

THE CITY OF PARK HILLS, KENTUCKY  
ORDINANCE NO. 14, 2012

**AN ORDINANCE OF THE CITY OF PARK HILLS, KENTUCKY AMENDING ITS ZONING ORDINANCE TO: (I) MODIFY THE DEVELOPMENTAL CONTROLS WITHIN THE INSTITUTIONAL ZONE, (II) ADOPT GENERAL/LANDSCAPE REGULATIONS, SIGN REGULATIONS, AND FENCES, WALLS, AND OBSTRUCTIONS-TO-VIEW REGULATIONS WITHIN THE INSTITUTIONAL ZONE, AND (III) AUTHORIZE SUMMARY PUBLICATION OF THIS ORDINANCE**

**WHEREAS**, That The City of Park Hills, Kentucky (the “City”) finds and determines that it is in the public interest and general welfare of its citizens and residents to amend the text of the Park Hills Zoning Ordinance, Ordinance No. 12, 1974, as previously reenacted and amended from time to time (the “Zoning Ordinance”), to amend the text of its recently-created Institutional Zone; and

**WHEREAS**, pursuant to KRS §100.211, that the Kenton County Planning Commission (the “KCPC”) conducted a public hearing with regard to the proposed text amendments to the Zoning Ordinance on June 7, 2012, in its proceeding number 2070R, and on June 12, 2012, KPCP issued an action letter with regard to the text amendments.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF PARK HILLS, KENTUCKY** as follows:

**Section One.** The Table of Contents and Section 8.0, entitled *Zones*, of Article VIII, entitled *Establishment of Zones*, of the Zoning Ordinance be, and they are, hereby amended as follows:

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\* \* \* \* \*

ARTICLE XVI FENCES, WALLS, AND OBSTRUCTIONS TO VIEW REGULATIONS

\* \* \* \* \*

Section 16.4 Commercial and Institutional Zones 16-2

\* \* \* \* \*

Section 8.0 Zones: For the purpose and intent of this Ordinance, the City of Park Hills, Commonwealth of Kentucky, is hereby divided into the following zones:

\* \* \* \* \*

INST Institutional Zone

Section Two. That Subsection (D), entitled Other Development Controls, of Section 10.11, entitled Institutional Zone, within Article X, entitled Zones, of the Zoning Ordinance be, and it is, amended as follows:

SECTION 10.11 INST (INSTITUTIONAL) ZONE

\* \* \* \* \*

- D. OTHER DEVELOPMENT CONTROLS:
1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance, except that Section 13.0(L) and Section 13.1 of Article XIII shall not apply.
2. No outdoor storage of any items, which are to be sold or any components which will be manufactured, processed, packed or assembled to create an item to be sold or used, shall be permitted in this zone.
3. The following shall be prohibited: emission of noise which is noxious enough to destroy the enjoyment of dwellings or other uses of property in the city by interfering with the ordinary comforts of human existence, including noises created by the operation or drum, horn, piano, radio, calliope, phonograph, stereo, loud speaker, public address system, or other sound-producing or sound-amplifying instrument, or by the calling, shouting, or in any other way or manner creating noise or sound in such a manner as to disturb the peace and quiet of a neighborhood or to interfere with the transaction of business or other ordinary pursuits. Any sound-producing or sound-amplifying instruments shall be pointed or directed away from residential areas. Nothing herein shall be

construed to prohibit the reasonable use of automobiles and ordinary noises attendant thereto, or the holding of athletic contests with ordinary music and other noises attendant thereto, or lawful public meetings, parades or celebrations.

4. Lighting of one athletic field shall be permitted, subject to the following restrictions:
  - (a) In order to control spill and glare, lighting shall not exceed 4 poles, 72 luminaries, with a lighting level of no more than 55 constant horizontal foot candles. Lighting specifications shall conform to Musco Green Generation Lighting Technology or substantially similar specifications.
  - (b) Lights shall not be used on Sundays.
  - (c) No more than twelve (12)-~~ten (10)~~ football games shall be played per year using lights.
  - (d) Lights shall be turned off on or before 11:00 p.m. on Fridays and on or before 10:00 p.m. on any other day of the week.
  - (e) For athletic contests played at night, adequate security and traffic control measures shall be implemented as reasonably determined by the city police chief. If determined necessary by the city police chief, no fewer than three (3), and up to four (4), off-duty policemen shall be engaged and assigned to provide security during night football games.

**Section Three.** Table 9-1, entitled *Landscape Requirements Table*, within Article IX, entitled *General Regulations*, of the Zoning Ordinance is amended as follows:

**ARTICLE IX GENERAL REGULATIONS**

\* \* \* \* \*

TABLE 9-1  
LANDSCAPE REQUIREMENTS TABLE

DEVELOPING ZONE/USE	ADJOINING ZONE/USE	MINIMUM PLANTING STRIP	PLANT MATERIAL/OPTIONS
Any commercial, <u>institutional</u> , or professional office zone or land use, or any conditional land use	Any residential zone or land use	20 feet	Choose one of the following: 1. 1 tree per 35 linear feet, or fraction thereof, from List A* (shade trees), plus double row hedge from list E (evergreen/broadleaf shrubs) 2. 1 tree per 20 linear feet, or fraction thereof, from List B (flowering and non-flowering trees), plus double row hedge from List E (evergreen/broadleaf shrubs) 3. 1 tree per 40 linear feet, or fraction thereof, from List A (shade trees), plus a hedge from List D, plus a 6 foot wall, fence, or earth mound 4. 1 tree per 40 linear feet, or fraction thereof, from List B (flowering and non-flowering trees), plus a hedge from List D, plus a 6 foot wall, fence, or earth mound 5. Double row, staggered planting of trees from List C at 15 feet on center

- \* Plant lists can be found in the "Planting Manual And Landscape Regulation Guidelines"
- 1. Unless otherwise specified, trees do not have to be equally spaced, but may be grouped
- 2. Interior requirements are not required on parking lots smaller than 5 spaces, and/or 1,500 square feet of paved area. Interior landscape areas must be 100 square feet minimum in size. Plants may be no closer than 36 inches to pavement in the vehicle use area unless concrete wheel stops are used to prevent plant damage by cars. Six inch (minimum) curb required around all landscaped islands.
- 3. If the vehicle use area is located in the front, side or rear yard, the required interior vehicular use area landscaping and the 5 feet perimeter screening easement will be included as counting towards the total front yard landscaping required.
- 4. In all cases where an earth mound or berm is used, the easement provided must be adequate to accommodate a mound with a maximum side slope of 2.5 to 1.
- 5. The Zoning Administrator may allow a mixture or combination of tree categories, provided that the required number of trees is provided.
- 6. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established by the zoning district.

**Section Four.** There is hereby created a new Section 15.17, entitled *Signs Allowed Within The Institutional Zone (INST)*, within Article XV, entitled *Sign Regulations*, of the Zoning Ordinance as follows:

**ARTICLE XV**

**SIGN REGULATIONS**

\* \* \* \* \*

**SECTION 15.17 - SIGNS ALLOWED WITHIN THE INSTITUTIONAL ZONE (INST)**

**A. APPLICATION**

All sites shall be required to have an approved master signage plan, in accordance with Section 15.8 of this zoning ordinance.

**B. WINDOW AND WALL SIGNS**

1. Window and permanent wall signs are allowed for uses in these districts, subject to the following limits. No wall sign shall extend above the top of the wall of a building, including parapets and architectural extensions.

	<b><u>Window</u></b>	<b><u>Wall</u></b>	<b><u>Total</u></b>
<b><u>Maximum size</u></b>	<u>25 percent of window area on that building wall</u>	<u>See total</u>	<u>Two (2) square feet of sign area per lineal foot of building width on the side of building on which sign is located</u>
<b><u>Maximum number</u></b>	<u>Area limit only, as approved in the master signage plan</u>	<u>Area limit only, as approved in the master signage plan</u>	<u>N/A</u>
<b><u>Permitted illumination</u></b>	<u>No separate illumination</u>	<u>Illumination from a concealed source only</u>	<u>N/A</u>
<b><u>Changeable copy</u></b>	<u>Not allowed</u>	<u>Not allowed</u>	<u>N/A</u>

C. DETACHED SIGNS

Principal ground signs are allowed subject to the following limitations.

	<b><u>Principal</u></b>	<b><u>Other</u></b>
<u>Maximum number</u>	<u>Ground signs, as approved in the master signage plan</u>	<u>Ground signs for directional and way-finding purposes, as approved in the master signage plan</u>
<u>Maximum size</u>	<u>60 square feet</u>	<u>20 square feet</u>
<u>Maximum height</u>	<u>12 feet</u>	<u>6 feet</u>
<u>Minimum setback</u>	<u>Five (5) feet from any property line; 50 feet from the nearest single-family residential district</u>	<u>Five (5) feet from any property line; 15 feet from the nearest single-family residential district</u>
<u>Permitted illumination</u>	<u>External or internal, exposed or concealed source</u>	<u>Internal or concealed source only</u>
<u>Changeable copy</u>	<u>Manual and automatic allowed; may cover up to 30% of the sign face allowed. Automatic changeable copy signs are subject to the restriction set forth in Section 15.6.,D., of this zoning ordinance</u>	<u>Not allowed</u>

D. DETACHED SIGNS NOT LEGIBLE FROM THE RIGHT-OF-WAY

To improve way-finding on institutional sites with multiple buildings as well as to allow permitted uses to create a campus environment, an unlimited number of wall or detached ground signs shall be permitted provided that said signs shall not be seen or visible at any time from any public right-of-way. Said signs which are permanent shall not be larger than twenty (20) square feet and shall be setback one-hundred feet from the nearest property line. Signs may be internally illuminated or externally illuminated from an exposed or concealed source.

E. TEMPORARY BANNERS

1. Any institutional use on a site larger than five acres may erect up to three (3) temporary banners on the site which shall not require a zoning permit, subject to the following conditions:
  - a. Such banners shall be anchored to a pole or building at the top and bottom, so that the end of the banner does not flap in the wind, like a flag or pennant;
  - b. Such banners may be attached to poles serving another purpose, such as supporting parking lot or street lights, or to separate poles used only for the banners;
  - c. Such banners shall be setback twenty (20) feet from all right-of-way and property lines;
  - d. If the banners are attached to separate poles, those poles shall not exceed 10 feet in height;
  - e. Such banners shall not exceed 50 square feet in area on one side;
  - f. Each such banner may contain a message on each side. Messages on such banners may include messages related to the activities or services of the institution or other non-commercial messages. No such banner shall in any case include any commercial message unrelated to the institutional use;
  - g. Such banners shall not be separately illuminated; and
  - h. Such banners may be visible from the public right-of-way but shall not be legible from any location except the site used by the institution.

F. INCIDENTAL SIGNS

Additional detached signs, permanent or temporary, of not more than two (2) square feet in area and four (4) feet in height are allowed, provided that such signs contain no commercial message and are not illuminated. The intent of this regulation is to provide for signs that provide messages like "no parking", "no dumping", "beware of dog", "rest rooms", but such signs may bear any message that is not a commercial message.



G. TRAFFIC CONTROL SIGNS

Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.

**Section Five.** Section 16.4, entitled *Commercial Zones*, within Article XVI, entitled *Fences, Walls, and Obstruction to View Regulations*, of the Zoning Ordinance, is amended as follows:

ARTICLE XVI

FENCES, WALLS, AND OBSTRUCTIONS TO VIEW REGULATIONS

\* \* \* \* \*

**SECTION 16.4 COMMERCIAL AND INSTITUTIONAL ZONES:**

Fences and/or walls within the NC, HC, ~~and~~ PO, and INST Zones, including those permitted with all conditionally permitted uses in these zones shall conform to the following requirements:

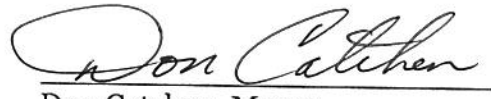
- A. Fences of class 2 or 3 only shall be permitted in front yards of the NC, HC, and PO Zones including the front yard of corner lots as governed by Section 16.0. Said fences may be erected up to a maximum height of eighty - four (84) inches.
- B. Classes 1, 2, 3, 4, 5, or 6 fences or walls may be erected in side or rear yards, up to a maximum height of ninety - six (96) inches, except for side or rear yards of corner lots as governed by Section 16.0. In the case of these corner lots, class 2 or 3 fences only, may be erected up to a maximum height of ninety - six (96) inches.
- C. In the INST Zone only, classes 1, 2, 3, 4, 5, or 6 fences or walls used in conjunction with an athletic facility such as a tennis court, football, baseball, may be erected in front, side or rear yards, up to a maximum height of one-hundred and forty-four (144) inches.

**Section Six.** The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.


**Section Seven.** All ordinances or parts of ordinances in conflict herewith are hereby repealed or amended but only with respect to such conflict



**Section Eight.** This ordinance shall be effective when passed, published and journalized according to law. This ordinance shall be published in summary pursuant to KRS §83A.060(9) and other applicable law.

  
Don Catchen, Mayor

ATTEST:

  
City Clerk

First Reading: 9/10/12  
Second Reading: 10/8/12  
Passed: 10/8/12