

TITLE :Zoning Ordinance - Fulton, Kentucky

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ABSTRACT: The Zoning Ordinance for Fulton Kentucky was prepared under the Kentucky Revised Statutes, Chapter 100, Sections 100.11 through 100.347 and Section 100.991. This Ordinance has been set forth to facilitate orderly, planned and harmonious land use and to promote and protect public health, safety, morals and general welfare of the City of Fulton, Kentucky.

Included in this Ordinance are the following: 1) general provisions for regulation land use; 2) establishment and interpretation of Zoning District Boundaries, and 3) means of administering, amending and implementing the Ordinance.

4-11-1964

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1. The first part of the report is a description of the project and the objectives of the study. It includes a brief history of the project and a statement of the purpose of the study.

2. The second part of the report is a description of the methodology used in the study. It includes a description of the data sources, the methods of data collection, and the methods of data analysis.

3. The third part of the report is a description of the results of the study. It includes a description of the data and a discussion of the findings.

ZONING ORDINANCE
FULTON, KENTUCKY

Prepared for
FULTON PLANNING COMMISSION

BY

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Under Supervision and Administration of
COMMONWEALTH OF KENTUCKY
EXECUTIVE OFFICE FOR
FINANCE ADMINISTRATION

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FOR
FULTON, KENTUCKY

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ORDINANCE 75-1

AN ORDINANCE FOR THE PURPOSE OF PROMOTING THE PUBLIC HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE COMMUNITY; TO FACILITATE ORDERLY AND HARMONIOUS DEVELOPMENT; TO PRESERVE THE VISUAL OR HISTORICAL CHARACTER OF THE CITY AND TO REGULATE THE DENSITY OF POPULATION AND INTENSITY OF LAND USE IN ORDER TO PROVIDE FOR ADEQUATE LIGHT AND AIR, FOR VEHICLE PARKING AND LOADING SPACE; TO FACILITATE FIRE AND POLICE PROTECTION; TO PREVENT THE OVERCROWDING OF LAND, BLIGHT, DANGER, AND CONGESTION IN THE CIRCULATION OF PEOPLE AND COMMODITIES, THE LOST OF LIFE, HEALTH, OR PROPERTY FROM FIRE OR OTHER TRANSPORTATION FACILITIES, PUBLIC FACILITIES INCLUDING SCHOOLS AND PUBLIC GROUNDS, HISTORICAL DISTRICTS, CENTRAL BUSINESS DISTRICTS, NATURAL RESOURCES AND OTHER SPECIFIC AREAS OF THE CITY WHICH NEED SPECIAL PROTECTION

ARTICLE I

ENACTING CLAUSE, TITLE
PURPOSE, GOALS AND BENEFITS

SECTION 1.1 ENACTING CLAUSE. The City Commission of the City of Fulton, Kentucky as authorized by the Kentucky Revised Statutes, Chapter 100, Sections 100.111 through 100.347 and Section 100.991 does hereby ordain as follows:

SECTION 1.2 TITLE. This ordinance is entitled "Zoning Ordinance for Fulton, Kentucky" and may be referred to as the "Zoning Ordinance".

SECTION 1.3 PURPOSE. The intent, purpose and scope of this ordinance is to promote and protect public health, safety, morals, and general welfare of the City of Fulton by establishing zoning restriction regulations to facilitate orderly, planned, and harmonious development in the visual and historical character of Fulton. In establishing zoning districts and regulations, this ordinance seeks to protect the public welfare by regulating the density of population and intensity of land use in order to provide for adequate light, and air; to provide for vehicle parking and loading space; to facilitate fire and police protection; to prevent the overcrowding of land, blight, danger and congestion in the circulation of people and commodities and the loss of life, health or property from fire, flood or other dangers; to protect airports, highways and other transportation facilities, public facilities, schools and public grounds, historical districts, central business districts, natural resources, and other specific areas of the City of Fulton which need special protection.

SECTION 1.4 GOALS. Goals of the zoning ordinance are to promote coordinated compatible land use arrangement which will promote the health, safety, and welfare of the City of Fulton, to establish a desirable land use policy and regulations which will facilitate land utilization and

attain the most desirable and best use of the resources available to the residents of Fulton; and to attain the maximum coordination and integration of the various land uses so that they can be conveniently and efficiently serviced by community service, facilities and public streets.

SECTION 1.5 BENEFITS. The most obvious and direct benefit to be derived from the use and application of the zoning ordinance will be the attainment of a logical, convenient and workable relationship between the various land uses and the prevention of crowding, congestion and undue mixing of incompatible land uses. The zoning ordinance will benefit all residents of Fulton by providing them with legal means to achieve the goals and objectives and land use patterns established in the "Comprehensive Plan for Community Development", dated June 1973, and approved by the Planning Commission and adopted by the City Commission in order to promote their health, safety, and general welfare.

ARTICLE 2

GENERAL PROVISIONS

SECTION 2.1 DEFINITIONS. The words which are herein defined as those which have special or limited meanings as used in this zoning ordinance and might not otherwise be readily understood. Words whose meaning is self-evident as used in this zoning ordinance are not defined herein. Words used in the present tense shall include the future; the singular includes the plural and vice versa; "building" includes "structure" and the word "lot" includes the word "plot"; the word "shall" is mandatory and the word "may" is permissive.

2.1.1 Accessory Building. A detached building, the use of which is customarily incidental to that of the principal building on the same lot.

2.1.2 Accessory Use. A use customarily incidental to the principal use of the property.

2.1.3 Agricultural or Agriculture. The use of land for ordinary and customary farm purposes, excepting of feed lots for animals, or for the preservation of land in its natural state.

2.1.4 Agricultural Building or Structure. Any building or structure accessory to the principal agricultural use of the land.

2.1.5 Alleys. A minor way primarily for vehicular service exit to the back or side of properties which otherwise abut on a side street.

2.1.6 Altered or Alteration. Any change or addition to the load bearing members or the foundation of a structure.

2.1.7 Building. Any structure which fully encloses space for occupancy by persons or for their activities.

- 1 2.1.8 Building Area. The total ground area taken on a horizontal plane to mean grade level of
2 each building and accessory building, but not including uncovered entrance platforms,
3 terraces, or steps.
- 4 2.1.9 Building Height. The vertical distance measured from the established mean grade at the front
5 of the building line to the highest point of the building.
- 6 2.1.10 Building Permit. A permit which may be required by appropriate authority in connection with
7 with the location, construction, alteration, demolition, or relocation of structures in the area
8 of jurisdiction.
- 9 2.1.11 Conditional Use. A use which is essential to, or would promote, the public health, safety,
10 or welfare, in one or more districts but which would impair the integrity and character of
11 the district in which it is located or in adjoining districts unless restrictions on location,
12 size extent and character of performance are imposed in addition to those imposed in the
13 zoning ordinance.
- 14 2.1.12 Conditional Use Permit. Legal authorization to undertake a conditional use which has been
15 authorized in accordance with the zoning ordinance.
- 16 2.1.13 Dimensional Variance. A departure from the terms of the zoning ordinance pertaining to the
17 height or width of structures and size of yards in open spaces where such departure will not
18 be contrary to public interest; and where due to conditions peculiar to the property because
19 of its size, shape or topography and not as a result of the actions of the applicants, the literal
20 enforcement of the zoning ordinance would result in unnecessary and undue hardship.
- 21 2.1.14 Dwelling. A building providing shelter, sanitation and the amenities for permanent human
22 habitation. It does not include dormitories, fraternity or sorority houses, temporary lodging
23 or sleeping rooms, boarding houses, tourist homes, hotels, motels, mobile homes, or any
24 structure designed for transient residence.
- 25 2.1.15 Dwelling Unit. The dwelling accommodations designed for one family unit maintaining
26 separate and independent housekeeping, including at least one kitchen.
- 27 2.1.16 Family. One or more persons occupying a premises and living as a single nonprofit
28 housekeeping unit.
- 29 2.1.17 Floor Area. The total floor area of all stories including halls, stairways, elevator shafts,
30 petition walls, and other related uses measured to the inside faces of exterior walls.
- 31 2.1.18 Home Occupations. Occupations or activities which are customarily maintained or conducted
32 within a dwelling, provided such activities are incidental to the principal residential use and
33 involve the employment of no more than one person who does not reside on the premises.

Such activities shall not occupy more than 25% of the total floor area of the dwelling and all activities must take place within the interior of the principal structure.

2.1.19 Industry Processing Raw Materials, Products or Personal Property.

a. Heavy Industry - Those industries whose processing of raw materials, products, or personal property, results in the emission of any atmospheric pollution, light flashes or glares, odors, noise or vibrations which may be heard or felt off the premises and those industries which constitute a fire or explosion hazard.

b. Light Industries- Those industries whose processing of raw materials, products or personal property, does not result in the emission of any atmospheric pollution, light flashes or glare, odors, noise or vibrations which may be heard or felt off the premises and those industries which do not constitute a fire or explosion hazard.

2.1.20 Land Area - The total land area within the property lines.

2.1.21 Land Use Intensity - The overall structural mass and open-space relationship in a developed property. It correlates the amount of floor area, open space, livable space, recreation space and car storage space of a property with the size of its site or land area.

2.1.22 Land Use Intensity Standards- Land use Intensity Standards are defined as follows:

a. Maximum Gross Floor Area Ratio. The ratio of gross floor area that can be built for each square foot of an area.

b. Minimum Open Space Ratio. The ratio of open space that must be provided for each square foot of gross floor area.

c. Minimum Livable Space Ratio . The ratio of open space per square foot of gross floor area that must be provided, other than that provided in roads and parking area.

d. Minimum Recreational Space Ratio . The ratio of square feet of land per square foot of floor area that must be devoted to recreation.

e. Minimum Total Car Ratio. The ratio of car spaces that must be provided for each dwelling unit.

2.1.23. Lot. A parcel of land under one ownership occupied by or to be occupied by one principal building and its accessory buildings, including the open spaces and yards required under this ordinance.

a. Lot Line . The boundary dividing a lot from a right-of-way, adjoining lot or other

- 1 adjoining tract of land.
- 2 b. Corner Lot . A lot which abuts on two intersecting streets at their intersection.
- 3 c. Double Frontage Lot . Any lot other than a corner lot which abuts on two streets.
- 4
- 5 d. Lot of Record . A lot which is duly recorded in the office of the County Court Clerk.
- 6 2.1.24 Mobile Home . Any vehicle, trailer, or similar portable structure with or without its own
7 motive power, having no integral foundation other than wheels, jacks, or skirtings and used,
8 designed, or constructed to be conveyed in the public streets and designed or constructed to
9 permit occupancy either permanent or temporary for dwelling or sleeping purposes. Removal
10 of the means of conveyance from a mobile home or the construction of a permanent
11 foundation for a mobile home does not change the meaning of the word "mobile home" as
12 defined or used in this zoning ordinance. The term "mobile home" when applicable, shall
13 include the terms trailer, trailer coach, camper, motor home, and similar terms.
- 14 2.1.25 Mobile Home Park . A tract of land prepared and approved according to the procedures of
15 this ordinance to accommodate five or more mobile homes.
- 16 2.1.26 Nonconforming Structure or Use. A structure or use of any premises which does not
17 conform to all provisions of this ordinance but which lawfully existed before its designation
18 as nonconforming by the adoption or amendment of this ordinance.
- 19 2.1.27 Non-Retail Sales and Services . Sales and services to customers who intend resale of the
20 product or merchandise sold or handled. For example - non-retail sales include wholesaling,
21 warehousing, trucking terminals, and similar enterprises.
- 22 2.1.28 Open Space . The land area minus the building area.
- 23 2.1.29 Outdoor . That which is not within a building.
- 24 2.1.30 Performance Standards. Standards relating to industrial and/or commercial uses regulating
25 the amount of air pollution, light, glare, noise, vibrations or other noxious activities.
- 26 2.1.31 Planned-Unit-Development. A complex of structures and uses planned as an integral unit of
27 development rather than as a single principal structure or use on a single lot.
- 28 2.1.32 Plat. A map, plan, or chart of a tract of land or property which is drawn to scale and shows
29 the existing and proposed location of boundary lines, buildings, structures, uses, or any other
30 required data or information.
- 31 2.1.33 Public Service Buildings. Any building necessary for the operation and maintenance of a

governmental entity or utility.

2.1.34 Premises. A lot or other tract of land under one ownership and all the structures thereon.

2.1.35 Principal Building. The building in which is conducted the principal use of the lot on which it is situated.

2.1.36 Processing. Manufacturing, packaging, repairing, cleaning, and any other similar original or restorative treatment applied to raw materials or products and personal property. Processing does not refer to the fabrication of structures.

2.1.37 Property Line. The recorded boundary of a lot or other tract of land under one ownership.

2.1.38 Retail Sales. Sale of any product or merchandise to customers for their own personal consumption and use and not for resale.

2.1.39 Road. A traffic carrying way; as used in this zoning ordinance a road may be privately owned.

2.1.40 Sign. A structure designed and erected for the purpose of showing directions, giving information, advertising, or otherwise urging some specified act.

2.1.41 Sleeping Rooms. A single room rented for dwelling purposes but without amenities for separate and independent housekeeping.

2.1.42 Street. A highway or other public traffic carrying way other than an alley.

2.1.43 Structure. Any combination of materials fabricated to fulfill a function in a fixed location on the land, including buildings and signs.

2.1.44 Use. The activities which take place on any land or premises; also refers to structures located thereon and designed for these activities.

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

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

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

- 1 c. Side Yards. Those portions of the yard extending from the front yard to the rear yard and
2 measured between the side lot lines and parallel lines tangent to the nearest parts of the
3 principal building.

4
5 **SECTION 2.2 APPLICATION OF REGULATIONS**
6

7 All existing and future structures and uses of premises within the City of Fulton shall conform
8 with all applicable provisions of this zoning ordinance. Each zoning district is established to
9 permit only those uses specifically listed as permitted, except as hereinafter provided, and is
10 intended for the protection of those uses.
11

12 **SECTION 2.3 GENERAL REGULATION FOR STRUCTURES AND USES**

13 The following regulations shall apply to all structures and uses in all zones in the City of
14 Fulton.

15 2.3.1 Regulation of Principal Buildings. Unless a final plat has been approved and recorded for a
16 Planned Unit Development, only one principal building and permitted accessory buildings may
17 be erected on any lot of record. Temporary structures are permitted during construction only.

18 2.3.2 Regulation of Accessory Buildings. No accessory building to a principal building on the same
19 lot shall be erected or modified for residential purposes unless specifically permitted under the
20 zoning district regulations or as otherwise provided in this ordinance.

21 2.3.3 Regulation of Agricultural Land and Buildings. Land which is used solely for agricultural
22 purposes have no regulations imposed as to accessory building permits, certificates of
23 occupancy, height, yard, location or court requirements except as otherwise provided in this
24 ordinance.

25 a. No agricultural building shall be located within 50 feet from any existing or proposed
26 street or highway.

27 b. All agricultural building structures in a designated floodway or conservancy zone or
28 which tend to increase flood heights or obstruct the flow of flood waters, shall be
29 subject to all the provisions of this ordinance for designated flood plains and
30 conservancy zones.

31 2.3.4 Regulation of Signs. Signs are permitted only in those zoning districts where they are
32 designated a permitted use under the zoning regulations or where specifically permitted under
33 other provisions of this zoning ordinance. All signs shall be subject to the following
34 regulations, except where otherwise provided for in this ordinance.

- 1 a. Free Standing or Detached Signs. Only one free standing or detached sign shall be
2 permitted on any premises. All free standing or detached signs, and all parts thereof,
3 shall be located at least ten feet off public street rights-of-ways and at least five feet
4 from all property lines, except where such signs exceed forty square feet in area. Signs
5 having an area exceeding forty square feet shall be located at least twenty-five feet
6 from all public street right-of-ways and at least fifteen feet from all property lines. No
7 free standing or detached signs shall exceed one hundred twenty square feet in area.
- 8 b. Attached Sign. No attached sign shall extend or project more than six feet above or
9 beyond the building or the building walls. A clear space of not less than eight feet shall
10 be provided below all parts of signs. In no case, however, shall an attached sign be
11 permitted to extend or project beyond a line drawn perpendicularly upward from two
12 feet inside the curb line facing a public street or alley. No attached sign shall exceed
13 sixty square feet in area.
- 14 c. Lighting. No sign shall be permitted which involves lighting or motion resembling
15 traffic or directional signals, warnings, flashers, or other similar devices normally
16 associated with highway safety or regulations. In addition, no signs shall be permitted
17 which constitutes a safety hazard, or hinderance because of light glare, focus, animation,
18 flashing or intensity of illumination. Lighted signs shall be designed and located so as
19 to prevent direct glare or hazardous interference of any kind to adjoining streets or
20 properties.
- 21 d. Maintenance. All signs shall be adequately maintained. Such maintenance shall include
22 proper alignment of structures, continued readability of the structure, and preservation
23 of the structure with paint or other preservatives.
- 24 e. Permitted Signs in All Zoning Districts. The following signs only are permitted in all
25 zoning districts and require no building permit or certificate of occupancy:
- 26 1. Signs necessary for the identification, operation or protection of a public
27 utility installation or signs incident to a legal process or necessary to the public
28 safety or welfare.
- 29 2. One unlighted real estate sign not over six square feet in area located on the
30 premises being advertised for sale or for rent.
- 31 3. One unlighted sign not over two square feet in area identifying home
32 occupations permitted as a conditional use on the premises.
- 33 4. One sign not more than twelve square feet in area identifying any public or
34 semi-public building or use permitted as a conditional use on the premises.

1 5. One unlighted sign not more than two square feet in area identifying rooming
2 an boarding houses for the lodging of tourists on the premises.

3 f. Existing Nonconforming Signs. Any sign which is lawfully existing on the effective date
4 of this ordinance and which does not conform with the provisions of this ordinance may
5 remain, subject to the following regulations:
6

7 1. No sign shall be altered, modified, or replaced, except in conformance with the
8 provisions of this ordinance.

9 2. Any sign which is damaged or has deteriorated to the extent that the cost of
10 repair will exceed 50% of its replacement cost, shall not be restored except in
11 conformance with this ordinance.

12 3. Any sign which is altered, modified, or constructed, or is not maintained to
13 conformance with Section 2.3.4 d of this ordinance is subject to the following
14 administrative procedure: the Building Inspector shall give written notice of
15 such non-conformance to the Board of Adjustments who, in turn, shall review
16 the notice of non-conformance and shall, if it determines that the sign is non-
17 conforming, issue a written notice of such of such non-conformance to the
18 owner of the sign. If the owner of the sign does not comply with the
19 provisions of the notice and the zoning ordinance within sixty days from
20 issuance of such notice, the City Commission shall have a right of action to
21 compel the sign to be removed at the cost of the owner, and may have
22 judgement in persona for such cost.

23
24 2.3.5. Water Supply and Sewage Disposal. It shall be unlawful to construct any building or to
25 occupy any mobile home without water supply and sewage disposal facilities approved by the
26 county sanitarian. Wherever water and sewer mains are accessible, buildings or mobile homes
27 shall be connected to such mains. In every other case, individual water supply and sewage
28 disposal systems must meet the requirements set by the county sanitarian. A county
29 sanitarian's certificate approving proposed water supply and sewage disposal facilities must
30 accompany applications for building permits and certificates of occupancy.

31 2.3.6 Existing Non-conforming Structures. Any structure which is lawfully existing on the
32 effective date of this ordinance and which does not conform with all the provisions of this
33 ordinance, may remain subject to the following regulations:

34 a. Alterations. A nonconforming building shall not be enlarged, replaced, or altered,
35 except in conformance with this ordinance. A non-conforming building may, however,
36 be restored to a safe condition if declared unsafe by the Building Inspector or other
37 official with jurisdiction, providing that the cost of such restoration does not constitute

1 more than 50% of the fair market value of the building.

2 b. Restoration. A non-conforming building damaged more than 50% of its fair market
3 value immediately prior to such damage, shall not be restored except in conformance
4 with this ordinance.

5 c. Construction Approved Prior to Adoption or Amendment of this Ordinance. Proposed
6 buildings for which building permits have been issued prior to their designation as non-
7 conforming by the adoption or amendment of this ordinance may be completed and
8 used as originally intended, provided they are completed and in use not more than
9 eighteen months subsequent to the date on which the permit was issued.

10 d. Extension. Non-conforming land use shall not be enlarged or extended beyond the
11 scope and area of its operation at the time the regulation which makes it
12 nonconforming was adopted.

13 e. Changes in Non-conforming Use. Non-conforming land use may not be changed to
14 another nonconforming use, but may be changed to a conforming use.

15 f. Discontinuance of a Non-conforming Use. Whenever a non-conforming use of any
16 premises has been discontinued for a period of one year, the non-conforming use shall
17 not be re-established on the premises. Vacating of premises or buildings or non-
18 operative status shall be evidence of a discontinued use.

19 2.3.7 Use Exceptions. The following structures and uses only are permitted in all zoning districts
20 and require no building permit or certificate of occupancy.

21 a. Utilities. Local public utility distribution and collection structures such as pipes and
22 transmission lines, transformers, meters, and so forth. Large utility structures such as
23 pumping stations, water storage tanks, communication towers, substations and vaults
24 may be permitted as a conditional use.

25 b. Streets. Public streets and all appurtenances necessary for traffic direction and safety.

26 c. Access and Parking Areas. Driveways, private and off street parking areas, and the
27 parking of vehicles incident to the principal use on the same premises.

28 d. Landscaping. Horticulture and landscaping of any premises.

29 2.3.8 Exceptions. Zoning regulations shall not apply to structures or portions of buildings such as
30 radio antenna, ornamental spires, and flag poles, that do not affect the circulation of air,
31 visibility, movement of traffic, and pedestrians.

1 **SECTION 2.4 GENERAL REGULATIONS OF LOTS AND YARDS**

2 All lots and yards of record, or which become of record, during the time this ordinance is in
3 effect, shall be subject to the following general regulations:

4 2.4.1 Obstruction to Vision at Street Intersections. Within the area defined by the intersection of
5 any two rights-of-way lines of streets or a street and alley, or a street and railroad, and a
6 straight line intersecting those two rights-of-way lines at points forty-five feet from their
7 intersection, no obstructions to vision between the height of two and one-half feet and twelve
8 feet above the imaginary plane defined by those three points of intersection shall be permitted,
9 except in the Central Business (C-1) District.

10 2.4.2 Front Yard Regulations for Double-Frontage Lots. Double-frontage lots which are of record
11 as of the date of enactment of this ordinance shall, on both of the adjacent streets, meet the
12 front yard regulations of the district in which they are located.

13 2.4.3 Front Yard Regulations for Corner Lots. Corner lots shall meet the front yard set-back
14 requirements and on both streets that are adjacent to the lot.

15 2.4.4 Application of Yards to One Building Only. No part of a yard required for any building may
16 be included towards fulfilling the yard requirements for an adjacent building.

17 2.4.5 Use of Yards for Accessory Buildings. All accessory buildings must conform to the set-back
18 requirements for side and rear yards. Accessory buildings shall not be permitted in front
19 yards.

20 2.4.6 Reduction in Lot Area Prohibited. No lot, even though it may consist of one or more
21 adjacent lots of record, shall be reduced in area so that the lot area, yard width, or other
22 dimension or area required by the regulations of this ordinance are not maintained, except
23 when a portion of a lot is acquired for public purposes.

24 **SECTION 2.5 GENERAL REGULATIONS FOR VEHICLES**

25
26 2.51. General Standards. General standards for automobile off street parking space are as follows:

27 a. Access. Off- street parking space shall be provided with vehicular access to a street or
28 alley.

29
30 b. Separation Strip. A landscaped physical barrier at least ten feet in width shall be
31 provided along all public streets on which off street parking space is located.

32 c. Regulation of Access Points. All off street parking space access points on a public
33 street shall be subject to the following regulations:

1 1. There shall be only one access point not to exceed fifty feet in width or two access
2 points not to exceed thirty feet in width permitted on a public street on which the
3 off street parking space is located. The Board of Adjustments may, however,
4 permit additional access points when such access is justified and necessary, provided
5 that the additional access points will not substantially increase traffic hazards or
6 congestion.

7 2. All off street parking space access points on a public street shall be located at least
8 10 feet from the end of the radius of the intersecting streets but shall not be
9 permitted to be located on the adjacent or intersecting street right-of-way.

10 3. All off- street parking space access points on a public street shall be spaced at least
11 10 feet apart and at least 10 feet from all property lines.

12 4. All off street parking space access points which enter upon a state or federal road
13 or highway shall be subject to the Department of Transportation, Bureau of
14 Highways Regulations and the applicant for a building permit shall provide the
15 Building Inspector with written approval from the Bureau of Highways at the time
16 of application for building permit.

17 d. Surfacing for Off- Street Parking Areas. All off- street parking areas for four or more
18 vehicles shall be surfaced in such a manner that the generation of dust and mud will be
19 eliminated.

20 2.5.2 Off- Street Parking Standards. The following standards comprise the minimum off street
21 parking requirements for the common types of buildings and uses listed.

22 a. Dwellings. Two parking spaces per dwelling unit. Boarding and rooming houses, one
23 and one-half parking spaces for every two boarders or roomers based on maximum
24 occupancy in addition to the requirements for dwellings.

25 b. Tourist Homes, Motels and Hotels. One parking space for each sleeping room or suite
26 including those occupied by the owner or manager residing on the premises, plus one
27 space for each four employees. If retail sales or consumer services are provided on the
28 premises, parking requirements for those establishments shall also be met in addition to
29 those stated above.

30
31 d. Community Center, Theater, Auditorium, Church Sanctuary. One parking space for
32 each four seats, based on maximum seating capacity.

33 e. Convention Hall, Lodge, Club, Library, Museum. One parking space for each fifty

1 square feet of floor area used for assembly within the building.

2 f. Stadium or Sports Arenas. One parking space for each six seats, based on maximum
3 capacity.

4 g. Hospitals. One parking space for each four patient beds exclusive of bassinets, plus
5 one space for each staff or visiting doctor, plus one space for each three employees,
6 including nurses, plus two parking spaces for each emergency room up to three and
7 one additional space for each emergency room in excess of three.

8 h. Medical or Dental Clinics or Offices. Five spaces per doctor, plus one space for each
9 two employees.

10 i. Sanatoriums, Convalescent or Nursing Homes. One space for each six patient beds
11 plus one space for each staff or visiting doctor, plus one space for each three
12 employees, including nurse.

13 j. Retail Sales and Consumer Services Businesses. One parking space for each 200 square
14 feet of building gross floor area plus one space for each vehicle operated by the
15 business. Parking space for drive-in establishments or outdoor retail sales shall be
16 provided as required by the Board of Adjustments.

17 k. Bowling Alleys - Five parking spaces for each lane.

18 l. Mortuaries or Funeral Homes. One parking space for each fifty square feet of floor
19 space in the slumber rooms, parlors or individual funeral service rooms. If the mortuary
20 or funeral home contains a chapel, the parking requirements set for the for church
21 sanctuary in Section 2.5.2 e shall be followed.

22 m. Office Building. One parking space for each 300 square feet of gross floor area,
23 exclusive of the area used for storage, utilities and building service.

24 n. Industrial Plants, Research Laboratories, Non-Retail Sales and Service Establishments.
25 One parking space for every two employees at maximum employment on a single shift
26 plus one space for each vehicle operated by the plant or establishment.

27 2.5.3 Exception to Automobile Off-Street Parking Space Requirements. If approved by the Board
28 of Adjustments, off-street parking space required for any building or use may be located off
29 the premises it serves and/or may be consolidated into a large parking area serving other
30 buildings and uses. The Board of Adjustments may require an applicant for a building permit
31 anticipating use of off-street parking to show evidence of ownership or a long-term lease of
32 the parking area to be provided. Approval of a building permit using off-premises parking
33 will be predicated upon the retention of the off-premises parking by the owner, his successors,

heirs or assigns.

2.5.4 Exception to Off- Street Parking Space Required in the Central Business (C-1) District. The Board of Adjustments may waive the requirement for automobile off street parking space within the C-1 Central Business District provided the following determinations are made:

a. Construction of the required automobile off- street parking space on the premises would prevent the continuous development of a compact and coordinated row of commercial buildings fronting on an already established commercial block or shopping area.

b. Required automobile off -street parking space cannot be reasonably provided off the premises in accordance with Section 2.5.3 of this ordinance.

c. The principal building and use proposed is not designated or oriented to provide sales or services to persons remaining in automobiles or similar vehicles.

d. Construction of the required automobile off -street parking space would detract from the overall shopping desirability of the adjoining buildings and premises, and would result in the incompatible mixing of vehicles, buildings and pedestrian shoppers.

2.5.5 Existing Non-conforming Automobile Off Street Parking Space. Existing off street parking space provided for any building or use at the time of adoption of this ordinance shall not thereafter be reduced unless it exceeds the requirements of this ordinance. Any existing building or use not provided with conforming off street parking space shall be provided with off street parking space in conformance with this ordinance at the time of any structural alteration of the building or expansion of the use.

2.5.6 Off Street Loading and Unloading Space Regulations for Trucks. All buildings and uses outside the Central Business District which generate regular trucking traffic shall be provided with sufficient off- street parking spaces or streets for loading and unloading activity. They shall also be provided for the servicing of buildings by refuse collection, fuel and other service vehicles. Off street loading and unloading space and service areas shall be adequate in size and so arranged that they may be used without blockage or interference with the use of streets, access ways or automobile parking facilities.

a. Spaces Required. One loading and unloading space 40 feet in depth by 12 feet in width with an overhead clearance of not less than 14 feet shall be provided for each 3,000 feet of gross floor area in the building. Loading and unloading space and service area shall be provided with access to a street or alley with adequate maneuvering area.

SECTION 2.6

CONDITIONAL USE REGULATIONS

1
2 Conditional uses may be permitted in districts as designated under this zoning ordinance but
3 only when specifically approved by the Board of Adjustments. All conditional uses shall be subject
4 to the following regulations unless otherwise stated in this ordinance.

5 2.6.1 Regulations Relating to all Districts. The following conditional uses only may be approved
6 in all zoning districts.

7 a. Churches.

8 b. Local public utilities and private transmission lines and pipes.

9
10 c. Radio, television, telephone transmission towers.

11
12 d. Large utility structures and public service buildings.

13 e. Expansion of railroads and appurtenances.

14 2.6.2 Specified Districts. Other conditional uses may be approved in only those zoning districts
15 where they are designated as conditional uses under the zoning district regulations of this
16 ordinance.

17 2.6.3 Planned -Unit- Development Projects. All proposed Planned-Unit-Development projects shall
18 be referred to the Planning Commission for its review and recommendations in conformance
19 with Section 4.6.1 of this ordinance. Upon written receipt of the Planning Commission's
20 recommendations regarding the proposed Planned-Unit-Development project, the Board of
21 Adjustments shall proceed as set forth in Section 4.6.1d of this ordinance and it shall take a
22 two-thirds majority of the entire Board of Adjustments to override the recommendation of
23 the Planning Commission.

24 2.6.4 Procedure. In applying for a conditional use permit, other than a Planned-Unit-Development
25 project, the applicant shall submit a plan to the Building Inspector and follow all procedures
26 set forth in Section 5.2.2 regarding the procedure for building permit application. The
27 Building Inspector shall then refer the application to the Board of Adjustments. The Board
28 of Adjustments shall charge a fee of \$10.00 for reviewing all conditional use permit
29 applications unless the application is for a Planned-Unit Development.

30 2.6.5 Action by Board of Adjustment. The Board of Adjustments may approve, modify, or deny
31 any application for a conditional use permit. If it approves such permit, it may attach
32 necessary conditions such as time limitation requirements that one or more things be done
33 before the request can be initiated or conditions of a continuing nature to ensure that there
34 shall be no departure from the intent of this zoning ordinance. The Board of Adjustments
35 shall especially consider the effect of the conditional uses on surrounding areas in determining

whether a conditional use should be approved, modified, or disapproved. In such conditions, it shall be recorded in the Board's minutes and on the conditional use permit along with reference to the specific section of the zoning ordinance listing the conditional use under consideration. If the conditional use application is approved by the Board of Adjustments, it shall issue written authorization to the Building Inspector to issue a building permit in conformance with Section 5.2.2 b of this ordinance. Such written authorization by the Board of Adjustments shall include a statement of the factual determination by the Board of Adjustments which justifies the issuance of the permit and a statement of the specific conditions which must be met in order for the use to be permitted. Granting of conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing, and other regulations.

2.6.6 Recording and Effect of Approved Conditional Use Permit. All conditional use permits and accompanying final plats approved by the Board of Adjustments shall be recorded at the expense of the applicant in the office of the Fulton County Clerk.

a. Recording. The Building Inspector shall not issue any buildings permits for any conditional use permits and accompanying final plats until such conditional use permit and accompanying final plat have been properly recorded by the applicant.

b. Changes. An approved and recorded conditional use permit and accompanying final plat shall limit and control the issuance of all building permits and shall restrict the construction, location and operation of all land and structures to all conditions set forth in the conditional use permit and accompanying final plat; provided, however, that upon application to and approval by the Board of Adjustments, minor changes in the location of structures, and other minor details, may be permitted. No change shall be authorized which violates the spirit or intent of the originally approved conditional use permit or accompanying final plat or the provisions of this ordinance. A conditional use permit and accompanying final plat applies to the property for which it is granted and not be the individual who applied for it. A conditional use permit and accompanying final plat also runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site.

2.6.7 Noncompliance. The Building Inspector shall review 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 in order to ascertain that the owner is complying with all of the conditions listed on the conditional use permit. If the owner is not complying with all of the conditions listed on the conditional use permit, the Building Inspector shall report the fact in writing to the Chairman of the Board of Adjustments. The report shall state specifically the manner in which the owner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the owner at the same time that it is furnished to the Chairman of the Board of Adjustments. The Board of Adjustments shall hold a hearing on the report within a

reasonable time, and notice of the time and place of the hearing shall be furnished to the owner at least one week prior to the hearing. If the Board of Adjustments finds that the fact alleged in the report to the Building Inspector are true and that the owner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board of Adjustments shall have the power to authorize the Building Inspector to revoke the conditional use permit authorized. Furthermore, the Board of Adjustments shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgement in persona for such cost.

2.6.8 Time Limit. In any case where a conditional use permit has not been exercised within the time limit set by the Board of Adjustments, or within one year, if no specific time has been set, such conditional use permit shall revert to its original designation. Exercised, as set forth herein, shall mean that binding contracts for the construction of the main building, buildings, or other improvements have been awarded; or in the absence of contracts, are under construction to a substantial degree, or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed. When construction is not a part of the use, exercised shall mean that the use is in operation in compliance with the conditions as set forth in the permit.

2.6.9 Permanently Satisfied Conditional Use Permit. Once the Board of Adjustments has completed a conditional use permit and all conditions required are of such a 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 enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the County Clerk. Thereafter, said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.

2.6.10 Mobile Home Parks. Mobile home parks may be permitted only in those zoning districts where they are designated as a conditional use under the zoning district regulations. All mobile home parks shall conform with all provisions of the Kentucky Revised Statutes 219.120 through 219.250 and shall conform with all applicable provisions of this zoning ordinance. All mobile home parks shall be subject to the following regulations:

a. Plat. The plat to be submitted to the Building Inspector along with the conditional use permit application shall show at least the following information:

1. Name and address of applicant.

2. Name and location of mobile home park.

3. Dimensions and locations of all lot lines, roads and easements. Each mobile home lot shall be numbered.

4. Contour lines to indicate slope and drainage.
 5. Location of all utilities including public and private water, sewage, drainage, and electrical facilities and easements.
 6. Common areas such as visitor parking areas, recreational areas or other similar areas, if such areas are proposed.
 7. Large scale plan of one typical mobile home lot showing mobile home location, automobile parking space and open space.
 8. Location of landscaping, separation strip and protective screening if required, as a special condition.
- b. Use. The premises of a mobile home park shall be used for mobile homes and those accessory buildings and uses specifically designated in the approved conditional use permit only.
- c. Compatibility. The tract of land must be suitable for a mobile home park by virtue of its location, shape, topography and the nature of surrounding development.
1. All mobile home parks shall include lots for at least ten (10) mobile homes.
 2. Each mobile home shall have a lot area of at least two thousand three hundred (2,300) square feet.
 3. All mobile home parks shall front on a public street for at least one hundred (100) feet.
 4. All mobile home park access points on a public street shall be located at least fifty (50) feet apart and all mobile home park access points shall be located at least seventy-five (75) feet from the intersection of any public street right-of-way lines. The Board of Adjustments shall require wider spacing between access points and intersecting public street right-of-way lines when the mobile home park has more than the minimum required frontage on a public street. All access points shall be approved by the Board of Adjustments.
 5. All mobile home shall be located at least twenty(20) feet from all property lines and at least twenty-five (25) feet, or one-half (1/2) the width of the right-of-way whichever is larger, from the right-of-way line of any public street on which the mobile home park is located.

6. A landscaped separation strip, at least five (5) feet in width shall be provided along all property lines and public street on which the project is located. The Board of Adjustments may also require that the mobile home park be permanently screened from adjoining and contiguous properties by a wall, fence, evergreen hedge and/or other approved enclosures. Such screening, if required, shall be located within the required separation strip and shall have a minimum height of four and one-half (4 1/2) feet and a maximum height of seven (7) feet.
 7. No mobile home shall be located closer than twenty (20) feet to another mobile home.
 8. A two-way road with a bituminous- paved surface at least twenty (20) feet in width or a one-way road with a bituminous- paved surface at least twelve (12) feet in width shall provide direct access to each mobile home lot. No mobile home shall be located any closer than ten (10) feet to the edge of this road. The area occupied by the road shall not fulfill any part of the area requirements for any lot. All dead- end roads within the mobile home park shall be designed to enable mobile homes to reverse direction without having to back more than one mobile home length.
 9. One three hundred (300) square foot automobile parking space consisting of a four inch base of bank gravel and a two inch surface of crushed limestone shall be provided on every mobile home lot. Access to the parking space shall be prepared in the same manner as the parking space.
 10. All mobile home parks shall conform with the State Board of Health regulations which prescribe standards for water supply, sewage disposal, and other facilities.
 11. All mobile home parks shall be adequately drained so that no mobile home lot shall be subjected to the collection of storm water.
 12. Only one sign, not over six (6) square feet in area identifying the mobile home park on the premises shall be permitted.
- d. Construction Permit Required. The Building Inspector shall not issue a building permit for an approved mobile home park until the applicant presents a valid construction permit from the State Department of Health as required by Kentucky Revised Statutes 219.150.
- e. Operators Permit Required. The Building Inspector shall not issue a certificate of occupancy for an approved mobile home park until the applicant presents a valid operators permit from the State Department of Health as required by Kentucky Revised

f. Existing Nonconforming Mobile Home Parks. All existing mobile home parks legally operating within the corporate limits of the City of Fulton at the time of passage of this ordinance may continue to operate, but shall be required to comply with all provisions of this ordinance within three (3) years from the effective date of this ordinance. All existing mobile home parks which are not located within a zoning district in its present location as a nonconforming use provided that all other provisions of this ordinance are complied with within three years from the effective date of this ordinance. Thereafter all such existing mobile home parks shall be subject to the regulations for nonconforming uses as set forth in Section 2.3.6 of this ordinance.

2.6.11 Mobile Homes. Mobile homes are not permitted on lots outside of an approved mobile home park except in those zoning districts where they are designated as a conditional use under the zoning district regulations. All mobile homes located outside of an approved mobile park shall be subject to the following regulations:

a. Availability. The Board of Adjustments shall consider the availability of mobile home lots in approved mobile home parks in the granting of a conditional use permit for a mobile home to be located outside of an approved mobile home park. If the Board of Adjustments determines that there are no approved mobile home park facilities available it may grant a conditional use permit for a mobile home to be located in a district where mobile homes are designated as a conditional use. The Board of Adjustments may require as a special condition that the conditional use permit be subject to termination after reasonable notice of the availability of mobile home lots in an approved mobile home park. Such notice shall be given to the conditional use permit holder by the Building Inspector.

b. Compatibility. The lot must be suitable for a mobile home permitted as a conditional use and located outside of an approved mobile home park by virtue of its location, shape, topography and the nature of surrounding development.

c. Standards. All mobile homes permitted as a conditional use and located outside of an approved mobile home park shall conform with the following standards:

1. All mobile homes shall meet the minimum lot area, area requirements, and other regulations for a single family dwelling in the zoning district in which they are designated as a conditional use.

2. No mobile home shall be placed on any lot on which a structure used for dwelling purposes already exists.

3. A mobile home must be located on a lot which abuts on at least one public

1 street for a distance of not less than fifty feet.

2 4. A mobile home shall not be connected to electric, gas, telephone, water, sewer
3 or any other utility or service in, through or at another structure; all such utility
4 and service connections must be made directly to the mobile home from regular
5 utility service lines in the same manner that connections are provided to other
6 dwellings within the zoning district.

7 5. It shall be unlawful to occupy any mobile home permitted as a conditional use
8 until the Building Inspector has issued a certificate of occupancy as required in
9 Section 5.3.1 of this ordinance authorizing such use. All applicants for a
10 certificate of occupancy shall submit, along with their application, the County
11 Health Officer's certificate approving the water supply and sewage disposal as
12 required in Section 2.3.5 of this ordinance.

13 d. Mobile Home Other Than for Occupancy. Mobile homes which are intended for sale,
14 resale or processing shall be permitted only in those zoning districts in which such activities
15 or uses are permitted under the zoning district regulations. Mobile homes intended for sale,
16 resale or processing shall not be occupied either temporarily or permanently for residential
17 purposes.

18 e. Nonconforming Mobile Homes. All mobile homes in existence within the corporate limits
19 of the City of Fulton on the date of passage of this ordinance and which cannot be brought
20 into compliance with the provisions of this ordinance shall be required to move into an
21 approved mobile home park within two (2) years from the date of establishment of a mobile
22 home park approved by the Board of Adjustments as set forth in this ordinance, however,
23 should the owner or renter of a mobile home existing at the time of passage of this
24 ordinance decide to move the mobile home elsewhere, the right to maintain the mobile
25 home outside of an approved mobile home park shall terminate and the owner shall be
26 required to meet all of the provisions of this ordinance before the mobile home can be
27 reoccupied.

**ARTICLE 3
ZONING DISTRICTS**

SECTION 3.1 ESTABLISHMENT AND DESIGNATION

The City of Fulton is divided into the following districts as shown on the map entitled "Zoning Map - Fulton, Kentucky", and these district are designated as follows:

- R-1 - Low Density Residential District
- R-2 - Medium Density Residential District
- R-3 - High Density Residential District
- S - Service District
- C-1 - Central Business District
- C-2 - Neighborhood Business District
- C-3 - General Business District
- M-1 - Light Manufacturing District
- M-2 - Heavy Manufacturing District
- C - Conservancy District
- A - Agricultural District

SECTION 3.2 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

The following rules shall be used to interpret the exact location of the zoning district boundaries as shown on the zoning map.

3.2.1 Street, Alley and Railroads. Where the zoning district boundary follows a street, alley, or railroad, the center line of the street, alley, or railroad right-of-way is the boundary of the district.

3.2.2 Lot Lines. Where a zoning district boundary approximately follows a lot or property line that line is the boundary of the district.

3.2.3 Water Courses. Where a zoning district boundary follows a perennial stream, the shore line of that stream shall be the boundary; if the water course is other than perennial then the center line of the water course shall be the zoning district boundary.

3.3.4 Other Than Natural Boundaries or Lot Lines. Where a zoning district does not clearly follow any natural boundary or lot line, its exact location on the ground shall be determined by measurement according to the zoning map.

3.3.5 Disputes. In any case where the exact location of a zoning district boundary is not clear or is in dispute, the Board of Adjustments shall determine the exact location upon

1 application by the Building Inspector for an original interpretation.

2 3.3.6 Area Unassigned to a Zoning District. Any area which hereafter becomes a part of the
3 incorporated area of the City of Fulton, shall, concurrent with annexation, be assigned to
4 the Agricultural District. The Planning Commission shall, within ninety days after
5 annexation, recommend assignment of the area to the various zoning districts in
6 accordance with the Comprehensive Plan. In the event the Planning Commission fails to
7 act within the prescribed time, or the City Commission fails to act upon the
8 recommendations of the Planning Commission, the area shall remain assigned to the
9 Agricultural District until action is taken.

10 **ARTICLE 4**
11 **ZONING DISTRICT REGULATIONS**

12 **SECTION 4.1 RESIDENTIAL DISTRICTS**

13 The following regulations shall apply in Residential Districts:

14 4.1.1 Low Density (R-1) Residential Districts.

15 a. Dwellings. The following dwellings are permitted:

16 1. Single family residences.

17 b. Accessory Buildings. The following accessory buildings are permitted:

18 1. Carport or garage.

19 2. Any other accessory building or use not used as a dwelling and customarily
20 incidental to the principal use of the premises.
21

22 c. Conditional Uses. The following uses are permitted upon application to the Board of
23 Adjustments and the granting of a conditional use permit:

24 1. Church.

25 2. Park
26

27 4.1.2 Medium Density (R-2) Districts.

1 a. Dwellings. The following dwellings are permitted:

2 1. Single family residences.

3
4 2. Two family (duplex) residences.

5
6 3. Rooming and boarding houses, provided not more than three guests are
7 accommodated.

8 4. Nursery for children, provided not more than four children are in attendance
9 at any one time.

10
11 4.a. Exception: Fulton Housing Authority Day Care Center located at 212 Seventh
12 Street. (Ordinance 94-2, 01/24/94)

13
14 b. Accessory Buildings. The following accessory buildings are permitted:

15 1. Carport or garage.

16
17 2. Any other accessory building or use not used as a dwelling and customarily
18 incidental to the principal use of the premises.

19 c. Conditional Uses. The following conditional uses are permitted upon application to the
20 Board of Adjustments and the granting of a conditional use permit.

21 1. Barber shop.

22
23 2. Beauty shop (hairstylist).

24
25 3. Church.

26
27 4. Park.

28
29 5. Professional offices having not more than 6,400 square feet of gross floor area,
30 providing no stocking, storing, selling, or processing of merchandise takes place.

31
32 6. Library.

33
34 7. Residential Planned Unit Development.

35 4.1.3 High Density (R-3) Residential Districts.

1 a. Dwellings. The following dwellings are permitted:

2 1. Single family residences.

3
4 2. Two family (duplex) residences.

5
6 3. Apartment buildings.

7
8 4. Rooming and boarding houses, providing not more than three guests are
9 accommodated.

10
11 5. Nursery for children, providing not more than four children are in attendance at
12 any one time.

13 b. Accessory Buildings. The following accessory buildings are permitted:

14 1. Carport or garage.

15
16 2. Any other accessory building or use not used as a dwelling and customarily
17 incidental to the principal use of the premises.

18 c. Conditional Uses. The following uses are permitted upon application to the Board of
19 Adjustments, and the granting of a conditional use permit.

20 1. Barber shop.

21
22 2. Beauty shop (hairstylist).

23
24 3. Church.

25
26 4. Food Store or delicatessen.

27
28 5. Library.

29
30 6. Mobile home park.

31
32 7. Mortuary.

33
34 8. Park

35
36 9. Professional offices having not more than 6,400 square feet of gross floor area and
37 providing that no stocking, storing, selling or processing of merchandise takes place.
38

1 10. Residential or commercial Planned-Unit-Development.
2

3 11. School.
4

5 12. Antique shop provided no outside storage or displays of merchandise is permitted
6 and no stripping or refinishing of furniture is done. Ord 78-12

7 **SECTION 4. BUSINESS DISTRICT.** The following regulations shall apply in Business Districts.

8 **4.2.1 Service Districts.** The following uses are permitted in Service Districts.

9 a. Residential. The following uses are permitted only above the ground floor of a business
10 building in a Service District:
11

12 1. Single family residence.
13

14 2. Two family residence (duplex).
15

16 3. Apartments
17

18 4. Room an boarding houses.

19 b. Commercial. The following business, commercial and service activities are permitted in
20 the service zone.

21 1. Bakery or bakery goods store having a maximum gross floor area of not more
22 than 6,400 square feet and may include non nuisance producing, processing,
23 packaging or fabricating conducted entirely within the building.
24

25 2. Banks.
26

27 3. Barber shop.
28

29 4. Beauty shop (hairdresser).
30

31 5. Business college.
32

33 6. Dance, music or voice studio.
34

35 7. Delicatessen.
36

37 8. Doctors clinic.
38

9. Dry cleaning agency having no processing on the premises.
 10. Finance offices.
 11. Florist
 12. Food store or delicatessen provided preliminary and final site plans are submitted to and approved by the Planning Commission.
 13. Hospital.
 14. Laboratory-medical-dental or optical provided that the use is incidental to that of the office building in principal interest thereto is from the inside of the building.
 15. Laundry agency having no processing on the premises.
 16. Mortuary.
 17. Nursery for children.
 18. Nursing home.
 19. Offices.
 20. Parking lot, garage or facility.
 21. Photographic studio.
 22. Prescription pharmacy, optician.
 23. Printing and blueprinting.
 24. Professional services.
 25. Reducing salon-masseur.
 26. Savings and loan associations.
 27. Trade school.
- c. Accessory Structures. The following accessory structures are permitted:

1 1. Signs not exceeding twenty square feet in area indicating the activity or business
2 which takes place on the premises.

3
4 2. Carport or garage.

5
6 3. Any other accessory building or use not used as a dwelling and customarily
7 incidental to the principal use of the premises.

8
9 d. Conditional Use. The following uses are permitted upon application to the Board of
10 Adjustments and the granting of a conditional use permit.

11 1. Church.

12
13 2. Hotel.

14
15 3. Motel.

16
17 4. Package liquor store.

18
19 5. Park.

20
21 6. Signs exceeding twenty square feet in area indicating the type of activity or
22 business which takes place on the premises.

23
24 7. Antique shops provided no outside storage or display of merchandise is
25 permitted and no stripping or refinishing of furniture is done. Ord. 87.26

26 **4.2.2 CENTRAL BUSINESS (C-1) DISTRICT** The following uses are permitted.

27 a. Residential. The following residential uses are permitted only above the ground
28 floor of a business dwelling in the Central Business District.

29
30 1. Single-family residence.

31
32 2. Two-family residence (duplex).

33
34 3. Apartments.

35
36 4. Rooming and boarding houses.

37 b. Commercial. The following commercial uses are permitted.

38 1. Amusement centers - indoor only.

2. Bakery or bakery goods store having a maximum floor area of 6,400 square feet and may include non-nuisance producing, processing, packaging or fabricating conducted entirely within a building.
3. Banks, savings and loan associations and finance offices.
4. Barber or beauty shop.
5. Dry cleaning or laundry agency.
6. Florist.
7. Food store-delicatessen.
8. Furniture Store.
9. Laboratory-medical-dental-optical provided the use is incidental to that of an office building.
10. Offices.
11. Parking lot, garage or facility.
12. Photographic studio.
13. Prescription pharmacy or optician.
14. Radio-TV sales-repair.
15. Restaurant, bar or package liquors.
16. Retail stores and services.
17. Theater.

c. Accessory Structures. The following accessory structures are permitted:

1. Signs not exceeding fifty square feet in area identifying the name and type of activity conducted on the same premises.
2. Garage or carport.

1 3. Other accessory buildings not used as a dwelling and customarily incidental to the
2 principal use of the premises.

3 d. Conditional Use. The following conditional uses are permitted upon application to the
4 Board of Adjustments and the granting of a conditional use permit:

5 1. Signs exceeding fifty square feet in area identifying the name and type of
6 activity which takes place upon the premises.

7 2. Hotel.

8 3. Motel.

9 **4.2.3 NEIGHBORHOOD BUSINESS (C-2) DISTRICTS.** The following uses are permitted in
10 Neighborhood Business Districts:

11
12 a. Residential. The following residential uses are permitted only above the ground floor of
13 a business building in a Neighborhood Business District.

14 1. Single-family residence.

15 2. Two-family residence (duplex).

16 3. Apartments.

17 4. Rooming and boarding houses.

18 b. Commercial. The following commercial uses are permitted:

19 1. Bakery or bakery goods store.

20 2. Branch bank or branch savings and loan association.

21 3. Barber shop.

22 4. Beauty shop (hairdresser).

23 5. Cabinet shop, provided the entire business is conducted within a building.

24 6. Dry cleaning or laundry agency, provided no processing is conducted on the
25 premises.

26 7. Dance, music or voice studio.
27
28

- 1
- 2 8. Florist.
- 3 9. Food store-delicatessen.
- 4
- 5 10. Laboratory-medical-dental-optical.
- 6 11. Laundromat.
- 7 12. Mortuary.
- 8 13. Nursery for children.
- 9 14. Offices.
- 10 15. Photographic studio.
- 11 16. Prescription pharmacy, optician.
- 12 17. Printing and blueprinting.
- 13 18. Reducing salon-masseur.
- 14 19. Restaurant.
- 15 20. Retail stores and services.
- 16 21. Sign Shop.
- 17 22. Car Wash (Municipal Order 84-9-5/31/84)

18 c. Accessory Structures. The following accessory structures are permitted:

- 19 1. Signs not exceeding fifty square feet in area indicating the name and type of
- 20 activity which takes place upon the premises.
- 21 2. Carports and garages.
- 22 3. Any other accessory building or use not used as a dwelling and customarily
- 23 incidental to the principal use of the premises

24 d. Conditional Use Permit: The following conditional uses are permitted upon

25 application to the Board of Adjustments and the granting of a conditional use permit:

1. Advertising signs and structures.
2. Commercial planned-unit-development projects.
3. Combination planned-unit-development projects.
4. Service station, providing lots are improved with same standard as required for a parking lot. Repair work may be conducted if work is confined to a building.

4.2.4 GENERAL BUSINESS (C-3) DISTRICTS. The following uses are permitted only as a conditional use in the General Business District:

a. Residential. The following residential uses are permitted only as a conditional use in the General Business District.

1. Single family residence.
2. Two-family residence (duplexes).
3. Apartments.
4. Rooming and boarding houses.

b. Commercial. The following commercial uses are permitted:

1. Amusement centers - indoor only.
2. Auto sales, service, storage, rental and any auto repair that is conducted entirely within a building.
3. Bakery or bakery goods store.
4. Banks, savings and loan associations, finance offices.
5. Barber shop.
6. Beauty shop (hairstylist).
7. Business college, trade school.
8. Cabinet shop, provided the entire business is conducted within a building.
9. Cleaning plant - commercial - provided the maximum gross floor area of a

1 building used for this purpose shall not exceed 6,400 square feet. Incidental
2 non nuisance producing, processing, packaging or fabrication may take place
3 upon the premises provided it is conducted entirely with a building.

4 10. Cleaning - laundry agency.

5 11. Dance, music, voice studio.

6 12. Drive-in restaurant - food stand.

7 13. Equipment rental, sales yard, provided the lots are improved with the same
8 standards as required for parking lots.

9 14. Florist.

10 15. Food store - delicatessen.

11 16. Furniture refinishing, provided the entire business is conducted within a
12 building.

13 17. Furniture store.

14 18. Hotel.

15 19. Laboratory - medical - dental - optical.

16 20. Laundry - commercial plant - provided the maximum gross floor area of the
17 building for the purpose does not exceed 6,400 square feet. Incidental, non
18 nuisance producing, processing, packaging or fabricating may take place on
19 the premises provided it is conducted entirely within a building.

20 21. Laundromat.

21 22. Mortuary.

22 23. Motel.

23 24. Nursery for children.

24 25. Nursery for flowers and plants.

25 26. Offices.

27. Parking lot, garage or facility.
28. Photographic studio.
29. Prescription pharmacy - optician.
30. Printing and blueprinting.
31. Radio - TV sales and repair.
32. Reducing salon - masseur.
33. Restaurant - bar, package liquors.
34. Retail stores and services.
35. Service station, providing lots must be improved to the same standards as required for parking lots.
36. Shop for building contractor, providing the entire business is conducted within a building.
37. Sign shop.
38. Tire shop including recapping, providing the entire business is conducted within a building.
39. Trailer sales yard, providing the lots are improved to the same standards as required for a parking lot.
40. Used car lot, providing the lot is improved to the same standards as that required for a parking lot.
41. Wholesale stores and distributors.
42. Car Wash (Municipal Order 84-2) 5-31-84

c. Industrial Uses. The following industrial uses are permitted:

1. Beverage bottling plant.
2. Dairy products processing.

1 3. Lumber yard - retail.

2 4. Warehousing - wholesaling.

3 d. Accessory Structures. The following accessory structures are permitted:

4 1. Advertising signs not exceeding fifty square feet in area indicating the name and
5 type of business conducted entirely on the premises.

6 2. Carport or garage.

7 3. Any other accessory structure or use not used as a dwelling customarily
8 incidental to the principal use of the premises.

9 e. Conditional uses. The following uses are permitted upon application to the
10 Board of Adjustments and the granting of a conditional use permit:

11 1. Advertising signs and structures exceeding fifty square feet in area.

12 2. Monument works, stone.

13 3. Commercial planned use development.

14 4. Combined Planned Unit Development.

15 5. Light manufacturing and light industrial uses subject to the performance
16 standards as provided in Section 4.3.1c.

17 **SECTION 4.3. MANUFACTURING DISTRICTS.** The following uses are permitted in Light
18 Manufacturing Districts:

1 4.3.1. Light Manufacturing (M-1) Districts:

2 a. Residential. Living quarters for watchmen of commercial or industrially used property,
3 hotels and motels, shall be the only residential uses permitted in this zoning district.
4

5 b. Commercial. The following commercial uses are permitted:

6 1. Advertising signs and structures.

7 2. Auto sales, service, storage and rental.

8 3. Bakery.

9 4. Branch bank - savings and loan - finance office.

10 5. Business college - trade school.

11 6. Cabinet shop.

12 7. Cleaning plant, commercial.

13 8. Cleaning - laundry agency.

14 9. Drive-in restaurant - food stand.

15
16 10. Equipment rental and sales yard, provided the lots are improved to the same
17 standards as that required for a parking lot.

18 11. Furniture refinishing.

19 12. Laboratory - medical - dental - optical.

20 13. Laundry - commercial plant.

21
22 14. Nursery for flowers and plants.

23 15. Offices.

24 16. Parking lot, garage or facility.

25 17. Photographic laboratory.

1 18. Printing and blueprinting.

2 19. Retail stores and services.

3 20. Service station, providing the lots are improved to the same standards as
4 required for a parking lot.

5 21. Shop for building contractor.

6 22. Sign shop.

7 23. Tire shop, including recapping.

8 24. Trailer sales yard, providing the lot is improved to the same standards as
9 those required for a parking lot.

10 25. Used car lot, providing the lot is improved to the same standards as those
11 required for a parking lot.

12 26. Wholesale stores and distributions.

13 c. Industrial. Any light manufacturing use is permitted which meets the following
14 performance standards:

15 1. Vibration. Any industrial operation which shall cause at any time and at any
16 point along the nearest adjacent lot line, vibrations in excess of the limit set
17 forth below are prohibited:

Frequency (Cycles Per Second)	Displacement (Inches)
Below 10	.0008
10 to 20	.0005
20 to 30	.0002
30 to 40	.0002
40 & over	.0001

22 This tabulation is for steady vibration; that is defined as continuous vibration in
23 contrast to discrete pulses. Impact vibration, that is, discrete pulses which do not
24 exceed 100 impulses per minute, shall not produce in excess of twice the
25 displacement above.

26 2. Noise. Noise as measured at the street or property line shall not exceed the

decibel limits in the octave bands designated below:

Octave Band Frequency (Cycles Per Second)	Maximum Permitted Sound Level in Decibels
0 to 75	67
75 to 150	62
150 to 300	58
300 to 600	54
600 to 1200	49
1200 to 2400	45
2400 to 4800	41
above 4800	37

Sound levels shall be measured with a sound level meter and associated octave band filter manufactured and calibrated according to standards prescribed by the American Standards Association. Measurements shall be made using the flat or C network of the sound level meter and the fast movement of the octave band analyzer.

3. Odor. No operation shall permit odors to be released which are detectable at the nearest residential zone boundary and which offensively affect the sense of smell.

4. Gases, Smoke, Dust, Dirt. The emission of gases, smoke, dust, dirt and fly ash shall in no manner be hazardous or deleterious to the general welfare. Any emission shall be in strict conformance with all applicable State and local health laws pertaining to air pollution and smoke abatement.

5. Fire Hazards. The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided the following conditions are met:

(a) Said materials or products shall be stored, utilized or manufactured within complete enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system. The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors, shall be permitted in accordance with the following:

1	Total Capacity of Flammable Materials Permitted, Gallons		
2	Industries Engaged in Storage & Distribution of Such Materials	Above	Under
3		Ground	Ground
4	Materials having a flash point above 190		
5	degrees Fahrenheit	Prohibited	100,000
6	From 150 degrees F. to 190 degrees F.	Prohibited	40,000
7	Materials having a flash point below 150		
8	degrees F.	Prohibited	20,000
9	Industries engaged in Utilization &		
10	Manufacturing of Such Materials		
11	Materials having a flash point above 190		
12	degrees Fahrenheit	10,000	50,000
13	From 150 degrees F. to 190 degrees F.	1,000	20,000
14	Materials having a flash point below 150		
15	degrees F.	500	10,000
16			
17			
18	6. Glare - Glare from all artificial light source shall be shielded so as to prevent		
19	direct or indirect rays of light from illuminating an adjacent residential zone		
20	or a major thoroughfare.		
21			
22	7. Protective Screening - Those areas which abut a residential district either on		
23	the side or rear shall require protective screening. Screening shall consist of		
24	an ornamental masonry wall or chain link fence five feet in height above grade		
25	or a green belt planted strip of trees set not closer than six feet to the property		
26	line.		
27			
28	d. Accessory Structures. The following accessory structures are permitted:		
29			
	1. Advertising signs indicating the name and type of activity which takes place		
	upon the premises.		
	2. Any other accessory building or use not used as a dwelling and customarily		

1 incidental to the principal use of the premises.

2 e. Conditional Uses. The following uses are permitted upon application to the Board of
3 Adjustments and the granting of a conditional use permit:

- 4 1. Food store - delicatessen.
- 5 2. Industrial Planned Unit Development.
- 6 3. Junk yard-auto salvage.
- 7 4. Laundromat.
- 8 5. Mortuary.
- 9 6. Petroleum storage.
- 10 7. Restaurant-bar-package liquors.

11 4.3.2 Heavy Manufacturing (M-2) Districts.

12 The following uses are permitted in heavy manufacturing districts:

13 a. Residential. The living quarters for watchmen of commercial or industrially used
14 property, hotels and motels, shall be the only residential uses permitted in the heavy
15 manufacturing zoning district.

16 b. Commercial. The following commercial uses are permitted:

- 17 1. Advertising signs and structures.
- 18 2. Auto sales, service, storage and rental.
- 19 3. Bakery.
- 20 4. Business college-trade school.
- 21 5. Cabinet shop.
- 22 6. Cleaning plant-commercial.
- 23 7. Drive-in restaurant-food stand.

- 1 8. Equipment rental and sales yard.
- 2 9. Furniture refinishing.
- 3
- 4 10. Laboratory - medical - dental - optical.
- 5 11. Laundry - commercial plant.
- 6 12. Offices.
- 7 13. Parking lot, garage or facility.
- 8 14. Printing and blueprinting.
- 9 15. Service station, provided the lot is improved to the same standards as that
- 10 required for a parking lot.
- 11 16. Shop for a building contractor.
- 12 17. Sign shop.
- 13 18. Tire shop including recapping.
- 14 19. Trailer sales yard, providing the lot is improved to the same standards as that
- 15 required for a parking lot.
- 16 20. Used car lot, providing the lot is improved to the same standards as that
- 17 required for a parking lot.
- 18 21. Wholesale stores and distributors.

19 c. Any industrial use which meets the following performance standards is permitted:

- 20 1. Vibration - Any industrial operation which shall cause at any time at any point
- 21 along the nearest adjacent lot line, vibrations in excess of the limits set forth
- 22 below are prohibited:

23	Frequency	Displacement
24	(Cycles Per Second)	(Inches)
25	Below 10	.0020
26	10 to 20	.0012
27	20 to 30	.0008

30 to 40
40 and over

.0005

This tabulation is for steady vibration; that is defined as continuous vibration in contrast to discrete pulses. Impact vibration, that is discrete pulses which do not exceed 100 impulses per minute, shall not produce in excess of twice the displacement above.

2. Noise - Noise as measured at the street or property line shall not exceed the decibel limit in the octave bands designated below:

Octave Band (Cycles Per Second)	Maximum Permitted Sound Level in Decibels
0 to 75	100
75 to 150	93
150 to 300	87
300 to 600	81
600 to 1200	74
1200 to 2400	61
2400 to 4800	67
Above 4800	55

Sound levels shall be measured with a sound-level meter and associated octave band filter manufactured and calibrated according to standards prescribed by the American Standards Association. Measurements shall be made using the flat or C network of the sound level meter and the fast meter movement of the octave band analyzer.

3. Odor - No operation shall permit odors to be released which are detectable at the nearest residential zone boundary and which offensively affect the sense of smell.

4. Gases, Smoke, Dust, Dirt - The emission of gases, smoke, dust, dirt and fly ash shall in no manner be hazardous or deleterious to the general welfare. Any emission shall be in strict conformance with all applicable state and local health laws pertaining to air pollution and smoke abatement.

5. Fire Hazards - The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided that

following condition is met:

- (a) Said materials or products shall be stored, utilized or manufactured within complete enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system. The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors, shall be permitted in accordance with the following:

Total Capacity of Flammable Materials Permitted, Gallons

Industries Engaged in Storage & Distribution of Such Materials	Above Ground	Under Ground
Materials having a flash point above 190 degrees Fahrenheit	25,000	200,000
From 150 degrees F. to 190 degrees F.	10,000	100,000
Materials having a flash point below 150 degrees F.	5,000	100,000
Industries Engaged in Utilization & Manufacture of Such Materials		
Materials having a flash point above 190 degrees Fahrenheit	25,000	100,000
From 150 degrees F. to 190 degrees F.	5,000	50,000
Materials having a flash point below 150 degrees F.	2,000	25,000

6. Glare - Glare from all artificial light sources shall be shielded so as to prevent direct or indirect rays of light from illuminating an adjacent residential zone or a major thoroughfare.

7. Protective Screening - Those areas which abut a residential or commercial district either on the side or rear shall require protective screening. Screening shall consist of an ornamental masonry wall or chain link fence

1 five feet in height above grade or a green belt planted strip of trees set not
2 closer than six feet to the property line.

3 d. Accessory Structures: The following accessory structures are permitted;

4 1. Advertising signs indicating the name and type of activity which takes place
5 upon the premises.

6 2. Any other accessory building or use not used as a dwelling and customarily
7 incidental to the principal use of the premises.

8 e. Conditional Uses. The following uses are permitted upon application to the Board of
9 Adjustments and the granting of a conditional use permit:

10 1. Food store - delicatessen.

11 2. Laundromat.

12 3. Mortuary.

13 4. Restaurant-bar-package liquors.

14 5. Retail stores and services.

15 6. Junk yard-auto salvage.

16 7. Industrial Planned Unit Development.

17
18 **Section 4.4 Other Zoning Districts.**

19 The following regulations shall apply to the Agriculture (A) and Conservation (C)
20 Districts.

21 **4.4.1 Agriculture District.**

22 The following uses are permitted in Agriculture Districts.

23 a. Residential, Single-family dwellings.

24 b. Commercial. The following commercial uses are permitted:

25 1. Advertising signs and structures.

1 2. General agricultural uses, including farming, dairy, and stock raising except
2 animal and feed lots.

3 c. Accessory Structures. The following accessory structures are permitted:

4 1. Agricultural buildings and structures accessory to the principal agriculture use
5 of the land.

6 2. Carport-garage or other buildings not used as a dwelling and customarily
7 incidental to the principal use of the premises.

8 3. Signs identifying the name and type of agricultural activity conducted on
9 the premises.

10 4. Sale of agricultural products and services produced on the premises provided
11 that where such products or services are sold from a roadside stand such
12 roadside stand shall be set back from any public street right-of-way at least
13 fifty feet and shall be provided with automobile access and off-street parking
14 space in such a manner that no undue traffic hazard is created on the public
15 streets.

16 d. Conditional Uses. The following conditional uses are permitted upon application to the
17 Board of Adjustments and the granting of a conditional use permit.

18 1. Non-profit public or private facilities such as schools, cemeteries, libraries,
19 churches, parks, recreational facilities, hospitals and institutions.

20 2. Mobile homes.

21 3. Mobile home parks.

22 4. Residential Planned Unit Development projects.

23 5. Commercial Planned Unit Development projects.

24 7. Combined Planned Unit Development projects.

25 4.4.2. Conservance District. The following uses are permitted in Conservancy Districts.

26 a. Open Space. The following open space uses and activities are permitted in a Conservancy
27 District providing no structure is constructed within the limits of a floodway which would
28 slow or impede the flow of water in any manner.

1 1. Public and private recreation facilities such as parks, playgrounds, golf
2 courses, driving ranges, skeet or trap ranges.

3 2. Agricultural uses related to the production of a crop.

4 **Section 4.5 Dimensional and Area Requirements.**

5 The following dimensional and area regulations shall apply in the various zoning districts.

6 **4.5.1 Residential Districts. Dimensional and area requirements for residential districts shall**
7 **be as follows:**

8 **a. Low-Density (R-1) Residential Districts.**

9 1. Maximum building coverage - 35% of total lot area.

10 2. Maximum building height - 35 feet.

11 3. Minimum lot width at building line - 90 feet.

12 4. Minimum front yard or setback - one-half the width of the right-of-way of the
13 street on which the lot faces or 30 feet, whichever is greater.

14 5. Rear yard - 25 feet.

15 6. Side yard - 15 feet.

16 7. Minimum lot area - 13,500 square feet.

17 8. Minimum lot frontage on a public street - 60 feet, except where a lot fronts
18 on a cul de sac this minimum may be reduced to 50 feet.

19 9. Yard Requirements for Accessory Buildings - Accessory buildings shall
20 observe the same side yard requirements as the principal structure on the
21 premises. The rear yard for such buildings may be reduced to ten feet.
22

23 **b. Medium Density (R-2) Residential Districts.**

24 1. Maximum building coverage - 35% of total of lot area.

25 2. Maximum building height - 35 feet.

3. Minimum lot width at building line - 80 feet.
4. Minimum front yard or set back - one-half the width of the right-of-way of the street on which the lot faces or 25 feet whichever is greater.
5. Rear yard - 25 feet.
6. Side yard - 10 feet.
7. Minimum lot area - 9,000 square feet.
8. Minimum lot frontage on a public street - 60 feet except where a lot fronts on a cul de sac. This minimum may be reduced to forty feet.
9. Yard Requirements for Accessory Buildings. Accessory buildings shall observe the same side yard requirements as the principal structure on the premises. The rear yard for such buildings may be reduced to ten feet.

c. High-Density (R-3) Residential Districts.

1. Maximum building coverage - 35%.
2. Maximum building height - 50 feet.
3. Minimum lot width at building line - 60 feet plus 15 feet for each additional unit of a multi-family dwelling.
4. Minimum front yard or setback - one-half the width of the right-of-way of the street on which the lot faces or 25 feet whichever is greater. For corner lots both yards facing on the intersecting streets shall be considered front yards.
5. Rear yard - 25 feet.
6. Side yard - 7 feet.
7. Minimum lot area - 6,000 square feet plus 4,000 square feet for each additional dwelling unit.
8. Minimum lot frontage on a public street - 50 feet except where the lot fronts on a cul de sac. This minimum may be reduced to 35 feet.
9. Yard Requirements for Accessory Buildings. Accessory buildings shall observe the same side yard requirements as the principal structure on the premises. The

1 rear yard for such buildings may be reduced to ten feet.

2 4.5.2 Business Districts. Dimensional and area requirements for business districts shall be as
3 follows:

4 a. Service (S) Districts.

5 1. Maximum building coverage - 75% of the total lot area.

6 2. Maximum building height - 35 feet.

7 3. Minimum lot width at building line - 50 feet.

8 4. Minimum front yard or setback - 25 feet, except where the property is adjacent
9 to a residential zone the following shall apply.

10 (a) A parcel abutting a residential zone - the setback of the residential zone shall
11 apply.

12 (b) A parcel adjacent to a parcel abutting a residential zone - 25 feet plus one-half
13 the difference between 25 feet and the setback of the residential zone.

14 (c) For corner lots, both yards on the intersecting streets shall be considered front
15 yards.

16 5. Rear yard - 25 feet.

17 6. Side yard - 5 feet.

18 7. Minimum lot area - 5,000 square feet.

19 8. Yard Requirements for Accessory Buildings. Accessory buildings shall observe
20 the same side yard requirements as the principal structure on the premises. The
21 rear yard for such buildings may be reduced to ten feet.

22 b. Central Business (C-1) Districts.

23 1. Maximum building coverage - 100% of total lot area.

24 2. Maximum building height - 75 feet.

25 c. Neighborhood Business (C-2) Districts.

1. Maximum building coverage - 80% of the total lot area.
2. Maximum building height - 35 feet.
3. Minimum lot width at building line - 60 feet.
4. Minimum front yard or setback - 10 feet, except where the properties are adjacent to a residential zone the following shall apply:
 - (a) A parcel abutting a residential zone - the setback of the residential zone shall apply.
 - (b) A parcel adjacent to a parcel abutting a residential zone - 10 feet plus one-half the difference between 10 feet and the setback of the residential zone.
 - (c) For corner lots, both yards facing on the intersecting streets shall be considered front yards.
5. Rear yard - 10 feet.
6. Side yard - none, except a parcel abutting a residential zone in which case the side yard requirements of the residential zone shall apply.
7. Minimum lot area - 6,000 square feet.
8. Yard Requirements for Accessory Buildings - Accessory structures shall observe the same yard requirements as the principal structure on the premises.

d. General Business (C-3) Districts.

1. Maximum building coverage - 50% of the total lot area.
2. Maximum building height - 50 feet.
3. Minimum lot width at building line - 75 feet.
4. Minimum front yard or setback - one-half the width of the right-of-way of the street on which the lot faces or 30 feet, whichever is greater.
5. Rear yard - 25 feet.
6. Side yard - none, unless the property abuts a residential zone in which case the side yard requirements of the residential zone shall apply.

1 7. Minimum lot area - 8,000 square feet.

2 8. Minimum lot frontage on public street - 60 feet.

3 9. Yard Requirements for Accessory Structures - Accessory buildings shall observe
4 the same side yard requirements as principal structures on the premises. The rear
5 yards for such buildings may be reduced to 10 feet.

6 4.5.3 Manufacturing Districts. Dimensional and area requirements for manufacturing districts shall
7 be as follows:

8 a. Light (M-1) Manufacturing Districts.

9
10 1. Maximum building coverage - 35% of total lot area.

11 2. Maximum building height - 50 feet. However, the Board of Adjustments may
12 increase the building height upon application by the building inspector.

13 3. Minimum front yard or setback - 50 feet.

14 4. Rear yard - 25 feet. The Board of Adjustments may, upon application by the
15 Building Inspector, reduce the required rear yard where such yards are adjacent to
16 railroad sidings.

17 5. Side yard - 25 feet.

18 6. Yard Requirements for Accessory Buildings. Accessory structures shall observe the
19 same yard requirements as the principal structure on the premises except in the case
20 of an advertising sign indicating name and type of activity which takes place upon
21 the premises. The setback for such a sign shall be 25 feet.

22 b. Heavy (M-2) Manufacturing Districts.

23 1. Maximum building coverage - 35% of total lot area.

24 2. Maximum building height - 50 feet. However, the Board of Adjustments may
25 increase the building height upon application by the building inspector.

26 3. Minimum front yard or setback - 50 feet.

27 4. Rear yard - 25 feet. However, the Board of Adjustments may, upon application by
28 the building inspector, reduce the required rear yard where such rear yards are
29 adjacent to railroad sidings.

1 5. Side yard - 25 feet.

2 6. Yard Requirements for Accessory Structures. Accessory structures shall observe
3 the same yard requirements as the principal structure on the premises except in the
4 case of a sign indicating the name and type of activity which takes place on the
5 premises. The setback for such a sign shall be 25 feet.

6 4.5.4 Agricultural Districts. Dimensional and area requirements for the agricultural districts shall
7 be as follows:

8 a. Agricultural (A) Districts.

9 1. Maximum building coverage - 35% of total lot area.

10 2. Maximum building height - 35 feet.

11 3. Minimum lot width at building line - 100 feet.

12 4. Minimum front yard or setback - 50 feet from any existing or proposed right-of
13 way.

14 5. Rear yard - 25 feet.

15 6. Side yard - 15 feet.

16 7. Minimum lot area - 15,000 square feet.

17 8. Minimum lot frontage on public street - 80 feet.

18 9. Yard Requirements for Accessory Buildings. Accessory buildings shall observe the
19 same side yard requirements as principal structures on the premises. The rear yards
20 for such buildings may be reduced to 10 feet.

21
22 Section 4.6. Planned-Unit- Development Project Regulations.

23 A Planned-Unit-Development project, which may depart from conformance with the
24 regulations for principal buildings and single lot development, may be permitted in those districts
25 where it is designated as a conditional use under the zoning district regulations or may be permitted
26 in any district after an amendment to the zoning map. All Planned-Unit-Development projects shall
27 be subject to the following regulations:

28
29 4.6.1 Procedure. The procedure for review and approval of all Planned-Unit-Development

1 projects shall be as follows:

2 a. Advisory Meeting with Planning Commission. The developer of a proposed Planned-
3 Unit-Development shall meet with the Planning Commission prior to the preparation or
4 submission of a preliminary plat of a proposed Planned-Unit-Development project. The
5 purpose of this meeting shall be to discuss informally with the Planning Commission on
6 the minimum requirements and design standards for Planned-Unit-Development projects
7 as well as to discuss existing or proposed development which may affect, or be affected
8 by, the proposed Planned-Unit-Development project. For the purpose of such
9 discussion, the developer shall provide a sketch plan indicating the proposed project
10 area, its relationship to the surrounding area and general development scheme. The
11 advisory meeting and informal review is designed to prevent unnecessary and costly
12 revisions in the design and development scheme to be presented in the preliminary plat
13 application. Formal application or filing of a plat with the Planning Commission is not
14 required for the advisory meeting with the Planning Commission.

15 b. Request for Conditional Use Permit or Zoning Amendment, as Applicable. After the
16 advisory meeting with the Planning Commission the developer of a proposed Planned-
17 Unit-Development project shall submit an application for a conditional use permit or
18 zoning amendment, as applicable, to the Planning Commission along with a preliminary
19 plat of the proposed Planned-Unit-Development project. The preliminary plat shall reflect
20 the standards of design set forth in this ordinance for Planned-Unit-Development projects
21 and shall provide at least the following data and information:

22 1. The preliminary plat shall be drawn at a scale appropriate to the size and nature of
23 the project and shall show the proposed dimensions, size, location and arrangement
24 of the following:

25 (a) Buildings.

26 (b) Parking areas with arrangement and number of parking spaces.

27 (c) Entrance and exit roads and their relationship to existing and proposed streets,
28 alleys and other public ways.

29 (d) Setback lines, permanent open spaces, separation strips and landscaped areas.

30 (e) Name of Planned-Unit-Development project.

31 (f) Names and addresses of the owner, the contractor, architect, engineer or surveyor
32 and the owners of the adjacent property.

33 (g) Date, approximate north and scale.

1 (h) Acreage of land within the project.

2 (i) Boundary lines of the project and their bearings and distances.

3 (j) Existing and proposed easements and their locations, widths and distances.

4 (k) Streets on and adjacent to the project and their names and widths.

5 (l) utilities on and adjacent to the project.

6 2. Proposed restrictions, if any, shall be attached to the preliminary plat.

7 3. The Planning Commission may also require that the developer provide additional
8 supporting data such as economic justification, financing and construction
9 scheduling when deemed necessary for project review.

10 c. Action by Planning Commission on Preliminary Plat. The Planning Commission shall
11 review the preliminary plat of a proposed Planned-Unit-Development project with regard
12 to its design and compatibility with surrounding uses, major streets and regulations of the
13 Planned-Unit-Development project provisions of this ordinance. The Planning
14 Commission shall especially consider the effect of the proposed project on existing and
15 anticipate land use patterns, traffic circulation and community services and facilities. The
16 Planning Commission may also require revised or additional plats, data, drawings, or
17 profiles of the proposed project when necessary to fulfill the review procedure. Since a
18 Planned-Unit-Development project is inherently more complex than individual lot
19 development and because each such project must be tailored to the topography and
20 neighboring uses, the conditions for such projects cannot be inflexible. The Planning
21 Commission may therefore attach any reasonable special conditions to insure that there
22 will be no departure from the intent of this Zoning Ordinance. After complete review of
23 the proposed project, the Planning Commission shall hold a public hearing, after notice
24 as required by KRS Chapter 424, and make its recommendation to the Board of
25 Adjustments if the project is being proposed as a conditional use. If a zoning amendment
26 is required, the recommendation shall be to the Fulton City Commission. Such
27 recommendation shall include a statement of the Planning Commission's determination
28 and a statement of any special conditions which may have been attached by the Planning
29 Commission.

30 d. Action by Board of Adjustments or City Commission on Preliminary Plat. Upon receipt
31 of the proposed Planned-Unit-Development project preliminary plat and recommendation
32 of the Planning Commission, the Board of Adjustments or City Commission, as
33 applicable, shall follow their normal procedure of action set forth in this ordinance
34 regarding conditional use permits or zoning amendments. If the preliminary plat is
35 approved the following action shall be taken:

1 1. Board of Adjustments - If the Board of Adjustments approves the proposed
2 project preliminary plat it shall issue written authorization to the applicant to
3 prepare a final plat of the proposed Planned-Unit-Development project. After
4 preparation, the final plat shall be submitted to the Planning Commission for
5 review and approval.

6 2. Fulton City Commission - If the Fulton City Commission approves the proposed
7 project and preliminary plat, the Commission shall amend this Zoning Ordinance
8 to properly reflect the proposed land use, and shall authorize the applicant to
9 prepare a final plat in conformance with any special conditions which have been
10 attached. Any such zoning amendment shall become null and void fifteen months
11 after the date of the enactment unless a final plat has been received and approved
12 Planning Commission.

13 e. Submission of Final Plat to Planning Commission. Upon receiving written authorization
14 by the Board of Adjustments or Fulton City Commission, as applicable, the applicant shall
15 submit the final plat of the proposed Planned-Unit-Development project to the Planning
16 Commission for its review and approval within one year from the date of such written
17 authorization. The final plat shall be substantially the same as the approved plat and shall
18 reflect all special conditions attached to the approval of the preliminary plat. The
19 following data and information shall also be shown:

20 1. The final plat shall be drawn at a scale appropriate to the size and nature of the
21 project and shall show the dimensions, size, location and arrangement of the
22 following:

23 (a) Buildings.

24 (b) Parking areas with arrangement and number of parking spaces.

25 (c) Entrance and exit roads and their relationship to existing and proposed streets,
26 alleys and other public ways.

27 (d) Setback lines, buildings, permanent open spaces, separation strips and landscaped
28 areas.

29 (e) Date, title, name and location of the Planned-Unit-Development project, scale,
30 and north arrow.

31 (f) All dimensions, angles, bearings and similar data on the plat shall be tied to
32 state plane coordinators.

33 (g) All linear dimensions shall be shown to the nearest one-hundredths of a foot;

bearings or deflection angles, radii, arcs, and central angles of all curves with dimensions to the nearest minute.

(h) Designation of all buildings, parking areas, permanent open spaces, separation strips, landscaped areas, easements, access roads, street rights-of-way and other areas by name, use, purpose or other appropriate method as well as by width, length, land area or floor area devoted to such use or purpose.

(i) Location and description of monuments.

(j) Name and locations of adjoining subdivisions, streets or other property.

(k) Certification, on plat, of title showing that the applicant is the owner and a statement by such owner dedicating streets, rights-of-way, any other sites for public use, if any.

(l) Certification, on plat, by surveyor as to the accuracy of survey and plat.

(m) All special conditions attached to preliminary approval or any restrictions specified by the plat owner shall be placed directly on the final plat or attached thereto in form for recording.

(n) Certification attached to plat stating that the owner has complied with the following:

(1) A surety bond or certified check has been posted with the City in sufficient amount to assure completion of all such required improvements within two (2) years.

(2) Certification on plat by the chairman of the Planning Commission and Board of Adjustments that the plat has been approved for recording in the office of the Fulton County Court Clerk.

f. Action by Planning Commission on Final Plat. Upon receipt of the final plat of the proposed project the Planning Commission shall review the plat for its completeness and adherence to the approved preliminary plat and attached conditions. If the Planning Commission finds that the final plat is substantially in accord with the approved preliminary plat and fulfills the attached special conditions of the preliminary approval, the Planning Commission may approve the final plat and the chairman of the Planning Commission shall indicate such approval on the final plat. The approved final plat and all attached special conditions, including those Planned-Unit-Development projects approved under the zoning amendment procedure of this ordinance, shall then be

1 referred to the Board of Adjustments for final approval. If the Board of Adjustments
2 approves the final plat, the chairman of the Board of Adjustments shall indicate such
3 approval on the final plat and shall follow all of the procedures set forth in Section 2.6
4 regarding the approval of a conditional use permit application. The Planned-Unit-
5 Development project shall thereafter be subject to all of the provisions of this ordinance
6 regarding conditional use permits including recording, effect, noncompliance, time limit
7 and permanently satisfied permits.

8 **4.6.1 General Regulations.** The general regulations for all Planned-Unit-Development projects shall
9 be as follows:

10 a. **Time for Initiation of Construction.** Construction of all Planned-Unit-Development
11 projects shall be initiated within one year after approval of the final plat.

12 b. **Maintenance.** The owner of a Planned-Unit-Development project shall provide and
13 permanently maintain the areas required for landscaping purposes. The landscaping is
14 subject to review and approval by the Planning Commission before approval of the
15 preliminary or final plat.

16 1. The applicant of a Planned-Unit-Development project may be required to provide
17 a detailed statement of proposal, including covenants, agreements, or other
18 specific documents, showing the ownership and method of assuring perpetual
19 maintenance to be applied to those areas within the project that are to be used for
20 open space, recreational or other common or quasi-public purposes. Such a
21 statement, if required, shall be attached to the preliminary and final plats as special
22 conditions.

23 c. **Public Improvements.** The applicant of a Planned-Unit-Development may be required
24 to provide a statement of financial responsibility including the posting of a surety bond
25 or certified check payable to the City of Fulton to assure the installation of
26 improvements required as special conditions. The bond or check shall be subject to the
27 condition that the improvements will be completed within two years after approval of
28 the final plat.

29 d. **Separate Ownership.** An application for a Planned-Unit-Development project may
30 include a proposed subdivision of the tract of land within the project property lines into
31 one or more separately owned and operated units. Such project proposed subdivision,
32 if approved with the proposed Planned-Unit-Development project and is in compliance
33 with the Fulton Subdivision Regulations, shall be permissible without further subdivision
34 regulation approval. Any Planned-Unit-Development project which includes a proposed
35 subdivision of the total tract of land within the property lines into one or more
36 separately owned and operated units shall, if approved, be subject to all attached special
37 conditions and all provisions of this ordinance regarding conditional use permits in its

entirety including all approved subdivisions regardless of their ownership.

SCHEDULE A
PLANNED-UNIT-DEVELOPMENT PROJECT REVIEW FEES
FULTON, KENTUCKY

Type of Project and Land Area	Preliminary Plat Review Fee	Final Plat Review Fee
Residential Project		
30,000 -59,999 square feet	\$30.00	\$10.00
60,000- 99,999 square feet	40.00	10.00
100,000 and over square feet	50.00	20.00
Commercial Project		
50,000 - 99,999 square feet	30.00	10.00
100,000- 199,999 square feet	40.00	10.00
200,000 and over square feet	50.00	15.00
Industrial Project		
10 - 19.99 acres	35.00	10.00
20 - 39.99 acres	50.00	10.00
40 and over acres	60.00	10.00
Combined Project	(1)	(1)

(1) The preliminary and final plat review fees for combined Planned-Unit-Development projects shall be computed on the basis of two-thirds (2/3) of the total fees that would be charged for reviewing each of the projects individually as set forth above.

1. There shall be no subdivision of an approved Planned-Unit-Development project unless such subdivision is in conformance with the originally approved and recorded final plat or an amended final plat of the Planned-Unit-Development project has been approved and recorded in conformance with Section 4.6.1 of this ordinance regarding the procedure for review and approval of all Planned-Unit-Development projects.

1 e. Changes, Alterations, Additions. There shall be no change, alteration, amendment
2 or extension of any approved Planned-Unit-Development project final plat unless
3 such change, alteration, amendment or extension is approved in conformance with
4 Section 4.6.1 or Section 2.6.6 of this ordinance.

5 f. Time Limit for Completion. Construction of all Planned-Unit-Development projects
6 shall be completed within two (2) years after approval of the final plat. The
7 Planning Commission may, however, require as a special condition the completion
8 of the project at an earlier date or may grant an extension of completion time when
9 such extension is deemed reasonable and necessary by the Planning Commission.

10 4.6.3 General Standards. In any Planned-Unit-Development project, although it is permissible to
11 depart from conformance with the principal building and single-lot dimension and area
12 regulations contained in this ordinance, there shall be no diminution of the regulations and
13 standards set forth in this ordinance for Planned-Unit-Development Projects.

14 a. Basis of Review. The Planning Commissioner shall examine the proposed Planned-
15 Unit-Development project with particular attention to the following:

16 1. The influence the proposed project may be expected to have on existing or future
17 development in surrounding areas and the achievement of a desirable spatial
18 relationship between the buildings and the land, and between the buildings
19 themselves.

20 2. To insure that the roads, thoroughfares, streets, and accompanying access points
21 proposed are suitable and adequate to carry anticipated traffic and increased land
22 use intensity will not generate traffic in such amounts as to overload the existing
23 or proposed street network.

24 3. To insure that existing or proposed utility services are adequate for the
25 population densities or land use intensities proposed.

26 b. Off-Street Parking. Off-street parking space shall be provided on the site at the
27 ration of three hundred (300) square feet per parking space required. All parking
28 space and access thereto shall be paved in a manner approved by the Planning
29 Commission.

30 1. Areas shall be provided for the loading and unloading of delivery trucks and
31 other vehicles and for the servicing of buildings by refuse collection, fuel and
32 other service vehicles in addition to the required automobile parking spaces.
33 Such areas shall be adequate in size and so arranged that they may be used
34 without blockage or interference use of access ways or automobile parking
35 facilities.

1 2. No Planned-Unit-Development project shall be permitted vehicular access to a
2 minor residential street unless specifically approved by the Planning Commission.

3 c. Glare Prohibited. Lighting facilities shall be arranged in such a manner so as to
4 prevent glare or hazardous interference of any kind to adjoining streets or
5 properties.

6 d. Special Conditions. The Planning Commission shall attach any reasonable special
7 condition necessary to insure that there shall be no departure from the intent of this
8 Zoning Ordinance. Because a Planned-Unit-Development project is inherently more
9 complex than single lot development and because each such project must be tailored
10 to the topography and neighboring uses, the standards and special conditions for
11 such projects cannot be inflexible.

12 4.6.4 Residential Planned-Unit-Development Projects. All residential Planned-Unit-Development
13 projects shall be subject to the following regulations:

14 a. Uses. The premises of a residential Planned-Unit-Development project shall be used
15 for a single-family and multi-family dwelling units and accessory buildings and uses
16 only.

17 b. Compatibility. The tract of land must be suitable for residential Planned-Unit-
18 Development project by virtue of its location, shape, topography and the nature of
19 the surrounding development.

20 c. Standards. Land-use intensity standards, land area and regulations for residential
21 Planned-Unit-Development projects and buildings are as follows:

22 1. Required land area and land-use intensity standards are as follows:

Land-Use Intensity Standards	Land-Use Intensity MI 30,000 Sq. Ft. or More Area Required	Land-Use Intensity MII 44,000 Sq. Ft. or more Area Required
Maximum Gross Floor Area Ratio	.2	.3
Maximum Open Space Ratio	3.8	2.5
Minimum Livability Space Ratio	2.6	1.6
Minimum Recreation Space Ratio	.18	.15

1	Minimum Total Car Ratio	2.0	1.8
2			
3	Land-Use	Land-Use Intensity MIII	Land-Use Intensity MIV
4	Intensity	60,000 Sq.Ft. or More	80,000 Sq.Ft. or More
5	Standards	Land Area Required	Land Area Required
6			
7	Maximum Gross Floor Area Ratio	.35	.4
8	Minimum Open Space Ratio	2.1	1.8
9	Minimum Livability Space Ratio	1.3	1.1
10	Minimum Recreation Space Ratio	.14	.13
11	Minimum Total Car Ratio	1.7	1.7
12			

2. The maximum number of dwelling units permitted on the premises shall not exceed the total gross floor area permitted divided by 650 square feet.
3. All buildings shall be located at least 35 feet from all property lines and at least 25 feet, or one-half the width of the right-of-way, whichever is larger, from the right-of-way line of any public street on which the project is located. However, no building shall be located closer to the public street right-of-way line than the existing development on adjoining lots.
4. One (1) attached unlighted sign not over two (2) square feet in area identifying each building plus one (1) unlighted detached sign not over six (6) square feet in area identifying the residential Planned-Unit-Development project on the premises only shall be permitted.
5. A landscaped separation strip, at least five feet in width shall be provided along all property lines and public streets on which the project is located.
- The Planning Commission may also require that the project be permanently screened from adjoining and contiguous properties by a wall, fence, evergreen hedge and/or other approved enclosures. Such screening, if required, shall be located within the required separation strip and shall have a minimum height of four and one-half feet and a maximum height of seven feet.
6. The minimum lot frontage on a public street shall be 150 feet.
7. All project access points on a public street shall be located at least 100 feet

1 apart and all project access points shall be located at least 100 feet from
2 intersection of any street right-of-way lines.

3 8. No building shall exceed three stories in height.

4 4.6.5 Commercial Planned-Unit-Development Project Requirements. All commercial Planned-Unit-
5 Development project shall be subject to the following regulations:

6 a. Uses. The premises of a commercial Planned-Unit-Development Project shall be
7 used for the following buildings and uses and accessory buildings and uses only.

8 1. Retail Sales - Processing of products is permitted only if all products
9 processed are sold at retail on the premises.

10 2. Consumer Services - Processing is permitted only if all such processing is
11 performed as a consumer service for retail customers served on the premises.

12 3. Professional, business and government offices.

13 4. Organizational meeting places.

14 b. Compatibility. The tract of land must be suitable for a commercial Planned-Unit
15 Development project by virtue of its location, shape, topography and the nature of
16 the surrounding development.

17 c. Standards. Required land area, standards and regulations for commercial Planned-
18 Unit Development projects and buildings are as follows:

19 1. Commercial Planned-Unit-Development projects shall contain at least 60,000
20 square feet of land area.

21 2. At least three square feet of automobile parking and circulation area shall be
22 provided for each square foot of building gross floor area devoted to retail
23 sales or consumer services. Off-street automobile parking space for "drive-in"
24 service establishments, office buildings, public assembly or recreational
25 facilities shall be provided as required by the Planning Commission in addition
26 to the parking space required for retail sales or consumer services.

27 3. The minimum lot frontage on a public street shall be 300 feet.

28 4. All project access points on a public street shall be located at least 200 feet
29 apart and all project access points shall be located at least 250 feet from the
30 intersection of any street right-of-way lines. The Planning Commission may

1 require wider spacing between access points and intersecting street right-of-
2 way lines when the project has more than the minimum lot frontage on a
3 public street. All access points shall be specifically approved by the Planning
4 Commission.

5 5. All buildings shall be located at least thirty-five feet from all property lines and
6 at least fifty feet from the right-of-way line of any public street on which the
7 project is located.

8 6. No building shall exceed four stories in height.

9 7. A landscaped separation strip, at least five feet in width shall be provided
10 along all property lines and a landscaped separation strip at least ten feet in
11 width shall be provided along all public streets on which the project is located.
12 The project shall be permanently screened from adjoining and contiguous
13 properties by a wall, fence, evergreen hedge and/or other approved
14 enclosures. Such screening shall be located within the required separation
15 strip and shall have a minimum height of four and one-half feet and a
16 maximum height of seven feet.

17 8. No sign shall extend or project more than one foot above or beyond the
18 building or the building walls. All signs must relate only to the name and use
19 of the store and premises or to the products sold therein. One freestanding
20 sign to identify the Planned-Unit-Development project shall be permitted after
21 its design and location has been approved as shown on the preliminary final
22 plat.

23 9. For the purpose of calculating the minimum required land area, dimensions,
24 standards and regulations for commercial Planned-Unit-Development projects
25 and buildings, a single commercial Planned-Unit-Development project cannot
26 lie on two sides of a public street (alleys not included in public streets). Any
27 area proposed as a commercial Planned-Unit-Development project and lying
28 on both sides of a public street shall be required to meet the minimum
29 requirements for a commercial Planned-Unit-Development on each side.

30 4.6.6 Industrial Planned-Unit-Development Project Requirements. All industrial Planned-Unit-
31 Development projects shall be subject to the following regulations:

32 a. Uses. The premises of an industrial Planned-Unit-Development project shall be used
33 for the following buildings and uses and accessory buildings and uses only:

34 1. No-retail sales and services.

2. Light Industry - The Board of Adjustments shall distinguish between light and heavy industry according to the definition in Section 2.1.19 of this Zoning Ordinance upon application by the Building Inspector when the classification is in doubt.
 3. Research laboratories.
 4. Heavy Industry, Outdoor Storage or Processing - Retail sales and consumer services accessory to and provided for employees of the industrial Planned-Unit-Development project shall be permitted in an industrial Planned-Unit project only if they are specifically approved along with the final plat of the industrial Planned-Unit-Development project or if they are subsequently approved as conditional uses by the Board of Adjustments.
- b. Compatibility. The tract of land must be suitable for an industrial Planned-Unit-Development project by virtue of its location, shape, topography and the nature of surrounding development.
- c. Standards. Required land area, dimensions, standards, and regulations for industrial Planned-Unit-Development projects and buildings are as follows:
1. Industrial Planned-Unit-Development projects shall contain at least ten acres of land area.
 2. At least one parking space shall be provided for every two employees at maximum employment on a single shift plus one parking space for every truck operated by the plant. In addition, the necessary vehicular circulation area, reserved parking area, loading and unloading area and additional parking facilities shall be provided as required by the Planning Commission
 3. The minimum lot frontage on a public street shall be 1,000 feet.
 4. All project access points on a public street shall be located at least 600 feet apart and all project access points shall be located at least 600 feet from the intersection of any street right-of-way lines. The Planning Commission may require wider spacing between access points and intersecting street right-of-way lines when the project has more than the minimum required lot frontage on a public street. All access points shall be specifically approved by the Planning Commission.
 5. All buildings shall be located at least seventy-five feet from all property lines and at least seventy-five feet from the right-of-way line of any public street on which the project is located. The Planning Commission may reduce the required building

1 setbacks where such buildings would be adjacent to railroad sidings if such
2 reductions would not be detrimental to surrounding areas.

3 6. No building shall exceed three stores in height.

4 7. A landscaped separation strip, at least twenty-five feet in width shall be provided
5 along all property lines and public streets on which the project is located. The
6 Planning Commission may also require that the project be permanently screened
7 from adjoining and contiguous properties by a wall, fence, evergreen hedge and/or
8 other approved enclosures. Such screening, if required, shall be located within the
9 required separation strip and shall have a minimum height of four and one-half feet
10 and a maximum height of seven feet. The Planning Commission may reduce the
11 required separation strip where such separation strips would prevent buildings from
12 locating adjacent to railroad sidings provided such reduction would not be
13 detrimental to surrounding areas.

14 8. No sign shall extend or project more than one foot above or beyond the building or
15 the building walls. All signs must relate to the name and use of the plat and premises
16 or to the products processed therein. One free-standing sign to identify the
17 Planned-Unit-Development project shall be permitted after its design and location
18 has been approved as shown on the preliminary and final plat.

19 4.6.7 Combined Planned-Unit Development Project Requirements. All combined Planned-Unit-
20 Development projects shall be subject to the following regulations.

21 a. Uses. A combined Planned-Unit-Development project may include any two or more
22 of the following Planned-Unit-Development projects: Residential, commercial or
23 industrial. The premises of a combined Planned-Unit-Development Project shall
24 conform to the uses permitted in the respective Planned-Unit-Development project
25 regulations of this ordinance.

26 b. Compatibility. The tract of land must be suitable for a combined Planned-Unit-
27 Development project by virtue of its location, shape, topography and the nature of the
28 surrounding development.

29 c. Standards. In any combined Planned-Unit-Development project, it is permissible to
30 provide a mixed and integrated development, there shall be reduction in the required
31 land area, parking and circulation area, open spaces, dimensions, standards and
32 regulations that would be required for each type of building and use if it were submitted
33 as a separate Planned-Unit-Development project. For the purpose of computing the
34 total requirements is shall therefore be necessary to submit a breakdown and
35 justification for each type of building and use by its specific category, i.e. residential,
36 commercial and industrial, and the manner in which each meets the requirements for

1 such buildings and uses as set forth in the respective Planned-Unit-Development project
2 regulations of this ordinance.

3 **ARTICLE 5**
4 **ADMINISTRATION**

5 Section 5.1. Administrative official. Unless otherwise decreed by resolution of the Fulton City
6 Commission, the Building Inspector shall act as administrative official as defined in KRS 100.111 (1).
7 He shall be charged and provided with the authority to administer and enforce the ordinances,
8 regulations, and codes governing land development, use and to issue building permits and certificates
9 of occupancy. The administrative official, in the performance of his duties and functions, may enter
10 upon any land and make examinations and surveys that do not occasion damage or injury to private
11 property.

12 Section 5.2. Building Permits. It shall be unlawful to commence any excavation, construction, or
13 alteration of any structure, until the Building Inspector has issued a building permit authorizing the
14 work. If construction begins in the absence of a building permit, a restraining order may be obtained
15 upon application of the proper court of record and evidence of the lack of a building permit shall
16 establish a prima facie case for the issuance of the restraining order.

17 5.2.1. Exceptions. No building permit or certificate of occupancy shall be required in the following
18 cases.

19 a. Maintenance. Normal maintenance work of a recurring nature regardless of cost.

20 b. Public Improvements. Installation of required public improvements according to
21 approved preliminary subdivision plat or an approved and recorded Planned-Unit-
22 Development project final plat.

23 c. Statutory Exceptions. Those structures and used listed in Section 2.3.7 of this
24 ordinance.

25 5.2.2 Procedure. An application for a building permit shall adhere to the following procedure:

26 a. The applicant shall submit to the Building Inspector a plat drawn to scale showing
27 the following:

28 1. The dimensions of the lot to be developed.

29 2. The location of existing and proposed structures upon the lot.

30 3. The uses of existing and proposed structures.

1 4. The dimensions of all structures to be constructed or altered.

2 5. Any other information necessary for determining conformance with this
3 ordinance.

4 6. In the absence of a public water supply or sanitary sewerage facilities, a
5 certificate from the County Sanitarian approving the method of water supply
6 and waste disposal.

7 b. Fees. Fees shall be as prescribed by the City Commission and shall
8 accompany the application for permit.

9 c. Issuance. If the proposed construction or alteration conforms with all applicable
10 provisions of this ordinance and all other applicable ordinance regulations and
11 codes, the Building Inspector shall issue a building permit authorizing the
12 construction or alteration. If the proposed construction or alteration fails to
13 conform, the Building Inspector shall refuse to issue a building permit and shall
14 deliver written notice to the applicant stating the reasons for the refusal. The
15 Building Inspector shall act upon applications for building permits within two weeks
16 from the date of their submission.

17 d. Authority and Powers of the Building Inspector. The Building Inspector shall act
18 within the literal terms of this ordinance and shall not have the power to permit any
19 construction or to permit any use or any change of use which does not conform to
20 the literal terms of this ordinance. The issuance of a building permit by the Building
21 Inspector shall not waive any provision or regulation of this ordinance or other
22 codes.

23 e. Expiration of Building Permit. A building permit shall become null and void six
24 months from the date of issuance unless substantial progress on the construction or
25 alteration authorized therein has been made by that date.

26 Section 5.3. Certificate of Occupancy. It shall be unlawful, to use any newly erected or altered
27 structure or to change the use of any premises even though no structure was erected or altered until
28 the Building Inspector has issued a certificate of occupancy authorizing such use. The Planning
29 Commission may authorize the Building Inspector to require that nonconforming uses or any existing
30 uses shall maintain valid certificates of occupancy identifying them as nonconforming or permitted
31 uses, as applicable.

32 5.3.1 Procedure. The procedure for securing a certificate of occupancy is as follows:

33 a. Application. In applying to the administrative official for a certificate of occupancy
34 the applicant shall notify the administrative official in writing of the date on which

1 the use of any new or altered structure or the new use of any premises will be ready
2 to commence. A certificate from the County Sanitarian must accompany the
3 application in accordance with Section 3.5 of this ordinance.

- 4 b. Issuance. If the newly erected or altered structure and the new use of the
5 premises conform with all applicable provisions of this ordinance and all other
6 applicable ordinances and regulations and codes, the Building Inspector shall issue
7 a certificate of occupancy authorizing the use thereof. If the structure or use fails
8 to conform, the Building Inspector shall refuse to issue a certificate of occupancy
9 and shall deliver written notice to the applicant stating the reasons for the refusal.
10 The Building Inspector shall inspect a new structure or the premises for which a
11 new use is proposed and shall issue or refuse a certificate of occupancy but the
12 Building Inspector shall not waive any provision of this ordinance or any other
13 applicable codes.

14 Section 5.4. Board of Adjustments.

15 5.4.1. Appointment and Organization. The Board of Adjustments shall have the following
16 powers and duties:

17 5.4.2. Powers and Duties. The Board of Adjustments shall have the following powers and duties.

- 18 a. Administration Interpretation and Decisions. The Board of Adjustments shall hear
19 and decide on questions involving the literal interpretation of this ordinance; shall
20 interpret the exact location of zoning district boundaries according to Section 3.2.5.
21 of this ordinance; shall interpret the amount of off-street parking, loading and
22 unloading space required according to Section 2.5.3. and 2.5.4. of this ordinance,
23 and shall make all of the other interpretations and decisions specifically delegated
24 to it by the provisions of this ordinance
- 25 b. Conditional Use Permits. The Board of Adjustments shall have the power to hear
26 and decide applications for conditional use permits in conformance with Section 2.6
27 of this ordinance to allow the proper integration into the community of uses which
28 are specifically designated in the Zoning Ordinance which may be suitable only in
29 specific locations in the zoning district if certain conditions are met.
- 30 c. Dimensional Variance. The Board of Adjustments shall have the power to hear
31 and decide on applications for dimensional variances where, by reason of the
32 exceptional narrowness, shallowness or unusual shape of a site in existence on the
33 effective date of the Zoning Ordinance or by reason of exceptional topographic
34 conditions, or some other extraordinary situation or condition of that site, the literal
35 enforcement of the dimensional requirements (height or width of building or side
36 yards, but not population density) of the Zoning Ordinance would deprive the

1 applicant of reasonable capacity to make use of the land in a manner equivalent to
2 the use permitted other landowners in the same zoning district. The Board of
3 Adjustments may impose any reasonable conditions or restrictions on any
4 dimensional variance it decides to grant.

5 1. Fee - All applications for a dimensional variance shall be accompanied
6 by a review fee of \$10.00.

7 2. Findings Necessary for Granting Variance - Before any variance is
8 granted, the Board of Adjustments must find all of the following,
9 which shall be recorded along with any imposed conditions or
10 restrictions in its minutes and records and issued in written form to the
11 applicant to constitute proof of the dimensional variance.

12 (a) The specific conditions in detail which are unique to the applicant's land and
13 do not exist on other land in the same zoning district.

14 (b) The manner in which the strict application of the provisions of the ordinance
15 would deprive the applicant of a reasonable use of the land in the manner
16 equivalent to the use permitted other landowners in the same zoning district.

17 (c) That the unique conditions and circumstances are not the result of actions of
18 the applicant taken subsequent to the adoption of the Zoning Ordinance.

19 (d) Reasons that the variance will preserve, not harm the public safety and
20 welfare, and will not alter the essential character of the neighborhood.

21 3. Existing Undeveloped Lot of Record. If an undeveloped lot or record, existing
22 before the adoption of this ordinance, is too small to allow conformance with the
23 dimension and area regulations and if there is no contiguous lot in the same
24 ownership, the Board of Adjustments may grant a variance in lieu of the four
25 general conditions listed above to allow the owner the reasonable use of his
26 premises. When adjoining undersized lots of record are under the same ownership,
27 they shall not be used or sold separately except in conformance with the dimension
28 and area regulations of this ordinance.

29 4. Variance Cannot Contradict Zoning Ordinance. The Board of Adjustments shall
30 not possess the power to grant a variance to permit a use of any land, building or
31 structure which is not permitted by the Zoning Ordinance in the zoning district in
32 questions, nor to alter density requirements in the zoning district in question.

33 5. Dimensional Variance Runs with Land. A dimensional variance applies to
34 the property for which it is granted, and not to the individual to whom it is granted.

1 A variance runs with the land and is transferrable to any future owner of the land,
2 but it cannot be transferred by the applicant to a different site.

- 3 6. Recording of Dimensional Variance. All dimensional variances, including any
4 attached conditions or restrictions, approved by the Board of Adjustments shall be
5 recorded at the expense of the applicant in the office of the Fulton County Court
6 Clerk.

- 7 d. Appeals to Board of Adjustments. Appeals to the Board of Adjustments shall be made
8 as follows.

- 9 1. Administrative Error Review. The Board of Adjustments shall have the power to
10 hear and decide cases where it is alleged by an applicant that there is error in any
11 order, requirement, decision, grant, or refusal made by the Building Inspector in the
12 enforcement of the Zoning Ordinance. Such appeal shall be made in writing and
13 taken sixty (60) days from the date of the action being appealed.

- 14 2. Injurious Affected or Aggrieved Appeals - Appeals to the Board of
15 Adjustments may be taken by any person or entity claiming to be injuriously affected
16 or aggrieved by an official action or decision of the Building Inspector. Such appeal
17 shall be taken within thirty days after the appellant or his agent received notice of
18 the action appealed from, by filing with the Building Inspector and with the Board
19 of Adjustments a notice of appeal specifying the grounds thereof and giving notice
20 of appeal to any and all parties of record. The Building Inspector shall transmit to
21 the Board of Adjustments all papers constituting the record upon which the action
22 of appeal was taken and shall be treated as and be the respondent in any further
23 proceedings. At any hearing by the Board of Adjustments any interested person
24 may appear and all shall be given an opportunity to be heard. The Board of
25 Adjustments shall fix a reasonable time for hearing the appeal and shall give public
26 notice in accordance with Kentucky Revised Statutes Chapter 424, as well as
27 written notice to the appellant and the Building Inspector at least one week prior
28 to the hearing. The Board of Adjustments shall make its decision within sixty days
29 after the hearing. Any party may appear at the hearing in person or by attorney.

30 Section 5.5. Violations. The Building Inspector shall issue notice to violators of all violations
31 of this ordinance and shall order that such violations cease. In cases of possible violation where the
32 Building Inspector cannot determine if there is a literal interpretation. If necessary the City Attorney
33 or other City official may institute appropriate action in court to eliminate the threat or existence of
34 any violation of this ordinance in accordance with Kentucky Revised Statutes Chapter 100.337 and
35 KRS 100.341.

36 5.5.1. Penalties. Any person or entity violating any provision of this ordinance shall,
37 upon conviction, be fined not less than ten (\$10.00) dollars nor more than five hundred (\$500.00)

dollars for each conviction. Each day of the violation shall constitute a separate offense.

ARTICLE 6 AMENDMENTS

Section 6.1. Procedure. A proposal for amendment to this zoning ordinance, either the text or map, may originate with either the Planning Commission, Fulton City Commission or the owner of the property in question. In order for a proposed amendment to be considered, the following procedure shall be followed.

6.1.1. Material to be Submitted as Application. The applicant shall submit to the Planning Commission the following items at least 45 days prior to the date on which he wishes the proposed amendment to take effect.

a. Zoning Amendment Review Fee. The Planning Commission shall charge a fee of thirty-five (\$35.00) dollars for reviewing all proposed zoning amendment applications, except those initiated by governmental entities.

b. Development Plat. The Planning Commission, as a condition to the granting of any zoning change, shall require the submission of a development plat which, where agreed upon, shall be followed. The development plat shall show all of the pertinent and appropriate data and information as set forth in Section 4.6.b.1. regarding the data and information for planned-unit-development project final plats. Such development plat, when approved by the Fulton City Commission along with the zoning amendment shall be recorded at the expense of the applicant in the Office of the Fulton county Court Clerk. As a further condition to the granting of a zoning change, the Planning Commission shall require that substantial construction be initiated within one year provided that such zoning change shall not revert to its original designation unless there has been a public hearing.

Referral to Planning Commission. Regardless of the origin of the proposed amendment, it shall be referred to the Planning Commission before adoption. The Planning Commission shall hold at least one public hearing after notice as required by the Kentucky Revised Statutes Chapter 424. Notice shall be given in accordance with KRS 100.212. The Planning Commission shall then make its recommendation to the Fulton City Commission.

Action of Fulton City Commission. The Planning Commission shall submit the proposed zoning amendment along with its recommendation to the Fulton City Commission for adoption or denial. The procedure for adoption of the proposed zoning amendment by

ARTICLE 7
INTERPRETATION, APPLICATION
VALIDITY, CONFLICT AND EFFECTIVE DATE

Section 7.1. Interpretation, Purpose and Conflict. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comforts, prosperity, and general welfare.

7.1.1 Conflict with Other Instruments. It is not intended by the Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction or requires larger open spaces, or larger lot areas that are imposed or required by such Ordinance or agreements, the provisions of this Ordinance shall prevail.

Section 7.2. Validity. This Ordinance and the various articles, sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any article, section, paragraph or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected hereby.

Section 7.3 Conflicting Provisions Repealed. All other ordinances and parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

Section 7.4. Effect Date. The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people of the City of Fulton and are hereby ordered to be in full force and effect immediately upon its adoption.

Recommended: FULTON MUNICIPAL PLANNING COMMISSION

ATTEST: DATE _____

Lois Miller, Secretary

CHAIRMAN _____
Dick Armstrong

Adopted by the CITY OF FULTON, KENTUCKY

ATTEST DATE _____

Barbara Rice, City Clerk

MAYOR _____
L. D. Bone

1 the Fulton City Commission shall be the same as for any other ordinance except that it
2 shall take a majority of the entire legislative body to override the recommendation of
3 the Planning Commission.

4 Planing Commission to Approve Changes in Proposed Zoning Amendment. In the event a
5 proposed amendment is initiated by the City Commission it must be referred to the
6 Planning Commission before adoption. The Planning Commission shall review the
7 proposal, and shall, within sixty days from the date of its receipt, advise the legislative
8 body whether it approves or disapproves of the change, and if it disapproves, state the
9 reasons for disapproval. A majority of the entire membership of the referring legislative
10 body shall be required to override the disapproval by the Planning Commission.

11 6.1.5 Findings Necessary for Map Amendment. Before any map amendment is granted, the
12 Planning Commission and the Fulton City Commission must find that the map
13 amendment is in agreement with the community's comprehensive plan, or, in the absence
14 of such a findings, that one or more of the following apply and such finding shall be
15 recorded in the minutes and records of the Planning Commission and the Fulton City
16 Commission.

17 a. That the original zoning classification given to the property was
18 inappropriate or improper.

19 b. That there have been major changes of an economic, physical, or
20 social nature within the area involved which were not anticipated in
21 the community's comprehensive plan and which have substantiality
22 altered the basic character of such zone.

23 6.1.6. Planned-Development-Project Zoning Amendment. The procedure for all planned-
24 development project zoning amendments shall be as set forth in Section 4.6.1 of this
25 ordinance regarding planned-development project regulations.

26 Rejected Proposed Zoning Amendments. The Planning Commission may refuse to review
27 any proposed zoning amendment which has been proposed and rejected within the past
28 year.

29 Regularly Scheduled Public Hearing Dates. The Planning Commission may establish regular
30 dates for public hearings on zoning amendments. Such dates, if established by the
31 Planning Commission, shall not prevent the Planning Commission from scheduling
32 additional public hearings whenever such public hearings are deemed necessary.

33 Currency of Zoning Map. The Building Inspector shall insure that amended zoning
34 district boundaries are accurately placed on the zoning map and shall initial and date all
35 such additions to the zoning map.