

ZONING ORDINANCE

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1.1 ENACTING CLAUSE

By adoption of this Ordinance, the City of Hardinsburg exercises the authority granted by the Kentucky Constitution, and the Kentucky Revised Statutes, Chapter 100, Section 100.201 through 100.271, to a legislative body to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, that the City of Hardinsburg be divided into districts as hereinafter described, and that the regulations, restrictions and boundaries of districts shall be established, enforced and amended as provided in this Ordinance.

1.2 TITLE

This regulation shall be known as the "Zoning Ordinance for Hardinsburg, Kentucky" hereinafter referred to as "the Ordinance." The map herein referred to, which is identified by the title "Hardinsburg Zoning District Map", dated _____ thereon, is hereby adopted and made a part of this Ordinance.

1.3 PURPOSE

The zoning regulations and districts as herein set forth have been made in accordance with the Hardinsburg Comprehensive Plan for the purpose of promoting the public health, safety, goals, and convenience, order, prosperity and general welfare of the community

- They have been designed to lessen congestion in the streets. to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage control, schools, parks, and other public requirements.
- They have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the City of Hardinsburg.

1.4 INTERPRETATION

The provisions herein shall be interpreted uniformly so as to implement and protect the purposes for which they are enacted. In the interpretation and application of this Ordinance, the provisions herein shall be held to be of the minimum or maximum

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requirements (as stated); adopted for the promotion of the health, safety, morals, comfort, prosperity, well-being and general welfare. It is not intended by the Ordinance to repeal, abdicate, annul or in any way impair or interfere with any private restrictions placed upon property such as covenants, deeds or recorded plats, provided, however, where this

Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires greater lot areas, larger yards or other open spaces, than are imposed by such private restrictions, the provisions of the Ordinance shall control.

1.5 CONFLICT OF ORDINANCE

Whenever this Ordinance, or subdivision plats or development plans approved in conformance with the regulations are in conflict with applicable Kentucky Revised Statutes, or other local ordinances, regulations or laws, the more restrictive statute, ordinance, regulation, plat or plan shall govern and shall be enforced by the appropriate local agency. When subdivision and development plans approved by the Planning Commission contain setbacks or other features in excess of the minimum Ordinance requirements, such features as shown on the approved plans shall govern. Private deed restrictions or private covenants for a subdivision do not fall within the jurisdiction of enforcement by any local agency and cannot be enforced by the Hardinsburg Planning Commission.

1.6 SEPARABILITY

If any clause, sentence, subdivision, paragraph, section or part of this Ordinance be adjudged by any court of competent jurisdiction to be invalid, said judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

1.7 DEFINITIONS

For the purpose of this Ordinance, certain areas are herewith defined. When consistent with the context, words used in the present tense include the future; words in the singular number include the plural; words in the plural number include the singular; the word "person" includes association, firm, partnership, trust, governmental body, corporation, organization, as well as an individual, the word "structure" includes building; the word "occupied" includes arranged, designed or intended to be occupied; the word "used" includes arranged, designed or intended to be used; the word "shall" is always mandatory and not merely directive; the word "may" is permissive; and the word "lot" includes plot or parcel. Other words or terms shall have the following respective meanings.

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ABANDONED SIGN - An on-premises sign, the use for which it represents having been discontinued for a period of thirty (30) consecutive days.

ACCESSORY USE OR STRUCTURE - A use or structure subordinate to the principal use in building on a lot and serving a purpose customarily incidental thereto, including structures such as satellite antennas.

ADMINISTRATIVE OFFICIAL - Any department, employee or advisory, elected or appointed body which is authorized to administer any provision of the zoning ordinance, subdivision regulations, and if delegated, any provision of any housing or building regulation or any other land use control regulation.

AGRICULTURE USE - The use of a tract of land of at least five (5) contiguous acres for the purpose of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provisions for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.

ALLEY - A public or private vehicular way which affords a means of access to the rear or side of properties adjacent to it and not intended for general traffic circulation.

ALTERATIONS - Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

APARTMENT HOUSE - For the purpose of this regulation, an apartment house means any building, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of more than two families living independently of each other with cooking facilities for each family.

ASSEMBLY - A joining together of completely fabricated parts to create a finished product.

BASEMENT - An area below the first floor, having part but no more than one-half of its height above grade, used for storage space by occupants of the building, janitor quarters, or other utilities common to the rest of the building. A basement used for the above purposes shall not be counted as a story.

BED & BREAKFAST - An establishment providing lodging and meals in a residential setting for overnight guest.

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BILLBOARDS, OFFPREMISES OR OUTDOOR ADVERTISEMENT - Any notice or advertisement, pictorial or otherwise, with an area of 300 or more square feet, and also all those used as an outdoor display for the purpose of making anything known, the origin or place of sale of which is not on the plot with such display, except that governmental notices shall not be considered as billboards.

BUFFER AREA - A strip of land which is located along the perimeter of a piece of property and is a minimum of five (5) feet wide and contains perimeter landscaping as specified in this Ordinance, e.g. Open spaces, landscaped areas (including screen trees), fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

BUILDING - Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

BUILDING SETBACK LINE - A line in the interior of a lot, which is generally parallel to, and a specified distance from, the street right-of-way line or lines. No building shall then be placed in the space between the building setback line and the right-of-way.

BUILDING PERMIT - A document issued by the administrative official authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses - consisting of written permission for the construction, repair, alteration, or addition to a structure. Such a permit is issued in the application of building codes. Building permits are to be issued by the City for residential construction activities. For all other construction activities, the building permit is to be issued by the Commonwealth or the County.

CAMPGROUND - A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units such as temporary living quarters for recreation, educational, or vacation purposes only (45 consecutive days or less).

CARPORT - Space for the housing or storage of motor vehicles, camper trailers, or boats and enclosed on not more than two sides by walls.

CELLULAR ANTENNA - Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-dimensional antennas, such as whips, at frequencies on the electromagnetic spectrum as the FCC from time to time may designate, used for cellular telecommunications services and /or personal communications services, but not including such structures or devices when used for the broadcast of television AM or FM radio stations or for citizens' band or amateur radio use. Examples of cellular

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telecommunications or personal communications services include, but are not limited to, cellular telephone, paging, public safety, and data transmission, Specialized Mobile Radio, Enhanced Specialized Mobile Radio, and other commercial private radio services.

CELLULAR ANTENNA TOWER - Any structure that is designed and constructed primarily for the purpose of supporting one or more cellular antennas. This includes guyed towers, lattice towers, monopoles, alternative cellular antenna tower structures and towers taller than 15 feet constructed on the top of another building, along with any separate building on the lot used to house any supporting electronic equipment.

CENTER LINE OF A STREET - The center of the surfaced roadway or the surveyed centerline of the street, as defined by the City Engineer or authorized representative.

CERTIFICATE OF OCCUPANCY - A document issued by a governmental authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all the applicable municipal codes and ordinances.

CHILD CARE CENTER - A Type I day care facility provides care for 13 or more children depending on space and staff/child ratio. A Type II in-home facility provides care for no more than 12 children total.

CHURCH - A building, together with accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

CLUB, PRIVATE - Buildings and facilities, the purpose of which is to render a social, educational or recreational service to members and their guests and not primarily to render a service customarily carried on as a business or to render a profit. Private club shall include country club.

CO-LOCATION - Locating one or more cellular antennas for more than one provider on single cellular antenna tower or alternative cellular tower structure on a single lot.

COMMERCIAL WAREHOUSE - A building or portion thereof used for storage of any property utilized in any permitted commercial activity. This shall not be deemed to include the storage area in connection with a purely retail business when located on the same property.

COMMISSION - The Hardinsburg Planning Commission.

COMPREHENSIVE PLAN - A comprehensive, long-range plan intended to guide the growth and development of a community or region that typically includes inventory and

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analytic sections leading to recommendations for the community's future economic development, housing, recreation and open space, transportation, community facilities, and land use, all related to the community's goals and objectives for these elements.

CONDITIONAL USE - A use which is essential to or would promote the public health, safety or welfare in one (1) or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation.

CONDITIONAL USE PERMIT - A legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the Board of Adjustment, consisting of two (2) parts:

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

DETACHED STRUCTURE -A structure having no common wall with another principal structure. Common walls with accessory structures are allowed.

DIRECTIONAL SIGN - A non-commercial sign of an instructional nature, such as "parking," "exit," or "entrance," displayed solely for the convenience of the public. No more than twenty-five percent (25%) of such sign shall be devoted to the name or logo of the property; business or profession on the site and contain no business advertising, product trade name identification or listing of any product sold or offered on the premises.

DWELLING UNIT - One or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

FABRICATION - Manufacturing, excluding the refining or other initial processing of basic raw materials such as metal ores, lumber, or rubber. Fabrication relates to stamping, cutting, or otherwise shaping the processed materials into useful objects.

FAMILY - One or more persons occupying a premise and living as a single nonprofit housekeeping unit.

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FENCE - An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

FLAT SIGN - Any sign painted on or affixed to a building and which sign does not project more than six inches from such building.

FLASHING SIGN - Any sign having a conspicuous and/or intermittent variation in the illumination.

FLOOR AREA - The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces on the exterior walls or from the centerline of walls separating two buildings, but not including:

1. Attic space providing headroom of less than seven feet
2. Basement space

GARAGE, PRIVATE - A space or structure, including a carport, on the same lot with or in the buildings to which it is accessory, primarily for storage only of automobiles of the residents of the premises.

HEIGHT, BUILDING - The vertical distance from the established average sidewalk grade, or street grade, or finished grade at the building line, whichever is highest, to the highest point of the building.

HEIGHT, SIGN - The vertical distance measured from ground level to the highest point of the sign, including the frame and any embellishments. whichever is greater.

HIGHWAY, see **STREET** - Any public or private way set aside for public travel twenty (20) feet or more in width.

HOME OCCUPATION - Occupations of dressmaking, handcrafts, millinery, laundering, preserving, home cooking, limited sales or professional services, but excluding retail sales, barber shops and beauty parlors, but only when said permitted occupations are performed under all of the following conditions.

1. The use is clearly incidental and secondary to use for dwelling purposes;
2. The use is conducted entirely within a dwelling unit and not in any accessory building;
3. The use is carried on only by residents of the dwelling;
4. The use does not require external alteration of the dwelling; and

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5. The use does not adversely affect the uses permitted in the immediate neighborhood and does not substantially increase traffic generation or noise.

HOTEL OR MOTEL - A building in which lodging or boarding are provided and offered to the public for compensation. As such, it is open to the public in contradiction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

ILLUMINATED SIGN - Any sign designed to emit or brightly reflect artificial light from any source fixed or incidental.

INCIDENTAL SIGN - A small sign, not exceeding two (2) square feet, limited to information and directions related to the permitted use on the lot or building on which the sign is located and containing no direct illumination. Examples of incidental signs would include "no smoking," "restroom," "no solicitors," "no trespassing," "self service," "vacancy," credit card acceptance signs, signs indicating hours of business and similar information.

INDUSTRY - A specific branch of business that obtains its salable items through the assembly of parts into a complete product or through the transformation of a raw material into a finished product.

1. Heavy Industry - Those industries whose processing of products results in the emission of any atmospheric pollutant, light flashes or glares, odors, noise or vibration, which may be heard or felt off the premises, and those industries which constitute a fire or explosion hazard.
2. Light Industry - Those industries whose processing of products results in none of the above conditions.

INSTITUTION FOR CHILDREN OR THE AGED - An establishment providing residence and care for children or the aged.

JUNK - Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition. Examples include tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, machinery, brush, wood and lumber. More than three (3) unregistered or inoperable vehicles constitute junk.

JUNK YARD - Any area, lot, land or parcel where junk is kept as defined herein, or waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled,

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cleaned, packed, disassembled, handled, including auto wrecking yards, used lumber yards and places or yards for use of salvaged house wrecking structural steel materials and equipment.

LABORATORY - A building or part of building devoted to the testing and analysis of any product or animal (including humans). No manufacturing is conducted on the premises except for experimental or testing purposes.

LOADING SPACE - Space logically and conveniently located or bulk pickups and deliveries, sealed to delivery vehicle expected to be used and accessible to such vehicles when required off street parking spaces are filled. Required off-street loading space is not to be included as off-street parking in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

LOT CORNER - A lot abutting upon two (2) or more streets or abutting upon two (2) adjoining and deflected lines of the same street and thereby forming an interior angle of less than one hundred thirty-five (135) degrees. Corner lots shall be construed to have front yards along each abutting street, one rear yard and one side yard. Once the front yard is designated, the rear yard shall be opposite the front yard.

LOT COVERAGE - That portion of the lot that is covered by buildings and structures

MANUFACTURING, HEAVY - Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation, and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

MANUFACTURING, LIGHT - Manufacturing or other industrial uses which are usually controlled operations, relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust, operating and storing within enclosed structures and generating little industrial traffic and no nuisance.

MANUFACTURED HOME - A manufactured building designed for long-term residential use having the following features or characteristics: (1) mass produced in a factory, (2) designed and constructed for transportation to a site for installation and use when connected to required utilities, and (3) an independent, individual building on the site, i.e. any structure fabricated in an off-site manufacturing facility for installation at the building site as a permanent structure with transport features removed, bearing a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Code as set forth in the Code of Federal Regulations,

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Title 24, Part 3280, 3282, 3283 and 42 USC Section 5401, and as mandated by the United States of America and as administered by the United States Department of Housing and Urban Development and commonly referred to as the HUD Code. Such single-family structures must meet the National Manufactured Home Construction and Safety Standards Act (42 USC Sec 5401) commonly known as the HUD (U. S. Department of Housing and Urban Development) code as well as the Kentucky Building Code structural and installation requirements.

MANUFACTURED HOME PARK - Any site, or tract of land under single ownership, upon which three or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. A manufactured home park may only be located in an R-6 district.

MOBILE HOME - A structure manufactured prior to June 15, 1976, which was not required to be constructed in accordance with the federal act, which is transportable in one (1) or more sections, which, in the traveling mode is eight (8) body feet or more in width and forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. These homes bear a numbered Class A or B seal issued by the Kentucky Department of Housing, Building and Construction, Office of the State Fire Marshal.

B1 SEAL - The unit has been inspected and found to be in compliance with applicable standards for human habitation.

B2 SEAL - The unit (1) Has been inspected and found not to be in compliance with applicable codes, (2) Is a salvage unit unfit for human habitation, and (3) Shall be sold only for the purpose of use as a storage or utility building.

HUD LABEL (Sometimes referred to as A Seal) - The label affixed to a new manufactured home by the manufacturer after it has been approved by a third-party inspector, as required under the HUD Act.

MOBILE SIGNS - A sign which is affixed to a frame having wheels or capable of being moved or otherwise portable, which does not have a permanent foundation. The mere removal of wheels or temporary securing of a sign to a surface of real estate shall not prevent its being a mobile sign within this definition.

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MUSEUM - A non-profit non-commercial establishment operated as a repository or a collection of nature, scientific or literary curiosities or objects of interest or works of art, not including the regular sale or distribution of the objects collected.

NON-CONFORMING USE OR STRUCTURE -Non-Conforming use or structure means an activity or a building, sign, structure, or a portion thereof which lawfully existed before the adoption or amendment of the zoning regulation, but which does not conform to all of the regulations contained in the zoning regulation which pertains to the zone in which it is located.

OFFICE - A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files and communications equipment.

A professional office business establishment is considered to be within an office building for the purposes of signing regulations when three (3) or more of the following occur:

1. The establishments are within one (1) building;
2. The establishments are on the same lot.
3. The establishments share parking.
4. When the establishments are within more than one (1) building, the buildings have similar setback, and
5. The establishments share ingress/egress.

OFF-PREMISE SIGN - A sign that advertises goods, products, services or facilities or directs persons to a different location from where the sign is installed.

ON-PREMISE SIGN - Any sign identifying or advertising a business, person, activity, goods, products, or services located on the premises where the sign is installed and maintained

OPEN SPACE - Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space..

PARISH HOUSE - A residence for a minister, priest or rabbi in connection with the operation of a church or synagogue.

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PARKING LOT OR AREA - An off street area used for the parking of any type of vehicle, whether moving or at rest, including but not limited to, parking lots, loading and unloading areas, mobile home parks and sales and services areas. Driveways, access ways, aisles and maneuvering areas are also considered a part of the parking lots or areas.

PARKING SPACE - A space on private land, accessible from a street or alley, not less than (9) feet wide and eighteen (18) feet long, exclusive of passageways.

PERMITTED STRUCTURE - A structure meeting all the requirements established by this ordinance for the district in which the structure is located.

PERMITTED USE - Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

PRESCHOOL - Day care and education of five (5) or more children under minimum age to attend public or private grammar school.

PRINCIPAL STRUCTURE - A building in which is conducted a principal or conditional use. In any residential zone, any structure containing a dwelling unit shall be deemed a principal structure on the lot on which the same is located. Where a non-conforming use is the primary use on the property, the building in which it is located shall be deemed a principal structure.

PUBLIC USES - Public parks, schools, and administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

RECREATIONAL FACILITIES - Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to, hunting, fishing and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

RECREATIONAL VEHICLE PARK - Any lot or parcel of land upon which two (2) or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. See Campground.

RECYCLING CENTER/PLANT - A lot or parcel of land upon which used materials are separated and processed for shipment for reuse in new products; A facility in which recyclables such as newspapers, magazines, books and other paper products, glass, metal

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cans, and other products are recycled , reprocessed, and treated to return such products to a condition in which they may again be used in new products. Does not include junkyards.

RESIDENTIAL CARE FACILITY - A residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities.

RESTAURANT - An establishment where food and drink are prepared, served, and consumed primarily within the principal building. See Restaurant, Take Out, Retail Food Establishment.

RESTAURANT, TAKE-OUT - An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant and where ordering and pickup of food may take place from an automobile.

RETAIL FOOD ESTABLISHMENT - Any fixed facility in which food or drink is offered or prepared primarily for retail sale.

RETAIL SALES - Establishments engaged in selling goods or merchandise to the general public for personal or household consumption.

RETAIL SALES, OUTDOOR - The display and sale of products and services primarily outside of a building or structure, including vehicles, garden supplies, gas, tires and motor oil, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber yards.

RIGHT OF WAY - A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

ROAD - See "STREET"

SEAT - For the purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

SETBACK LINE - That line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be erected or placed.

SIDEWALK - That portion of the road right-of-way outside the roadway which is improved for the use of pedestrian traffic.

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SIGN - Any writing, pictorial representation, form, emblem, trademarks, flag, banner, decoration (including material used to differentiate the sign copy from the background) or any figure which is written, printed, projected, painted, constructed or otherwise displayed upon or designed into a building, board, plate, canopy, awning, window, vehicle, or upon any object or device which by reason of form, color, wording, symbol, design, illumination, motion or other characteristic is designed to attract attention to the subject thereof or is used as a means of identification, advertisement, announcement of or illustrating products.

SIGHT TRIANGLE - A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SPOT ZONING - Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the comprehensive plan. Unreasonable spot zoning is the following:

1. A small parcel of land is singled out for special and privileged treatment, and
2. The singling out is not in the public interest but only for the benefit of the land owner, and
3. The action is not in accord with the comprehensive plan.

STORAGE WAREHOUSE - (Main Warehouse) - A building or portion thereof designed for storing personal property. An operation involving a warehouseman as provided for in KRS will not be considered a mini-warehouse.

STREET - Any public or private way set aside for public travel twenty (20) feet or more in width. The word STREET shall include the words road, highway, and thoroughfare.

STRUCTURE - Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

TELECOMMUNICATIONS FACILITY - The lot, tract, or parcel of land that contains the telecommunications antenna, its support structure, any accessory buildings, and parking and may include other uses associated with/and ancillary to telecommunications transmission.

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TRAVEL TRAILER - A non-self propelled vehicle intended for recreational purposes only. Not allowed or intended to be used as a permanent or temporary residence such as a mobile home.

USE - The specific purposes for which land or a building is designated, arranged, or intended, or for which it is or may be occupied or maintained.

VEHICULAR USE AREA - A vehicular use area (VHA) is any open or unenclosed area containing more than one thousand eight hundred (1,800) square feet of area and/or used by five (5) or more of any type of vehicle, whether moving or at rest, including but not limited to, parking lots, loading and unloading areas, mobile home parks and sales and service areas. Driveways are considered to be vehicular use elements described in this Ordinance (and intervening curbs, sidewalks, landscape strips, etc., do not eliminate adjacency.).

WALL - One of the sides of a room or building connecting floor and ceiling or foundation and roof.

YARD, FRONT - An open space extending the full width of the lot between a principal structure and the front lot line, unoccupied and unobstructed from the ground upward. The depth of a front yard is the shortest distance measured perpendicularly between any part of a building and the front lot line.

YARD, SECONDARY FRONT - An open space extending the full width of the lot between a principal structure and the secondary front lot line of a corner lot, unoccupied and unobstructed from the ground upward. The secondary front yard will be that front yard that is parallel to the side exposure of the principal structure, or the rear exposure of the principal structure in the case of lot with three front yards. The depth of the secondary front yard is the shortest distance measured perpendicularly between any part of a building and the secondary front lot line.

YARD, SIDE - An open space between a principal structure and a side lot line, unoccupied and unobstructed from the ground upward. The width of a side yard is the shortest distance measured perpendicularly between any part of a building and the nearest side lot line.

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2.1 ADMINISTRATION

The Planning Commission and its Administrative Official shall administer and enforce this Ordinance.

The Commission and its Administrative Official shall have the authority to make inspection of buildings or premises necessary to carry out their duties in administration and enforcement of this Ordinance.

2.2 MAP AMENDMENT PROCEDURES

A proposal for amendments in the Hardinsburg Zoning District Map may originate only with the Hardinsburg Planning Commission, the Hardinsburg City Council, and the owner of the subject property. A person may delegate his or her authority to request a zoning map amendment to his/her agent by written document

Regardless of the origin of the proposed amendment, an application must be filed with the Commission requesting the proposed amendment in such form and accompanied by such information as required by this Ordinance and the Bylaws of the Hardinsburg Planning Commission. At the time of filing the amendment, a non-refundable filing fee shall be required as set forth in this Ordinance; however, there shall be no filing fee for the amendment requested by the City Council, Planning Commission or any other governmental agency. Upon filing of an application for a map amendment by a governmental body, the Commission shall promptly notify the owner of the subject property as required by Kentucky Revised Statutes, Chapter 100.

2.2.1 Pre-Application Conference - Prior to filing an application for a zoning map amendment, the applicant is encouraged to meet with the Planning Commission to discuss the proposed amendment. The purpose of this conference is to discuss, at the earliest stages, the requirements, procedures and issues related to the proposed amendment. It is intended that this conference will help to alleviate possible conflicts by early recognition of existing conditions, necessary facilities, recommendations of the adopted Comprehensive Plan and other issues related to the proposed amendment.

2.2.2 Commission Procedure - Upon the filing of an application for an amendment to the Zoning District Map, the Commission shall direct the Administrative Official to review the application, make whatever studies the Commission deems necessary and report his/her findings at a public hearing. In addition, the Commission may require the applicant to submit further information subsequent to the filing of an application if necessary to make a recommendation.

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- 2.2.3 Notice -All procedures for public notice and publication, as well as for adoption, shall be the same as for the original enactment of a Zoning Ordinance (Kentucky Revised Statutes, Chapter 100), except as provided below:
- a. Notice of the time, place, and reason for public hearing shall be given at least fourteen (14) days in advance of the hearing by first class mail, with certification by the Commission Secretary or other officer of the Planning Commission that the notice was mailed to an owner of every parcel of property adjoining the property the classification of which is proposed to be changed.
 - b. It shall be the duty of the person or persons proposing the map amendment to furnish the Commission the names and addresses of the owners of all adjoining property, including tracts across a road or street. Records maintained by the Breckinridge County Property Valuation Administrator may be relied upon to determine the identity and address of the owner.
- 2.2.4 Posting Subject Property -When a map amendment (zone change) is proposed, an appropriate sign stating the proposed amendment and the time, date and location of the public hearing shall be posted on the property in question, or where more than one piece of property is involved, the sign shall be posted in a central and conspicuous location. The sign shall be posted at least fourteen (14) days consecutively before the public hearing by the Secretary of the Planning Commission or a person appointed by the Planning Commission.
- 2.2.5 Public Hearing - Upon receipt of a completed application, receipt of fee notice of amendment on the subject property and notification of interested parties, the Commission shall hold a public hearing on the proposed amendment, per Kentucky Revised States, Chapter 100 and Chapter 424.
- 2.2.6 Recommendation of Commission for Zoning District Map Amendments -
- Before making recommendations to the Hardinsburg City Council on a proposed map amendment, the Planning Commission shall make findings of fact, as required by Kentucky Revised Statutes, Chapter 100. Findings of Fact made by the Commission shall be recorded in the minutes and records of the Planning Commission. After voting to recommend that an application for an amendment in the zoning map be granted or denied, the Commission shall forward its Findings of Fact and recommendation in writing to the Hardinsburg City Council.
- Necessary Findings - Before any map amendment is granted, the Planning Commission and the City Council must find that:

1. The map amendment is in agreement with the Hardinsburg Comprehensive Plan, or

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2.. In the absence of such a finding, that one or more of the following apply and such finding shall be recorded in the minutes and records of the Planning Commission and City Council:

a. That the existing zoning classification given to the property was inappropriate and the proposed zoning classification is appropriate, and/or

b. That there have been major changes of an economic, physical; or social nature within the area involved which were not anticipated in the City's Comprehensive Plan and which have substantially altered the basic character of such area.

The Planning Commission and City Council must make findings to support these conclusions. A simple restatement of the above conditions does not constitute a proper findings of fact. The evidence presented at the public hearing must support the findings of the Planning Commission and City Council.

2.3 ZONING TEXT AMENDMENTS

Amendments to this Ordinance shall be performed in the same manner as adoption of the original Ordinance and in conformance with Kentucky Revised Statutes, Chapters 100 & 424, with a minimum of two public hearings, the first published held by the Planning Commission, and the second to be published and held by the City Council.

2.4 BOARD OF ZONING ADJUSTMENT

A Board of Adjustments is hereby established in accordance with Kentucky Revised Statutes, Chapter 100. There shall be five (5) citizen members appointed by the Mayor and approved by the Hardinsburg City Council for four-year terms, ending on the first month of the designated year. The terms shall be staggered so that the terms of no more than two (2) members expire in any year. Vacancies on the Board shall be filled within sixty (60) days. If the vacancy is not filled within that time, the Planning Commission shall fill the vacancy according to its Bylaws. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

2.5 CONDITIONAL USES -

2.5.1 Power to Issue Conditional Use Permits - The Board of Adjustments shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community for uses which are specifically named in the Zoning Ordinance. Conditional uses may be suitable only in specific locations in the zone only if certain conditions are met.

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- a. Procedure -In applying for a conditional use permit, the applicant shall submit a plan to the Board of Adjustments or its representative as set forth in Section. 2.3.1 outlining procedure for building permit applications.
 - b. Notice -Within thirty (30) days of the receipt of a conditional use permit request, the Board of Adjustments shall hold a public hearing in accordance with the provisions of Kentucky Revised Statutes, Chapter 424. When a conditional use is proposed, an appropriate sign stating the proposed conditional use, the property involved, and the time, date and location of the public hearing shall be posted on the property ten (10) days prior to the public hearing. The Secretary or the Administrative Official of the Board of Adjustments shall post the sign.
 - c. Action - The Board may approve, modify or deny any application for a conditional use permit. 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 of the zoning ordinance listing the conditional use under consideration.
 - d. Filing - 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 Court Clerk.
- 2.5.2 Revocation of Conditional Use Permit - The Board of Adjustments may revoke a conditional use permit if the property owner does not comply with the conditions thereon. Furthermore, the Board shall have the power to compel the offending structures or uses removed at the cost of the violator and may have judgment in person for such cost.
- 2.5.3 Annual Review -
- a. The Administrative Official shall review all conditional use permits at least annually to determine if the conditions in the permit are being met.
 - b. The Administrative Official shall review any conditional use permit, except for those for which all conditions have been satisfied, on the request of the Board of Adjustments to determine if there is any violation..
- 2.5.4 Power to Inspect - The Administrative Official shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the property owner is complying with all the conditions which are listed on the

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conditional use permit, or to ascertain if the land is being used for illegal purposes.

- 2.5.5 Report of Violation - If the property owner is not complying with all of the conditions listed on the conditional use permit, the Administrative Official shall report the fact in writing to the Chairman of the Board of Adjustments. The report shall state specifically the manner in which the property owner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the property owner at the same time that it is furnished to the Chairman of the Board of Adjustments.
- 2.5.6 Public Hearing -The Board shall hold a hearing on the report within thirty (30) days, and a notice of the time and place of the hearing shall be furnished to the property owner at least one week prior to the hearing.
- 2.5.7 Action of Board of Adjustments - If the Board of Adjustments finds that the facts alleged in the report of the Administrative Official are true and that the property owner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board of Adjustments 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.
- 2.5.8 Time Limit - In any case where a conditional use permit has not been exercised within one (1) year from its date of issuance, such conditional use shall not revert to its original designation unless there is a public hearing. Once there is a public hearing, the conditional use permit shall revert to its original use unless the Board of Adjustments issues a new conditional use permit. ("Exercised" as set out in this section shall mean that binding contracts for the construction of the main building or other improvements have been let, or in the absence of contracts, that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment is under contract, in development, or completed). When construction is not a part of the use, exercised shall mean that the use is in operation in compliance with the conditions as designated in the permit.
- 2.5.9 Conditional Use as a Permitted Use -Once the Board of Adjustments has completed a conditional use permit and all the conditions required are of such a type that they can be completely and permanently satisfied, the Administrative Official, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, enter the facts which indicate that the conditions have been satisfied and enter the conclusion in the margin of the copy of the conditional use permit which is on file with the County Clerk, as required in Kentucky Revised Statutes 100.344. Thereafter, said use, if

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it continues to meet the other requirements of the regulation, will be treated as a permitted use.

If any other sections of this regulation are violated, the permitted use shall revert to a conditional use and steps may be taken to revoke the permit in accordance with this section of the regulation.

2.6 VARIANCES

The Board of Adjustments may grant dimensional variances in accordance with the following requirements:

- 2.6.1 Conditions Which Warrant a Variance - The Board shall have the power to hear and decide applications for dimensional variance on a lot of record. A variance can be granted where, because of unusual shape, smallness of size or other extraordinary physical conditions, the property owner is deprived of a reasonable capacity to use the land in a manner equivalent to the use permitted other property owners in the same zone. The conditions which warrant a variance must have existed at the time this regulation was adopted.
- 2.6.2 Variance for Multi-Building Development - A variance from this ordinance may be granted for multi-building development if it is shown that the land in question cannot be subdivided and that more open space is created, a lower density can be established and traffic problems are lessened, and a better relationship between the land and the building is created by not subdividing the land. However, in no case shall the Board of Adjustment grant a variance which does not comply with the Hardinsburg Zoning Ordinance where applicable or which destroys the character of the neighborhood. However, any future subdivision of a multi-dwelling development requires that all lots and buildings meet the requirements of the Subdivision Regulations at the time of such subdivision.
- 2.6.3 Variances Which Are Prohibited - The Board of Adjustments shall not possess the power to grant a variance to permit a use or alteration or extension of any land, building, or structure which is not permitted in the zoning district in question, to alter density requirements in the zone in question, or to permit a use not authorized by this Ordinance.
- 2.6.4 Granting a Variance - Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Board shall consider whether:

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- a. The specific conditions in detail which are unique to the applicant's land (Such special circumstances do not generally apply to land in the general vicinity.) and do not exist on other land in the same zone; and
- b. The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land in the manner equivalent to the use permitted other property owners in the same zone, or would create an unnecessary hardship on the applicant; and
- c. That the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the Zoning Ordinance; and
- d. Reasons that the variances will preserve, not harm, the public safety and welfare, and will not alter the essential character of the neighborhood.

2.6.5 Findings of Fact Required - Findings of fact relative to the above statements shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance.

2.6.6 Conditions May Be Imposed - In granting a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in the furtherance of the purposes of this Regulation.

2.6.7 Procedure for Appeals to the Board

- a. Who May Appeal - Any appeal to the Board of Zoning Adjustments may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the Administrative Official based in whole or in part upon the provisions of this regulation.
- b. Time Limitation - Such an appeal shall be made by filing with the Board of Zoning Adjustments, a notice of appeal specifying the grounds thereof. Said notice of appeal shall be filed within thirty (30) days from the date upon which the notice of refusal of zoning permit or certificate of compliance is mailed by the Administrative Official. Failure to file notice of appeal within thirty (30) days shall constitute a waiver of the right to appeal.
- c. Establishing Meeting Date - The Board of Adjustments shall set a date not more than thirty (30) days after receiving the above records for hearing of the appeal.

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- d. Notice - Public notice shall be given in accordance with Kentucky Revised Statutes Chapter 424 and all interested parties shall be notified of the pending hearing. The appellant will be given notice of at least one (1) week prior to the hearing.

An appropriate sign will be posted on the property for which the variance is requested at least ten (10) days before the public hearing. The sign will describe the variance requested and the meeting date, time and place. The Secretary of the Board of Adjustments or a person appointed by the Board shall post the sign.

- e. Evidence of Hardship - The applicant must present evidence that the property will not yield a reasonable return if used in compliance with the Ordinance, that the conditions causing the hardship are unique and not shared by neighboring property in the same property zone; that the granting of the appeal will not conflict with the Zoning Ordinance. The Board shall use this evidence, and any other evidence presented in accordance with Section 6 of this Ordinance.

- f. Notice of Decision - The Board of Adjustments shall decide the appeal within sixty (60) days and give written notice to the Administrative Official and appellant of its decision.

2.7 APPLICATION OF VARIANCE

A dimensional variance applies to the property for which it is granted and may be transferred with the land. It may not be transferred to another site.

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ZONING DISTRICTS ESTABLISHED

3.1 ZONING MAP

The City of Hardinsburg is hereby divided into zones and districts as shown on the Zoning Map dated _____, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. Said Zoning District Map is composed of one or two map sheets, each of which represents a different geographic area and/or subject matter of the City of Hardinsburg. Each map shall be identified as part of the Hardinsburg Zoning District Map and shall be kept on file in Hardinsburg City Hall and shall be known herein as the "Hardinsburg Zoning District Map."

3.2 MAP AMENDMENT IDENTIFICATION

Amendments in the Zoning Map shall be promptly posted on the map by the Commission. Each amendment shall be identified on the map by a numerical designation referring to the Planning Commission record of the amendment proceedings.

3.3 INTERPRETATION OF ZONE AND DISTRICT BOUNDARIES

Where uncertainty exists as to the exact boundaries of zones and districts as shown on the Zoning District Map, the following rules shall be used by the Administrative Official to interpret the exact location of the zoning district boundaries shown.

- a. Where a zoning district boundary approximately follows a street, alley or railroad, the center or railroad right-of-way is the boundary of the district.
- b. Where a zoning district boundary approximately follows a property line or a series of property lines, such line or lines is the boundary of the district.
- c. Where a zoning district boundary approximately follows a stream or the shape of a body of water, that stream or shoreline at pool, as defined on the date this Ordinance is enacted, is the boundary of the district.
- d. Where a zoning district boundary does not clearly follow any of the features mentioned above, its exact location on the ground shall be determined by measurement according to the Zoning District Map scale.
- e. In any case, where the exact location of a boundary is not clear, the Board of Adjustments shall use these rules to determine the exact location upon application by the Planning Commission or Administrative Official for an original interpretation.

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- f. Where a designated "zone" is a line along a roadway, street or railroad, the centerline of the roadway, street or railroad shall also be the centerline of the zone.
- g. When a zone or district boundary line divides a lot which was in single ownership at the time and passage of this Ordinance, the Administrative Official may permit the extension of the zoning district for either portion of the lot not to exceed fifty (50) feet beyond the zone or district line into the remaining portion of the lot.

3.4 APPLICATION OF ZONING DISTRICT REGULATIONS

The regulations set by this Ordinance within each zone shall be the minimum or maximum limitations as appropriate to the case and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- a. No building, structure or land shall hereinafter be used or occupied, and no building or structure or part thereof shall hereinafter be executed, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the zone and district in which it is located unless otherwise specifically permitted in this Ordinance.
- b. No building or other structure shall hereinafter be erected or altered:
 - 1. To exceed the height, bulk or floor area ratio,
 - 2. To accommodate or house a greater number of families.
 - 3. To occupy a greater percentage of lot area;
 - 4. To have narrower or smaller rear yards, front yards, side yards or other open spaces;
 - 5. To have less perimeter and interior lot landscaping for vehicular use area and non-compatible land uses than herein required, or in any other manner contrary to the provisions of these zoning regulations.
- c. No part of a yard, open space, off-street parking, loading space or other special use area required about or in connection with any building or land for the purpose of complying with this Ordinance shall be included as a part of a yard, open space, off-street parking, loading space or other special use area similarly required for any other building or land unless otherwise specifically permitted by this Ordinance.
- d. No yard or lot existing at the time of the adoption of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein.

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Yards or lots created after the adoption of this zoning regulation shall meet at least the minimum requirements established by this Ordinance.

- e. Except as hereinafter prohibited, there shall be no more than one (1) principal structure and its accessory structures on any lot or parcel of land unless a development plan is approved by the Hardinsburg Planning Commission.
- f. Only those uses specifically named as principal, accessory or conditional use or substantially similar to principal, accessory or conditional uses are permitted in each zone or district and all uses not specifically permitted or substantially similar to permitted uses are prohibited. Prohibited uses shall include but not be limited to those specifically named as prohibited.

3.5 CONVERSION OF DWELLING STRUCTURES

The conversion of any structure or structures either residential or non-residential so as to accommodate an increased number of dwelling units or families, or another permitted use, shall be permitted only within the zone of which a new building for similar occupancy would be permitted under this Ordinance. The resulting occupancy shall comply with all requirements governing new construction in such zone, including, but not limited to, floor area, dimension or yards, open space and off-street parking. The aforesaid shall not apply if the conversion involves no exterior structural changes to a principal building but shall apply if any accessory building is converted to a principal building.

3.6 AGRICULTURAL LAND USE EXEMPTIONS

Notwithstanding any other provisions of this Ordinance, land which is used solely for agricultural use as defined herein shall be regulated in conformance with Kentucky Revised Statutes, Chapter 100.

3.7 GOVERNMENTAL USE EXEMPTIONS

Notwithstanding any other requirements of Kentucky Revised Statutes, Chapter 100, the Commonwealth of Kentucky and its political subdivisions shall be exempt from complying with any and all requirements of this Ordinance.

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3.8 ESTABLISHMENT OF ZONING DISTRICTS

These regulations establish the following zoning districts within the city as a means to implement the stated purpose of this Ordinance:

- A-1 Agricultural
- R-1 Single Family
- R-2 Two Family
- R-3 Multi-Family
- B-1 Downtown Business District
- B-2 General Business District
- I-1 Light Industrial
- I-2 Heavy Industrial
- P-1 Public Institutional

3.9 ZONE DISTRICT REGULATIONS

3.9.1 A-1 - Agricultural

This district is derived of certain large open areas used for agricultural purposes. The regulations of this district are designed to retain the open character and certain other compatible uses.

3.9.1A Permitted Primary Uses

- a. Growing and harvesting of field, tree, or bush crops including flowers, and/or the keeping of poultry, bird, and egg farms, provided that pens, buildings, and other enclosures, other than open pasture, are not closer than two hundred feet (200') to any residence, residential district or commercial district, and/or the commercial breeding, raising, training, and grazing of horses, cattle, sheep, goats, ostriches and other livestock, provided that the site contains not less than five (5) contiguous acres, and the number of

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such animals shall be limited to not more than twenty (20) head per acre of land, and pens, buildings, and other enclosures, other than open pasture, are not closer than two hundred feet (200') to any residence, residential district or commercial district

- b. Single-family detached site constructed dwellings and modular homes.
- c. Corrals, stables, pens, barns and similar structures for keeping of livestock.
- d. Plant nurseries and greenhouses for the propagation, cultivation and distribution of plants produced on and off the premises
- e. Schools for academic instruction and associated facilities
- f. Churches
- g. Public parks and playgrounds
- h. Cemeteries

3.9.1B Permitted Accessory Uses

- a. Private garages, private storage sheds and private parking areas
- b. private swimming pools and tennis courts
- c. Private non-commercial parks and open space
- d. Living quarters with cooking facilities and not rented for guests and employees of the premises
- e. Keeping of not more than two (2) roomers or boarders without kitchen facilities
- f. Barns and related farm structures
- g. Home Occupations (See Conditional Use)

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3.9.1C Permitted Conditional Uses: (Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations)

- a. Childcare centers for five (5) and not more than twelve (12) children when accessory to and located in the same structure with a single-family residential use. A fence and screened play area shall be provided which shall contain not less than twenty-five (25) square feet per child and shall be located to the rear of and directly adjacent to the principal structure or use.
- b. Temporary real estate sales office for the sale of lots located only within the subdivision section in which lots are located to be removed at the end of one (1) year or when all the lots are sold, whichever comes first.
- c. Outdoor commercial recreation facilities such as golf courses zoological gardens, sportsman farms, riding stables, fishing lakes swimming pools, tennis courts and campgrounds
- d. Riding and boarding stables
- e. Animal hospitals, clinics and boarding kennels
- f. Sales stands for the sale of farm or ranch products

3.9.1D Yard Area Minimum Requirements

- a. Lot area is 217,800 square feet
- b. Lot width is 250 feet
- c. Front yard setback is 50 feet
- d. Rear Yard setback is 50 feet
- e. Side yard setback is 35 feet on each side

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3.9.1E Maximum Requirements

- a. Lot coverage is 35 percent (35%)
- b. Building height is two stories or 34 feet

3.9.1F Private Sewage Systems

Where private sewage systems or on-site septic treatment facilities are used, if the minimum lot area required by the Health Department is greater than the minimum listed within the Ordinance, then the Health Department required lot size shall be the required size.

3.9.2 R-1 - Single Family

This district is composed of low-density single family detached site constructed homes in certain area of the city, as well as certain open areas where similar residential development is appropriate. The regulations for this district are designed to stabilize and protect the essential characteristics desired in the district, to promote and encourage a suitable environment for family life, and to promote orderly planning and development of land uses by limiting activities other than residential in nature from this district. Public and private parks and schools are permitted within the district provided that they service the residents of the district. More than one (1) permitted principal structure per lot or parcel of land shall not be permitted.

3.9.2A Permitted Primary Uses

- a. Single Family detached site constructed dwellings and modular homes
- b. Schools for academic instruction and associated facilities
- c. Churches
- d. Public parks and playgrounds

3.9.2B Permitted Accessory Uses

- a. Private garages, private storage sheds and private parking areas
- b. Private swimming pools and tennis courts

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- c. Agricultural uses excluding commercial stock raising
- d. Private noncommercial parks and open space
- e. Living quarters with cooking facilities and not rented for guests and employees of the premises
- f. Keeping of not more than two (2) roomers or boarders without kitchen facilities
- g. Home occupations
- h. Cemeteries

3.9.2C Permitted Conditional Uses (Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations)

- a. Kindergartens, nursery schools and childcare centers for five (5) and not more than twelve (12) children when accessory to and located in the same structure with a single family residential use. A fence and screened play area shall be provided which shall contain not less than twenty-five square feet per child and shall be located to the rear of and directly adjacent to the principal structure or use.
- b. Temporary real estate sales office for the sale of lots located only within the subdivision section in which lots are located, to be removed at the end of one (1) year or when all the lots are sold, whichever comes first.
- c. Outdoor commercial recreation facilities such as golf courses, zoological gardens, sportsman farms, riding stables, fishing lakes, swimming pools, ball fields, tennis courts and campgrounds

3.9.2D Yard Area Minimum Requirements

- a. Lot areas are 12,000 square feet
- b. Lot widths are 90 feet
- c. Front yard setback is 35 feet
- d. Rear yard setback is 25 feet

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- e. Side yard setback is 10 feet on each side
- f. On a corner lot or a lot fronting on two streets, the required front yard setback shall be required on the side yard facing the street.
- g. Any accessory structure setback is 8 feet from adjoining lots

3.9.2E Maximum Requirements

- a. Lot coverage is 35 percent (35%)
- b. Building height is two stories or 34 feet

3.9.2F Private Sewage Systems

Where private sewage systems or on-site septic treatment facilities are used, if the minimum lot area required by the Health Department is greater than the minimum listed within the Ordinance, then the Health Department required lot size shall be the required size.

3.9.3 R-2 - Two-Family

This district is composed of higher density single family and two family duplex dwelling units in certain areas of the city, as well as certain open areas where similar residential development is appropriate. The regulations for this district are designed to stabilize and protect the essential characteristics desired in the district,

3.9.3A Permitted Primary Uses

- a. Single family and two family homes or dwellings
- b. Schools for academic instruction and associated facilities
- c. Churches
- d. Public parks and playgrounds
- e. Cemeteries

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3.9.3B Permitted Accessory Uses

- a. Private garages, private storage sheds and private parking areas
- b. Private swimming pools and tennis courts
- c. Agricultural uses excluding commercial stock raising
- d. Private non-commercial parks and open space
- e. Living quarters with cooking facilities and not rented for guests and employees of the premises
- f. Keeping of not more than two (2) roomers or boarders without kitchen facilities
- g. Home Occupations

3.9.3C Permitted Conditional Uses (Uses permitted only with Board of Adjustment ;approval after consideration of the intent and purpose of these regulations)

- a. Kindergartens, nursery schools and childcare centers for five (5) and not more than twelve (12) children when accessory to and located in the same structure with a single-family residential use. A fence and screened play area shall be provided which shall contain not less than twenty-five (25) square feet per child and shall be located to the rear of and directly adjacent to the principal structure or use.
- b. Temporary real estate sales office for the sale of lots located only within the subdivision section in which lots are located, to be removed at the end of one (1) year or when all the lots are sold, whichever comes first.
- c. Outdoor commercial recreation facilities such as golf courses, zoological gardens, sportsman farms, riding stables, fishing lakes, swimming pools, tennis courts and campgrounds.

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3.9.3D Yard Area Minimum Requirements

- a. Lot area is 9,750 square feet per Single Family dwelling
- b. Lot area is 12,000 square feet per Two-Family dwelling
- b. Lot width is 85 feet
- c. Front yard setback is 30 feet
- d. Rear yard setback is 25 feet
- e. Side yard setback is 10 feet on each side of lot
- f. On a corner lot or a lot fronting on two streets, the required front yard setback shall be required on the side yard facing the street.
- g. Any accessory structure setback is 8 feet from adjoining lots

3.9.3E Maximum Requirements

- a. Lot coverage is 40 percent (40%)
- b. Building height is two stories or 34 feet

3.9.3F Private Sewage Systems

Where private sewage systems or on- site septic treatment facilities are used, the minimum lot area and rear yard setbacks shall be those required by the Health Department.

3.9.4 R-3 - Multi-Family

This district is composed of higher density multi-family dwelling units in certain areas of the city as well as certain open areas where similar residential development is appropriate. The regulations for this district are designed to stabilize and protect the essential characteristics desired in the district, to promote and encourage a suitable environment for family life, and to promote orderly planning and development of land uses by limiting activities other than residential in nature from this district. Public and private parks and schools are permitted within the district provided that they serve the residents of the district.

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3.9.4 R-3 - Multi-Family

3.9.4A Permitted Primary Uses

- a. Single-family and duplexes
- b. Multiple-family dwellings
- c. Schools for academic instruction and associated facilities
- d. Churches
- e. Public parks and playgrounds
- f. Cemeteries
- g. Accessory structures

3.9.4B Permitted Accessory Uses

- a. Private garages, private storage sheds and private parking areas
- b. Private swimming pools and tennis courts
- c. Agricultural uses excluding commercial stock raising
- d. Private non-commercial parks and open space
- e. Living quarters with cooking facilities and not rented for guests and employees of the premises
- f. Keeping of not more than two (2) roomers or boarders without kitchen facilities
- g. Home Occupations

3.9.4C Permitted Conditional Uses (Uses permitted only with Board of Adjustments approval after consideration of the intent and purpose of these regulations)

- a. Kindergartens, nursery schools and childcare centers for five (5) and not more than twelve (12) children when accessory to and located in the same structure with a single-family residential use. A fence and screened play area shall be provided which shall contain not less than twenty-five

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(25) square feet per child and shall be located to the rear of and directly adjacent to the principal structure or use.

- b. Temporary real estate sales office for the sale of lots located only within the subdivision section in which lots are located, to be removed at the end of one (1) year or when all the lots are sold, whichever comes first.
- c. Outdoor commercial recreation facilities such as golf courses, zoological gardens, sportsman farms, riding stables, fishing lakes, swimming pools, tennis courts and campgrounds.

3.9.4D Yard Area Minimum Requirements

- a. Lot area is 10,000 square feet with 2,250 square feet added for each additional dwelling unit over two units -
- b. Lot width is 75 feet
- c. Front yard setback is 30 feet
- d. Rear yard setback is 25 feet
- e. Side yard setback is 8 feet on both sides of each lot
- f. On a corner lot or a lot fronting on two streets, the required front yard setback shall be required on the side yard facing the street
- g. Any accessory structure is setback 8 feet from adjoining lots.

3.9.4E Maximum Requirements

- a. Lot coverage is 50 percent (50%)
- b. Building height is two stories or 34 feet

3.9.4F Private Sewage Systems

Where private sewage systems or on-site septic treatment facilities are used, the minimum lot area and rear yard setbacks shall be those required by the Health Department.

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3.9.5 B-1 - Downtown Business District

The purpose of the Downtown Business District is to protect and encourage renewal while maintaining the existing character and overall appearance of the core residential and business area of the community. A variety of business, institutional, public, quasi-public, cultural, residential, and other related uses are encouraged in an effort to provide the mix of activities necessary to maintain the historical and cultural significance inherent in the area. Compatibility with the existing structures and uses is the primary goal of the district, while enhancing the overall appearance and function as an actively used district.

3.9.5A Permitted Primary Uses

- a. Beauty shops, barber shops
- b. Gift shops and antique shops
- c. Establishments for the retail sale of food products
- d. Schools for academic instruction and associated facilities
- e. Community Centers
- f. Nursing and rest homes
- g. Banks, credit agencies, security and commodity brokers and exchanges, savings and loan companies, and holding and investment companies
- h. Offices for business, professional, governmental, civic, social, fraternal, political, religious and charitable organizations
- i. Libraries, museums, art galleries, and reading rooms
- j. Medical and dental offices, clinics and laboratories
- k. Studios for working and teaching the fine arts
- l. Churches, Sunday Schools, and Childcare Centers
- m. Computer and data processing centers
- n. Ticket and travel agencies

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- o. Business colleges or technical schools
- p. Restaurants with no drive-in or drive-through facilities provided
- q. Bed and breakfast establishments
- r. Indoor amusements such as billiard or pool halls
- s. Indoor theatres
- t. Establishments for the retail sale of merchandise

3.9.5B Permitted Accessory Uses

- a. Parking areas
- b. One (1) dwelling unit for owners, operators or employees of a permitted use provided that such dwelling unit shall be a part of the building and shall have a separate entrance

3.9.5C Permitted Conditional Uses (Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations and the comprehensive plan)

- a. Multiple family dwellings
- b... Mixed use developments that combine residential and permitted primary commercial uses where the residential uses retain separate building entrances

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3.9.5D Maximum Requirements

- a. Building height is two stories or 34 feet

3.9.5E Private Sewage Systems

Where private sewage systems or on-site treatment facilities are used, the minimum lot area and rear yard setbacks shall be those required by the Health Department.

3.9.6 B-2 - General Business District

The purpose of the General Business District is to allow for the continuance of and encourage the establishment of relatively small areas for businesses that minimally impact surrounding residences, and which tend to meet the daily needs of the residents in an immediate neighborhood or as characterized by low volume customers. Such districts shall be strategically located with access to a collector street. The primary intent of this District is to insure compatibility with adjoining residential neighborhoods, while satisfying some of their daily commercial and service business needs.

3.9.6A. Permitted Primary Uses

- a. Beauty shops, barber shops
- b. Gift shops and antique shops
- c. Establishments for the retail sale of food products such as supermarkets
- d. Schools for academic instruction and associated facilities
- e. Community Centers
- f. Nursing and rest homes
- g. Restaurants
- h. Bed and Breakfast establishments
- i. Banks, credit agencies, security and commodity brokers and exchanges, savings and loan companies, and building and investment companies
- j. Day care facilities

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- k. Establishment and lot for the display, rental, sales, service and repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes or supplies for such items
- l. Motels or hotels
- m. Wholesale establishments
- n. Garden centers
- o. Kennel, animal hospitals or clinics, including offices of veterinarians, provided that such structure or use, not including necessary parking area, shall be at least 200 feet from any residential zoning district
- p. Funeral homes
- q. Hospitals
- r. Automobile service stations
- s. Car washes, provided surface water from such establishments shall not drain onto adjacent property and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes
- t. Storage warehouses (Mini -warehouses)

3.6.9B Permitted Accessory Uses

- a. Parking areas
- b. One (1) dwelling unit for owners, operators or employees of a permitted use provided that such dwelling unit shall be a part of the building and shall have a separate entrance

3.6.9C Permitted Conditional Uses (Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations and the comprehensive plan)

- a. None

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3.6.9D Yard Area Minimum Requirements

- a. Lot area is 7,500 square feet
- b. Lot width is 80 feet
- c. Front yard setback is 20 feet
- d.. Rear yard setback is 25 feet
- e. Side yard setback is 10 feet on both sides of lot
- f. On a corner lot or a lot fronting on two streets, the required front yard setback shall be required on the side yard facing the street

3.9.6E Maximum Requirements

- a. Lot coverage is 40 percent (40%)
- b. Building height is two stories or 34 feet

3.9.6F Private Sewage Systems

Where private sewage systems or on-site septic treatment facilities are used, the minimum lot area and rear yard setbacks shall be those required by the Health Department.

3.9.7 I-1 Light Industrial

The purpose of this district is to encourage the development of manufacturing and wholesale business establishments which are clean, relatively quiet and free of hazardous or objectionable elements such as noise, odor dust, smoke, or glare, which operate primarily within enclosed structures and generate little industrial traffic.

3,9.7A Permitted Uses

These permitted uses include manufacturing, treatment and alering, finishing or assembling incidental thereto.

- a. Wholesale
- b.. Storage and/or warehouse
- c. Animal hospital

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- d. Bakery
- e. Bottling works
- f. Building material yard
- g. Optical goods
- h. Printing, publication or engraving
- i. Cabinetmaking
- j. Clothing manufacturers
- k. Dying and dry cleaning
- l. Ice plants
- m. Laundry

3.9.7B Accessory Uses Permitted

- a. Signs identifying the industrial activity on the same premises in accordance with Section 4.3 of this Ordinance
- b. Garages and other buildings and uses accessory to the principal use

3.9.7C Permitted Conditional Uses - (Uses permitted only with Board of Adjustments approval after consideration of the intent and purpose of these regulations and the comprehensive plan)

- a. None

3.9.7D Yard Area Minimum Requirements

- a. Lot area is 43,560 square feet
- b. Lot width is 100 feet
- c. Front yard setback is 25 feet
- d. Rear yard setback is 25 feet
- e. Side yard setback is 25 feet on both sides of each lot

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- f. On a corner lot fronting on two streets, the required front yard setback shall be required on the side yard facing the street

3.9.7E Maximum Requirements

- a. Lot coverage is 60 percent (60%)
- b. Building height is 3 stories or 60 foot

3.9.7F Private Sewage Systems

Where private sewage systems or on-site septic treatment facilities are used, the minimum lot area and rear yard setbacks shall be those required by the Health Department.

3.9.8 I-2 - Heavy Industrial

The purpose of this district is to encourage the development of major manufacturing, processing, warehousing, and major research and testing operations. These activities require extensive community facilities and reasonable access to arterial highways. They may have extensive open storage and service areas and/or generate heavy traffic but shall be prohibited if they create nuisances beyond Federal and State guidelines.

3.9.8A Permitted Uses

- a. Any use permitted in the light industrial district
- b. Retail sale of any commodity manufactured, fabricated, or especially for use in agricultural, mining industry, business, transportation or construction.
- c. The generation of electric power and/or gas distribution or the manufacturing or processing of clay, tile, primary metals, wood, paper, glass, plastic, rubber, and related products and services.
- d. All permitted uses must meet all State and Federal regulatory requirements.

3.9.8B Accessory Uses Permitted

- a. Garages and other buildings and uses necessary to the principal use.

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3.9.8C Conditional Uses

All manufacturing and industrial processes not enumerated in Section 3.9.8A shall require a conditional use permit. Furthermore, such conditional use must meet all State and Federal regulatory requirements.

3.9.8D Yard Area Minimum Requirements

- a. Lot area is 87,120 square feet
- b. Lot width is 150 feet
- c. Front yard setback is 100 feet
- d. Rear yard setback is 50 feet
- e. Side yard setback is 50 feet on both sides of each lot

3.9.8E Maximum Requirements

- a. Lot coverage is 60 percent (60%)
- b. Building height is 3 stories or 60 feet

3.9.8F Private Sewage Systems

Where private sewage systems or on-site septic treatment facilities are used, the minimum lot area and rear yard setbacks shall be those required by the Health Department.

3.9.9 P-1 - Public Area

The purpose of this district is to provide areas for publicly owned offices, facilities and institutional uses.

3.9.9A Permitted Uses

- a. Cemeteries
- b. Airports and heliports
- c. Churches and other places of worship
- d. Public libraries
- e. Shelters and non-commercial public recreational facilities

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- f. Hospitals
- g. Philanthropic institutions and clubs
- h. Schools and structures incidental thereto
- i. Open uses of land for public recreation
- j. Historical parks

3.9.9B Conditional Uses (Uses permitted only with Board of Adjustments approval after consideration of the intent and purpose of these regulations.

- a. Kindergartens, nursery schools and childcare centers for four(4) and not more than twelve (12) children when accessory to and located in the same structure with a single-family residential use. A fence and screened play area shall be provided which shall contain not less than twenty-five (25) square feet per child and shall be located to the rear of and directly adjacent to the principal structure or use.
- b. Temporary real estate sales office for the sale of lots located only within the subdivision section in which lots are located, to be removed at the end of one (1) year or when all the lots are sold, whichever comes first.
- c. Outdoor commercial recreation facilities such as golf courses, zoological gardens, sportsman farms, riding stables, fishing lakes, swimming pools, tennis courts and campgrounds.

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4.1 GENERAL REGULATIONS

4.1.1 Coordination with Subdivision Regulations -

In all cases where land is divided for the purpose of eventual development of lots of any kind, the provisions of the Hardinsburg Subdivision Regulations shall apply in addition to the provisions of this Zoning Ordinance.

4.1.2 Conditional Use Regulations

Conditional uses may be permitted in districts as designated under each zoning district, but only when specifically approved by the Board of Adjustments. All conditional uses must meet the following:

4.1.2A Such a use must be essential to or would promote the public health safety, or welfare in one (1) or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning ordinance.

4.1.3 Non-conforming Uses and Structures

The lawful use of a building or premises, existing at the time of adoption of this zoning regulation may be continued, except as otherwise provided herein, although such use does not conform to the provisions of such regulation.

Non-conforming structures remain subject to the following regulations:

4.1.3A Extension - A non-conforming structure, or structure containing a non-conforming use, shall not be enlarged, replaced or structurally altered except as provided in 4.1.3C and 4.1.3.F.

4.1.3.B Alteration - No structure containing a non-conforming use shall hereafter be altered in a manner that would tend to prolong the non-conforming use except for ordinary repairs, except in accordance with Article 2.

4.1.3C Discontinuance - No non-conforming use may be reestablished after it has been discontinued for a period of twelve (12) months, except when government action or structural damage prevents such use. Vacating of premises or building or non-operative status shall be evidence of a discontinued use.

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- 4.1.3D Prior Approval - Proposed structures for which permits have been issued prior to their designation as non-conforming by the adoption or amendment of this Ordinance may be completed and used as originally intended provided they are completed and in use one (1) year after the date on which the permit was issued.
- 4.1.3E Use Change - No non-conforming use may be changed to any other non-conforming use unless the Board of Adjustments shall find that the proposed non-conforming use has the same impact or less on the district than the existing non-conforming use of the property. The Board of Adjustments may specify such appropriate conditions and safeguards as may be required in connection with such change and shall require the owner to meet all other specifications of this regulation. This section does not allow for the expansion of a non-conforming structure containing old or new non-conforming uses.'
- 4.1.3F Repairs and Maintenance - On any non-conforming structure or portion of structure, and on any structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of walls, fixtures, wiring or plumbing or other parts, provided that the floor area or cubic content of the non-conforming structure or portion shall not be increased. Nothing in the Zoning Ordinance shall be deemed to prevent the strengthening, repairing or restoring to a safe condition of any structure of part thereof.
- 4.1.3G Restoration - Whenever the non-conforming use of any structure or premises is halted because of the damage, destruction or demolition of the structure by any means, the structure involved may be reconstructed or repaired in conformance with the Zoning Ordinance and the non-conforming use resumed, provided that such non-conforming use is not extended beyond the scope and area of its operation as it existed prior to such damage, destruction or demolition.

4.1.4 Required Street Frontage

All lots shall front on an improved, public-maintained street or road for the minimum distance listed for each district except that lots which front on turn-arounds of permanent dead-end streets or on curves, the required frontage shall be measured at the building setback line.

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4.1.5 Height

No building shall exceed two (2) stories or thirty four (34) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-four (34) feet. In no case shall the height exceed fifty (50) feet. This section shall not apply to the Industrial districts where the building height shall not exceed seventy (70) feet. There shall be no height restrictions in Agricultural districts, except in the proximity of airports - where FAA restrictions shall apply.

4.1.6 Rear Dwelling Prohibited

No building in the rear of a main building on the same lot may be erected for residential purposes.

4.1.7 Reductions in Lot Area Prohibited

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this regulation are not maintained.

4.1.8 Approved Sewerage Disposal for Buildings

It shall be unlawful to construct any building for human occupancy and use without sewerage disposal facilities approved by the County Health Department.

Wherever sewer mains are accessible (within 500 feet), buildings shall be connected to such mains. In every other case, individual sewerage disposal must meet the requirements set by the State Plumbing Inspector. The Breckinridge County Health Officer's review for proposed sewerage facilities must accompany applications for zoning permits and certificates of compliance, respectively.

4.1.9 Regulations for Principal Buildings

Unless a plat has been approved for a multi-building project, only one principal building and authorized accessory structures are permitted, except as stated in this Ordinance.

4.1.10 Sinkholes

Sinkholes and other similar depressions and the area within fifty (50) feet horizontally from the rim of said sinkhole or that area subject to periodic flooding, whichever is greater, shall be preserved in its natural state for the purpose of providing drainage of the surrounding area. No building, street or any other improvement shall be made within the given area around a sinkhole. The Planning Commission shall have the power to increase the area around the

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sinkhole if drainage conditions warrant such action. The sinkhole may be "punched" or otherwise altered to improve drainage

4.1.11 Flood Plains

The Administrative Official shall uphold the Breckinridge County or Hardinsburg Flood Damage Prevention Ordinance.

4.2 GENERAL REGULATIONS FOR LOTS AND YARDS

4.2.1 Obstruction to Vision at Street Intersections on Corner Lots

Corner lots in all districts shall be free from all obstructions to traffic visibility according to the Sight Triangle Standards in Section 1.7. The requirements in Section 1.7 shall not be deemed to prohibit any necessary retaining wall.

4.2.2 Building Setback Lines

A building setback line shall be established to provide a front yard for all buildings and structures at the minimum distance found in the schedule of Lot Dimension and Area Regulations.

4.2.3 Setback Requirements for Corner Lots

In residential districts, if the required building setback is greater than twenty-five (25) feet from the street right-of-way, a corner building either along the front or side shall not be closer than the distance established for the building setback line in that district.

4.2.4 Regulations for Double Frontage Lots

Double frontage lots shall, on both adjacent streets, meet the front yard requirements of the district in which they are located.

4.2.5 Application of Yards to One Building Only

No part of a yard required for any building may be included as fulfilling the yard requirements for an adjacent building.

4.2.6 Use of Yards for Accessory Buildings

No accessory buildings are permitted in front yards. They are permitted only in rear or side yards according to the dimension and area regulations.

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4.3 GENERAL REGULATIONS FOR SIGNS AND OUTDOOR ADVERTISING

4.3.1 Classification

Outdoor advertising shall be classified as a business use and shall be permitted in all Agriculture, Business and Industrial Districts. Outdoor advertising devices except as provided in this Ordinance shall be prohibited in all residential zones.

4.3.1A Location

a, Industrial General Business and Agricultural Districts

No outdoor advertising sign or display shall be erected, placed, painted or repainted or hung nearer to any street right-of-way line upon which said display faces the building lines provided in zones where the use is permitted except that one sign advertising the primary nature of the business or industry conducted on the premises may be placed not closer than six (6) feet to the street right-of-way line, but in no case be permitted to obstruct the view of traffic.

b. Downtown Business District

Only signs attached to the structure shall be permitted in Downtown Business Districts. Projection signs should not project more than three (3) feet from the building, measured from the building line or point at which the sign is attached, whichever is greater, from the street right-of-way or lot line.

4.3.1B Size and Placement

a. Industrial, General Business and Agricultural Districts

A single sign, billboard or other advertising device containing no more than two hundred (200) square feet (including border) shall be permitted in industrial, general business or agriculture zones. No more than four (4) signs containing more than two hundred (200) square feet total may be erected together. Such signs shall be erected within fifty (50) feet of a common point. Any other sign, or signs, shall be at least 1,000 feet from this point. No sign, billboard or other such device shall be built at a height greater than the maximum building height permitted in the district in which it is located.

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b. Downtown Business

All outdoor advertising signs shall have no more than fifty (50) square feet or have a height greater than three (3) feet.

4.3.1C Lighting and Noise

Signs or other outdoor advertising which involve lighting or motion resembling traffic or directional signals, warnings such as "stop" or "danger", or any other similar signs which are normally associated with highway safety regulations are prohibited. Additionally, no sign or outdoor commercial advertising device because of light, glare, focus, animation, or flashing, or any illuminated signs of such intensity or illumination shall unduly disturb the use of residential property. Any illuminated sign(s) of such intensity or illumination as to unduly disturb the use of residential property shall have devices which eliminate noise or sound. Excessive glare producing signs shall be prohibited from affecting residential areas.

4.3.1D Maintenance and Compliance

Outdoor advertising structure shall be adequately maintained. Such maintenance shall include proper alignment of structures, continued readability of the structure and preservation of the structure with paint and other preservative. If an outdoor advertising structure is not maintained nor complies with the provisions of this ordinance, written notice of any disrepair shall be issued by the Planning Commission to the owner of said structure. If the disrepair or violation is not corrected within sixty (60) days of issuance of said notice, said structure shall be removed at the owner's expense.

4.3.1E Non-conforming Signs and Advertising Structures

Any advertising sign, billboard, commercial advertising structure or statuary which is existing and maintained at the time this Ordinance becomes effective which does not conform with the provisions hereof shall not be structurally altered except to comply with this ordinance.

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4.4 GENERAL REGULATIONS FOR VEHICLES

4.4.1 Parking Requirements for Change in the Principal Use

When the principal use is changed to a use for which additional parking is required under the provisions of this Ordinance, it shall be unlawful to begin or maintain such altered use until such time as the required off-street parking is provided.

4.4.2 Minimum Design and Maintenance Requirements for Parking Areas

Every parcel of land hereafter used as a parking area shall be designed and maintained in accordance with the following requirements:

- 4.4.2A Off-street parking areas shall equal or exceed the number of spaces required and shall be of usable shape and surface and have convenient egress and egress. Aisles and access drives shall be designed so as to provide adequate vehicular maneuvering wholly upon the property being served.
- 4.4.2B All driveways shall be a minimum of five (5) feet from a property line except single family residential units or as otherwise provided for in this ordinance.
- 4.4.2C Any lighting used to illuminate off-street parking areas shall be arranged so as to reflect away from any adjoining residential zone or uses or private right-of-ways.
- 4.4.2D Any off-street parking area having more than 1,800 square feet of area and or used by eight (8) or more vehicles shall be landscaped and screened as required by this Ordinance.
- 4.4.2E All parking areas shall be paved and drained so as to dispose of all surface water within the parking area without carrying said water accumulation over a public sidewalk. Piping the water to a suitable outfall may be required.
- 4.4.2F Where parking areas are provided for eight (8) or more vehicles or contain more than 1,800 square feet of area or are enlarged or expanded to provide eight (8) or more vehicles or contain more than 1,800 square feet of area, they shall be paved with an asphalt, concrete, brick or other properly bound surface, so as to be durable and dustless. Each parking space shall be physically delineated on the surface of the parking area. All driveway aprons shall be paved.

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4.4.2G All parking spaces located along the perimeter of a parking area or adjacent to any structure on the lot shall be provided with concrete or other wheel protection for any landscape materials and sidewalks.

4.4.2H Fire lines shall be at least twenty (20) feet in width with the road edge closest to the building at least ten (10) feet from the building. The designation, use, and maintenance of fire lanes on private property shall be accomplished as specified by the Fire Department.

4.4.3 Off Street Parking Space Requirements for Automobiles

4.4.3A Existing Parking Space - Existing off-street parking the time of the enactment of this Ordinance shall not be thereafter reduced unless it exceeds the requirements of this Ordinance. Any existing building or use not providing off-street parking space in conformance with this Ordinance shall at the time of any structural alteration of the building or expansion of the use provide the required parking.

4.4.3B Required Off-Street Parking Space - Off-street parking space shall be provided on the premises so that there will be no generation of automobile parking on any street. For purposes of computing the number of spaces available in a given area, a standard vehicle parking space shall be computed as an area measuring 10 x 20 feet. Additional area will be required in order to provide vehicle maneuvering space, access and egress.

4.4.3C Off-Street Parking Standards - The following standards comprise the minimum off-street parking requirements for the several common types of buildings and uses listed. Where more than one use occupies a building, the total of the combined standards shall be required.

- a. Single-Family Residences - Two (2) spaces per dwelling unit
- b. Apartment House - Two (2) spaces per unit.
- c. Boarding Houses and Rooming Houses - One (1) space for the first two rooms and one (1) space for each additional two rooms

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- d. Duplexes - Two spaces per unit
- e. Hotels and Motels - One (1) space per unit plus one (1) space for each three employees
- f. Auditorium, Theater or Stadium or Other Similar Use - One (1) parking space for each five (5) seats available at maximum capacity
- g. Church - One (1) space for each three seats available at maximum capacity
- h. Restaurant - One (1) space for each three seats available at maximum capacity. Employee parking shall be provided at the ratio of one space for each three (3) employees.
- i. Commercial or Business Building - Four (4) spaces for the first 1,000 square feet of floor space used and usable in the sale of merchandise, and one additional space for each additional 250 square feet of such floor space.
- j. Manufacturing and Warehousing - One (1) parking space for each two (2) employees at maximum facility employment on a single shift plus one car space for each truck operated by the business. The Planning Commission may require additional space if it deems necessary.

4.4.3D Off-Street Loading and Unloading Regulations for Trucks - All buildings and uses which generate regular trucking traffic shall be provided with sufficient off-street loading and unloading space on the premises so that they will generate no loading or unloading activity on their required parking spaces or on any street.

4.4.4 Additional Parking, Loading and Unloading Regulations

4.4.4A Arrangement of Off-Street Parking Space - Off-street parking space required for any building or use may be located within 200 feet from the premises it serves, but detached therefrom, or may be consolidated into a large parking area serving other buildings and uses. Either arrangement must be approved by the Planning Commission. Such parking space, if allowed, shall be deemed required space associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner.

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4.4.4B Proof of Availability - The Planning Commission may require a plat, deed, or any other proof necessary to show that the required space, if located off the premises it serves, is controlled by and available to the applicant prior to the granting of a zoning/building permit.

4.5 SPECIAL REGULATIONS

4.5.1 Manufactured Housing

- 4.5.1A Standards - Class A Manufactured Homes must meet all of the following standards to achieve acceptable similarity between the manufactured home and site-built housing in Hardinsburg.
- a. Subject to requirements and limitations applying generally to such residential use including minimum lot, yard and building spacing dimensions, percentage of the lot that may be covered by buildings and off-street parking requirements
 - b. A poured concrete or masonry block skirting wall shall be constructed beneath and along the entire perimeter of the manufactured home, compatible in appearance with community site built housing foundations, even if the wall is not structurally required by the manufacturer's installation specifications.
 - c. Minimum width of main body of the manufactured home as assembled on the site shall not be less than twenty (20) feet, as measured across the narrowest portion.
 - d. The pitch of the main roof shall be not less than two and one-half (2 1/2) feet of rise for each twelve (12) feet of horizontal run. Minimum distance from eaves to ridge shall be ten (10) feet. In general, any roofing material may be used that is generally acceptable for housing built on the site if applied in such a manner as to be similar in appearance.
 - e. Any materials that are generally acceptable for housing built on site may be used for exterior finish if applied in such a manner as to be similar in appearance, provided, however, that reflections from such exterior shall not be

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greater than from siding coated with clean white, gloss, exterior enamel.

- f. All wheel, trailer-tongue and hitch assemblies shall be removed upon installation.

4.5.1B Permitted Placement of Mobile Homes

- a. Class A and B mobile homes may be placed in a manufactured home community or a mobile home park with their placement governed by those regulations set forth in the adopted zoning code and subdivision regulations. They may be permitted in zones as a conditional temporary use subject to the requirements for such use as set forth in the zoning ordinance or subdivision regulations.
- b. Manufactured homes with no HUD Code seal and mobile homes with no Class A or B seal are not permitted in any zoning district or in mobile home parks. Those which at the time of the adoption of this ordinance are located within the jurisdiction are non-conforming uses subject to the same requirements and regulations as any other non-conforming use.

4.5.1C Manufactured Home Replacement - Any manufactured or mobile home located within the city of Hardinsburg prior to the passage of this Ordinance shall be permitted to remain, and any such manufactured or mobile home may be replaced by a manufactured home meeting the requirements of Article 4.5.1. No manufactured home may be replaced if it is located on a lot in which another residential home is located.

4.5.1D Permit

- a. If building permits are required for other single-family residential dwellings, building permits for manufactured homes shall be issued, providing that the other requirements for the zone are met, upon presentation of certification either by the United States Department of Housing and Urban Development or the Kentucky Department of Housing, Building, and Construction. Office of State Fire Marshal, that the home has been constructed in accordance with the Manufactured Home

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Construction and Safety Standards Act. Inspection shall be limited to the foundation and any accessory additions such as porches, basements, or other added or altered structures.

- b. If building permits are required for other single-family residential buildings, Class A and Class B mobile homes shall be issued where permitted upon receipt of certification that they are Class A or Class B mobile homes and after compliance with all the other provisions of the zoning ordinance and subdivision regulations including the obtaining of a conditional use permit, if required. Inspection shall be limited to the foundation and other on site improvements, if any.

4.5.2 Junk Yards

4.5.2A Classification - Junk Yards are conditional uses, permitted only in industrial zones. All junk yards shall comply with the following regulations.

a. All junk yards must be completely screened from the surrounding property with said screening being not less than eight (8) feet in height. The Planning Commission shall be required to approve the type of screening used.

b. Any junk yard located closer than 2,000 feet from a center line of any public road must comply with the Kentucky Revised Statutes, Chapter 177. The Administrative Officer shall insure that all junk yards comply with city and state regulations.

c. No junk shall be left outside of the screened area for more than twenty-four (24) hours.

d;. No junk yard shall be within 1,000 feet of any residential zone.

e. The Board of Adjustments shall have the power to determine if a occupational license, sign, words, or written agreements shall not be evidence alone as to whether a parcel of land is being used for a junk yard

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f. As junk yards can be a threat to the public health and safety through groundwater contamination, insect breeding grounds, eyesores, etc., any junk yard must meet Federal and State standards in order to continue to operate. Those found to be in violation shall be notified and be instructed to be brought into compliance.

4.5.3 Walls and Fences

4.5.3A. Walls and fences shall not be permitted any closer to the street than the yard setback as established by the zoning ordinance or subdivision plat filed or any closer than the house/principal structure, except for permitted schools, cemeteries, government buildings and agricultural uses. Residential permitted side and rear yard fencing and walls shall not exceed eight (8) feet in height and shall not contain any barbed wire

4.5.3B . Where a lot in a residential or commercial zone abuts a publicly dedicated alley, a wall of fence shall be permitted to be located on the property line in the yard that abuts the alley, provided any gate swings in toward the property.

4.5.3C . Walls and fences shall be permitted in any yard in an industrial zone. There shall be no height restriction placed on any wall or fence erected or maintained in industrial zones, and any barbed wire construction shall be not less than six (6) feet above ground level.

4.5.4 Exceptions

4.5.4A Use Exceptions - Several types of structures and uses are permitted in all districts even though they are not listed as permitted uses under the zoning district regulations. No zoning permit or certificate of compliance is required for the following structures and uses:

- a. Local public utility distributing and collecting structures, such as pipe and transmission lines, transformers and meters.
- b. Public streets and all official appurtenances necessary for traffic direction and safety. All streets and traffic control signs shall conform to the code established and adopted by the Kentucky Department of Transportation.

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- c. Private drive, private parking areas, and the parking of vehicles incidental to the principal use on the same premises.
- d. Real estate signs or subdivision signs advertising property for sale or rent with less than an area of forty eight (48) square feet.
- e.. Signs not over two (2) square feet in area identifying permitted home occupations or the renting of sleeping rooms on the same premises in residential zones.

4.5.4B

Height Exceptions - Height regulations apply to buildings occupied regularly by persons or their activities. They do not apply to *structures or portions of *buildings such as radio towers, ornamental spires, water towers, smoke stacks, silos, and flag poles which are not occupied regularly by persons except for maintenance, unless otherwise stipulated in this Ordinance.. The Board of Adjustments shall interpret whether or not height regulations apply upon application by the Administrative Official in doubtful cases.

*The Kentucky Airport Zoning and the Federal Aviation Agency height regulations in the vicinity of an airport shall take precedence over all other height regulations.

4.5.4C

Lot of Record. - Where the owner of a lot of official record which at the time of the adoption, approval and effective date of this Ordinance, does not include sufficient land to conform to the yard or other requirements of this Regulation, an application may be submitted to the Board of Adjustments for a variance from the terms of this Ordinance in accordance with provisions of Section 2.6

Such lot may be used as a building site provided, however, that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the Zoning Commission.

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4.5.5 General Buffer Screening Regulations and Residential/Commercial/Industrial Development Requirements

4.5.5A Adjacent to Residential Districts

All commercial or industrial uses located on lots adjacent to a residential district shall maintain a minimum setback requirement of fifty (50) feet on the side adjacent to the residential district.

4.5.5B Structures on Corner Lots

All commercial structures on corner lots shall meet the provisions of this Ordinance.

4.5.5C Sign Requirements

All signs identifying the commercial activity on the same premises shall meet the provisions of Section 4.3 of this Ordinance.

4.5.5D Development Characteristics

All uses in commercial districts shall exhibit characteristics equal to or less than those characteristics which define Light Industry.

4.5.5E Buffer Areas for Screening

A permanent landscaped buffer of evergreen plant material or a solid wall or fence or other suitable enclosure of a minimum

effective height of six (6) feet, to act as an effective screen shall be required on all rear and side yards of multi-family, manufactured home park, commercial or industrial land adjacent to a residential district, or within view of a residential use. The same requirement applies to front yards adjacent to a residential district, except the required height shall be two (2) to three (3) feet in height. In addition, multi-family and manufactured home parks shall provide screening from adjacent commercial or industrial districts.

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4.5.5F Multi-Family, Manufactured Home Park, Industrial and Commercial Development Plan

Plans for building construction, parking areas, yards, driveways, entrances, exits and screenings (including location, type and height) shall be approved by the Hardinsburg Planning Commission. The Commission may require such changes therein as may be deemed necessary or desirable to ensure safety, to minimize traffic difficulties and to safeguard adjacent properties.

4.5.5G Lot Sizes and Building Scales for General Business Districts

The yard requirements of surrounding residential districts shall apply in General Business Districts. When a General Business District is between one or more residential districts, the Planning Commission shall decide the standards to be applied to the District. In addition, these structures must be similar in size and scale as in one of the surrounding residential districts.

**ZONING ORDINANCE
ARTICLE 5**

5.1 CLARIFICATION OF ADMINISTRATIVE JURISDICTIONS

- 5.1.1 The Administrative Official has initial authority for the literal enforcement of this Ordinance. He/she has no discretionary authority to allow any departure from the literal conformance with this Ordinance.
- 5.1.2 The Board of Adjustments has authority to hear appeals from decisions by the Administrative Official and to make literal interpretations of the pertinent provisions to correct any possible interpretation by the Administrative Official. The Board also has the authority to make only those departures from a literal conformance, which is specifically delegated to it.
- 5.1.3 The Circuit Court has jurisdiction to determine all questions and issues properly brought before it on appeal from the decisions of the Board of Adjustments or the Planning Commission.

5.2 VIOLATIONS

5.2.1 Remedies

In case any building or structure is, or is proposed to be, erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is, or proposed to be, used in violation of this Ordinance, the Administrative Official, or any other appropriate party who would be damaged by such violation, in addition to other remedies, may institute an injunction, mandamus or other appropriate action or proceeding to prevent the work or occupancy of such building, structure or land, in any court of competent jurisdiction.

5.2.2 Penalties

Any person, or groups of persons, including members of legislative and administrative body of the city violating any provision of this Ordinance shall, upon conviction, be fined not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00) for each conviction. Each day of violation shall constitute a separate offense.

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ARTICLE 6

6.14 Building/Construction Permit Fees

New Residential Single Family, Single-Family Manufactured and Two Family Construction Fee

\$0.10 per square of Living space (including garage)

\$0.02 per square foot of Basement space

\$0.08 per square foot of Auxiliary Structure Space (\$25.00)
minimum

\$0.10 per square foot of Addition space

6.15 Sign Installation Fee - \$25.00

6.1.6 Demolition Permit Fee \$50.00

**ZONING ORDINANCE
ARTICLE 7**

LEGAL STATUS

7.1 CONFLICT WITH OTHER ORDINANCES AND PRIVATE DEEDS

In case of conflict between this Ordinance, or any part thereof, and the whole or part of any existing or future ordinance of the City or the whole or part of any existing or future private covenants or deeds, the most restrictive in each case shall apply.

7.2 VALIDITY

If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of the Ordinance which not in itself is unconstitutional.

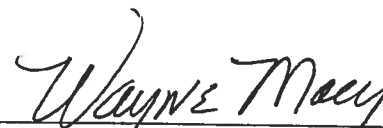
7.3 EFFECTIVE DATE

This Ordinance shall take effect and be in force immediately after its adoption and legal publication.

Introduced, publicly read and approved on the first reading this 14th day of July 2003.


Publicly read, passed and finally approved on second reading this 11th day of August 2003.

Date of Publication on the 13th day of August, 2003.



WAYNE MACY, MAYOR
CITY OF HARDINBURG

ATTEST:



CITY CLERK

**CITY OF HARDINSBURG
MUNICIPAL ORDINANCE 2003-07**

**AMENDING AN ORDINANCE REGULATING THE PLANNING AND ZONING
OF THE CITY OF HARDINSBURG, KENTUCKY**

WHEREAS, pursuant to the authority granted to the cities and counties by the Kentucky Revised Statutes (KRS) 100.201 to 100.213, the rules and regulations contained therein shall apply within the corporate limits of the City of Hardinsburg after the adoption of this ordinance and;

WHEREAS, the purpose of these regulations is to promote and protect the health, safety and general welfare of Hardinsburg's citizens and to facilitate orderly and harmonious development through the regulation of population and land use intensity and;

WHEREAS, the Mayor of the City of Hardinsburg and the Hardinsburg City Council has appointed a commission to review and to report to the Council its findings concerning the feasibility of planning and zoning for the City of Hardinsburg and said commission has reported said findings;

NOW THEREFORE BE IT ORDAINED, that the City of Hardinsburg, Kentucky does ordain the amended planning and zoning regulations as follows: