



City of Lakeview Heights, Kentucky

Zoning and Building Ordinance

Revised: January 4, 2010

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**City of Lakeview Heights
385 Circle Drive
Morehead, Kentucky 40351**

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|--------------------------|------------------------|
| Ordinance Number: | 7 |
| Date: | February, 1983 |
| Revision: | January 4, 2010 |
| Merge: | |
| Adopted: | |

**AN ORDINANCE RELATING TO ZONING AND BUILDING
FOR THE CITY OF LAKEVIEW HEIGHTS, KY**

THE BOARD OF COMMISSIONERS OF THE CITY OF LAKEVIEW HEIGHTS, KENTUCKY DOES HEREBY RESOLVE AND ORDAIN AS FOLLOWS:

In pursuance of the authority granted by Kentucky revised statutes, chapter 100, sections 100.113-100.221, to a city legislative body of the sixth class, to regulate and restrict the heights, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes; that the City of Lakeview Heights be divided into districts as hereinafter described, and that the regulations, restrictions and boundaries of districts shall be established, enforced, and amended as provided in this ordinance.

CHAPTER 1

INTRODUCTION

SECTION 1: TITLE

This Ordinance shall be now referred to and cited as the “Zoning Ordinance for the City of Lakeview Heights, Kentucky”.

SECTION 2: AUTHORITY

This Ordinance is enacted under the provisions of Kentucky Revised Statutes, Chapter 100, Sections 100.113-100.221 and all applicable amendments thereto.

SECTION 3: GENERAL PURPOSE

The zoning regulations and zones (districts) as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, convenience, order, prosperity and general welfare of the community. They have been designed to lessen congestion in streets, to secure safety from fire and other dangers, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provisions of transportation, water, sewage and other requirements. They have been made with reasonable consideration as to the character of each district and its suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

While zoning is often considered as imposing limitations on the development of land, it does, in fact, establish safeguards for the majority of property owners within the municipality, and is not an undesirable infringement upon basic private rights of the majority.

SECTION 4: OFFICIAL BOUNDARY AND ZONING MAP

The map herein referred to, which is identified by the title “Zoning Map of the City of Lakeview Heights, Kentucky”, dated April 21, 1983 and all explanatory matter thereon are hereby adopted and made a part of this ordinance. Thus, boundaries for the zoning districts are hereby attested and on file with the City Clerk and with the Clerk of Rowan County.

SECTION 5: DEFINITIONS

Unless the Context requires otherwise, the following words shall, for the purpose of this ordinance, have the meaning herein set forth. Words used in the present tense include

the future. The singular number includes the plural and the plural the singular. The word “shall” is mandatory, not directory.

1. Basement: The part of the building that is below the finished grade level on at least two sides of the building.
2. Board of Zoning Adjustment: refers to Lakeview Heights Board of Zoning Adjustment.
3. Buffer Area: A continuous strip of trees and/or shrubs not less than 6 feet in height designed to obstruct a clear view and to reduce noise beyond the strip.
4. Building: Any structure constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, mobile homes, and similar structures whether stationary or movable.
 - a. Principal Building – a building, including covered porches, in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be the principal building on the lot on which the same is situated.
 - b. Accessory Building – A subordinate building, the use of which is incidental to that of a principal building on the same lot.
5. City: The City of Lakeview Heights
6. Commission: The Morehead-Rowan County-Lakeview Heights Joint Planning Commission.
7. Dwelling Unit: Adequate rooms providing living quarters for one (1) family including equipment for cooking and the maintenance of daily living, including provisions for the same.
 - a. Ground Floor Area – Main living quarters for the family, on or slightly above, and no more than two (2) feet below, street level.
8. Family: One or more persons occupying a premise and living as a single housekeeping unit, but not including a group living together because of similar occupational status, such as fraternities or nursing homes.
9. Height of Building: The vertical distance from the established average sidewalk grade, street grade (“street level”) or finished grade at the building line, whichever is the highest, to the highest point of the building.

10. Lakeview Heights Commission or Board of Commissioners: Duly elected officials for the City of Lakeview Heights including the Mayor and four (4) Commissioners.
11. Lot: A piece, parcel or plot of land occupied or to be occupied by one principal building and its accessory buildings and including the open spaces required under this ordinance.
12. Lot, Corner: A zoning lot situated at the intersection of two streets, or bounded on two or more adjacent sides by street right-of-way lines.
13. Lot, Interior: A zoning lot other than a corner lot.
14. Mobile Home: Any vehicle or similar portable building with or without a permanent foundation, other than wheels, jacks, or skirtings, and designed or constructed as to permit occupancy for residential or sleeping purposes.
15. Screen: A continuous strip of trees, shrubs, or fence not less than 6 feet in height that is designed to restrict a clear view beyond the screen.
16. Set Back Line: The distance required by this Zoning Ordinance to be maintained between a given lot line and any structure....front, rear, or side, as specified, on a street right-of-way, line.
17. Sign: Any device, structure, or object for visual communication that is used for the purpose of bringing the subject thereof to the attention of others, but not including any flag, badge, insignia of any public, semi-public, civic, charitable or religious groups.
18. Story: For the purposes of this Ordinance a story shall be that portion of a building between any two floors or between a floor and the roof. The part of a building below ground or finished grade shall not be considered to be a story.
19. Street: Any public or private way dedicated to public travel seventeen (17) feet or more in width. The word "street" shall include the words, "road", "highway", and "thoroughfare".
 - a. Center Line of a Street: The Center of the surfaced roadway or the surveyed center of the street.
20. Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground. Among other things, the term "structure" shall include swimming pools, billboards and signs.

21. Travel Trailer: Trailers which are used primarily for travel and camping excursions; storage or hauling and which are not connected to utilities when not in use and which are not utilized for the purpose of day to day habitation.

CHAPTER 2

ESTABLISHMENTS OF DISTRICTS

SECTION 1: CLASSIFICATION OF ZONING DISTRICTS

In order to classify, regulate and restrict the location of buildings designed for specific uses, to regulate and limit the height and use of buildings hereafter erected or structurally altered, to regulate and limit the use and lot areas; and to regulate and determine the areas of yards, courts, and other spaces surrounding such buildings, the City is hereby divided into zoning districts as follows:

1. R-1 Low Density Residential
2. R-2 Medium Density Residential
3. R-3 High Density Residential
4. C-1 Neighborhood Commercial

Boundaries for the zoning districts are hereby established as shown on the official zoning map, included with this ordinance.

SECTION 2: ZONING DISTRICT BOUNDARIES

When uncertainty exists with respect to the boundary lines of the zoning districts as shown on the zoning map, the following rules apply:

1. Unless otherwise indicated on the official map, the district boundaries are lot lines, the center of the street, or the corporate limit lines of the City as they exist at the time of the enactment of this regulation. Questions concerning the exact location of the district boundaries shall be resolved by the Commission.
2. Where a boundary line is shown as being located a specific distance from a street line or other physical feature that distance shall prevail.
3. In the subdivided land and where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the scale determined on the map.
4. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, such boundaries shall be constructed to be lot lines, where the districts are bounded

approximately by lot lines, said lot lines shall be constructed to be the boundary of such districts, unless said boundaries are otherwise indicated in the map.

SECTION 3: TERRITORIAL JURISDICTION

The provisions of this ordinance shall apply to all lands within the corporate limits of the City of Lakeview heights and to all territories which may be annexed to the City at any future time.

CHAPTER 3

GENERAL PROVISIONS

The following general provisions are applicable to all zoning districts within the City.

SECTION 1: COMPLIANCE WITH REGULATIONS

No building or land shall hereafter be used, and no building or part thereof shall be erected, reconstructed, converted, enlarged, moved, or structurally altered unless in conformity with regulations set forth in this ordinance.

SECTION 2: CONFLICT

Whenever these regulations contain an actual, implied, or apparent conflict, the more restrictive regulation shall apply unless specified otherwise.

SECTION 3 USES, NOT PERMITTED, ARE PROHIBITED

For the purpose of this ordinance, permitted uses are listed for the various districts. Uses not specifically listed are prohibited.

SECTION 4: PRIORITY OF CONTRACTS

It is not the intention of this regulation to defeat the purposes of any deed restriction, or protective covenants when such instrument is not consistent with this regulation or contains stricter requirements. If there are instances where this regulation does conflict with previous contracts or restrictions, then the stricter provisions shall apply.

SECTION 5: APPLICABILITY TO BUILDING AND LAND

No building, structure, or land shall hereafter be used or occupied, and no building or structure or par thereof shall hereafter be erected, constructed, reconstructed, moved,

or structurally altered unless for a use expressly defined or permitted by and in conformity with all the regulations herein specified.

SECTION 6: CONTINUANCE OF NONCONFORMING USES

1. Within the districts established by this regulation or amendments that may later be adopted there may exist uses of land, and structures which were lawful before this regulation was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this regulation or future amendment. The above stated uses are declared to be incompatible with permitted uses in the districts involved and therefore are designated non-conforming.
2. Any nonconforming use of land may not be:
 - a. Changed to another nonconforming use.
 - b. Enlarged or increased, nor extended to occupy a greater area of land than was occupied except in conformity with this regulation or amendment.
 - c. Reinstated after discontinuance for any reason for a period of more than six (6) months. Any subsequent use of such structure shall comply with regulations specified in this ordinance for the district in which said structure is located.
3. Any nonconforming structure may not be:
 - a. Enlarged or altered except in conformity with this regulation.
 - b. Reconstructed or repaired to the extent of more than fifty (50) percent of its replacement cost at the time of destruction, except in conformity with the provisions with this regulation.
 - c. Moved for any reason for any distance whatsoever, unless it shall thereafter conform to the regulations for the district in which it is located.
4. Any nonconforming use of a structure may not be:
 - a. Changed to another nonconforming use.
 - b. Reinstated after discontinuance for any reason for a period more than six (6) months. Any subsequent use of such structure shall comply with regulations specified in this ordinance for the district in which said structure is located. Vacating a premises or building or non-operative status shall be evidence of discontinued use.

- c. Extended to occupy any land outside such building, except that portion of a structure such designated, arranged, or designed for such nonconforming use at the time of adoption or amendment of this ordinance.
5. Any nonconforming use of land or structures existing for residential purposes exclusively prior to the adoption of this regulation may be continued.
6. Automotive Vehicles
 - a. All abandoned automobiles or other abandoned articles shall be removed, altered, or otherwise made to conform with the directives of the Board of Commissioners of the City within thirty (30) days from the date of adoption of this regulation or the notification in writing to the owner of said property.

SECTION 7: OFF-STREET PARKING

1. For the purpose of this regulation, a permanent off-street parking space shall be at least 200 square feet in size with vehicular access to a street. Off-street parking shall be deemed to be required open space associated with permitted use and shall not hereafter be reduced or encroached upon in any manner.
2. No vehicles, trailers, boats, cars or other vehicles shall be parked on any building lot in such a manner as to block the view of the street or obstruct the view of anyone entering or exiting the roadway.
3. For the purpose listed below, parking space shall be provided in amounts specified:
 - a. Single family dwelling: At least two (2) spaces for each dwelling unit.
 - b. Multi-family dwellings: Two on-lot parking spaces shall be provided for each of the first four family units and one and one half spaces for each additional unit above four units.
 - c. Medical Offices or Clinics: One parking space for each employee, plus one parking space for each two hundred square feet of total floor area.
 - d. Retail and Service Stores: At least one parking space for each employee, plus one (1) additional parking space for each 300 square feet of store area.
 - e. Barber and Beauty Shops: One parking space for each beauty or barber chair, plus one additional space for each employee.

- f. Automobile Service Stations: One parking space for each employee and a minimum of two (2) spaces for customer parking.
- g. Planned Commercial Neighborhood Shopping Center: One (1) parking space for each 300 square feet of floor area contained in the building(s).
- h. Laundromats: One (1) parking space for each two washing machines.

SECTION 8: SIGHT DISTANCE AT INTERSECTIONS

No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between 2 and 8 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines.

SECTION 9: ERECTION OF MORE THAN ONE BUILDING ON ANY LOT

1. In residential districts, only one principal building and its customary accessory buildings (where permitted) shall hereafter be erected on any lot.
2. No residential building shall be erected on a lot which does not abut at least one street for at least eighty (80) feet.

SECTION 10: REDUCTION IN LOT AREA PROHIBITED

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yard requirements, lot area per family, or other requirements of this regulation are not maintained.

SECTION 11: REQUIRED YARD CANNOT BE USED BY ANOTHER BUILDING

No part of a yard or other open space required by any building for the purpose of complying with the provisions of these regulations shall be included as part of a yard or other open space required under these regulations for another building.

SECTION 12: ACCESS CONTROL ON CITY STREETS

In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion, the following shall apply:

1. The construction of an approach or access road or driveway shall require the permission of the city, county, or state, depending upon who has jurisdiction over the particular road.

2. An access road shall not exceed thirty (30) feet in width, and shall not be located closer than fifteen (15) feet of the right-of-way of any street intersection.
3. There shall be no more than two (2) points of access to any one public street for each 100 feet of frontage in any lot. Lots less than 100 feet in width shall have no more than (1) point of access to any one public street.

SECTION 13: ANNEXATION

Territory annexed to the City after adoption of this regulation shall be given a zone regulation within ninety (90) days after the effective annexation date in accordance with the amendment procedures set forth in this regulation.

Before official zone designation is made after annexation, all requests for building permits shall be referred to the Commission. The Commission may issue a permit only if said proposed use conforms to the Comprehensive Plan and the structure meets the requirements of the zone in which it is to be located.

SECTION 14: HEIGHT

No building shall exceed two (2) stories above the street level. No accessory building shall exceed one (1) story or fourteen (14) feet in height.

SECTION 15: NUISANCES

No noxious materials of a hazardous nature, offensive activity disturbing the peace or tranquility of the City, dumping of garbage or storage of old building materials, etc. shall occur or be allowed upon any lot, or anything done thereon which is or may become an annoyance or nuisance to the neighborhood.

SECTION 16: TEMPORARY STRUCTURES

No structure of a temporary character, trailer, camper, basement, tent, shack, garage, barn mobile home, or other outbuilding shall be used on any lot at any time as a residence or sales office either temporarily or permanently.

SECTION 17: GROUND COVER

Ground cover shall be planted and maintained anytime there is grading, excavation, or filling, and it shall be provided within three (3) months after completion of the excavation, grading, or filling, or within one (1) year of the commencement date of the excavation, grading, or filling, whichever is earlier.

SECTION 18: LIVESTOCK AND POULTRY

No animal, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, or other household pets may be kept, provided they are not kept, bred, or maintained for any commercial purpose.

SECTION 19: GARBAGE AND REFUSE DISPOSAL

No lot shall be used or maintained as a dumping ground for rubbish, trash, or garbage. Other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

CHAPTER 4

SIGNS

SECTION 1: INTENT

In order to reduce distractions and obstructions, and to protect the physical appearance of the community, this ordinance sets certain limits on sizes and locations of signs.

SECTION 2: SIGNS PERMITTED IN R-1 DISTRICTS

No sign of any kind shall be displayed to the public view on any lot except one (1) professional sign of not more than one (1) square foot; and (1) sign of no more than five (5) square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction or sales period. None of the above signs may be illuminated.

SECTION 3: SIGNS PERMITTED IN THE C-1 DISTRICT (NEIGHBORHOOD COMMERCIAL DISTRICT)

Store signs attached or inscribed on each façade of a building for each occupant of the building shall be permitted. The sign may be illuminated, but shall not be of the flashing type.

SECTION 4: SPECIAL SIGN REGULATIONS

1. Signs erected on public property for a special event for a specified period of time shall require a permit and performance bond in an amount determined by the building inspector to be sufficient to remove the same. All such signs shall be removed within five (5) days of the last day of such event or the bond shall be forfeited.

2. No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removing. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property, shall obtain a permit and a performance bond in an amount determined by the building inspector to be sufficient to remove the same. All such material shall be removed within then (10) days after the date of said elected or bond shall be forfeited.

CHAPTER 5

FENCING AND LANDSCAPING REGULATIONS

SECTION 1: FENCE REGULATIONS

Fences may be erected, altered or reconstructed in accordance with the following regulations.

1. Fences constructed around homes in the City, other than City owned property, shall be constructed of a permanent nature using either wood, chain link, or other material considered acceptable for residential fencing. Fencing materials used for non-residential and agricultural purposes are not acceptable, except as detailed below.
2. No barbed wire or other agricultural wiring materials are permitted as fencing within any residential zone except in cases where the residential or commercial zone is bordered by agricultural property.
3. All fencing of residential property adjacent to agricultural uses becomes the joint responsibility of the residential property owner and the farmer for the erection, maintenance, or replacement.
4. Fences may be erected, altered, or reconstructed to enclose side and backyard areas to a height not to exceed six (6) feet above ground level and shall be located at a minimum of thirty (30) feet from the street right-of-way in a residential zone. Application to the Board of Zoning Adjustment for the City of Lakeview Heights may be made for variance.
5. All fences must be erected within the property lines, and no fences shall be erected so as to encroach upon public right-of-way.
6. All fences shall be maintained in a safe, sound, and upright position.

7. Upon inspection, if the building inspector determines that any fence, or portion of any fence, is not being maintained in a safe, sound, or upright position, he shall notify the owner of such fence in writing of this findings and state briefly the reasons for such findings and order such fence or portion of such fence repaired or removed within thirty (30) days of the date of the written notice.
8. Before approval is given for developing any properties adjacent to agriculture land, the developer shall be required to erect a woven wire fence not to exceed eight (8) feet nor be less than four (4) feet in height, topped with barbed wire sufficient to effectively and safely confine all farm animals. Future maintenance and repairs will be the joint responsibility of the owners of record. In the event a suitable farm fence is already in existence, and the owner of the agriculture land agrees that it is suitable, the developer shall be relieved of this responsibility.
9. Persons constructing fences on residential lots with unacceptable materials shall not be given a building permit. Persons constructing such fences which violate this ordinance and building codes adopted by the City of Lakeview Heights, shall be ordered to remove inferior fencing materials and will be fined \$50.00 for each day of violation of this ordinance after receiving written notice.
10. Fencing on corner lots shall not obstruct the view of the intersection in any direction. (As referenced in Chapter 3, Section 8). A design and plan for corner lot fencing must be submitted to the building inspector to obtain a permit.

SECTION 2: LANDSCAPE AND SCREEN REGULATIONS

Any use required by this ordinance to be provided with a buffer area shall comply with the following regulations regarding a buffer area and a buffer screen.

1. A buffer area shall consist of a solid and continuous landscape area consisting of lawn, massed evergreen, or other non-deciduous trees and/or shrubs, or other suitable material that will provide a solid and continuous screen throughout the full course of the year. It shall be planted or constructed and maintained by the party whose responsibility it is to provide such facility.
2. No use, sign, or activity shall be established within the buffer area.
3. The required height for a landscape screen shall be determined in relation to the elevation of the land at the edge of the adjacent area or structures to be buffered. In no case shall the height be reduced to less than three (3) feet.
4. All non-paved land areas in commercial and apartment development areas shall be suitable landscaped with grass, shrubs, trees and other landscape materials.

5. In the event any plantings required by this ordinance fail to live, they shall be replaced within six (6) months. It shall also be the responsibility of the owner of buffer areas and screens to maintain such areas and keep them in good condition.
6. Any major earth movement involving alteration of topography, drainage routes, landscaping, whether the building of a structure is anticipated or not, shall be preceded by apply to the Building Inspector and receiving such permit.
 - a. Trees: When a structure is built, the builder may remove only the trees as necessary in getting to the area where the structure is to be built, the actual area of the structure itself and the area where the driveway is to be laid.
7. If there is any damage, however slight, to any of the City street, the owner of the lot is responsible and shall repair them or make payment to the City in the amount of the damage when they are repaired by the City.
 - a. No metal track vehicles may run on the City streets, as they cause damage to the streets. If they are needed in the excavation or landscaping, they may be transported to and from on large trucks, but never are they to run on, or even over, the City streets.

CHAPTER 6

R-1 LOW DENSITY RESIDENTIAL DISTRICT

The purpose of this district is to provide for single-family dwellings together with such residential facilities and accessory uses as may be necessary or are compatible with residential surroundings. The following district regulations are designed to protect the residential character of the areas by prohibiting all commercial activities and to encourage a suitable neighborhood environment for family life.

SECTION 1: PERMITTED USES

In the single-family residential district, only the following uses are permitted.

1. Permitted Uses by Right: Single-family dwellings, customary general horticultural uses (provided no permanent building for retail sale is provided).
2. Conditional Uses Permitted: The following are special exceptions and require written approval by the Board of Zoning Adjustment:

- a. If a dwelling has been occupied for a minimum of one year following its construction, the interior may be altered to permit two families to inhabit the structure, provided the owner is the principal occupant. (The above is intended primarily to provide an opportunity for aged parents to live with their children and to provide living space for employees needed to care for elderly people.) The Board of Zoning Adjustment may attach certain conditions and requirements to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use would be located.

SECTION 2: ACCESSORY BUILDINGS

Accessory (storage) buildings shall be permitted in all zones of the city, but shall be subject to the following provisions.

1. One (1) and only one accessory building shall be permitted per residence.
2. Accessory buildings shall be permitted in rear yards but shall be prohibited in front or side yards.
3. Accessory buildings shall be erected upon a permanent masonry foundation or concrete slab. Concrete blocks will satisfy this requirement if the building is prefabricated. But buildings constructed on the site must be erected on a concrete slab. No building shall be nearer than ten (10) feet from any lot line, or encroach on easement.
4. No building shall be larger than ten (10) by twelve (12) feet and shall not exceed an overall height of fourteen (14) feet. No variance in size shall be permitted.
5. Accessory buildings shall be constructed of wood or masonry materials.
6. Metal buildings are prohibited. No variance in material will be permitted.
7. Roofing shingles and exterior of the building should match existing residence as nearly as possible.
8. Overhangs shall not exceed 2 feet on each side of the building.
9. No accessory buildings shall be in a front yard or side yard area.
10. No accessory buildings shall be permitted nearer than ten (10) feet from any lot line.

11. Any existing accessory buildings which are not compatible with the standard as set forth in this ordinance are designated non-conforming. Any non-conforming use may not be changed to another non-conforming use, nor enlarged, extended, or replaced, except in conformity with this regulation.
12. No accessory building may be erected without a building permit issued by the Building Inspector. The building permit fee shall be in accordance with the fee schedule which has been heretofore established by the City.
13. Gazebos: Gazebos no larger than 10 x 12 feet or 12 feet in diameter are permitted as follows:
 - a. Set-back requirements are the same as accessory buildings.
 - b. Construction is only permitted in back or side yard. No front yard construction permitted. No exceptions.
 - c. Metal roof construction is permitted on gazebos.
14. Pool House: Use is limited only to pool house use. It may not be used as a dwelling in any manner. Construction must meet all set-back requirements for storage buildings. Construction is permitted only in back yard with no exceptions. Construction must meet primary residence construction in style and material with no exceptions. Metal construction is prohibited. Pool house may be only one story in construction with a roof peek of no more than fourteen (14) feet. Pool house size cannot exceed 400 sq. ft.
15. Uses Permitted: All uses other than those specifically permitted by this chapter shall be prohibited. No accessory building of any kind shall be used as a dwelling.
16. Height: The height provisions set forth in the General Provisions for accessory buildings of this document shall prevail.
17. Other types of accessory buildings may be considered, but not necessarily approved for construction.
18. Any person who shall fail, neglect, or refuse to comply with the provisions of this ordinance, shall be subject to a fine of not less than \$10.00 and each day on which the violation continues shall constitute a separate fine.
19. This ordinance supersedes all ordinances or regulations in conflict with its provisions.

SECTION 3: FRONT, SIDE AND REAR YARD REQUIREMENTS

1. Front Yard: Thirty (30) feet from lot line or in line with other houses on same the same street.
2. Side Yard: Twelve (12) feet from lot line
3. Rear Yard: Twenty-five (25) feet from lot line

SECTION 4: SET-BACK LINE ON CORNER LOTS

The set-back requirement for all principal buildings on corner lots shall be a minimum of thirty (30) feet from both the main and side streets. Accessory buildings shall conform to the set-back lines established for accessory buildings.

SECTION 5: REQUIRED LOT AREA AND LOT WIDTH IN R-1 DISTRICTS

In areas served by sewer systems acceptable to the Public Health Department, the minimum lot area for a one-family residence shall be 10,000 square feet, and the minimum required width at the building line shall be 80 feet, unless there is an approved cul-de-sac. In areas not served by approved sewer systems, the minimum lot size shall be the minimum as set by the Public Health Department, but in no case shall it be less than 10,000 feet.

SECTION 6: SEWAGE DISPOSAL

Dwellings in all areas are required to attach to the sewer system, and no individual sewage disposal system shall be permitted on any lot.

SECTION 7: DWELLING QUALITY AND SIZE

In accordance with the Protective Covenants regulating the original Lakeview Heights Subdivision, the following restrictions shall prevail:

1. No dwelling shall have less than 75% masonry on the first floor level. Concrete and cinder block shall not be considered as masonry for the purpose of this restriction.
2. The ground floor area of the main structure, exclusive of porches and garages, shall not be less than 1300 square feet for a one-story dwelling,, nor less than 2000 total square feet for a dwelling of more than one story (below grade basements shall not constitute a story in the interpretation of this restriction). It is understood that the dwelling shall be made of top grade material, have a front porch with a covered entry, an attached or detached garage or an attached

carport, broken roof line, paved driveway and that the dwelling be in harmony with existing structures so as not to compromise the character of the neighborhood - - this shall be the decision of the Building Inspector and the Board of Zoning Adjustment.

3. No free standing carports permitted. No exceptions.
4. Detached garage construction must meet all set-back and construction requirements. A detached garage is considered a part of the first floor and under the requirements of 75% masonry construction. The structure shall be no higher than the main house roofline. The construction will be no more than one story and will not serve as a dwelling.
5. All current Kentucky Building Codes must be met.
6. All buildings on a lot may not exceed 70% coverage of lot area.

CHAPTER 7

R-2 MEDIUM DENSITY RESIDENTIAL ZONE

The purpose of this district is to provide for single-family and two-family residential development.

SECTION 1: USES PERMITTED

1. Any use permitted in the R-1 residential zone.
2. Two-family dwellings

SECTION 2: CONDITIONAL USES PERMITTED

1. Any conditional use permitted in the R-1 residential zone.
2. Multi-family units up to four (4) units per structure.
3. Professional offices, studios, or customary home occupations conducted within the principal building but only by a person who is a resident in the dwelling and provided the following conditions are met.
 - a. There shall be no external evidence of the occupation with the exception of one unlighted name plate of not more than one (1) square foot in area attached flat against the building advertising displays and advertising devices displayed through a window of the building shall not be permitted.

- b. There shall be no emission of smoke, dust, odor, fumes, glare, noise, vibration, electrical or electronic disturbance at the lot line.
 - c. Said home occupation shall not occupy more than twenty—five (25) percent of the total floor area of one floor of said dwelling unit.
 - d. There shall be no structures or exterior alterations of structures which are for a non-residential use.
 - e. There shall be no customer parking established except that which is provided for residential use only.
 - f. The activity shall employ only members of the immediate family of the residents of the dwelling.
 - g. There shall be no advertising of any nature linking the address of the premises with the home occupation.
 - h. The term “home occupation” shall include: custom dressmaking, tailoring and sewing, which may include not more than two customers at a time; fine arts studio for individual works of art; professional office of accountant, attorney, or engineer with no more than one client at a time; teaching or tutoring music, speech or dance with no more than four pupils at a time.
4. The Board of Zoning Adjustment may attach certain conditions and requirements to its approval, which it feels are necessary to preserve and protect the character of the district.

SECTION 3: ACCESSORY STRUCTURES AND USES PERMITTED

Any accessory structure or use permitted in the R-1 Residential Zone as defined in Chapter 6, Section 2.

SECTION 4: USES PROHIBITED

All uses other than those specifically permitted by this section shall be prohibited.

SECTION 5: HEIGHT

Same height required as in R-1 Residential Zone.

SECTION 6: FRONT, SIDE AND REAR SET-BACK REQUIREMENTS

1. Front Yard: 30 feet
2. Side Yard: 12 feet
3. Rear Yard: 20 feet

SECTION 7: SIDE YARD ON CORNER LOTS

Same requirements as permitted in R-1 Residential Zone.

SECTION 8: REQUIRED LOT AREA AND LOT WIDTH

In areas served by sewer systems acceptable to the Public Health Department, the minimum required lot area for a single family residence shall be 6500 square feet. For each additional dwelling unit an additional 2000 square feet shall be added to the lot size. In areas not served by an approved sewer system the minimum lot size shall be in agreement with the size prescribed by the Public Health Department.

CHAPTER 8

R-3 HIGH DENSITY ZONE

The purpose of this zone is to provide for medium-density residential units up to a maximum of 10 dwelling units per structure. Population density and height of buildings are low structure. Population density and height of all buildings are low enough to be generally compatible with single-family residential development in the same general neighborhood. The district regulations are also designed to protect the residential character of the area and to encourage a suitable environment for family life. Any structure with more than four (4) units per structure must be approved by the Commission, after a plan has been submitted.

SECTION 1: PERMITTED USES

Any use permitted in the R-1 or R-2 Residential Zones and in addition multi-family units up to 10 units per structure.

SECTION 2: CONDITIONAL USES

1. Any conditional use permitted in the R-1 or R-2 Residential Zone.
2. Professional office space for doctors, dentists, architects, lawyers or other professions agreed to by the Board of Zoning Adjustment.

SECTION 3: ACCESSORY STRUCTURES

Any accessory building or use permitted in the R-1 or R-2 Residential Zone.

SECTION 4: HEIGHT

No building shall exceed two (2) stories exclusive of the basement.

SECTION 5: SIDE, FRONT AND REAR YARD SET-BACK REQUIREMENTS

1. Front Yard: 30 feet
2. Side Yard: 10 feet
3. Rear Yard: 20 feet

SECTION 6: REQUIRED LOT AREA AND LOT WIDTH IN AN R-3 RESIDENTIAL ZONE

1. The minimum lot area for a single family unit in this zone shall be 6000 square feet. For each additional unity there shall be an additional 2000 square feet added to the lot size. In areas not served by an approved public sewer system, the minimum lot size shall be determined by the regulations of the Public Health Service.
2. Corner lots shall meet the same requirements as an R-1 zone.

CHAPTER 9

C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

The purpose of this district is to provide primarily for retail shopping and personal services, to be developed either as a unit or in individual parcels, and to serve the needs of a relatively small area, primarily nearby residential neighborhoods, R-1, 2, 3. The following regulations are designed to permit the development of this district for its purpose and to protect the abutting and surrounding areas.

SECTION 1: PERMITTED USES:

Uses by right: These uses are permitted subject to the conditions of this district and General Provisions of this document; altering and repairing of wearing apparel; bakery, retail only; barber or beauty shop; dental or medical office or clinic; drug store; grocery store, retail only; laundry and/or dry cleaning pick-up station; small scale variety store.

SECTION 2: CONDITIONAL USES

These uses are permitted upon approval of the location and site plan by the Commission as being adequate with regard to transportation and access, necessary water supply and waste water disposal facilities. Such conditional uses shall be in harmony with the orderly and appropriate development of the district and in no instance shall they cause undue traffic congestion or create a traffic hazard.

1. Automobile service station
2. Any use permitted in an R-2 or R-3 zone provided a Development Plan submitted to the Commission and approval has been received.
3. Any other use deemed appropriate by the Commission that is in general compatible with adjacent or nearby land uses.

SECTION 3: FIRE PREVENTION

Any retail sales building, permanent or temporary, constructed in this district shall have a hand-wired or battery powered fire detector as a permanent part of the structure. This will be maintained by those occupying the building and/or business and such fire detector will be inspected yearly by the building inspector.

SECTION 4: LOT WIDTH AND AREA REQUIREMENTS

1. Minimum lot area: 10,000 square feet
2. Minimum lot width:
 - a. Corner lot: 100 feet of front footage along each street
 - b. Interior lot: 100 feet of front footage.

SECTION 5: FRONT, SIDE, REAR YARD SET-BACK REQUIREMENTS

1. Front Yard Set-Back: a minimum of 30 feet from the front property line.
2. Rear Yard Set-Back: a minimum of 20 feet from the rear property line. When a rear yard joins a residential zone there shall be a rear yard of at least 30 feet and an eight (8) foot screen of non-deciduous trees, shrubbery, or fence erected at the rear property line. This fence shall be maintained by the owner(s) of the commercial establishment.
3. Side Yard Set-Back: When a side yard faces a street there shall be a minimum of 30 feet from the property line. When a side yard joins a residential zone there

shall be a minimum of 20 feet and an eight (8) foot opaque screen shall be erected and maintained by the owner of the commercial establishment, at the rear property line. No side yard is required between commercial buildings in this district.

SECTION 6: HEIGHT REGULATIONS

1. Minimum and Maximum: The height regulations set forth in the General Provisions of this Ordinance shall be observed.

SECTION 7: PARKING REGULATIONS

1. Off-Street Parking: Spaces shall be provided in accordance with the requirements for specific uses set forth in the General Provisions.

CHAPTER 10

AMENDMENTS TO ZONING REGULATIONS

SECTION 1: APPLICATION FOR AMENDMENT

Amendments to this Zoning Ordinance may originate with the Commission, with the Lakeview Heights City Commission, or any legislative body which has adopted this Zoning Ordinance, the owner of the subject property, or by a person having written authorization from the owner of the subject property. A proposal for amendment to the text of this Zoning Ordinance may originate with any person or any governmental body. Regardless of the origin of the proposed amendment, it shall be referred to the Commission for their consideration and action, in such form and accompanied by such information as required by this Zoning Ordinance. At the time of the filing an application, a non-refundable filing fee for an amendment requested by any local legislative body or any government agency may be required.

1. Commission Procedure: Upon filing for an application for an amendment to this Zoning Ordinance, the Commission shall study and review the application.
2. Notice of Public Hearing: Before voting upon any proposed amendment, notice of the time, place and reason for holding a public hearing shall be given one publication in the local newspaper of greatest circulation in Morehead, Kentucky, not earlier than twenty-one (21) days nor later than seven (7) days before the public hearing.
3. Public Hearing: After notice of the public hearing as provided above, the Commission shall hold a public hearing on the proposed amendment.

SECTION 2: RECOMMENDATION OF COMMISSION FOR ZONING MAP AMENDMENTS

Before recommending to the appropriate legislative body that an application for amendment to the zoning map be granted, the Commission shall find that the amendment is in agreement with the Comprehensive Plan adopted by the Zoning Commission, or, in the absence of such a finding that

1. The original zoning classification given to the property was inappropriate or improper; or
2. There have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the Comprehensive Plan adopted by the Commission and which have substantially altered the basic character of such area.

The findings of fact made by the Commission shall be recorded in the minutes and records of the Commission. After voting to recommend that an application for amendment to the zoning map be granted or denied, the Commission shall forward its findings and recommendations in writing to the appropriate legislative body.

SECTION 3: ACTION BY APPROPRIATE LEGISLATIVE BODY ON ZONING MAP AMENDMENTS

The appropriate legislative body shall not act upon a proposed amendment to the zoning map until it shall have received the written findings of fact and recommendation from the Commission. Before an amendment to the zoning map is granted, the appropriate legislative body must

1. Find that the map amendment is in agreement with the Comprehensive Plan adopted by the zoning classification given to the property was inappropriate or improper; or
2. There have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the Comprehensive Plan adopted by the Commission and which have substantially altered the basic character of the area.

It shall take a majority of the entire membership of the appropriate legislative body to override the recommendations of the Commission.

SECTION 4: RECOMMENDATION OF COMMISSION FOR TEXT AMENDMENT

After voting to recommend that application for amendment to the text of this Zoning Ordinance be granted or denied, the Commission shall forward its recommendation in writing to the appropriate legislative body.

SECTION 5: ACTION BY APPROPRIATE LEGISLATIVE BODY ON TEXT AMENDMENT

The appropriate legislative body shall not act upon a proposed amendment to the text of this Zoning Ordinance until it shall be received in writing the recommendation thereon from the Commission. It shall take a majority of the entire membership of the appropriate legislative body to override the recommendation of the Commission.

SECTION 6: JOINT COMMISSION TO APPROVE CHANGES IN ZONING REGULATIONS

Any legislative body in the planning unit must refer any changes to the zoning regulation or official map regulation to the Commission for its review before adoption. The Commission shall review the proposal, and shall, within sixty (60) days from the date of its receipt, advise the legislative body whether it approves or disapproves of the change, and if it disapproves, state the reasons for disapproval. A majority of the entire membership of the referring legislative body shall be required to override the disapproval of the Commission.

CHAPTER 11

LAKEVIEW HEIGHTS BOARD OF ZONING ADJUSTMENT

SECTION 1: ESTABLISHMENT

1. A Board of Zoning Adjustment is hereby established to consist of three (3) members to be confirmed by the Board of Commissioners. One member of the first Board shall be appointed for one (1) year, one for two (2) years, and one for three (3) years, and thereafter all members shall be appointed for terms of three (3) years each. All of the members must be citizen members, and not more than one may be a member of the Commission.
2. Future appointments shall be made as provided in KRS 100.217.
3. Upon appointment and annually thereafter the Board shall meet, organize, and elect its own chairman who shall serve for one year or until a successor duly qualifies. The Chairman may appoint a Secretary who is not a member of the Board for the purpose of taking minutes at the meetings.

SECTION 2: PROCEEDINGS

The Board of Zoning Adjustment shall conduct meetings at the call of the chairman who shall give written or oral notice to all members of the Board at least seven (7) days prior to the meeting, which notice shall contain the date, time, and place of the meeting, and the subject which will be discussed. A simple majority of the total membership of the Board of Zoning Adjustment shall constitute a quorum.

The Board of Zoning Adjustment shall adopt bylaws for the transaction of business and shall keep minutes and records of all proceedings, including regulations, transactions, findings, determinations, the number of votes for and against each question, whether any member is absent or abstains from voting, all of which shall, immediately after adoption, be filed in the office of the Board. A transcript of the minutes of any Board of Zoning Adjustment meeting shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

SECTION 3: POWERS

The Board of Zoning Adjustment shall have the following powers:

1. **General Powers:** The Board of Zoning Adjustment may employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties. The Board shall have the right to receive, hold and spend funds which it may legally receive from any and every source in and out of the Commonwealth of Kentucky, including the United States Government, for the purpose of carrying out the provisions of this Zoning Ordinance. The Board shall have the power to issue subpoenas to compel witnesses to attend its meeting and give the evidence bearing upon the questions before it. The Chairman of the Board of Zoning Adjustment shall have the power to administer oaths to witnesses prior to their testifying before the Board on any issue.
2. **Conditional Use Permits:** The Board shall have the power to hear and decide (approve, disapprove, or modify) applications for conditional use permits, suitable only in specific locations in the zone only if certain conditions are met. The Board can revoke such permits if the conditions are not being followed.
 - a. All conditions shall be listed in the Boards' Minutes and on the conditional use permit, along with a reference to the specific section in the Zoning Ordinance listing the condition(s) under consideration.
 - b. The Building Inspector shall renew all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located to ascertain that the landowner is complying with

all the conditions listed on the conditional use permit. If the landowner is not complying with all the conditions listed, the Building Inspector shall report the fact in writing to the Chairman of the Board of Zoning Adjustment. The Board shall hold a hearing on the report furnished to the landowner at least one (1) week prior to the hearing. If the Board of Zoning Adjustment finds that facts alleged in the report of the Building Inspector are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board of Zoning Adjustment may authorize the Building Inspector to revoke the conditional use permit and take the necessary legal action to cause the termination of activity on the land for which the Conditional use Permit was authorized.

- c. Once the Board of Zoning Adjustment has granted a conditional use permit and all of the conditions required are of such type that they can be completely and permanently satisfied, the Building Inspector, upon request of the applicant, may if the facts warrant, make a determination that the conditions have been satisfied and the conclusion stated in the margin of the copy of the conditional use permit on file with the County Clerk, as required in KRS 100.344.

SECTION 4: DIMENSIONAL VARIANCES

The Board shall have the power to hear and decide on applications for the dimensional variances, where by reason of exceptional narrowness, shallowness, or unusual shape of a site on the date of adoption or amendment of this Zoning Ordinance-Resolution or by reason of exceptional topographical conditions, or some other extraordinary situation or condition of that site. The literal enforcement of the dimensional requirements (height or width of buildings or size of yards, not population density), of this Zoning Ordinance would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The Board may impose any reasonable conditions or restrictions on any variance it decides to grant.

1. Before a variance is granted, the Board must find all of the following which shall be recorded along with any imposed conditions or restrictions in minutes of records and issued in written form to the applicant to constitute proof of the dimensional variance:
 - a. The manner in which the strict application of the provisions of this Zoning Ordinance would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone.
2. That the unique conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this Zoning Ordinance.

3. Reasons that the variance will preserve, not hurt the public safety and welfare and will not alter the essential character of the neighborhood.

SECTION 5: ADMINISTRATIVE REVIEW

The Board of Zoning Adjustment shall have the power to hear and decide cases where it is alleged by an applicant that there is an error in any order, requirement, decision, grant or refusal made by the Building Inspector in the enforcement of this Zoning Ordinance. Appeals under this section must be taken within sixty (60) days of the date of official action by the Building Inspector.

SECTION 6: APPEALS

Appeals to the Board may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action or decision of the Building Inspector. Such appeal shall be taken within thirty (30) days after the appellant or his agent receives notice of the action appealed by filing with said officer and with the Board a notice of appeal specifying the grounds thereof and giving notice of such appeal to any and all parties of record. Said officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At any hearing by the Board any interested person may appear and enter his appearance, and shall be given an opportunity to be heard. The Board shall fix a reasonable time for hearing the appeal and give public notice to the appellant and the Building Inspector at least one (1) week prior to the hearing, and shall decide it within sixty (60) days. The affected party may appear at the hearing in person or by attorney.

CHAPTER 12

ADMINISTRATIVE ENFORCEMENT AND PENALTIES

SECTION 1: ADMINISTRATION AND ENFORCEMENT

The Building Inspector shall administer and enforce this Zoning Ordinance except as otherwise provided herein. The Building Inspector shall promptly investigate complaints and violations and report his findings and actions to complaints. He shall use his best efforts to prevent violations and to detect and secure the correction of violations. If he shall find any of the provisions of this Zoning Ordinance are being violated, he shall in writing notify the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, or construction of illegal additions, alterations or work being done; and shall take or cause to be taken any other action authorized by this Zoning Ordinance to insure compliance with and

prevent violations of the provisions herein. The Building Inspector shall keep records of all official actions of this office relating to the administration and enforcement of this Zoning Ordinance including but not limited to written records of all complaints and actions taken with regard thereto, all violations discovered with actions taken thereto, and the final disposition of all such materials.

SECTION 2: BUILDING PERMITS REQUIRED

No building shall be erected, moved, added to or structurally altered not shall any of the said activities be commenced without a building permit therefore issued by the Building Inspector. No building permit shall be issued by the Building Inspector except on an order from the Board of Zoning Adjustment in the form of an administrative review decision, a conditional use permit or dimensional variance as provided under the provisions of Chapter 11. Building permits shall be required for a person performing his own work to his own property.

1. The Building Inspector shall be appointed by the Board of Commissioners to be responsible for the administration and enforcement of these regulations. A record of applications for permits with the appropriate plats shall be kept in the office of the City Clerk and shall be made available to the Commission or to the Board of Commissioners upon request for review.
2. All applications for building permits, which shall include not only applications for new construction, but applications for additions, rehabilitations,, demolitions, and signs as well, shall be accompanied by a fee in accordance with a fee schedule established by ordinance by the City.
3. All applications where building permits are required shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the exact size and location on the lot of any existing principal uses buildings; the line within which the proposed buildings or structures are to be erected or altered; the proposed height; the existing and intended use of each building; or part of building is designed to accommodate and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Zoning Ordinance. One copy of the plans shall be returned to the applicant by the Building Inspector, after he shall have marked such copy as "Approved" or "Disapproved" and attested to same by signature on such copy. The original, similarly marked, shall be retained by the Building Inspector.

SECTION 3: CERTIFICATE OF OCCUPANCY REQUIRED

No person shall use or permit the use of any structure or premises or part thereof hereafter created, erected, changed, converted, enlarged or moved wholly or partly,

until a certificate of occupancy shall have been issued by the Building Inspector. Such certificate shall show that the structure or use, or both, or the premises, the affected part thereof, are in conformity with the provisions of this Zoning Ordinance have been met, and to withhold such certificate unless all requirements of this permit have been met.

1. Certificates of Occupancy for Existing Uses or Structures: Upon written application from the owner or tenant, and upon inspection to determine the facts in the case, the Building Inspector shall issue a certificate of occupancy for any building, premises or use, certifying that the building premises or use is in conformity with the provisions of this Zoning Ordinance or that a legal non-conformity exists as specified herein.
2. Structures and Uses to be as Provided in Building Permits, Plans, Certificates of Occupancy: Building permits or certificates of occupancy issued in the basis of plans and applications approved by the Building Inspector authorize only the use, arrangement and construction set forth in such permits, plans and certificates, and no other. Any use, arrangement or construction at variance with that authorized shall be deemed a violation of this Zoning Ordinance.

SECTION 4: COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Zoning Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the Building Inspector. He shall properly record such complaint, immediately investigate, and take action thereon as provided by this Zoning Ordinance.

SECTION 5: PENALTIES FOR VIOLATIONS

Violations of the provisions of the Zoning Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor.

1. Any person who so violates this Zoning Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not less than \$100.00 but no more than \$500.00 for each conviction. Each day of violation shall constitute a separate offense.
2. Any person shall upon conviction be fined not less than \$100.00 but no more than \$500.00 for each lot or parcel which was the subject of sale or transfer, where such sale or transfer, or contract therefore, constitutes a violation of this Zoning Ordinance.

CHAPTER 13

SEVERABILITY AND REPEAL AND EFFECTIVE DATE

SECTION 1: SEVERABILITY

The provisions of these regulations are hereby declared to be severable. If any section, paragraph or clause of these regulations shall be held invalid, the individuality of such section, paragraph, sentence or clause shall not affect the validity of the rest of these regulations.

SECTION 2: REPEAL

All ordinances or parts of ordinances that are in conflict or inconsistent with the provisions of these regulations are hereby repealed to the extent necessary to give these regulations full force and effect.

SECTION 3: EFFECTIVE DATE

This Ordinance shall take effect and be in force after its adoption, the public welfare demanding it.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF LAKEVIEW HEIGHTS, KENTUCKY, this the 4th day of January 2010.

First Reading: August 3, 2009

Second Reading: January 4, 2010

Passed and Adopted: January 4, 2010

City of Lakeview Heights

David Bolt, Mayor

ATTEST:

Jennifer Bolt, City Clerk