



**CITY COMMISSION MEETING
AGENDA FOR AUGUST 10, 2021
5:00 PM
CITY HALL COMMISSION CHAMBERS
300 SOUTH FIFTH STREET**

*Any member of the public who wishes to make comments to the Board of Commissioners is asked to fill out a Public Comment Sheet and place it in the box located at the end of the Commissioner's desk on the left side of the Commission Chambers. The Mayor will call on you to speak during the **Public Comments** section of the Agenda.*

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

ADDITIONS/DELETIONS

NEW EMPLOYEE INTRODUCTIONS Finance Revenue Technician Angie Stanfield; Human Resources Generalist McKenzie Huskey; 911 Telecommunicators Emilee Jones, Bryce Mansfield, Landon Schellhardt & Sycilia Titsworth

MAYOR'S REMARKS

PRESENTATION Economic Development Update - Bruce Wilcox, Greater Paducah Economic Development

Items on the Consent Agenda are considered to be routine by the Board of Commissioners and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Board member so requests, in which event the item will be removed from the Consent Agenda and considered separately. The City Clerk will read the items recommended for approval.

	I.	<u>CONSENT AGENDA</u>
	A.	Approve Minutes for July 27, 2021
	B.	Receive & File Documents
	C.	Personnel Actions
	D.	Approve Contract for Services with Paxton Park in the amount of \$85,000 - A CLARK
	II.	<u>MUNICIPAL ORDER(S)</u>
	A.	Approve Merger of the West McCracken Water District and Paducah Water Systems - JASON PETERSEN & BRUCE WILCOX

		B.	Approve Memorandum of Understanding with the McCracken County Fiscal Court & Sports Tourism Commission regarding the Paducah-McCracken County Athletic Complex - G BRAY
		C.	Approve Memorandum of Understanding with McCracken County for the E-911 Partnership Formation - G BRAY
	III.	<u>ORDINANCE(S) - ADOPTION</u>	
		A.	Approve a Zoning Text Amendment for New Land Uses - J SOMMER
		B.	Approve a Text Amendment for Mobile Food Vehicles/ Food Tents - J SOMMER
		C.	Amend Chapter 46 of the Paducah Code of Ordinances to Create a Mobile Food Vehicle Fire Inspection Fee - S KYLE
		D.	Approve Remote Workers Incentive Program - K BYERS
	IV.	<u>ORDINANCE(S) - INTRODUCTION</u>	
		A.	Approve an Interlocal Cooperation Agreement with McCracken County and Barkley Regional Airport Authority for Local Share Payment of the Aiport Terminal Project - G BRAY
	V.	<u>DISCUSSION</u>	
		A.	Community Policing Update - B LAIRD
	VI.	<u>COMMENTS</u>	
		A.	Comments from the City Manager
		B.	Comments from the Board of Commissioners
		C.	Comments from the Audience
	VII.	<u>EXECUTIVE SESSION</u>	

July 27, 2021

At a Regular Meeting of the Paducah Board of Commissioners held on Tuesday, July 27, 2021, at 5:00 p.m., in the Commission Chambers of City Hall located at 300 South 5th Street, Mayor Bray presided. Upon call of the roll by the City Clerk, the following answered to their names: Commissioners Guess, Henderson, Wilson and Mayor Bray (4). Commissioner Gault was absent (1).

INVOCATION:

Commissioner Guess led the invocation.

PLEDGE OF ALLEGIANCE

Mayor Bray led the pledge.

RECOGNITION: City Manager James Arndt was recognized with a plaque for his three years of service to the City of Paducah.

CONSENT AGENDA

Mayor Bray asked if the Board wanted any items on the Consent Agenda removed for separate consideration. No items were removed. Mayor Bray asked the City Clerk to read the items on the Consent Agenda.

I(A)	Approve Minutes for June 17 & 18, 2021 and July 13, 2021
I(B)	Receive and File Documents: <u>Contract File:</u> 1. Contract with Dallmann Systems, Inc., for purchase of a Security Camera Network and Video Management System for Barkley Airport – MO #2471 2. Fleet Maintenance Service Agreement with Paducah McCracken County Joint Sewer Agency – MO #2473 3. Fleet Maintenance Service Agreement with Kevil City Fire Department – MO #2474 4. Fleet Maintenance Service Agreement with Kevil Rural Fire Department – MO #2475 5. Contract with Aramark for Uniform Services for use by Public Works, Engineering and Parks – MO #2476 6. Declaration of Trust and Trust Partnership Agreement – Kentucky League of Cities Workers' Compensation Trust – MO #2477 7. Trust Participation Agreement For Kentucky League of Cities Insurance Services – General Insurance Trust – MO #2478 8. Agreement For Employment with Daron Jordan for the City Manager Position – MO #2485 9. Professional Consulting Services Agreement with Arndt Municipal Support in the amount of \$7,844 – MO #2486 10. Forgivable Loan Agreement between City of Paducah and Sprocket, Inc. – ORD 2020-12-8666

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	<u>Bids File:</u> 1. Bids For Security Camera Network and Video Management System for Barkley Regional Airport (Grant Acceptance MO #2328)(Contract with Dallman Securities – MO #2471) a. Dallman Systems, Inc. (recommended for acceptance) b. ADS Security c. Forefront Solutions d. Delta Services e. Premier Fire and Security, Inc.
I(C)	Personnel Actions
I(D)	A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT FOR FIRE AND RESCUE SERVICES BETWEEN THE CITY OF PADUCAH, KENTUCKY, AND METROPOLIS, ILLINOIS, TO COORDINATE JOINT RESPONSES TO WATER-RELATED EMERGENCIES (MO #2487; BK 12)

Commissioner Guess offered Motion, seconded by Commissioner Henderson, that the items on the consent agenda be adopted as presented.

Adopted on call of the roll yeas, Commissioners Guess, Henderson, Wilson and Mayor Bray (4).

ORDINANCE ADOPTIONS

AMEND SECTION 78-31 OF THE PADUCAH CODE OF ORDINANCES TO DESIGNATE JUNETEENTH NATIONAL INDEPENDENCE DAY AS A HOLIDAY FOR CITY EMPLOYEES

Commissioner Henderson offered Motion, seconded by Commissioner Wilson, that the Board of Commissioners adopt an Ordinance entitled, “AN ORDINANCE AMENDING CHAPTER 78 OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH.” This Ordinance is summarized as follows: This ordinance amends Section 78-31 of the Code of Ordinances of the City of Paducah, to include Juneteenth as a designated holiday for City employees, effective January 1, 2022.

Adopted on call of the roll yeas, Commissioners Guess, Henderson, Wilson and Mayor Bray (4). (**ORD 2021-07-8693; BK 36**)

CHANGE ORDER FOR PUMP STATION #2 CONSTRUCTION CONTRACT WITH PACE CONTRACTING, LLC IN THE AMOUNT OF \$121,733.29

Commissioner Wilson offered Motion, seconded by Commissioner Guess, that the Board of Commissioners adopt an Ordinance entitled, “AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE CHANGE ORDER NO. 1 WITH PACE CONTRACTING LLC. TO INCREASE THE CONTRACT BY \$121,733.29 FOR THE PUMP STATION #2 REHABILITATION PROJECT.” This Ordinance is summarized as follows: On August 25, 2020, the City approved Ordinance 2020-08-8652, authorizing a professional services contract with Pace Contracting, LLC for a construction contract in the amount of \$4,500,000 for the Pump Station #2 Rehabilitation Project. Change Order No. 1

July 27, 2021

to the contract with Pace Contracting, LLC is now required due to missing components, damaged materials, fabrication of Motor #5 adjustment nut, and emergency repairs of the 48" discharge pipe. This ordinance approves Change Order No. 1 for an increase in the amount of \$121,733.29 adjusting the total construction project from \$4,500,000 to \$4,621,733.29.

Adopted on call of the roll yeas, Commissioners Guess, Henderson, Wilson and Mayor Bray (4).
(ORD 2021-07-8694; BK 36)

**APPROVAL OF CONTRACT FOR FLOODWALL SEAL CLOSURES PROJECT
WITH JIM SMITH CONTRACTING LLC IN THE AMOUNT OF \$577,763.16**

Commissioner Guess offered motion, seconded by Commissioner Henderson, that the Board of Commissioners adopt an Ordinance entitled, "AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH JIM SMITH CONTRACTING, LLC., IN THE AMOUNT OF \$577,763.16 FOR THE FLOODWALL SEAL CLOSURES PROJECT" This Ordinance is summarized as follows: this Ordinance authorizes the Mayor to execute the Professional Services Agreement with Jim Smith Contracting LLC, on behalf of the City of Paducah, to provide professional services for the Floodwall Seal Closure Project in an amount of \$577,763.16.

Adopted on call of the roll yeas, Commissioners Guess, Henderson, Wilson and Mayor Bray (4).
(ORD 2021-07-8695; BK 36)

**APPROVAL OF CONTRACT FOR FLOODWALL FLAPGATE REPLACEMENT
PROJECT WITH JIM SMITH CONTRACTING LLC IN THE AMOUNT OF
\$2,152,000**

Commissioner Henderson offered motion, seconded by Commissioner Wilson, that the Board of Commissioners adopt an Ordinance entitled, "AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH JIM SMITH CONTRACTING, LLC., IN THE AMOUNT OF \$2,152,000 FOR THE FLOODWALL FLAPGATE PROJECT" This Ordinance is summarized as follows: this Ordinance authorizes the Mayor to execute the Professional Services Agreement with Jim Smith Contracting LLC, on behalf of the City for services related to the Floodwall Flapgate Replacement Project in an amount of \$2,152,000.

Adopted on call of the roll yeas, Commissioners Guess, Henderson, Wilson and Mayor Bray (4).
(ORD 2021-07-8696; BK 36)

ORDINANCE INTRODUCTIONS

ZONING TEXT AMENDMENT FOR NEW LAND USES

Commissioner Henderson offered motion, seconded by Commissioner Wilson, that the Board of Commissioners introduce an Ordinance entitled: "AN ORDINANCE AMENDING CHAPTER 126 OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH." This Ordinance is summarized as follows: This Ordinance amends Chapter 126 of the Code of Ordinances of the City

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of Paducah, Kentucky, to define and permit cottage homes with certain requirements. These types of homes could be a minimum of 140 square feet and would be permitted in the B-1 Convenience & Service Zone and higher-intensity zones. Manufactured homes, mobile homes, campers, recreational vehicles, storage buildings, shipping containers and/or sheds are not considered to be cottage homes. Further, this amendment defines and allows short-term rentals and special event short-term rentals which are rented less than 30 consecutive days in certain zones. This amendment also allows for the construction of a single-family home on a smaller building lot than 8,000 square feet provided setbacks are met and the floor-to-area ratio is not less than 10%; allows the outdoor sale of food items, vegetables, fruits and garden implements; allows multi-family structure density to be determined by the Kentucky Building Code in the B-1 Convenience & Service Zone and in higher-intensity zones; allows seasonal fireworks tents in the B-3 General Business Zone and in higher-intensity zones; and allows only commercial uses in the front 2/3 of the ground floor of buildings in the H-1 Historic Commercial Zone.

ZONING TEXT AMENDMENT FOR MOBILE FOOD VEHICLES/FOOD TENTS

Commissioner Guess offered motion, seconded by Commissioner Henderson, that the Board of Commissioners introduce an Ordinance entitled: “AN ORDINANCE AMENDING CHAPTER 126 OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH RELATED TO MOBILE FOOD VEHICLES.” This Ordinance is summarized as follows: This ordinance amends Section 126-87 *Mobile Food Vehicles* of the Paducah Code of Ordinances to define Food Tents in accordance with the Kentucky Building Code, allow them as an exemption in the Highway Business District and provide specific guidance for the regulation of Food Tents in the B-2 Downtown Business Zone and in higher-intensity zones. This amendment allows Mobile Food Vehicles to operate closer than 100 feet to a brick-and-mortar restaurant(s) with the specific written consent of said restaurant(s) and removes the 14-day time period in which a mobile food vehicle must move. Further, Mobile Food Vehicles are proposed to be located on Broadway between Water Street and North 7th Street/ Clarence Gaines Street, 2nd Street and within 100’ of a residence if a generator is utilized that is 72 decibels or less.

AMEND CHAPTER 46 OF THE PADUCAH CODE OF ORDINANCE TO CREATE A MOBILE FOOD VEHICLE FIRE INSPECTION FEE

Commissioner Henderson offered motion, seconded by Commissioner Wilson, that the Board of Commissioners introduce an Ordinance entitled: “AN ORDINANCE AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH TO CREATE ARTICLE V RELATED TO MOBILE FOOD VEHICLE INSPECTIONS.” This Ordinance is summarized as follows: This Ordinance creates Article V *Mobile Food Vehicle Inspections* of Chapter 46 *Fire Prevention & Protection* of the Paducah Code of Ordinances for the purpose of implementing a fee of \$50.00 for each Mobile Food Vehicle inspection performed by the Paducah Fire Prevention Division for City of Paducah Mobile Food Vehicles. Further, this Ordinance authorizes and empowers the Paducah Fire Prevention Division to perform inspections for Mobile Food Vehicles which operate outside of City limits, but within McCracken County, as required by the McCracken County Fiscal Court. Said inspections for McCracken County Mobile Food Vehicles shall be performed at a cost of \$50.00. Said inspections shall be valid for one (1) calendar year from the date of issuance and subsequent renewal inspections shall be at a fee of \$50 per inspection.

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REMOTE WORKERS INCENTIVE PROGRAM

Commissioner Wilson offered motion, seconded by Commissioner Guess, that the Board of Commissioners introduce an Ordinance entitled: “AN ORDINANCE ESTABLISHING THE REMOTE WORKERS INCENTIVE PROGRAM.” This Ordinance is summarized as follows: The City of Paducah, Kentucky, hereby establishes the City Remote Workers Incentive Program with certain conditions and/or requirements. In order to be eligible to participate in the City Remote Workers Incentive Program, an applicant/employee must be 21 years old or older; be a U.S. Citizen, lawful permanent resident, or have other credentials necessary to work in the United States, live at least 100 miles outside the limits of the City of Paducah at the time of application for the City Remote Workers Incentive Program, work full-time for a company in which all offices are located at least 100 miles outside the limits of the City of Paducah, be able to perform a majority of their employment duties remotely from a home office or co-working space located inside the City of Paducah limits, acquire primary residency in the City of Paducah within three (3) months of acceptance into the Program, agree to retain primary residence in the City of Paducah for at least one (1) year beyond the initial twelve-month program; and not be a participant in any other publicly-funded program/initiative. Individuals accepted into the City Remote Workers Incentive Program may be eligible to receive up to \$2,500.00 reimbursement for expenses associated with relocating to the City of Paducah; Up to \$70.00 per month reimbursement for fees associated with provision of internet services for a period of twelve (12) months; and waiver of City of Paducah payroll taxes for twelve (12) months.

DISCUSSIONS

Communications Manager Pam Spencer offered the following discussion summaries:

Commission Priorities Update

Assistant City Manager Michelle Smolen provided an update on the second quarterly report of the City Commission Priorities. In February, the Board selected 12 priorities to improve and enhance Paducah. The quarterly reports showing the progress are posted on the City's website at <http://paducahky.gov/commission-priorities>.

911 and Sports Complex Update

As a follow-up to the joint City and County meeting held June 24, Mayor George Bray reported that the City and County are working to develop the Memorandums of Understanding for the two projects that the City and County are partnering to move forward: 911 capital improvements and the outdoor sports and recreation complex. Mayor Bray expects both of those MOUs will be introduced in August.

Robert Cherry Civic Center Discussion

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The Board continued discussing renovating the 9300 square foot Robert Cherry Civic Center located at 2701 Park Avenue. The plan is to use about a quarter of the building for office space for the Parks & Recreation Department and move the Department out of the H.C. Mathis Drive building that has high maintenance and utility costs. At this meeting, the Board reviewed preliminary floor plans developed by Peck Flannery Gream Warren to provide office space for the Parks & Recreation Department (about 2250 square feet) and a public assembly space (about 7050 square feet). The estimated cost to update the building with new electrical, HVAC, plumbing, windows, doors, signage and landscaping, and office space for the Parks Department is slightly more than \$1.1 million.

COMMENTS

City Manager Jim Arndt expressed appreciation to the Commission and Staff for their kindness and hard work during his three years of service to the City.

Commissioners expressed appreciation for the work Jim has done during his three years with the City of Paducah.

EXECUTIVE SESSION

Commissioner Guess offered motion, seconded by Commissioner Henderson, that the Board of Commissioners go into closed session for discussion of matters pertaining to the following topics:

- Discussions of proposed or pending litigation against or on behalf of the public agency KRS 61.810(1)(c)
- A specific proposal by a business entity where public discussion of the subject matter would jeopardize the location, retention, expansion or upgrading of a business entity, as permitted by KRS 61.810(1)(g)

Adopted on call of the roll yeas, Commissioners Guess, Henderson, Wilson and Mayor Bray (4).

RECONVENE

Commissioner Wilson offered motion, seconded by Commissioner Henderson, to reconvene the meeting of the Paducah Board of Commissioners in open session.

Adopted on call of the roll yeas, Commissioners Guess, Henderson, Wilson and Mayor Bray (4).

ADJOURN

Commissioner Wilson offered motion, seconded by Commissioner Henderson, to adjourn the meeting of the Paducah Board of Commissioners.

Adopted on call of the roll yeas, Commissioners Guess, Henderson, Wilson and Mayor Bray (4)

July 27, 2021

TIME ADJOURNED: 7:44 p.m.

ADOPTED: August 10, 2021

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

August 10, 2021

RECEIVE AND FILE DOCUMENTS:

Minutes:

1. Oath of Office – Daron E. Jordan – City Manager 08-02-2021
2. Oath of Office – Daron E. Jordan – Alcohol Beverage Administrator – 08-02-2021

Contract File:

1. Mutual Aid Agreement for Water Rescue with the City of Metropolis **MO #2487**
2. Commonwealth of Kentucky (CDBG)– Contract Modification with Pace Contracting, LLC – Change Order for Pump Station #2 – **ORD 2021-07-8694**
3. Change Order for Pump Station #2 – Construction Contract with Pace Contracting, LLC in the amount of \$121,733.29 – **ORD 2021-07-8694**

Bids File:

1. Uniforms for Public Works, Engineering and Parks Department
 - a. Aramark Uniform Services (awarded bid - **MO #2476**)
 - b. Unifirst Corp.

Financials File:

1. Paducah Water Works – Month ended June 30, 2021

CITY OF PADUCAH
August 10, 2021

Upon the recommendation of the City Manager's Office, the Board of Commissioners of the City of Paducah order that the personnel changes on the attached list be approved.

Michelle Smolen

City Manager's Office Signature

August 5, 2021

Date

**CITY OF PADUCAH
PERSONNEL ACTIONS
August 10, 2021**

NEW HIRES - FULL-TIME (F/T)					
<u>E911</u>	<u>POSITION</u>	<u>RATE OF PAY</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>
Mansfield, Bryce	Telecommunicator	\$17.49/hr	NCS	Non-Ex	July 15, 2021
Titsworth, Scyllia	Telecommunicator	\$17.49/hr	NCS	Non-Ex	July 15, 2021

NEW HIRES - PART-TIME (P/T)					
<u>PARKS & RECREATION</u>	<u>POSITION</u>	<u>RATE OF PAY</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>
Coulter, Marquis	Parks Maintenance - Laborer	\$11.00/hr	NCS	Non-Ex	August 12, 2021
Grogan, Wes	Lifeguard	\$10.00/hr	NCS	Non-Ex	June 24, 2021
Love, Jermie	Parks Maintenance - Laborer	\$11.00/hr	NCS	Non-Ex	August 12, 2021
Tyler, Laquenta	Recreation Leader - Athletics	\$11.00/hr	NCS	Non-Ex	June 10, 2021

PAYROLL ADJUSTMENTS/TRANSFERS/PROMOTIONS/TEMPORARY ASSIGNMENTS - FULL-TIME (F/T)					
<u>E911</u>	<u>PREVIOUS POSITION AND BASE RATE OF PAY</u>	<u>CURRENT POSITION AND BASE RATE OF PAY</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>
Schellhardt, Landon	Telecommunicator \$19.49/hr	Telecommunicator \$17.49/hr	NCS	Non-Ex	July 29, 2021
<u>ADMINISTRATION</u>					
Wilson, Ty	Grants Administrator \$22.30/hr	Grants Administrator \$22.75/hr	NCS	Ex	July 15, 2021
<u>FIRE - PREVENTION</u>					
Tinsman, April	Deputy Fire Marshal \$30.81/hr	Deputy Fire Marshal \$31.73/hr	NCS	Non-Ex	July 29, 2021
<u>PUBLIC WORKS</u>					
Riley, David	Streets Supervisor \$24.88/hr	Streets Supervisor \$25.63/hr	NCS	Ex	July 15, 2021

PAYROLL ADJUSTMENTS/TRANSFERS/PROMOTIONS/TEMPORARY ASSIGNMENTS - PART-TIME (P/T)					
<u>Parks & Recreation</u>	<u>PREVIOUS POSITION AND BASE RATE OF PAY</u>	<u>CURRENT POSITION AND BASE RATE OF PAY</u>	<u>NCS/CS</u>	<u>FLSA</u>	<u>EFFECTIVE DATE</u>
Lamphere, James F.	Park Ranger \$10.00/hr	Park Ranger \$11.00/hr	NCS	Non-Ex	July 1, 2021

TERMINATIONS - FULL-TIME (F/T)			
<u>ADMINISTRATION</u>	<u>POSITION</u>	<u>REASON</u>	<u>EFFECTIVE DATE</u>
Wilson, Ty	Grants Administrator	Resignation	August 6, 2021
<u>FIRE - SUPPRESSION</u>			
Rathman, Ronald	Battalion Chief of Training	Retirement	July 31, 2021
<u>PUBLIC WORKS</u>			
Kaufman, Marvin	Equipment Operator	Termination	July 30, 2021

TERMINATIONS - PART-TIME (P/T)			
<u>Parks & Rec</u>	<u>POSITION</u>	<u>REASON</u>	<u>EFFECTIVE DATE</u>
Taylor, Mark	Lifeguard	Resignation	July 14, 2021

Agenda Action Form

Paducah City Commission

Meeting Date: August 10, 2021

Short Title: Approve Contract for Services with Paxton Park in the amount of \$85,000 - **A CLARK**

Category: Municipal Order

Staff Work By: Amie Clark, Mary Wurth

Presentation By: Amie Clark

Background Information: Budget was approved and commission agreed to pay Paxton Park \$85,000 to provide a quality public recreational facility to Paducah and McCracken County. Contract attached.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority:

Communications Plan:

Funds Available: Account Name: Invest Fund-Econ Dev Paxton Park Golf Board

Account Number: 24000401 - 580110

Staff Recommendation: Authorize Mayor to sign contract with Paxton Park in the amount of \$85,000.

Attachments:

1. MO contract-Paxton Park FY2022
2. Paxton Park Contract

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE
MAYOR TO EXECUTE A CONTRACT WITH PAXTON PARK GOLF BOARD, d/b/a
PAXTON PARK MUNICIPAL GOLF COURSE, IN AN AMOUNT OF \$85,000 FOR
SPECIFIC SERVICES AND AUTHORIZING THE FINANCE DIRECTOR TO
TRANSFER FUNDS TO SAID BOARD

BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the Mayor is hereby authorized and directed to execute
a contract with Paxton Park Golf Board in the amount of \$85,000 for specific services for
the Paducah area. This contract shall expire June 30, 2022.

SECTION 2. This expenditure shall be charged to the General Fund -
Paxton Park Golf Board - Account No. 2400 0401 580110

SECTION 3. This Order shall be in full force and effect from and after
the date of its adoption.

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, August 10, 2021
Recorded by Lindsay Parish, City Clerk, August 10, 2021
\\mo\contract-Paxton Park FY2022

CONTRACT FOR SERVICES

This Contract for Services, effective this _____ day of _____, 2021, by and between the **CITY OF PADUCAH** ("City") and the **PAXTON PARK GOLF BOARD d/b/a PAXTON PARK MUNICIPAL GOLF COURSE**. ("Paxton Park").

WITNESSETH:

WHEREAS, Paxton Park Golf Course provides a quality public recreational facility to Paducah and McCracken County; and

WHEREAS, Paxton Park is a stop for many visitors to our area who travel through on I-24 as well as destination for participants who travel to Paducah for the 30+ events hosted at the golf course each year. In addition, the facility hosts both Paducah Tilghman and McCracken County High School Golf Teams and players activities at no charge during the year. Paxton Park also gives away junior golf to deserving junior players and hosts many nonprofit fundraisers during the course of the season; and

WHEREAS, the City of Paducah desires to contract with Paxton Park for the services to be described herein under the terms and conditions set forth in this Contract for Services.

NOW THEREFORE, in consideration of the foregoing premises and the mutual covenants as herein set forth, the parties do covenant and agree as follows:

SECTION 1: TERM The term of this contract for services shall be from the effective date of the contract until June 30, 2022.

SECTION 2: TERMINATION Either party may terminate this Contract for Services upon failure of any party to comply with any provision of this agreement provided any such party notifies the other in writing of such failure and the breaching party fails to correct the breach within thirty (30) calendar days of the notice.

SECTION 3: OPERATIONS PAYMENT Upon receipt of an invoice from Paxton Park, the City shall pay the Paxton Park total amount of \$85,000 in two equal payments of \$42,500. The first will be made within two weeks of the signing of this contract by all parties and the second upon receipt of the annual financial statement audit, as referenced in Section 5 D of this contract. In the event this contract of services is terminated, the City shall not be obligated to make any further payments.

SECTION 4: OBJECTIVES AND SERVICES Paxton Park will continue to provide Paducah/McCracken County with a quality public golf facility, as well as support local youth golf activities and community-enhancing activities at the facility.

SECTION 5: ACCOUNTING

- (A) Paxton Park shall conduct all accounting, payroll, and financial management on the project and will continue to provide copies of monthly financial reports to the Director of Parks & Recreation.
- (B) Paxton Park shall supply to the City Manager a copy of the complete financial report for the Calendar Year of 2021 following review and approval of the report(s) by the Paxton Board of Directors, to be submitted no later than January 31, 2022.

- (C) Paxton Park shall furnish the City a Report that lists all of the tournaments and special event activities sponsored and conducted during the Calendar Year.
- (D) Paxton Park Golf Board (d/b/a Paxton Park Municipal Golf Course), shall supply an annual financial statement audit within 2 weeks of its completion.

SECTION 6: ENTIRE AGREEMENT This Contract for Services embodies the entire agreement between the parties and all prior negotiations and agreements are merged in this agreement. This agreement shall completely and fully supersede all other prior agreements, both written and oral, between the parties.

SECTION 7: WITHDRAWAL OF FUNDS Notwithstanding any other provision in this Contract for Services, in the event it is determined that any funds provided to Paxton Park are used for some purpose other than in furtherance of the services described herein, the City shall have the right to immediately withdraw any and all further funding and shall immediately have the right to terminate this Contract for Services without advance notice and shall have the right to all remedies provided in the law to seek reimbursement for all monies not properly accounted.

Witness the signature of the parties as of the year and date first written above

X

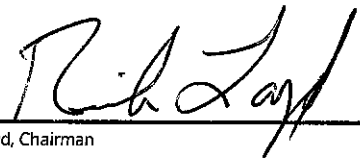
George Bray
Mayor

PAXTON PARK GOLF BOARD

d/b/a PAXTON PARK MUNICIPAL GOLF COURSE

X 

Daniel Mullen
Director of Golf & Operation

X 

Rick Loyd, Chairman
Paducah Golf Commission

Agenda Action Form

Paducah City Commission

Meeting Date: August 10, 2021

Short Title: Approval of a Merger of the West McCracken Water District and Paducah Water Systems

Category: Municipal Order

Staff Work By: Jason Petersen, PW

Presentation By: Bruce Wilcox, GPED

Background Information:

McCracken County's largest industrial site, the Triple Rail Mega-Site is currently located wholly within the West McCracken Water District (WMWD) service area. Any industrial development located within this site would therefore become a customer of WMWD. Currently, WMWD is considered a consecutive system, and purchases water at a wholesale rate under an agreement with Paducah Water. Any substantial development within the WMWD system directly affects PW's system, and the needs/costs associated with infrastructure and available capacity of water for new industrial prospects has been difficult to clearly define. This has been a detrimental factor in the negotiation process with industrial prospects. Further, WMWD's rate structure is much higher than that of PW. For larger industrial customers, this could be as much as 50% higher than if the development were in PW's system. Depending on usage and meter size, the majority of existing residential and smaller commercial WMWD customers will likely experience a reduction in water bills from 20% to 30%.

At the request of GPED, Judge Executive Clymer met with the WMWD Board and discussed the possibility of merging with PW in an effort to enhance economic development efforts, while at the same time, lowering the cost of the average WMWD customer's water bill. After consideration, WMWD board was agreeable, and formally requested that PW consider a merger of the two systems. After consideration and PW staff review of the WMWD system, PW's Board of Commissioners unanimously agreed to continue to explore a merger of the two systems.

On July 19, 2021, WMWD and PW formally entered into an agreement to merge the two water systems, with the combined system and all assets and liabilities of WMWD to become the responsibility of PW upon closing. Approval of the merger of the two systems by the Commission is the next step in the merger process. Upon approval by the Commission, the merger agreement will be submitted for a required approval by the Kentucky Public Service Commission. The PSC filing will be a public record.

Does this Agenda Action Item align with a Commission Priority? No.

If yes, please list the Commission Priority:

Communications Plan: n/a

Funds Available: Account Name: n/a
Account Number: n/a

Recommendation: Approve the Municipal Order as presented.

Attachments:

1. Municipal Order Approving and Authorizing Paducah Water Works Merging with the West McCracken County Water District

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER APPROVING AND AUTHORIZING PADUCAH
WATER WORKS MERGING WITH THE WEST MCCRACKEN COUNTY
WATER DISTRICT

WHEREAS, Paducah Water Works, a municipally owned water company, has negotiated and executed a merger agreement with the West McCracken County Water District; and

WHEREAS, the aforesaid agreement must be reviewed and approved by the Kentucky Public Service Commission; and

WHEREAS, it is desirable to evidence to the Kentucky Public Service Commission that the City of Paducah is both aware of the aforesaid merger and does authorize and approved same.

NOW, THEREFORE, BE IT ORDERED BY THE CITY OF PADUCAH, KENTUCKY, AS FOLLOWS:

1. That the Board of Commissioners of the City of Paducah declares that the aforesaid merger is in the best interest of the entire community of Paducah and McCracken County.
2. That the Board of Commissioners of the City of Paducah finds the terms of merger agreement to be fair, just, and reasonable for all concerned.
3. That the Board of Commissioners of the City of Paducah requests the Kentucky Public Service Commission to approve the merger agreement in the form filed and before said Commission.

Mayor George Bray

ATTEST:

Lindsay Parish, City Clerk

Introduced by the Board of Commissioners, _____, 2021

Adopted by the Board of Commissioners, _____, 2021

Recorded by City Clerk, _____, 2021

MO\Paducah Water Merger – West McCracken Water District 2021

Agenda Action Form

Paducah City Commission

Meeting Date: August 10, 2021

Short Title: Approve Memorandum of Understanding with the McCracken County Fiscal Court & Sports Tourism Commission regarding the Paducah-McCracken County Athletic Complex - **G BRAY**

Category: Municipal Order

Staff Work By: Lindsay Parish

Presentation By:

Background Information: This Municipal Order authorizes and approves a Memorandum of Understanding between the City of Paducah, the County of McCracken and the Sports Tourism Commission regarding funding of a Paducah-McCracken County Athletic Complex. The MOU commits the City and County to negotiate in good faith to develop an Interlocal Cooperation Agreement which will establish more specifically the terms and conditions under which the Athletic Complex will be designed, constructed, funded, equipped, operated and maintained. The MOU states that said Interlocal Agreement should be in place no later than January 1, 2022 and that it will override and replace this MOU when approved.

Does this Agenda Action Item align with a Commission Priority? Yes

If yes, please list the Commission Priority: Outdoor Sports Facilities - Bluegrass Downs and Stuart Nelson Park

Communications Plan:

Funds Available: Account Name: 2020A GOB Bond Proceeds

Account Number:

Staff Recommendation:

Attachments:

1. MOU – Sports Athletic Complex 2021

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER OF THE CITY OF PADUCAH, KENTUCKY,
AUTHORIZING AND APPROVING A MEMORANDUM OF
UNDERSTANDING WITH THE COUNTY OF MCCRACKEN AND THE
MCCRACKEN COUNTY SPORTS TOURISM COMMISSION REGARDING
FUNDING OF A PADUCAH-MCCRACKEN COUNTY ATHLETIC
COMPLEX; AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS
RELATED TO SAME

WHEREAS, the City of Paducah (the “City”), McCracken County (the “County”) and the McCracken County Sports Tourism Commission (“Commission”) acknowledge the economic and quality of life benefits that may be achieved from development of a high-quality athletic complex expected to draw visitors to the City and County for sports tournaments and athletic events while also meeting identified sports and recreational needs of local residents; and

WHEREAS, the parties desire to develop a premier athletic complex of the type described as the “Full Build Out” in the Master Plan Report of the McCracken County Sports Tourism Commission dated February 5, 2021 (the “Athletic Complex”); and

WHEREAS, the parties desire to enter into a Memorandum of Understanding to establish each party’s commitment and duties with regard to the funding of the Athletic Complex.

NOW THEREFORE, BE IT ORDERED BY THE CITY COMMISSION OF THE CITY OF PADUCAH, KENTUCKY, AS FOLLOWS:

SECTION 1. Recitals and Authorization. The City hereby authorizes and approves a Memorandum of Understanding Regarding Funding of a Paducah-McCracken County Athletic Complex by and between the City of Paducah, the County of McCracken and the McCracken County Sports Tourism Commission, in substantially the same form attached hereto and made part hereof as **Exhibit A**. Further, the Mayor of the City is hereby authorized to execute the Memorandum of Understanding and all documents relating to same with such changes in the agreements not inconsistent with this Municipal Order and not substantially adverse to the City as may be approved by the official executing the same on behalf of the City.

SECTION 2. Effective Date. This order shall be in full force and effect from and after the date of its adoption.

George Bray, Mayor

Attest:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, August 10, 2021
Recorded by Lindsay Parish, City Clerk, August 10, 2021
\\MO\\MOU – Sports Athletic Complex 2021

EXHIBIT A

MEMORANDUM OF UNDERSTANDING REGARDING FUNDING OF A PADUCAH-McCRACKEN COUNTY ATHLETIC COMPLEX

This Memorandum of Understanding ("MOU") is entered into as of this ____ day of July, 2021 by and between the **CITY OF PADUCAH, KENTUCKY** ("City"), the **COUNTY OF McCRACKEN, KENTUCKY** ("County"), and the **McCRACKEN COUNTY SPORTS TOURISM COMMISSION** ("Commission").

WHEREAS, the City, County, and Commission acknowledge the economic and quality of life benefits that may be achieved from development of a high-quality athletic complex expected to draw visitors to the City and County for sports tournaments and athletic events while also meeting identified sports and recreational needs of local residents; and

WHEREAS, the parties desire to develop a premier athletic complex of the type described as the "Full Build Out" in the Master Plan Report of the McCracken County Sports Tourism Commission dated February 5, 2021 (the "Athletic Complex"); and

WHEREAS, the parties desire to enter into this MOU to establish each party's commitment and duties with regard to the funding of the Athletic Complex;

NOW THEREFORE, the City, County, and Commission agree to the following:

1. Commitment. The City and County each commit in good faith to participate in financing the design, development, construction, operation, and maintenance costs of the Athletic Complex on an equal (i.e., 50-50) basis upon the general terms and conditions set forth herein. This MOU is intended as a high-level statement of the respective commitments of the parties to finance the development and operating costs of the Athletic Complex. The parties commit in good faith and with diligence to negotiate and execute a definitive Interlocal Cooperation Agreement (the "Interlocal Agreement"). The Interlocal Agreement will establish more specifically the terms and conditions under which the Athletic Complex will be designed, constructed, funded, equipped, operated, and maintained and will replace this MOU in its entirety.

2. Real Property. The County will devote to the project the Bluegrass Downs land and facilities along with the tracts and property interests adjoining the Bluegrass Downs land recently acquired by the County. The City will devote to the project the Stuart Nelson Park property located south of the Greenway Trail. The parties agree that the real property interests to be devoted to the project by City and County are equivalent in value. The parties agree that the legacy of Stuart Nelson Park and the life of William Stuart Nelson will be honored in a fitting manner such as is proposed in the aforesaid Master Plan Report as the same may be modified in the Interlocal Agreement.

3. Construction Financing. The City and County agree that costs for designing, developing, constructing, equipping, and commissioning the Athletic Complex ("Construction Costs") shall be shared equally by the City and County, with each party paying fifty (50%) percent of such costs, as follows:

A. The City and County shall each make an initial contribution of cash or the equivalent in the amount of \$12.5 million towards payment of the Construction Costs. These funds shall be made available in accordance with the schedule and upon the terms and conditions as will be set forth in the Interlocal Agreement (ILA). The parties agree that the ILA is to be in place no later than January 1, 2022.

B. Total Construction Costs are presently estimated to be approximately \$17.5 million above and beyond the \$25 million provided for in subsection A of this Section 3. Should the estimate of additional costs exceed \$42.5M the parties shall mutually agree as to increasing the funding or reducing the scope of the project and how.

C. Beginning in Fiscal Year 2022 and in each subsequent fiscal year thereafter until the debt service on only any bonds issued by City or County over and above the original 12.5 million dollars referenced in Paragraph A above, to finance Construction Costs has been paid in full, the Commission shall set aside and devote eighty (80%) percent of the transient room tax payments actually received by it (the "TRT Receipts") during the fiscal year to the payment of the debt service on said Construction Costs. One-half of the eighty (80%) percent of the TRT Receipts for the year shall be paid directly to the City or to its bond trustee as directed by the City until the City's debt service on financed Construction Costs is paid in full (from whatever sources). One-half of the TRT Receipts for the year shall likewise be paid directly to the County or to its bond trustee as directed by the County until the County's debt service on financed Construction Costs is paid in full (from whatever sources). City and County shall each be solely responsible for payment of the costs of issuance of any municipal bonds.

D. Beginning in the fiscal year in which the Athletic Complex begins operations, any unrestricted operating revenues received by the Commission for the year in excess of the greater of the Commission's actual or budgeted expenses for operation of the Athletic Complex (including reasonable budget reserves for contingencies, capital improvements, and depreciation) (the "Excess Revenues") shall be devoted by the Commission to payment of the City's and County's debt service as provided in the following sentence. One-half of the Excess Revenues for the year shall be paid directly to the City or to its bond trustee as directed by the City until the City's debt service on financed Construction Costs is paid in full (from whatever sources). One-half of the Excess Revenues shall likewise be paid directly to the County or to its bond trustee as directed by the County until the County's debt service on financed Construction Costs is paid in full (from whatever sources).

E. City and County shall each be responsible for arranging for payment of its share of the Construction Costs on a timely basis. The parties pledge to cooperate in good faith in assisting the City and County in their respective efforts to arrange financing for their obligations whether through the issuance of municipal bonds, the obtaining of conventional financing, or the seeking of state or federal grants or private donations.

4. Support of Operations. In any fiscal year for which unrestricted revenues received by the Commission on account of its operation of the Athletic Complex are insufficient to cover the Commission's expenses attributable to the Athletic Complex (a "Shortfall"), the City and County shall each make up one-half of the Shortfall by making payment directly to the Commission or its designee from general funds of the City or County or other funding source. If the Commission in good faith determines that such a Shortfall will occur during the course of a given fiscal year, the Commission may send notice to the City and County of the estimated amount of the Shortfall and the City and County shall each pay to the Commission one-half of the estimated Shortfall. All payments of any actual or estimated Shortfalls shall be made by the City and County within thirty (30) days of receipt of notice of same. If, at the conclusion of a given fiscal year, the Commission incurred no net Shortfall of unrestricted revenues over expenses attributable to operation of the Athletic Complex, the Commission shall promptly refund to the City and County any amounts paid by each of said parties towards the estimated Shortfall during the course of the fiscal year. For any fiscal year in which the City and County cover a Shortfall, the amounts so paid by City and County shall be reimbursed by the Commission in the manner specified in Section 3 after all debt service for Construction Costs of the City and/or County have been paid in full. The Commission shall provide to City and County any information, records, or documents reasonably requested by them in connection with a notice to cover an actual or estimated Shortfall.

5. Miscellaneous Provisions. The following miscellaneous provisions shall apply:

A. Notices. All notices provided for herein will be in writing and addressed to the parties. Notice shall be effective upon actual receipt of same.

B. Entire Agreement. This MOU expresses the complete agreement of the parties and supersedes all prior written or oral agreements or understandings among the City, County, and Commission with regard to the matters addressed herein. The Interlocal Agreement when executed, will replace this MOU in its entirety..

C. Amendments. This MOU may not be modified or amended unless by a writing signed by each party hereto.

D. Counterparts. This MOU may be executed simultaneously or in any number of counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same agreement.

E. Relationship of Parties. Neither the execution of this MOU, nor the consummation of the development and operation of the Athletic Complex contemplated hereunder shall create or constitute a partnership, joint venture, or any other form of business organization among the parties. No party hereto shall be an agent, fiduciary or employee of another party, nor shall a party have any power to assume or create any obligation on behalf of any other party.

F. Third Party Beneficiaries. There are no third party beneficiaries to this MOU.

IN WITNESS WHEREOF, the parties have signed this agreement as of the day and date first above written.

**CITY OF PADUCAH, KENTUCKY
COURT**

BY: _____

TITLE: _____

McCRACKEN COUNTY FISCAL

BY: _____

TITLE: _____

**McCRACKEN COUNTY SPORTS
TOURISM COMMISSION**

BY: _____

TITLE: _____

**SAM CLYMER,
McCracken County Attorney**

Agenda Action Form

Paducah City Commission

Meeting Date: August 10, 2021

Short Title: Approve Memorandum of Understanding with McCracken County for the E-911 Partnership Formation - **G BRAY**

Category: Municipal Order

Staff Work By: Michelle Smolen

Presentation By:

Background Information: This Municipal Order authorizes a Memorandum of Understanding with McCracken County for an E-911 Partnership. The Memorandum of Understanding commits the City and County in good faith to form a Joint Paducah/McCracken County Community Services System and upgrade the 911 Communication Services System subject to final design plans. The MOU creates a joint 911 Communication Services Oversight Committee to explore funding options and make formal reports and recommendations to the City Commission and McCracken County Fiscal Court. The MOU commits the City and County to work in good faith toward the execution of an Interlocal Agreement which will establish more specifically the terms and conditions under which the 911 Communication Services System will be designed, constructed, funded, equipped, operated and maintained and will replace this MOU in its entirety.

Does this Agenda Action Item align with a Commission Priority? Yes

If yes, please list the Commission Priority: 911 Radio/Tower Upgrades and Operational Funding

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation:

Attachments:

1. MOU – E-911 Partnership Formation 2021

MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER OF THE CITY OF PADUCAH, KENTUCKY,
AUTHORIZING AND APPROVING A MEMORANDUM OF
UNDERSTANDING WITH THE COUNTY OF MCCRACKEN REGARDING
E-911 PARTNERSHIP FORMATION; AND AUTHORIZING THE
EXECUTION OF ALL DOCUMENTS RELATED TO SAME

WHEREAS, the City of Paducah (the “City”) and McCracken County (the “County”) acknowledge that it is necessary to upgrade the Paducah 911 Communications Services System, which serves both the City and County; and

WHEREAS, the City desires to enter into this Memorandum of Understanding to establish a Paducah / McCracken County Community 911 Communications Services System to set forth the City’s and County’s commitments with regard to the system and such upgrades; and

NOW THEREFORE, BE IT ORDERED BY THE CITY COMMISSION OF THE CITY OF PADUCAH, KENTUCKY, AS FOLLOWS:

SECTION 1. Recitals and Authorization. The City hereby authorizes and approves a Memorandum of Understanding Regarding E-911 Partnership Formation by and between the City of Paducah and the County of McCracken in substantially the same form attached hereto and made part hereof as **Exhibit A**. Further, the Mayor of the City is hereby authorized to execute the Memorandum of Understanding and all documents relating to same with such changes in the agreements not inconsistent with this Municipal Order and not substantially adverse to the City as may be approved by the official executing the same on behalf of the City.

SECTION 2. Effective Date. This Order shall be in full force and effect from and after the date of its adoption.

George Bray, Mayor

Attest:

Lindsay Parish, City Clerk

Adopted by the Board of Commissioners, August 10, 2021
Recorded by Lindsay Parish, City Clerk, August 10, 2021
\\mo\MOU – E-911 Partnership Formation 2021

EXHIBIT A
MEMORANDUM OF UNDERSTANDING
REGARDING E-911 PARTNERSHIP FORMATION

This Memorandum of Understanding (MOU) is entered into as of this ____ day of June, 2021 by and between the **CITY OF PADUCAH, KENTUCKY** ("City") and the **COUNTY OF MCCRACKEN, KENTUCKY** ("County").

WHEREAS, the City and County acknowledge that it is necessary to upgrade the Paducah 911 Communications Services System, which serves both the City and County; and

WHEREAS, parties desire to enter into this Memorandum of Understanding to establish a Paducah / McCracken County Community 911 Communications Services System and to set forth the City's and County's commitments with regard to the system and such upgrades; and

NOW THEREFORE, the City and County agree to the following:

1. Commitment. The City and County each commit in good faith to form a Joint Paducah / McCracken County Community Services System and upgrade the 911 Communication Services System, as soon as such upgrades are feasible, subject to final design plans. The parties agree to explore options for cost sharing, cost optimization, and, state and regional collaboration.

2. Joint Committee. The City and County agree to establish a 911 Communication Services Oversight Committee, which shall guide the parties in making recommendations regarding the upgrades and pursuing funding options. The committee shall make formal reports to the City and the County at least every sixty (60) days, with the City and County making all final decisions regarding the upgrades. Said committee shall consist of five (5) members and be jointly appointed by the City and County, with the City appointing 2 committee members, one of which shall be a member of the city commission, the County appointing 2 committee members, one of which shall be a member of the McCracken County Fiscal Court, and 1 member being jointly appointed.

3. Cost Sharing. The City and County agree that costs for upgrading the system shall be shared between the parties as follows:

A. All upfront capital expenditures which may be required to install equipment related to the core operation of the system shall be either (i) shared equally between the City and County, with each party paying fifty percent (50%) of such costs, or (ii) through an increase in the county contribution to offset debt service as the parties move toward partnership.

B. Costs of peripheral equipment shall be divided between the City and County on a pro rata basis, based upon the equipment needs of each entity (Example: number of radios required by each entity, etc.)

C. Upon completion of the partnership and upgrades, operational costs of the 911 Communication Services System shall be divided between the City and County on a pro rata basis, based upon use of services. For example, costs would be prorated based upon (1) the number of calls and dispatches within the City limits, and (2) the number of calls and dispatches outside the City limits, to be documented by a monthly call log.

4. Financing. The City and County will work together to identify an appropriate method of financing, which may include all or a portion of the following funding methods:

A. For capital expenditures:

- i. State or federal grants and any other form of contribution
- ii. Bonding of costs related to up-front capital investment

B. For operational costs:

- i. Payment of costs from City and County general funds
- ii. Alternatives to existing landline user fees

5. Good Faith Efforts/Time of Completion. Each party agrees to put forth a good faith effort to identify and procure an appropriate financing method for the upgrades as contemplated, and to have the financing method determined and agreed to by or before February 1, 2022.

6. Miscellaneous Provisions. The following miscellaneous provisions shall apply:

A. Notices. All notices provided for herein will be in writing and addressed to the parties.

B. Counterparts. This MOU may be executed simultaneously or in any number of counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same agreement. IN WITNESS WHEREOF, the parties have signed this agreement as of the day and date first above written.

C. The parties commit in good faith and with diligence to negotiate and execute a definitive Interlocal Cooperation Agreement (the "Interlocal Agreement"). The Interlocal Agreement will establish more specifically the terms and conditions under which the 911 Communication Services System will be designed, constructed, funded, equipped, operated, and maintained and will replace this MOU in its entirety.

DATED this ____ day of August, 2021.

CITY OF PADUCAH, KENTUCKY

By: _____

Title: _____

COUNTY OF McCracken, KENTUCKY

By: _____

Title: _____

SAM CLYMER,
McCracken County Attorney

Agenda Action Form

Paducah City Commission

Meeting Date: August 10, 2021

Short Title: Approve a Zoning Text Amendment for New Land Uses - **J SOMMER**

Category: Ordinance

Staff Work By: Nicholas Hutchison, Josh Sommer

Presentation By: Josh Sommer

Background Information: This text amendment is proposed to allow Short-term Rentals and Cottage Homes, among other regulation changes and land uses.

Does this Agenda Action Item align with a Commission Priority? Yes

If yes, please list the Commission Priority: It aligns with the Southside enhancements as time/ cost barriers are proposed to be eliminated from constructing homes smaller than 850 square feet on appropriate lots. The ability for food stuffs, fruits, vegetables and the like to be sold outside a business (such as from a truck or cart) can also help the Southside in that food choice and food options could be diversified. This text amendment also aligns with the Housing priority as more affordable housing can be created throughout the City. Allowing multi-family housing density to be directed by the Kentucky Building Code also falls under housing (which the Jetton Schoolhouse is a prime example).

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Approval

Attachments:

1. Staff Report - Land Uses
2. ORD 126 Zoning Text Amendment
3. Signed Resolution - new land uses updated



TEXT AMENDMENT
PADUCAH BOARD OF COMMISSIONERS

CASE NO.	TXT2021-0038
TITLE	Changes to Definitions, Lots and District Regulations.
SECTIONS	Section 126-3. Definitions Section 126-64. Lots (a) Reduction of lot size. (b) Multiple principal structures on a lot. (d) Existing lots. (e) Variances to setback lines. Section 126-102. Low Density Residential Zone, R-1 (1) Principal permitted uses (2) Single-family dwellings (3) Two (2) family dwellings (4) Conditionally permitted uses (5) Multifamily dwellings Section 126-103. Low and Medium Density Residential Zone, R-2 (a) Principal permitted uses (b) Conditionally permitted uses (c) Single-family dwellings (d) Two (2) family dwellings (e) Multifamily dwellings Section 126-104. Medium Density Residential Zone, R-3 (a) Principal permitted uses (b) Conditionally permitted uses (c) Single-family dwellings (d) Two (2) family dwellings (e) Multifamily dwellings and townhouses (f) Public parking areas (g) Assisted care unit Section 126-105. High Density Residential Zone, R-4 (1) Principal permitted uses (2) Conditionally permitted uses (3) Single and two (2) family dwellings (4) Multifamily dwellings and townhouses Section 126-106. Convenience & Service Zone, B-1 (1) Principal permitted uses (2) Conditionally permitted uses

	(3) Minimum yard requirements (6) Accessory buildings (8) Setback requirements for business zones facing R-1 or R-2 residential zones (10) Cottage home standards
	Section 126-107. Downtown Business Zone, B-2
	(1) Principal permitted uses (2) Minimum lot area and yard requirements (5) Minimum sight distance
	Section 126-108. Downtown Business Townlift Zone, B-2-T
	(1) Principal permitted uses (2) Lot area and yard requirements (3) Building height (4) Parking regulations (5) Minimum sight distance (6) Ground floor use
	Section 126-109. General Business Zone, B-3
	(1) Principal permitted uses (5) Screening requirements
	Section 126-110. Light Industry Zone, M-1
	(1) Principal permitted uses (2) Conditionally permitted uses (6) Parking requirements
	Section 126-111. Heavy Industrial Zone, M-2
	(1) Principal permitted uses
	Section 126-112. High Density Industrial zone, M-3
	(1) Principal permitted uses (5) Parking requirements (6) Maximum lot coverage
	Section 126-113. Conservancy Zone, C-1
	(1) Principal permitted uses (2) Conditionally permitted uses (3) Review and approval of plans
	Section 126-114. Civic Center Zone, A-1
	(1) Principal permitted uses (3) Minimum area requirements (4) Maximum height
	Section 126-115. Historic Zones, H-1 and H-2
	(a) Use provisions for Historical Commercial Zone, H-1

	(b) Use provisions for Historical Neighborhood Zone, H-2 Section 126-116. Highway Business District, HBD (1) Permitted uses (2) Area regulations Section 126-117. Planned Office Park, POP (a) Intent (b) Principal permitted uses (c) Accessory uses (d) Conditionally permitted uses (e) Minimum lot requirements (f) Minimum yard requirements (g) Open space (h) Parking requirements (i) Reserved (j) Landscaping (k) Minimum area Section 126-118. Mixed Use District, MU (a) Intent (b) Permitted uses (c) Site development regulations Section 126-119. Hospital Medical Zone, MU (1) Principal permitted uses (2) Accessory uses (3) Development plan required (4) Yard requirements (6) Parking (7) Density Section 126-120. Neighborhood Services Zone, NSZ (1) Principal permitted uses (2) Conditional permitted uses (3) Height regulations (4) Setbacks (5) Additional regulations (6) Plan approval required for new/infill construction and for changes in exterior appearance Section 126-121. Neighborhood Commercial Corridor Zone, NCCZ (a) Principal permitted uses (b) Plan approval (c) Building material
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	(d) Commercial/ residential structure setbacks (e) Height regulations (f) Parking regulations (g) Square footage bonuses (h) Additional regulations.
DESCRIPTION	Text amendment to provide for: • Allowing short-term rentals and special event short-term rentals. • Regulations for cottage homes • Allow outdoor sales of food stuffs and garden implements • The ability to construct single-family homes on substandard lots provided setbacks and floor area ratios are met • Remove redundant language • Allow multi-family structure density to be determined by the Kentucky Building Code in commercial and industrial zones • Allow seasonal fireworks tents in the B-3 Zone and in higher-intensity zones • Allow commercial uses only in the front 2/3 of the ground floor of buildings in the H-1 Historic Commercial Zone

PROCEDURAL NOTE

Text amendments are first heard before the Paducah Planning Commission at a public hearing, pursuant to KRS 100.211 (2). The Planning Commission made a positive recommendation to the Board of Commissioners at the July 8, 2021 meeting.

CONSIDERATIONS

This proposed amendment would define and permit cottage homes, colloquially known as “tiny homes”. These types of homes could be a minimum of 140 square feet and would be permitted in the B-1 Convenience & Service Zone and higher-intensity zones. The maximum lot size they could be permitted on is 7,999 square feet (as 8,000 square feet is considered a standard building lot) and the minimum is 2,250 square feet. A manufactured home, mobile home, camper or recreational vehicle is explicitly not considered to be a cottage home. Nor shall storage buildings, garages, shipping containers or sheds be considered to be cottage homes. They must be stick-built or modular construction on permanent foundations. A cottage home community can be constructed on a single lot, provided density is maintained, 20% of the total area is open space and a site plan is submitted and approved.

This amendment would define and allow short-term rentals and special event short-term rentals. A short-term rental is a dwelling or room that is rented less than 30 consecutive days. Typically, these types of rentals are found on platforms such as Airbnb and Vrbo. The defined

difference between a short-term rental and a special event short-term rental is that a special event short term rental is rented for less than seven days and only shall be permitted to happen twice a year; whereas a standard short-term rental can be on-going as long as their permit is followed. Special event short-term rentals usually spike during special events, such as Quilt Week or Barbeque on the River. Due to the low impact of special event short term rentals, they are proposed in every zone in the City. However, due to the more intense nature of a standard short-term rental, they are proposed to be conditional uses in the R-2 (Low and Medium Density Residential Zone), R-3 (Medium Density Residential Zone), POP (Planned Office Park) and NSZ (Neighborhood Services Zone). Short-term rentals are proposed to be permitted as a principal use in the R-4 High Density Residential Zone and in the higher-intensity zones thereafter. Short-term rentals are not proposed to be located in any R-1 Low Density Residential Zone.

Other significant changes to the zoning ordinance include:

- The ability to construct a single-family home on a smaller building lot than 8,000 square feet provided setbacks are met and the floor-to-area ratio is not less than 10%. This change would give a home builder the ability to construct a home without the necessity of a variance, which saves a builder time and money. This ability could be particularly useful in the Southside redevelopment area, where many lots are smaller than 8,000 square feet.
- Allow the outdoor sale of food items, vegetables, fruits and garden implements. Currently, all retail must take place indoors. However, it is commonplace for businesses to sell merchandise outside that directly relates to food production and gardening. This text amendment would give the ability to businesses to sell these types of products outdoors, provided they are in front of a bona-fide business, as opposed to a roadside stand which would only be allowed in the Highway Business District.
- Allow multi-family structure density to be determined by the Kentucky Building Code in the B-1 Convenience & Service Zone and in higher-intensity zones. This amendment would help to increase the population of the City and give multi-family developers more choice and flexibility in considering new projects. For example, rezoning the Jetton Schoolhouse from R-3 to B-3 provided an increase of 31 dwelling units.
- Allow seasonal fireworks tents in the B-3 General Business Zone and in higher-intensity zones.
- Allow only commercial uses in the front 2/3 of the ground floor of buildings in the H-1 Historic Commercial Zone. This text amendment would reflect the current regulations along Broadway in the B-2-T Zone. Residential uses could be permitted in the rear 1/3 of the ground floor and any floors above or below the ground floor. This amendment would facilitate an active streetscape.

TEXT AMENDMENT

The proposed amendment is as follows:

Sec. 126-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Accessory building ~~and rise~~ means a subordinate building located on the same lot ~~with the~~ as a principal building, or a subordinate use of land, either of which is customarily incidental to the principal building or to the principal use of the land. Where part of the wall of an accessory building is a part of the wall of the principal building in a substantial manner as by a roof, such accessory building shall be ~~counted~~ considered as part of the principal building. Local public utility, communication, electric distribution, ~~and~~ secondary power lines, gas lines, water lines, ~~and~~ sewer lines, ~~their supports and poles~~, guy-wires, small transformers, wires, ~~or~~ cables and incidental equipment ~~and public telephone booths~~ are considered accessory buildings or structures.

~~*Accessory living quarters* means living quarters within an accessory building, for the sole use of persons employed on the premises, such as quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.~~

Alley means a permanent public service way providing a secondary means of access to abutting lands.

Arterial highway strip commercial means commercial uses which front on the designated U.S. highways in either the B-1 or the ~~HBD Zone~~ HBZ classifications.

Automobile service station means an establishment with the primary business function of the retail sale of gasoline for passenger ~~car~~ vehicle use, and the minor service and repair work incidental to the operation of passenger automobiles.

Bed and breakfast means an owner-managed and ~~owner-occupied~~ owner-occupied residential structure used as a lodging establishment where a room or rooms are rented on a nightly basis, and in which only breakfast is included as part of the basic compensation.

Berth means the off-street area required for the receipt of, or distribution by vehicles of, material or merchandise with a fourteen (14) foot height clearance, paved with a suitable dust preventative or hard surface.

Block frontage means all the property fronting on one (1) side of a street between intersecting streets, or between a street and ~~a right-of-way~~ the terminus of a dead-end street or ~~city~~ the City boundary, measured along the street line.

Board means the City of Paducah ~~City~~ Board of Adjustment, ~~Paducah, Kentucky~~.

Building means any structure having enclosed space and a roof for the housing or enclosure of persons, animals or chattels.

Building area means the maximum horizontal projected area of ~~the~~ a principal ~~and or~~ accessory building, excluding open steps, ~~or~~ terraces, unenclosed porches not exceeding one (1) story in height or architectural appurtenances projecting not more than two (2) feet.

Building, detached, means a building having no party wall in common or structural connection with another building.

Building, front line of, means the line of the face of the building nearest the front lot ~~lien~~ line.

Building, height of, means the vertical distance from the average contact ground level at the front wall of a building to the highest point of the coping of a flat roof, ~~or~~ to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable ~~and~~ & hip or gambrel roofs.

Building line means the line nearest the front and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the front lot line.

Building, nonconforming, means a legally existing building which fails to comply with the regulations set forth in this chapter applicable to the zone in which ~~this~~ the building is located.

Building, principal, means a building in which is conducted the main or principal use of the lot on which said building is situated. ~~Where a substantial part of an accessory building is attached to the principal building in a substantial manner as by a roof, such accessory building will be counted as a part of the principal building.~~

Building, semidetached, means a building having one (1) party wall in common with an adjacent building.

Business means the engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or service; ~~z~~ the maintenance or operation of offices, or recreational and amusement enterprises.

~~*Campground* means any area or tract of land used to temporarily accommodate two (2) or more camping parties, including cabins, tents, house trailers, or other camping outfits.~~

Carport means a structure consisting of a roof and either walls or columns for the purpose of housing automotive vehicles and other chattels. Said structure shall be considered a building.

Cemetery means land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

City means the City of Paducah, Kentucky.

Clinic or medical ~~health~~ center means an establishment where patients are admitted for special study and treatment by two (2) or more licensed physicians and/or dentists and their professional associates, as distinguished from a professional office for general consultation purposes.

Commission means the City of Paducah ~~City~~ Planning Commission.

Conditional use means a use which would not impair the public health, safety or welfare in one (1) or more zones, but which would impair the integrity and character of the zone in which it is located or in adjoining zones unless restrictions on location, size, extent and character of performance are imposed in addition to those imposed in the zoning regulations.

Conditional use permit means legal authorization to undertake a conditional use issued by the administrative official pursuant to authorization by the Board of Adjustment consisting of two (2) parts:

1. A statement of the factual determination by the Board of Adjustment which justifies the issuance of the permit.

2. A statement of the specific conditions which must be met in order for the use to be permitted.

~~Convalescent or nursing home means an establishment which provides full-time convalescent or chronic care, or both, for four (4) or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. Neither care for the acutely ill nor surgical or obstetrical services shall be provided in such a home. A hospital or sanatorium shall not be construed to be included in this definition.~~

~~Corporation Counsel means the Corporation Counsel of the City or any assistant or special corporation counsel of the City.~~

Cottage home means a structure of not less than one hundred forty (140) square feet nor more than four hundred (400) square feet intended for use as a permanent, single-family residence. A manufactured home, mobile home, camper or recreational vehicle shall not be considered a cottage home. A single cottage home may only be placed on lots smaller than eight thousand (8,000) square feet.

County means ~~the County of~~ McCracken County, Kentucky.

~~Court~~ Courtyard means an open unoccupied space on the same lot with a building or group of buildings and bounded on three (3) or more sides by such buildings.

~~Court, inner, means any court other than an outer court. The width of an inner court is its least horizontal dimension measured between opposite walls. The length of an inner court is its greatest horizontal dimension measured at right angles to its width.~~

~~Court, outer, means a court which opens on any yard on the lot or which extends to any street line of the lot. The width of any outer court is its least horizontal dimension measured between opposite walls. The depth of any outer court is its greatest horizontal dimension measured at right angles to its width.~~

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

Dwelling means a building, or portion thereof, used primarily for residential occupancy, including ~~one (1) family and multiple dwellings~~ single-family, two-family and multi-family occupancy, but not including hotels, motels, short-term rentals (includes special event short-term rentals) or bed and ~~breakfast~~ breakfasts.

Dwelling, assisted care, means a building, or portion thereof, ~~and~~ consisting of five (5) or more bedrooms, used for residential occupancy by a group. The dwelling is characterized by renters with separate bedrooms for sleeping and ~~that there are~~ shared common areas for reception, recreation, living, cooking, laundry and the like. The ~~unit~~ dwelling is further signified by the presence of an employee(s) that provides various services such as housekeeping, maintenance,

cooking, security, personal care, and transportation. This definition is distinguished from, and is intended not to conflict with, KRS 100.982 and 100.984.

Dwelling, ~~multiple multi-family~~, means a building, or portion thereof, used for occupancy by three (3) or more families living independently of each other.

Dwelling, ~~one (1) single-family~~, means a building used for residential occupancy by one (1) family.

*Dwelling, ~~two (2) family~~ *two-family**, means a building, or portion thereof, used for occupancy by two (2) families living independently of each other.

Dwelling unit means a dwelling, or portion of a dwelling, used by one (1) family for cooking, living and sleeping purposes.

Educational institution means a public, parochial or private preprimary, primary, or grammar school, ~~public, parochial or private school~~; a high school, preparatory school or academy, that is public or founded, ~~or~~ owned or conducted by or under the sponsorship of a religious or charitable organization; ~~or~~ a private preparatory school or academy furnishing courses of instruction substantially equivalent to the courses offered by public high schools for preparation of admission to colleges or universities which award BA or BS degrees; a junior college or university, that is public or founded or conducted by or under the sponsorship of a religious or charitable organization or a private school when not conducted as a commercial enterprise for the profit of individual owners or stockholders. This definition shall not be deemed to include trade or business schools as defined in this section.

Effective date hereof means October 26, 1976.

Enforcement officer means the ~~Building Inspector~~ Chief Building Official of the City or designee.

Family means one (1) or more persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include servants.

Fence means a ~~manmade~~ structure consisting of wood, metal, wire, mesh, masonry or other ~~manmade~~ manufactured material.

Floor area ratio (FAR) means the floor area of the building divided by the area of the lot.

Garage, private, means a detached accessory building or portion of a ~~main principal~~ building, used for the storage of self-propelled vehicles, ~~where in which~~ the capacity does not exceed three (3) vehicles per family housed in the building to which such garage is accessory and not more than one-third (1/3) of the total number of vehicles stored in such garage shall be commercial vehicles. Storage space for not more than three (3) vehicles may be ~~rented~~ utilized for vehicles of other than occupants of the building to which such garage is accessory.

Garage, public, means any building ~~or premises~~, except those defined ~~herein~~ as a private garage, used for the storage or care of motor vehicles, or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

Ground floor area means the square foot area of a ~~residential~~ building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of open porches, breezeways, terraces, garages, exterior stairways and secondary stairways.

Ground level means for buildings having walls adjoining only one (1) street, the elevation at the front lot line at the center of the wall adjoining the street; for buildings having walls adjoining more than one street, the average elevation of the front lot line at the center of all walls adjoining the streets; for buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street is to be considered as adjoining the street.

Heliport means a facility for helicopters to take off and land.

Home occupation ~~or profession~~ means any use conducted entirely within a ~~residential~~ dwelling and carried on solely by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling purposes and does not change the character thereof, and in connection with which there is no display, no stock in trade or outside storage of equipment nor commodity sold upon the premises and not more than two (2) persons are to engage in such occupation. In no event shall a barbershop, beauty shop, tearoom, bed and breakfast or animal hospital be construed to be a home occupation.

Hospital means ~~includes a~~ sanitarium, preventorium ~~and or~~ clinic, provided such institution is operated by, or treatment given under, the direct supervision of a physician licensed to practice by the State of Kentucky.

Hotel or motel means a building, or portion thereof, or group of buildings in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a lodging house.

Industrial, heavy, means those industries whose processing of products result in the emission of any atmospheric pollutant, light flashes, ~~or~~ glare, odor, noise or vibration which may be heard and/or felt off the premises, and those industries which constitute a fire or explosion hazard.

Industry, light, means those industries whose processing of products results in none of the conditions described for heavy industry.

Ingress/ egress easement means an open, unoccupied, officially designated space other than a street or alley, permanently reserved for use as a means of access to abutting property.

Junkyard means any place at which personal property is, or may be salvaged, for reuse, resale, reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or sorted, including, but not limited to, ~~use of~~ use of salvaged base metal or metals, their compounds or combinations; or used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property which are used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

Kennel means any lot or premises on which dogs or small animals are kept for commercial or sale purposes. A ~~noncommercial~~ non-commercial kennel at, in or adjoining a private residence where hunting or other dogs are kept for the hobby of the householder (i.e., hunting, tracking or

exhibiting) or for guarding or protecting the householder's property is permitted in residential ~~zoning districts~~ zones, provided that such dogs or small animals do not constitute a nuisance to the neighborhood.

~~Loading and unloading berths means the off-street area required for the receipt of or distribution by vehicles of material or merchandise, which in this chapter is held to be a twelve (12) foot by fifty (50) foot loading space with a fourteen (14) foot height clearance, paved with a suitable dust preventative or hard surface.~~

~~Lodginghouse~~ Lodging house means a building with more than two (2) but not more than five (5) guest rooms where lodging with or without meals is provided for compensation for a period of time not to exceed six (6) months for each guest.

Lot means a piece, parcel, plot, tract or area of land occupied or capable of being occupied by one (1) principal building and the accessory buildings or uses customarily incidental to it, and including the open spaces required under this chapter, and having its principal frontage on a street or ingress/egress easement. ~~The word "lot" includes the word "plot" or "parcel."~~

Lot, corner, means a lot at a junction of z and fronting on z two (2) or more intersecting streets.

Lot coverage means the percentage of the lot area covered by the building area.

~~Lot ground level means for buildings having walls adjoining only one (1) street, the elevation at the front lot line at the center of the wall adjoining the street; for buildings having walls adjoining more than one street, the average elevation of the front lot line at the center of all walls adjoining the streets; for buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street is to be considered as adjoining the street.~~

Lot, interior, means a lot other than a corner or through lot.

Lot line, front, means z in the case of an interior lot; z a line separating the lot from the street or place ingress/egress easement and, in the case of a corner lot; z the line designated in by deed, plat or subdivision requirements ~~or, if no such requirements are provided, the line designated by the property owner at the time he seeks a building permit on the lot.~~

Lot line, rear, means a lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot; z a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot line, side, means any lot boundary line not a front lot line or a rear lot line.

Lot, through, means a lot having frontage on two (2) parallel or approximately parallel streets.

Lot width means the dimension of a lot, ~~measured between side lot lines~~ at the building setback line.

Manufactured home means a single-family dwelling unit constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, and manufactured after June 15, 1976, which is designed to be transported across streets and highways to a point of use, and is equipped with the necessary service connections, and includes

the plumbing, heating, air conditioning and electrical systems contained therein, and made so as to be readily movable as a unit.

Mobile home means any vehicle, including the equipment sold as a part of a vehicle, which is so constructed as to permit its being used as a conveyance upon public streets or highways by either self-propelled or non-self-propelled means, which is designed, constructed or reconstructed, or added to by means of an enclosed addition or room, in such a manner as will permit the occupancy thereof as a dwelling or sleeping place for one (1) or more persons, which is both used and occupied as a dwelling or sleeping place, having no foundation other than wheels, jacks, skirting or other temporary supports.

Mobile home park means an area of land upon which two (2) or more mobile homes are harbored for the purpose of being occupied either free of charge or for revenue purposes and shall include any building, structure, vehicle or enclosure used or intended for use as a part of the equipment of such mobile home park.

~~Nursing home means an establishment which provides full-time convalescent or chronic care, or both, for four (4) or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. Neither care for the acutely ill nor surgical or obstetrical services shall be provided in such a home. A hospital or sanatorium shall not be construed to be included in this definition.~~

~~Occupied, as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied."~~

Parking area, public, means an open off-street area, ~~other than a street or alley~~, designed for use or used for the temporary parking of ~~four (4) or more~~ motor vehicles when available for public use, whether free or for compensation or as an accommodation for clients or customers.

Parking space (off-street) means an off-street space accessible from a street, ~~or~~ alley or ingress/ egress easement with a minimum width of nine (9) or ten (10) feet, depending on land use. The minimum length of such space shall be contingent upon the degree or angle of the space and the maneuverability area required. As a guide to establishing a minimum length, the Commission shall refer to Illustration No. 1 in the appendix immediately following this chapter.

Person means and includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

Personal and convenience services means a business businesses offering services such as barbershops, beauty shops, laundromats, laundry and ~~dry-cleaning dry-cleaning~~ pickup and delivery stations (but excluding actual laundry operations), and similar uses.

~~Place means an open, unoccupied officially designated space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.~~

Planting screen or landscape screen means a completely planted visual barrier composed of evergreen plants and trees arranged to form both a low-level and a high-level screen. The high-level screen shall consist of evergreen trees or shrubs planted with specimens having an initial height aboveground above ground when planted of not less than five (5) feet and planted at intervals of

not more than eight (8) feet ~~on-center~~ on-center. The low-level screen shall consist of evergreen shrubs having an initial height ~~aboveground~~ above ground when planted of not less than two (2) feet and spaced at intervals of not more than four (4) feet ~~on-center~~ on-center. The low-level screen shall be planted in alternating rows to produce a more effective barrier.

Professional office means offices of members of recognized professions such as physicians, surgeons, lawyers, engineers, dentists and architects.

Retaining wall means a physical barrier necessary to prevent the erosion and/or deterioration of an established elevation.

Short-term rental means a dwelling or room that is rented, leased or assigned for a tenancy for less than thirty (30) consecutive days in duration and where no meals are served or provided by the host to any guest. A short-term rental may be owner occupied or non-owner occupied.

Short-term rental, special event, means a dwelling or room that is rented, leased or assigned for a tenancy for less than seven (7) days a year and where no meals are served or provided by the host to any guest. A special event short-term rental may be owner occupied or non-owner occupied. There shall be a maximum of two (2) permits issued a year.

Sight triangle means a triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of two and one-half (2 ½) and twelve (12) feet above established grade, determined by a diagonal line connecting two (2) points measured fifteen (15) feet equidistant from the street right-of-way corner along each property line.

Street means a right-of-way, other than an alley or ingress/ egress easement, dedicated or otherwise legally established ~~to the~~ for public use, usually affording the principal means of access to abutting property.

Structural alteration means any change in the supporting members of a building, such as bearing walls, ~~or~~ partitions, columns, beams or girders, ~~or~~ any substantial change in the exterior walls or the roof.

Structure means anything constructed or made, the use of which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground including buildings and signs.

~~*Tourist home* means a building in which more than one (1) but not more than five (5) guest rooms are used to provide or offer overnight accommodations for transient guests for compensation.~~

~~*Townhouse* means a single-family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent building and/or buildings by party walls or are located immediately adjacent thereto with no visible separation between walls or roofs; all of which dwellings may be located on individual and separate lots if individually owned or upon a single lot if under common ownership. Each townhouse unit shall be capable of separate ownership. The construction of a townhouse structure across an existing lot line shall not be deemed to abrogate that line.~~

~~*Townhouse structure* means a building consisting of two (2) or more noncommunicating attached one-family units placed side by side, having a common wall between each adjacent dwelling unit.~~

~~Side lot line requirements of a townhouse structure shall apply only at the extreme ends of such structure.~~

Trade or business school means a secretarial school or college; ~~or~~ or business school or college, ~~when that~~ is not public and not owned or conducted by or under the sponsorship of a religious or charitable organization; ~~or~~ or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hairdressing, or for teaching industrial skills in which machinery is employed as a means of instruction. This definition shall not be deemed to include an educational institution as defined in this section.

Use means the employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

Use, nonconforming, means an existing use of land or building which was legal prior to the effective date hereof, but which fails to comply with the requirements set forth in this chapter applicable to the zone in which such use is located.

Use, open, means the use of a lot without a building or including a building incidental to the open use with a ground floor area equal to five (5) percent or less of the area of the lot.

~~Used, as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied."~~

Variance, dimensional, means departure from the terms of the zoning regulations pertaining to height or width of structures and size of yard and open spaces where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape or topography, and not as a result of the action of the applicant, the literal enforcement of the zoning regulations would result in unnecessary and undue hardship.

~~Vision clearance on corner lot means a triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of two and one-half (2 ½) and twelve (12) feet above established grade, determined by a diagonal line connecting two (2) points measured fifteen (15) feet equidistant from the street right-of-way corner along each property line.~~

~~Wall, retaining means a physical barrier necessary to prevent the erosion and/or deterioration of an established elevation.~~

Yard means a space on the same lot with a principal building, that is open, and unoccupied other than by steps, walks, terraces, driveways, lampposts and similar ~~structures~~ appurtenances, and unobstructed by structures, except as otherwise provided in this chapter.

Yard, front, means a yard extending across the full width of the lot, between two (2) side lot lines, the depth of which is the least distance between the street right-of-way and the building line.

Yard, rear, means a yard extending across the full width of the lot between the two (2) side lot lines and between the rear line and a line parallel line tangent to, and coexisting with, the rear of the principal building, ~~the depth of which is the least distance between the rear lot line and the parallel line.~~

Yard, side, means a yard bounded by the rear yard, the front yard, the side lot line and the principal building.

Zoning map ~~or map~~ means the official zoning map of the City.

Sec. 126-64. Lots.

- (a) *Reduction of lot size.* No lot, even though it may consist of one (1) or more adjacent lots in the same ownership at the time of passage of this article, shall be reduced in size so that lot width, ~~or~~ size of yards, lot area ~~per family~~ or any other requirement of this article is not maintained. This section shall not apply when a portion of a lot is acquired for public purpose.
- (b) *Multiple principal structures on a lot.* One (1) principal structure may be erected on any one (1) lot. ~~Accessory structures may potentially be located on adjacent lots of the same ownership as stipulated in section 62-76.~~ When more than one (1) principal structure of different use types ~~to be constructed~~ on the same lot is proposed, multiple principal structures may be allowed as provided for in section ~~62-178~~ 126-176 with a development plan.
- (c) *Public street frontage.* Unless otherwise provided in this article, no building shall be erected on a lot which does not abut for at least twenty-five (25) feet on a public street.
- (d) *Existing lots.* ~~At the time of the enactment of this article, if~~ If an owner of a plot of land consisting of one (1) or more adjacent lots does not own sufficient continuous land to enable such owner to conform to the minimum lot size requirements provided herein, such plot of land may nevertheless be used as a building site. ~~The dimensional requirements of the district in which the piece of land is located may be reduced by the smallest amount that will permit a structure of acceptable size to be built upon the lot. Only single-family dwellings shall be constructed under this provision and shall be principally permitted provided the statutory setbacks are met and the FAR shall not be less than ten (10) percent.~~
- (e) *Variances to setback lines.* Front yard setback lines may be varied where the average depth of principal buildings on adjoining properties is less than the depth prescribed elsewhere in this article. In such case, the front yard ~~in question~~ shall not be less than the average depth of existing front yards on the two (2) lots immediately adjoining.

Sec. 126-102. Low Density Residential Zone, R-1.

The purpose of this zone is to provide for residential development of an open nature.

- (1) *Principal permitted uses.* ~~The following uses are permitted in an R-1 Zone:~~
 - a. Single-family dwellings;
 - b. ~~Two (2) family~~ Two-family dwellings ~~and townhouses with no more than two (2) attached units per townhouse;~~
 - c. Park, playground or community center owned and operated by a governmental agency;
 - d. Special event short-term rentals.

(2) *Single-family dwellings.*

- a. Minimum ground floor area. No building shall be erected for residential purposes having a ground floor area of less than one thousand, two hundred (1,200) square feet, exclusive of porches, breezeways, terraces, garages and exterior and secondary stairways.
- b. Minimum yard requirements.
 1. Front yard: Forty (40) feet.
 2. Side yard, ~~each side~~: Eight (8) feet.
 3. Rear yard: Twenty-five (25) feet.
 4. Lots abutting two (2) streets shall comply with the ~~front yard~~ front yard setback provisions along the street upon which the building on the corner lot fronts. A fifteen (15)-foot reduction in the ~~front yard~~ front yard provisions is allowed on the side yard facing the secondary street, provided such reduction does not result in a side yard of less than twenty-five (25) feet.
- c. Minimum area requirements.
 1. Minimum lot area: Twelve thousand (12,000) square feet.
 2. Minimum lot width: Seventy-five (75) feet.
- d. Maximum building height: Thirty-five (35) feet.
- e. ~~Accessory buildings—accessory building shall be erected within eight (8) feet of any side lot line and no separate accessory building shall be erected within five (5) feet of any other building or structure. Rear setbacks do not apply to accessory buildings. However, no accessory building or structure shall be allowed in a front yard.~~

e. Parking shall be per section 126-71 ~~(d)~~, ~~(g)~~ (3). Additionally, there shall be no more than four (4) vehicles parked in any front yard.

And:

1. All parking shall be minimally semi-improved to a dense grade aggregate surface.
2. All trailers, campers, motor homes and boats shall not be allowed in any front yard. Such trailers and vehicles which do not exceed dimensions of eight (8) feet by twenty-four (24) feet may be stored in the rear or side yard of any lot. Such trailers and vehicles which do exceed dimensions of eight (8) feet by twenty-four (24) feet may be stored in the rear or side yard of any lot; provided side yard requirements are maintained and ~~that~~ the trailer or vehicles are not used as a dwelling.
3. Commercial vehicles, equipment and trucks with axle weights greater than one (1) ton, and/or heights greater than eight (8) feet, and/or lengths greater than thirty (30) feet shall not be parked in ~~an~~ the R-1 Zone. Commercial passenger cars and light duty trucks otherwise complying from the requirements of this section are exempt from this requirement.

(3) ~~Two (2) family~~ Two-family dwellings ~~and townhouses with no more than two (2) attached units per townhouse.~~

- a. Minimum yard requirements.
 1. Front yard: Forty (40) feet.
 2. Side yard: Eight (8) feet.

- 3. Rear yard: Twenty-five (25) feet.
- b. Minimum area requirements.
 - 1. Minimum lot area ~~per unit: 7000~~ Seven thousand (7,000) square feet per unit.
 - 2. Minimum lot width: Seventy-five (75) feet (per structure).
- c. Maximum building height: Thirty-five (35) feet.
- ~~d. Accessory buildings. Same as subsection (2) (e) of this section.~~
- e. d. Parking shall be per subsection (2) (~~f e~~) of this section.
- (4) *Conditionally permitted uses.*
 - a. ~~Multifamily~~ Multi-family dwellings;
 - b. Daycare nurseries;
 - c. Home occupations;
 - ~~d. Townhouses with more than two (2) attached units;~~
 - e. d. Places of worship.
- (5) ~~Multifamily~~ Multi-family dwellings (*conditionally permitted use, only*).
 - a. Minimum yard requirements.
 - 1. Front yard: Forty (40) feet.
 - 2. Side yard, ~~each side~~: Eight (8) feet.
 - 3. Rear yard: Twenty-five (25) feet.
 - b. Minimum ~~lot~~ area requirements.
 - 1. Minimum lot area ~~per unit~~: Five thousand (5,000) square feet per unit; four (4) or more units, four thousand (4,000) square feet per unit.
 - 2. Minimum lot width: Seventy-five (75) feet.
 - c. Maximum building height. None.
 - ~~d. Accessory buildings. See subsection (2) (e) of this section.~~
- (6) *Daycare nurseries.*
 - a. Minimum lot area: One hundred (100) square feet per child.
 - b. Minimum yard requirements: The requirements of the zone apply to the project where located.
 - c. A four (4) foot wire mesh fence, or other appropriate fence as may be required by the Board of Adjustment, shall enclose the entire play area.
 - ~~d. Parking requirements. See section 126-71.~~

Sec. 126-103 Low and Medium Density Residential Zone, R-2.

- a. 1. *Principal permitted uses. The following uses are permitted in the R-2 Zone:*
 - 1. a. Single-family dwellings.
 - 2. ~~Two (2) family~~ b. Two-family dwellings ~~and townhouses with no more than two (2) attached units per townhouse.~~
 - 3. c. Park, playground or community center owned and operated by a governmental agency.
 - 4. d. Special event short-term rentals.
- b. 2. *Conditionally permitted uses. The following uses are special exceptions and require written approval of the Board of Adjustment:*

1. a. Daycare nurseries;
 2. b. Home occupations;
 3. ~~Multi-family dwelling~~ c. Multi-family dwellings;
 4. d. Bed and breakfast;
 5. e. Places of worship.
 6. f. Short-term rentals
- e. 3. Single-family dwellings.
1. a. Minimum ground floor area. No building shall be erected for residential purposes having a ground floor area of less than one thousand (1,000) square feet, exclusive of porches, breezeways, terraces, garages and exterior and secondary stairways.
 2. b. Minimum yard requirements.
 - a. 1. Front yard: Twenty-five (25) feet.
 - b. 2. Side yard, ~~each side~~: Six (6) feet.
 - c. 3. Rear yard: Twenty-five (25) feet.
 3. c. Minimum ~~lot~~ area requirements.
 - a. 1. Minimum lot area: Ten thousand (10,000) square feet.
 - b. 2. Minimum lot width: Sixty (60) feet.
 4. d. Maximum building height: Thirty-five (35) feet.
 5. ~~Accessory buildings. No accessory building shall be erected within six (6) feet of any side lot line and no separate accessory building shall be erected within five (5) feet of any other building or structure. Rear setbacks do not apply to accessory buildings. However, no accessory building or structure shall be allowed in a front yard.~~
 6. e. Parking shall be per section 126-102 (2) (~~f~~ e).
- (d) ~~Two (2) family~~ 4. Two-family dwellings.
1. a. Minimum yard requirements.
 - a. 1. Front yard: Twenty-five (25) feet.
 - b. 2. Side yard, ~~each side~~: Six (6) feet.
 - c. 3. Rear yard: Twenty-five (25) feet.
 2. b. Minimum area requirements.
 - a. 1. Minimum lot area: Six thousand (6,000) square feet per unit.
 - b. 2. Minimum lot width: Sixty (60) feet (per structure).
 3. c. Maximum building height: Thirty-six (36) feet.
 4. ~~Accessory buildings. Same as subsection (3) (e) of this section.~~
 5. d. Parking shall be per section 126-102 (2) (~~f~~ e).
- e. ~~5. Multifamily~~ Multi-family dwellings.
1. a. Minimum yard requirements.
 - a. 1. Front yard: Twenty-five (25) feet.
 - b. 2. Side yard: Six (6) feet.
 - c. 3. Rear yard: Twenty-five (25) feet.
 2. b. Minimum area requirements.
 - a. 1. Minimum lot area ~~per unit: Three (3) or more units, four~~ Four thousand (4,000) square feet per unit.
 - b. 2. Minimum lot width: Seventy-five (75) feet.

- ~~3. c.~~ Maximum building height. None.
- ~~4. — Accessory buildings. Same as subsection (3) (e) of this section.~~
- ~~5. — Parking requirements. Same as section 126-102 (2) (f).~~

Sec. 126-104. Medium Density Residential Zone, R-3.

- ~~a.~~ 1. Principal permitted uses.
 - ~~1.~~ a. Single-family dwellings.
 - ~~2.~~ ~~Two (2) family~~ b. Two-family dwellings and ~~townhouses with no more than two (2) attached units per townhouse.~~
 - ~~3.~~ c. Park, playground or community center owned and operated by a governmental agency.
 - ~~4.~~ d. Special event short-term rentals.
- ~~b.~~ 2. Conditionally permitted uses. The following uses are special exceptions and require written approval of the Board of Adjustment:
 - ~~1.~~ a. Home occupations;
 - ~~2.~~ b. Daycare nurseries;
 - ~~3.~~ c. Mobile home parks;
 - ~~4.~~ ~~Multifamily dwellings~~ d. Multi-family dwellings;
 - ~~5.~~ e. Assisted care dwellings;
 - ~~6.~~ f. Bed and breakfast;
 - ~~7.~~ g. Places of worship.
 - ~~8.~~ h. Short-term rentals
- ~~c.~~ 3. Single-family dwellings.
 - ~~1.~~ a. Minimum ground floor area: No building shall be erected for residential purposes having a ground floor area of less than eight hundred ~~fifty (850)~~ (800) square feet, exclusive of porches, breezeways, terraces, garages and exterior and secondary stairways.
 - ~~2.~~ b. Minimum yard requirements.
 - ~~a. 1.~~ 1. Front yard: Twenty-five (25) feet.
 - ~~b. 2.~~ 2. Side yard: Six (6) feet.
 - ~~c. 3.~~ 3. Rear yard: Twenty-five (25) feet.
 - ~~3.~~ c. Minimum ~~lot~~ area requirements.
 - ~~a. 1.~~ 1. Minimum lot area: Eight thousand (8,000) square feet.
 - ~~b. 2.~~ 2. Minimum ~~lot~~ width: Fifty (50) feet.
 - ~~4.~~ d. Maximum building height: Thirty-five (35) feet.
 - ~~5.~~ ~~Accessory buildings. Same as section 126-103 (c) (5).~~
 - ~~6.~~ e. Parking shall be per section 126-102 (2) (~~f~~ e).
- ~~d.~~ ~~Two (2) family~~ 4. Two-family dwellings.
 - ~~1.~~ a. Minimum yard requirements.
 - ~~a.~~ 1. Front yard: Twenty-five (25) feet.
 - ~~b.~~ 2. Side yard: Six (6) feet.
 - ~~c.~~ 3. Rear yard: Twenty-five (25) feet.
 - ~~2. b.~~ Minimum area requirements.
 - ~~a. 1.~~ 1. Minimum lot area: Four thousand (4,000) square feet per unit.

- b. 2. Minimum lot width: Fifty (50) feet (per structure).
 - 3. c. Maximum building height: Thirty-five (35) feet.
 - 4. ~~Accessory building. Same as section 126-103 (c) (5).~~
 - 5. d. Parking shall be per section 126-102 (2) (~~f~~ e).
 - e. ~~Multifamily~~ 5. Multi-family dwellings and townhouses.
 - 1. a. Minimum yard requirements.
 - a. 1. Front yard: Twenty-five (25) feet.
 - b. 2. Side yard: Six (6) feet.
 - c. 3. Rear yard: Twenty-five (25) feet.
 - 2. b. Minimum area requirements.
 - a. 1. Minimum lot area, ~~per unit, for three (3) or more~~: Three thousand (3,000) square feet per unit.
 - b. 2. Minimum lot width: ~~Seventy-five (75) feet~~ Sixty (60) feet.
 - 3. c. Maximum building height. None.
 - 4. ~~Accessory buildings. Same as section 126-103 (c) (5).~~
 - 5. ~~Parking requirements. See section 126-102 (2) (f).~~
 - f. 6. *Public parking areas.*
 - 1. a. A public parking area is permitted where the area abuts a business or industrial zone, provided the Commission finds the public parking area not to be detrimental to the adjoining residential area.
 - 2. b. The public parking area shall be developed as required by ~~sections 126-61 through~~ section 126-76 126-71.
 - 3. c. Provisions for a public parking area shall adhere to the setback requirements as listed in the zone in which it is to be located, however, no setback is required along a rear property line where the residential zone and the business or industrial zone join.
 - 4. d. Screening requirements for a public parking area shall be the same as section ~~126-72~~ 126-83.
 - 5. e. The Commission shall require a landscape plan that includes provisions that at least ten (10) percent of the entire site shall be landscaped. Parking lot lighting may be approved provided that pole heights do not exceed fourteen (14) feet; lighting be directed inward to the property and that no off-target lighting be allowed.
 - g. 7. *Assisted care ~~unit~~ dwelling (conditionally permitted only)*
 - 1. a. Minimum yard requirements.
 - a. 1. Front yard: Twenty-five (25) feet.
 - b. 2. Side yard: Six (6) feet.
 - c. 3. Rear yard: Twenty-five (25) feet.
 - 2. b. ~~Lot~~ Minimum area requirements.
 - a. 1. Minimum lot area: Fifteen thousand (15,000) square feet.
 - b. 2. Minimum lot width: One hundred (100) feet.
 - c. 3. Maximum ~~ground floor to floor~~ area ratio: Twenty-five (25): one (1)
 - 3. c. Maximum building height: Thirty-five (35) feet.
 - 4. d. Maximum pervious cover: Sixty (60) percent.
 - 5. ~~Accessory building. Same as section 126-103.~~

- 6. e. Parking shall be per section ~~126-102~~ 126-71 and shall follow the group home formula. Additionally, all parking areas and drives shall be paved and screened from adjoining residential property. There shall be no parking in any side yard. ~~Parking shall be screened from adjoining residential property.~~
- 7. f. Landscaping ~~and screening~~. The open area on the lot not used for parking or building shall be landscaped with grasses, vegetative groundcover, flowers, gardens, trees and shrubs; provided that not more than seventy-five (75) percent of the open area is put into grass. Trees and shrubs shall be installed at the following rate: One (1) tree and two (2) shrubs for every one thousand (1,000) square feet of floor area.
- 8. g. Site lighting. Any outdoor light shall be directed inward to the property and there shall be no ~~off-target off-target~~ lighting. The maximum light pole height shall be ten (10) feet.
- 9. ~~Approval. Approvals per 126-75 apply to this section.~~

Sec. 126-105. High Density Residential Zone, R-4.

The purpose of this zone is to provide an area that will combine compatible residential and business uses in such a manner that it will buffer low density residential property from high density and commercial uses.

(1) *Principal permitted uses.*

- a. Any use permitted in the R-3 ~~zone~~ Zone;
- b. ~~Multifamily~~ Multi-family dwellings;
- c. Nursing homes ;
- d. Professional office buildings (yard requirements for office buildings shall be the same as the B-1 ~~zone~~ Zone requirements);
- e. Daycare nurseries;
- f. Assisted care dwellings (yard and lot requirements shall be the same as 126-104 (~~g~~ Z));
- g. Cemeteries;
- h. Bed and breakfast;
- i. Places of worship;
- j. Short-term rentals (includes special event short-term rentals);
- k. Any other use not listed which, in the Commission's opinion, would be compatible with the above uses in the R-4 ~~zone~~ Zone.

(2) *Conditionally permitted uses.*

- a. List of uses.
 - 1. Commercial greenhouses;
 - 2. Funeral homes;
 - 3. Home occupations;
 - 4. Hotels or motels;
 - 5. Beauty shops and barbershops;
 - 6. Mobile home parks.
- b. Board of Adjustment approval. The conditionally permitted uses listed above shall be considered as business uses and shall meet the requirements of the B-1 ~~zone~~ Zone, except home occupations shall be considered pursuant to section 126-73 of the Zoning Ordinance.

~~All plans will be submitted to the Planning Commission prior to Board approval and the Commission shall require such conditions as are necessary to maintain the character of this zone. The Board may grant dimensional variances to businesses when lot requirements cannot be met.~~

- (3) ~~Single and two (2) family dwellings~~ Single and two-family dwellings. Single-family ~~dwellings~~ and ~~two (2) family~~ two-family dwellings shall comply with the requirements of the R-3 ~~zone~~ Zone.
- (4) ~~Multi-family~~ Multi-family ~~dwellings and townhouses~~.
 - a. Minimum yard requirements.
 - 1. Front yard: Twenty-five (25) feet.
 - 2. Side yard, ~~each side~~: Six (6) feet.
 - 3. Rear yard: Twenty-five (25) feet.
 - b. Minimum area requirements.
 - 1. Minimum lot area, ~~per unit~~: Two thousand (2,000) square feet per unit.
 - 2. Minimum lot width: Fifty (50) feet.
 - c. Maximum building height. None.
 - d. Public parking area. Same as section 126-104 (~~f~~ 6).

Sec. 126-106. Convenience and Service Zone, B-1.

The purpose of this zone is to provide convenient shopping areas to serve nearby residential areas.

- (1) *Principal permitted uses.*
 - a. Any use permitted in the R-4 ~~zone~~ Zone (except all new single-family and two-family residential structures shall comply with the R-4 ~~zone~~ Zone ~~yard~~ requirements. Multi-family structures shall follow the limitations set forth by the Kentucky Building Code. Cottage homes shall be subject to the provisions set forth below).
 - b. Home occupations.
 - c. Hotels and motels.
 - d. Funeral homes.
 - e. Commercial greenhouses.
 - f. Assembly buildings of fraternal, professional and labor organizations.
 - g. Restaurant.
 - h. Cottage homes.
 - ~~g. i.~~ The following uses, provided they are conducted wholly within a building ~~except for off-street loading and unloading; with the exception of the sale of fresh or frozen foods, vegetables, fruits, flowers, straw, hay, garden implements (such as, but not limited to; shovels, rakes & hoes) and garden machinery (such as, but not limited to; lawn mowers, tillers & leaf blowers). These items may be sold outside but must be located in front of a bona-fide business.~~
 - 1. Retail establishments (product processing is allowed only if the products are sold at retail on the premises).
 - 2. Personal and convenience service establishments.

3. Shoe repair shop.
4. Tailor shop.
5. Theater.

(2) *Conditionally permitted uses.* The Board of Adjustment shall determine that the listed uses will not be detrimental to adjacent residential property via excessive noise, light, odor, traffic congestion or vibration.

- a. Automobile rental, sales ~~or service.~~ service, refueling or washing.
- b. ~~Drive-in establishments.~~
- c. b. Other similar but undefined uses.

(3) *Minimum yard requirements.*

- a. Front yard: None, except for arterial highway strip commercial uses, for which a minimum front yard of twenty-five (25) feet shall be provided and/or new commercial uses that face a residential zone shall have a front yard setback of twenty-five (25) feet.
- b. Side yard: None, except for arterial highway strip commercial uses; for such uses the side yards shall not be less than twelve (12) feet except that any side yard abutting a residential ~~district~~ zone shall not be less than twenty-five (25) feet.
- c. Rear yard: None, except for arterial highway strip commercial uses; for such uses a rear yard of ten (10) feet shall be provided; if such use is serviced from the rear or if it abuts a residential ~~district~~ zone, a rear yard of not less than thirty (30) feet shall be provided.

(4) *Minimum area requirements.*

- a. Minimum lot area: Five thousand (5,000) square feet, except for arterial highway strip commercial uses, which shall be not less than ten thousand (10,000) square feet.
- b. Minimum lot width: Fifty (50) feet, except for arterial highway strip commercial uses, which shall be seventy-five (75) feet.

(5) *Maximum building height.* None.

~~(6) Accessory buildings. Accessory buildings shall be built no closer than fifteen (15) feet from any property line and no closer than ten (10) feet from any other building.~~

~~(7 6)~~ *Access control.*

- a. Lots with less than two hundred (200) feet of frontage shall have only one (1) point of access to any one (1) public street.
- b. Lots in excess of two hundred (200) feet may have two (2) points of access for each two hundred (200) feet of frontage on any one (1) public street.
- c. All points of ingress and egress to major arterials shall be at least three hundred fifty (350) feet from the ramp pavement transition point of highway interchanges.

~~(8) Setback requirements for business zones facing R-1 or R-2 residential zone.~~

- a. ~~Where a business zone faces an R-1 zone and/or an R-2 residential zone, the Planning Commission shall require a minimum front yard setback of twenty-five (25) feet.~~
- b. ~~Screening requirements. shall be the same as section 126-72.~~

~~(9) Parking requirements. See section 126-71.~~

~~(7)~~ Cottage home standards.

a. Minimum yard requirements.

1. Front yard: Twenty-five (25) feet.
2. Side yard: Six (6) feet.

- 3. Rear yard: Twenty-five (25) feet.
- b. Minimum area requirements.
 - 1. Minimum lot area: Two thousand two hundred fifty (2,250) square feet.
 - 2. Minimum lot width: Twenty-seven (27) feet.
- c. Maximum building height: Thirty-five (35) feet.
- d. Parking shall be per section 126-102 (2) (e).
- e. Construction
 - 1. Must have a continuous frost-proof foundation.
 - 2. Must be anchored in accordance with the Kentucky Building Code.
 - 3. Must have a roof pitch of at least 4:12 with a covering of shingles or metal.
 - 4. Storage buildings, garages, shipping containers or sheds converted to cottage homes are explicitly not permitted. All cottage homes must have the characteristics of a typical stick-built or modular home.
- f. Cottage home community. More than one (1) cottage home may be placed on a single lot provided density is maintained and a site plan is submitted and approved pursuant to section 126-75 of the Paducah Zoning Ordinance. Not less than twenty (20) percent of the total area of a cottage home community shall be devoted to open space. Said open space shall contain living ground cover and other landscaping materials.

Sec. 126-107. Downtown Business Zone, B-2.

The purpose of this zone is to encourage the development and redevelopment of the City's Downtown Business District.

(1) *Principal permitted uses.*

- a. Any use permitted in the B-1 Zone;
- b. Trade, business and vocational schools;
- c. Places of amusement, assembly and recreation;
- d. Automobile rental, sales ~~and service~~, service, refueling or washing;
- e. Commercial parking lots and garages;
- f. Newspapers and printing establishments;
- g. Radio and TV stations;
- h. Any other similar use which, in the Commission's opinion, would not impair the business character of the downtown area.

(2) *Minimum ~~lot~~ area and yard requirements.* None.

(3) *Maximum building height.* None.

(4) *Parking requirements.* Parking requirements are waived for all uses ~~in the B-2 zone~~ except for the following:

- a. Bus terminals;
- b. Hotels and motels;
- c. Residential dwelling units.

(5) *Minimum sight distance.* The visibility requirements of section 126-65 shall not apply to the B-2 ~~zone~~ Zone.

Sec. 126-108. Downtown Business Townlift Zone, B-2-T.

The purpose of ~~the B-2-T-Zone~~ this zone is to encourage the development, redevelopment and the preservation of the City's Townlift area.

(1) *Principal permitted uses.*

- a. Trade, business and vocational schools;
- b. Places of amusement, assembly and recreation;
- c. Assembly buildings of fraternal, professional and labor organizations;
- d. Commercial parking lots and garages;
- e. Newspapers and printing establishments;
- f. Radio and TV stations;
- g. Residential dwelling units;
- h. Restaurant/bakery/pub (no drive through permitted);
- i. Retail;
- j. Short-term rentals (includes special event short-term rentals);
- k. Any other similar use which, in the Commission's opinion, would not impair the business character of the downtown area.

(2) ~~Lot~~ Minimum area and yard requirements. None.

(3) ~~Building~~ Maximum building height. None.

(4) ~~Parking regulations~~ requirements. Parking requirements are waived for all uses ~~in the B-2-T-zone~~ except for the following:

- a. Bus terminals;
- b. Hotels and motels.

(5) *Minimum sight distance.* The visibility requirements of section 126-65 shall not apply to the B-2-T ~~zone~~ Zone.

(6) *Ground floor use.* The ground floor of all structures in the B-2-T ~~zone~~ Zone shall be a permitted use as defined in ~~sub-section subsection~~ (1) ~~of this section~~ except that residential uses may be permitted on any floor above ~~the ground floor~~ or below the ground floor. Residential uses may also be located in the rear one-third (1/3) of the ground floor.

Sec. 126-109. General Business Zone, B-3.

The purpose of this zone is to provide an area for high intensity commercial activity of a wholesale nature and to ensure easy highway access for such uses.

(1) *Principal permitted uses.*

- a. Any use permitted in the B-2 ~~zone~~ Zone;
- b. Wholesale establishments;
- c. Automotive equipment sales and repair;
- d. Laundry and ~~dry-cleaning~~ dry-cleaning establishments;
- e. Seasonal fireworks tents;
- e. f. Light industrial operations (as approved by the Planning Commission according to degree of objectionable smoke, noise, odor, glare, vibration and heavy freight traffic generation).

(2) *Minimum yard requirements.* None.

(3) *Minimum area requirements.* None.

(4) *Maximum building height.* None.

~~(5) *Screening requirements.* See section 126-72.~~

~~(6) *Parking requirements.* See section 126-71.~~

Sec. 126-110. Light ~~Industry~~ Industrial Zone, M-1.

The following provisions shall apply in the M-1 ~~Light Industry~~ Zone unless otherwise provided herein:

(1) *Principal permitted uses.*

- a. Any use permitted in the B-3 Zone;
- b. Any industrial, manufacturing, fabrication or processing use which does not emit objectionable noise, smoke, odor or dust beyond the confines of its property;
- c. Warehouses; and storage buildings;
- d. Public and commercial sewage disposal plant;
- e. Any other use which, in the Commission's opinion, would be compatible in the B-3 Zone.

(2) *Conditionally permitted uses.* ~~The following uses are special exceptions and require written approval of the Board of Adjustment.~~

- a. Any other industrial use determined to be of the same general character as the above permitted uses.
- b. Animal hospital or kennel, located not closer than three hundred (300) feet to an R Zone.
- c. Heliport.

(3) *Minimum yard requirements.*

- a. Permitted uses having a total plan floor area of then thousand (10,000) square feet or less:
 1. Front yard: Twenty-five (25) feet, except for highway strip uses for which a fifty (50) foot front yard is required.
 2. Side yard: Ten (10) feet.
 3. Rear yard: None, except where abutted by a residential zone, in which case a rear yard of twenty-five (25) feet.
 4. No storage of materials or equipment shall be allowed in the minimum front yard.
- b. Permitted uses with a total plan floor area of more than ten thousand (10,000) square feet:
 1. Front yard: Fifty (50) feet.
 2. Side yard: Twenty-five (25) feet.
 3. Rear yard: None, except where abutted by a residential zone, in which case a rear yard of twenty-five (25) feet.

(4) *Minimum area requirements.*

- a. Permitted uses having a total plan floor area of four thousand (4,000) square feet or less:
 1. Minimum lot area: Seven thousand, five hundred (7,500) square feet.
 2. Minimum lot width: Sixty (60) feet.
- b. Permitted uses with a total plan floor area of more than four thousand (4,000) square feet:
 1. Minimum lot area: Fifteen thousand (15,000) square feet.
 2. Minimum lot width: Seventy-five (75) feet.

(5) *Maximum building height.* None.

~~(6) *Parking requirements.* See section 62-61.~~

~~(7)~~ 6 *Maximum lot coverage.*

- a. Principal structures: Fifty (50) percent of gross lot area.

- b. Total coverage by principal structures, accessory structures and outside storage: Seventy (70) percent of gross lot area.

Sec. 126-111. Heavy Industrial Zone, M-2.

The following provisions shall apply in the M-2, ~~Heavy Industrial Zone, Zone~~ unless otherwise provided herein:

- (1) *Principal permitted uses.*
 - a. Any use permitted in the M-1 Zone;
 - b. Animal hospital or kennel;
 - c. Junkyards (~~solid fence, minimum height of eight (8) feet, enclosing junkyards, in no instance shall stored materials be visible from any roadway~~ A solid fence with a minimum height of eight (8) feet shall be required to enclose the premises. In no instance shall stored materials be visible from any public right-of-way);
 - d. Any industrial use that is determined to be ~~nondetrimental~~ non-detrimental to the properties immediately surrounding the use.
- (2) *Minimum yard requirements.* Same as section 126-110 (3).
- (3) *Minimum area requirements.* Same as section 126-110 (4).
- (4) *Maximum building height.* None.
- ~~(5) *Parking requirements.* See section 126-71.~~
- ~~(6)~~ (5) *Maximum lot coverage.* Same as section 126-110 (7).

Sec. 126-112. High Density Industrial Zone, M-3.

The following provisions shall apply in the M-3, ~~Industrial Zone, Zone~~ unless otherwise provided herein.

- (1) *Principal permitted uses.* Any use permitted in the M-1 ~~zone~~ Zone.
- (2) *Minimum yard requirements.* None, except a yard of twenty-five (25) feet shall be required on any side that abuts a residential zone.
- (3) *Minimum area requirements.*
 - a. Minimum lot area: Five thousand (5,000) feet.
 - b. Minimum lot width: Fifty (50) feet.
- (4) *Maximum building height.* None.
- ~~(5) *Parking requirements.* Same as section 126-71.~~
- ~~(6)~~ (5) *Maximum lot coverage.* ~~Same as section 126-110 (7)~~ None.

Sec. 126-113 Conservancy Zone, C-1.

~~It is the intent here~~ The purpose of this zone is to ~~establish a zone to~~ meet the needs of the Ohio and Tennessee Rivers and their tributaries in times of flood and to prevent the undue loss of life and property by not allowing encroachment ~~into the zone~~ of uses which will either be damaged by flood or will increase floodwater heights. Land subject to flooding is considered to be all land below elevation 331.0, USGS Paducah.

- (1) *Principal permitted uses.*

- a. Open type uses such as loading and unloading areas, parking lots and gardens auxiliary to uses permitted in any adjoining ~~district zone~~.
 - b. Storage yards for equipment and material not subject to major flood damage; provided such storage is accessory to uses permitted in the adjoining ~~district zone~~; also provided the stored items are not flammable or toxic materials or other materials which could contaminate public waters to concentrations determined to be hazardous by State or Federal standards; and also provided stored items can be firmly anchored during times of flood.
 - c. Water-port facilities.
 - d. Open-type public and private recreation facilities such as public parks.
- (2) *Conditionally permitted uses.* ~~The following are special exceptions and require written approval of the Board of Adjustment; any~~ Any use determined to be of the same general character as the above permitted uses.
- (3) *Review and approval of plans.*
- a. No permit shall be issued for the construction of any building or for any use ~~within the C-1 zone~~ until the plans for such construction or use have been submitted to the Planning Commission and approval has been given in writing for such construction or use.
 - b. The Commission may make its approval subject to such reasonable conditions as necessary to protect the purpose of this zone.
 - c. ~~Keeping in mind the stated purposes of this zone, the~~ The Commission shall be guided by the following standards in ~~its~~ the review of plans:
 - 1. Any uses permitted shall be of a type not appreciably damaged by floodwaters, and no structure for human habitation shall be permitted.
 - 2. No filling of land shall be permitted except in instances in which express permission is granted by the Planning Commission.
 - 3. Any structure permitted shall be designed, constructed and placed on the lots so as to offer minimum obstruction to the flow of water.
 - 4. When, in the opinion of the Planning Commission, topographical data, engineering or other studies are needed to determine the effects of flooding on a proposed structure or land use, the Commission may require the applicant to submit such data or other studies prepared by ~~competent engineers or other technical people~~ a professional representative.

Sec. 126-114. Civic Center Zone, A-1.

The purpose of this zone is to strengthen those cultural and governmental services which benefit the entire region, but which can only be supported in the civic center; provide a separate and compact area for those important uses; give the City more effective visual relationships in and around the downtown area; and provide, in the design of the civic buildings and open spaces, a physical point for urban aesthetics and civic pride.

- (1) *Principal permitted uses.*
- a. List of uses.
 - 1. Public buildings (City, County, State and Federal);

2. Office buildings (financial, professional, personal, business and medical);
3. Business, trade, personal and vocational schools;
4. Hotels and motels;
5. Public parking areas;
6. Accessory uses to the above;
7. Short-term rentals (includes special event short-term rentals);
- 7.8. Any use determined to be of the same general character as the above permitted uses.

- b. Plan approval. Plans for architectural design and site layout shall be approved by the Planning Commission, and ~~it may require~~ changes ~~as~~ may be deemed necessary or desirable to insure proper design standards, to minimize traffic difficulties, to safeguard adjacent properties and to preserve the institutional character of ~~the Civic Center Zone~~ this zone.

(2) *Minimum yard requirements.*

- a. Front yard: Ten (10) feet.
- b. Side yard:
 1. Abutting a street: Six (6) feet.
 2. Not abutting a street: Four (4) feet.
- c. Rear yard: None.

(3) *Minimum area requirements.*

- a. Minimum lot area: Five thousand (5,000) square feet.
- b. Minimum lot width: Fifty (50) feet.

(4) *Maximum building height.* Forty-five (45) feet.

Sec. 126-115. Historical Zones, H-1 and H-2.

- (a) Use provisions for ~~Historical-Commercial~~ the Historic Commercial Zone, H-1. The purpose of the H-1 zone Zone is to encourage the development, redevelopment and the preservation of the City's ~~historical-commercial~~ historic commercial area.

(1) *Principal permitted uses.*

- a. Any use permitted in a B-2-T Zone;
- b. Any other use which the Historical and Architectural Review Commission (hereinafter called HARC) finds, based upon evidence at a public hearing, would not impair the historical integrity of the ~~Historical-Commercial~~ H-1 Zone.

(2) *Minimum yard requirements.* None.

(3) *Minimum area requirements.* None.

(4) ~~Minimum~~ Maximum *building height.* None.

(5) *Parking requirements.* None.

~~(6) Ground floor use. The ground floor of all structures in the H-1 Zone shall be a permitted use as defined in subsection (1) (a) except that residential uses may be permitted on any floor above or below the ground floor. Residential uses may also be located in the rear one-third (1/3) of the ground floor.~~

(b) Use provisions for ~~Historical~~ the Historic Neighborhood Zone, H-2. The purpose of the H-2 ~~zone~~ Zone is to encourage the development, redevelopment and preservation of the City's historic neighborhood ~~areas~~ area.

(1) *Principal permitted uses.*

- a. Any principal use permitted in ~~an~~ the R-4 ~~zone~~ Zone except ~~multifamily~~ multi-family dwellings shall be conditional uses;
- b. Funeral homes;
- c. Beauty shops and barbershops;
- d. Assembly ~~building~~ buildings of cultural, fraternal, professional and labor organizations;
- e. Restaurants;
- f. Retail establishments, provided they are conducted wholly within a building except for off-street loading ~~and &~~ & unloading, and provided ~~further~~ that product processing is not allowed on the premises;
- g. Tailor shop; and
- h. Any similar use which the HARC finds, based upon evidence at a public hearing, that would not impair the historical integrity of the ~~Historical Neighborhood-zone~~ H-2 Zone.

(2) *Conditionally permitted uses.*

- a. Lodging houses.
- b. Multi-family dwellings. Existing single-family and two-family dwellings more than fifty (50) years old shall not be subdivided into smaller dwellings units regardless of lot size.

(3) ~~Dimensional requirements~~ Minimum yard requirements.

~~a. Minimum lot area:~~

- ~~1. Single-family dwellings: Four thousand (4,000) square feet.~~
- ~~2. Two-family dwellings: Four thousand (4,000) square feet per unit~~
- ~~3. Multi-family dwellings: Three thousand (3,000) square feet per unit~~

~~b. Front yard: Twenty five (25) feet.~~

~~c. Side yard: Six (6) feet.~~

~~d. Rear yard: Twenty five (25) feet.~~

~~e. Maximum building height is thirty five (35) feet or no higher than two (2) feet taller than the tallest principal building on either side of the proposed new construction.~~

- a. Residential dwellings:
 - 1. Front yard: Twenty-five (25) feet.
 - 2. Side yard: Six (6) feet.
 - 3. Rear yard: Twenty-five (25) feet.
- b. Non-residential structures: None.

(4) Minimum area requirements.

- a. Minimum lot area:
 - 1. Single-family dwellings: Four thousand (4,000) square feet.
 - 2. Two-family dwellings: Four thousand (4,000) square feet per unit.
 - 3. Multi-family dwellings: Three thousand (3,000) square feet per unit.
 - 4. Non-residential structures: None.
- b. Minimum lot width: Forty (40) feet.

(5) Maximum building height. Thirty-five (35) feet or no higher than two (2) feet taller than the tallest principal building on either side of proposed new construction.

- ~~(4)~~ (6) Screening requirements. Same as provided in section 126-83. For the purposes of screening between the H-2 ~~zone~~ Zone and ~~all~~ adjoining zones, the H-2 ~~zone~~ Zone shall be treated as ~~residential property~~ a residential zone.

~~(5)~~ (7) Parking requirements.

~~(6)~~ (8) Waiver of lot requirements.

(c) *Standards for determining historical integrity.*

(d) *Historical and Architectural Review Commission (HARC) established.*

(e) *Membership of HARC.*

(f) *Powers and duties of HARC.*

(g) *Certificate of Appropriateness required for changes in exterior appearance.*

(h) *Application for Certificate of Appropriateness.*

(i) *Public hearing on Certificate of Appropriateness.*

(j) *Grounds for granting a Certificate of Appropriateness.*

(k) *Maintenance and safety standards.*

(l) *Appeals.*

Sec. 126-116. Highway Business ~~District Zone~~, HBD HBZ.

The ~~intent purpose~~ of this ~~district zone~~ is to provide appropriate space and sufficient depth from the street to satisfy the needs of modern commercial development where access is entirely dependent on motor vehicle trade, and to encourage ~~the development of these locations with such uses and~~ in such a manner as to minimize traffic hazards and interference with other uses.

- (1) ~~Permitted Principal permitted~~ uses.
- a. Any use permitted in the B-3 Zone;
 - ~~b. Automobile service and repair establishments, including gasoline service stations, repair garages and automatic car washing establishments;~~
 - ~~c. Hotels and motels;~~
 - ~~d. Recreational uses such as amusement parks, bowling alleys and roller skating; archery ranges; miniature golf, golf driving ranges and other similar recreational activities;~~
 - e. b. Souvenir shops, roadside stands and curio shops when incidental to another permitted use;
 - f. Office buildings;
 - ~~g. Retail establishments (product processing is allowed only if the products are sold at retail on the premises);~~
 - ~~h. Restaurants and eating establishments;~~
 - ~~i. Commercial parking lots and parking garages;~~
 - ~~j. Theaters.~~
- (2) ~~Area regulations~~ Minimum yard requirements. The following requirements shall apply to all non-residential uses permitted in this district. All residential uses shall comply with the requirements of the R-4 zone:
- a. Front yard: ~~All buildings shall be set back from the street right-of-way line not less than fifty~~ Fifty (50) feet, except where a parallel access road is provided with construction requirements which meet the standards of the City ~~street plan~~ Engineer's office.
 - b. Side yard: ~~The width of any side yard which abuts a residential district shall not be less than twenty-five (25) feet. In all other cases each side yard shall not be less than twelve (12) feet. Twelve (12) feet, except side yard that abuts a residential zone shall not be less than twenty-five (25) feet.~~
 - c. Rear yard: ~~Each lot shall have a rear yard of not less than ten (10) feet. Ten (10) feet, except where~~ Where a commercial building is serviced from the rear, then there shall be a rear yard of not less than thirty (30) feet; also the depth of a rear yard which abuts a residential ~~district~~ zone shall not be less than thirty (30) feet.
 - d. Lot width: ~~Each lot shall have a width at the front building line of not less than seventy-five (75) feet.~~
 - e. (3) Minimum Lot area requirements. There shall be a minimum lot area of not less than ten thousand (10,000) square feet.
 - a. Minimum lot area: Ten thousand (10,000) square feet.
 - b. Minimum lot width: Seventy-five (75) feet.
 - f. (4) Maximum building height: Height requirements. None.
 - ~~g. Parking requirements. Same as section 126-71.~~
 - ~~h. (5) Highway access. All points of ingress and egress to major arterials shall be at least three hundred fifty (350) feet from the ramp pavement transition point of highway interchanges.~~

Sec. 126-117. Planned Office Park, POP.

(a) ~~Intent.~~ The ~~intent purpose~~ of this zone is to provide adequate space for ~~offices, communications related, educational, and research activities, and other similar development permitted uses~~ in a park setting, designed ~~and operated for to attract~~ tenants who may require access to ~~high-capacity high-capacity~~ information sharing ~~appurtenances~~, transmitting, ~~and &~~ receiving facilities and ~~sufficient~~ utilities. Furthermore, the zone is intended:

- (1) To provide sufficient space in appropriate locations for attractive, landscaped offices; ~~and.~~
- (2) To insure compatibility of uses and operations within the Planned Office Park ~~District~~ Zone.

~~(b)~~ 1. *Principal permitted uses.*

- (1) a. Offices for business, professional, governmental, political, and charitable organizations.
- (2) b. Banks, credit agencies, security and commodity brokers, credit institutions, savings and loan companies, and holding and investment companies.
- (3) c. Computer and data processing centers.
- (4) d. Telephone exchanges.
- (5) e. Radio and television studios.
- (6) f. Cable television signal distribution centers and studios.
- (7) g. Ticket and travel agencies.
- (8) h. Kindergarten, nurseries and ~~day-care~~ daycare facilities.
- (9) i. Business colleges, technical and trade schools, educational institutions.
- (10) j. Hospitals.
- (11) k. Parks (public and private).
- (12) l. Research, testing and development laboratories or centers.
- (13) m. Production facilities (high degree of scientific input, tech).
- (14) n. Educational, scientific and research organizations.
- (15) o. Library.
- (16) p. Nursing ~~Home~~ homes.
- (17) q. Special event short-term rentals.
- (18) r. Any other similar use which, in the Planning Commission's opinion, would not impair the character of the POP Zone.

~~(c)~~ 2. *Accessory uses.* Accessory uses are those permitted uses that are clearly incidental and subordinate to the permitted use.

- (1) a. ~~Offices~~ Spaces for the limited display of merchandise.

- (2) b. Personal service centers, including food service, only for employees, residents, or visitors to any permitted use and having no direct access to the exterior and having no display space, drive-through areas, or any signs visible from the outside.
- (3) c. Residential dwellings.
- (d) 3. *Conditionally permitted uses.* ~~The following list of uses are special exceptions that will not impair the character of the district.~~ As determined by the Board of Adjustment, these uses cannot emit onto adjacent properties an objectionable amount of hazardous and/or obnoxious emissions. These ~~might~~ may be, but ~~will~~ not be limited to; smoke, odor, noise, glare, vibrations, etc. ~~These uses require written approval of the Board of Adjustment.~~
- (1) a. Facilities in connection with bona fide agricultural operations.
- (2) b. Clubs (~~private and non-private~~ public and private).
- (3) c. Satellite dish antennas.
- (4) d. Airports and heliports.
- (5) e. Hotels/motels or lodges with facilities specifically intended to serve the needs of the park tenants.
- (6) f. Drive-through facilities for the sale of goods or services otherwise permitted.
- (7) g. Light manufacturing and assembly operations.
- (8) h. Warehousing operation.
- (9) i. Sit-down restaurants (drive through not permitted).
- (10) j. Short-term rentals.
- (e) 4. *Minimum ~~lot~~ yard requirements.*
- (1) a. ~~Minimum area: One (1) acre.~~ Front yard: Fifty (50) feet.
- (2) b. ~~Minimum frontage width: One hundred (100) feet per lot.~~ Side yard: Thirty (30) feet.
- c. Street side yard: Fifty (50) feet.
- d. Rear yard: Fifty (50) feet
- e. Maximum coverage: Fifty (50) percent (building only, surface parking excluded).
- (f) 5. *Minimum ~~yard~~ area requirements.*
- (1) a. ~~Front: Fifty (50) feet.~~ Minimum lot area: One (1) acre.
- (2) b. ~~Side: Thirty (30) feet.~~ Minimum lot width: One hundred (100) feet.
- (3) ~~Street side: Fifty (50) feet.~~
- (4) ~~Rear: Fifty (50) feet.~~
- (5) ~~Maximum coverage: Fifty (50) percent (building only, surface parking excluded).~~

- (6) *Maximum building height.* Five (5) stories, except that minimum yard standards are increased by five (5) feet for each story over three (3) stories or thirty-five (35) feet.
- ~~(g) 7.~~ *Open space.* At least twenty-five (25) percent of contiguous Planned Office Park zoned areas must be allotted to open space.
- ~~(h) —~~ *Parking requirements. See section 126-71.*
- ~~(i) 8.~~ *Landscaping.*
- ~~(1) a.~~ Generally. A minimum of ten (10) percent of the entire lot shall be devoted to landscaping. Up to fifty (50) percent of this requirement may be credited toward preservation of substantial naturally occurring trees, shrubbery, wildflowers, water courses and, rock formations. Areas of preservation should be inventoried and indicated on site plans.
- ~~(2) b.~~ Parking lot landscaping requirements. For each one-hundred (100) square feet or fraction thereof of vehicular use area, a minimum of five (5) square feet of landscaped area shall be provided; this may be included inside of islands, peninsulas, and other geometric devices used to encourage vehicle circulation.
- ~~(3) c.~~ Screening. ~~In addition to subsection (j) (1) of this section, screening~~ Screening per section ~~126-72 (1) 126-83~~ shall be provided in the rear yards of those lots, which abut adjacent properties outside the POP ~~zone~~ Zone.
- ~~(k) 9.~~ *Minimum area Amendments.* Amendments to the zone map for POP ~~districts~~ Zones shall be:
- ~~(1) a.~~ Freestanding zones: Forty (40) acres.
- ~~(2) b.~~ Expansion of existing: No minimum.

Sec. 126-118. Mixed Use ~~District~~ Zone, MU.

- ~~(a) —~~ *Intent.* The ~~purpose of this zone~~ MU Mixed Use District is ~~intended~~ to accommodate projects which combine general compatible land uses into an integrated development. ~~The MU district~~ This zone may ~~also~~ be used to designate parts of the City which are appropriate for a mixture of residential, commercial, office and accessory parking uses. ~~The MU district allows for mixing residential environments with workplaces and services.~~ Development in the MU ~~district~~ Zone must accommodate transportation systems, surrounding environments and pedestrian movement. For these reasons, projects constructed in ~~an MU district~~ this zone are subject to Planning Commission approval.
- ~~(b) 1.~~ *Permitted Principal permitted uses.* Any use permitted in the B-3 or A-1 Zones except automobile sales, service or rental including, but not limited to; gasoline stations and vehicle washing establishments. Commercial parking lots and parking garages are also not permitted in this zone.
- ~~(1) —~~ *Residential uses:*
- ~~Single-family (detached).~~
 - ~~Single-family (attached).~~
 - ~~Duplex residential.~~
 - ~~Townhouse residential.~~

- ~~Multiple-family residential.~~
- ~~(2) — Civic uses:~~
 - ~~Administrative services.~~
 - ~~Higher education facilities.~~
 - ~~Community recreation.~~
 - ~~Cultural services.~~
 - ~~Day care.~~
 - ~~Local utility services.~~
 - ~~Park and recreation services.~~
 - ~~Postal facilities.~~
 - ~~Recreation clubs.~~
 - ~~Religious assembly.~~
- ~~(3) — Office uses:~~
 - ~~Financial services.~~
 - ~~General services.~~
 - ~~Medical services.~~
- ~~(4) — Commercial uses:~~
 - ~~Business support services.~~
 - ~~Business or trade school.~~
 - ~~Cocktail lounge.~~
 - ~~Communications services.~~
 - ~~Food sales (limited).~~
 - ~~Food sales (general).~~
 - ~~Food sales (convenience).~~
 - ~~Funeral services.~~
 - ~~General retail sales.~~
 - ~~Health club with customary indoor and outdoor facilities.~~
 - ~~Hotel/motel.~~
 - ~~Indoor entertainment.~~
 - ~~Indoor sports and recreation.~~
 - ~~Liquor sales.~~
 - ~~Outdoor sports and recreation.~~
 - ~~Personal improvement services.~~
 - ~~Personal services.~~
 - ~~Pet services.~~
 - ~~Research services.~~
 - ~~Restaurant (drive-in).~~
 - ~~Restaurant (limited).~~
 - ~~Restaurant (general).~~

~~(c) 2.~~ *Site development regulations.*

- ~~(1) a.~~ The minimum area of any new MU district Zone shall be three (3) acres. There shall be no minimum area of expansions of existing MU Zones.

~~(2)~~ b. All projects in the MU ~~district~~ Zone shall receive approval by the Planning Commission, following the development plan procedure set forth in section 126-176. Such approval shall be granted for a comprehensive development plan instead of for individual structures, provided that any subsequent structures or developments are consistent with such development plan.

~~(3)~~ c. Application for approval must include at least the following information:

- a. 1. A detailed site map, including:
 - ~~1.~~ a. A boundary survey.
 - ~~2.~~ b. Site dimensions.
 - ~~3.~~ c. Contour lines at not greater than five (5) foot intervals.
 - ~~4.~~ d. Adjacent public rights-of-way, public transportation routes, and pedestrian systems.
 - ~~5.~~ e. Description of adjacent land uses.
 - ~~6.~~ f. Utility service to the site and easements through the site.
 - ~~7.~~ g. Description of other site features, including drainage, soils and other considerations that may affect the development of the site.
- ~~b.~~ 2. A development plan as per section 126-176.
- ~~c.~~ 3. Specific proposed site development regulations for the project, including:
 - ~~1.~~ a. Maximum floor area ratios.
 - ~~2.~~ b. Front, side and rear yard setbacks.
 - ~~3.~~ c. Maximum height.
 - ~~4.~~ d. Maximum building and impervious coverage.
 - ~~5.~~ e. Design standards applicable to the project.

Sec. 126-119. Hospital Medical Zone, HM.

The ~~intent~~ purpose of this zone is to provide a more flexible and customized approach for the development, parking and circulation needs of medical centers and complexes. Uses not specifically allowed by ~~the this~~ section are excluded, except as provided ~~in subsection (2) (c) of this section herein~~.

- (1) *Principal permitted uses.* All uses are to be conducted wholly within a building except for off-street loading/unloading and surface parking.
 - a. General medical hospitals with in-patient and out-patient services.
 - b. Offices and clinics of health care practitioners including physicians, surgeons, osteopaths, psychologists, psychiatrists, chiropractors, nurses, rehabilitation therapists (physical, occupational, respiratory, ~~and &~~ recreational), medical ~~and &~~ psychiatric social workers, dentists, nutritionists, dietitians, opticians, optometrists, and other similar medical uses licensed and certified by the State of Kentucky as health care specialists or practitioners.

- c. Medical technology and testing laboratories.
- d. Medical and dental related health care educational facilities and schools.
- e. ~~And other~~ Other closely related uses, as approved by the Planning Commission following a public hearing. Inclusion of such uses may be included in an approved development plan.

(2) *Accessory uses.* Accessory uses are those permitted uses that are allowed only when they are clearly incidental, subordinate, and in the presence of the permitted uses in the HM Zone. ~~While section 126-3 requires accessory building uses to be on a lot with a principal use, for the purpose of this section, the following accessory uses may be on a separate lot.~~ They may be included in the principal building, ~~or~~ an accessory building or on a separate lot. All uses are to be conducted wholly within a building except for off-street loading/unloading and surface parking.

- a. Administrative offices (hospital/medical).
- b. Ambulance service.
- c. Chapels.
- d. Daycare (nursery, child, pre-school, and adult).
- e. Food service.
- f. ~~Gifts~~ Gift and flower shops.
- g. Heliports.
- h. Hospice.
- i. Linen/laundry service.
- j. Lodging, visitor.
- k. Medical insurance service.
- l. Medical, dental and other health care professional organization offices.
- m. Mobile diagnostic and treatment trailers.
- n. Nursing, transitional care, and assisted care homes.
- o. Parking garages.
- p. Pharmacies with retail sales of general merchandise.
- q. Retail sales of medical and dental supplies and services including prosthetics, optical, and other similar medical and/or dental goods and services.
- ~~r. Signs, off premise.~~
- ~~s. Signs, premise.~~
- ~~t. r.~~ r. Temporary buildings.

~~u.~~ s. Uniform shops.

t. Short-term rentals (includes special event short-term rentals).

~~(3) Development Plan required. Development Plans per section 126-176 are required with such additional requirements as are included herein.~~

~~(4) (3) Yard~~ Minimum yard requirements.

a. ~~Front yard~~ Front yard: Fifty (50) feet, seventy-five (75) feet on arterials.

b. ~~Side yard~~ Side yard: Twenty-five (25) feet.

c. ~~Rear yard~~ Rear yard: Twenty-five (25) feet.

~~(4)~~ Minimum area requirements.

a. Minimum lot area: Five thousand (5,000) square feet.

b. Minimum lot width: Fifty (50) feet.

(5) *Landscape requirements.* Ten (10) percent of the entire site shall be landscaped. Detailed landscape plans shall be submitted with a development plan.

~~(6) Parking. Parking shall be per section 126-71. Calculation of required numbers shall be by cumulatively adding the required spaces by use. Alternatively, with an approved development plan, an applicant may substitute ratios and calculations through submission of a professionally prepared parking study.~~

~~(7)~~ 6 *Density.* The ~~Floor to Area Ratio~~ floor area ratio (FAR) shall not exceed two (2.0); one (1).

Sec. 126-120. Neighborhood Services Zone, NSZ

The purpose of this ~~district zone~~ is to provide for residential uses and encourage such development by right, according to standards that will ensure harmony with the existing historic residential environment. ~~Additionally, it is the purpose of this district to allow for home-based commercial activity that closely reflects the community character.~~

(1) *Principal permitted uses.*

a. Single-family dwellings.

1. Minimum lot area: Eight thousand (8,000) square feet

2. Minimum lot width: Fifty (50) feet.

b. ~~Two (2)-family~~ Two-family dwellings ~~and townhouses with no more than two (2) attached units per townhouse.~~

1. Minimum lot area: Four thousand (4,000) square feet per unit.

2. Minimum lot width: ~~Thirty (30) feet per unit~~ Fifty (50) feet (per structure).

c. Park, playground or community center owned and operated by a governmental agency.

d. Special event short-term rentals.

- 2) ~~Conditional~~ Conditionally permitted uses. The following uses are special exceptions and shall require written approval from the ~~Board of Adjustment~~ Historical and Architectural Review Commission:
- a. ~~Multifamily~~ Multi-family dwellings.
 1. Minimum lot area ~~per unit~~: Three ~~(3) or more units, three~~ thousand (3,000) square feet per unit.
 2. Minimum lot width: ~~Seventy-five (75) feet~~ Sixty (60) feet.
 - b. Home occupations.
 - c. Professional offices.
 - d. ~~Day-care~~ Daycare nurseries.
 - e. Beauty shops and barbershops.
 - ~~f. Florist shops.~~
 - g. f. Places of worship.
 - g. Short-term rentals.
 - h. The following uses, provided they are conducted wholly within a building except for off-street loading and unloading:
 1. Retail establishments (product processing is allowed only if the products are sold at retail on the premises);
 2. Personal and convenience service establishments;
 3. Restaurant's (excluding drive-thru);
 4. Any other use not listed which, in the ~~Commission's~~ HARC's opinion, would be compatible with the above uses.
3. ~~Height regulations. The following height regulations shall apply to buildings and structures within the Neighborhood Services Zone:~~
- a. ~~Minimum height: None~~
 - b. ~~Maximum height: Thirty-six (36) feet, however, additional feet may be allowed with design approval from the HARC based on the scale of adjacent structures.~~
- 4) ~~Setbacks. 3) Minimum yard requirements.~~
- a. Front yard: Twenty-five (25) feet.
 - b. Side yard: Six (6) feet.
 - c. Rear yard: Twenty-five (25) feet.
- 4) Minimum area requirements for non-residential structures:

- a. Minimum lot area: Eight thousand (8,000) square feet.
- b. Minimum lot width: Fifty (50) feet.

5) Maximum building height. Thirty-six (36) feet, however, additional feet may be allowed with design approval from the HARC based on the scale of adjacent structures.

5) 6) Additional regulations:

- a. Off-street loading areas may not face any public right-of-way.
- b. No loading or unloading shall be allowed between 9:00 p.m. and 7:00 a.m.
- c. Parking ~~requirements. Same as~~ shall be per section 126-102 (2) (~~f e~~).
- d. The Historical and Architectural Review Commission (HARC) shall have sole jurisdiction as a special board of adjustment over the ~~Neighborhood Services Zone~~ NSZ pursuant to KRS 82.026 and 100.217.
- e. ~~Accessory structures. Same as section 126-86.~~

~~6. 7)~~ Plan approval required for new~~infill~~ construction and for changes in exterior appearance. In order to maintain the existing character of the neighborhood, ~~i~~ plans for architectural design, site layout, or changes in style of architectural elements must be approved by the Historical and Architectural Review Commission (HARC). The HARC may require changes to the plan as deemed necessary or desirable to ensure proper design standards, to minimize traffic difficulties, to safeguard adjacent properties, and to preserve the intent of the ~~Neighborhood Services Zone~~ NSZ.

a. Certificate of Zoning Compliance required.

- 1. No person shall, without first applying for and obtaining a special conditional use permit, to be known as a Certificate of Zoning Compliance, make any changes in exterior appearance to any exterior portion of any structures in the ~~Neighborhood Services Zone~~ NSZ. A Certificate of Zoning Compliance must be issued by the Planning Department before a building permit can be obtained.
- 2. Infill/new construction and additions to existing structures. All new construction and additions to existing structures must first be issued a Certificate of Zoning Compliance before any construction begins.
- 3. Existing structures.
 - i. Changes to the design or style of any exterior feature on an existing structure requires a Certificate of Zoning Compliance.
 - ii. Administrative approvals. In the following instances, Certificates of Zoning Compliance can be issued by the Zoning Administrator.
 - A. In instances where the design or style of any exterior feature is replicated and replaced with a new material, the Zoning Administrator has the authority to administratively approve the application for a Certificate of Zoning

Compliance. The proposed materials must comply with the approved building materials list found in the design guidelines.

- B. New accessory structures that use the same building materials and an appropriately sized and style of windows and doors that complement the existing primary structure can be administratively approved. Features considered include structure orientation, openings, roof pitch, siding, and color scheme.
 - C. ~~Trees~~. Cutting or removal of trees that are more than one (1) foot in diameter measured at one (1) foot off of the ground require a Certificate of Zoning Compliance. Removal of trees can be approved administratively.
 - D. ~~Repainting~~. Changing the color of a surface that has already been painted can be approved administratively.
 - E. ~~Fences~~. Fences that are determined to comply with the advisory design guidelines can be approved administratively.
 - F. ~~Demolitions~~. Any proposed demolition of a principal structure requires a Certificate of Zoning Compliance prior to obtaining a demolition permit. Demolitions outside of the ~~demolition-control-zone~~ Demolition Control Zone can be approved administratively.
- b. Applications for a Certificate of Zoning Compliance.
- 1. Applications for a ~~certificate-of-zoning-compliance~~ Certificate of Zoning Compliance are submitted to the Planning Department.
 - 2. A public hearing is required on all applications except for administrative approvals as outlined in this section.
 - 3. Grounds for granting a ~~certificate-of-zoning-compliance~~ Certificate of Zoning Compliance. The HARC must make written findings of fact as follows:
 - i. The proposed exterior changes comply with the intent of the Neighborhood Services Zone.
 - ii. The proposed exterior changes are in harmony with the adopted design guidelines.
 - iii. The HARC shall adopt design guidelines for the ~~Neighborhood Services Zone~~ NSZ to act as a guide for board decisions on plan approvals and changes to the exterior appearance of existing structures. The document shall be made available to the public to aid in the design approval process.
 - iv. Maintenance and safety standards.
 - A. All buildings within this zone shall be maintained to meet the requirements of the building code and property maintenance codes of the City ~~including the enhanced property maintenance standards~~.

- B. ~~Enforcement of safety standards.~~ Nothing in this section shall be construed to prevent the City Building ~~Inspector~~ Officials from enforcing all State statutes and provisions of this ~~Code~~ code and any other ordinances of the City pertaining to the public safety.
- v. Appeals. Any person aggrieved by any action of the Zoning Administrator may appeal their decision to the HARC ~~Board~~ pursuant to KRS 100.257. Any person aggrieved by any action of the HARC may appeal the decision ~~thereof~~ to the Circuit Court in the manner prescribed for appeals from actions of boards of adjustment.

Sec. 126-121. Neighborhood Commercial Corridor Zone, NCCZ

The purpose of this ~~district zone~~ is to provide for a mixture of commercial and residential uses, and encourage such development by right, according to standards that will ensure harmony with the existing commercial and residential environment. Objectives of this ~~district zone~~ include the following:

- (1) Creation of a dynamic street life, encouraging the placement of buildings close to property lines, and/or heavily landscaped yard areas, in order to engage pedestrians and de-emphasize parking facilities; and
- (2) Facilitation of development that demonstrates an appropriateness of scale; and
- (3) Encouragement of landscaped spaces available for pedestrian use (e.g., pocket parks, tree lined streets and walkways).

a. (1) *Principal permitted uses.* The following uses may not exceed four thousand (4,000) square feet of gross floor area. This ~~area~~ requirement may be waived based on a design concept approved by the Planning Commission that will not have an adverse impact on the neighborhood.

1. a. Any principal use permitted in ~~an the~~ R-4 ~~zone~~ Zone.
2. ~~Bed & Breakfast.~~
3. b. Home occupations.
4. c. Funeral homes.
5. d. Commercial greenhouses.
6. e. Beauty shops and barbershops.
7. ~~Florist shops.~~
8. f. Restaurant (excluding drive-thru).
9. g. Assembly ~~building~~ buildings of cultural, fraternal, professional and labor organizations.
10. h. The following uses, provided they are conducted wholly within a building except for off-street loading and unloading; and. This section may be waived by the Planning Commission at a public hearing based on the effect of the proposed use to the neighborhood.

- i. 1. Retail establishments (product processing is allowed only if the products are sold at retail on the premises);
- ii. 2. Personal and convenience service establishments;
- iii. Cleaners 3. Dry-cleaning establishments.

b. (2) Plan approval:

- 1. a. New infill commercial construction. Plans for site layout shall be approved by the Planning Commission, ~~and it may require changes and changes may be required~~ as ~~may be~~ deemed necessary or desirable to insure proper design standards, to minimize traffic difficulties, to safeguard adjacent properties and to preserve the intent of the ~~neighborhood commercial corridor~~ NCCZ.
- 2. b. Residential conversion. The Zoning Administrator and City Engineer, in compliance with the intent of this ~~article~~ section, shall approve plans for site layout.
- 3. c. Infill Residential. The ~~Building Inspector~~ Chief Building Official, in compliance with the intent of this ~~article~~ section, shall approve plans for architectural design and site layout.

e. 3. *Building materials:* The following approved materials list shall apply to all new construction projects or rehabilitation/renovations within the NCCZ.

- 1. a. Exterior siding and details. Wood, cement fiberboard, traditional brick veneer with true mortar joints, appropriate stone (no concrete block), smooth-faced vinyl, traditional stucco (no EIFS), or aluminum.
- 2. b. Roofs. Slate, composite shingles or standing-seam metal.
- 3. c. Soffits, fascia and trim. Wood, cement fiberboard (~~hardi-plank; must be smooth faced~~), high-density polymer (permacast, fypon or other similar brand), smooth faced vinyl, traditional stucco (no EIFS) or aluminum ~~siding~~.
- 4. d. Windows. ~~may be constructed of wood, wood-clad~~ Wood, wood-clad, vinyl or fiberglass.
- 5. e. Doors. Wood, fiberglass or steel ~~doors~~.
- 6. f. Foundations. Traditional brick veneer, lap siding, appropriate stone (no concrete block), ~~or~~ traditional stucco veneer.
- 7. ~~Building façade at front and side street shall change every thirty (30) foot minimum in height, or setback, or material g. Any building façade facing a public way (excluding alleys) shall change at least every thirty (30) feet in height, setback or material.~~

d. 4. Commercial/residential structure setbacks Minimum yard requirements.

- 1. a. Primary street frontage: no minimum required; ten (10) feet maximum. Setbacks for new residential structures must be aligned with adjacent structures.
- 2. b. Secondary street frontage: ~~no minimum required,~~ ten (10) feet maximum.

- ~~3.~~ c. Side yard: Six (6) feet.
- 4. d. Rear yard: None.
- e. 5. ~~Height regulations: The following height regulations shall apply to buildings and structures within the Neighborhood Commercial Corridor Zone.~~
 - 1. ~~Minimum height: None~~
 - 2. ~~Maximum height: Two and one-half (2.5) stories, however, additional stories may be allowed with design approval from the Planning Commission.~~

Minimum area requirements.

 - a. Minimum lot area:
 - 1. Single-family dwellings: Eight thousand (8,000) square feet.
 - 2. Two-family dwellings: Four thousand (4,000) square feet per unit.
 - 3. Multi-family dwellings: Three thousand (3,000) square feet per unit.
 - 4. Non-residential structures: Five thousand (5,000) square feet.
 - b. Minimum lot width: Fifty (50) feet.
- 6. Maximum building height. Two and one-half (2.5) stories, however; additional stories may be permitted with design approval from the Planning Commission.
- ~~f.~~ 7. Parking regulations. ~~Parking shall be in compliance with Section~~ See section 126-71. All off-street parking shall be placed to the rear of the principal structure.
- ~~g.~~ 8. Square footage bonuses. Following below is a list of bonuses that may be granted in return for certain amenities. The bonuses may be applied to increase the square footage of a permitted use.
 - 1. a. For every one (1) square foot of landscaping above those required in Section 126-83, an additional ~~Twenty-five hundredths~~ Twenty-five hundredths (0.25) square feet of building floor area shall be granted.
 - 2. b. For every one (1) square foot of space used for a courtyard or plaza, an additional one (1) square ~~feet~~ foot of building floor area shall be granted.
- ~~h.~~ 9. Additional regulations. Off-street loading areas may not face any public right-of-way, excluding ~~alleys.~~

STAFF RECOMMENDATION

Based upon the above, staff recommends the Board of Commissioners accept the Paducah Planning Commission's positive recommendation and approve the text amendment of the various sections listed prior.

ORDINANCE NO. 2021-_____-_____

**AN ORDINANCE AMENDING CHAPTER 126
OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH**

WHEREAS, any change to the text of the zoning code must be referred to the Paducah Planning Commission before adoption and considered in accordance with KRS 100.211; and

WHEREAS, a public hearing was held on July 8, 2021 by the Planning Commission after advertisement pursuant to law; and

WHEREAS, the Paducah Planning Commission duly considered said proposal and has heard and considered the objections and suggestions of all interested parties who appeared at said hearing; and

WHEREAS, the Planning Commission adopted a proposal to change the text of Chapter 126 of the City of Paducah zoning ordinance; and

WHEREAS, the City desires to amend certain sections of the Paducah Code of Ordinances to reflect the changes.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF PADUCAH,
KENTUCKY:**

SECTION 1. That the City of Paducah, Kentucky hereby amends the following sections of the Paducah Code of Ordinances as follows:

Sec. 126-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Accessory building [~~and rise~~] means a subordinate building located on the same lot [~~with the~~] as a principal building, or a subordinate use of land, either of which is customarily incidental to the principal building or to the principal use of the land. Where part of the wall of an accessory building is a part of the wall of the principal building in a substantial manner as by a roof, such accessory building shall be [~~counted~~] considered as part of the principal building. Local public utility, communication, electric distribution, ~~and~~ secondary power lines, gas lines, water lines, ~~and~~ sewer lines, [~~their supports and poles,~~] guy-wires, small transformers, wires, ~~or~~ cables and incidental equipment [~~and public telephone booths~~] are considered accessory buildings or structures.

~~[Accessory living quarters means living quarters within an accessory building, for the sole use of persons employed on the premises, such as quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.]~~

Alley means a permanent public service way providing a secondary means of access to abutting lands.

Arterial highway strip commercial means commercial uses which front on the designated U.S. highways in either the B-1 or the ~~[HBD Zone]~~ HBZ classifications.

Automobile service station means an establishment with the primary business function of the retail sale of gasoline for passenger ~~[car]~~ vehicle use~~;~~ and the minor service and repair work incidental to the operation of passenger automobiles.

Bed and breakfast means an owner-managed and ~~[-occupied]~~ owner-occupied residential structure used as a lodging establishment where a room or rooms are rented on a nightly basis, and in which only breakfast is included as part of the basic compensation.

Berth means the off-street area required for the receipt of, or distribution by vehicles of, material or merchandise with a fourteen (14) foot height clearance, paved with a suitable dust preventative or hard surface.

Block frontage means all the property fronting on one (1) side of a street between intersecting streets, or between a street and ~~[a right-of-way]~~ the terminus of a dead-end street or ~~[city]~~ the City boundary, measured along the street line.

Board means the City of Paducah ~~[City]~~ Board of Adjustment~~[-Paducah, Kentucky]~~.

Building means any structure having enclosed space and a roof for the housing or enclosure of persons, animals or chattels.

Building area means the maximum horizontal projected area of ~~[the]~~ a principal ~~[and]~~ or accessory building, excluding open steps, ~~[or]~~ terraces, unenclosed porches not exceeding one (1) story in height or architectural appurtenances projecting not more than two (2) feet.

Building, detached, means a building having no party wall in common or structural connection with another building.

Building, front line of, means the line of the face of the building nearest the front lot ~~[lien]~~ line.

Building, height of, means the vertical distance from the average contact ground level at the front wall of a building to the highest point of the coping of a flat roof, ~~[or]~~ to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable ~~[and]~~ & hip or gambrel roofs.

Building line means the line nearest the front and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the front lot line.

Building, nonconforming, means a legally existing building which fails to comply with the regulations set forth in this chapter applicable to the zone in which ~~[this]~~ the building is located.

Building, principal, means a building in which is conducted the main or principal use of the lot on which said building is situated. ~~[Where a substantial part of an accessory building is attached to the principal building in a substantial manner as by a roof, such accessory building will be counted as a part of the principal building.]~~

Building, semidetached, means a building having one (1) party wall in common with an adjacent building.

Business means the engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or service[~~;~~]; the maintenance or operation of offices, or recreational and amusement enterprises.

~~[Campground means any area or tract of land used to temporarily accommodate two (2) or more camping parties, including cabins, tents, house trailers, or other camping outfits.]~~

Carport means a structure consisting of a roof and either walls or columns for the purpose of housing automotive vehicles and other chattels. Said structure shall be considered a building.

Cemetery means land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

City means the City of Paducah, Kentucky.

Clinic or medical ~~health~~ center means an establishment where patients are admitted for special study and treatment by two (2) or more licensed physicians and/or dentists and their professional associates, as distinguished from a professional office for general consultation purposes.

Commission means the City of Paducah ~~[City]~~ Planning Commission.

Conditional use means a use which would not impair the public health, safety or welfare in one (1) or more zones, but which would impair the integrity and character of the zone in which it is located or in adjoining zones unless restrictions on location, size, extent and character of performance are imposed in addition to those imposed in the zoning regulations.

Conditional use permit means legal authorization to undertake a conditional use issued by the administrative official pursuant to authorization by the Board of Adjustment consisting of two (2) parts:

1. A statement of the factual determination by the Board of Adjustment which justifies the issuance of the permit.
2. A statement of the specific conditions which must be met in order for the use to be permitted.

~~[Convalescent or nursing home means an establishment which provides full time convalescent or chronic care, or both, for four (4) or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. Neither care for the acutely ill nor surgical or obstetrical services shall be provided in such a home. A hospital or sanitorium shall not be construed to be included in this definition.]~~

~~Corporation Counsel means the Corporation Counsel of the City or any assistant or special corporation counsel of the City.]~~

Cottage home means a structure of not less than one hundred forty (140) square feet nor more than four hundred (400) square feet intended for use as a permanent, single-family residence. A manufactured home, mobile home, camper or recreational vehicle shall not be considered a cottage home. A single cottage home may only be placed on lots smaller than eight thousand (8,000) square feet.

County means [the County of] McCracken County, Kentucky.

~~[Court]~~ Courtyard means an open unoccupied space on the same lot with a building or group of buildings and bounded on three (3) or more sides by such buildings.

~~[Court, inner, means any court other than an outer court. The width of an inner court is its least horizontal dimension measured between opposite walls. The length of an inner court is its greatest horizontal dimension measured at right angles to its width.]~~

~~Court, outer, means a court which opens on any yard on the lot or which extends to any street line of the lot. The width of any outer court is its least horizontal dimension measured between opposite walls. The depth of any outer court is its greatest horizontal dimension measured at right angles to its width.]~~

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

Dwelling means a building, or portion thereof, used primarily for residential occupancy, including ~~[one (1) family and multiple dwellings]~~ single-family, two-family and multi-family occupancy, but not including hotels, motels, short-term rentals (includes special event short-term rentals) or bed and ~~[breakfast]~~ breakfasts.

Dwelling, assisted care, means a building, or portion thereof, ~~[and]~~ consisting of five (5) or more bedrooms, used for residential occupancy by a group. The dwelling is characterized by renters with separate bedrooms for sleeping and ~~[that there are]~~ shared common areas for reception, recreation, living, cooking, laundry and the like. The ~~unit~~ dwelling is further signified by the presence of an employee(s) that provides various services such as housekeeping, maintenance, cooking, security, personal care~~[,]~~ and transportation. This definition is distinguished from, and is intended not to conflict with, KRS 100.982 and 100.984.

Dwelling, [~~multiple~~] multi-family, means a building, or portion thereof, used for occupancy by three (3) or more families living independently of each other.

Dwelling, [~~one (1)~~] single-family, means a building used for residential occupancy by one (1) family.

Dwelling, [~~two (2) family~~] two-family, means a building, or portion thereof, used for occupancy by two (2) families living independently of each other.

Dwelling unit means a dwelling, or portion of a dwelling, used by one (1) family for cooking, living and sleeping purposes.

Educational institution means a public, parochial or private preprimary, primary, or grammar school, [~~public, parochial or private school~~]; a high school, preparatory school or academy, that is public or founded, [~~or~~] owned or conducted by or under the sponsorship of a religious or charitable organization[.]; a private preparatory school or academy furnishing courses of instruction substantially equivalent to the courses offered by public high schools for preparation of admission to colleges or universities which award BA or BS degrees; a junior college or university, that is public or founded or conducted by or under the sponsorship of a religious or charitable organization or a private school when not conducted as a commercial enterprise for the profit of individual owners or stockholders. This definition shall not be deemed to include trade or business schools as defined in this section.

Effective date hereof means October 26, 1976.

Enforcement officer means the [~~Building Inspector~~] Chief Building Official of the City or designee.

Family means one (1) or more persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include servants.

Fence means a [~~manmade~~] structure consisting of wood, metal, wire, mesh, masonry or other [~~manmade~~] manufactured material.

Floor area ratio (FAR) means the floor area of the building divided by the area of the lot.

Garage, private, means a detached accessory building or portion of a [~~main~~] principal building, used for the storage of self-propelled vehicles, [~~where~~] in which the capacity does not exceed three (3) vehicles per family housed in the building to which such garage is accessory and not more than one-third (1/3) of the total number of vehicles stored in such garage shall be commercial vehicles. Storage space for not more than three (3) vehicles may be [~~rented~~] utilized for vehicles of other than occupants of the building to which such garage is accessory.

Garage, public, means any building [~~or premises~~], except those defined [~~herein~~] as a private garage, used for the storage or care of motor vehicles, or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

Ground floor area means the square foot area of a [~~residential~~] building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of open porches, breezeways, terraces, garages, exterior stairways and secondary stairways.

Ground level means for buildings having walls adjoining only one (1) street, the elevation at the front lot line at the center of the wall adjoining the street; for buildings having walls adjoining more than one street, the average elevation of the front lot line at the center of all walls adjoining the streets; for buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street is to be considered as adjoining the street.

Heliport means a facility for helicopters to take off and land.

Home occupation [~~or profession~~] means any use conducted entirely within a residential dwelling and carried on solely by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling purposes and does not change the character thereof, and in connection with which there is no display, no stock in trade or outside storage of equipment nor commodity sold upon the premises and not more than two (2) persons are to engage in such occupation. In no event shall a barbershop, beauty shop, tearoom, bed and breakfast or animal hospital be construed to be a home occupation.

Hospital means [~~includes~~] a sanitarium, preventorium [~~and~~] or clinic, provided such institution is operated by, or treatment given under, the direct supervision of a physician licensed to practice by the State of Kentucky.

Hotel or motel means a building, or portion thereof, or group of buildings in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a lodging house.

Industrial, heavy, means those industries whose processing of products result in the emission of any atmospheric pollutant, light flashes, [ø] glare, odor, noise or vibration which may be heard and/or felt off the premises, and those industries which constitute a fire or explosion hazard.

Industry, light, means those industries whose processing of products results in none of the conditions described for heavy industry.

Ingress/ egress easement means an open, unoccupied, officially designated space other than a street or alley, permanently reserved for use as a means of access to abutting property.

Junkyard means any place at which personal property is, or may be salvaged, for reuse, resale, reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or sorted, including, but not limited to; use of salvaged base metal or metals, their compounds or combinations; or used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property which are used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

Kennel means any lot or premises on which dogs or small animals are kept for commercial or sale purposes. A ~~[noncommercial]~~ non-commercial kennel at, in or adjoining a private residence where hunting or other dogs are kept for the hobby of the householder (i.e., hunting, tracking or exhibiting) or for guarding or protecting the householder's property is permitted in residential ~~[zoning districts]~~ zones, provided that such dogs or small animals do not constitute a nuisance to the neighborhood.

~~[Loading and unloading berths means the off-street area required for the receipt of or distribution by vehicles of material or merchandise, which in this chapter is held to be a twelve (12) foot by fifty (50) foot loading space with a fourteen (14) foot height clearance, paved with a suitable dust preventative or hard surface.]~~

~~[Lodginghouse]~~ Lodging house means a building with more than two (2) but not more than five (5) guest rooms where lodging with or without meals is provided for compensation for a period of time not to exceed six (6) months for each guest.

Lot means a piece, parcel, plot, tract or area of land occupied or capable of being occupied by one (1) principal building and the accessory buildings or uses customarily incidental to it, and including the open spaces required under this chapter, and having its principal frontage on a street or ingress/egress easement. ~~[The word "lot" includes the word "plot" or "parcel."]~~

Lot, corner, means a lot at a junction of, and fronting on, two (2) or more intersecting streets.

Lot coverage means the percentage of the lot area covered by the building area.

~~[Lot ground level means for buildings having walls adjoining only one (1) street, the elevation at the front lot line at the center of the wall adjoining the street; for buildings having walls adjoining more than one street, the average elevation of the front lot line at the center of all walls adjoining the streets; for buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street is to be considered as adjoining the street.]~~

Lot, interior, means a lot other than a corner or through lot.

Lot line, front, means, in the case of an interior lot[,]; a line separating the lot from the street or ~~[place]~~ ingress/ egress easement and, in the case of a corner lot[,]; the line designated ~~[in by deed, plat or subdivision requirements or, if no such requirements are provided, the line designated by the property owner at the time he seeks a building permit on the lot].~~

Lot line, rear, means a lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot[,]; a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot line, side, means any lot boundary line not a front lot line or a rear lot line.

Lot, through, means a lot having frontage on two (2) parallel or approximately parallel streets.

Lot width means the dimension of a lot~~[, measured between side lot lines]~~ at the building setback line.

Manufactured home means a single-family dwelling unit constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, and manufactured after June 15, 1976, which is designed to be transported across streets and highways to a point of use, and is equipped with the necessary service connections, and includes the plumbing, heating, air conditioning and electrical systems contained therein, and made so as to be readily movable as a unit.

Mobile home means any vehicle, including the equipment sold as a part of a vehicle, which is so constructed as to permit its being used as a conveyance upon public streets or highways by either self-propelled or non-self-propelled means, which is designed, constructed or reconstructed, or added to by means of an enclosed addition or room, in such a manner as will permit the occupancy thereof as a dwelling or sleeping place for one (1) or more persons, which is both used and occupied as a dwelling or sleeping place, having no foundation other than wheels, jacks, skirting or other temporary supports.

Mobile home park means an area of land upon which two (2) or more mobile homes are harbored for the purpose of being occupied either free of charge or for revenue purposes and shall include any building, structure, vehicle or enclosure used or intended for use as a part of the equipment of such mobile home park.

Nursing home means an establishment which provides full-time convalescent or chronic care, or both, for four (4) or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. Neither care for the acutely ill nor surgical or obstetrical services shall be provided in such a home. A hospital or sanatorium shall not be construed to be included in this definition.

~~[Occupied, as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied."]~~

Parking area, public, means an open off-street area, ~~[other than a street or alley,]~~ designed for use or used for the temporary parking of ~~[four (4) or more]~~ motor vehicles when available for public use, whether free or for compensation or as an accommodation for clients or customers.

Parking space (off-street) means an off-street space accessible from a street, ~~[or]~~ alley or ingress/egress easement with a minimum width of nine (9) or ten (10) feet, depending on land use. The minimum length of such space shall be contingent upon the degree or angle of the space and the maneuverability area required. As a guide to establishing a minimum length, the Commission shall refer to Illustration No. 1 in the appendix immediately following this chapter.

Person means and includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

Personal and convenience services means a business [~~businesses~~] offering services such as barbershops, beauty shops, laundromats, laundry and [~~dry-cleaning~~] dry-cleaning pickup and delivery stations (but excluding actual laundry operations), and similar uses.

~~[Place means an open, unoccupied officially designated space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.]~~

Planting screen or landscape screen means a completely planted visual barrier composed of evergreen plants and trees arranged to form both a low-level and a high-level screen. The high-level screen shall consist of evergreen trees or shrubs planted with specimens having an initial height [~~aboveground~~] above ground when planted of not less than five (5) feet and planted at intervals of not more than eight (8) feet [~~on-center~~] on-center. The low-level screen shall consist of evergreen shrubs having an initial height [~~aboveground~~] above ground when planted of not less than two (2) feet and spaced at intervals of not more than four (4) feet [~~on-center~~] on-center. The low-level screen shall be planted in alternating rows to produce a more effective barrier.

Professional office means offices of members of recognized professions such as physicians, surgeons, lawyers, engineers, dentists and architects.

Retaining wall means a physical barrier necessary to prevent the erosion and/or deterioration of an established elevation.

Short-term rental means a dwelling or room that is rented, leased or assigned for a tenancy for less than thirty (30) consecutive days in duration and where no meals are served or provided by the host to any guest. A short-term rental may be owner occupied or non-owner occupied.

Short-term rental, special event, means a dwelling or room that is rented, leased or assigned for a tenancy for less than seven (7) days a year and where no meals are served or provided by the host to any guest. A special event short-term rental may be owner occupied or non-owner occupied. There shall be a maximum of two (2) permits issued a year.

Sight triangle means a triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of two and one-half (2 ½) and twelve (12) feet above established grade, determined by a diagonal line connecting two (2) points measured fifteen (15) feet equidistant from the street right-of-way corner along each property line.

Street means a right-of-way, other than an alley or ingress/ egress easement, dedicated or otherwise legally established [~~to the~~] for public use, usually affording the principal means of access to abutting property.

Structural alteration means any change in the supporting members of a building, such as bearing walls, [~~or~~] partitions, columns, beams or girders[,]; or any substantial change in the exterior walls or the roof.

Structure means anything constructed or made, the use of which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground including buildings and signs.

~~[*Tourist home* means a building in which more than one (1) but not more than five (5) guest rooms are used to provide or offer overnight accommodations for transient guests for compensation.]~~

~~*Townhouse* means a single family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent building and/or buildings by party walls or are located immediately adjacent thereto with no visible separation between walls or roofs; all of which dwellings may be located on individual and separate lots if individually owned or upon a single lot if under common ownership. Each townhouse unit shall be capable of separate ownership. The construction of a townhouse structure across an existing lot line shall not be deemed to abrogate that line.~~

~~*Townhouse structure* means a building consisting of two (2) or more noncommunicating attached one family units placed side by side, having a common wall between each adjacent dwelling unit. Side lot line requirements of a townhouse structure shall apply only at the extreme ends of such structure.]~~

Trade or business school means a secretarial school or college; or business school or college, [when] that is not public and not owned or conducted by or under the sponsorship of a religious or charitable organization; or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hairdressing, or for teaching industrial skills in which machinery is employed as a means of instruction. This definition shall not be deemed to include an educational institution as defined in this section.

Use means the employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

Use, nonconforming, means an existing use of land or building which was legal prior to the effective date hereof, but which fails to comply with the requirements set forth in this chapter applicable to the zone in which such use is located.

Use, open, means the use of a lot without a building or including a building incidental to the open use with a ground floor area equal to five (5) percent or less of the area of the lot.

~~[*Used*, as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied."]~~

Variance, dimensional, means departure from the terms of the zoning regulations pertaining to height or width of structures and size of yard and open spaces where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape or topography, and not as a result of the action of the applicant, the literal enforcement of the zoning regulations would result in unnecessary and undue hardship.

~~[Vision clearance on corner lot means a triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of two and one-half (2 ½) and twelve (12) feet above established grade, determined by a diagonal line connecting two (2) points measured fifteen (15) feet equidistant from the street right-of-way corner along each property line.~~

~~Wall, retaining means a physical barrier necessary to prevent the erosion and/or deterioration of an established elevation.]~~

Yard means a space on the same lot with a principal building~~[,]~~ that is open~~[,]~~ and unoccupied other than by steps, walks, terraces, driveways, lampposts and similar ~~[structures]~~ appurtenances, and unobstructed by structures, except as otherwise provided in this chapter.

Yard, front, means a yard extending across the full width of the lot, between two (2) side lot lines, the depth of which is the least distance between the street right-of-way and the building line.

Yard, rear, means a yard extending across the full width of the lot between the two (2) side lot lines and between the rear line and a line parallel ~~[line tangent]~~ to, and coexisting with, the rear of the principal building~~[, the depth of which is the least distance between the rear lot line and the parallel line.]~~

Yard, side, means a yard bounded by the rear yard, the front yard, the side lot line and the principal building.

Zoning map ~~[or map]~~ means the official zoning map of the City.

Sec. 126-64. Lots.

- (a) *Reduction of lot size.* No lot, even though it may consist of one (1) or more adjacent lots in the same ownership at the time of passage of this article, shall be reduced in size so that lot width, ~~[or]~~ size of yards, lot area ~~[per family]~~ or any other requirement of this article is not maintained. This section shall not apply when a portion of a lot is acquired for public purpose.
- (b) *Multiple principal structures on a lot.* One (1) principal structure may be erected on any one (1) lot. ~~[Accessory structures may potentially be located on adjacent lots of the same ownership as stipulated in section 62-76.]~~ When more than one (1) principal structure of different use types ~~[to be constructed]~~ on the same lot is proposed, multiple principal structures may be allowed as provided for in section ~~[62-178]~~ 126-176 with a development plan.
- (c) *Public street frontage.* Unless otherwise provided in this article, no building shall be erected on a lot which does not abut for at least twenty-five (25) feet on a public street.
- (d) *Existing lots.* ~~[At the time of the enactment of this article, if]~~ If an owner of a plot of land consisting of one (1) or more adjacent lots does not own sufficient continuous land to

enable such owner to conform to the minimum lot size requirements provided herein, such plot of land may nevertheless be used as a building site. ~~[The dimensional requirements of the district in which the piece of land is located may be reduced by the smallest amount that will permit a structure of acceptable size to be built upon the lot.]~~ Only single-family dwellings shall be constructed under this provision and shall be principally permitted provided the statutory setbacks are met and the FAR shall not be less than ten (10) percent.

- (e) *Variances to setback lines.* Front yard setback lines may be varied where the average depth of principal buildings on adjoining properties is less than the depth prescribed elsewhere in this article. In such case, the front yard ~~[in question]~~ shall not be less than the average depth of existing front yards on the two (2) lots immediately adjoining.

Sec. 126-102. Low Density Residential Zone, R-1.

The purpose of this zone is to provide for residential development of an open nature.

1. *Principal permitted uses.* ~~[The following uses are permitted in an R-1 Zone:]~~
 - a. Single-family dwellings;
 - b. ~~[Two (2) family~~ Two-family dwellings ~~and townhouses with no more than two (2) attached units per townhouse;]~~
 - c. Park, playground or community center owned and operated by a governmental agency[-];
 - d. Special event short-term rentals.
2. *Single-family dwellings.*
 - a. Minimum ground floor area. No building shall be erected for residential purposes having a ground floor area of less than one thousand, two hundred (1,200) square feet, exclusive of porches, breezeways, terraces, garages and exterior and secondary stairways.
 - b. Minimum yard requirements.
 1. Front yard: Forty (40) feet.
 2. Side yard~~[-each side:]~~ Eight (8) feet.
 3. Rear yard: Twenty-five (25) feet.
 4. Lots abutting two (2) streets shall comply with the ~~[front yard]~~ front yard setback provisions along the street upon which the building on the corner lot fronts. A fifteen (15)-foot reduction in the ~~[front yard]~~ front yard provisions is allowed on the side yard facing the secondary street, provided such reduction does not result in a side yard of less than twenty-five (25) feet.

- c. Minimum area requirements.
 - 1. Minimum lot area: Twelve thousand (12,000) square feet.
 - 2. Minimum lot width: Seventy-five (75) feet.
- d. Maximum building height: Thirty-five (35) feet.
- e. ~~[Accessory buildings—accessory building shall be erected within eight (8) feet of any side lot line and no separate accessory building shall be erected within five (5) feet of any other building or structure. Rear setbacks do not apply to accessory buildings. However, no accessory building or structure shall be allowed in a front yard.]~~

e. Parking shall be per section 126-71 ~~[(d), (g) (3).]~~
 Additionally, there shall be no more than four (4) vehicles
 parked in any front yard. And:

- 1. All parking shall be minimally semi-improved to a dense grade aggregate surface.
- 2. All trailers, campers, motor homes and boats shall not be allowed in any front yard. Such trailers and vehicles which do not exceed dimensions of eight (8) feet by twenty-four (24) feet may be stored in the rear or side yard of any lot. Such trailers and vehicles which do exceed dimensions of eight (8) feet by twenty-four (24) feet may be stored in the rear or side yard of any lot; provided side yard requirements are maintained and ~~[that]~~ the trailer or vehicles are not used as a dwelling.
- 3. Commercial vehicles, equipment and trucks with axle weights greater than one (1) ton, and/or heights greater than eight (8) feet, and/or lengths greater than thirty (30) feet shall not be parked in ~~[an]~~ the R-1 Zone. Commercial passenger cars and light duty trucks otherwise complying from the requirements of this section are exempt from this requirement.

- 3. ~~[Two (2) family]~~ Two-family dwellings ~~[and townhouses with no more than two (2) attached units per townhouse].~~

- a. Minimum yard requirements.
 - 1. Front yard: Forty (40) feet.
 - 2. Side yard: Eight (8) feet.
 - 3. Rear yard: Twenty-five (25) feet.
- b. Minimum area requirements.
 - 1. Minimum lot area ~~[per unit]: [7000]~~ Seven thousand (7,000) square feet per unit.
 - 2. Minimum lot width: Seventy-five (75) feet (per structure).

- c. Maximum building height: Thirty-five (35) feet.
 - d. ~~[Accessory buildings. Same as subsection (2) (e) of this section.]~~
 - e. d. Parking shall be per subsection (2) [(f e)] of this section.
4. *Conditionally permitted uses.*
- 1. ~~[Multifamily]~~ Multi-family dwellings;
 - 2. Daycare nurseries;
 - 3. Home occupations;
 - 4. ~~[Townhouses with more than two (2) attached units;]~~
 - 5. d. Places of worship.
5. ~~[Multifamily]~~ Multi-family dwellings [~~(conditionally permitted use, only)~~].
- 1. Minimum yard requirements.
 - 1. Front yard: Forty (40) feet.
 - 2. Side yard~~[-each side:]~~ Eight (8) feet.
 - 3. Rear yard: Twenty-five (25) feet.
 - b. Minimum ~~[lot]~~ area requirements.
 - 1. Minimum lot area ~~[per unit:]~~ Five thousand (5,000) square feet per unit; four (4) or more units, four thousand (4,000) square feet per unit.
 - 2. Minimum lot width: Seventy-five (75) feet.
 - c. Maximum building height. None.
 - d. ~~[Accessory buildings. See subsection (2) (e) of this section.]~~
6. *Daycare nurseries.*
- 1. Minimum lot area: One hundred (100) square feet per child.
 - 2. Minimum yard requirements: The requirements of the zone apply to the project where located.
 - 3. A four (4) foot wire mesh fence, or other appropriate fence as may be required by the Board of Adjustment, shall enclose the entire play area.
 - 4. ~~[Parking requirements. See section 126-71.]~~

Sec. 126-103 Low and Medium Density Residential Zone, R-2.

- a. 1. *Principal permitted uses.* ~~[The following uses are permitted in the R-2 Zone:]~~
 - 1. a. Single-family dwellings.

2. ~~[Two (2) family]~~ b. Two-family dwellings ~~[and townhouses with no more than two (2) attached units per townhouse].~~
3. c. Park, playground or community center owned and operated by a governmental agency.
4. d. Special event short-term rentals.
- b. 2. Conditionally permitted uses. ~~[The following uses are special exceptions and require written approval of the Board of Adjustment:]~~
 1. a. Daycare nurseries;
 2. b. Home occupations;
 3. ~~[Multifamily dwelling]~~ c. Multi-family dwellings;
 4. d. Bed and breakfast;
 5. e. Places of worship.
 6. f. Short-term rentals
- e. 3. Single-family dwellings.
 1. a. Minimum ground floor area. No building shall be erected for residential purposes having a ground floor area of less than one thousand (1,000) square feet, exclusive of porches, breezeways, terraces, garages and exterior and secondary stairways.
 2. b. Minimum yard requirements.
 - a. 1. Front yard: Twenty-five (25) feet.
 - b. 2. Side yard~~[, each side]~~: Six (6) feet.
 - c. 3. Rear yard: Twenty-five (25) feet.
 3. c. Minimum lot area requirements.
 - ~~[a.]~~ 1. Minimum lot area: Ten thousand (10,000) square feet.
 - ~~[b.]~~ 2. Minimum lot width: Sixty (60) feet.
 4. d. Maximum building height: Thirty-five (35) feet.
 - ~~[5. Accessory buildings. No accessory building shall be erected within six (6) feet of any side lot line and no separate accessory building shall be erected within five (5) feet of any other building or structure. Rear setbacks do not apply to accessory buildings. However, no accessory building or structure shall be allowed in a front yard.]~~
 6. e. Parking shall be per section 126-102 (2) (f ~~e~~).
- (d) ~~[Two (2) family]~~ 4. Two-family dwellings.
 1. a. Minimum yard requirements.
 - a. 1. Front yard: Twenty-five (25) feet.
 - b. 2. Side yard~~[, each side]~~: Six (6) feet.
 - c. 3. Rear yard: Twenty-five (25) feet.

- 2. ~~b.~~ Minimum area requirements.
 - ~~a.~~ 1. Minimum lot area: Six thousand (6,000) square feet per unit.
 - ~~b.~~ 2. Minimum lot width: Sixty (60) feet (per structure).
 - ~~3.~~ ~~c.~~ Maximum building height: Thirty-six (36) feet.
 - ~~4.~~ [~~Accessory buildings. Same as subsection (3) (e) of this section.~~]
 - ~~5.~~ ~~d.~~ Parking shall be per section 126-102 (2) (~~f~~ e).
- e. ~~5.~~ [~~Multifamily~~] Multi-family dwellings.
 - ~~1.~~ ~~a.~~ Minimum yard requirements.
 - ~~a.~~ 1. Front yard: Twenty-five (25) feet.
 - ~~b.~~ 2. Side yard: Six (6) feet.
 - ~~c.~~ 3. Rear yard: Twenty-five (25) feet.
 - ~~2.~~ ~~b.~~ Minimum area requirements.
 - ~~a.~~ 1. Minimum lot area [~~per unit: Three (3) or more units, four~~] Four thousand (4,000) square feet per unit.
 - ~~b.~~ 2. Minimum lot width: Seventy-five (75) feet.
 - ~~3.~~ ~~c.~~ Maximum building height. None.
 - ~~4.~~ [~~Accessory buildings. Same as subsection (3) (e) of this section.~~]
 - ~~5.~~ [~~Parking requirements. Same as section 126-102 (2) (f).~~]

Sec. 126-104. Medium Density Residential Zone, R-3.

- ~~a.~~ 1. Principal permitted uses.
 - ~~1.~~ ~~a.~~ Single-family dwellings.
 - ~~2.~~ [~~Two (2) family~~] b. Two-family dwellings and [~~townhouses with no more than two (2) attached units per townhouse.~~]
 - ~~3.~~ ~~c.~~ Park, playground or community center owned and operated by a governmental agency.
 - ~~4.~~ d. Special event short-term rentals.
- b. 2. Conditionally permitted uses. [~~The following uses are special exceptions and require written approval of the Board of Adjustment.~~]
 - ~~1.~~ ~~a.~~ Home occupations;
 - ~~2.~~ ~~b.~~ Daycare nurseries;
 - ~~3.~~ ~~c.~~ Mobile home parks;
 - ~~4.~~ [~~Multifamily dwellings~~] d. Multi-family dwellings;
 - ~~5.~~ ~~e.~~ Assisted care dwellings;
 - ~~6.~~ ~~f.~~ Bed and breakfast;
 - ~~7.~~ ~~g.~~ Places of worship.
 - ~~8.~~ h. Short-term rentals

- e. 3. Single-family dwellings.
 - 1. a. Minimum ground floor area: No building shall be erected for residential purposes having a ground floor area of less than eight hundred ~~[fifty (850)]~~ (800) square feet, exclusive of porches, breezeways, terraces, garages and exterior and secondary stairways.
 - 2. b. Minimum yard requirements.
 - a. 1. Front yard: Twenty-five (25) feet.
 - b. 2. Side yard: Six (6) feet.
 - c. 3. Rear yard: Twenty-five (25) feet.
 - 3. c. Minimum ~~[lot]~~ area requirements.
 - a. 1. Minimum lot area: Eight thousand (8,000) square feet.
 - b. 2. Minimum ~~[lot]~~ width: Fifty (50) feet.
 - 4. d. Maximum building height: Thirty-five (35) feet.
 - 5. ~~[Accessory buildings. Same as section 126-103 (c) (5).]~~
 - 6. e. Parking shall be per section 126-102 (2) (~~[f]~~ e).
- d. ~~[Two (2) family]~~ 4. Two-family dwellings.
 - 1. a. Minimum yard requirements.
 - a. 1. Front yard: Twenty-five (25) feet.
 - b. 2. Side yard: Six (6) feet.
 - c. 3. Rear yard: Twenty-five (25) feet.
 - 2. b. Minimum area requirements.
 - a. 1. Minimum lot area: Four thousand (4,000) square feet per unit.
 - b. 2. Minimum lot width: Fifty (50) feet (per structure).
 - 3. c. Maximum building height: Thirty-five (35) feet.
 - 4. ~~[Accessory building. Same as section 126-103 (c) (5).]~~
 - 5. d. Parking shall be per section 126-102 (2) (~~f~~ e).
- e. ~~[Multifamily]~~ 5. Multi-family dwellings ~~[and townhouses.]~~
 - 1. a. Minimum yard requirements.
 - a. 1. Front yard: Twenty-five (25) feet.
 - b. 2. Side yard: Six (6) feet.
 - c. 3. Rear yard: Twenty-five (25) feet.
 - 2. b. Minimum area requirements.
 - a. 1. Minimum lot area~~[, per unit, for three (3) or more:]~~ Three thousand (3,000) square feet per unit.
 - b. 2. Minimum lot width: ~~[Seventy-five (75) feet]~~ Sixty (60) feet.
 - 3. c. Maximum building height. None.
 - 4. ~~[Accessory buildings. Same as section 126-103 (c) (5).]~~
 - 5. ~~Parking requirements. See section 126-102 (2) (f).]~~
- f. 6. Public parking areas.

1. a. A public parking area is permitted where the area abuts a business or industrial zone, provided the Commission finds the public parking area not to be detrimental to the adjoining residential area.
 2. b. The public parking area shall be developed as required by ~~[sections 126-61 through]~~ section [126-76] 126-71.
 3. c. Provisions for a public parking area shall adhere to the setback requirements as listed in the zone in which it is to be located, however, no setback is required along a rear property line where the residential zone and the business or industrial zone join.
 4. d. Screening requirements for a public parking area shall be the same as section ~~[126-72]~~ 126-83.
 5. e. The Commission shall require a landscape plan that includes provisions that at least ten (10) percent of the entire site shall be landscaped. Parking lot lighting may be approved provided that pole heights do not exceed fourteen (14) feet; lighting be directed inward to the property and that no off-target lighting be allowed.
- g. 7. *Assisted care ~~unit~~ dwelling (conditionally permitted only)*
1. a. Minimum yard requirements.
 - a. 1. Front yard: Twenty-five (25) feet.
 - b. 2. Side yard: Six (6) feet.
 - c. 3. Rear yard: Twenty-five (25) feet.
 2. b. ~~[Lot]~~ Minimum area requirements.
 - a. 1. Minimum lot area: Fifteen thousand (15,000) square feet.
 - b. 2. Minimum lot width: One hundred (100) feet.
 - c. 3. Maximum ~~[ground floor to]~~ floor area ratio: Twenty-five (25): one (1)
 3. c. Maximum building height: Thirty-five (35) feet.
 4. d. Maximum pervious cover: Sixty (60) percent.
 5. ~~[Accessory building. Same as section 126-103.]~~
 6. e. Parking shall be per section ~~[126-102]~~ 126-71 and shall follow the group home formula. Additionally, all parking areas and drives shall be paved and screened from adjoining residential property. There shall be no parking in any side yard. ~~[Parking shall be screened from adjoining residential property.]~~
 7. f. Landscaping ~~[and screening.]~~ The open area on the lot not used for parking or building shall be landscaped with grasses, vegetative groundcover, flowers, gardens, trees and shrubs; provided that not more than seventy-five (75) percent of the open area is put into grass. Trees and shrubs shall be installed at the following rate: One (1) tree and two (2) shrubs for every one thousand (1,000) square feet of floor area.
 8. g. Site lighting. Any outdoor light shall be directed inward to the property and there shall be no ~~[off target]~~ off-target lighting. The maximum light pole height shall be ten (10) feet.
 9. ~~[Approval. Approvals per 126-75 apply to this section.]~~

Sec. 126-105. High Density Residential Zone, R-4.

The purpose of this zone is to provide an area that will combine compatible residential and business uses in such a manner that it will buffer low density residential property from high density and commercial uses.

(1) *Principal permitted uses.*

- a. Any use permitted in the R-3 [~~zone~~] Zone;
- b. [~~Multifamily~~] Multi-family dwellings;
- c. Nursing homes ;
- d. Professional office buildings (yard requirements for office buildings shall be the same as the B-1 [~~zone~~] Zone requirements);
- e. Daycare nurseries;
- f. Assisted care dwellings (yard and lot requirements shall be the same as 126-104 (g Z));
- g. Cemeteries;
- h. Bed and breakfast;
- i. Places of worship;
- j. Short-term rentals (includes special event short-term rentals);
- k. Any other use not listed which, in the Commission's opinion, would be compatible with the above uses in the R-4 [~~zone~~] Zone.

(2) *Conditionally permitted uses.*

- a. List of uses.
 1. Commercial greenhouses;
 2. Funeral homes;
 3. Home occupations;
 4. Hotels or motels;
 5. Beauty shops and barbershops;
 6. Mobile home parks.
- b. Board of Adjustment approval. The conditionally permitted uses listed above shall be considered as business uses and shall meet the requirements of the B-1 [~~zone~~] Zone, except home occupations shall be considered pursuant to section 126-73 of the Zoning Ordinance. [~~All plans will be submitted to the Planning Commission prior to Board approval and the Commission shall require such conditions as are necessary to maintain the character of this zone. The Board may grant dimensional variances to businesses when lot requirements cannot be met.~~]

(3) [~~Single and two (2) family dwellings~~] Single and two-family dwellings. Single-family [~~dwellings~~] and [~~two (2) family~~] two-family dwellings shall comply with the requirements of the R-3 [~~zone~~] Zone.

- (4) [~~Multi-family~~] Multi-family dwellings [~~and townhouses.~~]
- a. Minimum yard requirements.
 1. Front yard: Twenty-five (25) feet.
 2. Side yard, [~~each side~~]: Six (6) feet.
 3. Rear yard: Twenty-five (25) feet.
 - b. Minimum area requirements.
 1. Minimum lot area [~~, per unit~~]: Two thousand (2,000) square feet per unit.
 2. Minimum lot width: Fifty (50) feet.
 - c. Maximum building height. None.
 - d. Public parking area. Same as section 126-104 ([~~f~~] 6).

Sec. 126-106. Convenience and Service Zone, B-1.

The purpose of this zone is to provide convenient shopping areas to serve nearby residential areas.

- (1) *Principal permitted uses.*
- a. Any use permitted in the R-4 [~~zone~~] Zone (except all new single-family and two-family residential structures shall comply with the R-4 [~~zone~~] Zone [yard] requirements. Multi-family structures shall follow the limitations set forth by the Kentucky Building Code. Cottage homes shall be subject to the provisions set forth below).
 - b. Home occupations.
 - c. Hotels and motels.
 - d. Funeral homes.
 - e. Commercial greenhouses.
 - f. Assembly buildings of fraternal, professional and labor organizations.
 - g. Restaurant.
 - h. Cottage homes.
 - ~~g.~~ i. The following uses, provided they are conducted wholly within a building [~~except for off-street loading and unloading;~~] with the exception of the sale of fresh or frozen foods, vegetables, fruits, flowers, straw, hay, garden implements (such as, but not limited to; shovels, rakes & hoes) and garden machinery (such as, but not limited to; lawn mowers, tillers & leaf blowers). These items may be sold outside but must be located in front of a bona-fide business.
 1. Retail establishments (product processing is allowed only if the products are sold at retail on the premises).
 2. Personal and convenience service establishments.
 3. Shoe repair shop.
 4. Tailor shop.
 5. Theater.

- (2) *Conditionally permitted uses.* The Board of Adjustment shall determine that the listed uses will not be detrimental to adjacent residential property via excessive noise, light, odor, traffic congestion or vibration.
- Automobile rental, sales ~~[or service;]~~, service, refueling or washing.
 - ~~[Drive-in establishments.]~~
 - b. Other similar but undefined uses.
- (3) *Minimum yard requirements.*
- Front yard: None, except for arterial highway strip commercial uses, for which a minimum front yard of twenty-five (25) feet shall be provided and/or new commercial uses that face a residential zone shall have a front yard setback of twenty-five (25) feet.
 - Side yard: None, except for arterial highway strip commercial uses; for such uses the side yards shall not be less than twelve (12) feet except that any side yard abutting a residential ~~[district]~~ zone shall not be less than twenty-five (25) feet.
 - Rear yard: None, except for arterial highway strip commercial uses; for such uses a rear yard of ten (10) feet shall be provided; if such use is serviced from the rear or if it abuts a residential ~~[district]~~ zone, a rear yard of not less than thirty (30) feet shall be provided.
- (4) *Minimum area requirements.*
- Minimum lot area: Five thousand (5,000) square feet, except for arterial highway strip commercial uses, which shall be not less than ten thousand (10,000) square feet.
 - Minimum lot width: Fifty (50) feet, except for arterial highway strip commercial uses, which shall be seventy-five (75) feet.
- (5) *Maximum building height.* None.
- ~~(6) — [Accessory buildings. Accessory buildings shall be built no closer than fifteen (15) feet from any property line and no closer than ten (10) feet from any other building.]~~
- ~~(7) 6) Access control.~~
- Lots with less than two hundred (200) feet of frontage shall have only one (1) point of access to any one (1) public street.
 - Lots in excess of two hundred (200) feet may have two (2) points of access for each two hundred (200) feet of frontage on any one (1) public street.
 - All points of ingress and egress to major arterials shall be at least three hundred fifty (350) feet from the ramp pavement transition point of highway interchanges.
- ~~(8) — [Setback requirements for business zones facing R-1 or R-2 residential zone.~~
- ~~Where a business zone faces an R-1 zone and/or an R-2 residential zone, the Planning Commission shall require a minimum front yard setback of twenty-five (25) feet.~~
 - ~~Screening requirements shall be the same as section 126-72.~~
- ~~(9) — [Parking requirements. See section 126-71.]~~
- ~~(7) Cottage home standards.~~
- Minimum yard requirements.
 - Front yard: Twenty-five (25) feet.
 - Side yard: Six (6) feet.

3. Rear yard: Twenty-five (25) feet.
- b. Minimum area requirements.
 1. Minimum lot area: Two thousand two hundred fifty (2,250) square feet.
 2. Minimum lot width: Twenty-seven (27) feet.
- c. Maximum building height: Thirty-five (35) feet.
- d. Parking shall be per section 126-102 (2) (e).
- e. Construction
 1. Must have a continuous frost-proof foundation.
 2. Must be anchored in accordance with the Kentucky Building Code.
 3. Must have a roof pitch of at least 4:12 with a covering of shingles or metal.
 4. Storage buildings, garages, shipping containers or sheds converted to cottage homes are explicitly not permitted. All cottage homes must have the characteristics of a typical stick-built or modular home.
- f. Cottage home community. More than one (1) cottage home may be placed on a single lot provided density is maintained and a site plan is submitted and approved pursuant to section 126-75 of the Paducah Zoning Ordinance. Not less than twenty (20) percent of the total area of a cottage home community shall be devoted to open space. Said open space shall contain living ground cover and other landscaping materials.

Sec. 126-107. Downtown Business Zone, B-2.

The purpose of this zone is to encourage the development and redevelopment of the City's Downtown Business District.

- (1) *Principal permitted uses.*
 - a. Any use permitted in the B-1 Zone;
 - b. Trade, business and vocational schools;
 - c. Places of amusement, assembly and recreation;
 - d. Automobile rental, sales [~~and service~~], service, refueling or washing;
 - e. Commercial parking lots and garages;
 - f. Newspapers and printing establishments;
 - g. Radio and TV stations;
 - h. Any other similar use which, in the Commission's opinion, would not impair the business character of the downtown area.
- (2) *Minimum [~~lot~~] area and yard requirements.* None.
- (3) *Maximum building height.* None.
- (4) *Parking requirements.* Parking requirements are waived for all uses [~~in the B-2 zone~~] except for the following:
 - a. Bus terminals;
 - b. Hotels and motels;
 - c. Residential dwelling units.
- (5) *Minimum sight distance.* The visibility requirements of section 126-65 shall not apply to the B-2 [~~zone~~] Zone.

Sec. 126-108. Downtown Business Townlift Zone, B-2-T.

The purpose of [~~the B-2-T Zone~~] this zone is to encourage the development, redevelopment and the preservation of the City's Townlift area.

- (1) *Principal permitted uses.*
 - a. Trade, business and vocational schools;
 - b. Places of amusement, assembly and recreation;
 - c. Assembly buildings of fraternal, professional and labor organizations;
 - d. Commercial parking lots and garages;
 - e. Newspapers and printing establishments;
 - f. Radio and TV stations;
 - g. Residential dwelling units;
 - h. Restaurant/bakery/pub (no drive through permitted);
 - i. Retail;
 - j. Short-term rentals (includes special event short-term rentals);
 - k. Any other similar use which, in the Commission's opinion, would not impair the business character of the downtown area.
- (2) [~~Lot~~] Minimum area and yard requirements. None.
- (3) [~~Building~~] Maximum building height. None.
- (4) Parking [~~regulations~~] requirements. Parking requirements are waived for all uses [~~in the B-2-T zone~~] except for the following:
 - a. Bus terminals;
 - b. Hotels and motels.
- (5) Minimum sight distance. The visibility requirements of section 126-65 shall not apply to the B-2-T [~~zone~~] Zone.
- (6) Ground floor use. The ground floor of all structures in the B-2-T [~~zone~~] Zone shall be a permitted use as defined in [~~sub-section~~] subsection (1) [~~of this section~~] except that residential uses may be permitted on any floor above [~~the ground floor~~] or below the ground floor. Residential uses may also be located in the rear one-third (1/3) of the ground floor.

Sec. 126-109. General Business Zone, B-3.

The purpose of this zone is to provide an area for high intensity commercial activity of a wholesale nature and to ensure easy highway access for such uses.

- (1) *Principal permitted uses.*
 - a. Any use permitted in the B-2 [~~zone~~] Zone;
 - b. Wholesale establishments;
 - c. Automotive equipment sales and repair;
 - d. Laundry and [~~dry cleaning~~] dry-cleaning establishments;
 - e. Seasonal fireworks tents;
 - e. f. Light industrial operations (as approved by the Planning Commission according to degree of objectionable smoke, noise, odor, glare, vibration and heavy freight traffic generation).
- (2) *Minimum yard requirements.* None.

- (3) *Minimum area requirements.* None.
- (4) *Maximum building height.* None.
- ~~[(5) *Screening requirements.* See section 126-72.~~
- ~~(6) *Parking requirements.* See section 126-71.]~~

Sec. 126-110. Light ~~[Industry]~~ Industrial Zone, M-1.

The following provisions shall apply in the M-1 ~~[Light Industry]~~ Zone unless otherwise provided herein:

- (1) *Principal permitted uses.*
 - a. Any use permitted in the B-3 Zone;
 - b. Any industrial, manufacturing, fabrication or processing use which does not emit objectionable noise, smoke, odor or dust beyond the confines of its property;
 - c. Warehouses~~;~~ and storage buildings;
 - d. Public and commercial sewage disposal plant;
 - e. Any other use which, in the Commission's opinion, would be compatible in the B-3 Zone.
- (2) *Conditionally permitted uses.* ~~[The following uses are special exceptions and require written approval of the Board of Adjustment.]~~
 - a. Any other industrial use determined to be of the same general character as the above permitted uses.
 - b. Animal hospital or kennel, located not closer than three hundred (300) feet to an R Zone.
 - c. Heliport.
- (3) *Minimum yard requirements.*
 - a. Permitted uses having a total plan floor area of then thousand (10,000) square feet or less:
 - 1. Front yard: Twenty-five (25) feet, except for highway strip uses for which a fifty (50) foot front yard is required.
 - 2. Side yard: Ten (10) feet.
 - 3. Rear yard: None, except where abutted by a residential zone, in which case a rear yard of twenty-five (25) feet.
 - 4. No storage of materials or equipment shall be allowed in the minimum front yard.
 - b. Permitted uses with a total plan floor area of more than ten thousand (10,000) square feet:
 - 1. Front yard: Fifty (50) feet.
 - 2. Side yard: Twenty-five (25) feet.
 - 3. Rear yard: None, except where abutted by a residential zone, in which case a rear yard of twenty-five (25) feet.
- (4) *Minimum area requirements.*
 - a. Permitted uses having a total plan floor area of four thousand (4,000) square feet or less:
 - 1. Minimum lot area: Seven thousand, five hundred (7,500) square feet.

2. Minimum lot width: Sixty (60) feet.
- b. Permitted uses with a total plan floor area of more than four thousand (4,000) square feet:
 1. Minimum lot area: Fifteen thousand (15,000) square feet.
 2. Minimum lot width: Seventy-five (75) feet.
- (5) *Maximum building height.* None.
- ~~[(6) *Parking requirements.* See section 62-61.]~~
- (7 6) *Maximum lot coverage.*
 - a. Principal structures: Fifty (50) percent of gross lot area.
 - b. Total coverage by principal structures, accessory structures and outside storage: Seventy (70) percent of gross lot area.

Sec. 126-111. Heavy Industrial Zone, M-2.

The following provisions shall apply in the M-2,~~[Heavy Industrial Zone,]~~ Zone unless otherwise provided herein:

- (1) *Principal permitted uses.*
 - a. Any use permitted in the M-1 Zone;
 - b. Animal hospital or kennel;
 - c. Junkyards (~~[solid fence, minimum height of eight (8) feet, enclosing junkyards, in no instance shall stored materials be visible from any roadway]~~ A solid fence with a minimum height of eight (8) feet shall be required to enclose the premises. In no instance shall stored materials be visible from any public right-of-way;
 - d. Any industrial use that is determined to be ~~[nondetrimental]~~ non-detrimental to the properties immediately surrounding the use.
- (2) *Minimum yard requirements.* Same as section 126-110 (3).
- (3) *Minimum area requirements.* Same as section 126-110 (4).
- (4) *Maximum building height.* None.
- ~~[(5) *Parking requirements.* See section 126-71.]~~
- (6 5) *Maximum lot coverage.* Same as section 126-110 (7).

Sec. 126-112. High Density Industrial Zone, M-3.

The following provisions shall apply in the M-3,~~[Industrial Zone,]~~ Zone unless otherwise provided herein.

- (1) *Principal permitted uses.* Any use permitted in the M-1 ~~[zone]~~ Zone.
- (2) *Minimum yard requirements.* None, except a yard of twenty-five (25) feet shall be required on any side that abuts a residential zone.
- (3) *Minimum area requirements.*
 - a. Minimum lot area: Five thousand (5,000) feet.
 - b. Minimum lot width: Fifty (50) feet.
- (4) *Maximum building height.* None.
- ~~[(5) *Parking requirements.* Same as section 126-71.]~~
- (6 5) *Maximum lot coverage.* ~~[Same as section 126-110 (7)]~~ None.

Sec. 126-113 Conservancy Zone, C-1.

~~[It is the intent here]~~ The purpose of this zone is to ~~[establish a zone to]~~ meet the needs of the Ohio and Tennessee Rivers and their tributaries in times of flood and to prevent the undue loss of life and property by not allowing encroachment ~~[into the zone]~~ of uses which will either be damaged by flood or will increase floodwater heights. Land subject to flooding is considered to be all land below elevation 331.0, USGS Paducah.

- (1) *Principal permitted uses.*
 - a. Open type uses such as loading and unloading areas, parking lots and gardens auxiliary to uses permitted in any adjoining ~~[district]~~ zone.
 - b. Storage yards for equipment and material not subject to major flood damage; provided such storage is accessory to uses permitted in the adjoining ~~[district]~~ zone; also provided the stored items are not flammable or toxic materials or other materials which could contaminate public waters to concentrations determined to be hazardous by State or Federal standards; and also provided stored items can be firmly anchored during times of flood.
 - c. Water-port facilities.
 - d. Open-type public and private recreation facilities such as public parks.
- (2) *Conditionally permitted uses.* ~~[The following are special exceptions and require written approval of the Board of Adjustment; any]~~ Any use determined to be of the same general character as the above permitted uses.
- (3) *Review and approval of plans.*
 - a. No permit shall be issued for the construction of any building or for any use ~~[within the C-1 zone]~~ until the plans for such construction or use have been submitted to the Planning Commission and approval has been given in writing for such construction or use.
 - b. The Commission may make its approval subject to such reasonable conditions as necessary to protect the purpose of this zone.
 - c. ~~[Keeping in mind the stated purposes of this zone, the]~~ The Commission shall be guided by the following standards in ~~[its]~~ the review of plans:
 1. Any uses permitted shall be of a type not appreciably damaged by floodwaters; and no structure for human habitation shall be permitted.
 2. No filling of land shall be permitted except in instances in which express permission is granted by the Planning Commission.
 3. Any structure permitted shall be designed, constructed and placed on the lots so as to offer minimum obstruction to the flow of water.
 4. When, in the opinion of the Planning Commission, topographical data, engineering or other studies are needed to determine the effects of flooding on a proposed structure or land use, the Commission may require the applicant

to submit such data or other studies prepared by [~~competent engineers or other technical people~~] a professional representative.

Sec. 126-114. Civic Center Zone, A-1.

The purpose of this zone is to strengthen those cultural and governmental services which benefit the entire region, but which can only be supported in the civic center; provide a separate and compact area for those important uses; give the City more effective visual relationships in and around the downtown area; and provide, in the design of the civic buildings and open spaces, a physical point for urban aesthetics and civic pride.

(1) *Principal permitted uses.*

a. List of uses.

1. Public buildings (City, County, State and Federal);
2. Office buildings (financial, professional, personal, business and medical);
3. Business, trade, personal and vocational schools;
4. Hotels and motels;
5. Public parking areas;
6. Accessory uses to the above;
7. Short-term rentals (includes special event short-term rentals);
- 7.8. Any use determined to be of the same general character as the above permitted uses.

- b. Plan approval. Plans for architectural design and site layout shall be approved by the Planning Commission, and [~~it may require~~] changes as may be deemed necessary or desirable to insure proper design standards, to minimize traffic difficulties, to safeguard adjacent properties and to preserve the institutional character of [~~the Civic Center Zone~~] this zone.

(2) *Minimum yard requirements.*

- a. Front yard: Ten (10) feet.
- b. Side yard:
 1. Abutting a street: Six (6) feet.
 2. Not abutting a street: Four (4) feet.
- c. Rear yard: None.

(3) *Minimum area requirements.*

- a. Minimum lot area: Five thousand (5,000) square feet.
- b. Minimum lot width: Fifty (50) feet.

(4) *Maximum building height.* Forty-five (45) feet.

Sec. 126-115. Historical Zones, H-1 and H-2.

- (a) *Use provisions for ~~[Historical Commercial]~~ the Historic Commercial Zone, H-1.* The purpose of the H-1 ~~[zone]~~ Zone is to encourage the development, redevelopment and the preservation of the City's ~~[historical-commercial]~~ historic commercial area.
 - (1) *Principal permitted uses.*
 - a. Any use permitted in a B-2-T Zone;
 - b. Any other use which the Historical and Architectural Review Commission (hereinafter called HARC) finds, based upon evidence at a public hearing, would not impair the historical integrity of the ~~[Historical Commercial]~~ H-1 Zone.
 - (2) *Minimum yard requirements.* None.
 - (3) *Minimum area requirements.* None.
 - (4) ~~[Minimum]~~ Maximum building height. None.
 - (5) *Parking requirements.* None.
 - (6) Ground floor use. The ground floor of all structures in the H-1 Zone shall be a permitted use as defined in subsection (1) (a) except that residential uses may be permitted on any floor above or below the ground floor. Residential uses may also be located in the rear one-third (1/3) of the ground floor.
- (b) *Use provisions for ~~[Historical]~~ the Historic Neighborhood Zone, H-2.* The purpose of the H-2 ~~[zone]~~ Zone is to encourage the development, redevelopment and preservation of the City's historic neighborhood ~~[areas]~~ area.
 - (1) *Principal permitted uses.*
 - a. Any principal use permitted in ~~[an]~~ the R-4 ~~[zone]~~ Zone except ~~[multifamily]~~ multi-family dwellings shall be conditional uses;
 - b. Funeral homes;
 - c. Beauty shops and barbershops;
 - d. Assembly ~~[building]~~ buildings of cultural, fraternal, professional and labor organizations;
 - e. Restaurants;
 - f. Retail establishments, provided they are conducted wholly within a building except for off-street loading ~~[and]~~ & unloading~~[,]~~ and provided ~~[further]~~ that product processing is not allowed on the premises;
 - g. Tailor shop; and
 - h. Any similar use which the HARC finds, based upon evidence at a public hearing, that would not impair the historical integrity of the ~~[Historical Neighborhood zone]~~ H-2 Zone.
 - (2) *Conditionally permitted uses.*

- a. Lodging houses.
 - b. Multi-family dwellings. Existing single-family and two-family dwellings more than fifty (50) years old shall not be subdivided into smaller dwellings units regardless of lot size.
- (3) ~~[Dimensional requirements]~~ Minimum yard requirements.
- a. ~~[Minimum lot area:~~
 - 1. ~~Single family dwellings: Four thousand (4,000) square feet.~~
 - 2. ~~Two family dwellings: Four thousand (4,000) square feet per unit~~
 - 3. ~~Multi family dwellings: Three thousand (3,000) square feet per unit~~
 - b. ~~Front yard: Twenty five (25) feet.~~
 - c. ~~Side yard: Six (6) feet.~~
 - d. ~~Rear yard: Twenty five (25) feet.~~
 - e. ~~Maximum building height is thirty five (35) feet or no higher than two (2) feet taller than the tallest principal building on either side of the proposed new construction.]~~
 - a. Residential dwellings:
 - 1. Front yard: Twenty-five (25) feet.
 - 2. Side yard: Six (6) feet.
 - 3. Rear yard: Twenty-five (25) feet.
 - b. Non-residential structures: None.
- (4) Minimum area requirements.
- a. Minimum lot area:
 - 1. Single-family dwellings: Four thousand (4,000) square feet.
 - 2. Two-family dwellings: Four thousand (4,000) square feet per unit.
 - 3. Multi-family dwellings: Three thousand (3,000) square feet per unit.
 - 4. Non-residential structures: None.
 - b. Minimum lot width: Forty (40) feet.
- (5) Maximum building height. Thirty-five (35) feet or no higher than two (2) feet taller than the tallest principal building on either side of proposed new construction.
- ~~(4)~~ (6) Screening requirements. Same as provided in section 126-83. For the purposes of screening between the H-2 ~~[zone]~~ Zone and ~~[all]~~ adjoining zones, the H-2 ~~[zone]~~ Zone shall be treated as ~~[residential property]~~ a residential zone.
- ~~(5)~~ (7) Parking requirements.
- ~~(6)~~ (8) Waiver of lot requirements.
- (c) Standards for determining historical integrity.

- (d) *Historical and Architectural Review Commission (HARC) established.*
- (e) *Membership of HARC.*
- (f) *Powers and duties of HARC.*
- (g) *Certificate of Appropriateness required for changes in exterior appearance.*
- (h) *Application for Certificate of Appropriateness.*
- (i) *Public hearing on Certificate of Appropriateness.*
- (j) *Grounds for granting a Certificate of Appropriateness.*
- (k) *Maintenance and safety standards.*
- (l) *Appeals.*

Sec. 126-116. Highway Business [~~District~~] Zone, **HBD HBZ.**

The [~~intent~~] purpose of this [~~district~~] zone is to provide appropriate space and sufficient depth from the street to satisfy the needs of modern commercial development where access is entirely dependent on motor vehicle trade, and to encourage [~~the~~] development [~~of these locations with such uses and~~] in such a manner as to minimize traffic hazards and interference with other uses.

- (1) [~~Permitted~~] Principal permitted uses.
 - a. Any use permitted in the B-3 Zone;
 - ~~b. Automobile service and repair establishments, including gasoline service stations, repair garages and automatic car washing establishments;~~
 - ~~c. Hotels and motels;~~
 - ~~d. Recreational uses such as amusement parks, bowling alleys and roller skating; archery ranges; miniature golf, golf driving ranges and other similar recreational activities;~~
 - e. b. Souvenir shops, roadside stands and curio shops when incidental to another permitted use;
 - f. [~~Office buildings;~~
 - ~~g. Retail establishments (product processing is allowed only if the products are sold at retail on the premises);~~
 - ~~h. Restaurants and eating establishments;~~
 - ~~i. Commercial parking lots and parking garages;~~
 - ~~j. Theaters.-]~~
- (2) [~~Area regulations~~] Minimum yard requirements. [~~The following requirements shall apply to all non residential uses permitted in this district. All residential uses shall comply with the requirements of the R 4 zone:~~]
 - a. Front yard[:]: [~~All buildings shall be set back from the street right of way line not less than fifty~~] Fifty (50) feet, except where a parallel access road is provided with construction requirements which meet the standards of the City [~~street plan Engineer's office~~].

- b. Side yard[-]: ~~[The width of any side yard which abuts a residential district shall not be less than twenty-five (25) feet. In all other cases each side yard shall not be less than twelve (12) feet.]~~ Twelve (12) feet, except side yard that abuts a residential zone shall not be less than twenty-five (25) feet.
- c. Rear yard: ~~[Each lot shall have a rear yard of not less than ten (10) feet.]~~ Ten (10) feet, except where [Where] a commercial building is serviced from the rear, then there shall be a rear yard of not less than thirty (30) feet[j] also the depth of a rear yard which abuts a residential [district] zone shall not be less than thirty (30) feet.
- d. ~~[Lot width. Each lot shall have a width at the front building line of not less than seventy five (75) feet.]~~
- e. (3) Minimum [Lot] area requirements. ~~[There shall be a minimum lot area of not less than ten thousand (10,000) square feet.]~~
 - a. Minimum lot area: Ten thousand (10,000) square feet.
 - b. Minimum lot width: Seventy-five (75) feet.
- f. (4) Maximum building height: [Height requirements.] None.
- g. ~~[Parking requirements. Same as section 126-71.]~~
- h. (5) Highway access. All points of ingress and egress to major arterials shall be at least three hundred fifty (350) feet from the ramp pavement transition point of highway interchanges.

Sec. 126-117. Planned Office Park, POP.

- (a) ~~[Intent.]~~ The ~~[intent]~~ purpose of this zone is to provide adequate space for ~~[offices, communications related, educational, and research activities, and other similar development]~~ permitted uses in a park setting, designed ~~[and operated for]~~ to attract tenants who may require access to ~~[high-capacity]~~ high-capacity information sharing appurtenances, transmitting~~[-and]~~ & receiving facilities and sufficient utilities. Furthermore, the zone is intended:
 - (1) To provide sufficient space in appropriate locations for attractive, landscaped offices; and[-]
 - (2) To insure compatibility of uses and operations within the Planned Office Park ~~[District]~~ Zone.
- (b) 1. Principal permitted uses.
 - (1) a. Offices for business, professional, governmental, political, and charitable organizations.
 - (2) b. Banks, credit agencies, security and commodity brokers, credit institutions, savings and loan companies, and holding and investment companies.
 - (3) c. Computer and data processing centers.
 - (4) d. Telephone exchanges.
 - (5) e. Radio and television studios.

- (6) f. Cable television signal distribution centers and studios.
 - (7) g. Ticket and travel agencies.
 - (8) h. Kindergarten, nurseries and [~~day-care~~] daycare facilities.
 - (9) i. Business colleges, technical and trade schools, educational institutions.
 - (10) j. Hospitals.
 - (11) k. Parks (public and private).
 - (12) l. Research, testing and development laboratories or centers.
 - (13) m. Production facilities (high degree of scientific input, tech).
 - (14) n. Educational, scientific and research organizations.
 - (15) o. Library.
 - (16) p. Nursing [~~Home~~] homes.
 - (17) q. Special event short-term rentals.
 - (18) r. Any other similar use which, in the Planning Commission's opinion, would not impair the character of the POP Zone.
- (e) 2. *Accessory uses.* Accessory uses are those permitted uses that are clearly incidental and subordinate to the permitted use.
- (1) a. [~~Offices~~] Spaces for the limited display of merchandise.
 - (2) b. Personal service centers, including food service, only for employees, residents, or visitors to any permitted use and having no direct access to the exterior and having no display space, drive-through areas, or any signs visible from the outside.
 - (3) c. Residential dwellings.
- (d) 3. *Conditionally permitted uses.* [~~The following list of uses are special exceptions that will not impair the character of the district.~~] As determined by the Board of Adjustment, these uses cannot emit onto adjacent properties an objectionable amount of hazardous and/or obnoxious emissions. These [~~might~~] may be, but [~~will~~] not be limited to[,]; smoke, odor, noise, glare, vibrations, etc. [~~These uses require written approval of the Board of Adjustment.~~]
- (1) a. Facilities in connection with bona fide agricultural operations.
 - (2) b. Clubs ([~~private and non-private~~] public and private).
 - (3) c. Satellite dish antennas.
 - (4) d. Airports and heliports.
 - e. Hotels/motels or lodges with facilities specifically intended to serve the needs of the park tenants.

f. Drive-through facilities for the sale of goods or services otherwise permitted.

(5) g. Light manufacturing and assembly operations.

(6) h. Warehousing operation.

(7) i. Sit-down restaurants (drive through not permitted).

(8) j. Short-term rentals.

~~(e)~~ 4. *Minimum [~~lot~~ yard] requirements.*

(1) a. [~~Minimum area: One (1) acre.~~] Front yard: Fifty (50) feet.

(2) b. [~~Minimum frontage width: One hundred (100) feet per lot.~~] Side yard: Thirty (30) feet.

c. Street side yard: Fifty (50) feet.

d. Rear yard: Fifty (50) feet

e. Maximum coverage: Fifty (50) percent (building only, surface parking excluded).

~~(f)~~ 5. *Minimum[~~yard~~] area requirements.*

(1) a. [~~Front: Fifty (50) feet.~~] Minimum lot area: One (1) acre.

(2) b. [~~Side: Thirty (30) feet.~~] Minimum lot width: One hundred (100) feet.

(3) — [~~Street side: Fifty (50) feet.~~

(4) — [~~Rear: Fifty (50) feet.~~

(5) — [~~Maximum coverage: Fifty (50) percent (building only, surface parking excluded).~~]

(6) 6. *Maximum building height*[~~;~~]. Five (5) stories, except that minimum yard standards are increased by five (5) feet for each story over three (3) stories or thirty-five (35) feet.

~~(g)~~ 7. *Open space.* At least twenty-five (25) percent of contiguous Planned Office Park zoned areas must be allotted to open space.

~~(h)~~ — [~~Parking requirements. See section 126-71.~~]

~~(i)~~ 8. *Landscaping.*

(1) a. Generally. A minimum of ten (10) percent of the entire lot shall be devoted to landscaping. Up to fifty (50) percent of this requirement may be credited toward preservation of substantial naturally occurring trees, shrubbery, wildflowers, water courses and, rock formations. Areas of preservation should be inventoried and indicated on site plans.

(2) b. Parking lot landscaping requirements. For each one-hundred (100) square feet or fraction thereof of vehicular use area, a minimum of five (5) square feet of

landscaped area shall be provided; this may be included inside of islands, peninsulas, and other geometric devices used to encourage vehicle circulation.

- (3) c. Screening. ~~[In addition to subsection (j) (1) of this section, screening]~~ Screening per section ~~[126-72 (1)]~~ 126-83 shall be provided in the rear yards of those lots, which abut adjacent properties outside the POP ~~[zone]~~ Zone.

- (k) 9. ~~[Minimum area]~~ Amendments. Amendments to the zone map for POP ~~[districts]~~ Zones shall be:

(1) a. Freestanding zones: Forty (40) acres.

(2) b. Expansion of existing: No minimum.

Sec. 126-118. Mixed Use ~~[District]~~ Zone, MU.

- (a) ~~—[Intent.]~~ The purpose of this zone ~~[MU Mixed Use District]~~ is ~~[intended]~~ to accommodate projects which combine general compatible land uses into an integrated development. ~~[The MU district]~~ This zone may ~~[also]~~ be used to designate parts of the City which are appropriate for a mixture of residential, commercial, office and accessory parking uses. ~~[The MU district allows for mixing residential environments with workplaces and services.]~~ Development in the MU ~~[district]~~ Zone must accommodate transportation systems, surrounding environments and pedestrian movement. For these reasons, projects constructed in ~~[an MU district]~~ this zone are subject to Planning Commission approval.

- (b) 1. ~~[Permitted]~~ Principal permitted uses. Any use permitted in the B-3 or A-1 Zones except automobile sales, service or rental including, but not limited to; gasoline stations and vehicle washing establishments. Commercial parking lots and parking garages are also not permitted in this zone.

- (1) ~~—[Residential uses:~~
Single family (detached).
Single family (attached).
Duplex residential.
Townhouse residential.
Multiple family residential.

- (2) ~~—Civic uses:~~
Administrative services.
Higher education facilities.
Community recreation.
Cultural services.
Day care.
Local utility services.
Park and recreation services.
Postal facilities.
Recreation clubs.

- ~~Religious assembly.~~
- ~~(3) Office uses:~~
 - ~~Financial services.~~
 - ~~General services.~~
 - ~~Medical services.~~
- ~~(4) Commercial uses:~~
 - ~~Business support services.~~
 - ~~Business or trade school.~~
 - ~~Cocktail lounge.~~
 - ~~Communications services.~~
 - ~~Food sales (limited).~~
 - ~~Food sales (general).~~
 - ~~Food sales (convenience).~~
 - ~~Funeral services.~~
 - ~~General retail sales.~~
 - ~~Health club with customary indoor and outdoor facilities.~~
 - ~~Hotel/motel.~~
 - ~~Indoor entertainment.~~
 - ~~Indoor sports and recreation.~~
 - ~~Liquor sales.~~
 - ~~Outdoor sports and recreation.~~
 - ~~Personal improvement services.~~
 - ~~Personal services.~~
 - ~~Pet services.~~
 - ~~Research services.~~
 - ~~Restaurant (drive in).~~
 - ~~Restaurant (limited).~~
 - ~~Restaurant (general).]~~

~~(c)~~ 2. *Site development regulations.*

~~(1)~~ a. The minimum area of any new MU [~~district~~] Zone shall be three (3) acres. There shall be no minimum area of expansions of existing MU Zones.

~~(2)~~ b. All projects in the MU [~~district~~] Zone shall receive approval by the Planning Commission, following the development plan procedure set forth in section 126-176. Such approval shall be granted for a comprehensive development plan instead of for individual structures, provided that any subsequent structures or developments are consistent with such development plan.

~~(3)~~ c. Application for approval must include at least the following information:

a. 1. A detailed site map, including:

1. a. A boundary survey.

2. b. Site dimensions.

- ~~3.~~ c. Contour lines at not greater than five (5) foot intervals.
- ~~4.~~ d. Adjacent public rights-of-way, public transportation routes, and pedestrian systems.
- ~~5.~~ e. Description of adjacent land uses.
- ~~6.~~ f. Utility service to the site and easements through the site.
- ~~7.~~ g. Description of other site features, including drainage, soils and other considerations that may affect the development of the site.
- ~~b.~~ 2. A development plan as per section 126-176.
- ~~c.~~ 3. Specific proposed site development regulations for the project, including:
 - ~~1.~~ a. Maximum floor area ratios.
 - ~~2.~~ b. Front, side and rear yard setbacks.
 - ~~3.~~ c. Maximum height.
 - ~~4.~~ d. Maximum building and impervious coverage.
 - ~~5.~~ e. Design standards applicable to the project.

Sec. 126-119. Hospital Medical Zone, HM.

The ~~[intent]~~ purpose of this zone is to provide a more flexible and customized approach for the development, parking and circulation needs of medical centers and complexes. Uses not specifically allowed by ~~[the]~~ this section are excluded, except as provided ~~[in subsection (2) (e) of this section]~~ herein.

- (1) *Principal permitted uses.* All uses are to be conducted wholly within a building except for off-street loading/unloading and surface parking.
 - a. General medical hospitals with in-patient and out-patient services.
 - b. Offices ~~and~~ clinics of health care practitioners including physicians, surgeons, osteopaths, psychologists, psychiatrists, chiropractors, nurses, rehabilitation therapists (physical, occupational, respiratory~~[-and]~~ & recreational), medical ~~[and]~~ & psychiatric social workers, dentists, nutritionists, dietitians, opticians, optometrists, and other similar medical uses licensed and certified by the State of Kentucky as health care specialists or practitioners.
 - c. Medical technology and testing laboratories.
 - d. Medical and dental related health care educational facilities and schools.
 - e. ~~[And other]~~ Other closely related uses, as approved by the Planning Commission following a public hearing. Inclusion of such uses may be included in an approved development plan.
- (2) *Accessory uses.* Accessory uses are those permitted uses that are allowed only when they are clearly incidental, subordinate, and in the presence of the permitted uses in the HM

Zone. [~~While section 126-3 requires accessory building uses to be on a lot with a principal use, for the purpose of this section, the following accessory uses may be on a separate lot.~~] They may be included in the principal building, ~~or~~ an accessory building or on a separate lot. All uses are to be conducted wholly within a building except for off-street loading/unloading and surface parking.

- a. Administrative offices (hospital/medical).
- b. Ambulance service.
- c. Chapels.
- d. Daycare (nursery, child, pre-school, and adult).
- e. Food service.
- f. [~~Gifts~~] Gift and flower shops.
- g. Heliports.
- h. Hospice.
- i. Linen/laundry service.
- j. Lodging, visitor.
- k. Medical insurance service.
- l. Medical, dental and other health care professional organization offices.
- m. Mobile diagnostic and treatment trailers.
- n. Nursing, transitional care, and assisted care homes.
- o. Parking garages.
- p. Pharmacies with retail sales of general merchandise.
- q. Retail sales of medical and dental supplies and services including prosthetics, optical, and other similar medical and/or dental goods and services.
- ~~r. Signs, off premise.~~
- ~~s. Signs, premise.~~
- ~~t. r.~~ r. Temporary buildings.
- ~~u. s.~~ s. Uniform shops.
- t. Short-term rentals (includes special event short-term rentals).

~~(3) [Development Plan required. Development Plans per section 126-176 are required with such additional requirements as are included herein.]~~

(4) ~~(3)~~ [~~Yard~~] Minimum yard requirements.

- a. [~~Front yard~~]— Front yard: Fifty (50) feet, seventy-five (75) feet on arterials.
- b. [~~Side yard~~]— Side yard: Twenty-five (25) feet.

- c. ~~[Rear yard]~~– Rear yard: Twenty-five (25) feet.

(4) Minimum area requirements.

- a. Minimum lot area: Five thousand (5,000) square feet.

- b. Minimum lot width: Fifty (50) feet.

- (5) Landscape requirements. Ten (10) percent of the entire site shall be landscaped. Detailed landscape plans shall be submitted with a development plan.

- ~~[(6) Parking. Parking shall be per section 126-71. Calculation of required numbers shall be by cumulatively adding the required spaces by use. Alternatively, with an approved development plan, an applicant may substitute ratios and calculations through submission of a professionally prepared parking study.]~~

- ~~(7 6)~~ Density. The ~~[Floor to Area Ratio]~~ floor area ratio (FAR) shall not exceed two (2-~~0~~): one (1).

Sec. 126-120. Neighborhood Services Zone, NSZ

The purpose of this ~~[district]~~ zone is to provide for residential uses and encourage such development by right, according to standards that will ensure harmony with the existing historic residential environment. ~~[Additionally, it is the purpose of this district to allow for home based commercial activity that closely reflects the community character.]~~

- (1) Principal permitted uses.

- a. Single-family dwellings.

1. Minimum lot area: Eight thousand (8,000) square feet

2. Minimum lot width: Fifty (50) feet.

- b. ~~[Two (2)-family]~~ Two-family dwellings ~~[and townhouses with no more than two (2) attached units per townhouse.]~~

1. Minimum lot area: Four thousand (4,000) square feet per unit.

2. Minimum lot width: ~~[Thirty (30) feet per unit]~~ Fifty (50) feet (per structure).

- c. Park, playground or community center owned and operated by a governmental agency.

- d. Special event short-term rentals.

- 2) ~~[Conditional]~~ Conditionally permitted uses. The following uses are special exceptions and shall require written approval from the ~~[Board of Adjustment]~~ Historical and Architectural Review Commission:

- a. ~~[Multifamily]~~ Multi-family dwellings.

1. Minimum lot area ~~[per unit]~~: Three ~~[(3) or more units, three]~~ thousand (3,000) square feet per unit.

2. Minimum lot width: ~~[Seventy-five (75) feet]~~ Sixty (60) feet.
- b. Home occupations.
- c. Professional offices.
- d. ~~[Day care]~~ Daycare nurseries.
- e. Beauty shops and barbershops.
- f. ~~[Florist shops.]~~
- g. f. Places of worship.
- g. Short-term rentals.
- h. The following uses, provided they are conducted wholly within a building except for off-street loading and unloading:
 1. Retail establishments (product processing is allowed only if the products are sold at retail on the premises);
 2. Personal and convenience service establishments;
 3. Restaurant's (excluding drive-thru);
 4. Any other use not listed which, in the ~~[Commission's]~~ HARC's opinion, would be compatible with the above uses.
3. ~~[Height regulations. The following height regulations shall apply to buildings and structures within the Neighborhood Services Zone:~~
 - a. ~~Minimum height: None~~
 - b. ~~Maximum height: Thirty-six (36) feet, however, additional feet may be allowed with design approval from the HARC based on the scale of adjacent structures.~~
4. ~~Setbacks.]~~ 3) Minimum yard requirements.
 - a. Front yard: Twenty-five (25) feet.
 - b. Side yard: Six (6) feet.
 - c. Rear yard: Twenty-five (25) feet.
- 4) Minimum area requirements for non-residential structures:
 - a. Minimum lot area: Eight thousand (8,000) square feet.
 - b. Minimum lot width: Fifty (50) feet.
- 5) Maximum building height. Thirty-six (36) feet, however, additional feet may be allowed with design approval from the HARC based on the scale of adjacent structures.
- 5) 6) Additional regulations:
 - a. Off-street loading areas may not face any public right-of-way.

- b. No loading or unloading shall be allowed between 9:00 p.m. and 7:00 a.m.
- c. Parking ~~[requirements. Same]~~ as shall be per section 126-102 (2) ([f] e).
- d. The Historical and Architectural Review Commission (HARC) shall have sole jurisdiction as a special board of adjustment over the ~~[Neighborhood Services Zone]~~ NSZ pursuant to KRS 82.026 and 100.217.
- e. ~~[Accessory structures. Same as section 126-86.]~~

~~6. 7)~~ *Plan approval required for new~~[infill]~~ construction and for changes in exterior appearance.* In order to maintain the existing character of the neighborhood, plans for architectural design, site layout[, or changes in style of architectural elements must be approved by the Historical and Architectural Review Commission (HARC). The HARC may require changes to the plan as deemed necessary or desirable to ensure proper design standards, to minimize traffic difficulties, to safeguard adjacent properties, and to preserve the intent of the ~~[Neighborhood Services Zone]~~ NSZ.

- a. Certificate of Zoning Compliance required.
 - 1. No person shall, without first applying for and obtaining a special conditional use permit, to be known as a Certificate of Zoning Compliance, make any changes in exterior appearance to any exterior portion of any structures in the ~~[Neighborhood Services Zone]~~ NSZ. A Certificate of Zoning Compliance must be issued by the Planning Department before a building permit can be obtained.
 - 2. Infill/new construction and additions to existing structures. All new construction and additions to existing structures must first be issued a Certificate of Zoning Compliance before any construction begins.
 - 3. Existing structures.
 - i. Changes to the design or style of any exterior feature on an existing structure requires a Certificate of Zoning Compliance.
 - ii. Administrative approvals. In the following instances, Certificates of Zoning Compliance can be issued by the Zoning Administrator.
 - A. In instances where the design or style of any exterior feature is replicated and replaced with a new material, the Zoning Administrator has the authority to administratively approve the application for a Certificate of Zoning Compliance. The proposed materials must comply with the approved building materials list found in the design guidelines.
 - B. New accessory structures that use the same building materials and an appropriately sized and style of windows and doors that complement the existing primary structure can be administratively approved.

Features considered include structure orientation, openings, roof pitch, siding, and color scheme.

- C. ~~[Trees.]~~ Cutting or removal of trees that are more than one (1) foot in diameter measured at one (1) foot off of the ground require a Certificate of Zoning Compliance. Removal of trees can be approved administratively.
- D. ~~[Repainting.]~~ Changing the color of a surface that has already been painted can be approved administratively.
- E. ~~[Fences.]~~ Fences that are determined to comply with the advisory design guidelines can be approved administratively.
- F. ~~[Demolitions.]~~ Any proposed demolition of a principal structure requires a Certificate of Zoning Compliance prior to obtaining a demolition permit. Demolitions outside of the ~~[demolition-control zone]~~ Demolition Control Zone can be approved administratively.

b. Applications for a Certificate of Zoning Compliance.

- 1. Applications for a ~~[certificate of zoning compliance]~~ Certificate of Zoning Compliance are submitted to the Planning Department.
- 2. A public hearing is required on all applications except for administrative approvals as outlined in this section.
- 3. Grounds for granting a ~~[certificate of zoning compliance]~~ Certificate of Zoning Compliance. The HARC must make written findings of fact as follows:
 - i. The proposed exterior changes comply with the intent of the Neighborhood Services Zone.
 - ii. The proposed exterior changes are in harmony with the adopted design guidelines.
 - iii. The HARC shall adopt design guidelines for the ~~[Neighborhood Services Zone]~~ NSZ to act as a guide for board decisions on plan approvals and changes to the exterior appearance of existing structures. The document shall be made available to the public to aid in the design approval process.
 - iv. Maintenance and safety standards.
 - A. All buildings within this zone shall be maintained to meet the requirements of the building code and property maintenance codes of the City ~~[including the enhanced property maintenance standards]~~.
 - B. ~~Enforcement of safety standards.]~~ Nothing in this section shall be construed to prevent the City Building ~~[Inspector]~~

Officials from enforcing all State statutes and provisions of this [~~Code~~] code and any other ordinances of the City pertaining to the public safety.

- v. Appeals. Any person aggrieved by any action of the Zoning Administrator may appeal their decision to the HARC [~~Board~~] pursuant to KRS 100.257. Any person aggrieved by any action of the HARC may appeal the decision [~~thereof~~] to the Circuit Court in the manner prescribed for appeals from actions of boards of adjustment.

Sec. 126-121. Neighborhood Commercial Corridor Zone, NCCZ

The purpose of this [~~district~~] zone is to provide for a mixture of commercial and residential uses, and encourage such development by right, according to standards that will ensure harmony with the existing commercial and residential environment. Objectives of this [~~district~~] zone include the following:

(1) Creation of a dynamic street life, encouraging the placement of buildings close to property lines, and/or heavily landscaped yard areas, in order to engage pedestrians and de-emphasize parking facilities; and

(2) Facilitation of development that demonstrates an appropriateness of scale; and

(3) Encouragement of landscaped spaces available for pedestrian use (e.g., pocket parks, tree lined streets and walkways).

- a. (1) *Principal permitted uses.* The following uses may not exceed four thousand (4,000) square feet of gross floor area. This [~~area~~] requirement may be waived based on a design concept approved by the Planning Commission that will not have an adverse impact on the neighborhood.

- 1. a. Any principal use permitted in [~~an~~]the R-4 [~~zone~~] Zone.
- 2. [~~Bed & Breakfast.~~]
- 3. b. Home occupations.
- 4. c. Funeral homes.
- 5. d. Commercial greenhouses.
- 6. e. Beauty shops and barbershops.
- 7. [~~Florist shops.~~]
- 8. f. Restaurant (excluding drive-thru).
- 9. g. Assembly [~~building~~] buildings of cultural, fraternal, professional and labor organizations.
- 10. h. The following uses, provided they are conducted wholly within a building except for off-street loading and unloading[;]. This section may be waived by the

Planning Commission at a public hearing based on the effect of the proposed use to the neighborhood.

- i. 1. Retail establishments (product processing is allowed only if the products are sold at retail on the premises);
- ii. 2. Personal and convenience service establishments;
- iii. ~~[Cleaners]~~ 3. Dry-cleaning establishments.

b. (2) Plan approval:

- 1. a. New infill commercial construction. Plans for site layout shall be approved by the Planning Commission~~[, and it may require changes]~~ and changes may be required as ~~[may be]~~ deemed necessary or desirable to insure proper design standards, to minimize traffic difficulties, to safeguard adjacent properties and to preserve the intent of the ~~[neighborhood commercial corridor]~~ NCCZ.
 - 2. b. Residential conversion. The Zoning Administrator and City Engineer, in compliance with the intent of this ~~[article]~~ section, shall approve plans for site layout.
 - 3. c. Infill Residential. The ~~[Building Inspector]~~ Chief Building Official, in compliance with the intent of this ~~[article]~~ section, shall approve plans for architectural design and site layout.
- e. 3. Building materials: The following approved materials list shall apply to all new construction projects or rehabilitation/renovations within the NCCZ.
- 1. a. Exterior siding and details. Wood, cement fiberboard, traditional brick veneer with true mortar joints, appropriate stone (no concrete block), smooth-faced vinyl, traditional stucco (no EIFS), or aluminum.
 - 2. b. Roofs. Slate, composite shingles or standing-seam metal.
 - 3. c. Soffits, fascia and trim. Wood, cement fiberboard ~~[(hardi-plank; must be smooth-faced)]~~, high-density polymer (permacast, fypon or other similar brand), smooth faced vinyl, traditional stucco (no EIFS) or aluminum ~~[siding]~~.
 - 4. d. Windows. ~~[may be constructed of wood, wood-clad]~~ Wood, wood-clad, vinyl or fiberglass.
 - 5. e. Doors. Wood, fiberglass or steel ~~[doors]~~.
 - 6. f. Foundations. Traditional brick veneer, lap siding, appropriate stone (no concrete block)~~[,]~~ or traditional stucco veneer.
 - 7. ~~[Building façade at front and side street shall change every thirty (30) foot minimum in height, or setback, or material]~~ g. Any building façade facing a public

way (excluding alleys) shall change at least every thirty (30) feet in height, setback or material.

d. ~~4. [Commercial/residential structure setbacks]~~ Minimum yard requirements.

1. ~~a.~~ Primary street frontage: no minimum required; ten (10) feet maximum. Setbacks for new residential structures must be aligned with adjacent structures.
2. ~~b.~~ Secondary street frontage~~;~~: no minimum required~~,~~ ten (10) feet maximum.
3. ~~c.~~ Side yard: Six (6) feet.
4. ~~d.~~ Rear yard: None.

e. ~~5. [Height regulations: The following height regulations shall apply to buildings and structures within the Neighborhood Commercial Corridor Zone.~~

1. ~~Minimum height: None~~
2. ~~Maximum height: Two and one half (2.5) stories, however, additional stories may be allowed with design approval from the Planning Commission.]~~

Minimum area requirements.

a. Minimum lot area:

1. Single-family dwellings: Eight thousand (8,000) square feet.
2. Two-family dwellings: Four thousand (4,000) square feet per unit.
3. Multi-family dwellings: Three thousand (3,000) square feet per unit.
4. Non-residential structures: Five thousand (5,000) square feet.

b. Minimum lot width: Fifty (50) feet.

6. Maximum building height. Two and one-half (2.5) stories, however; additional stories may be permitted with design approval from the Planning Commission.

- f. ~~7. Parking regulations. [Parking shall be in compliance with Section] See section 126-71.~~
All off-street parking shall be placed to the rear of the principal structure.

- g. ~~8. Square footage bonuses.~~ Following below is a list of bonuses that may be granted in return for certain amenities. The bonuses may be applied to increase the square footage of a permitted use.

- ~~1.~~ a. For every one (1) square foot of landscaping above those required in Section 126-83, an additional ~~[Twenty-five hundredths]~~ Twenty-five hundredths (0.25) square feet of building floor area shall be granted.
- ~~2.~~ b. For every one (1) square foot of space used for a courtyard or plaza, an additional one (1) square ~~[feet]~~ foot of building floor area shall be granted.

- h. ~~9. Additional regulations.~~ Off-street loading areas may not face any public right-of-way~~,~~ excluding alleys.

SECTION 2. Severability. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 3. Compliance with Open Meetings Laws. The City Commission hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this City Commission, and that all deliberations of this City Commission and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

SECTION 4. Conflicts. All ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed and the provisions of this Ordinance shall prevail and be given effect.

SECTION 5. Effective Date. This Ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Introduced by the Board of Commissioners, _____

Adopted by the Board of Commissioners, _____

Recorded by the City Clerk, _____

Published by *The Paducah Sun*, _____

ord\126 Zoning Text Amendment – New Land Uses

Agenda Action Form

Paducah City Commission

Meeting Date: August 10, 2021

Short Title: Approve a Text Amendment for Mobile Food Vehicles/ Food Tents - **J SOMMER**

Category: Ordinance

Staff Work By: Nicholas Hutchison, Josh Sommer, Katie Axt

Presentation By: Josh Sommer

Background Information: This text amendment is proposed to allow food tents to operate within certain parameters, to allow Mobile Food Vehicles to locate closer than 100' from a brick-and-mortar restaurant with permissions and to allow Mobile Food Vehicles to operate in certain downtown areas within certain noise parameters.

Does this Agenda Action Item align with a Commission Priority? Yes

If yes, please list the Commission Priority: It aligns with the Downtown priority.

Communications Plan:

Funds Available: Account Name:
Account Number:

Staff Recommendation: Approval

Attachments:

1. Staff Report - Text Amendment
2. 126-87 Mobile Food Vehicles and Food Tents
3. Noise Chart
4. Quiet Generators
5. Signed Resolution - 7-8-21



TEXT AMENDMENT PADUCAH BOARD OF COMMISSIONERS

CASE NO.	TXT2021-0032
TITLE	Mobile Food Vehicles
SECTIONS	Section 126-87. Mobile Food Vehicles (a) Purpose and intent (b) Definitions (c) Exemptions (d) Zoning locations (e) Locations and hours (f) Self contained units and appurtenances (j) Noise (k) Application and permitting (l) Food Tents
DESCRIPTION	Text amendment to provide for: • The definition of a Food Tent • Exemptions for Food Tents • Allow Mobile Food Vehicles to be nearer than 100 feet from a brick-and-mortar restaurant with written consent • Remove the requirement of 902 KAR 45:005 to require Mobile Food Vehicles to remain stationary, as the General Assembly has removed this requirement • Remove redundant language • The addition of Food Tent regulations • Allow Mobile Food Vehicles to operate in specific locations provided specific noise levels do not exceed an established threshold.

PROCEDURAL NOTE

Text amendments are first heard before the Paducah Planning Commission at a public hearing, pursuant to KRS 100.211 (2). The Planning Commission made a positive recommendation to the Board of Commissioners at the July 8, 2021 meeting.

CONSIDERATIONS

Section 126-87 pertains to how Mobile Food Vehicles are operated. Exemptions to this section were modified in March of this year.

This proposed amendment would define Food Tents in accordance with the Kentucky Building Code, allow them as an exemption in the Highway Business District (as they are already

principally permitted uses in this zone) and provide specific guidance for the regulation of Food Tents in the B-2 (Downtown Business Zone) and in higher-intensity zones.

This amendment would also allow Mobile Food Vehicles to operate closer than 100 feet to a brick-and-mortar restaurant with the specific written consent of said restaurant(s). The Kentucky Administrative Regulations (KAR) as they apply to mobile food vehicles, has been changed to remove the 14-day time period in which a mobile food vehicle must move. Therefore, it is being stricken from this section. Further, Mobile Food Vehicles are proposed to be located on Broadway between Water Street and North 7th Street/ Clarence Gaines Street, 2nd Street and within 100' of a residence if a generator is utilized that is 72 decibels or less.

TEXT AMENDMENT

The proposed amendment is as follows:

Sec. 126-87. Mobile Food Vehicles and Food Tents

- (a) *Purpose and intent.* In order to promote a new dynamic for the citizens of Paducah, create new jobs, increase quality of life and diversify dining options; this section of this chapter has been adopted to allow Mobile Food Vehicles and Food Tents to operate under specific guidelines.
- (b) *Definitions.* The following words, terms and phrases, ~~when used in this section,~~ shall have the meanings ascribed to them in this ~~sub~~section, except where the context clearly indicates a different meaning:

Food Tent means a temporary structure with or without sidewalls or drops, constructed of fabric or pliable material supported by any manner except by air or the contents that it protects, used for the purposes of serving food or beverage to the general public.

Mobile Food Administrator means the Director of Planning or designee. The Administrator shall be responsible for the administration, oversight and enforcement of the provisions under this section.

Mobile Food Vehicle means a vehicle-mounted, vehicle-towed or vehicle-carried food service establishment that engages in the sale and preparation of food or beverages in individual portions to the general public.

Mobile Food Vendor means a person that ~~prepare or serve~~ prepares or serves food or beverages to the general public from a Mobile Food Vehicle.

~~Mobile Food Administrator means the Director of Planning or designee. The Administrator shall be responsible for the administration, oversight and enforcement of the provisions under this section.~~

- (c) *Exemptions.* This section shall not apply to ice-cream or coffee trucks that move from place-to-place and are stationary in the same location for no more than ten (10) minutes at a time. This section also does not apply to food vending push carts, food stands, Mobile Food Vehicles in operation under a special event permit, and Mobile Food Vehicles intended to be stationary, such

as; but not limited to, in a mobile food vehicle court and Food Tents in the Highway Business District.

(d) *Zoning locations.* Mobile Food Vehicles may operate in the following zones: B-1, B-2, B-2-T, B-3, HBD, M-1, M-2, M-3, A-1, POP and HM ~~zones~~ Zones. A Mobile Food Vehicle may operate on a parcel that contains non-residential uses in the MU, H-2, NSZ and NCCZ ~~zones~~ Zones and in Planned Unit Developments (PUDs). All other zones are expressly prohibited, except in public parks as described herein.

(e) *Location and hours.* Mobile Food Vehicles are permitted ~~in city on City of Paducah~~ right-of-way (ROW). Mobile Food Vehicles are expressly prohibited from locating on State ~~of Kentucky~~ ROW. Mobile Food Vehicles may not locate within one hundred (100) feet of the principal entrance of any restaurant where more than fifty (50) percent of sales are derived from food, without the express written consent of said restaurant(s).

~~(1) A Mobile Food Vehicle shall not operate for more than fourteen (14) consecutive days at one (1) location. After the fourteen (14) consecutive days have expired, a Mobile Food Vehicle shall not operate at the same location until a period of thirty (30) days has elapsed as required by 902 KAR 45:005.~~

~~(2)~~ 1. The Mobile Food Vendor must obtain written permission from the property owner to locate on private property and said permission must be made available to the Mobile Food Administrator. Mobile Food Vehicles may locate in public parking lots with written approval from the Mobile Food Administrator. Vehicles in the ROW may be asked to be moved in the event of street cleaning, snow removal, parades, construction or other events as deemed necessary, in the sole opinion, of the Mobile Food Administrator. Mobile Food Vehicles in private parking lots may be asked to be moved in the event sufficient parking is not available. Written permission must be granted from the Paducah Parks Services Director or designee; or the McCracken County Judge Executive or designee (depending on ownership) if the Mobile Food Vendor proposes to operate in a public park.

~~(3)~~ 2. In no case shall a Mobile Food Vehicle obstruct traffic or pedestrian flow. A Mobile Food Vendor shall ensure that a minimum of four (4) feet of unobstructed sidewalk remains open for pedestrian traffic. Mobile Food Vehicles parked in the ROW shall not occupy more than two (2) parking spaces. No stop sign, yield sign, school crossing sign or any other traffic-control sign or signal shall be obstructed. No ingress/egress of any driveway or alley shall be obstructed. No fire hydrant or fire lane shall be obstructed.

~~(4)~~ 3. Mobile Food Vehicles may operate within the hours of 6:00 a.m. to 11:00 p.m. Mobile Food Vehicles may operate until 2:00 a.m. if the Mobile Food Vehicle is located on private property and the principal business located on the private property is open. Mobile Food Vehicles may not be left overnight in public parking lots or on ~~city~~ City ROW.

(f) *Self-contained units and appurtenances.* All Mobile Food Vehicles shall have self-contained water and wastewater. No gray water or grease shall be dumped upon any street, sidewalk or down a stormwater drain. Mobile Food Vehicles on private property may utilize electric power from the property being occupied or an adjacent property, but only when written consent is obtained to do so. No power cable, extension cord or other equipment shall be

extended across any street, alley or sidewalk. If a power cable, extension cord or other electrical equipment is extended across a parking lot, said equipment must be protected from vehicle movements in accordance with the National Electrical Code requirements.

- (1) No tables, chairs, umbrellas or other appurtenances shall be allowed on public property.
- (2) All Mobile Food Vehicles shall be in compliance with regulations established by the Cabinet for Health and Family Services, Department for Public Health, Division of Public Health Protection and Safety and/or the Purchase District Health Department.
- ~~(3) The Mobile Food Vehicle must have a three (3) compartment sink with drain boards; a hand sink; hot and cold water; proper screening for insects; refrigeration equipment that holds at 41 degrees or lower; hot holding equipment that holds at one hundred thirty-five (135) degrees or higher and all work must be done by a Kentucky Master Plumber.~~
- (g) *Garbage disposal.* All Mobile Food Vendors must provide one (1) or more garbage receptacles for their patrons. All Mobile Food Vendors must keep the area around their vehicles free from litter, refuse and garbage.
- (h) *Serving articles and alcoholic beverages.* Patrons shall be provided with single-service articles, such as plastic utensils, plastic or Styrofoam cups and paper or Styrofoam plates. Mobile Food Vehicles shall not serve any alcoholic beverage unless permitted as part of a special event.
- (i) *Special events.* Mobile Food Vehicles are prohibited from vending two thousand, five hundred (2,500) feet from special event permitted areas; including, but not limited to; Barbecue on the River and Quilt Week unless the Mobile Food Vehicle is permitted by the City of Paducah; the City Parks Services Department and/or the permit holder responsible for the special event. The “Safety Guidelines for Special Events and Mobile Food Vehicles” must be obtained from the Paducah Fire Prevention Division and followed thereto.
- (j) *Noise.* No Mobile Food Vehicle may emit bells, music, horns or other audible sounds used to attract customers. Strobe lights, flashing lights or other repetitious lighting are prohibited. The noise level from the food truck motor and generator must comply with the City’s Noise Ordinance. Generators shall not be permitted on Broadway between Water Street and North 7th Street/ Clarence Gaines Street, 2nd Street or within one hundred (100) feet of a residence, unless a generator is utilized that produces a noise level of 72 decibels or less.
- (k) *Application and permitting.*
 1. *Mobile Food Permit* ~~Required~~ required. Any operator of a Mobile Food Vehicle must apply for and receive, on an annual basis, a Mobile Food Zoning Compliance Permit (the “Mobile Food Permit”) from the Mobile Food Administrator. The Mobile Food Permit is required for each Mobile Food Vehicle. The Mobile Food Permit shall be prominently displayed on the Mobile Food Vehicle along with other permits as required by this chapter.
 2. *Application.* Every Mobile Food Vendor desiring to operate a Mobile Food Vehicle shall submit an application for a Mobile Food Permit to the Mobile Food Administrator. All Mobile Food Vendors shall obtain necessary inspections and permits otherwise required by the City of Paducah, the Purchase District Health Department, and any other local, State or Federal agencies or departments, including ~~without limitation~~ a current ~~city~~ City business license and any other inspections and permits required by the Paducah Fire

- Prevention Division, in order to vend in the City limits. In addition to the information required ~~by in~~ the application, the Mobile Food Administrator may request other information reasonably required. The Mobile Food Permit application shall not be considered complete until the Mobile Food Administrator has all information as required by the application ~~or otherwise~~.
3. *Issuance of Mobile Food Permit.* Once the application is considered complete ~~by the Mobile Food Administrator~~, the Mobile Food Administrator shall issue or deny the Mobile Food Permit within fourteen (14) business days. If the Mobile Food Administrator is satisfied that the application and Mobile Food Vehicle conform to the requirements of this chapter and other pertinent laws and ordinances, a Mobile Food Permit shall be issued to the applicant. If the application and Mobile Food Vehicle does not conform to the requirements of this chapter or other pertinent laws or ordinances, the Mobile Food Administrator shall not issue the Mobile Food Permit, but shall inform the applicant of the denial. Such denial, when requested, shall be in writing and state the reasons for denial. The Mobile Food Permit shall be valid for one (1) calendar year from the date of issuance, unless the Mobile Food Permit is revoked pursuant to this chapter.
 4. *Permit renewal.* Every Mobile Food Permit, unless suspended or revoked for a violation of any provision of this chapter or other requirement or ordinance of the City, can be renewed annually prior to expiration. An application for renewal of a Mobile Food Permit shall be made through the Mobile Food Administrator. Upon the Mobile Food Permit's expiration, the holder of the Mobile Food Permit forfeits the right to renew and the Mobile Food Vendor must reapply for a new Mobile Food Permit.
 5. *Inspections after ~~Permitting~~ permitting.* Permitted operations will be inspected periodically and without notice by representatives of various ~~city~~ City departments to ensure compliance with this chapter.
 6. *Operation without ~~Permit~~ permit.* Any Mobile Food Vehicle operating without a valid Mobile Food Permit may be deemed a public safety hazard and may be ticketed and impounded. The penalty for operating without a Mobile Vehicle Permit shall be the same as section ~~62-180~~ 126-178.
 7. *Revocation of ~~Permit~~ permit.* The Mobile Food Administrator may revoke a Mobile Food Permit if it is discovered that:
 - a. An applicant obtained the Mobile Food Permit by knowingly providing false information on the application;
 - b. The continuation of the Mobile Food Vendor's use of the Mobile Food Permit is a threat to public health or safety, or if the Mobile Food Vendor otherwise presents a threat to public health or safety; or
 - c. The Mobile Food Vendor or Mobile Food Vehicle violates regulations of this article or any other ~~city~~ City ordinance.
 8. *Appeal of ~~Revocation~~ revocation.* If a Mobile Food Permit is revoked, the Mobile Food Administrator shall state the specific reasons for the revocation. Any Mobile Food Vendor whose Mobile Food Permit has been revoked may appeal such denial by submitting a written request for a hearing to the Mobile Food Administrator within ten (10) days of revocation. An informal hearing shall be conducted within thirty (30) days of the Mobile

Food Administrator's receipt of said appeal by a panel comprised of the Chairman of the City Planning ~~and Zoning~~ Commission, the City Manager and the Director of the Fire Prevention Division ~~of the City~~. The panel shall consider whether the revocation was justified and whether good cause exists to reinstate the Mobile Food Permit. The panel shall issue its decision on the appeal in a written opinion within ten (10) business days; the written opinion will be sent via first class mail to the Mobile Food Vendor at the address listed on the Mobile Food Vehicle application. The decision resulting therefrom shall be final. Following the revocation of a Mobile Food Permit, a Vendor must wait one (1) year before reapplying for a new Mobile Food Permit.

- (l) Food Tents. Food Tents shall be principally permitted in the B-2 Zone and as promulgated through the higher-intensity zones. In addition to the following, Food Tents shall follow subsections e – j of this chapter as applicable.
1. Festivals/ events. Food Tents may be utilized only as part of a private festival or event such as, but not limited to; Food Truck Fridays or block parties.
 2. Approvals. Food Tents shall receive necessary approvals from the Fire Prevention Division and the Purchase District Health Department. Food Tents shall be required to pass an on-site inspection by the Fire Prevention Division.
 3. Cooking. No cooking shall take place under a Food Tent unless the tent meets the requirements of the National Fire Protection Association standard #701. All cooking areas must be kept isolated from the public.
 4. Separation. Food Tents shall be located further than twenty (20) feet from another tent or other structure.

STAFF RECOMMENDATION

Based on the above, staff recommends the Board of Commissioners accept the Paducah Planning Commission's positive recommendation and approve the text amendment of Section 126-87 *Mobile Food Vehicles*.

ORDINANCE NO. 2021-____ - _____

AN ORDINANCE AMENDING CHAPTER 126
OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH RELATED TO
MOBILE FOOD VEHICLES

WHEREAS, any change to the text of the zoning code must be referred to the Paducah Planning Commission before adoption and considered in accordance with KRS 100.211; and

WHEREAS, a public hearing was held on July 8, 2021 by the Planning Commission after advertisement pursuant to law; and

WHEREAS, the Paducah Planning Commission duly considered said proposal and has heard and considered the objections and suggestions of all interested parties who appeared at said hearing; and

WHEREAS, the Planning Commission adopted a proposal to change the text of Section 126-87 *Mobile Food Vehicles* of the City of Paducah zoning ordinance; and

WHEREAS, the City desires to amend certain sections of the Paducah Code of Ordinances to reflect the changes.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF PADUCAH,
KENTUCKY:

SECTION 1. That the City of Paducah, Kentucky hereby amends Section 126-87 *Mobile Food Vehicles* of the Paducah Code of Ordinances as follows:

Sec. 126-87. Mobile Food Vehicles and Food Tents

(a) *Purpose and intent.* In order to promote a new dynamic for the citizens of Paducah, create new jobs, increase quality of life and diversify dining options; this section of this chapter has been adopted to allow Mobile Food Vehicles and Food Tents to operate under specific guidelines.

(b) *Definitions.* The following words, terms and phrases~~[, when used in this section,]~~ shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Food Tent means a temporary structure with or without sidewalls or drops, constructed of fabric or pliable material supported by any manner except by air or the contents that it protects, used for the purposes of serving food or beverage to the general public.

Mobile Food Administrator means the Director of Planning or designee. The Administrator shall be responsible for the administration, oversight and enforcement of the provisions under this section.

Mobile Food Vehicle means a vehicle-mounted, vehicle-towed or vehicle-carried food service establishment that engages in the sale and preparation of food or beverages in individual portions to the general public.

Mobile Food Vendor means a person that ~~[prepare or serve]~~ prepares or serves food or beverages to the general public from a Mobile Food Vehicle.

~~[*Mobile Food Administrator* means the Director of Planning or designee. The Administrator shall be responsible for the administration, oversight and enforcement of the provisions under this section.]~~

(c) *Exemptions.* This section shall not apply to ice-cream or coffee trucks that move from place-to-place and are stationary in the same location for no more than ten (10) minutes at a time. This section also does not apply to food vending push carts, food stands, Mobile Food Vehicles in operation under a special event permit, ~~[and]~~ Mobile Food Vehicles

intended to be stationary, such as; but not limited to, in a mobile food vehicle court and Food Tents in the Highway Business District.

- (d) *Zoning locations.* Mobile Food Vehicles may operate in the following zones: B-1, B-2, B-2-T, B-3, HBD, M-1, M-2, M-3, A-1, POP and HM [~~zones~~] Zones. A Mobile Food Vehicle may operate on a parcel that contains non-residential uses in the MU, H-2, NSZ and NCCZ [~~zones~~] Zones and in Planned Unit Developments (PUDs). All other zones are expressly prohibited, except in public parks as described herein.

- (e) *Location and hours.* Mobile Food Vehicles are permitted [~~in city~~] on City of Paducah right-of-way (ROW). Mobile Food Vehicles are expressly prohibited from locating on State of Kentucky ROW. Mobile Food Vehicles may not locate within one hundred (100) feet of the principal entrance of any restaurant where more than fifty (50) percent of sales are derived from food, without the express written consent of said restaurant(s). [

~~1. A Mobile Food Vehicle shall not operate for more than fourteen (14) consecutive days at one (1) location. After the fourteen (14) consecutive days have expired, a Mobile Food Vehicle shall not operate at the same location until a period of thirty (30) days has elapsed as required by 902 KAR 45:005.]~~

~~2.~~ 1. The Mobile Food Vendor must obtain written permission from the property owner to locate on private property and said permission must be made available to the Mobile Food Administrator. Mobile Food Vehicles may locate in public parking lots with written approval from the Mobile Food Administrator. Vehicles in the ROW may be asked to be moved in the event of street cleaning, snow removal, parades, construction or other events as deemed necessary, in the sole opinion, of the Mobile Food Administrator. Mobile Food Vehicles in private parking lots may be asked to be moved in the event sufficient parking is not available. Written permission must be granted from the Paducah Parks Services Director or designee; or the McCracken County Judge Executive or designee (depending on ownership) if the Mobile Food Vendor proposes to operate in a public park.

~~3.~~ 2. In no case shall a Mobile Food Vehicle obstruct traffic or pedestrian flow. A Mobile Food Vendor shall ensure that a minimum of four (4) feet of unobstructed sidewalk remains open for pedestrian traffic. Mobile Food Vehicles parked in the ROW shall not occupy more than two (2) parking spaces. No stop sign, yield sign, school crossing sign or any other traffic-control sign or signal shall be obstructed. No ingress/egress of any driveway or alley shall be obstructed. No fire hydrant or fire lane shall be obstructed.

~~4.~~ 3. Mobile Food Vehicles may operate within the hours of 6:00 a.m. to 11:00 p.m. Mobile Food Vehicles may operate until 2:00 a.m. if the Mobile Food Vehicle is located on private property and the principal business located on the private property is open. Mobile Food Vehicles may not be left overnight in public parking lots or on [~~city~~] City ROW.

- (f) *Self-contained units and appurtenances.* All Mobile Food Vehicles shall have self-contained water and wastewater. No gray water or grease shall be dumped upon any street, sidewalk or down a stormwater drain. Mobile Food Vehicles on private property may utilize electric power from the property being occupied or an adjacent property, but only when written consent is obtained to do so. No power cable, extension cord or other equipment shall be extended across any street, alley or sidewalk. If a power cable, extension cord or other electrical equipment is extended across a parking lot, said equipment must be protected from vehicle movements in accordance with the National Electrical Code requirements.

1. No tables, chairs, umbrellas or other appurtenances shall be allowed on public property.

2. All Mobile Food Vehicles shall be in compliance with regulations established by the Cabinet for Health and Family Services, Department for Public Health, Division of Public Health Protection and Safety and/or the Purchase District Health Department.

3. ~~[The Mobile Food Vehicle must have a three (3) compartment sink with drain boards; a hand sink; hot and cold water; proper screening for insects; refrigeration equipment that holds at 41 degrees or lower; hot holding equipment that holds at one hundred thirty five (135) degrees or higher and all work must be done by a Kentucky Master Plumber.]~~

- (g) *Garbage disposal.* All Mobile Food Vendors must provide one (1) or more garbage receptacles for their patrons. All Mobile Food Vendors must keep the area around their vehicles free from litter, refuse and garbage.
- (h) *Serving articles and alcoholic beverages.* Patrons shall be provided with single-service articles, such as plastic utensils, plastic or Styrofoam cups and paper or Styrofoam plates. Mobile Food Vehicles shall not serve any alcoholic beverage unless permitted as part of a special event.
- (i) *Special events.* Mobile Food Vehicles are prohibited from vending two thousand, five hundred (2,500) feet from special event permitted areas; including, but not limited to, Barbecue on the River and Quilt Week unless the Mobile Food Vehicle is permitted by the City; the City Parks Services Department and/or the permit holder responsible for the special event. The "Safety Guidelines for Special Events and Mobile Food Vehicles" must be obtained from the Paducah Fire Prevention Division and followed thereto.
- (j) *Noise.* No Mobile Food Vehicle may emit bells, music, horns or other audible sounds used to attract customers. Strobe lights, flashing lights or other repetitious lighting are prohibited. The noise level from the food truck motor and generator must comply with the City's Noise Ordinance. Generators shall not be permitted on Broadway between Water Street and North 7th Street/ Clarence Gaines Street, 2nd Street or within one hundred (100) feet of a residence, unless a generator is utilized that produces a noise level of 72 decibels or less.
- (k) *Application and permitting.*

1. *Mobile Food Permit* ~~[Required]~~ *required.* Any operator of a Mobile Food Vehicle must apply for and receive, on an annual basis, a Mobile Food Zoning Compliance Permit (the "Mobile Food Permit") from the Mobile Food Administrator. The Mobile Food Permit is required for each Mobile Food Vehicle. The Mobile Food Permit shall be prominently displayed on the Mobile Food Vehicle along with other permits as required by this chapter.
2. *Application.* Every Mobile Food Vendor desiring to operate a Mobile Food Vehicle shall submit an application for a Mobile Food Permit to the Mobile Food Administrator. All Mobile Food Vendors shall obtain necessary inspections and permits otherwise required by the City of Paducah, the Purchase District Health Department, and any other local, State or Federal agencies or departments, including ~~[without limitation]~~ a current ~~[city]~~ City business license and any other inspections and permits required by the Paducah Fire Prevention Division, in order to vend in the City limits. In addition to the information required ~~[by]~~ in the application, the Mobile Food Administrator may request other information reasonably required. The Mobile Food Permit application shall not be considered complete until the Mobile Food Administrator has all information as required by the application ~~[or otherwise]~~.
3. *Issuance of Mobile Food Permit.* Once the application is considered complete ~~[by the Mobile Food Administrator]~~, the Mobile Food Administrator shall issue or deny the Mobile Food Permit within fourteen (14) business days. If the Mobile Food Administrator is satisfied that the application and Mobile Food Vehicle conform to the requirements of this chapter and other pertinent laws and ordinances, a Mobile Food Permit shall be issued to the applicant. If the application and Mobile Food Vehicle does not conform to the requirements of this chapter or other pertinent laws or ordinances, the Mobile Food Administrator shall not issue the Mobile Food Permit, but shall inform the applicant of the denial. Such denial, when requested, shall be in writing and state the reasons for denial. The Mobile Food Permit shall be valid for one (1) calendar year from the date of issuance, unless the Mobile Food Permit is revoked pursuant to this chapter.
4. *Permit renewal.* Every Mobile Food Permit, unless suspended or revoked for a violation of any provision of this chapter or other requirement or ordinance of the

City, can be renewed annually prior to expiration. An application for renewal of a Mobile Food Permit shall be made through the Mobile Food Administrator. Upon the Mobile Food Permit's expiration, the holder of the Mobile Food Permit forfeits the right to renew and the Mobile Food Vendor must reapply for a new Mobile Food Permit.

5. *Inspections after ~~[Permitting]~~ permitting.* Permitted operations will be inspected periodically and without notice by representatives of various ~~[city]~~ City departments to ensure compliance with this chapter.
 6. *Operation without ~~[Permit]~~ permit.* Any Mobile Food Vehicle operating without a valid Mobile Food Permit may be deemed a public safety hazard and may be ticketed and impounded. The penalty for operating without a Mobile Vehicle Permit shall be the same as section ~~62-180~~ 126-178.
 7. *Revocation of ~~[Permit]~~ permit.* The Mobile Food Administrator may revoke a Mobile Food Permit if it is discovered that:
 - a. An applicant obtained the Mobile Food Permit by knowingly providing false information on the application;
 - b. The continuation of the Mobile Food Vendor's use of the Mobile Food Permit is a threat to public health or safety, or if the Mobile Food Vendor otherwise presents a threat to public health or safety; or
 - c. The Mobile Food Vendor or Mobile Food Vehicle violates regulations of this article or any other ~~[city]~~ City ordinance.
 8. *Appeal of ~~[Revocation]~~ revocation.* If a Mobile Food Permit is revoked, the Mobile Food Administrator shall state the specific reasons for the revocation. Any Mobile Food Vendor whose Mobile Food Permit has been revoked may appeal such denial by submitting a written request for a hearing to the Mobile Food Administrator within ten (10) days of revocation. An informal hearing shall be conducted within thirty (30) days of the Mobile Food Administrator's receipt of said appeal by a panel comprised of the Chairman of the City Planning ~~[and Zoning]~~ Commission, the City Manager and the Director of the Fire Prevention Division ~~[of the City]~~. The panel shall consider whether the revocation was justified and whether good cause exists to reinstate the Mobile Food Permit. The panel shall issue its decision on the appeal in a written opinion within ten (10) business days; the written opinion will be sent via first class mail to the Mobile Food Vendor at the address listed on the Mobile Food Vehicle application. The decision resulting therefrom shall be final. Following the revocation of a Mobile Food Permit, a Vendor must wait one (1) year before reapplying for a new Mobile Food Permit.
- (l) Food Tents. Food Tents shall be principally permitted in the B-2 Zone and as promulgated through the higher-intensity zones. In addition to the following, Food Tents shall follow subsections e – j of this chapter as applicable.
1. Festivals/ events. Food Tents may be utilized only as part of a private festival or event such as, but not limited to; Food Truck Fridays or block parties.
 2. Approvals. Food Tents shall receive necessary approvals from the Fire Prevention Division and the Purchase District Health Department. Food Tents shall be required to pass an on-site inspection by the Fire Prevention Division.
 3. Cooking. No cooking shall take place under a Food Tent unless the tent meets the requirements of the National Fire Protection Association standard #701. All cooking areas must be kept isolated from the public.
 4. Separation. Food Tents shall be located further than twenty (20) feet from another tent or other structure.

SECTION 2. Severability. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such

section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 3. Compliance with Open Meetings Laws. The City Commission hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this City Commission, and that all deliberations of this City Commission and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

SECTION 4. Conflicts. All ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed and the provisions of this Ordinance shall prevail and be given effect.

SECTION 5. Effective Date. This Ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Introduced by the Board of Commissioners, _____

Adopted by the Board of Commissioners, _____

Recorded by the City Clerk, _____

Published by *The Paducah Sun*, _____

ord\126-87 Mobile Food Vehicles and Food Tents

Decibel Level Comparison Chart

Environmental Noise	<i>dBA</i>
Jet engine at 100'	140
Pain Begins	<i>125</i>
Pneumatic chipper at ear	120
Chain saw at 3'	110
Power mower	107
Subway train at 200'	95
Walkman on 5/10	94
<i>Level at which sustained exposure may result in hearing loss</i>	<i>80-90</i>
City Traffic	85
Telephone dial tone	80
Chamber music, in a small auditorium	75-85
Vacuum cleaner	75
Normal conversation	60-70
Business Office	60-65
Household refrigerator	55
Suburban area at night	40
Whisper	25
Quiet natural area with no wind	20
Threshold of hearing	0

Note: dBA = Decibels, A weighted



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5 Best Silent Generators for food trucks 2021

Check out 5 of the best silent generators to power your food truck



There are many reasons to choose a quiet generator (also known as silent or inverter generators) for your food truck.

They are more environmentally friendly, fuel-efficient and create less noise, which is good for when you need to hear what your customers are ordering.

However, special consideration is needed when choosing the right type of quiet generator for your food truck.

In particular, the power you will need to run all your appliances, the runtime between refuelling, the noise levels (dba) and how portable it is.

I have therefore put together a list of the 5 best quiet generators for food trucks, based on these features.

5 best quiet generators for food trucks

1. WEN 56380i Super Quiet 3800-Watt Portable Inverter Generator



Starting watts: 3800kw

Running watts: 3400kw

Weight: 49kg (dry weight)

Runtime: 8.5 hours @ 50% load

Noise Level db (A): 57

Power: Two three-prong 120V receptacles / AC 120V NEMA TT-30R RV receptacle /12V DC receptacle /5V USB port,

Start Method: Push Button Electric / Recoil Backup / Remote Key Fob

Pros +

- Low noise level
- On wheels
- Carry handle
- Multiple start options

Cons –

- Relatively short run time
- Heavy for wattage

First on the list is the **WEN 56380I Super Quiet 3800-Watt Portable Inverter Generator** is at the lower end in what you get in terms of power.

It produces 3800kw of surge watts (start-up watts) and and running watts of 3400 kw which is good for running a couple of catering equipment such as grills and fridges.

This silent generator also produces a relatively low noise pollution of 57 dba which makes its good for hearing customers and staff and has a handy electric start button.

Other features include a carry handle and wheels which makes it very portable and easy to transport.

The main negatives for this model is that it is quite a heavy unit for the amount of power you get as there are lighter generators that produce more power on the list.

The Wen generator also has a relatively short run time of 8.5 hours.

Portability: 4/5

Noise level: 4/5

Wattage: 3.0/5

Runtime: 3.5/5

Get this generator from Amazon at the latest price (<https://amzn.to/2EPfF4c>)

2. Champion 4000-Watt RV Ready DH Series Open Frame Inverter with Quiet Technology (Best value*)



Starting watts: 4000kw

Running watts: 3500kw

Weight: 36kg (dry weight)

Runtime: 17 hours

Noise Level db (A): 64

Power:

120V 30A RV / 120V 20A household outlets with clean power /12V DC outlet with dual USB adapter

Start method: Recoil

Pros +

- Long run time
- Economy mode
- Relatively Lightweight

Cons –

- No wheels
- No electric start

The **Champion 4000-Watt RV Ready DH Series Open Frame Inverter with Quiet Technology** is a well known brand when it comes to generators which makes it a good choice for food trucks.

It produces slightly more starting (4000 watts) and running power (3500 watts) than the WEN silent generator but is in fact quite a third lighter at 34kgs.

It also has a very long run time at 17 hours on a full tank and has an economy mode which helps to conserve power consumption and engine life before you need to refill (good for longer events).

However, the main drawback for this model of silent generator is despite it being relatively light weight, it doesn't come with wheels and only has a recoil as a start option.

Portability: 3.5/5

Noise level: 3.5/5

Power: 3.5/5

Runtime: 4/5

Get this generator from Amazon at the latest price (<https://amzn.to/32TsdJJ>)

3. Westinghouse iGen4500 Super Quiet Portable Inverter Generator (Best All-rounder*)



Starting watts: 4500kw

Running watts: 3700kw

Weight: 44kg (dry weight)

Runtime: Up to 18 Hour Run Time on a 3.4 Gallon Gas Tank

Noise Level db (A): 52

Power: 5-20R 120V Duplex Household Outlet / RV-Ready Tt-30R 30 Amp Outlet / USB Outlets

Start method: Remote Start with Key Fob / Electric and Recoil Start

Pros +

- Low noise
- Economy mode
- Long run time
- Fob key start
- On wheels

Cons –

- Mid range power

Compact and powerful, the **Westinghouse iGen4500 Super Quiet Portable Inverter Generator** is the best all rounder in terms of power, noise levels and run time.

It has a higher running watts than the two previous generators at 3700 watts which is a adequate amount for running multiple pieces of kitchen equipment; has a long run time of up to 18 hours on a full tank; and produces very low noise levels of 52 dba (lowest on the list).

It also has an integrated carry handle on wheels which makes it easy to transport and store between any events.

Finding a negative with the Westinghouse silent generator is quite hard but the main issue with this model is its offers a relatively mid-range amount of power at 3700 watts.

This might be an issue for anyone looking to power a full food truck kitchen with more than 3-4 bits of kitchen equipment.

Portability: 4.5/5

Noise level: 5/5

Power: 3.5/5

Runtime: 4.5/5

Get this generator from Amazon at the latest price (<https://amzn.to/3mGQQYM>)

4. Champion 6250-Watt DH Series Open Frame Inverter with Quiet Technology



Starting watts: 6250kw

Running watts: 5000kw

Weight: 54kg (dry weight)

Runtime: 12.5 hrs.

Noise Level dB (A): 69

Power: AC/DC: 120/240 / 12

Start method: Recoil

Pros +

- High wattage
- Economy mode
- Long run-time
- On wheels
- Cold start technology
- 3-year limited warranty with free lifetime technical support

Cons –

- High dba
- No electric start

Moving up in power output is the **Champion 6250-Watt DH Series Open Frame Inverter with Quiet Technology**.

It has plenty of power at 5000 running watts to power an extensive range of commercial kitchen equipment in a food truck and a mid-range run time of 12.5 hours.

Its also on wheels which makes it good for portability.

Another nice feature is this model has cold start technology which means if the generator has been left idle for a while in cold weather it should start relatively easily

However because this silent generator produces more power it also makes it slightly heavier than the previous three generators at 54kgs.

With the additional power it also has a relatively high dba which will create a little bit more noise pollution.

Portability: 3.5/5

Noise level: 3/5

Power: 4/5

Runtime: 4/5

Get this generator on Amazon at the latest price (<https://amzn.to/2ZY06kE>)

5. Champion Power Equipment 100520 8750-Watt DH Series Open Frame Inverter



Starting watts: 8750kw

Running watts: 7000kw

Weight: 67kg (dry weight)

Runtime: 10.5 hours at 25% load when the 4.2-gallon fuel tank is full

Noise Level db (A): 72

Power: 120/240V 30A locking outlet (L14-30R) / 120V 20A GFCI protected household outlets (5-20R) / 12V DC automotive-style outlet with a dual USB adapter and battery-charging cables

Start method: Electric

Pros +

- High wattage
- Economy mode
- Cold start
- On wheels
- 3-year limited with FREE lifetime technical support

Cons –

- Relatively low run-time
- High dba
- No electric start

Moving one to one of the highest wattage silent generators on the market is the upgraded **Champion Power Equipment 100520 8750-Watt DH Series Open Frame Inverter**.

The Champion silent generator produces a massive 7000 watts of output which is fair to say, enough for most power hungry food trucks.

And like the previous smaller Champion model this one also has cold start technology, economy mode and is on wheels to aid portability.

However, an unavoidable fact with silent generators is as you go up in power wattage so does the weight of the unit and noise levels increase which makes it harder to move and creates higher noise pollution.

Portability: 3.5/5

Noise level: 3/5

Power: 5/5

Runtime: 3.5/5

[Get this generator on Amazon at the latest price \(https://amzn.to/3iYaPzW\)](https://amzn.to/3iYaPzW)

How many watts does it take to run a food truck?

Before we jump right into the best silent generators for your food truck, there are a few things to consider.

The appliances you will be using will determine how big of a generator you need to run a food truck.

To run a food truck you are looking at a minimum of 3000 watts or 25 amps to run basic equipment such as fridges, blenders or microwaves.

However, it is suggested you get a generator with a bit more power, of between 4000-7000 watts, if you intend to run multiple appliances, to give you that extra bit of capacity.

Example:

Refrigerator = 400-1000 kws / 3.3-8 amps

Microwave = 750-1000-kws / 6.25-9.2 amps

Blender = 450-700 kws/3.3-5.8 amps

Soup kettle = 400-600 kws / 3.3-5 amps

Total = 2000- 3300 kws / 16.6-30amps

Pro's and Con's of Quiet generators

Pros +

- **Highly Portable** – Designed with portability in mind and with smaller fuel tanks (see fuel efficiency)
- **Clean energy** – These types of generators create clean and stable energy called “sinewave” energy, which is the same as what electricity companies send.
- **Lower noise levels** – This is because the engine runs more efficiently and is built in an enclosed casing and designed with mufflers.
- **Fuel efficiency** – runs at a speed only for what is required, as opposed as running at full speed to meet your power demands
- **Safer**

Cons –

- **Expense** – Comparably more expensive than traditional petrol/diesel generators.
 - **Power** – mid-range silent generators start at 2000-4000 watts, whilst conventional generates in the same category hold around 4000kws.
-

Related articles:

- **[What Food Truck Catering License Do I Need For The UK?](https://www.streetfoodcentral.com/post/what-food-truck-catering-license-do-i-need-for-the-uk)**
(<https://www.streetfoodcentral.com/post/what-food-truck-catering-license-do-i-need-for-the-uk>).

- **How Does A Food Truck Get Power?** (<https://www.streetfoodcentral.com/post/how-does-a-food-truck-get-power>)
 - **5 Best Deep Fryers For Food Trucks In 2020** (<https://www.streetfoodcentral.com/post/6-best-deep-fryers-for-food-trucks-in-2020>)
 - **5 Best Commercial Cold-Press Juicer Machines (2020)** (<https://www.streetfoodcentral.com/post/5-best-commercial-cold-press-juicer-machines-2020>)
 - **4 Best Natural Gas Portable Generators 2021** (<https://www.streetfoodcentral.com/post/4-best-natural-gas-portable-generators-2021>)
-

Key takeaway

The main things to look out for when buying a silent generator for a food truck is the running watts, the run-time, the dba (noise levels) and how portable it is.

If you only have a small mobile catering operator then a silent generator with a smaller power output should be adequate.

So in that case I recommend either the **WEN 56380I Super Quiet 3800-Watt Portable Inverter Generator** or the **Westinghouse iGen4500 Super Quiet Portable Inverter Generator** (the Best All-rounder*).

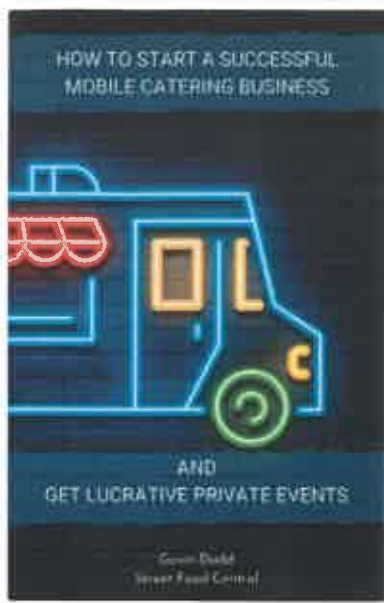
If on the other hand your food truck operator is a little more power hungry and you use multiple commercial kitchen equipment go for the powerful **Champion 100520 8750-Watt DH Series Open Frame Inverter**.

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Okay, thanks

Agenda Action Form

Paducah City Commission

Meeting Date: August 10, 2021

Short Title: Amend Chapter 46 of the Paducah Code of Ordinances to Create a Mobile Food Vehicle Fire Inspection Fee - **S KYLE**

Category: Ordinance

Staff Work By: Steve Kyle

Presentation By: Steve Kyle

Background Information: Mobile food vehicle are required annually to pass a fire department inspection in order to operate within the City of Paducah. The Fire Department will also provide inspections for mobile food vehicles seeking a license with McCracken County. Staff is recommending a \$50 fee for all mobile food vehicle inspections to recuperate the administrative costs associated with the inspection.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority:

Communications Plan: Information will be shared with the public via Commission Highlights and Paducah website updates.

Funds Available: Account Name:
Account Number:

Staff Recommendation: Amend Chapter 46 of the Paducah Code of Ordinances to create a mobile food vehicle fire inspection fee.

Attachments:

1. 46-105 Mobile Food Vehicle Inspections

ORDINANCE NO. 2021-____-_____

**AN ORDINANCE AMENDING CHAPTER 46
OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH TO CREATE
ARTICLE V RELATED TO MOBILE FOOD VEHICLE INSPECTIONS**

WHEREAS, the City of Paducah wishes to encourage the operation of Mobile Food Vehicles in the City of Paducah and McCracken County to create new jobs, increase quality of life and diversify dining options; and

WHEREAS, it is important that all Mobile Food Vehicles be inspected for fire safety; and

WHEREAS, the McCracken County Fiscal Court wishes to partner with the City of Paducah to create one fire safety inspection for Mobile Food Vehicles operating in the City of Paducah and McCracken County to ensure the same standards are met by all Mobile Food Vehicles operating in McCracken County; and

WHEREAS, in order to recuperate staff time costs for inspections performed by the Paducah Fire Prevention Division, it is necessary to create a fee associated with Mobile Food Vehicle inspections; and

WHEREAS, the City now desires to amend certain sections of the Paducah Code of Ordinances to create a new article for Mobile Food Vehicle Inspections to reflect the addition.

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the City of Paducah, Kentucky hereby creates Article V *Mobile Food Vehicle Inspections* of Chapter 46 *Fire Prevention & Protection* of the Paducah Code of Ordinances as follows:

ARTICLE V. MOBILE FOOD VEHICLE INSPECTIONS.

Sec. 46-105. Title.

This article shall be known and may be cited as the Mobile Food Vehicle Inspections Code.

Sec. 46-106. Purpose and Intent

It is the purpose of this article to implement a fee for the inspection of Mobile Food Vehicles operating within the City of Paducah and McCracken County, Kentucky.

Sec. 46-107. Definitions

Definitions shall be consistent with those in Section 126-87(b) of the Code of Ordinances of the City of Paducah, Kentucky.

Sec. 46-108. Inspection Required – City Mobile Food Vendors.

Pursuant to Section 126-87 of the Code of Ordinances of the City of Paducah, Kentucky, Mobile Food Vendors must obtain an inspection by the Paducah Fire Prevention Division in order to vend within the City limits. Said inspections shall be valid for one (1) calendar year from the date of issuance, unless the Mobile Food Permit is revoked.

Sec. 46-109. Inspection Authorized – County Mobile Food Vendors.

The Paducah Fire Prevention Division is hereby authorized and empowered to perform inspections for Mobile Food Vehicles which operate outside of City limits, but within McCracken County, as required by the McCracken County Fiscal Court. Said inspections shall be valid for one (1) calendar year from the date of issuance.

Sec. 46-110. Inspection Fee.

A fee of \$50 is hereby established for each Mobile Food Vehicle inspection performed by the Paducah Fire Prevention Division for City and County Mobile Food Vendors. Further, each subsequent renewal inspection shall be at a fee of \$50 per inspection.

Sec. 46-111. Penalty.

Failure to obtain a Paducah Fire Prevention Division inspection or renewal inspection for a Mobile Food Vehicle which operates within Paducah City limits may result in penalties as outlined in Section 126-87 of the Code of Ordinances of the City of Paducah, Kentucky. Penalties for those Mobile Food Vehicles operating outside of Paducah City limits shall be promulgated and enforced by the McCracken County Fiscal Court.

SECTION 2. Severability. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 3. Compliance with Open Meetings Laws. The City Commission hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this City Commission, and that all deliberations of this City Commission and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

SECTION 4. Conflicts. All ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed and the provisions of this Ordinance shall prevail and be given effect.

SECTION 5. Effective Date. This Ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

George Bray, Mayor

ATTEST:

Lindsay Parish, City Clerk

Introduced by the Board of Commissioners, _____

Adopted by the Board of Commissioners, _____

Recorded by the City Clerk, _____

Published by *The Paducah Sun*, _____

ord\46-105 Mobile Food Vehicle Inspections

Agenda Action Form

Paducah City Commission

Meeting Date: August 10, 2021

Short Title: Approve Remote Workers Incentive Program - **K BYERS**

Category: Ordinance

Staff Work By: Kathryn Byers

Presentation By: Kathryn Byers

Background Information: The City of Paducah is wishing to attract new individuals, families, and talent to the city who are currently working remotely. The City recognizes that remote workers are often attracted to communities and programs which offer financial incentives, community building opportunities, assistance with internet access, and tax rebates. This ordinance establishes the conditions and/or requirements for individuals who participate in the program.

The following conditions have to be met in order to qualify for the incentive program: be 21 years old or older; be a U.S. citizen or authorized to work in the U.S.; Live at least 100 miles outside the city at the time of application; Work full-time for a company which has no office closer than 100 miles to the city; Provide written documentation of remote work permission from employer; Agree in writing that primary residency will be established within three (3) months; And agree that residency will be maintained for at least one (1) year.

Eligible participants will receive up to \$2,500 reimbursement for expenses associated with relocated to the city. Eligible expenses include renter's deposit, down payment on a home, rental of a moving truck, the hiring of professional movers, and/or the purchase of packing materials. Additionally, they will be eligible for reimbursement in the amount up to \$70.00 per month for internet services. All participants will receive a waiver of payroll taxes for a twelve (12) month period.

Does this Agenda Action Item align with a Commission Priority? Yes

If yes, please list the Commission Priority: Remote Workers Incentive Program

Communications Plan: Potential Remote Workers will be reached through multiple layers of marketing. Google Display ads will be utilized to market to people while they are browsing online, watching YouTube videos, checking Gmail or using mobile devices and apps. Social Media networks such as Facebook, LinkedIn, Instagram, and Twitter will be used for marketing. E-newsletters will also be utilized to spread the word about the program. The city will also partner with a PR group for additional communication. The marketing campaign will be initiated with six cities.

Funds Available: Account Name: Remote Workers Incentive Project

Account Number: ED0118

Staff Recommendation: Adoption of this ordinance will establish the framework and requirements for the remote workers incentive program.

Attachments:

1. Remote Workers Incentive Program 2021

ORDINANCE NO. 2021-_____
**AN ORDINANCE ESTABLISHING THE REMOTE WORKERS
INCENTIVE PROGRAM**

WHEREAS, the City of Paducah wishes to attract new individuals, families, and talent to the City;

WHEREAS, the City recognizes that technology is making work more easily accessible from home or other remote locations and that workers are increasingly attracted to jobs and industries which allow them to work remotely;

WHEREAS, the City recognizes that remote workers are often attracted to communities and programs which offer financial incentives, community building opportunities, assistance with internet access, and tax rebates; and

WHEREAS, the City wishes to establish a Remote Workers Incentive Program to attract new, talented workers to live, work, shop, and attend school in the City of Paducah, thereby helping to better the community and boost the local economy.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the City of Paducah, Kentucky hereby establishes the City Remote Workers Incentive Program with the following conditions and/or requirements:

(a) *Eligibility.* In order to be eligible to participate in the City Remote Workers Incentive Program, an applicant/employee must:

- (1) Be 21 years old or older;
- (2) Be a U.S. Citizen, lawful permanent resident, or have other credentials necessary to work in the United States;
- (3) Live at least 100 miles outside the limits of the City of Paducah at the time of application for the City Remote Workers Incentive Program;

- (4) Work full-time for a company in which all offices are located at least 100 miles outside the limits of the City of Paducah;
 - (5) Be able to perform a majority of their employment duties remotely from a home office or co-working space located inside the City of Paducah limits evidenced by written documentation from their employer;
 - (6) Acquire primary residency in the City of Paducah within three (3) months of acceptance into the Remote Workers Incentive Program, as evidenced by a lease with a physical address or a deed of conveyance of real estate which includes a home;
 - (7) Agree in writing that s/he will retain primary residence in the City of Paducah for at least one (1) year beyond the initial twelve-month program; and
 - (8) Not be a participant in any other publicly-funded program/initiative.
- (b) *Incentives.* Individuals accepted into the City Remote Workers Incentive Program may be eligible to receive the following:
- (1) Up to \$2,500.00 reimbursement for expenses associated with relocating to the City of Paducah. Expenses shall include: renter's deposit, down payment on a home, rental of moving trucks or trailers, the hiring of professional movers, and/or the purchase of packing materials.
 - (2) Up to \$70.00 per month reimbursement for fees associated with provision of internet services provided to a residence located within the City of Paducah. Such reimbursement shall be limited to twelve (12) months.
 - (3) Waiver of City of Paducah Payroll taxes for twelve (12) months.

(c) *Equal Opportunity.* All individuals who meet the eligibility criteria set forth in this Ordinance shall have an equal opportunity to participate in the City Remote Workers Incentive Program without regard to race, color, age, religion, sex, disability, sexual orientation, or national origin.

SECTION 2. The Remote Workers Incentive Program shall be funded by Project Number ED0118 Remote Workers Incentive Program.

SECTION 3. The provisions of this Ordinance are declared to be severable. If any section, phrase or provision shall for any reason be declared invalid, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 4. This Ordinance shall be read on two separate days and become effective upon summary publication pursuant to KRS Chapter 424.

George Bray, Mayor

ATTEST:

City Clerk

Introduced by the Board of Commissioners, _____, 2021

Adopted by the Board of Commissioners, _____, 2021

Recorded by the City Clerk, _____, 2021

Published by *The Paducah Sun*, _____, 2021

Ordinance created by S Blankeship

ORD/Remote Workers Incentive Program 2021

258022

Agenda Action Form

Paducah City Commission

Meeting Date: August 10, 2021

Short Title: Approve an Interlocal Cooperation Agreement with McCracken County and Barkley Regional Airport Authority for Local Share Payment of the Aiport Terminal Project - **G BRAY**

Category: Ordinance

Staff Work By:

Presentation By:

Background Information: This Ordinance authorizes an Interlocal Cooperation Agreement between the City of Paducah, McCracken County and the Barkley Regional Airport Authority regarding the Local Share Payment for the Airport Terminal Project. The Airport has undertaken a project to build and construct a new terminal (including design and construction of a sanitation sewer system) at the airport located at 2901 Fisher Road, West Paducah, Kentucky 42086. The Terminal Project is estimated to cost Forty-Two Million Dollars \$42,000,000.00 in total. The Airport has received and obtained commitments from the Federal Aviation Administration (the “FAA”), the Kentucky Department of Aviation (“KDA”), and other federal, state, and local resources to provide funding for approximately eighty-seven percent (87%) of the Total Estimated Cost of the Terminal Project.

The City and the County desire to provide resources and funding for any portion of the Terminal Project not funded by the FAA, the KDA, and other federal state, and local resources. This Interlocal Agreement allows the City, County, and the Airport set forth and clearly understand what portion of the Local Share of the Terminal Project will be funded by the City and what portion of the Local Share of the Terminal Project will be funded by the County. The Local Share of the Terminal Project is estimated at \$5,800,000 which will be split evenly between the City and the County. The total amount of the Local Share is only an estimate and may be higher or lower than the estimate set forth in the Interlocal Cooperation Agreement. Funding for this project will be provided by the 2020A GOB Bond proceeds.

Does this Agenda Action Item align with a Commission Priority? No

If yes, please list the Commission Priority:

Communications Plan:

Funds Available: Account Name: 2020A GOB Bond Proceeds

Account Number:

Staff Recommendation:

Attachments:

1. Interlocal Agree – Barkley Regional Airport Terminal Project 2021

ORDINANCE NO. 2021-_____-_____

AN ORDINANCE OF THE CITY OF PADUCAH, KENTUCKY,
AUTHORIZING AND APPROVING AN INTERLOCAL AGREEMENT WITH
THE COUNTY OF MCCRACKEN AND THE BARKLEY REGIONAL
AIRPORT AUTHORITY REGARDING LOCAL SHARE PAYMENT OF THE
AIRPORT TERMINAL PROJECT IN AN ESTIMATED AMOUNT OF
\$5,800,000 TO BE FUNDING EQUALLY BY THE CITY OF PADUCAH AND
THE COUNTY OF MCCRACKEN; AND AUTHORIZING THE EXECUTION
OF ALL DOCUMENTS RELATED TO SAME

WHEREAS, the Airport is a local air board established by the City and the County and duly organized and operating under the laws of the Commonwealth of Kentucky as set forth in KRS 183.132, et seq.; and

WHEREAS, the Airport has, with the encouragement and support of the City and County, undertaken a project to build and construct a new terminal (including design and construction of a sanitation sewer system) at the airport located at 2901 Fisher Road, West Paducah, Kentucky 42086 (the "Terminal Project"); and

WHEREAS, the Terminal Project is estimated to cost Forty-Two Million Dollars (\$42,000,000.00) (the "Total Estimated Cost"); and

WHEREAS, the Airport has received and obtained commitments from the Federal Aviation Administration (the "FAA"), the Kentucky Department of Aviation ("KDA"), and other federal, state, and local resources to provide funding for approximately eighty-seven percent (87%) of the Total Estimated Cost of the Terminal Project; and

WHEREAS, the City and the County desire for the Airport to proceed with and complete the Terminal Project and recognize that doing so will be a benefit to Paducah, McCracken County, and western Kentucky; and

WHEREAS, the City and County desire to provide resources and funding for any portion of the Terminal Project not funded by the FAA, the KDA, and other federal state, and local resources (the "Local Share"); and

WHEREAS, the City, County, and the Airport desire to enter into this Agreement in order to set forth and clearly understand what portion of the Local Share of the Terminal Project will be funded by the City and what portion of the Local Share of the Terminal Project will be funded by the County;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PADUCAH, KENTUCKY, AS FOLLOWS:

SECTION 1. Recitals and Authorization. The City hereby authorizes and approves an Interlocal Cooperation Agreement (the "Agreement") by and between the City of Paducah, Kentucky (the "City"), the County of McCracken County, Kentucky (the "County"), and

the Barkley Regional Airport Authority (the “Airport”) in substantially the same form attached hereto and made part hereof as **Exhibit A**. Further, the Mayor of the City is hereby authorized to execute the Agreement and all documents relating to same with such changes in the agreements not inconsistent with this Ordinance and not substantially adverse to the City as may be approved by the official executing the same on behalf of the City.

SECTION 2. Compliance With Open Meetings Laws. The City Commission hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this City Commission, and that all deliberations of this City Commission and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

SECTION 3. Conflicts. All ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed and the provisions of this Ordinance shall prevail and be given effect.

SECTION 4. Severability. The provisions of this Ordinance are declared to be severable. If any section, phrase or provision shall for any reason be declared invalid, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 5. Effective Date. This Ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

George Bray, Mayor

Attest:

Lindsay Parish, City Clerk

Introduced by the Board of Commissioners, _____
Adopted by the Board of Commissioners, _____
Recorded by Lindsay Parish, City Clerk, _____
Published by *The Paducah Sun*, _____
\\ord\Interlocal Agree – Barkley Regional Airport Terminal Project 2021

Exhibit A
INTERLOCAL COOPERATION AGREEMENT

This INTERLOCAL COOPERATION AGREEMENT (the “Agreement”) is made, entered into, and is effective on this the ____ day of _____, 2021, by and between the City of Paducah, Kentucky (the “City”), the County of McCracken County, Kentucky (the “County”), and the Barkley Regional Airport Authority (the “Airport”).

R E C I T A L S

WHEREAS, the Airport is a local air board established by the City and the County and duly organized and operating under the laws of the Commonwealth of Kentucky as set forth in KRS 183.132, *et seq.*;

WHEREAS, the Airport has, with the encouragement and support of the City and County, undertaken a project to construct a new terminal at the airport located at 2901 Fisher Road, West Paducah, Kentucky 42086 (the “Terminal Project”);

WHEREAS, the Terminal Project is estimated to cost Forty-Two Million Dollars (\$42,000,000.00) (the “Total Estimated Cost”);

WHEREAS, the Airport has received and obtained commitments from the Federal Aviation Administration (the “FAA”), the Kentucky Department of Aviation (“KDA”), and other federal, state, and local resources to provide funding for approximately eighty-seven percent (87%) of the Total Estimated Cost of the Terminal Project;

WHEREAS, the City and the County desire for the Airport to proceed with and complete the Terminal Project and recognize that doing so will be a benefit to Paducah, McCracken County, and western Kentucky;

WHEREAS, the City and County desire to provide resources and funding for any portion of the Terminal Project not funded by the FAA, the KDA, and other federal state, and local resources (the “Local Share”);

WHEREAS, the City, County, and the Airport desire to enter into this Agreement in order to set forth and clearly understand what portion of the Local Share of the Terminal Project will be funded by the City and what portion of the Local Share of the Terminal Project will be funded by the County;

NOW THEREFORE, for and in consideration of the mutual promises and covenants set forth herein, the Airport, the City, and the County agree as follows:

ARTICLE I: ESTIMATE OF LOCAL SHARE

1.1. As of the date of this Agreement, the Airport estimates that the Local Share of the Terminal Project will be Five Million Eight Hundred Thousand Dollars (\$5,800,000.00). A more precise estimate of the amount and value of the Local Share will be known by the Airport when

bids for certain packages of the Terminal Project are received and opened by the Airport. When bids are awarded, the Airport will complete and provide Exhibit A to this Agreement to the City and County in order to appraise them of the more precise total amount of the Local Share. A final Local Share in excess of Six Million Dollars (\$6,000,000.00) is subject to a full review of the Paducah City Commission and the McCracken County Fiscal Court.

1.2. The City and County acknowledge, understand, and agree that the total amount of the Local Share set forth in Article 1.1 is only an estimate and that the Local Share may be higher or lower than the estimate in Article 1.1. Regardless of whether the actual amount of the Local Share is higher or lower than the estimate in Article 1.1, the City and County are committed to and will provide the Airport with funding sufficient to cover the Local Share in accordance with the terms of this Agreement.

ARTICLE II: DIVISION OF LOCAL SHARE BETWEEN CITY AND COUNTY

2.1. Responsibility for paying the Local Share of the Terminal Project shall be split equally between the City and the County. That is, in accordance with the terms of this Agreement, the City and the County are each, individually, committing and agreeing to provide funds sufficient to cover fifty percent (50%) of the of the Local Share of the Terminal Project.

ARTICLE III: DISBURSEMENT OF THE LOCAL SHARE

3.1. Under the terms of this Agreement, neither the City nor the County are required to advance or provide the entire amount of the Local Share to the Airport at any one time or on a date certain. Rather, the City and the County are permitted and will disburse portions of their amount of the Local Share in accordance with this Article 3.

3.2. As the Airport proceeds with the Terminal Project and receives invoices and demands for payment for items on the Terminal Project that are to be paid for, funded, and covered by the Local Share, the Airport shall present those to the City and County for payment. For the City, the Airport shall present the invoices and items for payment for the Local Share to the Mayor and City Manager. For the County, the Airport shall present the invoices and items for payment from the Local Share to the County Judge Executive and the Deputy Judge Executive.

3.3. Within five (5) business days of receipt of an invoice or demand for payment from the Airport, the City and the County shall deposit their share of such invoice into an account designated by the Airport. Upon deposit of those funds, the Airport will be responsible for paying the invoice or demand for payment and the City and County will be relieved of any further obligation with respect to that invoice or demand for payment.

ARTICLE IV: PROVISION REQUIRED BY THE INTERLOCAL COOPERATION ACT

4.1. The Interlocal Cooperation Act, KRS 65.250, *et seq.* (the “Act”) requires this Agreement to contain certain specific provisions. The provision required by the Act are set forth in this Article 4.

4.2. The purpose of this Agreement is to allow the Airport to secure funding from the City and the County for the Local Share of the Terminal Project and to set forth the City and the County's obligations with respect to payment of the Local Share.

4.3. This Agreement shall remain in force and effect and its duration shall last until the Terminal Project is complete. This Agreement may not be terminated while the Terminal Project is ongoing.

4.4. The Executive Director of the Airport, or his designee, shall serve as the administrator of this Agreement and shall be responsible for the administration and oversight of the joint and cooperative undertaking of the City, County, and Airport set forth herein.

4.5. Any real or personal property acquired or disposed of by the Airport through use of funding or proceeds provided by the City or County under their portion of the Local Share shall be owned, titled, acquired, held, and/or disposed of by the Airport and in its name.

ARTICLE V: APPROVALS, AUTHORIZATIONS, AND NOTIFICATIONS REQUIRED PRIOR TO AGREEMENT BECOMING EFFECTIVE

5.1. Before this Agreement shall become effective, it shall be submitted to the Kentucky Department of Local Government for approval in accordance with KRS 65.260(3).

5.2. Before this Agreement shall become effective, the City shall submit it to the Paducah Board of Commissioners for approval. By entering into this Agreement, the City warrants and represents that it has obtained approval to do so from the Paducah Board of Commissioners.

5.3. Before this Agreement shall become effective, the County shall submit it to the McCracken County Fiscal Court for approval. By entering into this Agreement, the County warrants and represents that it has obtained approval to do so from the McCracken County Fiscal Court.

5.4. Before this Agreement shall become effective, the Airport shall submit it to the Barkley Regional Airport Authority Board for approval. By entering into this Agreement, the Airport warrants and represents that it has obtained approval to do so from the Barkley Regional Airport Authority Board.

5.5. In accordance and compliance with KRS 65.241, the Airport has provided notice of its intent to enter into this Agreement to the City and County, which are the governing bodies of the local governments which jointly established the Airport. By entering into this Agreement, the Airport, City, and County all acknowledge and agree that the notice requirements of KRS 65.241 have been met and complied with by the Airport.

ARTICLE VI: NON-LIABILITY OF OFFICES AND EMPLOYEES

6.1. No officer, board member, commissioner, or employee of the City, County, or Airport may be subjected to any personal liability for any debt or contract created by this Agreement or resulting from it.

ARTICLE VII: NATURE OF AGREEMENT AND FURTHER ASSURANCES

7.1. The City, County, and Airport agree to engage in a joint and cooperative undertaking within only the scope set out in this Agreement. They do not intend to create any relationship of surety or indemnification, nor responsibility for indebtedness, liabilities, or claims incurred by either the City, the County, or the Airport in their operations, other than as provided in this Agreement. Furthermore, the execution of this Agreement will not constitute a waiver of any defense or immunity to which the City, County, or Airport may otherwise be entitled under any applicable law.

7.2. The City, County, and Airport agree that they shall, at any time upon the request of another party, make, execute, and deliver or cause to be made, executed, and delivered to the requesting party any and all other further instruments, certificates, and other documents as may, in the reasonable opinion of requesting party, be necessary or desirable in order to effect, complete, perfect, or otherwise to fulfill the obligations of the parties under this Agreement.

ARTICLE VIII: MISCELLANEOUS

8.1. This Agreement represents the entire agreement of the parties hereto, and all prior agreements, discussions, or understandings between the parties regarding the City and County's payment of the Local Share of the Terminal Project are hereby rescinded and shall be of no force or effect.

8.2. This Agreement may only be amended by a written document authorized, executed, and delivered by each of the parties hereto.

8.3. This Agreement shall be binding upon the parties hereto and upon their respective permitted successors, assignees, and transferees.

8.4. This Agreement may not be transferred or assigned to another unless written consent is obtained from all of the parties hereto.

8.5. Nothing expressed or implied in this Agreement is intended or shall be construed to confer upon any person, firm, or corporation other than the parties hereto any right, remedy or claim by reason of this Agreement or any term hereof, and all terms contained herein shall be for the sole and exclusive benefit of the parties hereto, their successors and permitted transferees or assignees.

8.6. Time is of the essence in carrying out the terms and conditions of this Agreement, and the parties agree to act expeditiously in doing so.

8.7. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Kentucky.

8.8. Any legal action between the parties regarding this Agreement or the terms and rights contained herein shall be filed in the federal or state courts of McCracken County, Kentucky, and the parties waive any argument that such courts are an inconvenient forum.

8.9. If one or more provisions of this Agreement, or the applicability of any such provisions for any set of circumstances, shall be determined to be invalid or ineffective for any

reason, such determination shall not affect the validity and enforceability of the remaining provisions of this Agreement.

8.10. The waiver by any party of a breach, default or violation of this Agreement shall not operate as or be constructed to be a waiver of any subsequent breach hereof.

8.11. This Agreement may be executed in one or more counterparts and when each party hereto has executed at least one counterpart, this Agreement shall become binding on all parties and such counterparts shall be deemed to be one and the same document.

[remainder of this page left intentionally blank]

[signature page follows]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives as of the date first above written.

CITY OF PADUCAH, KENTUCKY, Authorized
by Action of the City Commission on _____

Mayor

Date

Attest:

City Clerk

COUNTY OF MCCRACKEN, KENTUCKY,
Authorized by Action of the Fiscal Court of the County
on _____.

Judge Executive

Date

Attest:

Fiscal Court Clerk

**BARKLEY REGIONAL AIRPORT
AUTHORITY**, Authorized by Action of the
Barkley Regional Airport Authority Board on
_____.

Board Chair

Date

APPROVAL

Department of Local Government
100 Airport Road, 3rd Floor
Frankfort, Kentucky 40601
P: (800) 346-5606
F: (502) 227-8691

This Interlocal Cooperation Agreement is in proper form and is compatible with the laws of the Commonwealth of Kentucky; therefore, it is approved this the ____ day of _____, 2021.

DEPARTMENT OF LOCAL GOVERNMENT

By: _____

Title: _____

Date: _____