

REVIEW NO. _____

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. (Check One) Boone _____ Florence _____ Walton _____ Union _____
- 2. (Check One) Conditional Use Permit _____ Variance _____ Appeal _____
Change in Non-Conforming Use _____
- 3. Applicant's Name BERNARD H. ENGELMAN
Phone Number 586-9380
Applicant's Address 6561 MARKET ST.
PETERSBURG KY. 41080
City State Zip
- 4. Description of Request: Request permit for all uses
conditionally allowed in small community overlay.
- 5. Name of Development PETERSBURG OPERA HOUSE
- 6. Location of Development CORNER OF FIRST & MARKET
IN PETERSBURG
- 7. Acreage Under Review .09 ACRES
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
65 feet off the EAST end of LOT #61 as per official plat of town
- 9. Owner of Property BERNARD H. ENGELMAN
Phone Number 586-9380
- 10. Address of Property Owner 6561 MARKET ST.
PETERSBURG KY. 41080
City State Zip
- 11. Proposed Use(s) On Site AS DESCRIBED ON LINE #4 OF
APPLICATION
- 12. Total Square Footage of Existing and/or Proposed Buildings
TOTAL OF 1ST & 2ND FLOOR = 4,930 sq ft.
- 13. Current Zoning on Property SR-2/SC 00
- 14. Deed Book 431 Page No. 153 Group No. 1064
- 15. Is the site subject to a zone change? No
If yes, give date of approval _____
- 16. Have you submitted a Site Plan with this request? YES
- 17. Have you submitted a list of adjoining property owners with this request? YES
- 18. Applicant's Signature: Bernard H. Engelman 4-5-91
- 19. Property Owner's Signature: Bernard H. Engelman 4-5-91

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 4-16-91
2. Fee Received \$ 775.00 R 6402
3. Is application complete? Yes No
4. Staff Reviewer Amy Moore
5. Scheduled Board Action Date 5/8/91
6. Board Action:
 Approval
 Approved with Conditions (See #7)
 Disapproved (See #8)
7. Conditions: See minutes

8. Reasons for Disapproval: _____

STAFF REPORT

#1

DEVELOPMENT: Petersburg Opera House
APPLICANT: Bernard H. Engelman
LOCATION: First and Market Streets, Petersburg, Kentucky
ZONING: Suburban Residential Two/Planned Development (SR-2/PD)
DATE: May 8, 1991
REMARKS:

The applicant is seeking a Conditional Use Permit to allow all Conditional Uses permitted in a Small Community overlay zoning district. These Conditional Uses would be located in the existing building on the corner of First and Market Streets, Petersburg, Kentucky. This building is known as the Petersburg Opera House. The property is zoned Suburban Residential Two/Planned Development (SR-2/PD) and is owned by Bernard H. Engelman.

The Petersburg Opera House is a two-story (4,930 square foot), brick building that is currently undergoing renovation. The building was constructed circa 1895 and contains three store fronts that are presently vacant. The applicant is requesting that all Conditional Uses of a Small Community overlay zoning district be allowed so that he may market the building toward a variety of uses.

Article 16, Section 1612 of the Boone County Zoning Regulations states that the Conditional Use permitted on any site zoned Small Community (SC) are:

1. All conditional uses specified for the basic, underlying zoning district;
2. All principally permitted, accessory, and conditional uses of the Commercial Two (C-2) district;
3. All principally permitted, accessory, and conditional uses of the urban residential one (UR-1) district.
4. All principally permitted, accessory, and conditional uses of the Public Facilities (PF) district.

The following reviews the criteria that the Board must use to judge all Conditional Use Permit requests:

1. The activity will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan and/or zoning order.

The 1990 Boone County Comprehensive Plan discusses the anticipated future land uses in Petersburg in general terms (p. 204):

"The town of Petersburg has few external growth factors. Petersburg must continue to contend with its isolation from the urban service areas of Boone County and poor accessibility during the winter months...The preservation of the historical buildings of this important Kentucky town should be a prime objective, and eventually development of a tourist industry is possible with adequate planning and administration."

2. The activity will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the area.

This building was originally constructed as a commercial structure and a majority of the conditional uses will not alter the existing character of the community. However, the Board should review all of the Conditional Uses that would be permitted on this site if this request is granted. Some of the individual uses may not be appropriate for this site. Attached to this Staff Report is a list of the conditional uses allowed in the SC overlay zoning district. Some of the uses that may alter the essential character of the area have been checked.

3. The activity will not be hazardous to existing or future neighboring uses.
4. The activity be adequately served by essential public facilities and services.
5. Excessive additional requirements at the public cost for public facilities and services will not be created or be detrimental to the economic welfare of the community.
6. The proposed use and operation will not be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odor.
7. The vehicular approaches to the property will be designed so as not to create an interference with traffic on surrounding public streets.

There is not a great deal of off-street parking provided near the building. There is room for approximately five (5) cars to park diagonally in front of the building. Initially the limited parking should not present a traffic problem but it is possible that parking may become a problem if a large number of patrons use the building. The Boone County Zoning Regulations does permit the Boards of Adjustments to exempt

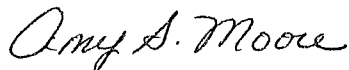
certain uses from the standard parking regulations stated in the Zoning Regulations. The Board may want to consider requiring that the area in front of the building be paved and to review the parking situation if it begins to pose a traffic problem.

The Board must also consider specific criteria which apply to Conditional Uses in SC overlay zoning districts:

- a. The activity is an integral part of the area's function as a small community center, and is not of the scale, nature, or character which will detract from or conflict with the principal purpose and continued well-being of the center.
- b. The arrangement of use, building, or structure is compatible with the arrangement or organization of permitted and accessory uses which are to be protected in the district.

A copy of a plat of Petersburg illustrating the location of the site in relation to the rest of the community has been attached. Also included is a letter written by the Boone County Historic Preservation Specialist concerning the request.

Respectfully Submitted,



Amy S. Moore
Planner I

ASM:kat

BERNARD ENGELMAN - CONDITIONAL USE PERMIT

PETERSBURG, KY

MAY 8, 1991



BOONE COUNTY HISTORIC PRESERVATION REVIEW BOARD

BOONE COUNTY ADMINISTRATION BUILDING

P.O. BOX 596 — 2950 WASHINGTON STREET

BURLINGTON, KENTUCKY 41005

OFFICE: (606) 334-2196

FAX: (606) 334-2264

DONALD E. CLARE, JR.
CHAIRMAN

SUSAN CABOT
HISTORIC PRESERVATION/
RURAL PLANNER



May 2, 1991

George D. Whitton, Chairman
Boone County Board of Adjustments
2995 Washington Street
Burlington, Kentucky 41005

Dear Mr. Whitton:

On behalf of the Boone County Historic Preservation Review Board, I am writing in regard to the request of Bernard Engleman for a Conditional Use Permit for the property located at 6561 Market Street in Petersburg, Kentucky.

The current structure on this site was built c. 1896 and is listed on the National Register of Historic Places. Historically known as Gordon's Hall and the Petersburg Opera House, the first floor of this building has been a grocery store, beer hall, and sewing factory. The second floor has seen a variety of entertainment uses including variety shows, movies, boxing matches, political speeches, dances, and parties as well as Baptist worship services. In more recent years this floor has been used for residential purposes.

This property is located in a Small Community District, the purpose of which is to provide for a variety of land uses in Boone County's small, traditional community centers. The underlying zone of this location is SR-2 but the Small Community District also permits the principal, accessory, and conditional uses of the C-2, UR-1, and PF Districts, if approved by the Board of Adjustments.

The Historic Preservation Review Board has worked with Mr. Engleman in his restoration of this property and shares his desire to see the various building spaces used appropriately. He is sensitive to the need to preserve the integrity of Petersburg while providing a means for economic development. Since this building historically held a variety of commercial uses, it is appropriate that it do so again. The Review Board has no concern about what will happen to this property as long as Mr. Engleman owns it, however, should ownership change, certain potentially permitted uses may present a problem. The following is a list, for each possible District, of uses the Historic Preservation Review Board would question:

C-2

Gasoline Service Stations (C-1, conditional use)

Bowling Alley (C-2, principal use)

Drive-in and Franchise Fast Food Chains (C-2, conditional use)

Roller Skating Rink and Ice Skating Rink (C-2, conditional use)

Sales or Leasing of New or Used Motor Vehicles (C-2, conditional use)

Sale of Satellite Dishes (C-2, conditional use)

Mr. George D. Whitton

May 2, 1991

Page 2

PF

Prisons and Other Correctional Institutions (PF, principal use)

The 1990 Boone County Comprehensive Plan encourages the preservation of the historical buildings of Petersburg and appropriate activity to support the development of a light tourist industry for the area. The Historic Preservation Review Board feels that allowing a variety of uses for the property at 6561 Market Street in Petersburg will support those goals and we ask that the Boone County Board of Adjustments approve this request.

Thank you for your consideration.

Sincerely,



Susan M. Cabot

Historic Preservation Officer

Section 840

SUBURBAN RESIDENTIAL TWO (SR-2)

The purpose of the suburban residential two district is to provide a more compact, but essentially single family residential environment. Such districts will be located on suitable lands within established or proposed urban entities where adequate infrastructure facilities and services are available or proposed.

Section 841

Principally Permitted Uses

The following uses are permitted:

1. Detached single-family dwelling units;
2. Duplex dwelling units - *(minimum 3 acres), (Site Plan Review required) (See Status of Amendments);
3. Townhouse dwelling units (minimum 5 acres), (Site Plan Review required);
4. Agricultural farming, dairying, and stock-raising;
5. Recreation defined in this district to be open space parks, hiking areas and trails, bikeway systems and picnicking areas.

Section 842

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Accessory uses for a dwelling unit:
 - a. Private garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds, private greenhouses and gazebos;
 - d. Storage of recreational vehicle or unit where appropriate;
 - e. Private swimming pool, sauna, bathhouse and like accessories;
 - f. The keeping and use of appropriate pets and animals;
2. Directional and incidental signage (see Article 19);
3. Parking (see Article 18);
4. Temporary buildings incidental to construction.

Section 843

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted use; or b) the activity will not contradict the compact, but single family character of the district; and c) the arrangement of uses, building or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

1. Conversion of an existing dwelling into multiple units of not more than three families. Such multiplex conversions can be arranged in a variety of configurations: side by side, back to back, or vertically;
2. Clubhouses, community centers and similar common assembly or shared facilities where the facility is an integral part of a residential development and the membership is limited to residents of a common development or neighborhood;
3. Townhouse dwelling units (Site Plan Review required);
4. Churches, synagogues, temples and other places of religious assembly for worship;
5. Cemeteries including mausoleums if adjacent to or in extension of an existing cemetery.
6. *Duplex dwelling units. (See Status of Amendments)

Section 844

Intensity

The intensity of use in a suburban residential two district shall not exceed eight (8) dwelling units per acre.

Section 845

Minimum Size

The minimum size and extent of a suburban residential two district, including all the contiguous private property so designated, shall not be less than five (5) acres.

Section 846

Minimum Standards

See table 1 for dimensional standards.

Section 850

URBAN RESIDENTIAL ONE (UR-1)

the purpose of the urban residential one district is to provide an urban scale, residential environment for smaller family types who do not require or desire the low density attributes to character typical

ARTICLE 9

COMMERCIAL DISTRICTS

Section 900

Intent

The intent of this article is to create: a) the necessary selection of goods and services required by urban neighborhoods, communities and regions; b) in order to prevent excessive commercialization from wasting or blighting public and private facilities and land; c) at sites capable of centrally serving trade area populations; c) able to be appropriately supported and related to infrastructure capabilities--circulation, in particular; e) implementing of an overall identifiable, cohesive urban form of; f) compact and efficient plans and designs which make multi-purpose use of parking, transit utility, open space and other physical characteristics of the land and improvements.

Section 910

COMMERCIAL ONE (C-1)

The purpose of the commercial one district is to provide the convenience good and personal services required for daily living needs. Districts will be located on suitable lands central to the neighborhood trade area provided direct access from neighborhood collector roads or minor arterials. District facilities and plans will be organized to provide central and convenient collection of vehicles and pedestrians within the district's facilities and major shopping spaces.

Section 911

Principally Permitted Uses

The following uses are permitted:

1. Hardware stores;
2. Eating and drinking places including alcoholic beverages, but excluding drive-in and franchise food chains;
3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;
5. Fruit and vegetable stores;
6. Bakeries, candy, nut and confectionery stores;
7. Convenience stores;
8. Liquor, beverage, drug and proprietary stores;

9. Banking services (including drive-thru facilities) savings and loan associations, credit unions and other credit services;
10. Insurance carriers and agents;
11. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
12. Accounting, auditing and bookkeeping services;
13. Postal services;
14. Physician, dental, optical goods and services;
15. Veterinary services and pet grooming services but not including the boarding of animals.
16. Beauty and barber services and tanning salons;
17. Nursery and child care centers;
18. Laundering, dry cleaning and dyeing services including self-service;
19. Pressing, alteration, garment repair and custom tailoring;
20. Shoe repair, shoe shining and hat cleaning services;
21. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
22. Jewelry;
23. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances;
24. Art, craft and hobby supplies and products, gifts and novelties;
25. Antiques and used merchandise;
26. Books, stationery, newspapers and magazines;
27. Cigars and cigarettes;
28. Florists excluding greenhouses;
29. Sporting goods including bicycles;
30. Draperies, curtains, upholstery and floor coverings;

31. Paint, glass and wallpaper stores;
32. Painting, paper hanging and decorative services;
33. Photo finishing services;

Section 912

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses defined to be:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas.
 - d. Indoor target ranges and similar athletic uses.
2. Dwelling unit provided the building was originally designed for residential uses, including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets.
3. Direction and incidental signage (See Article 19);
4. Parking (See Article 18);
5. Temporary buildings incidental to construction;
6. Storage, uncrating or unpacking areas provided such activities are an integral function of a permitted use and do not create enclosed or outside spaces which will tend to enlarge or overpower the activities of permitted uses;
7. Retail sale of motor fuels.
8. Drive-up photo finishing services and automatic teller services.

Section 913

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and,

c) the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Gasoline service stations;
2. Churches, synagogues, temples and other places of religious assembly for worship.

Section 914

Intensity

The intensity of use in a commercial one district of under two (2) acres shall not exceed 12,000 square feet of gross floor area per acre of land.

The intensity of use in a commercial one district larger than two (2) acres shall not exceed 15,000 square feet of gross floor area per acres of land.

Section 915

Minimum Size

There is no minimum size or extent required of a Commercial One district.

Section 916

Minimum Standards

See Table 1 for dimensional standards. (Site Plan Review required for all permitted uses. See Article 14.)

Section 920

COMMERCIAL TWO (C-2)

The purpose of the commercial two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands central to community or regional trade areas and provided direct access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles and pedestrians with in the district's facilities and major shopping spaces.

Section 921

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All the principally permitted uses in an Office One (O-1) district;

3. Eating and drinking places including alcoholic beverages and entertainment, but excluding drive-in and franchise fast food chains;
4. Limited price variety or discount stores, toy stores;
5. General dry goods and merchandise stores;
6. Department stores, mail order houses, direct retail selling organizations of general merchandise;
7. Furniture, home furnishings including specialty and floor coverings;
8. Specialized upholstery and furniture repair or refinishing services;
9. Apparel, including furriers;
10. Household appliances, china, glassware and metal ware;
11. Radio, t.v., watch, clock, and jewelry repair;
12. Drive-thru photographic, stenographic and other duplicating and mailing services;
13. Legal services, engineering and architectural services;
14. Security brokers, dealers and flotation services;
15. Commodity contracts, bankers and dealer services;
16. Security and commodity exchanges;
17. Title abstracting services;
18. Holding and investment services;
19. Advertising services including direct mail;
20. Business and management consulting services;
21. Employment services;
22. Consumer and mercantile credit reporting, adjustment and collection services;
23. Travel arranging, transportation ticket and public event or promotional booking agencies;
24. Radio and television broadcasting studios excluding transmitting stations and towers;

25. Art, music and dancing schools;
26. Medical and dental laboratory services;
27. Medical clinics - out-patient services;
28. Welfare and charitable services;
29. Business associations and professional membership organizations;
30. Civic, social and fraternal organizations;
31. Attached upper story dwelling units of up to three stories provided the building was originally designed for residential use and existing at the time of adoption of this ordinance, including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping an use of appropriate household pets;
32. Art and craft galleries and similar exhibit space;
33. Aquariums, botanical gardens and other natural exhibitions;
34. Arcades and other amusement centers;
35. Motion picture theaters (indoor);
36. Bowling alley;
37. Recreation centers, gymnasiums, clubs and similar athletic uses.
38. Motorcycles sales or bike shops excluding outside storage.

Section 922

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Recreation uses or spaces of integral relation to the developed portions of the district defined to be:
 - a. Stages and similar assembly areas;
 - b. Auditoriums, exhibition halls and other public assembly spaces;
 - c. Billiards;
 - d. Play lots and tot lots;
 - e. General, leisure, ornamental and other parks, spaces, trails bikeway systems, malls and urban pedestrian networks;
2. Dwelling unit of the family of the owner-operator provided the building was originally designed for residential use including:

- a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets;
3. Directional and incidental signage (See Article 19);
 4. Parking (See Article 18);
 5. Temporary buildings incidental signage (See Article 19);
 6. Storage, uncrating or unpacking areas provided such activities are an integral function of a permitted use and do not create enclosed or outside spaces which will tend to enlarge or overpower the activities of permitted uses;
 7. Drive-up photo finishing services and automatic teller services;
 8. Retail sale of motor fuels (excluding service stations);
 9. Indoor target ranges and similar athletic uses;

Section 923

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and c) the arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district:

- ✓1. Drive-in and franchise fast-food chains and eating and drinking places, provided the activity is appropriately related to the character of the trade area being served;
2. Garden and landscape sales including florist greenhouses, lawn furniture and the like;
- ✓3. Gasoline service stations including normal maintenance, repair and wash services;
4. Churches, synagogues, temples and other places of religious assembly for worship;
- ✓5. Roller skating rink and ice skating rink.
6. Funeral homes and crematoriums excluding cemeteries or mausoleums;

- ✓ 7. Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises.
- ✓ 8. Sale of satellite dishes.

Section 924

Intensity

The intensity of use in a commercial two district of under four (4) acres, including all the contiguous private property so designated, shall not exceed 15,000 square feet of gross floor area per acre of land. In a commercial two district of over four (4) acres, the intensity of use shall not exceed 18,000 square feet of gross floor area per acre of land.

Section 925

Minimum Size

The minimum size and extent of a commercial two district, including all the contiguous private property so designated, shall not be less than two (2) acres.

Section 926

Minimum Standards

See Table 1 for dimensional standards. (Site plan review required for all permitted uses. See Article 14.)

Section 940

COMMERCIAL SERVICES (C-3)

The purpose of the commercial services district is to provide, control and centralize those types of commercial activities which: a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in Article 10. Such districts will generally be organized about regional or major community trade areas. Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from major arterials, District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting and other spaces and improvements as possible.

Section 941

Principally Permitted Uses

The following uses are permitted:

1. Commercial parking facilities;
2. Sales of lumber, building materials, heating and plumbing equipment, electrical supplies, hardware and farm equipment;

ARTICLE 10

EMPLOYMENT DISTRICTS

Section 1000

Intent

The intent of this article is to create: a) central, compact centers of employment; b) with uses of compatible, or integral scales, character and activities; c) able to be adequately served and supported by infrastructure; d) within and directly resulting in identifiable, cohesive and desired urban forms; and e) with compact and efficient plans and designs which make multipurpose and common use of buildings, structures, capable land and open space and certain accessory and appropriate conditional uses.

Section 1010

OFFICE ONE (0-1)

The purpose of the office one district is to create a low density, low rise office environment to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The office one district should accommodate smaller scale and independent office uses which need not be located within a larger, consolidated office two district or which do not need to be located within a larger, consolidated office two district or which do not need or desire to locate in a commercial district. Office one districts will be located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed.

Section 1011

Principally Permitted Uses

The following uses are permitted:

1. Bank related services (including drive-thru facilities)
2. Agricultural, business and personal credit services;
3. Security brokers, dealers and flotation services;
4. Commodity contracts, brokers and dealers services including security and commodity exchanges;
5. Insurance agents, brokers and services;
6. Real estate agents, brokers and management services;
7. Title abstracting services;
8. Real estate subdividing and development services;
9. Real estate operating builders offices excluding any outside storage equipment and the like;

10. Holding and investment services;
11. Photographic services;
12. Advertising services;
13. Consumer and mercantile credit reporting services, adjustment and collection services;
14. Direct mail advertising services;
15. Stenographic services and other duplicating and mailing services;
16. News syndicate services;
17. Employment services;
18. Research, development and testing services of an office nature;
19. Business and management consulting services;
20. Motion picture, audio-visual and similar media production and distribution services;
21. Physician and dental services including medical, dental laboratories;
22. Legal, engineering, architectural, education and scientific research services;
23. Accounting, auditing and bookkeeping services;
24. Welfare and charitable administration offices;
25. Business associations;
26. Professional membership organizations;
27. Labor unions and similar labor organizations;
28. Civic associations;
29. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
30. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such

uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;

31. Finance companies;
32. Veterinary services not including the boarding of animals.
33. Business colleges or schools.

Section 1012

Accessory Uses

Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including;

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas.
2. Accessory uses for an office facility:
 - a. Garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
3. Directional and incidental signage (See Article 19);
4. Parking (See Article 18);
5. Temporary buildings incidental to construction.

Section 1013

Conditional Uses

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided; a) the activity is an integral and subordinate function of a permitted office use; or b) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Single-family or multi-family dwelling units provided the structure was originally designed for residential use, including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
2. Nursery and child care centers;

Section 843

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted use; or b) the activity will not contradict the compact, but single family character of the district; and c) the arrangement of uses, building or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

1. Conversion of an existing dwelling into multiple units of not more than three families. Such multiplex conversions can be arranged in a variety of configurations: side by side, back to back, or vertically;
2. Clubhouses, community centers and similar common assembly or shared facilities where the facility is an integral part of a residential development and the membership is limited to residents of a common development or neighborhood;
3. Townhouse dwelling units (Site Plan Review required);
4. Churches, synagogues, temples and other places of religious assembly for worship;
5. Cemeteries including mausoleums if adjacent to or in extension of an existing cemetery.
6. *Duplex dwelling units. (See Status of Amendments)

Section 844

Intensity

The intensity of use in a suburban residential two district shall not exceed eight (8) dwelling units per acre.

Section 845

Minimum Size

The minimum size and extent of a suburban residential two district, including all the contiguous private property so designated, shall not be less than five (5) acres.

Section 846

Minimum Standards

See table 1 for dimensional standards.

Section 850

URBAN RESIDENTIAL ONE (UR-1)

the purpose of the urban residential one district is to provide an urban scale, residential environment for smaller family types who do not require or desire the low density attributes to character typical

of suburban districts. Housing will consist of the more compact dwelling types. Such districts will be located on suitable lands within established or proposed urban entities with adequate infrastructure (available or proposed) and accessibility to major urban activity centers.

Section 851

Principally Permitted Uses

The following uses are permitted:

1. Detached single-family dwelling units;
2. Duplex dwelling units;
3. Townhouse dwelling units; (Site plan review required. See Article 14.);
4. Multi-family dwelling units. (Site plan review required. See Article 14.);
5. Recreation, defined in this district to be:
 - a. Historic sites, structures, monuments and other exhibits available for public viewing;
 - b. Tennis courts;
 - c. Play lots or tot lots, playgrounds, playfields or athletic fields;
 - d. Swimming beaches and swimming pools;
 - e. Picnicking, hiking or walking areas and trails;
 - f. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and urban pedestrian networks;

Section 852

Accessory Uses

Accessory uses, buildings and structure customarily incidental and subordinate to any of the permitted uses including:

1. Accessory uses for a dwelling unit:
 - a. private garages and parking;
 - b. structures such as fences and walls;
 - c. buildings such as storage sheds, private greenhouses and gazebos;
 - d. storage of a recreational vehicle or unit where appropriate;
 - e. private swimming pool, sauna, bathhouse and similar accessories;
 - f. the keeping and use of appropriate pets;
2. Directional and incidental signage (see Article 19);

3. Parking (see Article 18);

4. Temporary buildings incidental to construction.

Section 853

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted use of the neighborhood; or b) the activity will not contradict the compact, but single family character of the district; and c) the arrangement of uses, buildings, or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district.

1. Conversion of an existing dwelling into multiple units of not more than three families. Such multiplex conversions can be arranged in a variety of configurations: side by side, back to back or vertically;
2. Clubhouses, community centers and similar common assembly or shared facilities where the facility is an integral part of a residential development, and the membership is limited to residents of a common development or neighborhood;
3. Nursery and child care centers;
4. Churches, synagogues, temples and other places of religious assembly for worship;
5. Cemeteries including mausoleums if adjacent to or in extension of an existing cemetery.

Section 854

Intensity

The intensity of use in an urban residential one district shall not exceed twelve (12) dwelling units per acre.

Section 855

Minimum Size

There is no minimum size or extent required of an urban residential one district, rather the size and extent of the district is to be determined by specific site capabilities, the availability of adequate or proposed infrastructure to support the district, and compatibility with adjacent uses.

Section 856

Minimum Standards

See Table 1 for dimensional standards.

ARTICLE 11

PUBLIC FACILITIES (PF)

Section 1100

Intent

The purpose of this article is to provide a specific zoning classification for a variety of public facilities so as to promote the proper location of these uses and insure their long-term continuity and compatibility with adjacent land uses.

Section 1101

Principally Permitted Uses:

1. Federal, state, regional, county, and local and other governmental services including executive, legislative, judicial, administrative and similar activities;
2. Police, fire, civil defense and other protective and related services;
3. Postal services;
- ✓ 4. Prisons and other correctional institutions;
5. Military bases and reservations;
6. Primary, elementary, and secondary schools;
7. Junior colleges, colleges and universities;
8. Vocational or trade schools, professional schools and special training and schooling facilities;
9. Hospitals, sanitariums, convalescent and rest homes and related health facilities;
10. Cemeteries and mausoleums including funeral houses and crematoriums.
11. Libraries, museums art and craft galleries, conservatories and cultural exhibits.

Section 1102

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the district defined to be:

- a. Planetaria, aquariums, botanical gardens, and arboretums, zoos, nature preserves, wildlife sanctuaries, and other natural exhibitions;
 - b. Historic sites, structures, monuments, and other exhibits available for public viewing;
 - c. Amphitheaters, theaters, playhouses and other entertainment assemblies;
 - d. Stadiums, arenas, field houses, and other sports assembly uses and structures;
 - e. Auditoriums, exhibition halls and other public or miscellaneous assembly;
 - f. Golf driving ranges;
 - g. Golf courses, tennis courts, ice skating, roller skating, bowling, and like sports activities;
 - h. Play lots or tot lots, playgrounds, playfields or athletic fields, recreation centers, gymnasiums, clubs, and other athletic uses and structures;
 - i. Swimming beaches and swimming pools;
 - j. Yachting, boat rental, boat access sites, and other marina activities;
 - k. Camping, picnicking, hiking areas, trails and other recreational uses;
 - l. Hunting and fishing grounds;
 - m. General, leisure, ornamental and other parks, spaces, trails, bikeway, pedestrian mall systems and similar uses;
2. Dwelling unit(s) for the owner-operator or resident manager or detective, protective, and similar personnel or for the resident staff and employees when the primary use involves a work force on 24 hour shifts; including:
 - a. Private garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping of security dogs;
 3. The administration, management, stenographic, reproduction, research, and any related or integral office use or activity of the permitted use;
 4. Directional and incidental signage (See Article 19);
 5. Parking (See Article 18);
 6. Temporary buildings incidental to construction.

Section 1103

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is provided primarily in support of and

obtains its trade from the employees or users of the district's permitted uses; or b) the activity is of integral relation to the purpose of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract, or conflict with the purpose and permitted use of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices;
2. Postal, travel, transportation or promotional event ticketing and forwarding services;
3. Private detective, protective and related services;
4. The writing, publishing, and printing of newspapers, periodicals, and books;
- ✓ 5. Gasoline filling stations;
6. Eating and drinking places including alcoholic beverages and entertainment but excluding drive-in or fast food franchise chains;
7. Drug and proprietary;
8. Books, stationery, and limited sales of office supply articles;
9. Cigars and cigarettes;
10. Newspapers and magazines;
11. Banking and credit union services including drive-in teller or like services;
12. Beauty and barber services;
13. Blue printing and photocopying services;
14. Physician and dental services, medical out-patient services;
15. Nursery and child care centers;
16. Churches, synagogues, temples, and other places of religious assembly for worship.

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Bernard H. Engelman
6561 Market Street
Petersburg, KY 41080

2. ADDRESS OF PROPERTY

1st & Market Street
Petersburg, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Petersburg Opera House

DEED BOOK: 431

PAGE NO.: 158

GROUP NO.: 2011

4. TYPE OF RESTRICTION (S) (Check all that apply)

- | | | | |
|--------------------------|---|-------------------------------------|---------------------------------|
| <input type="checkbox"/> | Zoning Map Amendment
from _____ to _____ | <input checked="" type="checkbox"/> | Conditional Use Permit |
| <input type="checkbox"/> | Development Plan | <input type="checkbox"/> | Conditional Zoning
Condition |
| <input type="checkbox"/> | Subdivision Plat
(unrecorded) | <input type="checkbox"/> | Other: (Specify) |
| <input type="checkbox"/> | Variance | | |

5. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

RETURN TO:

BOONE COUNTY PLANNING COMMISSION
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005

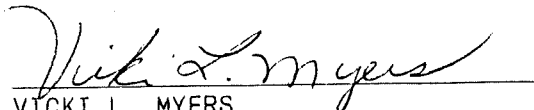
Amy A. Moore, Planner I
SIGNATURE OF COMPLETING OFFICIAL

Amy S. Moore, Planner I
NAME AND TITLE OF COMPLETING OFFICIAL
(type or print)

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Amy S. Moore
on behalf of the Boone County Planning Commission this 19th day
of June, 1991.

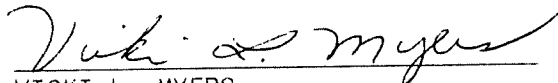


VICKI L. MYERS
NOTARY PUBLIC, State at Large

My commission Expires:

April 8, 1995

This instrument was prepared for recording purposes only by:



VICKI L. MYERS
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

BCPC 01/89

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit as approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of May 8, 1991, (Certificate of Land Use Restriction # BCBOA-91-014), for Bernard H. Engelman, property owner.

The above Conditional Use Permit is granted subject to the following exclusions which are listed in the letter from Susan Cabot to Chairman Whitton, dated May 2, 1991: Gasoline Service Stations, Bowling Alleys, Drive-in and Franchise Fast Food Chains, Roller Skating Rink and Ice Skating Rink, Sale or Lease of New or Used Motor Vehicles, Sale of Satellite Dishes, and Prisons and Other Correctional Institutions.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in: DEED BOOK 431 PAGE NO. 158 Group No. 2011

STATE OF KENTUCKY, }
COUNTY OF BOONE } Sct.

I, JERRY W. ROUSE, Clerk of the County Court in and for the county and state aforesaid, do hereby certify that the foregoing instrument of writing was, on the 20 day of June, 19 91, at 3:38 P. M. lodged in my office for record, whereupon the same, the foregoing, and this certificate have been duly recorded in my office.

Given under my hand, this the 20 day of June, 19 91.

JERRY W. ROUSE, Clerk
By Dorrie Collins, D.C.