be addressed during the applicable site plan review process. The provisions of this section shall apply to:

1. New sites currently undeveloped: No new site development, building, or structure shall be constructed or vehicular use area created unless landscaping is provided as required by the provisions of this section.
2. Existing sites currently developed are exempt, but any expansion of these sites that meet the following guidelines will be required to meet the provisions of this section. They are as follows:
  - a. Improvements to an existing site that include building additions and/or vehicular use area expansions of less than 25% of the existing site shall not be required to provide landscaping in accordance with this section.
  - b. Improvements to an existing site that include building additions and/or vehicular use area expansions of greater than 25% but less than 50% of the existing site shall be required to bring only the new improvements into compliance with the requirements of this section.
  - c. Improvements to an existing site that include building additions and/or vehicular use area expansions of greater than 50% of the existing site shall be required to bring the entire site into compliance with the requirements of this section.

### PROPERTY PERIMETER LANDSCAPE REQUIREMENTS, VEHICULAR USE AREAS AND NON-COMPATIBLE USE BUFFERS.

1. ***Property Perimeter Landscape Requirements:*** A landscape easement is required as part of a perimeter landscape on all sites. The perimeter landscape easement shall meet the following guidelines:

- a. **Front Yard:** A minimum front yard landscape easement with an average of 10 feet with a minimum of 5 feet shall be provided in the required front yard of structures. This front yard landscape easement does not include the right-of-way of any public or private street. The landscape materials shall include a combination of grass, low ground cover, shrubs, and trees.
  - b. **Side Yards:** A minimum side yard landscape easement of 3 feet shall be provided in the required side yard of structures. If parking spaces abut the side yard landscape easement, the side yard landscape easement shall be 5 feet with curbs or wheel stops that prohibit the front of vehicles from overhanging into the side yard landscape easement no more than 2 feet. This front yard landscape easement does not include the right-of-way of any public or private street. The landscape materials shall include a combination of grass, low ground cover, shrubs, and trees.
  - c. **Rear Yard:** A minimum rear yard landscape easement with an average of 10 feet with a minimum of 5 feet shall be provided in the required rear yard of structures. This rear yard landscape easement does not include the right-of-way of any public or private street. The landscape materials shall include a combination of grass, low ground cover, shrubs, and trees.
2. **Vehicular Use Area (V.U.A.) Landscaping:** V.U.A.'s for the purposes of this section, refers to any area occupied in whole or in part by motorized vehicles, including, but not limited to, parking lots, parking stalls, driveways and service areas. For the purpose of this section, Vehicular Use Area (V.U.A.) does not include areas devoted to the sole purpose of the display of merchandise for sale (IE, auto sales lots). V.U.A. landscaping is required in the form of a continuous hedge that will reach between a maximum 2 ½ and 3 feet tall to screen the VUA from all public streets. This hedge must reach this maximum height within 3-4 years of planting. Plant materials shall be at least 2 feet tall at the time of installation. VUA screening hedges must be of a type of shrub that has an 80% opaque screen year-round (e.g., evergreen). An earth mound with a maximum height of 2 ½ to 3 feet high could be used to substitute for a hedge. If used, an earth mound must be sodded and have slopes not greater than 1/3 for easy maintenance. For sites that are planning more than 20 parking spaces, five (5) percent of the interior of the VUA must be landscaped with landscaping islands or landscaping peninsulas as explained in this section.
3. **Land Use Buffer Screening Requirements:** The necessity of screening non-conforming land uses and the type of screening required varies greatly with each particular situation. Therefore, it is the intent of this section to provide a discretionary measure in deciding the appropriate height, width and type of screening necessary. The majority of new sites being developed will be surrounded by other commercial properties and would not require buffer screening. However, for those adjacent to residential zones or sensitive areas, screening shall be required and adequately maintained in the following situations:
  - a. Where a business or service zone abuts a residential zone, a buffer landscape screen will be required along the boundary of the adjacent residential zone
  - b. Where a business or service zone abuts a Lake Resort Zone, a screen will be required along the boundary of the business property adjacent to the Lake Resort property.
  - c. When a planned unit development (P.U.D.) or zero lot line (Z.L.L.) development abuts any residential zone containing single-family dwelling units.

- d. Uses specified above as requiring buffer screening shall provide a visual obstruction from adjacent properties in conformance with the following standards: The screen may be composed of view-obscuring vegetation, wall or fence. The items may be used individually or in combination. Fences constructed of chain link, barbed wire, stock wire, chicken wire or other similar type fences are not permitted when used for screening. The result shall be opaque 80% screen, which obscures views from the ground to a height of the object being screened; however, the screen is not required to exceed 8 feet. Plant materials shall be at least 2 feet tall at the time of installation and reach the desired height within 3 to 5 years. When a combination of features is proposed,  $\frac{1}{4}$  of the surface area of walls or fences that face off-site must be covered with plant material within 3 to 5 years. Additionally, screen areas shall be sufficient to allow for the mature growth of plant materials when used.

## **LANDSCAPE STANDARDS AND SPECIFICATIONS.**

1. All landscaping materials shall be installed in a sound manner and according to accepted good construction and planting procedures. Any landscape material, which fails to meet the minimum requirements of this chapter at the time of installation, shall be removed and replaced with acceptable materials. A list of suggested and undesirable plant material is available in Appendix A.
2. Eddyville, Kentucky is located within the Plant Hardiness Zone 6b.
3. Existing landscape features shall be preserved where possible or feasible. Existing landscape features which are preserved may be used to fulfill the landscape requirements. The landscape elements to be preserved must be illustrated on the Landscape Plan and approved by the Planning Commission as part of the Development Plan approval process.
4. Surfaces denuded of vegetation shall be seeded or sodded to prevent soil erosion.
5. Landscape materials placed near street intersections shall meet the following requirements:
  - a. Obstruction of vision at street intersections is prohibited. Additionally, lots adjacent to an intersection shall not obstruct vision of the intersection within a 30-foot sight triangle. The 30-foot sight triangle is defined as a triangle consisting of the edge of street pavements intersecting at a point forming the outer boundaries of the lot and an imaginary line drawn 30 feet from the point of intersection in either direction. No obstruction to vision between a height of 2  $\frac{1}{2}$  feet and 12 feet above the imaginary plane defined by those three points of intersection are permitted.
  - b. No structure, wall, fence, shrubbery, or trees shall be erected, maintained, or planted on any lot which will obstruct the view of the driver of a vehicle approaching an intersection, except that shade trees will be permitted where all branches are not less than eight feet above street level.
  - c. No obstruction shall be placed in the right-of-way.

6. The person in charge of or in control of the property whether as owner, lessee, tenant, occupant, or otherwise shall be responsible for the continued proper maintenance of all landscaping materials and shall keep them in a proper, neat, and orderly appearance free from refuse, debris, noxious weeds, and unwanted grass at all times. All unhealthy or dead plant material shall be replaced within four months or by the next planting season, whichever comes first; while other defective landscape material shall be replaced or repaired within two months. All plant material shall be maintained according to accepted horticultural practices.
7. All shade trees shall be a minimum of 2.0" caliper; ornamental trees shall be 1.0" caliper; evergreen trees shall be 5' tall, when planted. Tree type shall be approved by the Zoning Administrator.
8. Only a small tree that reaches a mature height no greater than 25 feet may be planted within 20 lateral feet of overhead utility lines.
9. Soil in tree, shrub, or plant zones (defined as twice the diameter of the rootball) must be free of asphalt, construction and trash material. Soil must be at least 50% desirable planting topsoil or media thoroughly mixed with existing soil. If previously undisturbed natural topsoil is available, no amendments are necessary. Subsoil is not acceptable for planting.
10. Staking is not required on any trees.
11. Plastic or other impervious materials shall not be used in landscaped areas as weed control barriers.
12. Mulch shall be applied to all non-turf, landscaped areas at planting. Mulch is not required on groundcover after it becomes fully established. The desirable recommendation for mulch is composed wood chips, pine bark, pine straw, and shredded hardwood bark. Mulch shall be applied and maintained at 2 to 4 inches deep and with no more than one inch touching any part of the plant. Other organic and non-organic materials may be used as long as they are pervious to air and water. Crushed limestone is not acceptable.
13. Trees shall be protected from potential damage by vehicles.
14. Thirty percent of required trees shall be placed within the perimeter of the actual parking surface area in those parking lots of over 20 spaces.
15. All parking lots of more than 5 parking spaces shall include planted trees in accordance with *Table 1, Tree Planting Requirements*, below:

**Table 1**  
**Tree Planting Requirements**

Parking Spaces	Requirements	# of Required Trees	Minimum Required Variety of Trees	Maximum of Any One Variety
1 to 5	no trees	n/a	n/a	n/a
6 to 30	1 tree for each 6 spaces or fraction thereof up to 30 spaces	1 to 5	n/a	n/a
31 to 100	5 trees for the first 30 spaces, plus 1 tree for each additional 7 spaces or fraction thereof	5 to 15	2	65%
101 to 196	15 trees for the first 100 spaces, plus 1 tree for each additional 8 spaces or fraction thereof	15 to 27	3	50%
197 to 304	27 trees for the first 196 spaces, plus 1 tree for each additional 9 spaces or fraction thereof	27 to 39	4	40%
305 to 504	39 trees for the first 305 spaces plus, 1 tree for each additional 10 spaces or fraction thereof	39 to 59	5	35%
505 or more	59 trees for the first 505 spaces plus, 1 tree for each additional 11 spaces or fraction thereof	59+ 6	30%	

***Interior landscaping for vehicular use areas (VUA's):*** Landscaping shall be provided for vehicular use areas in accordance with the following standards:

1. A minimum of 5% of the total VUA shall be landscaped and the landscaping shall be dispersed throughout the paved area. The VUA landscaping shall only be required for uses that have more than 20 parking spaces. This section shall not apply to parking lots used for the sole purpose of displaying merchandise for sale.
2. The VUA landscaping shall contain a variety of plant materials and be dispersed in the form of planting islands or peninsulas throughout the VUA. The minimum size of planting areas shall be 80 square feet.
3. Planting islands within the VUA shall be required within every other parking row, when parking rows are provided in the interior portions of the parking lot. Planting islands may be placed in a staggered or linear design.
4. All planting islands shall be planted with grass, low ground cover, shrubs, flowers, trees, or any combination of these. Hard surfaces or gravel are not permitted.
5. All planting islands shall have a minimum of 6 inch curbs installed to protect the planting area from vehicular traffic.
6. All plant material (other than grass, or ground cover) located within landscape islands



where vehicle overhangs are needed shall be setback a minimum of 2 feet 6 inches from the edge of pavement or face of curb.

7. Landscaping materials shall be located between the structure and all common boundaries including the side yard and frontage of parking lots.
8. Trees used in planting islands 2 to 4 feet wide are restricted to mature height of 10 to 25 feet and defined as small sized trees. Trees used in planting islands 4 to 8 feet wide may use small trees or trees that reach a mature height of 25 to 50 feet and defined as medium sized trees. Trees used in planting islands greater than 8 feet wide are not restricted by size.

**Sign landscaping.** Landscaping shall be located around the base of freestanding signs. The landscaping shall be ornamental in nature with shrubs, flowers, and other ornamental plant materials. Sign landscaping is not required for free-standing signs permitted before the adoption of this ordinance. The amount of landscape area required shall be 1 square foot of landscape area per 1 square foot of sign area. At least 50% of the required landscaping area shall be planted with small size trees and/or shrubs.

## TREE REQUIREMENTS

The required perimeter landscape easements shall be used to determine the number of large shade trees required for the site. The site must contain a minimum of one large shade tree per 40 feet of linear boundary, or fraction thereof. Trees do not have to be equally spaced, but may be grouped. Existing trees shall be preserved where possible. Tree type shall be approved by the Zoning Administrator and shall be protected from potential damage by vehicles. All shade trees shall be a minimum of 2.0" caliper when planted. See Appendix A for suggested tree sizes and types.

## LANDSCAPING AT DRIVEWAYS AND STREET INTERSECTIONS

To insure that landscape materials do not constitute a driving hazard, a sight triangle shall be observed at all street intersections or intersections of driveways or alleys with streets. Within this sight triangle no landscape material nor other fixed object shall obstruct vision between a height of three feet and a height of 12 feet above the average elevation of the existing surfaces at the center line of each street, driveway, or alley.

Within the sight triangle, trees shall be permitted as long as, except during early growth stages, only the tree trunk (no limbs, leaves, or the like) is visible between the three- and 12-foot limitations mentioned above. A similar exemption is allowed for utility poles and traffic signs or lights.

## LANDSCAPE MATERIALS.

The landscaping materials to be utilized shall consist of the following:

1. **Walls and fences.** Walls shall be constructed of natural stone, brick, or artificial materials arranged in a linear, serpentine, or other alignment; fences shall be constructed of wood. There shall be a three-foot height restriction for walls or fences in front yards, and an eight-foot height restriction in all other required yards. All walls or fences shall have a

minimum opacity of 80%.

2. **Earth mounds.** Earth mounds shall be constructed with proper slopes and adequate plant material to prevent erosion.
3. **Plants.** All plant materials shall be living plants (artificial plants are prohibited). If plant material not included in the adopted list is to be used, the developer shall receive prior approval from the Zoning Administrator.
4. **Quality.** Plant materials used in conformance with the provision of this chapter shall conform to the standards of the American Association of Nurserymen.
5. **Deciduous trees** (trees which normally shed their leaves in the fall). Deciduous trees should be a species having an average mature crown spread of greater than 15 feet and having trunks which can be maintained with over five feet of clear wood in areas which have visibility requirements.
6. **Evergreen trees.** Evergreen trees shall be a minimum of five (5) feet high with a minimum caliber of one and one-half inches and a minimum spread of three (3) feet immediately after planting.
7. **Shrubs and hedges.** Shrubs and hedges shall be at least two (2) feet to three feet in average height or spread when planted and shall conform to opacity and other requirements within three (3) to four (4) years after planting.
8. **Vines.** Vines shall be at least 12 to 15 inches high at planting and are generally used in conjunction with walls or fences.
9. **Grass or ground cover.** Grass (of common mixtures of Fescues, Bluegrass, and Rye) shall be planted in species normally grown as permanent lawns in the city, and may be sodded, plugged, sprigged, or seeded; except in swales or other areas subject to erosion where solid sod, erosion-reducing net, or suitable mulch shall be used.
10. A minimum of 20% of the landscape planting required shall be of evergreen trees and shrubs.

## **MAINTENANCE AND INSTALLATION.**

All landscaping materials shall be installed in a sound, workmanlike manner, and according to accepted good construction and planting procedures. Any landscape material, which fails to meet the requirements of this chapter at the time of installation, shall be removed and replaced with acceptable materials. Inspections will be conducted by the Zoning Administrator after installation of landscaping to assure compliance with the submitted and approved site plan.

The person in charge of or in control of the property whether as owner, lessee, tenant, occupant, or otherwise shall be responsible for the continued proper maintenance of all landscaping materials and shall keep them in a proper, neat, and orderly appearance free from refuse, debris, noxious weeds, and unwanted grass at all times. All unhealthy or dead plant material shall be replaced within four months or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within two months. Plant material shall not be severely pruned such that the natural growth pattern or characteristic form is significantly altered. Surfaces denuded of vegetation shall be seeded or sodded to prevent soil erosion. The removal or destruction of landscape material previously approved by the Planning Commission shall constitute a violation of the Zoning Ordinance. Replacement of landscape material shall be of like type as that which was removed or destroyed. Surety bond or irrevocable letter of credit for the landscaping will be submitted as a part of the public improvements for 125 percent of the landscaping improvements.

Violation of these installation and maintenance provisions shall be grounds for the Zoning Administrator to refuse a certificate of occupancy permit, require replacement of landscape material, and will subject those in violation to established fines and penalties of this chapter.

## **PLAN SUBMISSION AND APPROVAL.**

Whenever any property is affected by these landscaping requirements, the property owner or developer shall prepare a landscape plan for submittal to, and approval by, the Planning Commission. The Planning Commission shall follow the requirements of this chapter in approving or disapproving any landscape plan required by this chapter. Landscape plans also may be submitted as part of any plan review required by the Planning Commission. The property owner or developer shall submit the Landscape Plan to the Planning Commission as part of the Site Plan Review process.

## **PLAN REVIEW.**

The contents of the Landscape Plan shall include the following:

1. Site plan, drawn to a scale not to exceed one inch to fifty feet, showing the labeling by name and dimensions all existing and proposed property lines, easements, buildings, and other structures, vehicular use areas (including parking stalls, driveways, service areas, square footage, etc.), water outlets, landscape material (tree, wall, fence, hedge, or earth mound locations), and existing topography, proposed grading at a minimum of two-foot contours.
2. Typical elevations as may be required.
3. Title box with the names and addresses the property owner, and the person drawing plan, and person installing landscape material), scale, date, north arrow (generally orient plan so that north is to top of plan), and zoning classification.
4. Planting schedule and plat list including common name, botanic name, cultivar size and quantity, condition (balled and burlaped, container size or bare root), and planting details using the standards of the American Society of Landscape Architects.

## **VARIANCE**

The Planning Commission shall have the authority to grant a waiver of any of the requirements in this section upon written request, which outlines the rationale for the waiver. The Planning Commission shall review each written request and grant a waiver only; under unusual or extreme circumstances which cause an unreasonable hardship such as the size of the lot; or, when an innovative or alternative approach can be made which still meets the intent and purpose of this section.

# **Appendix A**

## **ACCEPTABLE PLANT LIST**

# ACCEPTABLE PLANT LIST

Suggested Woody Plants				
SUGGESTED LARGE TREES (Over 50 feet in Height)				
SCIENTIFIC NAME	COMMON NAME	PLANT TYPE	HEIGHT	SPREAD
<i>Abies concolor</i>	White Fir	E	30' to 50'	15' to 30'
<i>Acer rubrum</i>	Red Maple (spp., cvs)	D	40' to 60'	30' to 40'
<i>Acer saccharum</i>	Sugar Maple (spp., cvs, hybrids)	D	60' to 75'	50' to 60'
<i>Alnus glutinosa</i>	Black Alder	D	40' to 60'	20' to 40'
<i>Betula nigra</i>	River Birch	D	40' to 70'	40' to 60'
<i>Carpinus betulus</i>	European Hornbeam	D	40' to 60'	30' to 50'
<i>Cercidiphyllum japonicum</i>	Katsura Tree	D	40' to 60'	30' to 50'
<i>Chamaecyparis pisifera</i>	Sawara Falsecypress	E	50' to 70'	10' to 20'

<i>Eucommia ulmoides</i>	Hardy Rubber Tree	D	40' to 60'	40' to 50'
<i>Ginkgo biloba</i>	(Male) Ginkgo	D	50' to 80'	30' to 50'
<i>Gymnocladus dioica</i>	Kentucky Coffeetree	D	60' to 75'	40' to 50'
<i>Ilex opaca</i>	American Holly	E	40' to 70'	20' to 40'
<i>Larix deciduas</i>	European Larch	D	70' to 75'	25' to 30'
<i>Liriodendron tulipifera</i>	Tulip or Yellow Poplar	D	70' to 90'	35' to 50'
<i>Magnolia acuminata</i>	Cucumbertree Magnolia	D	50' to 80'	50' to 80'
<i>Metasequoia glyptostroboides</i>	Dawn Redwood	D	70' to 100'	25'
<i>Picea abies</i>	Norway Spruce	E	40' to 60'	25' to 30'
<i>Picea glauca</i>	White Spruce	E	40' to 60'	10' to 20'
<i>Picea omorika</i>	Serbian Spruce	E	50' to 60'	20' to 25'
<i>Picea orientalis</i>	Oriental Spruce	E	50' to 60'	20' to 30'
<i>Picea pungens</i>	Colorado Spruce	E	50' to 70'	20' to 30'
<i>Pinus resinosa</i>	Red Pine	E	50' to 80'	20' to 40'
<i>Pinus strobus</i>	White Pine	E	50' to 80'	20' to 40'
<i>Pinus sylvestris</i>	Scotch Pine	E	30' to 60'	30' to 40'
<i>Pinus thunbergii</i>	Japanese Black Pine	E	20' to 50'	var.
<i>Platanus x acerifolia</i>	London Planetree	D	70' to 100'	60' to 80'
<i>Plantanus occidentalis</i>	American Sycamore	D	75' to 100'	75' to 100'
<i>Quercus alba</i>	White Oak	D	60' to 100'	50' to 80'
<i>Quercus bicolor</i>	Swamp White Oak	D	50' to 60'	50'
<i>Quercus coccinea</i>	Scarlet Oak	D	70' to 75'	40' to 50'
<i>Quercus imbricaria</i>	Shingle Oak	D	50' to 60'	40' to 60'
<i>Quercus muehlenbergii</i>	Chinkapin Oak	D	70' to 80'	80'to100'
<i>Quercus nigra</i>	Water Oak	D	50' to 80'	40' to 60'
<i>Quercus phellos</i>	Willow Oak	D	40' to 60'	40' to 50'
<i>Quercus rubra</i>	Northern Red Oak	D	60' to 75'	40' to 50'
<i>Quercus shumardii</i>	Shumard Oak	D	40' to 60'	40' to 50'
<i>Stephanolobium japonicum</i>	Japanese Pagoda	D	50' to 70'	40' to 60'
<i>Taxodium distichum</i>	Bald Cypress	D	50' to 70'	20' to 30'
<i>Thuja occidentalis</i>	American Arborvatae	E	40' to 60'	10' to 15'
<i>Tilia cordata</i>	Littleleaf Linden	D	60' to 70'	30' to 50'
<i>Tilia tomentosa</i>	Silver Linden	D	50' to 70'	30' to 50'

<i>Tsuga canadensis</i>	Eastern Hemlock	E	40' to 70'	25' to 35'
<i>Tsuga caroliniana</i>	Carolina Hemlock	E	45' to 60'	20' to 25'
<i>Ulmus Americana</i>	American Elm (hybrid resistant to Dutch Elm Disease)	D	60' to 80'	40' to 55'
<i>Ulmus parvifolia</i>	Lacebark Elm	D	40' to 50'	40' to 50'
<i>Zelkova serrata</i>	Japanese Zelkova	D	50' to 80'	40' to 70'

### SUGGESTED MEDIUM TREES (25 to 50 feet in Height)

SCIENTIFIC NAME	COMMON NAME	PLANT TYPE	HEIGHT	SPREAD
<i>Acer campestre</i>	Hedge Maple	D	25' to 35'	25' to 35'
<i>Amelanchier arborea</i>	Downy Serviceberry	D	15' to 25'	10' to 15'
<i>Carpinus caroliniana</i>	American Hornbeam	D	20' to 30'	20' to 30'
<i>Cladrastis kentukea</i>	Yellowwood	D	30' to 50'	40' to 50'
<i>Corylus colurna</i>	Turkish Filbert	D	40' to 50'	20' to 30'
<i>Gleditsia tricanthos</i> var. <i>intermis</i>	Thornless Honey Locust	D	30' to 50'	30' to 50'
<i>Halesia tetraptera</i>	Carolina Silverbell	D	30' to 40'	20' to 35'
<i>Ilex opaca</i>	American Holly	E	40' to 50'	18' to 40'
<i>Juniperus virginiana</i>	Eastern Redcedar	E	40' to 50'	10' to 20'
<i>Koelreutearia paniculata</i>	Golden Raintree	D	30' to 40'	30' to 40'
<i>Nyssa sylvatica</i>	Tupelo, Black Gum	D	30' to 50'	20' to 30'
<i>Ostrya virginiana</i>	Hophornbeam	D	25' to 40'	20' to 30'
<i>Oxydendrum arboreum</i>	Sourwood	D	25' to 30'	20' to 25'
<i>Parrotia persica</i>	Persian Parrotia	D	20' to 40'	15' to 30'
<i>Phellodendron amurense</i>	Cork Tree	D	30' to 45'	30' to 40'
<i>Pinus cembra</i>	Swiss Stone Pine	E	30' to 40'	15' to 25'
<i>Pinus parviflora</i>	Japanese White Pine	E	25' to 50'	25' to 50'
<i>Prunus sargentii</i>	Sargent Cherry	D	40' to 50'	30' to 50'
<i>Prunus subhirtella</i>	Higaen Cherry	D	20' to 40'	15' to 30'
<i>Prunus yedoensis</i>	Yoshino Cherry	D	20' to 40'	20' to 40'
<i>Pyrus calleryana</i>	Callery Pear (cultivars only except 'Bradford')	D	30' to 50'	20' to 35'
<i>Quercus acutissima</i>	Sawtooth Oak	D	35' to 45'	30' to 40'
<i>Stewartia pseudo&gt;camellia</i>	Japanese Stewartia	D	20' to 35'	20' to 30'
<i>Syringa reticulata</i>	Japanese Tree Lilac	D	20' to 30'	15' to 25'

### SUGGESTED LARGE SHRUBS OR SMALL TREES (10 to 25 feet in Height)

SCIENTIFIC NAME	COMMON NAME	PLANT TYPE	HEIGHT	SPREAD
<i>Acer tataricum</i> var. <i>ginnala</i>	Amur Maple	D	15' to 18'	15' to 20'
<i>Acer palmatum</i>	Japanese Maple	D	15' to 25'	15' to 25'
<i>Acer pensylvanicum</i>	Striped Maple	D	15' to 20'	12' to 20'
<i>Aesculus parviflora</i>	Bottlebrush Buckeye	D	8' to 12'	8' to 15'
<i>Aesculus pavia</i>	Red Buckeye	D	10' to 20'	10' to 20'
<i>Amelanchier laevis</i>	Allegheny Serviceberry	D	15' to 25'	15' to 25'
<i>Cercis Canadensis</i>	Eastern Redbud	D	20' to 25'	20' to 30'

<i>Chionanthus virginicus</i>	White Fringetree	D	15' to 30'	15' to 30'
<i>Cornus alternifolia</i>	Pagoda Dogwood	D	15' to 25'	20' to 30'
<i>Cornus florida</i>	Flowering Dogwood	D	20' to 25'	20' to 30'
<i>Cornus kousa</i>	Kousa Dogwood	D	15' to 20'	15' to 20'
<i>Cornus mas</i>	Corneliancherry Dogwood	D	20' to 25'	15' to 20'
<i>Crataegus phaenopyrum</i>	Washington Hawthorn	D	20' to 30'	20' to 25'
<i>Crataegus viridis</i>	Green Hawthorne	D	20' to 30'	20' to 30'
<i>Crataegus x lavalleyi</i>	LaValle Hawthorne	D	15' to 25'	10' to 20'
<i>Forsythia x intermedia</i>	Border Forsythia	D	8' to 10'	10' to 12'
<i>Hamamelis virginiana</i>	Common Witchhazel	D	20' to 30'	20' to 25'
<i>Hydrangea paniculata</i>	Panicle Hydrangea	D	15' to 25'	10' to 20'
<i>Ilex x attenuate</i>	'Fosteri' Foster Holly	E	10' to 20'	5' to 10'
<i>Juniperus chinensis</i>	Chinese Juniper (cultivars)	E	12' to 25'	var.
<i>Magnolia stellata</i>	Star Magnolia	D	15' to 20'	10' to 15'
<i>Magnolia virginiana</i>	Sweetbay Magnolia	D	10' to 20'	10' to 20'
<i>Magnolia x soulangiana</i>	Saucer Magnolia	D	20' to 25'	20' to 30'
<i>Malus</i>	(varieties) Crabapple (must be cultivar with disease resistance)	D	10' to 25'	10' to 30'
<i>Pinus densiflora</i>	Japanese Red Pine	E	10' to 15'	10' to 15'
<i>Pinus mugo</i>	Mugho Pine	E	15' to 20'	20' to 30'
<i>Platycladus orientalis</i>	Oriental Arborvitae	E	15' to 25'	10' to 12'
<i>Prunus serrulata</i>	Oriental Cherry (cultivars)	D	15' to 20'	15' to 20'
<i>Ptelea trifoliata</i>	Hoptree	D	15' to 20'	15' to 20'
<i>Taxus cuspidate</i>	Japanese Yew (cultivars)	E	10' to 20'	10' to 30'
<i>Viburnum lentago</i>	Nannyberry	D	15' to 18'	6' to 10'
<i>Viburnum opulus</i>	Cranberrybush Viburnum	D	8' to 10'	10' to 15'
<i>Viburnum prunifolium</i>	Blackhaw Viburnum	D	12' to 15'	8' to 12'
<i>Viburnum rhytidophyllum</i>	Leatherleaf Viburnum	E	10' to 15'	10' to 15'
<i>Viburnum rufidulum</i>	Southern or Rusty Blackhaw	D	12' to 15'	8' to 12'
<i>Viburnum sieboldii</i>	Siebold Viburnum	D	15' to 20'	10' to 15'
<i>Viburnum trilobum</i>	American Cranberrybush	D	8' to 12'	8' to 12'

### SUGGESTED MEDIUM SHRUBS (6 to 10 feet in Height)

SCIENTIFIC NAME	COMMON NAME	PLANT TYPE	HEIGHT	SPREAD
<i>Acanthopanax sieboldian</i>	Fiveleaf Aralia	D	8' to 10'	8' to 10'
<i>Aronia arbutifolia</i>	Red Chokeberry	D	6' to 10'	3' to 5'
<i>Aronia melanocarpa</i>	Black Chokeberry	D	3' to 5'	3' to 5'
<i>Calycanthus floridus</i>	Carolina Allspice	D	6' to 9'	6' to 12'
<i>Chamecyparis pisifera</i>	Sawara falsecypress (selected cultivars)	E 6' to 8'	6' to 7'	
<i>Cornus serica</i>	Redosier Dogwood	D	7' to 9'	10'+
<i>Cotoneaster lucidus</i>	Hedge Cotoneaster	D	5' to 10'	6' to 10'
<i>Cotoneaster multiflora</i>	Many Flowered Cotoneaster	D	8' to 12'	12' to 15'
<i>Forsythia suspense</i>	Weeping Forsythia	D	8' to 10'	10' to 15'
<i>Fothergilla major</i>	Large Fothergilla	D	6' to 10'	5' to 8'
<i>Hamamelis vernalis</i>	Vernal Witchhazel	D	6' to 10'	6' to 10'
<i>Ilex crenata</i>	Japanese Holly	E	5' to 8'	5' to 8'
<i>Ilex glabra</i>	Inkberry	D	6' to 8'	8' to 10'

<i>Ilex verticillata</i>	Winterberry	D	6' to 9'	6' to 9'
<i>Ilex x meserve</i>	Meserve Holly	E	6' to 10'	6' to 10'
<i>Juniperus communis</i>	Common Juniper	E	5' to 10'	8' to 12'
<i>Kalmia latifolia</i>	Mountain Laurel	E	7' to 10'	7' to 10'
<i>Lindera benzoin</i>	Spicebush	D	6' to 12'	6' to 12'
<i>Myrica pennsylvanica</i>	Northern Bayberry	D	5' to 12'	5' to 12'
<i>Pieris japonica</i>	Japanese Pieris	E	9' to 12'	6' to 8'
<i>Rhododendron</i> (varieties)	Rhododendron (varieties)	E	var.	var.
<i>Taxus x media</i>	Anglojap Yew	E	5' to 12'	var.
<i>Viburnum dentatum</i>	Arrowwood Viburnum	D	6' to 8'	6' to 12'
<i>Viburnum x burkwoodii</i>	Burkwood Viburnum	D	8' to 10'	6' to 8'

### SUGGESTED SMALL SHRUBS (4 to 6 feet in Height)

SCIENTIFIC NAME	COMMON NAME	PLANT TYPE	HEIGHT	SPREAD
<i>Berberis koreana</i>	Korean Barberry	D	4' to 6'	3' to 5'
<i>Berberis thunbergii</i>	Japanese Barberry	D	4' to 5'	5' to 7'
<i>Berberis x mentorensis</i>	Mentor Barberry	D	5' to 7'	5' to 7'
<i>Chamaecyparis obtuse</i>	Hinoki Falsecypress (cultivars)	E	5' to 7'	5' to 7'
<i>Clethra alnifolia</i>	Summersweet Clethra	D	5' to 7'	5' to 7'
<i>Leucothoe fontanesiana</i>	Dropping Leucothoe	E	5' to 7'	5' to 7'
<i>Pinus mugho</i>	Mugho Pine (cultivars)	E	5' to 7'	5' to 7'

### SUGGESTED LOW SHRUBS (1 ½ to 4 feet in Height)

SCIENTIFIC NAME	COMMON NAME	PLANT TYPE	HEIGHT	SPREAD
<i>Abelia x grandiflora</i>	Glossy Abelia	D	3' to 5'	3' to 5'
<i>Abeliophyllum distichum</i>	Korean Abelialeaf	D	3' to 5'	3' to 4'
<i>Berberis thunbergii</i>	Japanese Barberry (cultivars)	D	3' to 5'	4' to 7'
<i>Buxus microphylla</i>	Littleleaf Boxwood	E	3' to 4'	3' to 4'
<i>Cotoneaster horizontalis</i>	Rock Cotoneaster	D	2' to 3'	5' to 8'
<i>Deutzia gracilis</i>	Slender Deutzia	D	2' to 4'	3' to 4'
<i>Fothergilla gardenia</i>	Dwarf Fothergilla	D	2' to 4'	3' to 4'
<i>Hypericum frondosum</i>	Golden St. Johnswort	D	3' to 4'	3' to 4'
<i>Hypericum prolificum</i>	Shrubby St. Johnswort	D	2' to 4'	2' to 4'
<i>Ilex crenata</i>	Japanese Holly	E	2' to 4'	2' to 4'
<i>Juniperus chinensis</i> var. <i>sargentii</i>	Sargents Chinese Juniper	E	1.5' to 2.5'	7' to 9'
<i>Juniperus horizontalis</i>	Creeping Juniper	E	2' to 2.5'	6' to 10'
<i>Potentilla fruticosa</i>	Bush Cinquefoil	D	1' to 4'	2' to 4'
<i>Spiraea x bumalda</i>	Bumalda Spirea	D	2' to 3'	3' to 5'
<i>Taxus baccata</i>	English Yew	E	2' to 4'	3' to 5'

### SUGGESTED GROUND COVER (Below 1 ½ feet in Height)

SCIENTIFIC NAME	COMMON NAME	PLANT TYPE	HEIGHT	SPREAD
<i>Ajuga reptans</i>	Carpet Bugle	E	4" to 12"	var.



<i>Arctostaphylos uva-ursi</i>	Bearberry	D	6" to 12"	2' to 4'
<i>Cotoneaster adpressa</i>	Creeping Cotoneaster	D	12" to 18"	4' to 6'
<i>Cotoneaster dammeri</i>	Bearberry Cotoneaster	D	12" to 18"	6' to 8'
<i>Hedera helix</i>	English Ivy	E	6" to 8"	var.
<i>Hypericum calycinum</i>	St. Johnswort	D	12" to 18"	18" to 24"
<i>Juniperus conferta</i>	Shore Juniper	E	12" to 18"	6' to 9'
<i>Juniperus horizontalis</i>	Creeping Juniper (cultivars)	E	12" to 24"	4' to 8'
<i>Juniperus Sabina</i>	Savin Juniper (cultivars)	E	12" to 18"	3' to 5'
<i>Liriope muscari</i>	Liriope	E	12" to 18"	var.
<i>Pachysandra terminalis</i>	Japanese Spurge	E	1" to 10"	var.
<i>Vinca minor</i>	Periwinkle	D	3" to 6"	var.
<i>Xanthorhiza simplicissima</i>	Yellowroot	D	12" to 24"	var.

spp.=species; cvs=cultivars; E=evergreen; D=deciduous; var.=varies

## UNDESIREABLE PLANT LIST

Undesirable Plant List	
SCIENTIFIC NAME	COMMON NAME
<i>Acer negundo</i>	Boxelder
<i>Acer platanoides</i>	Norway Maple
<i>Acer saccharinum</i>	Silver Maple

<i>Ailanthus altissima</i>	Tree of Heaven
<i>Albizia julibrissin</i>	Mimosa
<i>Betula papyrifera</i>	White Birch
<i>Betula pendula</i>	European White Birch
<i>Celtis occidentalis</i>	Hackberry
<i>Elaeagnus angustifolia</i>	Russian Olive
<i>Elaeagnus umbellata</i>	Autumn Olive
<i>Fraxinus</i> (all)	Ash
<i>Ginkgo biloba</i> (female)	Ginkgo (except for male)
<i>Ligustrum</i> (all)	Privets (all)
<i>Liquidambar styraciflua</i>	Sweetgum
<i>Maclura pomifera</i>	Osage Orange
<i>Paulownia tomentosa</i>	Empress Tree
<i>Populus alba</i>	Silver-leafed Poplar
<i>Populus nigra</i>	Lombardy Poplar
<i>Pyrus calleryana</i>	'Bradford' Bradford Pear
<i>Robinia psuedoaacia</i>	Black Locust
<i>Salix babylonica</i>	Weeping Willow
<i>Ulmus Americana</i>	American Elm (except for Dutch Elm resistant hybrids)
<i>Ulmus pumila</i>	Siberian Elm