

CITY OF BEREA, KENTUCKY



LAND MANAGEMENT AND DEVELOPMENT ORDINANCE

ADOPTED September 5, 2007
LAST AMENDED May, 2009

TABLE OF CONTENTS

		Page
ARTICLE I	INTRODUCTION	
100	Overview	1
ARTICLE II	GENERAL PROVISIONS	
200	Title	2
201	Authority	2
202	Purpose	2
203	Jurisdiction	2
204	Minimum Requirements	2
205	Consistency and Other Provisions	3
206	Separability and Severability	3
207	Relation to the Comprehensive Plan	3
208	Repeal of Conflicting Ordinances	3
209	Effective Date	3
ARTICLE III	ADMINISTRATION AND ENFORCEMENT	
300	The City of Berea	4
301	The Planning Commission	4
302	Board of Adjustments	4
303	Department of Planning & Codes	5
304	Codes Administrator	5
305	Penalties	5
306	Architectural Review Board	6
ARTICLE IV	THE USE OF LAND AND STRUCTURES	
400	Purpose	8
401	Procedures	8
402	Certificates of Land Use Restrictions	15
403	Conditional Use Permits	16
404	Variances	17
405	Non-Conforming Uses and Structures	18
406	Land Use Classification and Designation	20

407	The Official Zoning Map	31
408	Supplementary Regulations	33
409	Overlay Districts	39
410	Parking Requirements	43
411	Sign Regulations	49
412	Cellular Antenna Towers	59
413	Outdoor Lighting	60

ARTICLE V	THE DIVISION AND DEVELOPMENT OF LAND	Page
500	Purpose	65
501	Authority	65
502	Administrative Procedures	66
503	Plat/Development Requirements	76
504	Enforcement	79
505	Plats of Record	79
506	Land Sold In Violation	80
507	Appeals	80
508	Design and Improvements	80
509	Community Facilities and Open Space	96
510	Agreements and Guarantees	97
ARTICLE VI	DEFINITIONS	98

APPENDICES

A	Cement Concrete for Street, Curb and Gutter, Sidewalk & Driveway Construction
B	Asphalt Concrete Pavement for Street and Driveway Construction
C	Typical Detail Sections for Sidewalks, Storm Sewers, Joint Details, Catch Basins
D	Storm Water Drainage Systems
E	Zone Change Application
F	Board of Adjustment Applications Request for Variance/Conditional Use Permit Notice of Appeal; Decision of Board of Zoning Adjustment
G	Application for Land Subdivision and Development
G	Code Administrator's Development Plan Review
G	Land Surveyor's Review of Preliminary Plat
G	Land Surveyor's Development Plan Review
G	Land Surveyor's Final Plat/Major Plat Review
G	Land Surveyor's Review of Planned Unit Development (PUD)
G	Land Surveyor's Final Plat/Minor Plat Review

G	As-built Checklist
H	Fee Schedule
I	Mobile/Manufactured Home Parks/Communities
J	Hazardous Waste Management
K	Regulation of Cellular Antenna Towers
L	Chestnut Street Overlay District Design Guidelines
M	North Broadway Overlay District
N	Sign Permit Application
O	Grading and Fill Material

ARTICLE I INTRODUCTION

100 OVERVIEW

This ordinance is designed to guide land use management together with land division and development decisions in the City of Berea, Kentucky as a means of implementing the Berea Comprehensive Plan. It is the desire of the City of Berea and the Berea Planning Commission that the use of this document will facilitate the orderly development of the City in the future.

The sequence of land management and development in the City usually begins with a determination of how the land is to be used. Following this decision, the land may need to be divided into additional tracts or parcels (subdivided) prior to the final step involving the physical development of the land. This ordinance consists of two primary elements: (1) The Use of Land and Structures (formerly covered in the Zoning Ordinance), and 2) The Division and Development of Land (formerly covered in the City's Subdivision Regulations).

The ordinance has been written in such a way as to provide a degree of flexibility in the use, development, and management of land while being careful to protect the health, safety, and general welfare of citizens. One goal of the ordinance is to recognize the unique qualities of the Berea community and to insure that these qualities receive appropriate consideration in the overall development process. A second goal is to avoid excessive regulation and costs associated with land use and development decisions. An additional goal is to spell out in an organized and easily understood format (in sufficient detail) how the overall land use management, division, and development process functions within the City of Berea.

**ARTICLE II
GENERAL PROVISIONS**

200 TITLE

This ordinance shall be known and may be cited to as the Berea Development Ordinance. The Official Zoning Map is hereby made a part of this ordinance. Certified copies of this ordinance and map are on file with the planning Commission, City clerk, and Madison County clerk.

201 AUTHORITY

These regulations are adopted under the authority granted in Kentucky Revised Statutes (K.R.S.) Chapter 100.

202 PURPOSE

The purpose of this ordinance is to promote public health, safety, morals, and the general welfare of the City of Berea, Kentucky, to facilitate orderly and harmonious development, to preserve the aesthetic or historical character of the area, and to regulate the density of population and the intensity of land use in order to provide for adequate greenspace, light, and air. In addition, this ordinance is designed to provide for vehicle parking and loading space, as well as to facilitate police and fire protection, prevent the overcrowding of land, blight, danger, and congestion in the circulation of people and commodities, and prevent the loss of life, health, or property from fire, flood, or other dangers. These regulations are used also to protect airports, highways, and other transportation facilities, public grounds and facilities, historic districts, primary agricultural land and other natural resources, and other specific areas of the City which need special protection.

203 JURISDICTION

On and after the date of adoption, these regulations shall govern the use of land and structures and the subdivision of land within the corporate limits of the City of Berea and extend to such areas beyond the corporate limits as may be specified in agreements between the City of Berea and Madison County, and set out on a map adopted in said agreements.

204 MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. The Planning Commission may require standards above the minimum contained herein whenever it finds that the protection of public health, safety, and welfare warrants such increases. Examples include the provision of infrastructure in excess of the stated minimum, when it is deemed necessary to provide future development on adjacent sites.

205 CONSISTENCY WITH OTHER PROVISIONS

Whenever there is a discrepancy between minimum standards set forth in these regulations and those of other lawfully adopted rules, regulations, resolutions, or ordinances, the most restrictive or highest standard shall apply.

206 SEPARABILITY AND SEVERABILITY

Should any section *or* provision of these regulations be for any reason held void or invalid by any court of competent jurisdiction, it shall not affect the validity of any other clause, section or provision thereof which is not itself void or invalid.

207 RELATION TO THE COMPREHENSIVE PLAN

The implementation of these regulations is closely related to the attainment of goals and objectives contained in the current Comprehensive Plan for Berea, Kentucky. The sections of the plan dealing with land use and subdivision development should serve as primary reference points in administering these regulations.

208 REPEAL OF CONFLICTING ORDINANCES

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

209 EFFECTIVE DATE

This ordinance shall become effective from and after the date of its approval and adoption by the City of Berea,
Kentucky

Mayor, City of Berea Kentucky

Date

ARTICLE III ADMINISTRATION AND ENFORCEMENT

300 THE CITY OF BEREA

The City Council of the City of Berea is the body of elected officials responsible for overall governance of land within its jurisdiction. Its specific responsibilities as pertain to planning; land use, and development activities are as follows:

- Development, adoption, administration, and amendment of laws, regulations, and rules for conduct of governmental affairs.
- 2) Adoption of the goals and objectives of the comprehensive plan which serves as the general guide for future growth and development.
- 3) Final determinations regarding all applications for land use changes, and oversee the administration of subdivision regulations and building codes.

301 THE BEREA PLANNING COMMISSION

The Berea Planning Commission is a nine (9) member body, selected by the Mayor of Berea with concurrence of the City Council. The Commission's responsibilities as provided for in K.R.S. 100:

- Preparation and adoption of the comprehensive plan;
- Review of and revisions to the comprehensive plan;
- Review and act upon all applications for the subdivision of land and development plans;
- Review and make recommendations to the appropriate governmental body on all applications for amendments to the land use regulations and official land use map;
- File certificates of land use restrictions

302 THE BOARD OF ADJUSTMENT

The City of Berea Board of Adjustment consists of five (5) members appointed by the Mayor, and has the following responsibilities as pertains to this ordinance (KRS 100.217):

- Hear and decide applications for conditional use permits;
- Act on applications for non-conforming uses and structures;
- Act on applications for variances;
- Hear and decide cases where it is alleged by an applicant that there is an error in any order, requirement, decision, grant, or refusal made by the administrative official in the enforcement of these regulations.

303 DEPARTMENT OF CODES AND PLANNING

The City of Berea Department of Codes and Planning shall be responsible for administration of the Berea Development Ordinance within the City limits and such extra-territorial jurisdiction as may be specified in agreements between the City of Berea and the Madison County Fiscal Court.

304 CODES ADMINISTRATOR

A Codes Administrator shall be appointed by the Mayor to administer the Development Ordinance. The Codes Administrator may be designated to issue building permits and certificates of occupancy in accordance with the literal terms of the regulation, but may not have the power to permit any construction, or to permit any use or any change of use which does not conform to the literal terms of the Development Ordinance.

305. PENALTIES

- 305.1** Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 or any of the regulations adopted pursuant thereto for which no other penalty is provided, shall upon conviction, be fined not less than ten dollars (\$10) but not more than five hundred (\$500) for each conviction. Each day of violation shall constitute a separate offense.
- 305.2** Any person, owner, or agent who violates the provisions of KRS 100 shall, upon conviction be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer.
- 305.3** Any person who intentionally violates any provision of KRS 100.3682 to 100.3684 shall be guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).
- 305.4** The procedure for citations issued by an enforcement officer shall be as provided in KRS 431.015, and KRS 65.8825

306. ARCHITECTURAL REVIEW BOARD

306.1 Architectural Review Board Established

To implement the provisions of Section 409 (Overlay Zone Provisions), there is hereby Established pursuant to KRS 82.670 a Board of Architectural Review for the City of Berea, Kentucky, hereinafter referred to as the Board, consisting of five (5) members. Members shall be appointed by the Mayor, subject to approval of the City Council. At least one member shall possess expertise in architecture, urban design, urban planning, historic preservation, or other appropriate field; at least one shall possess expertise in building design and construction; and at least one shall be a member of the Berea Planning Commission; the remaining members may be citizen members. Members shall assume their duties at the first regular meeting after

their appointment.

306.2 Terms of Members

A.) The members of the Architectural Review Board shall serve terms of three (3) years, except that the initial appointments shall be as follows: One (1) member appointed for a term of one (1) year; two (2) members appointed for a term of two (2) years; and two (2) members appointed for a term of three (3) years each.

B.) Any person who has served as a member of the Board for three (3) consecutive terms shall not be eligible for reappointment for at least one year. A term of less than one year shall be counted in determining eligibility for reappointment. This provision may be

waived

upon a finding that no other nominee is qualified to fill a designated position requiring particular expertise, as required by Section 306.1.

C.) Any member may be removed by the Mayor after confirmation by the City Council for repeated failure to attend meetings of the Board or for any other cause deemed sufficient by the Mayor and City Council .

D.) If any position on the Board becomes vacant due to resignation, removal, or for any other reason, the Mayor shall appoint a replacement within sixty (60) days for the remainder of the unexpired term, subject to approval by the City Council .

306.3 Compensation

Members of the Architectural Review Board shall receive as compensation the sum of fifty dollars (\$50.00) for each board meeting actually attended.

306.4 Conflicts of Interest

Any member of the Board who has a personal or financial interest, either directly or indirectly, and any property which is the subject of, or is affected by, a decision of the Board concerning the property.

306.5 Liability of Members

Any member of the Board acting within powers granted by the Ordinance shall be relieved from personal liability for any damage and held harmless by the City. Any suit brought

against

any member of the Board shall be defended by a legal representative furnished by the City

until

the termination of the proceeds.

306.6 Duties

The duty of the Board is to promote the purposes and objectives of the Overlay Zone Ordinances which are, in part, to preserve and protect the distinctive characteristics of the Overlay Zone neighborhood, to assist in the review of design standards and development proposals in the Neighborhood, and to review all plans for construction and demolition pertaining to or affecting buildings, planting, and property in the Neighborhood. The Board shall have the power to approve, approve with modifications, or deny approval for such applications with the prescribed procedures and guidelines.

306.7 Appeals

- Appeal
- A.) Any applicant denied a permit under this ordinance shall have the right of appeal from such written denial of the Architectural Review Board by filing a Written Notice of Appeal with the City Clerk within fourteen (14) days after the decision, notice or order was served or made effective. The filing fee for a Notice of Appeal shall be twenty-five dollars (\$25.00) and shall be paid upon filing the Notice of Appeal. The City Clerk shall be the records custodian and administrator of all appeals from the Board.
 - B.) Any applicant may appeal the decision of the Architectural Review Board to the Madison Circuit Court. The appeal from action by the Architectural Review Board shall be taken within thirty (30) days of the date of such written denial.

ARTICLE IV THE USE OF LAND AND STRUCTURES

400 PURPOSE

The purpose of this section is to protect and promote the general welfare, health, safety, and morals of the public by establishing regulations and standards to:

- Preserve and protect the aesthetic quality, natural beauty, and character of the land and the natural resources.
- Preserve, enhance, and protect the character and quality of life of the community.
- Encourage the harmonious interaction of residential, commercial, industrial, public and semi-public, and agricultural land uses.
- Promote and protect the safety of the public against fire, flood, or other hazards.
- Promote and protect the safety and convenience of motorists and pedestrians.
- Encourage the best possible use of the land while avoiding the undesirable effects of overcrowding, congestion, and mixture of incompatible uses.

401 PROCEDURES

401.1 AMENDING THE TEXT

As provided for in KRS 100.211, a proposal to amend the text of Article IV, The Use of Land and Structures, may originate with the Planning Commission or the City Council . Regardless of the origin of the proposed amendment, it shall be referred to the Planning Commission before adoption. The Planning Commission shall hold a public hearing after notice as required by K.R.S. 424, and make a recommendation as to the text of the amendment, and whether the text amendment shall be approved or disapproved, stating the reasons for its recommendation. In the case of a proposed amendment originating with the City Council , the Planning Commission shall make its recommendations within sixty (60) days of the date of its receipt of the proposed amendment. It shall take an affirmative vote of a majority of the City Council to adopt the proposed amendment.

401.2 AMENDING THE OFFICIAL ZONING MAP

- Prior to application for amendment to the Official Zoning Map, the applicant is encouraged to have a conference with the Codes Administrator to discuss the proposed land use change.
- B. Amendment application. A proposal to amend the Official Zoning Map may originate with the Planning Commission, the City Council, or the owner of the property in question. The application for amendment shall contain at least the following items:

- Interest and Ownership. The applicant's name, address, and interest in the application and the name, address, and interest of every person, firm, or corporation represented by the applicant in the application, the name and signature of the owner or owners of the entire land area to be included within the proposed district and all encumbrances of such land and the names and addresses of owners of all adjacent property. If the applicant is not the owner, then the owner shall submit an affidavit certifying the person acting as a representative has the authority to act in his/her behalf..
 - Legal description and/or survey plat which contains metes and bounds that meet or exceed the current standards of practice for professional land surveyors in Kentucky. All zoning changes, irregardless of the legal description and/or survey plat, shall be construed as extending to the centerline(s) of adjacent public streets.
 - Reason for the amendment. The reason and justification for the proposed amendment shall be specifically set out and be consistent with the provisions of KRS 100.212.
 - Effect of the amendment. A statement giving the nature, description, and effect of the proposed amendment on surrounding land uses and properties must be included.
 - A development plan may be required by the Planning Commission in conjunction with the application, and shall be reviewed in keeping with Section 401.3. If a development plan is approved as part of the land use map amendment, a certificate of land use restriction must be filed in the County Clerk's Office.
6. No less than ten (10) days before the hearing on a proposed zoning map amendment by any person or entity other than the City of Berea, the applicant shall file proposed findings of fact with the Codes Administrator and the Corporation counsel, along with a summary of proposed testimony and a listing of proposed exhibits.

1. Planning Commission Action:

1. Following receipt of an application, the Planning Commission shall fix a reasonable time for a public hearing. Public notice shall be given in accordance with KRS Chapter 424; such notice shall include publication in a local newspaper of general circulation at least once and shall be made not less than seven (7) days nor more than twenty-one (21) days before the date of the hearing. The applicant shall also give notice at least 14 days in advance of the hearing by first class mail, return receipt requested, to the owners of the adjacent property. Adjacent property includes property contiguous to the site in question as well as property directly across the roadway. Copies of all returned receipts and affidavits of publication shall be presented to the Planning Commission as evidence of compliance prior to the hearing. In addition, the applicant shall post a notice on the property for fourteen (14) consecutive days. This notice shall be in compliance with KRS Chapter 100.212 and with any requirements established by the Planning Commission.
2. If the property that is proposed for a change in land use classification adjoins property in a different planning unit, notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by first class mail to the Planning Commission of that planning unit.
3. If the City proposes to annex unincorporated or accept the transfer of incorporated territory, it may amend its comprehensive plan and the Official Zoning Map to incorporate and establish land use districts for the property proposed for annexation. If the City elects to follow this procedure, the Planning Commission shall hold a public hearing after the adoption of the ordinance, stating the City's intention to annex and prior to final action taken on the ordinance of annexation, for the purpose of adopting the comprehensive plan amendment and making its recommendations as to the classification of the land which will be effective for the property

upon its annexation. Notice setting forth the time, date, location, and purpose for the public hearing shall be published as required by KRS Chapter 424 and shall be given to the owners of all properties within the area proposed for annexation and to adjoining property owners in conjunction with KRS 100.212(2). The City Council shall take final action on the recommendations of the Planning Commission prior to adoption of the ordinance of annexation and shall include in the ordinance of annexation a map showing the land use district which will be effective for the annexed property. If the City elects not to follow this procedure, the newly annexed territory shall remain subject to the same land use restrictions as applied to it prior to annexation, until those restrictions are changed by an amendment to the Official Zoning Map or other regulations in accordance with KRS 100.209.

4. The requirements of this Development Ordinance are based on recommendations included in the Berea Comprehensive Plan. KRS 100.212 requires that before any amendment to the Official Zoning Map is granted, the Planning Commission must first find that the proposed map amendment is in agreement with the Comprehensive Plan, or in the absence of such a finding, that one or more of the following apply:
 5. That the original land use classification given to the property was inappropriate, and that the proposed land use classification is appropriate, or
 6. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan, and which have substantially altered the basic character of such area.

7. The Planning Commission shall hold a public hearing and shall make a finding of fact which shall be recorded in the minutes and records of the Planning Commission. The Planning Commission may vote to approve, reject, or defer action on the proposed amendment. After voting, the Planning Commission shall make a report of its recommendations which shall include findings of fact, and forward its finding of fact and recommendation in writing to the City Council .

The findings of fact shall include a summary of the evidence and testimony presented by the proponents and opponents of the proposed amendment. A tie vote shall be subject to further consideration by the Planning Commission not to exceed thirty (30) days, at the end of which if the tie has not been broken, the application shall be forwarded to the City Council without a recommendation for approval or disapproval (KRS 100.211).

6. No application for subdivision plat approval, development plat approval, or zoning map amendment, shall be reconsidered by the Planning Commission, or resubmitted to the Planning Commission within six (6) months of the meeting where such application is denied, unless:
 - a. The applicant files an affidavit with the request for reconsideration or the resubmitted application setting out and demonstrating that the prior action of the Planning Commission failed to consider essential evidence making the original determination erroneous under the appropriate statutory standard, or subdivision regulation standard, and the Planning Commission;
 - b. The new application is substantially different; or

- c. There has been a change of conditions or law under which the denial was made.

In any such event, the Planning Commission must affirmatively vote to permit the resubmittal or reconsideration, and specifically set out the reasons thereof..

7. Action by the City Council :

(1) Recommendation of approval of requested zoning map amendment: Upon receipt of a Report of the Planning Commission recommending approval of a proposed zoning map amendment, the City Administrator shall place the matter on the agenda of the next regularly scheduled Council meeting for consideration fo the Council . The Council may (a) accept the recommendation fo the Planning Commission without a hearing or only argument-type hearing; (b) review the record made before the Planning Commission and make its own adjudicative facts which may differ from those of the Commission; or (c) hold its own trial type hearing and make its own adjudicative facts which may differ from those made by the Planning Commission. If the Planning Commission recommends the requested map amendment, the City Council can override the recommendation by a majority vote of the membership of the legislative body.

(2) Recommendation of disapproval of requested zoning map amendment: Upon receipt of a Report of the Planning Commission recommending disapproval of a proposed zoning map amendment, the matter shall not be submitted to the Council unless within thirty (30) days of the final action of the Planning Commission, the applicant or two (2) members of the City Council requests consideration by the Council . In such event, the Council shall determine whether to (a) accept the recommendation of the Planning Commission without a hearing, or (b) hold an argument-type hearing for review of the recommendation and the record made before the Planning Commission and make its own adjudicative facts which may differ from those of the Commission; or (c) hold its own trial type hearing and make its own adjudicative facts which may differ from those made by the Planning Commission.

(3) In the event that the Council determines to hold an argument-type hearing, the matter shall be placed on the next regularly scheduled Council meeting agenda, and (i) the Council members shall be provided record made at the Planning Commission; and specifically the application, minutes of the meeting, and the Report of the Planning Commission; (ii) shall have the opportunity to, but is not required to, review the videotape of the hearing where evidence was presented, and the opportunity to review any documentary evidence presented to the Commission; and (iii) the Council may hear arguments or statements in support or against the recommendation of the Planning Commission.

(4) In the event that the Council determines to hold its own trial-type hearing, the matter shall be placed on the next regularly scheduled Council meeting agenda, and the City Administrator shall advertise the matter for a public hearing. The Council members shall be provided with the record made at the Planning Commission; and specifically the application, minutes of the meeting, and the report of the Planning Commission, and the hearing shall proceed *de novo* with the applicant providing evidence and arguments in support of the proposed map amendment, and opponents afforded the opportunity to present evidence and arguments in

opposition to the proposed map amendment.

8. When an application for a land use map amendment has been disapproved by the legislative body, an additional request for a change in land use for that tract of land or land included in that tract shall not be filed within six (6) months of the date of disapproval.

401.3 DEVELOPMENT PLAN REQUIREMENTS

1. As referenced in KRS 100.203 (2), the Planning Commission may require a development plan in conjunction with a proposal to amend the Official Zoning Map. The development plan must be approved before the proposal to amend the Official Zoning Map will be acted upon. Where agreed upon, this development plan shall be followed. A development plan is required also for all multi-family residential, commercial, and industrial development projects.
2. An application shall be submitted as part of any development plan, and shall be made on a form provided by the Codes Administrator. The application shall contain the following information:
 3. Name, address, and telephone number of the owner of all land within the building site (and developer, if different from owner);
 4. If the developer is not the owner, a notarized affidavit signed by the owner shall be submitted stating that the owner authorizes the developer to act on his behalf, and that the owner agrees to abide by any restriction or condition placed on the development plan;
 5. A legal description of the entire area to be developed;
 6. Copies of any documents pertinent to the development of the property, including deed restrictive covenants, easements, or encroachment permits;
 7. A brief concise description of the proposed usage of the property, including the anticipated number of employees or families, types of products produced or sold, services rendered, or any other related activities.
 1. The Planning Commission may require the following information to be shown on a development plan drawn to scale and bearing the seal and signature of an architect, engineer, or land surveyor (as appropriate) bearing the seal of the Commonwealth of Kentucky.
 1. The boundary lines of the building sites and all lots or parcels which comprise the building site;
 2. The area of the building site in square footage or acreage;
 3. The type, location, and size or all utility and right-of-way easements which shall be labeled as existing or proposed;
 4. The deed book or plat cabinet reference numbers for all deeds or easements together with a copy of the deed;
 5. All existing and proposed final contours with benchmarks and the source of the contours.
 6. All existing natural features such as trees, sinkholes, streams, creeks, or other bodies of water
 7. The sizes and locations of all proposed or existing site improvements, including but not limited to:
 - Off-street parking and loading areas
 - Buffer strips and open spaces
 - Service roads, fire lanes, and sidewalks
 - Vehicle entrance and access locations and dimensions
 - Paved areas and curb cuts
 - Fire hydrants and Fire Department connections

- Landscaping
- Guardrails, fences, or hedges
- Signs
- Exterior lighting
- Electric, water, and gas meters
- Trash collection areas
- Sidewalks, pedestrian ways, bikeways, and trails

** The Planning Commission may require such other on or off-site improvements which in its discretion are appropriate to promote the purposes in Section 202 and 400 of this Land Development Ordinance.*

- 8. Provisions for drainage of all surface water and soil erosion controls.
- 9. All existing and proposed buildings and other structures, and their proposed uses.

- 4. Development Plan Review Procedures:
Review - Upon receipt of a development plan prepared in accordance with the provisions above, the appropriate Codes Administrator shall immediately forward copies to the appropriate City officials and the Technical Advisory Committee which shall review the development plan for compliance with any applicable codes, ordinances, or standards.

All development plans shall include but are not limited to the items found in the “Codes Administrator’s Review Items” and “ Development Plan Land Surveyor’s Review” found in Appendix G.

Recommendations:

The reviewing agencies shall review the plan for compliance with the standards, codes, or ordinances which they are responsible for administering, and report to the Planning Commission within the time frame recommendations provided for in the Department of Codes and Planning calendar.

- 6. Unless a development plan has been approved, only one (1) principal building may be erected on any lot or parcel of record in a R-3, B-1, B-2, PSF, INS, P-1, I-1, I-2 zone. Temporary structures are permitted during construction only.
- 7. Upon completion of the development plan requirements for a development and prior to the issuance of a certificate of occupancy, an as-built plan shall be submitted to the Codes office for review and compliance. Any substantive changes shall require the approval of the Planning Commission. An inspection shall be conducted by the Codes department and approval granted prior to certificates of occupancy.

402 CERTIFICATES OF LAND USE RESTRICTION

402.1 In accordance with KRS 100.3681-100.3684, when land use restrictions are imposed to include variances, conditional use permits, conditional land use management conditions, unrecorded

preliminary subdivision plats and development plans, but not including zoning map amendments which impose no limitations or restrictions upon the use of the property other than those generally applicable to properties within the same land use district and not including any recorded subdivision plat, a certificate of land use restriction must be completed by the appropriate body (Planning Commission, Board of Adjustment, or City Council) which finally adopts or imposes the land use restriction. The certificates shall be in the format provided for in KRS 100.3683 (see Appendix), and shall be filed with the County Clerk within thirty (30) days of the date upon which the body takes final action to impose or adopt the restriction. The City shall collect the County Clerks' filing fee from the applicant at the time any processing is initiated which may result in the imposition, adoption, amendment or release of any land use restriction. In addition the City may also charge the applicant a fee for reasonable cost of completing the certificate not to exceed ten dollars and fifty cents (\$10.50), in addition to any other applicable filing or administrative fee, to compensate the City for completing and filing the certificate. The fees shall be refunded to the applicant in the event no land use restriction is imposed or adopted as a result of the proceeding. The County Clerk shall upon receipt of the fee, file and maintain these certificates among the official records of the office. The County Clerk shall index the certificates by property owner, and if applicable, name of subdivision or development. The County Clerk shall maintain in the office a record of the name and address of the agency having custody of the official zoning map.

When a restriction reflected on the certificate is amended, a new certificate shall be filed. In the case of such amendment or in the event the original restriction is released, the previous certificate shall be released by the secretary of the body which amended or released the restriction in the same manner as releases of encumbrances upon real estate.

The failure to file, file on time, or to complete the certificate properly or accurately shall not affect the validity or ability to enforce any land use restriction or regulation. An improper filing may be corrected by a subsequent proper filing. Nothing herein shall affect the running of time for any appeal or other act for which a time limit is prescribed in these regulations.

When a zoning map amendment is filed for more than five (5) contiguous properties, or a land use restriction is imposed upon two (2) or more properties or lots in the same proceedings, a single certificate shall be filed for all the properties or lots collectively, and a single fee shall be paid.

403 CONDITIONAL USE PERMITS

403.1 The Board of Adjustment shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the Land Use Management Regulations which may be suitable only in specific locations in the district only if certain conditions are met (KRS 100.237), or which the Board determines by

specific findings of fact are compatible with the character of the district. In applying for a conditional use permit, the applicant shall submit an application to the Codes Administrator and shall follow all procedures set forth in this chapter. The Codes Administrator shall then refer the application to the Board of Adjustment. The Board shall charge a fee (Appendix K) for reviewing all conditional use permit applications, and shall notify all adjacent property owners by certified mail of the time and place of the meeting at which the review will occur. The applicant shall pay costs of notification upon receipt of a statement from the appropriate City official.

- 403.2** The board may approve, modify, or deny any application for a conditional use permit, as provided for in Section 406.52 of this ordinance. If it approves such permit, it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the board's minutes and on the conditional use permit along with a reference to the specific section in the regulations listing the conditional use under consideration. The board shall have the power to revoke conditional use permits, or variances for non-compliance with the condition thereof. Furthermore, the board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.
- 403.3** Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing, and other regulations.
- 403.4** In any case where a conditional use permit has not been exercised within the time limit set by the board, or within one year if no specific time limit has been set, such conditional use permit shall not revert to its original designation, unless there has been a public hearing. "Exercised", as set forth in this section, shall mean that there are binding contracts for the construction of the main building or the improvement is under construction to a substantial degree or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed. When construction is not part of the use, "exercised" shall mean that the use in operation is in compliance with the conditions as set forth in the permit.
- 403.5** The Codes Administrator shall review all conditional permits except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with the conditions on the conditional use permit, the Codes Administrator shall report the fact in writing to the chairman of the Board of Adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit and a copy of the report shall be furnished to the landowner at the same time it is furnished to the chairman of the Board of Adjustment. The board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing. If the Board of Adjustments finds that the facts alleged in the report of the Codes Administrator are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board of Adjustment may authorize the Administrative Official to revoke the

conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

403.6 Once the Board of Adjustment has completed a conditional use permit and all the conditions required are of such type which can be satisfied completely and permanently, the Codes Administrator, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of conditional use permit which is on file.

403.7 When an application is made for a conditional use permit for land located in or abutting any residential district, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant, Codes Administrator, and owner of every parcel of property adjoining the property (and directly across the street) to which the application applies and such other persons as the regulations shall direct.

Written notice shall be by first class mail with certification by the board's secretary or other officer that the notice is mailed. It shall be the duty of the applicant to furnish to the board the name and address of any owner of each parcel of property as described in this subsection. Records maintained by the property valuation administrator may be relied upon to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners.

403.8 All conditional use permits approved by the Board of Adjustments shall be recorded at the expense of the applicant in the office of the county clerk.

404 VARIANCES

404.1 Pursuant to KRS 100.241 - 100.251, the Board shall have the power to decide on applications for variances. The Board may impose any reasonable conditions or restrictions on any variance it decides to grant. A variance applies to the property for which it is granted, and not to the individual who applied for it. A variance runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site. All variances approved by the Board of Adjustments shall be recorded at the expense of the applicant in the office of the county clerk.

404.2 Before any variance is granted, the Board must make findings as per KRS 100.243 including but not limited to the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and records issued in written form to the applicant to constitute proof of the variance.

- A. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same district.
Such special circumstances are not the result of actions of the applicant taken subsequent

to the adoption of these regulations.

The strict application of the provisions of the regulations would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant.

Reasons that the variance will not adversely affect the public health, safety, and welfare, will not alter the essential character of the general vicinity, and will not cause a hazard or a nuisance to the public.

405 NONCONFORMING USES AND STRUCTURES

405.1 The lawful use of a lot or a structure, existing at the time of adoption of any land use regulations affecting it may be continued, although such does not conform to the provisions of such regulations, except as otherwise provided herein.

405.2 A nonconforming use may lapse for a period of six months without being considered abandoned. The property owner may appeal to the Board of Adjustment for an additional year prior to the end of the first year. Any lapse of a nonconforming use for a period of more than six months will result in the property being required to conform to existing land use requirements regarding appropriate uses.

405.3 A residential dwelling may be built upon a lot which was nonconforming at the time this ordinance was adopted even though such lot fails to meet the requirements for area or frontage, or both, that are generally applicable in the district. However, dimensional requirements other than those applying to area or frontage (or both) of the lots shall conform to the regulations for the district in which such lot is located. Variances must be obtained from the Board of Adjustments as described in Section 404 of this ordinance.

405.4 The Board of Adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes it nonconforming was adopted, nor permit a change from one nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification.

405.5 Should any nonconforming structure or nonconforming portion of a structure be damaged, destroyed, or demolished by any means, it may be reconstructed or repaired, but not to exceed the number of cubic feet existing in it, and not to extend or enlarge the scope and area of its operation prior to its damage, destruction, or demolition.

405.6 Administrative Review

The Board of Adjustment shall have the power to hear and decide cases where it is alleged by an applicant that there is error in any order, requirement, decision, grant, or refusal made by an administrative official in the enforcement of the land use regulations. Such appeal shall be made within thirty (30) days.

405.7 Procedure for Appeals to the Board (KRS 100.261).

Appeals to the Board of Adjustment may be taken by any person or entity, claiming to be

injuriously affected or aggrieved by an official action or decision of the codes enforcement officer. Such appeal shall be taken within thirty (30) days after the appellant or his agent receives official notice of the action, by filing with said officer and the board a notice of appeal specifying the ground thereof, and giving notice of such appeal to any and all parties of record. Said officer shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At the public hearing on the appeal held by the board, any interested person may appear and enter his appearance, and all shall be given an opportunity to be heard. The board will rehear an appeal only in cases where new evidence is available, or where the appealing person or entity desires a complete transcription for the court record.

405.8 Public Notice of Appeal Hearing

The board shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the Codes Administrator at least one week prior to the hearing, and shall decide it within sixty (60) days. The affected party may appear at the hearing in person or be represented by an attorney.

406 LAND USE CLASSIFICATION AND DESIGNATION

406.1 LAND USE DISTRICTS:

Land use districts are areas of land use in which more specific land use categories are identified. There are sixteen (16) regular land use districts within the City of Berea, each of which is described below with the purpose it is designed to serve.

R-1 Single Family Residential District: The R-1 district allows for quiet, low to medium density single-family dwellings in residential neighborhoods and protect them from the encroachment of non-residential or higher density residential uses.

- R-1A Single Family Residential District, Inner City:** The R-1A district allows for the provision of single-family dwellings on smaller lots in the older parts of the City.
- R-1T Townhouse Residential District:** The R-1T district allows for attached and detached single-family dwellings and supporting uses at a higher density than would be possible in other single-family residential districts. Zero lot line houses and patio houses are permitted in this district.
- R-2 Two Family Residential District:** The R-2 district allows for medium density single and two-family residential uses by permitting smaller lot sizes and the development of duplex dwelling units.
- R-3 Multi-Family Residential District:** The R-3 district allows for the development of high density residential uses and to meet the demand for rental dwelling units.
- MP Mobile/Manufactured Home Park/Community District:** The MP district allows for the regulation, location encouragement, stabilization, protection, and development of well-planned mobile/manufactured home parks/communities.
- B-1 Minor Business District:** The B-1 districts allows for the development of neighborhood businesses that provide convenient type goods and services on smaller tracts of land which tend to attract lower volumes of vehicular traffic, and are likely to be surrounded by medium to high density residential areas which generate pedestrian traffic.
- B-2 Major Business District:** The B-2 district allows for the development of shopping-type commercial activities which generate larger volumes of vehicular traffic. These larger tracts are readily accessible to the main traffic corridors and highly visible to vehicular traffic.
- B-3 Planned Shopping Center District:** The B-3 district encourages larger scale planned development of land for commercial purposes and the expansion of existing shopping centers.
- B-4 Interchange Business District:** The B-4 district provides for planned commercial uses at limited access highway interchange areas, and is designed for the convenience of both the traveling public and local citizens in such a way as to minimize traffic congestion and maximize safety.
- P-1 Professional District:** The P-1 district encourages the clustering of professional, research, medical, and related uses; and encourages the renovation and preservation of existing older residential structures for offices which may retain a residential function as part of the professional use. These districts should abut an arterial or collector street. The P-1 district is also designed to act as a transitional use between more intensive non-residential uses and high density residential uses in areas and will likely require a protective buffer between uses.

I-1 Manufacturing District: The I-1 meets the needs of smaller, free-standing manufacturers, largely of a light industrial nature, which have access to major arterial roads or railroads, and need to be screened off to protect adjacent less-intensive land uses.

I-2 Industrial Park District: The I-2 district accommodates a variety of manufacturers, from small-scale light industries to large-scale heavy industries, on larger tracts of land that have been pre-planned to provide the necessary infrastructure and protection from surrounding land uses.

PSF Public and Semi-Public Facilities District: The PSF district has been established to provide suitable sites and surroundings for institutional, public and semi-public land uses. Included among the permitted uses are parks, public schools, colleges, hospitals, police and fire facilities, swimming pools, golf courses and other related activities.

INS Institutional Zone: To preserve and provide for development of institutional uses with the City.

Permitted Uses:

(1) Educational activities directly related to an institution offering full-time course leading to an accredited degree. This is primarily for Berea College Campus.

(2) Proprietary-type functions which are customarily performed by private businesses or entities for a profit, not directly related to the educational purposes of this institution, shall not be permitted in the INS ZONE.

Accessory uses:

Activities incidental to the function of the institution which are managed and operated by the institution, but not including proprietary-type functions.

Development:

All proposed development within the INS District which alters the traffic patterns on existing City streets shall be presented to the planning Commission for review. No building permit shall be issued until the development is approved by the planning Commission. (Ord. No. 11.84, 6-19-84)

A Agricultural District: The A districts have been established to preserve and protect the decreasing supply of agricultural land, to minimize urban-type development in rural areas, and to provide for green space in keeping with the objectives of the Comprehensive Plan.

406.2 Overlay Districts: These districts have been created to provide additional regulations for design standards and development within any area of the City determined to be:

(1) An area that has historical, architectural, natural, or cultural significance that is suitable for preservation or conservation; or

- (2) An area that is located near a body of water, or along an established commercial corridor that has a special character related to the location that is suitable for conservation.

PUD Planned Unit Development District: The PUD district has been established to allow the mixing of uses and densities on larger tract developments and to allow higher densities than otherwise provided for in established districts See Section 409.31 for specific PUD requirements.

CSD Chestnut Street District: This district is designed to protect the architectural integrity of structures in an older historic area of the City fronting on Chestnut Street.

TD North Broadway Tourism District: This district is designed to protect the unique qualities associated with tourism in the area generally referred to as “Old Town.”

PC Protected Corridor District: This district is designed to protect visual entrances to the City and to protect environmentally sensitive areas from inappropriate development.

The requirements of these overlay districts are covered in Section 409.

406.3 DIMENSIONAL REQUIREMENTS

<u>RESIDENTIAL AREAS</u> (IN SQUARE FEET)	<u>R-1</u> SINGLE FAMILY	<u>R-1A</u> INNER City	<u>R-1T</u> TOWN HOMES	<u>R-2</u> DUPLEX	<u>R-3</u> MULTI FAMILY	<u>MP</u> MOBILE HOME PARK	<u>PUD</u> PLANNED UNIT DEVELOPMENT	<u>A</u> AGRICULTURE
MINIMUM BUILDING SITE AREA	12,000	6,000 (PER UNIT)	1,500 (PER UNIT)	10,000	7,000*	10 ACRES 10,000**	1,900	5 ACRES
MINIMUM BUILDING LOT WIDTH AT FRONT SETBACK LINE	100	60	16	80	70	100	20	100

MINIMUM FRONT YARD SETBACK	25	25	10	25	25	25	25	50
MINIMUM SIDE YARD SETBACK	15	8	NONE	10	8	10	7.5	15
MINIMUM REAR YARD SETBACK	25	25	10	25	20	15	10	25
MAXIMUM BUILDING HEIGHT	30	30	30	30	60	20	60	60

*7,000 square feet for the first unit, 1,500 square feet for each additional unit.

**The minimum site area for a mobile home park/community is 10 acres, with a maximum of 20 acres. The minimum lot size for an individual mobile/manufactured home is 10,000 square feet. Note: Lots approved by the Planning Commission for multi-family use (R-3) prior to October 1, 2004, may be developed pursuant to density requirements of the former zoning code.

***Townhomes shall adhere to the RIT requirements.

****Condominiums should adhere to the zone requirements in which they are built and the governing KRS on condominiums.

NON RESIDENTIAL AREAS (IN SQ. FEET)	<u>B-1</u> MINOR BUSINESS DISTRICT	<u>B-2</u> MAJOR BUSINESS DISTRICT	<u>B-3</u> PLANNED SHOPPING DISTRICT	<u>B-4</u> INTERSTATE COMMERCIAL	<u>P-1</u> PROFES SIONAL	<u>I-1</u> MANUFA CTURING	<u>I-2</u> INDUS TRIAL	<u>PSF</u> PUBLIC SEMI PUBLIC	<u>A</u> AGRICU LTURE	<u>INS</u> INSTITU TIONAL
MINIMUM BUILDING LOT AREA	10,000	10,000	10,000	10,000	7,000	1 ACRE	50 ACRES/1 ACRE*	1 ACRE	5 ACRES	
MINIMUM BUILDING SITE WIDTH AT FRONT SETBACK LINE	50	50	50	50	70	100	100	100	200	50
MINIMUM FRONT YARD SETBACK	25	25**	25	25	25	50	50	25	50	25
MINIMUM SIDE SETBACK	0	0	25	0	10	25	25	15	25	10
MINIMUM REAR YARD SETBACK	20	20	25	15	20	50	50	25	25	20
MAXIMUM BUILDING HEIGHT	30	60	60	60	60	60	60	60	60	60

*The minimum size tract for a new industrial park is 50 acres, and the minimum building site for an industry within the park is one acre.

** In the Old Town area the minimum front yard setback shall be in accordance with the overlay guidelines and in keeping with the adjacent structures.

***The minimum rear and side yard setback for all accessory uses in all zones shall be five (5) feet; all front yard setbacks shall be as specified for the primary structure.

406.4 TYPES OF LAND USE:

406.41 TYPES OF LAND USES:

Permitted (P)

These uses are deemed to be the most appropriate uses, and are allowed in a district subject to the restrictions applicable to that district.

Conditional (C)

These are uses that are allowed in a district but which would impair the integrity and character of the district in which it is located, or in adjoining districts, unless restrictions on location, size, extent, and character of performance are imposed in

<u>RESIDENTIAL</u>	R-1	R-1A	R-1T	R-2	R-3	MP/C	B-1	B-2	B-3	B-4	A
Detached single family dwellings*	P	P	P	P	P	P	P	P			P
Duplex Dwellings				P	P		P	P			
Town Homes/condominiums			P		P		P	P		P	
Multi-Family Dwellings					P		P	P		P	
Bed/ Breakfast Inns	C	C	C	C	C		P	P		P	
Residential Care Facilities	P	P	P	P	P		P	P		P	
Mobile/ Manufactured Homes**						P					P
Mobile/Manufactured home parks/ Communities**						P					P

*Includes modular homes

**Mobile/Manufactured homes are allowed as permitted (P) uses in the A and MP/C districts in the City of Berea. Mobile home/manufactured parks/communities are allowed in the MP/C district within the City of Berea. For specific standards applicable to mobile/manufactured home parks/communities, refer to Appendix C.

<u>PUBLIC/ SEMI-PUBLIC</u>	R-1	R-1A	R-1T	R-2	R-3	P-1	B-1	B-2	B-3	B-4	PSF	I-1	I-2	A
SCHOOLS	C	C		C	C		P	P		P	P	P	P	C
Police/Fire Stations	C	C		C	C		P	P		P	P	P	P	C
Governmental offices	C	C		C	C	C	P	P	P	P	P			C
Parks/ Playgrounds	P	P	P	P	P		P	P		P	P			C
Swimming pools, sport/recreation facilities	C	C	C	C	C		P	P		P	P			P
Utility Facilities*														
Cellular antenna towers		SEE	SEC-	TION	412									
Libraries, Museums						C*3	P	P		P				
Churches	C	C		C	C		P	P		P	P			P

*Public utilities operating under state authority shall not be required to receive Planning Commission approval for the location or relocation of any of their service facilities. However, the utility in question shall provide the Planning Commission with information on the proposed change (see KRS 100.324).

*3 These would only be conditionally permitted under limited size and incidental to the primary use.

<u>BUSINESS AND PERSONAL SERVICES</u>	R-1	R-1 A	R-1T	R-2	R-3	P-1	B-1	B-2	B-3	B-4	PSF	I-1	I-2	A

Private recreation /sports center							C	P	P	P				
Art Galleries, exhibition halls						C		C*2		P	P			
Private golf Courses	C			C	C		C	C		P	P			C
Arenas/ Amphitheaters								C		C	P			C
Private Clubs/ Lodges							P	P		P				
Photography Art						C*2	P	P	P	P				
Barber/ Beauty Shops							P	P	P	P				
Health Spas, Weight Loss Fac.							P	P	P	P				
Pet Grooming							C	P		P				
Tanning salons							C	P		P				

Auto Repair, auto parking							C	P		P				
Auto Body Shops								C		P				
Miscellaneous Repairs							C	P		P		C		C
Laundromats					C		P	P		P				
Tailors/Seamstresses/ Upholstering							P	P		P				
Photo Developing							P	P	P	P				
Video Rental Shop							C	P	P	P				
Amusement/ Recreation							C	P		P	P			
Adult (Sexually explicit) entertainment*												C		
Hotels/Motels							C	P	P	P				

*The regulations dealing with location of adult (sexually explicit) entertainment are found in Ordinance # 25-02. City of Berea

*2 These uses would be small and compatible to the neighborhood both in characteristic and scale.

Retail Trade	<u>R-1</u>	<u>R-</u>	<u>R-1T</u>	<u>R-2</u>	<u>R-3</u>	<u>P-1</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>B-4</u>	<u>PSF</u>	<u>I-</u>	<u>I-2</u>	<u>A</u>
---------------------	------------	-----------	-------------	------------	------------	------------	------------	------------	------------	------------	------------	-----------	------------	----------

		<u>1A</u>										<u>1</u>		
Food Stores (NH/Convenient)							P	P	P	P				
Food Stores Community							C	P	P	P				
General Merchandise							P	P	P	P				
Auto Dealers								P	P	P				
Service Stations							P	P	P	P				
Apparel/accessory store							P	P	P	P				
Furniture, furnishing and appliances							P	P	P	P				
Eating/drinking establishments						C*	P	P	P	P				
Drug Stores/ Pharmacies							P	P	P	P				
Office Supplies							P	P	P	P				
Toys/Sporting Goods							P	P	P	P				
Books, Records, Tapes							P	P	P	P				
Hardware Related							P	P	P	P				
Gifts, jewelry, novelties							P	P	P	P				
Bicycles/Motorecycles							C	P	P	P				
Auto Parts/Supplies							C	P	P	P				
Package liquor/beer/ wine														
Pet Stores							C	P	P	P				
Farm equipment supply							P	P	P	P				P
Feed/Seed/Garden Supplies							C	P	P	P				P
Computers/electronics							P	P	P	P				
Miscellaneous Retail							C	C	C	C				
Manufactured Structure Sales								P		P				
Salvage Yards												C	C	